

Voter Information Bulletin

Town of Douglas

November 2007

Special Town Meeting

**Tuesday, November 27, 2007 at 7:00 PM
Douglas High School Auditorium**

Message from the Finance Committee

The November Special Town Meeting seeks to address requests for additional funding in the FY 08 budget, present an amendment to the Personnel By-Law, as well as several proposed amendments to the zoning and general By-Laws of the Town. Specific funding requests from the Police Department, Water and Sewer Department, Council on Aging and the School Department are among the items to be presented. Additional funding for unemployment costs and the payment of prior-year bills will also be presented.

In the case of the Water and Sewer Department and School Department requests, the required funding will be made through the use of retained earnings and transfer of previously appropriated, but unexpended, amounts, respectively. Otherwise, the financial articles are to be funded through additional funds available for appropriation.

As always, the Finance Committee encourages your attendance at Town Meeting to exercise your voting privileges.

Special Town Meeting
Monday, May 7, 2007 at 6:00 PM
Douglas High School Auditorium

Article 1:	Prior Year Bills
Article 2.	Police Wages
Article 3.	Water & Sewer Department Truck
Article 4.	Inter-Municipal Agreement
Article 5.	Senior Van
Article 6.	Unemployment
Article 7.	Reserve Fund
Article 8.	Intermediate School Building Needs Assessment, Design Services & Repair
Article 9.	Personnel By-Law Amendment
Article 10.	Chestnut Street Land Swap
Article 11.	Amend Zoning By-Law "Water Resource Protection Overlay District"
Article 12.	Amend Zoning By-Law as per Ch. 43D's "Expedited Permitting Program"
Article 13.	Amend General Bylaws as per Ch. 43D's "Expedited Permitting Program"

Article 1. Prior Year Bills

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$444.55 to pay the prior year bill for Internet Intelligence, Inc., or take any other action related thereto.

Explanation: These bills are from fiscal year 2007 and have not been paid due to timing of invoice processing.

Finance Committee: Recommend

Article 2. Police Wages

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$43,310 to Police Wages, or take any other action related thereto.

Explanation: At the time of the May Annual Town Meeting, the negotiations for the police contract were ongoing. At that time the amount of \$18,730 was set aside within the Selectman's budget for anticipated increases associated with the contract. With the police contract now finalized, this article seeks to transfer the \$18,730 from the Selectman's account to the Police Wages account, as well as to raise an appropriate an additional \$24,580 of funds to address the additional funding requirements associated with the contract.

Finance Committee: Recommend

Article 3. Water & Sewer Department Truck

To see if the Town will vote to transfer from Water & Sewer Retained Earnings the sum of \$36,000 to purchase a New Pick-up Truck for the Water & Sewer Department, or take any other action related thereto.

Explanation: The Water and Sewer Department's current Utility Truck has begun to experience mechanical issues. The Department relies heavily on this truck to support the maintenance and emergency service needs of the Department. The Department seeks to fund this purchase through a transfer from the Water & Sewer Retained Earnings.

Finance Committee: Recommend

Article 4. Inter-Municipal Agreement

To see if the Town will vote to authorize the Board of Selectmen, pursuant to the provisions of M.G.L. Chapter 40, Section 4A, to enter into an Inter-municipal Agreement with the Town of Sutton on such terms and conditions as the Selectmen deem to be in the best interests of the Town for the purpose of providing Senior Van Services to the Towns of Douglas and Sutton, or take any other action related thereto.

Explanation: See discussion under Article 5

Finance Committee: Recommend

Article 5. Senior Van

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$4,000 to Council on Aging Expenses for the operation of a new Senior Van, or take any other action related thereto.

Explanation: This article, coupled with Article 5, is intended to expand the transportation services available to Douglas residents aged 60 and over as well as residents with disabilities. The Council on Aging is seeking these funds to support this inter-municipal arrangement with the Town of Sutton.

Finance Committee: Recommend

Article 6. Unemployment

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,000 to Unemployment Expenses, or take any other action related thereto.

Explanation: The expenses this year are higher than anticipated. \$30,000 was originally appropriated for this account at the Annual Town Meeting, but this amount has already been exceeded with more than \$48,300 in charges fiscal year to date. The expenses above the original appropriation have been funded via \$18,300 of transfers from the Reserve Fund. This request for additional appropriation will cover future anticipated expenses.

Finance Committee: Recommend

Article 7. Reserve Fund

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$15,000 to the Reserve Fund, or take any other action related thereto.

Explanation: As described in Article 6, there has been \$18,300 of transfers from the Reserve Fund to pay for unanticipated unemployment expenses. This article seeks to replenish \$15,000 to the Reserve Fund.

Finance Committee: Recommend

Article 8: Intermediate School Building Needs Assessment, Design Services & Repair

To see if the Town will vote to transfer the sum of \$26,375 from Article 1 of the Special Town Meeting of March 14, 2001 (Middle/High School Masonry Control), for the purpose of conducting a professional needs assessment, design services, and repair of the Intermediate School, or take any other action related thereto.

Explanation: The School is seeking to redirect funds that were previously appropriated, but not expended, to address the pressing infrastructure needs of the Intermediate Elementary School. Specifically, the School requests that these funds be made available to perform a building evaluation to determine the extent of deficiencies existing in the HVAC/heating system and identify other repair priorities. The funds would be further used to reduce the costs associated with a repair plan and the ultimate remediation of the identified deficiencies.

Finance Committee: Recommend

Article 9. Personnel By-Law Amendment

To see if the Town will vote to delete the following language from Section V. B of the Personnel By-Law:

“Holiday pay for full-time, non-exempt employees shall be paid at the scheduled hours for that day. Holiday pay for part-time employees shall be the prorated schedule of hours. Temporary seasonal employees shall not receive holiday pay.”

And replace with the following:

“Holiday pay for full-time and regular part-time, non-exempt employees shall be paid for the hours normally scheduled for that day. Limited part-time and seasonal employees shall not receive holiday pay.”

Or take any other action related thereto.

Explanation: This amendment seeks to clarify the holiday pay provisions for Regular Part-time and Limited Part-time employees, as defined within the By-Law.

Finance Committee: Recommend

Article 10. Chestnut Street Land Swap

To see if the Town will vote to transfer the care, custody, management and control of the parcel of land known as Assessors’ Map 273, Parcel 9, and described in a deed recorded with the Worcester District Registry of Deeds in Book 21239, Page 222, which parcel contains ±91,634 SF, and is shown as Parcel A on the attached Figure 1, from the Treasurer for tax collection purposes, to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey the fee ownership in said parcel, upon such terms and conditions, and for such consideration, as the Board of Selectmen may determine, which consideration may be the land hereinafter described;

and further to authorize the Board of Selectmen to acquire the fee ownership in and accept a deed to the Town for the parcel of land shown on the attached Figure 1 as Parcel B (±109,157 SF), presently owned by Kenneth J. Gosselin and John W. Gosselin as Trustees of J K Realty Trust pursuant to a deed recorded with the Worcester District Registry of Deeds in Book 6583, Page 117, for the purpose of providing access to the parcel of land shown as Parcel A on a plan on file at the Worcester County Registry of Deeds as Plan Book 857 Plan 50, presently owned by Kenneth J. Gosselin and John W. Gosselin as Trustees of J K Realty Trust pursuant to a deed recorded with the Worcester District Registry of Deeds in Book 36593 Page 262, and for such other general municipal purposes as are consistent with such access, upon such terms and conditions as the Board of Selectmen shall determine, but provided that the Town may only acquire Parcel B (Figure 1) if it already owns or is then acquiring Parcel A (as shown on Plan Book 857, Plan 50), or take any other action relative thereto.

See Map on page 8.

Explanation: The above article is not financial in nature

Finance Committee: No recommendation given.

Article 11. Amend Zoning By-Law “Water Resource Protection Overlay District”

To see if the Town will vote to amend the Zoning By-Law for the Town of Douglas, Massachusetts, and adopt the referenced map as follows:

Section 8.1.5 Establishment

Delete:

“The map entitled "Town of Douglas Massachusetts Aquifer Study: Plate 5" and dated March, 1986, on file with the Town Clerk delineates the boundaries of the district.”

And replace with:

“The map entitled "Aquifer Study Map of Douglas Massachusetts" and dated May 7, 2007, on file with the Town Clerk delineates the boundaries of the district.”

and to amend the “Zoning Map, Town of Douglas”, accordingly, or take any other action related thereto.

(A full color map is on file and available for public viewing at the Town Clerks Office.)

Explanation: The above article is not financial in nature

Finance Committee: No recommendation given.

Article 12. Amend Zoning By-Law as per Ch. 43D’s “Expedited Permitting Program”

To see if the Town will vote to:

Amend the Zoning By-Law for the Town of Douglas, Massachusetts, as required by the Town’s acceptance of the “Expedited Permitting Program” created by G.L. c. 43D, as follows:

(a) **Section 6.0 “Special Regulations,”** to add the following new Subsection:

“6.6 PRIORITY DEVELOPMENT SITES

6.6.1 Purpose

The purpose of this Section is to further expedite permitting in the Priority Development Sites (PDS), as designated by Town Meeting pursuant to G.L. c. 43D and identified in the Assessor’s

records as Map 113, Lot 2; Map 115, Lot 5; Map 205, Lots 2-3; Map 206, Lots 1-2; Map 207, Lots 1-2; and Map 230, Lot 2; and to provide mechanisms for the change of facilities after the issuance of a special permit and/or site plan approval by the Board of Appeals and, if applicable, the Planning Board.

6.6.2 Changes to Special Permits or Approved Site Plans

After the issuance of any special permit or site plan approval for a project or land use in the Priority Development Sites (PDS), as designated by Town Meeting pursuant to G.L. c. 43D and identified in the Assessor's records as Map 113, Lot 2; Map 115, Lot 5; Map 205, Lots 2-3; Map 206, Lots 1-2; Map 207, Lots 1-2; and Map 230, Lot 2; any proposed change(s) to the plans for the project shall be deemed substantial or insubstantial by the Board of Appeals upon written request by the applicant. The Board of Appeals shall make such determination by a majority vote at a public meeting. Insubstantial changes shall be allowed without the need for further hearing or approval.

1. *Insubstantial Changes.* The following shall be presumed to constitute insubstantial modifications:

- all underground changes;
- any reduction in project size;
- any change in the location of buildings, parking, retaining walls or drainage facilities, provided they do not move closer to a lot line;
- any change in colors and/or style of materials used for exterior construction; and
- the addition of non-habitable accessory structures for storage or other purposes that in a single structure do not exceed 2,000 square feet and, in the aggregate, do not exceed 5,000 square feet.

2. *Substantial Changes.* The following shall be presumed to constitute substantial modifications:

- any change in the composition or number of uses on the site that results in an increase in traffic generation of more than 5% above the vehicle trips identified in the record documents;
- any change in the location of buildings, roadways, parking areas and other accessory structures that decrease the setbacks from lot lines indicated in the record documents;
- any increase in the number of parking spaces beyond the number(s) indicated in the record documents;
- any change that results in a net reduction of open space or lot coverage from that indicated in the record documents, with the exception of accessory structures defined as non-habitable above;
- any change to the building(s) or grading that increases building height beyond that indicated in the record documents;
- any changes to the building(s) that increases the total floor area of the project beyond that indicated in the record plans; and
- any change to the architectural character of the building(s), as indicated in the record documents.

Where a modification is deemed substantial, the same standards and procedures applicable to an original application for a special permit or site plan review shall apply to said modification, and a public hearing shall be required by the Board of Appeals.

6.6.3 Change of Use

After the issuance of any special permit or site plan approval for a project or land use in the Priority Development Sites (PDS), as designated by Town Meeting pursuant to G.L. c. 43D and identified in the Assessor's records as Map 113, Lot 2; Map 115, Lot 5; Map 205, Lots 2-3; Map 206, Lots 1-2;

Map 207, Lots 1-2; and Map 230, Lot 2; the following procedures shall govern a change of use therein:

1. *Change of Permitted Use to Another Permitted Use.* A use available as of right in the applicable zoning district may be changed to another use available as of right in said zoning district without modification of the special permit or approved site plan, provided that none of the thresholds in Section 6.6.2(2), above, are triggered.

2. *Change of Permitted Use to Use Available by Special Permit.* A use available as of right in the applicable zoning district may be changed to another use available by special permit in said zoning district without modification of the special permit or approved site plan, provided that none of the thresholds in Section 6.6.2(2), above, are triggered.

3. *Change of Use Authorized by Special Permit to Another Use Authorized by Special Permit.* A use authorized by special permit in the applicable zoning district may be changed to another use available by special permit in said zoning district without modification of the special permit or approved site plan, provided that none of the thresholds in Section 6.6.2(2), above, are triggered.”

(b) **Section 8.0 “Overlay Districts,” Subsection 8.1 “Water Resource Protection Overlay District,” Subsection 8.1.9 “Procedures for Issuance of Special Permits,”** *which presently reads:* “1. This Special Permit procedure must precede the granting of any other required permit by the Town of Douglas,” *to read as follows:* “1. This Special Permit procedure must precede the granting of any other required permit by the Town of Douglas; provided, however, that in the Priority Development Sites (PDS), as designated by Town Meeting pursuant to G.L. c. 43D and identified in the Assessor’s records as Map 113, Lot 2; Map 115, Lot 5; Map 205, Lots 2-3; Map 206, Lots 1-2; Map 207, Lots 1-2; and Map 230, Lot 2, said procedure shall be commenced and an application considered simultaneously with any other special permit or site plan review application submitted to the Board of Appeals, with all hearings on said applications held before joint session(s) of the Planning Board and the Board of Appeals.”

(c) **Section 9.0 “Administration and Procedures,” Subsection 9.4 “Site Plan Review,” Subsection 9.4.1 “Applicability,”** *which presently reads:*

“The following types of activities and uses require site plan review by the Board of Appeals:

1. Construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, commercial, industrial or multi-family structure involving more than 500 square feet;
2. Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial or multi-family structure or purpose;
3. Grading or clearing more than ten percent (10%) of a lot, except for the following: landscaping on a lot with an existing structure or a proposed single or two family dwelling; clearing necessary for percolation and other site tests; work incidental to agricultural activity; work in conjunction with an approved subdivision plan; or work pursuant to an earth removal permit.”

to read as follows:

“The following types of activities and uses require site plan review by the Board of Appeals:

1. Construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, commercial, industrial or multi-family structure involving more than 500 square feet;

2. Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial or multi-family structure or purpose;

3. Grading or clearing more than ten percent (10%) of a lot, except for the following: landscaping on a lot with an existing structure or a proposed single or two family dwelling; clearing necessary for percolation and other site tests; work incidental to agricultural activity; work in conjunction with an approved subdivision plan; or work pursuant to an earth removal permit.

Provided, however, that site plan review shall not be required for any project or land use located on the Priority Development Sites (PDS), as designated by Town Meeting pursuant to G.L. c. 43D and identified in the Assessor's records as Map 113, Lot 2; Map 115, Lot 5; Map 205, Lots 2-3; Map 206, Lots 1-2; Map 207, Lots 1-2; and Map 230, Lot 2; where said project or land use requires a special permit in the applicable zoning district."

or take any other action relative thereto.

Explanation: The above article is not financial in nature

Finance Committee: No recommendation given.

Article 13. Amend General Bylaws as per Ch. 43D's "Expedited Permitting Program"

To see if the Town will vote to:

Amend the Town of Douglas General Bylaws, as required by the Town's acceptance of the "Expedited Permitting Program" created by G.L. c. 43D, as follows:

- (a) **Article 8 "Wetland By-Law," Section 2, Paragraph 2, Sentence 1, which presently reads:** "Such application may be identical in form to a Notice of Intention filed pursuant to Mass. General Laws, Chapter 131, Section 40, shall be sent by certified mail to the Douglas Conservation Commission, and must be filed concurrently with or after applications for all other variances and approvals required by the Zoning By-Law, the Subdivision Control Law or any other bylaw or regulation have been obtained," *to read as follows:* "Such application may be identical in form to a Notice of Intention filed pursuant to Mass. General Laws, Chapter 131, Section 40, shall be sent by certified mail to the Douglas Conservation Commission, and must be filed concurrently with or after applications for all other variances and approvals required by the Zoning By-Law, the Subdivision Control Law or any other bylaw or regulation have been obtained; provided, however, that such application shall be filed concurrently with an application for a special permit and/or site plan review for any project located on the Priority Development Sites (PDS), as designated by Town Meeting pursuant to G.L. c. 43D and identified in the Assessor's records as Map 113, Lot 2; Map 115, Lot 5; Map 205, Lots 2-3; Map 206, Lots 1-2; Map 207, Lots 1-2; and Map 230, Lot 2."
- (b) **Article 8 "Wetland By-Law," Section 3,** to add the following new sentence at the end thereof: "A public hearing on a permit application for work proposed the Priority Development Sites (PDS), as designated by Town Meeting pursuant to G.L. c. 43D and identified in the Assessor's records as Map 113, Lot 2; Map 115, Lot 5; Map 205, Lots 2-3; Map 206, Lots 1-2; Map 207, Lots 1-2; and Map 230, Lot 2; shall normally be closed within 120 days."

or take any other action relative thereto.

Explanation: The above article is not financial in nature

Finance Committee: No recommendation given.

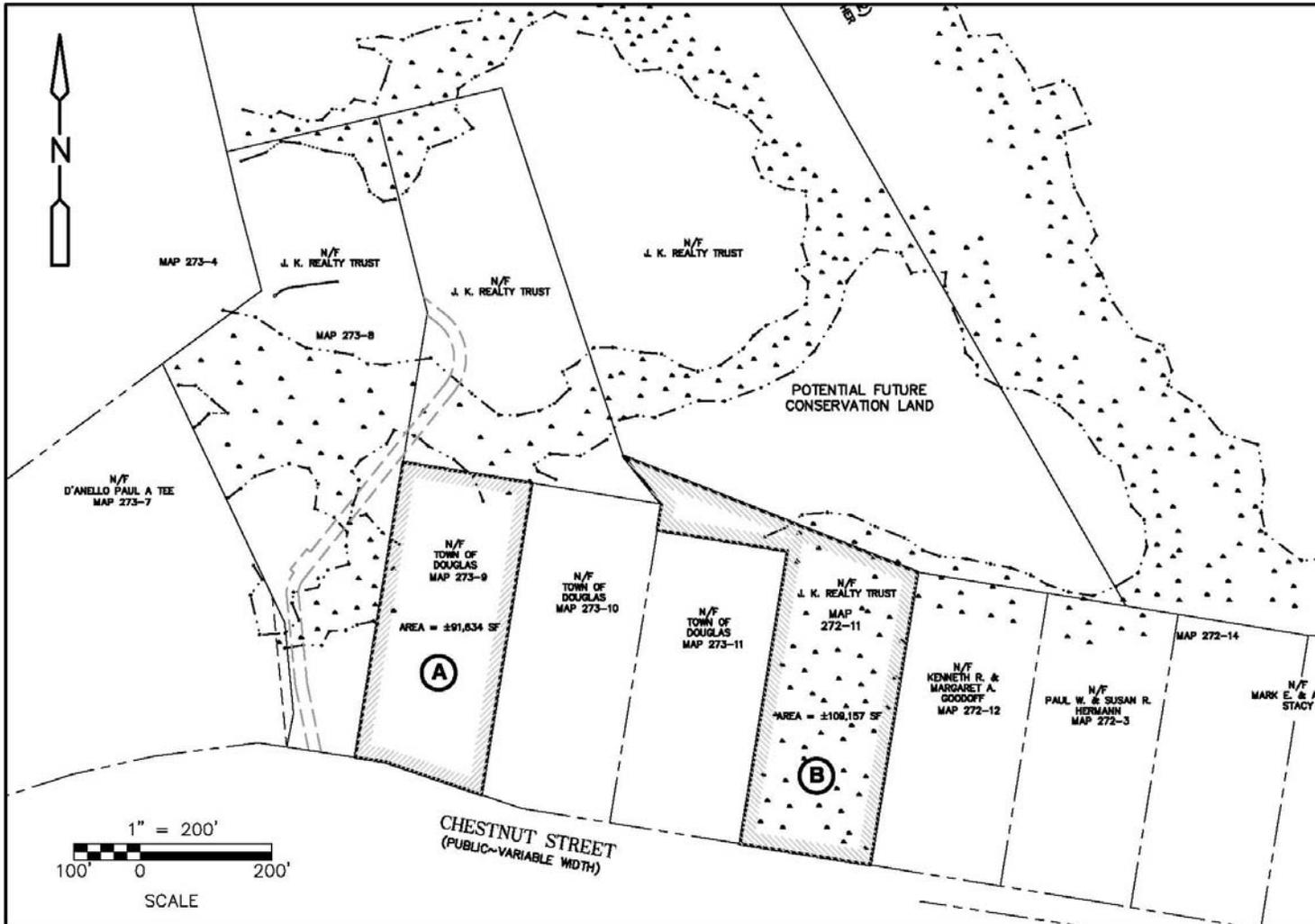


FIGURE 1: CHESTNUT STREET LAND SWAP

Douglas Building & Facilities Construction Committee Building Needs Survey

Directions: Please complete one survey form and return to the Board of Selectmen office at the Municipal Center, 29 Depot Street, Douglas, MA 01516 or complete one survey online at www.douglasma.org/cdd/bfcc/survey. Your input is needed for this evaluation to be a success. Please submit on or before: December 7, 2007.

Question 1: Do you think the town should demolish, sell, lease or reuse the Old Elementary School? *(must select only one)*



Old Elementary School

- Demolish
- Sell
- Lease
- Reuse

Question 2: If the Town chooses to reuse the Old Elementary School, which one of the following reuses would you support? *(must select only one)*

- Town Offices
- Classroom Space
- Library
- Police Station
- School Administration

Question 3: Assuming that cost differences are minimal, should the Police Station expand in its current location or move up next to the new Fire Department? *(must select one)*

- Expand in its current location
- Move next to the Fire Department

Question 4: To alleviate the growing space shortages in the schools, should former school buildings like the Old High School (current Municipal Building) or Old Elementary School be considered for reuse as schools if there is no significant cost difference? *(must select one)*

Building	Yes	No	Comments
Old High School:	<input type="checkbox"/>	<input type="checkbox"/>	
Old Elementary School:	<input type="checkbox"/>	<input type="checkbox"/>	
Other:			

Douglas Building & Facilities Construction Committee Building Needs

Survey Question 5: As the town considers its space needs and facility needs should the town sell, lease, demolish or reuse the following buildings:

Building	Sell	Lease	Demolish	Reuse	Comments
Old Center School (VFW)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Old Fire Station	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Old Elementary School	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Any other town-owned buildings?					



Old Center School (VFW)



Old Fire Station



Old Elementary School



Library

Question 6: Recently the Library expansion project fell short of the support it needed to proceed despite the need for accessibility improvements and a state grant of \$1.4M. List two reasons why you think the project failed to move forward?

No.	Reason
1	
2	

Other Comments:



Town of Douglas
29 Depot Street
Douglas, MA 01516

BULK RATE
U.S. POSTAGE PAID
PERMIT NO. 12
DOUGLAS, MA 01516

RESIDENT

DOUGLAS, MA 01516

**Special Town Meeting
Tuesday, November 27, 2007
Douglas High School Auditorium**