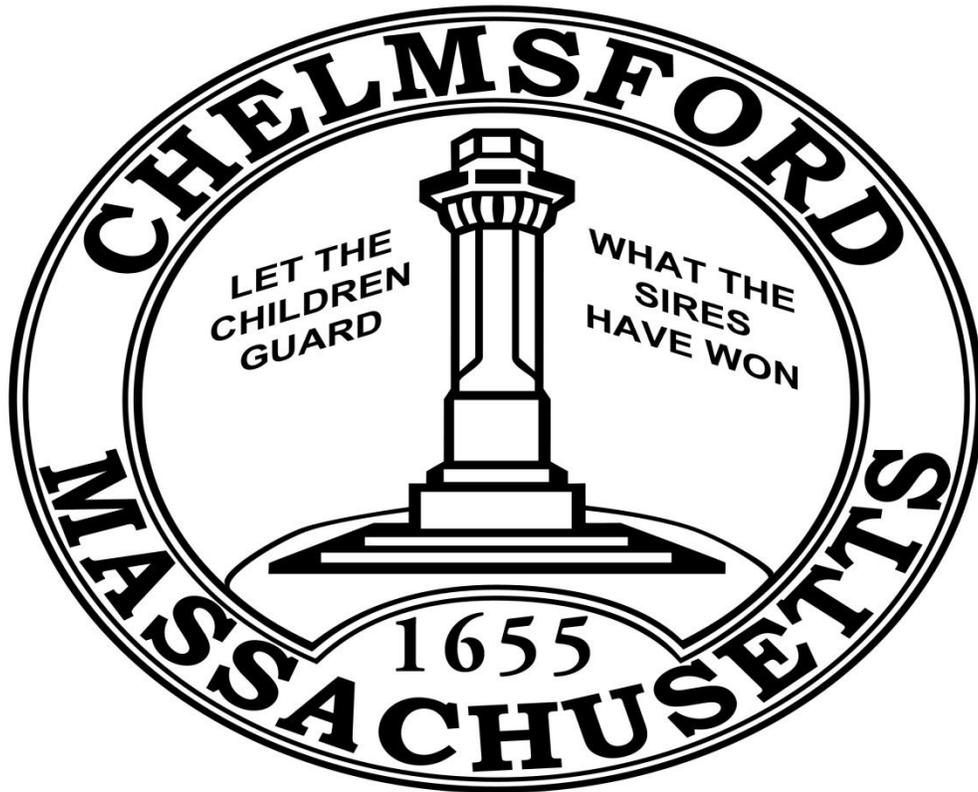


**TOWN OF CHELMSFORD
FINANCE COMMITTEE**

**Report, Recommendations and Copy of the
Warrant for the Special Session of
Town Meeting**



**Thursday, February 24, 2022
At 7:30 PM**

**Chelmsford High School Gymnasium
200 Richardson Road, North Chelmsford**

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Finance Committee

CHELMSFORD, MASSACHUSETTS 01824

February 14, 2022

To the Citizens of Chelmsford,

The Finance Committee has voted on our recommendations for consideration at the Special Town Meeting which begins on February 24, 2022.

On January 20, 2022 the Finance Committee reviewed presentations on Special Town Meeting Warrant Articles and voted on our recommendations to Town Meeting. Our Agenda, Meeting Minutes, and recordings of our meetings are available for review at the Town and Chelmsford Telemedia websites, respectively. It is our sincere hope that the information provided here will help Town Meeting Representatives to make informed decisions at the Special Town Meeting.

Additional information can be found on the Town's website located at <http://www.townofchelmsford.us>. On demand video recordings of the Town's committee and board meetings are also readily available through Chelmsford Telemedia's website located at <http://chelmsfordtv.org>. We encourage those who may want more information about this Meeting's articles to engage these invaluable resources.

ARTICLES

The Finance Committee endeavors to review and make recommendations on articles which have or may indirectly have a financial impact on the Town and its citizens. A brief discussion of our recommendations follows:

Article 1: Ledge Road – Esther Drive Easement: This Article requests that the Town acquire an easement for a school bus turnaround to address safety concerns on Ledge Road. The area was offered by the property owner for an easement as a possible solution to the safety issue concerning school bus stops on the narrow road which is heavily trafficked by large trucks. As part of the easement, the Town will surface the easement and provide maintenance, and snow and ice removal. There is no current need for additional funding, as it is anticipated that any construction will be incorporated into the current budget using Chapter 90 funds and roadway funds from Fall Town Meeting to cover any of the associated costs. This easement is a welcome way to help address the safety of schoolchildren in the area, especially given the narrowness of

the road and the current truck traffic issues. The Committee also appreciates that the work needed to be completed can be done so with currently available funds. The Finance Committee unanimously recommends approval of Article 2 with one absence (6 in favor, 1 absence).

Article 2: Fourth Avenue Acquisition. Article 2 asks us to acquire by purchase, gift, eminent domain, or otherwise, a parcel of land containing .04 acres, more or less, which is identified as Fourth Avenue, shown as Lot 4 on Assessor's Map 18, Block 75, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 4976, Page 317, said parcel to be held under the care, custody, and control of the Select Board for general municipal purposes. This parcel is being donated to the Town as it is not usable land for the current owners. Other than waiting for the parcel to be taken through a more expensive tax taking in the future, this continues the current trend of acquiring these small unusable lots. The Finance Committee unanimously recommends approval of Article 2 with one absence (6 in favor, 1 absence).

Article 3: Collective Bargaining Agreement Funding. This Article seeks to fund the employee contract agreement between the Town of Chelmsford and AFSCME Local 1703, Council 93 Dispatchers for the period of July 1, 2019 – June 30, 2022. The contract, covering nine employees, is for a three year term consisting of a 0% increase for FY20, a 4% increase for FY21 and a 2% increase for FY22. The contract also includes a one-time payment of \$1,500.00 for all employees. The contract is structured in this manner because only the current and previous fiscal year can be funded, so the 4% increase for FY2021 and 0% increase for FY2020 equates to an approximate 2% annual increase in each year, which is consistent with other contracts in Town. The one-time payment for those employed on July 1, 2020 is no retroactive pay for FY2020, it was estimated that the average pay increase would have been approximately \$1,500.00, explaining the one-time payment amount. The Finance Committee unanimously recommends approval of Article 2 with one absence (6 in favor, 1 absence).

Article 4: Forum Ice Rink Refrigeration System. Article 4 seeks the replacement of the Chelmsford Forum ice rink refrigeration system. The system dates back to 1985. Recently, the system had a total failure leading to a weeklong shutdown due to a power surge. The control panel, which has obsolete components, and the compressor, which lacks redundancy, in addition to the increasing difficulty of sourcing repair parts and skilled labor able to service the outdated system, highlight the need for this system to be replaced. An insurance claim for the damages is in process. DPW Director Persichetti and Sustainability Manager Joyce worked with rink management to bring the current system back online, but due to the noted issues, above, it will only be stopgap measure. Had the DPW not located the original repair technician for the panel, the Town would have had to rent an outside chiller at the cost of \$40,000 per month, with an additional \$1,000 per day in fuel costs. Funding for this replacement is being requested now instead at Spring Town Meeting because the time to replace the ice system is between May and August (although work could extend through October), and if approved, the work would be ready to begin in May. The requested amount for this article is \$1,538,000. The Finance Committee unanimously recommends approval of Article 4 with one absence (6 in favor, 1 absence).

Article 5: UMASS West Multifamily Overlay District. In this article, we are asked to approve and adopt an overlay district at the former UMASS West campus location at 255 Princeton Street. The proposed project itself is not the focus of this article, however, if the zoning change is approved, due a separately executed Development Agreement between the Select Board and the developer, the proposed project will be substantially similar to the one proposed by the current developer. The extensive discussions the developer engaged in with abutters, neighbors, and the Town will result in a project that has been thoroughly reviewed and discussed. Additionally, the project will still need to be submitted through proper channels and review and oversight will continue. The overlay provides the framework to allow the developer to proceed with the next steps and navigate those next channels. Members in favor of the Article noted that this change would result in the best outcome for the Town, aiding in the Town's ability to reach the new safe-harbor percentage being recalculated this year for 40B projects, which would not have any of the public input and proposed adjustments, revisions, and concessions that this currently proposed project has had and continues to have. All Committee members shared concerns over increased traffic near the site and impact on water resources and schools, but ultimately those who voted in favor of recommending the zoning change highlighted the ability to have a say in the current proposed project, and appreciated the responses, modifications, and concessions provided by the developer. The communication and open dialogue throughout made an overlay adoption to allow a thoroughly vetted project to proceed a better choice than realistic potential other uses of the property, which the Town ultimately has only so much control over considering the property is privately owned land. Our member who voted against the Article I did so because he was not comfortable that the infrastructure issues addressed during the developer's presentation were addressed to the level acceptable to him. More specifically, he did not believe that the projects impact on Chelmsford's schools had been well vetted and he believed that with the current plan, for which the current school administration may not have been able to articulate the full anticipated impact, will result in a significant impact on Chelmsford's taxpayers. Finally he believed that the same absence of real data will result in increased costs to the North Chelmsford Water District as a result of this project. A majority of the Finance Committee recommends approval of Article 5, with one absence (3 in favor, 1 against, 2 abstentions, 1 absent).

Article 6: Affordable Housing – 255 Princeton St. Article 6 asks us to approve the transfer of funds from the Community Preservation Fund General Reserve and the Affordable Housing Stabilization Fund for a total of \$1.235 million for the development of 54 new senior housing units at the former UMASS West Campus. This project will only be possible if the previous zoning overlay is approved. This will provide approximately \$22,870 per unit and Affordable Housing is looking to secure at least \$11 million in federal and state funding dedicated for affordable rental production in Massachusetts. The proposed development would be similar to the CHOICE Center in North Chelmsford which currently has an average wait of three to five years for a unit. The development would enter the funding round in 2023 to 2024 with construction starting within three to four months of an award and, subject to approval, there will be a mix of affordability levels ranging from 30% to 60% of the area median income with local preference being given to 70% of the applicants. The need for affordable senior housing in Town is a constant, and these proposal provides much needed capacity. The Finance Committee unanimously recommends approval of Article 4 with one absence (6 in favor, 1 absence).

CLOSING

We express our sincere appreciation to Town Manager, Paul Cohen, Director of Public Works, Gary Persichetti, and the article proponents for their wealth of information and their assistance in helping us to reach our decisions. We also extend a huge “thank you” to Pam Morrison, our clerk, who helps us remain current, organized, and punctual in our reporting of information and decisions to Town Meeting, especially when our timeline is accelerated in preparation for a Special Town Meeting.

As a reminder to all, the Finance Committee makes its recommendations to Town Meeting based upon our own review of all available information, but we present that same information to Town Meeting through our handbooks and in our public meetings. All of our agendas and meeting minutes are posted and preserved on the Town’s website and our meetings are recorded for future viewing through Chelmsford TeleMedia’s efforts. While the Committee hopes that our insight is a benefit to Town Meeting, and while we further believe that our recommendations are both thoughtful and thorough, it is ultimately up to Town Meeting to review what the proponents of the articles have presented, to weigh the arguments for and against each article, and to vote for the most beneficial course of action for our Town as a whole.

The Finance Committee as a body serves the taxpayers of Chelmsford and as such we always welcome your comments and suggestions. Our meetings are held on Thursday nights at 6:30 p.m. or 7:30 p.m. during the budget season and leading up to both Fall and Spring Annual Town Meetings, and public comment is always on our agendas. We strive to improve our Town by overseeing the budget process throughout each Fiscal Year, making sure we are guarding “what the sires have won.”

Respectfully yours,

The Finance Committee:

Jim Clancy, Chair
Kathy Duffett
Eric Chambers
John Thibault

Annita Tanini, Vice Chair
Sam Chase
David Goselin

February 2022 Special Town Meeting Warrant Article Summary

ARTICLE #	DESCRIPTION	PAGE	FINANCE COMMITTEE RECOMMENDATION	TOWN MTG. VOTE
1	Land Acquisition - Ledge Road – Esther Drive Easement	6	Unanimously Recommends Approval	
2	Land Acquisition – Fourth Avenue	7	Unanimously Recommends Approval	
3	Collective Bargaining Agreement – Dispatchers	9	Unanimously Recommends Approval	
4	Forum Ice Rink Refrigeration System	9	Unanimously Recommends Approval	
5	UMASS West Multi-Family Overlay District	10	Majority Recommends Approval	
6	Affordable Housing – 255 Princeton Street	18	Unanimously Recommends Approval	



TOWN OF CHELMSFORD

WARRANT FOR SPECIAL TOWN MEETING

FEBRUARY 24, 2022

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

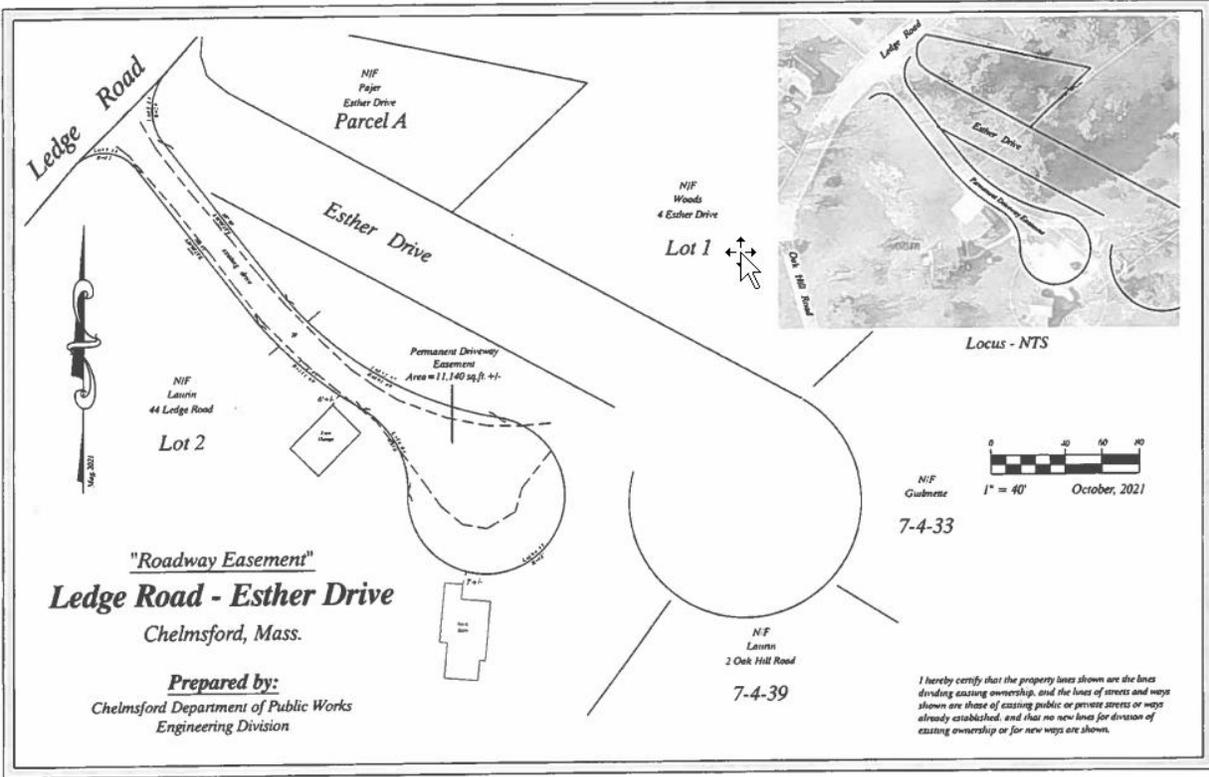
Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet at the Chelmsford High School Gymnasium, 200 Richardson Road, North Chelmsford on Thursday, the twenty-fourth day of February in the year two-thousand and twenty-two at 7:30 p.m. in the evening then and there to act upon the following articles, VIZ:

ARTICLE 1. To see if the Town will vote to authorize the Select Board to acquire for the purpose of obtaining a secure and public right of way along Esther Drive containing 11,140 square feet as depicted on a plan of land entitled “Roadway Easement, Ledge Road – Esther Drive, Chelmsford, Massachusetts” prepared by Chelmsford Department of Public Works Engineering Division, dated October 2021. The subject parcel is identified by the town assessors’ office as Map 7, Block 4, Lot 32. The subject parcel contains frontage on Ledge Road, Esther Drive and Oak Hill Road and contains 1.37 acres and shown as Lot 2 upon a plan recorded with the Middlesex North Registry of Deeds in Plan Book 171 Plan 145. The purpose of this taking is to allow for the construction and roadway safety improvements to provide safe access from the homes located on Esther Drive and Ledge Road as set forth in the right of way plan and to further permit school bus access to the dwellings on Esther Drive.

And further to authorize the Board of Selectmen to acquire these parcels or easements through any and all means available under the General Laws of the Commonwealth including without limitation by donation, purchase and/or eminent domain; or act in relation thereto.

This Article would authorize the acquisition of an easement along Esther Drive for construction and roadway safety improvements.



SUBMITTED BY:

**Board of Selectmen
Two-Thirds Vote**

FINANCE COMMITTEE:

**UNANIMOUSLY RECOMMENDS
APPROVAL**

TOWN MEETING ACTION

Yes

No

ARTICLE 2. To see if the Town will vote to authorize the Select Board to acquire by purchase, gift, eminent domain, or otherwise, a parcel of land containing .04 acres, more or less, which is identified as Fourth Avenue, shown as Lot 4 on Assessor’s Map 18, Block 75, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 4976, Page 317, said parcel to be held under the care, custody, and control of the Select Board for general municipal purposes; and further to appropriate a sum of money to fund said acquisition, including related legal and other costs incidental and related thereto; and further authorize the

ARTICLE 5. To see if the Town will vote to amend the Town Code, Chapter 195 “Zoning Bylaw” by inserting a new Article XXV, UMass West Multi-Family Housing Overlay District, which provides as follows:

UMASS WEST MULTI-FAMILY OVERLAY DISTRICT (UMW MFOD)

195-148: PURPOSE AND INTENT:

The Purpose of this overlay is to regulate the development of multifamily dwelling units by establishing eligibility requirements and reasonable conditions for construction, in conformance with Chapter 358 of The Acts of 2020 and G. L. c. 40A, §5.

195-149: ESTABLISHMENT AND APPLICABILITY:

The locations and boundaries of this overlay district are hereby established and made part of this bylaw as shown on the UMass West Multi-Family Housing Overlay District Map, dated 11/10/2021.

The Multi-Family Housing Overlay District regulations of this article shall be the sole regulation for properties in the UMW MFOD. Except as specifically incorporated herein, any other provisions of the Town of Chelmsford Zoning Bylaws (“Bylaws”) shall not apply to a development of Multifamily Dwelling Units or Age Restricted Multifamily Dwelling Units under this Overlay. Any owner of property in this UMW MFOD may choose to develop their property under the underlying zoning without regard to the UMW MFOD. If not already specifically incorporated elsewhere in the UMW MFOD, the UMW MFOD specifically incorporates the following sections of the Bylaws:

Article III, §195-8, Nonconforming Uses and Structures,

Article IV, §195-10, Existing Nonconforming Lots

Article IV, §196-14, Height Restrictions on Certain Accessory Structures,

Article VI, Fairs, Carnivals and Similar Events,

Article VII, §195-34, Outdoor Illumination,

Article VIII, Environmental Protection Standards,

Article XIII, Wireless Communications Facilities,

Article XIII A, Commercial Solar Photovoltaic Facility

Article XIV, Aquifer Protection District,

Article XV, Floodplain District,

Article XIX, Administration and Enforcement, and

Article XX, Terminology.

195-150: DEFINITIONS:

Multifamily Dwelling: A multifamily dwelling designed for and occupied by three or more family dwelling units, in any configuration, in one building or multiple buildings (whether or not attached) on a single lot, and the buildings accessory thereto.

Affordable Housing Multifamily Dwelling: Multifamily dwellings featuring one hundred percent (100%) affordable housing units, with such units affordable to households making no more than eighty percent (80%) of Area Median Income.

195-151: ALLOWED USES:

BY RIGHT

Multifamily Dwellings, projects with a total of 2 dwelling units per acre or less

Affordable Housing Multifamily Dwellings, projects with a total of 2 dwelling units per acre or less

BY RIGHT, WITH SITE PLAN REVIEW (Per Section 15 of the UMW MFOD)

a) Multifamily Dwellings greater than 2 dwelling units per acre

Affordable Housing Multifamily Dwellings, greater than 2 dwelling units per acre

Uses permitted in the underlying zoning district are allowed as set forth in the Use Regulations Schedule of the Bylaw.

195-152: DESIGN STANDARDS:

Multifamily Dwellings or Affordable Housing Multifamily Dwellings designed under the UMW MFOD shall meet the following standards:

Any development site proposed for Multifamily Dwellings shall have a minimum lot area of ten (10) acres and a minimum frontage of 50 feet on a public or private way that is open for public use. However, the Planning Board may waive the minimum lot frontage on a public or private way open to public use, provided that a substitute private access road into the site area will be constructed with the reduced frontage. Provided that a lot created pursuant to the UMW MFOD shall not be required to obtain access through the lot's legal frontage and projects may have shared driveways; or

Any development site proposed for Affordable Housing Multifamily Dwellings shall have a minimum lot area of two (2) acres and a minimum frontage of 20 feet on a public or private way that is open for public use or on a driveway. However, the Planning Board may waive the minimum lot frontage on a public way, private way open to public use, or on a driveway, provided that a suitable private access road into the site area can be constructed with

the reduced frontage. Provided that a lot created pursuant to the UMW MFOD shall not be required to obtain access through the lot's legal frontage and projects and lots may have shared driveways.

Any roadway or access drive located within 50 feet of a property line shall be shielded from the property line by a buffer of vegetated screening satisfactory to the Building Commissioner for any "by right" project and the Planning Board, for projects requiring site plan approval, between the roadway and property line for the entire length of the roadway within the 50-foot area. Provided that lots created pursuant to the UMW MFOD shall not be required to provide such buffer between lot lines shared with other lots in the UMW MFOD.

The required minimum distance between buildings that are structurally connected by roofing, fencing, or other means that is not enclosed or heated shall be determined by the Building Commissioner for "by right" projects and the Planning Board for projects requiring site plan approval. Other dimensional parameters shall be determined based on aesthetics, practicality of design, and the design's effect on the development.

Within the UMW MFOD all dwelling units shall comply with the following minimum net floor area requirements, measured as living area, unless the Planning Board authorizes a reduction by waiver during the Site Plan approval process:

- (1) Studio Unit: 500 Square feet
- (2) One-Bedroom Unit: 600 Square feet
- (3) Two-Bedroom Unit: 900 Square feet
- (4) Three-Bedroom Unit: 1,200 Square feet

195-153: DENSITY:

Maximum density shall be fifteen dwelling units per acre for Multifamily Dwellings and shall be thirty dwelling units per acre for Affordable Housing Multifamily Dwellings.

No more than 25% of the total site area within the wetlands and/or flood plain shall be used in calculating maximum density for the site.

195-154: BUILDING AND PARKING COVERAGE:

The maximum coverage of any lot with Multifamily Dwellings, including garages, carports, and surface parking areas, shall not exceed 45 percent of the site area. Notwithstanding the foregoing, any lot with only Affordable Housing Multifamily Dwellings may have up to 65 percent maximum coverage of its site available for use by all buildings, garages, carports, and surface parking areas.

195-155: SETBACKS:

Building and Structure Setbacks:

FRONT, SIDE AND REAR YARDS: No building or structure shall be erected within thirty feet (30') of any property line abutting a public or private street, existing as of the date of adoption of this by-law, or within twenty feet (20') of any other property boundary area, excluding any internal lot line or roadway created as part of a project within the UMW MFOD.

Parking Setbacks:

FRONT, SIDE AND REAR YARDS: No parking area shall be constructed within twenty-five feet (25') of any property line abutting a public or private street or within twenty-five feet (25') of any other property boundary area, excluding any internal lot line created as part of a project within the UMW MFOD.

195-156: BUILDING HEIGHT:

The maximum building height shall be fifty-six feet (56') unless waived by the Planning Board. The maximum number of stories shall be four (4) stories and there shall be no roof mounted equipment other than rooftop solar, which shall not be included in the calculation of building height.

195-157: UTILITIES:

Services. All utilities shall be installed underground unless otherwise approved by the Planning Board.

195-158: RECREATIONAL AND OPEN SPACE:

Fifty percent (50%) of the total lot area for Multifamily Dwellings (including wetlands) shall be set aside as recreational and open space. The open space shall remain free from structures, parking and drives, and such area shall be left either in its natural state, landscaped, or developed for outdoor recreational facilities. Outdoor recreational facilities may include incidental recreational structures such as boardwalks and pathways, and may also include swimming pools and decks, patio areas, grill stations, fire pits, hammocks, tables and seating, playground(s), bocce turf courts, landscaping and dog parks and other similar features. Thirty-five percent (35%) of the total lot area (including wetlands) shall be set aside as recreational and open space in any lot with Affordable Housing Multifamily Dwellings. Any area transferred to another entity by deed, easement or other similar document that includes criteria for preservation as open space shall continue to be included in the recreational and open space and density calculations for the developed site.

195-159: PARKING:

Multifamily Dwellings:

Off-Street Parking spaces shall be provided at a rate of not less than 1.6 parking spaces per unit, which shall include both resident and guest parking and the Planning Board shall have authority during site plan approval to require up to an additional 65 parking spaces which shall be banked and shall not be constructed unless warranted by demand.

Affordable Housing Multifamily Dwellings:

Off Street Parking provision shall be made for not less than nine-tenths (.9) of a parking space per unit, which shall include both resident and guest parking.

The required parking spaces may be located on surface parking lots, in accessory garages, in a dedicated parking area on the lot. When the parking spaces are located outside, the area used for parking shall be graded and drained so as to prevent surface water accumulation within the parking area and to prevent surface water runoff to an adjoining property or the public way. During Site Plan review, the Planning Board may permit a reduction in the size of some parking spaces to allow compact parking spaces.

Dimensions of outdoor parking spaces shall be a minimum of 9 feet by 19 feet.

Dimensions of indoor parking garage spaces shall be a minimum of 9 feet by 18 feet.

195-160: LANDSCAPING:

Perimeter Buffer: Where existing dense plantings do not exist, the perimeter of the developed portion of a project site shall be supplemented with landscaping that will serve to reduce abutter's view of the project and enhance existing mature vegetative buffer where possible. A perimeter fence may be installed within required setbacks to provide additional physical barriers for security and/or additional screening.

Parking Buffer: There shall be plantings along the edge and interiors of the surface parking areas to mitigate the heat island effect caused by surface parking. Efforts will be made to ensure that any plantings within the parking area will visually connect the project with the existing mature vegetation buffer.

Landscaping Around Structures. There shall be plantings along the perimeter of the buildings where possible and consistent with the Massachusetts Fire Code.

195-161: ARCHITECTURAL DESIGN STANDARDS.

The material selections and detailing of the proposed buildings will be consistent with New England architecture complimenting the surrounding neighborhood.

Residential Buildings shall be constructed with a minimum of two stories.

A lighting plan shall be required in conjunction with the site plan review. Lighting shall be designed to illuminate the subject property and shall not encroach onto abutting properties. All lighting shall be directed away from adjoining property with no light spillover and shall comply with Section 195-34 of the Bylaws

195-162: SITE PLAN REVIEW:

Sections 195-104 C(1), D, E, F, G, H and J shall apply to projects within the UMW MFOD.

A site plan, as specified in § 195-104.

Narrative analyses of the consequences of the proposed development, including evaluation of the following concerns at a level of detail appropriate to the scale of development proposed, as determined by the Planning Board:

Natural environment. Groundwater and surface water quality, groundwater level, stream flows, erosion and siltation, vegetation removal (especially rare species and mature trees) and wildlife habitats.

Public services. Traffic safety and congestion, need for water system improvements and need for public sewerage.

Visual environment. Visibility of buildings and parking and visual consistency with existing development in the area.

195-163: VALIDITY OF DECISION:

Approval of a Site Plan shall remain valid and shall run with the land indefinitely, provided that a valid building permit has been issued and construction has commenced, including site work, within three years after the site plan approval decision issues, which time shall be extended by the time required to adjudicate any appeal from such approval. For purposes of Projects that are phased, the commencement of construction or substantial use on any Project phase shall constitute commencement of construction of all remaining phases of the Project. This three year period may also be extended for a specific period of time by majority vote of the Planning Board if it find the project proponent is actively pursuing other required permits for the project or that there is other good cause for the failure to commence construction within the three year period. Requests for extensions must be filed with the Planning Board prior to the expiration of the three-year period.

If submittal of a building permit application has not been made within three years after the decision is issued (or any Planning Board approved extension of the three-year period), then Site Plan Review approval shall be null and void, and no construction shall thereafter commenced unless a new Site Plan Review is approved in accordance with the provisions of this Section.

195-164: WAIVERS:

The Planning Board is specifically authorized to waive any requirements in the UMW MFOD. The Board shall base its decision upon findings that the waivers will provide for improved aesthetics created by the design, and practicality of design to lessen environmental, neighborhood, and public service impacts and provided that the Planning Board shall consider, as applicable to the proposed waivers:

Social, economic or community needs which are served by the proposal;

Traffic flow and safety, including parking and loading;

Adequacy of utilities and other public services;

Neighborhood character and social structures;

Impacts on the natural environment; and

Potential fiscal impact, including impact on Town services, tax base and employment.

195:165: APPEALS:

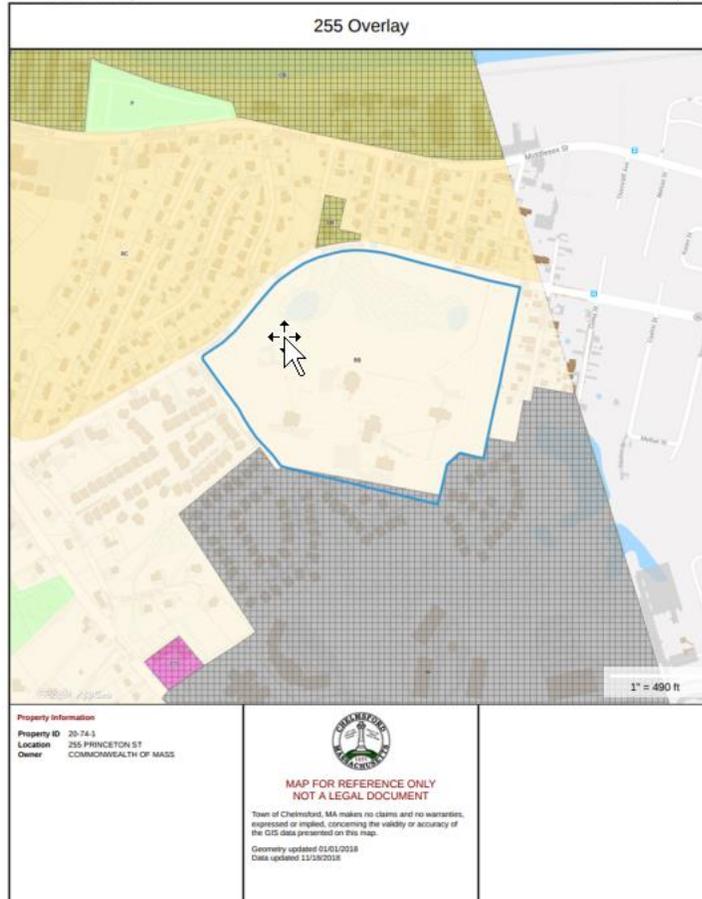
Any decision issued by the Planning Board under this UMW MFOD may be appealed to a court of competent jurisdiction pursuant to G. L. c. 40A, § 17.

195-166: SEVERABILITY:

In the event that one or more of the provisions of this article are determined to be illegal or unenforceable by a court of competent jurisdiction, then the illegality or unenforceability of any such provision shall not affect the validity of any other provision of this article which remains in full force and effect.

; or act in relation thereto.

This Article would amend the Town Zoning Bylaw by inserting a UMASS West Multi-Family Housing Overlay District.



Map Theme Legends

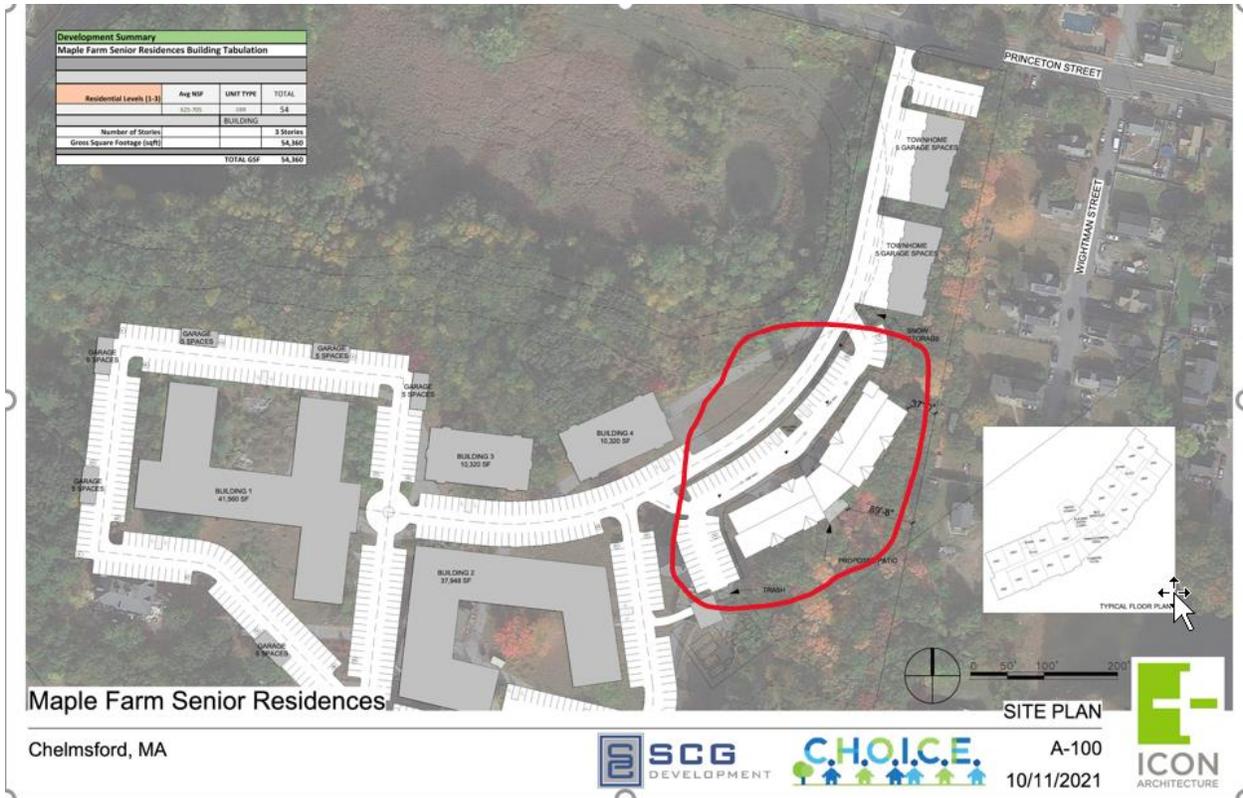
Zoning

- Residential Districts**
- Mobile Home Residence - RMH
 - Multiple Residence - RM
 - Single Residence - RA
 - Single Residence - RB
 - General Residence - RC
- Commercial Districts**
- Neighborhood - CA
 - Roadside - CB
 - Shopping Center - CC
 - General - CD
 - Center Village - CV
 - Adult Commercial - CX
- Industrial Districts**
- Limited - IA
 - Special - IS
- Other Districts**
- Public - P
 - Open Space - OS

Zoning Overlays

- Community Enhancement & Investment
- Rt 129 Business Amenity
- Commercial Exclusion Zone
- Sec 195 146 1 props
- Local Historic
- Village Center
- CX Overlays





SUBMITTED BY:

Community Preservation Committee
Two-Thirds Vote

FINANCE COMMITTEE:

**UNANIMOUSLY RECOMMENDS
APPROVAL**

TOWN MEETING ACTION

Yes

No

TOWN MEETING PROCEDURES

To comply with the Town's General By-Laws where they specifically pertain to Town Meeting actions, excerpts from Section II are preprinted for informational purposes.

ARTICLE II, SECTION 4, PROCEDURES, TOWN MEETING

4.2 - RECONSIDERATION – A motion at any adjourned Town Meeting for reconsideration or rescinding of any action taken at a previous session of the adjourned Town Meeting shall not be entertained or allowed by the Town Moderator.

4.3 - AMENDMENTS – Any article appearing in the warrant and considered at any Town Meeting may be amended and any portion thereof may be deleted or added to by a vote of the Town Meeting Members provided, however, that in said notice the words “or act in relation thereto” or “do anything pertaining thereto” or words of similar import appear at the end of said article. An amended amendment cannot be amended and no motion or proposition of a subject different from that under consideration shall be entertained under color of an amendment.

4.4 - AMENDMENT OF BY-LAWS – Town By-Laws may be amended or rescinded by a majority vote of those present and voting at any Town Meeting provided that the proposed action was published in the warrant of that Town Meeting and further, provided that any such amendment is in compliance with the Charter.

4.5 - REPORTS – When the report of a committee is placed in the hands of the Town Moderator, it shall be deemed to be received and a vote to accept the report shall discharge committee unless the report is one of progress and not final; in which case the committee continues to serve unless the Town Meeting Members vote to discharge same.

All reports, resolutions, motions or amendments submitted to the Town Meeting for consideration involving the expenditure of money shall be presented in writing to the Town Moderator.

4.6 - APPROPRIATIONS – No money shall be transferred at a Special Town Meeting except by a majority vote of those present and voting.

All motions on articles involving bond or note issues shall require a two-thirds (2/3) vote of those present and voting.

4.7 - APPROPRIATIONS AT SPECIAL TOWN MEETING – No money shall be appropriated at a Special Town Meeting except by a two-thirds (2/3) vote of those present and voting.

4.8 - ATTORNEYS SPEAKING – Any person who is employed as an attorney by another interest in any matter under discussion at a Town Meeting shall disclose the fact of his employment before speaking thereof.

4.9 - TOWN COUNSEL – The Board of Selectmen shall assure that the guidance of the Town Counsel be available both to the Town Moderator and to the body at all Town Meetings whenever practical.

4.10 - NOTICE – Dates and times proposed for continuance of the town meeting shall be announced when the warrant is posted.

4.11 - END OF SESSION – No warrant article may be introduced for consideration after 11:00 p.m. without a majority vote of town meeting representatives present and voting to allow such consideration.

4.12 - LOBBYING – Distribution of material and lobbying on warrant articles or issues not related to warrant articles being considered at that town meeting will be prohibited within an area of 100 feet outside the entrance to the building housing the meeting. An area will be established inside the building but outside the meeting place where one individual from each group supporting or opposing an issue may distribute material or discuss the issue. Hand out material should be dated and signed by the organization or individuals preparing the material.

4.13 - VOTING – Voice votes will not be used. Votes will be taken by either Electronic Roll Call or Electronic Tally. If seven or more members of town meeting question the vote, the moderator shall count the vote. The physical count will prevail; however, the electronic vote will be recorded and noted as overturned by the hand count. The same applies to matters requiring a two-thirds (2/3) vote.

4.14 - PRESENTATION

a) When town property or assets are to be purchased or sold, the name of the purchase or seller, if known, must be disclosed by the sponsor.

b) The sponsor of any warrant article shall speak initially to explain the article.

c) Zoning By-Law presentations by the sponsor must show a map denoting the existing zoning and the proposed changed zoning, including definitions of zones and explanations of changes.

d) All sponsors of By-Law changes must show the language of the existing By-Law and the language of the change and an explanation of the change in the presentation.

e) All recurring operating budget articles regularly presented at the Spring Annual Town Meeting to defray town expenses for the upcoming fiscal year must be presented showing the following: dollars budgeted and expended for the last two years and for the current year; proposed budget dollars; and the revenue generated by the department requesting the budget.

f) Visual aids used in any presentation must be large enough to be viewed from the back of the hall or handouts shall be distributed.

g) The Moderator shall allow a question-and-answer period of the sponsor of an article to gather factual information or understanding of the article. Debate of the article is not allowed during this time. The Moderator may place limits on this period.

4.15 - RECOMMENDATIONS – The Board of Selectman and/or the Finance Committee shall have an opportunity to state their position on each article and are encouraged to state their reasons for their position. The Finance Committee is not required to speak on a non-financial article.

4.16 - RULES OF DECORUM – The Moderator may distribute additional rules of debate or decorum not controverting any By-Law or statute to help guide debate of issues before the Town Meeting.

4.17 - ROLL CALL BALLOT – A main motion on any article shall be voted upon by roll call ballot if forty (40) town meeting representatives so vote at the end of debate of the main motion and before a motion under the next article.

REPRESENTATIVE TOWN MEETING PROCEDURES

The Representative Town Meeting is the legislative branch for our town government. The Representatives perform the same function on the town level that the State Legislature or the Congress performs on the state or federal level.

Issues are framed or presented for the Representatives in the form of warrant articles published in the Warrant for that meeting. The warrant articles provide the outline the Representatives must follow to transact the year's business or that meeting's business. The Warrant also limits the discussion to be permitted by the meeting. Each article must be activated by a motion to act on the business proposed by the warrant article.

The primary motion is called a "main motion" and may be positive or negative; that is, one might move to approve or dismiss the article. Only Town Meeting Representatives and Department Heads, including the Town Manager, may make motions, amendments and vote, although any resident of town may attend the sessions and speak at the meeting.

The Warrant is assembled by the Selectmen. The Articles on the Warrant have been selected from proposals from the Selectmen, the Town Manager, the various town boards, department heads or citizens signing a petition. The Selectmen place it before the Town Meeting Representatives for a hearing and a vote. Citizens can place an article on the Warrant by obtaining ten signatures required by our bylaws in favor of adding the article to the warrant.

The proponent of each article has the opportunity to explain the article before discussion by the Town Meeting Representatives. After the proponent of the article explains the article, a **question and answer period** follows to help the Representatives understand the article. ***No procedural motions are allowed during this time except those which may interrupt the speaker.***

The Finance Committee usually makes a recommendation to the Representatives, having reviewed the issues and the budget. The Selectmen may make a recommendation, as well. The School Committee may also make a recommendation on school budget related issues during consideration of the annual budget.

Discussion, or 'debate', will follow in an orderly manner. Each speaker is required to give his or her name and precinct (if a representative) or name and address (if a resident) before speaking. Board or Committee members should state their board or committee designation prior to speaking, as well. ***(There may be one or two microphones for speakers waiting to speak. If there are two microphones being used, the Moderator will try to be fair to those who are first in line but may alternate between microphones to provide a fair sequence for the speakers).***

All questions and answers should be addressed through the Moderator.

All people present should be silent at the request of the Moderator.

Discussion should be brief and to the point. Representatives and/or residents should listen carefully to previous speakers to avoid repetitive questions and debate.

The Moderator has the authority to curtail discussions.

The main motion may be amended. Any motions shall be made in writing and presented to the Moderator. Town Counsel is available to assist Representatives in this drafting of motions or amendments. Even if a 'motion to amend' is on the floor, a second 'motion to amend' the first motion to amend may be entertained by the Moderator and voted to change the first motion to amend on the floor. A separate motion to amend the main motion would not be entertained until both motions to amend have been voted. *Votes on the amendments are taken in reverse order.* First the second motion to amend is decided, then the first motion to amend is decided, and then the main motion is voted, unless a separate motion to amend is made.

Between introduction of a main motion and final vote on the main motion, the main motion and/or the meeting can be further affected by several subsidiary motions. These motions affect the manner in which the issues are debated, and the meeting is conducted. These motions are displayed in the warrant book for your information.

The most privileged motion is the motion to adjourn; the least privileged motion is the main motion itself.

A speaker may be interrupted for a **point of order, information or privilege** which ensures that the person speaking is authorized to do so, or that the matter being considered is proper, or that the voter understands the motion. That motion is called by "rising to a point of order" (or "of information" or "of privilege"). Other motions may or may not be debatable, may or may not be amended and may or may not be reconsidered. All procedural characteristics of the motions are in the warrant book. The required quantum of vote for each motion is also set forth in the warrant book, as well.

Briefly, **the Motion to Commit or Refer to a Committee** permits the Representative Town Meeting to obtain further information through a committee for investigation or extra control by referral to the committee to monitor or carry out action already voted.

The Motion to Postpone enables the meeting to delay action on an article to a later time. It would be better phrased if it postponed action until after a specific article number. It may be postponed to a specific time; however, there is a danger that the Town Meeting may have dissolved or finished its business by that time.

The Motion to Limit or Extend Debate permits the Representatives to limit the time that each member or resident may talk on a particular motion to a certain number of minutes or to limit the time to be spent on each article. These limits may be extended by a motion to extend debate. *(requires a two-thirds majority vote)*

Motion to Move the Previous Question permits the Representatives to end the debate on the motion being discussed and move to a vote. This motion is not debatable, and the Moderator must take the vote on the motion to move the question without further debate. This motion will not be accepted from a speaker who has just debated the motion under consideration. *(requires a two-thirds majority vote)*

The **Motion to Lay on the Table** permits the Representatives to delay consideration on a particular warrant article while continuing with the other articles. A tabled article must be brought back from the table by a separate motion in order to be voted. If not taken from the table before the Town Meeting ends, the article will die on the table.

The **Motion to Reconsider** is a means to re-examine votes made that night. The Representative Town Meeting may have had time to reflect on the votes made or there may have been additional

evidence presented by other action taken by the Town Meeting. This motion should not be used repetitively without reason and may be regarded as manipulative. Any vote may be reconsidered during the pendency of that night's session. Once that session has been adjourned, the votes taken in that session are final. A Motion to Reconsider a vote of an earlier session is not permitted. The Charter permits referendum review of the Town Meeting votes after the adjournment of the meeting.

The Motion to Take Out of Order permits the Representatives to consider an article in a different order than proposed by the warrant. There may be a reason to consider two articles in sequence or to delay one until a later article is decided.

We have adopted a by-law which permits **a roll call ballot**. This motion must be made after debate on an article but before a main motion is brought under the next article. ***Forty Representatives must vote in favor of a roll call ballot.*** The Town Clerk calls every name in each precinct and the Representative would register a yea or a nay.

We have also adopted **Moderator's Rules of Decorum** to help manage debate and we have also adopted **Electronic Voting Guidelines** to facilitate the use of electronic voting.

Finally, a **Motion to Recess** provides the meeting with a means to rest or stop the meeting temporarily for various purposes and **may be called by the Moderator** without motion.

The Motion to Adjourn to a Time Certain is a means of postponing the meeting to another date in time should the business not be concluded at the first or subsequent meetings.

The Motion to Adjourn (unqualified) ends the meeting without further session.

MODERATOR'S RULES OF DEBATE AND DECORUM

1. Meetings will start promptly at the time posted with the recitation of the Pledge of Allegiance.
2. Selectmen, Town manager, Town Financial Director, Town Counsel, Finance Committee and other experts needed by those individuals in the administrative branch of government shall sit together at the head of the hall. At Spring Annual Town Meeting, the School Committee shall also sit at the head of the hall to provide information on the budget.
3. Town Meeting Representatives shall sit in the area designated for debate and voting. Only duly elected Town Meeting Representatives are allowed in this area; all others must sit at the back of the hall.
4. A section of the hall will be made available for the press.
5. The podium and microphone at the head of the hall shall be reserved for sponsors and speakers on a warrant article.
6. All debate shall emanate from the microphone(s) facing the Moderator in the center of the hall. Board or Committee members, other town officials, or department heads may use other microphones to answer questions or provide information to the meeting.
7. All electronic devices such as cell phones, pagers and PDA's must be silenced.
8. Video and print media shall not interfere with the town meeting process and shall not interfere with speakers addressing any issues.
9. A Question and Answer period will be allowed as follows:

Each person in line will be allowed to ask up to two questions, with a possible follow up to each question, when given permission to do by the Moderator. After which, you will have to go to the end of the line and re-queue. You should prioritize your questions so that you do not unfairly monopolize the time allowed for the Q&A period. The Moderator reserves the right to terminate the Q&A period and proceed directly to Debate.
10. During debate, speakers are encouraged to be brief and non-redundant. Repetitive support or opposition for an issue is discouraged.
11. A person should not speak a second time until everyone in line has had an opportunity to speak unless the previous speaker wishes to correct or dispute a statement of fact made by the previous speaker.
12. Intentional slander against any individual or group will not be tolerated.

13. Discussion of pending litigation will not be permitted unless specifically included in the warrant article being debated.

14. Roll call votes will be made in sequential order by precinct and alphabetically within the precinct. The Town Clerk shall read the name of the town meeting representative. The town meeting representative shall answer “Yea”, “Nay” or “Present”. All responses or lack of a response will be recorded. The Town Clerk shall read back the name and vote. At the conclusion of said vote, the Town Moderator shall ask if anyone wishes to vote who did not vote and if anyone wishes to change a vote. The inquiry is made in order by precinct.

VOTING GUIDELINES...

ELECTRONIC ROLL CALL... Motions and Amendments require full disclosure. Names and Votes will be displayed and recorded as part of the Voting process.

NON-ELECTRONIC TALLY... Procedural Votes, such as a motion to waive reading, only require a tally. Moderator may simply ask for a raising of hands.

- One or more large screen displays will be used to display Electronic Roll Call votes. Results will be fed to a separate display for the Town Moderator and Town Clerk.
- The Electronic Roll Call votes shown on the large screen(s) will show the individual rep votes and the totals while voting is taking place.
- System will calculate 2/3 vote requirements for the Electronic Roll Call based on the "yea" and "nay" votes, only. Moderator and the Clerk will verify the result.
- Electronic Roll Call will require **35 seconds** which will be counted down and displayed on screen during the voting process.
- System will allow a quorum count at the start of Town Meeting and any time a “point of order” is raised for a quorum count.
- System will allow for, and record the following...

#1 ("yea") - in favor of motion or amendment

#2 ("nay") - opposed to motion or amendment

#3 ("present" or "abstain") - not voting and not a part of 2/3 vote.

If no selection is made, it will be not recorded.

- Any challenge to the electronic vote must be made before the next article is read.

Seven (7) Reps can request a hand count.

Forty (40) Reps can request a roll call vote.

If the challenge count varies from the electronic count, the physical count will prevail. The electronics results will still be posted and noted as overturned by the challenge. Both physical and electronic counts will be recorded.

The results of each vote taken will be posted on the Town's web site for all to see and will be saved in perpetuity.

ORDER OF PRECEDENCE OF MOTIONS

	<u>Privilege</u>	<u>Debatable</u>	<u>Can Be Amended</u>	<u>Can Be Re-considered</u>	<u>Vote required</u>
a) Adjourn (unqualified)	Yes	No	No	No	Majority
b) Adjourn to a Certain Time	Yes	Yes	Yes	No	Majority
c) Recess	Yes	No	Yes	No	Majority
d) Question of Privilege, Order or Information	Yes*	No	No	No	None
e) Take out of order	Yes	Yes	No	No	Majority
f) Reconsider	Yes	Yes	No	Yes	Majority
g) Lay or Take from Table	No	No	No	No	Majority
h) Previous Question	No	No	No	No	2/3 Majority
i) Limit or Extend Debate	No	No	No	Yes	2/3 Majority
j) Postpone to a certain time	No	Yes	Yes	No	Majority
k) Commit, Recommit or Refer	No	Yes	Yes	Yes	Majority
l) Amend	No	Yes	Once	Yes	Majority
m) Main Motion	No	Yes	Yes	Yes	Majority

*NOTE: The privileged motions marked by an asterisk may interrupt the speaker.

COMMON MOTIONS CLASSIFIED ACCORDING TO THEIR OBJECTIVES

To Modify or Amend

1. Amend
2. Commit or Refer

To Defer Action

1. Postpone to a certain time
2. Lay On the table
3. Commit or Refer

To Suppress or Limit Debate

1. Previous Question (to close debate now) (two-thirds vote)
2. Limit Debate (two-thirds vote)

To Suppress the Question

1. Previous Question (two-thirds vote) and Reject Question
2. Lay on the Table

To Consider a Question

1. Take from the Table Second Time
2. Reconsider