

**TOWN OF SHREWSBURY
ANNUAL TOWN MEETING
May 21, 2022**

The meeting was called to order at 8:40 A.M. at the Oak Middle School Auditorium. The moderator led the assembly in the pledge of allegiance to the flag. The assembly remained standing for a moment of silence to remember William Gordon who represented Precinct Two from 1993-1997 and 2010 to his passing on March 1, 2022. William Gordon was also a distinguished member of the SELCO team. Moderator James F. Kane announced a quorum of town meeting members in attendance. The official checklist showed 185 town meeting members present, including the moderator. As the first order of business the moderator examined the warrant and the constable's return and asked for and received unanimous consent to waive the reading of the warrant.

The moderator introduced individuals seated on the stage of the auditorium beginning with the Town Manager, the Board of Selectmen, Town Clerk, Town Counsel, Assistant Town Managers, and the Finance Committee.

The moderator explained the procedural rules of town meeting.

A procedural motion presented by the moderator was moved and seconded and it was

VOTED UNANIMOUSLY The Town Moderator is authorized, in accordance with Article 2, Section 6 of the General Bylaws, to take the 42 Articles on the printed Warrant for this Meeting out of order, and furthermore, that the Town Moderator may propose that a number of Articles be combined into groups for consideration for a single motion for approval by Town Meeting for each such group; provided, however, that any Article relating to the Zoning Bylaw for which a 2/3 vote is required to adopt a motion thereunder shall not be included in any such grouping, and provided further that if any Town Meeting Member objects to an individual Article being considered within a proposed group of Articles, the Town Meeting Member shall raise his or her hand and say the word "HOLD", in which event such Article shall not be included in the group as proposed and shall instead be considered and acted upon individually by Town Meeting.

An asterisk (*) indicates articles recommended by the Finance Committee:

***Article 1: Report of Town Committee**

REPORT OF THE BEAL EARLY CHLDHOOD CENTER BUILDING COMMITTEE

Thank you, Mr. Moderator

Good Morning: Town Meeting Members and Shrewsbury Residents.

My name is Sandra Fryc, Chair of the Beal School Early Childhood Building Committee. It is my pleasure to report on the progress of this project.

Beal Building Committee Chair, Selectman John Lebeaux announced earlier this year that he did not plan to run re-election to the Board of Selectman. In order to ensure a smooth transition, at our meeting on April 26, 2022, John resigned from the Beal Building Committee, and the committee members voted me in as Chair.

By way of reminder, the Beal Building Committee was formed by Special Town Meeting on April 13, 2016. The committee members include:

- Vice Chair – Erin Boucher
- Town Manager – Kevin Mizikar
- Board of Selectman – Beth Casavant
- Superintendent of Schools- Dr. Joseph Sawyer
- Assistant Superintendent of Operations and Administration – Patrick Collins
- Beal Early Childhood Center Principal – Chris Girardi
- Department of Public Works – Public Buildings Division Manager – Keith Baldinger
- Former Superintendent of Buildings and Community Member – Robert Cox

It is a privilege to serve on this committee. Since the inception of this project, the committee has regularly convened in its planning and oversight role and has worked closely with the project team including contractor, Fontaine Brothers; architect, Lamoreaux Pagano Associates; and the Owner's Project Representative, PMA Consulting group.

The Town celebrated the opening and dedication of the new Major Howard Beal Elementary School at its new location at 214 Lake Street on September 24, 2021. Through the hard work and dedication of our project team, this new school was completed on-time for the 2021/2022 school year, and well under the original budget that was approved by Town Meeting.

The total project budget agreed upon with the Massachusetts School Building Authority (MSBA) was \$92,002,159. As of April 26, 2022, the Town has been billed \$79,212,752, which is 86.1% of the total project budget. To date, the Town has received \$30,162,801 in reimbursement from the MSBA. The most recent financial report from our Owner's Project Manager forecasts a total final spending of approximately \$80,355,706.

I am extremely pleased to report the Beal School project is running \$ 11.607 million under budget. The underage can be attributed to favorable market conditions at the time of the bid, prudent budgeting, a thorough design plan leading to very few change orders, and solid project management!

The Building Committee and the entire project team are to be commended for the excellent management of this project to complete it on schedule and keep it under budget despite many challenges, including the Coronavirus pandemic.

Once the new Beal School opened, the committee's oversight and meetings consisted of approving invoices and the occasional change order. Moving forward, the committee will

continue to meet as needed. Pursuant to M.G.L. Chapter 41, Section 56, the committee has designated, Mr. Mizikar, Dr. Sawyer, and me to approve all bills, drafts, orders, and payrolls.

At this time, I would like to acknowledge Mr. Lebeaux's efforts and leadership during his last year as Chair of the Beal School Building Committee. He readily stepped into the role when asked and continued to guide the committee to fulfill the high expectations set for building committees in Shrewsbury.

The Beal School Building Project is a very good news story for our town. The new school is modern, environmentally friendly, and incorporates sustainable building systems. It is a cost-effective, long-term solution that meets the community and the school district's space, program, and educational needs now and in the future.

Thank you again to Town Meeting and the Residents of Shrewsbury for their support of this important capital project.

Thank you for your kind attention this morning.

VOTED a motion to receive the report of the Beal Early Childhood Center Building Committee.

***Article 2 Amend General Bylaws Article 2**

VOTED UNANIMOUSLY a motion that the Town amend the General Bylaws in Article 2, "Town Meetings and the Procedure Thereat", Section 11, by striking all text shown with a ~~Strikethrough~~ and adding all text shown in all CAPITALS and Underlined as follows:

SECTION 11: The Moderator may decline to put motions obviously frivolous, or which may be declared illegal by the Town Counsel. Any motion shall be presented in writing if the Moderator requests. The Moderator shall be governed in his rulings by the provisions of this article. In matters not provided for, herein or otherwise provided by law, the procedure shall be as outlined in ~~Cushing's Manual~~ TOWN MEETING TIME, so far as applicable.

At the recommendation of the Moderator this article seeks to change the official basis of parliamentary procedure for Town Meeting from Cushing's Manual to the more widely used Town Meeting Time. Copies of Town Meeting Time are available at the Shrewsbury Public Library.

Article 3 Pay Departmental Bills Prior Fiscal Year

DEFEATED a motion that the Town transfer the sum of \$1 from Free Cash to pay departmental bills contracted in a prior fiscal year.

This is to fund bills incurred in a prior fiscal year. As of this writing, there are currently no bills to be paid.

Article 4 Transfer within the Fiscal Year 2022 Operating Budget

DEFEATED a motion that the Town vote to transfer the sum of \$1 within the Fiscal Year 2022 operating budget as follows:

As of this writing, there are currently no transfers to be made.

***Article 5 Fiscal Year 2023 Operating Budget**

VOTED UNANIMOUSLY a motion that the Town raise the sum of \$138,433,515 in the following manner:

Taxation:	\$134,102,216
Transfer from Free Cash:	\$6,464
Transfer from Solid Waste Enterprise:	\$77,623
Transfer from Sewer Surplus:	\$744,279
Transfer from Water Enterprise:	\$1,513,554
Transfer from Stormwater Enterprise:	\$244,001
Accept from SELCO:	\$1,520,150
Accept from Library Capital Campaign:	\$ 225,228

and appropriate the same to the various departments and purposes as specifically set forth in detail in the report of the Finance Committee as amended except that line items 1, Salaries – Professional, Executive, Administrative, 2, Salaries – Secretarial and Clerical, and 3, Salaries – All Other, be combined under Salaries Grand Total 1-2-3 and considered as one appropriation for all budgets and that line items 4, Contractual Services, 5, Supplies and Materials, and 6, Other Expenses, be combined under Expenses Grand Total 4-5-6, and considered as one appropriation for all budgets and further appropriate all receipts and other sums of money in accordance with and as recommended in said report as amended, and do further move that, in accordance with Chapter 41, Section 108 of the General Laws, the salaries of all elected town officers be fixed at the amounts and rates set forth in the Finance Committee’s report, as amended, effective from July 1, 2022, and all salaries and wages are hereby made effective from July 1, 2022 said wages and salaries to be at the rates set within the Classification and Compensation Plan and in accordance with the Consolidated Personnel Bylaw in effect July 1, 2022 that said report, as amended, be received and placed on file at the office of the Town Clerk.

***Article 6 Accept Sum of Money from CATV**

Voted a that the Town accept a sum of \$800,000 from the Municipal Light Department CATV division in lieu of taxes and appropriate said sum to the use of the Board of Assessors in fixing the tax rate for Fiscal Year 2023.

***Article 7 Accept Sum of Money from Municipal Light Department**

Voted a motion that the Town accept a sum of \$237,569 from the Municipal Light Department in lieu of taxes, and appropriate said sum to the use of the Board of Assessors in fixing the tax rate for Fiscal Year 2023.

***Article 8 Transfer Funds to Board of Assessors**

Voted a motion that the Town accept a sum of \$500,000 from Free Cash, and appropriate said sum to the use of the Board of Assessors in fixing the tax rate for Fiscal Year 2023.

***Article 9 Override Stabilization Account**

VOTED UNANIMOUSLY a motion that the Town raise and appropriate the sum of \$3,000,000 to the Override Stabilization Account.

***Article 10 Omnibus Capital Budget**

VOTED UNANIMOUSLY a motion that the Town appropriate the sum of \$1,463,161 to fund the costs associated with the adoption of an Omnibus Capital Budget for the fiscal period beginning July 1, 2022 as follows:

transfer excess funding from A/V Space Classroom Renovation Account: \$99,902;

transfer from Free Cash: \$1,363,259

Department or Division	Category	Project/Initiative/Item	Amount
Clerk	Other Equipment	Voting Machines	\$69,000
Police	Information Technology	CAD/RMS Software	\$216,910
Police	Other Equipment	Taser Bundle Y1 of 3	\$68,000
Police	Vehicles & Wheeled Equ.	3 Cruisers (Hyb)	\$175,509
Engineering	Information Technology	Wide Format Plotter & Scanner	\$9,840
IT	Information Technology	IT Network	\$80,000

Public Buildings	Buildings & Facilities	Town Hall Roof Replacement	\$100,000
Public Buildings	Buildings & Facilities	High School Lighting Upgrades	\$99,902
Public Buildings	Vehicles & Wheeled Equ.	Transit Van (EV)	\$34,000
Fire	Vehicles & Wheeled Equ.	¾ Ton Truck (ICE)	\$70,000
Highway	Vehicles & Wheeled Equ.	Roadside Mower (ICE)	\$175,000
Highway	Vehicles & Wheeled Equ.	Dump Truck (ICE)	\$285,000
Parks Maint.	Vehicles & Wheeled Equ.	Heavy Duty Pickup (ICE)	\$80,000
		Total	\$1,463,161

Hyb. - Hybrid; **EV** - Full Electric Vehicle; **ICE** - Internal Combustion Engine Vehicle

***Article 11 Municipal and Residential Solid Waste Collection, Processing and Disposal Services Enterprise**

VOTED UNANIMOUSLY a motion that the Town appropriate the sum of \$2,632,332 as follows:

raise from Departmental Receipts (Solid Waste):	\$1,230,295
transfer from Retained Earnings (Solid Waste):	\$83,466
raise from Tax Levy:	<u>\$1,318,571</u>
	\$2,632,33

appropriate the same as follows:

OPERATIONS		
	Salaries 1	\$0
	Salaries 2	\$68,927
	Salaries 3	\$0
	<i>Sub-Total 1-2-3</i>	<i>\$0</i>
	Contractual Serv 4	\$2,365,905
	Supplies & Materials 5	\$190,000
	Other Expenses 6	\$7,500
	<i>Sub-Total 4-5-6</i>	<i>\$2,563,405</i>
	<i>Separately Ident Appr 9</i>	<i>\$0</i>
	<i>TOTAL 1-9</i>	<i>\$2,632,332</i>

to operate the Municipal and Residential Solid Waste Collection, Processing and Disposal Services Enterprise.

***Article 12 Sewer Surplus Account**

VOTED UNANIMOUSLY a motion that the Town transfer the sum of \$6,773,069 from the Sewer Surplus Account as follows:

OPERATIONS		
Salaries 1		\$55,436
Salaries 2		\$0
Salaries 3		\$459,168
<i>Sub-Total 1-2-3</i>		<i>\$514,605</i>
Contractual Serv 4		\$583,000
Supplies & Materials 5		\$114,750
Other Expenses 6		\$40,000
<i>Sub-Total 4-5-6</i>		<i>\$737,750</i>
<i>Separately Ident Appr 9</i>		<i>\$5,520,714</i>
<i>TOTAL 1-9</i>		<i>\$6,773,069</i>

to operate the Sewer system.

***Article 13 Sewer Capital Budget**

VOTED UNANIMOUSLY a motion that the Town transfer the sum of \$2,283,352 from the Sewer Surplus Account and \$300,000 from the Inflow & Infiltration Fund to fund all the purposes listed in the printed Article and the following capital projects/items:

Inflow & Infiltration Work	\$300,000
Sewer Pump Station Evaluations	\$160,000
Sewer Pump Station Improvements	\$1,308,352
Replacement of VacTruck - Split with Sewer	\$300,000
Replace Tk #63 - 2015 Chevy	\$65,000
Capital Improvement Reserve	\$250,000
Sewer Special Purpose Stabilization Fund	\$200,000

TOTAL CAPITAL INVESTMENTS

\$2,583,352

***Article 14 Water Services Enterprise**

VOTED UNANIMOUSLY a motion that the Town raise the sum of \$2,978,297 from Departmental Receipts (Water Services) and appropriate the same as follows:

OPERATIONS		
	Salaries 1	\$55,436
	Salaries 2	\$0
	Salaries 3	\$782,719
	<i>Sub-Total 1-2-3</i>	<i>\$838,156</i>
	Contractual Serv 4	\$671,000
	Supplies & Materials 5	\$219,500
	Other Expenses 6	\$45,000
	<i>Sub-Total 4-5-6</i>	<i>\$935,500</i>
	<i>Separately Ident Appr 9</i>	<i>\$1,204,642</i>
	<i>TOTAL 1-9</i>	<i>\$2,978,297</i>

***Article 15 Water Capital Budget**

VOTED UNANIMOUSLY a motion that the Town appropriate of \$1,447,739 as follows:

raise from Departmental Receipts (Water Rates):	\$1,408,149
transfer from Water Conservation Funds:	<u>\$39,590</u>
	\$1,447,739

to fund all the purposes listed in the printed Article and the following capital projects/items:

Water Main Replacement	\$512,739
Replacement of VacTruck - Split with Sewer	\$300,000
Water Tank Maintenance Plan	\$500,000
Service Vehicle for Meter Replacement	\$40,000
Replace Truck #64 - 2013 Chevy Pickup	\$50,000
Valve Exercising Equipment	\$40,000
Poor Farm Brook	\$5,000

TOTAL CAPITAL INVESTMENTS

\$1,447,739

***Article 16 Stormwater Enterprise**

VOTED UNANIMOUSLY a motion that the Town raise the sum of \$1,226,056 from Departmental Receipts (Stormwater Services) and appropriate the same as follows:

OPERATIONS		
	Salaries 1	\$0
	Salaries 2	\$0
	Salaries 3	\$339,144
	<i>Sub-Total 1-2-3</i>	<i>\$339,144</i>
	Contractual Serv 4	\$886,912
	Supplies & Materials 5	\$0
	Other Expenses 6	\$0
	<i>Sub-Total 4-5-6</i>	<i>\$886,912</i>
	<i>Separately Ident Appr 9</i>	<i>\$0</i>
	<i>TOTAL 1-9</i>	<i>\$1,226,056</i>

to operate the Stormwater Services Enterprise.

***Article 17 Stormwater Capital Budget**

VOTED UNANIMOUSLY a motion that the Town raise and appropriate the sum of \$479,943 from Stormwater departmental receipts to fund all the purposes listed in the printed Article and the following capital projects/items:

Drainage Projects - Stormwater Improvements	\$234,943
Replace Truck #11 Catch Basin Cleaner	\$245,000

TOTAL CAPITAL INVESTMENTS ***\$479,943***

***Article 18 Oak Middle School Window and Door Replacement**

VOTED BY A DECLARED 2/3RDS MAJORITY a motion that the Town appropriate the amount of Nine Hundred and Fifty Thousand (\$950,000) Dollars for the purpose of paying costs for the potential windows and doors replacement project at Oak Middle School, 45 Oak Street, including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”),

said amount to be expended under the direction of the Town Manager. To meet this appropriation, \$495,000 shall be borrowed, and \$455,000 shall be transferred from Free Cash. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 52.26 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA.

***Article 19 Medical Expenses
Retired Disabled Police Officers and Firefighters**

VOTED a motion that the Town raise and appropriate the sum of \$6,464 to pay the medical expenses of retired disabled police officers and firefighters.

***Article 20 Insurance Trust Fund**

VOTED a motion that the Town transfer \$20,000 from Free Cash to the Insurance Trust Fund.

***Article 21 Transfer Free Cash to General Stabilization Account**

VOTED a motion that the Town transfer \$750,000 from Free Cash to the General Stabilization Account as follows:

This funding will be deposited into the Town's General Stabilization Fund. The General Stabilization Fund is the Town's "rainy-day fund" that would be used to overcome significant unforeseen financial challenges should they arise in the future. The General Stabilization Fund is a part of the Town's financial reserves, which when sufficient reserves are on hand, has a positive impact on the Town's bond rating enabling, among other things, lower interest rates on borrowings. The Board of Selectmen have an established General Stabilization Policy that provides that at least 5.0% of the total annual operating budget for municipal and school expenses is to be held in the General Stabilization Account. The current balance of the General Stabilization Fund is \$3,060,994. The revised balance will be \$3,810,994 which is 2.75% of the municipal and school operating budget.

***Article 22 Funds to Operate the Cable Television Public, Educational, and Governmental Access Service Enterprise**

VOTED UNANIMOUSLY a motion that the Town vote to raise the sum of \$383,027 from Departmental Receipts (Cable Television Public, Educational and Governmental Access) and \$12,000 from taxation and appropriate the same as follows:

OPERATIONS

Salaries 1		\$0
Salaries 2		\$0
Salaries 3		\$0
	<i>Sub-Total 1-2-3</i>	<i>\$0</i>
Contractual Serv 4		\$0
Supplies & Materials 5		\$0
Other Expenses 6		\$0
	<i>Sub-Total 4-5-6</i>	<i>\$0</i>
	<i>Separately Ident Appr 9</i>	<i>\$395,027</i>
	<i>TOTAL 1-9</i>	<i>\$395,027</i>

***Article 23 Revolving Funds
Donahue Rowing Center and Council on Aging Transportation Fund**

VOTED a motion that the Town set the Fiscal Year 2023 spending limits for the following revolving accounts established in Article 22 of the General Bylaws:

Council on Aging Transportation Fund - \$75,000
Donahue Rowing Center - \$400,000

***Article 24 Chapter 90 Local Transportation Aid**

VOTED a motion that the Town accept a sum of money from the Commonwealth of Massachusetts in accordance with the provisions of Chapter 90 of the General Laws concerning the local transportation aid funding program and transfer said funds to the Highway Department for the purposes of maintaining, repairing, improving and constructing town ways, sidewalks, drains and related eligible expenses.

***Article 25 Sale of Cemetery Lots**

VOTED a motion that the Town transfer the sum of \$18,000 from the Sale of Cemetery Lots account to the Cemetery Department for the care, improvement and embellishment or enlargement of the cemetery.

***Article 26 Funding for Lakes and Ponds**

VOTED a motion that the Town vote to transfer \$30,000 from Free Cash to fund the expenses associated with the management of lakes, ponds and waterways within the Town of Shrewsbury.

***Article 27 Fund Climate Action Plan**

VOTED a motion that the Town vote to transfer \$140,000 from Free Cash to fund the development of a Climate Action and Resiliency Plan.

***Article 28 Fund Town Center Study**

VOTED a motion that the Town vote to transfer \$230,000 from Free Cash to fund the development and implement recommendations of a Town Center Comprehensive Transportation and Multimodal Study.

***Article 29 Community Preservation Committee Financials**

VOTED a motion that the Town vote to raise and appropriate and reserve from the Community Preservation Fund annual revenues from Fiscal Year 2022 and Fiscal Year 2023 as recommended by the Community Preservation Committee for the purposes of funding the Committee’s administrative expenses, community preservation projects and other expenses as follows:

FY 2022 estimated revenues (5%) for Committee Administrative Expenses	\$51,285
FY 2023 estimated revenues (5%) for Committee Administrative Expenses	\$52,310

Reserves:

FY 2022 estimated revenues (10%) for Historic Resources Reserve	\$102,570
FY 2022 estimated revenues (10%) for Community Housing Reserve	\$102,570
FY 2022 estimated revenues (10%) for Open Space & Recreation Reserve	\$102,570
FY 2022 estimated revenues for Budgeted Reserve	\$666,705
FY 2023 estimated revenues (10%) for Historic Resources Reserve	\$104,621
FY 2023 estimated revenues (10%) for Community Housing Reserve	\$104,621
FY 2023 estimated revenues (10%) for Open Space & Recreation Reserve	\$104,621
FY 2023 estimated revenues for Budgeted Reserve	\$680,041

***Article 30 Amend Zoning Bylaws
Continuance of Existing Uses**

VOTED BY A DECLARED 2/3RDS MAJORITY a motion that the Town vote to amend the Zoning By-Law of the Town of Shrewsbury, Section IV – Continuance of Existing Uses, as follows:

1) Delete entire text of the Section IV:

~~A) A non-conforming use may continue, provided that:~~

~~This Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun or to a building or special permit issued before the first publication of notice of the public hearing concerning the adoption of this Bylaw or any amendment thereto, or became nonconforming solely as a result of subsequent amendments to this Bylaw.~~

~~B) — Upon the issuance of a Special Permit by the Board of Appeals as provided in Section IX, non-conforming uses, buildings or structures may be altered, reconstructed, expanded, enlarged or changed provided that:~~

~~a) — In Rural, Residential and Apartment Districts, the extent of the non-conforming use of a structure, other than a single or two-family home, shall not be increased more than fifty (50) percent of the gross floor area, nor shall the non-conforming use of land be increased more than fifty (50) percent of the area in use at the time of passage of this Bylaw. In the event the use involves both structure and land, each may be increased no greater than fifty (50) percent. All increases must be confined to the lot as it existed on the date of the adoption of this Bylaw, and shall be subject to all other provisions of the applicable district. (Amended 5-22-2021)~~

~~b) — In the Limited Business, Commercial Business, Limited Commercial Business and Limited Industrial Districts the extent of non-conforming uses may be increased insofar as they are confined to the lot as it existed on the date of the adoption of this Bylaw, and shall be subject to all other provisions of the applicable districts. (amended 5/16/2011)~~

~~c) — A non-conforming use may only be changed to a similar use or a less restricted use.~~

~~d) — Any such change, alteration, reconstruction, expansion or enlargement may be permitted only upon the finding by the Board of Appeals that such change, alteration, reconstruction, expansion or enlargement is not substantially more detrimental to the neighborhood or public welfare.~~

~~D) If the non-conforming use is discontinued for a period of more than two (2) years or is abandoned, it shall not be re-established, and any future use shall be in conformance with this Bylaw.~~

~~E) A building destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored at the same location and again used as previously, provided that said owner shall apply for a building permit and start operations for restoring or rebuilding on said premises within twelve (12) months after such catastrophe, and reconstruction is completed and occupancy begun within two (2) years, and further provided that the building as restored shall not be greater in volume or gross floor area than provided in Section IV A and shall be constructed in accordance with the Building Code in effect at the time of the application.~~

2) Insert the following language in Section IV

A) A non-conforming use or structure may continue, provided that the use or structure was lawfully in existence or lawfully begun, or subject to a building or special permit issued before the first publication of notice of the public hearing concerning the adoption of this Bylaw or any amendment thereto, or the use or structure, having been legally established, became nonconforming solely as a result of subsequent amendments to this Bylaw. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

B) Except as described in part C relative to single and two-family residential structures, no preexisting, nonconforming use may be changed or substantially extended and no preexisting, nonconforming structure may be reconstructed, extended or subject to a structural change or alteration to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent unless the owner first obtains a Special Permit from the Board of Appeals, established by Section IX, finding that the proposed extension, alteration, reconstruction, or structural change will not be substantially more detrimental than the existing nonconforming use or structure to the neighborhood.

Any Special Permit issued by the Board of Appeals pursuant to this Section IV.B shall be subject to the following restrictions:

1. In Rural, Residential and Apartment Districts, the extent of the non-conforming use of a structure, other than a single or two-family home, shall not be increased more than fifty (50) percent of the gross floor area, nor shall the non-conforming use of land be increased more than fifty (50) percent of the area in use at the time of passage of this Bylaw. In the event the use involves both structure and land, each may be increased no greater than fifty (50) percent. All increases must be confined to the lot as it existed on the date of the adoption of this Bylaw, and shall be subject to all other provisions of the applicable zoning district. (Amended 5-22-2021) ;
 2. In the Limited Business, Commercial-Business, Limited Commercial-Business and Limited Industrial Districts the extent of the non-conforming use may be increased insofar as it is confined to the lot as it existed on the date of the adoption of this Bylaw, and shall be subject to all other provisions of the applicable zoning district. (amended 5/16/2011);
 3. A non-conforming use may only be changed to a similar use or a less restricted use.
- C) A preexisting, nonconforming single or two-family residential structure may be altered, reconstructed, extended, and/or enlarged upon a determination by the Building Inspector that such proposed alteration, reconstruction, extension, or enlargement does not increase the nonconforming nature of said single or two-family residential structure, and subject to the issuance of a Building Permit.

In the event the Building Inspector determines that a proposed alteration, reconstruction, extension, and/or enlargement of a single or two-family residential structure would, in fact, increase the nonconforming nature of said structure, then no Building Permit shall be issued for such a project unless the Board of Appeals first issues a Special Permit, finding that the proposed alteration, reconstruction, extension, and/or enlargement of the single or two-family residential structure increasing the nonconforming nature of said structure will not be more detrimental to the neighborhood than the existing nonconformity.

The following alterations, reconstructions, extensions, and/or enlargements of single and two family dwellings and accessory structures are deemed not to increase the nonconforming nature of a single or two-family residential structure and may be permitted by the Building Inspector upon the issuance of a Building Permit, as applicable:

1. Conforming alterations, reconstructions, extensions, and/or enlargements to single or two family dwellings located on a lot that is nonconforming due to its lot area, frontage, and/or use and where only that frontage, lot area, and/or use is nonconforming, but which structure meets all other requirements of Section VII - Table II.
 2. Conforming additions, under Section VII - Table II, to a nonconforming structure relative to the requirements of Section VII - Table II, provided that no nonconforming element or aspect of the nonconforming structure is extended or increased.
 3. Alterations or extensions of any lawfully established nonconforming portion(s) of a building not considered permanent living space, including but not limited to decks and balconies, provided that the repair, reconstruction or replacement does not exceed the original in footprint, volume, or area.
 4. Demolition of a structure or portions of a structure that reduces the extent of an existing nonconformity, or that does not increase or otherwise affect any existing nonconformity, and that does not create a new zoning violation.
- D) If a non-conforming use is discontinued or abandoned for a period of more than two (2) years, it shall lose its protected status and may not be re-established.
- E) A building destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored at the same location and again used as previously, provided that said owner shall apply for a building permit and start operations for restoring or rebuilding on said premises within twelve (12) months after such catastrophe, and reconstruction is completed and occupancy begun within two (2) years, and further provided that the building as restored shall not be greater in volume or gross floor area than provided in Section IV A and shall be constructed in accordance with the Building Code in effect at the time of the application.

***Article 31 Amend Zoning Bylaws
Site Plan Approval for Slopes**

VOTED BY A DECLARED 2/3RDS MAJORITY a motion that the Town vote to amend the Zoning By-Law of the Town of Shrewsbury, Section VII.F.3.a – For Site Plan Approval by the Planning Board, as follows:

1) *Insert the following **underlined** and ***bolded*** language in Section VII.F.3.a*

a. The following are subject to Site Plan Approval by the Planning Board

10) Disturbing or creating any slope with a grade of 2 to 1 (50%) or steeper and a height of ten feet (10') or greater.

***Article 32 Amend Zoning Bylaws
Clerk to Make Numbering Changes**

VOTED BY A DECLARED 2/3RDS MAJORITY a motion that the Town vote to amend the Zoning By-Law of the Town of Shrewsbury, Section II – Definitions, as follows:

1) *Insert the following **underlined** and ***bolded*** language in Section II*

Section II – Definitions **and Changes in Numbering**

A. Definitions

B. Changes in Numbering

The numbering of sections, subsections, paragraphs and subparagraphs in this Zoning Bylaw is deemed non-substantive and ministerial in nature, and the Town Clerk, after consultation with Town Counsel, may make appropriate revisions to the same solely for the purpose of ensuring consistent and appropriate sequencing of such numbering; provided, however, that the Town Clerk shall keep a record of all such revisions, which record shall include the date and substance of all such revisions.

***Article 33 Amend Zoning Bylaws
Common Driveways**

VOTED BY A DECLARED 2/3RDS MAJORITY a motion that the Town vote to amend the Zoning By-Law of the Town of Shrewsbury, Section VII – Common Driveways, as follows:

1. Insert the following **underlined** and **bolded** language in Section VII.L. Delete the following **bolded** and struck **through** language.

L. Common Driveways (amended 11/1/1999, 9/26/2011)

2. Common driveways shall meet the following standards:

Dimensional Standard	Residential/Apartment <u>Distriets-Uses</u>	Commercial/Industrial <u>Distriets</u> <u>Uses</u>
Minimum pavement width	18 feet ¹	22 feet ²
Minimum easement width	24 feet	40 feet ³
Maximum grade	8% ⁴	10% ⁵
Curb Cut	No closer than 100 feet from the centerline intersections right-of-way	
Minimum centerline radius	45 feet	45 feet
Minimum sight distance for a driveway entering onto a roadway	200 feet in each direction	200 feet in each direction ⁶
Maximum number of <u>residential</u> lots serviced by one common driveway	3	5 <u>N/A</u>
<u>Maximum number of residential units serviced by one common driveway</u>	<u>4</u>	<u>N/A</u>
<u>Maximum number of Commercial/Industrial lots serviced by one common driveway</u>	<u>N/A</u>	<u>5</u>
Maximum length	300 feet	1,500 feet

2. Insert the following **underlined** and **bolded** language as a new Section VII.L.9 The purpose of this language is to regulate Common Driveways according to use and not by the zoning district in which a common driveway is located, and to limit the total number of residential units that may use a common driveway.

9. A Common driveway serving commercial or industrial uses shall be located entirely within a commercial or industrial zoning district and shall at no point be located within a residentially zoned district.

***Article 34 Amend Zoning Bylaws
Screening in the LI Zoning District**

VOTED BY A DECLARED 2/3RDS MAJORITY a motion that the Town vote to amend the Zoning By-Law of the Town of Shrewsbury, VII.D.3.d – Parking Lot Landscaping, as follows:

1) Insert the following **underlined** and **bolded** language in VII.D.3.d – Parking Lot Landscaping:

(2) Along other property lines, there shall be provided a landscaped strip at least five (5) feet in width, planted with grass, low shrubs, and shade trees with a minimum 2” diameter caliper, with one tree planted for every fifty (50) feet of perimeter length. This requirement shall not apply to site development proposals that contain multiple lots developed in a coordinated fashion, where site circulation, the development of utilities, or other site design issues would be made impractical by such buffers. **Nor shall this requirement apply to property lines between two or more lots with industrial uses and that are entirely within the Limited Industrial Zoning District.**

***Article 35 Amend Zoning Bylaws
Loading in the LI Zoning District**

VOTED BY A DECLARED 2/3RDS MAJORITY a motion that the Town vote to amend the Zoning By-Law of the Town of Shrewsbury, Section VII – Table II, and Section VI – Table I, Use Regulation Schedule, Footnote 12, as follows:

1) Insert the following **underlined** and **bolded** language in Section VII – Table II, as Footnote 19:

TABLE II										
[MINIMUM REQUIREMENTS]							[MAXIMUM CONDITIONS]			
DISTRICT	Lot Area ⁽¹⁰⁾ Sq. Ft.	Lot ⁽¹⁾ Frontage	Front ⁽²⁾ Yard	Side ⁽³⁾ Yard	Rear Yard	Add'l Area Per ⁽⁵⁾ Dwelling Unit	Open Space Percent of Lot Area	Lot Coverage Percent	Height Feet	Number Stories
Limited Industrial All Uses	80,000	50	50	50 ^{(14)*}	50 ^{(14)*}	--	20	50	50 ⁽¹³⁾⁽¹⁹⁾	4 ⁽¹³⁾

*except 100 when abutting a Residential District

- 19) **The Planning Board may grant a Special Permit to allow for a building height greater than fifty (50) feet to seventy-five (75) feet within the Limited Industrial Zoning District.**

2) *Insert the following **underlined** and ***bolded*** language in Section VI – Table I, Footnote 12:*

- (12) Providing that all loading and unloading is done at the rear or side of the building. **The Planning Board may grant a Special Permit to allow loading and unloading at the front of the building within the Limited Industrial District.**

***Article 36 Amend General Bylaws
Town of Shrewsbury Tree Bylaw**

VOTED an amended motion that the Town vote to amend the General Bylaws of the Town of Shrewsbury by inserting a new article entitled “Town of Shrewsbury Tree Bylaw”, and to read as follows:

TOWN OF SHREWSBURY TREE BYLAW

Section 1. Purpose.

To enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, to ensure proper planting and care of trees on public property, and to establish practices governing the planting and care of trees on public property.

Section 2. Definitions.

As used in this Article, the following words and phrases shall have the meanings indicated:

Damage – any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

Nuisance – any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.

Parkway – the area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

Public property – all grounds and rights-of-way (ROWs) owned or maintained by the Town.

Public tree – any tree or woody vegetation on Town-owned or Town-maintained property or rights-of-way.

Top or Topping – the non-standard practice of cutting back of limbs to stubs within a tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.

Section 3. Forestry Committee.

The Town Manager shall create a “Forestry Committee” hereinafter referred to as the “Committee.”

- a. **Duties.** The Committee shall act in an advisory capacity in Town to the Tree Warden and shall:
 1. Coordinate and promote Arbor Day activities;
 2. Review and update a five-year plan to plant and maintain trees on Town property;
 3. Support public awareness and education programs relating to trees;
 4. Review Town department concerns relating to tree care;
 5. Submit an annual report of its activities to the Town Manager;
 6. Assist with the annual application to renew the Tree Town USA designation;
 7. Recommend a list of tree species for planting on Town property, and a list of prohibited species; and
 8. Other duties that may be assigned by the Town Manager.
- b. **Membership.** The Committee shall consist of five members appointed by the Town Manager. Members of the Committee will serve without compensation.
- c. **Term of Office.** Committee members shall be appointed for three-year staggered terms. If a vacancy shall occur during the term of any member, a successor shall be appointed by the Town Manager.
- d. **Meetings.** The Committee shall meet a minimum of four times each year. All meetings shall be open to the public. The Committee Chair may schedule additional meetings as needed.

Section 4. Tree Planting and Care Standards.

- a. **Standards.** All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.
- b. **Requirements of SELCO and Utility Companies.** The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.
- c. **Preferred Species List.** The Tree Warden shall maintain an official list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity). Trees from this approved list may be planted without special permission; other species may be planted with written approval from the Tree Warden.
- d. **Planting Distances.** The Tree Warden shall develop and maintain an official set of spacing requirements for the planting of trees on public property.
- e. **Planting trees under electric utility lines.** The Town’s electric utility provider, Shrewsbury Electric and Cable Operations (“SELCO”), requires specific minimum clearance of tree branches and vegetation around overhead utility lines. Planting of trees below and near overhead utility lines should be avoided when possible. Rules and guidelines related promulgated under the authority of SELCO for these matters shall be followed.

Section 5. Prohibition Against Harming Public Trees.

- a. It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Tree Warden.
- b. It shall be unlawful for any person, firm, or corporation to attach, without authorization from the Committee, any permanent or temporary cable, wire, sign, lighting, or any other object to any street, park, or public tree.
- c. It shall be unlawful for any person, firm, or corporation to “top” any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Tree Warden.
- d. Any person, firm, corporation, or Town department performing construction near any public tree(s) shall consult with the Tree Warden and shall employ appropriate measures to protect the tree(s), according to procedures contained in the Best Management Practices (BMPs) for “Managing Trees During Construction” published by the International Society of Arboriculture.
- e. Each violation of this section as determined and notified by the Tree Warden shall constitute a separate violation, punishable by fines and penalties in addition to mitigation values placed on the tree(s) removed or damaged in violation of this section. Violations may be enforced through non-criminal disposition method pursuant to M.G.L. Chapter 40 Section 21D. For purposes of non-criminal dispositions, enforcing persons shall be the Tree Warden.

Section 6. Violations and Penalties.

Any person, firm or corporation violating any provision of this Bylaw shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense.

Section 7. Appeals.

Appeals to decisions by the Tree Warden or the Forestry Committee, or to penalties imposed after violations of this Bylaw, shall be heard by the Hearings Officer.

Section 8. Savings and repeal.

All Bylaws or parts of Bylaws in conflict with this Bylaw are repealed to the extent of such conflict.

Section 9. Severability.

Should any word, sentence, clause, paragraph, or provision of this Bylaw be held to be invalid or unconstitutional the remaining provisions of this Bylaw shall remain in full force and effect.

***Article 37 Accept MGL Chapter 60 Section 3D
Tax Relief Fund**

VOTED UNANIMOUSLY a motion that the Town accept Massachusetts General Laws Chapter 60, Section 3D.

***Article 38 Accept MGL Chapter 59 Section 5C 1/2
Tax Exemption**

VOTED UNANIMOUSLY a motion that the Town accept Massachusetts General Laws Chapter 59, Section 5C ½ and increase the exemption amount by 100% of the exemption for which the taxpayer qualifies.

***Article 39 Accept MGL Chapter 59 Section 5 Clause 41D
Tax Exemption**

VOTED UNANIMOUSLY a motion that the Town accept Massachusetts General Laws Chapter 59, Section 5, Clause 41D.

***Article 40 Accept MGL Chapter 59 Section 5 Clause 17E
Tax Exemption**

VOTED UNANIMOUSLY a motion that the Town accept Massachusetts General Laws Chapter 59, Section 5, Clause 17E.

***Article 41 MGL Chapter 32, Sec 103 subsection j
Chapter 188 of Acts of 2010 Sec 19**

VOTED UNANIMOUSLY a motion that the Town vote to accept the provisions of subsection (j) of Section 103 of Chapter 32 of the General Laws as inserted by Section 19 of Chapter 188 of the Acts of 2010 to increase the maximum base on which the Cost of Living Adjustment is calculated by \$2,000 to \$14,000.

***Article 42 MGL Chapter 32 Sec 90A
Disability Retirees**

VOTED UNANIMOUSLY a motion that the Town vote to increase the retirement allowances of retirees retired for accidental disability in accordance with Chapter 32, Sec. 90A of the General Laws.

***Article 43 Land Transfers
Tax Title to General Municipal Purposes**

VOTED UNANIMOUSLY a motion that the Town vote to transfer the 102 parcels of land listed on *Exhibit A: Parcels to be Transferred from Tax Title Custodian to Town Manager's Office*, from the care, custody and control of the Tax Title Custodian to the care, custody, and control of the Town Manager.

***Article 44 Dispose of Land**
12 Cedar Road, 25 Harvard Avenue, 33 Eaton Avenue

VOTED BY A DECLARED 2/3RDS MAJORITY a motion that the Town vote to transfer 33 Eaton Avenue, 12 Cedar Road, 25 Harvard Avenue and a portion of 210 North Quinsigamond Avenue from the care, custody, and control of the Tax Title Custodian, to the care, custody, and control of the Board of Selectmen and further authorize the Board of Selectmen enter into any agreements and do all things necessary to dispose of these properties upon such terms and conditions the Board of Selectmen deem to be in the best interest of the Town.

***Article 45 Street Acceptances**
Lake Street Alignment & Commerce Road

VOTED a motion that the Town vote to:

Accept the alteration of Lake Street, as shown on plan entitled “ROAD LAYOUT PLAN OF LAKE STREET REALIGNMENT SHOWING LOCATIONS OF PROPOSED PERMANENT EASEMENTS & DISCONTINUANCE SHREWSBURY, MASSACHUSETTS” and authorize the Board of Selectmen to acquire by gift, purchase, or taking by eminent domain easements therein for public street purposes, to acquire any ancillary easements associated therewith, and to take any action and execute any documents necessary to effectuate this acceptance of the alteration of Lake Street; and

Accept Commerce Road as a town way, as shown on a plan entitled “ACCEPTANCE PLAN OF COMMERCE ROAD SHREWSBURY MASSACHUSETTS”, and authorize the Board of Selectmen to acquire by gift, purchase, or taking by eminent domain easements therein for public street purposes, to acquire any ancillary easements associated therewith, and to take any action and execute any documents necessary to effectuate this acceptance of Commerce Road.

***Article 46 Amend General Bylaws & Petition General Court**
Board of Selectmen to Select Board

VOTED UNANIMOUSLY a motion that the Town vote to:

1. amend the General By-Laws by changing all references to the Board of Selectmen and Selectmen therein to “Select Board”; and
2. authorize the Board of Selectmen to petition the General Court for a special act to read:

AN ACT CHANGING THE BOARD OF SELECTMEN OF THE TOWN OF SHREWSBURY TO A SELECT BOARD

SECTION 1. Notwithstanding any general or special act to the contrary, including Chapters 553 and 559 of the Acts of 1953, the executive body of the town of Shrewsbury, previously known as the board of selectmen, shall be known as the select board and shall have the powers and authority of a board of selectmen under any general or special law.

SECTION 2. This act shall take effect upon its passage.

And that the General Court to make clerical and editorial changes of form only to the bills, unless the Board of Selectmen approve amendments to the bills before enactment by the General Court, and the Board of Selectmen shall be authorized to approve amendments which shall be within the scope of the general public objectives of the petitions.

***Article 47 Trustees of the Wright and Harlow Trust**

VOTED UNANIMOUSLY a motion that the following individuals be named trustees of the Wright and Harlow Charitable Trust Fund:

Gail E. Claflin
William A. Davis
Dawn M. Shannon
Robert H. Claflin, Jr.
Stanley R. Holden

***Article 48 Amend Intermunicipal Agreement for Westborough Treatment Plant**

VOTED a motion that the Town vote to authorize the Board of Selectmen to enter into an amendment to a certain intermunicipal agreement entered into by the Town and the Town of Westborough.

VOTED a motion to adjourn at 1:34 P.M.