

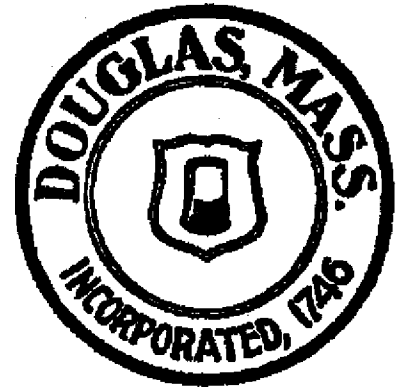
Town of Douglas Voter Information Bulletin

Special Town Meeting

Monday, November 8, 1999 At 7:00 PM

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Finance Committee Message

Articles Deserving Special Attention:

This Special Town Meeting includes a key by-law proposal to add an annually revised Capital Plan to the budget process – calling upon departments to compile a long range plan for all capital expenditures over Ten Thousand Dollars, (Note: The Membership clause will need modification on Town Floor). In addition, the Warrant includes a by-law proposal establishing a one year moratorium on freestanding cell towers while the Town develops more precise regulations; as well as allowing communications antenna on existing structures.

The Selectmen are requesting "seed" monies to evaluate the feasibility of renovating the Old Elementary School. If doable, we then would have an opportunity to reduce the number of modulars needed for classrooms.

A request from the Water & Sewer Commissioners for \$530,000 in design funds to upgrade the Wastewater Treatment Plant and extend lines was passed over. Prior to STM, the FinCOM will review plans calling for 75% of the funding to come from water users and 25% from non-water users in additional taxes.

Administrative, road acceptance, and fund transfer articles make up the remainder of this Warrant.

Dennis Bishop
Chairman, Finance Committee

Article 1. Interim Personal Wireless Service Facility By-law.

To see if the Town will vote to amend its zoning by-laws, or to take any other actions related thereto, to add a new Section X. Wireless Service Facilities and to revise the "Schedule of Use Regulations" at Section III. Use Regulations, as follows:

1. INTERIM PERSONAL WIRELESS SERVICE FACILITY REGULATIONS BY-LAW

SECTION X: WIRELESS SERVICE FACILITIES

10.1. Purpose and Definitions

In order to conform to its responsibilities under the Federal Telecommunications Act of 1996 in a manner consistent with the protection of the health, safety and welfare of the public, and the preservation of property values in the town, this interim Zoning By-law is adopted to temporarily govern the establishment of personal wireless service ("PWS") facilities in the town while the Town continues to review and analyze the range of land use and

regulatory issues raised by the siting and construction of such facilities in view of the rapidly evolving nature of the underlying technology. The Town does not intend this By-law, the terms "personal wireless service" and "personal wireless service facility" shall have the same meaning as in The Telecommunications Act of 1996, 47 USC § 332 (c) (7)(C). The Planning Board shall be the Special Permit Granting Authority (SPGA).

10.2. Term of Interim Regulations

For a period of twelve months from the date the Town Meeting votes to adopt this By-law, no building or special permit shall be issued for the placement, construction, erection or modification of any structure to provide for PWS facilities either as a principal use, or as an accessory use except as here provided.

10.3 Permits

- A. A PWS facility is a permitted use in all zoning districts if totally enclosed in an "existing structure" (a building or other structure existing on August 27, 1999, but excluding structures within the public right-of-way).
- B. A PWS facility which includes an extension of up to 20 feet in height above the height of an "existing structure" on which it is mounted may be authorized by Special Permit granted by the SPGA in all zoning districts provided that the Planning Board finds, in its judgement, after a public hearing and soliciting and reviewing comments from other Town boards, departments, agencies, and their staff, that reasonable measures shall be or already have been taken to:
 - 1. mitigate against negative impacts on visual quality affecting properties and streets by incorporating reasonable design, siting and screening methods; and
 - 2. protect against potential damage to properties and streets from structural failure or collapse or from falling ice.

10.4 Decision Criteria

In making its decision, the Planning Board shall consider the extent to which a proposed

law to prohibit or have the effect of prohibiting the provision of personal wireless services in the town. For purposes of

PWS facility, together with any related equipment (collectively the "PWS facility"), meets the following criteria:

- A. Any PWS facility shall be located such that if it were to fall or collapse, it would fall or collapse entirely within the boundaries of the parcel on which it is to be located;
- B. Any ground-level PWS facility shall be sited, designed and constructed in such a manner that existing vegetation is preserved to the maximum extent practicable;
- C. Any fencing proposed shall be screened by a landscape buffer;
- D. Lighting shall be limited to that needed for emergencies and/or as required by the FAA;
- E. To the extent technologically feasible, all interconnections from the PWS facility shall be via land lines;
- F. Lattice-style towers requiring three or more legs and/or guy wires for support are prohibited as extensions of "existing structures";
- G. The applicant shall demonstrate that the proposed technology is the safest and least obtrusive to the landscape currently available.
- H. PWS facilities proposed to be enclosed in an "existing structure" shall be concealed from view and shall not significantly alter the exterior of the "existing structure" within which the PWS facility is to be enclosed.
- I. PWS facilities shall be sited and designed in a manner which minimizes its visibility from properties and streets.
- J. PWS facilities mounted on a roof shall be stepped back from the front façade in order to limit their impact on the building's silhouette.
- K. PWS facilities which are side mounted shall blend with the existing structure's architecture and, if over five (5) feet square, shall be painted or shielded with material which is consistent with the design features and materials of the existing structure.
- L. The Planning Board may waive compliance with any of the above-listed criteria, provided it determines that such would not derogate from the intent of ~~these~~ this Interim Regulations By-law.

10.5 Applications

Any application under this section shall include a plan with the following:

- A. A drawing to-scale accurately depicting the proposed facility within the context of the site on which it is to be located and the surrounding area;
- B. A report or reports prepared by professional engineers describing:
 1. the technical, economic and other reasons for the facility height, location and design;
 2. the capacity of the facility, including the number and type of transmitters and receivers it can accommodate and the basis for the calculation of the capacity;
 3. how the proposed facility complies with all applicable Federal and State standards;
 4. Statements of compliance with, or exemption from, the regulations of all federal and state agencies governing personal wireless service facilities or uses, including but not limited to: the FAA, FCC, Massachusetts Aeronautics Commission, and Massachusetts Department of Public Health;
- C. A demonstration of the visual impact of the proposed PWS structure by raising a balloon, or a temporary structure, on the proposed site to the height of the proposed structure for such period of time as the Planning Board determines to be necessary.

10.6 Review Costs

The applicant shall pay all costs for the Planning Board to have independent consultants review the application ~~materials~~ and its renewals.

10.7 Term

- A. Special Permits authorized under this section shall be limited to an initial term of two years and shall be renewed every two years thereafter provided the special permit holder has filed with the Board annual certification demonstrating continuing compliance with the special permit and with applicable federal and state regulatory requirements.
- B. Any parts of the PWS facility which have not been used for one year shall be dismantled and removed at the ~~owner's~~ permit holder's expense. The permit holder shall post a bond or other financial security with the Town Treasurer in an amount deemed sufficient to cover demolition and removal of PWS facilities in the event of discontinuance of use.

10.8 Town Exemption

Exempted from the provisions of this by-law are any existing or proposed Town structures to be utilized solely by the Town to promote public health and safety, which structures may be allowed in all zoning districts by Special Permit, issued by the Planning Board, provided that such structures shall not exceed 90' in height, and the Planning Board finds, after a public hearing, that the use of an existing structure, consistent with this by-law, is not feasible, and that the height of such structure does not exceed the minimum height required for Town use.

2. REVISION OF USE REGULATIONS

Article 1. SECTION III: USE REGULATIONS

3.02 SCHEDULE OF USE REGULATIONS

Section 1.01 C. COMMERCIAL

	R-A	RC-1	RC-2	VR	CB	COMM	IND
16. Personal Wireless Service facilities totally enclosed in an "existing structure" (a building or other structure existing on August 27, 1999, but excluding structures within the public right-of-way).	P	P	P	P	P	P	P
17. Personal Wireless Service facilities which include an extension of up to 20 feet in height above the height of an "existing structure" on which it is mounted.	S	S	S	S	S	S	S

Recommendation: The Finance Committee recommends this article.

Article 2. Capital Plan By-law

To see if the Town will vote to amend its general by-laws, or to take any other actions related thereto, to add a new Article II - Administration and Finance,

Section 8 - Capital Plan, as follows:

Section 8. Capital Improvement

The objectives of this by-law are to:

- i. Create and maintain a credible, sensible, and affordable Town Capital Improvement Program; and
- ii. Prioritize and schedule the use of Town resources to build, replace and maintain the public facilities and equipment needed by, and required to responsively serve, the citizens of the Town of Douglas.

a. Establishment of Capital Improvement Committee

1. There shall be established a Capital Improvement Committee, hereinafter referred to as "Committee", which shall perform the duties set forth in the following sections of this by-law and shall be governed by the provisions hereof.
2. The Committee shall consist of eleven (11) registered voters of the Town of Douglas, including up to 6 department heads or their representatives appointed by the Board of Selectmen for a one (1) year term, and 5 members-at-large, who shall be appointed by the Board of Selectmen for a term of three years, with the initial appointment of three (3) members for one (1) year, four (4) members for two (2) years, and four (4) members for three (3) years.

b. Vacancies; Officers; Compensation

1. Whenever a vacancy occurs on the Committee, the Board of Selectmen shall fill it. Any person appointed to fill a vacancy shall hold office for the unexpired term of the person succeeded.
2. The Committee shall annually elect from among its members a Chairperson, and

such other officers as it shall deem appropriate.

3. Committee members shall serve without compensation.

c. Authorities and Responsibilities

1. The Committee shall be responsible for surveying the growth and other needs of the Town and the physical condition and adequacy of all town buildings and facilities. The Committee shall meet from time to time with representatives of all town departments to learn and understand the capital outlay needs of each.
2. The Committee shall consider the relative need, the timing, the cost and the proposed method of financing each capital expenditure proposed. The Committee shall prepare and shall annually revise, update and extend a capital outlay program that forecasts the projected capital expenditure needs of the Town for the five fiscal years next ensuing.

d. Capital Expenditure Defined

For the purpose of this by-law, a Capital Expenditure is defined as any non-recurring expenditure financed in whole or in part by town funds for capital improvements having a substantial useful life (in excess of four years) the total cost of which exceeds \$10,000.00 or such other threshold level as may be established annually by the Capital Improvement Committee, Finance Committee, Board of Selectmen, including:

1. Any acquisition, disposition, lease or transfer of land; or
2. Any acquisition, disposition, lease or transfer of motor vehicles; or
3. Any acquisition or lease of any single item of equipment.
4. Any construction, reconstruction, replacement, extension or other improvement of public buildings, highways, sidewalks, storm drains, sewerage installations, playgrounds, parks or substantially similar public

works, or for a facility, structure or a utility appurtenant to any of the same.

5. The cost of planning and design studies in preparation for capital projects.

e. Duties of Committee; Town Meetings

1. The Committee shall ascertain annually what capital expenditures will be required by the Town during the subsequent five (5) fiscal years and identify such other community capital needs as may be anticipated to occur over the next 20 years. In making its determinations, the Committee shall consult with such officers of the Commonwealth of Massachusetts and of the Town and its various Boards and Committees, as in its discretion it shall deem appropriate and beneficial. Department heads and chairpersons of all boards, commissions and committees of the Town, whether elected or appointed, shall submit to the Committee, not later than July 1 of each year, recommendations and statements of needs and/or proposed plans involving capital expenditure requirements for the subsequent five (5) fiscal years.
2. The Committee shall present an annual Capital Improvement Plan to the Town at a Fall Special Town Meeting, and shall include in such Plan its recommendations for the scheduling of capital expenditures and for the financing of such expenditures. The Town Meeting may annually adopt a five year Capital Improvement Plan with projects and funding allocations to be considered at the next Annual Town Meeting. All capital improvement items proposed after adoption of the Capital Improvement Plan shall be forwarded to the Finance Committee and Capital Improvement Committee for accelerated review. Any failure to follow these procedures shall give authority to the Board of Selectmen to exclude a capital request from the Warrant, except in the case of a petitioned article. To add such project, the Capital Improvement Committee shall endeavor to delete such other project(s) as may be necessary to

keep within the programmed amount available for capital projects. The Board of Selectmen, in its sole discretion, may determine that an emergency exists, and waive the aforementioned requirements.

3. The Committee shall prepare and maintain a Community Resource profile to be a basis of reference in the Capital improvements program planning and recommendations. This profile should include, but not be limited to, the following:

- (a) ten (10) year record and ten (10) year projection of the Town's growth in population;
- (b) the ten (10) year record and ten (10) year projection of the number of public, residential, commercial, industrial and other buildings, structures and facilities;
- (c) estimated value, floor space and/or land areas of public, residential, commercial, industrial and other building, structures and facilities;
- (d) current school student population, and the total, per student and per taxpayer costs for the current fiscal year;
- (e) five (5) year projection of school student population;
- (f) total acreage of each zoning district, with a classification, by percentage, of developed, developable and undevelopable acreage in each zoning district;
- (g) ten (10) year record of town expenditures, in total and by department; board, committee or other functional group or unit;
- (h) ten (10) year record of tax rates;
- (i) ten (10) year record of total assessments; and
- (j) list of capital improvement commitments for the current year, and the prior and subsequent five (5) fiscal years.

f. Regulations.

The Committee may adopt regulations setting forth information standards and requirements for

the inclusion of projects in the Capital Improvement Plan.

Recommendation: *The Finance Committee recommends this article.*

Article 3. Veterans Affairs

To see if the Town will vote to amend the Memorial Day appropriation to change its name to "Veterans Affairs" and authorize the Town to enter into contract with the VFW to conduct Memorial Day and other community events by or on behalf of Douglas veterans; and further to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a sum of money to the Veterans Affairs account, or to take any other actions related thereto.

Recommendation: *The Finance Committee recommends this article.*

Article 4. Sewer Treatment Facility Design Study

To see if the Town will to raise and appropriate, borrow, or transfer from available funds a sum of money to design and engineer an upgrade of the Douglas Wastewater Treatment Facility and an extension of lines into unsewered areas, to be spent under the direction of the Water and Sewer Commissioners and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen is authorized to borrow for a period of up to 30 years under G.L. Chapter 44, Section 7 or any other lawful authority; and that the Treasurer with the approval of the Board of Selectmen, is authorized to borrow all or a portion of the amount from the Massachusetts Water Pollution Abatement Trust or otherwise, or to take any other actions related thereto.

Recommendation: *The Finance Committee passed over this article.*

Article 5. Special Election

To see if the Town will vote to raise and appropriate the sum of \$2,100 for Town Clerk's Expenses for the purpose of funding a Special Election, or take any other action related thereto.

Recommendation: *The Finance Committee recommends this article.*

Article 6. Assessors' Personnel Services

To see if the Town will vote to amend the action taken at the Annual Town Meeting held May 18, 1999 to increase the sum appropriated to the Assessors Personnel Services Account to \$59,559, or take any other action related thereto.

Recommendation: *The Finance Committee recommends this article.*

Article 7. Soccer Field

To see if the Town will vote to transfer the sum of \$16,500 from Recreation Capital Project (630.001) to the Martin Road Project (630.002) for the construction of a soccer field within the Martin Road Recreational Area, or take any other action related thereto.

Recommendation: *The Finance Committee recommends this article.*

Article 8. Correction of Budget

To see if the Town will vote to amend the Fiscal 2000 budget to correct an error by changing the Board of Health Monitor Landfill account from \$9,000 to \$2,000 and the Board of Health Monitor Wells account from \$2,000 to \$9,000, or take any other action related thereto.

Recommendation: *The Finance Committee recommends this article.*

Article 9. Chapter 70 Funds

To see if the Town will vote to amend the action taken at the Annual Town Meeting held on May 17, 1999 to raise and appropriate additional sums of money for the School Department - Personnel Services and Expenses (300.000) from the State's Appropriation of Chapter 70 funds, or take any other action related thereto.

Recommendation: *The Finance Committee recommends this article.*

Article 10. Acceptance of Roads - Stonewall Court

To see if the Town will vote to accept Stonewall Court as a public way; said way as shown on the

plan entitled "Douglas Woods" and owned by V. Bucciarelli & Co. which plan is dated December 13, 1995, and was prepared by Andrews Survey & Engineering, Inc., laid out by order of the Board of Selectmen and filed with the Town Clerk, and if the Town will further vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement to use said way for all purposes for which public ways are used in the Town of Douglas, or to take any other actions related thereto.

Recommendation: The Finance Committee recommends this article.

Article 11. Acceptance of Roads – Brandywine and Darling Way

To see if the Town will vote to accept Brandywine and Darling Way as public ways; said ways as shown on the plan entitled "Darling Way" which plan is dated December 13, 1995, and was prepared by Andrews Survey & Engineering, Inc. laid out by order of the Board

of Selectmen and filed with the Town Clerk, and if the Town will further vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement to use said way for all purposes for which public ways are used in the Town of Douglas, or to take any other actions related thereto.

Recommendation: The Finance Committee recommends this article.

Article 12. Old Elementary School Renovation Feasibility Study

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of eleven thousand four hundred dollars (\$11,400) to Selectmen's Expenses for a Old Elementary School Renovation Feasibility Study, or to take any other actions related thereto.

Recommendation: The Finance Committee recommends this article.

SPECIAL ANNOUNCEMENT:

**School Building Construction Plans
Are Expected To Be
Presented to a
December 15th Special Town Meeting
Followed By A Ballot Question
on January 11th.**

**On the Agenda... Wireless Service Facilities, Capital Improvement,
Sewer Treatment, and Martin Road Soccer Fields.**

This Special Town Meeting has several articles of special interest:

Article 1: The Board of Selectmen proposes a by-law to permit wireless antenna by right if totally enclosed in existing structures and by special permit with extensions up to 20 feet higher than existing structures. Free standing and other facilities would not be permitted for a period of 12 months.

Article 2: The Capital Planning Committee proposes a by-law creating a capital improvement program process and standing committee.

Article 3: Board of Selectmen proposes to contract with the VFW to sponsor community events by or on behalf of Douglas Veterans,

Article 4: The Water & Sewer Commissioners seek a bond authorization to finance the design of major improvements to the sewer treatment plant.

Article 5: The Town Clerk seeks supplemental funds for the costs of a special election.

Article 6: The Board of Assessors seek supplemental funding for part-time staffing.

Article 7: The Recreation Commission seeks to construct a soccer field by transferring funds to the Martin Road project from funds now reserved for a soccer field on state property at Wallum Lake.

Article 8: The Board of Health seeks a technical correction to its budget line items.

Article 9: The School Committee seeks an appropriation of Chapter 70 funds if the Governor signs the State Budget by the date of the STM.

Article 10: The Board of Selectmen propose the acceptance of Stonewall Court as a public way.

Article 11: The Board of Selectmen propose the acceptance of Brandywine and Darling Way as public ways.

Article 12: The Board of Selectmen propose funding a feasibility study to renovate the Old Elementary School behind the Post Office for reuse.

Town of Douglas

29 Depot Street

Douglas, MA 01516

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

RESIDENT

DOUGLAS, MA 01516

**Special Town Meeting
Monday, November 8th, beginning at 7:00PM
Douglas Junior/Senior High School Auditorium**