

# Town Warrant

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HOPKINTON  
ANNUAL TOWN MEETING  
MONDAY, MAY 4, 2009

MIDDLESEX, ss.

To any of the Constables of the Town of Hopkinton in said County

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of said Town of Hopkinton, qualified to vote in elections and in Town affairs, to meet at the Middle School Auditorium in said Hopkinton on Monday, the 4<sup>th</sup> day of May 2009, at 7:00 o'clock in the evening, then and there to act on the following articles:

**ARTICLE 1:** To hear and act on the reports of the Town Officers and Committees.

**ARTICLE 2:** To see if the Town will vote to fix the salary or compensation of all of the elected officers of the Town in accordance with Chapter 41, Section 108 of the General Laws, as follows:

Town Clerk           \$61,378.00

Pass any vote or take any action relative thereto.  
Sponsor: Personnel Committee

**ARTICLE 3:** To see if the Town will vote to amend the Town's Personnel Bylaw in all relevant respects.

Pass any vote or take any action relative thereto.  
Sponsor: Personnel Committee

**ARTICLE 4:** To hear and act on reports and recommendations of the Appropriation Committee, Selectmen, and other Officers and Committees of the Town and the Boards of Trustees, and to vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$23,958,846.70, or some other sum, for the operation of the Town for the fiscal year beginning July 1, 2009, and for all other necessary expenses of the Town, and to provide said sum or sums as follows:

By transferring from the following funds, or some other source:

Water Enterprise Fund Shared Costs .....	\$ 273,351
Sewer Enterprise Fund Shared Costs .....	\$ 211,025
Transfer from Capital Projects .....	\$ 50,000
Transfer from CPA .....	\$ 359,360
Transfer from Perpetual Care .....	\$ 18,696
Repayment from Sewer Fund .....	\$ 150,000
Transfer from Title V .....	\$ 29,218
Transfer from Ambulance Receipts .....	\$ 101,975
Overlay Surplus .....	\$ 102,000
Transfer from Workers' Compensation Fund ..	\$ 70,000

And by raising and appropriating the sum of \$22,593,221.70, or some other sum.

Pass any vote or take any action relative thereto.  
Sponsor: Board of Selectmen

**ARTICLE 5:** To hear and act on reports and recommendations of the Appropriation Committee and the School Committee and to vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$32,149,618.67, or another sum, for the operation of the School Department for the fiscal year beginning July 1, 2009; said sum to be spent under the direction of the School Committee.

Pass any vote or take any action relative thereto.  
Sponsor: School Committee

**ARTICLE 6:** To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$437,994.00, or some other sum, to meet the Town's share of the annual operating and debt service expenses of the South Middlesex Regional Vocational Technical School District for fiscal year beginning July 1, 2009; said sum to be spent under the direction of the South Middlesex Regional Vocational Technical School District Committee.

Pass any vote or take any action relative thereto.  
Sponsor: Appropriation Committee

**ARTICLE 7:** To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$771,062.33, or some other sum, for the expenses of the Sewer Department for the fiscal year beginning July 1, 2009, of which \$697,929.33, or some other sum, is to be provided by revenues received by the Sewer Department and \$73,133, or some other sum, is to be provided through general taxation; said sum to be spent under the direction of the Director of

the Department of Public Works and used for the following purposes:

0444	Wages & Salaries .....	\$ 161,587.12
0775	Expenses .....	\$ 398,450.00
0186	Shared Costs .....	\$ <u>211,025.21</u>
	TOTAL .....	\$ 771,062.33

Pass any vote or take any action relative thereto.  
Sponsor: Director of the Department of Public Works

**ARTICLE 8:** To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$720,045.09, or some other sum, for the Sewer Department's debt service, of which \$720,045.09, or some other sum, is to be provided by betterments and other revenues received by the Sewer Department; said sum to be spent under the direction of the Director of the Department of Public Works and used for the following purposes:

0399	Interest on short term debt .....	\$ 7,000.00
0358	Interest on long term debt .....	\$ 166,063.79
0346	Maturing principal .....	\$ <u>546,981.30</u>
	TOTAL .....	\$ 720,045.09.

Pass any vote or take any action relative thereto.  
Sponsor: Director of the Department of Public Works

**ARTICLE 9:** To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$1,109,581.9, or some other sum, for the expenses of the Water Department for the fiscal year beginning July 1, 2009, of which \$788,356.90, or some other sum, is to be provided by revenues received by the Water Department and \$321,225.00, or some other sum, is to be provided through general taxation;

said sum to be spent under the direction of the Director of the Department of Public Works and used for the following purposes:

0817	Wages & Salaries .....	\$ 292,708.80
0822	Expenses .....	\$ 543,522.48
0907	Shared Costs .....	\$ <u>273,350.62</u>
	TOTAL .....	\$ 1,109,581.90

Pass any vote or take any action relative thereto.  
Sponsor: Director of the Department of Public Works

**ARTICLE 10:** To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$590,129.97, or some other sum, for the Water Department's debt service, of which \$590,129.97, or some other sum, is to be provided by revenues received by the Water Department; said sum to be spent under the direction of the Director of the Department of Public Works and used for the following purposes:

0799	Interest on long term debt .....	\$ 134,772.51
0778	Maturing principal .....	\$ 376,115.46
1077	Administrative Costs .....	\$ 7,242.00
0728	Ashland Obligation .....	\$ <u>72,000.00</u>
	TOTAL .....	\$ 590,129.97

Pass any vote or take any action relative thereto.  
Sponsor: Director of the Department of Public Works

**ARTICLE 11:** To see if the Town will vote to authorize or reauthorize the establishment and use of the following revolving funds pursuant to Chapter 44, Section 53E 1/2 of the General Laws, for the fiscal year beginning July 1, 2009:

<b>Fund</b>	<b>Revenue Source</b>	<b>Authority to Spend Fund</b>	<b>Use of Fund</b>	<b>Spending Limit</b>	<b>Disposition of Prior Year Fund Balance</b>
Building Department	Permit fees	Director of Municipal Inspections with approval of the Board of Selectmen	Expenses of operation of department	\$45,000	Unencumbered balance reverts to general fund
Part-time Wire Inspector	Permit fees and inspection fees of Wire Inspector	Director of Municipal Inspections with approval of the Board of Selectmen	Expenses and salary of part-time wire inspector	\$45,000	Unencumbered balance reverts to general fund
Part-time Plumbing Inspector	Permit fees and inspection fees of Plumbing Inspector	Director of Municipal Inspections with approval of Board of Selectmen	Expenses and salary of part-time plumbing inspector	\$45,000	Unencumbered balance reverts to general fund
Board of Health	Permit fees, inspection fees and other funds collected by Board of Health relating to public health, safety and environmental laws, codes and regulations	Board of Health	Expenses of Board of Health, including services of inspectors, agents, consultants, contractors, clerical support, equipment, supplies and training, directly relating to the implementation and enforcement of federal, state and local public health, safety and environmental laws, codes and regulations.	\$150,000	Unencumbered balance reverts to general fund

<u>Fund</u>	<u>Revenue Source</u>	<u>Authority to Spend Fund</u>	<u>Use of Fund</u>	<u>Spending Limit</u>	<u>Disposition of Prior Year Fund Balance</u>
Hazardous Materials	Fees and monies received from insurers & others relating to release or spills of hazardous materials	Fire Chief	Purchase equipment and materials, training, contingency planning, site assessments, service at hazardous release incidents.	\$5,000	Unencumbered balance reverts to general fund.
Conservation Commission	Consultant fees referred to in Wetlands Protection Bylaw	Conservation Commission	To meet expenses & fees of consultants engaged by & other appropriate expenses of Conservation Commission	\$115,000	Unencumbered balance reverts to general fund
Library	Lost Materials/Fines	Library Director	Replacement of lost and damaged materials.	\$9,000	Unencumbered balance reverts to general fund
Emergency Medical Services	Emergency Medical Services user fees	Fire Chief Police Chief	To operate, maintain service, acquire, & upgrade vehicles, equipment & training for emergency medical services.	\$350,000	Unencumbered balance reverts to general fund
Public Safety	Permit fees and other collected pursuant to the administration and enforcement of the Town of Hopkinton by Law Ch. 150 - Peddling and Soliciting.	Police Chief	To meet the expenses of the Police Department related to the administration and enforcement of the Town of Hopkinton Bylaw Chapter 150 - Peddling and Soliciting.	\$5,000	Unencumbered balance reverts to general fund
Planning Board	Permit fees and consultant fees collected by the Planning Board relating to review of Site Plans, petitions, applications, permits and appeals.	Planning Board	To meet expenses and fees of consultants engaged by and other appropriate expenses of the Planning Board.	\$30,000	Unencumbered balance reverts to general fund
Parks & Recreation Commission	User fees and charges collected by the Parks & Recreation Commission relating to the conduct of its programs.	Parks & Recreation Commission	To meet expenses and fees of individuals engaged by and salaries, facilities maintenance and other appropriate expenses of the Parks & Recreation Commission	\$100,000	Unencumbered balance reverts to general fund
Open Space Preservation Commission	User fees, charges and donations collected by the Open Space Preservation Commission in the conduct of its programs and activities.	Open Space Preservation Commission	To meet expenses of the publication, reprinting and sale of the trail guide and the maintenance of trails and signage.	\$10,000	As determined by Town
Youth Commission	User fees, charges and donations received by the Youth Commission in the conduct of its programs and activities.	Youth Commission	To meet expenses incurred in conducting programs and activities for the Town's young people.	\$4,000	Unencumbered balance reverts to general fund
Zoning Board of Appeals	Filing fees and consultant fees collected by the Zoning Board relating to review of appeals, petitions and applications	Zoning Board of Appeals	To meet expenses and fees of consultants engaged by and other appropriate expenses of the Zoning Board of Appeals	\$50,000	Unencumbered balance reverts to General Fund
Department of Public Works - Highway Division	Road Opening, Driveway Opening, and Trench Permit fees	Director of the Department of Public Works	Expenses of operation of the Highway Division	\$3,500	Unencumbered balance reverts to general fund
Department of Public Works - Recycling Committee	User fees collected at the Recycling Center	Director of the Department of Public Works	Expenses of operation of Recycling Center	\$15,000	Unencumbered balance reverts to general fund

Pass any vote or take any action relative thereto.  
Sponsor: Board of Selectmen

Pass any vote or take any action relative thereto.  
Sponsor: Director of Finance

**ARTICLE 12:** To see if the Town will vote to transfer from available funds a sum or sums of money for the purpose of supplementing various line items of the Town's Fiscal Year 2009 Budget, previously voted under Article 4 of the Warrant for the 2008 Annual Town Meeting, or make any other adjustments to the Fiscal Year 2009 budget that may be necessary.

**ARTICLE 13:** To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the payment of unpaid bills incurred in a prior fiscal year.

Pass any vote to take any other action relative thereto.  
Sponsor: Director of Finance

**ARTICLE 14:** To see if the Town will vote to petition the General Court to amend the Town Charter through passage of a Special Act reading substantially as follows:

*AN ACT Relative to the Charter of the Town of Hopkinton.*

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**SECTION 1.** Article 3 of the charter of the town of Hopkinton, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by adding the following new section 3-12:

**Section 3-12: Board of Public Works**

**(a) Composition, Term of Office** – There shall be a Board of Public Works Board consisting of three (3) members each elected for terms of three (3) years, such terms being so arranged in order that the term of office of one member shall expire each year.

Following the enactment of this section, at the next annual town election at which the three members of the Board of Public Works are to be elected, the members of the Board of Public Works shall be elected, one to serve one year, one to serve two years, and one to serve three years, from the date of the annual town election at which they are elected.

**(b) Powers and Duties** – The Board of Public Works shall have all of the powers and duties set forth in Chapter 375 of the Acts of 1998, as amended by Chapter 262 of the Acts of 2006, and all of the powers and duties that are given to departments of public works by the General Laws, and such additional powers and duties as may be authorized by the General Laws, any Special Act, this charter, any bylaw, or Town Meeting vote.

**(c) Appointments** – The Board of Public Works shall appoint the Director of the Department of Public Works, and such other officers of the Department of Public Works as may be required or allowed by the General Laws, any Special Act, this Charter, any bylaw, or Town Meeting vote.

**SECTION 2.** The “Appendices” of such charter are hereby amended by striking therefrom the words “DPW Director.”

**SECTION 3.** This Act shall take effect upon its passage.

Pass any vote or take any action relative thereto.  
Sponsor: Director of the Department of Public Works

**ARTICLE 15:** To see if the Town will vote to accept the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, to provide an additional real estate tax exemption of fifty percent (50%), or some other percentage, in Fiscal Year 2010, for those qualified for an exemption under Chapter 59, Section 5, clauses 17D, 22, 22A, 22B, 22C, 22D, 22E, 37A, 41C, 42 or 43, of the General Laws.

Pass any vote or take any action relative thereto.  
Sponsor: Board of Assessors

**ARTICLE 16:** To see if the Town will vote to change the membership of the Appropriation Committee from nine members to five members, by amending the General Bylaws of the Town of Hopkinton, Chapter 5, by deleting the word “nine” from the first sentence of Section 5-1 and inserting in its place the word “five”.

Pass any vote or take any action relative thereto.  
Sponsor: Board of Selectmen

**ARTICLE 17:** To see if the Town will vote to amend Chapter 206, Wetlands Protection, of the General Bylaws of the Town of Hopkinton, by making several house-keeping and other minor changes as shown on the document entitled “Revised Wetlands Bylaw” on file with the \_\_\_\_\_ Town \_\_\_\_\_ Clerk.

Pass any vote or take any action relative thereto.  
Sponsor: Conservation Commission

**ARTICLE 18:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Hopkinton as follows:

1. Adopt a new Article XXVII, Signs, as follows:

ARTICLE XXVII  
Signs

§ 210-176. Purpose.

The sign regulations contained herein are intended to:  
1) facilitate efficient communication; 2) avoid conflict between signs and the visual qualities of the environs; c) support economic vitality and opportunity; and d)

encourage compatibility and harmony with surrounding buildings, land and land uses.

It is the intent of these regulations to balance the need for communication, economic vitality and free speech with the desire for an attractive community with signage that is complimentary in scale and vernacular to its context. The Town encourages sign permittees, property owners, businesses, and Town boards that review and approve signage to be mindful of this balance. A general harmony in design between signage on the same lot and on the same building is encouraged.

#### § 210-177. Definitions.

For the purpose of this Article, terms shall have the following meanings:

**BUSINESS ESTABLISHMENT** – A place of business; a lawfully existing non-residential use.

**HEIGHT** – The vertical distance measured from the finished grade at the sign to the highest point of the sign or its supporting structure, whichever is higher.

**SANDWICH BOARD SIGN** – A portable A-frame sign constructed of durable materials with two identical flat faces and designed to be displayed on the ground.

**SIGN** – Any letter, word, symbol, drawing, picture, design, device, article or object that advertises, calls attention to or indicates any premises, persons, products, businesses or activities, or that conveys or is intended to convey any message whatever the nature of the material and manner of composition or construction. Historical date plaques and markers, athletic scoreboards, flags and insignias of governmental jurisdictions shall not be considered signs.

**SIGN AREA** – The area of a sign shall include all lettering, wording and accompanying symbols or designs. It shall also include the background on which they are displayed, whether open or enclosed, any frame around the sign and any “cutouts” or extensions. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, wall or building shall be considered to be that of the smallest rectangle comprised of horizontals and verticals which encompasses all letters and symbols. Only one side of a two-sided identical sign shall be counted in computing the area of a sign.

**TEMPORARY SIGN** – Any and every sign which by its design and/or use is temporary in nature, frequently composed of paper, plastic, fabric, posterboard and/or cardboard, typically containing messages relative

to sale, lease, rental or construction of property, garage or yard sales, special sales, occasional uses and events.

#### § 210-178. General Regulations.

The following regulations shall apply in all zoning districts:

A. No exterior sign shall be displayed except as provided in this Article or otherwise exempted by this or other law.

B. No sign shall be displayed so as to create a hazard, obstruct the line of sight at an intersection or obstruct pedestrian travel on public sidewalks.

C. Neon signs, including any and every sign which features exposed glass tubing filled with fluorescent gas, are prohibited. No messages or graphics on permanent signs shall be formed by lights of any kind.

D. No sign shall be mounted, affixed or painted on roofs or extend above the roof eave line of a building.

E. No sign shall flash, rotate, be animated, make noise, be motorized or move or be designed to move by any means, either in whole or in part.

F. “Welcome to Hopkinton” signs and signs identifying historic villages or historic districts of Hopkinton may be displayed on the following major public ways, subject to approval by the Board of Selectmen: East Main St., Main St., Cedar St., West Main St., Wood St., South St. and Hayden Rowe St. Such signs shall not exceed 20 sq. ft. in area and shall not be illuminated.

G. The provisions of this Article shall not apply to political signs, traffic signs, roadside civic organization and club signs, Boston Marathon race pavement markings, memorials and monuments, utility, traffic and construction warning signs, public safety messages, decorations, signs integral to product dispensing devices and fuel pumps, flags and insignia of governmental jurisdictions, historical plaques, trailhead signs and kiosks, property address numbers and the like.

#### § 210-179. Temporary signs.

Temporary signs and banners are permitted in all zoning districts as follows:

A. Temporary standing signs and sandwich board signs may be displayed by community, civic and non-profit organizations promoting events. Such signs may not

be displayed more than 30 days before an event and shall be removed within two business days of the event. The size of such signs shall not exceed 8 square feet.

- B. One banner or temporary sign for each business establishment may be displayed on the premises of such use. Such signs and banners shall not exceed 24 square feet in area, and shall not be displayed for more than 30 days.
- C. Due to the historic nature of the Town Common, its central community location and its use for public events, additional temporary signage is permitted on the Town Common in conjunction with specific events. Such signage shall be allowed at the discretion of the Parks and Recreation Commission and shall be subject to time and size limitations as it shall require.
- D. Temporary signs advertising work being performed on a premises, such as for architects, painters, contractors, carpenters and the like, shall be allowed during the time that the work is being performed and for a period of 14 days following the conclusion of the work. Such signs shall not exceed 5 square feet in area.
- E. Signs indicating the donation of landscaping or other property improvements along public ways shall be allowed for up to 30 days, not to exceed 2 square feet in area.
- F. Seasonal off-site directional signs for agricultural uses may be displayed, not to exceed 6 square feet in area.

#### § 210-180. Sign regulations by zoning district

A. Signs are permitted by right in each zoning district as follows.

1. Residence A, Residence B, Residence-Lake Front and Agricultural Districts:

- a. Signs advertising the sale or rental of the premises on which they are located, not to exceed 6 square feet in area.
- b. Temporary or permanent signs which advertise or otherwise relate to the premises on which they are located, including home occupations, not to exceed 6 square feet in area.

2. Business, Downtown Business and Rural Business Districts

(a) Wall signs and projecting signs shall be allowed on each side of a building facing a public way or parking lot. The area of such signs shall not exceed, in the aggregate, 1.5 square feet for each linear foot of that building wall which faces the public way or parking lot. If a building or business establishment has a street level public entrance which does not face a public way or parking lot, there may be one secondary wall sign in the vicinity of each such entrance, not to exceed 15 square feet each.

(b) One standing sign per lot is allowed, not to exceed 32 sq. ft. in area. The height of standing signs shall not exceed 10 feet. Lots which have frontage on more than one public way may have two standing signs on the lot, one on each public way, not to exceed 32 square feet in area.

(c) Each business establishment may display one sandwich board sign or other standing sign not permanently affixed to the ground on the premises when the business establishment is open to the public. The size of such signs shall not exceed 8 square feet.

(d) Permanent signs shall conform to the side yard and rear yard requirements.

(e) Accessory signs: Two accessory signs per business establishment may be displayed, which may identify businesses or occupants or guide or direct traffic or parking. No such accessory sign shall exceed 6 square feet in area.

(f) In Rural Business Districts, illuminated signs shall be shielded from view of any residential district lot line adjoining the business to the maximum extent practicable.

(g) Temporary signs may be displayed advertising the sale or rental of the premises on which they are located, not to exceed 6 square feet in area.

3. Industrial A and Industrial B Districts

(a) Signs must identify or otherwise relate to the primary use of the building and may not be used for other purposes, except that a non-illuminated real estate sign advertising the sale of the lot or rental of space on the lot on which it is located, and having an area of not more than 20 square feet, is permitted.

- (b) Signs shall conform to the side and rear yard requirements. Signs may be located no nearer than 15 feet to a street line.
  - (c) There may be one standing sign at the entrance to each individual parcel of land. The standing sign shall not exceed 32 square feet in area or exceed 10 feet in height. There may be two wall signs on each building, each not to exceed 32 square feet in area. One such wall sign shall be located on the front of the building, and one shall be located on the rear of the building or at a building entrance not facing the street. There may be directional signs within the property, each not to exceed 10 square feet, for the purpose of directing traffic within the property.
  - (d) On-site directional signs for the purpose of regulating traffic in and out of the site are allowed, provided that such signs are limited to the number reasonably necessary for the purpose, are not illuminated, do not exceed 2 square feet in area and, if freestanding, do not exceed 4 feet in height. Directional signs may be placed anywhere on the lot as needed for visibility, in such manner as not to obscure sight lines or directions for general traffic.
- (4) Professional Office District; Campus Style Developments approved by the Planning Board pursuant to Article XIV:
- (a) There may be one standing sign at the main entrance to the development site for the purpose of identifying the development site or businesses located within the site. The sign area shall not exceed 32 square feet in area. The sign shall not exceed 10 feet in height and shall not be located closer than 15 feet to a street.
  - (b) There may be one standing sign at secondary entrances to the development site, not to exceed 15 square feet in area. The sign shall not exceed 10 feet in height and shall not be located closer than 15 feet to a street.
  - (c) There may be either one wall sign on each building or one standing sign identifying each building within the development site, not to exceed 25 square feet in area. The sign shall be located on or at the front of the building.
  - (d) There may be directional signs within the development site, not to exceed 10 square feet each.

B. The following signs are allowed by special permit from the Board of Appeals. Prior to issuing a special permit, the Board of Appeals shall find that such signs conform to the community standards expressed in the Purpose of this Article, and the sign(s) are appropriate for the size of the property, the building(s) thereon, and the neighborhood setting.

- A. Signs in connection with allowed uses, subject to such limitations as may be imposed by the Board of Appeals.
- B. Off-site directional signs for the purpose of directing traffic toward business establishments, provided that such signs are limited to the number necessary to the purposes.

#### § 210-181. Special Regulations

A. Garden Apartments in Residential Districts, Village Housing in Residential Districts, Senior Housing Development, Open Space Mixed Use Development Overlay District:

In developments approved by the Planning Board pursuant to Article XIII, Garden Apartments in Residential Districts, Article XIII A, Village Housing in Residential Districts, Article XVII A, Senior Housing Development and Article XXVI, Open Space Mixed Use Development Overlay District, all signs are solely subject to such limitations of size and usage as may be imposed by the Planning Board.

B. Adult Uses

Signs shall be permitted subject to the provisions of the requirements of those applicable to the Business District and Article XVI, Adult Uses, of this Chapter, subject to the following condition: No sign may depict or represent any sexual conduct or state of sexual excitement as defined in MGL c. 272, § 31, nor shall any such representations or depictions be placed upon or within the windows or walls of the premises so as to be visible to the public from the exterior of the premises.

C. Wireless Communications Facilities

For wireless communications facilities permitted pursuant to Article XVI of this Chapter, there shall be no signs, except for announcement, safety, no-trespassing signs and the signs required to give a telephone number where the owner can be reached on a twenty-four hour basis. All signs shall conform to the requirements of the zoning district in which the facility is located.

§ 210-182. Nonconforming signs

Legal nonconforming signs shall be regulated as follows:

- A. Signs lawfully erected or displayed prior to the adoption of this Article may be maintained, reworded, redesigned, altered or repaired without requiring conformance with the provisions of this Article, as long as the sign is not rendered more nonconforming.
  - B. The exemptions granted herein shall terminate with respect to any sign which: 1) shall have been abandoned for 6 months or more; or 2) advertises or calls attention to any products, businesses or activities which have not been carried on or sold for 6 months or more; or 3) shall not have been properly repaired or properly maintained within 60 days after notice to that effect has been given by the Director of Municipal Inspections.
2. Amend the following Zoning Bylaw provisions as indicated below:
- A. § 210-4, Definition of Home Occupations, subsection A(2): Delete "other than one accessory, nonflashing sign of not more than four square feet" and insert therefor "other than signage as permitted in Article XXVII, Signs.
  - B. Article II, Residence A (RA) District, § 210-6, Permitted uses: Delete subsection K in its entirety.
  - C. Article IV, Residence Lake Front (RLF) District, § 210-13, Uses allowed by special permit: Delete subsection D in its entirety.
  - D. Article VI, Business (B) District, § 210-18, Permitted uses: Delete subsection G in its entirety.
  - E. Article VIA, Downtown Business (BD) District, § 210-20.2, Permitted uses: Delete subsection G in its entirety.
  - F. Article VII, Rural Business (BR) District, § 210-23, Permitted uses: Delete subsection E in its entirety.
  - G. Article VIII, Industrial A (IA) District: Delete § 210-33, Signs, in its entirety.
  - H. Article VIIIA, Industrial B (IB) District: Delete § 210-37.7, Signs, in its entirety.
  - I. Article IX, Professional Office (P) District: Delete § 210-46, Signs, in its entirety.
  - J. Article XIV, Campus Style Development (CSD) District: Delete § 210-82, Signs, in its entirety.

K. Article XV, Adult Uses, § 210-93, General requirements: Delete present subsection D and insert therefor "Signs shall be permitted subject to the provisions of Article XXVII, Signs.

L. Article XVI, Wireless Communications Facilities, § 210-102, Design guidelines: Delete subsection D in its entirety.

Pass any vote or take any action relative thereto.  
Sponsor: Planning Board

**ARTICLE 19:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Hopkinton by adopting a new Article XXX, Wind Energy Systems, as follows:

ARTICLE XXX  
Wind Energy Systems

§ 210-195. Purpose.

The purpose of this section is to:

- A. Promote the safe, effective and efficient use of Wind Energy Systems installed to reduce the on-site consumption of utility-supplied electricity;
- B. Minimize the impacts of Wind Energy Systems on the character of neighborhoods, property values, scenic, historic, and environmental resources of the Town; and
- C. Protect health and safety, while encouraging Wind Energy Systems and limiting obstacles to their installation and use.

§ 210-196. Applicability.

Construction and use of a Wind Energy System, Meteorological Tower or any part thereof shall be permitted in all zoning districts subject to the requirements set forth in this section.

§ 210-197. Definitions.

For the purpose of this section, terms shall have the following meanings:

**WIND ENERGY SYSTEM (WES)** – Equipment that converts and then stores or transfers energy from the wind into useable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other components used in the system.

**METEOROLOGICAL TOWER (MET TOWER)** – A tower, base plate, anchors, guy cables and hardware, anemom-

eters (wind speed indicators), wind direction vanes, booms to hold equipment, anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

**TOTAL HEIGHT** - The vertical distance from ground level to the tip of a wind turbine blade when it is at its highest point.

**TOWER** - The monopole, freestanding, or guyed structure that supports a wind turbine.

**WIND TURBINE** - A device for converting wind energy to mechanical, electrical or another form of energy.

§ 210-198. Use Regulations.

- A. A WES may be erected upon the issuance of a special permit by the Board of Appeals, provided that the WES is an accessory use to the primary use of the lot.
- B. A Meteorological Tower shall be allowed as of right for a period of two years, subject to renewal by the Director of Municipal Inspections for one additional two year period. A Met Tower shall conform to all provisions of this section, with the exception of the requirement for a special permit.
- C. A WES shall be set back from property lines a distance which is equal to the total height of the WES, measured from the point of a tower base which is closest to the property line. A Wind Energy System may be located closer to a property line only under the following circumstances: a) the adjacent lot is held in common ownership with the lot on which the WES is proposed; b) upon provision by the applicant of a recordable easement from an abutting property owner(s) that is satisfactory to the Board of Appeals; or c) the WES will be mounted on a building.
- D. In no instance may the noise level at the lot line exceed 10 dB(A) over the average ambient nighttime sound level. In a case where the applicant is also the owner of the abutting lot, the distance shall be measured from the furthest lot line of the abutting lot. Any WES which is located at least 600 feet from a property line shall be presumed to meet this requirement.
- E. Unauthorized climbing access to the tower shall be limited by one or more of the following methods: a) by placing climbing apparatus no lower than 10 feet from the ground; b) by placing shielding over climb-

ing apparatus or access; or c) by installation of a fence.

- F. Tower lighting shall not be permitted unless required by the Board of Appeals.
- G. A WES shall be properly maintained and kept in good working order by the owner at all times.
- H. A WES shall be deemed to have been discontinued if it is out of service for a continuous 24-month period. Upon receipt of a Notice of Discontinuance from the Director of Municipal Inspections, the owner shall have the right to respond to the Notice within 30 days of receipt. The Director of Municipal Inspections shall withdraw the Notice of Discontinuance and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates to the satisfaction of the Director of Municipal Inspections that the WES has not been discontinued. If the WES is determined to be discontinued, the owner of the WES shall remove the system at the owner's sole expense within three months of receipt of the Notice of Discontinuance. Failure to remove the system within said time period may subject the owner to action pursuant to Article XXIV.
- I. The visual impact of Wind Energy Systems shall be mitigated to the extent possible. Methods such as the use of landscaping, alternative locations, and non-reflective paint may be utilized.
- J. There shall be periodic inspection of the WES by a Registered Professional Engineer and submission of such reports to the Director of Municipal Inspections
- K. Nothing in this section shall prevent the co-location of wireless communications equipment on the tower, provided that all other provisions of this Chapter have been satisfied, including the issuance of all necessary permits.

§ 210-199. Administration

- A. A special permit is required from the Board of Appeals to erect or install a Wind Energy System. A record owner desiring to erect a WES shall file with the Board of Appeals an application for a Wind Energy System Special Permit, together with such plans, drawings, specifications, fees and additional information as required by the Board of Appeals.
- B. The Board of Appeals shall have the authority to waive specific provisions of this section upon a determination that the waiver is not inconsistent with the purpose and intent of this section.

C. The Board of Appeals shall conduct its review, hold a public hearing and file its decision with the Town Clerk as required by MGL c. 40A, § 9 and Article XXII of this Chapter.

D. Approval Criteria. Before the Board of Appeals may issue the special permit, it shall determine each of the following:

- (1) The WES conforms to the use regulations and purpose of this section.
- (2) The WES will not be detrimental to the neighborhood or the Town.
- (3) The WES is an accessory use to the principal use of the lot.

If the Board of Appeals does not make all of the above determinations, it shall deny the application stating its reasons for such denial.

E. The Board of Appeals may approve the special permit with conditions, which may include, but shall not be limited to, a performance bond, secured by deposit of money or negotiable securities, is posted with the Town to guarantee proper maintenance and/or removal of the WES. The amount of the performance bond shall not exceed the estimated cost of the WES removal.

Pass any vote or take any action relative thereto.  
Sponsor: Planning Board

**ARTICLE 20:** To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton as follows:

1. By deleting Chapter 58 in its entirety and, in its place, inserting the following:

Chapter 58  
Alcoholic Beverages, Marihuana or  
Tetrahydrocannabinol

§ 58-1. Possession and Use of Alcoholic Beverages Marihuana or Tetrahydrocannabinol.

Alcoholic Beverages Bylaw (Ch. 58)	Alcoholic beverages	\$25
	Board of Health or agent designated by Board of Health	

and inserting the following:

Alcoholic Beverages, Marihuana or Tetrahydrocannabinol Bylaw (Ch. 58)	Alcoholic Beverages, Marihuana or Tetrahydrocannabinol	Alcoholic Beverages: \$50 Marihuana or Tetrahydrocannabinol: \$100
	Police Department	

No person shall consume an alcoholic beverage, as defined by Chapter 138, Section 1, of the General Laws, or possess an opened container of such beverage, or smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol, as defined by Chapter 94C, Section 1, of the General Laws, within the limits of any park, playground, public building or any public land (but not including a public way) owned or under the control of the Town of Hopkinton; nor shall any person consume an alcoholic beverage or smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol, as previously defined, on any public way or way to which the public has a right of access as invitees or licensees, including any person in a motor vehicle while it is in, on, or upon any public way or any way to which the public has a right of access as aforesaid, within the limits of the Town of Hopkinton; nor shall any person consume an alcoholic beverage or smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol, as previously defined, in, on, or upon any private land or place without the consent of the owner or person in control of such private land or place.

§ 58-2. Seizure of Alcoholic Beverages, Marihuana or Tetrahydrocannabinol.

All alcoholic beverages, marihuana or tetrahydrocannabinol used in violation of this section may be seized and held until final adjudication of the charge against any such person or persons has been made by a court.

§ 58-3. Violations and penalties.

Whoever violates the provisions of this chapter as it pertains to alcoholic beverages shall be punished by a fine not exceeding fifty (\$50) dollars for such offense. Whoever violates the provisions of this chapter as it pertains to marihuana or tetrahydrocannabinol shall be punished by a fine not exceeding one hundred (\$100) dollars for such offense, in addition to any civil penalty imposed under Chapter 94C, Section 32L, of the General Laws.

2. By amending Chapter 1, General Provisions, Section 1-4. Penalties enumerated, by deleting the following:

Pass any vote or take any action relative thereto.  
Sponsor: Police Chief

**ARTICLE 21:** To see if the Town will vote to amend Chapter 190, Vehicles and Traffic, of the General By-laws of the Town of Hopkinton by inserting a new Article III, Temporary Road Closures, as follows:

Article III  
Temporary Road Closures

Section 190-8 Authority of the Police Chief

The Chief of Police or the Chief's designee is hereby authorized to close any way, as defined by Chapter 90, Section 1, of the General Laws, when the Chief or the Chief's designee deems it necessary in the interest of public safety.

Section 190-9 Temporary Parking Restrictions

The Chief of Police or the Chief's designee is hereby authorized to temporarily prohibit parking on any way or part thereof: in an impending or existing emergency; to allow work to be performed upon, under, above, or adjacent to any way; for lawful assemblage, demonstration or procession; or when it is necessary in the interest of public safety.

In the case of an emergency, the Chief of Police or the Chief's designee may order the towing and removal of vehicles at the expense of the owner of the vehicle.

If vehicles are parked in places or in such a manner that they impede work, and if temporary "no parking" signs were not posted, a police officer may order that a vehicle be relocated by towing it and placing it elsewhere on the same or contiguous street, at the expense and liability of the person, company, or entity performing the work or services in or from the way. If a vehicle is relocated, the Police Department shall attempt to notify the owner of the vehicle's location.

Section 190-10 Temporary Traffic Plans

Except upon the consent of the Chief of Police or the Chief's designee, no person shall place, stand, or park a motor vehicle, trailer, construction equipment, other equipment or other vehicle of any kind, nor shall they place goods or materials of any kind, upon any way, including the travel way, parking lanes, sidewalk, or other public appurtenances thereto, (1) with the intent to open said street or highway or to perform work or services upon, under, above, or adjacent to said way, or (2) in such a manner or condition that the movement of vehicles or pedestrians upon or within said street or highway is blocked or impeded.

The Chief of Police or the Chief's designee shall determine appropriate traffic control measures including the erecting of temporary signs, cones, lights, detours, the use of a police officer, or the use of a police officer in the capacity as a private detail, a road flagger, or other measures. It shall be the responsibility of the Chief of Police or the Chief's designee to review, and when the Chief or the Chief's designee concurs, to approve, all construction and safety plans within the Town of Hopkinton.

Pass any vote or take any action relative thereto.  
Sponsor: Police Chief

**ARTICLE 22:** To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton as follows:

1. By adding a new Article IV, Use of Recreational Conveyances, to Chapter 190, Vehicles and Traffic, as follows:

ARTICLE IV  
Use of Recreational Conveyances

Section 190-11 Prohibited Areas of Use

Recreational conveyances, both motorized and non-motorized, including, but not limited to, scooters, skateboards, roller skates, and roller blades may not be used or operated in, on or upon any building owned by the Town of Hopkinton or the stairs and grounds of a building owned by the Town of Hopkinton, except grounds specifically designated for recreational use or operation.

Such recreational conveyances may not be used or operated in, on or upon any private building or land without the expressed permission of owner or other person in control of the property.

Such recreational conveyances may not be used in, on or upon any of the following public ways or sidewalks adjacent to the following public ways: Main Street, Church Street, Park Street, Marathon Way, Ash Street between Park Street and Main Street, Hayden Rowe Street between Park Street and Main Street, Grove Street between Price Street and Main Street and Cedar Street between "A" Street and Main Street.

Section 190-12 Hazardous Use or Operations Prohibited

No person shall use or operate any such recreational conveyance in, on or upon any public way, sidewalk, parking area, or private property where such use or operation is permitted, in such a way that a hazard is created for pedestrians or vehicles. For purposes of this

by-law, a hazard exists when a reasonable person could conclude that an injury to a person or damage to property would result from the use or operation of these conveyances in the manner observed.

Section 190-13 Penalty

Use of Recreational Conveyances Bylaw  
(Ch. 190, Article IV)

Use of Recreational Conveyances  
  
Police Department

First Offense: \$25  
Second and Subsequent  
Offenses: \$50

Pass any vote or take any action relative thereto.  
Sponsor: Police Chief

**ARTICLE 23:** To see if the Town will vote to amend the Zoning Map and the Zoning Bylaws of the Town of Hopkinton as follows:

To see if the Town will vote to amend the Zoning Map and the Zoning Bylaws of the Town of Hopkinton as follows:

1. Amend the Zoning Map by establishing the Office Park District in the area shown on the plan entitled "Town of Hopkinton Plan of Land Office Park District", prepared by Tetra Tech Rizzo, dated March 4, 2009 on file with the Town Clerk;
2. Insert in Article I, § 210-1, Zoning Districts, A, OP Office Park District;
3. Adopt a new Article XXVIII, Office Park District, as follows:

ARTICLE XXVIII  
Office Park District

§ 210-183. Development and design objectives.

The Office Park District is designed to accommodate a range of uses which are suitably located with convenient highway access and to provide specialized services to the community and the region. It is the intent that within the District there shall be an overall unity of design. The location and design of such uses should be such that it will not disturb residential neighborhoods or detract from the appearance of the Town and will result in the maintenance of a balance and workable relationship between undeveloped natural resources, residential neighborhoods and commercial development.

Any person using or operating a recreational conveyance in a prohibited area or in a hazardous manner shall be assessed a fine of twenty-five dollars (\$25.00) for a first offense, and fifty dollars (\$50.00) for second and subsequent offenses.

2. By amending Chapter 1, General Provisions, Section 1-4. Penalties enumerated by inserting the following:

§ 210-184. Permitted uses.

No new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used in an Office Park District for any purpose except one or more of the following, provided that no use shall involve noxious odors or excessive noise:

- A. Professional offices, administrative offices, clerical offices, establishments for research and development or laboratories with a biosafety level of Level 1 or Level 2.
- B. Light manufacturing and/or assembly with associated professional, administrative and/or clerical offices.
- C. Conference center.
- D. Banks.
- E. Restaurants.
- F. Drive-in, drive-through, or drive-up uses, but excluding the dispensing of food or drink.
- G. Public and private educational uses.
- H. Agricultural and horticultural uses.
- I. Child care centers.
- J. Places of worship and other religious uses.
- K. Continuing care retirement community, assisted living facility or similar institution, with a maximum number of beds and/or units not to exceed 300. For definition of use, see § 210-164 and for parking requirement, see § 210-169A.

L. Accessory uses to any use allowed by right or by special permit herein.

§ 210-185. Uses allowed by special permit.

The following uses shall be allowed upon the grant of a special permit by the Planning Board:

- A. Residential dormitory component of a conference center.
- B. Public transportation facilities, limited to 1) shuttle bus stop facilities and 2) park and ride parking facilities.
- C. Continuing care retirement community, assisted living facility or similar institution, with a number of beds and/or units greater than 300. For definition of use, see § 210-164 and for parking requirement, see § 210-169A.

§ 210-186. Dimensional requirements.

The following dimensional requirements shall apply:

- A. Minimum development site area: five acres. The five acres may be comprised of individual lots of less than five acres which, when combined, will be considered to be one development site. Once the lots are combined to constitute a development site, there shall be no further subdivision of the site which would result in a development site of less than five acres.
- B. Minimum lot frontage for the development site on a public way: 50 feet.
- C. Minimum lot frontage within the development site: none, provided that the interior roads, which must provide adequate access for all buildings on the development site, shall not become public ways and are to be considered private access roads. Fifty feet of frontage is required for each lot if the roads are intended to be considered public ways.
- D. Minimum lot area for individual lots within the development site: none.
- E. Setback from development site property lines:
  - (1) Minimum setbacks of buildings and parking areas from development site property lines:
    - (a) Fifty (50) feet from the property line of a Business, Downtown Business, Rural Business, Industrial A or Industrial B zoning district; one hundred (100) feet from the property line of all other zoning districts.

(b) Sixty (60) feet from the street line.

(2) The minimum setback area shall be landscaped and/or wooded so as to provide adequate year-round screening of the use from abutting property and streets. The minimum setback area shall remain undisturbed or, if previously disturbed, shall be planted and/or landscaped.

- F. Minimum setbacks of buildings from development site interior property lines and private access roads: none.
- G. Maximum building size: Total gross floor area of all buildings shall not exceed 60% of the total development site area.
- H. Maximum building height: No building or structure shall exceed 45 feet and shall not exceed three stories in height.
- I. A minimum of 40% of the development site shall remain undeveloped Open Land.
- J. Multiple buildings and uses shall be permitted on a single lot.

§ 210-187. Open land.

- A. Adequate pedestrian access shall be provided to the Open Land. The Open Land may remain as part of the overall development site and need not be a separate parcel, but there shall be deed restrictions stating that there shall be no further development of the Open Land. The Open Land may consist of a separate parcel and may be conveyed to a non-profit organization, the purpose of which is the preservation of open space. If the Open Land is conveyed to another entity, it shall continue to be part of the development site for the purpose of calculating dimensional requirements.
- B. The Open Land shall consist primarily of undisturbed land which may be used for outdoor active or passive recreational purposes and shall be planned as large, contiguous units wherever possible. If privately owned, the Open Land may be used solely by occupants of the development site or may be available for use by the general public. The decision as to whether to permit the general public to use the Open Land shall be that of the property owner or as provided for in the deed restriction. The Open Land may be comprised of more than one parcel, provided that the size, shape and location of such parcels are suitable for the above purposes.

C. Setback areas from exterior development site property lines of 100 feet or more may be counted as part of the Open Land as long as such setback area is part of the deed restricted area referred to in this section.

D. If stormwater management facilities are necessary for the construction of the buildings on the development site, such facilities shall not be located within the required setback areas, unless specifically permitted by the site plan approval. Such stormwater management facilities shall be designed to appear as natural landforms.

E. Areas set aside for planned or reserve parking spaces or fire lanes may not be considered to be Open Land.

§ 210-188. Design Principles.

A. Curb cuts on streets shall be minimized, and to the greatest extent possible, buildings shall be located away from public ways and surrounding residential uses.

B. Buildings, roadways and parking lots shall be designed to accommodate the landscape and natural site features, and disturbance to the site shall be minimized so that as many trees and natural features are retained as possible.

C. Outdoor lighting fixtures shall be shielded and directed to prevent illumination from falling onto adjacent lots and streets.

D. Interior roadways shall remain private and shall not become public ways. The design of interior roadways shall conform to the Design Standards of the Rules and Regulations Relating to the Subdivision of Land, with the exception that the Planning Board may waive such Standards if desirable. Utilities shall be underground.

§ 210-189. Planned Development.

The Site Plans submitted pursuant to Article XX, Site Plan Review, shall show the planned design, use and lighting of the entire development site, and proposed Design Guidelines. If development will be phased over time, a phasing plan shall be submitted.

§ 210-190. Signs

Signs shall conform to the regulations applicable in the Professional Office (P) District.

Pass any vote or take any action relative thereto.  
Sponsor: Planning Board

**ARTICLE 24:** To see if the Town will vote to amend the Zoning Map and the Zoning Bylaws of the Town of Hopkinton as follows:

1. Amend the Zoning Map by establishing the Hotel Overlay District on the following Assessors Map parcels: Map R23 Block 10 Lot 0, Map R23 Block 9 Lot 0, Map R29 Block 5 Lot 0, Map R23 Block 57 Lot 0, Map R23 Block 55 Lot A, Map R23 Block 55 Lot C, Map R23 Block 99 Lot A, Map R23 Block 99 Lot 0, Map R23 Block 72 Lot 0, Map R23 Block 70 Lot 0, Map R23 Block 69 Lot 0, Map R23 Block 68 Lot A, Map R23 Block 68 Lot 0, Map R23 Block 68 Lot B, Map R23 Block 67 Lot 0, Map R23 Block 67 Lot A, Map R23, Block 67 Lot C, Map R23 Block 67 Lot D, Map R23 Block 101 Lot 0 and the portion of Map R23 Block 11 Lot 0 which is within 500 feet of the right of way of Interstate Route 495;

2. Amend Article I, General Provisions, § 210-4, Definitions, by inserting in alphabetical order a new definition of Hotel or Inn, as follows:

HOTEL OR INN - An establishment providing rooms for transient lodging accommodations where there is a central lobby and primary entrances to guest rooms off an interior corridor.

3. Insert in Article I, § 210-1, Zoning Districts, A, HOD Hotel Overlay District;

4. Adopt a new Article XXIX, Hotel Overlay District, as follows:

ARTICLE XXIX  
Hotel Overlay District

§ 210-191. Purpose.

The purpose of the Hotel Overlay District (HOD) is to provide for hotel uses in select locations within Hopkinton, based on proximity to infrastructure and appropriateness of the site. The District is intended to ensure that good site planning and design is an integral component of such uses, and will accommodate a site's physical characteristics. The intent is to permit hotels within the geographic area delineated on the Zoning Map in the manner described herein, as additional uses permitted in those areas.

§ 210-192. Applicability.

A. The HOD is an overlay district superimposed on the zoning districts established by the Hopkinton Zoning Bylaws. Within the HOD, the uses listed in this Article may be permitted in the manner described, in addition to the uses permitted in the underlying zoning districts.

- B. When a portion of a lot is in the HOD, only the portion of the lot in the HOD shall be governed by this Article.
- C. All regulations and restrictions contained within the underlying zoning district shall remain in effect. The purpose of this Article is to allow up to two hotels by special permit in specific geographic areas only.

§ 210-193. Use Regulations.

Within the HOD, the following uses may be authorized upon the issuance of a special permit:

- A. Hotels and Inns, provided that such facilities include: 1) a minimum of 8,000 sq. ft. of function and/or meeting room space; 2) full service restaurant; and 3) health club facilities. Such facilities may be located either within the building or on the same lot.
- B. Accessory uses to hotels which may not be a use by right in the underlying zoning district, or which are not included in Section A above.

§ 210-194. Special Permits.

- A. The special permit granting authority shall be the Planning Board.
- B. Special Permit Criteria. No special permit shall be granted unless the Planning Board finds that:
  - A. The proposed use is in harmony with the general purpose and intent of this Article.
  - B. The proposed use complies with the provisions of this Article.
  - C. The major intersections and roadways providing access to the use will operate at an acceptable level of service based on the anticipated impact of vehicular traffic.
  - D. There will be adequate methods for the disposal of sewage and refuse, provision of utilities, and water supply.
  - E. The design of the site and the architecture of the buildings will be compatible with surrounding structures and landscape features.
- C. In reviewing any application for such special permit, the Planning Board shall give due consideration to promoting the public health, safety, convenience and welfare; and shall not permit a use that is injurious, noxious, offensive or detrimental to its neighborhood or sensitive environmental resources.

- D. The Planning Board shall deny an application for special permit if the number of hotels within the HOD would exceed one on the east side of Rt. 495 and one on the west side of Rt. 495, even if the application would meet the Special Permit Criteria.
- E. Any such special permit shall be subject to such conditions and safeguards as the Planning Board may prescribe.

Pass any vote or take any action relative thereto.  
Sponsor: Planning Board

**ARTICLE 25:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Hopkinton as follows, with the intent only to make the housekeeping changes indicated in each Article and Section:

Article 1, General Provisions

§ 210-1, Zoning Districts, subsection A:

1. Delete W Wetland
2. Insert OSMUD Open Space Mixed Use Development Overlay District

§ 210-1, Zoning Districts, subsection B:

1. Delete the first sentence in its entirety and replace with the following sentence:

The Floodplain District and Water Resources Protection Overlay District overlie all other districts, and are shown on maps as referenced in this Chapter.

§ 210-4, Definitions:

1. In the definition of Land Use Regulations, delete "Articles II through XII of" in the first sentence.
2. In the definition of Single-Family Dwelling, delete "as defined by the State Building Code" in the first sentence.

Article II, Residence A (RA) District

§ 210-5, Size and Setback Requirements, subsection C:  
Delete "do" and insert "did" in the first sentence.

§ 210-6, Permitted Uses:

1. Subsection B, delete "Churches and other places of worship, parish houses and Sunday school buildings" and insert therefor "Places of worship and other religious uses".
2. Subsection E, delete "a dwelling occupied as a private residence" and insert therefor "an owner-occupied single family dwelling".

3. Delete subsection J in its entirety and insert a new subsection J as follows: Agriculture, horticulture, floriculture or viticulture on any lot of 5 acres or more. Agriculture, horticulture, floriculture or viticulture on a lot of less than 5 acres, provided that: a) the sale of products or plants is confined primarily to those raised on the premises, b) the use is not noxious, injurious or offensive to the neighborhood, and c) farm animals are kept in an enclosure or building 50 feet or more from any street line and 30 feet or more from any side lot line.

4. Delete subsection L in its entirety and insert a new subsection L as follows: Accessory uses.

§ 210-7, Uses allowed by special permit, first sentence: Delete "In addition to the foregoing permitted uses, the" and insert therefor "The".

Article III, Residence B (RB) District

§ 210-10, Uses allowed by special permit, first sentence: Delete "In addition to the foregoing permitted uses, the" and insert therefor "The".

Article IV, Residence Lake Front (RLF) District

§ 210-12, Permitted uses, subsection B: Delete the following "All uses in the manner permitted in an RB District as set forth in §§ 210-9 and 210-10 above, with the exception of § 210-C and D" and insert therefor "All uses permitted in a RB District as set forth in § 210-9."

§ 210-13, Uses allowed by special permit

1. In the first sentence, delete "In addition to the foregoing permitted uses, the" and insert therefor "The".
2. Insert a new subsection E as follows: Uses allowed by special permit in § 210-10, with the exception of § 210-10C and D.

Article V, Agricultural District

§ 210-15, Permitted Uses:

1. Subsection B, first sentence: a) Delete "above" and b) delete "§ 210-D" and insert therefor "§ 210-10C and D".
2. Subsection C: Delete "Any use in the manner permitted in an RLF District as set forth in §§ 210-12 and 210-13 above" and insert therefor "Any use permitted in an RLF District as set forth in § 210-12."
2. Subsection D: Delete "Farms of all kinds, except fur farms" and insert therefor "Agriculture, horticulture, floriculture or viticulture."

3. Subsection F: Delete "customarily incident to any use permitted herein".

§ 210-16, Uses allowed by special permit: Insert a new subsection D as follows "Uses allowed by special permit in § 210-13."

Article VI, Business (B) District

§ 210-19, Uses allowed by special permit, first sentence: Delete "In addition to the foregoing permitted uses, the" and insert therefor "The".

Article VIA, Downtown Business (BD) District

§ 210-20.3, Uses allowed by special permit, first sentence: Delete "In addition to the foregoing permitted uses, the" and insert therefor "The".

Article VII, Rural Business (BR) District

§ 210-22, Dimensional Requirements, subsection F: Delete "or" and insert therefor "except that the rear yard depth shall be".

§ 210-23, Permitted uses, subsection G: Delete "customarily incident to any use permitted herein".

§ 210-24, Uses allowed by special permit, first sentence: Delete "In addition to the foregoing permitted uses, the" and insert therefor "The".

§ 210-25, Site plan submittal: Delete in its entirety.

§ 210-26, Design requirements:

1. Subsection A: Delete "I" and insert therefor "IA".
2. Subsection B: Delete "I" and insert therefor "IA".
3. Subsection C: Delete "I" and insert therefor "IA".

Article IX, Professional Office District

§ 210-40, Uses allowed by special permit, first sentence: Delete "Zoning Board of Appeals" and insert therefor "Board of Appeals".

Article X, Floodplain District

§ 210-52, Permitted uses, subsection A: Delete "Agriculture use, such as farming, grazing, truck farming and horticulture" and insert therefor "Agricultural uses".

Article XII, Water Resources Protection Overlay District

§ 210-71, Special Permits, subsection A: Delete "Zoning Board of Appeals" and insert therefor "Board of Appeals".

Article XIII, Garden Apartments in Residential Districts  
§ 210-74, Use regulations and dimensional requirements, subsection B(4): Insert the following new sentence at the beginning of the subsection "Garden apartment units may contain one or two bedrooms."

§ 210-75, Administration:

1. Subsection (1)(b): Delete "Design review fees" and insert therefor "Consultant review fees".
2. Subsection (2)(e)(2): Delete "guaranty" in the first sentence, and insert therefor "guarantee".

Article XIII A, Village Housing in Residential Districts  
§ 210-75.2, Definitions: Delete the definition of Affordable Housing Unit in its entirety.

§ 210-75.4, Administration, subsection A(1)(b): Delete "Design review fees" and insert therefor "Consultant review fees".

Article XIV, Campus Style Development (CSD) District  
§ 210-77, Applicability: Delete "and" between "Rural Business" and "Industrial A", and insert therefor a comma.

Article XV A, Senior Housing Development  
§ 210-105.3. Use regulations and dimensional requirements, subsection B(4): Insert a new sentence "Senior housing development units may contain one or two bedrooms" at the beginning of this subsection.

§ 210-105.4, Administration, subsection A(2)(e)(2): Delete "guaranty" in the first sentence, and insert therefor "guarantee".

Article XVII, Open Space and Landscape Preservation Development  
§ 210-113.C(1): Delete "or I" and insert a comma and "IA or IB" following "a B, BR" in the last sentence.

§ 210-115, Application and Review Process, subsection A(2), Concept Plan: Delete "Article IV, Section A-2" in the last sentence, and insert therefor "Section 5.2".

Article XVIII, Supplementary Regulations  
§ 210-117, Minimum lot frontage and area, subsection C: Delete the last sentence.

§ 210-125, Conversions of residential property: Delete "families or" and insert therefor "dwelling" in the first sentence.

§ 210-126, Accessory family dwelling unit: Delete "Zoning Board of Appeals" and insert therefor "Board of Appeals" in subsections B, C, F and I.

§ 210-126.2, Duplexes: Delete "Zoning Board of Appeals" and insert therefor "Board of Appeals" in subsections B(1), B(2), H, I(2), K, L, N and P(1).

Article XXII, Appeals  
§ 210-146, Board of Appeals:

1. Subsection B: Insert "of Appeals" following "Board" in the first sentence.
2. Subsection E: Delete "in his absence" and insert therefor "in the absence of the Chairman" in the last sentence.

§ 210-147, Filing of appeals and repetitive applications: Delete the comma after "§ 8" in the first sentence.

§ 210-150, Voting: Insert "of Appeals" following "Board" in the first sentence.

§ 210-151, Decisions: Insert "of Appeals" following "Board" in subsections B, C and D.

§ 210-152, Standards, B. Variances, subsection (2): Insert "or the hardship is unrelated to the premises for which the variance is sought" at the end of the second sentence.

Pass any vote or take any action relative thereto.  
Sponsor: Planning Board

**ARTICLE 26:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Hopkinton, Article XVIII, Supplementary Regulations, by adopting a new § 210-120, Common Driveways, as follows:

§ 210-120. Common Driveways

A. Purpose

The purpose of this Section is to promote public safety, provide for adequate sight distance, avoid site disturbance, minimize the alteration of topographical characteristics and natural resource areas, which include wetlands and historic resources, minimize stormwater runoff and retain a rural residential character. It is not the intent to make undevelopable land developable.

B. Applicability

With the exception of common driveways within Open Space and Landscape Preservation Development subdivisions (Article XVII), construction of common driveways shall require a special permit from the Planning Board. The term common driveway shall mean a single private way providing vehicular access to 2 single family dwellings (the "benefitted parcels").

Common driveways must be privately owned and maintained, shall not be considered streets or public ways, and shall not constitute a part of the designated or legal frontage for any lot.

### C. Design Requirements

All common driveways must comply with the following design requirements:

- (1) A common driveway must extend from the benefitted parcels to a public or private street right of way. A common driveway, as well as the individual driveways beyond the common portion of the driveway, must be located entirely within the benefitted parcels. A common driveway must intersect the street right of way within the legal frontage of one of the benefitted parcels.
- (2) The benefitted parcels must have permanent access to the common driveway by easements recorded in the South Middlesex Registry of Deeds.
- (3) The deeds to the benefitted parcels shall require that the owners thereof must establish a maintenance association, the purpose of which is to provide for the maintenance and repair of the common driveway, or otherwise adequately provide for the maintenance and repair of the common driveway. The term "maintenance" shall include, but not be limited to, snow plowing, maintaining design specifications, and repair and maintenance of surfaces and stormwater management facilities. All property contiguous to the common driveway must be a part of the benefitted parcels which must be included within the maintenance association. The easement containing the common driveway shall be a minimum of 20 feet in width.
- (4) Minimum Construction Standards.
  - (a) The radius of the common driveway intersection with the street right of way must be sufficient to enable emergency vehicles to exit and enter the common driveway without leaving the surface of the common driveway. Common driveways shall accommodate the Single-Unit Truck (SU-30) vehicle turning radius at all curve radii, in accordance with the January, 2006 MassHighway Project Development and Design Guide.
  - (b) A minimum depth of 8 inches of gravel must be installed the full width of the entire common driveway traveled way.

- (c) The maximum grade of the common driveway shall be no greater than 5% within 40 feet of the street right of way. The maximum grade of a common driveway for its full length beyond the initial 40 feet is 15%.

- (5) House numbers of sufficient visibility shall be provided at the entry point onto the street right of way and at each individual driveway along the common driveway, so that emergency vehicles can locate each dwelling.
- (6) Adequate sight line distance must be provided for vehicles exiting the common driveway.
- (7) The minimum width of the traveled way of a common driveway must be no less than 12 feet.
- (8) Passing turnouts shall be provided which provide a total width of at least 18 feet for a distance of 25 feet, where needed for safe sight lines of passage.
- (9) Provisions to permit the turn around of a SU-30 vehicle shall be provided at the terminus of all common driveways longer than 500 feet.

### D. Administration

- (1) A special permit is required from the Planning Board to construct a common driveway. A record owner desiring to construct a common driveway shall file with the Planning Board an application, together with such plans, drawings, specifications, fees and additional information as required by the Planning Board.
- (2) The Planning Board shall conduct its review, hold a public hearing and file its decision with the Town Clerk as required by MGL c.40A § 9.
- (3) An Applicant must provide documentation and plans which are sufficient, in the opinion of the Planning Board, for it to determine that the requirements, provisions and Approval Criteria of this Section are met. Such documentation shall include, but shall not be limited to, information on impacts to the environment, public safety, scenic roads and scenic views, and lot development.
- (4) Approval Criteria. Before the Planning Board may issue the special permit, it shall determine each of the following:
  - (a) The common driveway will provide safe and reasonable access for fire, police and emergency vehicles.

- (b) The common driveway meets the purpose and requirements of this Section.
  - (c) The common driveway will minimize the environmental impacts.
  - (d) The common driveway will not serve more than two single family dwellings.
- (5) The Planning Board may approve the special permit with conditions, which may include, but shall not be limited to: a) a performance bond, secured by deposit of money or negotiable securities, is posted with the Town to guarantee proper construction; and b) construction standards for the common driveway.

Pass any vote or take any action relative thereto.  
Sponsor: Planning Board

**ARTICLE 27:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Hopkinton in the following manner:

By amending Section 210-37.8A(6) by adding the words "and construction contractors' " between the words "landscaping" and "business".

Pass any vote or take any action relative thereto.  
Sponsor: Citizens' Petition -  
Douglas W. Resnick, 63 South Mill Street

**ARTICLE 28:** To see if the Town will vote to amend the Zoning Map of the Town of Hopkinton in the following manner:

By rezoning from Residential A and Agricultural to Industrial B, the land off Cedar Street described on Exhibit A on file with the Town Clerk, having an address of 0 Cedar Street, and being comprised of the following Assessor's Parcels: U11-26-B and portions or U11-30-0, U12-1-A and U12-2-A.

Pass any vote or take any action relative thereto.  
Sponsor: Citizens' Petition -  
Douglas W. Resnick, 63 South Mill Street

**ARTICLE 29:** To hear the report of the Selectmen relative to the laying out and the widening and relocating of the following named streets under the provisions of Chapter 82 of the General Laws, and to see if the Town will vote to accept such streets as and for public ways and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain any land or interest in land necessary for such laying out, and act on all matters relating thereto.

Street	From	To
Sadie Lane	Smith Road	Bowker Road
Bowker Road	Connelly Hill Road	Dead end
Overlook Rd.	Cedar Street Extension	Greenwood Road
Summit Way	Overlook Road	Dead end

Pass any vote or take any action relative thereto.  
Sponsor: Board of Selectmen

**ARTICLE 30:** To see if the Town will vote to accept, for all boards, committees or commissions holding adjudicatory hearings in the Town, the provisions of Chapter 39, Section 23D, of the General Laws, which provides that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, providing that certain conditions as set forth in the statute are met.

Pass any vote or take any action relative thereto.  
Sponsor: Board of Selectmen

**ARTICLE 31:** To see if the Town will vote to accept the provisions of Chapter 64G, Section 3A, of the General Laws, thereby imposing a room occupancy excise tax upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house or motel located within the Town, at a rate up to, but not exceeding, four-percent of the total amount of rent for each such occupancy.

Pass any vote or take any action relative thereto.  
Sponsor: Board of Selectmen

**ARTICLE 32:** To see if the Town will vote to accept the provisions of Chapter 32B, Section 18A, of the General Laws, so that the Town may require that all retirees who retire after the acceptance of this section, their spouses and dependents, who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or are eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to enroll in a Medicare health benefits extension plan offered by the town, provided that the benefits under the plan and Medicare Part A and Part B together shall be of comparable actuarial value to those under the retiree's existing coverage, and provided that the Town shall pay any Medicare Part B premium penalty assessed by the federal government on the retiree, spouse or dependent as a result of enrollment in Medicare Part B at the time of transfer.

Pass any vote or take any action relative thereto.  
Sponsor: Board of Selectmen

**ARTICLE 33:** To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton, Chapter 78, Section 78-2(D), by replacing "M.G.L. c.48" with M.G.L. c.148."

Pass any vote or take any action relative thereto.  
Sponsor: Board of Selectmen

**ARTICLE 34:** To see if the Town will vote to authorize the Board of Health and/or the Board of Selectmen to take such action as may be necessary to maintain the Town's membership or affiliation with the Central Massachusetts Mosquito Control Project.

Pass any vote or take any action relative thereto.  
Sponsor: Board of Health

**ARTICLE 35:** To see if the Town will vote to accept the report and recommendation of the Community Preservation Committee on the Fiscal Year 2010 Community Preservation Budget and to appropriate or reserve from Community Preservation Fund Annual Revenues or available funds a sum or sums of money for the administrative expenses of the Community Preservation Committee, and all other necessary and proper expenses of the Committee for the ensuing year; said sum to be spent under the direction of the Community Preservation Committee; with each item to be considered a separate appropriation as follows:

Reserved for Administration .....	\$ 40,000
Reserved for Open Space .....	\$ 85,010
Reserved for Passive Recreation .....	\$ 425,050
Reserved for Community Housing .....	\$ 85,010
Reserved for Historic Resources .....	\$ 85,010
Reserved for Discretionary .....	<u>\$ 170,020</u>
TOTAL .....	\$ 890,100

Pass any vote or take any action relative thereto.  
Sponsor: Community Preservation Committee

**ARTICLE 36:** To see if the Town will vote to accept the report and recommendation of the Community Preservation Committee on the Fiscal Year 2010 Community Preservation Budget and to appropriate from Community Preservation Fund Annual Revenues or available funds the sum of \$10,000, or some other sum, for the historical preservation and restoration of Town records; said sum to be spent under the direction of the Community Preservation Committee and the Town Clerk.

Pass any vote or take any action relative thereto.  
Sponsor: Community Preservation Committee

**ARTICLE 37:** To see if the Town will vote to accept the report and recommendation of the Community Preservation Committee on the Fiscal Year 2010 Community Preservation Budget and to appropriate from Community Preservation Fund Annual Revenues or available funds the sum of \$20,000, or some other sum, for the acquisition and construction of signage for historic structures and historic districts within the Town; and further to authorize the Board of Selectmen, Community Preservation Committee, Historical Commission or Officer as shall have authority to take such action to execute any and all documents as may be necessary or appropriate to carry out the purposes of this article; said sum to be spent under the direction of the Community Preservation Committee and Historical Commission.

Pass any vote or take any action relative thereto.  
Sponsor: Community Preservation Committee

**ARTICLE 38:** To see if the Town accept the report and recommendation of the Community Preservation Committee on the Fiscal Year 2010 Community Preservation Budget and to appropriate from Community Preservation Fund Annual Revenues or available funds the sum of \$55,000, or some other sum, for the construction and restoration of the Hopkinton Cultural Arts Association building to comply with requirements of the Americans With Disabilities Act; and further to authorize the Board of Selectmen, Community Preservation Committee or Officer as shall have authority to take such action to execute any and all documents as may be necessary or appropriate to carry out the purposes of this article; said sum to be spent under the direction of the Community Preservation Committee and the Town Manager.

Pass any vote or take any action relative thereto.  
Sponsor: Community Preservation Committee

**ARTICLE 39:** To see if the Town will authorize the Board of Selectmen to lease, for not more than twenty years, upon such terms and conditions as the Board of Selectmen determines to be in the best interest of the Town, portions of the roofs of Town-owned buildings known as the Fire Station, the Police Station, the Middle School and the High School and located within the Town at 73 Main Street, 74 Main Street, 88 Hayden Rowe and 90 Hayden Rowe, respectively, to a solar energy services company that will install and be responsible for the care and operation of a photovoltaic power system in order to generate energy and sell energy back to the Town at a cost savings to the Town.

Pass any vote or take any action relative thereto.  
Sponsor: School Committee and the Board of Selectmen

**ARTICLE 40:** To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$125,000, or some other sum, for the purpose of making energy improvements to school and town buildings; said sum to be spent under the direction of the Town Facilities Director, and said sum to be used in conjunction with any federal and state grants, aid, loans or other funding that may be available for the purposes of this Article; and further to authorize the School Committee and Board of Selectmen to apply for, accept, and expend any and all federal and state grants, aid, loans or other funding that may be available for the purposes of this Article; and further to authorize the School Committee and Board of Selectmen to take all other action necessary or appropriate to carry out the purposes of this Article.

Pass any vote or take any action relative thereto.  
Sponsor: School Committee and the Board of Selectmen

**ARTICLE 41:** To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$70,000, for the construction of drainage improvements to the Mt. Auburn Cemetery; said sum to be provided in full from revenues received from the sale of cemetery lots and graves, used in conjunction with any federal and state grants, aid, loans or other funding that may be available for the purposes of this Article, and said sum to be spent under the direction of the Cemetery Commissioners and the Director of the Department of Public Works; and further to authorize the Cemetery Commissioners and the Director of the Department of Public Works to apply for, accept and expend any and all state, federal or other funding that may be available for the purposes of this Article; and further to authorize the Cemetery Commissioners and the Director of the Department of Public Works to take all other action and to execute any and all documents necessary or appropriate to carry out the purposes of this article.

Pass any vote or take any action relative thereto.  
Sponsor: Cemetery Commission and  
Director of the Department of Public Works

**ARTICLE 42:** To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$145,830, or some other sum, for the repair, maintenance, renovation or improvement of municipal and school buildings and grounds to comply with the Americans with Disabilities Act of 1990, of which \$125,310.64, or some other sum, is to be provided from the Fund Balance Reserved for Capital and \$20,519.36, or some other sum, is to be provided by making transfers from the following funds:

Article 53 of the May 1995 Annual Town Meeting .....	\$ 1,592.62
Article 27 of the May 1996 Annual Town Meeting .....	\$ 2,758.66
Article 15 of the May 2003 Annual Town Meeting .....	\$ 239.00
Article 23 of the May 2005 Annual Town Meeting .....	\$ 3,627.76
Article 21 of the May 2004 Annual Town Meeting .....	\$ 10,745.00
Article 22 of the May 2004 Annual Town Meeting .....	\$ 34.00
Article 19 of the May 2006 Annual Town Meeting .....	\$ 412.70
Article 8 of the November 2007 Special Town Meeting	\$ 1,109.62;

said sum to be spent under the direction of the Town Facilities Director.

Pass any vote or take any action relative thereto.  
Sponsor: School Committee and the Board of Selectmen

**ARTICLE 43:** To see if the Town will vote to authorize the Board of Selectmen to grant to Bruce E. Garner of 28 Fruit Street and Gary R. Garner of 26 Fruit Street, the perpetual right and easement to pass and repass, by foot and vehicle, over a portion of Town-owned land containing approximately 76,120± square feet and shown as the "Proposed Access Easement" on a Plan entitled, "Easement Plan of Land in Hopkinton, Massachusetts, prepared for Garner Bros., Scale: 1" = 40', Date: November 10, 2008, prepared by J.D. Marquedant & Associates, Inc., Land Surveying" on file with the Town Clerk; said easement to be subject to such terms and conditions as the Board of Selectmen deem to be in the Town's best interest.

Pass any vote or take any action relative thereto.  
Sponsor: Board of Selectmen

**ARTICLE 44:** To see if the Town will vote to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$46,799, or some other sum, for the purchase of one four-wheel-drive vehicle with utility body, plow and all related accessories and equipment for the Highway Division of the Department of Public Works; said sum to be spent under the direction of the Director of the Department of Public Works; and to authorize the disposal of one 2000 F-350 Ford vehicle with utility body, presently being used by the Department, by trade-in, sale or otherwise.

Pass any vote or take any action relative thereto.  
Sponsor: Director of the Department of Public Works

**ARTICLE 45:** To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$355,000, or some other sum, for the painting and rehabilitation of the West Main Street storage water storage tank and all related equipment and accessories; said sum to be offset in full by the revenues received by the Water Department during the fiscal year beginning July 1, 2009; and said sum to be spent under the direction of the Director of the Department of Public Works.

Pass any vote or take any action relative thereto.  
Sponsor: Director of the Department of Public Works

**ARTICLE 46:** To see if the Town will vote to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$181,691, or some other sum, for the purchase of a six-wheel truck with plow and sander body, as well as necessary equipment and accessories, for the Highway Division of the Department of Public Works; said sum to be spent under the direction of the Director of the Department of Public Works; and to authorize the disposal of one 1999 International truck with plow and sander body, presently being used by the Department of Public Works, by trade-in, sale or otherwise.

Pass any vote or take any action relative thereto.  
Sponsor: Director of the Department of Public Works

**ARTICLE 47:** To see if the Town will vote to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$55,000, or some other sum, for the purpose of the installation, maintenance, repair, upgrade and/or replacement of a drain and all related appurtenances to service the Spring Street/Wood Street area of the Town and is be located in the vicinity of 328 Wood Street; said sum to be offset by any federal and state grants, aid, loans or other funding that may be available for the purposes of this Article, and said sum to be spent under the direction of the Director of the Department of Public Works; and further to authorize the Board of Selectmen to acquire, by gift, purchase, eminent domain or otherwise, such land, easement or other interest in land as may be necessary or appropriate to enable the Town to conduct the work referred to herein, and for the repair, maintenance and replacement of the drain in the future, the premises to be obtained being more particularly bounded and described on the Existing Conditions Plan prepared for the Town of Hopkinton D.P.W. dated November 22, 2008, revised through February 11, 2009, on file with the Town Clerk.

Pass any vote or take any action relative thereto.  
Sponsor: Director of the Department of Public Works

**ARTICLE 48:** To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$2,320,000, or some other sum, for the rehabilitation of the Wood/Main Street Pump Station and all related equipment and accessories; said sum to be spent under the direction of the Director of the Department of Public Works; provided, however, that any expenditure made pursuant to this Article shall be contingent upon the Town's obtaining the required funds through an available state, federal or other funding program; and further to authorize the Director of the Department of Public Works to apply for, accept

and expend any and all state, federal or other funding that may be available for the purposes of this Article.

Pass any vote or take any action relative thereto.  
Sponsor: Director of the Department of Public Works

**ARTICLE 49:** To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$2,000,000, or some other sum, for the remediation of sewer inflow and infiltration; said sum to be spent under the direction of the Director of the Department of Public Works, provided, however, that any expenditure made pursuant to this Article shall be contingent upon the Town's obtaining the required funds through an available state, federal or other funding program; and further to authorize the Director of the Department of Public Works to apply for, accept and expend any and all state, federal or other funding that may be available for the purposes of this Article.

Pass any vote or take any action relative thereto.  
Sponsor: Director of the Department of Public Works

**ARTICLE 50:** To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$550,000, or some other sum, for the replacement of water main located on Main Street; said sum to be spent under the direction of the Director of the Department of Public Works, provided, however, that any expenditure made pursuant to this Article shall be contingent upon the Town's obtaining the required funds through an available state, federal or other funding program; and further to authorize the Director of the Department of Public Works to apply for, accept and expend any and all state, federal or other funding that may be available for the purposes of this Article.

Pass any vote or take any action relative thereto.  
Sponsor: Director of the Department of Public Works

**ARTICLE 51:** To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$480,000, or some other sum, for repairs to the Lake Maspenock Dam; said sum to be spent under the direction of the Director of the Department of Public Works, provided, however, that any expenditure made pursuant to this Article shall be contingent upon the Town's obtaining the required funds through an available state, federal or other funding program; and further to authorize the Director of the Department of Public Works to apply for, accept and expend any and all state, federal or other funding that may be available for the purposes of this Article.

Pass any vote or take any action relative thereto.  
Sponsor: Director of the Department of Public Works

**ARTICLE 52:** To bring in their ballots on May 18, 2009 at an adjourned session of the above meeting in the gymnasium of the for Middle School the election of the following Officers:

<u>Office</u>	<u>Term (Years)</u>
Selectmen (2)	3
Board of Assessors	3
Board of Health	3
Cemetery Commissioner	3
Commissioner of Trust Fund	3
Housing Authority	5
Housing Authority	Unexpired term-2010
Housing Authority	Unexpired term-2011
Parks and Recreation Commission (2)	3
Planning Board	5
Planning Board	Unexpired term-2010
School Committee (2 positions)	3

Also to vote "Yes" or "No" on the following questions appearing on the ballot in accordance with Chapter 39, Section 9A of the General Laws:

**QUESTION #1**

Shall the Town of Hopkinton amend the vote taken on Question 1 of the May 21, 2001, Annual Town Election, by deleting from that vote the following sentence:

The Town shall spend, or set aside for later spending, not less than 10% of the annual revenues of the Fund for open space, but not including land for recreational use; not less than 10% of the annual revenues of the Fund for historic resources; not less than 10% of the annual revenues of the Fund for community housing; not less than 50% of the annual revenues of the Fund for open space, including passive recreational use; with the remaining 20% of the annual revenues of the Fund to be for any of the above purposes as well as for open space, including land for recreational uses.

(emphasis added) and inserting in its place the following sentence:

The Town shall spend, or set aside for later spending, not less than 10% of the annual revenues of the Fund for open space, but not including land for recreational use; not less than 10% of the annual revenues of the Fund for historic resources; not less than 10% of the annual revenues of the Fund for community housing; not less than 50% of the annual revenues of the Fund for open space, including recreational use; with the remaining 20% of the annual revenues of the Fund to be for any of the above purposes as well as for open space, including land for recreational uses.

thereby requiring that not less than 50% of the annual revenues of the Community Preservation Fund be spent or set aside for open space, including both passive and active recreational uses?

**HEREOF FAIL NOT**, and make due return of this warrant with your doings thereon, to the Clerk of said Town of Hopkinton at the time and place aforesaid.

Given under our hands this 30th day of March 2009:

**BOARD OF SELECTMEN  
TOWN OF HOPKINTON**

\_\_\_\_\_  
Brian J. Herr

\_\_\_\_\_  
Mary C. Pratt

\_\_\_\_\_  
Michael W. Shepard

\_\_\_\_\_  
Matthew E. Zettek

\_\_\_\_\_  
RJ Dourney

A true copy attest:

\_\_\_\_\_  
Ann M. Click, Town Clerk

Hopkinton, Massachusetts, 2009

Pursuant to the within Warrant, I have notified the inhabitants of the Town of Hopkinton to meet at the time and place and for the purposes within mentioned by posting up a certified copy of this warrant in the Town House, in each of the churches, in each of the post offices, and in each of the engine houses of the Town, eight (8) days at least before the time set for said meeting.

\_\_\_\_\_  
Constable of Hopkinton

A true copy attest

\_\_\_\_\_  
Ann M. Click, Town Clerk