



Town of Leicester, Massachusetts

# Annual Town Meeting Warrant

Annual Town Meeting – May 11, 2021 – 7:00PM

“In the Hands of the Voters”

**Meeting location:**  
**MIDDLE SCHOOL GYM**  
**70 Winslow Avenue**  
**Leicester, MA 01524**

Version 5 (Final Version) – Published 04/15/2021

## **SPECIAL MESSAGE FROM THE MODERATOR COVID-19 PRECAUTIONS**

Extensive efforts on the part of multiple members of the Leicester Town staff have been made to create a safe environment with effective social distances. To that end, I will be enforcing the following rules for attendance, per my authority under MA General Laws.

1. Per Leicester Town By-Laws, Town Meeting is open only to registered voters. No one who is not a registered voter in the Town of Leicester will be admitted to the meeting. The exceptions are non-resident department heads, the press, and those employed as legal representatives of persons with business on the warrant.
2. Pursuant to the Governor's COVID Order No. 31 and Department of Public Health Guidance all persons attending Town Meeting are strongly advised to cover their noses and mouths with a mask or cloth face covering unless exempted by Department of Public Health Guidance.
3. There will be an ample supply of hand sanitizer available at the meeting. Please use as needed.
4. Please arrive early. Check in will be slowed by the requirements of social distancing and to allow checkers working under challenging circumstances to process voters as efficiently as possible.
5. The chairs in the School Gymnasium will be placed to ensure proper social distancing protocols are followed. Please do not move them during the meeting in order to maintain safety protocols.

## **Town Rules & Procedures Review**

Each Town Meeting is a formal legislative body. As such, we are governed by both Massachusetts General Laws and Chapter Two of Leicester's Town By-Laws. Our proceedings follow "Town Meeting Time, A Handbook of Parliamentary Law", and tradition.

The Town Moderator does not vote, except in cases of a tie vote on the floor.

Town Meetings in Leicester are open only to registered voters.

As members of the town meeting, voters have the right, if they so choose, to present opinions and to ask questions through the moderator in relation to the motion under discussion, and only to the motion under discussion. You have a right to be comfortable with the facts at hand in order to make an informed vote.

A voter wishing to address the meeting through the moderator should approach the microphone and must identify themselves and state their address each time they address the meeting. If it seems that the Moderator is not aware of your desire to speak, please give some signal so that you will be recognized. If you are not able to get to the microphone, please give a signal and a teller or volunteer will bring a microphone to you.

No one may speak to any motion more than twice, except to clarify a point or respond to a question through or from the moderator, and maximum time is ten minutes. Voters must stay on topic with the motion at hand, and personal attacks or slurs of any kind will not be tolerated.

If you have a question as to why something is done in a fashion, feel free to ask. Raise that question or issue with the statement, "Point of Order."

If a member of this meeting wishes to move the question, that motion must be made from the microphone. A motion to move the question will not be accepted from the floor. A motion to move the question simply indicates that at least the individual offering the motion to move the question and person making the second have heard all the debate they feel is needed. A seconded motion to move the question is not a debatable motion. At such time, all debate will cease, and a vote is taken. A 2/3 majority is required for passage. If the motion to move the question passes, we will immediately vote on the motion which was under discussion in the hands of the meeting. If the motion to move the question is defeated, debate on the motion previously under discussion will resume. This procedure is often misunderstood but is allowed and governed under the By-Laws of the Town of Leicester.

Any motion undertaken by Town Meeting in Leicester may be reconsidered, meaning it can be brought up for a vote a second time. The motion to reconsider a motion must be made within one hour of the taking of the original vote on the motion in question. A motion cannot be brought forward for reconsideration more than once.

Any motion made must be within the scope of the articles posted in the warrant and presented to the moderator in writing.

Respectfully,  
Donald A. Cherry, Jr. – Town Moderator

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WORCESTER, SS.

To a Constable in the Town of Leicester,

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Leicester qualified to vote in Town Elections and Town Affairs to meet at the Middle School Gymnasium, 70 Winslow Avenue, Leicester, MA on Tuesday, the 11th day of May, 2021 at 7:00 PM, then and there to act on the following articles, namely:

**ARTICLE 1 PRIOR YEAR'S BILLS**

To see if the Town will vote to approve to transfer or appropriate a sum of money to pay unpaid bills from a prior fiscal year or take any action thereon.

**PROPOSED MOTION**

***I move that the Town vote to authorize and transfer \$14,112.20 from Free Cash for the payment of the following prior year's bills:***

<b><u>Vendor</u></b>	<b><u>Date of Invoice</u></b>	<b><u>Amount</u></b>	<b><u>Reason</u></b>
Petrini & Associates	01/31/20	\$4,612.20	Billing error
Acorn Recording Solutions	06/09/20	\$9,500.00	Not Processed
<b>Total</b>		<b>\$14,112.20</b>	

**ADVISORY COMMITTEE RECOMMENDATION** - Favorable Action (4-0-0)

**SELECTBOARD RECOMMENDATION** - Favorable Action (4-0-0)

**DESCRIPTION**

This article seeks funding from Free Cash to pay for two prior year bills that went unpaid when the FY 2020 appropriations were closed. The invoice from Petrini & Associates is for January 2020 Town Counsel services. The invoice from Acorn is for a 12 Channel VSLogger for the Police Department.

**VOTE REQUIRED FOR PASSAGE** Requires a 4/5<sup>th</sup>'s vote pursuant to M.G.L. c. 44, § 64.

**ARTICLE 2 FY 2021 DEPARTMENT AND/OR WARRANT ARTICLE TRANSFERS**

To see if the Town will vote to raise and appropriate, transfer from available funds in the Treasury, transfer from other budget accounts, adjust budgets, transfer to/from or adjust existing warrant articles such sums of money as may be necessary to defray expenses and fund various and diverse accounts in the Fiscal Year 2021 operating budget of the Town, any other warrant articles or take any action thereon.

**PROPOSED MOTION**

***I move that the Town vote to transfer the following sums, totaling \$240,642 from and to the accounts listed in the table below:***

<b><u>From:</u></b>	<b><u>Amount</u></b>
Employee Benefits (01-914-5110-002)	\$231,142
Select Board Consultant/Professional Services (01-122-5200-004)	\$9,500
<b>Total</b>	<b>\$240,642</b>

<b>To:</b>	
Assessors Salary (01-141-5100-000)	\$16,000
Reserve Fund (01-130-5700-007)	\$34,814
Elections & Registration (01-162-5100-000)	\$10,000
Snow and Ice (01-423-5130-000)	\$152,000
Animal Control Salaries (01-292-5101-000)	\$625
Animal Control Consultant/Professional Services (01-292-5200-004)	\$1,500
Police Professional Services (01-210-5200-004)	\$3,582
Town Hall Building Electric (01-197-5200-002)	\$6,000
Highway Department Wages (01-420-5100-000)	\$6,621
Town Hall Heating Fuel (01-197-5400-003)	\$5,500
Assessor Wages (01-141-5100-000)	\$4,000
<b>Total</b>	<b>\$240,642</b>

ADVISORY COMMITTEE RECOMMENDATION – Recommendation on this article voted to be made at Town Meeting (4-0-0)

SELECTBOARD RECOMMENDATION - Favorable Action (3-1-0)

DESCRIPTION

This article would amend the Fiscal Year 2021 operating budget by transferring funds from two current fiscal year accounts that have forecast surpluses to the following accounts:

- **Assessors Salary (\$16,000)** – Anticipated budget shortfall due to payout of forty (40) days of wages owed to the former Principal Assessor upon his retirement.
- **Reserve Fund (\$34,814)** – Amount requested replenish the fund to a standard balance of \$50,000 in case of unforeseen, unbudgeted expenses during the remainder of the fiscal year.
- **Elections & Registration (\$10,000)** - Anticipated budget shortfall due to costs associated with the presidential primary and election.
- **Snow and Ice (\$152,000)** – Expected shortfall due to winter snow removal costs.
- **Animal Control Salaries (\$625)** – Stipend for the Animal Inspector not included in budget.
- **Animal Control Consultant/Professional Services (\$1,500)** – Additional funds required for the testing and disposal of rabid animals due to an uptick in cases.
- **Police Professional Services (\$3,582)** – \$2,487 needed for repairs made to two former police vehicles that were transferred to the other Town departments, \$600 for fence repairs from a snow removal incident, and \$495 to purchase Adobe Pro for online grant writing and reporting.
- **Town Hall Building Electric (\$6,000)** – Underfunded in FY 2021
- **Highway Department Wages (\$6,621)** – Amount requested to fund a new truck driver/laborer position from mid-May through June to accommodate mowing and other school grounds maintenance through the spring season. This position is proposed to be permanently added to the FY22 budget. This is the 3<sup>rd</sup> of 3 positions Highway needs to properly maintain fields and grounds for the schools.
- **Town Hall Heating Fuel (\$5,500)** – Filled oil tank at Town Hall at end of season due to rising fuel costs
- **Assessor Wages (\$4,000)** – Funding for part time staff needed to inspect 5,100 properties as required by DLS. This transfer will pay for the position through FY21. Additional funding will be sought at the Fall Town Meeting for FY 2022.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote per M.G.L. c. 40, § 5.

### **ARTICLE 3 FUNDING IMPROVEMENTS AT TOWN PARKS**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund improvements at town parks or take any action thereon.

#### **PROPOSED MOTION**

***I move the Town transfer \$25,000 from Free Cash to fund improvements at town parks, the application of said funding to be prioritized by the Leicester Highway Department.***

**ADVISORY COMMITTEE RECOMMENDATION** - Favorable Action (4-0-0)

**SELECTBOARD RECOMMENDATION** – Favorable Action (4-0-0)

#### **DESCRIPTION**

This article seeks funding for the maintenance of town parks. Funds have been appropriated annually for this purpose since 2018.

**VOTE REQUIRED FOR PASSAGE** Requires a simple majority vote per M.G.L. c. 40, § 5.

### **ARTICLE 4 ELECTED OFFICIALS SALARIES**

To see what compensation the Town will vote to pay elected officials or take any action thereon.

#### **PROPOSED MOTION**

***I move the Town vote to set the rate of compensation to pay elected officials for fiscal year 2022 as detailed in the May 11, 2021 Spring Annual Town Meeting Warrant.***

<b>FISCAL YEAR 2022 ELECTED OFFICIALS PAY RATES</b>	
<b><u>POSITION</u></b>	<b><u>PAY RATE</u></b>
TOWN CLERK	\$68,134
SELECT BOARD – CHAIR	\$882
SELECT BOARD – MEMBERS (4) each	\$724
SCHOOL COMMITTEE – CHAIR	\$447
SCHOOL COMMITTEE – MEMBERS (4) each	\$197
PLANNING BOARD – CHAIR	\$320
PLANNING BOARD – MEMBERS (4) each	\$276
MODERATOR	\$81
BOARD OF HEALTH – CHAIR	\$320
BOARD OF HEALTH – MEMBERS (2) each	\$276
ASSESSOR – MEMBERS (3) each	\$597
<b>TOTAL ELECTED SALARIES</b>	<b>\$77,315</b>

**ADVISORY COMMITTEE RECOMMENDATION** – Favorable Action (4-0-0)

**SELECTBOARD RECOMMENDATION** – Favorable Action (4-0-0)

**DESCRIPTION**

Compensation for elected officials is set by Town Meeting. The proposed FY 2022 elected officials pay rate is the same as approved by the voters for FY 2021 except for the Town Clerk, whose salary contains a 2% cost of living adjustment (COLA), consistent with the COLA for other union and nonunion employees.

**VOTE REQUIRED FOR PASSAGE** Requires a simple majority vote per M.G.L. c. 41, § 108.

**ARTICLE 5 FY 2022 OPERATING BUDGET**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money as may be necessary to defray the expenses of Town departments and Town accounts for the Fiscal Year beginning July 1, 2021 and ending on June 30, 2022, as listed in the May 11, 2021 Spring Annual Town Meeting Warrant or take any action thereon.

**PROPOSED MOTION**

***I move the Town vote to approve the budgets of the several Town departments and Town Accounts as printed in the Spring Annual Town Meeting Warrant for the Fiscal Year beginning July 1, 2021, in the aggregate amount of \$30,616,675, and to fund this amount from the following sources:***

***Transfer from Ambulance Receipts Reserved Account:           \$426,500***  
***Transfer from Free Cash:   \$150,000***

***And the balance of the funds in the remaining sum of \$30,040,175 shall be raised and appropriated by taxation.***

DEPT #	DEPARTMENT NAME	FY2020 BUDGET	FY2021 BUDGET	FY2022 TOWN ADMIN	\$ CHANGE	% CHANGE
111	LEGAL					
	TOTAL	209,000	209,000	59,000	-150,000	-71.77%
114	MODERATOR					
	TOTAL	151	151	151	0	0.00%
122	SELECT BOARD					
	TOTAL	275,528	351,112	306,431	-44,681	-12.73%
130	RESERVE FUND					
	TOTAL	50,000	50,000	50,000	0	0.00%
131	ADVISORY BOARD					
	TOTAL	1,325	1,325	1,325	0	0.00%
135	ACCOUNTANT					
	TOTAL	122,611	143,619	146,149	2,530	1.76%
141	ASSESSORS					
	TOTAL	121,745	123,911	127,069	3,158	2.55%
145	TREASURER/COLL ECTOR					
	TOTAL	163,615	166,411	182,870	16,459	9.89%
147	TAX TITLE					
	TOTAL	16,000	0	0	0	0%
152	PERSONNEL BD					
	TOTAL	250	250	275	25	10.00%



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DEPT #	DEPARTMENT NAME	FY2020 BUDGET	FY2021 BUDGET	FY2022 TOWN ADMIN	\$ CHANGE	% CHANGE
155	IT DEPARTMENT					
	TOTAL	155,560	162,060	175,060	13,000	8.02%
161	TOWN CLERK					
	TOTAL	110,491	112,628	114,675	2,047	1.82%
162	ELECTIONS & REGISTRATIONS					
	TOTAL	35,100	40,500	36,500	-4,000	-9.88%
180	DEVELOPMENT & INSPECT. SVCS					
	TOTAL	241,930	265,332	267,083	1,751	0.66%
192	TOWN OWNED BLDG MAINT					
	TOTAL	68,281	68,281	68,281	0	0.00%
197	TOWN HALL BLDG MAINTENANCE					
	TOTAL	63,909	63,909	66,909	3,000	4.69%
198	TOWN HALL TELEPHONES					
	TOTAL	6,400	6,400	6,400	0	0.00%
199	OTHER - GENERAL GOV					
	TOTAL	54,155	66,451	67,564	1,113	1.67%
210	POLICE DEPT					
	TOTAL	2,034,796	2,033,475	2,271,573	238,098	11.71%
220	FIRE DEPT					
	TOTAL	305,307	329,398	332,934	3,536	1.07%
231	AMBULANCE					
	TOTAL	440,372	446,123	479,736	33,613	7.53%
232	EMERGENCY MANAGEMENT					
	TOTAL	4,813	4,813	4,889	76	1.58%
241	CODE DEPT					
	TOTAL	63,690	62,083	74,007	11,924	19.21%
292	ANIMAL CONTROL					
	TOTAL	33,552	33,934	34,444	510	1.50%
296	INSECT PEST CONTROL					
	TOTAL	7,850	7,850	7,850	0	0.00%
310	LEICESTER PUBLIC SCHOOLS					
	TOTAL	16,985,780	17,174,399	17,582,550	408,151	2.38%
420	HIGHWAY DEPT					
	TOTAL	801,680	957,002	1,019,546	62,545	6.54%
423	SNOW & ICE					
	TOTAL	121,000	121,000	121,000	0	0.00%
424	STREET LIGHTS					
	TOTAL	60,335	58,000	58,000	0	0.00%

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DEPT #	DEPARTMENT NAME	FY2020 BUDGET	FY2021 BUDGET	FY2022 TOWN ADMIN	\$ CHANGE	% CHANGE
541	COUNCIL ON AGING					
	TOTAL	108,280	101,546	107,239	5,693	5.61%
543	VETERANS SERVICES					
	TOTAL	92,982	126,613	126,748	135	0.11%
545	VETERANS GRAVES REG					
	TOTAL	2,400	2,400	2,400	0	0.00%
610	PUBLIC LIBRARY					
	TOTAL	216,629	225,435	231,071	5,636	2.50%
630	PARKS & RECREATION					
	TOTAL	6,450	6,450	6,450	0	0.00%
691	HISTORICAL COMM					
	TOTAL	950	950	950	0	0.00%
692	MEMORIAL DAY COMM					
	TOTAL	3,000	3,000	3,000	0	0.00%
710	MATURING DEBT PRINCIPAL					
	TOTAL	1,139,797	1,155,327	1,026,117	-129,210	-11.18%
751	MATURING DEBT INTEREST					
	TOTAL	406,144	369,949	331,047	-38,902	-10.52%
752	TEMPORARY LOAN INTEREST					
	TOTAL	33,255	20,665	20,665	0	0.00%
753	BOND ISSUE					
	TOTAL	0	1,100	1,100	0	0.00%
911	WORC REG RETIREMENT					
	TOTAL	1,314,800	1,456,243	1,556,343	100,100	6.87%
912	WORKER COMPENSATION					
	TOTAL	187,498	166,248	191,185	24,937	15.00%
913	UNEMPLOYMENT COMP					
	TOTAL	141,650	141,650	141,650	0	0.00%
914	EMPLOYEE BENEFITS					
	TOTAL	3,288,284	3,045,765	2,959,175	(86,590)	-2.84%
945	BONDING & INSURANCE					
	TOTAL	160,682	216,750	249,263	32,513	15.00%
Grand Total – All Budgets		29,658,028	30,099,508	30,616,675	517,167	1.72%

ADVISORY COMMITTEE RECOMMENDATION - Favorable Action (4-0-0)

SELECTBOARD RECOMMENDATION - Favorable Action (3-1-0)

DESCRIPTION

This is the FY 2022 operating budget for municipal and school services. Property tax proposed to be levied is within the allowances of Proposition 2 ½. We are utilizing the Governor's proposed revenue estimates for local aid. This financial plan meets at least the minimum needs of every department and continues to move the Town forward in a sustainable direction. The FY 2022 budget is \$517,167 greater than the FY 2021 budget.

Please note the budget allocations below:

<b>Department</b>	<b>FY 21 Budget</b>	<b>FY 22 Budget</b>	<b>\$ Change</b>	<b>% Change</b>
Municipal Budget Increase	\$6,351,412	\$6,557,580	\$206,168	3.25%
School Budget Increase	\$17,174,399	\$17,582,550	\$408,151	2.38%
Intergovernmental Budget	\$6,573,697	6,476,545	(\$97,152)	-1.48%
<b>Totals</b>	<b>\$30,099,508</b>	<b>\$30,616,675</b>	<b>\$517,167</b>	<b>1.72%</b>

The budget increases show a higher percentage of funds being allocated to the municipal budget than the school budget. However, when the \$55,000 transfer from the vocation tuition article to the municipal budget to fund the third Highway position to perform winter maintenance and school athletic field mowing is removed, the percentage increase between the municipal and school budgets is identical at 2.38%.

Municipal Budget Increase	\$206,168	3.25%
Less: Highway Transfer	(\$55,000)	
<b>Municipal Net Budget Increase</b>	<b>\$151,168</b>	<b>2.38%</b>
<b>School Net Budget Increase</b>	<b>\$408,151</b>	<b>2.38%</b>

The FY 2022 budget also proposes using \$150,000 in Free Cash as operating capital to reopen the police station lobby to the public effective July 1<sup>st</sup>. These funds are requested to hire the staff needed to keep the lobby open around the clock.

The station has not been open to the public since the regional dispatch agreement was signed with Worcester. The agreement freed up funds to hire additional officers with the savings realized by removing the cost of dispatch from the police budget. However, removal of those personnel essentially closed the building to the public.

Funding this article would allow the Town to hire staff to manage the building, serve walk-ins, take general business calls, and watch prisoners. Currently, individuals in police custody must be moved to another town for holding and the Town is billed for this service.

This would be a pilot program for FY 2022. If successful, the Town would work to set aside funds annually to reduce the amount of free cash being used for this purpose.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote per M.G.L. c. 40, § 5.

## **ARTICLE 6 VOCATIONAL TUITION**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money as may be necessary to fund the Vocational Tuition expenses for Leicester students for the fiscal year beginning July 1, 2021 or take any action thereon.

### **PROPOSED MOTION**

***I move the Town vote to raise and appropriate \$1,023,000 for Vocational Tuition expenses for the Fiscal Year beginning July 1, 2021.***

**ADVISORY COMMITTEE RECOMMENDATION** – Favorable Action (4-0-0)

**SELECTBOARD RECOMMENDATION** - Favorable Action (4-0-0)

### **DESCRIPTION**

Chapter 74 of the Mass General Laws governs vocational technical education programs in public school districts. This article was moved out of the line item budget and into a separate warrant article starting in FY 2016. Tracking these costs independently allows for more accurate accounting of the costs associated with Leicester students attending other schools for vocational education. The amount requested is being lowered this year, as the full FY 2021 allocation is not being spent. That article will remain in case costs increase in FY 2022.

**VOTE REQUIRED FOR PASSAGE** Requires a simple majority vote per M.G.L. c. 40, § 5.

## **ARTICLE 7 CENTRAL MASS REGIONAL PLANNING COMMISSION ANNUAL ASSESSMENT**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the FY 2022 assessment from the Central Mass Regional Planning Commission, said assessment to be based on a per capita rate, or take any other action thereon.

### **PROPOSED MOTION**

***I move the Town vote to raise and appropriate the sum of \$3,301 to fund the FY 2022 assessment from the Central Mass Regional Planning Commission, said assessment to be based on a per capita rate of \$0.30087.***

**ADVISORY COMMITTEE RECOMMENDATION** – Favorable Action (4-0-0)

**SELECTBOARD RECOMMENDATION** - Favorable Action (4-0-0)

### **DESCRIPTION**

In accordance with Chapter 40B, Section 7 of the Mass General Laws, the Central Mass Regional Planning Commission requires member municipalities to pay the costs and expenses of the Central Massachusetts Regional Planning District each fiscal year. Leicester is a part of this District. The assessment is based on the population of the Town as it appears in the most recent national census (2010). The payment of this assessment will maintain the Town's services provided by the District.

**VOTE REQUIRED FOR PASSAGE** Requires a simple majority vote per M.G.L. c. 40, § 5.

**ARTICLE 8 FY 2022 CABLE PEG ACCESS ENTERPRISE ACCOUNT APPROPRIATION**

To see if the Town will vote to appropriate a sum of moneys to fund the FY 2022 expenses of the Cable Access Enterprise Fund, as established by the vote under Article 5 of the May 1, 2018 Annual Town Meeting, pursuant to Massachusetts General Laws, Chapter 44, Section 53 F 3/4, said appropriation to be funded by fees received pursuant to the Town's cable licensing agreement, or act on anything relating thereon.

**PROPOSED MOTION**

***I move that the Town vote to appropriate up to \$125,000 to fund the FY 2022 expenses of the Cable Access Enterprise Fund, as established by the vote under Article 5 of the May 1, 2018 Annual Town Meeting, pursuant to Massachusetts General Laws, Chapter 44, Section 53 F 3/4, said appropriation to be funded by funds available in the Cable PEG Access Enterprise Fund pursuant to the Town's cable licensing agreement.***

**ADVISORY COMMITTEE RECOMMENDATION** – Favorable Action (4-0-0)

**SELECTBOARD RECOMMENDATION** – Favorable Action (4-0-0)

**DESCRIPTION**

The Department of Revenue requires the Town to budget for the funds received through Charter for Cable PEG Access operations. While these funds are exclusively for Cable Access operations, it must be approved by the voters annually at Town Meeting. Any retained earnings from the FY 2021 appropriation will be moved to the FY 2022 Cable Enterprise budget at the Fall Town Meeting.

**VOTE REQUIRED FOR PASSAGE** Requires a simple majority vote per M.G.L. c. 40, §5.

**ARTICLE 9 OTHER POST-EMPLOYMENT BENEFITS TRUST**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to deposit into the Other Post-Employment Benefit (OPEB) Trust or take any action thereon.

**PROPOSED MOTION**

***I move the Town vote to transfer \$70,000 from Free Cash to deposit into the Other Post Employment Benefit (OPEB) Trust Fund.***

**ADVISORY COMMITTEE RECOMMENDATION** – Favorable Action (4-0-0)

**SELECTBOARD RECOMMENDATION** – Favorable Action (4-0-0)

**DESCRIPTION**

Other Post-Employment Benefits are benefits that an employer pays to an employee once they retire. Like most public-sector employers, the Town of Leicester provides matching funds towards the health insurance premiums of eligible retirees. In recent years, financial oversight entities including bond rating agencies and the Governmental Account Standards Board have required municipalities to perform an actuarial analysis to project the future cost of the benefits that are being offered. Further they have encouraged municipalities to begin setting funding aside to ensure they are able to make these payments in the future.

The most recent actuarial analysis performed for the Town estimates that the Town's current OPEB liability is \$33.9 million. By starting to fund this projected obligation now, the Town will

be reducing its projected funding requirement. The funds that are being set aside in the trust will only be able to be used to pay for retiree health insurance contributions. These funds will be reflected on the Town's financial balance sheet as an asset that will help offset the liability. The current balance in this fund is \$174,341.02.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote per M.G.L. c. 40, § 5.

#### **ARTICLE 10 STORMWATER MANAGEMENT**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund stormwater management operations throughout the Town, said funds to be expended by the Highway Department, or take any action thereon.

##### **PROPOSED MOTION**

***I move the Town vote to transfer \$20,000 from the Free Cash for stormwater management throughout the Town, said funds to be expended by the Highway Department.***

ADVISORY COMMITTEE RECOMMENDATION – Favorable Action (4-0-0)

SELECTBOARD RECOMMENDATION – Favorable Action (4-0-0)

##### **DESCRIPTION**

This article funds stormwater management operations including outreach & education, professional services and MS-4 permit reporting requirements.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote per M.G.L. c. 40, § 5.

#### **ARTICLE 11 GROUNDWATER STUDIES AT LANDFILL**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund groundwater and other studies at the former landfill site, said funds to be expended by the Select Board, or take any action thereon.

##### **PROPOSED MOTION**

***I move the Town vote to transfer \$21,400 from Free Cash to fund groundwater and other studies at the former landfill site, said funds to be expended by the Highway Department.***

ADVISORY COMMITTEE RECOMMENDATION – Favorable Action (4-0-0)

SELECTBOARD RECOMMENDATION – Favorable Action (4-0-0)

##### **DESCRIPTION**

The Town is obligated to comply with the Massachusetts Department of Environmental Protection's annual monitoring and testing requirements for the closed landfill. These tasks require routine sampling of groundwater from a series of wells, any required follow up or additional testing based upon the findings and routine readings of landfill gases being produced. The requested funds will fund these required activities in Fiscal Year 2022.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote per M.G.L. c. 40, § 5.

## **ARTICLE 12 POLICE CRUISER**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to purchase and equip one police cruiser or take any action thereon.

### **PROPOSED MOTION**

***I move the Town vote to transfer \$57,672 from Free Cash to purchase and equip one new police cruiser.***

**ADVISORY COMMITTEE RECOMMENDATION** – Favorable Action (4-0-0)

**SELECTBOARD RECOMMENDATION**– Favorable Action (4-0-0)

### **DESCRIPTION**

The Police Department utilizes a fleet of ten (10) vehicles to meet the law enforcement needs of the residents of Leicester. This fleet of vehicles includes five (5) frontline marked police cruisers that are used on a daily basis. Funding is being requested to replace the oldest marked frontline cruiser which will have over 100,000 miles when replaced. The Town has been following a fleet replacement schedule that includes the replacement of one to two cruisers annually to ensure the full use and reliability of the fleet.

**VOTE REQUIRED FOR PASSAGE** Requires a simple majority vote per M.G.L. c. 40, § 5.

## **ARTICLE 13 FY 2022 CAPITAL IMPROVEMENT PLAN**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the Capital Improvement Plan budget beginning July 1, 2021 and authorize the Select Board to enter into lease purchase agreement(s) for a term of years and to transfer from available funds a sum of money to pay for the initial installments of the lease/purchase agreement(s), or take any action thereon.

### **PROPOSED MOTION**

***I move the Town vote to transfer \$511,733 from Free Cash to fund the Fiscal Year 2022 Capital Improvement Plan budget to fund the projects/items recommended by the Capital Committee, as listed:***

DEPARTMENT	ITEM	AMOUNT
Town-wide	Fuel island repairs including spill tubs and vent tubs	\$55,000
Fire Department	Replace engine #1	\$300,000
Town-wide	Town-wide communications upgrades	\$54,243
Fire Department	Replace Fire Station #3 roof	\$45,000
Highway	Replace Truck #2	\$47,000
Police	Replace PD Copy Machine	\$10,490
	<b>Total FY 2022 Capital Plan</b>	<b>\$511,733</b>

**CAPITAL PLANNING COMMITTEE RECOMMENDATION** – Favorable Action (7-0-0)

**ADVISORY COMMITTEE RECOMMENDATION** – Favorable Action (4-0-0)

SELECTBOARD RECOMMENDATION – Favorable Action (4-0-0)

DESCRIPTION

The FY 2022 capital plan has 6 recommended projects/items. These new items are being financed in single appropriations to avoid committing free cash in future years. See detail below:

- **Fuel island repairs including spill tubs and vent tubs (\$55,000)** – DEP mandated replacement of obsolete equipment on the fuel island at the Highway Department.
- **Replace engine #1 (\$300,000)** – Replace of Engine 1 with a used pumper to be stationed at the Fire & EMS Headquarters. The current apparatus is 35 years old and is becoming unreliable due to its age and the wear and tear it has endured over its years of service.
- **Town-wide communications upgrades (\$54,243)** – Installation of 3 repeaters, one Simplex for Highway, one Simplex for Fire's back-up repeater, and a high capacity repeater on the Hillcrest water tower for the Fire Department.
- **Replace Fire Station #3 Roof (\$45,000)** – The roof at Station #3 in Rochdale was replaced in 1989. In 2018, leaks developed in some areas. Repairs were made to stop the leaks and extend the life of the current roofing. The rubber membrane and the water-soaked insulation will need to be removed and replaced. Priced is based on a 2021 estimate of 2,950 sq. ft. at \$22.00 per foot, plus escalation.
- **Replace Highway Truck #2 (\$47,000)** - Replace a 2004 F350 Fleetside one-ton pickup. Replacement vehicle would be the same type and size with a full commercial HD plow system. This vehicle is used to plow private roads each winter.
- **Replace PD Copy Machine (\$10,490)** – The current machine is over eight years old and breaks down frequently. The quality of the copies that it produces is poor. A new machine would increase productivity while eliminating downtime and costly repairs.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote per M.G.L. c. 40, § 5.

**ARTICLE 14 PURCHASE OF SOFTWARE**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to enter into contracts for the purchase of software for GIS and building/vehicle maintenance or take any action thereon.

PROPOSED MOTION

***I move the Town vote to transfer \$40,000 from Free Cash to purchase upgraded GIS and building/vehicle equipment maintenance software.***

ADVISORY COMMITTEE RECOMMENDATION – Favorable Action (4-0-0)

SELECTBOARD RECOMMENDATION – Favorable Action (4-0-0)

DESCRIPTION

This article seeks funding to move from a paper-based filing method for tracking building and vehicle maintenance to an automated asset management software system. This would help track individual vehicle and building project costs, schedule preventative maintenance, and build



an archive to help better forecast vehicle replacement schedules. This article will fund the initial setup fee and the first two years of the annual software subscription for \$31,000.

We would also like to upgrade our GIS software, which has a lower annual subscription cost after start-up costs are paid. This article will fund the initial setup fee and the first two years of the annual software subscription at a cost of \$9,000.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote per M.G.L. c. 40 §5.

#### **ARTICLE 15 AUTHORIZATION OF THE SCHOOL SUPERINTENDENT TO ENTER INTO AN AGREEMENT FOR FEDERAL TITLE IV-E REIMBURSEMENT**

To see if the Town will authorize the Superintendent of the Leicester Public Schools, with the approval of the Select Board, to enter into Memorandum(s) of Understanding (“MOU”) with the Department of Children & Families, the Executive Office of Health and Human Services and the Department of Elementary and Secondary Education in order to obtain Federal Title IV-E reimbursement(s) as a result of the foster care transportation being performed without appropriation of said reimbursement(s), pursuant to Massachusetts General Law Chapter 44, Section 70; or act on anything relative thereon.

##### PROPOSED MOTION

***I move that the motion be approved as written.***

ADVISORY COMMITTEE RECOMMENDATION - Favorable Action (4-0-0)

SELECTBOARD RECOMMENDATION – Favorable Action (4-0-0)

##### DESCRIPTION

Through the Every Students Succeeds Act, School Districts are now eligible for Foster Care transportation reimbursement through the Federal Government. Town Meeting must vote to authorize the School Department to enter into this MOU for the purposes of Title IV-E reimbursement, with the approval of the Select Board, pursuant to MGL Chapter 44, Section 70.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote per M.G.L. c. 5, §108.

#### **ARTICLE 16 TOWN-OWNED DAMS**

To see if the Town will vote to raise and appropriate and/or transfer from available funds to this article a sum of money for the purpose of inspections, reporting, and/or grant application funding for Town-owned dams or take any action thereon.

##### PROPOSED MOTION

***I move that the Town will vote to transfer \$19,000 from Free Cash for the purpose of inspections, reporting, and/or grant application funding for Town-owned dams.***

ADVISORY COMMITTEE RECOMMENDATION – Favorable Action (4-0-0)

SELECTBOARD RECOMMENDATION – Favorable Action (4-0-0)

##### DESCRIPTION

Since the replacement of the Waite Pond Dam is nearing completion, the Town is applying for another grant through the State Dam & Seawall program for repairs to the other town owned

dam at Greenville Pond. This request would fund the cost to prepare the technical specifications for the grant, fund the Town's match (if awarded) and pay for the annual reporting and inspection costs for the dams.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote per M.G.L. c. 40, § 5.

#### **ARTICLE 17 PROJECT DESIGN OF HILLCREST PROPERTY**

To see if the Town will vote to raise and appropriate, and/or transfer from available funds a sum of monies to design plans for replacement buildings at the Hillcrest Country Club property or take any action thereon.

##### **PROPOSED MOTION**

***I move that the Town vote to appropriate \$105,000 from the FY2021 Employee Benefits budget (01-914-5110-002) to establish an article to pay for the costs of design for replacement buildings at the Hillcrest Country Club property.***

ADVISORY COMMITTEE RECOMMENDATION – Favorable Action (4-0-0)

SELECTBOARD RECOMMENDATION – Favorable (4-0-0)

##### **DESCRIPTION**

The clubhouse and banquet facility at the town-owned Hillcrest property is in poor condition and does not meet ADA accessibility requirements. This article seeks funding for architectural plans to install a new steel building with restaurant, kitchen, ice cream window and banquet facilities. This new building would be sited at the southern end of the parking lot. There would also be a smaller steel outbuilding for equipment storage. This building, estimated to cost \$1-\$1.5 million, would replace the existing facility, which would take an estimated \$2.5 million dollars to rehabilitate.

The steel building is cost effective option that would allow the property to be a more attractive lease opportunity, either as part of the golf course operation, or as a separate entity. The forecast price of construction would be included as part of the design plans. The construction cost would be discussed at a future Town meeting.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote per M.G.L. c. 40, § 5.

#### **ARTICLE 18 TRANSFER FUNDS INTO STABILIZATION**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to the Town Stabilization Fund, or take any action thereon.

##### **PROPOSED MOTION**

***I move that the Town appropriate and transfer \$100,000 from Free Cash to the Town Stabilization Fund.***

ADVISORY COMMITTEE RECOMMENDATION – Favorable Action (4-0-0)

SELECTBOARD RECOMMENDATION – Favorable Action (4-0-0)

**DESCRIPTION**

The Town has a financial policy that calls for 25% of annual free cash to be placed into the Stabilization Fund until the fund achieves a balance of 5% of total revenues. The Town has been unable to meet the policy for the past three years, but this is an effort to restart stabilization fund deposits. The balance in the stabilization fund is \$1,135,209.34

**VOTE REQUIRED FOR PASSAGE** Requires a simple majority vote per M.G.L. c. 40, § 5.

**ARTICLE 19 ESTABLISH REVOLVING FUND ANNUAL SPENDING LIMITS**

To see if the Town will vote to set annual spending limits for revolving accounts as detailed in the hands of the voters and as defined by Massachusetts General Laws, Chapter 44, § 53E½ for Fiscal Year 2022, or take any action thereon.

**PROPOSED MOTION**

***I move the Town vote to set annual spending limits for revolving accounts as detailed in the warrant and as defined by Mass General Laws, Chapter 44, § 53E½, for Fiscal Year 2022.***

<b><u>Revolving Fund</u></b>	<b><u>Spending Limit:</u></b>
<b><i>Inspectional Services</i></b>	<b><i>\$50,000</i></b>
<b><i>Health Clinics</i></b>	<b><i>\$5,000</i></b>
<b><i>Senior Center Programs</i></b>	<b><i>\$10,000</i></b>
<b><i>Fuel Usage</i></b>	<b><i>\$35,000</i></b>
<b><i>Town Hall</i></b>	<b><i>\$15,000</i></b>
<b><i>Recycling</i></b>	<b><i>\$30,000</i></b>
<b><i>Police Training</i></b>	<b><i>\$5,000</i></b>
<b><i>Recreation</i></b>	<b><i>\$20,000</i></b>
<b><i>One-to-one Technology</i></b>	<b><i>\$50,000</i></b>
<b><i>DIS Fees</i></b>	<b><i>\$5,000</i></b>
<b><i>Library Copier</i></b>	<b><i>\$5,000</i></b>
<b><i>Tree Lighting</i></b>	<b><i>\$20,000</i></b>
<b><i>300<sup>th</sup> Anniversary</i></b>	<b><i>\$100,000</i></b>
<b><i>Agricultural Land Acquisition</i></b>	<b><i>\$100,000</i></b>

**ADVISORY COMMITTEE RECOMMENDATION** – Favorable Action (4-0-0)

**SELECTBOARD RECOMMENDATION** – Favorable Action (4-0-0)

DESCRIPTION

Under MGL Chapter 44, Section 53E½ as amended through the Municipal Modernization Act of 2016, Town Meeting is required to vote on the amount that may be spent from each revolving fund established through the Town's General Bylaws during the upcoming fiscal year prior to July 1<sup>st</sup>.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote per M.G.L. c. 44 § 53E½

**ARTICLE 20 ACCEPTANCE OF PROPERTY FROM HILLCREST WATER DISTRICT 13 LEHIGH ROAD, MAP 39, BLOCK A9.**

To see if the Town will vote to authorize the Select Board to acquire, by purchase, gift, eminent domain or otherwise, in fee simple, any interest in a portion of property located off Lehigh Road in Leicester, identified as 13 Lehigh Road, further identified by Town Assessors Map 39, Lot A9 the parcel of land located at 13 Lehigh Road, Leicester, Massachusetts or take any action thereon.

PROPOSED MOTION

***Move that the article be voted as written.***

ADVISORY COMMITTEE RECOMMENDATION – Favorable Action (4-0-0)

SELECTBOARD RECOMMENDATION – Favorable Action (4-0-0)

DESCRIPTION

This property is part of a land swap between the Town and the Hillcrest Water District for the placement of a new water tower. Town Meeting previously approved transferring a portion of the Memorial School property to the District. This article requests property be transferred from the District to the Town to complete the swap.

This article failed at the June 2, 2020 meeting, as it was tied to the potential disposition of the Memorial School Property. This article is only for acquisition of the Hillcrest Water District parcel. Another vote by Town Meeting would be required to seek permission to dispose of this or any other town property not previously approved.

VOTE REQUIRED FOR PASSAGE Requires a two-thirds vote per M.G.L. c. 40, § 14.

**ARTICLE 21 EXPANSION OF PURPOSE TO ARTICLE 7 OF THE NOVEMBER 13, 2006 SPECIAL TOWN MEETING TITLED BURNCOAT PARK ENVIRONMENTAL SERVICES**

To see if the Town will vote to expand the purpose of the Burncoat Park Environmental Services account, voted at the November 13, 2006 Special Town Meeting to the to the Burncoat Park Planning and Infrastructure fund; or take any action relative thereto.

PROPOSED MOTION

***Move that the article be voted as written.***

ADVISORY COMMITTEE RECOMMENDATION - Favorable Action (4-0-0)

SELECTBOARD RECOMMENDATION – Favorable Action (4-0-0)

DESCRIPTION

This article seeks to broaden the purpose for which these funds may be used at Burncoat Park. This action was requested and supported by the Burncoat Park Sports Planning Committee to fund planning and infrastructure improvements at the park. The fund balance is \$13,011.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote per M.G.L. c. 40, § 5.

**ARTICLE 22 ADDITION TO CHAPTER 9 OF THE GENERAL BYLAWS VIA SECTION 34;**  
**PROHIBITION OF ENGINE BRAKING ON PUBLIC WAYS.**

To see if the Town will vote to approve an addition to the Town's General Bylaws, by inserting Section 34 to Chapter 9 (Safety and Order) to read:

**SECTION 34**

Except in the case of an emergency and where required by M.G.L. c.90, §7 or any other applicable law, it is unlawful for the driver of any vehicle on a public way to use or operate, or cause to be used or operated, within the geographic boundaries of the Town of Leicester, any compression brake, engine brake, dynamic brake or mechanical exhaust device designed to assist in the deceleration or braking of any motor vehicle. Violations shall be punishable by a fine of one hundred dollars (\$100.00) for the first offense and three hundred dollars (\$300.00) for the second and subsequent offenses. The owner of the vehicle may be cited in lieu of the operator.

Or take any action relative thereto.

PROPOSED MOTION

**I move that the Town will vote to approve an addition to the Town's General Bylaws, by inserting Section 34 to Chapter 9 (Safety and Order) to read:**

**SECTION 34**

**It is unlawful for the driver of any vehicle to use or operate, or cause to be used or operated, any compression brake, engine brake, dynamic brake or mechanical exhaust device designed to assist in the deceleration or braking of any motor vehicle, on a public way where such use is posted as prohibited, except in an emergency.**

**Violations shall be punishable by a fine of one hundred dollars (\$100.00) for the first offense and three hundred dollars (\$300.00) for the second and subsequent offenses. The owner of the vehicle may be cited in lieu of the operator.**

ADVISORY COMMITTEE RECOMMENDATION - Favorable Action (4-0-0)

SELECTBOARD RECOMMENDATION – No recommendation; motion for Favorable Action (2-2-0) Motion failed

DESCRIPTION

The purpose of this bylaw is to establish an ordinance that will help to minimize engine noise from trucks travelling through the Town.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote.

**ARTICLE 23 ADOPTION OF MASSACHUSETTS GENERAL LAWS CHAPTER 48, SECTION 42A GOVERNING THE POSITION OF FIRE CHIEF**

To see if the Town will adopt the provisions of MGL Ch. 48, Section 42A governing the powers, duties, and responsibilities of the Fire Chief, or take any other action relative thereto.

**PROPOSED MOTION**

***Move that the article be voted as written.***

**ADVISORY COMMITTEE RECOMMENDATION** - Favorable Action (4-0-0)

**SELECTBOARD RECOMMENDATION** – Favorable Action (4-0-0)

**DESCRIPTION**

Upon the retirement of the Town's longtime Fire Chief, the Select Board appointed a committee to make recommendations on the department's future management structure. The Fire Department is currently governed by a Board of Fire Engineers, which is an antiquated system no longer used by most cities and towns. If approved, this article would dissolve the Board of Fire Engineers and modernize the department's governance structure by placing it under the jurisdiction of the select board and town administration like all other Town departments.

**VOTE REQUIRED FOR PASSAGE** Requires a simple majority vote.

**ARTICLE 24 ADOPTION OF AN ARCHITECTURAL DISTRICT BYLAW**

To see if the Town will vote to approve an addition to the Town's General Bylaws, as listed in this Article. A map of the proposed district is included within the article:

**ARCHITECTURAL CONSERVATION DISTRICT BYLAW**

The Town of Leicester hereby establishes an Architectural Conservation District, to be administered by an Architectural Conservation District Commission.

**1. PURPOSE**

This by-law is enacted for the purpose of preserving and protecting groups of buildings and their settings that are architecturally and historically distinctive which constitute or reflect distinctive features of the architectural, cultural, economic, political, or social history of the town and to limit the detrimental effect of alterations, additions, demolitions, and new construction on the character of the town. Through this bylaw, alterations, additions, demolition, and new construction may be reviewed for compatibility with the existing buildings, setting and neighborhood character. This bylaw seeks to encourage the protection of the built environment through regulatory review. This bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work.

**2. DEFINITIONS**

As used in this Bylaw the following terms shall have the following meaning:

ADDITION: A change to a building that includes additional stories, height, or floor area.

ALTERATION, TO ALTER: A change to a building or part thereof such as removal, construction, reconstruction, restoration, replication, rehabilitation, demolition and other similar activities. A change to a building that includes additions and other similar activities. A change to a site that includes constructing, placing, erecting, installing, enlarging, and moving a building, or other similar activities.

**APPLICATION:** The complete document(s) and supporting material(s) to be submitted by an applicant desiring to obtain a Certificate to Alter. A complete application shall include information reasonably deemed necessary by the commission to enable it to make a determination.

**BUILDING:** A combination of materials forming a shelter for persons, animals, or property.

**CERTIFICATE TO ALTER:** document granted by the Architectural Conservation District Commission in order to obtain a building (or demolition) permit.

**COMMISSION:** The Architectural Conservation District Commission

**COMPATIBLE:** A project that meets the design guidelines of the architectural conservation district commission.

**DESIGN GUIDELINES:** The document used by the Architectural Conservation District Commission to determine whether a proposed project is compatible. The design guidelines are appended to this bylaw.

**DISTRICT:** The Architectural Conservation District as established in this bylaw.

**PERSON AGGRIEVED:** An applicant, an abutter, or an owner of property within the district.

**SUBSTITUTE SIDING:** Exterior building cladding such as vinyl, aluminum, or cement board.

**TEMPORARY BUILDING:** A building, necessary for a specific event, incident, or project, erected for a period of no more than 6 months, unless otherwise agreed to by the commission.

### **3. DISTRICT**

The Architectural Conservation District shall encompass the area shown on the Leicester Architectural Conservation District maps.

### **4. ARCHITECTURAL CONSERVATION DISTRICT COMMISSION**

The Architectural Conservation District shall be overseen by a Commission consisting of five members, to be appointed by the Board of Selectmen, two members initially to be appointed for one year, two for two years, and one for three years, and each successive appointment to be made for three years.

The Board of Selectmen may appoint up to five alternate members to the Architectural Conservation District. Said alternate members shall initially be appointed for terms of one, two and three years, and for three-year terms thereafter. In the case of absence, inability to act, or recusal from action due to a conflict of interest, his or her place shall be taken by an alternate member designated by the Chairperson, if available, otherwise by the Vice-Chairperson if available, otherwise by a majority vote of the members and alternate members of the Commission present.

The Commission shall include the following:

- a. two members of the local historical commission.
- b. two residents of the district, or if not possible residents of Leicester; and
- c. a realtor, architect, or building contractor familiar with historic rehabilitation

Members and alternates of an architectural conservation district shall by reason of experience or education have demonstrable knowledge and concern for improvement, conservation, and enhancement of the district.

Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.

Meetings of the Commission shall be held at the call of the Chairperson, at the request of two members and in such other manner as the Commission shall determine in its Rules and

Regulations. Three members of the Commission shall constitute a quorum.

## **5. ARCHITECTURAL CONSERVATION DISTRICT COMMISSION POWERS AND DUTIES**

The Commission shall exercise its powers in administering and regulating the alteration of buildings within the architectural conservation district as set forth under the procedures and criteria established in this bylaw.

### Adoption of Rules & Regulations

The Commission, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall, may adopt and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this bylaw or setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for certificates, fees hearing procedures and other matters. The Commission shall file a copy of any such Rules and Regulations with the office of the Town Clerk.

### Adoption of Design Guidelines

The Commission, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall may from time to time amend the design guidelines which set forth the designs for certain alterations which are, in general, suitable for the issuance of a Certificate to Alter. No such design guidelines shall limit the right of an applicant for a Certificate to Alter to present other designs to the Commission for approval.

### Commission Organization

The Commission shall annually hold an organizational meeting and elect a Chairperson, a Vice Chairperson and Secretary, and file notice of such election with the office of the Town Clerk. The Commission shall keep a permanent record of its regulations, transactions, decisions and determinations and of the vote of each member participating therein. The Commission shall undertake educational efforts to explain to the public and property owners the merits and functions of an Architectural Conservation District.

## **6. ALTERATION PROHIBITED WITHOUT A CERTIFICATE**

Except as this Bylaw provides, no building or part thereof within an Architectural Conservation District shall be altered unless the commission shall first have issued a Certificate to Alter.

## **7. ALTERATIONS EXCLUDED FROM COMMISSION REVIEW**

It shall be the responsibility of the Commission, or its delegate thereof to determine whether an alteration is exempt from review. The Commission or its delegate thereof shall have seven days to make this determination. The following projects are excluded from Commission review:

- a. Projects not requiring a building (or demolition) permit.
- b. Structures when not defined as buildings or parts of buildings
- c. Temporary buildings subject to time limits and size limits by the Architectural Conservation District Commission.
- d. Interior Alterations
- e. Storm windows and doors, screen windows and doors.
- f. Removal, replacement or installation of gutters and downspouts.



- g. Removal, replacement or installation of window and door shutters.
- h. Accessory buildings of less than 100 square feet of floor area.
- i. Removal of substitute siding.
- j. Alterations not visible from a public way.
- k. Ordinary maintenance and repair of architectural features that match the existing conditions including materials, design, and dimensions.
- l. Reconstruction, substantially similar in exterior design, of a building, damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.
- m. Accessibility Improvements including ramps, rails, walkways, and mechanical equipment associated with exterior architectural barriers subject to the extent possible under MGL 40A and other applicable state or federal laws.
- n. Substitute siding
- o. Removal of architectural trim
- p. Replacement of Windows and Doors

## **8. PROCEDURES FOR THE REVIEW OF MAJOR ALTERATIONS**

The following major alterations require the submittal of an application for a regulatory review by the Commission. The decision of the Commission shall be binding on the applicant.

- a. Demolition of a building or part of a building.
- b. New construction including buildings and additions.

Within forty-five days of the submittal of an application for a major alteration, the Commission shall hold a public hearing on the application. At least seven days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall. Such notice shall identify the time, place, and purpose of the public hearing. At least seven days before said public hearing, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and of other properties deemed by the Commission to be materially affected thereby all as they appear on the most recent applicable tax list.

Following the public hearing, the Commission shall determine whether the proposed alteration is compatible with the design guidelines and the purpose of this bylaw. If the Commission determines that the alteration is compatible, the Commission shall issue a Certificate to Alter. The concurring vote of a majority of the members shall be required to issue a Certificate to Alter. If the Commission cannot determine that the alteration is compatible, the Commission shall decline to issue the Certificate to Alter. The Commission shall provide the applicant with the reasoning for their disapproval including how the alteration does not meet the design guidelines or the purpose of this bylaw.

## **9. PROCEDURES FOR ISSUANCE AND FILING OF CERTIFICATES**

Each Certificate issued by the Commission shall be dated and signed by its chairperson or such other person designated by the Commission to sign such Certificates on its behalf. The Commission shall send a copy of its Certificates and disapprovals to the applicant and shall file a copy of its Certificates and disapprovals with the office of the Town Clerk and the Code Enforcement Officer (Building Inspector). The date of issuance of a Certificate or disapproval shall be the date of the filing of a copy of such Certificate or disapproval with the office of the Town Clerk. If the Commission should fail to make a determination within sixty days of the filing of the application for a Certificate, or within such further time as the applicant may allow in writing, the Commission shall thereupon issue a Certificate to Alter due to failure to act.

## **10. ENFORCEMENT AND PENALTIES**

The Architectural Conservation District Commission is specifically authorized to institute any and all actions, proceedings in law and in equity, as they deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof. The Commission shall

designate the Code Enforcement Officer to act on its behalf and to enforce this Bylaw under the direction of the Commission. Any owner of a building subject to this bylaw that altered a building without first obtaining a Certificate to Alter in accordance with the provisions of this bylaw shall be subject to a fine of not more than Three Hundred Dollars. Each day the violation exists shall constitute a separate offense until the alteration is corrected, the addition is removed, or a faithful restoration of the demolished building is completed or unless otherwise agreed to by the Commission. If a violation of this bylaw remains outstanding, no building or demolition permit on the premises shall be issued until the violation is corrected or unless otherwise agreed to by the Commission.

## **11. APPEAL PROCEDURE**

Any applicant or person aggrieved by a determination of an architectural conservation district commission may appeal as provided for in the Massachusetts General Laws.

## **12. VALIDITY AND SEPARABILITY**

The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences, or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect. Or take any action relative thereto.

### PROPOSED MOTION

***Move that the article be voted as written.***

ADVISORY COMMITTEE RECOMMENDATION – Favorable Action (4-0-0)

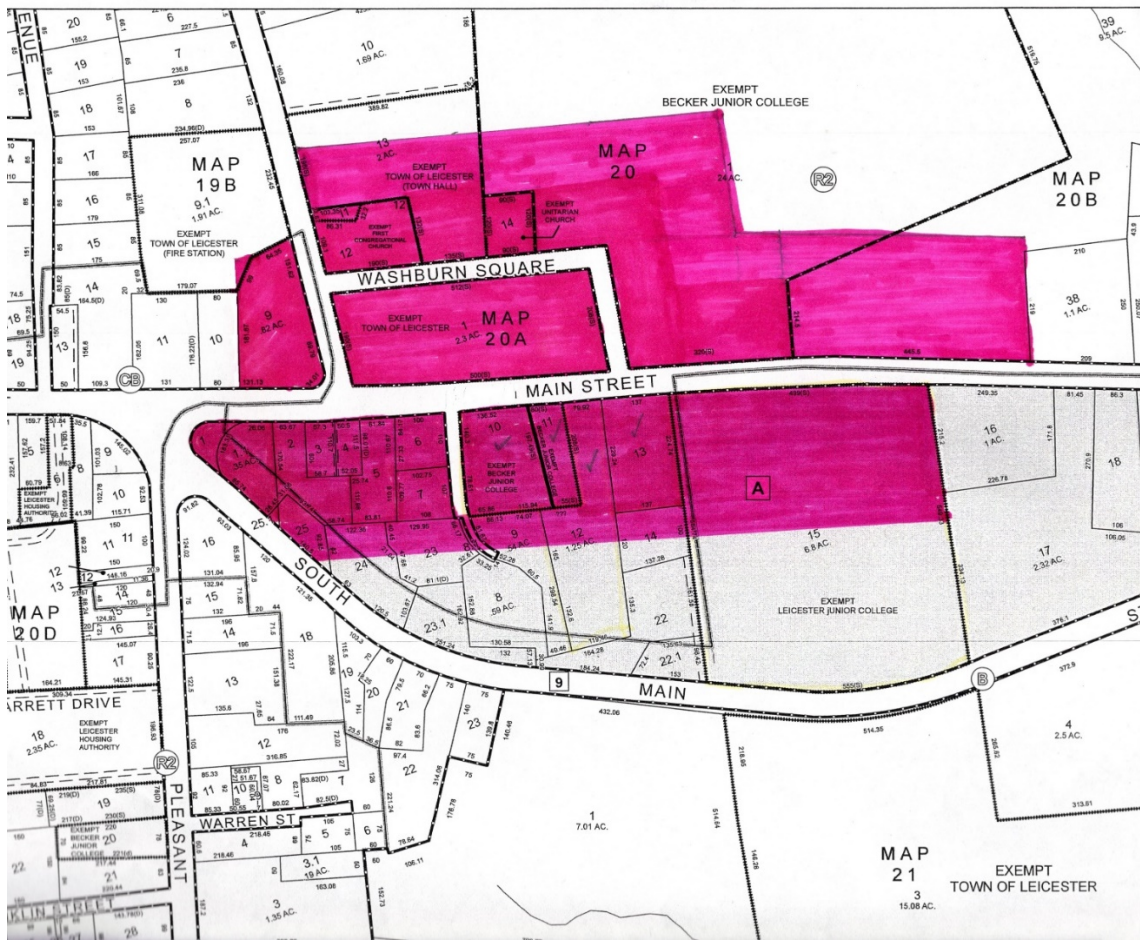
SELECTBOARD RECOMMENDATION - Favorable Action (4-0-0)

### DESCRIPTION

This article seeks to establish an Architectural Conservation District around the town common, and place reasonable restrictions to maintain the historic nature and appearance of the District. Map of the proposed district is below.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote.





**ARTICLE 25 AMENDMENT OF SECTIONS 5.6 AND 3.2.07 OF THE ZONING BYLAWS,  
REGARDING THE GREENVILLE VILLAGE NEIGHBORHOOD BUSINESS DISTRICT AND SIGNS**

To see if the Town will vote to Amend Sections 5.6 and 3.2.07 of the zoning bylaws, as listed below:

**A. Amend Section 5.6 of the Zoning Bylaw (Greenville Village Neighborhood Business District), as shown below:**

## 5.6 Greenville Village Neighborhood Business District (NB)

### 5.6.01 Purpose and Intent

To enable the development and redevelopment of Leicester's Greenville area in keeping with the historic development pattern including the size and spacing of structures by allowing, in addition to residential uses, convenient small-scale retail, service and other small-scale commercial uses compatible with nearby residential areas, which minimize traffic, parking visibility, late hour operations, destruction of historic buildings or architectural features, or other characteristics not compatible with the existing character of the surrounding residential neighborhood, and further providing that no such use shall be permitted which would be detrimental or offensive by reason of odor, noise, excessive vibration or danger of explosion or fire.

### 5.6.02 Permitted Uses

No building or structure shall be used and no change shall be made in the use of land or premises, except for one or more of the following purposes:

**5.6.02.1** All uses that are permitted in the Residential 1 District (R1), under Section 3.2, Schedule of Use Regulation, except that the Planning Board shall be the Special Permit Granting Authority for all uses listed as requiring a special permit, and unless otherwise regulated in this Section 5.6.

**5.6.02.2** All non-residential projects, of any size, shall require site plan review (See Section 5.2) in the Neighborhood Business (NB) district, except for reuse of existing structures (with no parking lot expansion) for uses not requiring a special permit. The following uses are allowed ~~with site plan review~~ by the Planning Board, provided that no individual establishment shall exceed 3,000 square feet in gross floor area, except as regulated under Section 5.6.03.4 below.

- A. Retail services, including but not limited to a drug or package store; grocery, variety, clothing or shoe store; hardware or household appliance sales and services; music store; computer store; book, card, or stationery store; news dealer.
- B. Professional or administrative offices.
- C. Office or clinic for medical or dental examination or treatment of persons as outpatients, including laboratories incidental thereto.
- D. Financial institution, such as bank or credit union.
- E. Personal services, including but not limited to a barber or beautician; pickup or self-service laundry or dry cleaning; garment or shoe makers and repairers; florist; printing, publishing or photocopying; or photographer's studio
- F. Artisans, Jewelry Makers, Handicrafts, Artists Studios
- G. Mortuary, undertaker, or funeral establishment.
- H. Shop of a plumber, carpenter, electrician, upholsterer or similar workshop or repair establishment conducted entirely within an enclosed structure.
- I. Restaurant, lunchroom, or other eating establishment primarily for on-premises consumption, not to include fast food establishment.
- J. Delicatessen, traditional bakery, confectionery, caterer, and other similar establishments, which incidentally sell retail food and beverages in disposable containers for off-site consumption.
- K. Small-Scale Ground-Mounted Solar Energy Systems (Medium-Scale and Large-Scale Ground-Mounted Solar Energy Systems are prohibited.)

**5.6.03 Special Permit Allowed Uses**

The following uses shall require a special permit for use from the Planning Board:

**5.6.03.1** Business uses as listed in Section 3.2.03 except where prohibited under Section 5.6.04 or where said use is prohibited in all other districts, which are not listed above in Section 5.6.02.2, provided that no individual establishment shall exceed 3,000 square feet in gross floor area, except as regulated under Section 5.6.03.4.

**5.6.03.2** *Drive-through facility.*

**5.6.03.3** Take-out establishments primarily engaged in the sale, dispensing or serving of food, refreshments or beverages for consumption off the premises or consumption in vehicles temporarily parked on the premises, or at tables, benches or counters, the majority of which are out of doors, not to include establishments commonly known as fast food establishments.

**5.6.03.4** Establishments that exceed 3,000 square feet in gross floor area per establishment, provided that in no event may a special permit be issued for individual establishments in excess of 6,000 square feet in gross floor area. Commercial structures in existence prior to the creation of the NB district (ATM



5/6/2002, Article 34) are exempt from the above size limitations, except that any expansions shall require a special permit.

**5.6.03.5 Additional uses allowed by special permit in commercial structures in existence prior to the creation of the NB district (ATM 5/6/2002, Article 34)**

A. Makerspaces

B. Outdoor storage and parking of commercial vehicles and construction vehicles associated with uses in the existing building (i.e. not rental storage)

C. Rental self-storage facility (outdoor storage prohibited)

**5.6.04 Prohibited Uses:**

5.6.04.1 Any use not expressly permitted above.

5.6.04.2 Vehicle-related uses (sales, service and repair of all vehicle types including but not limited to trucks, boats and recreational vehicles, towing companies, taxi or limousine service, etc.)

5.6.04.3. All types of Marijuana Establishments regulated by Section 5.15.

5.6.04.4 Rental Self-Storage Facilities (indoor or outdoor)

**5.6.05 Site Development Standards**

All non-residential use, or conversion to a non-residential use, within the NB district shall comply with all Site Development Standards in Section 5.6.05.1 through 5.6.05.3 described below:

**5.6.05.1 Parking & Loading**

Non-residential uses within a NB district shall provide parking and loading facilities in compliance with Section 5.1, PARKING AND LOADING REQUIREMENTS AND UNLOADING SPACE, the Planning Board's Parking Regulations, and the following additional requirements:

- A. Parking facilities sufficient to accommodate the motor vehicles of all employees, customers and other persons normally visiting the site at any time shall be provided on the lot and off the street.
- B. In determining the appropriate number of parking spaces required, the Planning Board may give consideration to the hours of usage of the proposed use/structure, the opinion of municipal officials or consultants as to the adequacy or inadequacy of parking spaces within the specific area of the proposed use/structure, as well as other relevant information to assist the Planning Board in determining the need for additional parking for motor vehicles.
- C. All parking shall be provided on the same lot with the principal use or on a contiguous lot within the same zoning district, provided that no space is counted as meeting the requirements of more than one building or use.
- D. New Parking areas shall be located to the side or rear of the primary structure.
- E. Parking areas serving all non-residential structures shall be hard-paved.
- F. Parking areas shall include handicap accessible parking spaces as required by 521 CMR, Architectural Access Board Code, as may be amended from time to time.
- G. To the maximum extent feasible, loading areas shall be located at the rear of the building, off the street right-of-way.
- H. Adequate turning and maneuvering space shall be provided for loading areas, without encroachment into parking areas.
- I. Parking area lighting may not shine beyond the property lines, except for driveway entrances where light may shine onto the immediate area of the street right-of-way.

#### **5.6.05.2 Landscaping**

- A.** A landscaped buffer zone, of at least the width of the required setback, continuous except for approved driveways, shall be established along any side of the lot with road frontage to visually separate the building and ~~it's~~ its parking areas from the road.
- B.** A landscaped buffer zone along the side and rear of each lot, of at least the width of the required side and rear setback, shall be provided where a proposed non-residential use abuts a residential use.
- ~~**C.** A landscaped buffer zone of at least 50 feet shall be provided where a NB district boundary abuts a Residential District (R1, R2, and SA).~~
- ~~**C.D.**~~ The buffer zones shall be planted with grass, ground cover, medium height shrubs, and shade trees planted at least every fifty (50) feet. The buffer zone shall include both deciduous and evergreen shrubs and trees. Trees and shrubs at driveway intersections shall be set back a sufficient distance from such intersections so as not to obstruct traffic visibility.
- ~~**D.E.**~~ An opaque buffer shall be provided to screen exposed storage areas, machinery, garbage “dumpsters”, service areas, truck loading areas, utility buildings and structures from the view of abutting properties and streets, using plantings, fences and other methods compatible with the goals of this regulation.
- ~~**E.F.**~~ Parking shall not be located within required buffer areas.
- ~~**F.G.**~~ All landscaped areas and buffers shall be maintained in good condition and shall be kept free of refuse and debris. Shrubs or trees that die shall be replaced within one growing season.
- ~~**G.H.**~~ Appropriate water management procedures shall be followed to serve all landscaped areas, including irrigation systems if warranted.
- ~~**H.I.**~~ The Planning Board may require a bond to ensure that required landscaping improvements are maintained and survive for at least one growing season following the completion of planting.
- ~~**I.J.**~~ The Planning Board shall have the authority to adopt from time to time suitable landscaping regulations, which may include the required height and spread of trees and shrubs in buffer zones and parking areas.
- J.** The landscaped buffer requirements in paragraphs A & B shall not apply to reuse of existing structures and associated parking areas. The Planning Board may require a landscape buffer for uses requiring a special permit.

#### **5.6.05.3 Design**

The Planning Board shall have the authority to adopt from time to time suitable regulations to specify design standards within the Greenville Village Neighborhood Business District. Such standards may include regulation of building form and features, architectural details, and historic buildings.

#### **5.6.06 Special Permits – NB District**

##### **5.6.06.1 Requirements and Procedures**

- A.** The special permit granting authority for all special permits in the NB District shall be the Planning Board except where such authority is specifically delegated to the Zoning Board of Appeals. No building, use or occupancy permits for any ~~construction of any use designated “SP” (Special Permit) under the NB District use requiring a special permit~~ shall be issued except in accordance with the terms of a special permit as set forth herein. This shall apply to new construction, change in use to a use requiring a special permit, and resumption of any use requiring a special permit where the use has been discontinued or abandoned for more than two (2) years.
- B.** Applicants for Special Permits under this section shall submit plans in compliance with the Leicester Planning Board ~~Rules & Regulations for Special Permit Applications~~ Special Permit Regulations.

- C. Procedures for Special Permits (filing, hearing notification, and decision timelines) shall follow MGL Ch.40A, Section 9, Special Permits, and Section 11, Notice for Public Hearing.

**5.6.06.2 Special Permit Review Criteria**

The Planning Board shall grant a special permit only after finding that the proposed use will be consistent with the purpose and intent of this bylaw, and that the proposed use or structure is in conformance with the following criteria:

- A. Provision shall be made for convenient and safe vehicular and pedestrian circulation within the site and in relation to adjacent streets and property. The service level of adjacent streets shall not be significantly reduced due to added traffic volume or type of traffic in accordance with the most recent edition of the Massachusetts Highway Department Highway Capacity Manual;
- B. The proposed use shall not overload the capacity of water and sewer systems, stormwater drainage, solid waste disposal facilities, and other public facilities;
- C. The design of the project shall provide for adequate methods of disposal of sewage, refuse, or other wastes generated by the proposed use;
- D. The project shall be compatible in character and scale with existing uses and other uses allowed by right in the district.
- E. The project shall comply with all applicable environmental laws and regulations;
- F. The proposed project shall be consistent with Leicester's Master Plan;
- G. The project shall comply with all Site Development Standards required in the NB district where applicable.

**B. Amend Section 3.2.07 of the Zoning Bylaw (SIGNS), as shown below:**

3.2.07 SIGNS<sup>1</sup>

**[Amended @ ATM 5-7-08]**

<sup>1</sup>All special permits for signs in all zoning districts are issued by the Zoning Board of Appeals. Signs in the HB-1 and HB-2 zoning districts shall follow the requirements of the Business (B) district.

3.2.07 SIGNS <sup>1</sup>		USE	BR-1	RIB	SA	R1	R2	B	I	BI-A	<u>NB</u>
<b>3.2.07-1</b> No sign shall contain any moving, flashing or animated lights or visible moving parts, indicators of time and/or temperature or automatically changing messages. *And upon recommendation by the Chief of Police			SP*	SP*	N	N	N	SP*	SP*	SP*	<u>N</u>
A.	Real-estate sign advertising rental, lease sale of premises on which sign is located or displaying name of builder, providing the sign does not exceed twelve (12) square feet in area.		Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>

<b>3.2.07 SIGNS<sup>1</sup></b>		<b>USE</b>	<b>BR-1</b>	<b>RIB</b>	<b>SA</b>	<b>R1</b>	<b>R2</b>	<b>B</b>	<b>I</b>	<b>BI-A</b>	<b><u>NB</u></b>
B.	Sign incidental to permitted uses, provided that it does not exceed four (4) square feet in area.		Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>
C.	Neon or illuminated tube type signs or marquee signs. Where allowed by Special Permit, the lighting of any advertising shall be placed or hooded as to prevent direct light from shining onto any street or adjacent property.		SP	SP	N	N	N	SP	SP	SP	<u>N</u>
<b>3.2.07-2</b> One standing sign or display for advertising goods or services available on the lot, provided no sign or display shall project nearer than one (1) foot from the lot line, or shall not have a gross exceeding thirty (30) square feet, <u>except that in the NB district the limit shall be twelve (12) square feet</u>			Y	Y	N	N	N	Y	Y	Y	<u>Y</u>
A	Increase up to fifty (50) square feet by Special Permit under Section 6.4.02 of this by-law.		SP	SP	N	N	N	SP	SP	SP	<u>N</u>
<b>3.2.07-3</b> Wall sign (including awning signs) not to exceed 15% of the front perimeter wall, <u>except that in the NB district the limit shall be twelve (12) square feet.</u>			Y	Y	N	N	N	Y	Y	Y	<u>Y</u>
A	Wall signs (including awning signs) on one other wall not to exceed 10% of wall area by Special Permit under Section 6.4.02		SP	SP	N	N	N	SP	SP	SP	<u>N</u>
<b>3.2.07-4</b> Advertising sign not located on principal premises shall not exceed twelve (12) square feet in area, and shall not project nearer than one (1) foot from the lot line.			N	N	N	N	N	Y	Y	Y	<u>N</u>



<b>3.2.07 SIGNS<sup>1</sup></b>	<b>USE</b>	<b>BR-1</b>	<b>RIB</b>	<b>SA</b>	<b>R1</b>	<b>R2</b>	<b>B</b>	<b>I</b>	<b>BI-A</b>	<b><u>NB</u></b>
<b>3.2.07-5</b> Commercial billboards as regulated under Section 29-33, Chapter 93 of the General Laws		N	N	N	N	N	SP	SP	SP	<u>N</u>

Or take any action relative thereto.

**PROPOSED MOTION**

***Move that the article be voted as written.***

**ADVISORY COMMITTEE RECOMMENDATION** – Favorable Action (4-0-0)

**SELECTBOARD RECOMMENDATION** – Favorable Action (4-0-0)

**DESCRIPTION**

This article seeks to amend the Greenville Village Neighborhood Business District (NB) to simplify development and redevelopment in the district, particularly for reuse of existing structures.

**VOTE REQUIRED FOR PASSAGE** Requires a 2/3rds vote pursuant to M.G.L c. 40A §5.

**ARTICLE 26 HIGHWAY BUSINESS INDUSTRIALS HB-1 & HB-2 DISTRICT AMENDMENTS**

To see if the Town will vote to Amend Sections 5.6 and 3.2.07 of the zoning bylaws, as listed below:

***A. Amend the Title of Section 5.5, as follows:***

**5.5 HIGHWAY BUSINESS-INDUSTRIAL DISTRICTS 4 (HB-1 & HB-2)**

***B. Amend Sub-Section 5.5.02 and 5.5.03.1.B., as follows:***

**5.5.02 Site Development Standards**

~~All non-residential use, or conversion to a non-residential use, within the HB-1 district shall comply with all Site Development Standards in Sections 5.5.02.1 through 5.5.02.3 described below:~~

The following site development standards shall apply to all new construction of non-residential uses, expansions of more than 25% of the existing non-residential uses, and increases of more than 10 parking spaces.

**5.5.02.1 Parking, Loading Areas, and Access**

Non-residential uses within the HB-1 Zone shall provide parking and loading facilities in compliance with Section 5.1, **PARKING AND LOADING REQUIREMENTS AND UNLOADING SPACE**, and the following additional requirements:

**5.5.03.1 Requirements and Procedures**

**B.** Applicants for Special Permits under this section shall submit plans in compliance with the Leicester Planning Board Special Permit Regulations ~~Rules & Regulations for Special Permit Applications~~

**C. Amend Section 5.5.02.2.C, as follows:**

- C. A landscaped buffer of at least 100 feet shall be provided where an HB-1 or HB-2 district boundary abuts a Residential District (R1, R2, SA).

**D. Amend Section 5.5.03, as follows:**

Wherever in this bylaw and the related sections of the Town of Leicester Zoning Bylaw a permitted use in the HB-1 or HB-2 district requires a Special Permit, the administrative procedures described below shall govern the procedure for issuance of this Special Permit.

**E. Throughout the remaining subsections of Section 5.5, replace the phrases “HB-1 Zone” and “HB-1 district” wherever these phrases appear with “HB-1 & HB-2 districts”**

Or take any action relative thereto.

PROPOSED MOTION

***Move that the article be voted as written.***

ADVISORY COMMITTEE RECOMMENDATION - Favorable Action (4-0-0)

SELECTBOARD RECOMMENDATION - Favorable Action (4-0-0)

DESCRIPTION

Amend Section 5.5 (Highway Business-Industrial District 1) to modify thresholds for meeting site development standards, to correct outdated references, and to clarify that these standards also apply to the Highway Business-Industrial District 2 (HB-2) district.

VOTE REQUIRED FOR PASSAGE Requires a 2/3rds vote pursuant to M.G.L c. 40A §5.

**ARTICLE 27 MARIJUANA ESTABLISHMENT AMENDMENTS**

To see if the Town will vote to Amend Sections 1.3 and 3.2.03 of the zoning bylaws, as listed below:

**A. Amend Section 1.3 (Definitions), by inserting new definitions and amending existing definitions, as follows:**

**MARIJUANA COURIER:** an entity licensed to deliver Finished Marijuana Products, Marijuana Accessories and Branded Goods directly to Consumers from a Marijuana Retailer, or directly to Registered Qualifying Patients or Caregivers from a Medical Marijuana Treatment Center, but is not authorized to sell Marijuana or Marijuana Products directly to Consumers, Registered Qualifying Patients or Caregivers and is not authorized to Wholesale, Warehouse, Process, Repackage, or White Label. A Marijuana Courier is an additional license type under G.L. c. 94G, § 4(b)(1) that allows for limited delivery of marijuana or marijuana products to consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002: *Definitions* or 935 CMR 500.050: *Marijuana Establishments* and shall be subject to 935 CMR 500.050(1)(b): *Control Limitations*.

**MARIJUANA DELIVERY LICENSEE:** an entity that is authorized to deliver marijuana and marijuana products directly to consumers and as permitted, Marijuana Couriers to patients and caregivers

**MARIJUANA DELIVERY OPERATOR:** an entity licensed to purchase at Wholesale and Warehouse Finished Marijuana Products acquired from a Marijuana Cultivator, Marijuana Product Manufacturer,

Microbusiness or Craft Marijuana Cooperative, and White Label, sell and deliver Finished Marijuana Products, Marijuana Accessories and Marijuana Branded Goods directly to Consumers, but is not authorized to Repackage Marijuana or Marijuana Products or operate a storefront under this license. A Delivery Operator is an additional license type under G.L. c. 94G, § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002: Definitions or 935 CMR 500.050: Marijuana Establishments and shall be subject to 935 CMR 500.050(1)(b): Control Limitations.

**MARIJUANA ESTABLISHMENT:** a licensed Marijuana Cultivator, Marijuana Testing Facility, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Delivery Operator or any other type of licensed marijuana-related business or businesses at a single location except a medical marijuana treatment center.

**MARIJUANA ESTABLISHMENT, NON-RETAIL:** a marijuana establishment that does not involve on-site retail sales to consumers, including Marijuana Cultivators, Marijuana Product Manufacturers that only sell to Marijuana Establishments but not consumers, Marijuana Testing Facilities, and Marijuana Transportation or Distribution Facilities. Not to include Marijuana Outdoor Cultivator or Marijuana Delivery Operator. **[amended ATM 6/2/2020]**

**MARIJUANA RETAILER, CONSUMER SALES ONLY:** a marijuana establishment that involves on-site retail sales to consumers and may also involve delivery to consumers by Marijuana Courier, excluding Marijuana Social Consumption Operators.

**B. Amend Section 3.2.03, by inserting new use #23 (and renumbering later uses), as follows:**

3.2.03 BUSINESS		SA	R1	R2	B	CB	I	BI-A	HB-1 & HB-2
23.	<u>Marijuana Delivery Operator</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>Y</u>

**C. Amend Section 5.1.5.02.I, as follows:**

I. Limitations

Marijuana Retailers, Consumer Sales Only shall be limited to ~~1 establishment~~ 2 establishments in the Town of Leicester.

Or take any action relative thereto.

PROPOSED MOTION

***Move that the article be voted as written.***

ADVISORY COMMITTEE RECOMMENDATION – Favorable Action (3-1-0)

SELECTBOARD RECOMMENDATION – Favorable Action (5-0-0)

DESCRIPTION

This article seeks to amend zoning related to marijuana establishments by allowing marijuana delivery services. There was also late consideration of moving from 1 retail establishment within the Town into two. This portion of the bylaw change is to be considered by the Planning Board at their May 4, 2021 public hearing.

VOTE REQUIRED FOR PASSAGE Requires a 2/3rds vote pursuant to M.G.L c. 40A §5.

**ARTICLE 28 AMENDMENTS TO OUTSIDE STORAGE BYLAW**

To see if the Town will vote to Amend Sections 1.3, 3.2, 3.2.03, 3.30, 3.32, 3.2.08, 5.6, 5.6.04, of the zoning bylaws, and add new sections, 5.18 and 5.6.04.4 as listed below:

**A. Insert the following definitions in Section 1.3, Definitions:**

**RENTAL SELF-STORAGE FACILITY** – A building or buildings consisting of individual self-contained units that are leased for the storage of vehicles or business and household goods. Storage of hazardous materials or substances, hazardous waste, gas, oil or any substances or materials which pose a threat to human health or safety or a threat to the environment is prohibited. No activity other than storage shall occur in such facilities. Such facilities may have associated outdoor storage by special permit in certain Zoning Districts (See Sections 3.2.03. and 5.2.18).

**B. Amend the Zoning Bylaw, Section 3.2, Schedule of Use, Subsection 3.2.03, Business, as shown below:**

3.2.03 BUSINESS		SA	R1	R2	B	CB	I	BI-A	HB-1 & HB-2
13a.	<del>Rental Enclosed Self-Storage Facility (outdoor storage prohibited)</del> <u>Rental Self-Storage Facility with no outdoor storage (Special Permits issued by Planning Board)</u>	N	N	N	SP	SP	SP	SP	SP Y
13b.	<u>Rental Self-Storage Facility with outdoor storage (Special Permits issued by the Planning Board)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>SP</u>	<u>N</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>
26.	Land and water recreational vehicle (including boats) sales, rental, service, and storage yards. <sup>3</sup>	N	N	N	SP	N	SP	SP	SP

<sup>3.</sup> Land and water recreational vehicle storage yards shall meet the requirements for Rental Self-Storage Facility with outdoor storage

**C. Amend Section 3.30, Business Residential-1 (BR-1) Zone, by amending subsection aa, as follows:**

~~aa. Enclosed storage facilities excepting hazardous materials or substances, hazardous waste, gas, oil or any substances or materials which poses a threat to human health or safety or a threat to the environment by Special Permit from the Planning Board.~~

aa. Rental Self-Storage Facilities (with or without outdoor storage) by special permit from the Planning Board.

**D. Amend Section 3.32, RESIDENTIAL INDUSTRIAL BUSINESS ZONE (RIB) ZONE, by modifying subsection h., as follows:**

~~h. Rental enclosed storage facilities by special permit issued by Planning Board.~~

h. Rental Self-Storage Facilities (with or without outdoor storage) by special permit from the Planning Board.

**E. Amend Section 3.2.08, Parking of Commercial Vehicles, subsection B, as shown below:**

**B. Other Parking of Commercial Vehicles**

1. Outdoor storage of commercial vehicles as a primary use is allowed by right in the HB-1 and HB-2 district, and requires a special permit in ~~HB-1~~, I, BI-A, RIB, and BR-1 districts. This use is prohibited in all other zoning districts.
2. The continued and regular parking of commercial vehicles, tractor trailers, and construction vehicles (including but not limited to tractors, backhoes, bulldozers, dump trucks, etc.), where accessory to a lawfully ~~permitted~~ permitted commercial use, is allowed by right in all commercial zoning districts (B, CB, I, BI-A, HB-1, HB-2, BR-1, and RIB).
3. Parking of commercial and construction vehicles (including but not limited to tractors, backhoes, bulldozers, dump trucks, etc.) related to a Contractor's Yard where a special permit is required is subject to the requirement that such vehicles be stored in a garage in the Suburban Agriculture (SA) district, or screened by fencing or landscaping in the Business (B) district. The Planning Board may impose other conditions to protect abutting residential uses and the surrounding neighborhood.
4. The continued and regular parking of commercial vehicles, tractor trailers, or construction vehicles (including but not limited to tractors, backhoes, bulldozers, dump trucks, etc) accessory to a special-permitted commercial use in residential districts (SA, RA, and RB) will be addressed through the special permit process for the primary use. The Special Permit Granting Authority ~~Zoning Board of Appeals~~ may impose reasonable conditions to protect abutting residential uses and the surrounding neighborhood.

**F. Add a new Section 5.18, Outdoor Storage**

**5.18 Outdoor Storage**

**5.18.01 Rental Self-Storage Facility with Outdoor Storage**

All Rental Self-Storage Facilities with outdoor storage shall be required to meet the following standards:

- A. Outdoor storage areas shall be screened from view from roadways and abutting property owners by an opaque fence at least 6 feet in height.
- B. Storage areas shall not be located in required setbacks from property lines
- C. Outdoor storage areas shall not impede emergency access to the site or structures on the site.
- D. All types of vehicles stored outside shall be in operable condition. Rental outdoor storage areas shall not be used as Vehicle Salvage Yards, which are prohibited in all Zoning districts. Appropriate provisions shall be made to ensure vehicle fuel or other contaminants are appropriately controlled and don't infiltrate the ground.
- E. No commercial activity other than storage shall occur in indoor or outdoor areas, including vehicle maintenance, fueling, or repair work.

**5.18.02 Other Outdoor Storage**

- A. For parking of commercial vehicles, see Section 3.2.08 (Parking of Commercial Vehicles)
- B. Storage of large equipment or storage containers outside where accessory to a lawfully permitted commercial use on the same site is allowed by right in HB-1, HB-2, B, and I, and by special permit from the Planning Board in CB, RIB, BI-A, and BR-1. Emergency access to structures shall be maintained at all times. Parking sufficient for the uses on site in conformance with the Planning Board's Parking Regulations must remain unobstructed.

**G. Amend Section 5.6 [Greenville Village Neighborhood Business (NB) District], subsection 5.6.04, Prohibited Uses, by inserting a new section 5.6.04.4, as follows:**

**5.6.04 Prohibited Uses:**

5.6.04.4 Rental Self-Storage Facilities (indoor or outdoor)

Or take any action relative thereto.

**PROPOSED MOTION**

***Move that the article be voted as written.***

**ADVISORY COMMITTEE RECOMMENDATION** – Favorable Action (2-1-1)

**SELECTBOARD RECOMMENDATION** – Favorable Action (4-0-0)

**DESCRIPTION**

This article seeks to amend the Zoning Bylaw to allow outdoor storage associated with rental self-storage facilities and to address other outdoor storage and related issues, including parking of commercial vehicles.

**VOTE REQUIRED FOR PASSAGE** Requires a 2/3rds vote pursuant to M.G.L c. 40A §5.

**ARTICLE 29 AMENDMENTS TO BUSINESS RESIDENTIAL & RESIDENTIAL INDUSTRIAL BUSINESS ZONING BYLAWS**

To see if the Town will vote to Amend Sections 3.30 and 3.32 of the zoning bylaws, as listed below:

**Section 3.30: BUSINESS RESIDENTIAL -1(BR-1) ZONE**

Single family residential uses permitted within this zone. Dimensional requirements per Section 4.2 Table 1.

The Special Permit Granting Authority in the BR-1 District shall be the Planning Board.

**The Business uses permitted in this Zone are as follows:**

- a. 1. Legal, accounting, consulting, architectural, engineering, surveying, real estate, insurance or similar professional office.
- b. 2. Offices for agents for industrial, distributing and wholesale companies.
- c. 3. Travel agency or office.
- d. 4. Secretarial services, telephone answering service.
- e. 5. Photocopying service.
- f. 6. Photo studio; artist's, craftsman, locksmith's, or other artisan's studio.
- g. 7. Florist, gift, stationery, or antiques shop.
- h. 8. Repair and alteration of wearing apparel and accessories.
- i. 9. Repair shop for musical instruments.
- j. 10. Medical or dental office.
- k. 11. Barber or beauty shop.
- l. 12. Repair of household furnishings, including appliances and upholstery.
- m. 13. Repair and rental of non-motorized bicycles.
- n. 14. An inn or bed and breakfast establishment in a pre-existing building.
- o. 15. Collection agency for utilities; pickup for laundry or dry cleaning.
- p. 16. Child Care Facility and Family Child Care Home
- q. 17. Store, showroom, salesroom for the conduct of retail business, including a grocery, hardware, clothing, drug, or general store, not including auto sales.
- r. 18. Sales and distribution facilities. but not storage of toxic or virulent substances.
- s. 19. Catering service, delicatessen or other food market or a permitted eating establishment.
- t. 20. Farm stand for sales of natural produce and commercial greenhouse.

- ~~u.~~ 21. Bank or equivalent financial institution, or automated teller facility.
- ~~v.~~ 22. Restaurant.
- ~~w.~~ 23. Shop and sales of supplies for plumbing, electrical, carpentry, cabinet making, plastering, masonry, glass, and similar work.
- ~~x.~~ 24. Light manufacturing or light assembly (By Special Permit).
- ~~y.~~ 25. A group of four or more commercial establishments planned, developed, and managed as a unit with off-street parking provided on the property.
- ~~z.~~ 26. Sales or Rental, up to 30 vehicles (30 or more by special permit).
- ~~aa.~~ 27. Enclosed storage facilities excepting hazardous materials or substances, hazardous waste, gas, oil or any substances or materials which poses a threat to human health or safety or a threat to the environment by Special Permit from the Planning Board.
- ~~bb.~~ 28. Athletic/recreation facilities.
- ~~cc.~~ 29. Establishments serving alcoholic beverages, including brew pubs, by special permit
- ~~dd.~~ 30. Senior Village Developments by special permit from the Planning Board.
- ~~ee.~~ 31. Accessory Apartment
- ~~ff.~~ 32. Large Wind Facilities by Special Permit from the Planning Board.
- ~~gg.~~ 33. Small Wind Facilities by Special Permit from the Planning Board
- ~~hh.~~ 34. Veterinary Clinic by Special Permit from the Planning Board
- ~~ii.~~ 35. Farmers' Market
- ~~jj.~~ 36. Private Kennel by Special Permit from the Planning Board (Commercial Kennels prohibited).
- ~~kk.~~ 37. Ground-Mounted Solar Energy Systems
- ~~ll.~~ 38. Medical Marijuana Treatment Center, (Planning Board Site Plan Review Required, see Section 5.15).
- ~~mm.~~ 39. Marijuana Establishment by special permit (See Section 5.15)
- ~~nn.~~ 40. Backyard Chickens
- ~~oo.~~ 41. Brewery, Distillery, Winery by special permit
- ~~pp.~~ 42. Earth Removal Operation or Earth Filling Operation by special permit from the Planning Board (See Section 5.16)

### **SECTION 3.32: RESIDENTIAL INDUSTRIAL BUSINESS ZONE (RIB) ZONE**

Dimensional requirements per Section 4.2 Table 1. The Special Permit Granting Authority in the RIB District shall be the Planning Board.

#### **A. Intent:**

It is the intent of this section to provide for residential uses in somewhat higher density than in other residential zones and to provide and increase the value of residential property situated in the vicinity of operating businesses, to protect the community from the detrimental effects of development not suited to location near residences, to protect persons and property against the hazards of pollution; to conserve natural conditions and open spaces; to separate and otherwise divide potentially conflicting property uses and to provide a harmonious relationship between residential and commercial development.

#### **B. Permitted Residential Uses Within This Zone Are:**

1. Detached one-family dwelling ~~subject to dimensional requirements set forth in Section 4.2 Table 1.~~
2. Two-family dwelling by Special Permit. ~~Subject to dimensional requirements set forth in Section 4.2 Table 1.~~
3. Multi-family (more than 2 family dwelling)– by Special Permit. ~~Dimensions for residential use are set forth in Section 4.2 Table 1.~~
4. ~~Permitted Business uses within this Zone are as follows:~~

**C. Permitted Business Uses:**

The dimensional requirements for the business uses in this zone shall be the same as the BR-I Zone Section 4.2 Table 1.

- a. 1. Light manufacturing or light assembly facility limited to small scale assembly and manufacturing industries which are not injurious, noxious or offensive, or tend to reduce residential property values in the same or adjoining districts by reason of emission of odor, fumes, dust, smoke, vibration, sewerage, and/or industrial waste, noise, danger of explosion, fire or otherwise. Manufacturing allowed in this paragraph shall not include heavy industrial operations such as steel manufacturing, heavy forging presses and the like and shall be for utilizing hand labor or quiet machinery and process.
- b. 2. Landscaping services involving equipment purchasing.
- c. 3. Nursing home; extended or intermediate care facility licensed or approved to provide full time convalescent or chronic care.
- d. 4. Child Care Facility and Family Child Care Home.
- e. ~~The dimensional requirements for the business uses in this zone shall be the same as the BR-I Zone Section 4.2 Table 1.~~
- f. 5. Senior Village Developments are allowed by special permit from the Planning Board.
- g. 6. Accessory Apartment
- h. 7. Rental enclosed storage facilities by special permit issued by Planning Board.
- i. 8. Uses allowed in the HB-1 district under sections 3.2.03, 3.2.04, 3.2.05, 3.2.06, and 3.33, only by special permit issued by the Planning Board. Uses prohibited under Section 3.33.3 are also prohibited in the RIB district.
- j. 9. Small Wind Facilities by Special Permit from the Planning Board.
- k. 10. Farmers' Market
- l. 11. Small-Scale and Medium-Scale Ground-Mounted Solar Energy Systems
- m. 12. Large-Scale Ground-Mounted Solar Energy Systems by Special permit from the Planning Board
- n. 13. Backyard Chickens
- o. 14. Vehicle Sales or Rental, up to 30 vehicles (30 or more by special permit)
- p. 15. Taxi or Limousine Service

**C.D.** **Development within the RIB District** shall comply with Sections 5.5.02 through 5.5.04, except that the landscaped buffer specified in Section 5.5.02.2.C shall be 50 feet, rather than 100 feet. At the discretion of the Planning Board, the width of the required fifty (50) foot landscaped buffers from an abutting residential use or district may be reduced to a minimum of twenty (20) feet where site constraints do not allow for the 50-foot buffer and an opaque fence is provided to provide screening from the abutting residential use or district.

**PROPOSED MOTION**

***Move that the article be voted as written.***

**ADVISORY COMMITTEE RECOMMENDATION** - Favorable Action (4-0-0)

**SELECTBOARD RECOMMENDATION** – Favorable Action (4-0-0)

**DESCRIPTION**

This article re-numbers and re-organizes subsections of Sections 3.30 [Business-Residential 1 (BR-1) Zone] and 3.32 [Residential Industrial Business (RIB) Zone].

**VOTE REQUIRED FOR PASSAGE** Requires a 2/3rds vote pursuant to M.G.L c. 40A §5.



Town of Leicester  
Annual Town Meeting – May 11, 2021

<b>CERTIFIED FREE CASH - June 30, 2020</b>	<b>2,127,848.00</b>	<b>-</b>
FY 2021 Employee Benefits/TA Professional Services	\$ -	<b>\$ 345,642.00</b>
Subtotal	\$ 2,127,848.00	\$ 345,642.00
<b>November 17 Special Town Meeting</b>		
Article 1 - Prior Year Bills	1,476.79	
Article 2-3 Fire Study	DNP	
Article 3 - Police Cruiser	48,303.00	
Article 4A Capital Improvement Plan (Arielscope Payment 5 of 5)	90,081.00	
Article 4B Capital Improvement Plan (Police F150)	49,845.00	
Article 4C Capital Improvement Plan (Detective Car)	43,307.00	
Article 4D Capital Improvement Plan (Carport)	50,000.00	
Article 4E Capital Improvement Plan (Highway Roller)	14,975.00	
Article 4F Capital Improvement Plan (Phone System)	15,000.00	
Article 5 - Arielscope repairs	34,698.00	
Article 7 - Assessors revaluation	57,800.00	
Article 8 Open space plan update	15,500.00	
Article 9 Parc Grant match	90,000.00	
<b>Subtotal</b>	<b>510,985.79</b>	<b>0.00</b>
<b>May 4 Annual Town Meeting</b>		
Article 1 - Prior Year Bills	14,112.20	
Article 2 - Department and/or Warrant Article Transfers	-	\$ 240,642.00
Article 3 - Funding of Town Parks	25,000.00	
Article 5 - FY 2022 Budget - Police Station Staffing	150,000.00	
Article 9 - OPEB deposit	70,000.00	
Article 10 - Stormwater Management	20,000.00	
Article 11 - Groundwater Studies at the Landfill	21,400.00	
Article 12 - One Police Cruiser	57,672.00	
Article 13 - FY 2022 Capital Plan	511,733.00	
Article 14 - Building/Fleet Management Software	40,000.00	
Article 16 - Town Owned Dams	19,000.00	-
Article 17 - Hillcrest Building design	-	105,000.00
Article 18 - Transfer into Stabilization	100,000.00	-
<b>Subtotal: appropriated at 05/11/21 Town Meeting</b>	<b>1,014,805.00</b>	<b>345,642.00</b>
<b>Subtotal: Remaining Balance</b>	<b>\$ 602,057.21</b>	<b>\$ -</b>


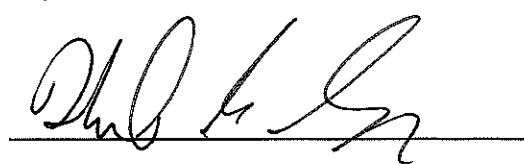
**TOWN OF LEICESTER  
ANNUAL TOWN MEETING  
May 11, 2021**

And you are hereby directed to serve this Annual Town Meeting Warrant by posting an attested copy in at least one public place in each precinct of the Town, on the Town Clerk's bulletin board, and on the bulletin board in the front entry of the Town Hall, and also by serving a copy of said Warrant to the Moderator and the Town Clerk, not less than fourteen (14) days before the 11<sup>th</sup> day of May, 2011.

**Given under our hand and seal of the Town on this 12<sup>th</sup> day of April, 2021**

Respectfully submitted, Leicester Select Board

  
Chair



Date: 4/27/21 OKO

Pursuant to above warrant, I have notified and warned the inhabitants of the Town of Leicester by posting a certified copy in the following precincts:

- Precinct 1. Leicester Post Office,
- Precinct 2. Redemption Center/Jan's Beer Mart,
- Precinct 3. Post Office in Rochdale,
- Precinct 4. Leicester Country Bank for Savings;

and on the Town Clerk's bulletin board, in the front entry of the Town Hall, with the Moderator, and with the Town Clerk, not less than fourteen days before the 11<sup>th</sup> day of May, 2021

  
Printed Name of Constable

  
Signature of Constable