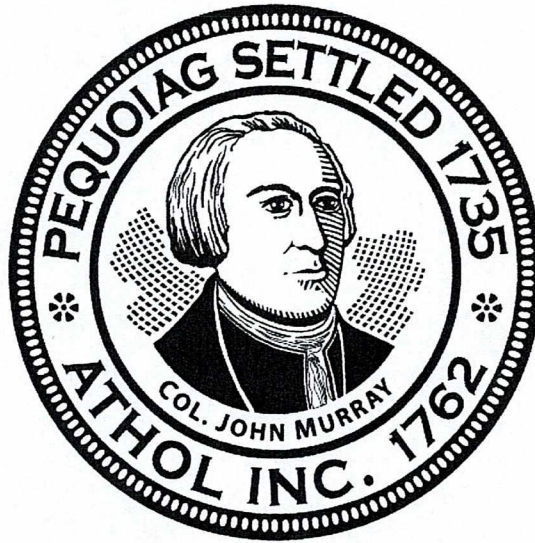


# TOWN OF ATHOL



## FALL TOWN MEETING WARRANT



MONDAY, OCTOBER 17, 2022

7: 00 P.M.

584 Main Street, Athol, MA

Memorial Hall

## COMMONWEALTH OF MASSACHUSETTS

Worcester, S.S.

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

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of the Town of Athol, qualified to vote in the election and Town affairs, to meet in the Memorial Building in said Athol on Monday, October 17, 2022 at 7 p.m., then and there to act on the following articles:

- Article 1:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$12,473.01 to pay two prior fiscal year bills payable to Morton Salt from the Department of Public Works, *or act in relation thereto*
- Article 2:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$12,500 to the planning/zoning/grant assistant line item in the fiscal year 2023 Planning Department budget; *or act in relation thereto*
- Article 3:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$425,000 for the purchase of a new ambulance for the fire department; *or act in relation thereto*
- Article 4:** To see if the Town will vote to authorize the Board of Selectmen to execute a grant of a permanent easement to pass and re-pass on foot or with vehicles over Town owned land from Exchange Street to land recently conveyed to the Athol Economic Development and Industrial Corporation for the purpose of enhancing access to said parcel for housing development; *or act in relation thereto*
- Article 5:** To see if the Town will vote to authorize the Board of Selectmen to re-layout Coolidge Parkway as shown on a plan filed with the Town Clerk and Department of Public Works and to discontinue so much of Coolidge Parkway which is not needed for said public way and to authorize the Board of Selectmen to transfer title of said excess land, that being 2 parcels of land, shown on the Assessor's Map 18 as Blocks 93 and 94, consisting of approximately 25,554 square feet more or less, in order to correct an error in the Order of Taking dated September 13, 1935 and recorded in the Worcester County Registry of Deeds, Book 2652, Page 303, or take any action in relation hereto.
- Article 6:** To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, negotiated purchase, taking by eminent domain or otherwise, the fee simple interest or any lesser interest in land or parcels of land for the purpose of obtaining a public right of way for the construction and roadway safety improvements for the Five Points project on Chestnut Hill Avenue, Crescent Street and Bridge Street. Preliminary plan showing the parcels which may be acquired are on file in the Office of the Department of Public Works, 584 Main Street, Athol, MA; *or act in relation thereto*



**Article 7:** To see if the Town will vote to amend the Town's by-laws by adding a new by-law as follows:

**Tree By-Law**

**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, and to ensure proper planting and care of trees on public property, the Board of Selectmen herein delegate the authority and responsibility for managing public trees, establishes 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.

**Green area** – 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 of Athol

**Public tree** – any tree or woody vegetation over 1.5" DBH (diameter at breast height) 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. Authority and power.**

- (a) **Delegation of authority and responsibility.** The Tree Warden and/or their designee, hereinafter referred to as the "Tree Warden", shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal street, rights-of-ways, town parks, and other public property.
- (b) **Coordination among Town departments.** All town departments will coordinate as necessary with the Tree Warden and will provide services as required to ensure compliance with this By-Law as it relates to streets, alleys, rights-of-way, drainage, easements, and other public properties not under direct jurisdiction of the Tree Warden
- (c) **Interference.** No person shall hinder, prevent, delay, or interfere with the Tree Warden or their agents while engaged in carrying out the execution or enforcement of this by-law.

*; or act in relation thereto*

**Article 8:**       **To see if the Town will vote to amend the Zoning Bylaws as follows;**

**1. Delete Section 1.2.6.1.3 in its entirety which reads as follows:**

1.2.6.1.3 Special permits shall only be issued following public hearings held within sixty-five days after the filing of an application with the board of appeals, a copy of which shall forthwith be given to the town clerk by the applicant.

and insert the following in its place:

*1.2.6.1.3 Each application for a special permit shall be filed by the petitioner with the city or town clerk and a copy of said application, including the date and time of filing certified by the city or town clerk, shall be filed forthwith by the petitioner with the special permit granting authority. The special permit granting authority shall hold a public hearing, for which notice has been given as provided in section eleven, on any application for a special permit within sixty-five days from the date of filing of such application*

**2.. Delete Section 1.3.4 in its entirety which reads as follows:**

1.3.4 Special permits shall only be issued following public hearings held within sixty-five days after the filing of an application with the board of appeals, a copy of which shall forthwith be given to the town clerk by the applicant.

and insert the following in its place:

*1.3.4 Each application for a special permit shall be filed by the petitioner with the city or town clerk and a copy of said application, including the date and time of filing certified by the city or town clerk, shall be filed forthwith by the petitioner with the special permit granting authority. The special permit granting authority shall hold a public hearing, for which notice has been given as provided in section eleven, on any application for a special permit within sixty-five days from the date of filing of such application*

**3. Amend Section 4.1 Definitions as follows:**

For the definition "Marijuana Processing", Delete the second sentence which reads "Does not include the trimming, collecting, or harvesting of plants or seeds associated with marijuana Cultivation"

and insert the following sentence in its place:

*"Processing includes the harvesting, drying, curing, trimming and separation of parts of the Cannabis or Marijuana plant by manual or mechanical means, except it shall not include Manufacture as defined in 935 CMR 500.002."*

**4. Amend Section 3.26.3.2 of the Zoning Bylaws as follows:**

Delete Section 3.26.3.2 Measure of Distance which reads as follows:



3.26.3.2 Measure of Distance: The distances specified above shall be measured by a straight line from the point of the front door for which the proposed Licensed Marijuana Establishment is to be located to the property line for the lot of the school structure, or park, playground, or other recreational area.

And insert the following in its place:

*3.26.3.2 Measure of Distance: The buffer zone distance shall be measured in a straight line from the geometric center of the Marijuana Establishment Entrance to the geometric center of the nearest Entrance Door or primary public entrance location of the facilities listed in Section 3.26.3.1, unless there is an Impassable Barrier within that distance; in these cases, the buffer zone distance shall be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center of the Marijuana Establishment Entrance to the geometric center of the nearest facility Entrance Door or primary public entrance of the facilities listed in Section 3.26.3.1.*

**5. Amend Section 3.26.3.1.a. of the Zoning Bylaw as follows (changes are identified in strike out font):**

**Currently Reads**

3.26.3.1 Setbacks: Licensed Marijuana Establishments shall not be located within the following distances:

- a. Five hundred (500 feet) from a structure used as a pre-school with outdoor play areas that is licensed with the Massachusetts Department of Early Education and Care or a private or public school providing education or in any of grades 1 through 12.

**Proposed Changes:**

3.26.3.1 Setbacks: Licensed Marijuana Establishments shall not be located within the following distances:

- a. Five hundred (500 feet) from a structure used as a pre-school with outdoor play areas that is licensed with the Massachusetts Department of Early Education and Care or a private or public school providing education ~~or~~ in any of grades 1 through 12;

*or act in relation thereto*

**Article 9: To see if the Town will Amend the Zoning Bylaw by inserting a new Section 2.1.5, Intention of Districts, as follows:**

**2.1.5 Intention of Districts**

- a. RA Multi Family Residential is intended for multi-family, two family and single family homes. Lot size shall be a minimum of 8,000 sq. ft. with a frontage of at least 65

feet. Additional non-residential uses are shown in section 2.3. Some of these uses are allowed by right while other uses require a Special Permit.

b. RB Medium Single-Family Residential is intended to provide for areas with neighborhoods of single-family residential homes. Lot size shall be a minimum of 10,000 sq. ft. with a frontage of at least 70 feet. Additional non-residential uses are shown in section 2.3. Some of these uses are allowed by right while other uses require a Special Permit.

c. RC Rural Single Family Residential is intended for single family homes. Two family and multi-family homes are allowed with a Special Permit. Lot size shall be a minimum of 44,000 sq. ft. with a frontage of at least 160 feet. Additional non-residential uses are shown in section 2.3. Some of these uses are allowed by right while other uses require a Special Permit.

d. CA Central Commercial, located in Downtown Athol, is the very heart of the town. It is intended for a mix of uses, including town offices, retail, commercial, general office, and services. Residential units above commercial storefront spaces are the only types of residential uses allowed. There is a tightness to the district that allows for easy walkability. There is no minimum lot size nor is there a minimum frontage, which contributes to this tightness and walkability. Additional uses are shown in section 2.3. Some of these uses are allowed by right while other uses require a Special Permit.

e. CB Neighborhood Commercial is intended to provide for areas of mixed uses to provide goods and services primarily within residential neighborhoods. Single family, two family and multi-family homes are allowed. Lot size shall be a minimum of 10,000 sq. ft. with a frontage of at least 115 feet. Additional uses are shown in section 2.3. Some of these uses are allowed by right while other uses require a Special Permit.

f. G General Commercial is intended for a range of retail uses and services and commercial and industrial activities in appropriate locations along arterial and primary roads. Single and two family homes are allowed. Multi-family is allowed with a Special Permit. Lot size shall be a minimum of 10,000 sq. feet with a frontage of at least 75 feet. Additional uses are shown in section 2.3. Some of these uses are allowed by right while other uses require a Special Permit.

g. I Industrial Commercial is intended for a range of retail uses and services and commercial and industrial activities. Lot size shall be a minimum of 40,000 sq. feet with a frontage of at least 200 feet. Additional uses are shown in section 2.3 including some types of housing. Some of these uses are allowed by right while other uses require a Special Permit.

h. MCOD Major Commercial Overlay District is land the Town has identified lands as Priority Development Sites under M.G.L. Chapter 43D that are uniquely suited to



large-scale commercial development and whereas the Town has continued to study the role of these lands in the overall economic development scheme for the community, the purpose and intent of this bylaw is to provide incentives for coordinated large-scale multi-unit commercial development within the MCOB through the use of land use and dimensional requirements that are more flexible than those in the underlying zoning districts.

i. AROD Adaptive Reuse Overlay District designates a number of non-residential buildings located within existing residential neighborhoods that may no longer be suitable for their original use. The AROD provides specific regulations and guidelines providing greater flexibility for future use scenarios while upholding the interests of public health, safety, and welfare through guidelines for neighborhood compatibility and other standards. The AROD tries to prevent deterioration of buildings that have become obsolete for their original purposes by allowing reuse for other economic and civic opportunities.

j. MROD The Mill Revitalization Overlay District is intended to allow for the adaptive reuse of existing historic mills in the Town of Athol that are underutilized. The intent is to encourage redevelopment of large scale, underutilized historic mill properties while upholding the interests of public health, safety, and welfare through guidelines for neighborhood compatibility and other standards; *or act in relation thereto*

**Article 10:** To see if the town will vote to amend the Athol Zoning Map, as referenced In Section 2.1.3 of the Athol Zoning Bylaw, by rezoning a series of parcels located along South Main Street starting at the Millers River Bridge and heading southwesterly to the vicinity of 392 South Main Street, so as to eliminate a number of lots that are currently split between the Neighborhood Commercial and Residential-A or Residential-C Zoning Districts, rezone a number of existing commercial enterprises that are currently in Residential-A zoning, and re-zone this entire area to General Commercial as shown on a map entitled "South Main Street Zoning Boundary Recommendations: Millers River Bridge to 392 South Main Street" prepared by Eric R. Smith, Director of Planning and Community Development, August 22, 2022," attached hereto and on file with the offices of the Town Clerk, Building Department and Planning and Development.

*Or act in relation thereto.*

**Article 11:** To see if the town will vote to amend the Athol Zoning Map, as referenced In Section 2.1.3 of the Athol Zoning Bylaw, by rezoning a series of parcels located along the north side of South Main Street between the vicinity of 501 South Main Street and generally southwesterly to easterly of property off of Brickyard Road, so as to eliminate a number of lots that are currently split between the Neighborhood Commercial, General Commercial and/or Residential-C Zoning Districts, rezone a number of existing abutting South Main Street parcels that are currently in Residential-C zoning, and re-zone this

entire area to General Commercial as shown on a map entitled "South Main Street Zoning Boundary Recommendations: Vicinity of property known as Ledges Greenhouse, 501 South Main Street, to east side of Brickyard Road" prepared by Eric R. Smith, Director of Planning and Community Development, August 23, 2022," attached hereto and on file with the offices of the Town Clerk, Building Department and Planning and Development.

*Or act in relation thereto.*

**Article 12: Citizen Petition:**

We, the undersigned, petition to Amend Chapter 5 of the Town of Athol General Bylaws by adding Section 41: Use of an engine braking system is prohibited in the Town of Athol on all motor vehicles except fire trucks and any emergency vehicle. Any violation shall be punishable by a fine of \$250. Signs are to be posted at all entry roads into Town of Athol and worded: "Attention Truckers, Use of Engine Brakes in Town Limits Prohibited. Punishable by Fine."




The Finance and Warrant Committee will hold a meeting on the foregoing articles on Tuesday, September 27, 2022 at 5:30 p.m. in Memorial Hall and thereafter as necessary. You are hereby directed to serve the warrant by posting attested copies thereof in Hannaford Supermarket, Market Basket Supermarket, Quabbin Valley Healthcare, Post Office of said Town, and the Memorial Building of said Town, fourteen days, at least before the time for holding said meeting and by publishing a notice of said meeting in a newspaper having general circulation in the Town, fourteen days, at least, before the time for holding said meeting.

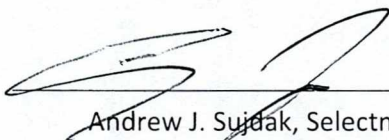
Hereof, hail not, and make due return of the warrant with your doings thereon unto the Town Clerk at the time and place of meeting aforesaid.

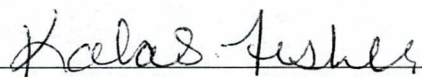
Given under our hands this 20th day of September in the year two thousand and twenty-two.

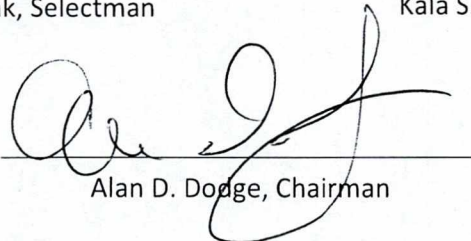
**ATHOL BOARD OF SELECTMEN**

  
Rebecca J. Bialecki, Vice Chairman

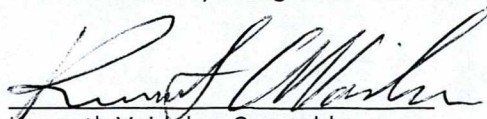
  
Stephen R. Raymond, Selectman

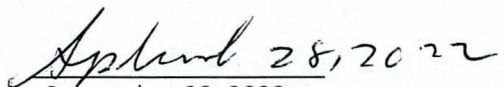
  
Andrew J. Sudaak, Selectman

  
Kala S. Fisher, Selectman

  
Alan D. Dodge, Chairman

I have served the within warrant by posting up an attested copy, thereof in Hannaford Supermarket, Market Basket Supermarket, Quabbin Valley Healthcare in the Town of Athol, United State Post Office in the Town of Athol, and the Athol Memorial Building and a notice published in the Athol Daily News having general circulation in the Town on Wednesday, September 28, 2022. I mailed a copy to each member of the Finance and Warrant Advisory Committee, Moderator, Town Counsel and Board of Planning and Community Development and have returned this warrant to the Clerk of the Town of Athol within my doings hereon Wednesday, September 28, 2022.

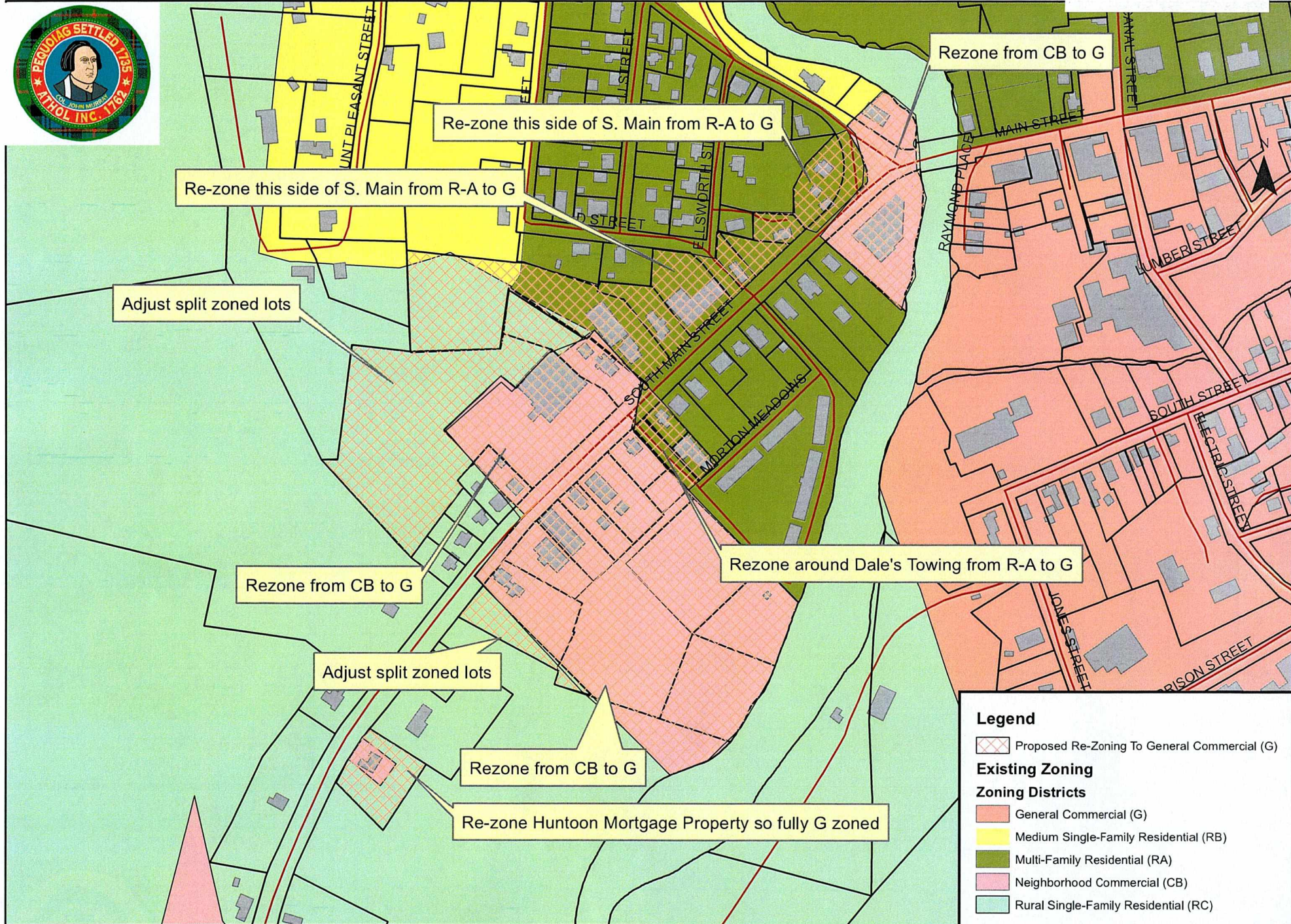
  
Kenneth Vaidulas, Constable

  
September 28, 2022



# South Main Street Zoning District Boundary Recommendation Vicinity of Millers River Bridge to 392 South Main Street

## ARTICLE 10



### Legend

Proposed Re-Zoning To General Commercial (G)

### Existing Zoning

#### Zoning Districts

- General Commercial (G)
- Medium Single-Family Residential (RB)
- Multi-Family Residential (RA)
- Neighborhood Commercial (CB)
- Rural Single-Family Residential (RC)

0 150 300 600 900 1,200 Feet

Prepared by Eric R. Smith, Director of Planning and Development, August 22, 2022



# South Main Street Zoning District Boundary Recommendations: ARTICLE 11

Vicinity of property known as Ledges Greenhouse, 501 S. Main Street, to east side of

