



**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HOPKINTON
ANNUAL TOWN MEETING WARRANT
MONDAY, MAY 6, 2013**

(Voter Registration Deadline: Tuesday, April 16, 2013, 8:00 p.m.)

MIDDLESEX, ss.

To any of the Constables of the Town of Hopkinton in said County,

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn all inhabitants of the Town of Hopkinton qualified to vote in elections and in Town affairs:

To bring in their ballots on Monday, May 20, 2013, to an adjourned session of the Annual Town Meeting held at the Hopkinton Middle School Gymnasium, for the election of the following Officers:

Offices for the May 20, 2013 Election

Office	Term (Years)
Selectmen (2)	3
Town Moderator	3
Town Clerk	3
Board of Assessors	3
Board of Health	3
Board of Library Trustees (2)	3
Cemetery Commissioner	3
Commissioner of Trust Fund	3

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

Constables (3)	3
Housing Authority	Unexpired term 2016
Parks and Recreation Commission	3
Planning Board (2)	5
School Committee	3

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

AND, further, to meet at the Hopkinton Middle School Auditorium at 88 Hayden Rowe Street, on Monday, May 6, 2013, at 7:00 p.m., then and there to act upon the following Articles:

REPORTS

ARTICLE 1:	Acceptance of Town Reports	<i>Sponsor: Town Manager</i>
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To hear the Reports of Town Officers, Boards and Committees.

Pass any vote or take any act relative thereto.

FINANCIAL – FISCAL YEAR 2013

ARTICLE 2:	FY 2013 Supplemental Appropriations	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money to supplement operating budgets for the fiscal year ending June 30, 2013.

Pass any vote or take any act relative thereto.

ARTICLE 3:	FY 2013 Budget Transfers	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to transfer a sum or sums of money between and among various accounts for the fiscal year ending June 30, 2013.

Pass any vote or take any act relative thereto.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial_____

Warrant May 6, 2013

ARTICLE 4:	Unpaid Bills from Previous Fiscal Years	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money to pay unpaid bills from prior fiscal years, in accordance with the provisions of Chapter 44, Section 64, of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

ARTICLE 5:	Property Tax Exemption Increase	<i>Sponsor: Board of Assessors</i>
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To see if the Town will vote to accept the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, to provide an additional real estate tax exemption in the fiscal year beginning July 1, 2013, for those qualifying for an exemption under Chapter 59, Section 5, clauses 17D, 22, 22A, 22B, 22C, 22D, 22E, 37A, 41C, 42 or 43 of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

FINANCIAL – FISCAL YEAR 2014

ARTICLE 6:	Amend the Salary of an Elected Official	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to fix the salary or compensation of all of the elected officers of the Town in accordance with Chapter 41, Section 108, of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

ARTICLE 7:	Fiscal 2014 Operating Budget	<i>Sponsor: Town Manager</i>
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To hear and act on reports and recommendations of the Appropriation Committee and to see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide, a sum or sums of money for the operation and maintenance of Town Departments for the fiscal year beginning on July 1, 2013, and that such sums be expended for such purposes under the direction of the respective Town Officers, Boards and Committees.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial _____

Warrant May 6, 2013

Pass any vote or take any act relative thereto.

ARTICLE 8:	FY 2014 Revolving Funds	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to authorize, or re-authorize, the use of revolving funds containing receipts from the fees charged to users of the services provided by the various Boards, Committees, Departments or Offices of the Town, pursuant to Chapter 44, Section 53E 1/2, of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

ARTICLE 9:	Chapter 90 Highway Funds	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to appropriate a sum or sums of money from the proceeds due to the Town pursuant to Chapter 90 of the *Massachusetts General Laws*, for the purposes of repair, construction, maintenance and preservation of the Town's roads and bridges and other related costs, which qualify under the State Aid Highway Guidelines adopted by the Massachusetts Department of Transportation; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE 10:	Opposition to Casino Siting	<i>Sponsor: Board of Selectmen</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money to pay the Town's legal and consulting expenses associated with its opposition to the siting of a casino in Milford.

Pass any vote or take any act relative thereto.

ARTICLE 11:	Transfer to Capital Expense Stabilization Fund	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the purpose of increasing the Capital Expense Stabilization Fund, to be used, upon further appropriation, for any lawful future capital

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

expense.

Pass any vote or take any act relative thereto.

ARTICLE 12:	Transfer to General Stabilization Fund	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the purpose of increasing the General Stabilization Fund, to be used, upon further appropriation, for any lawful purpose.

Pass any vote or take any act relative thereto.

ARTICLE 13:	Other Post Employment Benefits Liability Trust Fund	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money to be credited to the Other Post Employment Benefits Liability Trust Fund.

Pass any vote or take any act relative thereto.

ARTICLE 14:	Transportation Contract	<i>Sponsor: School Committee</i>
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To see if the Town will vote to authorize the School Committee to enter into a Pupil Transportation contract for a term not to exceed five (5) years, including any renewals, extensions, or options, as allowed by Chapter 30B, Section 12(b) of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

<u>CAPITAL EXPENSES AND PROJECTS</u>

ARTICLE 15:	Pay-As-You-Go Capital Expenses	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money to fund Pay-As-You-Go capital purchases and

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

projects; said sum to be spent under the direction of various town officials.

Pass any vote or take any act relative thereto.

ARTICLE 16:	Integrated Financial Management System	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to raise and appropriate, borrow, transfer from available funds, or otherwise provide a sum or sums of money for the purpose of development, design, purchase and installation of a computer-assisted integrated financial management and accounting system; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE 17:	Elementary School Feasibility Study	<i>Sponsor: School Committee</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the purpose of obtaining soil borings, topographical studies, land surveys, wetlands surveys, preliminary site development plans, schematic designs, architectural and engineering designs, cost estimates, bid documents, and construction alternatives for the renovation or replacement of the Center Elementary School located at 11 Ash Street in Hopkinton, Massachusetts; said sum to be spent under the direction of the Elementary School Building Committee.

Pass any vote or take any act relative thereto.

ARTICLE 18:	Joint Information Technology	<i>Sponsor: School Committee & Town Manager</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money to provide for the acquisition of all equipment, materials, labor and services necessary or appropriate to upgrade the telephone system of the Middle School and Central Administration office, and replace obsolete/unsafe wiring for the Town Departments; said sum to be spent jointly under the direction of the School Committee and the Town Manager.

Pass any vote or take any act relative thereto.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

ARTICLE 19:	<u>Emergency Generator – Hopkins School</u>	<i><u>Sponsor: School Committee</u></i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money to provide for the acquisition of all equipment, materials, labor and services necessary or appropriate to install an emergency generator at the Hopkins Elementary School; said sum to be spent under the direction of the School Committee.

Pass any vote or take any act relative thereto.

ARTICLE 20:	<u>Middle School Auditorium Upgrades</u>	<i><u>Sponsor: School Committee</u></i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the purpose of acquiring materials, supplies, and labor to re-carpet the floor and painting the walls, ceiling, and stage floor at the Middle School Auditorium; said sum to be spent under the direction of the School Committee.

Pass any vote or take any act relative thereto.

ARTICLE 21:	<u>Loop Road Repair</u>	<i><u>Sponsor: School Committee</u></i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the design, repair, maintenance, renovation and improvement of the main entrance of the High School loop road; said sum to be spent under the direction of the School Committee.

Pass any vote or take any act relative thereto.

ARTICLE 22:	<u>Buildings & Grounds Equipment – Tractor-Mower</u>	<i><u>Sponsor: School Committee</u></i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the purpose of purchasing a new 12-foot wide tractor-mower for maintaining athletic fields; and further, to authorize the disposition of any

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

equipment presently being used by the School Maintenance Department by trade-in or otherwise; said sum to be spent under the direction of the School Committee.

Pass any vote or take any act relative thereto.

ARTICLE 23:	<u>Police Station – Drainage and Basement Improvements</u>	<i><u>Sponsor: Town Manager & Town Engineer/Facilities Director</u></i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money to obtain plans, designs, cost estimates, and bid documents, as well as to provide for the acquisition of all materials, labor, equipment, and services necessary or appropriate for interior and exterior drainage improvements of the Police Station, located at 74 Main Street in Hopkinton, Massachusetts; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE 24:	Police - Vehicles	<i>Sponsor: Police Department</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money to obtain new police vehicles; said sum to be spent under the direction of the Police Chief.

ARTICLE 25:	<u>ADAOC Phase VII</u>	<i><u>Sponsor: ADAOC & Town Manager</u></i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide for any improvements to Town or School buildings and grounds that may be necessary to comply with the Americans with Disabilities Act of 1990 and 521 Code of Massachusetts Regulations, along with all related costs; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE 26:	<u>Lakeshore Drive Culvert</u>	<i><u>Sponsors: Town Manager &</u></i>
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Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial_____

Warrant May 6, 2013

		<i>Director of Public Works</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the design and construction of drainage improvements on Lakeshore Drive. Said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE 27:	<u>Water/Sewer Manager's Truck</u>	<i>Sponsors: <u>Town Manager</u> & <u>Director of Public Works</u></i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the purchase of a Water/Sewer Department truck, accessories and any other related costs; and further to authorize the disposition, by trade-in or otherwise, of any such equipment presently being used by the Department of public Works; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE 28:	<u>DPW Director's Vehicle</u>	<i>Sponsors: <u>Town Manager</u> & <u>Director of Public Works</u></i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the replacement of a DPW vehicle, accessories and any other related costs. Said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE 29:	DPW Dump Truck	<i>Sponsors: <u>Town Manager</u> & <u>Director of Public Works</u></i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the purchase of a DPW International/7400 dump truck, accessories and any other related costs. Said sum to be spent under the direction of the Town Manager.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial _____

Warrant May 6, 2013

Pass any vote or take any act relative thereto.

ARTICLE 30:	DPW Trackless Municipal Tractor	<i>Sponsors: Town Manager & Director of Public Works</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the purchase of a DPW Trackless Municipal Tractor, accessories and any other related costs. Said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE 31:	DPW Street Sweeper	<i>Sponsors: Town Manager & Director of Public Works</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the purchase of a DPW Elgin Pelican Street Sweeper, accessories and any other related costs. Said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

<u>ARTICLE 32:</u>	<u>Grove Street Water Tank Inspection and Mixer</u>	<u>Sponsor: Town Manager & Director of Public Works</u>
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To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money for the inspection of the water tanks on Grove Street and for the installation of a mixer in the 1.5 million gallon water tank; said sums to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

<u>ARTICLE 33:</u>	<u>Flanders Road Sewer Main Replacement</u>	<u>Sponsor: Town Manager & Director of Public Works</u>
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Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money for the design and replacement of the Flanders Road sewer main in Westborough, MA; said sums to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE 34:	<u>North Mill Street Slope Stabilization</u>	<i><u>Sponsor: Town Manager & Director of Public Works</u></i>
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To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money for the construction of repairs to stabilize the slope on the northerly side of North Mill Street between East Street and Cold Spring Brook Road; said sums to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE 35:	<u>Main Street Water Main Replacement</u>	<i><u>Sponsor: Town Manager & Director of Public Works</u></i>
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To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money to supplement the amounts appropriated under Article 19 of the 2010 Annual Town Meeting for the design and replacement of the Main Street water main; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE 36:	<u>DPW Facility Design</u>	<i><u>Sponsor: Town Manager & Director of Public Works</u></i>
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To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money for the purpose of obtaining zoning analyses, site assessments, geotechnical investigation, schematic design, soil and groundwater sampling, drainage and traffic assessments, cost estimates, building and site alternatives and presentation support for a Department of Public Works headquarters facility; said sum to be spent under the direction of the Town Manager.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

Pass any vote or take any act relative thereto.

ARTICLE 37:	<u>DPW Garage Standby Generator</u>	<i><u>Sponsor: Town Manager & Director of Public Works</u></i>
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To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money for a standby generator, accessories and any other related costs for the DPW garage.

Pass any vote or take any act relative thereto.

ARTICLE 38:	<u>Town Hall Upgrade/Repair Mechanical, Electrical, Plumbing (MEP) and Miscellaneous Interior Systems</u>	<i><u>Sponsor: Town Manager & Town Engineer/Facilities Director</u></i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money to obtain plans, designs, cost estimates, and bid documents, as well as to provide for the acquisition of all materials, labor, equipment, and services necessary or appropriate for the upgrade, replacement, restoration and improvements of miscellaneous mechanical, electrical, plumbing and interior building systems of the Town Hall, located at 18 Main Street in Hopkinton, Massachusetts; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE 39:	<u>Town Hall Phase II Envelope Repairs</u>	<i><u>Sponsor: Town Manager & Town Engineer/Facilities Director</u></i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money to obtain plans, designs, cost estimates, and bid documents, as well as to provide for the acquisition of all materials, labor, equipment, and services necessary or appropriate for the restoration and improvement of the roof, roof structure and exterior structure of the Town Hall, located at 18 Main Street in Hopkinton, Massachusetts; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

COMMUNITY PRESERVATION FUNDS

ARTICLE 40:	Community Preservation Recommendations	<i>Sponsor: Community Preservation Committee</i>
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To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2014 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money, not to exceed 5% of the Fiscal Year 2014 estimated annual revenues, to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2014; and, further, to reserve for future appropriation a sum of money from the Community Preservation Fund for open space, historic resources, and community housing purposes; and, further, to appropriate from the Community Preservation Fund, or borrow pursuant to Chapter 44B, Section 11, of the *Massachusetts General Laws*, or any other enabling authority, a sum or sums of money for Community Preservation projects or purposes, including the acquisition of interests in land, all as recommended by the Community Preservation Committee.

Pass any vote or take any act relative thereto.

ARTICLE 41:	Amend Elmwood Farm CPA vote	<i>Sponsor: Community Preservation Committee</i>
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To hear and act on the report of the Community Preservation Committee and to amend the vote taken pursuant to Article 40.g of the 2012 Annual Town Meeting to provide that the parcel of land acquired pursuant to that vote, consisting of the parcels shown on the Assessors Maps as U20-30-0, R25-47-0 and R25-48-0, shall be managed and controlled by the Conservation Commission.

Pass any vote or take any act relative thereto.

GENERAL BYLAW AMENDMENTS

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

ARTICLE 42:	Civil Fingerprinting – Ice Cream Truck Vendors	<i>Sponsor: Board of Health & Police Department</i>
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To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton as follows:

1. By adding a new chapter as follows:

**CHAPTER 87
CIVIL FINGERPRINTING**

§87-1. Purpose and Authorization.

In order to protect the health, safety, and welfare of the inhabitants of the Town of Hopkinton, and as authorized by Chapter 6, Section 172B½ of the *Massachusetts General Laws*, this bylaw requires (a) applicants for a license listed in Section 87-2 to submit to fingerprinting by the Hopkinton Police Department, (b) the Police Department to arrange for the conduct of fingerprint-based criminal record background checks of such applicants, and (c) the Town to consider the results of such background checks in determining whether to grant such license.

The Town hereby authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), as may be applicable, to conduct fingerprint-based state and national criminal history records checks, including FBI record checks, on behalf of the Town and its Police Department consistent with this Chapter. The Town hereby authorizes the Police Department to receive and utilize FBI records in connection with such background checks, consistent with this bylaw. The Town shall not disseminate criminal record information received from the FBI to unauthorized persons or entities.

§87-2. Licenses Subject to Fingerprinting.

Any applicant for a license to engage in any of the following occupational activities shall have a full set of fingerprints taken by the Police Department for the purpose of conducting a state and national fingerprint-based criminal history records check:

Ice Cream Truck Vendor

§87-3. Police Department Procedure.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

The Police Department shall forward the full set of fingerprints obtained pursuant to this Chapter either electronically or manually to the State Identification Section of the Massachusetts State Police.

The Police Department shall provide the applicant with a copy of the results of his or her fingerprint-based criminal background check and supply the applicant with an opportunity to complete, or challenge the accuracy of, the information contained therein, including the FBI identification record. Any applicant who wishes to challenge the accuracy or completeness of the record shall be advised of the procedures to change, correct, or update the record as set forth in applicable federal regulations.

The Police Department shall communicate the results of fingerprint-based criminal history records check to the licensing authority, together with its evaluation of the applicant's suitability for the proposed occupational activity based on the results of the criminal records background check and any other relevant information known to it. In rendering its evaluation, the Police Department shall indicate whether the applicant has been convicted of, or is under pending indictment for, a crime that bears upon his or her suitability for the proposed occupational activity, or any felony or misdemeanor that involved force or threat of force, controlled substances, or a sex-related offense.

§87-4. Reliance by Licensing Authority on Results of Fingerprint-Based Criminal Records Background Checks

The licensing authority shall utilize the results of any fingerprint-based criminal records background check performed pursuant to this Chapter for the sole purpose of determining the applicant's suitability for the proposed occupational activity. The licensing authority may deny an application for any license specified herein, including renewals and transfers thereof, if it determines that the results of the fingerprint-based criminal records background check render the applicant unsuitable for the proposed occupational activity.

No application shall be denied on the basis of information contained in a criminal record until the applicant has been afforded a reasonable time, as determined by the licensing authority, to correct or complete the information, or has declined to do so.

§87-5. Policies and Procedures

The Police Department shall develop and maintain written policies and procedures for its licensing-related criminal record background check system.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

§87-6. Fees

Each applicant for a license listed in Section 87-2 shall pay a fee of \$100. A portion of said fee, as specified by Chapter 6, Section 172B1/2 of the *Massachusetts General Laws*, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund established by Chapter 29, Section 2LLL of the *Massachusetts General Laws*, and the remainder shall be retained by the Town for costs associated with the administration of the system.

Pass any vote or take any act relative thereto.

ARTICLE 43:	Registered Sex Offender Restrictions	<i>Sponsor: Police Department</i>
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To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton as follows:

1. By deleting the words "Office of Child Care Services" from the definition of "Day Care Center" in Section 156-1 and inserting in their place the following:

Department of Early Education and Care

2. By deleting the word "but" from the definition of "Temporary Residence" in Section 156-1 and inserting in its place the following:

provided, however, that

3. By adding the following to the end of the definition of "Establishing a Residence" in Section 156-1:

; provided, however, that "Establishing a Residence" shall not include executing a renewal or extension of any pre-existing lease agreement, as described in Sections 156-3.A(1)(b) and 156-3.A(1)(c).

4. By deleting Sections 156-2 and 156-3 in their entirety and inserting in their place the following:

§ 156-2. Sex Offender Residence Prohibitions, Individualized Determination, Penalties

- A. It is unlawful for any sex offender who is finally classified as a Level 2 or Level 3 offender

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial_____

Warrant May 6, 2013

pursuant to the guidelines of the Massachusetts Sex Offender Registry Board, for so long as so classified, to establish a permanent or temporary residence within the Town of Hopkinton within one thousand (1,000) feet of any school, day care center, park, other recreational facility or elderly housing facility.

B. Evidentiary matters measurements. For purposes of determining the minimum distance separation under this section, the distance shall be measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest outer property line of any school, day care center, park, recreational facility, elderly housing facility.

C. Individualized Determination as to Residence Restrictions

(1) Upon receiving notice that a sex offender is currently residing in, or intends to reside in, the Town of Hopkinton, the Chief of Police shall give notice to that sex offender of the Chief's intention to make an individualized determination as to whether the restrictions in this §156-2 should be applied to the sex offender. The Chief of Police shall include with this notice a date and time at which the sex offender or his or her representative(s) will have the opportunity to present evidence as to why he or she believes this section should not apply.

(2) Subsequent to that date and time, the Chief of Police shall make an individualized determination as to whether the sex offender shall be subject to the residency restrictions in this §156-2. In the course of this determination, the Chief of Police shall consider:

(a) Whether the sex offender represents a danger to the children or elderly who attend nearby schools and day care centers, or utilize nearby parks, recreational facilities or elderly housing facilities; and

(b) Whether the sex offender will be exposed to significant harm if he or she is subject to the provisions of this §156-2.

(3) If the Chief of Police determines that this §156-2 is applicable, the sex offender shall be subject to all of its requirements and penalties.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

- (4) The Chief of Police shall have the discretion to tailor the application of §156-2 to the sex offender as necessary to achieve a just result.
- (5) The Chief of Police shall have the power to reconsider any determination reached under this section. The Chief of Police shall notify the sex offender of his or her intention to reconsider, and shall give a date and time at which the sex offender or his or her representatives can present evidence.
- (6) All determinations reached under this section shall be applied in a manner consistent with the Sex Offender Registry Law (*M.G.L. c.6, §§178C-178Q*), regulations promulgated thereunder (803 CMR 1.00) and the procedures administered by the Sex Offender Registry Board (SORB).
- (7) Any determination reached under this section shall be used solely for the purposes of this Chapter, and cannot be applied or otherwise used in conflict with determinations made by the SORB.

D. Notice to move. Any registered sex offender who has been finally classified as a Level 2 or Level 3 offender pursuant to the guidelines of the Sex Offender Registry Board, for so long as so classified, and who resides on a permanent or temporary basis within one thousand (1,000) feet of any school, day care center, park, recreational facility, or elderly housing facility shall be in violation of this Chapter and shall within thirty (30) days of receipt of written notice of the registered sex offender’s noncompliance with this Chapter, move from said location to a new location, but new location may not be within 1,000 feet of any school, day care center, park, recreational facility, or elderly housing facility. It shall constitute a separate violation for each day beyond the 30 days the registered sex offender continues to reside within 1,000 feet of any school, day care center, park, recreational facility or elderly housing facility. Furthermore it shall be a separate violation each day that a sex offender shall move from one location in the Town of Hopkinton to another that is still within 1,000 feet of any school, day care center, park, recreational facility or elderly housing facility.

E. Penalties. Any violation of this section shall be enforced by non-criminal disposition pursuant to M.G.L. c.40 §21D as follows:

- (1) First offense by registered sex offender: non-criminal fine of \$150 and notification to offender that he/she has thirty (30) days to move.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

- (2) Subsequent offense by registered sex offender: Non-criminal fine of \$300.00 and notification to offender's parole officer and/or probation officer and the Commonwealth's Sex Offender Registry Board, that the sex offender has violated Town's Bylaw.

For purposes of this section, notice shall be deemed to be sufficient and proper if the person receives by registered mail, return receipt requested, or receives in hand service or service by a Constable, Sheriff or other person authorized to serve civil process within the Commonwealth of Massachusetts or other service as a court of competent jurisdiction may allow.

§ 156-3. Exceptions

- A. A sex offender residing within one thousand (1000) feet of any school, day care center, park, recreational facility, elderly housing facility does not commit a violation of this Chapter if any of the following apply:
- (1) The sex offender established the permanent residence and reported and registered the residence, as required by the Sex Offender Registry Law and any applicable regulations of the Massachusetts Sex Offender Registry Board, prior to the effective date of this Chapter, and:
- (a) Permanent residence was established by purchasing the real property where the residence is established, as long as the registered sex offender continues to reside in and does not move to another restricted location in Hopkinton different from the permanent residence established prior to the effective date of this Chapter;
- (b) Permanent residence was established through a valid, fixed-term, written lease or rental agreement, executed prior to the effective date of this by-law, as long as the registered sex offender continues to reside within and does not move to another restricted location in Hopkinton different from the permanent residence established prior to the effective date of this Chapter; or
- (c) Permanent residence was established through a verbal lease or rental agreement at the will of the landlord, as long as the registered sex offender

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

continues to reside within and does not move to another restricted location in Hopkinton different from the permanent residence established prior to the effective date of this Chapter.

- (2) The sex offender is a minor living with his or her parent(s) or legal guardian(s), which parent(s) or legal guardian(s) has (have) established a permanent residence.
 - (3) The school, day care center, park, recreational facility, or elderly housing facility, within 1,000 feet of the sex offender's permanent residence was opened after the sex offender established his or her permanent residence and reported and registered the residence pursuant to the Sex Offender Registry Law and any applicable regulations of the Massachusetts Sex Offender Registry Board.
 - (4) The sex offender was a juvenile when he or she committed the relevant crime and was not convicted as an adult.
 - (5) The sex offender is required to serve a sentence at a jail, prison, juvenile facility, or any other correctional institution or facility located within the aforementioned 1,000-foot area.
 - (6) The sex offender is admitted to and/or subject to an order of commitment at a public or private facility for the care and treatment of mentally ill persons pursuant to M.G.L. c.123 located within the aforementioned 1,000-foot area.
 - (7) The sex offender is a mentally ill person subject to guardianship pursuant to order or supervision of the Probate and Family Court or is a person with intellectual disabilities subject to a guardianship pursuant to M.G.L. c.190B, §5-303, residing with her or her guardian or residing within a group residence that is professional staffed and supervised twenty-four (24) hours per day, and located within the aforementioned 1,000 foot area.
- B. Forfeiture of exception. If, either after the effective date of this Chapter or after a new school, day care center, park, recreational facility, or elderly housing facility opens, a complaint or an indictment is issued by a court against a registered sex offender otherwise enjoying an exception under this Section 3 and Judgment enters, that such registered sex offender has committed another sex offense, he or she will immediately forfeit that exception and be required to comply with this section.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

Pass any vote or take any act relative thereto.

ARTICLE 44:	Historic Preservation – Demolition Delay	<i>Sponsor: Historical Commission</i>
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To see if the Town will vote to amend Chapter 125 of the General Bylaws of the Town of Hopkinton, as follows:

1. By inserting, at the end of section 125-1, the following:

It is the intent of the Hopkinton Historical Commission that the procedures outlined in this Chapter provide an opportunity for all parties to arrive at a mutually satisfactory resolution.

2. By re-designating paragraphs A through K inclusive of section 125-3 as paragraphs (1) through (11) and to place such paragraphs in a subsection A, entitled "Demolition Delay."
3. By adding a new subsection B to section 125-3 as follows:

B. Information

The Planning Board, Conservation Commission and Board of Appeals shall transmit to the Commission in electronic format copies of all applications proposing the development or alteration of land that contains a structure as defined in this Chapter. Such applications shall be transmitted within five days of receipt of a complete application. The Community Preservation Committee shall transmit copies of all applications for funding to the Commission if such application relates to land that contains a structure.

4. By deleting section 125-7 in its entirety and inserting, in place thereof, the following:

If any provision of this Chapter is determined to be invalid or unconstitutional for any reason by any court or other tribunal of appropriate jurisdiction, such invalidity or unconstitutionality shall be construed as narrowly as possible, and the balance of the Chapter shall be deemed to be amended to the minimum extent necessary, so as to secure the intent and purpose thereof, as set forth in Section 125-1.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

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ARTICLE 45:	Historic Preservation Bylaw – Demolition Delay Time Period	<i>Sponsor: Historical Commission</i>
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To see if the Town will vote to amend Chapter 125 of the General Bylaws of the Town of Hopkinton, as follows:

1. By deleting the word “six” in paragraphs G, H and I of section 125-3 (or, if re-designated pursuant to the Town Meeting’s vote under Article 44, paragraphs 7, 8 and 9 of section 125-3(A)) and inserting, in place thereof, the word “twelve”;
2. By deleting the second sentence Paragraph H of section 125-3 (or, if re-designated pursuant to the Town Meeting’s vote under Article 44, paragraph 8 of section 125-3(A)) and inserting, in place thereof, the following:

If acceptable alternatives are agreed upon by the Commission and the applicant at any time during the twelve-month period, the Commission will file a copy of said agreement with the Building Inspector and Town Clerk and the applicant may apply for necessary permits to begin work.

Pass any vote or take any act relative thereto.

ARTICLE 46:	General Bylaw – Scenic Roads	<i>Sponsor: Planning Board</i>
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To see if the Town will vote to amend the definition of “Cutting or Removal of Trees” in Section 160-1 of the General Bylaws of the Town of Hopkinton by inserting, immediately after the words “The removal of one or more trees, trimming of major branches,” the following:

measuring 8 inches in diameter 6 inches from the tree trunk

Pass any vote or take any act relative thereto.

ZONING BYLAW AMENDMENTS

 Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

To see if the Town will vote to amend the Zoning Bylaws by inserting a new Article XXXIII, Medical Marijuana Treatment Centers, as follows:

Article XXXIII
Medical Marijuana Treatment Centers

§210-219. Purpose

By vote at the State election of November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law, Chapter 369 of the Acts of 2012, became effective January 1, 2013, and requires the Department of Public Health (DPH) to issue regulations governing its implementation within 120 days of the law’s effective date. Section 9(C) of the law requires that at least one Medical Marijuana Treatment Center be located within each County of the Commonwealth.

The regulation of Medical Marijuana Treatment Centers raises novel and complex legal, planning and public safety issues, and the Town of Hopkinton needs time to consider and address these issues, as well as the potential impact of the forthcoming DPH regulations, by means of a planning process to consider amending its Zoning Bylaws to regulate Medical Marijuana Treatment Centers and other land uses and structures related to the use of marijuana for medical purposes, so as to address the potential effects of such land uses and structures in the Town. The temporary moratorium provided in this Article is intended to allow sufficient time for the Town to engage in such a planning process and to adopt suitable Bylaws in a manner consistent with sound land-use planning objectives.

§210-220. Definition

As used in this Article, the following term shall have the meaning indicated:

MEDICAL MARIJUANA TREATMENT CENTER – a not-for-profit entity, as defined by Massachusetts law only, registered under the provisions of Chapter 369 of the Acts of 2012, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial_____

Warrant May 6, 2013_____

§210-221. Temporary Moratorium

There is hereby established a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through August 31, 2014. During the moratorium period, the use of land or structures for a Medical Marijuana Treatment Center shall be prohibited.

Nothing contained in this Article shall be construed to permit, or authorize to be permitted, the use of land or structures for any activity involving marijuana, other than as a Medical Marijuana Treatment Center.

§210-222. Planning Process

During the temporary moratorium established in section 210-221, the Town shall undertake a planning process to address the potential effects of Medical Marijuana Treatment Centers and other land uses and structures related to the use of marijuana for medical purposes, shall consider the DPH regulations when they are issued, and shall make recommendations regarding the adoption of new Zoning Bylaw provisions governing the location, operation and effects of Medical Marijuana Treatment Centers and other land uses and structures related to the use of marijuana for medical purposes, for consideration by the 2014 Annual Town Meeting.

Pass any vote or take any act relative thereto.

ARTICLE 48:	Zoning - 169 West Main Street	<i>Sponsor: Planning Board</i>
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To see if the Town will vote to amend the Zoning Map by changing the zoning district of a parcel of land located at 169 West Main Street, shown on Assessors Map R23 as Parcel R23-90-A, and consisting of approximately 2.012 acres, from Rural Business to Business.

Pass any vote or take any act relative thereto.

ARTICLE 49:	Zoning – Water Fresh Farm Zoning Change	<i>Sponsor: Voter Petition</i>
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To see if the Town will vote to amend the Zoning Map by changing the zoning district of a

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

parcel of land located at 151 Hayden Rowe Street, shown on Assessors Map U23 as Parcel U23-35-0, and consisting of approximately 5.582 acres, from Residence B to Business.

Pass any vote or take any act relative thereto.

ARTICLE 50:	Zoning – Storage Sheds	<i>Sponsor: Planning Board</i>
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To see if the Town will vote to amend the Zoning Bylaws of the Town of Hopkinton as follows:

1. Insert a new definition of Storage Shed in § 210-4, Definitions, in appropriate alphabetical order, as follows:

STORAGE SHED – A one story structure, limited to not more than 120 sq. ft. of gross floor space and not exceeding 12 feet in height, for the storage of landscape materials, tools or other materials related to a residential use. Pool houses/cabanas, garages and barns or other structures housing animals shall not be considered storage sheds.

2. Amend Article II, Residence A (RA) District, § 210-5, by deleting subsections F and G therefrom in their entirety and inserting in place thereof the following:

F. Minimum side yard width: 10 feet, with the exception of the following:

1. Storage sheds: 6 feet

G. Minimum rear yard width: 20 feet, with the exception of the following:

1. Storage sheds: 6 feet

3. Amend Article III, Residence B (RB) District, § 210-8, by deleting subsections F and G therefrom in their entirety and inserting in place thereof the following:

F. Minimum side yard width: 25 feet, with the exception of the following:

1. Storage sheds: 6 feet

G. Minimum rear yard width: 20 feet, with the exception of the following:

1. Storage sheds: 6 feet

4. Amend Article IV, Residence Lake Front (RLF) District, § 210-11, by deleting subsections E

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

and F there from in their entirety and inserting in place thereof the following:

- E. Minimum side yard width: 25 feet, with the exception of the following:
 - 1. Storage sheds: 6 feet
- F. Minimum rear yard width: 20 feet, with the exception of the following:
 - 1. Storage sheds: 6 feet
- 5. Amend Article V, Agricultural (A) District, § 210-14, by deleting subsections D and E therefrom in their entirety and inserting in place thereof the following:
 - D. Minimum side yard width: 30 feet, with the exception of the following:
 - 1. Storage sheds: 10 feet
 - E. Minimum rear yard width: 30 feet, with the exception of the following:
 - 1. Storage sheds: 10 feet

Pass any vote or take any act relative thereto.

ARTICLE 51:	Zoning – Drive-Up Windows	<i>Sponsor: Planning Board</i>
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To see if the Town will amend the Zoning Bylaw as follows:

- A. Amend Article VI, Business District, § 210-19. D by deleting item 3) in its entirety and inserting in place thereof a new item 3) as follows:
 - 3) The Planning Board shall grant the Special Permit only if it finds that the proposed use will not be detrimental to the surrounding neighborhood. The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for such uses.
- B. Amend Article VIA, Downtown Business District, § 210-20.3 D. by deleting item 3) in its entirety and inserting in place thereof a new item 3) as follows:
 - 3) The Planning Board shall grant the Special Permit only if it finds that the proposed use will not be detrimental to the surrounding neighborhood. The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for such uses.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

C. Amend Article VII, Rural Business District, § 210-24 F. by deleting item 3) in its entirety and inserting in place thereof a new item 3) as follows:

3) The Planning Board shall grant the Special Permit only if it finds that the proposed use will not be detrimental to the surrounding neighborhood. The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for such uses.

Pass any vote or take any act relative thereto.

ARTICLE 52:	Zoning – IB District, School Bus Parking	<i>Sponsor: Planning Board</i>
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To see if the Town will vote to amend Article VIIIA, Industrial B District, of the Zoning Bylaws by inserting into § 210-37.9 a new item C as follows: “Parking Facilities for Public School Buses Serving Hopkinton Residents.”

Pass any vote or take any act relative thereto.

ARTICLE 53:	Zoning – Design Review Board	<i>Sponsor: Planning Board</i>
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To see if the Town will vote to amend Article XXI, Design Review by deleting § 210-143, Applicability and authority in its entirety and inserting in place thereof a new § 210-143, Applicability and authority, as follows:

The Design Review Board shall review applications for site plan review submitted pursuant to Article XX and applications for new signs requiring a building permit. It shall evaluate such requests based on the design criteria set forth in this Article. With respect to site plan review applications, the Design Review Board’s written findings shall be advisory to the Planning Board and shall be submitted to the Planning Board and the applicant along with any recommendations and proposed conditions. With respect to sign applications, the Design Review Board’s written findings shall be advisory to the Director of Municipal Inspections and shall be submitted to the Director of Municipal Inspections and the applicant. Any such findings shall specifically identify each of the design criteria set forth in this Article to which they pertain.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

Pass any vote or take any act relative thereto.

ARTICLE 54:	Zoning – Temporary Banner Signage	<i>Sponsor: Voter Petition</i>
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To see if the Town will vote to amend Article XXVII, of the Zoning Bylaws of the Town of Hopkinton by inserting into 210-179 as a new item G, as follows:

Temporary banners may be displayed over Main Street by community, civic, and non-profit organizations promoting events. Such banners may be allowed at the discretion of the Board of Selectmen and may be subject to limitations as it shall require. Such banners shall not be displayed for more than 14 days before an event and shall be removed within two business days of the event. The size of the banner shall not exceed 75 square feet. The Board of Selectmen may adopt policies and procedures relative to such banner display.

Pass any vote or take any act related thereto.

ARTICLE 55:	Zoning - Neighborhood Mixed Use District and Rezoning of Land on Lumber St. & West Main St.	<i>Sponsor: Planning Board</i>
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To see if the Town will vote to amend the Zoning Bylaws and the Zoning Map as follows:

A. By inserting a new Article XXXII, Neighborhood Mixed Use District, as follows:

ARTICLE XXXII
Neighborhood Mixed Use District

§210-205. Development and Design Objectives.

The Neighborhood Mixed Use District (NMU District) is designed to accommodate the integration of multi-family residential uses with commercial development in areas suitably located with convenient highway access, to increase the inventory of affordable housing in Hopkinton that are Local Initiative Program (LIP) units in compliance with the requirements specified by the Department of Housing and Community Development (DHCD) so that said units will count toward the Town’s requirements under M.G.L. c. 40B, §§ 20-23, and to provide specialized services to the

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial_____

Warrant May 6, 2013

community and the region. It is the intent that, within the NMU District, there shall be an overall unity of design of the uses consistent with designs that are traditional to New England and Hopkinton. The location and design of such uses should be such that they will not disturb residential neighborhoods or detract from the appearance of the Town and will result in the maintenance of a balance and workable relationship between undeveloped natural resources, residential neighborhoods and commercial development.

§210-206. Applicability.

A. Notwithstanding any provision of this Chapter to the contrary, development undertaken under a Master Plan Special Permit issued pursuant to § 210-215 shall not be subject to the following provisions:

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

B. Development undertaken pursuant to a Master Plan Special Permit issued pursuant to § 210-215 shall be subject to the following provisions of this Chapter only to the extent provided for in, and as modified by, the provisions of this Article:

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

§210-207. Definitions.

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

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

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

AIR-SUPPORTED STRUCTURE – A structure used in conjunction with an athletic club/health and fitness club wherein the shape of the structure is attained by air pressure, and occupants of the structure are within the elevated pressure area.

BUILDABLE AREA – The portion of a Development Project area that is not Open Conserved Land.

CONSTRUCTION ACTIVITY – The construction of new structures or site work associated with the construction of new structures. The term includes the construction of roadways, installation of utilities, and restoration and improvement of Open Conserved Land.

DEVELOPMENT PROJECT - A development undertaken pursuant to this Article, as shown on a site plan submitted to the Planning Board for Site Plan Review. A Development Project may occupy one or more lots.

DEVELOPMENT SITE — All land area located within the NMU District.

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

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

MULTIFAMILY DWELLINGS – Any dwelling units other than Single-Family Dwellings.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

OPEN CONSERVED LAND – Land that is available for public use, reserved for outdoor passive or active recreation, and protected in perpetuity by a conservation restriction prohibiting further development or activities within such land that are inconsistent with the conservation restriction’s purpose.

STORY – That portion of a building included between the upper surface of a floor and the upper surface of the floor above, except that attic or loft space between the upper surface of a floor and the upper surface of a slanted or partially slanted roof shall not be considered a story, whether or not used for human occupancy.

§210-208. Permitted Uses.

No new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used in the NMU District for any purpose except one or more of the following, provided that no use shall involve noxious odors or excessive noise.

A use that is permitted by right is denoted by the letter “Y”.

A use denoted by the letters “SP” may be permitted by Special Permit from the Planning Board.

- A. The following uses shall be permitted by right or allowed by Special Permit in the NMU District without the issuance of a Master Plan Special Permit. Upon the issuance of a Master Plan Special Permit pursuant to § 210-215 and the filing of the Notice pursuant to § 210-215.D, the uses permitted in § 210-208.B and not those specified in § 210-208.A shall be permitted within the area subject to the Master Plan Special Permit.

Table of Uses –Land not subject to a Master Plan Special Permit

Professional offices, medical offices, administrative offices, clerical offices, establishments for research and development or laboratories with a biosafety level of Level 1 or Level 2.	Y
Light manufacturing and/or assembly with associated professional, administrative and/or clerical offices.	Y
Conference centers	Y
Banks	Y

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial_____

Warrant May 6, 2013

Restaurants	Y
Drive-in, drive-through, or drive-up uses, but excluding the dispensing of food or drink.	Y
Public and private educational uses	Y
Agricultural and horticultural uses	Y
Child-care centers	Y
Places of worship and other religious uses	Y
Continuing care retirement communities, assisted living facilities or similar institutions, with a maximum aggregate number of beds and/or units within the NMU District not to exceed 300. For definition of use, see § 210-164 and for parking requirements see § 210-169A.	Y
Continuing care retirement communities, assisted living facilities or similar institutions, if the maximum aggregate number of beds and/or units within the NMU District will be greater than 300. For definition of use, see § 210-164 and for parking requirements see § 210-169A.	SP
Health services facilities	Y
Retail stores not to exceed 2,000 square feet, located so as to provide for the convenience of the occupants of the immediate neighborhood, selling items such as groceries, prepared take-out food, toilet articles, cosmetics, candy, sundries, medications, newspapers, magazines and ice cream; provided, however, that any such retail store may operate only between the hours of 6:00 a.m. and 10:00 p.m.	Y
Residential dormitory components of a conference center	SP
Public transportation facilities, limited to 1) shuttle bus stop facilities, 2) park and ride parking facilities, and 3) parking facilities for public school buses serving Hopkinton residents.	SP
Facilities used for water supply or sewage treatment, or associated with the provision of electrical, telephone, gas or cable services within the NMU District.	Y
Accessory uses to any use allowed by right or by Special Permit herein.	Y

B. The following uses shall be permitted in the NMU District for a Development Project under a Master Plan Special Permit issued pursuant to § 210-215:

Table of Uses –Land subject to a Master Plan Special Permit

Multi-family dwellings	Y
Retail stores, not to exceed 15,000 square feet per single tenant or operator	Y
Retail stores exceeding 15,000 square feet per single tenant or operator, but not to	SP

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

exceed 38,000 square feet per single tenant or operator	
Athletic clubs/Health and Fitness clubs	Y
Health services facilities	Y
Professional offices, medical offices, administrative offices, clerical offices, establishments for research and development or laboratories with a biosafety level of Level 1 or Level 2	Y
Light manufacturing and/or assembly with associated professional, administrative and/or clerical offices	Y
Conference centers	Y
Banks	Y
Restaurants	Y
Drive-in, drive-through, or drive-up uses, excluding the dispensing of food or drink	Y
Public and private educational uses	Y
Child care centers	Y
Places of worship and other religious uses	Y
Municipal uses	Y
Residential dormitory components of a conference center	SP
Public transportation facilities, limited to 1) shuttle bus stop facilities, 2) park and ride parking facilities, and 3) parking facilities for public school buses serving Hopkinton residents.	SP
Facilities used for water supply or sewage treatment, or associated with the provision of electrical, telephone, gas or cable services within the NMU District.	Y
Accessory uses to any use allowed by right or by Special Permit herein.	Y

§210-209. Intensity of Use Limitations.

A. Commercial Uses within the NMU District shall be limited to 250,000 square feet of Gross Floor Space in the aggregate, as authorized by a Master Plan Special Permit issued pursuant to §210-215. No single building shall have a footprint exceeding 19,000 square feet of Gross Floor Space or exceed 38,000 square feet of Gross Floor Space in total, with the exception of buildings used for an Athletic Club/Health and Fitness Club. An Athletic Club/Health and Fitness Club may have a footprint of up to 80,000 square feet of Gross Floor Space exclusive of Air Supported Structures or a footprint of up to 110,000 square feet of Gross Floor Space inclusive of Air Supported Structures, but shall not exceed 150,000 square feet of Gross Floor Space inclusive of Air Supported Structures; provided, however, that the Planning Board may, by Special Permit, approve an Athletic Club/Health and Fitness Club with a greater area of Gross Floor Space.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial _____

Warrant May 6, 2013

The Planning Board may, by Special Permit, approve the re-use of a building or combination of buildings formerly containing an Athletic Club/Health and Fitness Club for non-residential uses permitted under §210-208.B where such re-use would exceed the maximum footprint or Gross Floor Space otherwise permitted for such uses by this section; provided, however, that no Special Permit may authorize an Air Supported Structure to be used for purposes that are not a component of an Athletic Club/Health and Fitness Club. Under no circumstances shall a Special Permit be issued that results in more than 250,000 square feet of Gross Floor Space of commercial uses within the NMU District.

- B. For the purposes of this section, the area of buildings used for water supply or sewage treatment facilities shall be excluded from the calculation of Gross Floor Space.
- C. Residential Uses within the NMU District shall be limited to 280 Dwelling Units, which shall be multi-family dwellings, as authorized by a Master Plan Special Permit issued pursuant to §210-215.

§210-210. Affordable Housing.

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

- A. One (1) Dwelling Unit shall be established as an Affordable Housing Unit for every four (4) Dwelling Units within the NMU District. As long as the rules, regulations or guidelines of the Massachusetts Department of Housing and Community Development issued pursuant to M.G.L. c. 40B, §§ 20-23 provide that all of the units in a rental development that contains at least 25% affordable housing units are eligible for inclusion on the Subsidized Housing Inventory, then all Dwelling Units within the NMU District shall be operated as a rental development. However, if either (i) M.G.L. c. 40B, §§ 20-23 is no longer in effect, or (ii) the rules, regulations or guidelines of the Massachusetts Department of Housing and Community Development, issued pursuant to M.G.L. c. 40B §§ 20-23, no longer provide that all of the units in a rental development that contains at least 25% affordable housing units are eligible for inclusion on the Subsidized Housing Inventory, then the Dwelling Units may be operated either as a rental development or as a for-sale condominium development. In such case, the number of affordable Dwelling Units shall be no less than one (1) for every four (4) Dwelling Units within the NMU District.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

B. All Affordable Housing Units shall be integrated with the rest of the residential development in which it is located, and shall be comparable in design, exterior appearance, construction, and quality of exterior materials with other units in such residential development. The mean number of bedrooms in Affordable Housing Units shall be equal to the mean number of bedrooms in the market-rate Dwelling Units in the residential development in which they are located.

§210-211. Dimensional Requirements.

A. Where a Master Plan Special Permit has not been issued, the dimensional requirements set forth in § 210-186 shall be applicable.

B. The following dimensional requirements shall apply to any uses for which a Master Plan Special Permit has been issued:

1. Development Site:

a. Minimum lot frontage for the Development Site on a public way: 50 feet.

b. Minimum setback of buildings and parking areas:

i. For buildings: Forty (40) feet from the boundary line of a Business, Downtown Business, Industrial A, Industrial B or Agricultural District for all buildings; forty (40) feet from the boundary line of a Rural Business District for residential buildings; zero (0) feet from the boundary line of a Rural Business District for commercial buildings; one hundred (100) feet from the boundary of all other zoning districts.

ii. For parking: Forty (40) feet from the boundary line of a Business, Downtown Business, Industrial A, or Agricultural District; forty (40) feet from the boundary line of an Industrial B District for parking accessory to residential buildings and thirty (30) feet from the boundary line of an Industrial B District for parking accessory to commercial buildings; zero (0) feet from the boundary line of a Rural Business district for at-grade parking accessory to commercial buildings; one hundred (100) feet from the boundary of all other zoning districts.

iii. Thirty (30) feet from the street line for residential buildings; forty (40) feet from the street line for all other buildings; five (5) feet from the street line for at-grade

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

parking areas; provided, however, that such setbacks shall not be applicable to private roadways located entirely within the NMU District.

- c. The minimum setback of buildings and parking areas from property lines shall be landscaped and/or wooded so as to provide adequate year-round screening of the use from abutting property and streets. Such minimum setback areas shall remain undisturbed or, if previously disturbed, shall be planted and/or landscaped.
- d. The Planning Board may authorize by special permit a lesser setback or lesser screening than set forth herein, upon a finding that such lesser setback or screening is appropriate for the Development Site and the surrounding neighborhood and uses.

2. Individual lots within the Development Site:

- a. Minimum lot area for individual lots within Development Site: None.
- b. Minimum lot frontage within the Development Site: None; provided, however, that roadways located entirely within the Development Site shall provide adequate access for all buildings on the development site, but shall not become public ways. Fifty feet of frontage shall be required for each lot in the Development Site if the roads are intended to be eligible for acceptance as public ways.
- c. Minimum setback of buildings from interior property lines within the Development Site and from private roadways: None.

3. Maximum building height:

Buildings and structures shall not exceed 45 feet in height or have more than three stories.

4. A minimum of 40% of the total area of the Development Site shall be Open Conserved Land.

5. Multiple buildings and uses may be permitted on a single lot.

§210-212. Parking.

The requirements of §210-124(B) (1) relating to the minimum number of parking spaces shall apply in the NMU District, with the following addition:

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

Use	Requirement
Multi-family dwelling units	1 space for one bedroom unit; 2 spaces for every unit with 2 or more bedrooms.

§210-213. Open Conserved Land.

- A. Adequate pedestrian access, as determined by the Planning Board, shall be provided to the Open Conserved Land. The Open Conserved Land may remain as part of the overall Development Site and need not be a separate parcel, but there shall be conservation restrictions stating that there shall be no further development and no activities within the Open Conserved Land that are not consistent with the conservation restriction’s purpose. The Open Conserved Land may consist of a separate parcel and may be conveyed to the Town or a nonprofit organization, the purpose of which is the preservation of open space, or may be retained by an owner of land within the Development Site. Regardless of any such conveyance, the Open Conserved Land shall continue to be considered part of the Development Site for the purpose of calculating dimensional requirements.

- B. The Open Conserved Land shall consist of land that may be used for outdoor active or passive recreational purposes and shall be planned as large, contiguous units wherever possible. If privately owned, the Open Conserved Land shall be available for use by the general public, subject to such reasonable rules and regulations to govern the use of the Open Conserved Land as may be adopted by the owner thereof. The Open Conserved Land may be comprised of more than one parcel, provided that the size, shape and location of such parcels are suitable for outdoor active or passive recreational purposes.

- C. Setback areas from zoning district boundaries, if more than 100 feet in depth, may be considered to be part of the Open Conserved Land.

- D. Areas set aside for planned or reserved parking spaces or fire lanes shall not qualify to be part of the Open Conserved Land.

§ 210-214. Design Principles.

- A. Curb cuts on public ways abutting the Development Site shall be minimized. Whenever feasible, Development Projects shall include interior vehicular connections to adjacent Development Projects and to adjacent non-residential development outside the NMU District for the purpose

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial_____

Warrant May 6, 2013

of reducing curb cuts and traffic flow on adjacent public ways. The location of curb cuts shall be determined by the Planning Board during the Site Plan Review process.

- B. Buildings, roadways and parking lots shall be designed to accommodate the landscape, natural site features and natural resources. Disturbance to the site shall be minimized so that as many trees and natural features are retained as possible. Natural features shall be incorporated within the Open Conserved Land where possible.
- C. Outdoor lighting fixtures shall be shielded and directed to prevent illumination from falling outside of the intended areas.
- D. The design of any interior roadway that connects two or more Development Projects shall conform to the Rules and Regulations Relating to the Subdivision of Land, whether or not such interior roadway is laid out in accordance with the Subdivision Control Law. The Planning Board may waive specific provisions of the Rules and Regulations Relating to the Subdivision of Land if such waiver would be not be inconsistent with the design principles set forth in this section and otherwise in the public interest. All utilities within the Development Site shall be underground.
- E. The design of buildings shall be consistent with styles that are traditional to New England and Hopkinton. Buildings shall utilize energy efficient design and low impact development techniques and principles, to the extent feasible.
- F. If stormwater management facilities are necessary for the construction of the buildings on the Development Site, such facilities shall not be located within the required setback areas, unless specifically permitted by the Planning Board. Such stormwater management facilities shall be designed to appear as natural landforms, to the extent feasible.

§210-215. Master Plan Special Permit.

- A. The Planning Board shall be the Special Permit Granting Authority for any Special Permit issued pursuant to the provisions of this Article. The Planning Board may adopt and file with the Town Clerk regulations governing Submission Requirements and Procedures for any such Special Permit.
- B. In all matters in which it has jurisdiction to issue use Special Permits pursuant to the provisions of this Article, the Planning Board may issue such Special Permits only upon a finding that the proposed use is in harmony with the general purpose and intent of this chapter. Any such Special

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

Permit shall be subject to such conditions and safeguards as the Planning Board may prescribe and shall include design guidelines applicable to development of the site. In reviewing any application for such a Special Permit, the Planning Board shall give due consideration to promoting the public health, safety, convenience and welfare, shall encourage the most appropriate use of land, shall require that development be consistent with the Design Principles set forth in §210-214 and shall permit no building or use that is injurious, noxious, offensive or detrimental to its neighborhood.

- C. Except as otherwise authorized in this Section, no Construction Activity for a use that is subject to a Master Plan Special Permit pursuant to the provisions of this Article shall commence unless authorized by said Master Plan Special Permit.
- D. If the applicant elects to exercise the rights granted in a Master Plan Special Permit issued pursuant to the provisions of this Article, a Notice to such effect shall be filed with the Town Clerk, Planning Board and Department of Municipal Inspections, and recorded in the Registry of Deeds, prior to the commencement of Construction Activity. From and after the filing of such Notice, all Construction Activity within the NMU District shall be in accordance with the approved Master Plan Special Permit.
- E. The entirety of the NMU District shall be subject to one Master Plan Special Permit, for uses allowed pursuant to § 210-208.B.
- F. Application for a Master Plan Special Permit.
 - 1. A record owner desiring a Master Plan Special Permit pursuant to the provisions of this Article shall file with the Planning Board an application therefor in accordance with any applicable regulations and submission requirements adopted pursuant to this Article. At a minimum, the application shall be accompanied by a Master Plan that depicts the planned use of the entire NMU District, as well as the following information relating to development of the NMU District:
 - a. Identification of the entire area of land to be developed;
 - b. The existing topography of the land, vegetative cover, soil types, wetlands and water bodies, roads and ways;

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

- c. The general proposed location within which structures will be constructed, together with a schedule of proposed land use types including Multifamily Dwellings, commercial uses, Air-Supported Structures, mixed use buildings, and/or buildings accessory to Open Conserved Land uses;
 - d. The general proposed location, size and intended use of all Open Conserved Land, including pedestrian, bicycle and equestrian trails, and the entity intended to own, operate and/or maintain such Open Conserved Land;
 - e. The general proposed location of all existing and proposed roads, water supply systems, wastewater systems, storm water drainage, utilities, and connections to existing infrastructure;
 - f. An analysis of the impact of implementing the Master Plan on surface and ground water quality, groundwater recharge, wildlife habitat and corridors, wetlands and bodies of water, including streams and rivers, both localized and general, and an evaluation of pre-development conditions and post-development conditions;
 - g. A traffic impact and access study on the impact of implementing the Master Plan;
 - h. An analysis of the projected economic impact of implementing the Master Plan on the Town, prepared by a qualified independent economic research consultant;
 - i. A phasing projection indicating the general anticipated schedule of construction of improvements within the NMU District in accordance with the Master Plan Special Permit; provided, however, that such schedule may be subject to variation depending on market forces;
 - j. Proposed Design Guidelines for the NMU District;
 - k. Proposed forms of the conservation restrictions necessary for the Open Conserved Land.
2. Approval criteria. No Master Plan Special Permit shall be granted unless the Planning Board finds that:
- a. The Master Plan complies with the provisions of this Article.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

- b. The impact of the development activities shown on the Master Plan is anticipated to be of benefit to the Town.
 - c. The intersections and roadways providing access to the NMU District will operate at an acceptable level of service based on the anticipated impact of vehicular traffic from all proposed development within the NMU District.
 - d. The Master Plan provides adequately for the convenience and safety of vehicular and pedestrian movement within the NMU District and in relation to streets, property or improvements outside the NMU District.
 - e. The Master Plan provides for the adequacy of the methods of disposal of sewage, refuse and other wastes, provision of utilities, and the methods of drainage for surface water and seasonal flooding, if any, and adequate provision of water for domestic purposes.
3. An NMU special permit may be combined with a special permit regarding parking pursuant to Section 210-124(C) and (D).
 4. Approval of an NMU Master Plan Special Permit application shall not be considered to constitute approval of any construction.
 5. Master Plan Special Permit Amendment.
 - a. Amendment of a Master Plan Special Permit issued pursuant to the provisions of this Article shall require the approval of the Planning Board. An application to amend the Master Plan Special Permit may be submitted separately or together with an application to the Planning Board for Site Plan Review. If the Board determines that a proposed amendment is significant, it shall hold a public hearing in conformance with M.G.L. c. 40A §9. If the Board determines, at a noticed public meeting of the Board but without a public hearing in conformance with M.G.L. c. 40A §9, that a proposed amendment is minor, it may amend the Master Plan Special Permit without a public hearing; provided, however, that a copy of such amendment shall be filed with the Town Clerk.
 - b. Applications for an amendment to a Master Plan Special Permit issued pursuant to the provisions of this Article may be filed by the owners of the affected land, and shall not be required to be filed by the owners of all land within the NMU District.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

6. Duration of Approval. The commencement of Construction Activity within two (2) years of the date of the filing of the decision with the Town Clerk (or the date of the final resolution of any appeal of such decision) shall be deemed to constitute substantial use of rights under the Master Plan Special Permit.

§210-216. NMU Site Plan Review.

A. Construction of all Development Projects within the NMU District shall be subject to Site Plan Review by the Planning Board in accordance with the provisions of Article XX, with the following additions and exceptions:

1. Submitted Site Plans shall show the planned design, use and lighting of the entire Development Site; provided, however, that, if development will be phased over time, separate site plan submissions may be made for separate portions of the Development Site.
2. Construction of residential Development Projects shall be subject to Site Plan Review, notwithstanding any provision of §210-133 to the contrary. However, Site Plan Review shall not apply to the alteration, reconstruction or enlargement of residential buildings.
3. In addition to the Site Plan Standards set forth in §210-136.1, the Site Plan shall conform to the Master Plan Special Permit.

B. Permissible Building Areas: A Site Plan may show proposed construction within a Permissible Building Area, where the mix of uses and related construction details are subject to change, and shall specify the maximum square feet of Gross Floor Space to be constructed within such Permissible Building Area. Although the Site Plan may show a proposed building in a specific location, the Site Plan approval shall authorize the construction of the Development Project if the structures therein and other site features thereof are located within the Permissible Building Area indicated. After the issuance of a Certificate of Occupancy for a building, (i) for commercial buildings: the amount by which such building is less than the maximum square footage of Gross Floor Space allocated thereto shall be available for reallocation to other proposed commercial buildings in computing the total Gross Floor Space for commercial uses in the NMU District for purposes of the Intensity of Use Limitations set forth in §210-209.A, and (ii) for residential buildings: the amount by which the number of Dwelling Units constructed is less than the number of Dwelling Units proposed shall be available for reallocation to other proposed Dwelling Units in computing the total number of Dwelling Units for purposes of the Intensity of Use

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

Limitations set forth in §210-209.B, subject to further site plan review of the buildings to which such intensity of uses is reallocated, if required.

- C. Minor Modifications: After the filing of a Decision of Site Plan Review, the Planning Board shall have the authority to approve minor modifications to the Site Plan. Minor modifications shall include changes that involve minor utility or building orientation adjustments; minor adjustments to parking, landscaping, Open Conserved Land or other building or site details; or other changes that do not significantly increase the square footage of Gross Floor Space of Commercial Uses within a Development Project or the number of Dwelling Units in a Development Project. Minor modifications may be approved by the Planning Board at any regularly scheduled public meetings, without the need to hold a public hearing.
- D. Duration of Approval: If the development is to be phased over time, Site Plan approvals under this Article shall remain in effect as long as a building permit for not less than one (1) building in a Development Project on the Development Site is issued within two (2) years of issuance of the Site Plan approval (or the date of final resolution of any appeal of such issuance).

§ 210-217. Signs

All signs in the NMU District are solely subject to such limitations of size and usage as may be imposed by the Planning Board.

§210-218. Miscellaneous.

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

For purposes of §210-70(C) (2), the term “Development Project” shall be substituted for the term “lot.”

- B. Modification to Article XVIII, Supplementary Provisions. The Planning Board may, at its discretion, waive provisions of §210-124, Off-Street Parking which pertain to the design of parking facilities, as part of the Site Plan Review process if such waiver would assist with achieving the purposes of this Article.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

B. By inserting in § 210-4, Definitions, in alphabetical order, a new definition of Athletic Club/Health and Fitness Club, as follows:

ATHLETIC CLUB/HEALTH AND FITNESS CLUB -- A facility, whether or not operated for profit, that offers athletic and physical fitness activities such as tennis, swimming, and exercise and weight rooms, and which may include exercise therapy, rehabilitation and health-related services, and which may charge a fee for use of such facility and its services. Such club may include accessory restaurant or retail uses.

C. By inserting in § 210-1, Zoning districts, the following at the end of section A:

NMU Neighborhood Mixed Use District

D. By amending the Zoning Map by changing the zoning district of the following parcels of land, consisting of approximately 96 acres as shown on a plan entitled "Proposed Zoning Map Amendment" prepared by Allen Engineering, LLC, dated March 1, 2013 from the Office Park District to the Neighborhood Mixed Use District:

Assessors Map R23 Block 73 Lot 0

Assessors Map R23 Block 87 Lot 0

Pass any vote or take any act relative thereto.

ARTICLE 56:	Zoning - Agricultural District Name Change	<i>Sponsor: Planning Board</i>
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To see if the Town will vote to amend the Zoning Bylaws and the Zoning Map by changing the name of the "Agricultural (A)" District to the "Agricultural-Residential (AR)" District, and therefore changing all references in the Zoning Bylaws and on the Zoning Map accordingly.

Pass any vote or take any act relative thereto.

ARTICLE 57:	Zoning - Commercial Solar Facilities	<i>Sponsor: Planning Board</i>
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Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

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

1. By inserting in § 210-4, Definitions, in alphabetical order, a new definition of Commercial Solar Photovoltaic Installation as follows:

COMMERCIAL SOLAR PHOTOVOLTAIC INSTALLATION -- A solar photovoltaic system which is not accessory to a permitted use.

2. by inserting a new Article XXXI, Commercial Solar Photovoltaic Installations, as follows:

Article XXXI
Commercial Solar Photovoltaic Installations

§ 210-200. Purpose and Intent

The purpose and intent of this Article is to permit the creation of new commercial solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety and minimize impacts on residential neighborhoods and scenic, natural and historic resources.

§ 210-201. Applicability

Construction and use of a commercial solar photovoltaic installation or any part thereof shall be permitted in any zoning district subject to the requirements set forth in this section.

Nothing in this Article should be construed to prevent the installation of solar photovoltaic installations that are permitted as-of-right in any zoning district as an accessory use.

§ 210-202. Use Regulations

Commercial solar photovoltaic installations shall conform to the following provisions:

- A. A commercial solar photovoltaic installation may be erected, upon the issuance of a special

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

permit by the Planning Board, on a lot containing a minimum of three (3) acres.

- B. All setback, yard, buffer and screening requirements applicable in the zoning district in which the installation is located shall apply.
- C. All security fences surrounding the installations shall be set back from the property line a distance equal to the setback requirement applicable to buildings within the zoning district in which the installation is located.
- D. The provisions of Article XX, Site Plan Review, shall not apply to commercial solar photovoltaic installations.
- E. The visual impact of the commercial solar photovoltaic installation, including all accessory structures and appurtenances, shall be mitigated. All accessory structures and appurtenances shall be architecturally compatible with each other. Whenever reasonable, structures shall be shielded from view by vegetation and/or joined and clustered to avoid adverse visual impacts. Methods such as the use of landscaping, natural features and fencing may be utilized.
- F. Lighting shall not be permitted unless required by the Planning Board or by the State Building Code. Where used, lighting shall be directed downward and full cut-off fixtures shall be used.
- G. All utility connections from the commercial solar photovoltaic installation shall be underground unless otherwise specifically permitted otherwise by the Planning Board in the special permit. Electrical transformers and inverters to enable utility interconnections may be above ground if required by the utility provider.
- H. Clearing of natural vegetation shall be limited to the minimum necessary for the construction, operation and maintenance of the commercial solar photovoltaic installation except as otherwise prescribed by applicable laws, regulations and bylaws or the special permit.
- I. The commercial solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, continued compliance with landscaping and screening requirements, and integrity of security measures. The owner or operator shall be responsible for the maintenance of any access

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

roads serving the installation.

§ 210-203. Administration

- A. A special permit is required from the Planning Board to erect or install a commercial solar photovoltaic installation. A record owner desiring to erect or install a commercial solar photovoltaic installation shall file with the Planning Board an application for a special permit, together with such plans, drawings, specifications, fees and additional information as required by the Planning Board.
- B. The Planning Board shall have the authority to waive specific provisions of the Use Regulations of this Article upon a determination that a waiver would not be inconsistent with the purpose and intent of this Article.
- C. When acting on a special permit application pursuant to this Article, the Planning Board shall conduct its review, hold a public hearing and file its decision with the Town Clerk as required by MGL c.40A § 9.
- D. Approval Criteria. In reviewing any application for a special permit pursuant to this Article, the Planning Board shall give due consideration to promoting the public health, safety, convenience and welfare; shall encourage the most appropriate use of land and shall permit no building or use that is injurious, noxious, offensive or detrimental to its neighborhood. Before the Planning Board may issue such a special permit, it shall determine each of the following:
 - 1. The commercial solar photovoltaic installation conforms to the provisions of this Article.
 - 2. The commercial solar photovoltaic installation will not be detrimental to the neighborhood or the Town.
 - 3. Environmental features of the site and surrounding areas are protected, and specifically surrounding areas will be protected from the proposed use by provision of adequate surface water drainage.
 - 4. The proposed use is in harmony with the general purpose and intent of this Chapter.
- E. Any special permit issued pursuant to this Article shall be subject to such conditions and

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

safeguards as the Planning Board may prescribe. Such conditions may include the requirement of a performance bond, secured by deposit of money or negotiable securities, posted with the Town to guarantee proper maintenance and/or removal of the commercial solar photovoltaic installation. The amount of the performance bond shall not exceed the estimated cost of the commercial solar photovoltaic installation's removal. Such conditions may also include additional screening of the facility.

- F. In reviewing any application for a special permit, the Planning Board shall give due consideration to promoting the public health, safety, convenience and welfare; shall encourage the most appropriate use of land and shall permit no building or use that is injurious, noxious, offensive or detrimental to its neighborhood.

§ 210-204. Discontinuance

A commercial solar photovoltaic installation shall be deemed to have been discontinued if it has not been in service for a continuous 24-month period. Upon receipt of a Notice of Discontinuance from the Director of Municipal Inspections, the owner shall have the right to respond to the Notice within 30 days of receipt. The Director of Municipal Inspections shall withdraw the Notice of Discontinuance and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates to the satisfaction of the Director of Municipal Inspections that the commercial solar photovoltaic installation has not been discontinued. If the commercial solar photovoltaic installation is determined to be discontinued, the owner shall remove the installation, including all structures, equipment, security barriers and transmission lines, and stabilize or re-vegetate the site as necessary to minimize erosion and sedimentation, at the owner's sole expense within three months of receipt of the Notice of Discontinuance. Failure to remove the installation and stabilize the site within said time period may subject the owner to action pursuant to Article XXIV.

Pass any vote or take any act relative thereto.

LAND ACQUISITIONS AND DISPOSITIONS

ARTICLE 58:	Fruit Street Solar Farm	<i>Sponsor: Hopkinton Sustainable Green Committee</i>
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To see if the Town will vote to authorize the Board of Selectmen, notwithstanding the

 Board of Selectmen Chairman Benjamin L. Palleiko_____

 Initial _____

Warrant May 6, 2013

limitation, if any, expressed or implied by the vote taken under Article 12 of the 2003 Annual Town Meeting, to lease approximately 23 acres of land located within the areas shown as Tracts 8 and 9 on the sketch plan entitled "Fruit Street Conceptual Master Plan, Hopkinton, Massachusetts" prepared by Beals and Thomas, Inc. dated April 2003, a copy of which is on file at the office of the Town Clerk, from time to time, by one or more leases, for a term not exceeding lease terms of 20 years in the aggregate and for such consideration as the Board of Selectmen shall determine, for the purpose of installing and operating thereon solar arrays for electric power generation and distribution, and to authorize the Board of Selectmen to grant such temporary easements in, on, under, across and over any of the Tracts within the property shown on the aforesaid Plan, as well as adjacent roadways, for utility and access purposes, as reasonably necessary and appropriate for the installation and operation of such solar arrays during the maximum lease term authorized pursuant to this Article; provided, however, that such lease or temporary easement shall be contingent upon the execution of a power purchase agreement with any lessee of such Tracts 8 and 9 to purchase all or a portion of the electricity production of the solar arrays located thereon.

Pass any vote or take any act relative thereto.

ARTICLE 59:	Gift of Land – Hayden Rowe St.	<i>Sponsor: Planning Board</i>
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To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, the following parcels of land:

The land in Hopkinton, Middlesex County, Massachusetts, shown as Parcels "4" and "5" on a Plan entitled "Definitive Residential Subdivision Hayden Place", dated March 1, 2012, J.D. Marquedant & Associates, Inc., 6 Walcott Street, Hopkinton, MA, which Plan is recorded with the Middlesex South District Registry of Deeds as Plan Number 599 of 2012.

Said Parcel "4" is designated on said plan as containing a total of 122,178 square feet of land. Said Parcel "5" is designated on said plan as containing a total of 4,379 square feet of land.

Said land to be under the care, custody, management and control of the Open Space Preservation Commission and used for open space purposes.

Pass any vote or take any act relative thereto.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

ARTICLE 60:	Acquisition of Property on West Main Street	<i>Sponsor: Town Manager & Director of Public Works</i>
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To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, a portion of the property located at 280 West Main Street, shown on the Assessors Map as R28 49 0, for the purpose of roadway improvements associated with the construction of the School and West Main Streets traffic signal.

Pass any vote or take any act relative thereto.

ARTICLE 61:	Acceptance of Drainage Easement	<i>Sponsor: Town Manager & Director of Public Works</i>
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To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, the following interest in property:

The perpetual right and easement to locate, construct, lay, excavate, install, operate, use, inspect, maintain, repair, remove, replace and reconstruct one or more pipes for the drainage of water and all necessary and proper conduits, conductors, pipes, foundations, fittings, fixtures and other apparatus deemed necessary for the aforementioned purpose and to do all other acts incidental to said purpose, including the right to pass and repass along and over the land for the aforementioned purposes, in, through and under the land marked "20' Wide Drainage Easement" on a plan of land entitled "Plan of Land in Hopkinton, Mass., Owner: Abbott Realty Trust, Alan Greenwald & Kenneth Crater, Trustees, Scale : 50 Feet to an inch," dated November 12, 2012 and recorded with Middlesex County Southern District Registry of Deeds as Plan Number 7 of 2013.

Pass any vote or take any act relative thereto.

ARTICLE 62:	Municipal Parking Lot	<i>Sponsor: Board of Selectmen</i>
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To see if the Town will vote to authorize the Board of Selectmen to grant easements providing for shared parking and ingress and egress for motor vehicles onto Main Street on and through certain portions of the property known as 18 Main Street and shown on the Assessors Map as U16-149-0; and to see if the Town will vote to authorize the Board of

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial_____

Warrant May 6, 2013

Selectmen to acquire easements providing for shared parking and ingress and egress for motor vehicles onto Main Street on and through certain portions of the properties shown on the Assessors Map as follows:

- U16-196-0 (13 Main Street)
- U16-198-0 (9 Church Street)
- U16-151-0 (14 Main Street)
- U16-152-0 (10 Main Street)
- U16-153-0 (6 Main Street)
- U16-154-0 (2-4 Main Street)
- U16-153-4 (0 Main Street);

and to authorize the Board of Selectmen to lease portions of the properties known as 14 Main Street and 0 Main Street, shown on the Assessors Map as U16-151-0 and U16-153-4 respectively, from their respective owners; and to authorize the Board of Selectmen to negotiate and execute a Reciprocal Easement Agreement for the properties listed above and the property known as 18 Main Street and shown on the Assessors Map as U16-149-0, as well as Agreements of First Refusal and Ground Leases for the properties known as 14 Main Street and 0 Main Street, shown on the Assessors Map as U16-151-0 and U16-153-4 respectively, under such terms as it may determine; and to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money for rental payments due under the terms of such Ground Leases prior to the commencement of the fiscal year beginning on July 1, 2014.

Pass any vote or take any act relative thereto.

ARTICLE 63:	Sale of Property on Knoll Road	<i>Sponsor: Board of Selectmen</i>
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To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town, to sell or otherwise dispose of a parcel of land, consisting of 12,197 square feet of land, located on Knoll Road, shown on the Assessors Map as L35 110 0, as well as all buildings and appurtenances thereon, under such terms as it may determine.

Pass any vote or take any act relative thereto.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial_____

Warrant May 6, 2013

ARTICLE 64:	Sale of Property on Duffield Road	<i>Sponsor: Board of Selectmen</i>
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To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town, to sell or otherwise dispose of a parcel of land, consisting of 5,750 square feet of land, located on Duffield Road, shown on the Assessors Map as L35 155 0, under such terms as it may determine.

Pass any vote or take any act relative thereto.

ARTICLE 65:	Street Acceptances	<i>Sponsor: Board of Selectmen</i>
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To hear the report of the Board of Selectmen relative to the laying out and the widening and relocation of the following named streets under the provisions of Chapter 82 of the *Massachusetts General Laws*, and to see if the Town will vote to accept such streets as and for public ways and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain any land or interest in land necessary for such laying out, and act on all manners relating thereto:

Deneen Road (portion)	from Scarlata Road to dead end
Hearthstone Road	from Ash Street to dead end
Carriage Hill Road	from Ash Street to Hearthstone Road
Longwood Drive	from Spring Street to dead end
Emma Drive	from Longwood Drive to Ralph Road
Ralph Road	from Spring Street to Longwood Drive
Meadowland Drive	from Emma Drive to dead end
Breakneck Hill Road	from Glen Road to Glen Road
Glen Road	from Lumber Street to the previously accepted portion of Glen Road at sta. 26+00

Pass any vote or take any act relative thereto.

ADMINISTRATIVE

ARTICLE 66:	Frankland Road	<i>Sponsor: Voter Petition</i>
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Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial _____

Warrant May 6, 2013

To see if the town will vote to have the entire length of the road in Hopkinton known as Frankland Road be permanently named Frankland Road.

Pass any vote or take any act relative thereto.

ARTICLE 67:	Community Choice Aggregation	<i>Sponsor: Board of Selectmen</i>
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To see if the Town will vote, pursuant to Chapter 164, section 134 of the *Massachusetts General Laws*, to initiate the process to aggregate the electrical load of interested electricity consumers within the Town; and to develop a plan, in consultation with the Department of Energy Resources, pursuant to Chapter 25A, section 6 of the *Massachusetts General Laws*, for review by a future Town Meeting; provided, however, that such plan shall include, without limitation: the process and consequences of aggregation; provision for universal access, reliability, and equitable treatment of all classes of customers meeting any requirements established by law or said Department concerning aggregated service; an organizational structure of the program, its operations, and its funding; rate setting and other costs to participants; the methods for entering and terminating agreements with other entities; the rights and responsibilities of program participants; and termination of the program.

Pass any vote or take any act relative thereto.

ARTICLE 68:	Lumber Street – Expansion of Sewer Service Area	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to add the parcels identified on the Assessors Maps as R23-73-0 and R23-87-0, containing approximately 95 acres, to a Sewer Service Area designated by the Town, to be effective upon a determination by the Director of the Department of Public Works that that the sewer service needs of a project on the parcels, authorized by a Master Plan Special Permit issued pursuant to section 210-215 of the Zoning Bylaws, as adopted at the 2013 Annual Town Meeting, cannot be met feasibly by a privately owned wastewater treatment and disposal facility located either on the parcels or in reasonable proximity thereto, and to authorize the Town to undertake appropriate steps, if necessary, to amend its Comprehensive Wastewater Management Plan in order to provide for the addition of these parcels to the Needs Areas.

Pass any vote or take any act relative thereto.

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013

HEREOF FAIL NOT, and make the due return of this warrant, with your doings thereon to the Clerk of said Town of Hopkinton, at the time and place aforesaid.

Given under our hands this ___th day of April, 2013.

BOARD OF SELECTMEN
TOWN OF HOPKINTON

Benjamin L. Palleiko, Chairman

John Mosher, Vice-Chairman

Michelle Gates

Todd Cestari

Brian J. Herr

A TRUE COPY

ATTEST:

Ann M. Click, Town Clerk

DATE: _____

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

Constable of Hopkinton

Board of Selectmen Chairman Benjamin L. Palleiko_____

Initial

Warrant May 6, 2013