



Town of West Newbury, Massachusetts

Special Town Meeting

October 17, 2020, 10:00 a.m.

Town Annex, 379 Main Street, Outside



October 17, 2020

Dear Fellow Residents of West Newbury:

We have prepared this booklet to assist you in making informed decisions on this meeting's warrant articles. The Finance Committee has reviewed each proposed article, and herein reports to you on our recommendations.

The Selectmen and Finance Committee continue to approach the Fall Special Town Meeting's agenda with the intent to use this time for articles of a more urgent nature. The Committee's preference is to retain the Spring Annual Town Meeting as the forum to bring forward articles that surface through normal Town operations.

Participation at the Special Town Meeting is always important. Voters will have the opportunity to decide on appropriating Town funds toward a variety of projects, such as: allocating funds from the School Stabilization account and the excess overlay to reduce the fiscal year tax rate. These measures will act to reduce the tax impact associated with the Pentucket High/Middle School building project. Voters will also consider the purchase of a new dump truck. This purchase had previously been on the warrant at the Annual Town Meeting, but was not considered because of a recommendation from the Board of Selectmen to take no action. Voters will also have the chance to weigh in on a number of budget amendments to the budget that was approved at our last town meeting. The Planning Board has also prepared an article for your consideration.

We encourage all West Newbury residents to get involved and to participate on Town committees. The Finance Committee meets Tuesday evenings at 7:00 p.m. at the 1910 Building, or as posted on our web page: www.wnewbury.org/finance-committee. We encourage you to review our website, which includes various documents, such as Finance Committee Town Meeting booklets and meeting minutes, as well as an email link to communicate with the Committee.

"You can disagree without being disagreeable."
-Ruth Bader Ginsburg

Gary L. Roberts, Jr., Chairman

The West Newbury Finance Committee

Gary L. Roberts, Jr., chair
Jessica Knezek, vice chair
Nathan Kelly, secretary

Joseph Heyman
Jim Sperelakis
Angus G. Jennings, ex officio

Reading votes for town meeting warrant articles.

Votes for town meeting warrant articles follow the format of **(Yay:Nay:Abstention)** for the given article. For example:

Selectmen Recommendation: **Approve: 2:1:0**

This would read that two selectmen approved the article, one disapproved, no abstentions.

FinCom Recommendation: **Disapprove: 2:3:1**

This would read that two FinCom members approved the article, three disapproved, one abstention.

WHAT TO EXPECT AT TOWN MEETING DURING A PANDEMIC

Dear West Newbury Voters:

Our fall special town meeting comes at a very difficult time because of the ongoing COVID-19 pandemic. This section is intended to share some information about the preliminary plans for the Saturday, October 17 Special Town Meeting.

Please know that the primary concern of all town officials is to conduct the meeting in a way that protects the health and safety of everyone, while at the same time upholding our town meeting traditions and standards of participatory democracy. Following is a summary of some of the measures to help conduct town meeting safely and efficiently.

Meeting Venue: The risk of contagion is much lower if we meet outside. So, we'll hold town meeting in the area of the Bandstand located behind the 1910 Building and Annex.

Social Distancing: Voter check-in will be closely monitored and we will assign seating in accordance with CDC social distancing guidelines.

Face Coverings: Members must wear face coverings over both their nose and mouth; the Town will provide face coverings for those who do not have them and anyone who does not wear a mask for personal medical reasons will be assigned to sit in a designated location. Such attendees will be afforded full access to the proceedings.

Microphone Cleaning and Disinfecting: Appropriate cleaning supplies will be available to sanitize the microphones used by those who chose to debate.

Main Motion: A designated speaker will read the main motions under the articles. Then we will move to debate.

Meeting Efficiency: A number of steps will be taken to help facilitate a quick, efficient, and orderly meeting.

Rain Date: The rain date for the fall town meeting is Sunday, October 18 at 10 a.m. in the posted location. The decision on whether to postpone will likely need to be made the day of the meeting. If a postponement is needed due to weather, we will post notice on the Town of West Newbury website (www.wnewbury.org) and via reverse 911, email, social media, and the press.

Finally, the Governor has signed emergency legislation authorizing the Moderator, after consulting public health officials and the Board of Selectmen, to recess the meeting for up to 30 days, and to do so repeatedly. The Moderator will be monitoring the situation with the Commonwealth and Town officials and, if necessary, will reschedule the meeting and post public notice.

September 30, 2020

**TOWN OF WEST NEWBURY
COMMONWEALTH OF MASSACHUSETTS
WARRANT - SPECIAL TOWN MEETING
SATURDAY, October 17, 2020, @10:00 a.m.**

Essex, ss.

To any of the Constables of the Town of West Newbury:

In the name of the Commonwealth, you are hereby required to notify and warn all the inhabitants of the Town of West Newbury, who are qualified to vote in the elections and Town affairs to meet outdoors behind the Town Annex (near the Bandstand), 379 Main Street, at 10:00 a.m. on Saturday, October 17, 2020 to act upon or take any other action relative to all of the following Articles.

GENERAL GOVERNMENT MATTERS

ARTICLE 1. To hear and act upon the reports of Town officers and committees. *By request of the Board of Selectmen.*

APPROPRIATIONS

ARTICLE 2. To see if the Town will vote to transfer the sum of \$80,953 from the School Stabilization Fund to offset the property tax impact of a Prop. 2½ override and pay the Town share of debt service associated with the building of the new Middle/High School. *By request of the Board of Selectmen.*

FinCom Recommendation:
Selectmen Recommendation:

Approve: 4-0-1
Approve: 3-0-0

FinCom Rationale: Since FY2017, the Town has voted to transfer funds into the School Stabilization Fund in anticipation of a major building project. At the April 2019 Annual Town Meeting, the Town voted overwhelmingly to support the appropriation and borrowing by the Pentucket Regional School District for the purpose of the construction of a new Middle and High School project.

At the June 2020 Annual Town Meeting, the Town voted down a proposal by the Board of Selectmen to significantly increase the amount transferred out of the School Stabilization Fund (from \$247,647 to \$652,340). Their position was that many in our community have been financially impacted by Covid-19 and that it would be helpful to fully offset the impending FY2021 tax increase from the new school. The Finance Committee disagreed with this approach and recommended that the original transfer plan remain in place due to the likely longer-term economic impact of Covid-19. The voters agreed, and the transfer amount was kept at \$247,647.

This fall, the Board of Selectmen are again recommending an increase in the transfer, this time by an additional \$80,953, for a total of \$328,600. This amount represents the same amount the Town is transferring into the School Stabilization Fund for FY2021. Because this amount would not exceed what we are transferring into the fund, and because it would help to slightly offset the tax burden during a difficult economic climate, the Finance Committee supports this increased transfer.

Funding Source: *School Stabilization Fund*

Sunset Date: *N/A*

ARTICLE 3. To see if the Town will vote to amend Line Items:

- 3 – Town Manager Expenses;
- 6 – Finance Department Salary & Wages;
- 7 – Special Counsel Legal Fees & Expenses;
- 9 – Board of Registrars Salary & Wages;
- 15 – Police Cruiser;
- 23 – Pentucket Capital Assessment;
- 24 – Whittier Minimum Contribution;
- 24 – Whittier Other Assessments;
- 26 – DPW Town Buildings Improvements;
- 26 – DPW Highway, Sidewalk & Trees;
- 32 – Recreation Expenses;
- 39 – Unemployment Insurance; and
- 40 – Employees' Health Insurance,

as set forth in the Fiscal Year 2021 Town Omnibus Budget adopted under the Motion for Article 3 of the Annual Town Meeting on June 27, 2020 and vote to raise and appropriate a sum or sums of money as may be necessary to defray the expenses of the Town for Fiscal Year 2021. *By request of the Board of Selectmen.*

FinCom Recommendation:

Approve: 5-0-0

Selectmen Recommendation:

Approve: 3-0-0

FinCom Rationale: *This article contains a series of budget adjustments of both decreases and increases. Ultimately, the effect of these budget adjustments is a net decrease of \$234,460. Decreases include the Pentucket Capital Assessment, Whittier, and Health Insurance lines.*

Increases include the Town Manager, Finance Department, Special Counsel, Town Clerk, Police Department, Department of Public Works, Recreation, and Unemployment Insurance lines. These increased expenses relate specifically to: updating personnel policies; continued implementation of new software; CARES/FEMA documentation and reporting; implementation of audit recommendations; continuity in the Assessing Department; anticipated increased outside counsel needs; election expenses (fully reimbursable); discontinued police cruiser model forcing alternate purchase; high hazard tree removal; Main Street flower baskets; EV charging station warranty; portable restroom budgeting shortfall; and increased unemployment filings. The details can be seen in Appendix A.

Having discussed all of the changes with the Town Manager, we firmly believe that the requests are prudent and appropriate. We are pleased to see a net decrease of \$234,460. These changes associated with increases will improve services, and lead to better business practices within the Town.

Funding Source: *Raise and Appropriate*

Sunset Date: *End of FY2021*

ARTICLE 4. To see if the town will vote to transfer from available funds the sum of \$220,000.00 to reduce the current year tax rate. *By request of the Board of Selectmen.*

FinCom Recommendation:

Approve: 5-0-0

Selectmen Recommendation:

Approve: 3-0-0

FinCom Rationale: *Overlay is an account used to fund anticipated tax abatements and exemptions. Surplus overlay is determined, certified, and transferred to surplus by a vote of the assessors. The legislative body may appropriate overlay surplus for any lawful*

purpose by the end of the fiscal year. The Board of Selectmen requested using \$220,000 from this funding source as a means to reduce the FY2021 tax rate. The Finance Committee supports this article, particularly due to the funding source, as a means to help give some relief to the taxpayers in light of the ongoing Covid-19 pandemic.

Funding Source: Overlay Surplus

Sunset Date: End of FY2021

ARTICLE 5. To see if the Town will vote to appropriate, in anticipation of Water Department revenue, the sum of \$14,920 for Insurances. *By request of the Board of Water Commissioners.*

FinCom Recommendation:

Approve: 5-0-0

Selectmen Recommendation:

Approve: 3-0-0

FinCom Rationale: *The Water Department had some employee turnover recently, and is in the process of hiring a new licensed operator. This funding request is a contingency, and will be spent, if needed, upon the hiring of a new employee. The \$14,920 is the maximum possible difference between the previous employee's benefits and a new employee utilizing the cost of the maximum employee health insurance benefit. These funds must be in place in case that does occur.*

Funding Source: FY2021 Water Enterprise Fund

Sunset Date: End of FY2021

ARTICLE 6. To see if the Town will transfer from available funds the sum of \$240,000 to purchase a new dump truck, with plow and spreader to replace a 2008 International dump truck with same or comparable equipment, and to dispose of the existing dump truck in accordance with Town policy for disposition of surplus property. *By request of the Board of Selectmen.*

FinCom Recommendation:

Approve: 5-0-0

Selectmen Recommendation:

Approve: 3-0-0

FinCom Rationale: *The Finance Committee voted unanimously in support of this Article. The purchase of a new dump truck and accompanying plow and salter/spreader is important to the efficient operation of the Department of Public Works plowing and sanding operations. The new vehicle is expected to have a useful life of twelve years. The existing 2008 dump truck it replaces has provided more than twelve years of service, and due to high mileage and greater than 4,400 service hours, shows major rusting, structural wear, and is in need of replacement. Maintenance costs on this vehicle have increased with age. If the truck were to suffer a significant breakdown that could not be repaired, the Town would suffer a 25% loss of capacity and response time during a major winter storm. This purchase is one that all residents will benefit from approving.*

Funding Source: Capital Stabilization Fund

Sunset Date: End of FY2023

ARTICLE 7. To see if the Town will vote to extend the sunset clause for the purchase of a new Fire Department Rescue Vehicle, as adopted under the Motion for Article 18 of the Annual Town Meeting on April 29, 2019, for a period of one year until June 30, 2022. *By request of the Fire Chief.*

FinCom Recommendation:

Approve: 5-0-0

Selectmen Recommendation:

Approve: 3-0-0

FinCom Rationale: *The original article was to see if the Town would raise and appropriate and/or transfer from available funds the sum of \$230,000 to purchase a Fire Department Rescue Vehicle. The Finance Committee unanimously supports this article because it*

simply extends a sunset date on funds that were already appropriated through an article that was overwhelmingly approved eighteen months ago at the 2019 Annual Town Meeting. No additional funds are required. Covid-19 had a negative impact on the process of purchasing this vehicle at the planned time, which is why the extended sunset date is necessary.

Funding Source: None

Sunset Date: End of FY 2022

BYLAWS - OTHERS

ARTICLE 8. To see if the Town will vote to amend Section 5.A.2.c. of the West Newbury Zoning Bylaw regarding accessory uses permitted in the Residence A, B, & C Districts, including the keeping of pets and animals for use of the resident premises, and professional home office and customary home occupations.

And further to amend Section 5.A.3. of the West Newbury Zoning Bylaw regarding uses permitted in the Residence A, B & C Districts with a Special Permit, which would modernize terms for old age homes and bring this section into compliance with M.G.L. Ch. 40A, Section 3.

And further to amend regulations for “Congregate Housing” in Sections 2 and 5.A.3.i. of the West Newbury Zoning Bylaw, which would clarify provisions and eliminate unnecessary restrictions.

And further to amend Section 5.B.1.e.i of the West Newbury Zoning Bylaw, regarding outdoor business-related storage and display as an accessory use permitted in the Business District subject to a site plan approved by the Planning Board.

And further to amend Section 5.B.2. of the West Newbury Zoning Bylaw, regarding uses permitted in the Business District upon a special permit granted by the Planning Board, which would bring this section into compliance with M.G.L. Ch. 40B, Section 3 and clarify provisions related to residential units located in the same buildings as commercial enterprises.

And further to amend Sections 2, 5.A.2.c.iii., 5.A.3.d., and 5.B.2.d. of the West Newbury Zoning Bylaw, which would consolidate and clarify terms used to describe properties having rooms for rent, and define the terms of stay for long-term and short-term rental properties.

By request of the Planning Board.

Note: A detailed statement of the Planning Board’s intent for each of the proposed Zoning Bylaw amendments, along with the specific proposed language proposed for amendment, is included in Appendix B.

FinCom Recommendation:

No Vote

Selectmen Recommendation:

Approve 3-0-0

Planning Board Recommendation:

Approve 5-0-0

APPENDIX A
Article #3
PROPOSED AMENDMENTS TO FY21 OMNIBUS BUDGET

Budget Section	Budget Line	Approved Budget	Proposed Increase (Decrease)
3 Town Manager	Expenses	\$295,057	\$15,000
6 Finance Department	Salary & Wages	\$179,619	\$45,000
7 Special Counsel	Legal Fees and Expenses	\$12,500	\$10,000
9 Board of Registrars	Salary & Wages	\$6,500	\$2,000
15 Police Department	Police Cruiser	\$36,000	\$4,000
23 Education - Pentucket	Pentucket Capital Assessment	\$710,567	(-\$328,600)
24 Education – Whittier	Whittier Minimum Contribution	\$151,344	(-\$5,082)
24 Education – Whittier	Whittier Other Assessments	\$24,248	(-\$1,678)
26 DPW	Town Bldg Improvements	\$51,000	\$9,980
26 DPW	Highway, Sidewalk & Trees	\$142,262	\$2,900
26 DPW	Highway, Sidewalk & Trees	\$142,262	\$50,000
32 Recreation	Recreation Expenses	\$5,500	\$17,220
39 Unemployment Compensation	Unemployment Insurance	\$1	\$7,500
40 Employees' Health Insurance	Group Insurance	\$479,745	(-\$63,000)
Combined Net Effect of Proposed FY21 Budget Amendments:			(-\$234,760)

Summary table with rationale / notes enclosed.

APPENDIX A (cont'd)			
Article #3			
PROPOSED AMENDMENTS TO FY21 OMNIBUS BUDGET			
Topic	Budget Section:	Amount	Notes
Town Manager expenses	3 - Town Manager	\$ 15,000	Updates to Personnel Policies & Administration. (Cost may be offset by FY21 Community Compact Municipal Best Practices grant).
Finance Dept staffing	6 - Finance Department	\$ 45,000	Cont'd implementation of new software; CARES/FEMA documentation & reporting; implementation of audit recommendations. Also includes contingency funding for continuity of operations in Assessing Dept, if needed. Costs associated with COVID-19 may be reimbursed through CARES Act and/or FEMA.
Outside Counsel operating budget	7 - Special Counsel	\$ 10,000	Outside Counsel: incl. labor, land use.
2020 Election salaries & expenses	9 - Board of Registrars	\$ 2,000	Proposed to add to FY21 Board of Registrars operating budget to support additional staffing necessary due to early voting and voting by mail. Costs reimbursable by Commonwealth.
Increase funding for Police Cruiser purchase	15 - Police Department	\$ 4,000	Hybrid vehicle used for budgeting no longer commercially available. Pursuit-rated hybrid Ford Explorer costs more. Funding would be supplemented by recent award of Green Communities grant (\$5k for hybrid police vehicle purchase) and funds from Police Cruiser revolving fund.
Reduce operating budget funding for Middle/High School by amount funded from School Stabilization	23 Education - Pentucket	\$ (328,600)	Per MassDOR, with prop 2 1/2 debt exclusion, amount authorized from School Stabilization Fund need not also be carried in operating budget
Reduce operating budget for Whittier Tech	24 Education - Whittier	\$ (5,082)	Based on updated (reduced) West Newbury assessment voted by Whittier School Committee on 9/9/20
Reduce operating budget for Whittier Tech	24 Education - Whittier	\$ (1,678)	

<u>Topic</u>	<u>Budget Section:</u>	<u>Amount</u>	<u>Notes</u>
Warrantee for new electric vehicle charging stations at Town Offices and Page School	26 DPW Town Building Improvements	\$ 9,980	<i>Proposed amount (to be added to FY21 DPW Town Bldg operating expenses) based on 5-yr Assured warrantee plan.</i>
Main Street flower baskets	26 - DPW Highway, Sidewalk & Trees	\$ 2,900	<i>Proposed for addition to FY21 DPW operating budget. Expected to be recurring expense to offset costs of installation and maintenance (including watering) of hanging flower baskets on Main Street.</i>
High Hazard Tree Removal (Cont. Year 1 of 5-year program)	26 - DPW Highway, Sidewalk & Trees	\$ 50,000	<i>Proposed for addition to FY21 DPW hwy, sidewalk & trees budget.</i>
Portable restroom budgeting shortfall	32 Recreation Expenses	\$ 17,220	<i>Increased costs for portable toilets at athletic fields, and reduced revenues into Parks & Rec Revolving Fund (which was source of expense in prior years). Costs resulting from COVID-19 (enhanced cleaning protocols) may be reimbursed by CARES Act and/or FEMA.</i>
Unemployment Expenses	39 - Unemployment Compensation	\$ 7,500	<i>Increased frequency of Dept. of Unemp. Assistance filings since COVID-19 offset. No funds due, but recommend funding for amts that may come due in FY21</i>
Reduce funding for health insurance; updated budgeting	40 - Employees' Health Insurance	\$ (63,000)	<i>Approved budget carries full share (not just Town share) for some employees</i>
Net effect of Proposed Article 3 on Approved FY21 Omnibus Budget:		\$ (234,760)	
<i>Source: Angus Jennings, Town Manager</i>			

APPENDIX B
Article #8
ZONING BYLAW

ARTICLE 8. Proposed amendments to the West Newbury Zoning Bylaw.

Proposed deletions are ~~striketrough~~ Proposed additions are double-underlined

To amend the West Newbury Zoning Bylaw Section 5 as set forth below:

SECTION 5. USE REGULATIONS

5.A.2. Permitted uses in the Residence A, B and C Districts in addition to uses permitted in all districts (Section 4.).

c. Accessory Use, including the following:

ii) Keeping of pets and animals for use of the resident of premises, provided that:

e) ~~Animals shall be cared for in accord with all rules and regulations that the Board of Health may from time to time promulgate pertaining to the keeping of animals, following a posted public hearing.~~

Planning Board intent: This is regulated by the Board of Health.

iii) Boarding house ~~or rooming house for not more than four (4) persons, provided that the house is also occupied as a private residence.~~

Planning Board intent: A boarding house and a rooming house are the same, as defined in the Zoning Bylaw. The definition of rooming house is proposed to be deleted, as noted below. This is the only instance in the Zoning Bylaw where a boarding house is allowed, therefore the occupancy requirements should more appropriately appear in the definition for "boarding house".

iv) Professional home office or customary home occupation, provided that:

g) The Business shall not generate traffic that is inconsistent with the traffic associated with a residential use, either in quantity or type, and all parking required to service the occupation is provided off-street, and not within a required front yard.

Planning Board intent: Change in description clarifies that the section refers to a professional home office, not a professional office as the principal use. Addition of sub-item "g" establishes parking guidelines for professional home offices and customary home occupations.

5.A.3. Uses Permitted in Residence A, B, and C Districts with a Special Permit

Uses permitted in the Residence A, B and C Districts on a special permit granted by the Planning Board, subject to appropriate conditions where such are deemed necessary to protect the neighborhood or the Town, in accord with the provisions of Section 8.

d. Restaurant or ~~inn~~ Hotel

Planning Board intent: A Hotel and an Inn are the same, as defined in the Zoning Bylaw. Further, the definition of Inn is proposed to be deleted, as noted above.

h. Nursing homes, ~~convalescent homes, old age homes, sanitariums,~~ rehabilitation facilities, hospitals.

Planning Board intent: The proposal would modernize these terms.

i. Congregate housing for the elderly and persons with disabilities, and shared elderly housing ~~providing provided~~ that, in addition to the requirements of Section 6.A, the lot shall contain at least 150% of the required lot area of the District in which it is located.

~~i) In addition to the requirements of Section 6.A, the lot shall contain at least one-half (1/2) again the required lot area for the District in which it is located.~~

Planning Board intent: Adds persons with disabilities to be in line with the State's definition of Congregate Housing. Clarifies the confusing lot area requirement.

~~ii) There shall be no more than twelve (12) persons per unit and no more than two (2) persons per bedroom.~~

Planning Board intent: This provision unnecessarily restricts a project. Persons per unit and per bedroom are regulated by other authorities (Commonwealth, Board of Health).

~~iii) All required licenses and permits from the Commonwealth and the Board of Health have been obtained.~~

Planning Board intent: Requirements of these authorities stand in and of themselves.

~~iv) The use is served by municipal water.~~

Planning Board intent: This provision unnecessarily restricts a project. Other authorities (Water Department, Board of Health, DEP) regulate access to drinking water.

~~v) Off-street parking is provided in the side or rear yards.~~

~~vi) Off-street loading, if any, is in the rear of the structure.~~

Planning Board intent: These provisions unnecessarily restrict a project.

- j. ~~Non-profit schools, kindergartens, nursery schools, children centers,~~ For-profit arts, crafts and dramatic schools, dancing and music schools.

Planning Board intent: The provisions regarding non-profit schools, kindergartens, nursery schools and child centers are in violation MGL Ch. 40A, s.3. Clarifies that the other schools mentioned are for profit, so as not to be in violation of said law.

5.B.1. In a Business District the following uses are permitted subject to a site plan approved by the Planning Board in accord with Section 8.B.

e. Accessory buildings and uses provided that:

- i) Outdoor business-related storage and display that is located ~~conducted~~ in the rear and/or side yard, ~~and such storage or display is~~ shall be screened from view of abutting residential dwellings ~~in abutting Residence A, B or C Districts~~ with shrubs or a fence of at least four (4) feet in height.

Planning Board intent: Clarifies that this regulation applies to business related storage only. Further, the regulation currently only requires screening for dwellings in abutting residential districts, whereas any abutting residential dwelling should be screened from outdoor business-related storage and display, regardless of Zoning District

5.B.2. In a Business District the following uses are permitted upon a special permit granted by the Planning Board.

d. ~~Motels and~~ Hotels

Planning Board intent: A Hotel and a Motel are the same, as defined in the Zoning Bylaw. Further, the definition of Motel is proposed to be deleted, as noted below.

- e. ~~Child Care Center. A child care facility for more than six children may be permitted in the Business District by a special permit from the Planning Board, provided that the lot area used for facilities at least 60,000 square feet, that the facility provides service for no more than twenty (20) children, and that a safe and fenced yard/outdoor play area is provided having at least 10,000 square feet.~~

Planning Board intent: The existing subsection "e." is in violation of MGL Ch. 40A, s.3.

- f. e. Residential units located in the same buildings as commercial enterprises, ~~provided that they be in compliance with other local regulations, including Board of Health.~~ Visual elements, density, and parking shall be part of the special permit review by the Planning Board.

Planning Board intent: Other local regulations such as those of the Board of Health stand in and of themselves. This revision also clarifies that the Planning Board, and not another entity, is the Special Permit Granting Authority reviewing “visual elements, density and parking”.

And to further amend the West Newbury Zoning Bylaw Section 2 as set forth below:

SECTION 2. DEFINITIONS

Bed and Breakfast. A house, or portion thereof, where up to four lodging rooms, with meals, are provided providing that the maximum duration of any tenant shall be less than 14 consecutive nights ~~not exceed 15 days~~. The operator shall live on the premises, or in an adjacent premises immediately abutting the residence with the bed and breakfast facility.

Short Term Paying Guest. A person who rents a room in a hotel or bed & breakfast for less than 14 consecutive nights.

Planning Board intent for proposed change to “Bed and Breakfast” definition and proposed new defined term “Short Term Paying Guest”: Properties having rooms for rent are differentiated in the Zoning Bylaw by the duration of stay. However, the actual number of days in the stay are not well defined. Hotels (Including Inns, Motels, Tourist Homes and Lodging Houses) are intended for temporary occupancy, though the duration of stay is not stated. Bed and Breakfast rooms have a maximum occupancy duration of 15 days. Boarding Houses (Including Rooming Houses) are not open to short term paying guests, which presumes guests are staying for an extended period of time. The Town’s “Short Term Rentals Bylaw” (Chapter XXXIX) requires that short term paying guests stay for a duration of less than 14 consecutive nights. This proposal seeks to define the length of stay using terms consistent with the “Short Term Rentals” Bylaw.

Boarding House. A building or premises, other than a hotel, ~~inn, motel, tourist house or lodging house, or bed & breakfast, for not more than four (4) persons, provided that the principal use is as a private residence,~~ where rooms are let and where meals may be regularly served by prearrangement for compensation; not open to ~~transient guests; in contrast to hotels, restaurants, and tourists homes, open to transients~~ short term paying guests.

Planning Board intent: Clarifies that the boarding house is only allowed by right in a residential district as an accessory use and that the primary use must be a dwelling. Added the definition content from Section 5.A.2.c.iii regarding number of persons. Stating that a Boarding House is not a hotel, restaurant, or tourist home two times is redundant and not necessary.

Congregate Housing. A ~~nonprofit~~ group living arrangement for elderly persons and persons with disabilities who cannot easily maintain their own housing, financially or otherwise, but who do not need nursing home care. The persons living together may care for themselves or may have some support services.

Planning Board intent: Limiting the development group to non-profit charitable organizations is overly restrictive and might prevent projects that could be beneficial to the Town. The proposal adds persons with disabilities to be in line with the Commonwealth's definition of Congregate Housing.

~~Hotel, (Inn, Motel, Tourist Home or Lodging House).~~ A building, or portion thereof, or a group of buildings on a single lot, intended to be used for the temporary occupancy of three (3) or more ~~persons~~ short term paying guests who are lodged, with or without meals, and in which major provision for cooking may be made in a central kitchen but may not be in the individual rooms or suites.

Planning Board intent: Each of these terms (Inn, Motel, Tourist Home, Lodging House) are defined in Section 2. as "Hotel". They are one and the same in the Zoning Bylaw. These terms create unnecessary confusion. One common term, "Hotel" should be used. Also, the duration of stay is clarified by adding the term "short term paying guest".

~~Inn.~~ See Hotel

~~Lodging House.~~ See Hotel

~~Motel.~~ See Hotel

~~Tourist Home.~~ See Hotel

Planning Board intent: Each of these terms are defined in Section 2. as "Hotel", as noted above.

~~Rooming House.~~ See Boarding House

Planning Board intent: The definition of "Rooming House" in Section 2. is "Boarding House", therefore use of the term is unnecessary.

Or to take any action relative thereto.

SPECIAL TOWN MEETING IMPACTS ON TOWN ACCOUNTS

Balances Report		Estimated				
		Town Capital Stabilization	Pension Stabilization	School Stabilization	Town Free Cash	Water Stabilization
7/1/2020		1,739,407	236,992	1,731,014	1,339,711	15,359
10/2020 STM	Art #					
From School Stabilization Fund	2			(80,953)		
DPW dump truck	5	(240,000)				
Balances after STM		1,499,407	236,992	1,650,061	1,339,711	15,359

Note: Free Cash amount not updated to reflect FY20 year-end turnbacks, etc., pending Audit and MDOR certification.

Finance department projects Free Cash amount will be substantially greater than amount shown.

Source: Angus Jennings, Town Manager, 9/28/20