

TOWN OF TEMPLETON  
WARRANT FOR SPECIAL TOWN MEETING  
MAY 23, 2001  
7:00 PM  
COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss.

To either of the Constables of the Town of Templeton in said County.

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the precincts of the Town of Templeton, County of Worcester, qualified to vote in elections and town affairs to meet at the Narragansett Regional Middle School, 460 Baldwinville Road, Baldwinville, MA, on Wednesday May 23, 2001 at 7:00 p.m. then and there to act on the following articles:

Article 1        On an amended motion duly made and seconded the Town voted to amend the Zoning By-laws by adding the following provision regarding Rate of Development:

Section 10. Rate of Development

- A. Purpose. The purpose of this section, "Rate of Development", is to promote orderly growth in the Town of Templeton, consistent with the rate of residential growth over the last ten (10) calendar years, to phase growth so that it will not unduly strain the community's ability to provide basic public facilities and services, to provide the Town, its boards and its agencies information, time and capacity to incorporate such growth into the Master Plan for the community, and to preserve and enhance existing community character and the value of property.
- B. General. Beginning on May 23, 2001, building permits for not more than thirty (30) dwelling units shall be issued in each of the seven full calendar years following said date, for the construction of new residential dwellings. For the purposes of this section, a duplex shall constitute two dwelling units.
- C. Procedures. Any building permits issued shall be issued in accordance with the following procedures:
  - 1. The Building Inspector shall act on each permit in order of submittal. Any permit application that is incomplete or inaccurate shall be returned to the applicant and shall require new submittal.

2. Three (3) permits shall be issued in each month, except that in November and December no permits shall be issued. Permits not issued in any month of the calendar year in accordance with this schedule shall be available in any subsequent month for issuance by the Building Inspector.
3. The Building Inspector shall mark each application with the time and date of submittal, and shall act on each application in a timely manner.
4. Any building permits not issued in any calendar year shall not be available for issuance in any subsequent year.
5. At the end of the calendar year in which this by-law is in effect, the Building Inspector shall retain all applications for which a building permit has not been issued. Upon being informed in writing by the applicant before the tenth of January of the succeeding calendar year that the applicant desires the application to remain in effect, the Building Inspector shall treat said application in accordance with subsection 10.C.1, above.

D. Special Permit Exemption. Upon Determination by the Planning Board under a special permit application that the building permits will be issued for dwelling units within a development that will provide special benefits to the community, said permits shall be exempt from this section in its entirety, and shall not count toward the 30 permits to be issued annually. The Planning Board may grant a special permit under this section only if the Board determines that the probable benefits to the community outweigh the probable adverse effects resulting from granting such permit, considering the impact on schools, other public facilities, traffic and pedestrian travel, recreational facilities, open spaces and agricultural resources, traffic hazards, preservation of unique natural features, planned rate of development, and housing for senior citizens and people of low or moderate income “as defined by the Commonwealth’s Department of Housing and Community Development”, as well conformance with Master Plan or Growth Management Plans prepared by the Planning Board pursuant to G.L., c. 41, s 81D. The Planning Board shall give particular consideration to proposals that demonstrate a reduction in allowable density of twenty-five percent (25%) or more.

E. Exemptions. The Provisions of this section shall not apply in the following circumstances:

1. The enlargement, restoration, or reconstruction of dwellings existing on lots as of the date of passage of this by-law, but shall apply to the conversion of single-family to two-family dwellings.

2. The construction of one (1) new dwelling on a lot in existence as of the date of passage of this by-law and held in separate ownership from any adjacent land. The burden of proof shall be upon the applicant for such permit to demonstrate that the lot in question (a) was in existence as of such date, and (b) that no adjacent land was held in common ownership or control.

F. Time Limitation and Extension. This section shall expire on January 1, 2008; provided however, that this section may be extended without lapse of its provisions and limitations, by vote of the Town Meeting prior to January 1, 2008.

**Passed by 2/3 vote**

## Article 2

On an amended motion duly made and seconded the Town voted to amend the Zoning By-Laws by adding the following new section 11, regarding subdivision Phasing:

### Section 11. Subdivision Phasing

- A. Purpose. The purpose of this section, "Subdivision Phasing", is to assure that growth shall be phased so as not to unduly strain the town's ability to provide public facilities and services, so that it will not disturb the social fabric of the community, so that it will be in keeping with the community's desired rate of growth; and so that the town can study the impact of growth and plan accordingly.
- B. Applicability. The issuance of building permits for any tract of land divided or subdivided pursuant to any provision of MGL Chap. 41, Secs. 81K-81GG, the Subdivision Control Act, into more than six (6) lots after the effective date of this by-law shall be subject to the regulations and conditions set forth herein. This provision shall apply to any proposed division or subdivision of combination of adjacent properties that were in the same ownership as of May 23, 2001.
- C. Phasing. Not more than six (6) building permits shall be issued in any twelve month period for construction of residential dwellings on any tract of land divided or subdivided into more than six (6) lots pursuant to any provision of G.L. c. 41,ss. 81K-81GG, the Subdivision Control Act.
- D. Exceptions. Issuance of more than six (6) building permits for the same tract of land in a twelve-month period may be allowed in the following circumstances:
  1. The owner of said land may apply for a special permit from the Planning Board for the issuance of more than six building

permits in any 12-month period. The Planning board may grant a special permit only if the Board determines that the probable benefits to the community outweigh the probable adverse effects resulting from granting such permit, considering the impact on schools, other public facilities, traffic and pedestrian travel, recreational facilities, open spaces and agricultural resources, traffic hazards, preservation of unique natural features, planned rate of development, and housing for senior citizens and people of low or moderate income, “as defined by the Commonwealths Department of Housing and Community Development”, as well conformance with Master Plan or Growth Management Plans prepared by the Planning Board pursuant to MGL Chap. 41, Sec. 81D. The Planning Board shall give particular consideration to proposals that demonstrate a reduction in allowable density of twenty-five percent (25%) or more. Where such special permit is granted, any building permits issued for dwelling units within the division of land shall not count toward the 30 permits to be issued annually in Section 10 of this Zoning By-law.

2. Where the tract of land will be divided into more than sixty (60) lots, the Planning Board may, by special permit, authorize development at a rate not to exceed ten percent (10%) of the units per year.
3. Where the effect of this Section 11 and Section 10, taken together, would delay completion of all of the dwelling units shown on the plan dividing or subdividing the land in question beyond ten (10) years, the Planning Board shall adopt a schedule of construction to allow for such construction within ten years from the date of endorsement of such plan.

E. Zoning Change Protection. The protection against subsequent zoning change granted by MGL Chap. 40A, Sec. 6 to land in a subdivision shall, in the case of a development whose completion has been constrained by this section beyond eight (8) years, be extended to ten years.

F. Relation to Real Estate Assessment. Any land owner denied a building permit because of these provisions may appeal to the Board of Assessors, in conformity with MGL Chap 59, Sec. 59, for a determination as to the extent to which the temporary restriction on development use of such land shall affect the assessed valuation placed on such land for purposes of real estate taxation, and for abatement as determined to be appropriate.

**Passed by 2/3 vote**

And you are hereby directed to serve this warrant by posting attested copies thereof in each Precinct, namely at the Post Office in Templeton, the Post Office in East Templeton, the Post Office in Baldwinville and at Cote's Market in Otter River, fourteen (14) days at least before the time of holding said meeting and by causing notice of the same to be published once in the Gardner News, a newspaper in said County in the City of Gardner.

Hereof, fail not, and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 8<sup>th</sup> day of May 2001.

BOARD OF SELECTMEN

Thomas Martin, Chairman  
Edie Kosakowski, Vice Chairman  
Gladys I. Salame, Clerk  
Patrick E. Dunlavey  
Ida E. Beane

A True Copy, ATTEST:

Neil A. Cullen  
Constable of Templeton

OFFICER'S RETURN

WORCESTER, ss.

May 8, 2001

This is to certify that I have served the within warrant by posting attested copies thereof in each precinct, namely; at the Post Office in Templeton, the Post Office in East Templeton, the Post Office in Baldwinville and at the Town Office Building in Otter River, Cote's Market in Otter River, and by delivering a copy to the Precinct Clerks in each Precinct, Fourteen (14) days at least before the time of holding said meeting, and have caused notice of the same to be published once in the Gardner News, a newspaper published in said county.

Neil A. Cullen  
Constable of Templeton

A True Copy, ATTEST:

Sheila R. Tallman,  
Town Clerk of Templeton

Meeting Attendance 5-23-2001

142 Voters Total