

**TOWN OF LEICESTER
ANNUAL TOWN MEETING
MAY 5, 2015**

The following is a report of the Doings of the Annual Town Meeting held at the Leicester Town Hall, Washburn Square on Tuesday, May 5, 2015. The Moderator, Donald A. Cherry, Jr., opened the meeting at 7:02 pm with 183 voters present stating the Town Clerk has informed me that a quorum is present; the meeting will come to order.

The Moderator asked that everyone stand and Pledge Allegiance to our flag. He then asked that everyone please remain standing so that we observe a moment of silence to commemorate the service and sacrifice of our armed forces who defend our liberties and freedoms, and the members of our emergency management services who work to keep us safe in our communities.

The Moderator stated before we undertake the work of the Articles before us as posted in the warrants, Mr. Mizikar, our Town Administrator, has asked for a few moments so that he can offer a brief "State of the Town" report summarizing the finances of the Town.

Thomas E. Buckley III presented a plaque to Ruth Kaminski and all the volunteers from recycling highlighting 25 years of service to the community. The recycling center runs with zero impact on the tax rate and meets the needs of every resident. This is an all-volunteer department and again a huge thank you to all the volunteers.

Thomas E. Buckley III moved that the Town vote to dispense with the reading of the warrant, which is in the hands of the voters. VOTED UNANIMOUSLY

Thomas E. Buckley III 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

Thomas E. Buckley III moved that the Town vote to recess the Annual Town Meeting and open the Special Town Meeting. VOTED UNANIMOUSLY

Thomas E. Buckley III moved that the Town reconvene the Annual Town Meeting at 8:15 pm. VOTED UNANIMOUSLY

Article 1. Thomas E. Buckley III moved that the Town hear the reports of the Town Officials and Committees and to take no further action.

Advisory Board Report

On behalf of the Advisory Board, we would like to thank everyone for coming to Town Meeting tonight.

The reason we have to read our report this evening is that our chairman Dave Mero had to resign suddenly due to health reasons and we did not make the deadline to submit the report for printing.

We started out with a \$50,000.00 balance in our reserve fund in July; so far this fiscal year we have had to make three transfers, they are as follows:

3/2/2015 \$7,000.00 – To the Veterans' Services
3/9/2015 \$5,000.00 - for 2000 gallons of oil for the Town Hall
4/6/2015 \$2,200.00 – To the Town Hall Building Fund to replace the side entry stairs due to crumbling concrete.

The ending balance as of this evening is \$35,800.00 until June 30, 2015.

I would like to add that we had many meetings this year, bringing in the different department heads to explain their requests that appear on the Town Warrant. We (Advisory Board) submitted our recommendations to the Selectmen.

At this time we would like to thank the Town Administrator and the Department Heads for all their time and information. VOTED UNANIMOUSLY

Article 2. Dianna Provencher moved that the Town vote to authorize 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.
VOTED UNANIMOUSLY

Article 3. Matthew W. Dennison moved that the Town vote to authorize and empower the Board of Selectmen to sell or dispose of accumulated used or junk property of the Town.
VOTED UNANIMOUSLY

Article 4. Douglas A. Belanger moved that the Town vote to accept a sum of money as State Aid to Libraries and apply such sums to the State Aid to Library grant account.
VOTED UNANIMOUSLY

Article 5. Sandra M. Wilson moved that the Town vote to reauthorize revolving accounts as detailed in the hands of the voters and as defined by Mass General Laws, Chapter 44, Section 53E½, for Fiscal Year 2016.

<u>Board/Department/Officer Authorized to expend:</u>	<u>Revenue Source:</u>	<u>Funds may be expended only for:</u>	<u>Spending Limit:</u>
Code Inspection Department	Inspection & Permit Fees	Inspectional Services	\$50,000
Board of Health	Health clinic fees	Health clinics	\$5,000
Council on Aging	Senior Center program fees	Program services	\$10,000
Highway Department	Fuel usage by depts. and districts	Fuel usage program	\$35,000
Town Administrator	Hillcrest CC maintenance fees	Hillcrest CC maintenance	\$10,000
Code Inspection Dept	Town Hall rental & maint. fees	Town Hall maint. program	\$15,000
Board of Selectmen	Recycling fees	Recycling programs	\$30,000
Police Department	Police training fees	Police training programs	\$5,000
Parks and Recreation	Recreation Fees	Rec programs, maint, and upkeep of fields and facilities	\$20,000

VOTED UNANIMOUSLY

Article 6. Thomas E. Buckley III moved that the Town vote to appropriate such sums of money as may be received from the Commonwealth of Massachusetts for highway construction and related purposes for the fiscal year commencing July 1, 2015, 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. VOTED UNANIMOUSLY

Article 7. Dianna Provencher moved that the Town vote to set the rate of compensation to pay elected officials for fiscal year 2015 as detailed in the hands of the voters.

2015 ELECTED OFFICIAL PAY RATE

POSITION	PAY RATE
TOWN CLERK	50,331
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

VOTED UNANIMOUSLY

Article 8. Matthew W. Dennison moved that the Town vote to approve the budgets of the several Town departments and Town Accounts as printed and in the hands of the voters for the Fiscal Year beginning July 1, 2015, in the aggregate amount of \$25,608,776 and to fund this amount from the following sources:

Transfer from Ambulance Receipts Reserved Account:	\$240,000
Transfer from Board of Health Title V Reserve Account Principal:	\$19,944
Transfer from, Dog Fund Receipts Reserved Account:	\$20,000
Transfer from, Conservation Commission NOI Account:	\$2,750
Transfer from, Assessors' Overlay Surplus:	\$8,000

And the balance of the funds in the remaining sum of \$25,318,082 shall be raised and appropriated by taxation.

DEPT #	DEPARTMENT NAME	FY2015 BUDGET	FY2016 DEPT HEAD	FY2016 TOWN ADMIN	\$ CHANGE	% CHANGE
111	LEGAL					
	TOTAL	62,500.00	63,000.00	63,000.00	500.00	0.67%
114	MODERATOR					
	TOTAL	100.00	150.00	150.00	50.00	62.50%
122	SELECTMEN					
	TOTAL	221,142.00	223,360.00	224,700.00	3,558.00	1.60%
130	RESERVE FUND					
	TOTAL	50,000.00	50,000.00	50,000.00	0.00	0.00%
131	ADVISORY BOARD					
	TOTAL	1,600.00	1,600.00	1,600.00	0.00	0.00%
135	TOWN ACCOUNTANT					
	TOTAL	105,055.00	104,719.00	105,597.00	542.00	0.51%
141	ASSESSORS					
	TOTAL	104,436.00	105,875.00	109,647.00	5,211.00	5.18%

145	TREASURER/COLLECTOR					
	TOTAL	192,827.00	158,645.00	158,645.00	-34,182.00	-22.99%
147	TAX TITLE					
	TOTAL	20,000.00	20,000.00	20,000.00	0.00	0.00%
152	PERSONNEL BOARD					
	TOTAL	1,005.00	975.00	975.00	-30.00	-3.67%
155	IT DEPARTMENT					
	TOTAL	99,000.00	106,500.00	106,500.00	7,500.00	7.49%
161	TOWN CLERK					
	TOTAL	88,988.00	88,990.00	91,384.00	2,396.00	2.99%
162	ELECTIONS & REGISTRATIONS					
	TOTAL	25,500.00	22,500.00	25,500.00	0.00	0.00%
###	DEVELOPMENT & INSPECT. SV					
	TOTAL	192,407.00	192,800.00	220,274.00	27,867.00	0.25
197	TOWN HALL BLDG MAINT					
	TOTAL	61,696.00	65,696.00	65,700.00	4,004.00	6.53%
198	TOWN HALL TELEPHONES					
	TOTAL	6,600.00	6,600.00	6,600.00	0.00	0.00%
210	POLICE DEPT					
	TOTAL	1,767,001.00	1,767,913.00	1,781,450.00	14,449.00	0.89%
220	FIRE DEPT					
	TOTAL	225,855.00	233,094.00	232,820.00	6,965.00	3.08%
231	AMBULANCE DEPT					
	TOTAL	350,742.00	355,736.00	363,569.00	12,827.00	3.66%
232	EMERGENCY MANAGEMENT					
	TOTAL	4,600.00	4,720.00	4,720.00	120.00	2.61%
241	CODE DEPT					
	TOTAL	113,761.00	113,595.00	101,666.00	-12,095.00	-9.57%
292	ANIMAL CONTROL					
	TOTAL	29,105.00	29,125.00	29,469.00	614.00	2.06%
296	INSECT PEST CONTROL					
	TOTAL	7,883.00	7,883.00	8,848.00	965.00	12.30%
310	SCHOOL					
	TOTAL	16,190,400.00	15,748,000.00	15,748,000.00	-442,400.00	-2.89%
420	HIGHWAY DEPT					
	TOTAL	686,265.00	692,665.00	695,776.00	9,511.00	1.49%
423	SNOW & ICE					
	TOTAL	97,500.00	116,000.00	116,000.00	18,500.00	9.02%
424	STREET LIGHTS					
	TOTAL	70,400.00	83,500.00	83,500.00	13,100.00	18.32%
541	COUNCIL ON AGING					
	TOTAL	82,326.00	83,233.00	84,960.00	2,634.00	3.32%
543	VETERANS SERVICES					
	TOTAL	90,775.00	106,138.00	103,138.00	12,363.00	13.37%
545	VETERANS GRAVES REG					
	TOTAL	2,380.00	2,380.00	2,380.00	0.00	0.00%

610	PUBLIC LIBRARY					
	TOTAL	165,335.00	167,399.00	176,436.00	11,101.00	7.07%
630	PARKS & RECREATION					
	TOTAL	6,938.00	5,609.00	6,060.00	-878.00	-19.43%
691	HISTORICAL COMM					
	TOTAL	776.00	950.00	950.00	174.00	22.42%
692	MEMORIAL DAY COMM					
	TOTAL	2,790.00	2,790.00	2,790.00	0.00	0.00%
710	MATURING DEBT PRINCIPAL					
	TOTAL	553,885.00	533,994.00	533,994.00	-19,891.00	-1.36%
751	MATURING DEBT INTEREST					
	TOTAL	199,018.00	177,898.00	177,898.00	-21,120.00	-7.96%
752	TEMPORARY LOAN INTEREST					
	TOTAL	3,000.00	2,000.00	2,000.00	-1,000.00	-33.33%
753	BOND ISSUE					
	TOTAL	0.00	1,000.00	1,000.00	1,000.00	86.22%
911	WORC REG RETIREMENT					
	TOTAL	979,523.00	950,000.00	950,000.00	-29,523.00	-3.39%
912	WORKER COMPENSATION					
	TOTAL	142,120.00	158,500.00	158,500.00	16,380.00	11.53%
913	UNEMPLOYMENT COMP					
	TOTAL	75,000.00	66,330.00	66,330.00	-8,670.00	-28.95%
914	EMPLOYEE BENEFITS					
	TOTAL	2,666,625.00	2,781,250.00	2,781,250.00	114,625.00	4.56%
945	BONDING & INSURANCE					
	TOTAL	135,716.00	145,000.00	145,000.00	-156,213.28	-53.51%
TOTAL BUDGET						
	PERSONNEL	6,054,280.00	6,169,190.00	6,225,724.00	171,444.00	2.98%
	EXPENSES	19,750,551.00	19,378,922.00	19,383,052.00	-610,490.28	-3.10%
	TOTAL	25,804,831.00	25,548,112.00	25,608,776.00	364,736.44	1.43%

VOTED UNANIMOUSLY

Article 9. Douglas A. Belanger moved that the Town vote to raise and appropriate \$885,000 for Vocational Tuition expenses for the Fiscal Year beginning July 1, 2015.

VOTED UNANIMOUSLY

Article 10. Sandra M. Wilson moved that the Town vote to raise and appropriate from taxation the sum of \$2,847 to fund the FY'16 assessment from the Central Mass Regional Planning Commission, said assessment to be based on a per capita rate of \$.25944.

VOTED UNANIMOUSLY

Article 11. Thomas E. Buckley III moved that the Town vote to transfer \$205,000 from Free Cash to General Stabilization Account. VOTED AFFIRMATELY BY A 2/3 VOTE

Article 12. Matthew W. Dennison moved that the Town vote to transfer \$388,017 from Free Cash and \$17,000 from the Ambulance Receipts Reserve Account to fund the Fiscal Year 2016 Capital Improvement Plan budget as detailed in the hands of the voters.

DEPARTMENT	ITEM	AMOUNT
EMS	Ambulance Lease/Purchase Payment Year 2 of 5	34,742
Highway	Street Sweeper	180,200
School	Security Upgrades - Districtwide	17,200
School	Emergency lighting Memorial School	12,500
School	Handicapped Accessibility Improvements Primary/Memorial/Middle	56,000
School	Asbestos repairs - Districtwide	10,000
School	Door Hardware Upgrades – Districtwide	18,000
School	Install Magnetic Door Holders - Districtwide	16,375
Fire	Fire Records Management System	60,000

VOTED UNANIMOUSLY

Article 13. Dianna Provencher moved that the Town vote to transfer \$20,000 from Free Cash to fund the Town's Stormwater management obligations, said funds to be expended by the Board of Selectmen. VOTED UNANIMOUSLY

Article 14. Douglas A. Belanger moved that the Town vote to transfer \$80,000 from Free Cash to purchase and equip two (2) police vehicles. VOTED UNANIMOUSLY

Article 15. Sandra M. Wilson moved that the Town vote to transfer \$40,000 from Free Cash to fund a comprehensive water and wastewater infrastructure study for purposes including but not limited to Town-wide resource and infrastructure review and planning, quality, reliability and source improvements, and identification of efficiencies and other matters to help ensure the vitality of the Town in the future. VOTED BY A SIGNIFICANT MAJORITY

Article 16. Thomas E. Buckley III moved that the Town vote to transfer \$38,300 from Free Cash to study, design plans and repair Town owned dams under the requirements of the Mass Office of Dam Safety. VOTED UNANIMOUSLY

Article 17. Dianna Provencher moved that the Town vote to transfer \$15,000 from Free Cash to fund groundwater and other studies at the former landfill site, said funds to be expended by the Board of Selectmen. VOTED UNANIMOUSLY

Article 18. Matthew W. Dennison moved that the Town vote to rescind \$303,191 in excess borrowing authorization as approved at the May 1999 Annual Town Meeting, Article 24, related to the Massachusetts Water Pollution Abatement Trust. VOTED UNANIMOUSLY

Article 19. Sandra M. Wilson moved that the Town vote to amend the General Bylaws, Wetland Bylaw, Section IV per documents at the Town Clerk's office and in the hands of the voters.

Summary/Explanation

The Conservation Commission is proposing amendments to Section IV of the Wetland Bylaw portion of the General Bylaw. Specifically, the proposed amendments would remove fees from the Wetland Bylaw, so that fees would be included only in Wetland *Regulations*. Also, language related to application requirements and types of fees (application fees vs. fees for consultants) has been clarified to avoid confusion.

Please note that all language related to fees is currently repeated in its entirety in the Conservation Commission's existing Wetland Regulations, so that these General Bylaw amendments alone will make no change to the Conservation Commission's local fees. The amendment just removes fees from the Bylaw; the fees will remain in the Regulations.

The Conservation Commission continues to research and work on future changes to the fees in the Regulations, but amendment of the Wetland Bylaw at the May 5, 2015 Annual Town Meeting is the first step. The goal of future fee changes is to make fees more straightforward and easier to understand.

The proposed changes are shown on the following pages with new text underlined and deleted text shown with ~~strikethrough~~

IV. Applications & Fees

A. Application Requirements

Written application shall be filed with the Conservation Commission to perform activities affecting resource areas protected by this bylaw. The permit application shall include information and plans as required by the Wetland Protection Act Wetlands Protection Act (G.L. Ch. 131 §40) and Wetland Regulations (310 CMR 10.00). The Commission may also require additional information to describe proposed activities and their effects on resource areas as specified in the regulations of the Commission. ~~The permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this bylaw. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw. The Commission in an appropriate case may accept as the application and plans under this bylaw any application and plans filed under the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00), but the Commission is not obliged to do so.~~

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may in writing request a determination from the Commission. Such a Request for Determination of Applicability (RDA) or Abbreviated Notice of Resource Area Delineation (ANRAD) filed under the Act shall include information and plans ~~as are deemed necessary by the Commission as required by the Wetlands Protection Act (G.L. Ch. 131 §40), Wetland Regulations (310 CMR 10.00), and as specified in the regulations of the Commission.~~

B. Filing Fees.

At the time of an application, the applicant shall pay a filing fee specified in regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act and regulations.

C. Consultant Review Fees

Pursuant to G.L. Ch. 44 §53G and regulations promulgated by the Commission, the Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetlands scientists, wildlife biologists or other experts in order to aid in the review of proposed projects. Such funds shall be deposited with the town treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.

- a) ~~\$25 for a single minor project i.e. house addition, tennis court, swimming pool deck, or other accessory residential activity~~
- b) ~~\$250 for a new single family dwelling with only one wetlands crossing (driveway), plus \$250 for each additional subsequent crossing~~
- c) ~~\$500 plus \$2 per linear foot of road sideline within the resource area for a subdivision roadway or street and/or utilities easement~~
- d) ~~\$500 plus \$2 per cubic foot of drainage, detention/retention basin within a resource area~~ e) ~~\$500 plus \$100/unit for a multiple dwelling structure which is within the resource area~~
- f) ~~\$500 plus \$1 per square foot of disturbance in an undeveloped resource area in a commercial or industrial project~~ g) ~~Double the above fee for an application filed after issuance of an Enforcement Order and as secured by Section 40, Security, of this Bylaw, because the review process is not only for the application but monitoring also the terms and conditions required for final dissolution of said Enforcement Order~~
- h) ~~No charge for a Determination of Applicability~~
- i) ~~\$1,000 per project for remediation of a contaminated site or enhancement of a degraded~~

resource area (excluding any violations)

j) ~~\$2,500 per project for remediation of a contaminated site wherein applicant has been adjudicated of violating pre-vailing Environmental Laws concerning Hazardous Materials i.e. all hazardous, toxic, and/or environmentally or statutorily controlled materials and as secured against risk by Section 10, Security, of this Bylaw.~~

~~These filing fees are nonrefundable. The filing fee is in addition to that required by the Wetlands Protection Act, MGL c. 13-1, Section 40, and Regulations, 3-10 CMR 10.00. Town, county, State, and Federal projects are exempt from the filing fee. The fee for an application for a modification of a permit will be the excess of the fee for the modified project as calculated above over the filing fee paid for the original permit, but in no instance will it be less than \$25.~~

Only costs relating to consultant work done in connection with a project for which a consultant fee has been collected shall be paid from this account, and expenditures may be made at the sole discretion of the Commission. Any consultant hired under this provision shall be selected by, and report exclusively to, the Commission. The Commission shall provide applicants with written notice of the selection of a consultant, identifying the consultant, the amount of the fee to be charged to the applicant, and a request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or delivered. The applicant may withdraw the application or request within five (5) business days of the date notice is given without incurring any costs or expenses.

The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and Department of Environmental Protection (DEP) of such a decision in writing.

The applicant may appeal the selection of an outside consultant to the select board, who may disqualify the consultant only on the grounds that the consultant has a conflict of interest or is not properly qualified. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue, or a related field. The applicant shall make such an appeal in writing, and must be received within ten (10) business days of the date that request for consultant fees was made by the Commission. Such appeal shall extend the applicable time limits for action upon the application.

VOTED UNANIMOUSLY (a 2/3 vote needed)

Article 20. Douglas A. Belanger moved that the Town vote to amend the Leicester Zoning By-Laws related to allowed uses, dimensions and standards in the Central Business (CB) district per the document on file at Town Clerk's office and as detailed in the hands of the voters.

**Summary – Article 20
Zoning Bylaw Amendment:
Amendments to Central Business (CB) District Requirements**

Zoning Bylaw Section	Description of Proposed Change
3.2 Schedule of Use	Remove several allowed uses from the CB district: -Car wash -Gravel Pits -Trucking Depot -Senior Village developments -Service Station -Storage Warehouse -Outdoor recreational uses -Large-scale solar facilities
4.2, Schedule of Dimensional Requirements	Reduce front setback from 25 feet to 10 feet, to encourage parking for new uses to be located to the side or rear (rather than in front).

5.14, Large-Scale Ground-Mounted Solar Projects	Remove Central Business District from the list of districts where commercial-scale solar facilities are allowed.
5.8 Business District Site Development Standards	Changes to strongly encourage parking to the side or rear of new structures (this would also apply to the B district), and to add specific special permit requirements for the CB district to encourage better design of new development.

- A. Amend Section 3.2, SCHEDULE OF USE, by changing several uses from special permit (SP) to prohibited (N), as shown below (new text underlined, deleted text shown with strikethrough):**

ZONING DISTRICT	CB
3.2.02 RESIDENTIAL	CB
10. Senior Village Development (Special Permits issued by Planning Board)	<u>N</u> SP
3.2.03 Business	CB
7. Gasoline or service station	<u>N</u> SP
12. Car Wash (Special Permits issued by Planning Board)	<u>N</u> SP
3.2.04 INDUSTRIAL	CB
3. Storage warehouse	<u>N</u> SP
4. Gravel, sand or stone removal for commercial venture.	<u>N</u> SP
3.2.05 TRANSPORTATION, COMMUNICATION, UTILITY	CB
3. Trucking depot	<u>N</u> SP
7. Large-Scale Ground-Mounted So- lar Photovoltaic Installation	<u>N</u> SP
3. Country club, golf course, boat livery, riding stable, or ski tow	<u>N</u> SP

- B. Amend Section 4.2, Schedule of Dimensional Requirements – Table I, by reducing the front setback requirement for the Central Business (CB) district from 25 feet to 10 feet, as shown below (new text underlined, deleted text shown with strikethrough):**

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 in feet	No. of stories	Maximum Building Coverage (%)
CB	15,000 ³	100	<u>10</u> 25	10	25	35	2½	30

- C. Amend Section 5.14, Large-Scale Ground-Mounted Solar Photovoltaic Installations, subsection 4.0, by amending the second sentence as shown below (new text underlined, deleted text shown with strikethrough):**

Large-scale ground-mounted solar photovoltaic installations shall require a special permit in the following districts: Residential 1 (R1), Residential 2 (R2), and Neighborhood Business (NB) ~~and Central Business (CB).~~

D. Amend Section 5.8, Business District Site Development Standards, as shown below (new text underlined, deleted text shown with strikethrough)¹:

5.8 BUSINESS DISTRICT & CENTRAL BUSINESS DISTRICT SITE DEVELOPMENT STANDARDS

5.8.01 Purpose

To encourage commercial development that enhances the community and improves the tax base while minimizing adverse impacts to abutting residential properties.

5.8.02 Applicability

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.

5.8.03 Site Development Standards

A. Parking Requirements

1. Parking facilities sufficient to accommodate the motor vehicles of all employees, customers and other persons normally visiting the site shall be provided on the lot and off the street.
2. A minimum of two hundred (200) square feet (10' x 20'), exclusive of drives and other access ways, shall be considered one (1) parking space. In determining the appropriate number of parking spaces required, the Planning Board may give consideration to the hours of usage of the proposed uses/structure, the opinions of municipal officials and consultants as 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.
3. 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.
4. Adequate turning and maneuvering space shall be provided for loading areas without encroachment into parking areas.
5. Adequate illumination shall be provided for the comfort and safety of persons using parking and loading areas.
6. Parking and loading area lighting shall not shine beyond the property lines, except for driveway entrances where light may shine onto the immediate area of the street right-of-way.
7. Provision for safe and convenient pedestrian access shall be incorporated into plans for new parking areas.
8. Parking areas for all non-commercial uses shall be hard paved.
9. Parking areas shall include handicapped-accessible parking spaces as required by 521 CMR, Architectural Access Board Code, as may be amended from time to time.
10. To the maximum extent feasible, parking and loading areas shall be located to the side or rear of the primary structure.

B. Landscaping and Screening

1. A landscaped area of at least five (5) feet shall be provided along any side of the lot with road frontage to visually separate the building and its parking area from the road.
2. A landscaped buffer zone of at least ten (10) feet shall be provided where a non-residential use abuts a residential use. The Planning Board may require an opaque landscaped buffer if

¹ Note: Section 5.8 already applies to both the Business (B) and Central Business (CB) Districts. Section 3.34.B. of the Zoning Bylaw states that "The Central Business District shall comply with Business District Site Development Standards (Section 5.8)." The addition of references to the Central Business District in the title and throughout Section 5.8 in this proposal is for clarity.

the Board determines that the nature of the commercial use requires complete screening from the abutting residential use. An opaque fence or other comparable method may be allowed at the discretion of the Planning Board rather than a landscaped buffer where site constraints do not allow for the 10-foot landscaped buffer.

3. Large parking areas shall be subdivided with landscaped islands. At least one shade tree per thirty-five (35) parking spaces shall be provided. Trees planted within parking areas shall be planted in protected pervious plots of at least 60 square feet in area. At the discretion of the Planning Board, shade trees may be clustered or planted adjacent to the parking area.
4. Landscaped areas shall be planted with ground cover, medium height shrubs, and shade trees. Landscaped areas shall include both deciduous and evergreen shrubs and trees and shall be designed to maintain traffic visibility.
5. At the discretion of the Planning Board, existing vegetation may be permitted in lieu of new plantings in required landscaped areas and buffer zones.
6. Existing trees, shrubs, and other naturally occurring vegetation may not be removed without express written permission from the Planning Board. Permission may be granted by the Planning Board for the selective removal of dead, dying, or diseased trees within landscaped areas or buffer zones upon submission of documentation certifying that such removal is necessary to protect the health of the surrounding forest and/or to protect the public health, safety and welfare.
7. All landscaped areas and buffer 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. Appropriate water management procedures shall be followed to serve all landscaped areas, including irrigation systems if warranted.
8. An opaque buffer shall be provided to screen exposed storage areas, machinery, garbage "dumpsters," service areas, truck loading areas, and utility buildings and structures from the view of abutting properties using plantings, fences, or other methods approved by the Planning Board.
9. 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.
10. 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.

C. Design

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

5.8.04 Special Permits in the Business (B) and Central Business (CB) Districts

A. Requirements and Procedures

1. The special permit granting authority for all special permits in the "B" District B and CB Districts 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 "B" District B and CB Districts 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.

2. Applicants for Special Permits under this section shall submit plans in compliance with the Leicester Planning Board Rules & Regulations for Special Permit Applications.
3. 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.

B. Special Permit Review Criteria

1. 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;
2. The proposed use shall not overload the capacity of water and sewer systems, storm water drainage, solid waste disposal facilities, and other public facilities;
3. The design of the project shall provide for adequate methods of disposal of sewage, refuse, or other wastes generated by the proposed use;
4. The project shall comply with all applicable environmental laws and regulations;
5. The proposed project shall be consistent with Leicester's Master Plan; and,
6. The project shall comply with all of the above B and CB District Site Development Standards. required in the "B" district.
7. In the Central Business (CB) district, the following additional special permit criteria apply:
 - a. The proposed project shall be consistent with the purpose & intent of the Central Business District
 - b. New construction or expansions of more than 25% of commercial and multi-family structures shall substantially conform to any design guidelines adopted for the CB district. In the absence of design guidelines, the Board shall evaluate the degree to which the applicant has designed new construction to be compatible in style and scale to existing abutting properties.
 - c. Parking areas for new structures shall be located to the side or rear of new structures except where there is no practical alternative.
 - d. The project shall, to the maximum extent feasible, minimize demolition of historically significant buildings. For the purposes of this bylaw, historically significant buildings shall include all structures subject to the Town of Leicester demolition delay bylaw as well as any other properties otherwise eligible for or on State or Federal Register of Historic Resources. Where demolition is unavoidable, the Board shall evaluate how demolition is proposed to be mitigated by the project proponent.

VOTED AFFIRMATELY BY A 2/3 VOTE (Passed 104; Opposed 39)

Article 21. Thomas E. Buckley III moved that the Town vote to change the Zoning Map by re-zoning the following properties currently zoned Residential 2 (R2) to Central Business (CB): 8-16 Pleasant Street (Assessors Map 20D, Parcels C11, C12, C13, & C14); 1060 Main Street (Assessors Map 19B, Parcel E14); 1104 Main Street (Assessors Map 19B, Parcel B24); and Warren Ave (Assessors Map 19B, Parcel B16), per the document on file at Town Clerk's office and as detailed in the hands of the voters.

Summary – Article 21

Zoning Map Amendment:

Expansion of Central Business (CB) District

This article would amend the Leicester Zoning Map by changing the zoning designation of the following parcels from Residential 2 (R2) to Central Business (CB).

Address	Assessors'
8-10 Pleasant Street	20D-C11
Pleasant Street	20D-C12
Pleasant Street	20D-C13
16 Pleasant Street	20D-C14
1060 Main Street	19B – E14
1104 Main Street	19B-B24
Warren Ave	19B-B16

Maps showing the proposed changes are provided in the APPENDIX.

VOTED AFFIRMATELY BY A 2/3 VOTE (Passed 111; Opposed 28)

Article 22. Matthew W. Dennison moved that the Town vote to pass over this article pertaining to the General Bylaws, Collection Boxes for Not for Profit and Profit Organizations and Individuals, per document at Town Clerk's office and in the hands of the voters.

VOTED UNANIMOUSLY

Article 23. Dianna Provencher moved that the Town vote to grant to Verizon New England Inc. and Mass. Electric Company Inc. the perpetual right and easement to maintain and construct an electrical utility pole and push brace together with the right to access the same on land of the Town of Leicester on the northerly side of Winslow Avenue, sometimes known as the Leicester Senior Center. **VOTED UNANIMOUSLY**

Thomas E. Buckley III moved that the town vote to adjourn the Annual Town Meeting at 9:45pm with 183 voters present. **VOTED UNANIMOUSLY**