

WARRANT FOR THE SPECIAL TOWN MEETING

November 6, 2017

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 for a **SPECIAL TOWN MEETING on Monday the sixth (6th) day of November, 2017 AD, at seven o'clock (7:00) 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 this warrant; and if necessary, at its adjournment, which shall be Tuesday, the seventh (7th) day of November 2017 AD at seven o'clock (7:00) P.M. at the Tahanto Regional High School Auditorium.

Voters of the Town of Boylston, Massachusetts, met in the auditorium of the Tahanto Regional Middle/High School according to legal notice on November 6, 2017. With 237 registered voters, Selectmen, James Wood, James Underwood, Michael May were present. Also, present were Town Administrator, Martin McNamara, Town Counsel Stephen Madaus, and Town Clerk Lisa J. Johnson. Dennis Pojani, Moderator, called the meeting to order at 7:21 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. Wood was made to waive the reading of the warrant. Seconded by Mr. Underwood. Vote on the MOTION passed.

ARTICLE 1: To see if the Town will vote to:

1. Authorize the Board of Selectmen to acquire by gift or purchase a parcel of land now or formerly owned by the Red Knights International Firefighters Motorcycle Club, Inc. located at 595 Main Street, containing approximately 1.0692 acres, and shown as Parcel A on a plan of land entitled "Boylston, Massachusetts, owned by: Parcel A & B: Red Knights International Motorcycle Club, Inc., Parcel C: Town of Boylston" (the "Plan"), on file with the Town Clerk and available for public inspection during regular Town Hall business hours;
2. Authorize the Board of Selectmen to dispose of by sale a parcel of Town-owned land located at 599 Main Street, containing approximately .3845 acres, and shown as Parcel C on the Plan;

3. Authorize the Board of Selectmen to enter into a land exchange purchase and sale agreement between the Town and the Red Knights International Firefighters Motorcycle Club, Inc. to set forth the terms and conditions of an exchange of the referenced Parcel A and Parcel C; and
4. Authorize the Board of Selectmen to petition the General Court for the enactment of special legislation, as follows, to authorize a land exchange agreement between the Town and the Red Knights International Firefighters Motorcycle Club, Inc., provided however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments thereto before enactment by the General Court, which amendments shall be within the public purposes of said petition; or act in any other way thereon:

AN ACT AUTHORIZING THE BOYLSTON BOARD OF SELECTMEN TO ENTER
INTO A LAND EXCHANGE AGREEMENT WITH THE RED KNIGHTS
INTERNATIONAL FIREFIGHTERS MOTORCYCLE CLUB, INC.

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

SECTION 1. Notwithstanding the chapter 30B and chapter 40 of the General Laws as to the sale and purchase of land and every other general and special act to the contrary, the board of selectmen of the town of Boylston may enter into a land exchange purchase and sale agreement for the purchase of land from the Red Knights International Firefighters Motorcycle Club, Inc., located at 595 Main Street in the town of Boylston and for the sale of land to the Red Knights International Firefighters Motorcycle Club, Inc., located at 599 Main Street in the town of Boylston, and may complete the transactions contemplated by said land exchange purchase and sale agreement.

SECTION 2. This act shall take effect upon its passage.

or act in any other way thereon.

Sponsor: Board of Selectmen

Finance Committee Recommendation: Mr. Dave Butler recommends approval.

MOTION was made by Mr. Wood, seconded by Mr. May. Vote taken on the article, MOTION passed.

ARTICLE 2: To see if the Town will vote to transfer from available funds in the Treasury or appropriate from the Stabilization Fund a sum not to exceed \$30,000 for the purpose of installing a Fire Detection System in the Fire Department Building; and updating the Fire Detections System in the Police Department Building; or act in any other way thereon.

Sponsor: Board of Selectmen

Finance Committee Recommendation: Mr. Dave Butler recommends approval from free cash.

MOTION was made by Mr. May, seconded by Matthew Johnson. Vote taken on the article, MOTION passed.

ARTICLE 3: To see if the Town will vote to transfer from available funds in the Treasury or appropriate from the Stabilization Fund a sum not to exceed \$3,600 for the purpose of replacing the Police Department's portable radio batteries and microphones; or act in any other way thereon.

Sponsor: Board of Selectmen

Finance Committee Recommendation: Recommends approval from free cash.

MOTION was made by Mr. Underwood, seconded by Mr. Wood. Vote taken on the article, MOTION passed.

ARTICLE 4: To see if the town will vote to transfer from available funds in the Treasury or appropriate from the Stabilization Fund a sum not to exceed \$4,400 for the purpose of purchasing two sets of structural firefighting turnout gear; or act in any other way thereon.

Sponsor: Board of Selectmen

Finance Committee Recommendation: Recommends approval from free cash.

MOTION was made by Mr. Underwood, seconded by Mr. May. Vote taken on the article, MOTION passed.

ARTICLE 5: To see if the Town will authorize the Board of Selectmen to dispose of by sale a parcel of Town-owned land located on School Street, containing approximately 3.7 acres, shown on Assessors Map 12 Parcel 10, and described in a deed recorded with the Worcester District Registry of Deeds in Book 37704, Page 137, the Board of Selectmen having determined that said land is no longer needed for public purposes; or act in any other way thereon.

Sponsor: Board of Selectmen

Finance Committee Recommendation: Recommends approval.

MOTION was made by Steve Soucy, seconded by Robin Quist, to table this article until after a vote on Article 6. After much discussion vote taken on the article, MOTION required a standing count, DID NOT PASS. Yes – 92, No – 111.

ARTICLE 6: To see if the Town will vote to:

1. Authorize the Board of Selectmen to acquire by gift, purchase, or taking by eminent domain, the following parcels of land for municipal purposes:
 - a. A parcel located on School Street, Boylston, MA, now or formerly owned by the Worcester Sportsmen Club, shown on Assessor's Map 9 as

Lot 19, and described in a deed recorded with the Worcester District Registry of Deeds in Book 3905, Page 284;

- b. A parcel located at School Street and Cross Street, Boylston, MA, now or formerly owned by the Worcester Sportsmen Club, containing approximately .445 acres, shown on Assessor's Map 13 as Lot 22, and described in a deed recorded with the Worcester District Registry of Deeds in Book 3905, Page 284; and
 - c. A portion of a parcel located on Shrewsbury Street, Boylston, MA, now or formerly owned by Robert A. Fuller, shown on Assessor's Map 9 as Lot 14, described in a deed recorded with the Worcester District Registry of Deeds in Book 40462, Page 14, and shown as "Area To Be Acquired" on a plan labeled "Article 9" on file with the Town Clerk and available for public inspection during regular Town Hall business hours.
2. Transfer from available funds in the Treasury or appropriate from the Stabilization Fund a sum of money not to exceed \$150,000 to pay for said land acquisitions and for engineering costs for a roadway connecting Route 140 and School/Cross Streets;

or act in any other way thereon.

Sponsor: Board of Selectmen

Finance Committee Recommendation: Finance recommends approval.

MOTION made by Mr. Wood, deleting the "or taking by eminent domain" portion, seconded by Robin Quist. After much discussion vote taken on the article, MOTION passed by 2/3 vote as amended.

ARTICLE 7: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for the enactment of special legislation, as follows, to authorize the Town to issue an additional three (3) licenses for the sale of all alcoholic beverages to be drunk on the premises, provided however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments thereto before enactment by the General Court, which amendments shall be within the public purposes of said petition, or act in any other way thereon:

AN ACT AUTHORIZING THE TOWN OF BOYLSTON TO GRANT 3
ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES
TO BE DRUNK ON THE PREMISES

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

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Boylston may grant 3 additional licenses for the sale

of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138. The licenses shall be subject to all of said chapter 138, except said section 17.

(b) Notwithstanding said section 12 of said chapter 138, the licensing authority may restrict the licenses granted pursuant to this act to holders of common victualler licenses.

(c) The licensing authority of the town of Boylston shall not approve the transfer of a license granted pursuant to this act to any other location, but it may grant the license to a new applicant at the same location if the applicant files a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(d) If a license granted pursuant to this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant under the same conditions as specified in this act.

SECTION 2. This act shall take effect upon its passage.

Sponsor: Board of Selectmen

Finance Committee Recommendation:

This article was Passed Over. No action taken.

ARTICLE 8: To see if the Town will vote to amend the *Schedule of Use Regulations*, Section 4, Subsection 4.02.02, of the Zoning By-laws, to add Multi-family dwelling as a regulated use as follows, or act in any other way thereon:

	RR	R	GR	VB	HR	NB	RB	C	H	IP	FBD	MUI
Multi-family dwelling	N	N	N	N	N	N	N	N	N	N	N	Y

Sponsor: Property Owner

Planning Board Recommendation: Recommends approval.

Amended by Mr. Baker to change the MUI from a Y to SP (Special Permit). Vote taken on the article as amended, MOTION passed.

ARTICLE 9: To see if the Town will vote to rezone a portion of the property located at 85 Sewell Street shown on Assessor's Map 17 as Lot 39 for inclusion in the Mixed Use Industrial (MUI) Zoning District, said area to be rezoned shown as "Proposed MUI" on a map identified as "Article 6" and described in a legal description submitted by the property owner, both documents being on file with the Town Clerk and available for public inspection during regular Town Hall business hours.

Sponsor: Property Owner

Planning Board Recommendation: Mr. Baker approves.

Vote taken on the article, Standing 2/3 vote taken, Yes – 159, No – 26. MOTION passed.

ARTICLE 10: To see if the Town will vote to amend Section 1.04, *Definitions*, of the Zoning By-laws as follows, or act in any other way thereon:

1. Replace Section 1.04.18 with the following:

18. DWELLING

- a. Single-Family Detached: A building consisting of one (1) dwelling unit occupying one (1) lot.
- b. Two-Family: A building consisting of two (2) dwelling units, whether one above the other or side by side and separated from the other by a vertical party wall or vertical double wall, in a single building occupying one (1) lot.
- c. Multi-Family: A building containing more than two (2) dwelling units.

2. Insert the following definition, “Dwelling Unit”, as a new Section 1.04.19:

19. DWELLING UNIT

A single unit within a dwelling which provides complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

3. Renumber the definition of “Family” as Section 1.04.20, and replace the definition of “Family” with the following:

20. FAMILY

Any number of persons related by blood or marriage living in the same dwelling unit, or not more than five (5) persons unrelated by blood or marriage living together as a single housekeeping unit, but not including a group occupying a boarding house, club, fraternity or hotel.

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4. Renumber all remaining definitions in Section 1.04 accordingly.

Sponsor: Planning Board

Planning Board Recommendation:

This article was Passed Over. No action taken.

ARTICLE 11: To see if the Town will vote to amend Section 5, *Senior Residential Development*, of the Zoning By-laws by replacing Section 5.03.03.A with the following, or act in any other way thereon:

5.03.03.A. The tract of land for an SRD must contain at least eight and one-half (8.5) acres and have at least 150 feet of continuous frontage on an existing Town public way.

Sponsor: Planning Board

Planning Board Recommendation: Recommends approval.

MOTION was made by Mr. Baker, seconded by Mr. Manter. After much discussion vote was taken, 2/3 vote is required. MOTION did not pass with a standing vote. Yes – 73, No – 109.

ARTICLE 12: To see if the Town will vote to amend Section 5, *Senior Residential Development*, of the Zoning By-laws as follows, or act in any other way thereon:

1. Replace Section 5.03.04.C, *Maximum Residential Density*, with the following:

Notwithstanding the requirements stated in Section 9.03.02 with respect to density on a single lot, the residential density in an SRD may be increased by the Planning Board up to four (4) dwelling units per 45,000 square feet of developable area, or eight (8) bedrooms per 45,000 square feet of developable area; provided that the applicant shall, as a condition for the grant of the SRD special permit, (i) provide Common Land open space in excess of the minimum set forth in Section 5.03.05, or (ii) designate fifteen percent 15% of the SRD units as affordable housing units that count towards the Town's Subsidized Housing Inventory, or (iii) complete certain traffic or pedestrian improvements beneficial to SRD residents and the Town as a whole, or (iv) provide some combination of items (i), (ii), and (iii) acceptable to the Planning Board. For the purpose of this computation, the "developable" area shall be the total area of the tract, including the Common Land, but excluding all wetlands, 100-year floodplains and areas subject to valid open space restrictions in existence at the time an SRD application is submitted.

2. Insert at the end of Section 5.04.07.A a new subparagraph 6 as follows:

6) the ability of the public infrastructure, such as water, roads, drainage, sewerage systems, or any other public infrastructure system to support the proposed development without causing impacts that would adversely affect public health, safety, or the general welfare.

3. In Section 5.04.08, *Special Permit Conditions*, insert at the end of the existing paragraph the following additional sentences:

When reviewing an application for an SRD special permit, the Planning Board shall analyze the application to determine what, if any, extraordinary public improvements are necessary to accommodate or service the project. The applicant shall be required, as a condition of the SRD special permit, to provide such needed improvements at no cost to the Town, or alternatively, to offset the expense of such improvements to be provided by the Town. The Planning Board shall

engage a consultant at the expense of the applicant to estimate the costs of any such improvements.

Sponsor: Planning Board

Planning Board Recommendation:

This article was Passed Over. No action taken.

ARTICLE 13: To see if the Town will vote to amend Section 5, *Senior Residential Development*, of the Zoning By-laws as follows, or act in any other way thereon:

1. Delete Section 5.03.04.B(1)(b) in its entirety, thereby eliminating the additional dimensional requirement that residential buildings must be set back 75 feet from a public way or the boundary of the SRD.
2. Insert a new Section 5.03.04.B(2) as follows:

Notwithstanding the foregoing, Section 9, Section 10.02, or any other provision of the Zoning By-Laws to the contrary, the Planning Board may authorize reduced setbacks and parking requirements for an SRD development if the Planning Board finds that such reduced setbacks or parking requirements will result in a more desirable design.

Sponsor: Planning Board

Planning Board Recommendation:

This article was Passed Over. No action taken.

Motion was made by Mr. Pojani to adjourn tonights meeting, seconded. MOTION passed.

Meeting adjourned at 10:09 P. M.

Respectfully Submitted,

Lisa J. Johnson
Town Clerk