

TOWN OF DUDLEY
FALL 2021 TOWN MEETING WARRANT
COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

To either of the Constables in the Town of Dudley, in the County of Worcester, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Dudley, qualified to vote in elections and town affairs, to meet in the Connie Vanco-Galli Auditorium at the Shepherd Hill Regional High School, 68 Dudley Oxford Road, in said Dudley on **Monday, October 19, 2020, Tuesday, October 20, 2020**, if needed, and other such times as may be voted, if needed at 7:00 P.M. then and there to take action on the following articles:

ARTICLE 1 - (Board of Selectmen) Town Reports- Routine - To see if the Town will vote to receive the reports of the several Town Officers and all Committees, or take any other action relative thereto.

ARTICLE 2 - (Board of Selectmen) Recommendations - Routine - To hear and act on the recommendations of the Board of Selectmen and the Finance & Appropriation Advisory Committee, or take any other action relative thereto.

ARTICLE 3 - (Board of Selectmen) Unpaid Bills of a Prior Year – To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, including but not limited to the Stabilization Fund, Fifteen Thousand Twenty-Two Dollars and Nine Cents (\$15,022.09) to pay outstanding invoices from Commonwealth of Massachusetts Sealer of Weights and KP Law, or take any other action relative thereto.

ARTICLE 4 – (Town Administrator) FY 2021 Supplemental Budget Appropriations – To see if the Town will vote to determine the sums of money the Town will raise and appropriate, borrow or transfer from any available funds to defray the supplemental charges and expenses of the Town and including debt and interest for Fiscal Year 2021 voted under Article 7 June 22, 2020 Annual Town Meeting, or take any other action relative thereto.

See Appendix “A” attached hereto.

ARTICLE 5 – (Town Administrator) - To see if the Town will vote to transfer the amount of Nineteen Thousand Five Hundred Fifty One Dollars and Zero Cents (\$19,551.00) from Account

No.: 0200-000-5780-00 DMC Repairs to Account No.: 0001-123-5703-02 DMC West Main Street, or take any other action relative thereto.

ARTICLE 6 - (Board of Selectmen) - To see if the Town will vote to transfer from free cash, the amount of One Hundred Thousand Dollars and Zero Cents (\$100,000.00) to the Capital Improvement Stabilization Fund and the amount of Sixty Five Thousand Dollars and Zero Cents (\$65,000.00) to the Stabilization Fund, or take any other action relative thereto.

ARTICLE 7 – (Water/Sewer Commissioners) - To see if the Town will vote to appropriate, from Water/Sewer Retained Earnings Account No.0061-000-3590-01 the sum of Forty Three Thousand Three Hundred Forty Nine Dollars and Zero Cents (\$43,349.00) for the purchase of a 2020 Ford F350 Heavy Duty Pick up with an 8 foot plow, or take any other action relative thereto.

ARTICLE 8 - (Town Administrator) - To see if the Town will vote, pursuant to its authority under the fourth paragraph of G.L c 40, §5B, to dedicate 50% of revenue derived from any Cannabis Host Community Agreement entered into by the Town, 100% of revenue derived from any Ground Lease Agreement entered into by the Town, 100% of revenue derived from the TNC Municipalities Rides and Revenues Disbursement to the Capital Stabilization Fund established under G.L c. 40, §5B, and 100% of funds collected through the sale of town-owned surplus, worthless, obsolete or scrap vehicles or equipment, such dedication to take effect from the Fiscal Year commencing July 1, 2021, or take any other action relative thereto.

ARTICLE 9 – (Board of Selectmen) - To see if the Town will vote to authorize the Board of Selectmen to (i) enter into an agreement for “payments in lieu of taxes” pursuant to G.L. c. 59, § 38H(b), in connection with a solar facility installed or to be installed on the Town’s former landfill off Indian Road being leased by the Town to the owner of such facility pursuant to the authorization voted under Article 30 of the October 30, 2017 Fall Town Meeting, and (ii) enter into an agreement for the purchase of solar credits generated by such facility, with such agreements to be for terms of years co-extensive with the term of the lease agreement between the Town and the facility owner, and on such other terms and conditions as the Board of Selectmen deem in the best interest of the Town; and to further authorize the Board of Selectmen to take any actions and execute any other instruments or ancillary agreements necessary and convenient to accomplish the foregoing and to implement and administer such agreements, or take any other action relative thereto.

ARTICLE 10 - (Board of Selectmen) – Special Legislation Petition – To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for Special Legislation authorizing the Town Administrator to approve all bills, drafts, invoices, orders and payrolls under the authority of the Board of Selectmen, for funds budgeted and previously approved by Town Meeting and sign warrants for payment on behalf of the Board of Selectmen, also as budgeted and approved at the Town Meeting notwithstanding any general or special law to the contrary, and subject to the provision that the Town Administrator shall make available to said Board any records of such actions on a regular basis and as the Board may require; provided, however, that the General Court may make clerical or editorial changes of form only to said bill,

unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto.

ARTICLE 11 - (Town Clerk) – To see if the Town will vote to raise and appropriate, borrow or transfer from available funds One Thousand Eight Hundred Fifty Dollars and Zero Cents (\$1,850.00), or such other sum for amendments and legal review fees for the By-Law Codification being conducted by General Code, or take any other action relative thereto.

ARTICLE 12 – (Planning Board) - Proposed Zoning Bylaw Amendment, Mill Conversion Overlay District, Definitions, Use Chart - To see if the Town will vote to amend the Dudley Zoning Bylaws, Section 3.10.00, Mill Conversion Overlay District. by amending Subsections 3.10.05, 3.10.07.L, 3.10.08.D and 3.10.10; Section VI, Definitions, Subsection 6.01.00; and Section II, Use and Density Restrictions, Subsection 2.03.02, Use by District Chart, By deleting text that is struck-through and inserting text that is underlined as follows, or take any other action relative thereto:

Subsection 3.10.05 Permitted Uses

Within a MCP, residential use or assisted living facility shall be permitted in conjunction with one or more of the following specified non-residential uses, by special permit:

- A. Commercial (restaurant, retail sales or services, business or professional offices, bank or financial office, indoor commercial recreation, event center, community facility, or office establishment);
- B. Institutional (museum, educational use, charitable or philanthropic institution, municipal use, club or lodge);
- C. Recreational (indoor commercial recreation); and
- D. Appropriate accessory uses.

3.10.07 Standards

L. Affordable Dwelling Units: For a period not less than thirty (30) years, a minimum of ten percent (10%) of the total number of dwelling units shall be restricted to persons qualifying as low or moderate income in accordance with the Massachusetts Department of Housing and Community Development definitions of low and moderate income. The following additional criteria shall apply:

1. Affordable units shall be integrated into the overall development of the MCP so as to prevent the physical segregation of units.
2. Town Counsel shall approve the use restriction or re-sale controls as to form. The restriction or re-sale controls shall adequately specify material provisions for affordability, monitoring and enforcement. A right of first refusal upon the transfer of

such restricted ownership units shall be granted to the Dudley Housing Authority for a period not less than one hundred- twenty (120) days after notice thereof.

3. If no federal or state subsidy is used to fund the creation of the affordable units, the Planning Board may require the applicant to submit an application to the Local Initiatives Program so that the units can be added to the Chapter 40B Subsidized Housing Inventory maintained by the Massachusetts Department of Housing and Community Development (DHCD).
4. An Applicant may, in conjunction with filing a complete application for a Special Permit for a MCP, submit a written request to the Board of Selectmen and Planning Board seeking a waiver from the requirements for Affordable Dwelling Units as set forth in this Subsection. The waiver request shall first be submitted to the Board of Selectmen for a favorable recommendation to the Planning Board. Following receipt of such favorable recommendation from the Board of Selectmen, the Planning Board may grant such waiver by a majority vote. Such waiver shall be based upon a favorable finding of one or more of the following factors which consider the extent to which a proposed Mill Conversion Project (MCP):
 - will preserve some or all of an historic building(s);
 - is suitable for the site for the proposed use(s);
 - serves the social, economic, or housing needs of the Town;
 - is compatible with the character of neighboring properties; and
 - Impacts the Town's fiscal responsibilities; including impact on Town services, tax base, and employment.

3.10.08 Number of Dwelling Units

- D. Number of affordable units, beyond the minimum required, proposed by the applicant unless a waiver is granted pursuant to Section 3.10.07(4) above.

3.10.10 Action by the Planning Board

The Planning Board must act on the special permit application within ninety (90) days of ~~submittal of the completed application~~ the close of the public hearing. A four-fifths (4/5) vote of the Planning Board shall be required to grant the special permit. The Planning Board may grant a special permit for a Mill Conversion project if it determines that the proposed project complies with the requirements of this Bylaw. The Planning Board shall consider the following when making its determination:

- Degree to which the proposed project complies with the goals of the *Dudley, Massachusetts Master Plan*;
- Suitability of the site for the proposed use(s);
- Social, economic, or community needs which are served by the proposal;
- Impact on traffic and pedestrian flow and safety;

- Adequacy of utilities and other public services;
- Impact on the neighborhood visual character;
- Impact on the natural environment; and
- Potential fiscal impact; including impact on Town services, tax base and employment.

Section VI Definitions, Subsection 6.01.00

Insert new definitions for Community Facility and Event Center, as follows:

Community Facility - A public or private-non-profit use which is primarily intended to serve the recreational, educational, cultural, administrative, or entertainment needs of the community. (See also Public Utility in the Use by District Chart.)

Event Center –A multi-purpose venue for hosting special events such as graduations, weddings, anniversaries, holiday gatherings, trade shows, corporate functions, parties, concert settings, and similar affairs. An event center may have a catering kitchen, indoor and/or outdoor seating and a stage or event area.

Section II, Use and Density Restrictions, Subsection 2.03.02, Use by District Chart

Activity or Use	RES 10	RES 15	RES 30	RES 43	RES 87	BUS 15	IND 43	IND 130	LI 43	LI 87
COMMERCIAL										
<u>Community Facility</u>	<u>P-SPR</u>									
<u>Event Center</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>SP</u>	<u>P-SPR</u>	<u>P-SPR</u>	<u>P-SPR</u>	<u>P-SPR</u>	<u>P-SPR</u>

ARTICLE 13 – (Planning Board) – Zoning By-Law Change – 115 Schofield Ave. from IND43 to IND130 - To see if the Town will vote to amend its Zoning Map and re-zone a parcel of land consisting of 4.4 acres +/- known as 115 Schofield Avenue, as shown on Assessors Map 124, Parcel 12, from the Industrial-43 Zoning District to the Industrial-130 Zoning District, or take any other action related thereto.

ARTICLE 14 - (Town Clerk) - To see if the Town will raise, appropriate or transfer the sum of Six Thousand Nine Hundred Seventy Two Dollars and Twenty Cents (\$6,972.20) to the Town Clerk Salary Account No.: 0001-161-5111-01 effective January 1, 2021 or take any other action thereto.

ARTICLE 15 - (Town Clerk and Board of Selectmen) - Special Legislation Petition - To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for Special Legislation making the elected positions of Town Clerk and Treasurer/Collector appointed positions, such appointment to be made by the Board of Selectmen, with such special

legislation to take effect 90 days after the General Court's passage of same; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or take any other action relative thereto.

ARTICLE 16 - (Treasurer/Collector) - To see if the Town will raise, appropriate or transfer the sum of One Thousand Eight Hundred Seven Dollars and Zero Cents (\$1,807.00) to the Treasurer/Collector Salary Account No.: 0001-145-5111-01 effective January 1, 2021, or take any other action thereto.

You are hereby directed to serve this warrant by posting attested copies thereof, at the Dudley Municipal Center and on the Town of Dudley Web site and by posting notice of availability of the Warrant on one (1) Cable Access Channel.

Warrant to be posted at least fourteen (14) days before holding of said meeting. Hereof, fail not, and make due return of this warrant with your doing thereon, to the Town Clerk at the time of holding of said meeting.

Given under our hands this day of October in the year Two Thousand Twenty.

Kerry Cyganiewicz, Chairman

John Marsi, Vice-Chairman

Jason Johnson, Clerk

Paul Joseph

Steven Sullivan

Board of Selectmen

I have notified and warned the inhabitants of the Town of Dudley by posting up attested copies of the same at the Dudley Municipal Center on the 5TH of OCTOBER 2020. I also observed it posted on the Town's Website and notice of availability on the Dudley Cable Access Channel on the 5TH of OCTOBER 2020.

Thereby making my return to the Dudley Town Clerk on the 5TH of OCTOBER 2020.

Constable, Town of Dudley