



**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HOPKINTON  
ANNUAL TOWN MEETING WARRANT  
MONDAY, MAY 1, 2017**

*(Voter Registration Deadline: April 11, 2017)*

MIDDLESEX, ss.

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

**GREETINGS:**

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

To bring in their ballots on May 15, 2017, to an adjourned session of the Annual Town Meeting to be held at the Hopkinton Middle School Gymnasium, for the election of the following Officers:

**Offices for the May 15, 2017 Election**

Office	Term (Years)
Selectmen (1)	3
Board of Assessors (1)	3
Board of Assessors (1)	1
Board of Health (1)	3
Board of Health (1)	1
Board of Library Trustees (2)	3
Board of Library Trustees (1)	1
Cemetery Commissioners (1)	3
Commissioners of Trust Fund (1)	3
Constable (1)	1
Constable (1)	1
Housing Authority (1)	5
Parks & Recreation Commission (2)	3
Planning Board (2)	5
Planning Board (1)	3
Planning Board (1)	1
School Committee (2)	3

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AND also to vote "Yes" or "No" on the following questions appearing on the ballot:

QUESTION 1: Shall the Town of Hopkinton approve the charter amendment proposed by the Town Meeting, summarized below?

The proposed changes to the Hopkinton Home Rule Charter include technical updates throughout to reflect current Town practice. Major changes include:

- Reorganization of the text to express the structure of the Town government;
- Revision of employee reporting structures to standardize employee hiring, goal setting, supervision, evaluation and discipline;
- Amendment of the budget and warrant processes to facilitate distribution of information prior to Annual Town Meeting;
- Incorporation of the Board of Cemetery Commissioners, Commissioners of Trust Funds, Board of Library Trustees and Department of Public Works into the Charter; and
- Clarification of the process and timing of the decennial Charter Review.

No change is proposed to the election of any Town official.

QUESTION 2: Shall the Town of Hopkinton vote to have its elected Constables become appointed Constables of the Town?

QUESTION 3: Shall the Town of Hopkinton be required to reduce the amount of real estate and personal property taxes to be assessed for the fiscal year beginning July first, two thousand and seventeen by an amount equal to \$1,500,000 (ONE MILLION FIVE HUNDRED THOUSAND DOLLARS)?

QUESTION 4: Shall the Town of Hopkinton be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to fund design and construction of traffic and pedestrian safety improvements on Hayden Rowe?

QUESTION 5: Shall the Town of Hopkinton be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to repair the HVAC system on the Main St. Fire Station roof?

QUESTION 6: Shall the Town be authorized to prohibit, from all zoning districts within the Town, marijuana establishments as defined in Section 1(j) of Chapter 94G of the *Massachusetts General Laws*, including commercial marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, and any other type of marijuana-related businesses, but excluding Registered Medical Marijuana Dispensaries as defined in Article XXXIII of the Zoning Bylaw?

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

AND, further, to meet at the Hopkinton Middle School Auditorium at 88 Hayden Rowe Street, on Monday, May 1, 2017, at 7:00 p.m., then and there to act upon the following Articles:

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**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.

**ARTICLE: 2 Hopkinton Day**

*Sponsor: Board of Selectmen*

To see if the Town will vote, as a nonbinding resolution, to support the observance of an annual Hopkinton Day.

Pass any vote or take any act relative thereto.

**FINANCIAL – FISCAL YEAR 2017**

**ARTICLE: 3 FY 2017 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, 2017.

Pass any vote or take any act relative thereto.

**ARTICLE: 4 FY 2017 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, 2017.

Pass any vote or take any act relative thereto.

**ARTICLE: 5 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.

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**FINANCIAL – FISCAL YEAR 2018**

**ARTICLE: 6 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, 2017, 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.

**ARTICLE: 7 Senior Tax Relief**

*Sponsor: Board of Selectmen*

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, 2017, for those qualifying for an exemption under Chapter 59, Section 5, clauses 50 of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

**ARTICLE: 8 Means Tested Senior Property Tax Exemption**

*Sponsor: Board of Selectmen*

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, to authorize the Legislature to 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, and to authorize the Board of Selectmen to approve amendments that shall be within the scope of the general public objectives of this petition.

**AN ACT AUTHORIZING THE TOWN OF HOPKINTON  
TO ESTABLISH A MEANS-TESTED SENIOR CITIZEN PROPERTY TAX EXEMPTION**

SECTION 1. With respect to each qualifying parcel of real property classified as class one, residential in the Town of Hopkinton, there shall be an exemption from the property tax in an amount to be set annually by the Board of Selectmen as provided in Section 3 of this Act. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this Act, "parcel" shall mean a unit of real property as defined by the Board of Assessors under the deed for the property and shall include a condominium unit. The exemption provided for in this section shall be in addition to any other exemptions allowed under the General Laws.

SECTION 2. The Board of Assessors may deny an application if it finds that the applicant has excessive assets that place the applicant outside of the intended recipients of the senior

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exemption established pursuant to this act. Real property shall qualify for the exemption under section 1 if all of the following criteria are met:

(i) The qualifying real property is owned and occupied by a person whose prior year's income would make the person eligible for the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws;

(ii) The qualifying real property is owned by a single applicant age 65 or older at the close of the previous year or jointly by persons either of whom is age 65 or older at the close of the previous year and the joint applicant is 60 years of age or older;

(iii) The qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;

(iv) The applicant or at least 1 of the joint applicants has been domiciled and owned a home in the Town of Hopkinton for at least 10 consecutive years before filing an application for the exemption;

(v) The maximum assessed value of the domicile is not greater than the prior year's maximum assessed value for qualification for the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws as adjusted annually by the department of revenue; and

(vi) The Board of Assessors has approved the application for the exemption.

SECTION 3. The Board of Selectmen shall annually set the exemption amount provided for in section 1; provided, however, that the amount of the exemption shall be within a range of 50 per cent to 200 per cent, inclusive, of the amount of the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws for which the applicant qualified in the previous year. The total amount exempted by this act shall be allocated proportionally within the tax levy on all residential taxpayers.

SECTION 4. A person who seeks to qualify for the exemption under section 1 shall, before the deadline established by the Board of Assessors, file an application, on a form to be adopted by the Board of Assessors, with the supporting documentation of the applicant's income and assets as described in the application. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5. No exemption shall be granted under this act until the department of revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

SECTION 6. This act shall expire 3 years after the implementation of the exemption.

Pass any vote or take any act relative thereto.

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**ARTICLE: 9 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.

**ARTICLE: 10 Fiscal 2018 Operating Budget**

*Sponsor: Town Manager*

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, 2017, 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.

**ARTICLE: 11 FY 2018 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.

**ARTICLE: 12 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.

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**ARTICLE: 13 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.

**ARTICLE: 14 Transfer to Capital Expense 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 Capital Expense Stabilization Fund, to be used, upon further appropriation, for any lawful purpose.

Pass any vote or take any act relative thereto.

**ARTICLE: 15 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.

**ARTICLE: 16 Underride**

*Sponsor: Board of Selectmen*

To see if the Town will vote, as a nonbinding resolution, to support an affirmative vote on the upcoming ballot question to reduce the amount of real estate and personal property taxes to be assessed for the upcoming fiscal year (the "underride").

Pass any vote or take any act relative thereto.

**ARTICLE: 17 Hopkinton Day Funds**

*Sponsor: Board of Selectmen*

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 observance of Hopkinton Day.

Pass any vote or take any act relative thereto.

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**ARTICLE: 18 Sewer Flow Metering Program** *Sponsor: Director of Public Works/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 sewer system's flow-metering program, said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**CAPITAL EXPENSES AND PROJECTS**

**ARTICLE: 19 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 Ford Explorer	Town Manager
Repair of Lake Maspenock Dam	Town Manager
Replacement of Hayden Rowe Drainage Pipe	Town Manager
Replacement of Police Vehicles	Police Chief
Garage Door at Main St. Fire Station	Fire Chief
Retrofit Police Department Access Control System	Town Manager
Install IP Cameras at Fire Department	Town Manager
Replacement Desktops and Laptops	Town Manager
Building & Grounds Equipment – Systemwide	School Superintendent
Systemwide Security Upgrades	School Superintendent
Systemwide Technology Upgrades	School Superintendent
Hopkins School HVAC Assessment & Upgrades	School Superintendent

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Pass any vote or take any act relative thereto.

**ARTICLE: 20 Fire Station Roof HVAC**

*Sponsor: Facilities Director/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 engineering designs, bid documents, construction services and associated costs related to the repair of the HVAC system on the Main Street Fire Station roof, said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE: 21 Main Street Cemetery Fence Repairs**

*Sponsor: Cemetery Commission*

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 repair or replacement of damaged portions of the fence protecting the old burial grounds on Main Street, said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE: 22 Re-purposing of Appropriated Funds – ATM 2016  
Article 23**

*Sponsor: Director of Public Works/Town Manager*

To see if the Town will vote to amend the appropriation vote taken under Article 23 of the 2016 Annual Town Meeting so as to allow the use of \$50,000 (FIFTY THOUSAND DOLLARS), which is the unspent amount appropriated thereby, for the conversion of water treatment at Wells #4 and #5 to potassium hydroxide; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE: 23 Fruit Street Blending Facility Construction**

*Sponsor: Director of Public Works/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 engineering designs, bid documents, construction services and associated costs related to the construction of the Fruit Street blending facility, said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

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**ARTICLE: 24 Hayden Rowe Traffic Calming**

*Sponsor: Director of Public Works/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 engineering designs, bid documents, construction services and associated costs related to the design and construction of traffic calming along Hayden Rowe, said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE: 25 Chestnut Street Sidewalks**

*Sponsor: Citizen's Petition*

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money for the design, construction and maintenance of:

- (i) Sidewalks along Chestnut Street, from Wild Road to Ash Street; and
- (ii) Crosswalks and flashing pedestrian signals across Chestnut Street at Gibbon Road and Smith Road.

Pass any vote or take any act relative thereto.

**ARTICLE: 26 DPW Salt Shed**

*Sponsor: Permanent Building Committee*

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 engineering designs, bid documents, construction services and associated costs related to the design and construction of the DPW salt shed, said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE: 27 Elmwood School Solution**

*Sponsor: School Committee*

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of \$600,000 (SIX HUNDRED THOUSAND DOLLARS) for the purpose of obtaining a feasibility study to include soil borings, topographical studies, land surveys, wetlands surveys, preliminary site development plans, schematic designs, architectural and engineering designs, cost estimates, bid documents, and construction alternatives for the renovation or replacement of the Elmwood Elementary School located at 14 Elm Street in Hopkinton, Massachusetts; said sum to be spent under the direction of the School Committee. The costs associated with this request may be eligible for a grant from the Massachusetts School Building Authority (MSBA). The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA,

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and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

Pass any vote or take an act relative thereto.

**ARTICLE: 28 Application of Bond Premiums**

*Sponsor: Finance Director/Town Manager*

To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the *Massachusetts General Laws*, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

Pass any vote or take any act relative thereto.

**ARTICLE: 29 Excess Bond Premium**

*Sponsor: Finance Director/Town Manager*

To see if the Town will vote to appropriate the excess bond premium from the Town's \$29,250,000 General Obligation Municipal Purpose Loan of 2016 Bonds dated December 1, 2016 to capital projects of the Town for which such bonds were issued or for which borrowing has been authorized and reduce the borrowing authorizations accordingly, or to other capital projects of the Town.

Pass any vote or take any other action relative thereto.

**COMMUNITY PRESERVATION FUNDS**

**ARTICLE: 30 Community Preservation Funds**

*Sponsor: Town Manager*

To see if the Town will vote to appropriate or reserve from the Community Preservation annual revenues a sum or sums of money in the amounts recommended by the Community Preservation Committee for committee administrative expenses and other expenses in Fiscal Year 2018, with each item to be considered a separate appropriation.

Or take any action relative thereto.

**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 2018 Community Preservation budget and to appropriate from the Community

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Preservation Fund a sum of money, not to exceed 5% of the Fiscal Year 2018 estimated annual revenues, to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2018; 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.) \$55,000 (FIFTY-FIVE THOUSAND DOLLARS) from Budgeted Reserves for a Shared Use Trail on property located on the former Hughes Property and shown on the Assessor's Map as U24 10 0, U24 10A and U24 9 0 (192 Hayden Rowe); provided, however, that no work shall be performed with CPC funds except on such property, that signage shall be installed prohibiting dogs off the Shared Use Trail, that no trail construction shall commence until a plan is approved which identifies the location of a dog park on the property, and that no bridge shall be constructed over wetlands located on the property with CPC funds; said sum to be spent under the direction of Hopkinton Trails Club and the Community Preservation Committee.

b.) \$20,000 (TWENTY THOUSAND DOLLARS) from funds reserved for Historical Preservation to preserve Hopkinton and Upton Town land records, determined by the Historical Commission to be significant to the history, archeology, architecture or culture of the Town; said sum to be spent under the direction of the Town Clerk and the Community Preservation Committee.

c.) \$200 (TWO HUNDRED DOLLARS) from funds reserved for Historical Preservation for the Film Reel Conversion of "Hopkinton Fair" 1944-1945, determined by the Historical Commission to be significant to the history, archeology, architecture or culture of the Town; said sum to be spent under the direction of Hopkinton Historical Society and the Community Preservation Committee.

d.) \$10,000 (TEN THOUSAND DOLLARS) from funds reserved for Historical Preservation for Historic Headstone Restoration, determined by the Historical Commission to be significant to the history, archeology, architecture or culture of the Town; said sum to be spent under the direction of Hopkinton Cemetery Commission and the Community Preservation Committee.

e.) \$7,000 (SEVEN THOUSAND DOLLARS) from funds reserved for Historical Preservation for the professional organization, cataloging and display of the Cheney Family Collection; determined by the Historical Commission to be significant to the history, archeology, architecture or culture of the Town. Said sum to be spend under the direction of the Hopkinton Historical Society and the Community Preservation Committee.

f.) \$4,000 (FOUR THOUSAND DOLLARS) from Budgeted Reserves for the Reconstruction of Three Bridges in the Town owned Cameron Woods Property. Said sum to be spent under the direction of Hopkinton Area Land Trust (HALT), the Open Space Preservation Commission and the Community Preservation Committee.

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g.) \$25,000 (TWENTY-FIVE THOUSAND DOLLARS) from funds reserved for Historical Preservation for an Architectural Historical Survey. Funding request is contingent upon receiving a Massachusetts Historic Grant, determined by the Historical Commission to be significant to the history, archeology, architecture or culture of the Town; said sum to be spent under the direction of Hopkinton Historical Commission and the Community Preservation Committee.

h.) \$400,000 (FOUR HUNDRED THOUSAND DOLLARS) for the Fruit Street Building bathroom, concession and storage facility; said sum to be spent under the direction of Parks and Recreation Commission and the Community Preservation Committee, 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 44B, Section 11 of the Massachusetts General Laws, or any other enabling authority; provided, however, that payment of debt service on the bonds and notes for this purpose shall be made from CPC reserve funds.

i.) \$250,000 (TWO HUNDRED FIFTY THOUSAND DOLLARS) from Budgeted Reserves for EMC Park Lighting; said sum to be spent under the direction of Parks and Recreation Commission and the Community Preservation Committee.

j.) \$5,000 (FIVE THOUSAND DOLLARS) from funds reserved for Historical Preservation for Cemetery Fencing on Main Street, determined by the Historical Commission to be significant to the history, archeology, architecture or culture of the Town; said sum to be spent under the direction of the Cemetery Commission and the Community Preservation Committee.

k.) \$26,000 (TWENTY-SIX THOUSAND DOLLARS) from Budgeted Reserves for the engineering, and limited construction support for Reed Park; said sum to be spent under the direction of Parks and Recreation Commission.

l.) \$5,500 (FIVE THOUSAND FIVE HUNDRED DOLLARS) from Budgeted Reserves for benches for the Center Trail; said sum to be spend under the direction of Open Space Preservation Committee, Hopkinton Area Land Trust (HALT) and the Community Preservation Committee.

m.) \$5,000 (FIVE THOUSAND DOLLARS) from funds reserved for Historical Preservation for Cemetery Fencing on Main Street, determined by the Historical Commission to be significant to the history, archeology, architecture or culture of the Town; said sum to be spent under the direction of the Cemetery Commission and the Community Preservation Committee.

Pass any vote or take an act relative thereto.

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**ZONING BYLAW AMENDMENTS**

**ARTICLE: 32 Utility Structures**

*Sponsor: Planning Board*

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

1. By deleting from Article II, Residence A (RA) District, Section 210-6, item I, and renumbering the remaining items appropriately;

2. By inserting in Article II, Residence A (RA) District, Section 210-7, a new item C to read as follows:

C. Above-ground structures or facilities related to the distribution, collection, transmission or disposal, for a fee, of water, sanitary sewage, gas, television services, data, telephone services or electric power; provided, however, that no special permit shall be required pursuant to this section for structures or facilities accessory to a residential use; for wireless communication facilities or the proposed extension in height, addition of cells, antenna or panels of a wireless communication facility, as defined in Section 210-4; for wind energy systems, meteorological towers or any part thereof, as defined in Section 210-197; or for commercial solar photovoltaic installations or any part thereof, as defined in Section 210-4.

3. By inserting in Amend Article III, Residence B (RB) District, Section 210-10, Uses allowed by special permit, a new item E to read as follows:

E. Above-ground structures or facilities related to the distribution, collection, transmission or disposal, for a fee, of water, sanitary sewage, gas, television services, data, telephone services or electric power; provided, however, that no special permit shall be required pursuant to this section for structures or facilities accessory to a residential use; for wireless communication facilities or the proposed extension in height, addition of cells, antenna or panels of a wireless communication facility, as defined in Section 210-4; for wind energy systems, meteorological towers or any part thereof, as defined in Section 210-197; or for commercial solar photovoltaic installations or any part thereof, as defined in Section 210-4.

Pass any vote or take any action relative thereto.

**ARTICLE: 33 Restaurant Definition and Parking Requirements**

*Sponsor: Planning Board*

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

1. By inserting in Article I, General Provisions, Section 210-4, in appropriate alphabetical order, a new definition for "RESTAURANT" to read as follows:

RESTAURANT -- A retail food service establishment having, as its principal business, the preparation and sale of food or beverages, whether for consumption on or off the premises,

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that includes counter or table service and may include indoor or outdoor seating areas on the premises.

2. By deleting from Article VI, Business (B) District, Section 210-18 item F. and inserting, in place thereof, new item F. to read as follows:

F. Restaurants

3. By deleting from Article VIA, Downtown Business (BD) District, Section 210-20.2 item F. and inserting, in place thereof, new item F to read as follows:

F. Restaurants

4. By deleting from Article VII, Rural Business (BR) District, Section 210-23 item A. and inserting, in place thereof, new item A. to read as follows:

A. Restaurants

5. By deleting from Article VIII, Industrial A (IA) District, Section 210-34 item (9) and inserting, in place thereof, new item (9) to read as follows:

(9) Restaurants

6. By deleting from Article VIIIA, Industrial B (IB) District, Section 210-37.8 item, (11) and inserting, in place thereof, new item (11) to read as follows:

(11) Restaurants that contain no more than 100 seats and that are not open for business after 11:00 PM.

7. By deleting from Article VIIIA, Industrial B (IB) District, Section 210-37.9 item (D) and inserting, in place thereof, a new item (D) to read as follows:

(D) Restaurants that contain more than 100 seats or are open for business after 11:00 PM.

8. By deleting from Article XVIII, Supplementary Regulations, Section 210-124.B(1) the existing reference to "Restaurants" and the associated parking requirements and inserting, in place thereof, the following items in the table in appropriate alphabetical order:

Restaurant with customer seats	1 space for every 3 seats plus 1 space for every 2 employees on the largest shift. The term "seats" shall include all customer seats, indoor and outdoor, seasonal and year-round, on the premises.
Restaurant without customer seats	3 spaces, or 1 space for every 300 square feet of gross floor area plus 1 space for every 2 employees

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on the largest shift, whichever is greater. The term "seats" shall include all customer seats, indoor and outdoor, seasonal and year-round, on the premises.

Pass any vote or take any act relative thereto.

**ARTICLE: 34 Flexible Community Development Bylaw** *Sponsor: Planning Board*

To see if the Town will vote to amend Article XI, Flexible Community Development Bylaw, Section 210.62.A(1) of the Zoning Bylaw by deleting the period at the conclusion of the existing section, and inserting the following additional language: "regardless of what type of dwelling units are proposed, approved or constructed in the development."

Pass any vote or take any act relative thereto.

**ARTICLE: 35 Open Space and Landscape Preservation Development** *Sponsor: Planning Board*

To see if the Town will vote to amend Article XVII, Open Space and Landscape Preservation Development, Section 210-114 of the Zoning Bylaw, by inserting a new subsection E to read as follows:

E. The common open space shall be conveyed prior to the issuance of the first building permit in an open space and landscape preservation development. The Planning Board may grant an extension of time to convey any portion of the common open space, but only if the entity or agency to whom the open space will be conveyed concurs with the request, or in the case of a homeowners association still under the control of the applicant, the intended recipient of the conservation restriction shall concur with the request.

Pass any vote or take any act relative thereto.

**ARTICLE: 36 Hotel Parking Requirement** *Sponsor: Planning Board*

To see if the Town will vote to amend the Zoning Bylaw by inserting in Article XVIII, Supplementary Regulations, Section 210-124.B(1), in appropriate alphabetical order, a new entry for "Hotel, motel, inn" to read as follows:

Hotel, motel, inn                      1.2 spaces for each unit available for occupancy

Pass any vote or take any action relative thereto.

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

1. By deleting from Article I, General Provisions, Section 210-4, Definitions, the term "GROSS FLOOR SPACE" and inserting, in place thereof, the term "GROSS FLOOR AREA" and otherwise leaving the definition of this term unchanged.
2. By deleting from the definition of "STORAGE SHED" in Article I, General Provisions, Section 210-4, Definitions, the term "gross floor space" and inserting, in place thereof, the term "gross floor area."
3. By deleting all references to "gross floor space" and inserting, in place thereof, the term "gross floor area" in each of the following sections:
  - a) Article VII, Industrial A (IA) District, Section 210-28.A(4)
  - b) Article VIIIA, Industrial B (IB) District, Section 210-37.2.A(4)
  - c) Article XXVI, Open Space Mixed Use Development Overlay District, Sections 210-166.C, 210-169.A, 210-169.B, 210-173.C and 210-173.E
  - d) Article XXXV, Neighborhood Mixed Use District, Sections 210-241.A, 210-241.B, 210-248.B and 210-248.C
4. By inserting a new paragraph at the end of existing Article XX, Section 210-134, to read as follows:

For the purposes of Site Plan Review, the term "gross floor area" shall mean the sum of the gross horizontal areas of the several floors of a building including all garages, basements and cellars. All dimensions shall be taken from the exterior faces of walls, including the exterior faces of enclosed porches.

Pass any vote or take any act relative thereto.

To see if the Town will vote to amend the Zoning Bylaw by inserting a new Article XXXIIIA, entitled "Temporary Moratorium on Marijuana Establishments," as follows:

§ 210-222.1 Purpose. By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, manufacture, processing, distribution, sale, possession, testing and use of marijuana. The law provides that it is effective on December 15, 2016, and that a new state agency, the Cannabis Control Commission (CCC), is required to issue regulations regarding implementation by March 15, 2018.

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Article XXXIII of the Zoning Bylaw allows Registered Medical Marijuana Dispensaries by Special Permit. The regulation of other types of Marijuana Establishments, however, raises novel and complex legal, planning, and public safety issues. The Town needs time to consider and address these issues, as well as the potential impact of the forthcoming Cannabis Control Commission regulations, by means of a comprehensive planning process to consider amending the Zoning Bylaw to regulate Marijuana Establishments. The temporary moratorium provided in Article XXXIIIA is intended to allow sufficient time for the Town to engage in such a planning process and to adopt suitable Zoning Bylaw provisions in a manner consistent with sound land-use planning objectives.

§ 210-222.2 Definition. As used in Section 5.6.6, the term "Marijuana Establishment" shall mean a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of marijuana-related business, subject to regulation under Chapter 94G of the Massachusetts General Laws; provided, however, that a Registered Medical Marijuana Dispensary shall not be deemed to be a Marijuana Establishment.

§ 210-222.3 Temporary Moratorium. For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures as a Marijuana Establishment. The moratorium shall be in effect through August 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of Marijuana Establishments and other related land uses and structures, consider the Cannabis Control Commission regulations regarding Marijuana Establishments when they are issued, and shall consider adopting new provisions of the Zoning Bylaw governing the location, operation and effects of Marijuana Establishments for consideration by the 2018 Annual Town Meeting.

Pass any vote or take any act relative thereto.

**ARTICLE: 39 Sign Bylaw**

*Sponsor: Planning Board*

To see if the Town will vote to amend Zoning Bylaw Article XXVII, Signs, as follows:

1. By amending Section 210-178, General Regulations, by deleting Subsection D and inserting a new Subsection D as follows:

D. No sign shall be mounted, affixed or painted on roofs or on parapet walls, or extend above the roof eave line of a building.

2. By amending Section 210-178, General Regulations, by inserting a new Subsection L as follows:

L. No portion of any wall sign or projecting sign shall be above the first story of a building.

3. By amending Section 210-180, Sign regulations by zoning district, A (3) Industrial A and Industrial B Districts, by inserting a new sentence at the end if Item (c) as follows:

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In addition, there may be one wall sign at the top of the building, not to exceed 32 square feet in area; provided, however, that the sign does not extend above the roofline of the building.

Pass any vote or take any act relative thereto.

**GENERAL BYLAW AMENDMENTS**

**ARTICLE: 40 Public Consumption of Tetrahydrocannabinol**

*Sponsor: Board of Selectmen*

To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton, as follows:

1. By deleting in Section 1-4, Penalties enumerated, "\$300" after "Tetrahydrocannabinol: \$", and inserting, in place thereof, "\$100";
2. By deleting the work "Marihuana" from Chapter 1, Section 1-4, Penalties enumerated, and inserting, in place thereof, the word "Marijuana";

and

3. By deleting the words "Marihuana" and "marihuana" wherever it appears in Chapter 58, Alcoholic Beverages, Marihuana or Tetrahydrocannabinol and Tobacco, and inserting, in place thereof, the words "Marijuana" or "marijuana," as appropriate.

Pass any vote or take any act relative thereto.

**ARTICLE: 41 Minutes of Public Bodies**

*Sponsor: Board of Selectmen*

To see if the Town will vote to amend Chapter 5, Boards, Committees and Commissions, of the General Bylaws of the Town of Hopkinton by adding a new Article VIII, entitled "Minutes of Public Bodies", as follows:

**Article VIII  
Minutes of Public Bodies**

**§ 5-29. Meeting Minutes.**

- A. Approval of Minutes. All boards, committees, and commissions of the Town shall approve the minutes of their open session or executive session meetings within forty (40) calendar days of the meeting, or at its next meeting, whichever is later.

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B. Review of Executive Session Minutes. Executive session minutes shall be reviewed at least quarterly to determine whether continued non-disclosure of the minutes is warranted. Such determination must be announced at the next open session meeting of the board or committee.

C. Town Clerk. Within ten (10) calendar days of approving open session minutes, the board, committee, or commission shall provide the Town Clerk with a copy of the open session minutes. Within ten (10) calendar days of determining that continued non-disclosure of executive session minutes is no longer warranted, the board or committee shall provide the Town Clerk with a copy the executive session minutes. If a portion of the executive session minutes is subject to continued non-disclosure, a redacted version of the executive session minutes shall be provided.

D. Posting on the Town's Website. Boards, committees, or commissions shall provide copies of all open session and public executive session minutes to a Records Access Officer within the same time frame specified in Subsection C of this Section. The Records Access Officer shall, to the extent feasible, cause such minutes to be posted on the Town's website within ten (10) calendar days. Minutes redacted in compliance with Subsection C above, shall be posted in redacted form.

E. Effect. Failure to comply with this Section shall not impact the validity of any decision, action, or vote taken by the board or committee. Compliance with this Section shall not relieve any individual from responsibility as a records custodian under the *Public Records Law* or as a member of a public body under the *Open Meeting Law*.

Pass any vote or take any act relative thereto.

**ARTICLE: 42 Departmental Revolving Funds**

*Sponsor: Town Manager*

To see if the Town will vote to amend Chapter 13, Finances, of the General Bylaws of the Town of Hopkinton by adding a new Article VI, entitled "Departmental Revolving Funds", for the purposes of establishing revolving funds for use by certain Town departments, boards, committees or officers in accordance with Section 53E½ of Chapter 44 of the *Massachusetts General Laws*, as amended by Section 86 of Chapter 218 of the Acts of 2016, as follows:

ARTICLE VI  
Departmental Revolving Funds

§ 13-11. Purpose.

This bylaw establishes and authorizes revolving funds for use by Town departments, boards, committees or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or

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activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

**§ 13-12. Expenditure Limitations.**

A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this bylaw without appropriation subject to the following limitations:

- A. Full-time employees, whose salaries or wages are paid from the Revolving Fund, shall also have their fringe benefits paid from the fund.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen and Appropriations Committee.

**§ 13-13. Interest.**

Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the general fund.

**§ 13-14. Procedures and Reports.**

Except as provided in General Laws Chapter 44, § 53E½ and this bylaw, the laws, charter provisions, bylaws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this bylaw. The town accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report of the town accountant provided to the department, board, committee or officer on appropriations made for its use.

**§ 13-15. Authorized Revolving Funds.**

The Table establishes:

- A. Each revolving fund authorized for use by a town department, board, committee or officer;
- B. The department head, board, committee or officer authorized to spend from each fund;

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- C. The fees, charges and other monies charged and received by the department, board, committee or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant;
- D. The expenses of the program or activity for which each fund may be used;
- E. Any restrictions or conditions on expenditures from each fund;
- F. Any reporting or other requirements that apply to each fund; and
- G. The fiscal years each fund shall operate under this bylaw.

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Department	Department Head	Item Description	Item Description	Source of Funds	Item Description	Item Description
Building Department	Director of Municipal Inspections with approval of the Town Manager	Permit fees	Expenses of operations of department, acquisition and maintenance of vehicles, and salaries of employees	None	None	Fiscal Year 2018 and subsequent years
Part-Time Wire Inspector	Director of Municipal Inspections with approval of the Town Manager	Permit fees and inspection fees of Wire Inspector	Expenses of operation of department and salaries of part-time wire inspectors	None	None	Fiscal Year 2018 and subsequent years
Part-Time Plumbing Inspector	Director of Municipal Inspections with approval of the Town Manager	Permit fees and inspection fees of Plumbing Inspector	Expenses of operation of department and salaries of part-time plumbing inspectors	None	None	Fiscal Year 2018 and subsequent years
Hazardous Materials	Fire Chief	Fees and monies received from insurers and others relating to release or spills of hazardous materials	Purchase equipment and materials, training, contingency planning, site assessments, service at hazardous release incidents	None	None	Fiscal Year 2018 and subsequent years
Conservation Commission	Conservation Commission	Filing and consultant fees referred to in Wetlands Protection Bylaw	To meet expenses and fees of consultants engaged by and other appropriate expenses of Conservation Commission	None	None	Fiscal Year 2018 and subsequent years
Library	Library Director	Lost Materials/Fines	Replacement of lost and damaged materials	None	None	Fiscal Year 2018 and subsequent years

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Proposed Project	Department or Office Authorized to Spend Town Funds	Form of Revenue or Other Resource Available to Fund	Proposed or Existing Statutes, Policies, or Plans	Is Revenue or Other Resource Available from Town?	Other Department Expenses	Fiscal Years
Emergency Medical Services	Fire Chief and Police Chief	Emergency Medical Services user fees	To operate, maintain service, acquire and upgrade vehicles, equipment and training for emergency medical services	None	None	Fiscal Year 2018 and subsequent years
Public Safety	Police Chief	Permit fees and other collected sums pursuant to the administration and enforcement of the Town of Hopkinton bylaw Ch. 150, Door to Door Soliciting and Canvassing	To meet the expenses of the Police Department related to the administration and enforcement of the Town of Hopkinton bylaw Ch. 150, Door to Door Soliciting and Canvassing	None	None	Fiscal Year 2018 and subsequent years
Planning Board	Planning Board	Permit fees and consultant fees collected by the Planning Board relating to review of Site Plans, petitions, applications, permits and appeals	To meet expenses and fees of consultants engaged by and other appropriate expenses of the Planning Board	None	None	Fiscal Year 2018 and subsequent years
Open Space Preservation Commission	Open Space Preservation Commission	User fees, charges and donations collected by the Open Space Preservation Commission in the conduct of its programs and activities.	To meet expenses of the publication, reprinting and sale of the trail guide and the maintenance of trails and signage.	None	None	Fiscal Year 2018 and subsequent years
Youth and Family Services	Director of Youth and Family Services	User fees, charges and donations received for the conduct of youth and family services programs and activities.	To meet expenses incurred in conducting programs and activities for the Town's young people.	None	None	Fiscal Year 2018 and subsequent years

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Resolving Party	Appropriate Party Contacted or Authorized to Contact Party	How Charges or Other Fees are Collected or Paid	Expenses for Which Expenses are Payable From Fund	Expenditures are Made From Public Fund	Other Disbursements Reported	Fiscal Year
Zoning Board of Appeals	Zoning Board of Appeals	Filing fees and consultant fees collected by the Zoning Board of Appeals relating to review of appeals, petitions and applications.	To meet expenses and fees of consultants engaged by and other appropriate expenses of the Zoning Board of Appeals.	None	None	Fiscal Year 2018 and subsequent years
Department of Public Works	Director of the Department of Public Works	Road Opening, Driveway Opening and Trench Permit fees	Expenses of operation of the Highway Division.	None	None	Fiscal Year 2018 and subsequent years
Department of Public Works	Director of the Department of Public Works	User fees collected at the Recycling Center	Expenses of operation of Recycling Center.	None	None	Fiscal Year 2018 and subsequent years
Department of Public Works	Director of the Department of Public Works	Fees collected from Overflow Trash Bags	To purchase Overflow Trash bags and to meet expenses of Waste Collection and Disposal.	None	None	Fiscal Year 2018 and subsequent years
Cemetery Commission	Cemetery Commission	User fees and charges collected for the use of the Comey Chapel	Maintenance and operation of the Comey Chapel.	None	None	Fiscal Year 2018 and subsequent years
Cemetery Lot Fund	Cemetery Commission	Re-sale of lots purchased by Cemetery	Purchase of lots previously sold.	None	None	Fiscal Year 2018 and subsequent years
School Department 1:1 Laptop Initiative	School Committee	Receipts collected from students and families for leasing computers	Payments for leasing computers.	None	None	Fiscal Year 2018 and subsequent years
Fingerprinting Fund	Police Chief	Permit fees collected from prospective ice cream truck operators	Defray costs associated with fingerprinting	None	None	Fiscal Year 2018 and subsequent years

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Revolving Fund	Department or Office Authorized to Spend from Fund	Fees, Charges or Other Receipts Collected to Fund	Programs, Services, Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/Reports	Fiscal Years
Senior Center Programs Fund	Senior Center Director	User fees collected from participants in Senior Center programs and activities	Expenses related to the development and operation of Senior Center programs and activities.	None	None	Fiscal Year 2018 and subsequent years
Police Department	Police Chief and Police Lieutenants	Detail Administrative fees	To meet expenses of the Police Department related to scheduling, assignment and billing software for detail work.	None	None	Fiscal Year 2018 and subsequent years

And to establish the limit on the total amount that may be expended from each revolving fund established by Chapter 13 of the General Bylaws of the Town of Hopkinton pursuant to Section 53E½ of Chapter 44 of the *Massachusetts General Laws* for the fiscal year beginning July 1, 2017.

Pass any vote or take any act relative thereto.

**ARTICLE: 43 Posting of Warrant**

*Sponsor: Board of Selectmen*

To see if the Town will vote to amend Chapter 47, Town Meetings, of the General Bylaws of the Town of Hopkinton by deleting Section 47-1, Posting of Warrant, in its entirety and inserting, in place thereof, the following:

§ 47-1. Posting of Warrant.

The Board of Selectmen shall cause an attested copy of the warrant to be posted by the Constable of the Town or some other person at least eight (8) days before the time set for the Annual Town Meeting, and at least fourteen (14) days before the time set for a Special Town Meeting, in the following locations within the Town: (1) Town Hall, (2) all post offices, (3) the public library, (4) the senior center, and (5) at least one public safety building.

Pass any vote or take any act relative thereto.

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**ARTICLE: 44 Town Meeting Quorum**

*Sponsor: Citizen's Petition*

To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton by deleting Chapter 47 Section 13 in its entirety and replacing it with a new Chapter 47 Section 13, under Article II, as follows:

§ 47-13. Quorum

The presence of 75 voters of the Town shall be required to constitute a quorum for the transaction of any business at any town meeting.

Pass any vote or take any act relative thereto.

**ARTICLE: 45 Alcohol Sales at Town Facilities**

*Sponsor: Board of Selectmen*

To see if the Town will vote to amend Chapter 58, Alcoholic Beverages, Marijuana or Tetrahydrocannabinol and Tobacco, of the General Bylaws of the Town of Hopkinton, as follows:

1. By deleting the words "this Section" from the first sentence of Section 58-1.A and inserting, in place thereof, the words "this Chapter," so that the sentence will read as follows:

Except as otherwise provided in this Chapter, no person shall consume an alcoholic beverage, as defined by Chapter 138, Section 1 of the General Laws, or possess an opened container of such beverage; or smoke, ingest or otherwise use or consume marijuana or tetrahydrocannabinol, as defined by Chapter 94C, Section 1 of same, within the limits of any park, playground, public building, or any public land (but not including a public way) owned or under the control of the Town of Hopkinton.

and

2. By inserting a new Subsection C into Section 58-1 as follows:

C. Notwithstanding the proscriptions set forth in Section 58-1.A, the Board of Selectmen may authorize up to three (3) events per year during which alcoholic beverages may be served, possessed, sold, or consumed in a public building or on public land, excluding (1) a public way, (2) property under the care, custody or control of the School Department, or (3) public buildings or public lands within 500 feet of an elementary or secondary school, public or private, giving not less than the minimum instruction and training required by Chapter 71 of the General Laws to children of compulsory school age, and as measured under 204 CMR 2.11, and provided that:

- (1) A non-profit organization hosts the event during which alcoholic beverages may be served, possessed, sold, or consumed;

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- (2) The net proceeds raised from such service, possession, sale, or consumption are used in a manner that directly and specifically benefits the Town or its residents;
- (3) The event marks a special occasion for the non-profit organization or the Town; and
- (4) Consumption does not occur outside the hours of 10:00 a.m. – 1:00 a.m.

In granting its approval, the Board of Selectmen may impose such terms and conditions as it deems reasonable for the protection of health and safety. Permission to host an event under this Section shall not relieve the non-profit organization from obtaining any required permits or licenses to serve alcoholic beverages pursuant to Chapter 138 of the General Laws.

Pass any vote or take any act relative thereto.

**ARTICLE: 46 Kennels**

*Sponsor: Board of Selectmen*

To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton, as follows:

1. By deleting "\$25 for each offense, each day being a separate offense" from the Penalty associated with Kennel license (Ch. 62, Art V) from Chapter I, Section 1-4, Penalties enumerated, and inserting, in place thereof, the following:

First violation: \$50 for each offense, each day being a separate offense

Second violation: \$200 for each offense, each day being a separate offense

Third and subsequent violations: \$300 for each offense, each day being a separate offense

2. By deleting Chapter 62, Kennel Licensing, it in its entirety, and inserting, in place thereof, the following:

**ARTICLE V**  
Kennel Licensing

**§ 62-7.A. Definitions:**

As used in this Chapter, the following terms shall have the meanings indicated:

**HUMANE** – Provision of proper food and water, shelter or protection from the weather, veterinary attention needed to reduce or end suffering from disease or injury, a sanitary environment, facilities which are of sufficient size and design as to allow the animal to stand, sit, lie down, turn around, and make other normal postural adjustments without obstruction, interference, or impediment by the presence of food, water bowls, equipment, or other animals, have an appropriate ambient temperature, and the absence of inhumane treatment. Inhumane treatment shall include willfully permitting an animal to be subjected to unnecessary torture, suffering or cruelty, to subject, cause or procure an animal to be tortured or tormented, to be cruelly killed, beaten or mutilated, ineffective measures to prevent the infestation of animals and premises by

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parasites, insects or vermin, and to be subjected to cruel and inhumane chaining or tethering at any time, which shall include filthy and dirty confinement conditions including, but not limited to: 1) exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill a dog upon contact or other circumstances that could cause harm to a dog's physical or emotional health, 2) taunting, prodding, hitting, harassing, threatening or otherwise harming a tethered or confined dog, and 3) subjecting a dog to dangerous conditions, including attacks by other animals.

**INSPECTION AUTHORITY** – The Chief of Police, the Animal Control Officer or the agent of any of these.

**KENNEL** – A pack or collection of dogs on a single premise, including a Commercial Boarding or Training Kennel, Commercial Breeder Kennel, Domestic Charitable Corporation Kennel, Veterinary Kennel, or Personnel Kennel, as defined in Section 136A of Chapter 10 of the *Massachusetts General Laws*.

**KENNEL LICENSE** – An annual license permitting a kennel to operate within the Town, issued to a kennel that has demonstrated compliance with the requirements of this section.

**LICENSE PERIOD** – The time between April 1 and the following March 31, both dates inclusive.

**SANITARY** – Conditions which include the interior and exterior floors and all animal contact areas which are smooth, impervious to water and are cleaned and sanitized as often as necessary to maintain sanitary conditions and free of animal wastes, provided that outdoor areas may have a floor of animal-appropriate gravel which is maintained and cleaned on a regular schedule consistent with the maintenance of sanitary conditions, and facilities which are maintained in good repair and kept clean at all times so as to protect animals from disease and injury.

§ 62-7.B General Requirements.

- A. **License.** No person or entity shall operate a Kennel within the Town without first obtaining a Kennel License from the Town Clerk in accordance with the provision of this Chapter. The license shall reflect the maximum number of dogs to be permitted in the Kennel.
- B. **Expiration and Fee.** The Town Clerk shall determine the amount of the non-refundable fee for a Kennel License for each License Period; provided, however, that there shall be no fee for a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse or for the relief of suffering; and provided, further, to determine the amount of a license fee, a dog under the age of six (6) months shall not be counted in the number of dogs kept in a Kennel.

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- C. Inspection. The Town Clerk shall not issue or renew a Kennel License of any type until the Kennel has passed inspection by the Animal Control Officer or a designee thereof.
- D. Number of Permitted Dogs. The Animal Control Officer shall place a cap on the number of dogs permitted in any Kennel, not to exceed the maximum number of dogs that the Kennel can store in a humane and sanitary manner and the number of dogs permitted in the kennel pursuant to any special permit issued pursuant to the Zoning Bylaw, whichever is less.
- E. Tags. Tags shall be furnished to a licensee by the Town Clerk in the exact number of dogs specified by the Animal Control Officer and reflected on the license. Such tags shall bear the name of the Town, the license number, and year of issuance.

§ 62-7.C. Application Process.

- A. Form. Any person or entity seeking a Kennel License or renewal or reinstatement thereof shall complete and submit to the Town Clerk a Kennel License application, in a form prescribed by the Town Clerk.
- B. Deadline. Applications for renewal shall be submitted by February 1 in order to ensure timely renewal.
- C. Inspection. Upon receipt of a completed application, the Town Clerk shall notify the Animal Control Officer, who shall cause an inspection of the Applicant's Kennel to be conducted. For renewal applications, the Animal Control Officer shall cause the inspection to be made prior to the expiration of the existing license, provided that the Applicant submitted a timely Application as provided in Subsection (B) above.
- D. Qualifications. No person or entity shall be given a Kennel License or tag during a period of five (5) years from the date of being found guilty or penalized for a violation of any provision of Section 77, Section 80½, Section 94, or Section 95 of Chapter 272 of the Massachusetts General Laws. Any such license and tag so issued shall be void and shall be surrendered to the Town Clerk. No fee received for a license or tag made shall be refundable.
- E. Issuance. The Town Clerk shall review the complete Application and the Animal Control Officer's report. A Kennel License shall be issued if the Kennel has passed the inspection.

§ 62-7.D. Kennel Operation.

- A. Kennels must be operated and maintained in a sanitary and humane manner.
- B. The following types of documentation shall be maintained at the Kennel and available for inspection:

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- (1) The name and address of the owner of each dog kept in the Kennel, other than dogs belonging to the person maintaining the Kennel;
  - (2) The name and address of persons who have purchased dogs from the Kennel;
  - (3) Staff training records and materials;
  - (4) All contracts for goods or services provided in connection with the Kennel's operation; and
  - (5) Organizational policies relating to animal care, intake, veterinary treatment, adoption and euthanasia.
- C. The holder of a Kennel License shall cause each dog kept in its Kennel to wear, while in the Kennel, a collar or harness of suitable material to which a tag shall be securely attached.
- D. Each Kennel shall prominently display on an interior wall of the Kennel a copy of the Kennel License.

§ 62-7.E. Inspection.

The Inspection Authority may inspect any Kennel or its records at any time for compliance with the provisions of this Chapter and applicable statutes.

§ 62-7.F. Surrender of License or Tag

- A. Every license and tag held by any person found guilty of, or penalized in any manner for, a violation of any provision of Section 77, Section 80½, Section 94, or Section 95 of Chapter 272 of the Massachusetts General Laws shall be void, and shall forthwith be surrendered to the Town Clerk.
- B. No fee received for a license and tag made void pursuant to this section shall be refunded to the holder.

§ 62-7.G. Denials, Suspension or Revocation of Kennel License

- A. Denial. If the Town Clerk denies a Kennel License application or renewal application, the Applicant may request a reinspection of the Kennel after reasonably demonstrating to the Animal Control Officer that the proposed Kennel has been brought into compliance with the requirements of this Section and applicable state statutes. The Animal Control Officer shall then make a report to the Town Clerk, who shall, within a reasonable time, review the application in accordance with Section 62-7.C.
- B. Suspension and Revocation.
  - (1) Inspection Authority. If the Inspecting Authority determines that a Kennel is not being maintained in a sanitary or humane manner or if records are not properly kept, the Board of Selectmen or Animal Control Officer may revoke or suspend the

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Kennel License. Depending on the severity of the offense, a license may be suspended or revoked on a first violation of applicable laws or this Bylaw.

(2) Citizen Initiation and Board of Selectmen Hearing.

- a. Twenty-five (25) residents of the Town may file a petition for hearing with the Board of Selectmen stating the reasons that they believe that suspension or revocation of a Kennel's license is warranted.
- b. Within seven (7) days of the filing of such petition, the Board of Selectmen shall give notice to all interested parties of a public hearing concerning the petition, to be commenced within fourteen (14) days after the date of such notice.
- c. Prior to the close of the public hearing, the Board of Selectmen may cause the Inspecting Authority to inspect the Kennel or its records by the Board's designee.
- d. At the conclusion of the public hearing, the Board of Selectmen may suspend or revoke the Kennel License, or may take such other action to regulate the Kennel as it deems prudent, or may dismiss the petition. Depending on the severity of the offense, a license may be suspended or revoked regardless of whether there have been prior violations of applicable laws or this Bylaw.
- e. The Board of Selectmen shall cause written notice of any order issued pursuant to this section to be provided immediately to the holder of the Kennel License and the Town Clerk.

(3) Reinstatement after Suspension. If a Kennel License is suspended, the Kennel License holder may apply for reinstatement after the close of the suspension period by requesting a reinspection of the Kennel or its records after reasonably demonstrating to the Animal Control Officer that the Kennel has been brought into compliance with this Section and all other applicable state and local requirements, and that the Kennel Licensee has satisfied the terms of the suspension order. The Animal Control Officer shall then make a report to the Town Clerk, who shall, within a reasonable time, review the application in accordance with Section 62-7.C.

(4) Reinstatement after Revocation. If the Kennel License is revoked, the owner may apply for a new Kennel License no sooner than three (3) months after the effective date of the revocation.

C. Reinspection. The Town Clerk may set fees for reinspections performed pursuant to this Section.

§ 62.7-H. Violations and penalties.

- A. Any person or entity who holds a Kennel License and is determined to be in violation of this Section or any law or regulation pertaining to such license shall be subject to the following penalties:

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First violation: \$50  
Second violation: \$200  
Third and subsequent violations: \$300

Each day that such violation continues shall be deemed to be a separate violation and be subject to the above penalty. If the violation results from failure to comply with the limitation on the number of dogs permitted within the Kennel, the fine for such violation shall be \$50 per dog beyond the permissible limit.

- B. Any person or entity maintaining a Kennel after revocation or during suspension of a license shall be punished by a fine of \$250.
- C. In lieu of the penalties set forth in Subsection 62.7-H.A., violations of this Section may be addressed in accordance with the provisions of MGL c. 40, § 21D, and Ch. 1, Art. II, Noncriminal Disposition, of the General Bylaws of the Town of Hopkinton.

Pass any vote or take any act relative thereto.

**ARTICLE: 47 Construction Waste or Debris Bylaw**

*Sponsor: Board of Selectmen*

To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton, as follows:

- (1) By inserting, after the line entitled "Fuel Storage Tanks Bylaw (Ch. 119)," in Chapter 1, Section 1-4, Penalties Enumerated, the following:

Construction Waste or Debris (Ch. 142)	Construction Debris on Property	First offense: \$25, with each day being a separate violation Second offense: \$50, with each day being a separate offense Third offense: \$100, with each day being a separate offense Fourth and subsequent offense: \$300, with each day being a separate offense
--	---------------------------------	---

and

- (2) By adding a new Chapter 142, entitled "Construction Waste or Debris", as follows:

Chapter 142  
Construction Waste or Debris

§ 142.1. Construction Waste or Debris Prohibited

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Any construction waste or debris brought from off-site locations situated in any yard or vacant lot for more than 30 calendar days shall be (a) cleared from the yard or vacant lot, (b) removed to a yard not visible from a public way or abutting property, or (c) screened from view by walls, fences or plant materials; provided, however, that such items necessary to and utilized by a legally operating use shall not be subject to this Chapter.

§ 142.2. Enforcement

- A. If the Director of Municipal Inspections is informed of or has reason to believe that conditions exist on any real property in the Town in violation of Section 142.1, the Director may make or cause to be made an investigation of the facts, including an inspection of the property where the condition may exist. In making such inspection, the Director of Municipal Inspections or a designee thereof shall have such right of access to premises that may be lawfully exercised.
- B. If the inspection confirms the existence of construction waste or debris prohibited under Section 142.1, the Director of Municipal Inspections or its designee may make such Orders as necessary. Said Orders shall be in writing and shall be served upon all owners and occupants as can be determined after reasonable inquiry.
- C. The Director of Municipal Inspections or a designee thereof may enforce this Chapter.

§ 142.3. Appeal

- A. Any person aggrieved by an Order of the Director of Municipal Inspections may request a review before the Town Manager, the Chief of Police, and a designee of the Board of Selectmen. Said request shall be in writing and received by the Board of Selectmen and the Director of Municipal Inspections within twenty-one (21) calendar days of issuance of the Order.
- B. A request for review shall not constitute a stay of the Order unless the Director of Municipal Inspections so orders; provided, however, that any fines or fees imposed shall be stayed during the pendency of an appeal.
- C. Within thirty (30) calendar days of a request, the Town Manager, the Chief of Police, and the designee of the Board of Selectmen shall convene to determine whether the construction waste or debris exists. Based on the credible evidence and testimony presented, they may affirm the Order, reverse and nullify the Order, or issue any such Order as they deem necessary to eliminate the items prohibited by Section 142.1.

§ 142.4. Penalties

- A. Whoever violates any provision of this Chapter may be penalized by indictment or on complaint brought in a court of competent jurisdiction. Except as may be otherwise provided by law and as the court may see fit to impose, the maximum penalty for each violation or offense shall be three hundred dollars (\$300). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

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B. In lieu of the penalties set forth in Section 142.4(A), any person who violates this Chapter may be penalized by non-criminal disposition as provided by Section 21D of Chapter 40 of the *Massachusetts General Laws*, and Chapter 1, Section 1-4 of the Town's General Bylaw. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

Pass any vote or take any act relative thereto.

**ARTICLE: 48 Discharges to Storm Drain System**

*Sponsor: Director of Public Works*

To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton, as follows:

(1) By inserting, after the line entitled "Solid Waste Bylaw (Ch. 170)," in Chapter 1, Section 1-4, Penalties Enumerated, the following:

Storm Drain System, Discharges to, Bylaw (Ch. 171)

Stormwater

First violation: \$100

Second and subsequent violations: \$300

and

(2) By adding a new Chapter 171, entitled "Storm Drain System, Discharges to," to the General Bylaws of the Town of Hopkinton as follows:

**Chapter 171  
Discharges To Storm Drain System**

**§ 171-1. Purpose.**

Non-stormwater discharges into the municipal storm drain system can harm water quality and create public health hazards. The purpose of Chapter 171 is to provide for the health, safety, and welfare of the citizens of the Town of Hopkinton through the regulation of non-stormwater discharges into the municipal storm drain system.

The provisions of Chapter 171 shall be administered so as to:

- Prevent pollutants from entering the municipal storm drain system;
- Prohibit illicit connections and illicit discharges into the municipal storm drain system;
- Comply with the requirements of the Town's National Pollutant Discharge Elimination System (NPDES) permit for discharges from the municipal storm drain system; and
- Ensure compliance through inspection, monitoring, and enforcement.

**§ 171-2. Definitions.**

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Unless the context clearly indicates otherwise, the following words and terms, as used in Chapter 171, shall have the following meanings:

DPW – The Hopkinton Department of Public Works.

**HAZARDOUS MATERIAL** -- Any solid or liquid substance or combination of substances, including any liquid petroleum product, that, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed of into or on any land or water. Any substance deemed to be a "hazardous waste" pursuant to M.G.L. Chapter 21C, or deemed to be a toxic or hazardous substance pursuant to M.G.L. Chapter 94B, shall be deemed to be a hazardous material.

**ILLCIT CONNECTION** -- Any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the municipal storm drain system, regardless of whether the drain or connection was previously allowed, permitted or approved before the effective date of Chapter 171. An illicit connection shall include:

- Any conveyance that allows sewage, process wastewater, wash water or other non-stormwater discharge into the municipal storm drain system; and
- Any connection to the municipal storm drain system from indoor drains and sinks.

**ILLCIT DISCHARGE** -- Any direct or indirect non-stormwater discharge, including dumping, into the municipal storm drain system, except that the following non-stormwater discharges shall not be considered illicit discharges:

- Water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated groundwater infiltration (as defined by 40 CFR 35.2005(20)); uncontaminated pumped groundwater; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual resident car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash water; residential building wash waters without detergents; and discharges or flow from firefighting; unless the DPW or the Planning Board determines that the discharge is a significant contributor of pollutants to the municipal storm drain system;
- Discharges associated with dye testing; provided, however, that the discharger shall notify the DPW before any such test; and
- Discharges permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger under the authority of the U.S. Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and that written approval has been granted by the DPW for any discharge to the municipal storm drain system.

**MUNICIPAL STORM DRAIN SYSTEM (OR STORM DRAIN SYSTEM)** -- The system of conveyances owned by the Town (including roads, catch basins, curbs, gutters, ditches, man-made channels, pipes, and outfalls) by which stormwater is collected or conveyed.

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**POLLUTANT** -- Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, and agricultural waste, and any other material that may cause or contribute to exceedance of water quality standards in the waters to which the storm drain system discharges.

**STORMWATER** -- Any surface flow, runoff or drainage resulting entirely from any form of natural precipitation.

**§ 171-3. Responsibility for Administration.**

The DPW and Planning Board shall administer, implement, and enforce the provisions of Chapter 171. Any powers granted to the DPW or the Planning Board by this Chapter, except the power to hear appeals, may be delegated in writing by (respectively) the DPW Director or the Planning Board to other employees or agents of the Town.

**§ 171-4. Prohibitions.**

**A. Prohibition of Illicit Discharges.**

No person shall commence, allow, conduct or continue any illicit discharge.

**B. Prohibition of Illicit Connections.**

No person shall construct, use, allow, maintain or continue any illicit connection, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

**C. Prohibition of Obstruction of Municipal Storm Drain System.**

No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the DPW.

**§ 171-5. Notification of Releases.**

Any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, who has information of any known or suspected release of materials at that facility or operation that are resulting or may result in illicit discharges shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of a release of hazardous material, that person shall immediately notify the Hopkinton Fire Department and shall notify the DPW within two hours. In the event of a release not involving hazardous material, that person shall notify the DPW no later than the next business day. For all releases, the initial notification shall be confirmed by written notice addressed and mailed, or hand-delivered, to the DPW within two business days.

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**§ 171-6. Enforcement.**

**A. Enforcement Orders.**

If any person violates or fails to comply with any of the requirements of Chapter 171, the DPW may order compliance by written notice to the responsible person via certified mail or hand delivery. The order shall include the name and address of the alleged violator, the address at which the violation is occurring or has occurred, a statement specifying the nature of the violation, a description of the actions needed to resolve the violation and come into compliance, the deadline within which such actions must be completed, and a statement that, if the violator fails to come into compliance by the specified deadline, the Town may do the work necessary to resolve the violation at the expense of the violator. In addition, said order may require:

- Elimination of illicit connections or illicit discharges;
- Performance of monitoring, analyses and reporting;
- Remediation of contamination caused by the illicit connection or illicit discharge; and
- The implementation of source control or treatment measures.

**B. Appeals.**

Any person aggrieved by an enforcement order issued pursuant to Section 171-6.A may request a hearing before the Planning Board by submitting to the DPW and Planning Board, within 30 days of such order, a letter explaining why the order was not justified. The Planning Board shall thereupon schedule and hold a hearing regarding such request and, upon the close of such hearing, may uphold, modify or rescind the order as the facts and applicable law may require. The Planning Board's decision shall be deemed its final action with respect to the matters determined, and any further appeal shall be to a court of competent jurisdiction.

**C. Action by the Town to Remedy a Violation.**

If a violator fails to come into compliance by the deadline specified in an enforcement order, the DPW may do the work necessary to resolve the violation at the joint and several expense of the violator and property owner. For situations involving an immediate threat, the DPW may remove an illicit connection immediately and take such other action as is necessary to protect public health, safety or the environment. Written notice of any remediation action undertaken by the DPW shall be provided to the property owner by hand within 48 hours of the commencement thereof or by certified mail postmarked no later than the next business day.

**D. Recovery of Costs.**

If the DPW undertakes remediation work pursuant to Section 171-6.C, it shall, within 30 days after completing the work, notify the violator and the property owner in writing of the costs incurred by the Town, including administrative costs, associated with that work. The violator and the property owner shall be jointly and severally liable to repay the Town for those costs

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within 30 days of receipt of that notice; provided, however, that the violator or the property owner may file a written protest objecting to the amount or basis of costs with the DPW and Planning Board within such 30 days. The Planning Board shall schedule and hold a hearing regarding such protest and, upon the close of such hearing, may uphold, modify or rescind the costs required to be repaid, as the facts and applicable law may require.

If the amount due is not received by the Town by the expiration of the time in which to file such a protest, or within 60 days after the final decision of the Planning Board or (if appealed to court) a court of competent jurisdiction resolving that protest, the amount of the Town's costs shall constitute a lien on the property pursuant to M.G.L. Chapter 40, Section 58. Interest shall accrue on any unpaid costs at the statutory rate, as provided in M.G.L. Chapter 59, Section 57.

E. Civil Relief.

If a person violates any provision of Chapter 171 or an order issued thereunder, the Town may seek injunctive relief in a court of competent jurisdiction restraining the person from activities that would create further violations or compelling the person to abate or remedy the violation.

F. Criminal Penalty.

Any person who violates any provision of Chapter 171 or any order issued thereunder may be punished by a fine of not more than \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. A criminal complaint may be filed by the DPW or Planning Board, with the authorization of the Board of Selectmen.

G. Non-Criminal Disposition (Ticketing).

As an alternative to criminal prosecution, the DPW or Planning Board may elect to utilize the non-criminal disposition procedure set forth in Chapter 1, Section 1-4 of these Bylaws. The penalty for the first violation shall be \$100.00. The penalty for each subsequent violation shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

H. Entry to Perform Duties Under this Bylaw.

To the extent permitted by law, or if authorized by the owner or other party in control of the property, the Town and its agents, officers and employees may enter privately owned property for the purpose of performing their duties under Chapter 171 and may make or cause to be made such examinations, surveys, sampling, or remedial activities as the Town deems reasonably necessary.

I. Remedies Not Exclusive.

The remedies listed in Chapter 171 are not exclusive of any other remedies available under any applicable federal, state or local law.

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Pass any vote or take any act relative thereto.

**ARTICLE: 49 Driveway Standards**

*Sponsor: Fire Chief*

To see if the Town will vote to amend Chapter 174, Streets and Sidewalks, Article VII, Driveways, of the General Bylaws of the Town of Hopkinton, as follows:

1. By deleting “, Senior Housing,” from the last sentence of Section 174-25, Construction of Driveways; and

2. By inserting a new Subsection D at the end of Section 174-27, Regulations, as follows:

D. No driveway permit shall be issued without the written approval of the Fire Department, which may be subject to such conditions as the Fire Department may deem necessary for the protection of the public health and safety. The Fire Department shall prepare publicly available driveway permit guidelines and parameters that it shall consider in its review of every driveway permit application.

Pass any vote or take any act relative thereto.

**ARTICLE: 50 Unregistered Motor Vehicles**

*Sponsor: Board of Selectmen*

To see if the Town will vote to amend Chapter 188, Unregistered Motor Vehicles, of the General Bylaws of the Town of Hopkinton, as follows:

1. By deleting “\$20.00 for each offense, each continuing day being a separate offense” in the line entitled “Unregistered Motor Vehicles Bylaw (Ch. 188),” in Chapter 1, Section 1-4, Penalties Enumerated, and insert in place thereof, the following:

First offense: \$25, with each day being a separate offense

Second offense: \$50, with each day being a separate offense

Third offense: \$100, with each day being a separate offense

Fourth and subsequent offense: \$300, with each day being a separate offense

2. By inserting a new Section 188.4, Enforcement, as follows, and renumbering the remaining Sections accordingly:

The Director of Municipal Inspections or a designee thereof shall have the authority to enforce the provisions of this Chapter.

and

3. By deleting “of twenty dollars (\$20) for each offense.” from the newly renumber §188-7, Noncriminal dispositions.

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Pass any vote or take any act relative thereto.

**LAND ACQUISITIONS AND DISPOSITIONS**

**ARTICLE: 51 Gift of Land – Hehn’s Farm Way**

*Sponsor: Planning Board*

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, a fee interest in a certain parcel of land, consisting of a 4.9 acre parcel as shown on a plan entitled “Definitive Residential Subdivision Hehn’s Farm” prepared by J.D. Marquedant & Associates, Inc. and dated December 14, 2015, revised April 28, 2016, a copy of which is available for inspection at the Office of the Town Clerk, said land being a portion of property located at 25 Ash Street and as shown on Assessors Map as U17-36-0, and said land to be used for open space purposes.

Pass any vote or take any act relative thereto.

**ARTICLE: 52 Gift of Land – Box Mill Road**

*Sponsor: Planning Board*

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, a fee interest in a certain parcel of land, consisting of a 10.2 acre parcel as shown on a plan entitled “Plan of Land in Hopkinton, Massachusetts” prepared by J.D. Marquedant & Associates, Inc. dated January 14, 2015 revised through January 18, 2016, a copy of which is available for inspection at the Office of the Town Clerk, said land being a portion of property located at 0 Grove Street, and as shown on Assessors Map as U21-9-0, and said land to be used for general municipal purposes.

Pass any vote or take any act relative thereto.

**ARTICLE: 53 Street Acceptances**

*Sponsor: Planning Board*

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:

- Cider Mill Road from Ash Street to Dead End
- Cold Spring Brook Road from North Mill Street to Dead End
- Cranberry Lane from South Mill Street to Dead End
- Pinetree Lane from North Mill Street to Dead End

Pass any vote or take any act relative thereto.

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**ARTICLE: 54 Easement – 125 East Main Street**

*Sponsor: Director of Public Works*

To see if the Town will authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, an easement located at 125 East Main Street and as shown on Assessors Map as U13-7-0, said land to be used for general municipal purposes, including stormwater management and sidewalk purposes.

Pass any vote or take any act relative thereto.

**ARTICLE: 55 Fruit Street Property – Lease to Youth Organization**

*Sponsor: Board of Selectmen*

To see if the Town will authorize the Board of Selectmen to lease a portion of Parcel 8 the Fruit Street Property, as depicted on the Fruit Street Master Plan, dated March 24, 2015, and adopted by the Town under Article 56 of the 2015 Annual Town Meeting, for a term not to exceed 30 years, to a non-profit youth organization based in the Town of Hopkinton, on such terms and conditions as the Board of Selectmen deem to be in the best interests of the Town, to the winner of a competitive bid selection process pursuant to Chapter 30B of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

**ARTICLE: 56 Fruit Street Property – Lease to Animal Shelter**

*Sponsor: Board of Selectmen*

To see if the Town will authorize the Board of Selectmen to lease a portion of Parcel 8 of the Fruit Street Property, as depicted on the Fruit Street Master Plan, dated March 24, 2015, and adopted by the Town under Article 56 of the 2015 Annual Town Meeting, for a term not to exceed 30 years, for the purpose of using such land as an animal hospital or shelter, as reasonably determined by the Board of Selectmen, and on such terms and conditions as the Board of Selectmen deem to be in the best interests of the Town, to the winner of a competitive bid selection process pursuant to Chapter 30B of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

**ADMINISTRATIVE**

**ARTICLE: 57 Early Voting**

*Sponsor: Citizen's Petition*

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, to authorize the Legislature to make clerical or editorial changes in form only to the bill, unless the Board of Selectmen approves

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amendments to the bill before enactment by the Legislature, and to authorize the Board of Selectmen to approve amendments that shall be within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE TOWN OF HOPKINTON  
TO HOLD EARLY VOTING FOR ALL ANNUAL AND SPECIAL TOWN ELECTIONS.

Section 1. Qualified voters within the Town of Hopkinton, as defined in section 1 of chapter 51 of the General Laws, shall be permitted to cast a ballot in any annual or special town election during an early voting period.

Section 2. Notwithstanding any provision purporting to limit the application of section 25B of chapter 54 of the General Laws or its implementing regulations, such chapter and regulations shall govern all aspects of early voting, including, but not limited to, the establishment of the early voting period, the procedures for early voting, and the counting of early voting ballots, for all such annual or special Town elections; provided, however, that, unless such Town election is to occur at the same time as the biennial state election, the Town Clerk (a) shall not be required to provide notice to the Secretary of the Commonwealth of the early voting locations, and (b) shall prepare all early voting materials; and provided further, that, notwithstanding 950 CMR 47.03(2), the Town Clerk may, in his or her discretion, end early voting at 2:00 p.m. on those days on which a Special or Annual Town Meeting is to be held.

Section 3. This Special Act shall take effect on July 1, 2018.

Pass any vote or take any act relative thereto.

**ARTICLE: 58 PILOT Agreement – MA Solar Highway Phase 1B LLC Sponsor: Board of Selectmen**

To see if the Town will vote in accordance with Chapter 59, Section 38H of the *Massachusetts General Laws*, to approve a Payment in Lieu of Taxes (PILOT) Agreement, as negotiated by the Board of Selectmen, as authorized by the vote taken under Article 50 of the 2016 Annual Town Meeting, with MA Solar Highway Phase 1B LLC ("MA Solar"), for a period of 20 years, whereby MA Solar will pay the Town a sum of monies per year relative to a portion of land located at 5 Macadam Road, and shown of Assessors Map U2 Parcel 15-0, and which is related to the proposed construction and operation of a Large-Scale Ground Mounted Solar Photovoltaic Installation with an expected nameplate capacity of approximately 541 kW-DC, said PILOT Agreement being on file in the Town Clerk's Office, and further to allow the Board of Selectmen or the Town Manager to negotiate any amendments necessary to said PILOT Agreement to reflect any changes in the size of the parcel of land or size of the system so long as the payments reflected in the PILOT Agreement rise or lower commensurately.

Pass any vote or take any act relative thereto.

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**ARTICLE: 59 PILOT Agreement – NRG DG Marathon LLC**

*Sponsor: Board of Selectmen*

To see if the Town will allow approve a vote in accordance with Chapter 59, Section 38H of the *Massachusetts General Laws*, to approve a Payment in Lieu of Taxes (PILOT) Agreement, as negotiated by the Board of Selectmen, as authorized by the vote taken under Article 50 of the 2016 Annual Town Meeting, with NRG DG Marathon LLC ("Marathon Solar"), for a period of 25 years, whereby Marathon Solar will pay the Town a sum of monies per year relative to an approximately 20 acre portion of land located along East Main Street, shown of Assessors Map U7-1-0, and more particularly shown on a plan of land entitled "Plan Exhibit A-1, Singletary Farm Hopkinton, MA," prepared by Beals and Thomas, dated March 17, 2015 (Plan), and which is related to the proposed construction and operation of a Large-Scale Ground Mounted Solar Photovoltaic Installation with an expected nameplate capacity of approximately 2 megawatts, said PILOT Agreement and Plan being on file in the Town Clerk's Office, and further to allow the Board of Selectmen or the Town Manager to negotiate any amendments necessary to said PILOT Agreement to reflect any changes in the size of the parcel of land or size of the system so long as the payments reflected in the PILOT Agreement rise or lower commensurately.

Pass any vote or take any act relative thereto.

**ARTICLE: 60 Set local speed limits – 25 MPH**

*Sponsor: Board of Selectmen*

To see if the Town will vote to accept the provisions of Section 17C of Chapter 90 of the *Massachusetts General Laws*, as adopted by Section 193 of Chapter 218 of the Acts of 2016, allowing the Board of Selectmen to establish a speed limit of twenty five (25) miles per hour on any roadway inside a thickly settled or business district in the Town on any way that is not a state highway without further authorization from the Commonwealth of Massachusetts.

Pass any vote or take any act relative thereto.

**ARTICLE: 61 Set local speed limits – Designated Safety Zones**

*Sponsor: Board of Selectmen*

To see if the Town will vote to accept the provisions of Section 18B of Chapter 90 of the *Massachusetts General Law*, as adopted by Section 194 of Chapter 218 of the Acts of 2016, allowing the Board of Selectmen to establish, in the interests of public safety and without further authority from the Commonwealth of Massachusetts, designated safety zones on, at or near any way in the Town which is not a state highway, and with the approval of the Commonwealth if the same is a state highway, and which safety zones shall have a posted speed limit of twenty (20) miles per hour.

Pass any vote or take any act relative thereto.

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**ARTICLE: 62 Constables**

*Sponsor: Board of Selectmen*

To see if the Town will vote, as provided in Section 1 and Section 1B of Chapter 41 of the *Massachusetts General Laws*, to make the position of Constable an appointed, instead of elected, position to be appointed by the Board of Selectmen.

Pass any vote or take any act relative thereto.

**ARTICLE: 63 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 or take any action thereto.

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

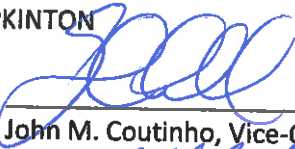
Given under our hands this 12<sup>th</sup> day of April, 2017.

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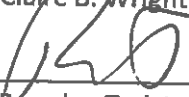
BOARD OF SELECTMEN  
TOWN OF HOPKINTON

  
\_\_\_\_\_  
Brian J. Herr, Chairman

  
\_\_\_\_\_  
John M. Coutinho, Vice-Chairman

  
\_\_\_\_\_  
Claire B. Wright

  
\_\_\_\_\_  
Todd A. Cestari

  
\_\_\_\_\_  
Brendan Tedstone

A TRUE COPY

ATTEST:

  
\_\_\_\_\_  
Connor Degan, Town Clerk

DATE: April 18<sup>th</sup>, 2017

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

\_\_\_\_\_  
Constable of Hopkinton

Board of Selectmen Chairman Brian Herr   
Initial

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