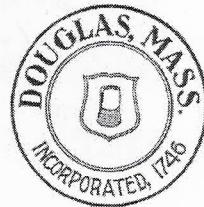


**SPECIAL TOWN MEETING WARRANT
TOWN OF DOUGLAS
COMMONWEALTH OF MASSACHUSETTS
Monday, November 6, 2023
Douglas High School Auditorium
7:00 PM**

Worcester, SS

To any Constable of the Town of Douglas, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify the inhabitants of the Town of Douglas who are qualified to vote in Elections and Town affairs to meet in the Douglas High School Auditorium, 33 Davis Street, in said Douglas, on **Monday, the Sixth of November 2023, A.D.** for a Special Town Meeting commencing at 7:00 P.M.; for the following purposes:



Article 1.	Fiscal Year 2024 Budget Transfers / Amendments
Article 2.	Capital Improvement Supplemental Budget
Article 3.	Transfer from Free Cash to Stabilization Account
Article 4.	Waterways – Douglas Dive Rescue Team Account
Article 5.	Changes to Personnel Compensation Chart
Article 6.	Amend General Bylaw Language - Senior Tax Work-Off Program
Article 7.	Ratify Douglas Police/Fire/EMS Public Safety Communicators Contract
Article 8.	Amend Zoning Bylaw Section 6.8 – Solar Bylaw
Article 9.	Adopt No Solicitation Bylaw
Article 10.	W/S Department - Water Main Updates Engineering/Design for Depot Street Project
Article 11.	Bylaw Amendment Article 5: Regulation of Property, Section 5: Scenic Roads
Article 12.	Bylaw Amendment Article 4: Licenses and Permits, Section 10: Residential Building Permits

Article 1: Fiscal Year 2024 Budget Transfers /Amendments

To see if the Town will vote to raise and appropriate, and or transfer from available funds such sums of money as are necessary to fund the following amendments to Article 2 of the Annual Town Meeting of Monday, May 1, 2023; or take any other action relative thereto.

Increase Economic Development Expenses	\$500
Increase Cemetery Expenses	\$2,900
Increase Selectmen Wages	\$5,563
Increase Selectmen Expenses	\$7,000
Increase Town Hall Office Expenses	\$3,000
Increase Awards & Recognition Expenses	\$300
Increase Finance Director/Accountant Wages	\$2,700
Increase Finance Director/Accountant Expenses	\$3,200
Increase Assessors Expenses	\$10,000
Increase Treasurer/Collector Expenses	\$5,000
Increase Police Wages	\$34,000
Increase Fire Wages	\$47,500

Increase Ambulance Wages	\$107,500
Increase Fire Expenses	\$22,000
Increase Community Development Expenses	\$35,000
Increase Tree Warden Expenses	\$50,000
Increase Douglas Public School Personnel & Expenses	\$187,347
Increase Building Department Expenses	\$3,000
Increase Highway Maintenance Expenses	\$15,000
Increase Nurse Expenses	\$500
Increase Zoning Board of Appeals Expenses	\$2,000
Decrease Highway Wages	\$20,000
Decrease Community Development Wages	\$35,000
TOTAL	\$489,010

Article 2. Capital Improvement Supplemental Budget

To see if the Town will vote to approve the following as submitted by the Capital Improvement Committee to raise and appropriate, and or transfer from available funds the sum of **\$125,000** to fund the following Capital Projects; or take any other action relative thereto.

Projects:	Previously Approved Roof Projects	Additional Funds Requested	Total Project Costs
Municipal Center Roof Project*	\$435,000**	\$80,000	\$513,000
Brush Cutting Head for Sidewalk Tractor		\$45,000	\$43,000
Total	\$435,000	\$125,000	\$556,000

*Municipal Center Main Roof	Art 10 5/15/21	\$345,000**
*Municipal Center Elevator Wing Roof Replacement	Art 10 5/01/23	\$90,000**

The Municipal Center Main Roof and Municipal Center Elevator Wing Roof Replacement will be transferred to the new project renamed Municipal Center Roof Project.

The funds shall include the following transfers from previously approved capital projects with the remainder coming from free cash as noted:

New Sidewalk	Art 9 5/05/08	\$9,503.25
Financial Software	Art 8 5/05/14	\$1,275.00
Building – Vehicle	Art 10 ATM 5/02/22	\$3,783.39
Transfer from Previously Approved Projects		\$14,561.64
Transfer from Free Cash		\$110,438.36
Total Transfer from all Sources		\$125,000.00

Article 3. Transfer from Free Cash to Stabilization Account

To see if the Town will vote to transfer the sum of **\$227,367.63** from Free Cash to the Stabilization Account; or take any other action related thereto.

Article 4. Waterways – Douglas Dive Rescue Team Account

To see if the Town will vote to transfer the sum of **\$10,000** from the Waterways Receipts Reserved for Appropriation Account for the purpose of purchasing water rescue equipment, repairs and maintenance for the boats, and any other associated costs; or take any other action relative thereto.

Article 5. Changes to Personnel Compensation Chart

To see if the Town will vote to change the Personnel Compensation Chart by adding the following position titles and grades / steps:

- Library Assistant – OA -1
- COA Bus Driver – MS- 2

; or take any other action relative thereto.

Article 6. Amend General Bylaw Language - Senior Tax Work-Off Program

To see if the Town will vote to amend the following general bylaw language:

Section 9, Paragraph 5: Administration of the Senior Citizen Property Tax Work-off Abatement Program

“Annually, the Board of Assessors shall determine the maximum number of volunteers which can be declared eligible for an abatement of up to \$750 per fiscal year.

and replace it with:

“Annually, the Board of Assessors shall determine the maximum number of volunteers which can be declared eligible for an abatement of up to **125 hours at the Commonwealth minimum wage** per fiscal year.

; or take any other action relative thereto.

Article 7. Ratify Douglas Police/Fire/EMS Public Safety Communicators Contract

To see if the Town will vote to ratify the collective bargaining agreement executed by the Board of Selectmen and the Douglas Police/Fire/EMS Public Safety Communicators on October 3, 2023; or take any other action relative thereto.

Article 8. Amend Zoning Bylaw Section 6.8 – Solar Bylaw

To see if the Town will vote to amend Section 6.8 of the Douglas Zoning Bylaws as follows; or take any other action relative thereto.

6.8.3 Changes of Covenant, Use, Restrictions, or Designations for Solar Energy Systems

No Solar Energy Systems of any size shall be installed in violation of covenants created by a Homeowner's Association, Condo Association, or other neighborhood governing

structure that applies to a grouping of parcels of residential land, provided such covenant is valid and consistent with MGL c. 184, Sec. 23.

6.8.3.4 Any change of use or designation of the parcel including but not limited to MGL 61, MGL 61A, or MGL 61B.

In To the extent practicable under Massachusetts law, in the event of a change which allows the Town of Douglas a Right of First Refusal, the Town of Douglas's Board of Selectmen and/or all potential assignees must waive the Right of First Refusal; or, in the event the Selectmen or an Assignee exercise the Right of First Refusal, a closing on a proposed purchase must not should occur before the Site Plan Approval or the Special Permit Application. Applicants for Site Plan Approval and/or a Special Permit are strongly encouraged to complete this process before applying. Will be considered complete. The If an application is filed before that process is completed, the Board may request that the applicant agree to toll the required time periods for holding a public hearing on such application will be tolled until such events occur.

6.8.4.6 If earthwork activities require that material including, but not limited to, clean fill, loam, sand, and/or gravel be imported from off site, such material must be clean and without contamination by hazardous substances or invasive species and must be obtained from a source approved by the Douglas Department of Public Works. The applicant shall submit a detailed manifest describing the source of the material and shall provide the results of materials testing demonstrating that no hazardous substances or invasive species contaminate the material. If a manifest or material testing information is not provided, the material must be removed and replaced at the applicant's expense. This shall be a condition of any approval or permit issued under this bylaw.

6.8.5 Site Plan Approval

In addition to the requirements of Section 6.8.2.2 above, Commercially-Scaled Solar Energy Systems shall undergo Site Plan Review (Section 9.4 of the Town's Zoning Bylaw) by the Planning Board prior to construction, installation or modification as provided in this section. Site Plan Review shall be conducted simultaneously with the Special Permit process. All plans and maps shall be prepared, stamped, and signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts. The following documents shall be provided in addition to or in coordination with those required for Site Plan Review (Section 9.4):

6.8.5.2 Description of financial surety that satisfies Section 6.8.13.3; as well as a performance guarantee to address construction;

6.8.6 Site Control

The Site Plan and Special Permit applications shall include documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar energy system for the anticipated lifespan of the project, including the time necessary for decommissioning.

6.8.8 Utility Notification

No Commercially-Scaled Solar Energy Systems shall be constructed until evidence has been given to the Planning Board that the electric utility provider that operates the electrical grid where the installation is to be located has been informed of the solar energy system owner or operator's intent to install an interconnected facility and until such utility provider has provided its comments to the Board or waived its right to do so in writing. The Board may, if it deems it appropriate to do so in a particular case, waive this requirement. Off-grid systems shall be exempt from this requirement.

6.8.9.2 Appurtenant Structures - All appurtenant structures to Commercially-Scaled Solar Energy Systems shall be subject to the Town's Zoning Bylaw requirements concerning the bulk of structures, lot area, setbacks, open space, parking and building coverage requirements and subject to any applicable health, safety and welfare regulations. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, fencing, transformers, and substations, shall be architecturally compatible with each other. Structures shall be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

6.8.10.5 Vegetation Management - Herbicides may *not be used to control vegetation at the solar energy system* only be used in compliance with the Massachusetts Department of Agricultural Resources' regulations.

6.8.13.1 Removal Requirements - Any Commercially-Scaled Solar Energy System which has reached the end of its useful life or has been abandoned consistent with Section 6.8.13.2 of this bylaw, shall be removed. The property owner or operator shall apply for building permits to remove the solar energy system not more than 180 days after the date of discontinued operations. The Planning Board, Community Development Director and the Building Commissioner shall be notified by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all Commercially-Scaled Solar Energy Systems, structures, equipment, security barriers and transmission lines from the site;
- (b) Proper disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
- (c) Stabilization, grading, and/or re-vegetation of the site as necessary to minimize erosion as approved by Community Development Director. The Community Development Director may allow the

owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

(d) 6.8.13.2 Abandonment - Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. Upon written request from the Building Commissioner addressed to the contact address provided and maintained by the owner and operator as required in this bylaw, the owner or operator shall provide evidence to the Building Commissioner demonstrating continued use of the installation. Failure to provide such evidence within thirty (30) days of such written request shall be conclusive evidence that the installation has been abandoned. If the owner or operator of the Commercially-Scaled Solar Energy System fails to remove the installation in accordance with the requirements of this section, the Town may enter onto the Property and remove an abandoned, hazardous or decommissioned Commercially-Scaled Solar Energy System. To facilitate such entry, the grant of an easement to the Town shall be a condition of Special permit Approval. The applicant, Installation owner, and/or landowner shall otherwise agree to allow entry to remove an abandoned or decommissioned installation. The *Town's* Town may pursue the cost for the removal will be under M.G.L. 139, Sec. 3A and may charge assess to the property owner *in accordance with the provisions of M.G.L. 139, Section 3A as* a tax lien on the property, or shall otherwise be recovered under a decommissioning agreement pursuant to Section 6.8.13.3 below.

(e) 6.8.13.3 Decommissioning Financial Surety - A form of surety shall be provided and thereafter maintained, either through an escrow account, bond or other form of surety approved by the Planning Board to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 150 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent and the Town. The agreement governing such security shall be in a form approved by the Planning Board and Town Counsel. Such surety will not be required for municipal or state-owned facilities. A fully inclusive estimate of the costs associated with removal, prepared by a licensed Professional Engineer shall be submitted to the Community Development Director for review. The amount shall include a mechanism for

calculating increased removal costs. The owner shall increase or replenish the surety as necessary to maintain an adequate amount, as determined by the Planning Board in accordance with the requirements of this bylaw and the Planning Board may, as appropriate, and with notice and opportunity to the owner, order said amounts to be increased and/or replenished.

Article 9. Adopt No Solicitation Bylaw

To see if the town will vote to adopt the following general bylaw; or take any other action relative thereto:

16.1 Findings and intent:

This Article is intended to regulate door to door sales by licensing sales agents; establishing a No Solicitation Registry and setting reasonable time and manner restrictions on door to door solicitation, including enforcement of the No Solicitation Registry.

16.2 Definitions:

Door to Door Sales – The in-person solicitation of sales and goods or services for present or future delivery by entry upon residential property, including multifamily or duplex residential property, or by soliciting persons located on residential property from a street, sidewalk, or other adjacent property, without the prior invitation of the person to be solicited.

Door to Door Sales Permit – A permit issued to a sales agent to engage in door to door sales in accordance with this article.

No Solicitation Registry - A registry of residential addresses in the Town, organized alphabetically by street name, indicating those residential properties placed on the registry at the request of the owner or occupant indicating that he or she does not want sales agents to enter his or her property.

Sales Organization - Any entity engaged in the supervision, recruitment, retention, or employment of a salesperson or salespersons, including any person or representative thereof.

Salesperson – Any person engaged in door to door sales of goods or services for present or future delivery.

Sales Supervisor – Any person who directs or supervises a salesperson or salespersons engaged in door to door sales.

16.3 Administration:

The Town of Douglas door to door sales permit process shall be administered by the Douglas Police Department. The Town of Douglas No Solicitation Registry shall be administered by the Douglas Town Clerk.

16.4 Application requirements:

A. Each salesperson must apply individually to the Douglas Police Department during posted administrative hours by submitting a completed application, which shall require:

1. Government issued photographic identification
2. Date of birth
3. Social Security number
4. Permanent residential address
5. Current home / cell phone number
6. Sales organization information
7. Sales supervisor identity
8. Make, model, color, and registration number of any vehicle(s) used to transport the sales agent, sales supervisor, or sales materials.

B. Failure to submit any of the information listed above may be grounds for denial for the permit.

C. An Application Fee to be established and adjusted from time to time by the Board of Selectmen shall accompany each Town of Douglas door to door sales permit application.

D. Background check. Subject to the provisions of the Massachusetts Criminal records Offender Information Act, MGL Chapter 6 and 167 et seq., and regulations set thereunder, the Douglas Police Department shall conduct a criminal records check of each applicant for a Town of Douglas door to door sales permit to determine the applicant's fitness and suitability to conduct door to door sales. The background check shall be initiated within seven (7) days of receipt of the application. The Douglas Police Department may deny a permit hereunder if the background check reveals any convictions for felonies, or other offenses that, in the judgement of the Department, may imperil the public health, safety, or welfare.

E. A decision on the application shall be issued by the Douglas Police Department, in writing, within 30 days following receipt of the results of the background check.

F. A permit issued under this by-law will be valid for thirty days (30) days from the time of issuance unless suspended or revoked by the Chief of Police.

16.5 No Solicitation Registry:

A. Residents may submit their property for inclusion on the No Solicitation Registry, without charge, to the Douglas Town Clerk.

B. Upon approval and issuance of a Town of Douglas door to door sales permit, each salesperson shall be provided with a copy of the No Solicitation Registry.

C. The only exception to the No Solicitation Registry shall be limited to Douglas youth groups serving children 17 years of age and under, politicians campaigning, and religious organizations. Such excepted organizations and entities shall not be required to obtain a permit hereunder.

16.6 Door to Door sales regulations:

- A. No salesperson shall engage in door to door sales without first having applied for and received a Town of Douglas door to door sales permit.
- B. No sales organization shall allow any salesperson to engage in door to door sales who has not applied for and received a Town of Douglas door to door sales permit.
- C. No sales supervisor shall direct or supervise, or allow any salesperson to engage in door to door sales who has not applied for and received a Town of Douglas door to door sales permit.
- D. No salesperson shall enter within the perimeter of any residential property included on the No Solicitation Registry. In addition to the fine(s) established below, inclusion of a residential property on the No Solicitation Registry except those identified in C. above shall constitute notice prohibiting trespass under MGL Chapter 266 section 120.
- E. No salesperson shall solicit sales from a person situated in a residential property included on the No Solicitation Registry from a street, sidewalk, or other adjacent property except those identified in C. above.
- F. Each salesperson shall carry the Town of Douglas door to door sales permit at all times while engaged in door to door sales and shall display said permit upon request by any Police Officer, Town Official, or any person present at a residential property where door to door sales are solicited.
- G. No salesperson or supervisor shall use any vehicle to transport persons or materials for door to door sales unless said vehicle is identified in the Town of Douglas sales permit application.
- H. Door to door sales shall not be conducted except during the hours between 9:00 a.m. and 7:00 p.m.

16.7 Violations and Penalties:

- A. Each violation of any provision of this article shall be punished by a fine not to exceed \$100.00
- B. Upon the occurrence of a second violation of this article by any salesperson, the issuing authority may, by written notice, revoke that salespersons Town of Douglas door to door sales permit.

16.8 Severability:

The invalidity of any portion of this article shall not invalidate any other portion.

Article 10. W/S Department - Water Main Updates Engineering/Design for Depot Street Project

To see if the Town will vote to raise and appropriate and or transfer from Water/Sewer Enterprise Fund retained earnings the sum of \$300,000 (water system development \$82,000, retained earnings \$218,000) for the purpose of design and engineering costs involving a water/sewer/stormwater/culvert infrastructure upgrade and road resurfacing project on Depot Street, from Main Street to the end of Depot Street and completing a water loop to Martin Road via Maple Street or parcel 189-14 whichever is deemed appropriate through the design and engineering process; or take any other action relative thereto.

Article 11. Bylaw Amendment Article 5: Regulation of Property, Section 5: Scenic Roads

CITIZENS' PETITION:

ARTICLE FOR TOWN MEETING, TO AMEND ARTICLE 5: REGULATION OF PROPERTY

To see if the Town will vote to amend the Town of Douglas General Bylaws with the following modifications; or take any other action relative thereto.

, under:

ARTICLE 5: REGULATION OF PROPERTY, SECTION 5: SCENIC ROADS

, by deletion of:

e. Violations

A violation of this by-law shall be punishable on a 1st offense by a fine of \$50, upon a 2nd offense by a fine of \$75, and upon a third or additional offense by a fine of \$200 for each offense.

, and insertion of the following:

e. Prohibition

On land parcels abutting a scenic road, an Earth Removal Permit as defined by the Douglas Zoning By-laws, Section 6.1 EARTH REMOVAL, shall be prohibited. Further, no scenic road shall be considered in the Earth Removal permitting process for the means of transporting removed earth from an earth removal project.

f. Violations

For matters related to tree removal or destruction of stone walls, a violation of this by-law shall be punishable on a 1st offense by a fine of \$50, upon a 2nd offense by a fine of \$75, and upon a third or additional offense by a fine of \$200 for each offense. In adjudication of the matter, the Planning Board may additionally consider injunctive relief in a court of competent jurisdiction to enforce restoration of bordering conditions of the scenic way.

Article 12. Bylaw Amendment Article 4: Licenses and Permits, Section 10: Residential Building Permits

CITIZENS' PETITION:

ARTICLE FOR TOWN MEETING, TO AMEND ARTICLE 4: LICENSES AND PERMITS

To see if the Town will vote to amend the Town of Douglas General Bylaws with the following modifications:

, under:

ARTICLE 4: LICENSES AND PERMITS

, insert the following:

SECTION 10: RESIDENTIAL BUILDING PERMITS

(a) Purpose

The intent of this By-law is to establish certain criteria related to the development of new residential buildings, thereby aiding in the preservation of significant and distinctive characteristics of the Town; and encouraging a diverse community of businesses and persons related to residential construction.

(b) Definitions

Unless the content specifically indicates otherwise, the meaning of the terms used in this section shall apply only to this section, being as follows:

Dwelling – a building or structure containing one or more dwelling units.

Dwelling unit – a single unit, providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation.

Granting Authority – Inspector of Buildings / Building Commissioner, State Building Inspector, or in appellate cases, the Building Code Appeals Board, in accordance with MGL Chapter 143 § 100.

Landowner – the owner or owners of one or more parcels of land within the Town of Douglas.

New Residential Construction Permit - a permit for construction of a **new** building or structure whose Use Group is defined under Massachusetts 780 CMR as R-2, R-3, or R-4; residential structures whose Dwelling Units are intended for permanent occupants.

New Residential Development – construction of a **new** building or structure whose Use Group is defined under Massachusetts 780 CMR as R-2, R-3, or R-4; residential structures whose Dwelling Units are intended for permanent occupants.

(c) Permitting

The Granting Authority shall restrict granting of New Residential Construction Permits in the Town of Douglas as follows:

New Residential Construction Permits in any 365 calendar-day period shall be limited to no greater than five (5) Dwelling Units where any of the succeeding conditions may exist:

- (1) A proposed New Residential Development, or plurality thereof, is situated upon a parcel of land or group of parcels of land having a common Landowner at the effective date of this By-law;
- (2) A proposed New Residential Development, or plurality thereof, is situated upon a parcel of land or group of parcels of land having a common Landowner at the application date of the New Residential Construction Permit(s);
- (3) A common applicant requests New Residential Construction Permit(s) for a proposed New Residential Development, or plurality thereof.

In cases where either the Landowner or New Residential Construction Permit applicant are entities or the parcels of land in relation to the proposed New Residential Development(s) have transferred ownership following the effective date of this By-law; “common ownership” shall be considered within the word “common” under Sections 10(c)(1) through 10(c)(3); with “common ownership” defined by M.G.L. Chapter 63 Section 32B.

(d) Applicability

This By-law shall supersede any existing Town of Douglas By-law, regulation, or policy relating to limits on the quantity of building permits issued to a New Residential Development projects, except where a Planning Board has issued Special Permit Relief under the pre-existing Section 4.2 of the Douglas Zoning Bylaw and said relief has been granted prior to the effective date of this By-law.

This By-law shall not be construed to limit the overall number of New Residential Construction Permits issued by the Granting Authority within the Town of Douglas.

(e) Severability

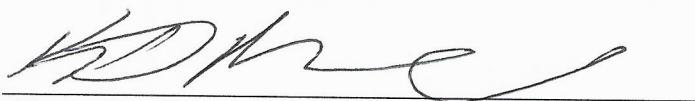
Should any provision or section of this bylaw be deemed invalid and unenforceable, all other provisions shall remain in force and in effect.

YOU ARE HEREBY DIRECTED to serve this Special Town Meeting Warrant by posting an attested copy thereof in the Municipal Center and at least two (2) other places in the Town of Douglas to which the public has general access, at least fourteen (14) days before the time of holding said meeting.

HEREOF FAIL NOT and make due return of this Warrant with your doings thereon to the Town Clerk, the Time and Place of said meeting.

GIVEN UNDER OUR HANDS THIS SEVENTEENTH DAY OF OCTOBER 2023, A.D.

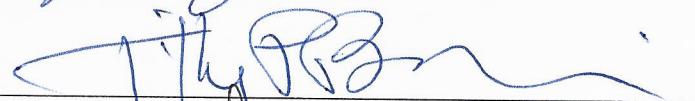
THE HONORABLE BOARD OF SELECTMEN



Kevin D. Morse, Chairman



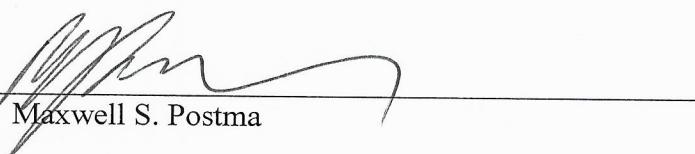
Michael E. Fitzpatrick, Vice Chairman



Timothy P. Bonin



Ross I. Smith



Maxwell S. Postma

I have this day posted an attested copy of the Warrant for the Special Town Meeting in the Municipal Center and at least two other places in the Town to which the public has general access as directed.



Carol E. Field, Constable or

Benjamin Tusino, Constable

10-18-23

Date





Carrie Stueck
Missouri State Auditor