

COMMONWEALTH OF MASSACHUSETTS

**TOWN OF HOPKINTON
ANNUAL TOWN MEETING
MONDAY, MAY 5, 2008**

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 High School Gymnasium in said Hopkinton on Monday, the 5th day of May 2008, 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 General Laws Chapter 41, Section 108.

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 raise and appropriate money, by transfer from available funds or otherwise, for the operation of the Town during the ensuing fiscal year and for all other necessary expenses of the Town.

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 raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money for the operation of the School Department during the ensuing fiscal year. Said sum to be spent under the direction of the School Committee.

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

ARTICLE 6: 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 meet the Town's share of the

annual operating and debt service expenses of the South Middlesex Regional Vocational Technical School District for the ensuing fiscal year. 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 a sum or sums of money for the expenses of the Sewer Department for the ensuing year, to be spent under the direction of the Director of Public Works.

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 a sum or sums of money for the Sewer Department Debt Service.

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 a sum or sums of money for the expenses of the Water Department for the ensuing year, to be spent under the direction of the Director of Public Works.

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 a sum or sums of money for the Water Department Debt Service.

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 General Laws Chapter 44, Section 53E ½, for the fiscal year beginning July 1, 2009:

Fund	Revenue Source	Authority to Spend Fund	Use of Fund	Spending Limit	Disposition of Prior Year Fund Balance
Building Department	Permit fees	Director of Municipal Inspections with approval of the Board of Selectmen	Expenses of operation of department	As determined by Town	Unencumbered balance reverts to general fund
Part-time Wire	Permit fees and inspection fees of	Director of Municipal	Expenses and salary of part-time wire inspector	As determined	Unencumbered balance reverts to general fund

Inspector	Wire Inspector	Inspections with approval of the Board of Selectmen		by Town	
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	As determined by Town	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.	As determined by Town	Unencumbered balance reverts to general fund
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.	As determined by Town	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	As determined by Town	Unencumbered balance reverts to general fund
Library	Lost Materials/Fines	Library Director	Replacement of lost and damaged materials.	As determined by Town	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.	As determined by Town	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.	As determined by Town	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	As determined by Town	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	As determined by Town	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.	As determined by Town	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.	As determined by Town	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	As determined by Town	Unencumbered balance reverts to General Fund

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

ARTICLE 12: 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 to enlarge, or replace, the current Department of Public Works Salt and Sand storage building with a larger structure.

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

ARTICLE 13: 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 repairs to the overhead door(s) and window(s) lentsils and highway division entry door at the Wood Street Department of Public Works garage.

Pass any vote or take any action relative thereto.

Sponsor: Director of the Department of Public Works

ARTICLE 14: 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 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. This vote shall also authorize the disposal of one 2000 F-350 Ford vehicle with utility body, presently being used by the department, by trade in or otherwise.

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 raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the painting and rehabilitation of the West Main Street storage water storage tank and all related equipment and accessories.

Pass any vote or take any action relative thereto.

Sponsor: Director of the Department of Public Works

ARTICLE 16: 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 purchase of capital equipment for the Water Department to include a dump truck, said item to be with all related equipment and accessories and to provide for the disposition as appropriate of any equipment presently being used by the Water Department by trade in or otherwise.

Pass any vote or take any action relative thereto.

Sponsor: Director of the Department of Public Works

ARTICLE 17: 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 study of inflow and infiltration for the Sewer Department.

Pass any vote or take any action relative thereto.

Sponsor: Director of the Department of Public Works

ARTICLE 18: To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton, Chapter 199, Water Use Restrictions, as follows:

By deleting Subsection B of Section 199-6 and inserting the following:

B. Outdoor Watering Method Restrictions:

1. Outdoor watering is restricted to watering by bucket, can or hand-held hose with automatic shutoff nozzle, for flower gardens and vegetables.

2. Car or vehicle washing is prohibited.

3. Lawn watering by any means is prohibited.

4. Exemptions:

a. Municipal Uses;

b. Commercial Uses, as part of the business other than lawn care or lawn installation;

c. Commercial car washes;

d. Vehicle maintenance necessary for safety.

Pass any vote or take any action relative thereto.

Sponsor: Director of the Department of Public Works

ARTICLE 19: 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 purchase of capital equipment for the Sewer Department to include a 4 wheel drive service truck, said item to be with plow and all related equipment and accessories and to provide for the disposition as appropriate of any equipment presently being used by the Sewer Department by trade in or otherwise.

Pass any vote or take any action relative thereto.

Sponsor: Director of the Department of Public Works

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

1. By amending Chapter 174, Streets and Sidewalks, by adding a new Article VIII, Discharge of Water Onto a Public Way, as follows:

ARTICLE VIII

Discharge of Water Onto a Public Way

§ 174-29. Discharge of water onto a public way prohibited.

No person shall allow, or cause, the man-made diversion of water onto a public roadway or sidewalk of the Town, by pump, down spout, swale, grading of land, or any other method, so as to create a hazard to vehicle or pedestrian travel on such roadway or sidewalk.

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

ARTICLE 24: 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 purchase of a new Fire Engine including all related accessories and equipment, for the Fire Department. Said sum to be spent under the direction of the Fire Chief.

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

ARTICLE 25: 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 contracting services of a consultant, appraisal firm, and/or hiring additional personnel, along with related expenses, to assist the Board of Assessors with the implementation of the state mandated Fiscal Year 2010 assessment certificate program. Said sums to be spent under the direction of the Board of Assessors.

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

ARTICLE 26: To see if the Town will vote to amend the Zoning Bylaws of the Town of Hopkinton, by deleting item G of Article XX, Site Plan Review, Section 210-136, Decision Criteria, and renumbering item H to item G.

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, Article XVII, Supplementary Regulations, Section 210-124, Off-Street Parking, as follows:

1. By deleting the last sentence from the last paragraph of Subsection B(1) and inserting therefor:

In the case of mixed uses on a single lot, the parking requirement shall be the sum of the requirements calculated separately for each area of use, unless a special permit has been issued by the Planning Board pursuant to Section C.

2. By inserting a new Subsection C as follows, and changing the present Subsection C to Subsection D:

C. Shared and Off-Site Parking

- (1) The parking required by the uses located on a lot shall be provided on that lot, unless a special permit has been issued by the Planning Board. The Planning Board may issue a special permit to:
 - (a) Reduce the required number of parking spaces when there will be mixed uses on a lot by activities having clearly different peak demand times;
 - (b) Locate some required parking spaces on a separate lot under an agreement between property owners; and
 - (c) Locate some required parking spaces in a separate shared parking lot under an agreement between property owners, when the parking lot is shared by mixed uses having clearly different peak demand times.

- (2) Before granting the special permit, the Planning Board shall determine that the provision of parking spaces proposed will be in harmony with the general purpose and intent of this chapter and adequate for all parking needs, and that all parking spaces associated with a use are within practical walking distance. The Planning Board may issue the special permit with conditions, which may include, but not be limited to, the following:
 - (a) A requirement that shared and off-site parking arrangements between property owners be formalized in an instrument that runs with the land and is recorded at the Registry of Deeds;
 - (b) That adequate space is set aside on the lot to construct additional parking spaces in the future should the mix of uses and peak demand times change and require additional parking.

Pass any vote or take any action relative thereto.

Sponsor: Planning Board

ARTICLE 28: To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton, Chapter 174, Streets and Sidewalks, Article VII Driveways, by inserting in Section 174-27, Regulations, a new Subsection C as follows:

- C. As part of its driveway permit review process, the Department of Public Works (DPW) will ensure that the roadway opening at the public or private way is adequate for proper public safety emergency vehicle access. The DPW will consult with the Fire Department for its input as it deems necessary. After issuance of the driveway permit and a Building Permit, the Director of Municipal Inspections will conduct a site visit to review the layout of the driveway once it is roughed in and before project completion, to ensure that it is adequate for proper public safety emergency vehicle access. The Director of Municipal Inspections shall consult with the Fire Department if it appears that public safety emergency vehicle access may be impaired. In those instances where the Fire Department has been consulted and determines that a public safety emergency vehicle

cannot adequately access the property, the driveway permit holder shall prepare a plan for accommodating safety vehicles that is acceptable to the Fire Department and the Director of Municipal Inspections, and shall be responsible for implementing the plan prior to issuance of an occupancy permit.

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

ARTICLE 29: 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 Open Space Mixed Use Development Overlay District (OSMUD District) on approximately 733 acres of land located off of East Main Street in Hopkinton, as shown on the “OSMUD Overlay District” map on file with the Town Clerk.
2. Adopt a new Article XXVI, Open Space Mixed Use Development District, as follows:

**ARTICLE XXVI
Open Space Mixed Use Development Overlay District**

§ 210-162. Development and Design Objectives

The purposes of the Open Space Mixed Use Development Overlay District (OSMUD District) are to balance conservation and development goals and to protect and enhance the character of the natural and cultural resources of the Town, while promoting planned development and appropriate use of land in accordance with community goals and design guidelines. Toward that end, the OSMUD District is intended to permit the clustering of residential and commercial uses on large tracts of land that have open space as an integral characteristic, and to ensure quality site planning to accommodate a site's physical characteristics, including its topography, vegetation, water bodies, wetlands, open spaces, historic resources and major scenic views.

§ 210-163. District and Sub-District Delineations; Applicability

- A. The OSMUD District is shown on the Official Zoning Map. The OSMUD District is divided into Residential Subdistricts (R), Commercial Subdistricts (C), and a Village Center Subdistrict (VC), as shown on the Official Zoning Map.

The OSMUD District is an overlay district that is superimposed over the underlying zoning districts. Development of land within the OSMUD District may be undertaken either pursuant to this Article or pursuant to the provisions of this Chapter applicable to the corresponding underlying zoning district except as otherwise provided in § 210-172.

- B. Notwithstanding any provision of this Chapter to the contrary, development undertaken pursuant to this Article shall not be subject to the following provisions:

1. Article XVIB, Subdivision Phasing;
2. § 210-125 (Conversion of Residential Property); and
3. § 210-126.1 (Residential Subdivisions of 10 acres or more).

C. Development undertaken pursuant to this Article shall be subject to the following provisions of this Chapter only to the extent provided for, and as modified by, the provisions of this Article:

1. Article XI, Flexible Community Development Bylaw;
2. Article XII, Water Resources Protection Overlay District;
3. Article XVIII, Supplementary Regulations;
4. Article XIX, Nonconforming Uses; and
5. Article XX, Site Plan Review.

§ 210-164. Definitions

Except as otherwise provided in this section, the definition set forth in § 210-4 shall be applicable to all terms used in this Article. Notwithstanding the forgoing, the following terms, as used in this Article, shall have the meanings indicated:

AFFORDABLE HOUSING – Any Dwelling Units qualifying as low or moderate income housing as defined by regulations of the Department of Housing and Community Development.

BUILDABLE AREA – All area of a Development Project that is not Restricted Land.

COMMERCIAL USES – All uses other than Dwelling Uses and Restricted Land Uses.

COMMUNITY CENTER – A facility for a social, educational, or recreational purpose, intended primarily for the occupants of the Development Project or the OSMUD District, in which food and beverages may be served and live entertainment may be provided, and which may include performance and assembly space and indoor and outdoor recreational facilities.

CONSTRUCTION ACTIVITY – The construction of new structures or site work associated with the construction of new structures. The term does not include site work not associated with the construction of new structures, the construction of roadways, installation of utilities, restoration and improvement of Restricted Land, additions and improvements to existing structures, or activities involving uses and structures referred to in M.G.L. c.40A §3, to the extent allowed under said section of the General Laws.

CONTINUING CARE RETIREMENT COMMUNITY OR ASSISTED LIVING FACILITY – A facility providing living accommodations and communal facilities for persons over age 62 and that includes at least: a) 24-hour on-site responsible staff; b) a common dining area in which at least one main full meal is served each day; c) optional laundry, housekeeping and personal services available to residents; d) transportation services; and e) common indoor and outdoor passive or active recreational areas. Such a facility may include: a) a medical or nursing home

component; and b) retail sales and services for the convenience of residents, accessible only from inside the facility.

CULTURAL USES – Art gallery; art use; museum; public art display space; arts studio, arts; production studio; or ticket sales undertaken in connection with a cultural use.

DESIGN GUIDELINES – The Design Guidelines for the OSMUD District adopted by the Planning Board as part of the Master Plan Special Permit to govern Site Plan Review within the OSMUD District.

DEVELOPMENT PROJECT – A development undertaken pursuant to this Article, as shown on a site plan submitted to the Planning Board for Site Plan Review. A Development Project may consist of one or more lots and may be located in more than one subdistrict, as long as the applicable requirements of this Article are satisfied with respect to each subdistrict.

DWELLING USE – Use as Dwelling Units as defined in § 210-4, but specifically not including residential units that may be part of a Continuing Care Retirement Community, Assisted Living Facility or similar institution.

GREENHOUSE – A building made of a material transparent or partially transparent to light, in which the temperature and humidity can be regulated, and which is used primarily for the cultivation of plants.

HEALTH AND FITNESS CLUB – A private club, whether or not operated for profit, solely for the purpose or providing physical fitness, exercise therapy, rehabilitation or health-related services.

HEIGHT – The vertical distance from the mean finished grade of all sides of building or structure to the highest point of the roof for flat roofs, to the deck line for mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs, excluding chimneys, spikes, towers, wireless communication facilities, screens, parapet walls, and other structures, equipment, or projections not used for human occupancy. In determining the height of buildings within the area designated “OSMUD District Height Zone” on the Official Zoning Map, the area above the mean finished grade and below the floor of the first occupiable story, not to exceed 10 feet, shall be excluded from measurement of height and of stories.

LANDOWNERS’ ASSOCIATION – A corporation, trust or other legal entity owned or controlled by the owners of all lots within the OSMUD District, or by owners of all lots within a specified area within the OSMUD District, as the context permits or requires.

MASTER PLAN – The Master Plan for the OSMUD District as submitted to the Planning Board for approval in a Master Plan Special Permit to be issued pursuant to § 210-172.

NEIGHBORHOOD RESTAURANT – A restaurant or eating establishment intended for the use and convenience of the residents of the immediate neighborhood, not to exceed 1,500 square feet of indoor seating, which may also include outdoor seating.

RESTRICTED LAND – Land devoted to uses permitted by § 210-170A, which may include (1) open space land left substantially in its natural state; (2) open space land that is restored or landscaped, including irrigation, detention and/or retention ponds or stormwater catchment areas and subsurface utilities; (3) open space land used for agricultural purposes; (4) open space land improved for active and passive recreational uses, including pedestrian, bicycle and equestrian trails; (5) land improved for other municipal uses; (6) food preparation and sales areas, restrooms, parking and access areas, and similar uses, structures or portions thereof, operated in association with other Restricted Land uses; and (7) A total of no more than 30 acres of land, which may be restricted for the benefit of landowners within a particular area of the OSMUD District. Restricted Land shall not include land set aside for road and/or parking uses that are not accessory to other Restricted Land Uses.

RESTRICTED LAND COVENANT – A legally enforceable restriction or covenant, recorded in the Registry of Deeds and enforceable by the Town, providing that the land subject thereto will remain as Restricted Land in perpetuity.

RETAIL NEIGHBORHOOD STORE – A store, other than a restaurant or eating establishment, not to exceed 2,000 square feet, located in a neighborhood in which merchandise is sold or services provided for the convenience of the occupants of the immediate neighborhood, such as groceries, prepared take-out food, toilet articles, cosmetics, candy, sundries, medications, newspapers, magazines and ice cream.

§ 210-165. Uses

A. No land, structure or building shall be used for any purpose in the OSMUD District, other than as set forth in this section, except as otherwise set forth in this Chapter or otherwise permitted by law.

- A use is permitted by right in any subdistrict that is denoted by the letter “Y”.
- A use is prohibited in any subdistrict that is denoted by the letter “N”.
- A use denoted by the letters “SP” may be permitted by Special Permit from the Planning Board.

Use	Residential Subdistrict	Commercial Subdistrict	Village Center Subdistrict
Single-family dwellings	Y	SP	SP
Multifamily dwellings	Y	SP	Y
Attached dwellings including garden apartments	Y	SP	Y
Senior housing	Y	SP	Y
Home occupations	Y	Y	Y
Licensed home day care providers	Y	Y	Y
Renting of rooms and/or the furnishing of table board in a	Y	Y	Y

Use	Residential Subdistrict	Commercial Subdistrict	Village Center Subdistrict
dwelling occupied as a private residence			
Bed-and-breakfast establishments and inns with a maximum of 12 guest rooms	SP	Y	Y
Business or professional offices and banks	N	Y	Y
Community Centers	Y	Y	Y
Conference centers, with or without a residential dormitory component	N	SP	SP
Drive-in, drive-through or drive-up uses, but excluding the dispensing of food or drink	N	Y	Y
Health clubs	SP	Y	Y
Hotels, motels, and inns with greater than 12 guest rooms	N	SP	SP
Light manufacturing and/or assembly with associated professional, administrative and/or clerical offices for uses permitted in the Professional Office (P) District under Article IX	N	Y	Y
Recreational Uses of buildings, structures or land, not limited to occupants of the Development Project or OSMUD District, but excluding recreational uses which are part of the Restricted Land	SP	Y	SP
Research centers and laboratories not involving noxious or hazardous substances and processes	N	Y	Y
Research centers and laboratories with a biosafety Level of Level 1 or Level 2	N	SP	N
Restaurants	N	Y	Y
Neighborhood Restaurants	SP	Y	Y
Retail businesses including retail services involving manufacturing, if clearly incidental and accessory to a	N	Y	Y

Use	Residential Subdistrict	Commercial Subdistrict	Village Center Subdistrict
retail use on the same premises			
Retail Neighborhood Stores	SP	Y	Y
Retail stores and retail service shops, including take-out food establishments exclusive of drive-in, drive-up or drive-through take-out food	N	Y	Y
Cultural Uses	N	Y	Y
Cinemas, concert halls, theaters, auditoriums	N	SP	SP
Adult day care	SP	Y	Y
Continuing care retirement communities, assisted living facilities, or similar institutions	SP	Y	SP
Group homes	Y	Y	Y
Nursing homes, extended care facilities, or physical rehabilitation facilities	N	Y	SP
Medical centers	N	SP	SP
Out-patient surgery	N	SP	SP
Medical offices	N	Y	Y
Veterinary clinics	N	SP	SP
Municipal Cemeteries	SP	N	N
Places of worship and other religious uses	Y	Y	Y
Funeral homes and mortuaries	SP	Y	SP
Public or semipublic institutions of a philanthropic or charitable character	SP	Y	Y
Child care centers	Y	Y	Y
Municipal uses	Y	Y	Y
Public and private educational uses (including schools for scholastic and non-scholastic subjects) and public libraries	Y	Y	Y
Telecommunication and telephone facilities (if located within a building with another allowed primary use, not to exceed 20% of such building)	Y	Y	Y
Public transportation facilities, limited to 1) shuttle bus stop facilities and 2) park and ride parking facilities intended for	Y	Y	Y

Use	Residential Subdistrict	Commercial Subdistrict	Village Center Subdistrict
occupants of the OSMUD District			
Facilities used for water supply or sewage treatment, or associated with the provision of electrical, telephone, gas or cable services within the OSMUD District	Y	Y	Y
Alternate power generation and co-generation facilities serving other uses within the OSMUD District	SP	SP	SP
Agricultural and horticultural uses, including farms of all kinds, nurseries, gardens, greenhouses and livestock, except fur farms	Y	Y	Y
Equestrian facilities, public or private	SP	SP	N
Farm stands	Y	Y	Y
Landscaping business and storage/staging facilities	SP	Y	Y
Mixed use buildings consisting of commercial space or retail space on the first floor and a different category of use on one or more upper floors	N	Y	Y
Uses customarily associated with any permitted use on a lot within a Development Project, which may be on a different lot within the same Development Project	Y	Y	Y
Accessory uses	Y	Y	Y
Restricted Land uses	Y	Y	Y

§ 210-166. Intensity of Use Limitations

- A. Dwelling Uses within the OSMUD District shall be limited to 940 new Dwelling Units constructed after the effective date of this Article. No more than 50 new Dwelling Units so constructed may be single-family dwellings, and the remainder shall be multi-family dwellings, including attached dwellings, garden apartments, units in mixed-use buildings and senior housing.

Neither the dwellings located at 80, 82, 83 nor 90 East Main Street or 26 Clinton Street, nor the Group Home located at 44 Wilson Street, all of which were in existence as of the effective date of this Article, shall be deemed to be a Dwelling Unit for the purposes of this Intensity of Use limitation. However, in the event that any such dwelling is converted to or reconstructed as a multi-family dwelling use, the resulting number of Dwelling Units in excess of one (1) on any such property shall be counted towards the Intensity of Use limitation.

No Accessory Family Dwelling Unit for which the Board of Appeals grants a Special Permit pursuant to § 210-126 shall be deemed to be a separate Dwelling Unit for purposes of this Intensity of Use limitation.

- B. Commercial Uses within the OSMUD District shall be limited to 450,000 square feet of Gross Floor Space in the aggregate, which shall be allocated among the Subdistricts as authorized by a Master Plan Special Permit issued pursuant to § 210-172.
- C. Commercial uses within the VC Subdistrict shall not exceed 150,000 square feet of Gross Floor Space in the aggregate. No single building within the VC Subdistrict shall exceed 25,000 square feet of Gross Floor Space except for a single building which may contain up to 38,000 square feet of Gross Floor Space; provided, however, that, notwithstanding the foregoing, the Planning Board may, by Special Permit, approve a single building in the VC Subdistrict which may contain up to 45,000 square feet of Gross Floor Space.

The following shall be excluded from the calculation of Gross Floor Space for purposes of this Intensity of Use limitation: (i) The building at 83 East Main Street, in existence as of the effective date of this Article, in the event such building is converted to Commercial Use, and the building at 97 East Main Street (the Pearson House); (ii) structures accessory to or commonly associated with a Dwelling Use, such as a clubhouse, recreational amenity or management or marketing space; (iii) uses, structures or portions thereof, operated in association with Restricted Land uses; (iv) structures accessory to agricultural and horticultural use, including greenhouses, except that 40% of the area of a greenhouse that is associated with a retail use in the same or an adjacent building shall be included in the calculation of Gross Floor Space.

§ 210-167. Affordable Housing

Affordable Housing shall be provided within the OSMUD District in accordance with the following requirements:

- A. Except as otherwise provided in the following paragraph of this Section, not fewer than sixty (60) Dwelling Units within the OSMUD District shall be Affordable Housing, which shall be located within one or more Development Projects containing, in the aggregate, not fewer than two hundred forty (240) Dwelling Units eligible for inclusion in the Massachusetts Department of Housing and Community Development's Subsidized Housing Inventory.

Notwithstanding the foregoing, if, prior to the issuance of a building permit for a Development Project that contains Affordable Housing, either (i) M.G.L. c. 40B, §§ 20-23 is no longer in effect, or (ii) the rules, regulations or guidelines of the Massachusetts Department of Housing and Community Development issued pursuant to M.G.L. c. 40B, §§ 20-23 no longer provide that all of the units in a rental development that contains at least 25% affordable housing units are eligible for inclusion on the Subsidized Housing Inventory, then not fewer than ninety-four (94) Dwelling Units within the OSMUD District shall be developed as Affordable Housing.

- B. All Affordable Housing shall be integrated with the rest of the Development Project in which it is located, and shall be comparable in design, exterior appearance, construction, and quality of exterior materials with other units in such Development Project. The mean number of bedrooms in Affordable Housing Dwelling Units shall be no greater than the mean number of bedrooms in the market-rate Dwelling Units in the Development Project in which they are located.

§ 210-168. Dimensional Requirements

- A. The following size and setback requirements shall apply to each lot within the applicable Subdistrict, and between Subdistricts:

	Residential Subdistrict (R)	Commercial Subdistrict (C)	Village Center Subdistrict (VC)
Minimum lot frontage	25 feet	100 feet	100 feet
Minimum lot area*	4,000 square feet	30,000 square feet	30,000 square feet
Minimum setback from street line	10 feet	25 feet	25 feet
Minimum side yard width	0	0	0
Minimum rear yard depth	10 feet	10 feet	10 feet
Maximum building height	35 feet or 3 stories, whichever is less; provided, however, that buildings within the area designated OSMUD District Height Zone on the Official Zoning Map, may be 40 feet or 3 stories, whichever is	35 feet or 3 stories, whichever is less; provided, however, that buildings within the area designated OSMUD District Height Zone on the Official Zoning Map, may be 40 feet or 3 stories, whichever is	35 feet or 3 stories, whichever is less

	less	less	
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* Notwithstanding the definition of Lot Area in §210-4, the surface area of man-made ponds, retention ponds and irrigation ponds shall be included in the area needed to satisfy Minimum Lot Area requirements within the OSMUD District.

When a Commercial Subdistrict abuts a Residential Subdistrict within the OSMUD District, a setback of at least 50 feet between buildings in the Commercial Subdistrict and the boundary of the Residential Subdistrict shall be provided

B. The following setback requirements shall apply to any lot within the OSMUD District that abuts land outside the OSMUD District:

	Residential Subdistrict (R)	Commercial Subdistrict (C)	Village Center Subdistrict (VC)
Minimum setback from street line	50 feet	50 feet	50 feet
Minimum side yard width	25 feet	25 feet	25 feet
Minimum rear yard	20 feet	25 feet	25 feet

C. All buildings in the Commercial Subdistrict shall be located a minimum of 100 feet from any lot outside the OSMUD District used for residential purposes at the time of Site Plan Review application. Such setback area shall be left undeveloped but landscaped; provided, however, that such setback area may contain access ways. This Subsection shall not be deemed to require a minimum setback from lots that are located across any street or right of way from the OSMUD District boundary.

D. All buildings in the Village Center Subdistrict shall be located a minimum of 100 feet from any lot outside the OSMUD District used for residential purposes at the time of Site Plan Review application. Such setback area shall be left undeveloped but landscaped; provided, however, that such setback area may contain access ways and parking areas, if screening of such parking areas is provided in a manner approved by the Planning Board. The Master Plan Special Permit may authorize the Planning Board to approve, pursuant to § 210-173, a setback of a lesser width than is set forth in this Subsection upon a finding that such a lesser setback is sufficient to screen and/or separate the building from the lot outside of the OSMUD District. This Subsection shall not be deemed to require a minimum setback from lots that are located across any street or right of way from the OSMUD District boundary.

§ 210-169. Parking

A. The requirements of § 210-124(B) (1) relating to the minimum number of parking spaces shall apply in the OSMUD District, with the following additions and exceptions:

Uses	Requirement
Single family dwelling	2 spaces per dwelling unit
Dwelling units other than single family dwelling and those within mixed use buildings	Dwellings with up to 1 bedroom: 1.5 spaces Dwellings with more than 1 bedroom: 2.0 spaces
Residential Component of a Mixed Use Building	1 space per dwelling unit
Hotel, motel, and inns	1 space for each unit available for occupancy
Adult day care	1 space for each full time employee on the largest shift
Continuing care retirement community or assisted living facility, or similar institutions	3 spaces for each 4 units available for occupancy
Funeral homes and mortuaries	5 spaces per 1,000 square feet of gross floor space, not including corridors and other service areas

B. Structures accessory to agricultural and horticultural use, including greenhouses, shall not be included in the calculation of Gross Floor Space for purposes of the minimum parking requirements:, except that 40% of the area of a greenhouse that is associated with a retail use in the same or an adjacent building shall be included in such calculation of Gross Floor Space.

C. Where parking uses have peak user demands at different times or where different uses are accommodated by a shared parking space, as certified by a registered traffic engineer, the Planning Board, by Special Permit may approve shared parking facilities, designed and intended to serve more than a single use shown on a Site Plan, in satisfaction of the applicable minimum parking requirements of § 210- 124(B) (1), as modified by this Section.

D. The Planning Board may, by Special Permit, approve an amount of parking less than applicable minimum parking requirements of § 210- 124(B) (1), as modified by this Section, if it finds that the lesser amount of parking will not cause excessive congestion or endanger

public safety, and that the lesser amount of parking will provide positive environmental or other benefits.

- E. The Planning Board may, by Special Permit, approve a combination of on-lot and on-street parking, as is appropriate to a pedestrian-oriented environment, in satisfaction of the applicable minimum parking requirements of § 210- 124(B)(1), as modified by this Section.
- F. No Special Permit shall be granted pursuant to Subsection C, D, or E above, unless the Planning Board determines that the provision of parking spaces proposed will be in harmony with the general purpose and intent of this Chapter and adequate for all parking needs, and that all parking spaces associated with a use are within practical walking distance thereof. The Planning Board may grant such approvals with conditions, which may include, but need not be limited to, the following:
 - 1. A requirement that shared and off-site parking arrangements between property owners be formalized in an instrument that runs with the land and is recorded at the Registry of Deeds;
 - 2. A requirement that adequate space shall be set aside within the Development Project to construct additional parking spaces in the future should the mix of uses and peak demand times change and require additional parking.

§ 210-170. Restricted Land

- A. Restricted Land may be used for active and passive recreation, conservation, forestry, agriculture, natural buffers, underground utilities, municipal purposes and other similar purposes necessary for the convenience and enjoyment of the OSMUD District or the Town, as well as other purposes customarily associated with a use authorized by this Subsection.
- B. The Planning Board shall not issue a Master Plan Special Permit pursuant to §210-172 unless the Master Plan includes not less than 500 acres of Restricted Land consistent with the development and design objectives set forth in §210-162 and planned as large contiguous parcels wherever possible.
- C. Prior to the commencement of a Construction Activity, the North Parcel, consisting of not less than 68 acres, and the South Parcel, consisting of not less than 35 acres, both as shown on the Official Zoning Map, shall be made subject to a Restricted Land Covenant designating such land as open space Restricted Land to be left in substantially its natural state, restored or landscaped, in perpetuity. Thereafter, land designated as Restricted Land shall be subject to a Restricted Land Covenant in accordance with the provisions of Subsection E below.
- D. Except with respect to the North Parcel and the South Parcel, which may not be released from their Restricted Land Covenants, the Restricted Land Covenants applicable to any Restricted Land may provide that such Restricted Land may be released from a Restricted Land Covenant by an instrument executed by the owner, the Planning Board and the Board of Selectmen, and recorded, provided that not less than an equivalent area of land is made

subject to a Restricted Land Covenant and substituted therefor, subject to the approval of the Planning Board. The forms of Restricted Land Covenants appropriate for particular Restricted Land uses shall be approved by Town Counsel and included in the Master Plan Special Permit.

- E. Applications for Site Plan Review of Development Projects shall designate 1.80 acres of area to remain as Restricted Land for every 1 acre of Buildable Area within the Development Project. The Restricted Land so designated may be located within the Development Project for which Site Plan Review is being sought or may be located elsewhere within the OSMUD District, and may consist of an entire lot or of a portion of a lot. The North Parcel and the South Parcel may be designated to meet the Restricted Land requirement for Development Projects within the OSMUD District.

In the event that less than 500 acres have been made subject to a Restricted Land Covenant at the expiration of fifteen (15) years from the filing of a Notice pursuant to the provisions of §210-172, the owner or owners of such additional land as is required to achieve the 500-acre total shall subject such land to Restricted Land Covenants. In the event that such owner or owners have not made such additional land as is required to achieve the 500-acre total subject to Restricted Land Covenants within 60 days of the expiration of such period, the Planning Board may designate one or more parcels as are required to achieve such 500-acre total, and such parcels shall forthwith be made subject to a Restricted Land Covenant by the owner or owners thereof. The Planning Board shall have the authority to extend such deadline to a later date upon a finding that the holder or holders of the Master Plan Special Permit are continuing to pursue development of the OSMUD District and have not yet achieved substantial completion notwithstanding good faith efforts. The foregoing obligation shall be binding and enforceable pursuant to the provisions of Article XXIV only upon the owner of the parcels required to be restricted at the expiration of such period, as it may be extended, and shall not affect the compliance with this Chapter of any lot in a Development Project which has received Site Plan Approval prior to the expiration of such period, as it may be extended.

- F. Restricted Land may be (i) owned by a Landowners' Association, (ii) owned by a non-profit entity, a principal purpose of which is land conservation or the provision of recreational facilities, (iii) conveyed to the Town, or (iv) owned by, made subject to easement rights benefiting, or leased to third parties. In all such cases the uses permitted by such deeds, easements or leases of required Restricted Land shall be consistent with the provisions of this §210-170, the Master Plan Special Permit and the applicable Restricted Land Covenant. A Landowners' Association or other party responsible for Restricted Land may adopt reasonable rules and regulations to govern the use of the Restricted Land under its control and to prevent encroachment thereon.
- G. Restricted Land Covenants shall specify the permitted uses of specific parcels of Restricted Land; the responsible party to be charged with maintenance and stewardship of the Restricted Land in perpetuity; and a required program for such maintenance and stewardship. Applications for Site Plan Review of Development Projects shall include an agreement authorizing the Town to perform maintenance or stewardship of areas designated as

Restricted Land in connection with the approval of such Development Project in the event of any failure to comply with the required program for maintenance and stewardship of the Restricted Land, after thirty (30) days notice to the Landowners' Association or other responsible party and failure of the Landowners' Association or such party to cure such failure; provided, however, that, if the Town elects to perform any maintenance or stewardship work, the responsible party therefor shall pay the cost thereof, which cost shall constitute a lien, subordinate to any mortgage or other statutory lien, upon the properties in connection with which the Restricted Land was originally designated, until the cost has been paid.

- H. Nothing in this Section shall be interpreted to preclude the owner of Restricted Land from imposing additional restrictions on the Restricted Land or a Conservation Restriction or Agricultural Preservation Restriction under M.G.L. c. 184 §31-33 which are not inconsistent with the applicable Restricted Land Covenant.

§ 210-171. Administration

- A. The Planning Board shall be the Special Permit Granting Authority for any Special Permit authorized by this Article. The Planning Board may adopt and file with the Town Clerk Regulations governing Submission Requirements and Procedures for any such Special Permit.
- B. In all matters in which it has jurisdiction to issue a use Special Permit pursuant to § 210-165, the Planning Board may issue such Special Permits only upon a finding that the proposed use is in harmony with the general purpose and intent of this Chapter. Any such Special Permit shall be subject to such conditions and safeguards as the Planning Board may prescribe. In reviewing any application for such Special Permit, the Planning Board shall give due consideration to promoting the public health, safety, convenience and welfare; shall encourage the most appropriate use of land and shall permit no building or use that is injurious, noxious, offensive or detrimental to its neighborhood.
- C. After the initial issuance of a Master Plan Special Permit, uses that require a Special Permit pursuant to § 210-165 may be authorized either by an amendment of the Master Plan Special Permit pursuant to an application filed by or on behalf of the owners of all land covered by the Master Plan Special Permit or by a separate use Special Permit pursuant to an application filed by or on behalf of the owners of the land upon which such use is proposed to be located; provided, however, that all use Special Permits shall be consistent with and subject to all provisions of the Master Plan Special Permit applicable to the OSMUD District as a whole.

§ 210-172. Master Plan Special Permit

- A. Except as otherwise provided in this Section, no Construction Activity for any Development Project to be located on land within the OSMUD District may commence unless authorized by a Master Plan Special Permit, issued pursuant to the provisions of this Article and M.G.L. c.40A, §9.

B. Prior to the commencement of any Construction Activity for any Development Project approved under an OSMUD District Master Plan Special Permit, the applicant may continue to exercise its rights under the underlying zoning and may elect not to exercise the rights granted in the OSMUD District Master Plan Special Permit. If the applicant elects to exercise the rights granted in the OSMUD District Master Plan Special Permit and pursue development as shown on the approved Master Plan, a Notice to such effect shall be filed with the Town Clerk, Planning Board and Department of Municipal Inspections prior to the issuance of any building permit pursuant to such Master Plan Special Permit. From and after the filing of such Notice, all Construction Activity within the OSMUD District shall be in accordance with the approved Master Plan Special Permit. Activities that do not constitute Construction Activity may be undertaken prior to the filing of the Notice under this Section.

C. Application for Master Plan Special Permit

1. A record owner desiring an OSMUD District Master Plan Special Permit shall file with the Planning Board an application therefor in accordance with any applicable regulations adopted pursuant to §210-171.
2. At a minimum, the application for the Master Plan Special Permit shall contain the following information relating to development of the OSMUD District:
 - (a) Identification of the entire area of land to be developed;
 - (b) The existing topography of the land, vegetative cover, soil types, wetlands and water bodies, roads and ways, the general location, size and shape of structures to be removed and the location, size and shape of structures to remain;
 - (c) The general proposed location within which structures will be constructed, including a schedule of various land use types including Dwelling Uses, Commercial Uses, mixed use buildings, and/or buildings accessory to Restricted Land uses;
 - (d) The general proposed location, size and intended use of all Restricted Land, including pedestrian, bicycle and equestrian trails, and the Landowners' Association or other entity intended to own, operate and/or maintain such Restricted Land;
 - (e) The general proposed location of all existing and proposed roads, water supply systems, wastewater systems, storm water drainage, utilities, and connections to existing infrastructure, and the Landowners' Association or other entity intended to own, operate and/or maintain such facilities;
 - (f) An analysis of the impact of implementing the Master Plan on surface and ground water quality, groundwater recharge, wildlife habitat and corridors, wetlands and bodies of water, including streams and rivers, both localized and general, and an evaluation of pre-development conditions and post-development conditions;

- (g) A traffic impact and access study on the impact of implementing the Master Plan on the operation, safety and overall convenience of the roadway system providing access to the OSMUD District, including impacts on both vehicular and pedestrian travel, and proposed mitigation and trip reduction techniques, if applicable;
 - (h) An analysis of the projected economic impact of implementing the Master Plan on the Town, prepared by a qualified independent economic research consultant;
 - (i) A phasing projection indicating the general proposed times within which construction of improvements within the OSMUD District in accordance with the Master Plan is anticipated, which schedule may be subject to variation depending on market forces;
 - (j) Proposed Design Guidelines for the OSMUD District; and
 - (k) Proposed forms of the Restricted Land Covenants.
3. Within seven (7) days of receipt of the application, the Planning Board shall transmit copies of the application material to the Board of Selectmen, Director of Public Works, Conservation Commission, Fire Department, Police Department, Board of Health, Design Review Board, and Director of Municipal Inspections for review and comment. The Planning Board shall not approve any such application until the final reports of such departments have been submitted to it or until 35 days have elapsed after the transmittal of the application without such report being submitted.
 4. The Planning Board shall hold a public hearing and file its decision with the Town Clerk in conformance with the requirements of M.G.L. c.40A §9.

D. Master Plan Special Permit Approval Criteria

No Master Plan Special Permit shall be granted unless the Planning Board finds that:

1. The Master Plan complies with the provisions of this Article and of the Design Guidelines.
2. The Master Plan serves the purposes of the OSMUD District as described in §210-162 and will be in harmony with the general purpose and intent of this Chapter.
3. The impact of the development activities shown on the Master Plan is anticipated to be of benefit to the Town.
4. The major intersections and roadways providing access to the OSMUD District will continue to operate at an acceptable level of service (LOS) based on the anticipated impact of vehicular traffic from any previously approved uses within the OSMUD District that will remain plus all new proposed development within the OSMUD District.

5. The Master Plan provides adequately for the convenience and safety of vehicular and pedestrian movement within the OSMUD District and in relation to streets, property or improvements outside of the OSMUD District.
6. The Master Plan provides for the adequacy of the methods of disposal of sewage, refuse, and other wastes, provision of utilities, and the methods of drainage for surface water and seasonal flooding, if any, and protection of water sources for the Town.

E. Master Plan Special Permit Amendment

1. Amendment of the Master Plan Special Permit shall require approval of the Planning Board. An application to amend the Master Plan Special Permit may be submitted separately or together with an application to the Planning Board for Site Plan Review. If the Board determines that such amendment is significant, it shall hold a public hearing in conformance with M.G.L. c. 40A §9. If the Board determines, at a noticed public meeting of the Board but without a public hearing in conformance with MGL c. 40A §9, that such amendment is minor, it may amend the Master Plan Special Permit without a public hearing, and a copy of the amendment shall be filed with the Town Clerk.
2. Applications for amendment to the Master Plan Special Permit may be filed by the owners of the affected land, and shall not be required to be filed by the owners of all land within the OSMUD District.

F. Duration of Approval

The issuance of a building permit within two (2) years of the date of the filing of the decision with the Town Clerk (or the date of the final resolution of any appeal of such decision) and the commencement of a Construction Activity within six (6) months of issuance of a building permit for such Construction Activity shall be deemed to constitute substantial use of rights under the OSMUD District Master Plan Special Permit.

§ 210-173. Site Plan Review

- A. Construction of all Development Projects within the OSMUD District shall be subject to Site Plan Review by the Planning Board in accordance with the provisions of Article XX, with the following additions and exceptions:
 1. Construction of Development Projects for Residential Uses shall be subject to Site Plan Review, notwithstanding any provision of §210-133 or § 210-134 to the contrary. However Site Plan Review shall not apply to the alteration, reconstruction or enlargement of residential buildings. For the purposes of this Section, a mixed-use building shall be considered a commercial building, and shall not be considered a residential building.
 2. Construction of all Development Projects for Commercial Uses shall be considered a Major Project with respect to the procedures contained in Article XX.

3. The Decision Criteria in this Article shall supersede the Decision Criteria contained in § 210-136.

B. As part of the Site Plan Review process, the applicant and/or licensed professionals engaged by the applicant also shall file with the Planning Board a certification indicating the manner in which the Development Project complies with the provisions of this Article, the Master Plan Special Permit and the Design Guidelines.

C. Permissible Building Areas: A Site Plan may show proposed construction within a Permissible Building Area, where the mix of uses and related construction details are subject to change, and shall specify the maximum square feet of Gross Floor Space to be constructed within such Permissible Building Area. Although the Site Plan may show a proposed building in a specific location, the Site Plan approval shall authorize the construction of the Development Project if the structures therein and other site features thereof are located within the Permissible Building Area indicated. After the issuance of a Certificate of Occupancy for a building, the amount by which such building is less than the maximum square footage of Gross Floor Space allocated thereto or the amount by which the number of Dwelling Units constructed is less than the Dwelling Units proposed shall be available for reallocation to other proposed buildings or Dwelling Units within the OSMUD District, subject to further site plan review of the buildings to which such intensity of uses is reallocated, if required.

D. Decision Criteria.

The Planning Board shall approve an application for Site Plan review if it finds that:

1. The Site Plan complies with the Master Plan Special Permit;
2. The Site Plan meets all of the requirements and standards set forth in this Article, the Master Plan Special Permit, and applicable Design Guidelines;
3. The convenience and safety of vehicular and pedestrian movement within the Development Project and in relation to adjacent areas and public ways is ensured;
4. Substantial adverse potential impacts of the Development Project have been adequately mitigated.

E. Minor Modifications: After the filing of a Decision of Site Plan Review, the Planning Board shall have the authority to approve minor modifications to the Site Plan. Minor modifications shall include changes that involve minor Permissible Building Area adjustments, utility or building orientation adjustments; minor adjustments to parking, landscaping, Restricted Land or other building or site details; or other changes that do not significantly increase the square footage of Gross Floor Space of Commercial Uses within a Development Project or the number of Dwelling Units in a Development Project. Minor modifications may be approved by the Planning Board at any regularly scheduled public meetings, without the need to hold a public hearing.

F. Duration of Approval: Site Plan approvals under this Article shall remain in effect as to a Development Project as long as a building permit for not less than one (1) building in the Development Project is issued within two (2) years of issuance of the Site Plan approval (or the date of final resolution of any appeal of such issuance).

§ 210-174. Design Guidelines

- A. To ensure that Development Projects shall be of quality design, the Site Plans for Development Projects within the OSMUD District shall be based on Design Guidelines adopted for the OSMUD District under the Master Plan Special Permit, which shall supersede any inconsistent provisions of design guidelines adopted under Article XXI.
- B. The Design Guidelines shall implement the following principles:
1. The design shall consider the natural resources of the land, including topographic, geologic and natural features, and the historical character of the Town, where applicable.
 2. Restricted Land and landscaped areas shall complement, enhance or screen the building and parking areas. Natural features shall be incorporated within Restricted Land areas where possible.
 3. A network of trails shall provide access to various points of interest, including recreation areas, unique vistas, and historic sites both within and outside of the OSMUD District and shall link Restricted Land areas.
 4. The design of the OSMUD District shall incorporate stormwater practices consistent with low impact development techniques in addition to Best Stormwater Management Practices.
 5. Buildings within the OSMUD District shall utilize energy efficient design and execution and low impact development techniques and principles, to the extent feasible.
 6. The design shall be respectful of existing neighborhood settings.
- C. The Master Plan Special Permit may provide that the provisions of the Design Guidelines may be waived by the Planning Board as part of the Site Plan Review process based on a finding that such modifications are necessary or appropriate to meeting the development and design objectives of this Article.

§ 210-175. Miscellaneous

- A. Modifications to Article XII, Water Resources Protection Overlay District. In the OSMUD District, the following modifications to the provisions generally applicable to the Water Resources Protection Overlay District shall apply:

1. For purposes of § 210-70(C) (2), the term “Development Project” shall be substituted for the term “lot.”
 2. In § 210-70(D) (5), the words “except for excavations related to site work” shall be inserted at the end of the clause.
- B. Modifications to Article XVIII, Supplementary Provisions. In an OSMUD District, the following modifications to the Supplementary Provisions shall apply:
1. The provisions of the Design Guidelines shall supersede the provisions of § 210-119.1 pertaining to the width of driveways.
 2. The provisions of the Design Guidelines shall supersede the provisions of § 210-124 pertaining to the design of parking facilities.
- C. All land within the OSMUD District as of the date of the issuance of the Master Plan Special Permit shall be subject to the provisions of this Chapter as in effect on such date, provided that substantial use of the rights conferred by the Master Plan Special Permit has occurred in accordance with § 210-172(F).
3. Amend Article XVIII, Supplementary Regulations, Section 210-124 by inserting the following at the end of the table of off-street parking requirements in B (1):

Type of Use	Number of Spaces
Bed & breakfast	1 space for each unit available for occupancy
Conference center	2 spaces for every 3 seats
Medical center	3 spaces per 1,000 square feet of gross floor area
Museums	2 spaces per 1,000 square feet of gross floor area of public floor area, not including corridors and other service areas

4. Amend Article XII, Water Resources Protection Overlay District as follows:
 - A. Insert in Section 210-70.D(2) a new clause (c) immediately following clause (b):

(c) Below ground related to a subsurface parking facility.

- B. Insert a new sentence at the end of Section 210-70.D(9) as follows: “The provisions § 210-70(D)(9) shall not apply to any existing facilities or any replacements of such existing facilities.”

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

ARTICLE 30: To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton by inserting a new Chapter 172, Stormwater Management and Erosion Control, as follows:

Chapter 172
STORMWATER MANAGEMENT AND EROSION CONTROL

§ 172-1. Purpose.

- A. The purposes of this Chapter are to: 1) protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment; and 2) protect, maintain, and enhance the public safety, environment and general welfare by establishing minimum standards and procedures to control runoff and prevent soil erosion and sedimentation resulting from construction/alteration and development.
- B. The Town is mandated by the federal government to adopt a stormwater management bylaw in 2008 and could be subject to penalties if it does not. The Metropolitan Area Planning Council has received a grant to help the Town of Hopkinton develop a new Stormwater Management bylaw. The process has begun and will be completed in 2009. This bylaw is an interim bylaw which is intended to satisfy the mandate of the federal government while the grant process is completed.

§ 172-2. Applicability.

- A. This Chapter shall apply to all construction activity unless exempt pursuant to § 172-2.C of this Chapter.
- B. A Stormwater Management Permit (SMP) shall be required from the Planning Board for the following:
 - (1) Construction activities that will result in land disturbance of one acre in area or more, or which is part of a common plan for development that will disturb one acre or more;
 - (2) Construction activities that will disturb land with 15% or greater slope, and where the land disturbance is greater than or equal to 10,000 square feet within the sloped area;

- (3) Any construction activity that will increase the amount of impervious surface to more than 50% of the area of a lot.

C. Exemptions

A Stormwater Management Permit shall not be required for the following activities, whether or not such activity results in disturbance or alteration that meets or exceeds the SMP requirements of Section 172-3.B:

- (1) Additions or modifications to single family structures;
- (2) Additions or modifications to structures which are not for single family use, provided that such addition or modification does not increase the footprint of the structure by more than 100%.
- (3) Normal maintenance of Town owned public land, ways and appurtenances;
- (4) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and MGL Chapter 40A Section 3;
- (5) Activities conducted in accordance with a Forest Stewardship Plan approved by the Massachusetts Department of Conservation and Recreation;
- (6) Normal maintenance of landscaping, gardens, lawn areas, driveways and the like;
- (7) Construction of patios, decks, walkways, swimming pools, sheds, fences, or replacement of wells;
- (8) Repair or replacement of an existing roof;
- (9) Construction of utilities (gas, water, sewer, electric, telephone, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns; the reconstruction, maintenance or resurfacing of any way maintained by the Hopkinton Department of Public Works;
- (10) Emergency repairs to any utilities (gas, water, sewer, electric, telephone, etc.), stormwater management facility or practice that poses a threat to public health or safety, or as deemed necessary by the DPW Director;
- (11) Repair or replacement of sewage disposal systems;
- (12) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this Chapter, including Orders of Conditions issued by the Conservation Commission;

- (13) Any construction activity or project wholly within the jurisdiction of the Conservation Commission, provided that an Order of Conditions has been issued by the Conservation Commission;
- (14) Any construction activity or project requiring approval under the Subdivision Control Law where the Planning Board has approved an application for definitive subdivision approval, and any construction activity or project requiring Site Plan Review, provided that the plans include stormwater management provisions for the site;
- (15) Any construction activity or project requiring approval under Zoning Bylaw Articles XIII, Garden Apartments in Residential Districts, XIII A, Village Housing in Residential Districts, and XVII A, Senior Housing Development, provided that the Planning Board has granted all required approvals, and that the plans include stormwater management provisions for the site.

§ 172-3. Administration.

- A. The Planning Board shall be the permit granting authority for the issuance of Stormwater Management Permits and shall administer, implement and enforce this Chapter. Any powers granted to or duties imposed upon the Planning Board may be delegated to its employees or agents or other municipal employees as appropriate. Permit applications shall be submitted, considered and issued only in accordance with the provisions of this Chapter and the Regulations adopted pursuant to this Chapter.
- B. Stormwater Regulations. The Planning Board shall adopt, and may periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection and/or consultant fees), procedures and administration of this Chapter. The Regulations shall be adopted by majority vote after conducting a public hearing. Such hearing date shall be advertised once in a newspaper of general local circulation, at least fourteen (14) days prior to the hearing date. Failure of the Planning Board to adopt such Regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Chapter.

Stormwater Management Permit procedures and submission requirements shall be defined and included as part of the Stormwater Regulations. Such Regulations shall include, but shall not be limited to:

- (1) A requirement that Stormwater Management Permits be issued within 60 days of the date of filing a complete application, unless an extension of time has been granted.
- (2) A procedure for distribution to and review of permit applications by the Town of Hopkinton Conservation Administrator, Public Health Administrator, Director of Municipal Inspections, and Director of Public Works.
- (3) A requirement for applicants to submit an Operation and Maintenance Plan for the stormwater management system.

(4) Performance standards which require that projects must meet the Stormwater Management Standards of the Massachusetts Stormwater Management Policy. The Planning Board will utilize the policy, criteria and information, including specifications and standards, of the latest edition of the Massachusetts Stormwater Management Policy for execution of the provisions of this Chapter. This Policy includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The Policy may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Stormwater Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.

C. Waivers. Strict compliance with this Chapter or the Stormwater Regulations may be waived by the Planning Board when, in the judgment of the Board, such action is not inconsistent with the purposes of this Chapter or the Regulations.

D. Actions by the Planning Board. The Planning Board may take any of the following actions on an application for a Stormwater Management Permit: Approval, Approval with Conditions, or Disapproval. A Permit may be disapproved if the Planning Board determines that the requirements of this Chapter or the Regulations are not met.

E. Appeals. A decision of the Planning Board shall be final. Further relief of a decision by the Planning Board made under this Chapter shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L. Ch 249 § 4.

§172-4. Enforcement.

A. When the Planning Board or its agent determines that an activity is not being carried out in accordance with the requirements of this Chapter, Stormwater Regulations or SMP, it shall issue a written notice of violation to the owner of the property. Persons receiving a notice of violation may be required to:

- (1) Halt all construction activities until there is compliance. A “stop work order” will be in effect until the Planning Board or its agent confirms that the activity is in compliance and the violation has been satisfactorily addressed.
- (2) Maintain, install or perform additional erosion and sedimentation control measures;
- (3) Monitor, analyze and report to the Planning Board;
- (4) Remediate erosion and sedimentation resulting directly or indirectly from the activity.

Failure to address a notice of violation in the time specified therein may result in penalties in accordance with the enforcement measures authorized in this Chapter.

B. Penalty. Any person who violates any provision of this Chapter, Regulations, or SMP’s issued thereunder, may be punished by a fine of not more than \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense, and each provision of the Chapter, Regulations or SMP violated, shall constitute a separate offense.

C. Non-Criminal Disposition. As an alternative to the penalty in § 172-4.B, the Town of Hopkinton may elect to utilize the non-criminal disposition procedure set forth in Article II of the Bylaws of the Town of Hopkinton. Each day or part thereof that such violation occurs or continues shall constitute a separate offense, and each provision of this Chapter, Regulation or permit violated shall constitute a separate offense.

§172-5. Severability.

The invalidity of any section, provision, paragraph, sentence, or clause of this Chapter shall not invalidate any section, provision, paragraph, sentence or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

Pass any vote or take any action relative thereto.

Sponsor: Planning Board

ARTICLE 31: 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, as amended, and to see if the Town will vote to accept such streets as and for public ways and will authorize the Board of Selectmen to take by eminent domain, acquire by gift or purchase or otherwise acquire any land or interest in land necessary for such laying out, and act on all matters relating thereto.

<u>Street</u>	<u>From</u>	<u>To</u>
Appaloosa Circle	End of existing public way	End
Falcon Ridge Road	Snowy Owl Road	Snowy Owl Road
Snowy Owl Road	Spring Street	Falcon Ridge Road
Equestrian Drive	Saddle Hill Road	Appaloosa Circle
Overlook Road	Cedar Street Extension	Greenwood Road
Summit Way	Overlook Road	End

Pass any vote or take any action relative thereto.

Sponsor: Board of Selectmen

ARTICLE 32: To see if the Town will vote to authorize the Board of Selectmen to accept as a gift from Drowne Family Trust, the following described parcel of land, which shall be held by the Town of Hopkinton exclusively for public purposes as open space under the jurisdiction of the Open Space Preservation Commission:

The land in Hopkinton, Middlesex County, Massachusetts, shown as Parcel “I” on a Plan entitled “Plan of Land in Hopkinton, Mass.,” dated 1/5/2007, Scale: 60 feet to an inch, Connorstone Consulting Civil Engineers and Land Surveyors, 10 Southwest Cutoff, Suite 7, Northborough, Massachusetts 01532, which Plan is recorded with the Middlesex South District Registry of Deeds as Plan No. 572 of 2007.

Said Parcel “I” is designated on said plan as containing a total of 13.1 ± acres of land.

Pass any vote or take any action relative thereto.

Sponsor: Planning Board

ARTICLE 33: To see if the Town will vote to amend the Zoning Map to rezone certain parcels of land as described below from their current use category to Rural Business (RB) District:

- 33 Hayward Street (L37 101 0) +/- .20acres Residence Lake Front (RLF1) District to Rural Business(BR) District
- 0 Hayward Street (L37 102 0) +/- .09acres Residence Lake Front (RLF1) District to Rural Business(BR) District
- 0 Hayward Street + Old Town Road(L37 125 0) +/- .40acres Residence Lake Front (RLF1) District to Rural Business(BR) District
- 37 Hayward Street (L37 125 A) +/- .56acres Residence Lake Front (RLF1) District to Rural Business(BR) District
- 0 Old Town Road (L37 124 0) +/- .23acres Residence Lake Front (RLF1) District to Rural Business(BR) District
- 0 Hayward Street (L37 103 0) +/- .11acres Residence Lake Front (RLF1) District to Rural Business(BR) District
- 0 Hayward Street (L37 104 0) +/- .66acres Residence Lake Front (RLF1) District to Rural Business(BR) District
- 0 Hayward Street (L37 123 0) +/- .09acres Residence Lake Front (RLF1) District to Rural Business(BR) District

Pass any vote or take any action relative thereto.

Sponsor: Citizens' Petition - William Tetlow, 2 Parker Point Road

ARTICLE 34: To see if the Town will vote to accept the report and recommendation of the Community Preservation Committee on the Fiscal Year 2009 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 Commission, 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.

Pass any vote or take any action relative thereto.

Sponsor: Community Preservation Commission

ARTICLE 35: To see if the Town will vote to accept the report and recommendation of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation Budget and to appropriate from Community Preservation Fund Annual Revenues or available funds the sum of \$12,500 for the historical preservation and restoration of the town's records, including such renovations and repairs as may be necessary or appropriate for their restoration and preservation, together with all expenses necessary or appropriate therefore. Said sum to be spent under the direction of the Community Preservation Commission and the Town Clerk.

Pass any vote or take any action relative thereto.

Sponsor: Community Preservation Commission and Town Clerk

ARTICLE 36: To see if the Town will vote to accept the report and recommendation of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation Budget and to appropriate from Community Preservation Fund Annual Revenues or available funds the sum of \$450,000 to contribute toward the construction of the Housing Authority & (DHCD)'s affordable housing project behind the Senior Center, including without limitation, obtaining plans, designs, studies, cost estimates and bid documents, as well as all materials, labor and equipment necessary or appropriate to accomplish the above purpose, together with all expenses necessary or appropriate therefor; and further to authorize the Community Preservation Commission to take such action and 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 Commission and the Hopkinton Housing Authority.

Pass any vote or take any action relative thereto.

Sponsor: Community Preservation Commission and Hopkinton Housing Authority.

ARTICLE 37: To see if the Town will vote to accept the report and recommendation of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation Budget and to appropriate from Community Preservation Fund Annual Revenues or available funds the sum of \$1000 for the acquisition and construction of signage for the Town's Evergreen Cemetery, together with all expenses necessary or appropriate therefore. Said sum to be spent under the direction of the Community Preservation Commission and the Cemetery Commission

Pass any vote or take any action relative thereto.

Sponsor: Community Preservation Committee and Cemetery Commission

ARTICLE 38: To see if the Town will vote to accept the report and recommendation of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation Budget and to appropriate from Community Preservation Fund Annual Revenues or available funds the sum of \$3500 for the construction of a Kiosk at Sandy Beach, together with all expenses necessary or appropriate therefore. Said sum to be spent under the direction of the Community Preservation Commission and the Parks & Recreation Committee

Pass any vote or take any action relative thereto.

Sponsor: Community Preservation Committee and Parks and Recreation Commission

ARTICLE 39: To see if the Town will vote to accept the report and recommendation of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation Budget and to appropriate from Community Preservation Fund Annual Revenues or available funds a sum or sums of money for the construction and development of athletic fields, on a portion of the property containing approximately 257 acres on Fruit Street which was acquired by the Town pursuant to the vote under Article 2 of the Special Town Meeting of October 21, 2002, including, without limitation, obtaining plans, designs, studies, cost estimates and bid documents, as well as all materials, labor and equipment necessary or appropriate to accomplish

the above purpose; said sum to be used in conjunction with any federal and state grants, aid or loans which may available for such purpose; and further to authorize the Parks and Recreation Commission and Community Preservation Committee to take all action and to execute any and all documents as may be necessary or appropriate to accomplish the purposes of this article, including, the authority to discuss, apply for, accept and expend any and all state and federal grants, aid or loans and to execute any and all documents necessary or appropriate to carry out the purposes of this article. Said sum is contingent on the Parks & Recreation Commission and the Hopkinton Youth Soccer Association agreement to fund and construct two adjacent soccer fields. Said sum to be spent under the direction of the Community Preservation Committee and the Parks and Recreation Commission.

Pass any vote or take any action relative thereto.

Sponsor: Community Preservation Committee and Parks and Recreation Commission

ARTICLE 40: To see if the Town will vote to accept the report and recommendation of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation Budget and to appropriate from Community Preservation Fund Annual Revenues or available funds \$20,000 for the demolition of the “Shepard House” located on the Town’s so-called Whitehall property including, without limitation, obtaining plans, designs, studies, cost estimates and bid documents, as well as all materials, labor and equipment necessary or appropriate to accomplish the above purpose including such restoration of the land, together with all expenses necessary or appropriate therefore; and further to authorize the Community Preservation Committee and Open Space Commission to have authority to take such action and 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 Open Space Commission.

Pass any vote or take any action relative thereto.

Sponsor: Community Preservation Committee and the Open Space Commission

ARTICLE 41: To see if the Town will vote to accept the report and recommendation of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation Budget and to appropriate from Community Preservation Fund Annual Revenues or available funds the sum of \$5000 for a Survey of the Historic Buildings within the town and with all expenses necessary or appropriate therefore. Said sum to be spent under the direction of the Community Preservation Commission and Historical Commission

Pass any vote or take any action relative thereto.

Sponsor: Community Preservation Committee and Historical Commission

ARTICLE 42: To see if the Town will vote to accept the report and recommendation of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation Budget and to appropriate from Community Preservation Fund Annual Revenues or available funds a sum or sums of money for the historical restoration and preservation of the Route 85 Stone Bridge arch, so called, including, without limitation, obtaining plans, designs, studies, cost

estimates and bid documents, as well as all materials, labor and equipment necessary or appropriate to accomplish the above purpose including such renovations and repairs, studies, reports, surveys and recommendations as may be necessary or appropriate for its Historic restoration and preservation, together with all expenses necessary or appropriate therefore; and further to authorize the Board of Selectmen, Community Preservation Committee and the Historical Commission or Officer as shall have authority to take such action and 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 and Historical Commission

ARTICLE 43: To see if the Town will vote to accept the report and recommendation of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation Budget and to appropriate from Community Preservation Fund Annual Revenues or available funds the sum of \$6000 for the construction of trails and parking area on the town owned parcel know as Whitehall, including, without limitation, obtaining plans, designs, studies, cost estimates and bid documents, as well as all materials, labor and equipment necessary or appropriate to accomplish the above purpose including, studies, reports, surveys and town approvals as required as may be necessary or appropriate together with all expenses necessary or appropriate therefore. Said sum to be spent under the direction of the Community Preservation Commission, Open Spaces Commission and the Friends of Whitehall.

Pass any vote or take any action relative thereto.

Sponsor: Community Preservation Committee, Open Space Commission, The Friends of Whitehall

ARTICLE 44: To see if the Town will vote to accept the report and recommendation of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation Budget and to appropriate from Community Preservation Fund Annual Revenues or available funds the sum of \$10,000 for the construction and restoration of the Library door to comply with ADA requirements, including, without limitation, obtaining plans, designs, studies, cost estimates and bid documents, as well as all materials, labor and equipment necessary or appropriate to accomplish the above purpose including such renovations and repairs, studies, reports, surveys and recommendations as may be necessary to accomplish the above purpose, together with all expenses necessary or appropriate therefore; and further to authorize the Board of Selectmen, Community Preservation Committee, Trustees of the Hopkinton Library or Officer as shall have authority to take such action and 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 Commission, and the Trustees of the Hopkinton Library

Pass any vote or take any action relative thereto.

Sponsor: Community Preservation Committee and The Trustees of the Hopkinton Library

ARTICLE 45: To see if the Town will vote to accept the report the report and recommendation of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation Budget and to appropriate from Community Preservation Fund Annual Revenues or available funds the sum of \$10,000 for the construction of a chain link fence along the Emerald Hills East Soccer fields, including, without limitation, obtaining plans, designs, studies, cost estimates, as well as all materials, labor and equipment necessary or appropriate to accomplish the above purpose as shall be necessary or appropriate therefore. Said sum to be spent under the direction of the Community Preservation Commission, Parks & Recreation Commission and the Hopkinton Youth Soccer Association.

Pass any vote or take any action relative thereto.

Sponsor: Community Preservation Commission, Parks & Recreation Commission and the Hopkinton Youth Soccer Association

ARTICLE 46: 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 obtaining plans, designs, cost estimates, bid documents and equipment necessary or appropriate for the implementation of an energy plan for Town facilities. Said sum to be spent under the direction of the Town Manager.

Pass any vote or take any action relative thereto.

Sponsor: Facilities Director

ARTICLE 47: 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 purpose of obtaining plans, designs, cost estimates and bid documents as well as to provide for the acquisition of all materials, equipment and services necessary or appropriate for the repair or improvement of the Town Hall foundation and associated drainage. Said sum to be spent under the direction of the Town Manager.

Pass any vote or take any action relative thereto.

Sponsor: Town Manager

ARTICLE 48: 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 purpose of obtaining soil borings, topographical studies, land surveys, wetlands surveys, preliminary site development plans, schematic designs, architectural and engineering designs, cost estimates, bid documents, and construction alternatives for the renovation or replacement of the Center Elementary School located at 11 Ash Street in Hopkinton, Massachusetts, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority (MSBA). The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. 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 49: 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 to obtain plans, designs, cost estimates, and bid documents as well as to provide for the acquisition of all materials, equipment, and services necessary or appropriate for the repair, maintenance, renovation and improvement of a portion of the High School loop road; said sum to be used in conjunction with any federal and state grants, aid, or loans which may be available for said project; and further to authorize the School Committee to apply for, accept, and expend any and all federal and state grants, aid, or loans which may be available for said project; and to authorize the School Committee to take all other action necessary or appropriate to carry out the purposes of this article. Said sums to be spent under the direction of the School Committee.

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

ARTICLE 50: 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 purpose of obtaining plans, designs, cost estimates and bid documents, as well as to provide for the acquisition of all materials, equipment, engineering, needs analyses and services necessary or appropriate for the repair, maintenance, renovation or improvement of municipal buildings and grounds, school buildings and grounds to comply with the Americans with Disabilities Act of 1990. Said sum to be spent under the direction of the Town Facilities Director.

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

ARTICLE 51: To see if the Town will vote to accept an easement from Wayland Realty Trust and Straly Corporation at 85 Main Street, shown on Assessor's Map U16 as Lots 261 0 and 264 0, for access to and/or drainage from Carrigan Park, and grant an easement to Wayland Realty Trust and Straly Corporation at Carrigan Park, shown on Assessor's Map U16 as Lot 259 0, for temporary access to 85 Main Street for construction purposes and permanent access to 85 Main Street for maintenance purposes.

Pass any vote or take any action relative thereto.
Sponsor: Parks & Recreation Commission

ARTICLE 52: To see if the Town will vote to amend the vote taken under Article 1 of the April 9, 2001 Special Town Meeting, establishing a Community Preservation Fund, by deleting the word "passive" therefrom.

Pass any vote or take any action relative thereto.
Sponsor: Parks & Recreation Commission

ARTICLE 53: To see if the Town will vote to adopt the Tax Increment Financing Plan between the Town and Wayland Realty Trust, substantially in the form as is on file with the Town Clerk (the “TIF Plan”), pursuant to General Laws Chapter 40, Section 59, and to authorize the Board of Selectmen to take such other actions as may be necessary to obtain approval of the TIF Plan by the Massachusetts Economic Assistance Coordinating Council, or take any other action relative thereto.

Pass any vote or take any action relative thereto.
Sponsor: Parks and Recreation Commission

ARTICLE 54: 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 beginning a phased plan for sidewalk repair and replacement for the Downtown area, to eliminate safety hazards, enhance security, and improve the appearance of the Downtown area.

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

ARTICLE 55: 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 beginning a phased approach to improving the visibility of the crosswalks in the Downtown area.

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

ARTICLE 56: To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton, Chapter 206, Wetlands Protection, in the following respects:

By deleting subsection 3c of section 206-4 H. Minor Projects Exemption;

By inserting the phrase “provided the activity is located more than 100 feet from the mean annual high water line within a riverfront area or 50 feet from other resource areas, which ever is farther” at the end of item (7) in the list of enumerated minor activities that follows subsection 4 of section 206-4 H. Minor Projects Exemption.

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

ARTICLE 57: To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton, Chapter 206, Wetlands Protection, in the following respects:

By deleting subsection 1 of section 206-5 H and inserting the following:

- (1) Permit applications and plans:
 - (a) Applications

[1] Three complete paper copies of the application and supporting documents, with up to four additional paper copies to be provided at the request of the Conservation Administrator.

[2] One electronic copy of the application and supporting documents in PDF or Word format on compact disc or sent via e-mail.

(b) Plans:

[1] Three paper copies of the complete plan(s), with up to four additional paper copies to be provided at the request of the Conservation Administrator.

[2] One paper copy and PDF file of the plan(s), reduced to fit an 11 x 17-inch format.

[3] One copy of the plan(s) in digital format, capable of conversion to a DXF file, on compact disc, and referenced to the Massachusetts State Plane NAD83 format (for all subdivisions and non-residential project filings and for all Abbreviated Notice of Resource Area Delineation filings).

[4] One copy of the coordinates for all wetland resource flags, referenced to the Massachusetts State Plan NAD83 format (for all subdivisions and non-residential project filings and for all Abbreviated Notice of Resource Area Delineation filings).

Pass any vote or take any action relative thereto.

Sponsor: Conservation Commission

ARTICLE 58: To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton, Chapter 206, Wetlands Protection, in the following respect:

By deleting the first sentence of section 206-7 [Coordination with other boards] and replacing it with the following:

“Upon receipt of a permit application or request for determination, the Commission shall provide written notice thereof, by electronic mail or hand delivery, to the Board of Selectmen, Planning Board, Board of Health, Highway Surveyor and Building Inspector.”

Pass any vote or take any action relative thereto.

Sponsor: Conservation Commission

ARTICLE 59: 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 maintaining the Town’s membership or affiliation with the Central Massachusetts Mosquito Control Project, and

to authorize the Board of Health and the Board of Selectmen to take such other action as may be necessary to maintain the Town's membership or affiliation with the Central Massachusetts Mosquito Control Project. Said sum to be spent under the direction of the Board of Health.

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

ARTICLE 60: 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 purpose of financing the following water pollution abatement facility projects: the repair, replacement and/or upgrade of septic systems pursuant to agreements between the Board of Health and residential property owners, including without limitation, all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, and to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise. Said sum to be spent under the direction of the Board of Health.

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

ARTICLE 61: To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton as follows:

1. By deleting Chapter 141, Noise, and inserting a new Chapter 141, Noise, as follows:

ARTICLE I Use of Construction Equipment

§141-1. Hours and days of operation restricted.

Except in an emergency, outdoor construction activity, including the use of construction, earthmoving or other construction equipment or the delivery to or pick up from a site of such equipment, shall not begin prior to 7:00 a.m. or continue later than 7:00 p.m. on Monday through Friday. Such outdoor construction activity, including the use, delivery or pickup of the above equipment, shall be allowed on Saturdays only between the hours of 8:00 a.m. and 4:00 p.m. No outdoor construction activity or operation of construction, earth moving or other construction equipment or the delivery or pickup of such equipment is allowed on Sundays or holidays, except that outdoor construction activity performed by the owner of an owner-occupied residential property for the maintenance, repair or improvement of such residential property that does not involve the use of heavy construction equipment, may be performed during the hours from 8:00 a.m. to 4:00 p.m. on Sundays and holidays.

The above provisions shall not apply to a.) publicly funded projects involving infrastructure construction and b.) snow removal operations.

ARTICLE II Commercial Activity in Residential Zones: RLF, RA, RB

§141-2. Hours and days of activity restricted

This section shall apply to the use and occupancy of any lot or structure thereon and to the noise produced thereby in residential zones RLF, RA and RB. This section shall not apply to the intermittent or occasional use, between 7:00 a.m. and 7:00 p.m. Monday through Friday and between 8:00 a.m. and 4:00 p.m. on weekends and holidays, of a homeowner’s light residential outdoor equipment.

Except in an emergency, outdoor commercial activity, which includes but is not be limited to, all electric motors or internal combustion engines, other commercial devices, tools, or equipment that is started, moved, left to idle or used in any commercial activity including but not limited to, delivery trucks, dump trucks, bulldozers, backhoes, concrete mixers, pneumatic tools, rollers, refuse trucks, scrapers, air compressors, generators, jackhammers, cranes, pavement breakers, pile drivers, rock drills and chain saws shall not begin prior to 7:00 a.m. or continue later than 7:00 p.m. Monday through Friday. Outdoor commercial activity shall be allowed on Saturdays only between the hours of 8:00 a.m. and 4:00 p.m. No outdoor commercial activity shall be allowed on Sundays or holidays.

The above provisions shall not apply to a.) publicly funded projects involving infrastructure construction and b.) snow removal operations.

**ARTICLE III
Penalties**

§141-3. Violations and penalties

Any person violating this Chapter shall be liable to the Town in the amount of \$50 for the first violation and \$100 for each subsequent violation which shall inure to the town.

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

Noise Bylaw (Ch. 141)	Noise violation	First Violation: \$50
		Subsequent violations: \$100

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

ARTICLE 62: To see if the Town will vote to designate Wilson Street, between the Ashland-Hopkinton line and Rafferty Road, as a scenic road in accordance with the provisions of General Laws Chapter 40, Section 15c.

Pass any vote or take any action relative thereto.
Sponsor: Citizens’ Petition - Julia Linnell, 5 Reservoir Road

ARTICLE 63: To bring in their ballots on May 19, 2008 at an adjourned session of the above meeting in the gymnasium of the for Middle School the election of the following Officers:

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

Also to bring in their answers to any question or questions which may be framed or presented by the Board of Selectmen in accordance with the provisions of Chapter 454 of the Acts and Resolves of Massachusetts for the year 1943 and amendments thereto.

And to vote “Yes” or “No” on the following questions appearing on the ballot:

QUESTION #1

Shall the Town of Hopkinton be allowed to exempt from the provisions of Proposition 2½, so-called, the amounts required to pay for the bonds issued in order to obtain plans, designs, cost estimates and bid documents, as well as to provide for the acquisition of all materials, equipment, engineering, needs analyses and services necessary or appropriate for the repair, maintenance, renovation or improvement of municipal buildings and grounds, school buildings and grounds to comply with the Americans with Disabilities Act of 1990?

YES

NO

QUESTION #2

Shall the Town of Hopkinton be allowed to exempt from the provisions of Proposition 2½, so-called, the amounts required to pay for the bonds issued in order to obtain soil borings, topographical studies, land surveys, wetlands surveys, preliminary site development plans, schematic designs, architectural and engineering designs, cost estimates, bid documents, and construction alternatives for the renovation or replacement of the Center Elementary School located at 11 Ash Street in Hopkinton, Massachusetts, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority ?

YES

NO

For this purpose the polls will be open at seven o'clock in the forenoon and will close at eight o'clock in the evening.

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 26th day of February 2008:

BOARD OF SELECTMEN
TOWN OF HOPKINTON

Muriel E. Kramer

Mary C. Pratt

Michael W. Shepard

Brian J. Herr

Matthew E. Zettek

A true copy attest:

Ann M. Click, Town Clerk

Hopkinton, Massachusetts , 2008

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