

TOWN OF WINCHENDON



SPECIAL TOWN MEETING WARRANT

November 8, 2007

STM	Item Description	Amount Sought	Tax Rate Impact
FINANCIAL ARTICLES			
1	Finance Committee Report	n/a	none
2	Streetlights	\$ 20,500.00	none
3	Streetlights	\$ 28,000.00	\$ 0.04
4	School Transportation	\$ 24,000.00	\$ 0.03
5	School Transportation	\$ 10,227.78	none
6	School Transportation	\$ 13,772.22	none
7	Unemployment	\$ 31,754.00	none
8	Tax Title Work	\$ 15,000.00	none
9	Library Director Salary	\$ 1,000.00	none
10	Water Tank Improvements	\$ 12,000.00	none
11	Decrease Sewer Budget	\$ -	none
12	Prior Year Bills	\$ 4,837.78	none
13	Quarterly Tax Bills	Non-financial	none
LAND ARTICLES			
14	Land Transfers-WRA	Non-financial	none
GENERAL BYLAWS			
15	Televising Meetings Bylaw	Non-financial	none
16	Right to Farm Bylaw	Non-financial	none
17	Wetlands Bylaw Revision	Non-financial	none
ZONING BYLAW ARTICLES			
18	Zoning-Planned Development	Non-financial	none
19	Zoning- Big Box Retail	Non-financial	none
20	Zoning-Dimensional and Density	Non-financial	none
21	Zoning-Site Plan Review	Non-financial	none
22	Zoning-Kennel Structure(s)	Non-financial	none
23	Zoning-Walk-up Window	Non-financial	none
24	Zoning-Street Frontage	Non-financial	none
25	Zoning-Mixed Use	Non-financial	none
26	Zoning-Land Transportation	Non-financial	none

TOWN MEETING AVAILABLE FUNDS SUMMARY SHEET		
	\$ 31,450.00	Finance Committee Reserve
	\$ 8,660.00	Monty Tech Reduced Assessment
	\$ 10,227.78	Prior Year Transportation Articles
	\$ 50,337.78	Available Funds
ART. #	AMOUNT	ITEM AND POTENTIAL SOURCE OF FUNDING
2	\$ (20,500.00)	Streetlights-\$20,500 Finance Committee Reserve
5	\$ (10,227.78)	School Transportation- \$10,227.78 Prior Transportation Articles
6	\$ (13,772.22)	School Transportation-\$10,950 Finance Committee Reserve+\$2,822.22 Monty Tech
8	\$ -	Tax Title
9	\$ (1,000.00)	Library Director Salary- \$1,000 Monty Tech
12	\$ (4,837.78)	Prior Year Bills-\$4,837.78 Monty Tech
	\$ (50,337.78)	Use Available Funds

Worcester, ss:

To either of the Constables in the Town of Winchendon, in the County of Worcester,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Winchendon qualified to vote in town elections and town affairs to meet at the

Murdock Middle High School Auditorium

3 Memorial Drive, off Elmwood Road, Winchendon, MA 01475

Thursday, November 8, 2007

AT 7:00 P.M.

then and there to act on the following articles:

FINANCE COMMITTEE REPORT

ARTICLE 1: To see if the Town will vote to hear and accept the report of the Finance Committee or act in relation thereto.

We have before us tonight a Special Town Meeting with twenty-six warrant articles for your consideration. One article refers to land transfer a second to “right to farm bylaw” and a third, wetland protection. There are also eleven financial articles funded by various means, three miscellaneous articles and nine zoning articles specific to minor language corrections.

As you review the financial articles, please keep in mind; the only available funds to pay for articles not recommended by the Finance Committee would need to come from the Stabilization Fund. Using Stabilization for operating expenses is inherently a bad idea. The town’s good financial position depends upon maintaining and further building the Stabilization Fund, and that benefits all of us.

The Finance Committee’s focus on building a cooperative bridge between the School Department and General Government continues, as we move forward to establish a positive financial direction for the town.

Your Finance Committee has elected to take a proactive approach to the town’s financial future, in part by recommending changes in ways the Town pays for property liability insurance by establishing an insurance reserve fund under M.G.L. Chapter 40,section 13.

Another area of importance that needs serious consideration is the restructuring of the Capital Committee to better serve the needs of the community. We will work with elected officials to effectuate these changes either through bylaw changes or other means.

Respectfully submitted,
The Finance Committee

SELECTMEN: APPROVE 4-0

FINANCE COMMITTEE: TBV

FINANCIAL ARTICLES
(majority or two-thirds vote required)

ARTICLE 2: To see if the voters will approve a sum of money, to reinstate street lights that were extinguished after July 1, 2007 from an appropriation, by donation, or by a transfer from any available funds, and any other legal means or take any action thereto. (submitted by Selectman Gould)

SELECTMEN: DISAPPROVE 3-1

FINANCE COMMITTEE: DISAPPROVE 5-0

OVERRIDE ARTICLES

ARTICLE 3: To see if the Town will vote to raise and appropriate the sum of \$28,000, or such lesser amount, for the following general government purposes:

ITEM	AMOUNT	TAX IMPACT
Street Lights (restore to FY07 level)	\$28,000	\$.04 per thousand

Example: \$4.00 per year for a home with a value of \$100,000
 \$8.00 per year for a home with a value of \$200,000

in addition to the amount appropriated under Article 9 of the 2007 Annual Town Meeting, to supplement the general government operating budget for the fiscal year beginning July 1, 2007, provided that this appropriation shall be contingent on the passage of a Proposition 2 ½ override vote. (submitted by the Town Manager)

SELECTMEN: DISAPPROVE 3-1

FINANCE COMMITTEE: DISAPPROVE 5-0

ARTICLE 4: To see if the Town will vote to raise and appropriate the sum of \$24,000, or such lesser amount, for the following general government purposes:

ITEM	AMOUNT	TAX IMPACT
School Bussing (restoring the 12 th bus)	\$24,000	\$.03 per thousand

Example: \$3.00 per year for a home with a value of \$100,000
 \$6.00 per year for a home with a value of \$200,000

in addition to the amount appropriated under Article 9 of the 2007 Annual Town Meeting, to supplement the general government operating budget for the fiscal year

beginning July 1, 2007, provided that this appropriation shall be contingent on the passage of a Proposition 2 ½ override vote. (submitted by the Town Manager)

SELECTMEN: DISAPPROVE 3-1

FINANCE COMMITTEE: DISAPPROVE 5-0

ARTICLE 5: To see if the Town will vote to transfer to the FY 08 In Town Bussing, Account no. 010032-597801, balances totaling \$10,227.78 from the Articles from previous annual town meetings for In Town Bussing as follows: FY 07 In Town Bussing, Account no. 010032-597716, with a balance of \$9,778.97 and FY 06 In Town Bussing, Account no. 010032-597601, with a balance of \$448.81, or act in relation thereto. (submitted by the School Committee and the Town Manager)

SELECTMEN: APPROVE 4-0

FINANCE COMMITTEE: APPROVE 5-0

SCHOOL COMMITTEE: APPROVE 5-0

ARTICLE 6: To see if the Town will vote to transfer to the FY 08 In Town Bussing, Account no. 010032-597801, the amount of \$13,772.22 from the Finance Committee Reserve Account, Account no. 011312-578033, from the Memorial Culvert Project grant matching set aside that was not used, or act in relation thereto. (submitted by the School Committee and the Town Manager)

SELECTMEN: APPROVE 4-0

FINANCE COMMITTEE: APPROVE 5-0

SCHOOL COMMITTEE: APPROVE 5-0

ARTICLE 7: To see if the Town will vote to transfer from the FY 2008 School Operating Budget the sum of \$31,754 to the FY08 general government account Unemployment Insurance, Account no. 019131-517600, where actual expenditures for all FY 2007 Indirect Costs were more than original town estimate, or act in relation thereto. (submitted by the School Committee and the Town Manager)

SELECTMEN: APPROVE 4-0

FINANCE COMMITTEE: APPROVE 5-0

SCHOOL COMMITTEE: APPROVE 5-0

ARTICLE 8:

To see if the Town will vote to appropriate or transfer from available funds the sum of \$15,000 to be used to fund the tax title work of the Town Treasurer Collector, or act in relation thereto. (submitted by the Treasurer Collector)

SELECTMEN: APPROVE 3-0-1

FINANCE COMMITTEE: DISAPPROVE 4-1

ARTICLE 9: To see if the Town will vote to appropriate or transfer from available funds the sum of one thousand dollars (\$1,000.00) to the Library account 016101 5110-10 from the May 21, 2007 annual town meeting to fully fund the Library Director's salary for FY08, or act in relation thereto. (submitted by the Town Manager)

SELECTMEN: APPROVE 4-0

FINANCE COMMITTEE: APPROVE 5-0

WATER ENTERPRISE ARTICLE
(majority vote required)

ARTICLE 10:

To see if the town will vote to transfer \$12,000 from the Water Enterprise article for the water study bedrock fracture analysis from the May 21, 2007 Annual Town Meeting to fund miscellaneous improvements to the High Street and/or Hospital Hill Road water tanks in accordance with Massachusetts Department of Environmental Protection requirements, or act in relation thereto. (submitted by the Town Manager)

SELECTMEN: APPROVE 4-0

FINANCE COMMITTEE: APPROVE 5-0

WASTEWATER ENTERPRISE ARTICLE
(majority vote required)

ARTICLE 11:

To see if the Town will vote to decrease the operating budget of the Wastewater Treatment Department enterprise fund for the fiscal year beginning July 1, 2007 by the sum of \$30,000.00, or act in relation thereto. (submitted by the Town Manager and the Town Accountant)

SELECTMEN: APPROVE 4-0

FINANCE COMMITTEE: APPROVE 4-1

PRIOR YEAR FINANCIAL ARTICLES
(nine-tenths vote required)

ARTICLE 12: To see if the Town will vote to appropriate from available funds the sum of \$4,837.78 to pay the following unpaid bills:

Bill	Amount
Belletetes	\$ 807.78
Police Misc. Medical	\$2,277.00
Town Hall Water Bill	\$ 338.05
Robinson Broadhurst-Transportation	\$1,395.00
Verizon Online	\$ 19.95
	<hr/>
	\$4,837.78

or act in relation thereto. (submitted by the Town Manager)

SELECTMEN: APPROVE 4-0

FINANCE COMMITTEE: APPROVE 5-0

ARTICLE 13: To see if the town will vote to accept the provisions of Massachusetts General Law Chapter 59 Section 57C for the purpose of adopting or establishing a quarterly tax payment system effective for fiscal year 2009, or act in relation thereto. (submitted by the Town Manager)

SELECTMEN: APPROVE 4-0

FINANCE COMMITTEE: APPROVE 5-0

LAND TRANSFER ARTICLE

(two-thirds vote required)

ARTICLE 14:

To see if the Town will vote to authorize the Board of Selectmen to convey to the Winchendon Redevelopment Authority, on such terms and consideration as the Board of Selectmen deems appropriate, the following parcels of land:

- one located on Woodlawn Street, and further identified as Assessor's Map 2D4 parcel 6 and containing .29 acres and zoned residential;
- one located on River Street, and further identified as Assessor's Map 4C4 parcel 48 and containing .37 acres and zoned residential;
- one located on Lincoln Avenue Extension, and further identified as Assessor's Map 2 parcel 70 and containing 9.7 acres and zoned industrial;
- One located off of Gardner Road/Route 140 and further identified as a portion of Assessor's Map 12 Parcel 80 and zoned commercial, and further described as follows,

DESCRIPTION PENDING

for the purpose of resale for economic development, housing and/or other use that best promote the Town's economic development interests, or act in relation thereto. (submitted by the Winchendon Redevelopment Authority)

SELECTMEN: APPROVE 4-0

FINANCE COMMITTEE: APPROVE 5-0

GENERAL BUSINESS ARTICLES

(majority vote required)

ARTICLE 15: To see if the Town will vote to amend the general bylaw 2.11-Televising of Meetings by adding the “Conservation Commission” to the list of Boards and Commissions required to televise their meetings, or act in relation thereto. (submitted by Selectman Bohan)

SELECTMEN: APPROVE 4-0

FINANCE COMMITTEE: APPROVE 3-2

ARTICLE 16: To see if the Town will vote to adopt the following general bylaw, or act in relation thereto. (submitted by the Agricultural Commission)

Introduction:

The Right to Farm bylaw is an important document that is used as a tool to bolster Winchendon’s efforts to protect the viability of farming. The intent of this bylaw, which is not zoning, is to reiterate the importance of, and support of, farming within the town. There is a notification provision that will insure that people moving into Winchendon are made aware that agriculture and the associated sights, sounds and smells are accepted and are considered to be essential to the town’s economic and cultural activity. The bylaw also seeks to prevent conflicts between farm operations and neighbors. There is a dispute resolution process for communities, like ours, that have adopted an Agricultural Commission. In Winchendon, an Agricultural Commission has been formed to enable the members of the community to become informed so that they can participate in the enactment of a Right to Farm bylaw.

Right to Farm By-Law

Section 1. Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution and all state statutes and regulations there under including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We as citizens of Winchendon restate and republish these rights pursuant to the Town’s authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, (“Home Rule Amendment”).

This general By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities and protects farmlands within Winchendon by allowing agricultural uses and related activities to function with minimal conflict with abutters and

local agencies. This By-law shall apply to all jurisdictional areas within the Town of Winchendon.

Section 2. Definitions

The word “farm” shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words “farming or agriculture” or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- the cultivation and harvesting of orchard produce such apples, peaches and pears;
- dairying;
- production, cultivation, growing and harvesting of any agricultural, aqua cultural, floricultural, viticulture or horticultural commodities;
- growing and sustainably harvesting of forest products upon forest land;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising poultry, swine, cattle, sheep, ratites (such as emus, ostriches and rheas) and camelids (such as llamas, alpacas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur bearing animals.

“Farming” shall encompass activities including but not limited to, the following:

- operation and transportation of slow moving farm equipment over roads within the town;
- control of pests, including but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm.
- Processing and packaging of the agricultural output of the farm and the operation of a farmer’s market or farm stand including signage thereto;
- maintenance, repair or storage of seasonal equipment or apparatus owned or leased by the farm owner or manager and used expressly for the purpose of propagation, processing, management or sale of the agricultural products;
- on-farm relocation of earth and the clearing of ground for farming operations;
- On farm revitalizing drainage or irrigation ditches, picking stone, erecting repairing and maintaining fences, and clearing, rejuvenation and maintaining pastures; and
- herding of livestock from area to area, including along roads.

Section 3 Right to Farm Declaration

The right to farm is hereby recognized to exist within the Town of Winchendon. The above-described agricultural activities may occur on holidays, weekdays and weekends by night or day and shall include the attendant incidental noise, odors, dust and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law/Ordinance are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right-to-Farm By-Law/Ordinance shall be deemed as acquiring any interest or land, or as imposing any land use regulation, which is properly the subject of state statute, regulation or local zoning law.

Section 4 Disclosure Notifications

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase or sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the Town of Winchendon, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the protection of food, and other agricultural products, and also for its ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lays within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations.

A copy of this disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the town manager or his/her designee prior to the sale, purchase or occupancy of such real property. In addition to the above, a copy of this disclosure notification shall be provided by the Town to land owners each fiscal year by mail.

A violation of Section 4 shall be subject to a fine of \$300 and shall be enforced by the Town Manager. The Town is authorized to enforce Section 4 under the non-criminal disposition provision of G.L. c. 40, Paragraph 21D.

Section 5 Resolutions of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Town Manager and the issue will be referred to the proper board, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Town Manager may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to Board of Health within an agreed upon time frame.

Section 6 Severability Clause

If any part of this By-Law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-Law/Ordinance. The Town of Winchendon hereby declares the provisions of this By-Law/Ordinance to be severable.
Revised September 25, 2007

SELECTMEN: APPROVE 4-0

FINANCE COMMITTEE: APPROVE 5-0

ARTICLE 17: To see if the town will vote to amend the Wetlands Protection Bylaw in accordance with the suggestion of the Attorney General by deleting

Section 4 **Applications for Permits and Requests for Determination**

c. Any person may request the Conservation Commission to make a determination as to whether or not a proposed project in the wetland or ‘buffer zone’ is significant to the interests protected by the Bylaw. This ‘Request for a Determination of Applicability’ (RFD), shall be sent by certified mail, or hand delivered to the Winchendon Conservation Commission or its authorized representative. A person delivering this request by hand shall be given a dated receipt. The Commission shall make such a determination within 21 days of the receipt of said request, and it shall notify the applicant by certified mail, of the results by ‘Determination of Applicability’. If the Conservation Commission determines that the subject area is significant to the interests protected by this Bylaw, and said interests are not fully protected by the project as proposed, the Commission may require the applicant to file a ‘Notice of Intent’, or will attach such ‘Orders of Conditions’ to ensure protection of the interests of this Bylaw. The Commission, or its agents, may for the purpose of carrying out its duties under this Bylaw, request such plans or information as may be necessary for its

evaluation, may enter upon the subject land, and may make or require to be made such examination or survey as it deems necessary.

And replacing it with a new paragraph c. as follows:

c. Any person may request the Conservation Commission to make a determination as to whether or not a proposed project in the wetland or “buffer zone” is significant to the interests protected by the Bylaw... The Commission, or its agents, may for the purpose of carrying out its duties under this Bylaw, request such plans or information as may be necessary for its evaluation, may enter upon the subject land, and may make or require to be made such examination or survey as it deems necessary.

or act in relation thereto. (submitted by the Conservation Commission)

SELECTMEN: APPROVE 4-0

FINANCE COMMITTEE: APPROVE 5-0

ZONING ARTICLES

(two-thirds vote required)

ARTICLE 18: To see if the town will vote to amend the Winchendon Zoning Bylaw by amending Article 4 Section 4.7 PLANNED DEVELOPMENT DISTRICT by deleting the complete text and replacing it with the following and adding a related reference to Article 6 NON-CONFORMING AND SPECIAL BUILDINGS AND USES Section 6.2.3A;

Section 4.7.1 A planned development district (PD) is an area characterized by a cluster of commercial, industrial, residential, institutional, and public uses at moderate to high density. Commercial, industrial, and institutional uses in easily walkable proximity will form the essential center that defines a planned development district. Adjacent multifamily housing and mixed uses may extend the planned development district from this center.

A. Planned development districts are directed more towards pedestrian travel than vehicle travel. Distances between buildings will generally be short. Mixed commercial and residential uses are encouraged. It should be accented with vegetated open spaces such as small public parks. Commercial uses will include retail stores, personal and professional service businesses, restaurants, and entertainment uses. Home based businesses are appropriate. Buildings will generally be close to the street with sidewalks provided. Signage will be directed toward pedestrians on sidewalks rather than motor vehicle users.

Section 4.7.2 Requirements applying to all uses in the Planned Development District.

A. Unless otherwise provided the required lot dimensions shall be those shown in table 7.2.

B. All new development, redevelopment, or building construction shall be in conformity with the planned development district concept as stated in section 4.7.1.

C. A minimum of 10% of the total land area of a development site which has more than 1.5 acres shall be dedicated as common open space for recreational use. Developers of smaller projects are encouraged to preserve the maximum possible open space on site. Such land may be included in the determination of the site capacity.

D. On developments with water frontage, public access must be established or maintained by way of linear walkways and/or parks. The waterfront access for the public may be included as a portion of the required open space.

E. A development proposal by a single developer or by related developers that includes work on more than one parcel may be considered as a whole and require only a single application and a single special permit or site plan review.

F. Any building or cluster of attached buildings of more than 10,000 square feet of gross floor area shall have surrounding unobstructed fire lanes as determined by the fire chief.

G. New side lot lines adjacent to the frontage shall be at an angle of more than 75° to the frontage line. A 90° angle is preferable.

H. Preferably, parking should be to the side or rear of the main building. Parking shall conform to the parking standards in article 8.

I. Newly developed or redeveloped lots shall have concrete sidewalks and street trees along the entire lot frontage typical of those on Central Street between Blair Square and Peterson Square. If such do not exist or are not in good condition, they shall be installed at the expense of the applicant.

J. Public water and sewer lines are required, provided that connections are available. If such are not up to Department of Public Works standards, they shall be installed or replaced at the expense of the applicant.

K. Low impact development principles as provided in the Massachusetts Stormwater Handbook are required except that conventional drainage structures may be allowed by a planning board special permit based on an engineering demonstration (which must include plans and calculations not just a statement) that application of low impact principles to the site will be unreasonably difficult.

L. Except for allowed one and two family homes, any new construction project (whether one or more buildings on one or more lots) shall have a lot area to gross floor area ratio of less than 4:1.

M. Redevelopment of properties within the planned development district, whether by tear down and rebuild or by an extension of size greater than twenty percent (20%) shall conform to the standards for the planned development district.

Section 4.7.3 Additional requirement for one and two family detached residences

A. No two single or two family homes may have adjacent frontage. Any intervening lot or lots shall have total frontage of not less than 75 feet.

Section 4.7.4 Additional provisions for multifamily housing units (more than two units per structure):

A. Townhouses having common walls but located on adjacent separately owned lots will be permitted provided no more than five such townhouses will be contained in a single structure and that the end townhouses have a 20 foot side setback on the exposed end and there is adequate road or driveway access to the rear of the combined structures.

B. The minimum lot width shall be 36 feet and the minimum lot size shall be 3600 square feet. Townhouses must be served by public water and sewer.

C. Condominium type ownership of multiple unit projects is acceptable. With this type of ownership more than one principal building is allowed on a single lot.

Section 4.7.5 Requirements for all other projects including mixed use projects.

A. In commercial areas, side setbacks may be waived, as part of site plan review, to allow buildings on adjacent separately owned lots to be directly connected provided there is adequate road or driveway access to the rear of the combined structures. The maximum frontage length of such connected buildings shall be 100 feet.

B. Condominium type ownership of multiple unit projects is acceptable. With this type of ownership more than one principal building is permitted on a single lot.

C. For new construction for mixed residential and commercial use, the minimum lot area shall be not less than 1.5 times the non residential gross floor area plus 2000 square feet for each residential unit.

Section 4.7.6 Extended Planned development district Development Developments using Planned development district standards in other zones are permitted if such development will have public water and sewer and is within 500 feet of the planned development district boundary provided special permits therefore are granted concurrently by the zoning board of appeals and the planning board.

Related reference to be added to the last sentence of Article 6 NON-CONFORMING AND SPECIAL BUILDINGS AND USES Section 6.2.3A reads as follows;

Note: Standard text shows currently existing wording with newly added text underlined.

In addition, no such building shall be added to, enlarged, or reconstructed to an extent greater than fifty percent (50%) of its area at the time of the adoption of this Bylaw or such amendment or except as provided for in Section 4.7.2M.

SELECTMEN: TO BE VOTED

FINANCE COMMITTEE: APPROVE 4-0-1

PLANNING BOARD: SHOULD BE ADOPTED

ARTICLE 19: To see if the town will vote to amend Article 2 of the Winchendon Zoning Bylaw by amending the definition of Big Box Retail as follows;

Note: Deletions are struck through and additions underlined.

BIG BOX RETAIL: A retail facility, usually a chain store, with a floor area greater than ~~40,000~~ 15,000 sq. ft. The facility is normally a single story box-shaped building with a large parking lot.

SELECTMEN: TO BE VOTED

FINANCE COMMITTEE: APPROVE 4-0-1

PLANNING BOARD: SHOULD BE ADOPTED

ARTICLE 20: To see if the town will vote to amend the Winchendon Zoning Bylaw by amending Article 7 Section 7.2 **TABLE OF DIMENSIONAL & DENSITY REGULATIONS** by deleting the complete table with related notes and replacing it with the following;

7.2 TABLE OF DIMENSIONAL & DENSITY REGULATIONS

Zoning District	Minimum Lot Area Square Feet	Frontage Note 6	Front Setback Note 7	Side Setback Note 7	Rear Setback Note 7	Maximum Structure Height (floors)	Maximum Man Made Structure Height	Maximum Impervious Area as % of Lot (1)
R80	80,000	200	40	25	50	2-1/2	35'	10%
R40	40,000	150	40	25	50	2-1/2	35'	15%
R10	10,000	75	20	10	20	2-1/2	35'	25%
C1	75,000	250	75	25	25	3	45'	45%
C2	20,000	100	30	15	30	3	45'	45%
I	43,560	150	40	25	50	no	50'	no
PD except residential Note 2	5,000	75	5	0	0	3	45'	70%
PD 1 & 2 family residential	10,000	75	20	20	20	2 1/2	35 feet	25%
PD Other residential	10,000 Note 3	75	20	Com- bined 30 feet Note 4	50	3	45 feet	70%

WF Note 5								
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Notes:

1. Includes all buildings, structures, and paved surfaces.(SEE FIGURES A.7.2.3-6)
2. Includes mixed use developments.
3. But not less than 3600 square feet per dwelling unit.
4. Measured parallel to the frontage, except where attached buildings are allowed in sections 4.7.4 and 4.7.5.

5. As per special use regulations of Sections 4.3 and 4.4, lots partially within the Wetlands and Flood Plain Conservancy Districts may be governed by dimensional and density requirements of the underlying district as determined by the Board of Appeals, provided that more than 50 percent of the lot area and all non-sewered sanitary facilities, lie outside the WF district.

6. Lots having frontage on more than one street shall maintain the front setback for all such frontage streets appropriate for the zone in which it lies. Any remaining lot lines shall be considered side lot lines for setback purposes.

7. The distances shown in table 7.2 for front setback, side setback, and rear setback are the minimum distances from the respective lot lines on which any structure, whether temporary or permanent, other than a fence, a driveway, a walkway, a lamppost, or an allowed sign may be placed unless allowed by the Planning Board under site plan review. Neither shall there be any regular storage or display of materials be allowed closer to the property line than the setbacks.

SELECTMEN: TO BE VOTED

FINANCE COMMITTEE: APPROVE 4-0-1

PLANNING BOARD: SHOULD BE ADOPTED

ARTICLE 21: To see if the town will vote to amend the Winchendon Zoning Bylaw by amending Article 12 Section 12.2.1 by adding new language under 12.2.1B and 12.2.1F as follows;

Note: New additions are underlined and nothing has been deleted from the current Article 12.

12.2 PROJECTS REQUIRING SITE PLAN REVIEW

12.2.1 The following types of activities and uses require site plan review by the Planning Board:

- A. Construction, exterior alteration or exterior expansion or change of use of a municipal, institutional, commercial, industrial, or multiple-family structure;
- B. Three or more dwelling units started within one year by entities controlled by one person on land that at any time within the ten years next preceding was a single parcel or were abutting parcels. No building permits may be issued for additional work that will make such projects subject to this section until site plan approval has been granted for all units involved. A single site plan application may cover contiguous lots. For the purposes of this section, a person shall include an individual, joint owners, or any other entity commonly recognized by law as a person.
- C. Any use or change in use of any structure or group of structures in common ownership that requires 10 or more parking spaces under this zoning bylaw, or the construction, reconstruction, alteration or expansion of a stand alone parking area that has 10 or more parking spaces.
- D. Grading, clearing, or other land development activity which will require disturbance of more than 10,000 square feet of land area or 35% of the area of the lot, whichever is less, with the exception of agricultural activity, or work in conjunction with a approved subdivision plan or earth removal permit
- E. Any use requiring a special permit in accordance with section 5.2 Schedule of Use Regulations, if required by the Board of Appeals.
- ~~E.F.~~ A property owner or occupant may apply for site plan review for a project even if such review is not required. Such an application may not be withdrawn except with the consent of the planning board.

At the request of the applicant, the Planning Board may waive any or all requirements of site plan review for exterior enlargements of less than 25% of the existing floor area, and for building or site alterations where the Board determines that the standards set forth in this bylaw are not relevant to the alterations.

12.3 EXEMPTIONS FROM SITE PLAN REVIEW

12.3.1 Except as is provided in is section 12.2.1 B, site plan review shall not be required for:

- A. The construction or enlargement of any single family or two family dwelling or building accessory to such dwelling unless the accessory building contains more than 500 square feet of floor area;
- B. Any building used exclusively for agriculture, horticulture or floriculture;
- C. Projects not involving (a) additional coverage of the lot, either in the form of construction of or addition to a structure, whether permanent or temporary, (b) grading changes, or (c) additional paving, asphaltting or other equivalent method of lot coverage;
- D. Projects involving only the construction, reconstruction or alteration of any feature, which the building inspector or other duly authorized town inspector certifies in writing, that are required by public safety in order to correct an unsafe or dangerous condition.

SELECTMEN: TO BE VOTED

FINANCE COMMITTEE: APPROVE 4-0-1

PLANNING BOARD: SHOULD BE ADOPTED

ARTICLE 22: To see if the town will vote to amend the Winchendon Zoning Bylaw by amending Article 2 DEFINITIONS to change the definitions of Kennel types and make related changes to Article 5 USE REGULATIONS, Section 5.2.2 Commercial Uses, Section 5.2.4 Agricultural and Forestry Uses , and add related language to Table 6.3 SCHEDULE OF ACCESSORY USE REGULATIONS as follows;

*Note: New additions are underlined. The following definition of **Kennel Structure** will replace the currently existing definition of a **Kennel. Kennel Structure Hobby**, replaces **Kennel Private***

KENNEL STRUCTURE: A structure which consists of a building, other than a dwelling, and/or one or more fenced enclosures where pets (dogs, cats, etc.) are kept. A “kennel” as used in the general bylaws or in Chapter 140 of the Massachusetts General Laws is not regulated by the zoning bylaw and is not the same as a “kennel structure” as used in the zoning bylaw.

KENNEL STRUCTURE, COMMERCIAL: A structure where pets (dogs, cats, etc.) owned by a nonresident are temporarily boarded for hire.

KENNEL STRUCTURE, HOBBY : A kennel structure which is accessory to a dwelling where pets are kept for the personal enjoyment of the occupants of the residence and commercial gain is not the primary objective.

KENNEL STRUCTURE, NON-PROFIT: A kennel structure where animals (dogs, cats, etc.) are boarded short term by a non-profit [501c3] animal rescue league or similar organization.

Add a line to the accessory use table, table 6.3:

	R80	R40	R10	C1	C2	I	PD
<u>I. Kennel Structure, Hobby</u>	Y	Y	SP	SP	SP	SP	SP

Change the accessory use table section 6.3B

B. Accessory poultry or livestock for noncommercial use, private stable, or kennel <u>structure, non-profit</u> (Note 2 and 3)	R80	R40	R10	C1	C2	I	PD
(Under 5 acres)	Y	Y	SP	SP	SP	SP	SP
(5 acres and above)	Y	Y	Y	Y	Y	Y	Y

Change the use table section 5.2.2 Commercial Uses

<u>H. Kennel structure, commercial</u> or veterinary hospital	SP	SP	SP	SP	SP	SP	SP
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Change the use table section 5.2.4 Agricultural and Forestry Uses

E. Accessory poultry or livestock for noncommercial use, private stable, or kennel <u>structure, non-profit</u> (Note 2 and 3)	R80	R40	R10	C1	C2	I	PD
(Under 5 acres)	Y	Y	SP	SP	SP	SP	SP
(5 acres and above)	Y	Y	Y	Y	Y	Y	Y

SELECTMEN: TO BE VOTED

FINANCE COMMITTEE: APPROVE 4-0-1

PLANNING BOARD: SHOULD BE ADOPTED

Town of Winchendon, Massachusetts
 Special Town Meeting Warrant
 November 8, 2007

ARTICLE 23: To see if the town will vote to amend the Winchendon Zoning Bylaw by amending Article 5 Section 5.2.2 E by adding text as follows;

Note: New additions underlined

5.2.2 Principle Use Categories
Commercial Uses

E. Restaurant - take out, fast food, drive through, <u>walk-up window</u>	R80	R40	R10	C1	C2	I	PD
	N	N	N	SP	SP	N	SP

SELECTMEN: TO BE VOTED

FINANCE COMMITTEE: APPROVE 4-0-1

PLANNING BOARD: SHOULD BE ADOPTED

ARTICLE 24: To see if the town will vote to amend the Winchendon Zoning Bylaw by amending Article 7 Section 7.2 as follows;

Amend Section 7.2.1 of the zoning bylaw by designating the second paragraph as subsection A and adding a new subsection B:

B. The street frontage of a buildable lot must be on

1. A public way maintained by the state or town; or
2. A private way which has been built and is currently maintained adequately for the uses to which it is to be put as determined in a finding by the planning board. Such a finding shall be made only after the board has sought advice from the fire department, the police department and the department of public works. or
3. A way shown on a subdivision plan approved by the planning board the construction of which is guaranteed under the provisions of Massachusetts General Laws, Chapter 41 section 81U

SELECTMEN: TO BE VOTED

FINANCE COMMITTEE: APPROVE 4-0-1

PLANNING BOARD: SHOULD BE ADOPTED

ARTICLE 25: To see if the town will vote to amend the Winchendon Zoning Bylaw by amending Article 5 PRINCIPAL USE CATEGORIES by replacing Note 1 as follows;

1. Requirements for mixed use buildings. Residential space is not permitted below commercial or industrial space. The main or ground floor must be commercial or

industrial. However, one residential apartment of not less than 350 square feet nor more than 900 square feet and that does not occupy more than 25% of the ground floor area may be allowed by special permit. No such apartment may occupy building frontage beyond a doorway.

SELECTMEN: TO BE VOTED

FINANCE COMMITTEE: APPROVE 4-0-1

PLANNING BOARD: SHOULD BE ADOPTED

ARTICLE 26: To see if the town will vote to amend the Winchendon Zoning Bylaw by amending Article 5 Section 5.2.2 by adding the following text and amending Article 2 by adding a related definition for Land transportation passenger terminal facility as follows;

5.2.2 Principal Use Categories

Commercial Uses

	R80	R40	R10	C1	C2	I	PD
<u>5.2.2 DD Land transportation</u>	N	N	N	SP	SP	SP	SP

passenger terminal facility

Article 2 DEFINITIONS

LAND TRANSPORTATION PASSENGER TERMINAL FACILITY:

A facility at which passengers may board or alight from vehicles such as taxis, busses, limousines, or rail trains. Such facility may provide accessory services including waiting rooms, ticket sales, baggage handling, handling small amounts of goods carried on vehicles which primarily carry passengers, parking, and other amenities.

SELECTMEN: TO BE VOTED

FINANCE COMMITTEE: APPROVE 4-0-1

PLANNING BOARD: SHOULD BE ADOPTED

And you are hereby directed to serve this warrant by posting attested copies thereof at the several places designated by the bylaws of the town of Winchendon seven days at least before the time of holding such meeting and by publication of the same in a newspaper of local distribution as required by said bylaws.

Hereof, fail not and make due return of said warrant with your doings thereon at the time and place of the meeting aforesaid.

Given under our hands and seal this 24th day of October, 2007.

BOARD OF SELECTMEN:

Keith R. Barrows, Chair

Mark Shea, Vice Chair

Burton E. Gould, Jr.

Corey Bohan

I have this day posted the within warrant as therein directed:

PRINT CONSTABLE NAME

SIGN CONSTABLE NAME

DATE:

FINANCE COMMITTEE PUBLIC HEARING

**October 22, 2007
7:00 pm
Town Hall Auditorium
109 Front Street
Winchendon, MA 01475**
