



**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HOPKINTON  
ANNUAL TOWN MEETING WARRANT  
MAY 7, 2018**

*(Voter Registration Deadline: April 17, 2018)*

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 all inhabitants of the Town of Hopkinton qualified to vote in elections and in Town affairs:

To bring in their ballots on May 21, 2018, to an adjourned session of the Annual Town Meeting to be held at the Hopkinton Middle School Gymnasium, for the election of the following Officers:

**Offices for the May 21, 2018 Election**

<b>Office</b>	<b>Number of open positions</b>	<b>Length of Term</b>
Board of Assessors	1	3 years
Board of Health	1	3 years
Board of Library Trustees	1	3 years
Board of Selectmen	2	3 years
Cemetery Commissioners	1	3 years
Commissioners of Trust Fund	1	3 years
Constable	1	3 years
Parks & Recreation Commission	2	3 years
Planning Board	2	5 years
School Committee	2	3 years

For this purpose, the polls will be open from 7:00 a.m. to 8:00 p.m.

AND, further, to meet at the Hopkinton Middle School Auditorium at 88 Hayden Rowe Street, on May 7, 2018, at 7:00 p.m., then and there to act upon the following Articles:

Board of Selectmen Chairman John Coutinho

Initial

Warrant

**REPORTS**

**ARTICLE: 1 Acceptance of Town Reports**

*Sponsor: Town Manager*

To hear the Reports of Town Officers, Boards and Committees.

Pass any vote or take any act relative thereto.

**FINANCIAL— FISCAL YEAR 2018**

**ARTICLE: 2 FY 2018 Supplemental Appropriations and Transfers**

*Sponsor: Town Manager*

To see if the Town will vote to transfer from available funds or otherwise provide a sum or sums of money to supplement operating budgets and various accounts for the fiscal year ending June 30, 2018.

Pass any vote or take any act relative thereto.

**ARTICLE: 3 Unpaid Bills from Previous Fiscal Years**

*Sponsor: Town Manager*

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money to pay unpaid bills from prior fiscal years, in accordance with the provisions of Chapter 44, Section 64, of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

**ARTICLE: 4 Excess Bond Premium**

*Sponsor: Finance Director/Town Manager*

To see if the Town will vote to appropriate the remaining excess bond premium from the Town's \$29,250,000 (TWENTY NINE MILLION, TWO HUNDRED FIFTY THOUSAND DOLLARS) General Obligation Municipal Purpose Loan of 2016 Bonds, dated December 1, 2016, to capital projects of the Town for which such bonds were issued or for which borrowing has been authorized, so as to reduce the borrowing authorizations accordingly, or to other capital projects of the Town.

Pass any vote or take any act relative thereto.

Board of Selectmen Chairman John Coutinho

Initial



Warrant

**FINANCIAL – FISCAL YEAR 2019**

**ARTICLE: 5     Property Tax Exemption Increase**

*Sponsor: Finance Director*

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 for all fiscal years beginning July 1, 2018, for those qualifying for an exemption under Chapter 59, Section 5, Clauses 17D, 22, 22A, 22B, 22C, 22D, 22E, 37A, 41C, 42 or 43 of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

**ARTICLE: 6     Senior Tax Relief**

*Sponsor: Board of Selectmen*

To see if the Town will vote to accept Chapter 59, Section 5, Clause 50 of the *Massachusetts General Laws*, which exempts from taxation the increased value of residential real property as a result of alterations or improvements thereto, not to exceed five hundred dollars of taxes due; provided, however, that said alterations or improvements are made to provide housing for a person who is at least sixty years old and who is not the owner of the premises; provided further, that any such alterations or improvements must be made to a house, consisting of no more than three units prior to such alterations or improvements and which is owned and occupied by the applicant as his domicile; and provided, further, that the applicant shall annually furnish to the assessors a statement under oath that the alterations or improvements were made to provide housing for a person who is at least sixty years old.

Pass any vote or take any act relative thereto.

**ARTICLE: 7     Set the Salary of Elected Officials**

*Sponsor: Town Manager*

To see if the Town will vote to fix the salary or compensation of all of the elected officials of the Town in accordance with Chapter 41, Section 108, of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

**ARTICLE: 8     Fiscal 2019 Operating Budget**

*Sponsor: Town Manager*

To hear and act on reports and recommendations of the Appropriation Committee and to see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the operation and maintenance of Town Departments for the fiscal year beginning July 1, 2018, and that such sums be expended for such purposes under the direction of the respective Town Officers, Boards and Committees.

Board of Selectmen Chairman John Coutinho

Initial 

Warrant

Pass any vote or take any act relative thereto.<sup>1</sup>

**ARTICLE: 9    Revolving Fund Bylaw and Fund Transfer**

*Sponsor: Town Manager*

To see if the Town will vote to amend Section 13-15, Authorized Revolving Funds, as follows:

1. By deleting the row entitled "Conservation Commission," in its entirety, and inserting in place thereof, the following:

<u>Revolving Fund</u>	<u>Department, Board, Committee or Officer Authorized to Spend from fund</u>	<u>Fees, Charges or Other Receipts Credited to Fund</u>	<u>Program or Activity Expenses Payable from Fund</u>	<u>Restrictions or Conditions on Expenses Payable from Fund</u>	<u>Other Requirements/ Reports</u>	<u>Fiscal Years</u>
Conservation Commission	Conservation Commission	Filing fees in Wetlands Protection Bylaw	To meet expenses incurred in processing and reviewing applications and other related expenses.	None	None	Fiscal Year 2018 and subsequent years

2. By deleting the row entitled "Emergency Medical Services," in its entirety;
3. By deleting the row entitled "Planning Board," in its entirety, and inserting in place thereof, the following:

<u>Revolving Fund</u>	<u>Department, Board, Committee or Officer Authorized to Spend from fund</u>	<u>Fees, Charges or Other Receipts Credited to Fund</u>	<u>Program or Activity Expenses Payable from Fund</u>	<u>Restrictions or Conditions on Expenses Payable from Fund</u>	<u>Other Requirements/ Reports</u>	<u>Fiscal Years</u>
Planning Board	Planning Board	Permit fees collected by the Planning Board relating to review of Site Plans, petitions, applications, permits and appeals	To meet expenses incurred in processing and reviewing applications and other related expenses.	None	None	Fiscal Year 2018 and subsequent years

<sup>1</sup> To include funding for recent collective bargaining agreements.

Board of Selectmen Chairman John Coutinho

Initial 

Warrant

4. By deleting the row entitled "Open Space Preservation Commission," in its entirety, and inserting in place thereof, the following:

<u>Revolving Fund</u>	<u>Department, Board, Committee or Officer Authorized to Spend from fund</u>	<u>Fees, Charges or Other Receipts Credited to Fund</u>	<u>Program or Activity Expenses Payable from Fund</u>	<u>Restrictions or Conditions on Expenses Payable from Fund</u>	<u>Other Requirements/ Reports</u>	<u>Fiscal Years</u>
Open Space Preservation Commission	Open Space Preservation Commission	User fees and charges collected by the Open Space Preservation Commission in the conduct of its programs, and activities.	To meet expenses of the publication, reprinting and sale of trail guide and the maintenance of trails and signage.	None	None	Fiscal Year 2018 and subsequent years

5. By deleting the row entitled "Youth and Family Services Department," in its entirety, and inserting in place thereof, the following:

<u>Revolving Fund</u>	<u>Department, Board, Committee or Officer Authorized to Spend from fund</u>	<u>Fees, Charges or Other Receipts Credited to Fund</u>	<u>Program or Activity Expenses Payable from Fund</u>	<u>Restrictions or Conditions on Expenses Payable from Fund</u>	<u>Other Requirements/ Reports</u>	<u>Fiscal Years</u>
Youth and Family Services Department	Director of Youth and Family Services	User fees and charges received for the conduct of youth and family services, programs, and activities.	To meet expenses incurred in conducting programs and activities for the Town's young people.	None	None	Fiscal Year 2018 and subsequent years

And

Board of Selectmen Chairman John Coutinho

Initial

Warrant

6. By deleting the row entitled "Zoning Board of Appeals," in its entirety, and inserting in place thereof, the following

<u>Revolving Fund</u>	<u>Department, Board, Committee or Officer Authorized to Spend from fund</u>	<u>Fees, Charges or Other Receipts Credited to Fund</u>	<u>Program or Activity Expenses Payable from Fund</u>	<u>Restrictions or Conditions on Expenses Payable from Fund</u>	<u>Other Requirements/ Reports</u>	<u>Fiscal Years</u>
Zoning Board of Appeals	Zoning Board of Appeals	Filing fees collected by the Zoning Board of Appeals relating to review of appeals, petitions and applications.	Appropriate expenses of the Zoning Board of Appeals.	None	None	Fiscal Year 2018 and subsequent years

And to transfer all funds within the Emergency Medical Services Revolving Fund to the Ambulance Receipt Reserved Fund.

Pass any vote or take any act relative thereto.

**ARTICLE: 10 FY 2019 Revolving Funds Spending Limits**

*Sponsor: Town Manager*

To see if the Town will vote to establish the limit on the total amount that may be expended from each revolving fund established by Article VI of the General Bylaws pursuant to Section 53E½ of Chapter 44 of the *Massachusetts General Laws* for the fiscal year beginning July 1, 2018.

Pass any vote or take any act relative thereto.

**ARTICLE: 11 Chapter 90 Highway Funds**

*Sponsor: Town Manager*

To see if the Town will vote to appropriate a sum or sums of money from the proceeds due to the Town pursuant to Chapter 90 of the *Massachusetts General Laws*, for the purposes of repair, construction, maintenance and preservation of the Town's roads and bridges, the acquisition of easements and other interests in real property related to the laying out of ways, and other related costs, which qualify under the State Aid Highway Guidelines adopted by the Massachusetts Department of Transportation; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

Board of Selectmen Chairman John Coutinho

Initial



Warrant

**ARTICLE: 12    Transfer to General Stabilization Fund***Sponsor: Town Manager*

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 purpose of increasing the General Stabilization Fund, to be used, upon further appropriation, for any lawful purpose.

Pass any vote or take any act relative thereto.

**ARTICLE: 13    Other Post-Employment Benefits Liability Trust Fund    *Sponsor: Town Manager***

To see if the Town will vote to accept the provisions of Section 20 of Chapter 32B of the *Massachusetts General Laws*, as amended by Section 15 of the Chapter 218 of the Acts of 2016, establishing an Other Post-Employment Benefits Liability Trust Fund; to authorize the Board of Selectmen and Treasurer-Collector to execute a declaration of trust creating an expendable trust for the purpose of holding monies appropriated to such fund; to designate the Treasurer-Collector as the trustee of such trust; to authorize the transfer of any and all monies currently held for the purpose of paying retiree health and life benefits to such trust; and to authorize the trustee to invest and reinvest the monies in such fund in accordance with the prudent investor rule established in Chapter 203C of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

**CAPITAL EXPENSES AND PROJECTS****ARTICLE: 14    Pay-As-You-Go Capital Expenses***Sponsor: Town Manager*

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money to fund the following Pay-As-You-Go capital purchases and projects:

<u>Item</u>	<u>Purchase or Product</u>	<u>To be spent under the direction of</u>
A	<u>Town IT- End User Hardware Replacement</u>	Town Manager
B	<u>Town IT – Public Safety Server Upgrade</u>	Town Manager
C	<u>Town IT – Town Hall Security Upgrades</u>	Town Manager
D	<u>Election Precinct Tabulator Update</u>	Town Clerk
E	<u>Fire Communications System</u>	Fire Chief
F	<u>Deputy Fire Chief Inspector Vehicle</u>	Fire Chief
G	<u>Ambulance Replacement</u>	Fire Chief
H	<u>Replace Police Vehicles</u>	Police Chief
I	<u>F550 Dump Truck S13</u>	Town Manager
J	<u>F550 Dump Truck S30</u>	Town Manager
K	<u>Walk-in Refrigerator</u>	School Superintendent

Board of Selectmen Chairman John Coutinho

Initial

Warrant

Page 7



L	<u>School Security Upgrades</u>	School Superintendent
M	<u>School Wetland Conditions</u>	School Superintendent
N	Automated External Defibrillator	School Superintendent

Pass any vote or take any act relative thereto.

<b>ARTICLE: 15</b> <b>Comprehensive Wastewater Management Plan Update</b>	<i>Sponsor: Director of Public Works</i>
---	--

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 planning and engineering designs and associated costs related to the Comprehensive Wastewater Management Plan Update; said sums to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

<b>ARTICLE: 16</b> <b>Hayden Rowe Water Main Replacement</b>	<i>Sponsor: Director of Public Works/Town Manager</i>
--	---

To see if the Town will vote to raise and appropriate, borrow, transfer from available funds, or otherwise provide a sum or sums of money for engineering designs, bid documents, construction services and associated costs related to the replacement of the water main at Hayden Rowe; said sums to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

<b>ARTICLE: 17</b> <b>Cedar Street Water Main Replacement</b>	<i>Sponsor: Director of Public Works/Town Manager</i>
---	---

To see if the Town will vote to raise and appropriate, borrow, transfer from available funds, or otherwise provide a sum or sums of money for engineering designs, bid documents, construction services and associated costs related to the replacement of the water main at Cedar Street; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

<b>ARTICLE: 18</b> <b>Pratt Farm Wellfield Investigation and New Source Approval</b>	<i>Sponsor: Director of Public Works/Town Manager</i>
--	---

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 installation of wellfields and observation wells, pumping tests, and submission of reports and permit or approval request documents to the Department of

Board of Selectmen Chairman John Coutinho

Initial

Warrant



Environmental Protection and the Town of Hopkinton's Conservation Commission regarding the Pratt Farm Wellfield Investigation and New Source Approval Project, said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE: 19 Purchase of Backhoe**

*Sponsor: Director of Public  
Works/Town Manager*

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 purchase of a backhoe, accessories and related costs for the Department of Public Works; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE: 20 Main Street Corridor Project**

*Sponsor: Director of Public  
Works/Town Manager/Town  
Engineer and Facilities Director*

To see if the Town will vote to raise and appropriate, borrow, transfer from available funds, or otherwise provide a sum or sums of money for design, construction services, professional services, undergrounding of utilities and associated work, installation of street lighting, and police details related to the Main Street Corridor Project; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE: 21 Campus Master Plan Study – Phase 1 School Bus  
Parking**

*Sponsor: School Committee*

To see if the Town will vote to raise and appropriate, borrow, transfer from available funds, or otherwise provide a sum or sums of money for Phase 1 of the Campus Master Plan Study, which includes the construction of a parking lot on Town-owned property; said sum to be spent under the direction of the School Committee.

Pass any vote or take an act relative thereto.

Board of Selectmen Chairman John Coutinho

Initial



Warrant

Page 9

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Community Preservation budget for the fiscal year beginning July 1, 2018, and to raise and appropriate, borrow, transfer from available funds, a sum or sums of money for the purpose of installing turf on fields 4 and 5 at Hopkinton High School and making associated capital improvements, including lighting, said sum to be spent under the direction of the School Committee; with such funds coming from the following sources:

A) \$ 1,000,000 (ONE MILLION DOLLARS) from the Community Preservation Fund, with \$300,000 (THREE HUNDRED THOUSAND DOLLARS) from Passive/Active Recreation and \$700,000 (SEVEN HUNDRED THOUSAND DOLLARS) from Undesignated Fund Balances; provided, however, that such funds shall not be used for the acquisition of the turf field;

B) \$720,000 (SEVEN HUNDRED THOUSAND DOLLARS) from the Community Preservation Fund to be used only for the lighting associated with the Athletic Field Project and for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44B, Section 11 of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefor, and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of the issuance of such bonds or notes, may be applied to payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount to be borrowed to pay such cost by a like amount; provided, however, that while such bond and notes shall be general obligations of the Town, the payment of debt service on the bonds and notes for this purpose shall be made in the first instance from Community Preservation Committee reserve funds; and

C) A sum or sums of money from General Revenues and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(1) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefor, and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of the issuance of such bonds or notes, may be applied to payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount to be borrowed to pay such cost by a like amount; provided, however, that said sum shall be reduced by the amount received as gifts or donations in support of the purposes of this motion.

Pass any vote or take an act relative thereto.

To see if the Town will vote to raise and appropriate, borrow, transfer from available funds, or

Board of Selectmen Chairman John Coutinho

Initial

Warrant

otherwise provide a sum or sums of money for replacement of core switches in the Main Distribution Frames of four school buildings that connect to the School and Town networks; said sum to be spent under the direction of the School Committee.

Pass any vote or take an act relative thereto.

**ARTICLE: 24 Facilities Improvements District Wide** *Sponsor: School Committee*

To see if the Town will vote to raise and appropriate, borrow, transfer from available funds, or otherwise provide a sum or sums of money for engineering, bid documents, construction services, and associated costs related to the replacement of various building elements, equipment, infrastructure and systems districtwide; said sum to be spent under the direction of the School Committee.

Pass any vote or take an act relative thereto.

**COMMUNITY PRESERVATION FUNDS**

**ARTICLE: 25 Community Preservation Funds** *Sponsor: Town Manager*

To see if the Town will vote to appropriate or reserve from the Community Preservation annual revenues a sum or sums of money, in the amounts recommended by the Community Preservation Committee, for committee administrative expenses and other expenses in the fiscal year beginning July 1, 2018, with each item to be considered a separate appropriation.

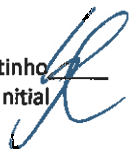
Pass any vote or take an act relative thereto.

**ARTICLE: 26 Community Preservation Recommendations** *Sponsor: Community Preservation Committee*

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Community Preservation budget for the fiscal year beginning July 1, 2018, and to appropriate from the Community Preservation Fund a sum of money, not to exceed 5% of the estimated annual revenues for said fiscal year, to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2019; and, further, to reserve for future appropriation a sum of money from the Community Preservation Fund for open space, historic resources, and community housing purposes; and, further, to appropriate from the Community Preservation Fund, a sum or sums of money for the following Community Preservation projects or purposes, including the acquisition of interests in land, all as recommended by the Community Preservation Committee:

Board of Selectmen Chairman John Coutinho

Initial



Warrant

a.) \$25,000 (TWENTY FIVE THOUSAND DOLLARS) from funds reserved for Historical Preservation for the preservation of land records, dated from 1710 to 1843; said sum to be spent under the direction of Hopkinton Town Clerk and the Community Preservation Committee.

b.) \$4,650 (FOUR THOUSAND, SIX HUNDRED FIFTY DOLLARS) from funds reserved for Passive Recreation to complete a conservation restriction for approximately 6 acres of land located at 0 East Main Street (the East Main Street Methodist Church property), and shown as Assessors' Map U12 23 0, with said sum to be used for surveying the land, conveying the conservation restriction, paying a nonprofit to hold, monitor and enforcement the restriction (endowment funding), and other associated costs; said sum to be spent under the direction of the Board of Selectmen and the Community Preservation Committee, provided, that a portion of said sum shall be placed in an endowment account over which the Hopkinton Area Land Trust shall have control.

c.) \$6,200 (SIX THOUSAND, TWO HUNDRED DOLLARS) from funds reserved for Open Space to complete a conservation restriction for approximately 5.34 acres of land located at 0 Granite Street, shown as Assessor Map U25 11 0, and 0 Hayden Rowe, shown as Assessor Map R34 16 1 (the Wyckoff property and Echo Trail), with said sum to be used for surveying the land, conveying the conservation restriction, paying a nonprofit to hold, monitor and enforcement the restriction (endowment funding), and other associated costs, and that the Board of Selectmen be authorized to enter into such agreement and execute such instrument, in accordance with Chapter 44B, §12, and Chapter 184, §§31-33 of the Massachusetts General Laws; said sum to be spent under the direction of the Board of Selectmen, the Open Space Preservation Commission and the Community Preservation Committee, provided, that a portion of said sum shall be placed in an endowment account over which the Hopkinton Area Land Trust shall have control.

d.) \$8,655 (EIGHT THOUSAND, SIX HUNDRED FIVE DOLLARS) from funds reserved for Open Space to complete new conservation restriction, or amend the conservation restriction for the Center Trail recorded in the Middlesex South Registry of Deeds Book 41738, Page 432, to include a new conservation restriction for approximately 4.7 acres of land at 0 Claflin Place, shown as Assessors' Map U19 2 0, and 0 Main Street, shown as Assessors' Map U19 9 0, with said sum to be used for surveying the land, paying a nonprofit to hold, monitor and enforcement the restriction (endowment funding), and other associated costs, and that the Board of Selectmen be authorized to enter into such agreements and execute such instruments in accordance with Chapter 44B, §12, and Chapter 184, §§31-33 of the Massachusetts General Laws; said sum to be spent under the direction of the Board of Selectmen and the Community Preservation Committee, provided, that a portion of said sum shall be placed in an endowment over which the Hopkinton Area Land Trust shall have control.

e.) \$50,000 (FIFTY THOUSAND DOLLARS) from funds reserved for Passive/Active Recreation for cameras at Sandy Beach, Fruit Street Recreation Fields, and EMC Park in order to deter vandalism; said sum to be spent under the direction of Parks and Recreation Commission and the Community Preservation Committee.

Board of Selectmen Chairman John Coutinho

Initial



Warrant

Page 12

f.) \$150,000 (ONE HUNDRED FIFTY THOUSAND DOLLARS) from funds reserved for Passive Recreation for the design and construction of a dog park at 0 Hayden Rowe, shown as Assessors' Map U24 10 0 and U24 10 A, and 192 Hayden Rowe, shown as U24 9 0; said sum to be spent under the direction of the Parks and Recreation Commission and the Community Preservation Committee.

Pass any vote or take an act relative thereto.

<b>ARTICLE: 27</b>	<b>Community Preservation Recommendations – Land Acquisitions and Borrowing</b>	<i>Sponsor: Community Preservation Committee</i>
--------------------	---	--

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Community Preservation budget for the fiscal year beginning July 1, 2018, and to appropriate from the Community Preservation Fund a sum of money, not to exceed 5% of the estimated annual revenues for said fiscal year, to appropriate from the Community Preservation Fund, or borrow pursuant to Chapter 44B, Section 11, of the Massachusetts General Laws, or any other enabling authority, a sum or sums of money for the following Community Preservation projects or purposes, including the acquisition of interests in land, all as recommended by the Community Preservation Committee:

a.) \$143,000 (ONE HUNDRED FORTY THREE THOUSAND DOLLARS) from funds reserved for Open Space to acquire 20.86 acres of land (Colella Farm) off the westerly side of Hayden Rowe and shown on Assessors' Map as U24 4 0, to be managed and controlled by the Open Space Preservation Commission in accordance with Chapter 19 of the Acts of 1999, or any other enabling authority, for conservation and passive recreation purposes; and that the Town Manager and the Board of Selectmen be authorized to enter into all agreements and execute any and all instruments, including permanent deed, conservation, or historic preservation restrictions, in accordance with Chapter 44B, §12, and Chapter 184, §§31-33 of the Massachusetts General Laws; said sum to be spend under the direction of the Board of Selectmen, Open Space Preservation Commission, and the Community Preservation Committee.

b.) \$198,000 (ONE HUNDRED NINETY EIGHT THOUSAND DOLLARS) from funds reserved for Open Space, to acquire approximately 38.35 acres of land at 39 Cedar Street, shown as Assessors' Map U11 28 0, and 0 Cedar Street, shown as Assessors' Map U11 7 0, to be managed and controlled by the Open Space Preservation Commission in accordance with Chapter 19 of the Acts of 1999, or any other enabling authority, for conservation and passive recreation purposes; and that the Town Manager and the Board of Selectmen be authorized to enter into all agreements and execute any and all instruments, including permanent deed, conservation, or historic preservation restrictions, in accordance with Chapter 44B, §12, and Chapter 184, §§31-33 of the Massachusetts General Laws; said sum to be spend under the direction of the Board of Selectmen, Open Space Preservation Commission and the Community Preservation Committee.

c.) \$600,000 (SIX HUNDRED THOUSAND DOLLARS) from funds reserved for Passive/Active Recreation for Fruit Street lighting; said sums to be spent under the direction of Parks and

Board of Selectmen Chairman John Coutinho

Initial

Warrant

Page 13



Recreation Commission and the Community Preservation Committee, and for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44B, Section 11 of the Massachusetts General Laws, or any other enabling authority; provided, however, that while such bond and notes shall be general obligations of the Town, the payment of debt service on the bonds and notes for this purpose shall be made in the first instance from CPC reserve funds, and that *any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of the issuance of such bonds or notes, may be applied to payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount to be borrowed to pay such cost by a like amount.*

Pass any vote or take an act relative thereto.

### **ZONING BYLAW AMENDMENTS**

**ARTICLE: 28    Special Permit Duration**

*Sponsor: Planning Board*

To see if the Town will vote to amend the Zoning Bylaw as follows:

1. By amending Article XII, Water Resources Protection Overlay District, by deleting Subsection F of §210-71 thereof in its entirety and inserting, in place thereof, a new Subsection F as follows:

F. Special permit time limitations. A special permit granted under this section shall lapse upon the expiration of the maximum period of time authorized by M.G.L. c.40A, §9, which shall not include such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not sooner begun except for good cause; provided, however, that, prior to the expiration of such period, an applicant may request an extension of the term of a Special Permit from the SPGA, and the SPGA may extend such term as it deems appropriate.

2. By amending Article XXXIV, Special Permit Granting Authority, by deleting Subsection C of §210-223 thereof in its entirety and inserting, in place thereof, a new Subsection C as follows:

C. A Special Permit granted under this section shall lapse upon the expiration of the maximum period of time authorized by M.G.L. c.40A, §9, which shall not include such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun except for good cause; provided, however, that, prior to the expiration of such period, an applicant may request an extension of the term of a Special Permit from the SPGA, and the SPGA may extend such term as it deems appropriate.

Board of Selectmen Chairman John Coutinho

Initial



Warrant

Pass any vote or take any action relative thereto.

**ARTICLE: 29 Statutory Protection for Building Permits and Special Permits**

*Sponsor: Planning Board*

To see if the Town will vote to amend Article XXIII, Amendments, of the Zoning Bylaws, by deleting the words "six months" from §210-154, Conformance of permits to subsequent amendments, and inserting, in place thereof, the words "the period of time specified in M.G.L. c.40A, §6" so that §210-154 will read as follows:

§210-154. Conformance of permits to subsequent amendments.

Construction or operations under a building or special permit shall conform to any subsequent amendment of this chapter unless the use or construction is commenced within the period of time specified in M.G.L. c.40A §6 after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as possible.

Pass any vote or take any act relative thereto.

**ARTICLE: 30 Fine for Zoning Violations**

*Sponsor: Planning Board*

To see if the Town will vote to amend Article ~~XXX~~<sup>XXIV</sup>, Administration and Enforcement, of the Zoning Bylaws, by deleting §210-158, Penalty, therefrom in its entirety, and inserting, in place thereof, a new §210-158, Penalty, as follows:

§210-158. Penalty.

Whoever violates any provision of this chapter or any of the conditions under which a permit is issued by the Director of Municipal Inspections or any decision rendered by the Board of Appeals under the provisions of this chapter shall be liable to a fine of not more than the amount specified in M.G.L. c.40A, §7 per day for each violation; provided, however, that each day such violation continues shall constitute a separate offense.

Pass any vote or take any act relative thereto.

Board of Selectmen Chairman John Coutinho

Initial 

Warrant



**ARTICLE: 31 Hotel Overlay District Land Area***Sponsor: Planning Board*

To see if the Town will vote to amend the Zoning Map, by amending the Hotel Overlay District as follows:

1. By expanding the Hotel Overlay District to include the parcels within the Industrial A District shown on a map entitled "Proposed Hotel Overlay District - West", dated April 4, 2018, which is on file with the Town Clerk; and
2. By expanding the Hotel Overlay District to include the area in an Industrial B District shown on a map entitled "Proposed Hotel Overlay District - East", dated April 4, 2018, which is on file with the Town Clerk.

Pass any vote or take any action relative thereto.

**ARTICLE: 32 Maximum Building Height – Industrial A District***Sponsor: Planning Board*

To see if the Town will vote to amend Article VIII, Industrial A District, of the Zoning Bylaw, by deleting §210-32, Height of Buildings, in its entirety, and inserting, in place thereof, a new §210-32 as follows:

**§210-32. Limitation on principal front of buildings.**

The vertical distance, measured from the curb grade to the highest point of the principal front of a building or structure in the Industrial A District shall not exceed 60 feet; provided, however, that such vertical distance for a building or structure that is within 400 feet of the right of way of the portion of Hayward Street located to the west of South Street shall not exceed 40 feet.

Pass any vote or take any act relative thereto.

**ARTICLE: 33 Maximum Building Height – Industrial B District***Sponsor: Planning Board*

To see if the Town will vote to amend Article VIIIA, Industrial B District, of the Zoning Bylaw by deleting §210-37.6, Height of Buildings, in its entirety, and inserting, in place thereof, a new §210-37.6 as follows:

**§210-37.6. Limitation on principal front of buildings.**

The vertical distance, measured from the curb grade to the highest point of the principal front of a building or structure in the Industrial B District shall not exceed 45 feet.

Pass any vote or take any act relative thereto.

Board of Selectmen Chairman John Coutinho

Initial 

Warrant

**ARTICLE: 34     Maximum Building Height – Hotel Overlay District     Sponsor: Planning Board**  
**Near Parkwood Drive**

To see if the Town will vote to amend Article VIIIA, Industrial B District, of the Zoning Bylaw by inserting a second paragraph into §210-37.6, Height of Buildings, as follows:

The Maximum Height of any building or structure that is within the Hotel Overlay District and located north of West Main Street and east of Parkwood Drive shall not exceed 60 feet.

Pass any vote or take any act relative thereto.

**ARTICLE: 35     Amendments to Conversion Bylaw     Sponsor: Planning Board**

To see if the Town will vote to amend Article XVIII, Supplementary Regulations, of the Zoning Bylaws, by deleting § 210-125, Conversions of residential property, in its entirety, and inserting, in place thereof, a new §210-125 as follows:

**§210-125. Conversions of residential property.**

The conversion of any Single-family dwelling to accommodate not more than two dwelling units may be undertaken in any zoning district except an Industrial A (IA) or Industrial B (IB) District upon the grant of a special permit by the Board of Appeals, provided however, that the exterior of the building shall not be materially altered by reason of such conversion; the dwelling unit so created shall contain a floor area of at least 600 square feet; and at least one of the dwelling units shall be owner-occupied. Two parking spaces shall be provided on the site for each dwelling unit.

Pass any vote or take any act relative thereto.

**ARTICLE: 36     Accessory Family Dwelling Unit     Sponsor: Planning Board**

To see if the Town will vote to amend Article XVIII of the Zoning Bylaw by deleting §210-126, Accessory Family Dwelling Unit, in its entirety and inserting, in place thereof, a new §210-126 as follows:

**§ 210-126. Accessory Family Dwelling Unit**

A. Purpose. The intent and the purpose of this section is to permit accessory family dwellings in any district where single family dwellings are allowed by right, subject to the standards and procedures hereinafter set forth. It is also the intent to ensure that the single-family character of neighborhoods will be maintained, and that the accessory unit will remain subordinate to the principal living quarters.

B. Definitions.

Board of Selectmen Chairman John Coutinho

Initial

Warrant

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

**ACCESSORY FAMILY DWELLING UNIT** - A secondary dwelling unit subordinate in size to the principal single-family dwelling on a lot, and that is located either within either the principal single-family dwelling or in an accessory structure on the same lot as a single-family dwelling.

**MINI ACCESSORY FAMILY DWELLING UNIT** – An accessory family dwelling unit that is located entirely within a single-family dwelling and that does not exceed 800 square feet of gross floor area.

**STANDARD ACCESSORY FAMILY DWELLING UNIT** – An accessory family dwelling unit that is not a mini accessory family dwelling unit.

- C. Mini accessory family dwelling unit. A mini accessory family dwelling unit shall be permitted by right in any district where single family dwellings are allowed by right.
- D. Standard Accessory Family Dwelling Unit. A standard accessory family dwelling unit shall be permitted in any districts where single family dwellings are allowed by right upon the grant of a special permit by the Board of Appeals. The Board of Appeals may grant a special permit for a Standard Accessory Family Dwelling Unit that conforms to the requirement of this section if the following criteria are met:
  - (1) The accessory family dwelling unit shall not exceed 1,000 square feet in gross floor area.
  - (2) Floor plans of the accessory unit and the principal single-family dwelling, and a certified site plan showing the dwelling unit on the lot and its relationship to other structures and premises within 200 feet of the lot, shall be filed with the application for a special permit.

Special Permits shall be reviewed and granted in accordance with the provisions of §210-223. No building permit shall be issued in accordance with a special permit issued under this section until the special permit has been recorded in the Middlesex South Registry of Deeds by the applicant and evidence of such recording has been submitted to the Director of Municipal Inspections.

- E. Use limitations. An accessory family dwelling unit may not be occupied by more than three persons or have more than two bedrooms. An owner of record of the lot shall occupy either the principal dwelling unit or the accessory family dwelling unit as the owner's primary residence. For lots owned by a corporation, partnership, trust or association, the requirements of this Section regarding the owner of record of the lot shall instead be met by an officer or director of the corporation, a partner in the partnership, a trustor, trustee or beneficiary of the trust, or a member of the association. The dwelling unit not occupied by

Board of Selectmen Chairman John Coutinho

Initial

Warrant

the owner of record of the lot shall be occupied by a person related by blood, marriage or adoption to such owner, or a person who is 60 years of age or older.

- F. Disposal of sewage. Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of an accessory family dwelling unit in accordance with the requirements of the Board of Health.
- G. Ingress, egress, access. Adequate provision, as determined by the Director of Municipal Inspections, shall be made for separate ingress and egress to the outside of each unit. To the maximum extent possible, exterior passageways and access ways shall not detract from the single-family appearance of the dwelling. Except for an accessory family dwelling unit located in a detached accessory structure, an interior doorway shall be provided between the principal dwelling unit and the accessory family dwelling unit as a means of access for purposes of supervision and emergency response. All stairways to additional stories shall be enclosed within the exterior walls of the structure. An accessory family dwelling unit located in a detached accessory structure shall be located within a reasonable distance to the principal dwelling unit so as to allow for supervision and emergency response. Sufficient access shall be provided and maintained between the principal dwelling unit and the accessory family dwelling unit for purposes of supervision and emergency response.
- H. Parking. Provisions for off-street parking of residents and guests of both units shall be made in a manner consistent with the character of the neighborhood.
- I. Occupancy permit; control. No occupancy of an accessory family dwelling unit shall be permitted without an occupancy permit issued by the Director of Municipal Inspections. Prior to issuance of the occupancy permit, an affidavit shall be presented to the Director of Municipal Inspections attesting to the fact that the use limitations set forth in §210-126 will be satisfied. The initial occupancy permit shall remain in force for a period expiring two years from the date of issuance or until ownership of the premises changes, whichever occurs first. Occupancy permits shall not be transferable upon change in ownership or change in occupancy. Subsequent occupancy permits may be issued by the Director of Municipal Inspections for succeeding two-year periods upon the presentation to the Director of Municipal Inspections of an affidavit attesting to the fact that the use limitations set forth in §210-126 continue to be satisfied. The owner of record is responsible for initiating each application for each subsequent occupancy permit.

Pass any vote or take any action thereto.

**ARTICLE: 37     Marijuana Establishments**

*Sponsor: Planning Board*

To see if the Town will vote to amend the Zoning Bylaws as follows:

1. By repealing Article XXXIIIA, Temporary Moratorium on Marijuana Establishments, in its entirety; and

Board of Selectmen Chairman John Coutinho

Initial



Warrant

2. By inserting a new Article XXXIIIA, Marijuana Establishments, as follows:

Consistent with M.G.L. c.94G, §3(a)(2), all types of marijuana establishments, as defined in M.G.L. c.94G, §1, including, without limitation, marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, and any other type of marijuana-related businesses subject to regulation under M.G.L. c.94G, shall be prohibited in the Town of Hopkinton; provided, however, that a Registered Marijuana Dispensary shall not be deemed to be a Marijuana Establishment.

Pass any vote or take any action thereto.

**ARTICLE: 38 Lighting**

*Sponsor: Planning Board*

To see if the Town will vote to amend the Zoning Bylaws by inserting a new §210-126.5 as follows:

**§ 210-126.5. Non-Residential Lighting**

- A. Requirements. Indoor lighting of non-residential uses shall not introduce significant glare, light trespass, and skyglow through windows or building openings at nighttime. Interior spaces of buildings shall not be continuously illuminated during hours of darkness unless there are specific considerations that require continuous illumination when a business or other non-residential use is closed. Interior lighting may not be used solely for interior architectural or advertising purposes.
- B. Exemptions. The following shall be exempted from the provisions of this Section:
- (1) Holiday lighting; and
  - (2) Lighting used for security purposes.
- C. Lighting that does not conform to the provisions of this section may be allowed by special permit from the Planning Board upon a finding that there are demonstrable community, health, safety or welfare benefits that will be served by the lighting. No special permit may be granted pursuant to this section unless the Planning Board determines that the proposed lighting is appropriate for the size and use of the property, any buildings thereon, and the neighborhood setting.

Pass any vote or take any action thereto.

Board of Selectmen Chairman John Coutinho

Initial



Warrant

## GENERAL BYLAW AMENDMENTS

### ARTICLE: 39 Nuisance and Dangerous Dog

*Sponsor: Board of Health/Animal Control Officer/Town Manager*

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

1. By deleting from Section 1-4, Penalties Enumerated, the row entitled "Nuisance by reason of barking dogs" in its entirety and inserting, in place thereof, the following:

Citation to Law, Bylaw, Rule or Regulation, if Applicable	Subject of Bylaw and Enforcing Person	Penalty
Nuisance and Dangerous Dog (Ch. 62, Art. VIII)	Nuisance and Dangerous Dog  Animal Control Officer, Board of Selectmen, and Police Department	First violation: \$25, for each offense, each day being a separate offense; Second violation: \$50, for each offense, each day being a separate offense; and Third violation or subsequent violation: \$75, for each offense, each day being a separate offense.

and

2. By deleting Chapter 62, Article VIII, Barking Dogs, and inserting, in place thereof, the following:

#### Article VIII Nuisance and Dangerous Dog

##### §62-14. Administration

The Animal Control Officer shall be responsible for enforcement of this Article; provided, however, that, for purposes of this Article and M.G.L. c.140, §157, the Board of Selectmen shall be the Hearing Authority.

##### § 62-15. Nuisance or Dangerous Dog.

No person shall keep in this Town any dog that is a nuisance or a dangerous dog, as those terms are defined and used in M.G.L. c.140, §§136A and 157.

##### § 62-16. Complaints; investigations.

Board of Selectmen Chairman John Coutinho

Initial

Warrant

- A. If any person shall make complaint, in writing, to the Board of Selectmen that any dog owned or harbored within the Town is a nuisance dog or a dangerous dog. Complaints shall be investigated and addressed in accordance with M.G.L. c.140, §157.
- B. Prior to any nuisance or dangerous dog hearing held pursuant to Section 62-16.A, the Animal Control Officer may issue a Temporary Restraint Order or a Temporary Confinement Order.
1. Issuance of Temporary Restraint Orders. The Animal Control Officer may issue a Temporary Restraint Order to the owner or keeper of any dog that is alleged to be a nuisance dog or a dangerous dog and is awaiting a decision under Section 62-16.A. A Temporary Restraint Order shall be in force for no more than thirty (30) days unless the Animal Control Officer renews it in writing for subsequent thirty (30) day periods. The Animal Control Officer may rescind or decline to renew the Order upon a determination that restraint is no longer required. The Animal Control Officer's order shall expire upon receipt of a decision from the Board of Selectmen on the nuisance dog or dangerous dog hearing.
  2. Issuance of Temporary Confinement Order. The Animal Control Officer may make arrangements for the temporary housing of any dog that requires such temporary housing, and may issue an Order of Temporary Confinement authorizing such temporary housing. The housing may be at a local veterinary clinic or at a dog kennel within the Town or neighboring towns, and shall be at the dog owner's or keeper's expense

**§ 62-17. Violations and penalties.**

- A. Any person who fails to comply with any order of the Animal Control Officer or the Board of Selectmen pursuant to this Article shall be deemed a violation of this Article.
- B. In addition to any other remedy provided by law, this Article may be enforced by the Animal Control Officer, or any police officer of the Town, or the Board of Selectmen, through any means available in law or equity, including but not limited to criminal indictment in accordance with M.G.L. c.40, §21, non-criminal disposition in accordance with Article II and M.G.L. c.40, §21D, and, in instances of a violation of a nuisance dog or dangerous dog order issued pursuant to M.G.L. c.240, §157, in accordance with M.G.L. c.140, §157A.
1. When enforced in accordance with M.G.L. c.40, §21, the maximum penalty shall be \$300 and each day a violation exists shall constitute a separate violation.
  2. When enforced through non-criminal disposition, the penalties shall be as follows:

First violation: \$25, for each offense, each day being a separate offense;  
Second violation: \$50, for each offense, each day being a separate offense; and  
Third violation or subsequent violation: \$75, for each offense, each day being a

Board of Selectmen Chairman John Coutinho

Initial

Warrant

Page 22



separate offense.

3. When enforced in accordance with M.G.L. c.140, §157A, an owner or keeper of a dog who fails to comply with an order of the Selectmen or district court shall be punished, for a first offense of not more than \$500 or imprisonment for not more than 60 days in a jail or house of correction, or both, and for a second or subsequent offense, by a fine of not more than \$1,000 or imprisonment for not more than 90 days in a jail or house of correction.

Pass any vote or take any action thereto.

**ARTICLE: 40 Marijuana Prohibition**

*Sponsor: Hopkinton Youth and Family Services*

To see if the Town will vote to amend Chapter 58, Alcoholic Beverages, Marijuana or Tetrahydrocannabinol and Tobacco, of the General Bylaws by adding a new Section 58-5, Marijuana Not Medically Prescribed, as follows:

**§58-5 Marijuana Not Medically Prescribed**

Consistent with M.G.L. c.94G, §3(a)(2), all types of "marijuana establishments," as defined in M.G.L. c.94G, §1(j) and as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, marijuana cultivators, craft marijuana cooperatives, marijuana product manufacturers, marijuana retailers, independent testing laboratories, marijuana research facilities, marijuana transporters, and any other type of licensed marijuana-related businesses by whatever name used, shall be prohibited within the Town of Hopkinton; provided, however, that this prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000, as it may be amended from time to time.

Pass any vote or take any act relative thereto.

**ARTICLE: 41 Tobacco Bylaw**

*Sponsor: Board of Health*

To see if the Town will vote to amend the General Bylaws as follows:

1. By deleting the words "Sales of tobacco to minors and tobacco smoke in public places" from Section 1-4, Penalties Enumerated, and inserting, in place thereof, the following:

Sales of tobacco and products containing tobacco and nicotine and use of tobacco and products containing tobacco and nicotine in a public place

Board of Selectmen Chairman John Coutinho

Initial



Warrant

2. By deleting from Section 1-4, Penalties Enumerated, the row entitled "Alcoholic Beverages, Marijuana or Tetrahydrocannabinol Bylaw (Ch. 58)" in its entirety and inserting, in place thereof, the following:

Citation to Law, Bylaw, Rule or Regulation, if Applicable	Subject of Bylaw and Enforcing Person	Penalty
Alcoholic Beverages, Marijuana or Tetrahydrocannabinol Bylaw (Ch. 58)	Alcoholic Beverages, Marijuana or Tetrahydrocannabinol and Tobacco  Police Department	For individuals 18 years of age or older, the penalty shall be as follows: First violation: \$100 Second violation: \$200 Third and subsequent Violations: \$300  Tobacco/Nicotine Containing Products: For individuals under the age of 18 years, confiscation of prohibited products, notification to parent(s) or legal guardian(s) of violation, distribution of educational and cessation program materials; no monetary penalty.

3. By deleting Section 58-4, Possession and use of tobacco by minors, in its entirety, and inserting, in place thereof, the following:

Section 58-4                      Use and Sale of Tobacco and Products Containing Tobacco or Nicotine.

A. Use of Tobacco and Products Containing Tobacco or Nicotine

1. The Board of Health shall issue regulations prohibiting the consumption and use of tobacco and products containing tobacco or nicotine in a public outdoor place by a person under the age of 21.
2. All tobacco and products containing tobacco or nicotine used in violation of the Board of Health's regulations by a person under the age of 18, shall be confiscated and the parent(s) or legal guardian(s) of the person shall be notified of such violation and provided with (1) educational materials on the health issues related to tobacco and nicotine and (2) information on cessation programs. No individual under the age of 18 years shall be subject to a monetary penalty.
3. Individuals 18 years of age and over who use tobacco and products containing tobacco or nicotine in violation of the Board of Health's regulations may be penalized by non-criminal disposition as provided by §1-4 and M.G.L. c.40, §21D.

Board of Selectmen Chairman John Coutinho

Initial

Warrant

**B. Sale of Tobacco and Products Containing Tobacco or Nicotine**

1. The Board of Health shall issue regulations governing the sale of tobacco and products containing tobacco or nicotine to individuals under the age of 21.
2. Individuals who sell tobacco and products containing tobacco or nicotine in violations of the Board of Health's regulations may be penalized by non-criminal disposition as provided by §1-4 and *M.G.L. c.40, §21D*.

C. Nothing in this section shall be construed to limit the authority of the Board of Health to adopt reasonable regulations relating to tobacco or products containing tobacco or nicotine pursuant to *M.G.L. c.111, §31*.

Pass any vote or take any act relative thereto.

**ARTICLE: 42 Correction of Obsolete Charter References**

*Sponsor: Town Clerk*

To see if the Town will vote to amend the General Bylaws as follows:

1. By deleting §24-5, Removal of Officers and Employee, of the General Bylaws, in its entirety; and
2. By deleting the words "each Town Agency, as defined by Section 1-9 of the Town Charter," from the first sentence of §33-1, Applicability, of the General Bylaws, and inserting, in place thereof, the words "all boards, committees, departments, divisions and offices", so that the first sentence of §33-1 will read as follows:

This Chapter shall apply to all boards, committees, departments, divisions and offices of the Town of Hopkinton ("the Town") and to all employees in the service of the Town, including full-time, part-time, temporary, seasonal, special, intermittent, or other employees, but excluding: 1) employees of the School Department; 2) employees holding positions filled by popular election; and 3) employees covered by collective bargaining agreements with the Town; provided, however, that the provisions of this chapter shall be applicable to such employees insofar as the relevant collective bargaining agreement so provides.

Pass any vote or take any act relative thereto.

**ARTICLE: 43 Historic Preservation Bylaw**

*Sponsor: Historical Commission*

To see if the Town will vote to amend the General Bylaws as follows:

1. By inserting in Section 1-4, Penalties enumerated, after the row entitled "Cemetery Regulations Bylaw (Ch. 83)," the following:

Board of Selectmen Chairman John Coutinho

Initial

Warrant

Citation to Law, Bylaw, Rule or Regulation, if Applicable	Subject of Bylaw and Enforcing Person	Penalty
Historic Preservation (Ch. 125)	Demolition Delay  The Director of Municipal Inspections and the Hopkinton Historical Commission	First violation and subsequent violation: \$300, each day or portion thereof during which a violation continues, or unauthorized demolition occurs, shall be considered a separate offense; provided, however, that at no point shall the fines imposed, which are attributable to the same demolition permit, be greater than the assessed value of the property.

2. By striking from Section 125-2, Definitions, the definition of "Demolition Permit" in its entirety and inserting, in place thereof, the following:

DEMOLITION PERMIT -- Any permit, including, without limitation, a demolition, alteration or building permit issued by the Director of Municipal Inspections, as required by the State Building Code, that authorizes the demolition of a structure or component thereof, with or without the intent to replace the structure or component so affected; but excluding, however, the demolition of only the nonstructural portions of the exterior or all interior components, or both.

3. By deleting Paragraph C of Section 125-5, in its entirety, and inserting, in place thereof, the following:

Any person who demolishes a building or other structure subject to this Article, or any component of such building or structure, without first obtaining and complying fully with the provisions of a demolition permit, may be penalized by noncriminal disposition as provided by *M.G.L. c.40, §21D* and Chapter 1, Section 1-4 of the Town's General Bylaw. The non-criminal disposition penalty shall be \$300, each day or portion thereof during which a violation continues, or unauthorized demolition occurs, shall be considered a separate offense; provided, however, that at no point shall the fines imposed, which are attributable to the same demolition permit, be greater than the assessed value of the property.

and

4. By deleting Paragraph D of Section 125-5, in its entirety and relettering Paragraph E thereof as Paragraph D.

Pass any vote or take any act relative thereto.

Board of Selectmen Chairman John Coutinho

Initial

Warrant

**LAND ACQUISITIONS AND DISPOSITIONS**

**ARTICLE: 44 Street Acceptances**

*Sponsor: Planning Board*

To hear the report of the Board of Selectmen relative to the laying out and the widening and relocation of the following named streets under the provisions of Chapter 82 of the *Massachusetts 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 manners relating thereto:

Legacy Farms South from East Main Street to Clinton Street.  
Cobblers Way from Front Street to Dead End.  
Singletary Way from Wedgewood Drive to Dead End.

Pass any vote or take any act relative thereto.

**ARTICLE: 45 Easement – 2 Clinton Street**

*Sponsor: Director of Public Works*

To see if the Town will authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, an easement located at 2 Clinton Street and as shown on Assessors' Map as U18 14 0, said easement to be used for general municipal purposes, including stormwater management and sidewalk purposes.

Pass any vote or take any act relative thereto.

**ARTICLE: 46 Utility Easement – Hayden Rowe**

*Sponsor: Board of Selectmen*

To see if the Town will vote to authorize the Board of Selectmen to transfer the care, custody, control and management of 0 Hayden Rowe, as shown on Assessor's Map as Lot U23 28 0, from the Board of Selectmen for public purposes, to the Board of Selectmen for public purposes and the purpose of conveyance, and to authorize the Board of Selectmen, pursuant to *M.G.L. c.40, §3*, to convey a utility easement in a portion of such land to Verizon New England and NSTAR Electric Company, as more specifically described in the proposed Hayden Rowe Deed, which is on file with the Town Clerk, upon such terms and conditions as the Board of Selectmen deem to be in the best interest of the Town.

Pass any vote or take any action relative thereto.

**ARTICLE: 47 Easements – Main Street Corridor**

*Sponsor: Town Engineer/Town Manager*

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase, eminent domain or otherwise, easements in the parcels identified below for the purpose of establishing a secure permanent public right of way that will allow for construction and roadway

Board of Selectmen Chairman John Coutinho

Initial

Warrant

safety improvements, including grading, foundation for a mast arm, traffic signals, driveway tie-ins, overhead wires, guy wires, fences and related facilities in connection with the Main Street Corridor Project:

Assessors' Map	Block	Lot
U15	32	0
U16	1	0
U16	2	0
U16	4	0
U16	5	0
U16	6	0
U16	7	0
U16	21	0
U16	22	0
U16	23	0
U16	49	0
U16	50	0
U16	51	0
U16	52	0
U16	53	0
U16	67	0
U16	68	0
U16	69	0
U16	75	0
U16	76	0
U16	78	0
U16	79	0
U16	80	0
U16	85	0
U16	86	A
U16	117	0
U16	118	0
U16	121	0
U16	124	0
U16	125	0
U16	146	0
U16	147	0
U16	149	0

Board of Selectmen Chairman John Coutinho

Initial

Warrant

Assessors' Map	Block	Lot
U16	151	0
U16	152	0
U16	153	0
U16	154	0
U16	155	0
U16	156	0
U16	167	0
U16	168	0
U16	169	0
U16	194	0
U16	195	0
U16	196	0
U16	216	0
U16	217	0
U16	218	0
U16	219	0
U16	220	0
U16	221	0
U16	222	0
U16	223	0
U16	224	0
U16	225	0
U16	226	0
U16	250	0
U16	254	0
U16	255	0
U16	256	0
U16	257	0
U16	259	0
U16	261	0
U16	263	0
U16	265	0
U16	272	0
U16	273	0
U16	274	0
U16	279	0
U16	280	0

Board of Selectmen Chairman John Coutinho

Initial

Warrant



Assessors' Map	Block	Lot
U16	281	0
U16	282	0
U16	283	0
U18	6	0
U18	11	0
U18	12	0
U18	14	0
U18	15	0
U18	16	0
U18	38	0
U18	38	A
U18	39	0
U18	42	0
U18	43	0
U18	44	0
U18	45	0
U18	46	0
U18	47	0
U18	48	0
U19	7	0
U19	9	0
U19	13	0
U19	14	0
U19	15	0

Pass any vote or take any act relative thereto.

#### ADMINISTRATIVE

**ARTICLE: 48 PILOT Agreement – Clean Energy Collective**

*Sponsor: Board of Selectmen*

To see if the Town will vote in accordance with Chapter 59, Section 38H of the *Massachusetts General Laws*, to approve a Payment in Lieu of Taxes (PILOT) Agreement, as negotiated by the Board of Selectmen, as authorized by the vote taken under Article 4 of the 2017 January 30, 2017 Special Town Meeting, with Clean Energy Collective, for a period of twenty-five (25) years, whereby Clean Energy Collective will pay the Town a sum of monies per year relative to a portion of land located at 147 Lumber Street, shown as Assessors' Map R29 15 0, and which is related to the proposed construction and operation of a Large-Scale Ground Mounted Solar Photovoltaic Installation with an expected

Board of Selectmen Chairman John Coutinho

Initial

Warrant

nameplate capacity of approximately 2 megawatts, said PILOT Agreement being on file in the Town Clerk's Office, and further to allow the Board of Selectmen or the Town Manager to negotiate any amendments necessary to said PILOT Agreement to reflect any changes in the size of the parcel of land or size of the system so long as the payments reflected in the PILOT Agreement rise or lower commensurately.

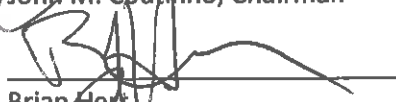
Pass any vote or take any act relative thereto.

HEREOF FAIL NOT, and make the 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 24<sup>th</sup> day of April, 2018.

BOARD OF SELECTMEN  
TOWN OF HOPKINTON

  
John M. Coutinho, Chairman

  
Brian Heff

  
Brendan Tedstone

  
Claire B. Wright, Vice-Chairman

  
Todd A. Cestari

A TRUE COPY

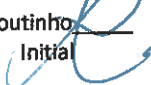
ATTEST:

  
Connor Degan, Town Clerk

DATE: 4/25/2018

I HEREBY CERTIFY THAT I HAVE SERVED THE FOREGOING WARRANT BY POSTING A TRUE AND ATTESTED COPY THEREOF IN THE TOWN HOUSE, IN EACH OF THE CHURCHES IN THE TOWN, IN EACH OF THE POST OFFICES AND IN EACH OF THE ENGINE HOUSES OF THE TOWN AT LEAST EIGHT (8) DAYS PRIOR TO THE TIME OF HOLDING SAID MEETING.

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

Board of Selectmen Chairman John Coutinho  
Initial 

Warrant