

**TOWN OF LEICESTER  
SPECIAL TOWN MEETING  
MAY 1, 2012**

The following is a report of the Doings of the Special Town Meeting held in the Town of Leicester on Tuesday, May 1, 2012. The Moderator, Donald A. Cherry, Jr., opened the meeting at 7:48 pm with 363 voters present.

Article 1. Thomas E. Buckley III moved that the Town vote to transfer from Free Cash the sum of \$145,983 to supplement the Fiscal Year 2012 Operating Budget as follows, and as shown in a list in the hands of the voters:

Budget #	111 – Legal	14,000.00
Budget #	135 – Town Accountant	3,500.00
Budget #	141 – Assessors	3,375.00
Budget #	147 – Tax Title	520.00
Budget #	155 – Information Technology	7,000.00
Budget #	197 – Town Hall building	9,700.00
Budget #	210 – Police Department	27,000.00
Budget #	220 – Fire Department	22,000.00
Budget #	420 – Highway Department	15,000.00
Budget #	423 – Highway Snow Removal deficit	40,888.00
Budget #	610 – Library	3,000.00

And further transfer the sum of \$2,000 from the Animal Control Revolving Account to fund Budget #292 Animal Control Department and \$400 from the Animal Control Revolving Account to fund Budget #161 Town Clerk's office.

VOTED UNANIMOUSLY

Article 2. Richard Antanavica moved that the Town vote to accept the recommendations of the Capital Improvement Planning Committee to amend the FY'12 Capital Budget and approve the expenditure of \$14,000 from Free Cash to fund the purchase of a used dump truck body for the Highway Department.

VOTED UNANIMOUSLY

Article 3. Sandra M. Wilson moved that the Town vote to rescind the borrowing authorization for Ice Storm Deficits in the amount of \$200,000 and Debris Removal costs' remaining balance of \$50,000 allowed under Article 1 of the May 4, 2009 Special Town Meeting.

VOTED AFFIRMATIVELY BY A 2/3 VOTE

Richard Antanavica moved that the Town dissolve the Special Town Meeting.

VOTED UNANIMOUSLY

Richard Antanavica moved that the Town reconvene the Annual Town Meeting.

VOTED UNANIMOUSLY

Meeting adjourned at 7:56 pm with 363 voters present.

Respectfully submitted,

Deborah K. Davis

**TOWN OF LEICESTER  
ANNUAL TOWN MEETING  
MAY 1, 2012**

The following is a report of the Doings of the Annual Town Meeting held in the Town of Leicester on Tuesday, May 1, 2012. The Moderator, Donald A. Cherry, Jr., opened the meeting at 7:32 pm with 363 voters present stating "The Town Clerk has informed me that a quorum is present, the meeting will come to order."

A special thank you to the Leicester High School Jazz band that played before the Town Meeting was called to order. The band was well received by all who attended.

The Moderator asked that Boy Scout Troop 123 present the Honor Guard. Scout Master Brian Jubinville then called for a moment of silence for the men and women of the armed forces who are protecting our Country. The National Anthem was sung by Renee Comeau from Leicester High School; Rene sang beautifully and there wasn't a dry eye in the auditorium.

Richard Antanavica moved that the Town vote to dispense with the reading of the warrant, which is in the hands of the voters. VOTED UNANIMOUSLY

Richard Antanavica moved that the Town vote to dispense with a hand count by tellers on motions requiring a two-thirds vote, except when the vote or the method of voting is challenged, or when in the opinion of the Moderator, a hand count is necessary to establish a quantum of vote, or when the vote involves the potential to borrow money. VOTED UNANIMOUSLY

Richard Antanavica moved that the Town vote to recess the Annual Town Meeting and open the Special Town Meeting. VOTED UNANIMOUSLY

Richard Antanavica moved that the Town reconvene the Annual Town Meeting at 7:56 pm. VOTED UNANIMOUSLY

Three Department Reports were not submitted in time to be included in the Annual Town Report. The Personnel Board, Animal Control and the Moderator reports were read by moderator Donald Cherry.

**Personnel Board**

The Personnel board has undergone a difficult year with the loss of its secretary and three of the four board members.

Two new members, Timothy Butler and Jeff Berthiaume, joined the Board in November. The goal of the revamped Board is to revise the bylaws and work on the reclassification plan.

**Animal Control**

Animal Inspector Report Calls logged 2011-1,422

Dairy-----	82	Rabbits-----	12
Beef-----	14	Swine-----	4
Horses/ponies-----	27	Chicken/turkey-----	2
Llama/Alpacas-----	37	(flocks over 24)	
Waterfowl-----	1		

The Town's Dog Fund remains stable through the fees, fines and licenses collected. The Town Clerk's office has been diligent in their licensing efforts, each year the number of dogs licensed increases. By-law changes will make it easier for households owning/keeping more that 3 dogs to obtain a private kennel license.

Thank you to all the supporting personnel and departments that have been instrumental in the growth of the Animal Control Department.

### **Town Moderator**

During the past year or so, in addition to moderating both the Annual Town Meeting and the Fall Special Town Meeting, I was asked, and agreed to moderate meetings of the Chairs of the Town's three major boards in an effort to assist with the budget process. I also moderated two Conventions of the Boards, which are posted, open meetings of the full membership of the Board of Selectmen, School Committee and Finance Advisory Board. While I had hoped to claim at least some small part in the success of this process, I can at least say that I kept all sides talking.

I have continued my membership in the Massachusetts Moderators' Association, which I have found invaluable. Many members have been active as moderators for over 20 years and their counsel has had a positive effect on my performance in this role.

I would be remiss if I did not acknowledge the support of my wife, Kathy, as the time it takes to perform this role as I feel necessary far exceeds what I assumed would be the case.

On April 5, 2012, I met with the Leicester High School Class of 2012. LHS Administration and staff were very supportive of my request to meet with the students. During a Senior Class meeting, I presented a short run down on the function of town meeting and encouraged them to take part in this process. I believe it is critical that our young people understand how important their role can be in this institution, and that they take full share in their rights as citizens and voters.

It is an honor to serve the Town of Leicester as Town Moderator.

VOTED UNANIMOUSLY

#### **Article 1. Annual Town Meeting**

Thomas E. Buckley III moved that the Town vote to accept the Annual Town Report, subject to typographical errors and omissions, in lieu of individual reports and to accept the reports given on the floor of this meeting. VOTED UNANIMOUSLY

#### **Articles 2-14. Consent Calendar**

Sandra M. Wilson moved that the meeting advance for consideration Articles 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, and take action on such Articles as stated in the Consent Calendar in the hands of the voters and printed on the report and recommendations of the Leicester Advisory Board, without debate on any of such Articles, provided that upon the request of ten voters at this meeting, made before the vote is taken on this Motion, an Article shall be dropped from the Consent Calendar and shall be acted upon in the ordinary course of business at this Town Meeting. VOTED UNANIMOUSLY

Article 2. Move that the Town take affirmative action on Article 2 as printed in the Annual Town Meeting Warrant. (Pertaining to authorizing the Treasurer, with the approval of the Selectmen, to borrow money in anticipation of revenue and /or reimbursement and to issue notes of the Town payable thereof in accordance with applicable law)

Article 3. Move that the Town take affirmative action on Article 3 as printed in the Annual Town Meeting Warrant. (Pertaining to authorizing and empowering the Board of Selectmen to sell or dispose of accumulated used or junk property of the Town)

Article 4. Move that the Town take affirmative action on Article 4 as printed in the Annual Town Meeting Warrant. (Pertaining to accepting a sum of money as State Aid to Libraries and apply such sums to the State Aid to Library grant account)

Article 5. Move that the Town take affirmative action on Article 5 as printed in the Annual Town Meeting Warrant an amount not to exceed \$50,000 from Code Inspection/permit Fees to be expended under the direction of the Building Inspector for services and costs relating to Code Inspections. (Pertaining to reauthorizing a Revolving Fund for the Code Inspection Department in accordance with Mass General Laws, Chapter 44, Section 53E½)

Article 6. Move that the Town take affirmative action on Article 6 as printed in the Annual Town Meeting Warrant in an amount not to exceed \$20,000 from the EMS Training program tuition receipts to be expended under the direction of the EMS Director for services and costs relating to the training program. (Pertaining to reauthorizing a Revolving Fund for the Emergency Medical Service training program in accordance with Mass General Laws, Chapter 44, Section 53E½)

Article 7. Move that the Town take affirmative action on Article 7 as printed in the Annual Town Meeting Warrant in an amount not to exceed \$10,000 from Board of Health Community Septic Loan Management Program to be expended under the direction of the Board of Health for services and costs relating to the Septic Loan Program. (Pertaining to reauthorizing a Revolving Fund for the Board of Health for moneys received from principal and interest on betterment loans under the Community Septic Management Program in accordance with Mass General Laws, Chapter 44, Section 53E½)

Article 8. Move that the Town take affirmative action on Article 8 as printed in the Annual Town Meeting Warrant in an amount not to exceed \$5,000 from Board of Health Clinics for Health to be expended under the direction of the Board of Health for services and costs relating to Health Clinics. (Pertaining to reauthorizing a Revolving Fund for the Board of Health for fees and other charges related to health clinics in accordance with Mass General Laws, Chapter 44, Section 53E½)

Article 9. Move that the Town take affirmative action on Article 9 as printed in the Annual Town Meeting Warrant in an amount not to exceed \$26,500 from Board of Health inspection/permit fees to be expended under the direction of the Board of Health for services and costs relating to Health Inspection. (Pertaining to reauthorizing a Revolving Fund for the Board of Health for inspection and permit fees in accordance with Mass General Laws, Chapter 44, Section 53E½)

Article 10. Move that the Town take affirmative action on Article 10 as printed in the Annual Town Meeting Warrant in an amount not to exceed \$10,000 from Council on Aging program services, to be expended under the direction of the Council on Aging for services and costs relating to various programs offered. (Pertaining to reauthorizing a Revolving Fund for the Council on Aging program services in accordance with Mass General Laws, Chapter 44, Section 53E½)

Article 11. Move that the Town take affirmative action on Article 11 as printed in the Annual Town Meeting Warrant in an amount not to exceed \$35,000 from Highway Department fuel usage fees, to be expended under the direction of the Highway Superintendent for services and costs relating to fuel costs. (Pertaining to reauthorizing a Revolving Fund for the Highway Department fuel usage fees in accordance with Mass General Laws, Chapter 44, Section 53E½)

Article 12. Move that the Town take affirmative action on Article 12 as printed in the Annual Town Meeting Warrant in an amount not to exceed \$80,000 from Hillcrest Country Club leasing/rental fees, to be expended under the direction of the Board of Selectmen for services and costs relating to maintenance of facility. (Pertaining to reauthorizing a Revolving Fund for the Hillcrest Country Club maintenance fees in accordance with Mass General Laws, Chapter 44, Section 53E½)

Article 13. Move that the Town take affirmative action on Article 13 as printed in the Annual Town Meeting Warrant in an amount not to exceed \$15,000 from Town Hall leasing/rental fees to be expended under the direction of the Town Administrator for services and costs relating to maintenance of the facility. (Pertaining to reauthorizing a Revolving Fund for the Town Hall leasing and rentals in accordance with Mass General Laws, Chapter 44, Section 53E½)

Article 14. Move that the Town take affirmative action on Article 14 as printed in the Annual Town Meeting Warrant in an amount not to exceed \$30,000 from recycling fees, to be expended under the direction of the Town Administrator for services and costs relating to the operation of the Recycling Center. (Pertaining to reauthorizing the Recycling Committee Revolving Fund in accordance with Mass General Laws, Chapter 44, Section 53½ to receive fees and other receipts in connection with the Recycling Center program under the direction of the Board of Selectman.)  
VOTED UNANIMOUSLY

Article 15. Receipt of Chapter 90 funds

Richard Antanavica moved that the Town vote to accept and appropriate as available funds such sums of money as may be received from the Commonwealth of Massachusetts under Chapter 90 for highway construction and related purposes for the Fiscal Year commencing July 1, 2012, said funds to be used under the direction of the Highway Superintendent on such projects as may, from time to time, be designated by the Board of Selectmen and approved by the Massachusetts Highway Department. VOTED UNANIMOUSLY

Article 16. Elected Officials' pay

Dianna Provencher moved that elected officials be paid according to the following Schedule in the hands of the voters.

2013 ELECTED OFFICIALS PAY RATE	
<u>POSITION</u>	<u>PAY RATE</u>
TOWN CLERK	45,020
Fiscal Year 2013 equity compensation	865
SELECTMEN - CHAIRMAN	882
SELECTMEN - MEMBERS (4) each	724
SCHOOL COMMITTEE - CHAIRMAN	447
SCHOOL COMMITTEE - MEMBERS (4) each	197
PLANNING BOARD - CHAIRMAN	320
PLANNING BOARD - MEMBERS (4) each	276
MODERATOR	81
BOARD OF HEALTH - CHAIRMAN	320
BOARD OF HEALTH - MEMBERS (2) each	276
ASSESSOR - MEMBERS (3) each	577

State statute requires that the compensation for elected officials be set by Town Meeting.  
VOTED UNANIMOUSLY

Article 17. Operating Budget

Richard Antanavica moved that the Town vote to approve the budgets of the several Town Departments as printed and in the hands of the voters for the Fiscal Year beginning July 1, 2012 in the aggregate amount of \$25,877,462 and to fund this amount from the following sources.

Transfer from available funds, Free Cash	\$200,000
Transfer from available funds, Board of Health Title V Reserves Acct Principal	\$20,041
Transfer from available funds, Ambulance Receipts reserves account	\$298,000
Transfer from available funds, Dog Fund Receipts reserves account	\$26,338

And the balance of funds in the remaining sum of \$25,333,083 shall be raised and appropriated by taxation. The Advisory Board recommends approval of this article.

# FISCAL YEAR 2013

BUDGET CATEGORY	PROPOSED (as in handout)
100 - Contract/Wage Settlements	-
103 - Cable Comm	-
111 - Legal Dept	50,000
114 - Moderator	100
120 - Capital Planning	-
122 - Selectmen	218,000
131 - Advisory Board	1,600
135 - Accountant	122,853
141 - Assessors	99,864
145 - Treasurer/Collector	143,427
147 - Tax Title	20,000
152 - Personnel Board	974
155 - IT Services	95,000
158 - Tax Title	-
159 - ByLaw Comm	-
161 - Town Clerk	82,678
162 - Elections & Reg.	31,225
171 - Conservation Comm	14,985
173 - Moose Hill Water	3,636
175 - Planning Board	67,444
176 - Zoning Board	4,579
179 - C.M.R.P.C.	-
193 - Bonding & Insurance	275,000
197 - Town Hall Maintenance	60,647
198 - Town Hall Telephone	7,900
210 - Police Dept.	1,701,173
220 - Fire Dept.	210,548
231 - Ambulance	341,990
241 - Code Inspector	143,353
244 - Sealer of Wts & Meas.	-
292 - Animal Control Officer	26,338
296 - Pest Control Officer	7,847
310 - Schools	-
420 - Highway	687,035
423 - Snow & Ice	84,000
424 - Street Lights	64,000
510 - Board of Health	89,000
520 - Recycling	-
541 - Council on Aging	102,465
543 - Veterans Service	43,505
545 - Veterans Graves	2,372
610 - Library	161,823
630 - Parks & Recreation	4,872
691 - Historical Commission	1,676
692 - Memorial Day	3,340
<b>Gen Gov't sub-totals</b>	<b>4,975,249</b>
<b>Gen Government Operations</b>	<b>4,975,249</b>
<b>300-399 - Schools</b>	<b>15,656,690</b>
<b>700-945 - Inter-Governmental</b>	<b>5,245,523</b>
<b>TOTALS</b>	<b>25,877,462</b>
MOTION DEFEATED BY A SIGNIFICANT MAJORITY	

Mark Armington moved that the Town vote to change the amount of \$15,656,690 appearing under the School Department Appropriation in Article 17 be amended to the amount of \$16,046,852. The Moderator asked the Advisory Board if they approve the amendment brought to the floor by Mark Armington. The Advisory Board did not approve the amendment (Appropriation of money in excess of three thousand dollars shall be taken by a ballot vote, unless said appropriation shall have been recommended or approved by the Advisory Committee).

**MOTION TO AMEND VOTED BY A SIGNIFICANT MAJORITY**

Article 17. Donald A. Cherry, Jr. explained to the Meeting that we would be moving forward with the motion as amended. Donald A. Cherry, Jr. moved that the Town vote to approve the budgets of the several Town Departments as printed and in the hands of the voters for the Fiscal Year beginning July 1, 2012 in the aggregate amount of \$26,267,624 and to fund this amount from the following sources.

Transfer from available funds, Free Cash	\$200,000
Transfer from available funds, Board of Health Title V Reserves Acct Principal	\$20,041
Transfer from available funds, Ambulance Receipts reserves account	\$298,000
Transfer from available funds, Dog Fund Receipts reserves account	\$26,338

And the balance of funds in the remaining sum of \$25,723,245 shall be raised and appropriated by taxation.

**FISCAL YEAR 2013**

<b>BUDGET CATEGORY</b>	<b>BUDGETED</b>
100 - Contract/Wage Settlements	-
103 - Cable Comm	-
111 - Legal Dept	50,000
114 - Moderator	100
120 - Capital Planning	-
122 - Selectmen	218,000
131 - Advisory Board	1,600
135 - Accountant	122,853
141 - Assessors	99,864
145 - Treasurer/Collector	143,427
147 - Tax Title	20,000
152 - Personnel Board	974
155 - IT Services	95,000
158 - Tax Title	-
159 - ByLaw Comm	-
161 - Town Clerk	82,678
162 - Elections & Reg.	31,225
171 - Conservation Comm	14,985
173 - Moose Hill Water	3,636
175 - Planning Board	67,444
176 - Zoning Board	4,579
179 - C.M.R.P.C.	-
193 - Bonding & Insurance	275,000
197 - Town Hall Maintenance	60,647
198 - Town Hall Telephone	7,900
210 - Police Dept.	1,701,173
220 - Fire Dept.	210,548
231 - Ambulance	341,990
241 - Code Inspector	143,353
244 - Sealer of Wts & Meas.	-
292 - Animal Control Officer	26,338
296 - Pest Control Officer	7,847
310 - Schools	-

420 - Highway	687,035
423 - Snow & Ice	84,000
424 - Street Lights	64,000
510 - Board of Health	89,000
520 - Recycling	-
541 - Council on Aging	102,465
543 - Veterans Service	43,505
545 - Veterans Graves	2,372
610 - Library	161,823
630 - Parks & Recreation	4,872
691 - Historical Commission	1,676
692 - Memorial Day	3,340
<b>Gen Gov't sub-totals</b>	<b>4,975,249</b>
<b>Gen Government Operations</b>	<b>4,975,249</b>
<b>300-399 - Schools</b>	<b>16,046,852</b>
<b>700-945 - Inter-Governmental</b>	<b>5,245,523</b>
<b>TOTALS</b>	<b>26,267,624</b>

VOTED BY A SIGNIFICANT MAJORITY

#### Article 18. Police Vehicles

Dianna Provencher moved that the Town vote to transfer the sum of \$34,000 from Free Cash to recondition and equip two current police fleet vehicles, which funds are to be managed by the Board of Selectmen. VOTED BY A SIGNIFICANT MAJORITY

#### ARTICLE 19. Retirees' Health Insurance

Sandra M. Wilson moved that the Town vote to transfer the sum of \$3,500 from Free Cash to fund the Town's Retired Public Employees Health and Welfare Trust. VOTED BY A SIGNIFICANT MAJORITY

#### Article 20. CMRPC dues

Sandra M. Wilson moved that the Town vote to transfer the sum of \$2,523 from Free Cash to fund the Town's portion of Central Mass Regional Planning assessment, and to approve the per capita assessment rate of .24092 cents. VOTED BY A SIGNIFICANT MAJORITY

#### Article 21. Reserve Account

Dianna Provencher moved that the Town vote to transfer the sum of \$50,000 from available Free Cash in the treasury to establish a Reserve Fund according to Chapter 40, Section 6 of the Mass General Laws. VOTED BY A SIGNIFICANT MAJORITY

#### Article 22. Capital Improvement Plan

Richard Antanavica moved that the Town vote to establish the FY'13 Capital Budget in accordance with the recommendations of the Capital Improvement Planning Committee and further to fund the following capital projects shown thereon and totaling \$250,000 as indicated, and as shown in a list in the hands of the voters, specifically,

- a. To transfer from Free Cash the sum of \$11,600 to be used by the Police Department for the purchase of a new copy machine;
- b. To borrow the sum of \$138,400 to upgrade the radio communications system used by the Police, Fire and Highway Departments, to be expended by the Board of Selectmen;
- c. To borrow the sum of \$100,000 to be expended by the Board of Selectmen for the renovation of the 3<sup>rd</sup> floor in the Town Hall.

VOTED AFFIRMATIVELY BY A 2/3 VOTE

#### Article 23. 1078 Main Street (School Department)

Douglas Belanger moved that the Town vote to authorize the Board of Selectmen to sell the real property with the buildings thereon at 1078 Main Street on such terms and at such time as the Board in its discretion deems appropriate. VOTED AFFIRMATIVELY BY A 2/3 VOTE



**Article 24. Renovation of Town Hall**

Douglas Belanger moved to pass over this article. (pertaining to voting in a sum of money to fund the renovation of the Town Hall) VOTED AFFIRMATIVELY BY A 2/3 VOTE

**Article 25. Solar electric power**

Douglas Belanger moved that the Town vote to authorize the Board of Selectmen to enter into agreements for the aggregation of the electric load within the town and/or the provision of solar electric power for municipal facilities on terms favorable to the town. VOTED UNANIMOUSLY

**Article 26. Federal & State Mandates**

Douglas Belanger moved that the Town vote to request their Federal and State Representatives and Senators to file legislation that will eliminate all unfunded Federal and State mandates. VOTED UNANIMOUSLY

**Article 27. Study for Fire/EMS facility**

Thomas E. Buckley III moved that the Town vote to transfer from Free Cash the sum of \$10,000 to fund a study of real property suitable for a new Fire/EMS facility and authorize the Board of Selectmen to enter into agreements that may be necessary to consider the feasibility of housing a new Fire/Ems headquarters facility, which funds are to be managed by the Board of Selectmen. VOTED BY A SIGNIFICANT MAJORITY

**Article 28. Stormwater management**

Sandra M. Wilson moved that the Town vote to transfer from Free Cash the sum of \$20,000 to fund the Town's stormwater management obligations, which funds are to be managed by the Board of Selectmen. VOTED BY A SIGNIFICANT MAJORITY

**Article 29. Study for Town-owned dams**

Dianna Provencher moved that the Town vote to transfer from Free Cash the sum of \$19,000 to fund the study and repair of Town-owned dams, which funds are to be managed by the Board of Selectmen. VOTED BY A SIGNIFICANT MAJORITY

**Article 30. Zoning**

Jason Grimshaw moved that the Town amend the Zoning Bylaws Section 3.2, Schedule of Use by adding explanatory text, adding a separate column for Central Business (CB) district to the table (instead of the text description of allowed uses in Section 3.34.B) and by adding "& HB-2" to the column heading currently labeled "HB-1" (HB-2 allows the same uses as HB-1) as further shown in the hand out materials under Paragraph "A".

**A. Amendments to Section 3.2, Schedule of Use**

Amend Section 3.2, Schedule of Use, by adding additional explanatory text under the NOTE preceding the table (new text shaded), by adding a separate column for the Central Business (CB) district to the table (instead of the text description of allowed uses in Section 3.34.B.) and by adding "& HB-2" to the column heading currently labeled "HB-1" (HB-2 allows the same uses as HB-1), as shown below (new column and column heading shaded):

**3.2 SCHEDULE OF USE**

NOTE: Permitted uses for zones BR-1, and RIB refer to the following sections:

BR-1 Section 3.30      RIB Section 3.32

See also Section 3.31 and 3.33 for information related to HB-1 & HB-2, and Section 3.34 for Central Business District

3.2.01 AGRICULTURE <sup>1</sup>	SA	R1	R2	B	CB	I	BI-A	HB-1 & HB-2
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 3.2.01.3	Y	N	N	N	N	N	N	Y
2. Raising of livestock for domestic use	SP	SP	SP	SP	SP	SP	SP	Y

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
<sup>1</sup> The use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture as described under MGL Ch 40A, Section 3, on parcels over 5 acres, is permitted (Y).								
<b>3.2.02 RESIDENTIAL</b>	<b>SA</b>	<b>R1</b>	<b>R2</b>	<b>B</b>	<b>CB</b>	<b>I</b>	<b>BI-A</b>	<b>HB-1 &amp; HB-2</b>
1. Detached one-family dwelling	Y	Y	Y	N	N	Y	Y	N
2. Two-family dwelling	N	N	SP	SP	SP	N	N	N
2-A Multi-family	N	N	N	SP	SP	N	N	N
3. Renting of rooms or furnishing of board for not more than four persons in a dwelling regularly occupied for residential purposes.	Y	Y	Y	Y	Y	Y	Y	Y
4. Accessory uses customarily incidental to a permitted main use on the same premises, including, but not limited to the following:								
A. Use of a room or rooms in a dwelling for customary home occupations conducted by resident occupants, such as dressmaking, candy making or for the practice by the resident of a recognized profession.	Y	Y	Y	Y	Y	Y	Y	Y
B. Use of a premises or building thereon in connection with his trade by a resident carpenter, electrician, painter, plumber or other artisan provided that no offensive noise, vibration, smoke, dust, odor, heat or glare is produced. Not more than one person other than residents of the premises is regularly employed in connection with the use. No stock in trade is regularly maintained except for products of the occupation itself or for goods or materials which are customarily stored, used or sold incidental to its performance. From the exterior of the building so used, there is not visible any display of goods or products, storage of materials or equipment, regular parking of commercial vehicles, or any other exterior indication that the premises are being utilized for any purpose other than residential, except for an accessory sign as hereinafter permitted.	Y	Y	Y	Y	Y	Y	Y	Y
5. Accessory buildings, customarily incidental to the uses permitted on the same premises.	Y	Y	Y	Y	Y	Y	Y	Y

6. Conversion of a one-family dwelling existing at the time of adoption of this by-law into a two-family dwelling, provided that the lot meets in full the intensity requirements for the district as outlined in Section 4.2 of this by-law and provided further that it can be demonstrated in each instance that no public health hazard is involved through inadequate provision for water supply or sewage disposal.	N	N	SP	SP	SP	N	N	N
7. Family Day Care up to five (5) children and as regulated by Chapter 30A, as amended, of the General Laws.	Y	Y	Y	Y	Y	Y	Y	Y
8. Group Day Care as regulated by Chapter 30-A, as amended, of the General Laws.	SP	SP	SP	SP	SP	SP	SP	Y
9. Limited Frontage Lot in accordance with Section 1.3 Also needed SP for zone BR1	SP	SP	SP	N	N	N	N	N
10. Senior Village Development (Special Permits issued by Planning Board)	SP	SP	SP	SP	SP	N	SP	N
11. Accessory Apartment	Y	Y	Y	N	N	N	Y	N
<b>3.2.03 Business</b>	<b>SA</b>	<b>R1</b>	<b>R2</b>	<b>B</b>	<b>CB</b>	<b>I</b>	<b>BI-A</b>	<b>HB-1 &amp; HB-2</b>
1. Any wholesale or retail business, research laboratory, service or public utility not involving manufacturing on the premises except of products the major portion of which is sold on the premises by the producer to the consumer	N	N	N	Y	SP	Y	Y	Y
2. Antique or gift shop, provided that the exterior of the building shall not be changed to look like a store, nor any new building be constructed to look like a store and provided that no merchandise shall be displayed outside the building.	Y	Y	Y	Y	SP	Y	Y	Y
3. Place of amusement or assembly, club conducted for profit	SP	N	N	SP	SP	SP	SP	SP
4. Office, bank, newspaper or job printing establishment.	N	N	N	Y	SP	Y	Y	Y
5. Hotel or motel	N	N	N	Y	SP	Y	Y	Y
6. Restaurant	SP	N	N	Y	SP	Y	Y	Y
7. Gasoline or service station	N	N	N	SP	SP	N	N	SP
8. Kennel, Commercial – Special Permits issued by the Planning Board.	SP	N	N	N	N	N	SP	SP
9. Kennel, Private – Special Permits issued by Zoning Board of Appeals.	Y	SP	SP	Y	SP	Y	Y	Y
10. Bed & Breakfast *in a pre-existing building	SP	SP	SP	Y	SP	N	N	Y*
11. Drive-through facility (Special Permits issued by Planning Board)	N	N	N	SP	SP	SP	SP	SP

12. Car Wash (Special Permits issued by Planning Board)	N	N	N	SP	SP	SP	SP	SP
13. Rental Enclosed Self-Storage Facility (outdoor storage prohibited) (Special Permits issued by Planning Board)	N	N	N	SP	SP	SP	SP	SP
14. Contractor's Yard Not allowed (N) in NB, CB, and RIB. Allowed by-right (Y) in BR-1 and HB-2. (Special Permits issued by Planning Board. See also Section 3.2.08., Parking of Commercial Vehicles)	SP	N	N	SP	SP	Y	Y	Y
15. Veterinary Clinic	N	N	N	SP	SP	N	N	N
16. Farmers' Market	Y	Y	Y	Y	Y	N	Y	Y
17. Pet Grooming (Special Permits issued by Planning Board)	Y	SP	SP	Y	SP	Y	Y	Y
<b>3.2.04 INDUSTRIAL</b>	<b>SA</b>	<b>R1</b>	<b>R2</b>	<b>B</b>	<b>CB</b>	<b>I</b>	<b>BI-A</b>	<b>HB-1 &amp; HB-2</b>
1. Any manufacturing or industrial use, including processing, fabrication and assembly, providing that no such use shall be permitted which would be detrimental or offensive or tend to reduce property values in the same or adjoining districts by reason of dirt, odor, fumes, smoke, gas, sewage, refuse, noise, excessive vibration or danger of explosion or fire.	N	N	N	N	N	Y	Y	Y
1-A Research laboratory. (Same restrictions as above)	N	N	N	N	N	SP	SP	Y
2. Construction headquarters or building from which construction work is directed and supplied.	N	N	N	N	N	Y	Y	Y
3. Storage warehouse	N	N	N	SP	SP	Y	Y	Y
4. Gravel, sand or stone removal for commercial venture.	SP	SP	SP	SP	SP	SP	SP	N
<b>3.2.05 TRANSPORTATION, COMMUNICATION, UTILITY</b>	<b>SA</b>	<b>R1</b>	<b>R2</b>	<b>B</b>	<b>CB</b>	<b>I</b>	<b>BI-A</b>	<b>HB-1 &amp; HB-2</b>
1. Aviation field	SP	N	N	N	N	N	N	N
2. Radio or TV broadcasting and relay station	SP	N	N	N	N	N	N	SP
3. Trucking depot	N	N	N	SP	SP	SP	Y	SP
4. Wireless Communication Also include SP for zones BR1 and RIB	SP	SP	SP	SP	SP	SP	SP	SP
5. Large Wind Facility	SP	N	N	N	N	N	N	SP
6. Small Wind Facility	SP	SP	SP	SP	SP	SP	SP	SP
7. Large-Scale Ground-Mounted Solar Photovoltaic Installation	Y	SP	SP	Y	SP	Y	Y	Y
8. Small-Scale Solar Photovoltaic Installation	Y	Y	Y	Y	Y	Y	Y	Y

<b>3.2.06 PUBLIC, SEMI-PUBLIC INSTITUTIONAL</b>	<b>SA</b>	<b>R1</b>	<b>R2</b>	<b>B</b>	<b>CB</b>	<b>I</b>	<b>BI-A</b>	<b>HB-1 &amp; HB-2</b>
1. Religious, educational or municipal use.	Y	Y	Y	Y	Y	Y	Y	Y
2. Hospital, sanitarium, convalescent home	Y	Y	Y	Y	SP	Y	Y	SP
3. Country club, golf course, boat livery, riding stable, or ski tow	SP	N	N	N	SP	N	N	N
4. Sporting and recreational camps	SP	SP	SP	SP	SP	SP	SP	SP
5. Private club not conducted for profit	SP	SP	SP	SP	SP	SP	SP	SP

VOTED AFFIRMATIVELY BY A 2/3 VOTE

#### Article 31. Zoning

Jason Grimshaw moved that the Town amend the Zoning Bylaws Section 3.34, Central Business District Requirements, by deleting text related to allowed uses (uses are proposed to be listed in the Schedule of Use Table) and by adding cross-references to other sections as further shown in the handout materials under Paragraph "B".

#### B. Amendments to Section 3.34, Central Business District

**Amend Section 3.34.B, Central Business District Requirements, as shown below (new text underlined, deleted text shown with strikethrough):**

##### **Section 3.34 CENTRAL BUSINESS DISTRICT (CB)**

##### **B. Central Business District Requirements**

The Central Business District shall comply with ~~all requirements for the Business (B) district and Business District Site Development Standards (Section 5.8). The Planning Board shall be the special permit granting authority for all special permits in the CB district, except that all uses listed under Section 3.2.03 and 3.2.06 currently listed as Y (allowed by right) shall be permitted only by special permit (SP), except for "Religious, educational or municipal use" (3.2.06.1), which shall remain Y.~~

~~Large Wind Facilities are prohibited in the Central Business District. Small Wind Facilities are prohibited in the Central Business.~~

VOTED AFFIRMATIVELY BY A 2/3 VOTE

#### Article 32. Zoning

Jason Grimshaw moved that the Town amend Section 4 of the Zoning Bylaws (Dimensional Requirements) by adding the Central Business (CB) district to the dimensional tables, adding requirements for mixed-use developments, changing setback requirements for the CB district, and changing other text to improve clarity as set forth in Paragraph "C" of the handout materials.

#### C. Amendments to Section 4, Dimensional Requirements

##### 1) **Section 4.1**

**Modify Section 4.1, as shown below (deleted text shown with strikethrough, new text underlined):**

##### **4.1 BASIC REQUIREMENTS**

No building or structure erected in any district shall be located on a lot having less than the minimum requirements set forth in Table I and II, ~~and no~~ and no more than one dwelling shall be built upon such lot, except in the case of Business, or combination of Business and Residential areas (B, BR-1, and RIB) when used as Business where specifically allowed elsewhere in the Zoning Bylaws. In the BR-1 and RIB districts a lot may contain a single dwelling unit in addition to a commercial structure on the same lot. No existing lot shall be changed as to size or shape so as to result in the violation of the requirements set forth in Table I and

2) **Section 4.2, Table I**

**Amend Section 4.2, by deleting the existing Table I, and replacing as follows:**

*[Note: Dimensional requirements are not proposed to be changed. The CB district has been added to the table, and the footnotes have been amended to improve clarity.]*

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

<b>District</b>	<b>Minimum Area (SQ. FT)</b>	<b>Frontage (FT)</b>	<b>Front (FT)</b>	<b>Side (FT)</b>	<b>Rear (FT)</b>	<b>Max height of building in feet<sup>1</sup></b>	<b>No. of stories</b>	<b>Maximum Building Coverage (%)</b>
R1	50,000 <sup>2</sup>	150	25	15	25	35	2½	30
R2	20,000	125	25	15	25	35	2½	30
SA	80,000	200	40	40	40	35	2½	30
B	15,000 <sup>3</sup>	100	25	10	25	35	2½	30
CB	15,000 <sup>3</sup>	100	25	10	25	35	2½	30
BI-A single family	30,000	175	40	40	40	55	5½	30
BI-A structure	20,000	150	50	40	40	55	5½	30
BR-1 single family	50,000	200	40	40	40	55	5½	30
BR-1 structure	20,000	150	50	40	40	55	5½	30
I single family	40,000	150	50	40	40	55	5½	30
I structure	10,000	100	25	10	25	55	5½	50
RIB single family	30,000	175	40	40	40	55	5½	33
RIB Two family	30,000	175	25	25	25	55	5½	33
RIB Multi-family	30,000	250	25	15	25	55	5½	33
RIB Multi-family Each add'l apt up to and include 5	10,000	250	25	15	25	55	5½	33
RIB Multi-family Each add'l apt after 5th apt.	2,500	250	25	15	25	55	5½	33
HB-1	60,000	200	50	50	50	55	5½	40
HB-2	45,000	200	50	50	50	55	5½	40
NB	20,000	100	25 <sup>4</sup>	15	25	25	2	40

<sup>1</sup> No building over 35 feet in height shall be used for habitation (See Section 4.2.06)

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

<sup>3</sup> See also Table II

<sup>4</sup> In Neighborhood Business Districts (NB), if the alignment of existing principal buildings on adjacent lots on each side of a lot fronting the same street in the same district is nearer to the street line than the required front setback, the average of the existing alignments of all such buildings within 500 feet of said lot shall be the required front setback.

3) **Section 4.2, Table II**

Amend Section 4.2, Table II by adding the Central Business (CB) district to the table, reformatting the first column, and adding notes to the table as shown below (deleted text shown with ~~strikethrough~~, new text underlined):

**4.2 SCHEDULE OF DIMENSIONAL REQUIREMENTS – TABLE II\***

<b>District</b>	<b>Minimum Area (SQ. FT)</b>	<b>Frontage (FT)</b>	<b>Front (FT)</b>	<b>Side (FT)</b>	<b>Rear (FT)</b>	<b>Max height of building in feet<sup>1</sup></b>	<b>No. of stories</b>	<b>Maximum Building Coverage (%)</b>
<b><u>Business (B) B &amp; CB</u></b> Multi-family, 1 <sup>st</sup> apt	15,000	100	25	15	25	35	2½	30
<b><u>Business (B) B &amp; CB</u></b> Multi-family, each additional apt. up to & including 5	7,500	100	25	15	25	35	2½	33
<b><u>Business (B) B &amp; CB</u></b> Multi-family, each additional apt. after 5 <sup>th</sup> apt.	2,000	100	25	15	25	35	2½	30

\*The requirements of Section 4, Table II shall apply to Mixed-Use Developments, except as follows:

- Mixed-use developments with a single dwelling unit proposed in buildings in existence prior to the adoption of this Section of the Leicester Zoning Bylaw are exempt from the dimensional requirements of Section 4.
- The Planning Board, by special permit, may waive or modify dimensional controls set forth in Section 4 for Mixed-use developments that are proposed in buildings or structures in existence as of the date of the adoption of this section of the Leicester Zoning Bylaw.

4) **Section 4.2.04 and 4.2.05**

Amend sections 4.2.04 and 4.2.05 as shown below (new text underlined):

**4.2.04** Side yard dimension will be fifty (50) feet when adjacent to a Residential District or a Suburban-Agricultural District. This requirement shall not apply to the CB district.

**4.2.05** Rear yard dimension will be fifty (50) feet when adjacent to a Residential District or a Suburban-Agricultural District. This requirement shall not apply to the CB district.

VOTED AFFIRMATIVELY BY A 2/3 VOTE

Article 33. Zoning

Jason Grimshaw moved that the Town amend the Zoning Bylaws to allow and regulate mixed residential and commercial uses in the same building in the Central Business (CB) and Business (B) zoning districts as shown in the handout materials under Paragraph "D".

**D. Amendments to Allow Mixed-Use Development**

1) **Section 1.3, Definitions**

Amend Section 1.3, Definitions, by inserting the following definitions in alphabetical order  
**MIXED-USE DEVELOPMENT, VERTICAL MIX:** An integration of commercial and residential uses in a single building in which the residential uses are located above the ground floor.

**MIXED-USE DEVELOPMENT, HORIZONTAL MIX:** An integration of commercial and multifamily residential uses in a development comprised of two or more buildings on the same lot, or in a single building where residential use is on the ground floor.

2) **Section 3.2.02, Residential**

**Amend Section 3.2.02. Residential, by inserting two new uses, as shown below:**

<b>3.2.02 RESIDENTIAL</b>	<b>SA</b>	<b>R1</b>	<b>R2</b>	<b>B</b>	<b>CB</b>	<b>I</b>	<b>BI-A</b>	<b>HB-1 &amp; HB-2</b>
12. Mixed-Use Development, Vertical Mix, 1-3 Units	N	N	N	Y	Y	N	N	N
13. Mixed-Use Development, Vertical Mix, 4 Units or more	N	N	N	SP	SP	N	N	N
14. Mixed-Use Development, Horizontal Mix	N	N	N	SP	SP	N	N	N

VOTED AFFIRMATIVELY BY A 2/3 VOTE

**Article 34. Zoning**

Jason Grimshaw moved that the Town amend the Zoning Map and re-zone the land on the south side of Main Street (Assessors Map 21, Parcels B4, B5 and B5.1) currently split between Residential 1 (R1) and Suburban Agricultural (SA), to Business (B) as further shown in the handout materials under Paragraph "E".

**E. Expansion of Business (B) District on Main Street**

Amend the Zoning Map by re-zoning property on the south side of Main Street (Assessors Map 21, Parcels B4, B5 and B5.1); currently split between Residential 1 (R1) and Suburban Agricultural (SA), to Business (B). See Appendix A for map showing the area proposed for re-zoning.

VOTED AFFIRMATIVELY BY A 2/3 VOTE

Richard Antanavica moved that the Town vote to adjourn the Annual Town Meeting at 11:45 pm with 280 present. VOTED UNANIMOUSLY

Respectfully submitted,

Deborah K. Davis  
Leicester Town Clerk