

WARRANT FOR A SPECIAL TOWN MEETING

Monday, May 3, 2010,

The first Monday of May, at seven o'clock (7:00) P.M. at the

Tahanto Regional High School Auditorium.

Immediately preceding the Annual Town Meeting to transact fiscal year end 2010 town business.

MAY 3, 2010

THE COMMONWEALTH OF MASSACHUSETTS

WORCESTER: SS

BOYLSTON

To either of the Constables of the Town of Boylston in the County of Worcester within The Commonwealth aforesaid:

GREETING:

In the name of The Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of the Town of Boylston aforesaid, qualified to vote in elections and Town affairs, to meet at the following places and times for the following purposes:

SPECIAL TOWN MEETING In accordance with the above notice and Article III, Section 1 of the Town of Boylston By-Laws, the following articles will be considered on **Monday, May 3rd, 2010, the first Monday of May, at seven o'clock (7:00) P.M. at the Tahanto Regional High School Auditorium, 1001 Main Street, Boylston MA.**

Voters of the Town of Boylston, Massachusetts, met in the auditorium of the Tahanto Regional High School according to legal notice on May 3, 2010. With 267 registered voters. Selectmen, Roger Deal, James Stanton were present. Also, present were Town Administrator, Nancy Colbert Puff, Town Counsel Stephen Madaus, and Town Clerk Sandra Bourassa. Dennis Pojani, Moderator called the meeting to order at 7:17 P.M. Mr.Pojani stated we had the required quorum present, Calling of the meeting and officer's return of service are in order as required. He set the bounds of the hall and introduced the Town officials. The Pledge of Allegiance was said. A MOTION by Mr. Stanton was made to waive the reading of the warrant. Seconded by Mr. Brose. Vote on the MOTION passed.

ARTICLE 1. To see if the Town will vote to transfer any unexpended balances of Fiscal Year 2010 appropriations, hitherto made to other accounts; MOTION made by Mr. Stanton to accept these transfers to be read by the Town Accountant. Transfers were To: 0001.151.5780.000 Town Counsel Exp.- \$9,000.00, 001.197.5780.000 Town Garage Exp.- \$7,000.00, 001.423.5780.00 Snow & ice \$1,500.00- total \$17,500.00 From 001.241.511.00 Bld. Insp. Clerical \$2,00.00, 001.420.5780.000 Hwy Expenses \$10,000.00, 001.911.5171.00 County Retirement \$5,500.00- total \$17,500.00. Seconded by Mr. Sydow. Finance committee recommend approval. Vote on MOTION taken MOTION passed.

ARTICLE 2. To see if the Town will vote to transfer the sum of \$10,000 from current dispatch salaries to current police salaries to fund outstanding FY2008 and FY2009 payroll commitments .MOTION made by Mr. Stanton to accept this article as read .Seconded by Mr. Brose .Finance Committee recommends approval. Mr. Stanton explained the article. Vote taken on the article , MOTION passed Motion made by Mr. Stanton to adjourn this meeting, Seconded MOTION passed

Meeting Adjourned at 7:17 P. M.
Respectfully Submitted,
Sandra L. Bourassa

**WARRANT FOR THE ANNUAL TOWN MEETING
MAY 3, 2010**

THE COMMONWEALTH OF MASSACHUSETTS

WORCESTER: SS

BOYLSTON

To either of the Constables of the Town of Boylston in the County of Worcester within The Commonwealth aforesaid:

GREETING:

In the name of The Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of the Town of Boylston aforesaid, qualified to vote in elections and Town affairs, to meet at the following places and times for the following purposes:

1. ANNUAL TOWN MEETING – MAY 3, 2010

on **Monday, the third (3rd) of May AD, 2010 at seven-fifteen (7:15) P.M., at the Tahanto Regional High School Auditorium, 1001 Main Street, Boylston MA**, to take any action relative to the business of the Town as set forth in Articles one (1) through thirty-four (34) of this Warrant; and at its adjournment, which shall be upon completion of Town Meeting action upon all articles listed on the Warrant.

2. ELECTION AND BALLOT – MAY 10, 2010

on **Monday, the tenth (10th) of May AD, 2010**, to vote by ballot at the Town's annual election, at the Boylston Town Hall, at the Hillside Municipal Complex located at 221 Main Street within the Town of Boylston, **with polls opening at twelve o'clock (12:00) noon and closing at eight o'clock (8:00) P.M.** on the following:

ARTICLE 35. To vote by official ballot for the necessary Town Officers, namely:

One Selectmen for three (3) years; One Assessor for three (3) years; One Board of Health member for three (3) years; One Planning Board member for five (5) years; One Planning Board member for two (2) years; one Municipal Light Board member for three (3) years; Two Library Trustees for three (3) years each; One Cemetery Commissioner for three (3) years; One Parks & Recreation member for five (5) years; One Parks & Recreation member for three (3) years; One School committee member for three (3) years. One Moderator for three (3) years; and to vote the following ballot question:

1. Shall the Town of Boylston be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the Town's allocable share of the bond issued by the Berlin-Boylston Regional School District for the purpose of paying costs of designing, constructing, originally equipping and furnishing a new Tahanto Middle/High School, to be located at 1001 Main Street, Boylston, Massachusetts, including the payment of all other costs incidental and related thereto?

Yes _____

No _____

Voters of the Town of Boylston, Massachusetts, met in the auditorium of the Tahanto Regional High School according to legal notice on May 3, 2010. With 267 registered voters. Selectmen, Roger Deal, Ken Sydow, James Stanton were present. Also, present were Town Administrator, Nancy Colbert Puff, Town Counsel Stephen Madaus, and Town Clerk Sandra Bourassa. Dennis Pojani, Moderator called the meeting to order at 7:25 P.M.. Mr.Pojani stated we had the required quorum present, Calling of the meeting and officer's return of service are in order as required. He set the bounds of the hall. A MOTION by Mr. Stanton was made to waive the reading of the warrant. Seconded by Mr. Brose. Vote on the MOTION passed.

ARTICLE 1. To see if the town will vote to make the following changes to the Town of Boylston's "Official Zoning Map", dated May 2007.

Item 1. Create a new "Mixed Use Industrial District" (MUI) and designate the land described in Appendix A as part of said MUI District.

Item 2. Create a new "Neighborhood Business District" (NB) and designate the land described in Appendix B as part of said NB District.

Item 3. Create a new "Route 140 Business District" (RB) and designate the land described in Appendix C as part of said RB District.

Item 4. Create a new "Flexible Business Development District" (FBD) and designate the land described in Appendix D as part of said FBD District.

Item 5. Delete all references to the "Limited Industrial District."

Item 6. Delete all references to the "Industrial District."

Or act in any other way thereon.

Sponsor: Board of Selectmen

Planning Board recommendation: will be made at the Town Meeting.

Appendix A

The Mixed Use Industrial District shall be comprised of the seven (7) parcels of land or portion(s) thereof, where noted below, identified in the Assessor's records as:

- A portion of Map 17, Lot 39, bounded and described as following: beginning at a point on the northwest corner of said Lot, at its intersection with Shrewsbury Street; thence running North 12°30'40" East a distance of 375.07 feet to a point; thence turning and running South 56°47'18" East a distance of 8.00 feet to a point; thence turning and running North 38°58'46" East a distance of 356.44 feet to a point; thence turning and running North 49°17'37" West a distance of 200.00 feet to a point; thence turning and running North 31°07'00" East a distance of 57.67 feet to a point; thence turning and running South 47°17'37" East a distance of 182.85 feet to a point; thence turning and running North 31°20'21" East a distance of 154.50 feet to a point; thence turning and running South 67°50'39" East a distance of 516.24 feet to a point; thence turning and running South 17°28'43" West a distance of 108.21 feet to a point; thence running South 17°00'49" West a distance of 242.45 feet to a point; thence running South 23°12'39" West a distance of 47.02 feet to a point; thence running South 20°10'54" West a distance of 83.94 feet to a point; thence turning and running North 86°15'14" West a distance of 129.30 feet to a point; thence running North 61°26'37" West a distance of 300.03 feet; thence turning and running South 23°23'22" West a distance of 367.48 feet to a point; thence turning and running along Shrewsbury Street a distance of 177.18 feet to the point of beginning.
- Map 17, Lot 39.1

- Map 17, Lot 40
- Map 17, Lot 41
- Map 17, Lot 42
- Map 17, Lot 43
- Map 17, Lot 44

Appendix B

The Neighborhood Business District shall be comprised of the five (5) parcels of land, identified in the Assessor's records as:

- Map 11, Lot 4
- Map 12, Lot 5
- Map 16, Lot 16
- Map 16, Lot 47
- Map 16, Lot 51

Appendix C

The Route 140 Business District shall be comprised of the fourteen (14) parcels of land or portion(s) thereof, where noted below, identified in the Assessor's records as:

- Map 12, Lot 12
- Map 12, Lot 14
- Map 12, Lot 15
- Map 12, Lot 16
- Map 12, Lot 17A
- Map 12, Lot 17B, but only to a distance of 300 feet from the edge of the Shrewsbury Street right-of way
- Map 12, Lot 20
- Map 12, Lot 21
- Map 12, Lot 22
- Map 12, Lot 23
- Map 12, Lot 24
- Map 12, Lot 25-2, but only to a distance of 300 feet from the edge of the Shrewsbury Street right-of way
- Map 13, Lot 2
- Map 13, Lot 3

Appendix D

The Flexible Business Development District shall substituted for and established in the same location as (i) the Limited Industrial District (LI), except the portion thereof zoned MUI, and (ii) the Industrial District (I), except the portion thereof zoned RB, and shall include one (1) additional parcel of land identified in the Assessor's records as Map 12, Lot 19.

MOTION made by Mr. Stanton to accept this as printed in the warrant with the amendment of in Appendix A – Map 17, Lot 41, Map 17, Lot 42, Map 17, Lot 43, Map 17, Lot 44. being delete from the change to mixed Use Industrial District .Seconded by Mr. Sydow. Mr Stanton explained why those lots were being deleted . Mr. Baker, Planning Board chairman, explain the article and Planning Board recommends approval. A MOTION was made by Mrs. Buxton, Mill Rd. to also delete the first lot , Map 17, Lot 39 . Mr. Lane owner of the property spoke on why he wanted that lot not included in the changes. Planning Board could not make a recommendation on that lot because it was brought up at the public hearing on the original article., but the planning Board had voted and agreed with the change. After a few questions a MOTION was made to move the question, seconded, passed. Vote was taken on the amendment , MOTION passed unanimously. Vote was take on Mr. Stanton amendment, MOTION passed

Mr. Baker explained the article 1-7 as a whole 140 Business zoning. The articles need to be voted on individual to be approved .by the A. G. Office. Vote was taken on Article#1 as amended, passed unanimously

ARTICLE 2. To see if the Town will vote to make the following changes to the Zoning By-Laws of the Town of Boylston:

Item 1. Add the following new definitions to Section 1.04:

AGRICULTURE, HORTICULTURE, OR FLORICULTURE UNDER 5 ACRES: The raising of crops or animals, floriculture and horticulture, but excluding fur farms and piggeries.

APARTMENT HOTEL: A building with eleven (11) or more rental rooms or suites intended and designed for extended occupancy, which rooms or suites often include independent cooking facilities, sitting room(s) and/or living area(s) in addition to the bedroom(s). An apartment hotel differs from a hotel in that transients are likely to rent rooms or suites for longer periods.

HOTEL: A building with rental rooms accessed via an interior common corridor where lodging is provided for paying guests, with or without public dining facilities, and having eleven (11) or more rental rooms.

MOTEL: A building or buildings intended and designed for transient, overnight or extended occupancy, divided into separate units within the same building, with rental rooms accessed by their own exterior doors, with or without a public dining facility. If such motel has independent cooking facilities, such unit shall not be occupied by any guest for more than four (4) continuous months, nor may the guest reoccupy any unit within thirty (30) days of a continuous four-month stay, nor may the guest stay more than six (6) months in any calendar year. No occupant of such motel may claim residency at such location.

PERSONAL SERVICE ESTABLISHMENT: Place of business of a barber, body art establishment, caterer, clothes cleaner and presser, confectioner, decorator, dressmaker, florist, furrier, hair dresser, hand launderer, manicurist, massage therapist, milliner, optician, pastrycook, photographer, printer, publisher, shoe repairer, shoe shiner, tailor or similar compatible uses.

SHOPPING CENTER: A development with more than three (3) retail and/or personal service establishments containing a combined total of at least 25,000 square feet of gross floor area in one (1) or more building(s), designed, constructed or managed as a single entity.

Item 2. In Section 1.04, delete the definition of “Building Height” and substitute the following therefore:

8. BUILDING HEIGHT: As set forth in the State Building Code.

Item 3. In Section 1.04, delete the definition of “Flexible Business Development” (FBD).

Item 4. Add the following new Section 2.06:

2.06 SPLIT LOTS

Where a zoning district boundary line divides any lot existing at the time said boundary line is adopted, the regulations for the less restricted portion of such lot shall extend no more than fifty (50) feet into the more restricted portion, unless further extended pursuant to a special permit issued by the Planning Board.

Item 5. Add the following to the chart in Section 3.01:

Flexible Business Development District

FBD

Mixed Use Industrial District	MUI
Neighborhood Business District	NB
Route 140 Business District	RB

Item 6. Delete “Industrial I” and “Limited Industrial LI” from the chart in Section 3.01.

Item 7. Add the following new Subsections to Section 3.01, renumbering Subsection 14 accordingly:

15. FLEXIBLE BUSINESS DEVELOPMENT DISTRICT

The purpose of the Flexible Business Development District is to accommodate a mix of commercial and light industrial uses, in some cases by special permit.

16. MIXED USE INDUSTRIAL DISTRICT

The purpose of the Mixed Use Industrial District is to accommodate a limited mix of industrial uses and office uses.

17. NEIGHBORHOOD BUSINESS DISTRICT

The purpose of the Neighborhood Business District is to accommodate smaller-scale businesses and residential premises in mixed-use buildings.

18. ROUTE 140 BUSINESS DISTRICT

The purpose of the Route 140 Business District is to permit commercial uses at a somewhat larger scale than neighborhood-oriented businesses as well as light industrial uses, in some cases by special permit.

Item 8. Delete in their entireties Subsections “9. Industrial District” and “10. Limited Industrial District” from Section 3.01, replacing same with “[Reserved].”

Item 9. In Section 4.03.02, delete all references to the “Industrial District” and substitute therefore the “Flexible Business Development District.”

Item 10. Amend Section 4.03.03 by adding the phrase “Except as otherwise set forth in the Use Table” to the start of the sentence.

Item 11. Delete “Section 5. Limited Industrial District” in its entirety and substitute “Section 5. [Reserved]” therefor.

Item 12. In Section 8.01.A, delete the reference to the “Industrial District” and substitute therefore the “Flexible Business Development District.”

Item 13. In Section 10, add the terms “and Neighborhood Business District” wherever the term “Commercial District” occurs and substitute the term “Flexible Business Development District” wherever the term “Industrial District” occurs.

Item 14. Delete “Section 15. Flexible Business Development” in its entirety and substitute “Section 15. [Reserved]” therefore.

MOTION made by Mr. Stanton to accept Article #2 as written in the warrant, Seconded by Mr. Sydow Vote on the MOTION was taken and MOTION passed unanimously.

ARTICLE 3. To see if the Town will vote to delete the use table set forth in section 4.02 of the Zoning By-Laws of the Town of Boylston in its entirety and substitute the following new use table therefore.

	RR	R	GR	VB	HB	NB	RB	C	H	IP	FBD	MUI	Notes
1 AGRICULTURE													
Culture, horticulture, or floriculture under 5 acres	Y	Y	Y						Y				
Culture, horticulture or floriculture under 5 acres	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Commercial greenhouse, nursery	Y	Y	Y	Y	Y		Y	Y	Y			SP#	
Stand for the sale of agricultural products, the majority of which is raised on-site	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	For agriculture on 5+ acres; otherwise SP*.
Primary agricultural uses such as machinery sheds, greenhouses, animal shelters	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	For agriculture on 5+ acres; otherwise SP*.
2 RESIDENTIAL													
Single-family detached dwelling	Y	Y	Y	Y				Y	Y				
Single-family dwelling	Y	Y	Y	Y				Y	Y				
Use of any unit(s) above the ground floor of a building occupied primarily for commercial uses						SP#	SP#						(1) Ground floor shall be limited to retail, restaurant and/or office uses.
Primary residential use which is primarily incidental to such use	Y	Y	Y	Y		Y		Y	Y			Y	
Use of any portion of a single-family residential building for a home occupation, as defined in Section 2)	Y	Y	SP*										(1) There is no open display of materials visible from the street, (2) there is adequate off-street parking and (3) the use is not detrimental by way of noise or other nuisance to the neighborhood.
3 COMMERCIAL													
Establishment located on a lot and used for the sale of merchandise to the general public				Y	Y	Y	Y	Y	SP*			SP#	In the NB District, a retail use with less than 15,000 gross square feet of floor area shall be allowed as of right. A retail use with more than 15,000 gross square feet of floor area but less than 75,000 gross square feet of floor area may be allowed by special permit from the Planning Board.
Professional service establishment				Y	Y	Y	Y	Y	SP*				
Business service, such as a photocopy						Y	Y	Y				SP#	Y

	RR	R	GR	VB	HB	NB	RB	C	H	IP	FBD	MUI	Notes
al or sanitarium	SP*	SP*	SP*								SP*		
municipal use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
municipal recreation use	Y	Y	Y										
ence or clubhouse or country building	SP*									Y	Y		
course, public or private tennis or other public or private recreation activity	SP*	SP*	SP*							Y			
7 OTHER (UNCLASSIFIED)													
ge for not more than four (4) mobiles as an accessory use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
ouse as accessory to an ial use					Y		Y	Y		Y	Y	Y	

MOTION was made by Mr. Stanton to accept this article as written in the warrant, seconded by Mr. Sydow, Vote was taken on the MOTION and MOTION passed unanimously.

ARTICLE 4. To see if the Town will vote to amend the Zoning By-Laws of the Town of Boylston by deleting sections 10.03 and 11.04.06 in their entireties and substituting, respectively, the following sections therefore:

10.03 SITE PLAN APPROVAL

10.03.01 Applicability

All commercial uses (Section 4.02.03), all industrial uses (Section 4.02.04) and all transportation communication and utility uses (Section 4.02.05) allowed in any district by right or by special permit shall require site plan approval by the Planning Board as set forth herein.

10.03.02 Procedures

Site plan approval shall not require a public hearing; provided, however, that the Board may, at its discretion, require notice to parties in appropriate cases. The Applicant shall submit an application on the form provided by the Board and all of the information set forth in the Rules and Regulations of the Board Governing Site Plan Review.

1. The Board shall review and act upon the site plan, with such conditions as may be deemed appropriate, within sixty (60) days of its receipt, and shall file such decision in the office of the Town Clerk.
2. The decision of the Board shall be upon a majority of the Board as constituted and shall be in writing.
3. The time to file the decision of the Board with the Town Clerk may be extended upon the written request of the applicant. Such extension, if granted, shall be filed with the Town Clerk.
4. No deviation from an approved site plan shall be permitted without modification thereof by the Board.

10.03.03 Referral to Other Officials and Agencies

The Planning Board shall refer notice of all applications immediately upon receipt to the Town Administrator, Building Inspector, DPW, Board of Health, Conservation Commission, Police Department, Fire Department,

Municipal Light Department and to any other involved Town official or agency.

10.03.04 Preparation

Site plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect or Landscape Architect, as may be appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal.

10.03.05 Contents of Plan

The contents of the site plan shall consist of six (6) separate sheets prepared at a scale of one (1) inch equals twenty (20) feet or such other scale as may be approved by the Board. The sheets are as follows:

1. Locus plan, at a scale of one (1) inch equals one hundred (100) feet, showing the entire project and its relation to existing areas, buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the Planning Board.
2. Site layout, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, drives, parking, fences, walls, walks, outdoor lighting, loading facilities, areas for snow storage after plowing and all proposed recreational facilities and open space areas.
3. Topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling stormwater drainage, and all wetlands including floodplain areas.
4. Utility plan, which shall include all facilities for refuse and sewage disposal or storage of all wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site.
5. Architectural plan, which shall include the ground floor plan and architectural elevations of all proposed buildings and a color rendering.
6. Landscaping plan, showing the limits of work, existing tree lines and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and including proposed erosion control measures.

10.03.06 Other Required Information

The application shall include the following reports and documents:

1. A written statement indicating the estimated time required to complete the proposed project and any and all phases thereof.
2. A written summary of the contemplated projects shall be submitted with the site plan indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and off-street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land and any other evidence necessary to indicate compliance with these By-Laws.
3. Drainage calculations by a registered professional engineer. Stormwater management design must conform to the DEP's Stormwater Management Regulations.

4. Certification that the proposal is in compliance with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Access Board.

10.03.07 Effect on Other Permits

Where a proposed use, structure or other alteration requires site plan approval, the following procedures shall apply:

1. *As of Right Uses.* No building permit or certificate of occupancy shall be issued by the Inspector of Buildings unless the application includes the decision of the Board approving the required site plan, or unless sixty (60) days lapse from the date of the submittal of the site plan without action by the Board.

2. *Use Requiring Special Permit or Variance.* In the event that the use, structure or other alteration requires a special permit or variance, any grant thereof shall include the following condition:

The proposed use or development authorized herein requires the approval of a site plan by the Board pursuant to Section 10.03 of the Zoning By-Laws.

3. *Consolidation.* Where the Planning Board also serves as the Special Permit Granting Authority for the proposed use or development, the Board shall consolidate its site plan review and special permit procedures.

10.03.08 Waiver

The Board may, upon written request of the applicant, waive any of the technical requirements where the project involves relatively simple development plans.

10.03.09 Approval

Site plan approval shall be granted upon determination by the Board that the plan meets the following objectives. The Board may impose reasonable conditions at the expense of the applicant, including performance guarantees for infrastructure only, to promote these objectives. New building construction or other site alteration shall be designed, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points and other aspects of the development, to:

1. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion and threat of air and water pollution;
2. Maximize pedestrian and vehicular safety, both on the site and accessing and exiting the site, maximize shared parking and shared access ways in the design of commercial development and minimize the number of curb cuts;
3. Provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations;
4. Minimize obstruction of scenic views from publicly-accessible locations;
5. Minimize visual intrusion by controlling the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned;
6. Minimize glare from headlights, minimize light glare into the night sky and minimize overspill into

adjacent properties, and the installation of lighting to minimize glare into the night sky and spill into adjacent properties;

7. Provide for safe and adequate means of water, sewer, electricity and other utilities, with proper disposal of garbage and rubbish;

8. Minimize unreasonable departure from the character, materials and scale of buildings in the vicinity, as viewed from public ways and places;

9. Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling or containment of hazardous substances; and

10. Ensure compliance with the provisions of these Zoning By-Laws, including parking, loading, signage and landscaping.

10.03.10 Lapse

Site plan approval shall lapse after one (1) year from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Board upon the written request of the applicant.

10.03.11 Regulations

The Board may adopt reasonable regulations for the administration of site plan review.

10.03.12 Fee

The Board may adopt reasonable administrative fees and technical review fees for site plan review.

10.03.13 Appeal

Any decision of the Board pursuant to this Section shall be appealed in accordance with G.L. c. 40A, § 17 to a court of competent jurisdiction.

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11.06.04 Special Permits

A. Special Permit Granting Authority. The Planning Board or the Zoning Board of Appeals shall serve as the Special Permit Granting Authority as designated in these By-Laws.

B. Criteria. Special permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth in these By-Laws, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;

4. Neighborhood character and social structures;
5. Impacts on the natural environment; and
6. Potential fiscal impact, including impact on Town services, tax base and employment.

C. Procedures. An application for a special permit shall be filed in accordance with the rules and regulations of the Special Permit Granting Authority (SPGA). A written application for a special permit shall be submitted to the Town Clerk and the SPGA indicating the specific sections of these By-Laws under which the special permit is sought and stating the grounds on which it is requested.

D. Report of Other Boards. The SPGA shall within seven (7) days of receiving the application and the plan, submit notice to the Conservation Commission, Board of Health or any other Town agency that may want to review the proposal for comments. Any such board or agency may make recommendations as it deems appropriate and shall send copies thereof to the SPGA and to the applicant; provided however, that failure of any such board or agency to make recommendations within thirty-five (35) days of receipt by such board or agency shall be deemed lack of opposition thereto.

E. Conditions. Special permits may be granted with such reasonable conditions, safeguards or limitations on time or use, including performance guarantees, as the SPGA may deem necessary to serve the purposes of these By-Laws.

F. Plans. Unless otherwise provided the rule or regulation of the SPGA, an applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 10.03, herein.

G. Regulations. The SPGA may adopt rules and regulations for the administration of this Section.

H. Fees. The Special Permit Granting Authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

I. Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, § 17 from the grant thereof) with the Town Clerk.

MOTION was made by Mr. Stanton to accept this article as written in the warrant, Seconded by Mr. Sydow. Vote taken on the MOTION and MOTION passed unanimously.

ARTICLE 5. To see if the Town will vote to amend the Zoning By-Laws of the Town of Boylston by making the following changes to Section 9, entitled “Dimensional Requirements”:

Item 1. In Section 9.02, delete the Subsections for the Industrial and Limited Industrial Districts in their entireties and substitute the following therefore:

FBD District

Standard	Requirement	Notes
Minimum lot area	40,000 sq. ft.	All uses
Minimum lot frontage	150 feet	May be reduced by SP from the Planning Board for shared/lateral access to abutting business lots

Minimum front setback	40 feet	
Minimum side setback	40 feet	
Minimum rear setback	50 feet	
Minimum lot width	150 feet	Measured at the building line; may be reduced by SP for reduced-frontage lots per above
Minimum lot depth	200 feet	
Maximum lot coverage	40 percent	
Minimum open space	20 percent	
Maximum building height	3 stories and 45 feet 4 stories and 56 feet by SP	See Section 9.03.05

NB District

Standard	Requirement	Notes
Minimum lot area	30,000 sq. ft.	All except as listed below
	60,000 sq. ft.	Shopping center
Minimum lot frontage	125 feet	May be reduced by SP from the Planning Board for shared/lateral access to abutting business lots
Minimum front setback	25 feet	
Minimum side setback	20 feet	
Minimum rear setback	20 feet	Except 50 feet abutting a residential lot or district boundary
Minimum lot width	125 feet	Measured at the building line; may be reduced by SP for reduced-frontage lots per above
Minimum lot depth	150 feet	
Maximum lot coverage	30 percent	
Minimum open space	25 percent	
Maximum building height	3 stories and 40 feet	See Section 9.03.05

RB

Standard	Requirement	Notes
Minimum lot area	40,000 sq. ft.	All except as listed below
	80,000 sq. ft.	Shopping center
Minimum lot frontage	125 feet	May be reduced by SP from the Planning Board for shared/lateral access to abutting business lots
Minimum front setback	25 feet	
Minimum side setback	25 feet	
Minimum rear setback	25 feet	Except 50 feet abutting a residential lot
Minimum lot width	125 feet	Measured at the building line; may be reduced by SP for reduced-frontage lots per above
Minimum lot depth	150 feet	
Maximum lot coverage	40 percent	
Minimum open space	25 percent	
Maximum building height	3 stories and 45 feet 4 stories and 56 feet by SP	See Section 9.03.05

District
MUI District

Standard	Requirement	Notes
Minimum lot area	40,000 sq. ft.	All except as listed below
Minimum lot frontage	150 feet	
Minimum front setback	50 feet	
Minimum side setback	50 feet	
Minimum rear setback	50 feet	
Minimum lot width	150 feet	Measured at the building line
Minimum lot depth	200 feet	
Maximum lot coverage	40 percent	
Minimum open space	25 percent	
Maximum building height	3 stories and 45 feet	See Section 9.03.05

Item 2. Delete Section 9.03.02 in its entirety, and add a new Section 9.03.02 as follows:

9.03.02 Multiple Principal Buildings on the Same Lot

In the MUI, NB, RB and FBD Districts, the Planning Board may allow multiple principal buildings on the same lot by the issuance of a special permit.

Item 3. Delete Section 9.03.03 in its entirety and substitute the following therefore:

In any District not otherwise regulated by Section 9.02, no building shall cover more than thirty (30) percent of the total area of each lot. Not less than twenty-five (25) percent of the total area of each lot shall be left as open space in its natural state, or landscaped with trees, shrubs, grass or other ground cover material. In the NB, FBD and

MUI Districts, at least one half (1/2) of the required open space shall be located in front of the principal building(s) or in a side yard visible from the public way.

MOTION was made by Mr. Stanton to accept this article as written in the warrant. Seconded by Mr. Sydow. Vote was on MOTION and MOTION passed unanimously

ARTICLE 6. To see if the Town will vote to make the following changes to section 10.02 of the Zoning By-Laws of the Town of Boylston:

Item 1. In Section 10.02.01.1.a, delete Items 1, 4 and 5 and substitute the following therefore, renumbering item 6 accordingly:

1. PROFESSIONAL OR BUSINESS OFFICE: Minimum of one (1) space per 300 square feet of gross floor area, reduced to one (1) space per 400 square feet for offices above the ground floor.

4. RETAIL ESTABLISHMENT: Minimum of one (1) space per 300 gross square feet of floor area and a maximum of one (1) space per 250 gross square feet of floor area.

5. WAREHOUSE OR DISTRIBUTION FACILITY: Minimum of one (1) space per 1,000 square feet of gross floor area and a maximum of one (1) space per 500 square feet.

6. GENERAL INDUSTRIAL USE: Minimum of two (2) spaces and a maximum of three (3) spaces per 1,000 square feet of gross floor area (for associated office space, the parking should be calculated as for professional or business office).

7. MEDICAL OFFICE: Minimum of one (1) space per 250 square feet of gross floor area in a medical office building with one (1) tenant; minimum of one (1) space per 200 square feet of gross floor area in a medical office building with two (2) or more tenants.

8. RESEARCH AND DEVELOPMENT: Minimum of three (3) parking spaces and a maximum of four (4) parking spaces per 1,000 square feet of gross floor area.

9. CHILD CARE CENTER: One (1) space per six (6) children of design capacity.

10. UPPER-STORY DWELLING IN A COMMERCIAL BUILDING: One (1) space per one-bedroom unit and two (2) spaces per unit for units with two (2) or more bedrooms.

Item 2. In Section 10.02.01.1.b, delete the reference to the “Industrial District” and substitute “Flexible Business Development District” therefor. Thereafter, add the following sentence to the end of the Subsection: “All required parking spaces shall be 9’ x 18.5’.”

Item 3. Add the following new Section 10.02.3:

3. SPECIAL PERMIT

The Planning Board may, by special permit, provide for a reduction of these parking and loading requirements or for shared parking or loading, upon a finding that such reduction or shared facilities promote public safety and welfare.

MOTION made by Mr. Stanton to accept this article as written in the warrant. Seconded by Mr. Sydow. Vote taken on MOTION and MOTION passed unanimously.

ARTICLE 7. To see if the Town will vote to amend the Zoning By-Laws of the Town of Boylston by adding the following new section 10.4 regarding “Route 140 Development Guidelines”:

10.04 ROUTE 140 DEVELOPMENT GUIDELINES

10.04.01 Purposes

The purposes of this section are to:

- A. Encourage commercial, industrial, and mixed-use developments on Route 140 that provide local employment and enhance the tax base;
- B. Enhance the appearance, function, and safety of Route 140;
- C. Create successful, attractive business areas that serve as gathering places for Boylston residents and meet local needs for goods and services; and
- D. Facilitate a compatible mix of commercial and industrial uses while also protecting surrounding neighborhoods from land use conflicts.

10.04.02 Applicability

This section shall apply to all commercial, industrial, and mixed-use development in the Flexible Business Development District, the Route 140 Business District, the Mixed-Use Industrial District, and the Neighborhood Business District.

10.04.03 Landscaping

A. Location of open space. At least fifty percent (50%) of the minimum required open space in Section 9.02 shall be located within the front yard or side yards, or a combination thereof, provided that open space in the side yard shall be located forward of the rear building line of the principal building on the lot. All such open space shall consist of land in a natural state or landscaped areas in accordance with this section. Up to twenty-five percent (25%) of the minimum required open space may include man-made features such as stormwater management facilities, non-commercial recreational structures and uses, septic systems, and similar features.

B. Front yard treatment. The front yard facing Route 140 shall provide a continuous landscaped edge to the property in question, except for points of entry and exit. Minimum front yard landscaping shall include not less than one (1) canopy tree per twenty-five (25) linear feet of frontage, located not more than ten (10) feet from the right of way, and shrubs or bushes at a minimum ratio of 12 per tree. Wherever possible, canopy and ornamental trees, shrubs, planters, and groundcover at the edge of Route 140 shall be arranged in groupings that reduce the optical width of the road and shall not be regimented or evenly spaced. However, no landscaping treatments shall be permitted to obstruct clear sight distance.

C. Landscaped buffer. A landscaped buffer area at least ten (10) feet in width shall abut all side and rear property lines, except that a landscaped buffer along the side property line shall not be required on abutting lots under a shared parking agreement approved by the Planning Board. On lots abutting an existing residential use or a residential district, the landscaped buffer shall be at least twenty (20) feet in width. For vegetated swales located within the buffer area, the Planning Board may approve alternative buffer dimensions and buffer design standards than those specified herein.

D. Unsightly areas. Any accessory receptacle or structure with a holding capacity of at least one hundred (100) cubic feet for temporary storage or solid or liquid waste materials, including garbage, rubbish, junk, discarded bulk items and similar waste items shall be screened, in accordance with this Section, from all adjacent premises and streets from which it would otherwise be visible. Any HVAC equipment or other electrical equipment placed on the ground level shall be screened, in accordance with this Section, from all adjacent premises and streets from which it would otherwise be visible.

E. Environmental standards. Landscaping shall be composed primarily of non-invasive, drought-resistant plantings that include trees, flowers, shrubs, succulents and ornamental grasses. High-water use turf shall not exceed twenty-five percent (25%) of all open space on the site. Outdoor watering may be achieved by drip irrigation or low-energy spray irrigation, or a comparable water-conserving irrigation system, but sprinkler systems are prohibited unless the applicant can demonstrate to the Planning Board's satisfaction that the proposed system meets acceptable water conservation standards. All outdoor irrigation systems shall be served by a private water supply.

F. Minimum specifications. Plantings shall comply with the following minimum requirements and shall, wherever possible, consist of existing vegetation:

1. Shade trees shall be a minimum of three (3) inches in caliper six inches above grade and reach an ultimate height of at least thirty (30) feet.
2. Ornamental trees shall be a minimum of eight (8) feet at the time of planting, measured from the top of the root ball to the top of the tree.
3. Shrubs shall be at least eighteen (18) inches in height at the time of building occupancy and reach an ultimate height of at least three (3) feet.

G. The property owner shall ensure the health and survival of all plantings required under this section. If any plant material dies, the property owner shall replace it within 180 days.

10.04.04 Lighting and Utilities

A. Lighting. All artificial lighting used to illuminate a parking or storage area, maneuvering space, or access road shall be arranged and shielded so as to prevent direct glare from the light source into any public street or private way or onto adjacent property.

B. Cutoffs Required. Each outdoor luminaire shall be a full cutoff luminaire, and the use of decorative luminaires with full cutoff optics is desired. (A full cutoff luminaire is an outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture is projected below the horizontal plane.)

C. Objectionable Light. All exterior lights and illuminated signs shall be designed and installed in such a manner as to prevent objectionable light at (and glare across) the property lines. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. The lighting must be shielded to prevent direct glare and/or light trespass.

D. Underground Wiring. All electric, telephone, television and other communication lines, both main and service connections, shall be provided by underground wiring.

10.04.05 Access and Off-Street Parking

A. Roads and Drainage. The principal roadway(s) serving the site and drainage systems shall be designed to comply with the Massachusetts Department of Environmental Protection's (DEP) Stormwater Management Regulations.

B. Access Management. Access to lots on Route 140 shall be designed to minimize construction of new curb cuts. Shared access may be provided through one or more of the following methods, subject to approval by the Planning Board and, as applicable, by the Massachusetts Department of Transportation: (a) a cul-de-sac or loop road or common driveway shared by adjacent lots or premises, (b) joint and cross access between the lot and adjacent uses, (c) an existing side or rear street, (d) a cul-de-sac or loop road shared by adjacent lots or premises.

C. Location of Off-Street Parking. No more than twenty percent (20%) of the total parking spaces may be located in the front of the principal building on a lot to accommodate short-term parking needs of the proposed uses. In granting a special permit, the Planning Board may impose design, surface treatment, landscaping, lighting, and other requirements to mitigate the visual impact of parking areas on views from the road, and may regulate the location of the remaining parking to achieve the purposes of this section. On lots with two or more buildings, parking may be located in front of a building that is located in the rear of another building as viewed from the street.

D. Parking Lot Design. Any new parking area with five (5) or more parking spaces or an existing parking area that is expanded or improved to increase the number of spaces by five (5) or more shall conform to the requirements below.

1. No parking shall be permitted within the landscaped buffer required under Section 10.04.02.
2. Parking lots shall be provided with interior landscaping covering not less than five percent (5%) of the total area of the parking lot.
3. The interior landscaping shall include two shade trees or three ornamental trees for every ten (10) spaces. For a mix of shade and ornamental trees, there shall be an average of 2.5 trees for every ten (10) parking spaces.
4. Trees shall be at least three (3) inches in trunk diameter at the time of planting, and shall be located in planting beds at least six feet (6') in width or diameter. To the extent possible, tree plantings shall be located in continuous islands six feet (6') or more in width.
5. Where the planting of trees is impractical, the Planning Board may authorize alternative landscaping instead of trees.
6. To preserve landscaped open space from damage by parking cars and snow removal operations, bumper overhang areas shall be provided with permeable ground cover that will not be damaged by bumpers or vehicle drippings, and all landscaped open space shall be provided with suitable curbing.
7. The Planning Board may modify the above requirements for any interior landscaped areas or islands that serve as vegetated swales or bioretention cells. The number, dimensions, and design specifications for bioretention cells shall be determined by the Planning Board.

E. Shared Parking. The Planning Board may grant a special permit for a shared parking serving two or more adjacent lots, subject to the following requirements.

1. A reciprocal agreement in the form of a recorded perpetual easement shall be required in order to guarantee long-term joint use of the shared parking, and the agreement shall be acceptable to the Planning Board.
2. Uses sharing the parking facility shall be located not more than five hundred (500) feet from the closest parking space.
3. The Planning Board shall base its decision on the following criteria:

- a. The hours of operation of the uses involved;
- b. The number of spaces required for each individual use under this section;
- c. The degree to which vehicles using a particular number of spaces are unlikely to require the use of those spaces at the same time of day or same day of the week; and
- d. The degree to which the applicant's proposal promotes and accommodates other means of transportation to access the site, such as pedestrian or bicycle facilities.

4. No change in any conditions associated with a shared parking arrangement, such as but not limited to any change in the use of such property(ies) to a greater category of parking demand, shall be permitted unless the Planning Board approves an amendment to the special permit.

F. Loading and Service Areas. Loading areas and other service facilities (trash dumpsters, storage areas, utility boxes, etc.) shall be placed to the rear of buildings in visually unobtrusive locations. Screening and landscaping shall prevent direct views of such areas from adjacent properties or from public ways. Screening and buffering shall be achieved through walls, fences and landscaping; shall be a minimum of five (5) feet tall; and shall be visually opaque. Chain link, plastic, or concrete materials are prohibited.

G. Pedestrian Safety.

1. Sidewalks and pedestrian paths shall connect the parking lots to the principal uses they will serve. Walkways and crosswalks shall be clearly recognizable through the use of raised, textured, or color treatments in order to aid pedestrians in crossing traffic within the lot, and may be bordered with fencing or shrubbery to clearly separate pedestrians from automobile traffic. Facilities and access routes for deliveries, service and maintenance shall be separated, where practical, from public access routes and parking areas.
2. Car stops shall be provided to prevent parked cars from damaging trees and shrubs or disrupting pedestrian walkways.

H. Bicycle Accommodation. Bicycle parking facilities shall be provided for any new building, addition or enlargement of an existing building, or for any change in the occupancy of any building that results in the need for additional vehicular parking facilities, according to the following schedule.

1. Minimum of one (1) bicycle parking space for every fifteen (15) required vehicle parking spaces, for up to forty-five (45) vehicle spaces; and one (1) bicycle parking space for every twenty-five (25) required vehicle parking spaces thereafter.
2. In all cases where bicycle parking is required, a minimum of two (2) and a maximum of twenty-five (25) bicycle parking spaces shall be provided.
3. The Planning Board may approve a reduction of one (1) vehicle parking space for every five (5) bicycle parking spaces provided.

10.04.06 Signs

A. The sign requirements contained elsewhere in this Zoning By-Law shall determine the number, size, and location of signs for buildings and uses within a development.

B. For projects requiring Site Plan Review under Section 10.03, the applicant shall submit a comprehensive signage plan for all uses, individual buildings or complex of buildings and uses as part of its review. The signage plan shall include conceptual drawings and supporting information describing the proposed signage for all major buildings and uses, including entrance signs, directional signs, etc.

10.04.07 Design Guidelines for Commercial Buildings

The following guidelines shall be incorporated in the design of any new building or substantial reconstruction of an existing building for retail, restaurant, or service uses, including any combination thereof and mixed uses that include dwelling units above the ground floor, in any district subject to this Section 10.05.

A. General. Buildings and landscape treatments, not parking, should serve as the focal points for development along Route 140. They should contribute to a sense of continuity and coherence from Route 140 and distant vantage points.

B. Orientation. The front façade of the principal building on a lot with frontage on Route 140 shall be oriented toward Route 140. For developments of two or more buildings or for development on interior lots, buildings shall face the access road that serves them. Buildings may also be oriented around a courtyard or respond in design to a prominent feature, such as a corner location, subject to approval by the Planning Board.

C. Size, Mass and Exterior Features. Buildings shall be varied in building massing, height, and roof form, and long expanses of wall at a single height shall be avoided.

1. Whenever possible, floor height shall be varied to follow the natural grade if there is significant variation.
2. Provide interest and variety at the pedestrian scale so that the highest level of detail occurs near pedestrian areas, streets, building entries, and around the ground floor.
3. Windows should be recessed and include visually prominent sills, shutters, or similar forms of framing. Windowless buildings with standardized façade treatments are prohibited. No building shall have more than sixty (60) linear feet of unbroken wall area.
4. Whenever possible, buildings shall include vertical articulation such as columns, piers, and windows.

D. Building Materials. Building materials including shingles, wood clapboards, brick and stone should be used for the exterior skin of building. These materials shall be considered for all buildings or portions of buildings facing public or private streets.

E. Architecture. Architecture based upon generic franchise design is prohibited. Rather, where franchise buildings of national chains are proposed architects should rely upon traditional New England building forms and incorporate such elements into building design.

F. Large-scale Development. Large-scale development shall be broken up into groupings of small-scale buildings that are scaled down into groupings of smaller attached or detached structures.

G. Architectural Focal Points. In any development with 10,000 square feet or more of retail use, the principal building on a lot shall have clearly defined, highly visible customer entrances featuring at least two (2) of the following: canopies or porticos; overhangs; recesses/projections; raised corniced parapets over the door; peaked roof forms; arches; outdoor patios; display windows; planters or wing walls that incorporate landscaped areas and/or places for sitting.

MOTION was made by Mr. Stanton to accept this article as written in the warrant. Seconded by Mr. Sydow. Mr. Ridinger, 106 Shrewsbury St. had a question about 10.04.03 –c Landscaped buffer 20 ft wide. He made an amendment to change it to 50 ft. Mr. Baker answered his question and Mr. Costa , Planning Board Consultant ,stated that the changed couldn't be made. A stand vote was taken on the MOTION yes- 264 no-1 MOTION passed.

ARTICLE 8. To see if the Town will approve the \$43,454,901 borrowing authorized by vote of the Berlin-Boylston Regional School District (the "District") on March 31, 2010, for the purpose of paying costs of designing, constructing, originally equipping and furnishing a new Tahanto Middle/High in accordance with either M.G.L. c. 149 (design-bid-build) or pursuant to c. 149A and a contract with a construction management at risk firm pursuant thereto, as the District School Building Committee shall elect, including the payment of all other costs incidental and related thereto (the "Tahanto Project"), to be located at 1001 Main Street, Boylston, Massachusetts, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, said sum to be expended at the direction of the School Building Committee; that the Town acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs of the Tahanto Project that the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member towns; provided further that any grant that the District may receive from the MSBA for the Tahanto Project shall not exceed the lesser of (1) 51.21 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that the amount of the borrowing authorized by this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA, and provided further that that the Town's approval of the debt authorized by the District for the Tahanto Project shall not be effective, until the Town shall have voted to exclude the amounts necessary to pay its allocable share of the District's debt issued for the Tahanto Project from the limitations of Chapter 59, Section 21C of the General Laws (also known as Proposition 2 ½) or take any other action relative thereto.

MOTION was made by Mrs. Dono Healy , School committee chairman to accept this article as written in the warrant. Seconded by Mr. Brose. Finance Committee recommends approval. Mr. McDermott, Superintendent of Tahanto gave a presentation on the school project. He answered a few question. Vote was taken on the MOTION and MOTION passed

Motion was made by Mr. Stanton to group articles 9-22 together, they are articles we approve every year. Seconded by Mr. Brose. Vote on MOTION was taken and passed.

Motion made by Mr. Stanton to accept articles 9-22 as written in the warrant. Seconded by Mr. Sydow, Finance committee recommends approval, Mr. McQuade , Light Dept. recommends approval on article#17. Vote taken on MOTION and MOTION passed unanimously.

***ARTICLE 9.** To see if the Town will vote to authorize the Board of Selectmen to choose all necessary Town officers; or act in any other way thereon.

***ARTICLE 10.** To hear and act upon the reports of Town officials and committees; or act in any other way thereon.

***ARTICLE 11.** To see if the Town will vote to authorize the Board of Selectmen to employ Counsel where, in their judgment, it may be necessary under the provisions of Chapter 40 of the General Laws of the Commonwealth; or act in any other way thereon.

***ARTICLE 12.** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of revenue of the financial fiscal year beginning July 1, 2010 and ending June 30, 2011, and to issue a note or notes therefore and to renew any note or notes as may be given for a period of less than one (1) year in accordance with Chapter 44 of the General Laws of the Commonwealth, as amended; or act in any other way thereon.

***ARTICLE 13.** To see if the Town will vote to authorize the Trustees of the Public Library to appoint such officers and employees as may be necessary for the fiscal year beginning July 1, 2010, and to fix the compensation therefore, consistent with the Personnel Plan; or act in any other way thereon.

***ARTICLE 14.** To see if the Town will vote to authorize the Commissioners of the Cemetery to appoint such officers and employees as may be necessary for the fiscal year beginning July 1, 2010, including the appointment of a Cemetery Superintendent, and to fix the compensation therefore, consistent with the Personnel Plan; or act in any other way thereon.

***ARTICLE 15.** To see if the Town will vote to authorize the Planning Board to appoint such officers and employees as may be necessary for the fiscal year beginning July 1, 2010, and to fix the compensation therefore, consistent with the Personnel Plan; or act in any other way thereon.

Sponsor: Planning Board

***ARTICLE 16.** To see if the Town will vote to appropriate the money received from The Commonwealth of Massachusetts as a Library grant-in-aid for the purpose of purchasing books and other items at the discretion of the Library Trustees; or act in any other way thereon.

***ARTICLE 17.** To see if the Town will vote that the income from sales of electricity to private consumers, or for electricity supplied to municipal buildings or for municipal power, and from jobbing during the current fiscal year, be appropriated for the Municipal Lighting Plant, the whole to be expensed by the manager of the Municipal Lighting Plant, under the direction and control of the Municipal Light Board, for the expense of the plant for said fiscal year, as defined in Section 57 of Chapter 164 of the General Laws; and for the purchase, sale, installation and servicing of merchandise and equipment in accordance with the provisions of Chapter 235 of the Acts of 1937; and for any out of state travel expense in accordance with the provisions of Section 5 of Chapter 40 of the General Laws, and if said sum and income shall exceed said expense for the fiscal year, such excess shall be transferred to the Construction Fund of said plant and appropriated and used for such additions thereto as may thereafter be authorized by the Municipal Light Board; and fix the compensation of the Municipal Light Board members for the fiscal year beginning July 1, 2010, as provided by Section 4A of Chapter 41 of the General Laws, as follows: Chairman - \$300.00 and two (2) members - \$300.00 each, a total of \$900.00, and such compensation to be paid from the operating account of the Municipal Light Plant; or act in any other way thereon.

***ARTICLE 18.** To see if the Town will vote to accept any highway funds from County, State or Federal agencies, to authorize the Board of Selectmen to enter into agreements with Mass Highway, so-called, and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow from time to time during Fiscal Year 2011, in anticipation of reimbursement of said highway assistance, in conformity with the provisions of Massachusetts General Laws Chapter 44 Section 6A for maintenance, repair, construction of Town roads and programs consistent with Chapter 90 funds, to be expended by the Highway Department; or act in any other way thereon.

***ARTICLE 19.** To see if the Town will vote to authorize the Board of Cemetery Commissioners to continue its use of the revolving fund, established at the May 1995 Annual Town Meeting, under and subject to the provisions of Chapter 44 Section 53E ½ of the Massachusetts General Laws, for the following purposes:

1. To be the depository for all departmental receipts of the Cemetery Commission and from those funds to make expenditures in accordance with Massachusetts General Laws Chapter 41 Sections 41, 42, 52 and 56 for the following:

- a. For operational purposes other than regular wages and including the cost of grave openings and related expense,
- b. For payment of maintenance expenses including supplies and materials and part-time labor
- c. For payment of expenses related to the expansion of the cemetery
- d. For compensation for part time commissioners and clerk;
- e. To set the expenditure limit as not to exceed \$30,000; or act in any other way thereon.

***ARTICLE 20.** To see if the Town will vote to authorize the Planning Board to continue its use of the revolving fund established at the May 8, 2000 Annual Town Meeting, established in accordance with Chapter 44 Section 53E ½ of the Massachusetts General Laws, to be utilized for the following purposes:

1. To be the depository for engineering and advertising fees charged by the Planning Board to various developers for the plan review process.
2. To authorize expenditures from said fund to pay engineering and advertising costs associated with the plan review process.
3. To set the annual expenditure limit at \$20,000.
4. To have the Planning Board be the only board authorized to expend funds from said account; or act in any other way thereon.

***ARTICLE 21.** To see if the Town will vote to authorize the Conservation Commission to continue its use of the revolving fund established at the May 14, 2002 Annual Meeting, established in accordance with Chapter 44 Section 53E ½ of the Massachusetts General Laws, to be utilized for the following purposes:

1. To be the depository for engineering and advertising fees charged by the Conservation Commission to various developers for the plan review process.
2. To authorize expenditures from said fund to pay engineering and advertising costs associated with the plan review process.
3. To set the annual expenditure limit at \$10,000.

To have the Conservation Commission be the only board authorized to expend funds from said account;

***ARTICLE 22.** To see if the Town will vote to authorize the office of the Boylston ambulance service to continue its use of the revolving fund established at the May 2, 2005 Annual Meeting, established in accordance with the provisions of Massachusetts General Laws Chapter 44 Section 53E ½ for the following purposes:

1. To be the depository for all receipts of the ambulance service and to authorize the Fire Chief to make expenditures in accordance with Massachusetts General Laws Chapter 41 Sections 41, 42, 52 and 56 for the following:
 - (a) for operational purposes other than regular wages;
 - (b) for payment of the cost of the repair, replacement and upgrading and enhancement of ambulance equipment and supplies and other related expenses; and
 - (c) for compensation for non-salary emergency medical technician/inspection and fire education services for the Fire Department
2. To set the expenditure limit of \$6,000; or act in any other way thereon.

ARTICLE 23. To see if the Town will vote to fix the compensation for the following Town Officers: three (3) Selectmen, Town Clerk, Moderator, three (3) Assessors, three (3) School Committee members, three (3) Board of Health members, three (3) Cemetery Commissioners, five (5) Planning Board members, all in accordance with the recommendations of the Finance Committee, and to instruct the Selectmen or other boards to fix a given compensation for the persons hired or appointed by such boards; or act in any other way thereon.

Sponsor: Personnel Board

Finance Committee comments:

Selectmen, Chair	\$ 1,354	2 members each at \$ 1,137
Town Clerk	\$ 29,107 plus fees	
Town Moderator	\$ 15	
Assessors, Chair	\$ 1,500	2 members each at \$ 1,000
School Committee, Chair	\$ 100	2 members each at \$ 50
Board of Health, Chair	\$ 277	2 members each at \$ 185.50
Cemetery Commission, Chair	\$ 213	2 members each at \$ 160
Planning Board, Chair	\$ 370	4 members each at \$ 53
Planning Board, Vice-Chair	\$ 0	
Planning Board Clerk	\$ 53	

MOTION made by Mr. Stanton to accept this article as written in the warrant. Seconded by Mr. Brose. Finance Committee recommends approval. Vote taken on MOTION and MOTION passed

ARTICLE 24. To see if the Town will vote to amend the Town's Personnel Plan and By-laws by replacing Schedules A, B and C with the following; or take any action relative thereto: (proposed changes are in **bold**)

Section 15: Classification Schedule Amended May 2010 - Effective July 1, 2010

Classification	Position Status	Grade	Hourly Rates	
			Min	Max
Library Page	Hourly		8.51	8.78
Election Worker	Hourly		8.51	8.78
Town Meeting Checker	Hourly		8.51	8.78
Election Clerk	Hourly		9.48	9.48
Election Warden	Hourly		9.48	9.48
Clerical	Special Temp		8.51	11.40
Library Housekeeper	Special Part Time		9.46	10.31
Asst Laborer	Special Hourly	2		
Library Assistant/Sr. Technician	Reg. Part Time	3		
Laborer/Custodian	Reg. Full Time	3		
Emergency Medical Technician	Hourly	3		
Firefighter	Hourly	3		
Deputy Chief	Hourly	3+\$500		
Fire Captain	Hourly	3+\$300		
Fire Lieutenant	Hourly	3+\$200		
Asst Town Clerk	Special Part Time	5		
Police Service Aide	Hourly	5		
Asst. Inspector/Electrician	Hourly	5		
Assessors' Clerk	Reg. Part Time	5		
Children's Librarian	Reg. Part Time	5		
COA Coord/Community Outreach	Reg. Part Time	5		
P&R Program Coordinator	Reg. Part Time	5		
Equipment Operator/Laborer	Reg. Full Time	6		
Facilities Technician	Reg. Full Time	6		
Assistant Treasurer/Collector	Reg. Part Time	6		
Asst Library Director	Reg. Part Time	7		
Admin Asst. Board of Assessors	Reg. Part Time	7		
Admin Asst to Hwy Supt.	Reg. Part Time	7		
Admin Asst to Chief of Police	Reg. Part Time	7		
Admin Asst to Planning Board	Reg. Part Time	7		

Admin Asst to Board of Selectmen	Reg. Full Time	7
Equipment Operator/Mechanic	Reg. Full Time	7
Working Foreman	Reg. Full Time	8
Admin Asst to Health & Conservation	Reg. Part Time	8
Town Treasurer/Collector	Reg. Full Time	9
Foreman	Reg. Full Time	9
Building Inspector	Salaried	10
Library Director	Salaried	11
Fire Chief/Forest Warden	Salaried	12
Hwy/Cemetery Superintendent	Salaried	12+\$845
Police Chief	Salaried	14
Town Administrator	Salaried	14

Schedule B: Salary Compensation Schedule

<u>Grade</u>	<u>Min</u>	<u>Mid</u>	<u>Max</u>
1	9.81	11.55	13.30
2	10.59	12.52	14.37
3	11.48	13.54	15.60
4	12.36	14.57	16.74
5	13.38	15.74	18.08
6	14.47	17.01	19.55
7	15.63	18.28	21.10
8	16.86	19.83	22.79
9	18.24	21.40	24.58
10	19.69	23.12	26.59
11	21.29	24.96	28.71
12	22.95	26.96	30.98
13	24.79	29.11	33.47
14	26.76	31.44	36.13
15	28.92	33.97	39.02
16	31.22	36.69	42.14
17	33.70	39.63	45.52
18	36.38	41.69	49.15

Schedule C: Salary Compensation Schedule-

<u>Job Title</u>	<u>Annual Salary</u>
Chairman, Registrar of Voters	\$ 693
Council on Aging, Meal Coordinator	\$ 988
Director of Veteran's Services	\$ 204
Electrical Inspector	\$ 7,842
Assistant Electrical Inspector	\$ 541
Plumbing Inspector	\$ 8,415
Assistant Plumbing Inspector	\$ 701

Gas Inspector	\$ 2,531
Assistant Gas Inspector	\$ 216
Registrar of Voters	\$ 274
Health Agent	\$ 36,736
Dog Officer	\$ 2,067
Animal Inspector	\$ 1,188
Nurse	\$ 1,500
Vital Stat Clerk	\$ 200
Tree Warden	\$ 1,115

MOTION made by Mr. Stanton to accept this article as written in the warrant. Seconded by Mr. Brose. Finance Committee recommends approval. Vote was taken on the MOTION and MOTION passed unanimously.

ARTICLE 25. To see if the Town will vote to transfer a sum of money not to exceed \$ 195,000 from the Hillside Receipts Reserved Account to the Appropriation Account (Account # 193-5780), for the maintenance, upkeep, repair, operations and improvements of town-owned buildings, property and land, to be expended by the Board of Selectmen;

MOTION was made by Mr. Stanton to accept this article as written in the warrant. Seconded by Mr. Sydow. Finance committee recommends approval. Vote taken on MOTION and MOTION passed unanimously..

ARTICLE 26. To see if the town will vote to transfer a sum of \$74,000 from the Ambulance Receipts Reserved Account to the Town's general fund;

MOTION was made by Mr. Stanton to accept this article as written in the warrant. Seconded by Mr.Sydow. Finance Committee recommends approval. Vote taken on the MOTION passed unanimously.

ARTICLE 27. To see if the town will vote to transfer from available funds in the treasury a sum of \$25,000 for the purpose of purchasing new hose for fire department apparatus;

MOTION was made by Mr. Stanton to accept this article as written in the warrant as a transfer from free cash Seconded by Mr.Sydow. Finance Committee recommends approval. Vote taken on the MOTION and MOTION passed unanimously.

ARTICLE 28. To see if the Town will vote to authorize the Board of Selectmen to make available for lease, for a term not to exceed ten years, the Town-owned property known as the Flagg House, located at One Elmwood Place, and upon such other terms and conditions as the Board of Selectmen deem to be in the best interests of the Town;

MOTION was made by Mr. Stanton to accept this article as written in the warrant. Seconded by Mr.Sydow. Finance Committee recommends approval. Vote taken on the MOTION and MOTION passed unanimously.

ARTICLE 29. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury an amount not to exceed \$20,000 for the purpose of conducting on-going promotional, technical, and other activities designed to facilitate commercial, retail and industrial growth and development as part of our ongoing effort to raise commercial tax revenues to reduce the residential tax burden; or take any action relative thereto.

MOTION was made by Mr. Stanton to accept this article as written in the warrant as a transfer from free cash Seconded by Mr.Sydow. Finance Committee recommends approval. Vote taken on the MOTION and MOTION passed unanimously.

ARTICLE 30. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury an amount not to exceed \$20,000 for the purpose of converting the Town's existing paper tax maps into digital format for use as part of a Geographic Information System (GIS).

MOTION was made by Mr. Stanton to accept this read as paper maps meaning others including tax maps as a transfer from free cash. Seconded by Mr.Sydow. Finance Committee recommends approval. Vote taken on the MOTION and MOTION passed unanimously.

ARTICLE 31. To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury an amount not to exceed \$120,000 for the purchase and installation of a replacement HVAC and hot water system for the Municipal Office Building (gym and lobby areas);

MOTION was made by Mr. Stanton to accept this read as a transfer from free cash. Seconded by Mr.Sydow. Finance Committee recommends approval. Vote taken on the MOTION and MOTION passed unanimously.

ARTICLE 32. To see if the Town will vote to transfer from available funds in the Treasury a sum of money, not to exceed \$50,000, and direct the Board of Assessors to utilize the same to reduce the tax rate for the fiscal year 2011;

MOTION was made by Mr. Stanton to accept this read as a transfer from free cash. Seconded by Mr.Sydow. Finance Committee recommends approval. Vote taken on the MOTION and MOTION passed unanimously.

ARTICLE 33. To see if the Town will vote to transfer from available funds in the Treasury the sum of \$250,000 to the Stabilization Account; or take any action relative thereto.

MOTION was made by Mr. Stanton to accept this read as a transfer. Seconded by Mr.Sydow. Finance Committee recommends approval. Vote taken on the MOTION passed unanimously.

ARTICLE 34. To see if the Town will vote to raise by taxation and appropriate or transfer from available funds in the Treasury, such sums as may be necessary to defray and pay all Town debts and charges and appropriate the same as the Town sees fit for the fiscal year 2011, and to fix the compensation and salaries of all Town Officers, as may be shown in whole or in part by the Town Budget, so-called, as shown in the Fiscal Year 2011 Report of the Finance Committee;

MOTION made by Mr. Stanton to accept this article as read. Seconded by Mr. Sydow. Finance Committee recommends approval. Vote taken on the MOTION and MOTION passed unanimously.

MOTION made by Mr. Stanton to adjourn the meeting until the election on May 10, 2010, Seconded, Vote on MOTION passed unanimously.

Meeting adjourned at 9:05 P.M.

Respectfully Submitted,

Sandra L. Bourassa