

SPECIAL TOWN MEETING WARRANT

of the

TOWN OF SOUTHBOROUGH

MASSACHUSETTS



**For the Special Town Meeting
on**

Monday, November 1, 2021
7:00PM

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Town Finance Terminology

The following terms are frequently used in the Advisory Committee Report and at Town Meeting. For your convenience, we provide the following definitions.

Surplus Revenue: (Often referred to as “Excess and Deficiency”)

The fund represents the amount by which the Cash, Accounts Receivable and other floating assets exceed the liabilities and reserves.

Available Funds: (Often referred to as “Free Cash”)

The amount of the Unreserved Fund Balance (Surplus Revenue) account over and above uncollected taxes of prior years constitutes “free cash” or “available funds”.

Overlay:

The Overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover abatements and exemptions as granted.

Overlay Reserve:

This is the accumulated amount of the Overlay for various years not used or required to be held in the specific Overlay account for a given year, and may be used by vote of the town for extraordinary or unforeseen purposes or voted into the Reserve Fund.

Stabilization Fund:

An outside section of Chapter 138 of the Acts of 1991 (the FY92 State budget) modifies limitations on the Stabilization Fund appropriation process by enabling communities to appropriate from this fund for any non-capital, lawful purpose without Emergency Finance Board approval (section 333). Beginning in FY92, the Stabilization Fund will thus become a source of revenue for general operating expenses for communities.

The Stabilization Fund is a mechanism for setting aside money for capital projects. It equalizes the effect of capital expenditures over time, as capital appropriations can change considerably from year to year. The balance in the fund will build up during years when expenditures for capital items are low. During years with high capital expenditures, the community will transfer money from the fund to reduce the project's impact on the tax rate or the amount of borrowing required for the project.

A community may appropriate up to 10% of its tax levy each year, as long as the balance in the Stabilization Fund does not exceed 10% of the community's equalized valuation. Interest earned on any fund balance is retained as part of the fund.

Appropriations into a Stabilization Fund can be made at either an annual or special town or district meeting. Chapter 94 of the Acts of 1985 permits appropriations to be made from a Stabilization fund at a special town or district meeting, not just at the annual meeting. Regardless of the timing, appropriations from the Stabilization Fund require a two-thirds vote by the appropriating authority. Until the FY92 state budget, a community could only appropriate from the Stabilization Fund for a none-capital purpose with the approval of the Emergency Finance Board.

Reserve Fund:

This fund is established by the voters at the Annual Town Meeting only and may be composed of (a) an appropriation (not exceeding 5% of the tax levy of the preceding year), (b) money transferred from Overlay Reserve, or (c) both. Transfers from the Reserve fund may be made only by the Advisory Committee and are for “extraordinary or unforeseen expenditures” only.

Conservation Fund:

For land purchases and any other conservation use.

Introduction to the Rules of Town Meeting

Southborough's Town Meeting is an open town meeting in which all registered voters may participate. Town Meeting is a deliberative assembly, conducted via a defined process, charged with considering a maximum number of questions of varying complexity in a minimum amount of time and with full regard to the rights of the majority, strong minority, individuals, absentees and all of these together. In other words, we gather for the purpose of conducting the Town's business thoughtfully and efficiently.

AUTHORITY

The three elements of authority at Town Meeting are a quorum of one hundred (100) registered voters or more, the Clerk and the Moderator. Of these three, the quorum is the most important.

The Town Clerk is responsible for voter registration, certification of a quorum, setting up the hall and keeping the record of the proceedings. He may also officiate Town Meeting in the absence of a Moderator.

The Moderator presides at and regulates the proceedings, decides all questions of order, and makes declarations of all votes. No one may speak on an issue without being recognized by the Moderator. It is the Moderator's responsibility to approve the distribution of materials, and persons wishing to do so must seek his permission. The Moderator appoints Tellers and alternates for the purpose of counting votes of the meeting.

THE WARRANT

All matters to be considered at Town Meeting must be published in the Town Meeting Warrant, which is the responsibility of the Board of Selectmen. The primary and most important purpose of the Warrant is to notify voters in advance the nature of the business to be taken up at Town Meeting. By state law, Town by-law or custom, several business articles (such as budget appropriations) must be presented in the Town Warrant each year for consideration. Other items are added by warrant articles proposed by Town officials, committees, boards, or groups of ten or more registered voters. The Advisory Committee reviews the Warrant, making recommendations on all the items of business to be presented. In accordance with the Town by-laws, all articles in the Warrant are considered in the order in which they appear in the Warrant, unless the Town Meeting votes to change the order for reasons that reasonable people would entertain.

PARTICIPATION

Any voter wishing to participate in Town Meeting must go to one of the floor microphones and wait to be recognized by the Moderator. Upon recognition by the Moderator, first state your name and address, and then state your business.

Anyone whose name is not on the list of registered voters requires the approval of either the Moderator or a majority of the Meeting to sit in the voting area.

All remarks shall be limited to the subject then under discussion. It is improper to indulge in references to personalities, and all expressions of approval or disapproval, such as applause or booing, are out of order. The Moderator may request any person to keep silent. If after warning from the Moderator, a person refuses to be silent or persists in other disorderly behavior, the Moderator may order a person to withdraw and if he fails to withdraw, may order a police officer to remove such person from Town Meeting.

Individuals who have a personal or financial interest with respect to a matter may speak or vote thereon but should frankly disclose their interest. However, no Town Meeting voter should accept compensation for participating without disclosing that fact.

There is no fixed time limit to the debate of any question. However, out of consideration for the others in attendance and the need to give adequate time to all matters coming before Town Meeting, each individual who speaks should make an effort to be as brief as possible and avoid repeating facts, views or opinions already expressed by others.

Introduction to the Rules of Town Meeting (continued)

Anyone wishing to make a presentation with respect to any article must, prior to Town Meeting, obtain the Moderator's approval.

In order to give all a fair opportunity to speak, no one who has addressed any particular motion shall speak again, except to answer questions, until all others wishing to speak to the motion have done so.

HOW ARE MOTIONS CLASSIFIED?

Main Motions

Motions of this group are for the bringing of questions, or propositions, before Town Meeting for consideration. Only one main motion can be considered at a given time, and once introduced such a motion excludes all other main motions until it has been disposed.

Subsidiary Motions

Motions of this group have are for the modification or disposition of the main motion that is being considered. Their existence as motions depends entirely upon the principal motion to which they are subordinate. Since they relate to the question then under consideration, it is in order to propose them when a main motion is pending and to vote upon them before voting upon the main motion.

Privileged Motions

Motions of this group have no connection whatsoever with any main motion, but are motions of such importance that they are entitled to immediate consideration. These motions have the privilege of temporarily setting aside the main business then before Town Meeting.

Incidental Motions

Motions of this group have few characteristics in common, but for convenience have been grouped into one class. The name "incidental" applies because they arise only incidentally out of the business of Town Meeting.

RULES RELATIVE TO MOTIONS

A motion is the means of bringing a proposal or question for consideration by Town Meeting. When first put forward it is a motion; after it is seconded and acknowledged by the Moderator, it becomes the question or proposal. Except for complimentary resolutions (the presentation of which must be approved in advance by the Moderator), no main motion shall be entertained unless it's substance is contained within the scope of a Warrant article. Upon completion of debate, articles will be voted upon.

The Moderator shall determine whether a motion, or any discussion relative to a motion, is within the scope of the Warrant article under consideration. That is, the motion and the debate must be relevant to the article as written in the Warrant, since the purpose of the Warrant is to apprise voters of the actions to be taken at Town Meeting.

Articles only give notice to the voters and do not initiate action; motions do. Motions may be withdrawn; articles may not be withdrawn – articles must be acted upon by Town Meeting.

There are four types of amendments: striking out, inserting, striking out and inserting, and substitution. Motions to amend may be hostile as long as they are germane. An amendment to a motion is an amendment of the first rank; an amendment to an amendment is of the second rank; there can be no amendment beyond that of the second rank.

Some motions do not lead to a final determination by Town Meeting. A motion to commit or to refer sends the matter to an existing board or committee or one to be established. The motion to postpone indefinitely disposes of the question without bringing it to a direct vote. The motion to postpone indefinitely should not be confused with the motion to table which only temporarily delays a vote. As previously stated, articles may not be withdrawn; so when the Meeting does not wish to act on a particular article, the proper motion is to postpone consideration indefinitely.

Introduction to the Rules of Town Meeting (continued)

Motions to reconsider shall be entertained when new information is available that is materially different than was presented (or could have been presented) at the time of the original vote on the article. Articles may be reconsidered only once. If a motion to reconsider is passed by the necessary 2/3 vote, it brings the original article back to the floor (which requires a new motion and additional debate); if the motion to reconsider is defeated, then the original article stands as previously voted and may not be reconsidered again. Actions to reconsider can be taken at the same session or any subsequent session of Town Meeting. A notice of reconsideration may be filed in advance with the Town Clerk stating that, at a specific point during the current Town Meeting, a voter will move for reconsideration on a particular article, and the Moderator will inform the hall of said action. Note that such a motion so noticed in advance must still be in order (i.e., must comply with all conditions required of any reconsideration motion).

All motions other than purely procedural motions must be in writing and signed by the sponsor.

CHART OF PRECEDENCE OF MOTIONS AND SUMMARY OF GOVERNING RULES

	May interrupt <u>a speaker</u>	Req. a <u>sec.</u>	<u>Debatable</u>	<u>Vote Required</u>	<u>Motions that may apply</u>
<u>PRIVILEGED MOTIONS</u>					
1. To dissolve	no	yes	no	majority	none
2. To adjourn	no	yes	limited	majority	amend
3. Point of no quorum	no	no	no	none	none
4. Recess	no	yes	limited	majority	amend
5. Question of privilege	yes	no	no	chair rules	none
<u>SUBSIDIARY MOTIONS</u>					
6. To lay on the table	no	yes	no	2/3	none
7. Previous question	no	yes	no	2/3	none
8. Limit or extend debate	no	yes	no	2/3	amend, reconsider
9. To postpone to time certain	no	yes	limited	majority	amend, reconsider
10. To commit or refer	no	yes	limited	majority	amend, reconsider
11. To amend	no	yes	yes	majority	amend, reconsider
12. To postpone indefinitely	no	yes	yes	majority	reconsider
<u>MAIN MOTIONS</u>					
Main Motions	no	yes	yes	majority*	all
To reconsider or rescind	no	yes	yes	2/3	table previous question postpone definitely
To take from the table	no	yes	no	majority	none
To advance an article	no	yes	yes	majority	amend, reconsider
<u>INCIDENTAL MOTIONS</u>					
Point of order	yes	no	no	chair rules	none
Division of a question	no	yes	no	majority	none
Separate consideration	no	yes	no	majority	none
To withdraw a motion	no	no	no	majority	reconsider
To suspend rules	no	yes	no	2/3	none
Orders of the day	yes	no	no	none	none

*The vote required to pass an affirmative main motion is a matter of substantive law, but is usually a majority.

Introduction to the Rules of Town Meeting (continued)

FORM USED IN MAKING MOTIONS

- | | |
|---------------------------------------|--|
| 1. Main Motion | Mr. Moderator, I move that...(statement of the proposal) |
| 2. Adjourn | Mr. Moderator, I move to adjourn to...(state time) |
| 3. Amend | Mr. Moderator, I move to amend by adding... |
| | Mr. Moderator, I move to amend by inserting...before... |
| | Mr. Moderator, I move to amend by striking out... |
| | Mr. Moderator, I move to amend by striking out...and inserting... |
| | Mr. Moderator, I move to substitute...for... |
| 4. Amend an Amendment | Mr. Moderator, I move to amend the pending amendment by (see above) |
| 5. Amend Something Previously Adopted | Mr. Moderator, I move to amend the resolution under Article...by... |
| 6. Commit or Refer | Mr. Moderator, I move that the proposal be referred to a committee of... |
| 8. Division of a Question | Mr. Moderator, I move to divide the question. |
| 9. Lay on the Table | Mr. Moderator, I move that the proposal be laid on the table. |
| 10. Point of Order | Mr. Moderator, I rise to a point of order. |
| 11. Postpone to a time certain | Mr. Moderator, I move to postpone the question to... |
| 12. Postpone Indefinitely | Mr. Moderator, I move that the question be postponed indefinitely. |
| 13. Previous Question | Mr. Moderator, I move the previous question. |
| 14. Question of Privilege | Mr. Moderator, I rise to a question of privilege. |
| 15. Recess | Mr. Moderator, I move to recess for... |
| 16. Reconsider | Mr. Moderator, I move to reconsider the vote under Article... |
| | Mr. Moderator, I move to reconsider the vote on the amendment to... |
| 17. Separate Consideration | Mr. Moderator, I move for separate consideration. |
| 18. Suspend the Rules | Mr. Moderator, I move to suspend the rules which interfere with... |
| 19. Take from the Table | Mr. Moderator, I move to take from the table the motion relating to... |

INTERRUPTING A SPEAKER

No one may interrupt a speaker except for a point of order or a question of privilege.

POINT OF ORDER

A point of order is a question of the Moderator about whether the speaker is entitled to be speaking, or whether the current subject under discussion (or what the speaker is saying) is irrelevant, illegal or contrary to proper procedure. No other "point of order" is proper.

PREVIOUS QUESTION

To call or move the question is a request to stop discussion and to take an immediate vote. This requires a 2/3 vote.

VOTING

Voting is by hand vote and the Moderator declares the result of such votes. If seven or more voters immediately question the declared result, the Moderator shall determine the result by a standing count of votes by the Tellers. After the vote counted by the Tellers is presented to the Moderator and announced to the floor, any further motions for recount are out of order.

ADJOURNMENT AND DISSOLUTION

Sessions of Town Meeting normally adjourn at eleven o'clock in the evening but may adjourn at such earlier or later time as vote of the majority may determine. Town Meeting shall not dissolve until all articles in the warrant have been properly considered.

**TOWN WARRANT
COMMONWEALTH OF MASSACHUSETTS**

ANNUAL TOWN MEETING

Worcester, ss.

October 5, 2021

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the Inhabitants of the Town of Southborough qualified to vote in town affairs, to meet in the P. Brent Trottier Middle School, 49 Parkerville Road, in said Southborough, on

Monday, November 1, 2021

at **7:00 p.m.**, then and there to take action on the following Articles:

ARTICLE 1: To see if the Town will vote to accept the following change to the Personnel Bylaw Entitled "The Salary Administration Plan," as specified in Chapter 31 of the Code of the Town of Southborough entitled PERSONNEL: include a position titled "Senior IT Specialist" in Section 20, Schedule A at Grade 7.

**PERSONNEL BYLAW
ENTITLED "THE SALARY ADMINISTRATION PLAN"
[revised at November 1, 2021 Fall Town Meeting]**

This bylaw establishes a Salary Administration Plan for the Town of Southborough that (i) groups position classifications in Town services, (ii) establishes salary schedules and employee benefits and (iii) establishes and authorizes the Personnel Board to administer the bylaw and to represent the interest of both the taxpayers and the Town employees.

This Salary Administration Plan applies to the positions of all officers and employees in the service of the Town, whether full-time, part-time, temporary, seasonal, special or any other, except those positions filled by popular election, under the direction and control of the School Committee, performed pursuant to a contract approved by the Town or encompassed in any officially recognized labor union and/or association. The positions covered by this Salary Administration Plan are hereby classified by titles in the groups listed in Schedule A through G ("Classification Schedule") as set forth in Section 20 of this bylaw.

The classification of positions subject to the Massachusetts Welfare Compensation Plan (as amended) and the scheduled rates therefor, as well as the applicable provisions of the Massachusetts General Laws relating to the application of rates set forth in the aforementioned Welfare Compensation Plan are hereby incorporated by reference.

* * *

SECTION 20: CLASSIFICATION SCHEDULE

SCHEDULE A: FULL-TIME SALARY GRADED POSITIONS

POSITION TITLE	PAY GRADE
DEPARTMENT HEADS & MANAGEMENT STAFF	
Superintendent of Public Works*	9
Finance Director/Treasurer-Collector*	
Assistant Town Administrator	8
Director of Facilities	
Library Director	
Building Commissioner	

IT Manager	
Police Lieutenant	
Town Accountant*	
Director, Council on Aging	
Principal Assessor*	
Conservation Agent	7
Director, Youth & Family Services	
Director of Recreation	
Town Planner	
Senior IT Specialist	

SUPERVISORS & TECHNICAL STAFF	
Assistant Town Clerk	6
Assistant Director, Youth & Family Services	
Outreach Coordinator	
Assistant Library Director	
Police Business Administrator	
Program Manager, COA	
Business Administrator II	5
Children's Librarian	
Staff Engineer	
Executive Assistant to the Board of Selectmen	
Program Coordinator	
Deputy Assessor	
Business Administrator I	4
Maintenance Technician	
Assistant Treasurer/Collector	
Assistant Town Accountant	
ADMINISTRATIVE & SUPPORT STAFF	
Administrative Assistant	3
Senior Library Assistant	
Library Assistant	2
Maintenance Mechanic	
Maintenance Custodian	1

*when not under contract

Rates for Full-Time Positions

Grade	Minimum		Midpoint		Maximum	
	Annual	Hourly	Annual	Hourly	Annual	Hourly
1	\$39,236	\$18.86	\$45,149	\$21.71	\$51,063	\$24.55
2	\$42,178	\$20.28	\$48,505	\$23.32	\$54,832	\$26.36
3	\$45,341	\$21.80	\$52,143	\$25.07	\$58,945	\$28.34
4	\$50,446	\$24.25	\$59,274	\$28.50	\$68,103	\$32.74
5	\$54,230	\$26.07	\$63,719	\$30.63	\$73,209	\$35.20
6	\$58,297	\$28.03	\$68,498	\$32.93	\$78,700	\$37.84
7	\$70,063	\$33.68	\$84,077	\$40.42	\$98,089	\$47.16
8	\$82,325	\$39.58	\$98,790	\$47.50	\$115,255	\$55.41
9	\$96,731	\$46.51	\$116,077	\$55.81	\$135,424	\$65.11

, or do or act anything in relation thereto.

Proposed by: PERSONNEL BOARD

Board of Selectmen Recommendation: Support, 5-0-0

Advisory Committee Recommendation: At Town Meeting

Summary: *The Personnel By-Law governs policies and pay structures for non-union employees. The position "Senior IT Specialist" is being added to Grade 7 of the Classification Schedule, which will support the funding request that was approved by Town Meeting in May 2021.*

ARTICLE 2: To see if the Town will vote to amend the Town's General and Zoning Bylaws by changing the term "Board of Selectmen" to "Select Board" in all mentions of the same throughout the entirety of the General and Zoning Bylaws, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support, 5-0-0

Advisory Committee Recommendation: At Town Meeting

Summary: *The name change is to promote inclusion and diversity in Southborough's town government. The board will remain under the current confines of the Board of Selectmen authority. Over 100 towns in the Commonwealth have already adopted the name change.*

ARTICLE 3: To see if the Town will vote to amend Article 7 of the May 22nd, 2022 Annual Town Meeting as follows:

<u>Budget 542 - Board of Health FY22</u>	<u>Original Vote</u>	<u>Proposed Amended Amount</u>	<u>Change</u>
51000-51990 Personal Services	132,068	201,291	69,223
52000-58990 Other Charges & Expenses	70,624	70,624	-
TOTAL	202,692	271,915	69,223
 <u>Budget 910 - Employee Benefits FY22</u>			
910-51720 Health Insurance	5,283,905	5,303,302	29,397
910-51780 Dental Insurance	248,964	250,026	1,062

And to increase the Total raise and appropriate FY22 budget by \$99,682;

And further to amend Article 8 of the May 22, 2022 Annual Town Meeting as follows:

<u>Water Enterprise Fund 6161</u>	<u>Original Vote</u>	<u>Proposed Amended Amount</u>	<u>Change</u>
400-450-56940 Mass Water Resources- Water	1,420,000	1,270,000	-150,000

, or act or do anything in relation thereto.

Proposed by: BOARD OF HEALTH and BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support, 5-0-0

Advisory Committee Recommendation: At Town Meeting

Summary: *The BOH is requesting an increase for the Public Health Director and Public Health Nurse salary and benefits line items. This was not brought forward at annual town meeting to allow for the town to take advantage of FEMA and CARES funding. The incremental is to cover the remainder of FY22 that is not budgeted for. In addition, the Board of Selectmen is looking to reduce the line item for the MWRA water assessment in the Water Enterprise Fund. It has been determined that the amount voted in May can be reduced as the MWRA water assessment figures have been refined.*

ARTICLE 4: To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money for General Government capital items for the following purposes:

	Description	Request	Levy	Other Funds
A.	Engineering/Capital Feasibility Studies	\$ 30,000	\$ 30,000	
B.	IT: Server replacements	\$ 85,000	\$ 85,000	

, or act or do anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

Summary:

A. This item will allow the Capital Planning Committee along with numerous other town Boards, Committees, and Department Heads to continue exploration and any other preliminary design in developing a comprehensive capital plan related to the building needs of all town departments currently located in the Town House, Cordaville Hall, South Union School, DPW Facility, Library and School Administration space. Any proposed funds to be spent with this article will only be allowed after a presentation to and authorization by the Board of Selectmen.

B. This item will replace our 3 physical servers and upgrade our licensing. The current set up of servers have reached their end-of-life support. Also, the current configuration is insufficient for the number of virtual servers (VM's) that are currently set up. Memory on all of the host servers is approaching maximum utilization and storage has also reached its capacity. We currently have 14 VM's that reside on 3 host (physical) servers, 9 of which are critical for all town services including public safety. Servers that are on-premise currently need to remain that way to support the public safety complex and internal domain resources. Domain resources include print server, domain controller and file server.

ARTICLE 5: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$25,000 for the purpose of funding a comprehensive traffic study for the Town of Southborough that will determine the most optimal routes for heavy commercial vehicles travelling through Town, or act or do anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support, 5-0-0

Advisory Committee Recommendation: At Town Meeting

Summary: *The Board of Selectmen has received requests for truck exclusions on various roads. Due to requirements from Mass DOT, alternative routes must be determined in order to put new exclusions in place. This study will be used to determine the best routes for trucks to travel through Southborough.*

ARTICLE 6: To see if the Town will vote to amend the provisions of the Southborough Code, Section 9.8 and 9.12 thereof, as follows:

§ 9-8 Establishment; membership; residence requirements. [Amended 4-12-1999 STM by Art. 1; 10-21-2002 STM by Art. 7; 4-15-2008 ATM by Art. 34]

There shall be an Advisory Committee, which shall consist of ~~nine~~ seven voters of the Town. No member shall be appointed who is a Town officer, employee or member of another Town committee, appointed or elected; provided, however, that an Advisory Committee member may belong to one ad hoc committee that is appointed by an elected board or official, or one other committee appointed by the Moderator under the following restrictions:

A. The Advisory member's participation is approved by majority vote of the Advisory Committee excluding the member desiring to participate in the above committees.

B. The Advisory member may not vote or be counted for purposes of a quorum during Advisory meetings when matters subject to the jurisdiction of the above other committees are presented to the Advisory Committee.

§ 9-12. Appointment of Chairman and Secretary.

Said Committee shall choose from its membership a Chairman, a Vice-Chairman and a Secretary.

, or act or do anything in relation thereto.

Proposed by: ADVISORY COMMITTEE

Board of Selectmen Recommendation: Support, 5-0-0

Advisory Committee Recommendation: At Town Meeting

Summary: *The proposed article makes the following changes to the current Advisory by-law:*

§ 9-8 - Proposed article (1) reduces the number of members on the Advisory committee from nine to seven.

§ 9-12 - Proposed article adds the office of Vice-Chairman.

ARTICLE 7: To see if the Town will vote to amend the provisions of the Southborough Code, Chapter 41-2 entitled Notice of Town Meetings by appending the following language to the section:

"and fourteen days, at least, before the time appointed for a Special Town Meeting."

, or act or do anything in relation thereto.

Proposed by: TOWN CLERK

Board of Selectmen Recommendation: Support, 5-0-0

Advisory Committee Recommendation: At Town Meeting

Summary: *This language clarifies the existing bylaw so it complies with G.L. Ch 39, S 10.*

ARTICLE 8: To see if the Town will vote to amend the provisions of the Southborough Code, by creating a new section §41-2.1 entitled Location of Town Meeting by adding the following:

§ 41-2.1 Location of Town Meeting

Due to reasons such as a lack of physical capacity in a suitable auditorium or other facility in Southborough, or an emergency, the Board of Selectmen may specify in a warrant for an annual or special town meeting that the meeting is to be held or in any town contiguous to Southborough. Town meeting may also vote to adjourn to such a facility if it deems appropriate.

, or act or do anything in relation thereto.

Proposed by: TOWN CLERK

Board of Selectmen Recommendation: Support, 5-0-0

Advisory Committee Recommendation: At Town Meeting

Summary: *This article would give the Board of Selectmen the option to direct that a town meeting be held in any of the towns contiguous to Southborough. For example, a town meeting could be held at Algonquin Regional High*

School if the town were unable to hold the meeting in Southborough due to a lack of physical capacity or an emergency.

ARTICLE 9: To see if the Town will vote to amend the provisions of the Southborough Code, by renaming Article III to "Annual Report", by deleting section 41-26 in its entity, and creating a new section 41-26.1 entitled "Availability of Annual Report", as follows:

§ 41-26.1 Availability of Annual Report

No later than seven days before an annual town meeting, the Selectmen shall make copies of the Annual Town Report available to the public by placing it on the town website and at the Southborough Town House.

, or act or do anything in relation thereto.

Proposed by: TOWN CLERK

Board of Selectmen Recommendation: Support, 5-0-0

Advisory Committee Recommendation: At Town Meeting

Summary: *This article would correct the conflicting language in Southborough Town Code sections 41-2 and 41-26.*

ARTICLE 10: To see if the Town will vote to amend the Town Zoning Bylaw as follows:

Part 1. Amend Article I, Miscellaneous Provisions, § 174-2 Definitions, by adding the following new terms and definitions in appropriate alphabetical order.

BED AND BREAKFAST

Bed and breakfast is an establishment on owner-occupied property offering transient lodging accommodations to the general public, with not more than four guest rooms and food service limited to breakfast for guests.

CO-WORK CENTER

A building or portion thereof used for flexible work spaces offering short-term, monthly, or longer lease periods for self-employed people or people working for different employers, and typically providing shared furnishings, equipment, and business support services.

ESTABLISHMENT

An institutional, business, commercial, or industrial activity that occupies all or a portion of a building; a place of business.

FAÇADE

The external faces of a building.

FRONTAGE OCCUPANCY

The percent of a lot's street frontage that is occupied by a building between the minimum and maximum front setback range.

LANDSCAPED GREEN SPACE

Land that is covered with grass, trees, shrubs, or other vegetation and may include a pervious walkway that meets accessibility standards.

MICROBREWERY

A microbrewery is a licensed establishment that produces and distributes beer, ale, or other malt beverages, and which may include accessory uses such as tours of the microbrewery, retail sales, and a

taproom for on-site consumption. In addition to selling beer at retail on the premises, a microbrewery may act as wholesaler for beer of its own production for off-site consumption if it has a valid pub brewery license from the Commonwealth of Massachusetts.

MIXED-USE DEVELOPMENT

A development that includes any combination of permitted nonresidential uses and one or more dwelling units within a single structure; provided, however, that the inclusion of two (2) or more dwelling units in a mixed-use development shall not be deemed a multifamily dwelling. The ground floor facing the street shall be used only for permitted nonresidential uses, and residential dwellings cannot exceed 40% of the gross floor area of the above ground level floor space of the building (no residential dwellings in the basement level).

Part 2. Amend Article II, Establishment of Districts, § 174-3 **Districts enumerated**, by adding the following new district:

M. Downtown District, referred to as DD

Part 3. Amend Article III, Use Regulations, § 174-8.C.(2) as follows (amendment shown in italics)

Not more than one principal permitted use shall be located on any lot, provided that a multiple occupancy building used for the same category of use, such as retail sales and services, light manufacturing or offices in a business district or Industrial Park District, or a mixed-use development in the Downtown District, shall be deemed to be in a single principal permitted use. . . .

Part 4. Amend Article III, Use Regulations, § 174-8, **Schedule of Use Regulations**, by adding the following new section:

§ 174-8.12 Downtown District

A. Permitted uses are as follows:

- (1) All uses permitted in the residential districts (RA and RB).
- (2) Mixed-use development, provided that each nonresidential use in the development is a permitted use under this Section 174-8.12(A) or Section 174-8.12(B) and provided that the number of dwelling units does not exceed three (3).
- (3) Professional or business office, or bank, but not including a medical or dental office.
- (4) Custom manufacturing of custom goods sold primarily on the premises, such as a woodworking shop, shop for artisan or craftsperson, or bakery.
- (5) Bed and breakfast.
- (6) Child care center.
- (7) Co-work center.

B. Permitted uses, up to a maximum of 3,000 square feet per establishment.

- (1) Retail sales and services.
- (2) Ice cream shop, sandwich shop, candy shop, other specialty food service establishment serving walk-in customers (drive-through service is prohibited).

- (3) Restaurant, with indoor seating and outdoor seating on an adjacent patio (drive-through service is prohibited).
- (4) Personal services such as barber shop, beauty salon, tailor, or shoe repair.

C. Permitted uses by special permit from the Planning Board are as follows:

- (1) Any use listed in Subsection B exceeding 3,000 sq. ft. per establishment.
- (2) Mixed-use development that includes a nonresidential use that is a permitted use under Section 174-8.12(A) or Section 174-8.12(B) but with four (4) or more dwelling units.
- (3) Mixed-use development that includes a nonresidential use requiring a special permit under this Section 174-8.12.
- (4) Microbrewery.
- (5) Veterinarian, animal hospital, or animal clinic.
- (6) Medical or dental office.
- (7) Multifamily dwelling, not to exceed ten (10) units.
- (8) Private garage or parking for more than three cars or more than one truck or other commercial vehicle.
- (9) Indoor recreation, athletic or exercise facility.

D. Uses by special permit from the Zoning Board of Appeals are as follows:

- (1) Accessory apartment.
- (2) Conversion of a one-family house in existence for two years or longer to a two-family dwelling, on a lot with a minimum of 15,000 square feet.
- (3) A mobile home or travel trailer used as a dwelling or business quarters for more than 30 days in a year.

E. Prohibited uses. All uses which are not listed above, legally nonconforming or otherwise allowable by the provisions of the zoning regulations are prohibited.

F. Development standards are as follows:

- (1) Minimum lot area: 5,000 square feet.
- (2) Minimum frontage: 60 feet.
- (3) Minimum setbacks:
 - (a) Front: 10 feet.
 - (b) Rear: 35 feet.
 - (c) Side: 10 feet; 25 feet if adjacent to a residential district.

- (d) Other street: 10 feet
- (4) Maximum front setback: 20 feet unless waived by the Planning Board.
- (5) Maximum Floor Area Ratio: 0.30 as of right, or a maximum of 0.50 by special permit from the Planning Board.
- (6) Minimum landscaped green space: 20 percent. At least 50 percent of the landscaped green space shall be contiguous and located between the front building line and front lot line unless the Planning Board approves a different placement of the landscaped green space as part of Site Plan Review.
- (7) Minimum Façade Buildout (% Lot Width) unless waived by the Planning Board.
 - (a) With less than 50 feet of frontage: N/A
 - (b) 50-80 feet of frontage: 60%
 - (c) Over 80-100 feet of frontage: 70%
 - (d) Over 100 feet of frontage: 75%
- (8) Height regulations:
 - (a) Maximum building height: 35 feet and three stories,
- (9) Residential dwellings. Single-family or two-family dwellings in the Downtown District shall comply with RB District standards.

G. Building Regulations

- (1) The principal entrance(s) to the building shall be on the front façade, which shall face the street.
- (2) The maximum distance between street-level entrances in a single building shall be 35 feet unless waived by the Planning Board.
- (3) The maximum depth of street-level commercial spaces shall be the lesser of 30 feet or 60 percent of the depth of the building unless waived by the Planning Board.
- (4) The maximum front setback in Section F(4) may be increased for purposes of amenities such as landscaping, a plaza, square, courtyard, recessed entrance, sidewalk, multi-use path, raised terrace, façade offsets, or outdoor dining, but not for vehicle use.
- (5) Affordable housing. In any multifamily or mixed-use building with four or more units, at least 12.5 percent of the units shall be affordable housing that is eligible for the Chapter 40B Subsidized Housing Inventory (SHI) in accordance with the Chapter 40B regulations and Guidelines of the Massachusetts Department of Housing and Community Development (DHCD).

- H. The operation of any marijuana establishment as defined in MGL c. 94C, § 1, including without limitation a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana facility is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes, licensed under Chapter 369 of the Acts of 2012 and currently permitted in the Town of Southborough.

Part 5. Amend Article III, Use Regulations, by adding the following new section, § 174-10.2 Downtown District plan approval.

In the Downtown District, major site plan approval shall be by special permit from the Planning Board for any use requiring a special permit. In such cases, the procedural requirements and decision criteria of § 174-9, § 174-10, and 174-10.1(A) through (C) shall apply. The Planning Board may adopt design guidelines and apply them to major site plan approval applications regardless of whether a special permit is required. The Planning Board is authorized to promulgate design guidelines to carry forth the purpose and intent of these Bylaw provisions.

Part 6. Amend Article III, Use Regulations, § 174-12 Parking and loading regulations, by inserting the new Section F below and relabeling the existing Section F. Egress to Section G.

F. Exceptions in the Downtown District. Off-street parking requirements for development in the Downtown District shall comply with Section E above except for the off-street parking requirements for the following uses:

- (1) Dwellings: two spaces for each dwelling unit, plus one space for each 80 square feet of floor area devoted to a customary home occupation or a professional use.
- (2) Bed and breakfast: one space for each guest room plus two spaces for the owners of the premises.
- (3) Restaurants and other places serving food or beverages: one space for each four seats.
- (4) Mixed-use development: one space per dwelling unit and one space per 300 square feet of nonresidential floor area.
- (5) Professional or business office: one space per 300 square feet for ground floor offices and one space per 350 square feet for offices above the first floor.

Part 7. Amend Article II, Establishment of District, § 174-4 Zoning Map, by adding the new *Downtown District* to the Southborough zoning map, said district being depicted on a map as voted by the Board of Selectmen on September 21, 2021 on file with the Town Clerk fourteen (14) days prior to Town Meeting.

, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

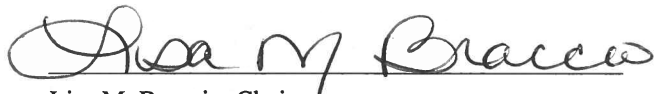
Board of Selectmen Recommendation: Support, 5-0-0


Advisory Committee Recommendation: At Town Meeting

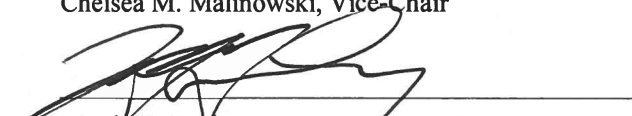
Summary: *The purpose of this article is to revitalize Southborough's historic downtown district, while promoting small scale mixed-use development, diversity in housing, and connectivity. This is achieved by updating permitted uses, allowing mix-use development which entail both commercial/retail and residential in one building, and by allowing by right development which allows for approval or issuance of a building permit with no additional permits required. The last major change to our Downtown zoning was the creation of the Business Village District in 1993.*

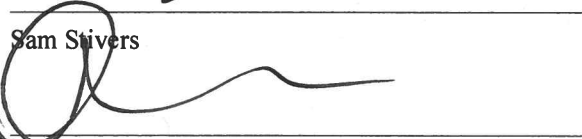
And you are to give notice hereby by posting true and attested copies of the Warrant on the Town website, the Southborough Town House, 17 Common Street, Southborough Senior Center, 9 Cordaville Road, Southborough Library, 25 Main Street, and Southborough Transfer Station, 147 Cordaville Road; fourteen (14) days at least before the time appointed for such meeting.

Given under our hand this fifth (5th) day of October, 2021.


Lisa M. Braccio, Chair


Chelsea M. Malinowski, Vice-Chair


Martin F. Healey


Sam Stivers


Andrew R. Dennington

BOARD OF SELECTMEN OF THE TOWN OF SOUTHBOROUGH

Attest:


Kenneth M. Paulhus, Constable