



**Hopkinton Annual Town Meeting
May 2, 2016**

WARRANT ARTICLES AND MOTIONS

TABLE OF CONTENTS

Article 1:	Acceptance of Town Reports	Page 4
Article 2:	FY 2016 Supplemental Appropriations	Page 4
Article 3:	FY 2016 Budget Transfers	Page 5
Article 4:	Unpaid Bills from Previous Fiscal Years	Page 5
Article 5:	Property Tax Exemption Increase	Page 6
Article 6:	Personal Property Tax Bill Threshold	Page 6
Article 7:	Set the Salary of Elected Officials	Page 6
Article 8:	FY 2017 Operating Budget	Page 7
Article 9:	FY 2017 Revolving Funds	Page 9
Article 10:	Chapter 90 Highway Funds	Page 11
Article 11:	Transfer to General Stabilization Fund	Page 12
Article 12:	Other Post Employment Benefits Liability Trust Fund	Page 12
Article 13:	Pay-As-You-Go Capital Expenses	Page 13
Article 14:	Weed Control at Lake Maspenock	Page 14
Article 15:	Sidewalk Master Plan Phase II	Page 14
Article 16:	Transfer Funds to Purchase Fire Vehicle and Equipment	Page 15
Article 17:	Transfer Funds to Purchase Fire Vehicle	Page 15
Article 18:	Transfer Funds to Reequip/Reconfigure Fire Vehicle and Equipment	Page 15
Article 19:	Purchase of Dump Truck	Page 16
Article 20:	Grove Street Water Tank Replacement	Page 17
Article 21:	Water Main Replacement – Hayden Rowe Street	Page 17
Article 22:	Water Source of Supply	Page 18
Article 23:	Biological Filtration Wells #4 & #5	Page 18
Article 24:	Middle School Auditorium Upgrades	Page 19
Article 25:	School Bus Parking Lot	Page 19
Article 26:	Storage Facility Feasibility Study	Page 20
Article 27:	Artificial Turf Field	Page 20
Article 28:	Signage for Historical Sites	Page 20
Article 29:	Transfer Funds for New Capital Projects	Page 21
Article 30:	Cemetery Roadway Opening	Page 21
Article 31:	Community Preservation Recommendations	Page 22
Article 32:	Amend Open Space Mixed Use Overlay District	Page 25
Article 33:	Amend Garden Apartments in Residential Districts and Village Housing in Residential Districts Bylaws	Page 25
Article 34:	Repeal Senior Housing Development Bylaw	Page 27
Article 35:	Amend Site Plan Review and Open Space and Landscape Development Bylaws	Page 27
Article 36:	Amend Sign Bylaw	Page 28
Article 37:	Amend Hotel Overlay District	Page 33
Article 38:	Elmwood Park Business District	Page 33
Article 39:	Dog Day Care	Page 38
Article 40:	Animal Shelters	Page 40
Article 41:	Repeal Sex Offender Residency Requirement	Page 41
Article 42:	Acquisition of Easement - 91 West Main Street	Page 41
Article 43:	Acquisition of Easement- Leonard Street	Page 42
Article 44:	Gift of Land – Connelly Hill Estates	Page 42
Article 45:	Gift of Land – Hilltop Road	Page 43
Article 46:	Gift of Land – Legacy Farms Recreation Parcel	Page 43

Article 47:	Street Acceptance	Page 44
Article 48:	Street Discontinuance	Page 44
Article 49:	Disposition of Property	Page 45
Article 50:	Solar Tax Agreements	Page 46
Article 51:	Town Clerk	Page 46
Article 52:	Trustees of the School Trust Fund in the Town of Hopkinton	Page 48
Motion to Adjourn to Annual Town Election		Page 48

Motion: *I move that the Town vote to adjourn the Annual Town Meeting this evening at the conclusion of the article under discussion at 11:00 p.m. and to reconvene at the Hopkinton Middle School Auditorium at 88 Hayden Rowe Street at 7 p.m. tomorrow, May 3, 2016.*

Vote Needed: Simple Majority

REPORTS

ARTICLE 1: Acceptance of Town Reports

Sponsor: Town Manager

To hear the Reports of Town Officers, Boards and Committees.

Pass any vote or take any act relative thereto.

Motion (Board of Selectmen): *We move that the Town accept the Reports of Town Officers, Boards and Committees.*

Vote Needed: Simple Majority

FINANCIAL – FISCAL YEAR 2016

ARTICLE 2: FY 2016 Supplemental Appropriations

Sponsor: Town Manager

To see if the Town will vote to transfer from available funds or otherwise provide a sum or sums of money to supplement operating budgets for the fiscal year ending June 30, 2016.

Pass any vote or take any act relative thereto.

Required Recommendation: Appropriation Committee recommendation to be made at Town Meeting

Motion (Appropriation Committee): *We move that the Town vote to transfer from free cash the sum of \$200,000 (TWO HUNDRED THOUSAND DOLLARS) to supplement the following operating budget for the fiscal year ending June 30, 2016:*

423 *FY16 Snow and Ice Deficit* \$200,000

and to transfer sums of money out of retained earnings to supplement the FY 2016 Sewer Enterprise Fund and, further, to reduce the estimate of revenues received from user charges, all as follows:

a) \$31,500.00 (THIRTY-ONE THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS) out of Sewer Retained Earnings to the Sewer Enterprise Fund for debt service;

b) \$462,617 (FOUR HUNDRED SIXTY-TWO THOUSAND SIX HUNDRED SEVENTEEN DOLLARS AND ZERO CENTS) out of Sewer Retained Earnings to offset a reduction in Sewer Enterprise Fund estimated revenues

c) -\$462,617 (NEGATIVE FOUR HUNDRED SIXTY-TWO THOUSAND SIX HUNDRED SEVENTEEN DOLLARS AND ZERO CENTS) representing a reduction in Sewer Enterprise Fund

said sums to be spent under the direction of the respective Town Officers, Boards, and Committees.

Vote Needed: Simple Majority

ARTICLE 3: FY 2016 Budget Transfers *Sponsor: Town Manager*

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, 2016.

Pass any vote or take any act relative thereto.

Required Recommendation: Appropriation Committee recommends no action

Motion (Appropriation Committee): *We move that the Town vote to take no action on this article.*

Vote Needed: Simple Majority

ARTICLE 4: Unpaid Bills from Previous Fiscal Years *Sponsor: Town Manager*

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.

Required Recommendation: Appropriation Committee recommendation to be made at Town Meeting

Motion (Appropriation Committee): *We move that the Town vote to transfer from free cash the sum of \$3,142.25 (THREE THOUSAND ONE HUNDRED FORTY TWO DOLLARS AND TWENTY FIVE CENTS) out of the FY16 Budget for the following bills incurred in a previous year, in accordance with the provisions of Chapter 44, Section 64 of the Massachusetts General Laws, as follows:*

<i>Department #</i>	<i>Vendor</i>	<i>Amount</i>
145	Unibank	\$2,000.00
161	LHS Associates, Inc.	\$599.00
145	New England Office Supply	\$89.53
410	W.B. Mason	\$453.72

Vote Needed: Four-Fifths Majority.

FINANCIAL – FISCAL YEAR 2017

ARTICLE 5: Property Tax Exemption Increase

Sponsor: Finance Director

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, 2016, 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.

Required Recommendation: Appropriation Committee recommends approval

Motion (Appropriation Committee): *We move that the Town vote to accept the provisions of Chapter 59, Section 5C½ of the Massachusetts General Laws (formerly Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988) to provide for an additional real estate tax exemption of seventy five percent in the fiscal year beginning July 1, 2016, 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.*

Vote Needed: Simple Majority

ARTICLE 6: Personal Property Tax Bill Threshold

Sponsor: Finance Director

To see if the Town will vote to accept the provisions of Chapter 59, Section 5, Clause 54, of the *Massachusetts General Laws*, and establish a minimum personal property value of \$1,000.00 for personal property accounts to be taxed.

Pass any vote or take any act relative thereto.

Required Recommendation: Appropriation Committee recommends approval.

Motion (Appropriation Committee): *We move that the Town vote to accept the provisions of Chapter 59, Section 5, Clause 54, of the Massachusetts General Laws and establish a minimum value of personal property subject to taxation in the amount of \$1,000 (ONE THOUSAND DOLLARS) effective in the fiscal year beginning July 1, 2016.*

Vote Needed: Simple Majority

ARTICLE 7: Set the Salary of Elected Officials

Sponsor: Personnel Committee

To see if the Town will vote to fix the salary or compensation of all of the elected officials of the Town in accordance with Chapter 41, Section 108, of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

Required Recommendation: Appropriation Committee recommends approval

Motion (Personnel Committee): *We move that, in accordance with Chapter 41, Section 108 of the Massachusetts General Laws, the Town vote to fix the salary of the elected Town Clerk for the Fiscal Year commencing July 1, 2016 at \$65,630 (SIXTY-FIVE THOUSAND, SIX HUNDRED THIRTY DOLLARS).*

Vote Needed: Simple Majority

ARTICLE 8: Fiscal 2017 Operating Budget
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<i>Sponsor: Town Manager</i>

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, 2016, and that such sums be expended for such purposes under the direction of the respective Town Officers, Boards and Committees.

Pass any vote or take any act relative thereto.

Required Recommendations: Board of Selectmen recommends approval
Appropriation Committee recommends approval

Motion (Appropriation Committee): *We move that the Town vote to appropriate:*

- *\$70,625,027.38 (SEVENTY MILLION SIX HUNDRED TWENTY-FIVE THOUSAND TWENTY-SEVEN DOLLARS AND THIRTY-EIGHT CENTS) to the General Fund;*
- *\$291,050.00 (TWO HUNDRED NINETY-ONE THOUSAND FIFTY DOLLARS AND ZERO CENTS) to the Community Preservation Fund;*
- *\$2,835,646.00 (TWO MILLION EIGHT HUNDRED THIRTY-FIVE THOUSAND SIX HUNDRED FORTY-SIX DOLLARS AND ZERO CENTS) to the Sewer Enterprise Fund;*
- *\$1,630,396.00 (ONE MILLION SIX HUNDRED THIRTY THOUSAND THREE HUNDRED NINETY-SIX DOLLARS AND ZERO CENTS) to the Water Enterprise Fund;*
and
- *\$600,013.00 (SIX HUNDRED THOUSAND THIRTEEN DOLLARS AND ZERO CENTS) to the Parks & Recreation Enterprise Fund,*

for a total of \$75,982,132.38 (SEVENTY-FIVE MILLION NINE HUNDRED EIGHTY-TWO THOUSAND ONE HUNDRED THIRTY-TWO DOLLARS AND THIRTY-EIGHT CENTS), for the purposes itemized and described in the FY 2017 Operating Budget of the Town, in the amounts set forth in the FY 2017 Appropriations Committee Report for the fiscal year beginning July 1, 2016, in the column titled "Appropriations Committee Recommendation," said sums to be spent under the direction of the respective Town Officers, Boards, and Committees, and that the amounts appropriated be raised as follows:

GENERAL FUND

<u>Transfers from available funds</u>	
Ambulance Receipts Reserved for Appropriation	10,000.00
Title V	79,182.00
<u>Transfers from available funds</u>	89,182.00
Local Receipts, Intergovernmental Revenue, and Tax Levy	70,535,845.38
GENERAL FUND	70,625,027.38

COMMUNITY PRESERVATION FUND

<u>Transfers from available funds as recommended by the Community Preservation Committee</u>	
Community Preservation Undesignated Fund Balance	55,650.00
Community Preservation Funds Reserved for Open Space	178,904.00
Community Preservation Funds Reserved for Passive/Active Recreation	56,496.00
COMMUNITY PRESERVATION FUND	291,050.00

SEWER ENTERPRISE FUND

FY2016 Sewer Enterprise Revenue	2,582,722.00
Transfer from General Fund for Municipal Use	558,945.00
SEWER ENTERPRISE SOURCES OF FUNDS	3,141,667.00
Indirect Costs to be Raised from the FY17 Sewer Enterprise Fund revenues, appropriated in the General Fund	306,021.00
SEWER ENTERPRISE FUND BUDGET	2,835,646.00

WATER ENTERPRISE FUND

FY2016 Water Enterprise Revenue	1,641,347.00
Transfer from General Fund for Fire Protection Hydrant Use	296,856.00
WATER ENTERPRISE SOURCES OF FUNDS	1,938,203.00
Indirect Costs to be Raised from the FY17 Water Enterprise Fund revenues, appropriated in the General Fund	307,807.00
WATER ENTERPRISE FUND BUDGET	1,630,396.00

PARKS & RECREATION ENTERPRISE FUND

FY2016 Parks & Recreation Enterprise Revenue	445,221.00
Tax Levy	192,161.00
PARKS & RECREATION ENTERPRISE SOURCES OF FUNDS	637,382.00
Indirect Costs to be Raised from the FY17 Parks & Recreation Enterprise Fund revenues, appropriated in the General Fund	37,369.00
PARKS & RECREATION ENTERPRISE FUND BUDGET	600,013.00

TOTAL FY2017 OMNIBUS BUDGET \$75,982,132.38

Vote Needed: Simple Majority

ARTICLE 9: FY 2017 Revolving Funds*Sponsor: Town Manager*

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.

Required Recommendations: Board of Selectmen recommends approval
Appropriation Committee recommends approval

Motion (Appropriation Committee): *We move that the Town vote, pursuant to Chapter 44, Section 53E ½ of the General Laws, to re-authorize existing revolving funds for the fiscal year beginning July 1, 2017, as set forth under the motion for Article 9 in the Warrant Articles and Motions Document.*

Re-Authorized Funds:

Fund	Revenue Source	Authority to Spend Fund	Use of Fund	Spending Limit	Disposition of Year-End Fund Balance
Building Department	Permit fees	Director of Municipal Inspections with approval of the Town Manager	Expenses of operations of department, acquisition and maintenance of vehicles, and salaries of part-time building inspectors	\$270,000	Unencumbered balance shall be retained in such fund
Part-time Wire Inspector	Permit fees and inspection fees of Wire Inspector	Director of Municipal Inspections with approval of the Town Manager	Expenses of operation of department and salaries of part-time wire inspectors	\$100,000	Unencumbered balance shall be retained in such fund
Part-time Plumbing Inspector	Permit fees and inspection fees of Plumbing Inspector	Director of Municipal Inspections with approval of the Town Manager	Expenses of operation of department and salaries of part-time plumbing inspectors	\$100,000	Unencumbered balance shall be retained in such fund
Hazardous Materials	Fees and monies received from insurers and others relating to release or spills of hazardous materials	Fire Chief	Purchase equipment and materials, training, contingency planning, site assessments, service at hazardous release incidents	\$5,000	Unencumbered balance reverts to general fund.
Conservation Commission	Filing and consultant fees referred to in Wetlands Protection Bylaw	Conservation Commission	To meet expenses and fees of consultants engaged by and other appropriate expenses of Conservation Commission	\$115,000	Unencumbered balance reverts to general fund
Library	Lost Materials/Fines	Library Director	Replacement of lost and damaged materials	\$9,000	Unencumbered balance reverts to general fund

Fund	Revenue Source	Authority to Spend Fund	Use of Fund	Spending Limit	Disposition of Year-End Fund Balance
Emergency Medical Services	Emergency Medical Services user fees	Fire Chief and Police Chief	To operate, maintain service, acquire and upgrade vehicles, equipment and training for emergency medical services	\$470,000	Unencumbered balance reverts to Ambulance Receipts Reserved for Appropriation
Public Safety	Permit fees and other collected sums pursuant to the administration and enforcement of the Town of Hopkinton by Law Ch. 150 – Peddling and Soliciting	Police Chief	To meet the expenses of the Police Department related to the administration and enforcement of the Town of Hopkinton Bylaw Chapter 150 - Peddling and Soliciting	\$5,000	Unencumbered balance reverts to general fund
Planning Board	Permit fees and consultant fees collected by the Planning Board relating to review of Site Plans, petitions, applications, permits and appeals	Planning Board	To meet expenses and fees of consultants engaged by and other appropriate expenses of the Planning Board	\$30,000	Unencumbered balance reverts to general fund
Open Space Preservation Commission	User fees, charges and donations collected by the Open Space Preservation Commission in the conduct of its programs and activities	Open Space Preservation Commission	To meet expenses of the publication, reprinting and sale of the trail guide and the maintenance of trails and signage.	\$10,000	Unencumbered balance reverts to general fund
Youth Commission	User fees, charges and donations received by the Youth Commission in the conduct of its programs and activities	Youth Commission	To meet expenses incurred in conducting programs and activities for the Town's young people.	\$4,000	Unencumbered balance reverts to general fund
Zoning Board of Appeals	Filing fees and consultant fees collected by the Zoning Board relating to review of appeals, petitions and applications	Zoning Board of Appeals	To meet expenses and fees of consultants engaged by and other appropriate expenses of the Zoning Board of Appeals	\$50,000	Unencumbered balance reverts to general fund
Department of Public Works – Highway Division	Road Opening, Driveway Opening, and Trench Permit fees	Director of the Department of Public Works	Expenses of operation of the Highway Division	\$8,000	Unencumbered balance reverts to general fund
Department of Public Works – Recycling Committee	User fees collected at the Recycling Center	Director of the Department of Public Works	Expenses of operation of Recycling Center	\$15,000	Unencumbered balance reverts to general fund

Fund	Revenue Source	Authority to Spend Fund	Use of Fund	Spending Limit	Disposition of Year-End Fund Balance
Department of Public Works	Fees collected from Overflow Trash Bags	Director of the Department of Public Works	To purchase Overflow Trash Bags and to meet expenses of Waste Collection and Disposal	\$8,000	Unencumbered balance reverts to general fund
Cemetery Commission	User fees and charges collected for the use of the Comey Chapel	Cemetery Commission	Maintenance and operation of the Comey Chapel	\$3,500	Unencumbered balance reverts to general fund
School Department 1:1 Laptop Initiative	Receipts collected from students and families for leasing computers	School Committee	Payments for leasing computers	\$470,000	Unencumbered balance shall be retained in such fund
Fingerprinting Fund	Permit fees collected from prospective ice cream truck operators	Police Chief	Defray costs associated with fingerprinting	\$500	Unencumbered balance reverts to general fund
Cemetery Lot Fund	Re-sale of lots purchased by Cemetery	Cemetery Commission	Purchase of lots previously sold	\$10,000	Unencumbered balance shall be retained in such fund

And further to establish the following revolving funds:

Newly Authorized Funds:

Fund	Revenue Source	Authority to Spend Fund	Use of Fund	Spending Limit	Disposition of Year-End Fund Balance
Senior Center Programs Fund	User fees collected from participants in Senior Center programs and activities	Senior Center Director	Expenses related to the development and operation of Senior Center programs and activities	\$75,000	Unencumbered balance reverts to general fund
Police Department	Detail Administrative Fees	Police Chief and Police Lieutenants	To meet expenses of the Police Department related to scheduling, assignment and billing software for detail work	\$10,000	Unencumbered balance reverts to general fund

Vote Needed: Simple Majority

ARTICLE 10: Chapter 90 Highway Funds

Sponsor: Town Manager

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.

Required Recommendations: Appropriation Committee recommends approval.
Capital Improvement Committee recommendation to be made at Town Meeting

Motion (Appropriation Committee): *We move that the Town vote to appropriate \$651,957 (SIX HUNDRED FIFTY ONE THOUSAND NINE HUNDRED FIFTY SEVEN DOLLARS) from the proceeds due to the Town pursuant to Chapter 90 of the Massachusetts General Laws for the fiscal year beginning July 1, 2016, for the purposes of repair, construction, maintenance or preservation of the Town's roads and bridges and other related costs that 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.*

Vote Needed: Simple Majority

ARTICLE 11: Transfer to General Stabilization Fund

Sponsor: Town Manager

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.

Required Recommendations: Board of Selectmen recommends approval
Appropriation Committee recommends approval.

Motion (Appropriation Committee): *We move that the Town vote to transfer from General Fund Free Cash the sum of \$300,000 (THREE HUNDRED THOUSAND DOLLARS) for the purpose of increasing the General Stabilization Fund, said sums to be used, upon further appropriation, for any lawful purpose.*

Vote Needed: Two-Thirds Majority.

ARTICLE 12: Other Post Employment Benefits Liability Trust Fund

Sponsor: Town Manager

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.

Required Recommendation: Board of Selectmen recommends approval
Appropriation Committee recommends approval.

Motion (Appropriation Committee): *We move that the Town vote to transfer from General Fund Free Cash the sum of \$612,647 (SIX HUNDRED TWELVE THOUSAND SIX HUNDRED FORTY SEVEN DOLLARS) to be credited to the Other Post Employment Benefits Liability Trust Fund.*

Vote Needed: Simple Majority.

CAPITAL EXPENSES AND PROJECTS

ARTICLE 13: Pay-As-You-Go Capital Expenses

Sponsor: Town Manager

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 the following Pay-As-You-Go capital purchases and projects:

<u>Purchase or Product</u>	<u>To be spent under the direction of:</u>
Highway F-350 Pickup	Director of Public Works
Fire Apparatus/Vehicles	Fire Chief
IT Equipment Replacement	Town Manager
Replacement of Police Cruisers	Police Chief
Systemwide School Security Upgrades	School Superintendent
Hopkins School Boiler Replacement	School Superintendent
Middle School Water Heater Replacement	School Superintendent
High School Athletic Center Scoreboard Replacement	School Superintendent
Systemwide School Technology Upgrades	School Superintendent
Replacement of Tractor	School Superintendent
Middle School and High School Bleacher Upgrades and Repairs	School Superintendent

Pass any vote or take any act relative thereto.

Required Recommendations: Board of Selectmen recommends approval
 Appropriation Committee recommends approval.
 Capital Improvements Committee recommends approval.

Motion (Appropriation Committee): *We move that the Town vote to transfer \$759,394 (SEVEN HUNDRED FIFTY NINE THOUSAND THREE HUNDRED NINETY FOUR DOLLARS) from General Fund Free Cash for the following capital purchases and projects, to be expended in the specified amounts and under the specified direction as set forth under the motion for Article 13 in the Warrant Articles and Motions Document*

ITEM	DEPARTMENT	PURPOSE	AMOUNT	SPENT UNDER THE DIRECTION OF
A	Department of Public Works	Highway F-350 Pickup	\$60,000	Director of Public Works
B	Fire Department	Fire Apparatus/Vehicles	\$46,394	Fire Chief
C	Information Technology	IT Equipment Replacement	\$100,000	Town Manager
D	Police Department	Replacement of Police Cruisers	\$74,000	Police Chief
E	School Department	Systemwide School Security Upgrades	\$100,000	School Committee
F	School Department	Hopkins School Boiler Replacement	\$55,000	School Committee
G	School Department	Middle School Water Heater Replacement	\$33,000	School Committee
H	School Department	High School Athletic Center Scoreboard	\$25,000	School Committee

		Replacement		
I	School Department	Systemwide School Technology Upgrades	\$100,000	School Committee
J	School Department	Replacement of Tractor	\$81,000	School Committee
K	School Department	Middle School and High School Bleacher Upgrades and Repairs	\$85,000	School Committee

Vote Needed: Simple Majority

ARTICLE 14: Weed Control at Lake Maspenock

Sponsor: Town Manager, Director of Public Works, Lake Maspenock Weed Control Advisory Group

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 control of weeds at Lake Maspenock; said sum to be spent under the direction of the Town Manager.

Pass any vote or take an act relative thereto.

Required Recommendations: Appropriation Committee recommends no action

Motion: (Appropriations Committee): *We move that the Town vote to take no action on this article.*

Vote Needed: Simple Majority.

ARTICLE 15: Sidewalk Master Plan Phase II

Sponsor: Board of Selectmen, Town Manager

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, repair, maintenance, renovation, improvement, rehabilitation, construction and reconstruction of sidewalks; said sum to be spent under the direction of the Town Manager.

Pass any vote or take an act relative thereto.

Required Recommendations: Appropriation Committee recommends approval
Board of Selectmen recommends approval
Capital Improvement Committee recommendation to be made at Town Meeting

Motion: (Appropriation Committee): *We move that the Town vote to transfer from Free Cash \$136,000 (ONE HUNDRED THIRTY SIX THOUSAND DOLLARS) for the design and engineering of sidewalks; said sum to be spent under the direction of the Town Manager.*

Vote Needed: Simple Majority

ARTICLE 16: Transfer Funds to Purchase Fire Vehicle and Equipment

Sponsor: Town Manager & Fire Chief

To see if the Town will vote to amend the appropriation votes taken under Article 16 of the 2015 Annual Town Meeting so as to authorize the use of the funds appropriated to refurbish and/or add equipment to Rescue 1; said sum to be spent under the direction of the Fire Chief.

Pass any vote or take an act relative thereto.

Required Recommendations: Appropriation Committee recommends approval.
Capital Improvement Committee recommendation to be made at Town Meeting

Motion: (Appropriation Committee): *We move that the Town vote to amend the appropriation vote taken under Article 16 of the 2015 Annual Town Meeting so as to allow the use of \$500,000 (FIVE HUNDRED THOUSAND DOLLARS), which is a portion of the unspent amount appropriated by that vote, to be used for refurbishment and addition of equipment to Rescue 1; said sum to be spent under the direction of the Fire Chief.*

Vote Needed: Two-Thirds Majority

ARTICLE 17: Transfer Funds to Purchase Fire Vehicle

Sponsor: Town Manager & Fire Chief

To see if the Town will vote to amend the appropriation vote taken under Article 16 of the 2015 Annual Town Meeting so as to authorize the use of the funds appropriated for the purchase of a used ladder truck; said sum to be spent under the direction of the Fire Chief.

Pass any vote or take an act relative thereto.

Required Recommendations: Appropriation Committee recommends approval.
Capital Improvement Committee recommendation to be made at Town Meeting

Motion: (Appropriation Committee): *We move that the Town vote to amend the appropriation vote taken under Article 16 of the 2015 Annual Town Meeting so as to allow the use of \$125,000 (ONE HUNDRED TWENTY FIVE THOUSAND DOLLARS), which is a portion of the unspent amount appropriated by that vote, for the purchase of a used ladder truck; said sum to be spent under the direction of the Fire Chief.*

Vote Needed: Two-Thirds Majority

ARTICLE 18: Transfer Funds to Reequip/Reconfigure Fire Vehicle and Equipment

Sponsor: Town Manager & Fire Chief

To see if the Town will vote to amend the appropriation votes taken under Article 16 of the 2015 Annual Town Meeting and Article 31 of the 2011 Annual Town meeting so as to authorize the use of

the funds appropriated to reequip/reconfigure Engine 2 and Engine 4; said sum to be spent under the direction of the Fire Chief.

Pass any vote or take an act relative thereto.

Required Recommendations: Appropriation Committee recommends approval.
Capital Improvement Committee recommendation to be made at Town Meeting

Motion: (Appropriation Committee): *We move that the Town vote to amend the appropriation vote taken under Article 16 of the 2015 Annual Town Meeting so as to allow the use of \$55,000 (FIFTY FIVE THOUSAND DOLLARS), which is a portion of the unspent amount appropriated by that vote, for reequipping and reconfiguring Engine 2 and Engine 4 and to amend the appropriation vote taken under Article 31 of the 2011 Annual Town Meeting so as to allow the use of \$45,000 (FORTY FIVE THOUSAND DOLLARS), which is the unspent amount appropriated thereby, for reequipping and reconfiguring Engine 2 and Engine 4; said sums to be spent under the direction of the Fire Chief.*

Vote Needed: Two-Thirds Majority

ARTICLE 19: Purchase of Dump Truck

<i>Sponsor: Town Manager & Director of Public Works</i>

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 purchase of a dump truck, accessories and related costs for the Highway Department; said sum to be spent under the direction of the Town Manager.

Pass any vote or take an act relative thereto.

Required Recommendations: Appropriation Committee recommends approval.
Capital Improvement Committee recommends approval.

Motion: (Appropriation Committee): *We move that the Town vote to appropriate \$200,000 (TWO HUNDRED THOUSAND DOLLARS) for the purchase of a ten-wheel dump truck, accessories and related costs to be paid from the General Fund; and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(9), of the Massachusetts General Laws, or any other enabling authority; 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.*

Vote Needed: Two-Thirds Majority

ARTICLE 20: Grove Street Water Tank Replacement

*Sponsor: Town Manager &
Director of Public Works*

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 construction of a new water tank at the Grove Street water facility; said sum to be spent under the direction of the Town Manager.

Pass any vote or take an act relative thereto.

Required Recommendations: Appropriations Committee recommends approval.
Board of Selectmen recommends approval
Capital Improvement Committee recommendation to be made at Town Meeting

Motion: (Appropriation Committee): *We move that the Town vote to appropriate \$1,530,000 (ONE MILLION FIVE HUNDRED THIRTY THOUSAND DOLLARS) for engineering designs, bid documents, construction services and associated costs related to the construction of a new water tank at the Grove Street water facility; and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 8(4), of the Massachusetts General Laws, or any other enabling authority provided, however, that, while any bonds or notes issued in connection with such borrowing shall be general obligations of the Town, it is the intent of the Town that a portion of the principal and interest payments on such bonds or notes be made from the Water Enterprise Fund; said sum to be spent under the direction of the Town Manager.*

Vote Needed: Two-Thirds Majority

ARTICLE 21: Water Main Replacement – Hayden Rowe Street

*Sponsor: Town Manager &
Director of Public Works*

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 engineering designs, bid documents, construction services and associated costs related to the replacement of the water main at Hayden Rowe Street; said sum to be spent under the direction of the Town Manager.

Pass any vote or take an act relative thereto.

Required Recommendations: Appropriations Committee recommends approval.
Board of Selectmen recommends approval
Capital Improvement Committee recommends approval.

Motion: (Appropriation Committee): *We move that the Town vote to appropriate \$260,000 (TWO HUNDRED SIXTY THOUSAND DOLLARS) for engineering designs, bid documents, construction services and associated costs related to the replacement of the water main at Hayden Rowe, to be paid from the Water Enterprise Fund; and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the*

approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Sections 8(4) and/or 8(6), of the Massachusetts General Laws, or any other enabling authority provided, however, that, while any bonds or notes issued in connection with such borrowing shall be general obligations of the Town, it is the intent of the Town that a portion of the principal and interest payments on such bonds or notes be made from the Water Enterprise Fund; said sum to be spent under the direction of the Town Manager.

Vote Needed: Two-Thirds Majority

ARTICLE 22: Water Source of Supply	<i>Sponsor: Town Manager & Director of Public Works</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 to share the capital costs associated with the connection to the MWRA by the Town of Ashland; said sum to be spent under the direction of the Town Manager.

Pass any vote or take an act relative thereto.

Required Recommendations: Appropriations Committee recommends approval.
Board of Selectmen recommends approval
Capital Improvement Committee recommends approval.

Motion: (Appropriation Committee): *We move that the Town vote to appropriate \$1,000,000 (ONE MILLION DOLLARS) to be used for infrastructure improvements associated with the connection to the MWRA by the Town of Ashland; and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 8, of the Massachusetts General Laws, or any other enabling authority provided, however, that, while any bonds or notes issued in connection with such borrowing shall be general obligations of the Town, it is the intent of the Town that a portion of the principal and interest payments on such bonds or notes be made from the Water Enterprise Fund; said sum to be spent under the direction of the Town Manager.*

Vote Needed: Two-Thirds Majority

ARTICLE 23: Biological Filtration Wells #4 & #5	<i>Sponsor: Town Manager & Director of Public Works</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 a pilot program for biological filtration at water supply wells #4 and #5; said sum to be spent under the direction of the Town Manager.

Pass any vote or take an act relative thereto.

Required Recommendations: Appropriations Committee recommends approval.

Board of Selectmen recommends approval
Capital Improvement Committee recommends approval.

Motion: (Appropriation Committee): *We move that the Town vote to appropriate \$50,000 (FIFTY THOUSAND DOLLARS) to be used for engineering designs, bid documents, construction services and associated costs related to a pilot program for biological filtration at water supply wells #4 and #5; and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 8(7C), of the Massachusetts General Laws, or any other enabling authority provided, however, that, while any bonds or notes issued in connection with such borrowing shall be general obligations of the Town, it is the intent of the Town that a portion of the principal and interest payments on such bonds or notes be made from the Water Enterprise Fund; said sum to be spent under the direction of the Town Manager.*

Vote Needed: Two-Thirds Majority

ARTICLE 24: Middle School Auditorium Upgrades

Sponsor: School Committee

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 upgrades to the Middle School Auditorium; said sum to be spent under the direction of the School Committee.

Pass any vote or take an act relative thereto.

Required Recommendations: Appropriations Committee recommends approval.
Capital Improvement Committee recommends approval.

Motion: (Appropriation Committee): *We move that the Town vote to appropriate \$167,000 (ONE HUNDRED SIXTY SEVEN THOUSAND DOLLARS) to be used for upgrades to the Middle School Auditorium; and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(3A), of the Massachusetts General Laws, or any other enabling authority; said sum to be spent under the direction of the School Committee.*

Vote Needed: Two-Thirds Majority

ARTICLE 25: School Bus Parking Lot

Sponsor: School Committee

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 engineering designs, bid documents, construction services and associated costs related to the construction of a parking lot for school buses; said sum to be spent under the direction of the School Committee.

Pass any vote or take an act relative thereto.

Required Recommendations: Appropriations Committee recommends no action.
Capital Improvement Committee recommends no action.

Motion: (Appropriation Committee): *We move that the Town vote to take no action on this article.*

Vote Needed: Simple Majority

ARTICLE 26: Storage Facility Feasibility Study

Sponsor: School Committee

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 a feasibility study of a School Department Buildings and Grounds equipment storage facility; said sum to be spent under the direction of the School Committee.

Pass any vote or take an act relative thereto.

Required Recommendations: Appropriations Committee recommends no action.
Capital Improvement Committee recommends no action.

Motion: (Appropriation Committee): *We move that the Town vote to take no action on this article.*

Vote Needed: Simple Majority

ARTICLE 27: Artificial Turf Field

Sponsor: School Committee

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 engineering designs, bid documents, construction services and associated costs related to the construction of an artificial turf field at the school campus on Hayden Rowe Street; said sum to be spent under the direction of the School Committee.

Pass any vote or take an act relative thereto.

Required Recommendations: Appropriations Committee recommends no action.
Capital Improvement Committee recommends no action.

Motion: (Appropriation Committee): *We move that the Town vote to take no action on this article.*

Vote Needed: Simple Majority

ARTICLE 28: Signage for Historical Sites

Sponsor: Historical Commission

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 acquisition and installation of signs designating historical sites; said sum to be spent under the direction of the Historical Commission.

Pass any vote or take an act relative thereto.

Required Recommendations: Appropriations Committee recommends approval.
Capital Improvement Committee recommendation to be made at Town Meeting

Motion: (Historical Commission): *We move that the Town vote to appropriate \$15,000 (FIFTEEN THOUSAND DOLLARS) to be used for the acquisition and installation of signs designating historical sites; said sum to be spent under the direction of the Historical Commission*

Vote Needed: Simple Majority

ARTICLE 29: Transfer Funds for New Capital Projects

Sponsor: Town Manager

To see if the Town will vote to transfer funds borrowed under prior Town Meeting articles to pay for new capital projects.

Pass any vote or take any act relative thereto.

Required Recommendations: Appropriations Committee recommends no action
Capital Improvement Committee recommendation to be made at Town Meeting

Motion: (Appropriation Committee): *We move that the Town vote to take no action on this article.*

Vote Needed: Simple Majority

ARTICLE 30: Cemetery Roadway Opening

Sponsor: Cemetery Commission

To see if the Town will vote to transfer a sum or sums of money from the Sale of Lots Fund for the removal and relocation of a section of stone wall on the south side of Mt. Auburn Cemetery, to provide a cemetery roadway opening for access to the Claflin St. cemetery parcel; said sum to be spent under the direction of the Cemetery Commission.

Pass any vote or take an act relative thereto.

Required Recommendations: Appropriations Committee recommendation to be made at Town Meeting
Capital Improvement Committee recommendation to be made at Town Meeting

Motion: (Appropriation Committee): *We move that the Town vote to transfer \$2,500 (TWO THOUSAND FIVE HUNDRED DOLLARS) from the Sale of Lots Fund to be used for removal and relocation of a section of stone wall on the south side of Mt. Auburn Cemetery to provide a cemetery roadway opening for access to the Claflin St. cemetery parcel; and, for the purpose of meeting such appropriation, transfer \$2,500 from the Sale of Lots Fund; said sum to be spent under the direction of the Cemetery Commission.*

Vote Needed: Two-Thirds Majority

COMMUNITY PRESERVATION FUNDS

ARTICLE 31: Community Preservation Recommendations *Sponsor: Community Preservation Committee*

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2017 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money, not to exceed 5% of the Fiscal Year 2017 estimated annual revenues, to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2017; 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 the following Community Preservation projects or purposes, including the acquisition of interests in land, all as recommended by the Community Preservation Committee:

- a) \$20,000 from funds reserved for Historic Preservation to preserve Town records, determined locally significant; said sum to be spent under the direction of the Town Clerk and the Community Preservation Committee.
- b) \$2,500 from funds reserved for Open Space for Boundary Markers/Medallions to be acquired and installed on Town owned parcels; said sum to be spent under the direction of the Conservation Administrator and the Community Preservation Committee.
- c) \$50,000 from Budgeted Reserve Funds to improve the public trail and create a dog park on 192 Hayden Rowe Street (Hughes Property), said sum to be spent under the direction of the Parks and Recreation Commission and the Community Preservation Committee.
- d) \$50,000 from funds reserved for Open Space to acquire approximately 6 acres of land located at 0 East Main Street and shown as parcel U12-23-0 on the Assessors Map, said land being more particularly described in a deed recorded at the Middlesex South Registry of Deeds in Book 50265, Page 61; said sum to be spent under the direction of the Town Manager and the Community Preservation Committee.

- e) \$60,000 from funds reserved for Historic Preservation to rehab and restore the McFarland Sanger House, determined locally significant; said sum to be spent under the direction of the Historical Commission and the Community Preservation Committee.
- f) \$75,000 from funds reserved for Historic Preservation to rehab and restore the Rte 85 Stone Bridge, determined locally significant; said sum to be spent under the direction of the Historical Commission and the Community Preservation Committee.
- g) \$25,000 from Budgeted Reserve Funds to construct a recreational path from Rte 85 to the Stone Bridge; said sum to be spent under the direction of the Historical Commission and the Community Preservation Committee.
- h) \$10,000 from Budgeted Reserve Funds to install fencing around the Claflin Fountain; said sum to be spent under the direction of the Parks and Recreation Commission and the Community Preservation Committee.
- i) \$50,000 from Budgeted Reserve Funds to install protective netting at the Fruit Street Athletic Complex; said sum to be spent under the direction of the Parks and Recreation Commission and the Community Preservation Committee.
- j) \$20,000 from Budgeted Reserve Funds to install a boat dock at Sandy Beach; said sum to be spent under the direction of the Parks and Recreation Commission and the Community Preservation Committee.

Pass any vote or take an act relative thereto.

Required Recommendations: Community Preservation Committee recommends approval.
 Appropriation Committee recommends approval
 Capital Improvement Committee recommendation to be made at town meeting

Motion (Community Preservation Committee): *We move that the Town vote, pursuant to Chapter 44B of the Massachusetts General Laws, to accept the report and recommendations of the Community Preservation Committee on the Fiscal Year 2017 Community Preservation budget, and to appropriate \$362,500 (THREE HUNDRED SIXTY TWO THOUSAND FIVE HUNDRED DOLLARS) from Community Preservation Fund available funds for the following projects:*

- a) *\$20,000 from funds reserved for Historic Preservation to preserve Town records, determined locally significant; said sum to be spent under the direction of the Town Clerk and the Community Preservation Committee.*
- b) *\$2,500 from funds reserved for Open Space for Boundary Markers/Medallions to be acquired and installed on Town owned parcels; said sum to be spent under the direction of the Conservation Administrator and the Community Preservation Committee.*

- c) *\$50,000 from Budgeted Reserve Funds to improve the public trail and create a dog park on 192 Hayden Rowe (Hughes Property), said sum to be spent under the direction of the Parks and Recreation Commission and the Community Preservation Committee.*
- e) *\$60,000 from funds reserved for Historic Preservation to rehab and restore the McFarland Sanger House, determined locally significant; said sum to be spent under the direction of the Historical Commission and the Community Preservation Committee.*
- f) *\$75,000 from funds reserved for Historic Preservation to rehab and restore the Rte 85 Stone Bridge, determined locally significant; said sum to be spent under the direction of the Historical Commission and the Community Preservation Committee.*
- g) *\$25,000 from Budgeted Reserve Funds to construct a recreational path from Rte 85 to the Stone Bridge; said sum to be spent under the direction of the Historical Commission and the Community Preservation Committee.*
- h) *\$10,000 from Budgeted Reserve Funds to install fencing around the Claflin Fountain; said sum to be spent under the direction of the Parks and Recreation Commission and the Community Preservation Committee.*
- i) *\$50,000 from Budgeted Reserve Funds to install protective netting at the Fruit Street Athletic Complex; said sum to be spent under the direction of the Parks and Recreation Commission and the Community Preservation Committee.*
- j) *\$20,000 from Budgeted Reserve Funds to install a boat dock at Sandy Beach; said sum to be spent under the direction of the Parks and Recreation Commission and the Community Preservation Committee.*

Vote Needed: Simple Majority

d) \$50,000 from funds reserved for Open Space to acquire approximately 6 acres of land located at 0 East Main Street and shown as parcel U12-23-0 on the Assessors Map, said land being more particularly described in a deed recorded at the Middlesex South Registry of Deeds in Book 50265, Page 61, to be managed and controlled by the Board of Selectmen of the Town of Hopkinton in accordance with Chapter 19 of the Acts of 1999, or any other enabling authority, for conservation and passive recreation purposes; and that the Town Manager be authorized to file on behalf of the Town of Hopkinton any and all applications deemed necessary under the Self-Help Act (Chapter 132A, Section 11 of the Massachusetts General Laws) or any other applications for funds in any way connected with the scope of this acquisition, and that the Town Manager and the Board of Selectmen be authorized to enter into all agreements and execute any and all instruments, including permanent deed, conservation, or historic preservation restrictions, in accordance with Chapter 44B, §12, and Chapter 184, §§31-33 of the Massachusetts General Laws; said sum to be spent under the direction of the Town Manager and the Community Preservation Committee.

Vote Needed: Two-Thirds Majority

ZONING BYLAW AMENDMENTS

ARTICLE 32: Amend Open Space Mixed Use Development Overlay District

Sponsor: Planning Board

To see if the Town will vote to amend Article XXVI, Open Space Mixed Use Development Overlay District, of the Zoning Bylaws, § 210-165, Uses, by deleting the “N” in the Residential Subdistrict column for the row beginning with the term “Cultural Uses”, and inserting, in place thereof, an “SP”.

Pass any vote or take any act relative thereto.

Required Recommendation: Planning Board recommends approval.

Motion (Planning Board): *We move that the Town vote to amend the Zoning Bylaws of the Town of Hopkinton, as set forth in Article 32 of the Annual Town Meeting Warrant.*

Vote Needed: Two-Thirds Majority

ARTICLE 33: Amend Garden Apartments in Residential Districts and Village Housing in Residential Districts Bylaws

Sponsor: Planning Board

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

A. Amend Article XIII, Garden Apartments in Residential Districts, as follows:

1. By deleting the last sentence of § 210-72.B(5);
2. By deleting the title of § 210-74 in its entirety and inserting a new title as follows:

§ 210-74. Regulations and requirements
3. By deleting “Dimensional requirements” in the first line of § 210-74.B and inserting “Requirements” in its place;
4. By deleting the last two sentences of § 210-74.B(11) Rubbish disposal;
5. By deleting the second full sentence of § 210-74.B(14) Landscaping;
6. By inserting the following new sentence at the end of § 210-74.B(18):

The open space area as delineated and defined on the approved site plan shall not be developed or used for any purpose other than that depicted on the site plan.

7. By inserting the following before the first sentence of § 210-74.B(19):

Historic buildings and structures shall be retained and preserved to the extent feasible.

8. By inserting a new item 7 in § 210-75.A(1)(d) as follows:

[7] That the Town of Hopkinton has not met the statutory goal to provide 10% of its housing stock as affordable housing pursuant to Sections 20 through 23 of Chapter 40B of the *Massachusetts General Laws*.

9. By deleting “guaranty” from the last sentence of § 210-75.C(3) and inserting “guarantee” in its place.

B. Amend Article XIII A, Village Housing in Residential Districts, as follows:

1. By deleting the last sentence of § 210-75.1.B(5);

2. By inserting in § 210-75.1.C a new item (7) as follows:

That the Town of Hopkinton has not met the statutory goal to provide 10% of its housing stock as affordable housing pursuant to Sections 20 through 23 of Chapter 40B of the *Massachusetts General Laws*, as amended.

3. By deleting the title of § 210-75.3 in its entirety and inserting a new title as follows:

§ 210-75.3. Regulations and requirements

4. By deleting “Dimensional Requirements” in the first line of § 210-75.3.B and inserting “Requirements” in its place;

5. By deleting the last two sentences of § 210-75.3.B(11) Rubbish disposal;

6. By inserting the following new sentence at the end of § 210-75.3.B(18):

The open space area as delineated and defined on the approved site plan shall not be developed or used for any purpose other than that depicted on the site plan.

7. By inserting a new item (20) in § 210-75.3.B as follows:

(20) Historic buildings and structures shall be retained and preserved to the extent feasible.

8. By inserting a new item [d] in § 210-75.4.A(2)(d)[1] as follows:

[d] A Host Community Agreement with the Town of Hopkinton has been negotiated.

Pass any vote or take any act relative thereto.

Required Recommendation: Planning Board recommends approval.

Motion (Planning Board): *We move that the Town vote to amend the Zoning Bylaws of the Town of Hopkinton, as set forth in Article 33 of the Annual Town Meeting Warrant.*

Vote Needed: Two-Thirds Majority

ARTICLE 34: Repeal Senior Housing Development Bylaw

Sponsor: Planning Board

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

1. By deleting Article XVIA, Senior Housing Development, in its entirety;
2. By deleting Subsection (1) of § 210-163.B and renumbering the remaining subsections appropriately; and,
3. By deleting from the first sentence of § 210-181.A, the phrases “Senior Housing Development” and “Article XVIA, Senior Housing Development”.

Pass any vote or take any act relative thereto.

Required Recommendation: Planning Board recommends approval.

Motion (Planning Board): *We move that the Town vote to amend the Zoning Bylaws of the Town of Hopkinton, as set forth in Article 34 of the Annual Town Meeting Warrant.*

Vote Needed: Two-Thirds Majority

ARTICLE 35: Amend Site Plan Review and Open Space and Landscape Preservation Development Bylaws

Sponsor: Planning Board

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

1. Amend Article XX, Site Plan Review, § 210-136.1, Site Plan Standards, by deleting item B in its entirety and inserting a new item B as follows:

B. Unique natural and historic features shall be preserved whenever feasible, and the use of § 210-117.2, Lots with Historic Structures, shall be considered as a mechanism to do so, where appropriate.

2. Amend Article XVII, Open Space and Landscape Preservation Development, § 210-112.A, by inserting the following at the end of the last sentence of item (4):

, and use of § 210-117.2, Lots with Historic Structures, shall be considered as a mechanism to do so, where appropriate.

Pass any vote or take any act relative thereto.

Required Recommendation: Planning Board recommends approval.

Motion (Planning Board): *We move that the Town vote to amend the Zoning Bylaws of the Town of Hopkinton, as set forth in Article 35 of the Annual Town Meeting Warrant.*

Vote Needed: Two-Thirds Majority

To see if the Town will vote to amend the Zoning Bylaw by deleting Article XXVII, Signs, in its entirety, and inserting a new Article XXVII, Signs, as follows:

ARTICLE XXVII
Signs

§ 210-176. Purpose.

The requirements of this Article are intended to: 1) facilitate efficient communication; 2) avoid conflict between signs and the visual qualities of the environs; 3) support economic vitality and opportunity; and 4) encourage compatibility and harmony with surrounding buildings, land and land uses.

§ 210-177. Definitions.

For the purpose of this Article, the following terms shall have the following meanings:

BANNER – A temporary sign that is applied to cloth, paper, flexible plastic or fabric of any kind, and that is hung from the ends and/or the top thereof.

BUSINESS ESTABLISHMENT – A lawfully existing non-residential use.

GOVERNMENT SIGN – A sign that is constructed, placed or maintained by the federal, state or local government or that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.

HEIGHT – The vertical distance measured from the finished grade at the sign to the highest point of the sign or its supporting structure, whichever is higher.

SANDWICH BOARD SIGN – A portable A-frame sign constructed of durable materials with two flat faces and designed to be displayed on the ground.

SIGN – Any letter, word, symbol, drawing, picture, design, device, article or object of whatever material and manner of composition or construction that is displayed in an exterior location. The term "sign" shall not include: historical date plaques and markers, athletic scoreboards, pavement markings, memorials and monuments, decorations, traffic control devices, trailhead markers, kiosks, or flags and insignias of governmental jurisdictions.

SIGN AREA – The area that includes all lettering, wording and accompanying symbols or designs as well as the background on which they are displayed, whether open or enclosed, any frame around such background and any cutouts or extensions. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, wall or building shall be considered to be that of the smallest rectangle comprised of horizontals and verticals that encompasses all of the letters and symbols. Only one side of a two-sided identical sign shall be counted in computing the area of a sign.

TEMPORARY SIGN – A sign that, by its design or use is temporary in nature and not permanently affixed. Temporary signs are frequently composed of paper, plastic, fabric, posterboard or cardboard, and are typically displayed on property that is for sale, lease or rental, under construction,

where a garage, yard or special sale is being held, or where a seasonal or occasional use or event is occurring.

§ 210-178. General Regulations.

The following regulations shall apply in all zoning districts:

- A. No exterior sign shall be displayed except as provided in this Article, except as exempted by this or other applicable law.
- B. No sign shall be displayed so as to create a hazard, obstruct the line of sight at an intersection or obstruct pedestrian travel on public sidewalks.
- C. Neon signs, including any sign that features exposed glass tubing filled with fluorescent gas, are prohibited. No messages or graphics on permanent signs shall be formed by lights of any kind.
- D. No sign shall be mounted, affixed or painted on roofs or extend above the roof eave line of a building.
- E. No sign shall flash, rotate, be animated, make noise, be motorized or move or be designed to move by any means, either in whole or in part.
- F. Notwithstanding any provision of this Article to the contrary, signs may be displayed within the right of way of the following major public ways, if authorized by the Board of Selectmen: East Main St., Main St., Cedar St., West Main St., Wood St., South St. and Hayden Rowe Street. Such signs shall not exceed 20 square feet in area and shall not be illuminated.
- G. The provisions of this Article shall not apply to government signs.
- H. Signs may be externally illuminated by steady, stationary light shielded and directed solely at the sign; signs may be backlit or channel lit. Internally illuminated box and panel signs are prohibited.
- I. Signs attached to a building shall be placed and aligned to define or enhance the building's architectural elements. Sign design shall be reasonably compatible with the mounting location, height, proportions and materials of other signs on the same lot.
- J. Unless specifically authorized by this Article, no sign that advertises goods, products or services that are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located shall be permitted.
- K. No sign that is mounted to be flush with a building wall shall be more than 6 inches in depth.

§ 210-179. Temporary signs.

Temporary signs and banners are permitted in all zoning districts as follows:

- A. No more than 2 temporary signs may be displayed on a lot, neither of which shall exceed 8 square feet in area. A temporary sign shall not be displayed for more than 30 days.

- B. One banner for each business establishment may be displayed on the premises of such use. Such banners shall not exceed 24 square feet in area, and shall not be displayed for more than 30 days.
- C. Temporary banners may be displayed over Main Street if authorized by the Board of Selectmen and subject to such limitations as it shall require. Such banners shall not be displayed for more than 14 days and may not exceed 75 square feet in area.
- D. For a period of time beginning 30 days before Patriots Day and ending two days after Patriots Day every year, there shall be no maximum number of temporary signs and banners permitted, and the maximum size of temporary signs shall be 24 square feet.
- E. For a period of time beginning 30 days before a municipal, state or federal election and ending two days after the date of the election, there shall be no maximum number of temporary signs permitted.

§ 210-180. Sign regulations by zoning district

- A. Signs are permitted by right in each zoning district as follows.

- (1) Residence A, Residence B, Residence-Lake Front and Agricultural Districts:

- (a) Signs displayed on property that is for sale, lease or rental, not to exceed 6 square feet in area.
- (b) Temporary or permanent signs that advertise goods, products or services that are sold, manufactured or distributed on or from the premises or facilities on which the sign is located, not to exceed 6 square feet in area.

- (2) Business, Downtown Business and Rural Business Districts

- (a) Wall signs and projecting signs shall be allowed on each side of a building facing a public way or parking lot. The area of such signs shall not exceed, in the aggregate, 1.5 square foot for each linear foot of a building wall that faces a public way or parking lot. If a building or business establishment has a street level public entrance that does not face a public way or parking lot, there may be one secondary wall sign in the vicinity of each such entrance, not to exceed 15 square feet in area.
- (b) Except as otherwise provided herein, one standing sign per lot shall be allowed, not to exceed 32 square feet in area. Lots that have frontage on more than one public way may have two standing signs on the lot, not to exceed 32 square feet in area, each along a different public way. The height of standing signs shall not exceed 10 feet.
- (c) Each business establishment may display one sandwich board sign or other standing sign not permanently affixed to the ground on the premises when the business establishment is open to the public. Such sign shall not exceed 8 square feet in area.
- (d) Permanent signs shall conform to all applicable side yard and rear yard requirements.

- (e) Two accessory signs per lot may be displayed. No such accessory sign shall exceed 2 square feet in area.
- (f) In Rural Business Districts, illuminated signs shall be shielded from view of any residential district lot line adjoining the premises, except as authorized by Special Permit issued pursuant to section 210-180(B).
- (g) Signs displayed on property that is for sale, lease or rental of the premises, not to exceed 6 square feet in area.

(3) Industrial A and Industrial B Districts

- (a) A non-illuminated sign displayed on property that is for sale, lease or rental, and having an area of not more than 32 square feet, shall be permitted.
- (b) Permanent signs shall conform to all applicable side and rear yard requirements. Signs may be located no nearer than 15 feet to the edge of a street.
- (c) There may be one standing sign at the entrance to each individual parcel of land, not to exceed 32 square feet in area and 10 feet in height. There may be one wall sign for each business establishment, each not to exceed 32 square feet in area.
- (d) Additional non-illuminated signs that do not exceed 2 square feet in area and, if freestanding, do not exceed 4 feet in height are permitted on a lot.

(4) Professional Office District; Campus Style Developments approved by the Planning Board pursuant to Article XIV:

- (a) There may be one standing sign at the main entrance to a development site, not to exceed 32 square feet in area and 10 feet in height which shall not be located closer than 15 feet to the edge of a street.
- (b) There may be one standing sign at secondary entrances to a development site, not to exceed 15 square feet in area and 10 feet in height which shall not be located closer than 15 feet to the edge of a street.
- (c) Each building within a development site may display one wall or standing sign, located on or at the front of the building, not to exceed 25 square feet in area.
- (d) There may be up to three additional signs within a development site, each not to exceed 2 square feet in area, and if freestanding, not to exceed 4 feet in height.

B. The following signs shall be allowed by Special Permit from the Board of Appeals, upon a finding that the sign will further the Purposes of this Article, and is otherwise appropriate for the size of the property, any buildings thereon, and the neighborhood setting.

- (1) Signs, not otherwise permitted by right, to be displayed in connection with allowed uses, subject to such limitations as may be imposed by the Board of Appeals.

§ 210-181. Special Regulations

2. Garden Apartments in Residential Districts, Village Housing in Residential Districts, Senior Housing Development, Open Space Mixed Use Development Overlay District: In developments approved by the Planning Board pursuant to Article XIII, Garden Apartments in Residential Districts, Article XIII A, Village Housing in Residential Districts, Article XVII A, Senior Housing Development and Article XXVI, Open Space Mixed Use Development Overlay District, all signs shall be solely subject to such limitations of size and usage as may be imposed by the Planning Board.
- B. Adult Uses: Signs shall be permitted subject to the requirements of those applicable to the Business District and Article XVI, Adult Uses, of this Chapter. No sign may depict or represent any sexual conduct or state of sexual excitement as defined in Section 31 of Chapter 2762 of the *Massachusetts General Laws*. Nor shall any such depictions or representations be placed upon or within the windows or walls of the premises so as to be visible to the public from the exterior of the premises.
- C. Wireless Communications Facilities: For wireless communications facilities permitted pursuant to Article XVI of this Chapter, there shall be no signs, except as required by the applicable Special Permit. All signs shall conform to the requirements of the zoning district in which the facility is located.
- D. Signs at a Registered Marijuana Dispensary (RMD) shall be subject to the requirements applicable in the Zoning District in which they are located, with the following additional restrictions:
 - (1) At a minimum, all signs at RMDs shall be in compliance with the provisions of 105 CMR 725.105 or any applicable successor regulation of the Massachusetts Department of Public Health, as such provisions may be amended from time to time;
 - (2) RMD window signs shall be limited to a maximum of 20% of the window area. No window sign shall be illuminated. Neon signs, including any sign that features exposed glass tubing filled with fluorescent gas, shall neither be displayed in windows; nor be visible through windows. No window signs or signs visible through windows shall flash, rotate, be animated, be motorized or move or be designed to move by any means, either in whole or in part.

§ 210-182. Nonconforming signs

Legal nonconforming signs shall be regulated as follows:

- A. Except as otherwise provided in this Section, signs lawfully erected or displayed prior to the adoption of this Article may be maintained, reworded, redesigned, altered or repaired without requiring conformance with the provisions of this Article, provided that the sign is not thereby rendered more nonconforming.
- B. The protections set forth in this Section shall terminate with respect to any sign that 1) has been abandoned for 6 months or more; or 2) advertises goods, products or services that have not been sold, manufactured or distributed on or from the premises or facilities on which the sign is located for 6 months or more; or 3) has not have been properly repaired or properly maintained within 60 days after notice thereof has been given by the Director of Municipal Inspections to the property owner of record.

Pass any vote or take any act relative thereto.

Required Recommendation: Planning Board recommends approval.

Motion (Planning Board): *We move that the Town vote to amend the Zoning Bylaws of the Town of Hopkinton, as set forth in Article 36 of the Annual Town Meeting Warrant with the following changes:*

1. In Section 210-181, delete “2” from the first subsection and insert in place thereof, “A”;
2. In Section 210-181.B, delete “Chapter 2762” and insert in place thereof “Chapter 272”;
3. In Section 210-182.B., delete the phrase “has not have been” and insert in place thereof the phrase “has not been”.

Vote Needed: Two-Thirds Majority

ARTICLE 37: Amend Hotel Overlay District

Sponsor: Planning Board

To see if the Town will vote to amend the Zoning Bylaw, Article XXIX, Hotel Overlay District, by deleting subsection A of § 210-193 in its entirety, and inserting a new subsection A as follows:

- A. Hotels and inns, provided that such facilities include: 1) a minimum of 1,500 sq. ft. of function and/or meeting room space; 2) restaurant; and 3) fitness center. Such facilities may be located either within the building or on the same lot.

Pass any vote or take any act relative thereto.

Required Recommendation: Planning Board recommends approval.

Motion (Planning Board): *We move that the Town vote to amend the Zoning Bylaws of the Town of Hopkinton, as set forth in Article 37 of the Annual Town Meeting Warrant.*

Vote Needed: Two-Thirds Majority

ARTICLE 38: Elmwood Park Business District

Sponsor: Planning Board

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

1. Adopt a new Article XXXII, Elmwood Park Business District, as follows:

Article XXXII
Elmwood Park Business District

§ 210-205. Purpose.

The zoning standards and controls in the Elmwood Park District are established to promote and maintain environmentally sustainable and energy efficient design and development practices as this area is redeveloped with new construction and renovation of existing sites and buildings. Toward that end, the purpose of this Article is to implement the following policies, principles and objectives:

- A. The land within the District will be redeveloped so that it contains a mix of uses;
- B. Developments within the District will be designed to encourage pedestrian and non-motorized access, and will connect to adjacent open space, commercial, residential and recreational areas;
- C. Transportation access will be planned and designed to coordinate with and facilitate the redevelopment of the area;
- D. Buildings and landscaping will contribute to the character of the Town and enhance the District;
- E. Building design and location will be respectful of existing neighborhood settings, will encourage entry of daylight into interior spaces and will minimize interference with distant views into and out of the District;
- F. Site design and building design will utilize energy efficient planning and execution, such as the Leadership in Energy and Environmental Design Green Building Rating System (LEED) as developed and revised from time to time by the United States Green Building Council;
- G. Site design will utilize Low Impact Development techniques and principles, a set of strategies that seek to maintain natural systems during the development process by creating development that is integrated into the landscape and not imposed on it.

§ 210-206. Uses permitted by right.

The following land uses are permitted in the Elmwood Park Business District:

- A. Public and private educational uses.
- B. Professional and medical offices.
- C. Licensed medical care facility for inpatient and outpatient services; health services facility.
- D. Museums, libraries and visual and performing arts galleries and facilities.
- E. Financial institutions and banks.
- F. Restaurants.
- G. Retail stores up to 15,000 gross square feet in area; provided, however, that food markets and grocery stores may exceed 15,000 gross square feet in area, but shall not exceed 30,000 gross square feet in area.

- H. Hotels and inns, provided that such facilities include the following: 1) a minimum of 1,500 square feet of function and/or meeting room space; 2) restaurant; and 3) fitness center facilities. Such facilities may be located either within the building or on the same lot.
- I. Conference centers with or without a dormitory component.
- J. Genetic, biological and chemical research centers, laboratories and manufacturing and processing plants with a Biosafety Level of Level 1 (involving specific combinations of work, practices, safety equipment and facilities appropriate for infectious agents that do not ordinarily cause human disease) or Level 2 (involving specific combinations of work practices, safety equipment and facilities appropriate for infectious agents that can cause human disease, but whose potential for transmission is limited), as determined in accordance with the Guidelines of the U.S. Centers for Disease Control.
- K. Research and development; research centers and laboratories; associated manufacturing processes and facilities.
- L. Municipal Uses.
- M. Child care facilities.
- N. Agriculture, horticulture and viticulture on lots of 5 acres or more.
- O. Indoor recreation uses.
- P. Athletic club/health and fitness club, health and wellness facilities and spas, provided that no activities are conducted outdoors.
- Q. Places of worship and other religious uses.
- R. Above or below ground parking structures that are accessory to a use or uses permitted by right or by special permit.
- S. Accessory uses.

§ 210-207. Uses allowed by Special Permit.

- A. The following land uses shall be allowed in the Elmwood Park Business District upon the granting of a Special Permit by the Board of Appeals:
 - (1) Outdoor activities/components of athletic club/health and fitness clubs, health and wellness facilities and spas.
 - (2) Retail stores that contain more than 15,000 gross square feet and food markets or grocery stores that contain more than 30,000 gross square feet. In no case, however, shall a retail store, food market or grocery store exceed 40,000 gross square feet.
 - (3) Above or below ground parking structures that are not accessory to a use or uses permitted by right or by special permit.

(4) Genetic, biological and chemical research centers, laboratories and manufacturing and processing plants with a Biosafety Level of Level 3 (involving specific combinations of work practices, safety equipment and facilities appropriate for infectious agents that may be transmitted by the respiratory route which can cause serious infection), as determined in accordance with the Guidelines of the U.S. Centers for Disease Control.

B. The following land uses shall be allowed in the Elmwood Park Business District upon the granting of a Special Permit by the Planning Board:

(1) Registered marijuana dispensary.

§ 210-208. Size and setback requirements.

A. The following size and setback requirements shall apply:

(1) Minimum lot frontage: 100 feet

(2) Minimum lot area: 45,000 square feet

(3) Maximum gross floor space of buildings and structures: Lot area multiplied by 1.0 square feet

(4) Minimum setback from a property line abutting a street: 40 feet

(5) Minimum side yard width: 10 feet to lot lines which are within the District; 30 feet to lot lines which are not within the District.

(6) Minimum rear yard width: 10 feet to lot lines which are within the District; 40 feet to lot lines which are not within the District.

(7) Maximum lot coverage by buildings: 60%

(8) Minimum pervious area: 20% of the lot

(9) Maximum building height: 70 feet, except that any building or portion of building located east of Parkwood Drive shall not exceed 45 feet in height.

B. Yard and setback exceptions: Notwithstanding the foregoing, no building or structure shall be erected or altered to be within 60 feet of an RA, RB, RLF or A District line.

§ 210-209. Design requirements.

In addition to the Site Plan Standards set forth in § 210-136.1, Site Plans shall conform to the following requirements:

A. Loading areas shall be provided only at the side or rear of a building. Such loading space shall be provided on the lot to service all loading requirements of the industry or use conducted thereon without requiring use of adjacent streets or driveways.

- B. All required setback areas shall be landscaped with lawns or other vegetation within one year of the completion of building construction on any lot and shall thereafter be maintained by the owner.
- C. The minimum yard width adjacent to an A, RA, RB or RLF District shall be maintained in a wooded state to provide effective year-round screening of abutting property.
- D. Site design and landscaping shall complement the District's characteristics and enhance and/or screen the buildings, roadways and parking facilities. The design shall complement the terrain and site features.
- E. The site design shall use natural and native drought tolerant plant materials with low water consumption and maintenance requirements. Existing trees shall be retained whenever possible, especially those which have the potential to be as tall as or taller than the tallest buildings in the District.
- F. Naturalized plant groupings shall be included in landscape plans and designed to effectively break up paved areas and facades, strengthen vistas and provide shade.
- G. Surface parking lots shall be located and designed so as not to be visually or physically prominent.
- H. Parking garages shall be located and designed so as not to be visually more prominent than buildings containing occupiable space or open and landscaped areas. Parking facilities shall be architecturally screened and/or sheltered by building or landscape elements so their visibility from roads or adjacent zoning districts is mitigated.
- I. Pedestrian and bicycle connections to lots within the District and to existing or planned transportation and open space networks outside the District shall be incorporated into site designs.
- J. Buildings facing more than one street shall present high quality and architecturally related faces to all of the streets. Blank facades are not permitted.
- K. The scale of large buildings shall be broken up by providing roofline, height and bulk variations.

§ 210-210. Sustainability.

- A. Projects are encouraged to meet the requirements of the most current applicable LEED building rating system at the level of "Certified" or better.
 - B. Projects are encouraged to incorporate renewable and/or alternative energy technologies.
2. Insert the following new definitions into § 210-4, Definitions, in appropriate alphabetical order:

LICENSED MEDICAL CARE FACILITY FOR INPATIENT AND OUTPATIENT SERVICES – A building that contains establishments dispensing health services for health maintenance and the diagnosis and treatment of medical, dental and physical conditions, including surgery. The term shall not include urgent medical care requiring emergency transportation, nursing homes or extended care facilities.

FOOD MARKET; GROCERY STORE – A retail store primarily selling food, as well as other convenience and small household goods, for consumption and use off-premises.

3. Change the zoning district of the following parcels of land, totaling approximately 54 acres, from Industrial B to Elmwood Park Business District:

86, 88 & 90 Elm St. (Assessors Map R23 Block 10 Lot 0), 5 Parkwood Dr. (Map R23 Block 11 Lot 0), the portion of 68 Elm St. (Map R23 Block 12 Lot 0) in the Industrial B District, 12 Parkwood Dr. (Map R17 Block 13 Lot 2), the portion of 35 Parkwood Dr. (Map R17 Block 13 Lot 4) in the Industrial B District, a lot on Parkwood Drive at Map R17 Block 13 Lot 3, and the parcel of land at Map R23 Block 9 Lot 0.

4. Amend the Zoning Map to remove the following parcels from the Hotel Overlay District:

Assessors Map R23 Block 10 Lot 0, Map R17 Block 13 Lot 4, Map R23 Block 11 Lot 0, Map R17 Block 13 Lot 2, Map R17 Block 13 Lot 3, and Map R23 Block 9 Lot 0.

5. Amend Article XXVII, Signs, by deleting the title “Industrial A and Industrial B Districts” of subsection (3) in § 210-180, Sign regulations by zoning district, and inserting therefor a new title as follows:

(3) Industrial A, Industrial B and Elmwood Park Business District

6. Amend Subsection A of Article I, General Provisions, by inserting in alphabetical order, the following:

EPBD Elmwood Park Business District

Pass any vote or take any act relative thereto.

Required Recommendation: Planning Board recommends approval.

Motion (Planning Board): *We move that the Town vote to amend the Zoning Bylaws of the Town of Hopkinton, as set forth in Article 38 of the Annual Town Meeting Warrant.*

Vote Needed: Two-Thirds Majority

ARTICLE 39: Dog Day Care

<i>Sponsor: Planning Board</i>

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

1. Insert the following new definition into § 210-4, Definitions, in appropriate alphabetical order:

DOG DAY CARE FACILITY - A commercial boarding or training kennel, as defined by *M.G.L. c.410, § 136A*, that is used for the day care of dogs. Such facilities shall not offer animal sales or boarding or overnight stays of animals that are not the property of the owner of the facility.

2. Amend § 210-124, Off-Street Parking, by inserting in appropriate alphabetical order in subsection B(1), the table of parking requirements, a new parking requirement for Dog Day Care Facility, as follows:

<u>Type of Use</u>	<u>Number of Spaces</u>
Dog Day Care Facility	1 per 3 dogs

3. Amend Article XVIII, Supplementary Regulations, by inserting a new § 210-126.4 as follows:

§ 210-126.4. Dog Day Care Facilities

- A. A Dog Day Care Facility may be permitted in any zoning district upon the grant of a special permit from the Board of Appeals, subject to the requirements set forth in this section.
- B. Dog Day Care Facilities shall conform to the following provisions:
- (1) The Dog Day Care Facility shall be located on a lot containing a minimum of three (3) acres;
 - (2) There shall be no more than twelve (12) dogs at the Dog Day Care Facility at any one time;
 - (3) The hours of operation of the facility shall be as determined by the Board of Appeals in the Special Permit, provided that a Dog Day Care Facility shall not open before 7:00 AM and be open later than 6:00 PM, and a Dog Day Care Facility shall not be open on Saturday or Sunday;
 - (4) The outside areas for dogs shall be enclosed by a fence of at least 6 feet in height;
 - (5) When the dogs are outside they shall be on the premises and under constant supervision. No more than two (2) dogs shall be outside together before 9:00 AM.
 - (6) All dog waste shall be contained and legally removed in a timely manner;
 - (7) Adequate odor control measures shall be implemented;
 - (8) Adequate measures shall be implemented to ensure that noise impacts to the surrounding neighborhood are mitigated;
 - (9) There shall be no overnight care or boarding of dogs;
 - (10) Adequate screening for abutters shall be provided;
 - (11) Any Special Permit issued for a Dog Day Care Facility shall remain in force for a period of two (2) years from the date of issuance or until there is a change in ownership of the premises, whichever occurs first.

Pass any vote or take any act relative thereto.

Required Recommendation: Planning Board recommends approval.

Motion (Planning Board): We move that the Town vote to amend the Zoning Bylaws of the Town of Hopkinton, as set forth in Article 39 of the Annual Town Meeting Warrant.

Vote Needed: Two-Thirds Majority

ARTICLE 40: Animal Shelters

Sponsor: Planning Board

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

1. Insert the following new definition into § 210-4, Definitions, in appropriate alphabetical order:

ANIMAL SHELTER - A domestic charitable corporation kennel, as defined by M.G.L. c.140 §136A, but excluding a veterinary hospital or clinic. Such a facility may provide mission-oriented programs such as educational outreach, medical care and on-site training programs.

2. Amend § 210-124, Off-Street Parking, by inserting in appropriate alphabetical order in subsection B(1), the table of parking requirements, a new parking requirement for Animal Shelter as follows:

<u>Type of Use</u>	<u>Number of Spaces</u>
Animal Shelter	3 spaces per 1,000 square feet of gross floor area

3. Amend Article XVIII, Supplementary Regulations, by inserting a new § 210-126.3 as follows:

§ 210-126.3. Animal Shelters

- A. An Animal Shelter may be permitted in any zoning district upon the grant of a special permit from the Board of Appeals, subject to the requirements set forth in this section.
- B. Animal Shelters shall conform to the following provisions:
 - (1) An Animal Shelter shall be located on a lot containing a minimum of three (3) acres;
 - (2) All animals shall be kept indoors after 7:00 PM;
 - (3) Adequate measures shall be implemented to ensure that noise impacts to the surrounding neighborhood are mitigated;
 - (4) Outside areas for animals shall be enclosed by a fence of at least 6 feet in height;
 - (5) Animal waste shall be contained and legally removed in a timely manner;
 - (6) Adequate odor control measures shall be implemented;
 - (7) Adequate screening for abutters shall be provided.

Pass any vote or take any act relative thereto.

Required Recommendation: Planning Board recommends approval.

Motion (Planning Board): *We move that the Town vote to amend the Zoning Bylaws of the Town of Hopkinton, as set forth in Article 40 of the Annual Town Meeting Warrant.*

Vote Needed: Two-Thirds Majority

GENERAL BYLAW AMENDMENTS

ARTICLE 41: Repeal Sex Offender Residency Requirement

*Sponsor: Town Manager and
Police Chief*

To see if the Town will vote to amend the General Bylaws by deleting, Chapter 156, Registered Sex Offender Restrictions in its entirety

Pass any vote or take any act relative thereto.

Required Recommendation: Board of Selectmen recommends approval

Motion (Board of Selectmen): *We move that the Town vote to amend the General Bylaws of the Town of Hopkinton, as set forth in Article 41 of the Annual Town Meeting Warrant.*

Vote Needed: Simple Majority

LAND ACQUISITIONS AND DISPOSITIONS

ARTICLE 42: Acquisition of Easement – 91 West Main Street

Sponsor: Planning Board

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, a right of way across, easement or fee interest in the property located at 91 West Main Street and designated on the Assessors Map as R23-74-0, said land to be used for purposes of an exclusive right turn lane in West Main Street eastbound onto Lumber Street.

Pass any vote or take any act relative thereto.

Required Recommendation: Board of Selectmen recommends approval
Capital Improvement Committee recommendation to be made at Town Meeting

Motion (Planning Board): *I move that the Town vote to authorize the Board of Selectmen to acquire, by gift, an easement in a certain parcel of land shown as "Easement for Future Highway Purposes" on a plan entitled "Easement Plan of Land in Hopkinton, Massachusetts," prepared by J.D. Marquedant & Associates Inc., and dated April 15, 2016; said land being a portion of the property located at 91 West Main Street and designated on the Assessors Map as R23-74-0, said land to be used for an exclusive right turn lane in West Main Street eastbound onto Lumber Street.*

Vote Needed: Simple Majority

ARTICLE 43: Acquisition of Easement – Leonard Street

Sponsor: Town Manager and Board of Selectmen

To see if the Town will authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, an easement located at 0 Leonard Street and shown as parcel U19-52-0 on the Assessors Map, said land to be used for stormwater management purposes; and further to raise and appropriate, borrow, transfer from available funds or otherwise provide a sum of money for the purpose of such acquisition.

Pass any vote or take any act relative thereto.

Required Recommendation: Board of Selectmen recommends approval
Capital Improvement Committee recommendation to be made at Town Meeting

Motion (Planning Board): *I move that the Town vote to authorize the Board of Selectmen to acquire, by gift, an easement in a certain parcel of land shown as "Drainage Easement" on a plan entitled "Easement Plan of Land in Hopkinton, Massachusetts," prepared by J.D. Marquedant & Associates Inc., and dated March 4, 2016; said land being a portion of the property located at 0 Leonard Street and designated on the Assessors Map as R23-75-0, said land to be used for stormwater management purposes.*

Vote Needed: Simple Majority

ARTICLE 44: Gift of Land – Connelly Hill Estates

Sponsor: Planning Board

To see if the Town will authorize the Board of Selectmen to acquire, by gift, a fee interest in the following parcels of land:

- 1) Shown as Lot 61 on a plan entitled "Connelly Hill Estates," dated December 6, 1989, prepared by Alonzo B. Reed Inc., a copy of which is recorded at the Middlesex South Registry of Deeds as Plan No. 835 of 1990; said land being located off of College Street and shown on the Assessor's Map as R34-40-0, said land to be used for open space and recreation purposes.
- 2) Shown as "Open Space" on a plan entitled "Connelly Hill Estates," dated December 6, 1989, prepared by Alonzo B. Reed Inc., a copy of which is recorded at the Middlesex South Registry of

- Deeds as Plan No. 835 of 1990; said land being located off of Connelly Hill Road and shown on the Assessor's Map as R34-41-0, said land to be used for open space and recreation purposes.
- 3) Shown as "Open Space" on a plan entitled "Connelly Hill Estates," dated December 6, 1989, prepared by Alonzo B. Reed Inc., a copy of which is recorded at the Middlesex South Registry of Deeds as Plan No. 835 of 1990; said land being located off of Bowker Road and shown on the Assessor's Map as U26-74-0, said land to be used for open space and recreation purposes.

Pass any vote or take any act relative thereto.

Required Recommendation: Board of Selectmen recommends approval
Capital Improvement Committee recommendation to be made at Town Meeting

Motion (Planning Board): *I move that the Town vote to authorize the Board of Selectmen to accept a gift of an interest in property as described in Article 44 of the Annual Town Meeting Warrant.*

Vote Needed: Simple Majority

ARTICLE 45: Gift of land – Hilltop Road	<i>Sponsor: Planning Board</i>
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To see if the Town will authorize the Board of Selectmen to acquire, by gift, a fee interest in the a parcel of land shown as Lot 3 on a plan entitled "Plan of Land Hopkinton MA Prepared for Dr. Matte Croteau," dated September 15, 1980, prepared by J.D. Marquedant & Associates, a copy of which is recorded at the Middlesex South Registry of Deeds as Plan No. 1413 of 1980; said land being located off of Hilltop Road and shown on the Assessor's Map as U21-2-0, said land to be used for open space and recreation purposes.

Pass any vote or take any act relative thereto.

Required Recommendation: Board of Selectmen makes no recommendation
Capital Improvement Committee makes no recommendation

Motion (Planning Board): *I move that the Town vote to take no action on this article.*

Vote Needed: Simple Majority

ARTICLE 46: Gift of land – Legacy Farms Recreation Parcel	<i>Sponsor: Board of Selectmen and Town Manager</i>
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To see if the Town will vote to amend the vote taken under Article 50 of the 2015 Annual Town Meeting Warrant authorizing the Board of Selectmen to accept a gift of the parcel of land shown as Lot A-2-D on a plan entitled "Definitive Subdivision Plan, Legacy Farms Road North & Frankland Road Relocation in Hopkinton, Massachusetts," dated October 12, 2012, prepared by Vanasse Hangen Brustlin, Inc., a copy of which is recorded at the Middlesex South Registry of Deeds as Plan No. 943 of 2012; said land being located off of East Main Street and shown on the Assessor's Map as R13-8-3, said acceptance to be used for open space, recreation and general municipal purposes.

Pass any vote or take any act relative thereto.

Required Recommendation: Board of Selectmen recommends approval
Capital Improvement Committee recommendation to
be made at Town Meeting

Motion (Board of Selectmen): *I move that the Town vote to amend the vote taken under Article 50 of the 2015 Annual Town Meeting Warrant as described in Article 46 of the Annual Town Meeting Warrant.*

Vote Needed: Simple Majority

ARTICLE 47: Street Acceptance

<i>Sponsor: Planning Board</i>

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:

Connelly Hill Road, from Smith Road to Bowker Road
Valleywood Road, from Erika Drive to dead end
Carol Ann Drive, from West Elm Street to dead end
Kerry Lane, from Eastview Road to dead end
Nancy Lane, from Teresa Road to dead end

Pass any vote or take any act relative thereto.

Required Recommendations: Board of Selectmen recommends approval
Planning Board recommends approval
Capital Improvement Committee recommends approval

Motion (Board of Selectmen): *We move that the Town vote to accept the report of the Board of Selectmen relative to the laying out and the widening and relocating of the named streets listed in Article 47 of the Annual Town Meeting Warrant and, pursuant to Chapter 82 of the Massachusetts General Laws, 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 the laying out of such streets as public ways.*

Vote Needed: Two-Thirds Majority

ARTICLE 48: Street Discontinuance
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<i>Sponsor: Planning Board</i>

To see if the Town will vote, pursuant to Chapter 82, Section 21, of the Massachusetts General Laws, to discontinue the public way known as "Frankland Road" from its intersection with East Main Street to its intersection with Legacy Farms Road as shown on Drawing Number C-10, on a Plan of Land

entitled "Legacy Farms Road North, Hopkinton, Massachusetts," prepared by Vanasse, Hangen, Brustlin, Inc. and dated May 25, 2012, recorded at the Middlesex Registry of Deeds Southern District as Sheet C-10 of Plan 943 of 2012; and to discontinue the entirety of the private way known as "Peach Street" as shown on said Drawing Number C-10.

Pass any vote or take any act relative thereto.

Required Recommendations: Board of Selectmen recommends approval
Planning Board recommends approval

Motion (Board of Selectmen): *We move that the Town vote, pursuant to Chapter 82, Section 21 of the Massachusetts General Laws, and in accordance with the report and recommendation of the Planning Board, to discontinue the portion of the public way known as "Frankland Road" shown as "Existing Frankland Road Layout" on a plan entitled "Hopkinton, Legacy Farms Road Layout Discontinuance Peach Street & Frankland Road," dated April 22, 2016, prepared by VHB, Inc., but excluding the portion of Frankland Road situated within the area shown as "Designated Future Roadway Layout" on said plan; and to discontinue the entirety of the private way known as "Peach Street," as shown on said plan; provided, however that nothing in this vote shall be construed to relieve the owner of the areas shown as "Future Easements Per Approved Subdivision Plan" from compliance with the requirement to convey easements burdening such areas in accordance with Conditions 9, 24 and 30 of the definitive subdivision plan approval for "Legacy Farms Road North and Frankland Road Relocation, recorded at the Middlesex Registry of Deeds, Southern District in Book 60780, Page 110.*

Vote Needed: Simple Majority

ARTICLE 49: Disposition of Property	<i>Sponsor: Planning Board and 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 the discontinued portions of Frankland Road and Peach Street, under such terms as it may determine.

Pass any vote or take any act relative thereto.

Required Recommendations: Board of Selectmen makes no recommendation
Planning Board recommends approval

Motion (Board of Selectmen): *We move that the Town vote to take no action on this article.*

Vote Needed: Simple Majority

ADMINISTRATIVE

ARTICLE 50: Solar Tax Agreements

Sponsor: Town Manager

To see if the Town will vote to authorize the Board of Selectmen to negotiate a Tax Agreement for payments-in-lieu-of-taxes (PILOT Agreement) in accordance with Chapter 59, §38H, of the *Massachusetts General Laws*, or any other enabling authority, with the owner(s) of a solar photovoltaic facility on East Main Street, Assessors Map U7 Block 1 Lot 0.

Pass any vote or take an act relative thereto.

Required Recommendations: Board of Selectmen recommends approval

Motion (Board of Selectmen): *We move that the Town vote to authorize the Board of Selectmen to negotiate PILOT Agreement or Tax Agreements under Chapter 59, §38H, of the Massachusetts General Laws with the owners of solar energy facility on East Main Street, Assessors Map U7 Block 1 Lot 0.*

Vote Needed: Simple Majority.

ARTICLE 51: Town Clerk

Sponsor: Personnel Committee

To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town, to petition the General Court for passage of a special law substantially as provided below. The Legislature may make clerical or editorial changes in form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the Legislature. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

**An Act Providing for the Appointment of the Town Clerk
in the Town of Hopkinton**

SECTION 1. Subsection 3-1(a) of the charter of the town of Hopkinton, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the words:- , Town Clerk.

SECTION 2. Said charter is hereby further amended by striking out Paragraph 1 of Subsection 3-1(e) and inserting in place thereof the following subsection:

- 1. Moderator** - If there is a failure to elect, or if a vacancy occurs in the office of Town Moderator, the Board of Selectmen shall appoint a suitable person to serve until the next town election.

SECTION 3. Subsection 3-2(d) of said charter is hereby amended by inserting after the words "Town Manager" the following words:- , Town Clerk.

SECTION 4. Said charter is hereby further amended by striking out Section 3-7.

SECTION 5. Sections 3-8, 3-9, 3-10 and 3-11 of said charter are hereby amended by renumbering said provisions as Sections 3-7, 3-8, 3-9 and 3-10, respectively.

SECTION 6. Sections 5-4 and 5-5 of said charter are hereby amended by renumbering said provisions as Sections 5-5 and 5-6, respectively.

SECTION 7. Said charter is hereby further amended by inserting, after Section 5-3, a new Section 5-4 as follows:

Section 5-4: Town Clerk

(a) Powers and Duties - The Town Clerk shall be the keeper of vital statistics for the Town, the custodian of the Town seal and all records of the Town; shall administer the oath of office to all Town officers, elected or appointed; shall issue such licenses and permits as are required by general law to be issued by such clerks; shall supervise and manage the conduct of all elections and matters relating thereto and shall be the clerk of the open Town Meeting, keep its records and, in the absence of the Town Moderator and Deputy Town Moderator, serve as temporary presiding officer. The Town Clerk shall have all the other powers and duties which are given to Town Clerks by general laws, and such additional powers and duties as may be provided by Charter, by bylaw or by other Town Meeting vote.

(b) Transition – Any individual elected as Town Clerk by the voters at the 2017 Annual Town Election or any prior election shall hold said office and perform the duties thereof only until an appointment to said office is made in accordance with Section 3-2.

SECTION 8. This act shall take effect upon its passage.

Pass any vote or take an act relative thereto.

Required Recommendations: Board of Selectmen recommends approval

Motion (Personnel Committee): *We move that the Town vote to authorize the Board of Selectmen, on behalf of the Town, to petition the General Court for passage of a special law substantially as described in Article 51 of the Annual Town Meeting Warrant; provided that the Legislature may make clerical or editorial changes in form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the Legislature; provided further that the Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.*

Vote Needed: Two Thirds.

ARTICLE 52: Trustees of the School Trust Fund in the Town of Hopkinton

Sponsor: Trustees of the School Fund

To see if the Town will choose members to fill the vacancies now existing in the Board of Trustees of the School Fund in the Town of Hopkinton.

Pass any vote of take any action thereto.

Motion (Trustees of the School Fund): *We move that the following member be chosen to fill the vacancy now existing in the Board of Trustees of the School Fund.*

Jeanne Bernardin, 7 Kimball Road, Hopkinton, MA

Vote Needed: Simple Majority

FINAL ATM MOTION

Motion (Board of Selectmen): *We move that the Annual Town Meeting adjourn until the date of the Annual Town Election, May 16, 2016, held at the Hopkinton Middle School Gymnasium, and further that the Annual Town Meeting shall be dissolved upon the close of the polls on the date of the Annual Town Election.*

Vote Needed: Simple Majority