

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

The Annual Town Meeting convened at 7:00 P.M. on Monday, May 5, 2008, at the High School Field House. The meeting was called to order by the Moderator, Dr. Bruce Karlin. A quorum was present.

The counters were assigned under the direction Deputy Moderator, Nadine Stewart. A moment of silence was called for past town officials, Mark Flaherty, Rose Mary Lynch, Chester Pepka, Alfred Wright, Mary Carey, Perry Fitzpatrick, Rita Paradis and Mary Nealon. Troup 4 presented the colors and led in the Pledge of Allegiance. The Moderator gave directives on the rules of the meeting and the bounds of the hall.

Muriel E. Kramer, Chairman, Board of Selectman made a motion to adjourn tonight's meeting upon the completion of discussion of the article under consideration at 11:00 P.M. until after the adjournment of the Special Town Meeting to be held on Tuesday, May 2, 2008.

Passed by: Voice Vote Unanimous (05-05-08)

Muriel E. Kramer, Chairman, Board of Selectman made a motion to bring forward Article 29 to be the first article to be acted on after the adjournment of the Tuesday, May 6, 2008 Special Town Meeting..

Passed by: Voice Vote Unanimous (05-05-08)

Christine Dietz, 44 Alexander Road, made a motion to make Article 29 a ballot vote tomorrow May 6, 2008.

The discussion was interrupted.

Ann M. Click, Town Clerk, read the call and return of the warrant.

Discussion resumed and at the conclusion a vote was called.

Failed by: Yes 114 No 141 (05-05-08)

ARTICLE 1. Voted: that the Town accept the following reports of the Town Officers and Town Committees:

Library, School Committee, Planning Board, Capital Improvements Committee, Appropriations Committee

Passed by: Voice Vote Unanimous (05-05-08)

ARTICLE 2. Voted: that in accordance with General Laws, Ch. 41, Sec. 108, the salary of the elected Town Official for Fiscal Year 2009 be as follows:

Town Clerk 60,471.35

Passed by: Voice Vote (05-05-08)

ARTICLE 3. Voted: that the Town amend the General Bylaws, Chapter 33, Personnel Bylaw, including the Classification and Pay Schedule, effective July 1, 2008 by inserting the following amendments to the Bylaw as stated in the Personnel Committee handout and Classification and Pay Schedule as it appears at the end of the Appropriation Committee’s recommendation handout.

Guide to Changes in the Personnel By-Law

Article #	Change	Type	Reason
33-1	Added phrase “for any lawful reason”	Language	Follow actual law
33-1	Added Phrase, “all”	Language	Clarification
33-1	Changed “Personnel” to “Human Resources”	Language	Clarification, we are the HR department.
33-3; 2,a	Changed to “Regular Part-Time A”	Language	Clarification
33-3; 3	Added “This included employees hired to work for a specific period of time not to exceed six months”	Policy	Simplification of Pay Schedule
33-3; 4	Delete	Policy	Added to 33-3; 3 to simplify
33-3; C	Added “Human Resources Director, Town Manager” deleted “Board of Selectmen”	Policy	To follow the charter.
33-5; B; 2	Added “Town Manager”	Language	To follow the charter
33-5; B; 3 a	Change to “The job opening must be announced by publishing a notice of same on the notice board in the Town Hall and also by posting the job opening on the Town of Hopkinton website, no less than seven days prior to the date the position is filled.”	Policy	To follow the charter, and also to save the town money on newspaper advertisements.
33-5; B; 3 a	Change pay “rate” to “pay range” add, “date of closing”	Language	Clarification
33-5; C	Change to “Two Years”	Policy	To be in compliance with State Record Keeping Laws
33-5; E	Change to “new”	Language	Cost savings
33-5; E	Add, “All open positions must be reviewed by the Human Resources Director and the	Policy	Cost savings. Instead of automatically filling each opening, group to study necessity of position.

	Personnel Board before being filled.”		
33-6; A	Change to “The Personnel Board may amend such job descriptions from time to time at its discretion and based on recommendation from the Town Manager and the Human Resources Director.”	Language	Clarification
Article #	Change	Type	Reason
33-6; B	Change to “limited to”	Language	Grammar issue
33-9	Add, “The decision of the Personnel Board is final.”	Policy	Clarification
33-9; F	Add, “In order for an employee to be eligible to receive a Cost of Living Increase, they must have a current performance evaluation in their employee file.”	Policy	To facilitate performance appraisals
33-14; C	Add, “Also, unless the employee is out on an excused absence, or provides a doctor’s note; the employee must work the scheduled day before and after the holiday in order to receive holiday pay.”	Policy	Attendance Issues.
33-16; A	Add, “This is merely the time in which accrued vacation must be used; Additional vacation time accrues on the anniversary date, not the fiscal year.”	Policy	Clarification
33-16; B; 1-4	Add, “Completed”	Language	Clarification
33-16; C	Remove, “Board of Selectmen”	Policy	Follow Charter
33-16; F	Add, “All time over 2 weeks accrued and unused is forfeited by the employee at the end of the Fiscal year.”	Language	Clarification
33-16; G	Change, “In order to be considered, the request must be submitted to the Human Resources Director, no later than the 3 rd Friday in March. The request will then be brought to Personnel Committee for evaluation and	Policy	For planning and clarification.

	a decision.”		
33-16; H	Add, “Any employee that wishes to use any paid time off other than sick time, must have their request approved by their manager in writing before the time off is taken. Time off requests in excess of three days, must be approved in writing at least two weeks before the time is taken.”	Policy	Better Planning
Article #	Change	Type	Reason
33-16; I	Add, “However, in order to be granted permission to use the unearned time, the employee must have used all of their personal and floating holidays.	Policy	Ensure personal and floating days are used, prevent employees owing vacation time.
33-17	Add, “Employees who are on a non FMLA leave will be making COBRA payments. Employees who fail to make payments in the time required shall be removed from the insurance plan.”	Policy	Clarification
33-18	Change to, “Family Medical Leave is done on a rolling calendar basis. So if an employee needs to take more than one occasion of leave, their eligibility will depend on how much leave was taken in the previous 12 months.”	Language	Clarification
33-18	Change to, “Eligible employees Are those who have been employed for at least 12 months by the employer with respect to whom leave is requested under section and for at least 1,250 hours of service with such employer during the previous 12-month period.”	Language	Clarification, compliance with law.
33-18	Change to, “An employee must elect to use any accrued paid vacation, personal days or floating holidays for periods of unpaid FMLA leave. With the exception of the ten (10) days mentioned in section 33-20,	Policy	To match sick policy, financial

	sick time may only be used for FMLA leave to care for the Employee's own medical condition."		
33-18	Change to, "Ordinarily such leave must be taken in a twelve-week block, unless the employee requests and is granted Intermittent leave."	Language	Compliance, clarification
33-18	Change to, "Human Resources may require medical certification of a serious health condition from the employee's health care provider."	Language	Clarification, record keeping, HIPAA Compliance
33-18; A	Add, 33-18A Massachusetts Maternity Leave Act:	Policy	Compliance
Article #	Change	Type	Reason
33-20; A	Change to, "Each regular full-time Group A and regular part-time Group B employee shall be entitled to sick leave with pay. With the exception of up to ten (10) days per fiscal year, sick leave may only be used only for an employee's personal illness, well-care and sick medical and dental appointments and for the Employee's FMLA leave for their own health condition. The ten (10) days of sick leave that may be used during the fiscal year are for use of your immediate family only, and to be used during that fiscal year only. The same amount of sick days will accrue, but not the designation."	Policy	Fiscal reasons
33-20	Change to, "The affected employee must first exhaust all personal days, the floating holiday, vacation time and sick leave"	Policy	Fiscal
33-21	Add, "Employees may choose to continue their medical benefits while on leave, provided they remain current with the payment schedule"	Policy	Compliance

33-21	Change to, "Employees who take a Military Leave under USERRA will not lose seniority."	Language	Compliance
Article #	Change	Type	Reason
33-22	<p>Change to" Bereavement Leave of Absence for Five (5) working days' shall be granted a full time employee upon evidence of the death of a member of his/her immediate family which is defined as mother, father, child, sister, brother or spouse, or person residing in the household based on the requirements below, of the employee or their spouse. This time is for the purpose of making arrangements and attending the funeral of the above mentioned family member.</p> <p>Bereavement Leave of Absence for Three (3) working days' shall be granted a full time employee upon evidence of the death of aunt, uncle, grandparent or grandchild of the employee or their spouse. This time is for the purpose of making arrangements and attending the funeral of the above mentioned family member.</p> <p>An additional two (2) days leave of absence may be granted, at the discretion of the Town Manager upon evidence of the death of the sister, brother, grandparent or grandchild of the employee or their spouse, where, in the opinion of the Town Manager, circumstances warrant the additional leave, or the</p>	Policy	Match Union

	<p>deceased person had resided in the household of the employee. Denial of such request of additional bereavement leave shall not give rise to the institution of the grievance procedure hereunder. In order to be eligible for the aforementioned bereavement leave in connection with the death of an individual residing in the employee's household, the employee, shall provide evidence (such as an affidavit) regarding the deceased's status as an individual residing in the employee's household. It is further agreed by the parties that the extension of bereavement leave benefits to employees in connection with the death of an individual residing in the employee's household shall establish no precedent or past practice as to the extension of other employment benefits in connection with individuals residing in an employee's household."</p>		
33-23	<p>Change to, "Each Full Time, Part Time A& B employees who are asked to sit on a trial or grand jury shall be paid by the Town an amount equal to the difference between the compensation paid the employee for a normal working period and the amount paid by the court, excluding any allowance for travel and lodging., for as long as the employee is required to participate in the trial.</p>	Policy	Clarification
33-25	<p>Add "While the department head will do their best to keep employees on a regular schedule, there will be times that the department head will have to change the schedule to</p>	Language	Clarification

	best suit the needs of the department. In these cases, the department will try to give the employees as much notice as possible of the changes. “		
Article #	Change	Type	Reason
33-27; A	Change to, “Grievances must be submitted in writing within seven working days of the infraction itself or at which time the grievant became aware of such infraction. Employees who are in their first six months of employment are not permitted to use the Grievance Procedure	Language	Clarification
33-27; B	Change to, “In case the supervisor is the Human Resources Director, the employee may send a written complaint directly to the Town Manager. In the case the Supervisor is the Town Manager,”	Language	Clarification
33-27; C	Change to, “If the Human Resources Director has not given the employee an acceptable reply within 15 working days, the employee may enter a written complaint to the Personnel Board.”	Policy	Clarification
33-27; D	Change to, “If the Personnel Board has not given the employee an acceptable reply within 15 working days or a practicable time that coincides with the board's meeting schedule, the employee may enter a written complaint to Town Manager”	Policy	Clarification
33-27; D	Change to, “If the Personnel Board has not given the employee an acceptable reply within 15 working days or a practicable time that coincides with the board's meeting schedule, the employee may enter a written complaint to	Policy	Clarification, Charter

	Town Manager”		
Article #	Change	Type	Reason
33-27; E	Change to, “The Town Manager must hold a hearing with the employee within 15 working days and give a written response to the employee within 15 working days of the hearing.”	Policy	Clarification, Charter
33-27; F	Change to, “The response of the Town Manager shall be final.”	Policy	Match Charter
33-28 B; 7	Remove, “Willful”	Policy	Provide more effective discipline
33-28; C	Remove, “Numeration”	Language	On advice of counsel, otherwise we have a list of steps that must be followed.
33-28; E	Change to, “All employees are entitled to a pre-termination meeting with the Human Resources Director and the Town Manager at which they have an opportunity to present their case.”	Language	Simplification
33-30; C	Add, “The Personnel Board shall meet with the Human Resources Director monthly.”	Policy	Clarification
33-33; B-4	Change to “Human Resources Director”	Policy	To conform to HR Director job description.
33-33; B; 6	Add, “An employee has 300 days from the date of the last incident, to file a claim with the EEOC and MCAD.”	Language	Compliance
33-33 D&E	Change to “Human Resources Director”	Policy	To conform to HR Director job description.
33-33; E	Change to Town Manager	Language	To conform with Grievance Procedure
33-37; A	Add” Each full-time employee hired before July 1, 2008 who is”	Policy	Fiscal
Article #	Change	Type	Reason
33-37; A	Add, “Completed”	Language	Clarification
33-37; A	Change Amounts	Policy	To Match amount negotiated with unions.
33-38	Change to “Human Resources Director”	Language	To match HR Director job description
33-40	Add, “In order to be eligible for a COLA increase, the employee must have a current performance evaluation on	Policy	To facilitate performance reviews

	file.”		
33-42; 2	Add, “And Alcohol Free”	Policy	
7&8	<p>Add, “Positive Test Results (for Pre-employment): All offers of employment for all employees are contingent upon an employee passing a drug screen. All positive test results will be confirmed by a laboratory and reviewed by a medical review officer. If the positive result is confirmed the offer will be withdrawn and the applicant may not apply again for a period of one year. This does not guarantee an offer at that time, the applicant must again meet the qualifications and go through the selection process for the position that they are applying for before any offer could be made.”</p> <p>Add, “Any accident involving a Town owned vehicle will require a drug and alcohol test</p>	Policy	Compliance, Fiscal
33-44	Add Dress Code Policy	Policy	Clarification
33-45	Add Personal Conduct Policy	Policy	On advice from Liability Insurance provider.

TOWN OF HOPKINTON

EFFECTIVE July 1, 2008

SALARIED GROUP A (WEEKLY RATE)

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
1	\$649.23	\$720.05	\$790.89	\$849.88	\$913.64
2	\$755.45	\$814.48	\$873.51	\$932.54	\$1,002.46
3	\$1,085.97	\$1,144.98	\$1,204.03	\$1,263.03	\$1,357.75
4	\$1,239.41	\$1,298.46	\$1,357.47	\$1,416.49	\$1,522.73
5	\$1,593.56	\$1,652.55	\$1,711.58	\$1,770.61	\$1,903.38
6	\$1,711.58	\$1,770.61	\$1,829.64	\$1,888.64	\$2,030.30

GRADE	POSITION TITLE
1	
2	ADMINISTRATIVE MANAGER ASSISTANT TOWN CLERK ASSISTANT TOWN ACCOUNTANT CONSERVATION ADMINISTRATOR INFORMATION SYSTEMS TECHNICIAN DEPUTY ASSESSOR
3	LIBRARY DIRECTOR PUBLIC HEALTH ADMINISTRATOR PLANNER
4	ASSISTANT FACILITIES DIRECTOR DIRECTOR OF INSPECTIONAL SERVICES HIGHWAY MANAGER HUMAN RESOURCES DIRECTOR PRINCIPAL ASSESSOR PLANNING DIRECTOR TREASURER/COLLECTOR WATER/SEWER MANAGER
5	FACILITIES DIRECTOR PUBLIC WORKS DIRECTOR
	FIRE CHIEF ** POLICE CHIEF ** FINANCE DIRECTOR** TOWN MANAGER**

**** CONTRACTUAL POSITIONS UNDER THE BOARD OF SELECTMEN**

TOWN OF HOPKINTON
EFFECTIVE JULY 1, 2008
GROUP B (HOURLY)

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
1	\$11.05	\$12.58	\$14.12	\$15.65	\$18.41
2	\$13.50	\$15.03	\$16.58	\$18.11	\$19.66
3	\$13.84	\$15.65	\$17.20	\$18.72	\$20.26
4	\$14.44	\$16.27	\$17.80	\$19.34	\$20.87
5	\$15.65	\$17.49	\$19.02	\$ 20.56	\$ 22.09
6	\$17.45	\$18.72	\$20.26	\$ 21.80	\$ 23.34
7	\$21.80	\$22.89	\$ 24.03	\$ 25.06	\$ 26.49

POSITION TITLE	
1	CATALOGER DESK ATTENDENT FOOD SERVICE WORKER VAN DRIVER COUNCIL ON AGING
2	ACCOUNTING CLERK CUSTODIAN SECRETARY
3	ANIMAL CONTROL OFFICER ADMINISTRATIVE ASSISTANT ADMINISTRATIVE ASSISTANT/DISPATCHER OUTREACH WORKER
4	ASSISTANT TREASURER OUTREACH SUPERVISOR ASSISTANT DIRECTOR COUNCIL ON AGING
5	ASSISTANT LIBRARIAN
	TOTAL COMPENSATION COORDINATOR
6	COUNCIL ON AGING DIRECTOR YOUTH SERVICES LIBRARIAN ADULT SERVICES LIBRARIAN HEALTH INSPECTOR LOCAL INSPECTOR PARK AND RECREATION DIRECTOR
7	Executive Assistant

**TOWN OF HOPKINTON
EFFECTIVE JULY 1, 2008
HOURLY NON-RATED, GROUP C**

POSITION TITLE	HOURLY RATE OF PAY		
PUBLIC WORKS			
Highway			
Heavy Equipment Operator			\$17.68
Truck Driver			\$14.58
Heavy Equipment Operator (Snow Removal)			\$19.62
Laborer (Full-time)			\$12.64
Laborer (Part-time)			\$ 11.86
Laborer (Full-time) Seasonal			\$ 10.04
Laborer (Part-time) Seasonal			\$ 9.18
Tree Warden			\$13,864.49
Recycling Attendant			\$ 13.11
Recycling Monitor			\$13.11
Water and Sewer			
Meter Reader			\$ 12.37
POLICE DEPARTMENT			
School Crossing Guard			\$13.29
Dispatcher			\$14.17
Student Officer			75 % of 1st step patrol officer
FIRE DEPARTMENT			
Call Firefighter (Probationary) Detail			\$11.03
Rate			\$16.54
Call Firefighter (Officer) Detail			\$15.95
Rate			\$23.93
Call Firefighter (EMT) Detail			\$15.05
Rate			\$22.58
Fire Alarm Linesman			\$13.82
Fire Alarm Supervisor			\$15.43
BOARD OF HEALTH			
Assistant Health Inspector			Portion of Permit Fee
Nurse	\$ 20.41	\$ 21.24	\$22.55

**TOWN OF HOPKINTON
EFFECTIVE JULY 1, 2008
HOURLY NON-RATED, GROUP C**

POSITION TITLE	HOURLY RATE OF PAY		
BOARD OF SELECTMEN			
Sealer of Weights and Measures		\$2932.92/yr	
Veteran's Administration		4800.35/YR	
Computer Technician	\$ 14.48	\$ 15.81	\$ 17.48
LIBRARY			
Assistant Children's			
Librarian	\$ 12.11	\$ 13.36	\$ 14.65
Clerk Typist	\$ 11.71	\$ 12.47	\$ 13.82
Page		\$ 8.79	
PARKS AND RECREATION			
Chief Lifeguard	\$ 13.35	\$ 14.09	\$ 14.79
Lifeguard	\$ 11.94	\$ 12.62	\$ 13.35
Chief Swimming Instructor		\$ 12.38	
Swimming Instructor		\$ 11.62	
Chief Counselor	\$ 13.35	\$ 14.09	\$ 14.79
Counselor	\$ 9.07	\$ 9.61	\$ 10.16
Superintendent of Parks and Grounds		\$ 15.74	
Parking Lot Attendant		\$ 8.31	
Program Supervisor		\$ 12.38	
TOWN CLERK			
Election Checkers		\$ 8.00	
Election Clerks		\$ 9.07	
Election Wardens		\$ 9.60	
INSPECTIONAL SERVICES			
Mutual Aid Inspector		\$22/inspection	
Wiring Inspector	\$1,973.05/yr +	\$22/inspection	
Assistant Wiring Inspector		\$22/inspection	
Plumbing and Gas			
Inspector	\$1,973.05/yr +	\$22/inspection	
Assist. Plumbing and Gas			
Inspector		\$22/inspection	

Passed by: Voice Vote (05-05-08)

ARTICLE 4. Voted: that the Town accept the report of the Community Preservation Committee, and raise and appropriate the sum of \$24,108,572.93 for the purposes indicated in the Fiscal Year 2009 Operating Budget of the Town, as shown in the Appropriation Committee Report, as amended, and to meet this appropriation, the Town transfer from available funds as follows:

Water Enterprise Fund Shared Costs	\$260,644.00
Sewer Enterprise Fund Shared Costs	\$218,703.00
Undesignated Fund Balance (Free Cash)	\$351,762.00
Overlay Surplus	\$ 25,000.00
Community Preservation	\$292,051.25
Title V	\$ 29,218.00
Capital Projects	<u>\$ 50,000.00</u>
And that the Town raise and appropriate	\$22,881,194.68

Passed by: Voice Vote Unanimous (05-05-08)

ARTICLE 5. Voted: that the Town raise and appropriate the said sum of \$31,654,424.67 for the local education budget for Fiscal Year 2009.

Passed by: Voice Vote Unanimous (05-05-08)

ARTICLE 6. Voted: that the Town raise and appropriate the said sum of \$425,237.00 for the South Middlesex Regional Vocational School budget for Fiscal Year 2009.

Passed by: Voice Vote Unanimous (05-05-08)

ARTICLE 7. Voted: that the Town raise and appropriate the sum of \$789,040.28 for the expenses of the Sewer Department for the ensuing year, to be spent under the direction of the Director of the Department of Public Works. Said sum to be offset by the sum of \$715,907.28 from revenues received by the Sewer Department during Fiscal Year 2009 and \$73,133.00 to be raised by taxation; and further that \$218,703.16 be transferred from the Sewer Enterprise Fund to the General Fund as reimbursement of shared costs and fringe benefits. Said sum to be used for the following purposes:

0444 Wages and Salaries	\$171,587.12
0775 Expenses	\$398,750.00
0186 Shared costs and fringe benefits	<u>\$218,703.16</u>
TOTAL	\$789,040.28

Passed by: Voice Vote Unanimous (05-05-08)

ARTICLE 8. Voted: that the Town raise and appropriate the sum of \$848,651.00 for the Sewer Department Debt Service, of which \$848,651.00 is to come from betterment and other revenues received by the Sewer Department during Fiscal Year 2009; further, that the Treasurer shall report to the Town Accountant separate receipt accounts from betterment assessments received from Phase 4, Phase 5, and Phase 6 of the Municipal Sewer System. Said sum to be used for the following purposes:

0399 Interest on Short Term Debt	\$ 7,000.00
0358 Interest on Long Term Debt	\$176,222.00
0346 Sewer Maturing Principal	<u>\$665,429.00</u>
TOTAL	\$848,651.00

Passed by: Voice Vote Unanimous (05-05-08)

ARTICLE 9. Voted: that the Town raise and appropriate the sum of \$1,096,874.80 for the expenses of the Water Department for the ensuing year, to be spent under the direction of the Director of the Department of Public Works. Said sum to be offset by the sum of \$775,649.80 from revenues received by the Water Department during Fiscal Year 2009; that \$321,225.00 be raised from taxation; further that \$260,643.80 be transferred from the Water Enterprise Fund to the General Fund as reimbursement of shared costs and fringe benefits. Said sum to be used for the following purposes:

0817	Wages and Salaries	\$ 276,756.00
0822	Expenses	\$ 559,475.00
0907	Shared Costs and Fringe Benefits	<u>\$ 260,643.80</u>
	TOTAL	\$1,096,874.80

Passed by: Voice Vote (05-05-08)

ARTICLE 10. Voted: that the Town raise and appropriate the sum of \$431,439 for the Water Department Debt Service, of which \$431,439 is to come from revenues received by the Water Department during Fiscal Year 2009. Said sum to be used for the following purposes:

0779	Interest on Long Term Debt	\$123,502.00
0778	Water Maturing Principal	\$228,695.00
0778	Ashland Plant 1/6 Cost	\$ 72,000.00
1077	Administrative Fee	<u>\$ 7,242.00</u>
	TOTAL	\$431,439.00

Passed by: Voice Vote Unanimous (05-05-08)

ARTICLE 11. Voted: ARTICLE 11 (Appropriations Committee motion): We move that the Town vote to authorize 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	\$45,000	Unencumbered balance reverts to general fund
Part-time Wire Inspector	Permit fees and inspection fees of Wire Inspector	Director of Municipal Inspections with approval of the Board of Selectmen	Expenses and salary of part-time wire inspector	\$45,000	Unencumbered Balance reverts to general fund
Part-time Plumbing Inspector	Permit fees and inspection fees of Plumbing Inspector	Director of Municipal Inspections with approval of Board of Selectmen	Expenses and salary of part-time plumbing inspector	\$45,000	Unencumbered balance reverts to general fund

Board of Health	Permit fees, inspection fees and other funds collected by Board of Health relating to public health, safety and environmental laws, codes and regulations	Board of Health	Expenses of Board of Health, including services of inspectors, agents, consultants, contractors, clerical support, equipment, supplies and training, directly relating to the implementation and enforcement of federal, state and local public health, safety and environmental laws, codes and regulations.	\$150,000	Unencumbered balance reverts to general fund
Hazardous Materials	Fees and monies received from insurers & others relating to release or spills of hazardous materials	Fire Chief	Purchase equipment and materials, training, contingency planning, site assessments, service at hazardous release incidents.	\$5,000	Unencumbered balance reverts to general fund.
Conservation Commission	Consultant fees referred to in Wetlands Protection Bylaw	Conservation Commission	To meet expenses & fees of consultants engaged by & other appropriate expenses of Conservation Commission	\$115,000	Unencumbered balance reverts to general fund
Library	Lost Materials/Fines	Library Director	Replacement of lost and damaged materials.	\$9,000	Unencumbered balance reverts to general fund
Emergency Medical Services	Emergency Medical Services user fees	Fire Chief Police Chief	To operate, maintain service, acquire, & upgrade vehicles, equipment & training for emergency medical services.	\$350,000	Unencumbered balance reverts to general fund
Public Safety	Permit fees and other collected pursuant to the administration and enforcement of the Town of Hopkinton by Law Ch. 150 – Peddling and Soliciting.	Police Chief	To meet the expenses of the Police Department related to the administration and enforcement of the Town of Hopkinton Bylaw Chapter 150 - Peddling and Soliciting.	\$10,000	Unencumbered balance reverts to general fund

Planning Board	Permit fees and consultant fees collected by the Planning Board relating to review of Site Plans, petitions, applications, permits and appeals.	Planning Board	To meet expenses and fees of consultants engaged by and other appropriate expenses of the Planning Board	\$30,000	Unencumbered balance reverts to general fund
Parks & Recreation Commission	User fees and charges collected by the Parks & Recreation Commission relating to the conduct of its programs.	Parks & Recreation Commission	To meet expenses and fees of individuals engaged by and salaries, facilities maintenance and other appropriate expenses of the Parks & Recreation Commission	\$100,000	Unencumbered balance reverts to general fund
Open Space Preservation Commission	User fees, charges and donations collected by the Open Space Preservation Commission in the conduct of its programs and activities.	Open Space Preservation Commission	To meet expenses of the publication, reprinting and sale of the trail guide and the maintenance of trails and signage.	\$10,000	As determined by Town
Youth Commission	User fees, charges and donations received by the Youth Commission in the conduct of its programs and activities.	Youth Commission	To meet expenses incurred in conducting programs and activities for the Town's young people.	\$4,000	Unencumbered balance reverts to general fund
Zoning Board of Appeals	Filing fees and consultant fees collected by the Zoning Board relating to review of appeals, petitions and applications	Zoning Board of Appeals	To meet expenses and fees of consultants engaged by and other appropriate expenses of the Zoning Board of Appeals	\$50,000	Unencumbered balance reverts to General Fund

Passed by: Voice Vote Unanimous (05-05-08)

ARTICLE 12. Voted: that the Town take no action on Article 12. Capital Improvement Committee voted not to support Article 12.

Passed by: Voice Vote Unanimous (05-05-08)

ARTICLE 13. Voted: that the Town raise and appropriate \$134,000 for repairs to the overhead door(s) and window(s) lentils and highway division entry door at the Wood Street Department of Public Works garage; said sum to be spent under the direction of the Director of the Department of Public Works; and that to meet this appropriation, the Town Treasurer shall be authorized to borrow \$134,000.

Capital Improvement Committee voted to support Article 13.

Passed by: 2/3 Vote Declared by Moderator

ARTICLE 14. Voted: that the Town take no action. Capital Improvement Committee voted not to support Article 14.

Passed by: Voice Vote Unanimous (05-05-08)

ARTICLE 15. Voted: that the Town raise and appropriate \$200,000 for the painting and rehabilitation of the West Main Street water storage tank and all related equipment and accessories; said sum to be spent under the direction of the Director of the Department of Public Works; and that to meet this appropriation, the Town Treasurer shall be authorized to borrow \$200,000, to be repaid from revenues of the Water Enterprise Fund.

Capital Improvement Committee voted to support Article 15.

Passed by: Voice Vote Unanimous (05-05-08)

ARTICLE 16. Appropriations Committee's motion was to take no action on Article 19. Capital Improvement Committee voted to support Article 16.

Motion to take no action Failed by: Voice Vote (05-05-08)

Voted: that the Town raise and appropriate \$169,300 for the purchase of a dump truck for the Water Department, said item to be with all related equipment and accessories, and to dispose of, as appropriate, any equipment presently being used by the Water Department by trade-in or otherwise; said sum to be spent under the direction of the Director of the Department of Public Works; and that to meet this appropriation, the Town Treasurer shall be authorized to borrow \$169,300, to be repaid from revenues of the Water Enterprise Fund.

Passed by: 2/3 Vote Declared by Moderator (05-05-08)

ARTICLE 17. Voted: that the Town raise and appropriate \$500,000 for the study of inflow and infiltration for the Sewer Department; said sum to be spent under the direction of the Director of the Department of Public Works; and that to meet this appropriation, the Town Treasurer shall be authorized to borrow \$500,000, to be repaid from revenues of the Sewer Enterprise Fund.

Capital Improvement Committee voted not to support Article 17.

Passed by: Yes 146 No 24 (05-05-08)

ARTICLE 18. Voted: that the Town take no action on Article 18.

Passed by: Voice Vote Unanimous (05-05-08)

ARTICLE 19. Appropriations Committee’s motion was to take no action on Article 19. Capital Improvement Committee voted to support Article 19.

Motion to take no action Failed by: Voice Vote (05-05-08)

Voted: that the Town raise and appropriate \$45,000 for the purchase of a four wheel drive service truck for the Sewer Department, 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; said sum to be spent under the direction of the Director of the Department of Public Works; and that to meet this appropriation, the Town Treasurer shall be authorized to borrow \$45,000, to be repaid from revenues of the Sewer Enterprise Fund.

Passed by: Yes 117 No 41

ARTICLE 20. A motion was made that the Town amend the General Bylaws, Chapter 174, Streets and Sidewalks, and Chapter 1, General Provisions, Section 1-4, as set in Article 20 of the Annual Town Meeting Warrant.

A motion was made and seconded to amend the motion that appeared in the warrant to read:

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

No person shall *alter existing conditions so as to* 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.

Amendment Passed by: Voice Vote Unanimous

Voted: that the Town amend the General Bylaws, Chapter 174, Streets and Sidewalks, and Chapter 1, General Provisions, Section 1-4, as follows:

**ARTICLE VIII
Discharge of Water Onto a Public Way**

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

No person shall alter existing conditions so as to 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.

§ 174-30. Violations and penalties.

Whoever violates this article shall be subject to a penalty not exceeding \$25 for each such violation. Each instance of such conduct shall constitute a separate violation of this article.

A motion was made to end debate Passed by: Voice Vote

The motion to amend Section C. of Section 210-171 Administration.

Failed by: Voice Vote

Article 29. Voted: that the Town 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

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 dwelling occupied as a private residence	Y	Y	Y
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	SP	Y	SP

Use	Residential Subdistrict	Commercial Subdistrict	Village Center Subdistrict
Project or OSMUD District, but excluding recreational uses which are part of the Restricted Land			
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 retail use on the same premises	N	Y	Y
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	Y	Y	Y

Use	Residential Subdistrict	Commercial Subdistrict	Village Center Subdistrict
libraries			
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 occupants of the OSMUD District	Y	Y	Y
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 less	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 less	35 feet or 3 stories, whichever is less

* 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
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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.”

Article 29 Passed by: Yes 595 No 88 (05-06-08)

ARTICLE 23. Voted: that the Town amend the General Bylaws of the Town of Hopkinton, Chapter 55, Alarm Systems, Article II, Fire Alarms:

By deleting the words “**fiscal year**” in the second sentence of Section 55-10 and inserting the words “**12 month period**”.

Passed by: Voice Vote Unanimous (05-06-08)

ARTICLE 24. Voted: that the Town take no action on Article 24. Capital Improvement Committee voted not to support Article 24.

Passed by: Voice Vote Unanimous (05-06-08)

ARTICLE 25. Voted: that the Town raise and appropriate \$25,000 for the purpose of contracting the 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 sum to be spent under the direction of the Board of Assessors.

Passed by: Voice Vote Unanimous (05-06-2008)

ARTICLE 26. A motion was made 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.

Failed to obtain 2/3 majority by: Yes 134 No 105 (05-06-08)

ARTICLE 27. A motion was made to amend the Zoning Bylaws of the Town of Hopkinton, Article XVII, Supplementary Regulations, Section 210-124, Off-Street Parking as set in Article 27 of the Annual Town Meeting Warrant.

A motion was made and seconded to amend Subsection C. Shared and Off-Site Parking.

Motion to amend Failed by Voice Vote

Voted: that the Town amend the Zoning Bylaw, 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.

Passed by: Yes 154 No 54 (05-06-08)

11:05 P.M. The Annual Town Meeting was adjourned until Wednesday, May 7, 2008.

7:05 P.M. The Annual Town Meeting reconvened Wednesday, May 7, 2008. A quorum was present.

ARTICLE 28. Voted: that the Town 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.

Passed by: Voice Vote Unanimous (05-07-08)

ARTICLE 30. Voted: that the Town 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.

Passed by: Voice Vote Unanimous (05-07-08)

ARTICLE 31. Voted: that the Town take no action on Article 31.

Passed by: Voice Vote Unanimous (05-07-08)

ARTICLE 32. Voted: that the Town authorize the Board of Selectmen to accept as a gift from the 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, and to authorize the Board of Selectmen thereafter to grant a Conservation Restriction on said parcel pursuant to Chapter 184, Sections 31 through 33 inclusive of the General Laws; said parcel described as follows:

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.

Capital Improvement Committee voted to support Article 32.

Passed by: Voice Vote Unanimous (05-07-08)

ARTICLE 33. A Citizen Petition motion to amend the Zoning Map to rezone certain parcels of land to Rural Business (BR) District:

Failed by: Voice Vote (05-07-08)

ARTICLE 34. Voted: that the Town accept the report of the Community Preservation Committee for the 2009 Community Preservation Budget and that the Town appropriate or reserve from Community Preservation Fund annual revenues the amounts recommended by the Community Preservation Committee for administrative expenses, community preservation projects and other expenses in Fiscal Year 2009; said sum to be spent under the direction of the Community Preservation Committee; with each item to be considered a separate appropriation as follows:

Reserved for	Administration	\$ 40,000.00	
Reserved for	Open Space	\$107,375.00	
Reserved for	Passive Recreation	\$536,875.00	
Reserved for	Community Housing	\$107,375.00	
Reserved for	Historic Resources	\$107,375.00	
Reserved for	Discretionary	<u>\$214,750.00</u>	
	Total		\$1,113,750.00

Passed by: Voice Vote Unanimous (05-07-08)

ARTICLE 35. Voted: that the Town 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.

Passed by: Voice Vote (05-07-08)

ARTICLE 36. Voted: that the Town appropriate from Community Preservation Fund Annual Revenues or available funds the sum of \$450,000 to contribute toward the construction of the Housing Authority’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 therefore; and further to authorized 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; provided, however, that said sum shall be contingent upon the Housing Authority’s providing written notice to the Town Manager that the Town’s obligations under Section 6 of the May 1, 2005, Senior Center Ground Lease

between the Town and the Housing Authority have been satisfied and that the affordable housing project may be completed without triggering additional Town obligations under Sections 6 or 22 of the Senior Center Ground Lease; and also contingent upon the Housing Authority's demonstrating to the Community Preservation Committee's satisfaction that it has raised funds that, together with the amount appropriated, will be adequate to complete the affordable housing project, and that such funds have been dedicated to such purpose; said sum to be spent under the direction of the Community Preservation Commission and the Hopkinton Housing Authority.

Capital Improvement Committee voted to support Article 36.

Passed by: Voice Vote (05-07-08)

ARTICLE 37. Voted: that the Town appropriate from Community Preservation Fund Annual Revenues or available funds the sum of \$1,000 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.

Passed by: Voice Vote Unanimous (05-07-08)

ARTICLE 38. Voted: that the Town appropriate from Community Preservation Fund Annual Revenues or available funds the sum of \$3,500 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 and Recreation Commission.

Passed by: Voice Vote (05-07-08)

ARTICLE 39. A motion was made to accept the report and recommendation of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation Budget for the construction of athletic fields on a portion of the Fruit Street property.

A motion was made and seconded to amend the motion by inserting prior to "said sum to be spent ..." "... and provided that no construction occur within the protected wetland buffet zones and conservation restriction area, as defined on the plans of record submitted by the Town to EOE." "EOEA."

A motion was made to end debate Passed by: Voice Vote Unanimous

Motion to amend Failed by: Voice Vote

Voted: that the Town appropriate from Community Preservation Fund Annual Revenues or available funds \$1,000,000 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 the 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; provided, however, that said sum is contingent upon the Hopkinton Youth Soccer Association, alone or in conjunction with other parties, demonstrating to the Community Preservation Committee's satisfaction that no less than \$500,000 has been raised and dedicated toward the construction of at least one athletic field on the parcel within one year of this vote; said sum to be spent under the direction of the Community Preservation Committee and the Parks and Recreation Commission.

Capital Improvement Committee voted to support Article 39.

Passed by: Voice Vote (05-07-08)

ARTICLE 40. Voted: that the Town 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.

Passed by: Voice Vote Unanimous (05-07-08)

ARTICLE 41. Voted: that the Town appropriate from Community Preservation Fund Annual Revenues or available funds the sum of \$5,000 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.

Passed by: Voice Vote (05-07-08)

ARTICLE 42. Voted: that the Town appropriate from Community Preservation Fund Annual Revenues or available funds \$5,000 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.

Passed by: Voice Vote (05-07-08)

ARTILCE 43. Voted: that the Town appropriate from Community Preservation Fund Annual Revenues or available funds the sum of \$6,000 for the construction of trails and parking areas on the town owned parcel known 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 and the Open Space Preservation Commission.

Passed by: Voice Vote (05-07-08)

ARTICLE 44. Voted: that the Town 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.

Passed by: Voice Vote Unanimous (05-07-08)

ARTICLE 45. Voted: that the Town take no action on Article 45.

Passed by: Voice Vote Unanimous (05-07-08)

ARTICLE 46. Voted: that the Town take no action on Article 46. Capital Improvement Committee voted not to support Article 46.

Passed by: Voice Vote (05-07-08)

ARTICLE 47. Voted: that the Town appropriate from Community Preservation Fund Annual Revenues or available funds the sum of \$49,000 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 Community Preservation Committee and the Town Manager.

Capital Improvement Committee voted to support Article 47.

Passed by: Voice Vote (05-07-08)

ARTICLE 48. Voted: that the Town raise and appropriate \$385,000 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 being a non-entitlement, discretionary program based on need, as determined by the MSBA, such that 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; and that to meet this appropriation, the Town Treasurer shall be authorized to borrow \$385,000; provided, however, that

the vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by General Laws Chapter 59, Section 21C (Proposition 2 ½) the amount appropriated by this vote as a debt exclusion.

Capital Improvement Committee voted to support Article 48.

Passed by: Declared 2/3 vote by moderator (05-07-08)

ARTICLE 49. Voted: that the Town take no action on Article 49. Capital Improvement Committee voted not to support Article 49.

Passed by: Voice Vote Unanimous (05-07-08)

ARTICLE 50. Voted: that the Town raise and appropriate \$157,232 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; and that to meet this appropriation, the Town Treasurer shall be authorized to borrow \$157,232. Capital Improvement Committee voted to support Article 50.

Passed by: Voice Vote Unanimous (05-07-08)

ARTICLE 51. Voted: that the Town 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.

Passed by: Voice Vote Unanimous (05-07-08)

ARTICLE 52. Voted: that the Town 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.

Passed by: Yes 63 No 58 (05-07-08)

ARTICLE 53. Voted: that the Town take no action on Article 53.

Passed by: Voice Vote Unanimous (05-07-08)

ARTICLE 54. Voted: that the Town take no action on Article 54.

Passed by: Voice Vote Unanimous (05-07-08)

ARTICLE 55. Voted: that the Town take no action on Article 55.

Passed by: Voice Vote Unanimous (05-07-08)

ARTICLE 56. Voted: that the Town 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.

Passed by: Voice Vote (05-07-08)

ARTICLE 57. Voted: that the Town 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).

Passed by: Voice Vote Unanimous (05-07-08)

ARTICLE 58. Voted: that the Town 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.”

Passed by: Voice Vote Unanimous (05-07-08)

ARTICLE 59. A motion was read that the Town vote to raise and appropriate \$50,000 for the purpose of maintaining the Town’s membership or affiliation with the Central Massachusetts Mosquito Control Project.

A motion was made and seconded that motion be the same as the 2007 motion for this same purpose.

Passed by: Voice Vote Unanimous

Voted: that the Town authorizes the Board of Health and/or the Board of Selectmen to take such action as may be necessary to enable the Town to maintain its memberships or affiliations with the Central Massachusetts Mosquito Control Project to provide the Town with environmentally sound mosquito control.

Passed by: Voice Vote (05-07-08)

ARTICLE 60. Voted: that the Town raise and appropriate \$500,000 for the purpose of financing 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; and that to meet this appropriation, the Town Treasurer shall be authorized to borrow \$500,000.

Passed by: Voice Vote Unanimous (05-07-08)

ARTICLE 61. Voted: that the Town 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

Passed by Voice Vote (05-07-08)

ARTICLE 62. Voted: that the Town 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.

Passed by: Voice Vote Unanimous (05-07-08)

11:15 P.M. Muriel E. Kramer, Chairman Board of Selectman made a motion that the Annual Town Meeting adjourn until the date of the Annual Town Election, May 19, 2008, and further that the Annual Town Meeting shall be dissolved upon the close of the polls on the date of the Annual Town Election.

Passed by: Voice Vote Unanimous (05-07-08)

A True Copy ATTEST:

Ann M. Click
Town Clerk