

TOWN OF OXFORD
Special Town Meeting
October 5, 2022

At the Special Town Meeting duly called and held in the Oxford Middle School, 497 Main Street, Oxford, MA, on Wednesday, October 5, 2022, at 7:00PM the following ARTICLES were voted on in a legal manner. There was a quorum present (100 Voters = quorum); 100 voters were present.

Checkers:

Martha A. Cady
Patricia Lee Ferdella
Robert W. Krasinskas
Rose M. Wing

The Town Moderator, Russell C. Rheault, called the meeting to order at 7:25pm.

The Town Moderator noted the receipt of the return of the posting of the Warrant for the Special Town Meeting by the Constable.

Both the National Anthem and the Pledge of Allegiance. A moment of silence was observed for the departed townspeople.

The Moderator introduced Town Officials and Board Members.

The boundaries of the Auditorium were outlined by the Moderator to include all of the floor area. The audience was advised of the fire evacuation routes.

MOTION MADE: To waive the reading of the Warrant in its entirety.

MOTION PASSED UNANIMOUSLY.

ARTICLE 1. To hear the reports of any Town Officers or Committees.

Jennifer M. Callahan – History Book, Information Bags, Electricity News/Rates
Shelley Lambert - Community Center Feasibility Study

ARTICLE 2. To see if the Town will vote to transfer from available funds and appropriate a sum of money to pay unpaid bills of a prior fiscal year; or act thereon.

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Sponsored by the Town Manager, Finance Director

MOTION MADE: That the sum of Two Thousand One Hundred Thirty-Five Dollars (\$2,135.00) be appropriated from the FY23 Veterans' Services Operating Budget to pay veterans benefits from a prior year.

MOTION PASSED UNANIMOUSLY.

ARTICLE 3. To see if the Town will vote to amend the Oxford General By-Laws, Chapter Fifty-One, Regulations of Dogs, Section 2. Fees, subsections (a) and (b) by deleting the struck-through text and inserting the bold underlined text as set forth below:

(a) for unspayed females and unneutered males, ~~ten dollars~~ **fifteen dollars** and (b) for spayed females and neutered males, ~~six dollars~~ **ten dollars**

And to further vote to amend the Oxford General By-Laws, Chapter Sixty-One, Regulations Pertaining to Cats, Section 1, General Requirements, subsections 1. and 2. by deleting the struck-through text and inserting the bold underlined text as forth below:

1. Spayed or neutered cats--~~six dollars~~ **ten dollars** per cat per license period or any portion thereof.
2. All other cats--~~ten dollars~~ **fifteen dollars** per cat per license period or any portion thereof.

Or act thereon.

Sponsored by Animal Control, Town Clerk

MOTION MADE: That Article 3 be adopted as printed in the Warrant.

MOTION PASSED.

Approved by the Attorney General on December 20, 2022.

ARTICLE 4. To see if the Town will vote to raise by taxation or transfer from available funds and appropriate a sum of money to the Capital Stabilization Fund; or act thereon.

Sponsored by the Town Manager

MOTION MADE: That the sum of **One Hundred Thousand Dollars (\$100,000.00)** be transferred from Free Cash and be appropriated to the Capital Stabilization Fund for Fiscal Year 2023.

MOTION PASSED UNANIMOUSLY.

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ARTICLE 5. To see if the Town will vote to raise by taxation or transfer from available funds and appropriate a sum of money for unforeseen energy related expenses; or act thereon.

Sponsored by the Town Manager, Finance Director, DPW Director

MOTION MADE: That the sum of **Two Hundred Thousand Dollars (\$200,000.00)** be raised from taxation and be appropriated for unforeseen energy related expenses.

MOTION PASSED.

ARTICLE 6. To see if the Town will vote to raise by taxation or transfer from available funds and appropriate a sum of money for the Unemployment Compensation Fund pursuant to Massachusetts General Laws Chapter 40, §5E; or act thereon.

Sponsored by the Town Manager, Finance Director

MOTION MADE: That the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) be transferred from free cash and be appropriated to the Unemployment Compensation Fund.

MOTION PASSED.

ARTICLE 7. To see if the Town will vote to raise by taxation or transfer from available funds and appropriate a sum of money to supplement the Town's Fiscal Year 2023 Operational Budget (Finance Department - Information Technology) as approved by the vote taken under Article 10 of the May 4, 2022 Annual Town Meeting; or act thereon.

Sponsored by the Town Manager, Finance Director, Public Safety Chiefs

MOTION MADE: That the sum of Fifty Thousand Dollars (\$50,000.00) be raised from taxation and be appropriated to Supplement the Information Technology budget within the Finance Department for Fiscal Year 2023.

MOTION PASSED UNANIMOUSLY.

ARTICLE 8. To see if the Town will vote to adopt the provisions of Massachusetts General Law, Chapter 40, Section 22G, to authorize the allocation of all funds received from fines assessed for violations of handicap parking in the Town of Oxford to the Commission on Disability; or act thereon.

Sponsored by the Commission on Disability

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MOTION MADE: That the Town adopt Massachusetts General Law, Chapter 40, Section 22G to allocate funds received from fines assessed for violations of handicap parking to the Town's Commission on Disability.

MOTION PASSED UNANIMOUSLY.

ARTICLE 9. To see if the Town will vote to raise by taxation or transfer from available funds and appropriate a sum of money to fund costs associated with updating the Town website; or act thereon.

Sponsored by the Town Manager, Finance Director

MOTION MADE: That the sum of Fifty Thousand Dollars (\$50,000.00) be transferred from Free Cash and be appropriated for the updating of the Town Website.

MOTION PASSED UNANIMOUSLY.

ARTICLE 10. To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, upon such terms and conditions as the Board of Selectmen deem appropriate, for general municipal purposes, the fee or lesser interest in all or a portion or portions of the parcel of land now or formerly owned by Southford Realty Trust, as shown on Assessors' Map 33A, Parcels C14 and C50 as described in the deed recorded with the Worcester District Registry of Deeds Book 35870, Page 296, and to raise by taxation, transfer from available funds, , a sum of money as funding for such acquisition and all costs incidental and related thereto; and further to authorize the Board of Selectmen to enter into all agreements and execute on behalf of the Town any and all instruments as may be necessary or convenient to effectuate the purpose of this article; or act thereon.

Sponsored by the Town Manager, Conservation Agent, Director of Planning and Economic Development

MOTION MADE: That the Town authorize the Board of Selectmen to acquire by gift or purchase upon such terms and conditions as the Board of Selectmen deem appropriate, for general municipal purposes, the fee or lesser interest in all or a portion or portions of the parcel of land now or formerly owned by Southford Realty Trust as shown on Assessors Map 33A, Parcels C14 and C50, recorded in Book 35870, Page 296 with the Worcester District Registry of Deeds and to transfer from Free Cash a sum of Ninety-Five Thousand Dollars (\$95,000.00) as funding for such acquisition and costs related thereto; and further to authorize the Board of Selectmen to enter into all agreements and execute on behalf of the Town any and all instruments as may be necessary or convenient to effectuate the purpose of this article.

Requires a 2/3 vote.

MOTION PASSED and a 2/3 vote was declared by the Moderator.

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ARTICLE 11. To see if the Town will vote to appropriate from the PEG Access and Cable Related Fund, established by a vote taken under Article 13 of the June 25, 2020 Annual Town Meeting, as authorized by Massachusetts General Laws Chapter 44, §53F 3/4, as amended, to supplement the FY23 Budget as approved by the vote taken under Article 11 of the May 4, 2022 Annual Town Meeting; or act thereon.

Sponsored by the Town Manager, Production Media Coordinator

MOTION MADE: That the sum of **Thirty Thousand Dollars (\$30,000.00)** be appropriated from the PEG Access and Cable Related Fund to supplement the FY 23 PEG Access Budget as provided within the FY23 Budget as approved by the vote taken under Article 11 of the May 4, 2022 Annual Town Meeting.

MOTION PASSED UNANIMOUSLY.

ARTICLE 12. To see if the Town will vote to amend the Oxford Zoning Map for the purpose of expanding the boundaries of the Village Business (VB) Zoning District along Sutton Avenue to Interstate 395 by 50 feet along the northern and southern property lines abutting Sutton Avenue layout depicted as parcels E18, E19, E20, E20.01, E21, and E22 on Assessor's Map 34C, and parcels B1, B2, B3, B4, C1, C34, C35, C51, C52, C55, and C56 on Assessor's Map 35A; or act thereon.

Sponsored by Planning Board, Director of Planning and Economic Development

MOTION MADE: That Article 12 be adopted as printed in the Warrant.

Requires a 2/3 vote.

MOTION PASSED UNANIMOUSLY. A 2/3 vote was declared by the Moderator.

Approved by the Attorney General on December 20, 2022.

ARTICLE 13. To amend the Town of Oxford Zoning By-laws by deleting existing Section 3.9 of Chapter III: Use Regulations, in its entirety, and replacing it with the following new Section:

3.9 APARTMENTS AND ADDITIONAL LIVING SPACES

3.9.1 Purpose

The purpose of this bylaw is to:

- Provide homeowners with a means of obtaining, through tenants in accessory and in-law apartments, rental income, companionship, security, and services, and thereby to enable them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave.

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- Add units to the housing stock to meet the needs of smaller households, both young and old.
- Make housing units available to households who might otherwise have difficulty finding homes within the town.
- Protect stability, property values, and the residential character of a neighborhood by ensuring that accessory/in-law apartments are installed only in owner-occupied houses and under such additional conditions as may be appropriate to further the purposes of this bylaw.
- Legalize conversions to encourage compliance with the State Building Code.

3.9.2 Definitions

Accessory Apartment: A self-contained housing unit incorporated within or accessory to a retail, commercial, or professional building complete with its own sleeping, cooking, and sanitary facility, and a separate means of egress with option to rent.

Additional Living Space: A living space contained within a single-family dwelling that may contain a kitchen, sanitary facility, and sleeping area. Free passage from the main living area into and about the additional living area shall be permitted without restrictions.

In-Law Apartment: A detached self-contained housing unit within a single-family property complete with its own sleeping, cooking, and sanitary facilities with a separate means of egress.

Building, Attached: A building having any portion of one or more walls in common or within five feet of an adjacent building.

Building, Detached: A building having five feet or more of open space on all sides.

Dwelling, Single-Family: A building designed or used exclusively as a residence and including only one dwelling unit.

Primary Residence: A building in which is conducted the principal use of the lot on which it is located. For residentially zoned lots, such a building would be a dwelling.

3.9.3 Design Standards

Accessory apartments and in-law apartments shall require a Special Permit issued by the Planning Board in accordance with Table I: Uses Allowed in Residential Districts and Table II: Uses Allowed in Commercial Districts, pursuant to the criteria set forth herein and in Chapter XIV, Section 5.0 of these By-laws. Additional Living Space shall be permitted as accessory to single-family residential use, without requiring a special permit or site plan review, subject to the requirements set forth herein.

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The following standards and criteria shall apply:

In-Law Apartments –

- The in-law apartment will be a complete, one-bedroom or studio unit separate housekeeping unit that functions as a separate unit from the original unit. The Planning Board, at its discretion, may allow a second bedroom under extenuating circumstances.
- Only one accessory apartment or in-law apartment will be created on a single-family lot.
- The lot in which the single-family house is located must meet the minimum lot size requirement and must comply with other applicable zoning requirements for its district.
- The owner(s) of the residence in which the in-law apartment is located shall occupy at least one of the dwelling units on the premises.
- The in-law apartment shall be designed so that the appearance of the building remains that of a one-family residence as much as feasibly possible. Any new entrances shall be located on the side or rear of the building. Any exterior changes made must conform with the single-family character of the neighborhood.
- An addition to the original building is permitted provided that the addition does not increase the floor area or volume of the original building by more than eight hundred (800) square feet of the existing total residential space. These same dimensional criteria shall apply to an in-law apartment constructed in an existing detached dwelling (such as a garage, barn, or carriage house), or to an in-law apartment constructed as part of a new detached dwelling.
- The in-law apartment shall be clearly a subordinate part of the single-family dwelling. It shall be no greater than eight hundred (800) square feet.
- At least two off-street parking spaces per dwelling unit are available for use by the owner-occupant(s) and one off-street parking space for the in-law apartment. Parking spaces shall be located to the side or the rear of the structure, to the extent feasible.
- For dwellings to be served by on-site septic system, the owner must obtain a Disposal Works Construction Permit from the Board of Health before a special permit can be obtained. This is to ensure that the existing sewage disposal system is adequate, or the Board of Health shall certify adequate provision has been made for the disposal of sewage, waste, and drainage generated.
- The construction of an in-law apartment must be in conformity with the State Building Code requirements.

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- The Planning Board shall impose any appropriate conditions to protect public health, safety and welfare.
- The Planning Board may allow reasonable deviation from the foregoing criteria and standards where necessary to install features that facilitate accessibility and mobility.

Accessory Apartments –

- The apartment shall not be allowed in a building whose principal use is determined by the Planning Board to be incompatible with residential uses (incompatible uses include auto body shops, gas stations, and any other business that uses materials listed as “high hazard” in 780 CMR 306), and if the apartment is allowed, the special permit shall restrict the principal use of the building accordingly.
- Apartments shall be designed so that entrances to the residential and non-residential uses are sufficiently separated to provide security, safety, and privacy to the residents.
- The application shall be accompanied by construction drawings of sufficient detail to allow review and approval by the Building Inspector, Fire Department, and Planning Board.
- The application shall be accompanied by a site plan submitted in accordance with the requirements of Chapter XV and all parking lot design and construction shall comply with the requirements of Chapter XI.
- The construction of any accessory apartment must be in conformity with the State Building Code requirements.
- The Planning Board shall impose any conditions appropriate to protect public health, safety and welfare, and the character of the neighborhood.

Additional Living Spaces –

- Additional living space shall only be permitted within the interior of a single-family dwelling located in a residential zoning district. The space shall be devoted to private, independent living that could be recognized as space for family members or caretakers.
- The space shall not exceed eight hundred (800) square feet.
- Adding floor space for additional living space must comply to all zoning dimensional requirements.
- Free passage from the main living area into and about the secondary area shall be permitted without restrictions.

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- The additional living space can be occupied in conjunction with the primary living space but cannot be offered as conventional rental housing unit.
- The owner of record must occupy the home as his/her principal place of residence.
- There shall be no separate address for the additional space.
- Separate utilities shall not be allowed.
- There shall be only one mailbox for the entire home.
- The exterior look shall remain as a single family.
- The construction of any additional living space shall comply and conform to the Massachusetts State Building Code.

3.9.5 Application Procedure

- The procedure for the submission and approval of a Special Permit for an accessory apartment or in-law apartment shall be the same as prescribed in Chapter XIV, Section 5.0 (Application Procedures: Special Permits) of the Zoning Bylaw.
- Upon receiving a special permit, said special permit shall be attached to the deed of record of the property by recording said special permit bearing the certification of the Town Clerk that twenty (20) days have elapsed after the special permit has been filed in the office of the Town Clerk and that no appeal has been filed, or if an appeal has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording shall be paid by the owner or applicant.
- A time-stamped copy of the special permit shall be provided to the Planning Board and to the Building Official. In the event of the sale or transfer of the property, one of the dwelling units shall be owner occupied as stipulated in the special permit or the rights granted under the special permit shall terminate.

3.9.6 Administration and Enforcement

- It shall be the duty of the Building Official to administer and enforce the provisions of this Bylaw.

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- No dwelling unit shall be constructed or changed in use or configuration pursuant to this bylaw until the Building Official has issued a permit therefor. No permit shall be issued prior to the Planning Board's approval of the Special Permit. No building permit shall be issued until a sewage disposal works permit, when applicable, has first been obtained from the Board of Health and the proposed building and location thereof conform with the Town's Bylaws. Any new building or structure or change in configuration of an existing building shall conform to all adopted State and Town laws, bylaws, codes, regulations, and State Building Code Regulations. No dwelling unit shall be occupied until a certificate of occupancy has been issued by the Building Inspector where required.
- The Building Official shall refuse to issue any permit which would result in a violation of any provision of this Section or in violation of the conditions or terms of the special permit granted by the Planning Board.

3.9.7 Accessory/In-Law Apartments in Existence Before the Adoption of this Section

Statement of Intent: To ensure that accessory/in-law apartments or conversions in existence before the adoption of this Accessory/In-Law Apartment By-law are in compliance with the State Building Code Regulations.

Application Procedure: The Planning Board may authorize, under a Special Permit and in conjunction with the Building Inspector, use known as an Accessory/In-Law Apartment. The Board will review each existing use on a case-by-case basis to determine if the dwelling conforms to State Building Code Regulations. The applicant must follow the same application procedure described in this Section.

3.9.8 Conflict With Other Laws

The provisions of this by-law shall be considered supplemental of existing zoning by-laws. To the extent that a conflict exists between this by-law and others, the more restrictive by-law, or provisions therein, shall apply.

3.9.9 Severability

If any provision of this by-law is held invalid by a court of competent jurisdiction, the remainder of the by-law shall not be affected thereby. The invalidity of any section or parts of any section or sections of this by-law shall not affect the validity of the remainder of the Town's zoning by-law.

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Sponsored by Planning Board, Director of Planning and Economic Development

MOTION MADE: That Article 13 be adopted as printed in the Warrant.

Requires a 2/3 vote.

MOTION PASSED UNANIMOUSLY. A 2/3 vote was declared by the Moderator.

Approved by the Attorney General on December 20, 2022.

At 8:55PM, it was unanimously voted to dissolve the Special Town Meeting.

True Copy

Attest:

Michelle A. Jenkins, CMC, Town Clerk