



Town of Leicester, Massachusetts

# Special Town Meeting Draft

Fall Town Meeting – October 30, 2018 – 7:00PM

Meeting location:  
Town Hall Gymnasium  
3 Washburn Square  
Leicester, MA 01524

Second Version - Published October 1, 2018

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 Town Hall Gymnasium, 3 Washburn Square, Leicester, MA on Tuesday, the thirtieth day of October, 2018 at 7:00 PM, then and there to act on the following articles, namely:

**ARTICLE 1: PRIOR YEAR BILLS**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in order to pay bills from prior fiscal years or take any action thereon.

**PROPOSED MOTION:** None, as currently there are no prior year bills.

**FINANCE ADVISORY BOARD RECOMMENDATION**

**SELECT BOARD RECOMMENDATION**

**DESCRIPTION** – Prior year bills are bills from the previous fiscal year that are brought forward for town meeting approval as required by Massachusetts General Laws.

**VOTE REQUIRED FOR PASSAGE** – requires a 9/10<sup>th</sup>'s vote pursuant to MGL Chapter 44, Section 64.

**ARTICLE 2: AMEND THE FY 2019 OPERATING BUDGET**

To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury or transfer from other budget accounts or adjust budgets or borrow under the provisions of M.G.L. c. 44 as amended, such sums of money as may be necessary to defray the expenses of Town departments and Town accounts for the Fiscal Year beginning July 1, 2018, as listed in the May 1, 2018 Spring Annual Town Meeting Warrant or take any action thereon.

**PROPOSED MOTION:**

Move that the Town amend the FY 2019 general fund budget, as approved on May 1, 2018, by including the budgetary adjustments included in the table included as part of Article 2 of the October 30, 2018 Special Town Meeting; said adjustments totaling \$280,935 as listed in the table in the guide:

SOURCES	REASON	AMOUNT
Raise and Appropriate	Increased overall receipts	\$160,935
Free Cash	One Time costs	\$120,000
Temporary Loan Interest	Surplus funds in Budget	\$5,296
Employee Benefits	Lowered cost of benefits/less participants than forecast	\$120,000
Bonding and Insurance	Reduced costs from new insurer	\$50,000
Total		\$456,231

Item	Department	Reason	Amount
	Legal	Funds sought to address a lawsuit filed against the Town on a recent building project	\$100,000
	Select Board Expenses	Funds sought for increased office supply cost and	\$2,599

		memberships	
	Reserve Fund	Funds borrowed for the Town Hall Accessibility project being returned	\$20,000
	Town Accountant Personnel	Salary changes due from updated Class and Comp Plan	\$1,494
	Assessors Personnel	Salary changes due from updated Class and Comp Plan	\$1,751
	Treasurer/Collector Personnel	Salary changes due from updated Class and Comp plan	\$2,233
	IT Expenses	Funds sought for additional equipment replacement and to fund the new IT maintenance contract	\$5,000
	Town Clerk Personnel	Salary changes due from updated Class and Comp plan	\$2,790
	DIS Personnel	Salary changes due from Updated Class and Comp plan	\$4,234
	Town Hall Building Maintenance	Funding sought for additional building expenses	\$9,054
	Police Department Personnel	Funding sought to retain two new officers who just graduated from the Police Academy	\$78,746
	Police Department Expenses	Funding for new updated parking ticket books	\$2,500
	Fire Department Personnel	Salary changes due from updated Class and Comp plan	\$3,568
	Leicester Public Schools	Additional funding due per agreement to split receipts	\$205,475
	Highway Personnel	Salary changes due from updated Class and Comp plan	\$3,148
	Street Lights	Additional funding sought to insure budget stability	\$5,000
	Council on Aging	Salary changes due from updated Class and Comp plan	\$8,639
		<b>Total</b>	<b>\$456,231</b>

#### FINANCE ADVISORY BOARD RECOMMENDATION

#### SELECTBOARD RECOMMENDATION

DESCRIPTION – This article seeks place additional funding in the FY 2019 budget. These funds come from additional moneys identified in forecast revenue after the close of FY 2018, and from potential savings in insurance and debt accounts. The \$120,000 requested from Free Cash funds legal expenses in the sum of \$100,000.00 from a suit filed against the Town on the fire station building project; while \$20,000 is sought to refund the Reserve Fund for a transfer granted earlier this year to fund the Town Hall accessibility project. Many of the transfers in the municipal budget fund the updated class and Compensation plan that the Town assembled in 2016. There is a request from the Police Department to fully fund the two no officers who just graduated from the Police Academy. There are funds allocated to the School Budget as well.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote under M.G.L. c. 40, §5, unless funding is sought from the General Stabilization Account. Withdrawals from the General Stabilization Account require a 9/10<sup>th</sup>'s vote per special legislation approved at the May 2, 2005 Annual Town Meeting, which vote is noted in Chapter 10 of the Town's General Bylaws.

### **ARTICLE 3: HIGHWAY DEPARTMENT VEHICLES AND EQUIPMENT - DEBT EXCLUSION**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money under the provisions of M.G.L. c. 44 as amended, for the purpose of purchasing vehicles and equipment for the Highway Department and paying all other costs incidental and related thereto; and further to authorize the Select Board to enter into any and all contracts necessary to carry out such purchases; provided that said appropriation shall be contingent upon

the passage of a so-called Proposition 2 ½ debt exclusion referendum in accordance with M.G.L. c. 59 §§21C(k) and 21D, or take any action relative thereto.

PROPOSED MOTION – Move that the article be voted as written.

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

DESCRIPTION - This article seeks authorization to borrow up to \$950,000 for the purpose of purchasing seven (7) pieces of new equipment for the Highway Department, which will allow for the retirement of older equipment that have safety or condition issues. The list of items to be replaced, and their replacements follow:

Equipment to be replaced	Replacement equipment
Truck #10 – 1999 International	2019 Mack
1997 MT Trackless	2018/2019 MT& Trackless
1988 Caterpillar Loader	2018/2019 John Deer 544K
1986 Smith Co. Air Compressor	Doosan D24 Air Compressor
1994 Tiger Tractor	2018/2019 John Deer 5090M w/boom Attachment
Truck #20 2000 Ford F450	Ford F550 w/dump/Sander body, wing & Plow
	10' Angle Plow

The Town would issue a five-year note for this purpose. The effect of the debt would be .24 cents on the tax rate. The impact on the average single family home (valued at \$218,614) would be \$53.36 in Year One, and would decline to \$46.62 by Year 5.

Replacement of the listed equipment will result in reduced overall maintenance costs to the Highway fleet. However, it should be noted that an aggressive equipment replacement program will have to be instituted whether or not the exclusion passes, as many other vehicles and equipment in the Highway Department need replacement.

VOTE REQUIRED FOR PASSAGE Requires a 2/3<sup>rd</sup>'s majority vote under M.G.L. c. 59 §§21C(k) and 21D, AND passage by majority of ballots cast at the State Election on November 6<sup>th</sup>.

**ARTICLE 4: CAPITAL IMPROVEMENTS**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund capital improvements and to authorize the Select Board to enter into lease purchase (for which capital improvements?) 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 - None at this time

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

DESCRIPTION - This article is included to possibly adjust the payment schedule of our lease purchases, and the possibility of acquiring a used ambulance.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote, unless funding is sought from the General Stabilization Account. Transfers from the General Stabilization Account require a 9/10<sup>th</sup>'s vote per special legislation approved at the May 2, 2005 Annual Town Meeting, which vote is noted in Chapter 10 of the Town's General Bylaws.

**ARTICLE 5: ADDITION TO THE GENERAL BYLAWS - TEMPORARY REPAIRS TO PRIVATE WAYS)**

To see if the Town will vote to adopt the following bylaw; in accordance with MGL Chapter 40, Section 6N; to allow the Town to make temporary repairs to private ways, said repairs to be describe as repairs or improvements of a duration of up to twenty years:

**TEMPORARY REPAIRS TO PRIVATE WAYS BYLAW**

Section 1. Authorization to make repairs.

The Town of Leicester may make temporary repairs on private ways when such repairs are deemed necessary or appropriate by the Highway Superintendent (the Superintendent) and are approved by the Select Board. The Superintendent shall make such determination based on the public convenience and necessity, the protection of the health and safety of the general public using such ways, and the protection of the environment adjacent to the way and in the surrounding area.

Section 2. Type and extent of repairs.

The repairs may include the patching and filling of holes; oiling and treatment of road surfaces; the repair of specific portions of the way; cleaning of catch basins and drainage structures; installation of guardrails or other infrastructure; and the reconstruction of a way, including the removal of roadway surface and the regrading and installation of fill and roadway surface materials, including asphalt and concrete.

Section 3. Drainage improvements.

As part of the repair of any private way, the Town may make such drainage repairs and improvements to the private way as are deemed necessary or appropriate by the Superintendent. The Town shall not perform any such drainage repairs or improvements on a private way unless the Superintendent has indicated that such repairs or improvements are required by public necessity or for the protection of the environment.

Section 4. Requests for Repairs.

The Town may only perform such repairs, reconstruction, or improvements on a private way upon the occurrence of any of the following events:

- a.) The request of the Planning Board to the Select Board;
- b.) The request of the Superintendent to the Select Board;
- c.) At least 80% of the owners of properties which abut the way to be repaired have signed a petition to the Select Board requesting that such repairs to the way be performed. Such petition must state that the public convenience and necessity require such repairs, reconstruction and improvements and shall request that the Superintendent make an investigation of the condition of the way and report the findings to the Select Board

Section 5. Easements.

If any easements are necessary for the completion of such repairs, reconstruction or improvements, the owners of the properties abutting the way and the owners of any land or interest in land upon which such

easement would be required, shall be responsible for the cost of the preparation and the grant of such easements to the Town. Such easement shall include the grant of the right to the Town, its agents, contractors and employees, to enter upon the way for the performance of the work.

#### Section 6. Approval and method of payment.

Upon receipt of a request from the Superintendent, or from the Planning Board, or upon receipt of a petition from the owners of abutting properties, the Select Board shall review the report of the Superintendent, and determine whether such repairs, reconstruction or improvements are required for the public health or safety, the protection of the environment, and the public convenience and necessity, and, if it so determines, the Select Board may approve the project and determine whether such repairs, reconstruction or improvements:

- a.) shall be paid by a cash deposit representing the total estimated cost of the work;
- b.) shall be paid by the abutters by betterment charges which shall be assessed to the abutters;
- c.) shall be paid partly by the abutters and partly by the Town by the assessment of betterment charges for a portion of the work;
- d.) shall be paid by the Town.

In the event the Select Board determines that the project should be funded in whole or in part by the assessment of betterments or by a cash deposit from the abutters, the Select Board shall hold a public hearing on such determination within 30 days thereof. The Board of Selectmen shall notify the owners of the properties abutting the way by regular mail at least seven days prior to the date of the hearing, and shall cause notice of such hearing to be published in a newspaper of general circulation in the Town at least seven days prior to the date of the hearing. Such notices shall indicate that the Select Board is considering the assessment of betterments or a cash deposit to fund the project. The Select Board shall make the decision on the request and the method of payment therefor, within 60 days of the close of the public hearing. If the appropriation of funds or the assessment of betterments is necessary, the Select Board shall thereupon submit an article to the next ensuing Town Meeting for approval by the Town of the repairs, reconstruction or improvements to the way and the method of payment therefor.

#### Section 7. Select Board action.

If the appropriation of funds, the assessment of betterments or a cash deposit is not to be required in conjunction with the project, the Select Board shall review the request at a public meeting within 21 days of receipt of the request, and shall make a decision on the request within 45 days of its receipt.

#### Section 8. Liability of Town.

To the fullest extent permitted by law, the Town shall not be liable for any claim, damage, loss, cost, liability, or expense, of any name, nature or description, including attorney's fees and costs, arising out of or as a result of the repairs, reconstruction or improvements performed on any private way by the Town or any damage resulting therefrom, including that to third parties. The Select Board may in relation to any such project as it deems appropriate, require the owners of the properties abutting the way to execute an agreement pursuant to which all such owners agree to save, indemnify and hold harmless the Town from any and all such claims, damages, losses, costs, liabilities or expenses, including attorney's fees, arising out of or as a result of such repairs, reconstruction or improvements.

#### Section 9. Ways to be open to public use.

The ways upon which the Town may perform any such repair, reconstruction or improvement, must have been open to public use for no less than 10 years prior to the date of the vote of the Select Board which

approves such project or which authorizes the submission of the article relating thereto to the Town Meeting.

Section 10. Standard of work.

All work to be performed by the Town on any such way pursuant hereto must be to the standards established by the Highway Department of the Town.

Section 11. Basis for assessment of betterments.

In the event the Town Meeting authorizes such repair, reconstruction or improvement to such way, and authorizes the assessment of betterments for all or a portion of the cost of such work, it shall determine the percentage of project cost to be assessed, and such assessments shall be made based upon either the fixed uniform rate method using the linear frontage of each lot on the street as the standard for computation, or the uniform unit method, pursuant to which each existing or potential lot abutting the way shall constitute unit.

Section 12. Town Meeting appropriation of funds.

No repair, reconstruction or improvement requiring an appropriation of funds shall be made to any way pursuant hereto unless and until the Town Meeting has appropriated any funds necessary for the project.

Section 13. Minor repairs.

Upon the request of the Superintendent, the Planning Board or the owners of properties abutting a way, the Select Board, based on the recommendation and report and the certification of the Superintendent that the funds necessary for the project are available, may authorize the Town to make minor repairs to private ways to a sum not to exceed \$1,000 in total on any way in any one fiscal year. Or take any action relating thereto.

PROPOSED MOTION – Move that the article be voted as written

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

DESCRIPTION – The Town has a history of providing road repair and grading services to private roads. However, in order to legally be able to provide these services, the Town must adopt a private road maintenance bylaw according in accordance with MGL Chapter 40, Section 6N. This bylaw is presented to Town Meeting for that purpose. The bylaw, as written, allows for a number of options to be considered by the Select Board when looking at private road maintenance. We anticipate that the Highway Supervisor will present the Board with a plan each spring, whether to grade as necessary, or to add other improvements. The bylaw allows for residents to petition the Board for repairs as well, and gives the Board the option of determining how best to pay for improvements. The goal of the bylaw and the policy is to slowly improve the private roads, to reduce the grading that is required after severe weather events.

VOTE REQUIRED FOR PASSAGE: Requires a 2/3rds majority vote. pursuant to the current General Bylaws, Chapter 1, Section 5.

**ARTICLE 6: ADDITION TO THE GENERAL BYLAWS - REVOLVING FUND FOR BURNCOAT PARK**

To see if the Town will vote to establish a revolving fund, for the purpose of collecting and expending funds associated with the use of Burncoat Park; said fund to be added to the Town's Revolving Fund bylaw as annotated below:

Revolving Fund	Department, Board, Committee, Agency or Office Authorized to Spend from Fund	Fee, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Burncoat Park	Town Administrator's office	Donations, Fees charged for use of the park	Expenses associated with maintenance or expansion of Burncoat Park	None	None	Fiscal Year 2019 and subsequent years

Or take any action relating thereto.

PROPOSED MOTION - Move that the Article be voted as written.

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

DESCRIPTION – This article seeks to add a new revolving fund for activities at Burncoat Park that may be related to that park specifically, as opposed to a general recreation program fees, to be put in a fund that specifically benefits that park.

VOTE REQUIRED FOR PASSAGE - Requires a two-thirds majority vote pursuant to M.G.L. c. 44, § 53 ½ and the current General Bylaws, Chapter 1, Section 5.

**ARTICLE 7: AMEND CHAPTER 1, SECTION 5 OF THE GENERAL BYLAWS**

To see if the Town will vote to amend Chapter 1, Section 5 of the general bylaws of the Town of Leicester by inserting the following (Please note that all proposed changes are listed in bold italic):

“Any or all of these By-Laws may be repealed or amended or other By-Laws may be adopted at any Town Meeting by a ~~2/3~~ ***majority*** vote of the voters present and voting, an article or articles for that purpose having been inserted in the warrant for such meeting by the Selectmen. All proposed By-Laws and changes in By-Laws must be submitted, in writing, to the By-Law Committee not less than ~~forty-five~~ ***sixty*** days prior to the business session of the Annual Town Meeting. ***Citizen's petitions received in advance of a Special Town Meeting must follow the procedures set in G.L. Chapter 39, Section 10.*** ~~or sixty days prior to a Special Town Meeting at which they shall be considered.~~ The Moderator shall solicit recommendations from the By-Law



Committee at the Town Meeting when said By-Laws or By-Law changes are considered. “or take any action thereon.

PROPOSED MOTION – Move that the article be voted as written

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

DESCRIPTION - This article seeks to get the process for amendment of the general bylaws to conform with state law.

VOTE REQUIRED FOR PASSAGE Requires a two-thirds majority vote pursuant to the current General Bylaws, Chapter 1, Section 5.

**ARTICLE 8: DISPOSITION OF TEMPORARY LOCATION OF LEICESTER TOWN LIBRARY AT 1 PAXTON STREET**

To see if the Town will vote to dispose of the fee or any lesser interest in the real property and the improvements thereon used as the temporary location of the Leicester Town Library, located at 1 Paxton Street, Leicester as shown on Assessor’s Map 19B, Block E90, containing about 0.824 acres of land, more or less, with building thereon, Subject to M.G.L. c. 30B, any such disposition to be on such terms and conditions that the Select Board shall deem appropriate, which may include the reservation of easements and restrictions and the grant of rights of access or easements to the property; and to authorize the Select Board to take all related actions necessary or appropriate to carry out the purposes of this article; or take any action thereon.

PROPOSED MOTION – Move that the article be voted as written

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

DESCRIPTION – The Library project is anticipated to be completed within the next few months, which will result in the building at 1 Paxton Street being emptied. Passage of this article would allow the Select Board the authority to seek a purchaser for the building. It is anticipated that the Board would seek to dispose of the property via Request for proposals (RFP), a process that would allow the Board to have the quality of a proposal, not the price offered, be the primary determinant in disposing of the building. While the building is historic and unique, it is expensive to maintain, and needs significant restoration.

VOTE REQUIRED FOR PASSAGE Requires a two-thirds majority per M.G.L. c. 40, § 15.

**ARTICLE 9: EASEMENT FOR THREE-PHASE POWER AT TOWN HALL**

To see if the Town will vote to authorize the Select Board to grant, with quitclaim covenants, the perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and voltage electric current; all necessary appurtenances and equipment on or over Town property located at 3 Washburn Square [please provide specific information, such as street address and assessors parcel identification]for the furnishing of

electrical service to the Town Hall for handicap accessibility and emergency power backup services; or take any other action relative thereto.

PROPOSED MOTION - Move the article be accepted as written

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

DESCRIPTION - This is a property easement that will allow the Town Hall elevator to be serviced by three-phase power that is brought onto the site via Paxton Street. It is anticipated that the same service will allow for the connection of emergency generator service as well.

VOTE REQUIRED FOR PASSAGE Requires a two-thirds majority per M.G.L. c. 40, § 15..

#### **ARTICLE 10: EASEMENT FOR UTILITY POLES AT BURNCOAT PARK**

To see if the Town will vote to authorize the Select Board to grant, with quitclaim covenants, the perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and voltage electric current; all necessary appurtenances and equipment on or over Town property located at Town Beach Road [please provide specific information, such as street address and assessors parcel identification] for the furnishing of electrical service to Burncoat Park for lighting and supply services; or take any other action relative thereto.

PROPOSED MOTION - Move that the article be voted as written

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

DESCRIPTION –This is a property easement that will give National Grid the ability to replace the utility poles and wires that currently extend into Burncoat Park with a functional service that will bring accessible power and lighting into the park for the purpose of public safety and preservation of the park. This is the first step in the revitalization of the park area, will include a redone ball field, improved parking areas and a more accessible roadway.

VOTE REQUIRED FOR PASSAGE - Requires a two-thirds majority vote per M.G.L. c. 40, § 15.

#### **ARTICLE 11: ACCEPTANCE OF MASSACHUSETTS GENERAL LAWS CHAPTER 53, SECTION 18B (INFORMATION RELATING TO QUESTIONS ON TOWN BALLOT; CONTENTS; WRITTEN ARGUMENTS BY PROPONANTS AND OPPONENTS)**

To see if the Town will vote to accept MGL Chapter 53, Section 18B, which will allow information on town ballot questions to be addressed via written arguments from question proponents and opponents, be vetted by Town Counsel, and made available to the voters of the Town.

PROPOSED MOTION – Move that the article be accepted as written.

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

VOTE REQUIRED FOR PASSAGE – Requires a simple majority per M.G.L. c. 4, § 4? [please indicate the source of this vote quantum.]

**ARTICLE 12: AMENDMENT OF ZONING BYLAWS (POULTRY AND LIVESTOCK)**

To see if the Town will vote to Amend Section 1.3 (Definitions), Section 3 (Use Regulations), and insert a new Section 5.17 into the zoning bylaws of the Town by inserting the following text to regulate the keeping of chickens, clarify regulation of other livestock, and update language related to agricultural uses to be consistent with state law.

**Zoning Bylaw Amendment: Chickens**

**Explanation:** The purpose of these amendments is to allow limited numbers of chickens accessory to single-family or two-family dwellings by-right (without a special permit), to clarify regulation of livestock, and to update language related to agricultural uses to be consistent with state law.

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

**CHICKEN** – A type of domesticated fowl, a subspecies of red junglefowl

**BACKYARD CHICKENS** - Raising and keeping of up to fifteen (15) hens per lot depending on lot size in accordance with Section 5.17 and accessory to a one-family or two-family dwelling for personal consumption and enjoyment.

**HEN** – An egg-bearing chicken or female chicken beyond 16 weeks of age

**LIVESTOCK** - animals raised for domestic use including horses, cattle, goats, sheep, llamas, donkeys, chickens, geese, ducks, turkeys, rabbits, and other similar animals kept for food or labor excluding swine and fur-bearing animals.

**ROOSTER** – A male chicken over the age of 16 weeks

**B. Amend the Zoning Bylaw, Section 3.2, Schedule of Use, Subsection 3.2.01, Agriculture, as shown below:**

3.2.01 AGRICULTURE <sup>1</sup>		SA	R1	R2	B	CB	I	BI-A	HB-1 &
1.	Farm, part-time farm or nursery, including the display and sale of natural products raised in the town, and raising of livestock the exception of swine as regulated in Section	Y	N	N	N	N	N	N	Y
2.	Raising of livestock for domestic use (See Section 5.17)	SP	SP	SP	SP	SP	SP	SP	SP
3.	Raising of swine and fur-bearing animals	SP	N	N	N	N	N	N	N
4.	Greenhouse	SP	N	N	N	N	N	SP	Y
5.	Backyard Chickens (See Section 5.17)	Y	Y	Y	Y	Y	Y	Y	Y

<sup>1</sup>The use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture, or viticulture as described under MGL Ch 40A, Section 3, on parcels over ~~5~~ 2 acres, is permitted (Y).

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

nn. Backyard Chickens

**D. Amend Section 3.32, Residential Industrial Business (RIB) Zone, subsection B.4., by item n as follows:**

n. Backyard Chickens

**E. Insert a new Section 5.17, as follows:**

**5.17 LIVESTOCK AND BACKYARD CHICKENS**

**5.17.01 Livestock**

- A. The Special Permit Granting Authority for Livestock shall be the Zoning Board of Appeals (ZBA) in all Zoning Districts.
- B. The ZBA may limit the total number of livestock allowed per lot. The keeping of chickens on a lot less than 7,000 square feet is prohibited.
- C. Coops, hutches or other such buildings used to house poultry, rabbits, or other small livestock animals shall be situated not less than twenty-five (25) feet from any inhabited dwelling.
- D. The keeping of chickens requiring a special permit shall meet the requirements of Section 5.17.02, subsections E – H, below.

**5.17.02 Backyard Chickens**

- A. Purpose & Intent: To allow the raising of backyard chickens for the personal consumption of eggs and meat for residents, to protect the rights of abutters, and preserve natural water resources
- B. The keeping of backyard chickens shall comply with Board of Health Regulations and shall require an annual license from the Town Clerk. Backyard chickens that are not licensed shall be subject to a fine. The Zoning Enforcement Officer may delegate enforcement under this section to the Animal Control Officer.
- C. The number of backyard chickens allowed is as follows:

<b>Lot Size</b>	<b>Maximum # of Chickens</b>
Less than 7,000 square ft.	0
Equal or greater than 7,000 square ft. but less than .5 acre (21,780 square ft.)	6
Equal or greater than .5 acre (21,780 square ft.) but less than 1 acre (43,560 square ft.)	10

Equal or greater than 1 acre (43,560 sq. ft.) but less than 1.5 acres (65,340 sq. ft.)	12
Equal or greater than 1.5 acres (65,340 sq. ft.)	15

- C. Keeping of a higher density of chickens per square foot or keeping of roosters shall be considered keeping of livestock and would require a special permit from the Zoning Board of Appeals. The keeping of chickens on a lot less than 7,000 square feet is prohibited.
- D. Poultry and eggs produced under this section shall be for personal consumption only (not for sale).
- E. The keeping of Backyard Chickens shall comply with applicable local, state and Federal wetlands regulations and stormwater management regulations. There shall be no construction of any structure or alteration of land within a protected resource area, and or any unlawful discharges of pollution (i.e. fecal waste) into the wetland or buffer zone area. Coops shall not be constructed within 50 ft. of wells.
- F. Chickens shall be confined to the permit holder's property at all times to prevent wandering and straying onto other properties.
- G. Coops will be considered an accessory structure for the purpose of this by-law and shall adhere to all dimensional requirements for accessory structures and shall be situated not less than twenty-five (25) feet from any inhabited dwelling. All coops shall be of durable construction. Such structures shall be elevated to a height that allows for adequate cleaning and be designed so as to prevent the harborage of rodents and insects. The owner shall provide for tightly covered and vermin-proof storage of dry domesticated animal feed.
- H. Poultry runs shall be situated not less than fifteen (15) feet from adjoining property lines.

**5.17.03 Exempt Agricultural Use**

Nothing in this section is intended to regulate the keeping, raising, or breeding of livestock as part of a commercial agricultural enterprise on two (2) or more acres meeting the requirements of MGL Chapter 40A, Section 3;

Or take any action relative thereto.

PROPOSED MOTION: Move that the article be accepted as written

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

VOTE REQUIRED FOR PASSAGE: Requires a two-thirds majority vote per M.G.L. c. 40A, §5.

**ARTICLE 13        AMENDMENT OF ZONING BYLAWS - TEMPORARY MORATORIUM  
ON GROUND-MOUNTED SOLAR ENERGY SYSTEMS**

To see if the Town will vote to amend Section 5.14 of the Town's zoning bylaws (Ground-Mounted Solar Energy Systems) to enact a temporary moratorium on Medium and Large-Scale Ground-Mounted Solar Energy Systems.

### **Moratorium on Medium-Scale or Large-Scale Ground-Mounted**

**Explanation:** The purpose of this amendment is to temporarily halt the development of new Medium-Scale and Large-Scale Ground-Mounted Solar Energy Systems to provide the Town of Leicester time to develop improved Zoning Bylaws to regulate the installation of solar photovoltaic panels and arrays, commonly referred to as “solar farms”.

### **F. Amend Section 5.14, Ground-Mounted Solar Energy Systems, by inserting a new subsection 7.0, as follows:**

## **7.0 Temporary Moratorium on the Construction of Medium and Large-Scale Ground-Mounted Solar Energy Systems**

### **7.1 Background**

The Town of Leicester (“Town”) currently has 9 approved Large-Scale Ground-Mounted Solar Energy Systems completed or under construction, and another 2 under review. Many of these projects have involved large-scale clear-cutting of trees and ground vegetation, and several have been located in close proximity to abutting residential neighborhoods. Although the Zoning Bylaw adopted pursuant to the vote under Articles 5, 6, 7, 8, and 9 of the November 8, 2011 Special Town Meeting was improved by amendments adopted by the vote under Article 24 of the May 2, 2017 Annual Town meeting, the Town needs further changes to the Zoning Bylaw to protect environmental resources and residential neighborhoods. Therefore, there is an immediate, identified need to protect the interests of the Town and its citizens by establishing long-term land use standards and provisions to ensure that such uses and development will be consistent with the Town's long-term planning interests and Master Plan.

### **7.2 Temporary Moratorium**

The purpose of this moratorium is to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

Because the regulation of Medium-Scale or Large-Scale Ground-Mounted Solar Energy Systems, commonly referred to as “solar farms” raises novel legal, planning, and public safety issues, the Town needs time to undertake a planning process to make appropriate amendments to the Zoning Bylaw regarding regulation of Medium-Scale or Large-Scale Ground-Mounted Solar Energy Systems.

Accordingly, the Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medium-Scale or Large-Scale Ground-Mounted Solar Energy Systems until adjournment of the business portion of the May 2019 Annual Town Meeting to allow sufficient time to address the effects of such structures and uses in the Town and to enact appropriate Zoning Bylaws in a consistent manner.

Notwithstanding any other provision in the Town of Leicester Zoning Bylaw to the contrary, no building permit may be issued for the construction of any Medium-Scale or Large-Scale Ground-Mounted Solar Energy System, and to the extent legally permissible, the Planning Board shall not accept any further application for any Medium-Scale or Large-Scale Ground-Mounted Solar Energy System during the aforementioned moratorium period.

This moratorium shall not apply to Medium-Scale or Large-Scale Ground-Mounted Solar Energy System projects for which a Site Plan Review or Special Permit application was received by the Leicester Planning Board prior to August 7, 2018.

Any Medium-Scale or Large-Scale Ground-Mounted Solar Energy System proposed in an application submitted to the Planning Board prior to August 7, 2018 shall be governed by the provisions of the Town Leicester Zoning Bylaw in effect prior to the first publication of notice of the public hearing on this by-law required by M.G.L. c. 40A, § 5.

Or take any action relative thereto.

PROPOSED MOTION: Move that the article be accepted as written

FINANCE ADVISORY BOARD RECCOMENDATION

SELECTBOARD RECCOMENDATION

VOTE REQUIRD FOR PASSAGE: Requires a two-thirds majority vote per M.G.L. c. 40A, §5.

**ARTICLE 15 AMENDMENT OF ZONING BYLAWS - MODIFICATION OF DIMENSIONAL REQUIREMENTS IN THE SUBURBAN AGRICULTURE AND RESIDENTIAL 1 ZONING DISTRICTS**

To see if the Town will amend Section 4.2 (Schedule of Dimensional Requirements – Table I) of the Town's zoning bylaws to modify dimensional requirements in the Suburban Agriculture (SA) and Residential 1 (R1) Zoning Districts.

**Residential Dimensional Requirements**

**Explanation:** The purpose of these amendments is to reduce minimum dimensional requirements for the development of single-family homes in the Suburban Agriculture (SA) and Residential 1 (R1) Zoning Districts.

**Amend the Zoning Bylaw, Section 4.2, Schedule of Dimensional Requirements, Table I, as shown below:**

**4.2, SCHEDULE OF DIMENSIONAL REQUIREMENTS – TABLE I**

District	Minimum Area (SQ FT)	Frontage (FT)	Front (FT)	Side (FT)	Rear (FT)	Max height of building	No. of stories	Maximum Building Height
R1	50,000 <sup>2</sup>	<del>450</del> 125	25	15	25	35	2½	30
SA	<del>80,000</del> 50,000	200	40	40	40	35	2½	30

<sup>2</sup> The minimum lot size in the R1 district shall be ~~40,000~~ 20,000 square feet for lots served by public water and sewer.

Or take any action relative thereto.

PROPOSED MOTION: Move that the article be accepted as written

FINANCE ADVISORY BOARD RECCOMENDATION

SELECTBOARD RECCOMENDATION

VOTE REQUIRED FOR PASSAGE: Requires a two-thirds majority vote per M.G.L. c. 40A, §5.

**ARTICLE 16 AMENDMENT OF ZONING BYLAWS - AMENDMENT OF DEFINITIONS AND USE REGULATIONS FOR VEHICLE RELATED USES)**

To see if the Town will vote to Amend Section 1.3 (Definitions), and Section 3 (Use Regulations) of the Town's zoning bylaws to improve regulation of vehicle related uses.

**Vehicle-Related Uses**

**Explanation:** The purpose of these amendments is to define and clarify regulation of vehicle-related uses.

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

**GASOLINE STATION** – a commercial gas station providing fuel to primarily passenger vehicles, not to include vehicle service or repair.

**TAXI OR LIMOUSINE SERVICE** – A for-profit transportation service providing a taxi cab or limousine for hire that is used in the business of transporting passengers for compensation. Such service is not allowed as a home occupation. Not to include a private vehicle used for ridesharing services.

**TRUCKING DEPOT** – a facility for parking and service of or tractor-trailer trucks or buses, which may include fuel services.

**VEHICLE SERVICE OR REPAIR FACILITY** – an establishment providing services to primarily passenger vehicles. Not to include a junk yard or open storage of abandoned vehicles.

**VEHICLE STORAGE YARD:** site for open storage of abandoned or unregistered vehicles

**H. Amend the Zoning Bylaw, Section 3.2, Schedule of Use, Subsection 3.2.03, Business, by modifying use #7, and adding uses #22 – 27, as shown below:**

3.2.03 BUSINESS		SA	R1	R2	B	CB	I	BI-A	HB-1 &
7.	Gasoline <del>or service</del> station (prohibited in Watershed Overlay District)	N	N	N	SP	N	N	N	SP



3.2.03 BUSINESS		SA	R1	R2	B	CB	I	BI-A	HB-1 & HB-2
22.	Vehicle Service or Repair Facility (prohibited in Watershed Overlay District)	N	N	N	SP	N	SP	SP	SP
23.	Vehicle Sales or Rental, up to 30 vehicles <sup>2</sup>	N	N	N	SP	N	Y	Y	Y
24.	Vehicle Sales or Rental/Auto Dealership, 30 or more vehicles <sup>2</sup>	N	N	N	N	N	SP	SP	SP
25.	Land and water recreational vehicle (including boats) sales, rental, service, and storage yards	N	N	N	SP	N	SP	SP	SP
26.	Towing Company	N	N	N	SP	N	SP	SP	SP
27.	Vehicle Salvage Yard	N	N	N	N	N	N	N	N

<sup>2</sup>Display/parking of vehicles for sale is prohibited in the right-of-way of any roadway (public or private) and in any required landscaped buffer areas for the applicable zoning district. Where the number of vehicles for sale combined with parking spaces exceeds twenty (20), Site Plan Review is required in accordance with Section 5.2 (Site Plan Review).

**I. Amend the Zoning Bylaw, Section 3.2, Schedule of Use, Subsection 3.2.05, Transportation, Communication, Utility, by modifying use #3, and adding use #10, as shown below:**

3.2.05 TRANSPORTATION, COMMUNICATION, UTILITY		SA	R1	R2	B	CB	I	BI-A	HB-1 & HB-2
3.	Trucking depot	N	N	N	SP	N	SP	<del>Y</del> SP	SP
10.	Taxi or Limousine Service	N	N	N	SP	N	Y	Y	Y

**J. Amend Section 3.30, Business Residential-1 (BR-1) Zone, by modifying subsection z., as follows:**

z. ~~Auto Sales~~ Vehicle Sales or Rental, up to 30 vehicles (30 or more by special permit).

**K. Amend Section 3.32, Residential-Industrial-Business (RIB) by inserting uses n. – p., as follows:**

- n. Vehicle Sales or Rental, up to 30 vehicles (30 more by special permit)
- o. Taxi or Limousine Service

**L. Amend Section 3.33 [ADDITIONAL USE REGULATIONS SPECIFIC TO THE HIGHWAY BUSINESS-INDUSTRIAL DISTRICT-1 (HB-1)], Subsection 3.33.2, as follows:**

**3.33.2 Additional Uses allowed by Special Permit (SP)**

- ~~1. Automobile Dealerships~~
- ~~2. Automobile Service/Repair Facilities~~
- ~~3. 1. Movie Theaters~~
- ~~4. 2. Veterinary Hospitals~~

**M. Amend the Zoning Bylaw, Section 5.6, Greenville Village Neighborhood Business District (NB), Subsection 5.6.04, Prohibited Uses, as shown below:**

**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.).

Or take any action relative thereto

FINANCE ADVISORY BOARD RECCOMENDATION:

SELECTBOARD RECOMMENDATION:

VOTE REQUIRED FOR PASSAGE: Requires a two-thirds majority vote per M.G.L. c. 40A, §5.

**ARTICLE 17 AMENDMENT OF ZONING BYLAWS - AMENDMENT OF DEFINITIONS AND USE REGULATIONS REGULATING BREWERIES AND RELATED USES**

To see if the Town will vote to amend the Town's Zoning Bylaws as follows:

- F. Amend Section 1.3 (Definitions) and Section 3 (Use Regulations) to regulate breweries and related uses.

**Breweries and Related Uses**

**Explanation:** The purpose of these amendments is to address regulation of breweries, distilleries, and wineries.

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

**BREWERY, DISTILLERY, WINERY** - Establishment primarily engaged in the on-site manufacture, blending, fermentation, processing, and packaging of alcoholic beverages including beer, wine, hard cider and distilled beverages, for wholesale or retail distribution, as allowed by state law. The establishment may include accessory uses such as: tasting room for on-site consumption of the product produced on-site, retail sales of the product produced on-site and related goods, and/or tours of the production facility, provided that all production, processing, distribution, and storage activities are to be conducted within an enclosed building. Within the Suburban Agricultural (SA) district this shall mean an establishment that produces less than 15,000 barrels annually (a barrel being equivalent to 31 gallons). Such use in the SA district shall only be permitted on parcels containing a minimum of five (5) acres.

**BREW PUB:** Restaurants, licensed under the relevant state and federal statutes, to produce and sell beer, ale and/or hard cider at the location and whose primary business is the sale and preparation of food to be consumed on the premises. Malt beverages including beer, ales and hard ciders produced on the premises may be sold to other establishments but shall not to exceed 25 percent of the establishment's production capacity.

**O. Amend the Zoning Bylaw, Section 3.2, Schedule of Use, Subsection 3.2.03, Business, by adding use #28, as shown below:**

3.2.03 BUSINESS		SA	R1	R2	B	CB	I	BI-A	HB-1 <del>2</del>
28.	Brewery, Distillery, Winery	SP	N	N	SP	SP	Y	Y	Y
29.	Brew Pub	SP	N	N	Y	SP	Y	Y	Y

**P. Amend Section 3.30, Business Residential-1 (BR-1) Zone, by amending subsection cc, and adding subsection nn., as follows:**

- cc. Establishments serving alcoholic beverages, including brew pubs, by special permit
- nn. Brewery, Distillery, Winery by special permit

Or take any action relative thereto.

MOTION: Move that the article be accepted as written.

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

VOTE REQUIRED FOR PASSAGE: Requires a two thirds majority vote per M.G.L. c. 40A, §5.