



**TOWN OF ROCHESTER
COMMONWEALTH OF MASSACHUSETTS
SPECIAL TOWN MEETING WARRANT**

Monday October 20, 2014

Plymouth, SS: To the Constable(s) of the Town of Rochester in the County of Plymouth, Greetings.

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Town affairs to meet at the Rochester Memorial School, 16 Pine Street in said Town on Monday, October 20, 2014 at seven p.m. (7:00 p.m.) then and there to act on the following articles:

ARTICLE 1: SUPPLEMENTAL APPROPRIATIONS

To see if the Town will vote to transfer from available funds an increase to the following line item voted at the May 19, 2014 Annual Meeting.

LINE ITEM 5-107 VETERANS' FUNDING (\$30,000)

BOARD OF SELECTMEN

ARTICLE 2: SPECIAL EDUCATION FUNDING

To see if the Town will vote to transfer Sixty-Nine Thousand Five Hundred Dollars (\$69,500) from the Special Education (SPED) Costs Stabilization Fund established at the Special Town Meeting of May 20, 2013 for the purpose of defraying unanticipated Special Education in the Local School District for Fiscal Year 2015, or take any other action relative thereto.

SCHOOL COMMITTEE

ARTICLE 3: CEMETERY COMMISSION

To see if the Town will vote to transfer the sum of Eight Hundred Dollars (\$800) from the Sale of Cemetery Lots Fund to buy back cemetery plots from the Purchaser, or heirs and assigns with burial rights of the lot(s); or take any other action relative thereto.

CEMETERY COMMISSION

ARTICLE 4: ELECTRONIC VOTING EQUIPMENT

To see if the Town will raise and appropriate or transfer from available funds the sum of Ten Thousand Dollars (\$10,000) for the purpose of purchase or lease of electronic voting equipment and any other related expenses, or take any other action thereto.

TOWN CLERK

ARTICLE 5: TOWN HALL ANNEX

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Twenty Thousand Dollars (\$20,000) to fund the study of temporary and/or permanent building(s) and ancillary utilities to house current activities including, but not limited to, those of the Town Hall Annex, or take any action relative thereto.

BOARD OF SELECTMEN

ARTICLE 6: APPROPRIATION FOR OPEB LIABILITIES

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Fifteen Thousand Dollars (\$15,000.00) to fund the Town’s future obligations for the cost of Other Post Employment Benefits identified by the Government Accounting Standards Board (GASB) Statement 45 Report, or take any action relative thereto.

TOWN TREASURER

ARTICLE 7: ZONING BY-LAW TABLE OF CONTENTS AMENDMENT

To see if the Town will vote to amend the Town of Rochester Zoning By-Laws, Table of Contents as follows, or take any other action in relation thereto.

Replace Roman Numerals identifying Sections with Arabic Numerals and replace any references and/or cross references contained within the body of the Zoning By-laws accordingly.

Re-number and/or rename the currently numbered Roman numeral sections with the following new names and numbers (unless otherwise indicated, the only change to the sections is new numbering):

Section 5- General Commercial District (**inserting the word “District” in the title**)

Section 10 – Zoning Board of Appeals (**inserting the word “Zoning” in the title**)

Section 17 – General Local Licenses and Permits – See General By-Laws

Section 18 – Ground Water Protection

Section 19 – General Boating Regulations

Section 20 – Special Residential Development

Delete the currently labeled “Section XIX” as it does not exist

Insert “Section 21 Flexible Development”

Section 21 Flexible Development

A. Purposes

B. Decision Basis

C. Applicability and Procedures

- D. Density and Dimensional Standards
- E. Landscape Design
- F. Additional Site Design Standards
- G. Open Space Requirements
- H. Bonus Incentives
- I. Road Construction Standards
- J. Planning Board Rules & Regulations
- K. Ownership

Section 22 – Personal Wireless Service Facilities

Insert “Section 23 Large Scale Solar Photovoltaic Installations”

Section 23 Large Scale Solar Photovoltaic Installations

1. Purpose
2. Applicability
3. Compliance with Laws, Ordinances and Regulations
4. Special Permit Approval
5. Pre-Submission Conference and Informal Meeting with the Planning Board
6. Special Permit Approval Application Filing
7. Referrals to Town Boards/Commissions
8. Site Plan Details
9. Special Provisions for Phased Developments
10. Endorsement of Site Plan
11. Application Fee and Special Permit Review Fee
12. Minimum Review Fee Deposit
13. Costs Covered by Fee
14. Criteria
15. Severability

Insert “Section 24 Signs” (Note: placeholder for future By-laws)

Insert “Section 25 Overlay Districts”

Section 25 Overlay Districts

- A. Adult Entertainment (see Section 4.E.6 a-f)
- B. Medical Marijuana Treatment Centers (see Section 4.E.8 a-b)

PLANNING BOARD

ARTICLE 8: ZONING BY-LAW AGRICULTURAL-RESIDENTIAL DISTRICT AMENDMENT

To see if the Town will vote to amend the Town of Rochester Zoning By-Laws, Section 8: Agricultural-Residential District as follows, or take any other action in relation thereto.

Section 8: Agricultural-Residential District

Amend Section 8(B)(1):

Delete the current:

“The shape of the lot must be capable of containing a rectangle with a width of at least one hundred feet (100) at the street-side, and parallel with the street on which frontage is measured, or, if a curve as in a cul-de-sac, parallel to a tangent to the curve with orientation such that the width-line is at right angles to the radius and with a length sufficient that the area of the rectangle contains no less than 50 percent (50%) of the minimum lot size requirements. It must be possible to draw a straight line from this rectangle to the frontage. At no point between the required frontage and the aforementioned rectangle shall the lot width be less than 50 feet.”

Insert the following:

“The shape of the lot must be capable of containing a “Shape Rectangle” with a width of at least one hundred feet (100) at the street-side (front), and parallel with the same street. If the street side (front) is on a curve, such as a cul-de-sac, the 100 foot requirement shall be measured from right angles where a tangent to the curve intersects the side property lines. The area and dimensions of the rectangle shall not be less than 50 percent (50%) of the minimum lot size requirements. It must be possible to draw a straight line from this rectangle to the street (frontage). The lot width from the rectangle to the street (frontage) shall not be less than 50 feet in width for the full distance.”

Amend Section 8(B)(6)

Insert the title of “Back Lot Division”

Delete the last sentence of the first paragraph that currently reads:

In order to provide Rochester landowners of sizeable acreage and limited frontage with some opportunity to realize at least some development value without the time and expense of initiating a Definitive Subdivision proposal, the Rochester Zoning By-law provides the options of a Back Lot Division by Special Permit: a parcel with no other contiguous land in common ownership may be divided into two or more lots, one of which has less than the normally required frontage on a public way existing at the time of the Special Permit request, and a single-family dwelling may be built on the reduced frontage lot, provided that such division is authorized on a Special Permit granted by the Planning Board. **Such a division may be authorized if meeting each of the following, but not otherwise:**”

And **insert** the following last sentence:

“A Special Permit from the Planning Board may be granted only if the lot meets all of the following requirements:”

Insert a new Section 8(C)(4) as follows:

4. Home Business

One or more home businesses subject to the following unless exempt from such controls by statute (e.g. agriculture, family child care home):

- a) The operation of home businesses shall not create vibrations, heat, glare, dust, or odors discernible at the property lines, generate noise exceeding Massachusetts state standards at the property lines, create any electrical, magnetic or other interference off the premises, or use or store hazardous materials in excess of quantities permitted for residential structures.
- b) Segregated off-street parking shall be provided for all parking demand from home businesses in addition to parking for residents.
- c) Home businesses that will result in concurrent parking demand for more than three (3) motor vehicles driven to the premises by non-residents are permitted subject to Site Plan Review and Approval under Section 16.
- d) A home business that is operated solely within the dwelling shall be limited to a maximum of 25% of the total floor area of the dwelling.
- e) A home business that is operated in an accessory structure on the property shall be subject to the dimensional regulations listed in the Table of Accessory Structure Dimensional Regulations and shall require Site Plan Review and Approval under Section 16.
- f) Storage of vehicles, equipment and materials for the home businesses shall not be visible to abutters or from the road, or may be entirely within enclosed structures unless otherwise allowed, subject to Site Plan Review and Approval under Section 16.
- g) Regardless of the number of home businesses on the premises, only one (1) sign pertaining to the use of the premises with a total area of not more than nine (9) square feet is permitted. The sign shall be limited to the identification of the premises, their occupants or users, and the business conducted therein. Internally lit, flashing or rotating lights shall not be permitted.

Delete the currently labeled Section 8(C)5 as it has been replaced by the preceding Section.

Re-number the remaining sections of Section 8(C) 5-16 in accordance with the insertion of Section 8(C)(4) above.

Amend Section 8(C)(9):

Delete the current language:

“Storing of one unoccupied trailer in an accessory building or storing of one unoccupied trailer on a lot, not in the front yard area and conforming with all other lot setback dimensions.”

Insert the following:

“Storing of one unoccupied trailer/RV on a lot, not in the front yard area and conforming with all other lot setback dimensions.”

Amend Section 8(C)(10)

Insert the words “installed per the Massachusetts State Building Code and” after the word “shall” in the first sentence so that the new section reads as follows:

“Private swimming pools twenty-four inches deep or more and having a surface area of two hundred fifty square feet or more shall installed per the Massachusetts State Building Code and be required to have an enclosure not less than forty-eight inches above ground. The construction of the fence shall be as to prohibit the passage of a sphere larger than four inches through any opening or under the fence and able to withstand a horizontal load of two hundred pounds.”

Amend Section 8(D):

Insert the words “by the Zoning Board of Appeals” to the section heading so that it reads “Uses Permitted by Special Permit by the Zoning Board of Appeals”

As there are currently two sections numbered 8(D)(4), **renumber** what is currently the second Section 8(D)(4) beginning with the words “Personal wireless service facilities” as Section 8(D)(5) and renumber the remaining paragraphs of Section 8(D) accordingly.

PLANNING BOARD

ARTICLE 9: ZONING BY-LAW FLEXIBLE DEVELOPMENT AMENDMENT

To see if the Town will vote to amend the Town of Rochester Zoning By-Laws by deleting what is currently Section 8(D)(12) and inserting deleted text of said section in its’ entirety as a new “Section 21- Flexible Development”, or take any other action in relation thereto.

PLANNING BOARD

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the
Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this 22nd day of October, Two Thousand and Fourteen.

BRADFORD N. MORSE, CHAIRMAN

RICHARD D. NUNES, VICE CHAIRMAN

NAIDA L. PARKER, CLERK

ROCHESTER BOARD OF SELECTMEN

By virtue of this Warrant, I have this day notified and warned the inhabitants of the Town of Rochester, qualified to vote in elections and town affairs, to meet at the Rochester Memorial School, 16 Pine Street at the time and place for the purpose herein named by posting up attested copies thereon in the following places:

Outside Rochester Town Hall
Rochester Post Office
Plumb Library
Council on Aging
Rochester Web Site

Method of service:

Constable

Date