



**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HOPKINTON  
ANNUAL TOWN MEETING WARRANT  
MONDAY, MAY 2, 2011**

*(Voter Registration Deadline: April 12, 2011, 8:00 p.m.)*

MIDDLESEX, ss.

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

**GREETINGS:**

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

**To bring in their ballots on Monday, May 16, 2011, to an adjourned session of the Annual Town Meeting held at the Hopkinton Middle School Gymnasium, for the election of the following Officers:**

<u>Office:</u>	<u>Term (Years):</u>
Selectmen	3
Board of Assessors	3
Board of Health	3
Board of Library Trustees	2 for 3 years
* The two candidates with the greatest number of votes will serve 3 years, the two candidates with the second greatest number of votes will serve 2 years, and the candidate with the third greatest number of votes will serve 1 year.	2 for 2 years
	1 for 1 year
Cemetery Commissioner	3
Commissioner of Trust Fund	3
Housing Authority	5
Parks and Recreation Commission (2)	3
Planning Board (2)	5
Planning Board - Unexpired Term	Until 2013
School Committee (2)	3

**Also to vote "Yes" or "No" on the following questions appearing on the ballot in accordance with Chapter 39, Section 9A of the *Massachusetts General Laws*:**

Question 1:

Shall this town approve the charter amendments proposed by the town meeting summarized below?

*The position of Town Clerk would change from an elected office to a position appointed by the Town Manager. In addition, the Town Clerk would no longer make appointments to two committees: the Appropriation Committee and the Charter Review Committee. The amendments would take effect on July 1, 2011.*

**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 on Monday, May 2, 2011, at 7:00 p.m., then and there to act upon the following Articles:**

**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.

**FINANCIAL – FISCAL YEAR 2011**

**ARTICLE 2: FY 2011 Supplemental Appropriations**

*Sponsor: Town Manager*

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide various sums of money to supplement operating budgets for the fiscal year ending June 30, 2011.

Pass any vote or take any act relative thereto.

**ARTICLE 3: FY 2011 Budget Transfers**

*Sponsor: Town Manager*

To see if the Town will vote to transfer various sums of money between and among various accounts for the fiscal year ending June 30, 2011.

Pass any vote or take any act relative thereto.

**ARTICLE 4: Unpaid Bills from Previous Fiscal Years**

*Sponsor: Town Manager*

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money to pay unpaid bills from prior fiscal years, in accordance with the provisions of Chapter 44, Section 64, of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

**FINANCIAL – FISCAL YEAR 2012**

**ARTICLE 5: Amend the Salary of an Elected Official**

*Sponsor: Personnel Committee*

To see if the Town will vote to fix the salary or compensation of all of the elected officers of the Town in accordance with Chapter 41, Section 108, of the *Massachusetts General Laws*; provided, however, that this vote shall not take effect if the Town's voters approve the Charter amendment proposed as a ballot question at the 2011 Annual Town Election.

Pass any vote or take any act relative thereto.

**ARTICLE 6: Establish Parks & Recreation Enterprise Fund**

*Sponsor: Town Manager*

To see if the Town will vote to accept the provisions of Chapter 44, Section 53F 1/2, of the *Massachusetts General Laws*, to establish a Parks and Recreation Enterprise Fund for the purpose of holding, and accounting for, all revenues, receipts and funds collected from users of the Town's recreational facilities or services, with said funds being spent under the direction of the Parks and Recreation Commission for the purpose of providing for the construction, operation and maintenance of Town recreational facilities or services.

Pass any vote or take any act relative thereto.

**ARTICLE 7: FY 2012 Operating Budget**

*Sponsor: Town Manager*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide, a sum or sums of money for the operation and maintenance of Town Departments for the fiscal year beginning on July 1, 2011, 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 8: FY 2012 Operating Budget – School Department**

*Sponsor: School 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 the operation of the School Department for the fiscal year beginning July 1, 2011; said sum to be spent under the direction of the School Committee.

Pass any vote or take any act relative thereto.

**ARTICLE 9: FY 2012 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 10: Chapter 90 Highway Funds**

*Sponsor: Town Manager*

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

Pass any vote or take any act relative thereto.

**ARTICLE 11: Transfer to Capital Expense Stabilization Fund**

*Sponsor: Town Manager*

To see if the Town will vote to transfer 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 12: Transfer to General Stabilization Fund**

*Sponsor: Town Manager*

To see if the Town will vote to transfer a sum or sums of money for the purpose of increasing the General Stabilization Fund, to be used, upon further appropriation, for any lawful purpose.

Pass any vote or take any act relative thereto.

**ARTICLE 13: Property Tax Exemptions**

*Sponsor: Board of Assessors*

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 of seventy five (75%), in the fiscal year beginning July 1, 2011, 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 14: Consultant for Assessment Certificate Program**

*Sponsor: Board of Assessors*

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 contracting the services of a consultant, appraisal firm, and/or hiring additional personnel, along with related expenses, to assist the Board of Assessors with the implementation of the state-mandated Fiscal Year 2013 assessment certificate program; said sum to be spent under the direction of the Board of Assessors.

Pass any vote or take any act relative thereto.

**ARTICLE 15: 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 for the following capital purchases and projects:

<b>DEPARTMENT</b>	<b>PURPOSE</b>	<b>SPENT UNDER THE DIRECTION OF</b>
DPW - Highway	Purchase utility truck; dispose of old truck.	Town Manager
DPW – Highway	Replace guardrail and chain link fence along East Main St. near Wilson St.	Town Manager
Police Department	Purchase two police cruisers; dispose of old vehicles.	Police Chief
Police Department	Purchase digital fingerprinting device.	Police Chief
Police Department	Upgrade of audio/visual equipment in Police Station booking area.	Police Chief
Fire Department	Purchase of portable radios.	Fire Chief

Pass any vote or take any act relative thereto.

**CAPITAL EXPENSES AND PROJECTS**

**ARTICLE 16: Council on Aging Bus***Sponsor: Council on Aging*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums or money for the purchase a handicap accessible bus for the Council on Aging; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE 17: DPW Highway Tractor***Sponsor: DPW Director*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the purchase of one Trackless MT 6 Multi Purpose Tractor, including all related accessories and equipment, for the Highway Division of the Department of Public Works; said sum to be spent under the direction of the Town Manager; and further to authorize the disposal of one 2001 Trackless MT 6 Multi Purpose Tractor presently being used by the Highway Division, by trade-in or otherwise.

Pass any vote or take any act relative thereto.

**ARTICLE 18: West Main Street Culvert Repair***Sponsor: DPW Director*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money to perform repairs to an existing culvert that crosses under West Main Street in the vicinity of the sewer pump station; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE 19: West Main Street Culvert and Basin Repair**

*Sponsor: DPW Director*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money to perform repairs to an existing culvert that crosses under West Main Street in the vicinity of South Street, as well as an associated drainage retention basin; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE 20: Lake Maspenock Dam Repairs**

*Sponsor: DPW Director*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money to perform repairs to the Lake Maspenock Dam; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE 21: Fruit Street Property Access Way**

*Sponsor: DPW Director*

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 construction of an access way, and all related costs, at the Town-owned property located on Fruit Street, as shown on Assessors Map R6 Block 8 Lot 0; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE 22: Generator for Fruit Street Well**

*Sponsor: DPW Director*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the purchase of a generator for the Fruit Street well, including all related equipment and accessories; said sum to be offset in whole or in part by revenues received by the Water Department during the fiscal year beginning on July 1, 2011; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE 23: Water Department Service Truck**

*Sponsor: DPW Director*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the purchase of a service truck, including all related equipment and accessories, for the Water Department; said sum to be offset in whole or in part by revenues received by the Water Department during the fiscal year beginning on July 1, 2011; said sum to be spent under the direction of the Town Manager; and further to authorize the disposal of any vehicles presently being used by the Water Department, by trade-in or otherwise.

Pass any vote or take any act relative thereto.

**ARTICLE 24: Radio Automatic Water Meters***Sponsor: DPW Director*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the purchase of radio automatic water meters and reading equipment and all related equipment and accessories, for the Water Department; said sum to be offset in whole or in part by revenues received by the Water Department during the fiscal year beginning on July 1, 2011; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE 25: Study and Design for Wood Street Sewer Lift Station***Sponsor: DPW Director*

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 a study and preliminary design for a replacement of the Wood Street Wastewater Lift Station; said sum to be offset in whole or in part by revenues received by the Sewer Department during fiscal year beginning on July 1, 2011; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE 26: Study of South Street Sewer Lift Station***Sponsor: DPW Director*

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 a study of the South Street Wastewater Lift Station; said sum to be offset in whole or in part by revenues received by the Sewer Department during the fiscal year beginning on July 1, 2011; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE 27: Study of the Town's Wells***Sponsor: DPW Director*

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 a study of the Town's wells; said sum to be offset in whole or in part by revenues received by the Water Department during the fiscal year beginning on July 1, 2011; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE 28: DPW Facility Design***Sponsor: DPW Director*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the design of a Department of Public Works headquarters facility; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE 29: Traffic Study: West Main / School Street Intersection** *Sponsor: DPW Director*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money to perform a study of the intersection of West Main Street and School Street in order to identify alternatives to resolve the traffic issues in this area as well as to obtain funding assistance to construct any recommended improvements; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE 30: Storm Water Improvements: EPA Phase II** *Sponsor: DPW Director*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money to perform any improvements to the Town's storm water system required by the Environmental Protection Agency's Phase II storm water program; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE 31: Refurbish Fire Engine 1** *Sponsor: Fire Chief*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money to refurbish the Fire Department's existing Engine 1; said sum to be spent under the direction of the Fire Chief.

Pass any vote or take any act relative thereto.

**ARTICLE 32: Fire Department Command and Control Vehicle** *Sponsor: Fire Chief*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the purchase of a new command and control vehicle, including all related accessories and equipment, for the Fire Department; said sum to be spent under the direction of the Fire Chief; and further to authorize the disposal of any vehicles presently being used by the Fire Department, by trade-in or otherwise.

Pass any vote or take any act relative thereto.

**ARTICLE 33: Fire Department Ambulance** *Sponsor: Fire Chief*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the purchase of a Class 1 Ambulance, including all related accessories and equipment; said sum to be spent under the direction of the Fire Chief; and further to authorize the disposal of any vehicles presently being used by the Fire Department, by trade-in or otherwise.

Pass any vote or take any act relative thereto.



**ARTICLE 34: Fire Department Tender Truck**

*Sponsor: Fire Chief*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the purchase of a tender truck, including all related accessories and equipment; said sum to be spent under the direction of the Fire Chief; and further to authorize the disposal of the tender truck presently being used by the Fire Department, by trade-in or otherwise.

Pass any vote or take any act relative thereto.

**ARTICLE 35: ADA Upgrades**

*Sponsor: Town Manager*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for any improvements to Town or School buildings and grounds that may be necessary to comply with the Americans with Disabilities Act of 1990; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE 36: Middle School Wiring Upgrade**

*Sponsor: School Committee*

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 purpose of upgrading the wiring, data, and alarm systems at the Middle School; said sum to be spent under the direction of the School Committee.

Pass any vote or take any act relative thereto.

**ARTICLE 37: Middle School Auditorium Upgrade**

*Sponsor: School Committee*

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 purpose upgrading the original sound system, microphone jacks, speakers, screen, and projector at the Middle School Auditorium; said sum to be spent under the direction of the School Committee.

Pass any vote or take any act relative thereto.

**COMMUNITY PRESERVATION FUNDS**

**ARTICLE 38: Community Preservation Recommendations**

*Sponsor: CPC*

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2012 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money, not to exceed 5% of the Fiscal Year 2012 estimated annual revenues, to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2012; and, further, to reserve for future appropriation a sum of money from the Community Preservation Fund for

open space, historic resources, and community housing purposes; and, further, to appropriate from the Community Preservation Fund, or borrow pursuant to Chapter 44B, Section 11, of the *Massachusetts General Laws*, or any other enabling authority, a sum or sums of money for Community Preservation projects or purposes, including the acquisition of interests in land, all as recommended by the Community Preservation Committee.

Pass any vote or take any act relative thereto.

**GENERAL BYLAW AMENDMENTS**

**ARTICLE 39: Appropriation Committee Membership**

*Sponsor: Town Manager*

To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton by deleting sections 5-1, 5-2 and 5-7 in their entirety and inserting in their place the following:

**§5-1. Appointment; compensation; duties.**

A. There shall be an Appropriation Committee of five registered voters of sound business experience or good judgment, who shall serve without pay and who shall consider any and all questions involving the expenditure of money, for the purpose of making reports or recommendations thereon to the Town. The Finance Director shall serve on the Appropriation Committee *ex officio*, as a sixth non-voting member.

B. The members of the Appropriation Committee, excluding the Finance Director, shall be appointed to serve terms of three (3) years and shall be chosen immediately following the Annual Town Meeting as provided in the Town Charter.

C. No person holding any other elective or appointive office in his or her individual capacity shall be eligible to appointment or qualified to serve as a member of the Appropriation Committee, with the exception of the Finance Director; provided, however, that a member of the Appropriation Committee may be designated by the Appropriation Committee to serve on another board, committee or commission as a representative of the Appropriation Committee.

**§ 5-2. Vacancies.**

Whenever a vacancy shall occur in the membership of the Appropriation Committee for any reason, the vacancy shall be filled by appointment, as provided in the Town Charter, for the remainder of the term.

Pass any vote or take any act relative thereto.

**ARTICLE 40: Printing of Town Report Without ATM Warrant**

*Sponsor: Town Manager*

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

1. By deleting section 28-2, Annual Report, in its entirety and re-numbering all subsequent sections of Chapter 28 of the General Bylaws;
2. By deleting subsection 28-5.B in its entirety and re-lettering all subsequent subsections of section 28-5 of the General Bylaws.

Pass any vote or take any act relative thereto.

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

1. By adding the phrase “, and Tobacco” after the word “Tetrahydrocannabinol” in the title to Chapter 58.
2. By adding a new § 58-4 to Chapter 58, as follows:

**§ 58-4. Possession and Use of Tobacco by Minors**

- A. The possession and use of tobacco, in any of its forms, in a public outdoor place by a person under the age of 18 shall be prohibited.
- B. All tobacco and products containing tobacco possessed or used in violation of this section shall be confiscated, and the parent(s) or guardian(s) of the violator shall be notified of such violation and provided with educational materials on the health issues related to tobacco, and information on smoking cessation programs. Violations of this section shall not be subject to a monetary penalty.
- C. For the purposes of this section, “public outdoor place” shall be defined as an outdoor place that allows access to the public. For the purposes of this section, “possession” shall be defined as having physical custody of tobacco or a product containing tobacco in public view in a public outdoor place. For the purposes of this section, “use” shall be defined as actual chewing, smoking, spitting or rolling of tobacco or a product containing tobacco in a public outdoor place.

3. By amending Chapter 1, General Provisions, Section 1-4. Penalties enumerated., by deleting the following:

Alcoholic Beverages, Marihuana or Tetrahydrocannabinol Bylaw (Ch. 58)	Alcoholic Beverages, Marihuana or Tetrahydrocannabinol  Police Department	Alcoholic Beverages: \$50  Marihuana or Tetrahydrocannabinol: \$100
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and inserting in its place the following:

Alcoholic Beverages, Marihuana or Tetrahydrocannabinol, and Tobacco Bylaw (Ch. 58)	Alcoholic Beverages, Marihuana or Tetrahydrocannabinol, and Tobacco  Police Department	Alcoholic Beverages: \$50  Marihuana or Tetrahydrocannabinol: \$100  Tobacco: tobacco and products containing tobacco confiscated, and parent(s) or guardian(s) of violator notified and provided with educational materials on the health issues related to tobacco, and information on smoking cessation programs; no monetary penalty.
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Pass any vote or take any act relative thereto.

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

1. By adding a new Chapter titled "Registered Sex Offender Restrictions" as follows:

### **REGISTERED SEX OFFENDER RESTRICTIONS**

#### **Section 1. Definitions**

1. "Registered Sex Offender" for the purposes of this Chapter shall mean: (a) any person who is designated as a sexually violent predator pursuant to Chapter 6, §178C of the *Massachusetts General Laws* and who is required to register as a sex offender pursuant to the guidelines of the Sex Offender Registry Board; (b) any person who is required to register as a Sex Offender pursuant to Chapter 6, §178F½ of the *Massachusetts General Laws* and who is finally classified as a Level 3 offender pursuant to the guidelines of the Sex Offender Registry; and (c) any person who is required to register as a Sex Offender pursuant to Chapter 6, §178 F½ of the *Massachusetts General Laws*, who is finally classified as a Level 2 offender pursuant to the guidelines of the Sex Offender Registry and who has committed a Sex Offense against a Child, and Elder, and/or a Person with an Intellectual Disability.
2. "Sex Offender" and "Sex offense" shall have the same meaning as provided for in M.G.L. Chapter 6, §178C.
3. "Child" or "Children" shall mean persons under sixteen (16) years of age.
4. "Elder" or "Elderly" shall mean persons over sixty (60) years of age.
5. "Person with an Intellectual Disability" shall mean, pursuant to M.G.L. Chapter 123B, §1, a person who, as a result of inadequately developed or impaired intelligence, as determined by clinical authorities as described in the regulations of the Department of Developmental Service, is substantially limited in the person's ability to learn or adapt, as judged by established standards available for the evaluation of the person's ability to function in the community.
6. "Park" shall mean any public land designated for active or passive recreational or athletic use by the Town of Hopkinton, the Commonwealth of Massachusetts or other governmental subdivision, and located within the Town of Hopkinton.
7. "School" shall mean any public or private educational facility that provides services to children in grades kindergarten-12.
8. "Recreational facility" shall include, but is not limited to, a playground, a forest preserve, conservation area, jogging trail or running track, hiking trail, beach, wading pool, soccer field, baseball field, football field, basketball court or hockey rink, dance or gymnastic studio, whether publicly or privately owned, to which the public has a right of access as an invitee and which is located within the Town of Hopkinton.
9. "Day Care Center" shall mean any establishment, whether public or private which provides care for children and is registered with and licensed pursuant to the applicable

laws of the Commonwealth of Massachusetts by the Office of Child Care Services.

10. "Elderly housing facility" shall mean a building or buildings on the same lot containing four or more dwelling units restricted to occupancy by households having one or more members fifty-five years of age or older.
11. "Permanent Residence" shall mean a place where a person lives, abides, lodges, or resides for 14 or more consecutive days.
12. "Temporary Residence" shall mean a place where a person lives, abides, lodges, or resides for a period of less than 14 consecutive days or 14 days in the aggregate during any calendar year, which is not the person's permanent address or place where the person routinely lives, abides, lodges, or resides and which is not the person's Permanent Residence; but "Temporary Residence" shall not include residence at a hospital or other healthcare or medical facility for less than 14 consecutive days or 14 days in the aggregate during any calendar year.
13. "Establishing a Residence" shall mean to set up or bring into being a dwelling place or an abode where a person sleeps, which may include more than one location, and may be mobile or transitory, or by means of purchasing real property or entering into a lease or rental agreement for real property

**Section 2. Sex Offender Residence Prohibitions, Penalties, Exceptions.**

- A. It is unlawful for any sex offender who is finally classified as a level 2 or 3 offender pursuant to the guidelines of Massachusetts Sex Offender Registry Board, to establish a permanent residence within one thousand (1000) feet of any school, day care center, park, other recreational facility or elderly housing facility.
- B. Evidentiary matters measurements. For purposes of determining the minimum distance separation under this section, the distance shall be measured by following a straight line from the outer property line of the Permanent or Temporary Residence to the nearest outer property line of any school, day care center, park, recreational facility, elderly housing facility.
- C. Exceptions. A registered sex offender residing within one thousand (1000) feet of any school, day care center, park, recreational facility, elderly housing facility does not commit a violation of this by-law if any of the following apply:
  - (1) The registered sex offender established the permanent residence prior to the effective date of this bylaw, and:
    - (a) Permanent residence was established by purchasing the real property where the residence is established, as long as the registered sex offender continues to reside in and does not move to another restricted location in Hopkinton different from the permanent residence established prior to the effective date of this bylaw;
    - (b) Permanent residence was established through a valid, fixed-term, written lease or rental agreement, executed prior to the effective date of this by-law, as long as the registered sex offender continues to reside within and does not move to another restricted location in Hopkinton different from the permanent residence established prior to the effective date of this bylaw; or

- (c) Permanent residence was established through a verbal lease or rental agreement at the will of the landlord, as long as the registered sex offender continues to reside within and does not move to another restricted location in Hopkinton different from the permanent residence established prior to the effective date of this bylaw.
  - (2) The registered sex offender is a minor living with his or her parent(s) or legal guardian(s), which parent(s) or legal guardian(s) has (have) established a permanent residence.
  - (3) The school, day-care center, park, recreational facility, or elderly housing facility, within 1,000 feet of the registered sex offender's permanent residence was opened after the registered sex offender established the permanent residence
- D. Forfeiture of exception. If, either after the effective date of this bylaw or after a new school, day care center, park, recreational facility, or elderly housing facility opens, a complaint or an indictment is issued by a court against a registered sex offender otherwise enjoying an exception under Subsection C and Judgment enters, that such registered sex offender has committed another sex offense, he/she will immediately forfeit that exception and be required to comply with this section.
- E. Notice to move. A registered sex offender who resides on a permanent or temporary basis within one thousand (1,000) feet of any school, day-care center, park, recreational facility, or elderly housing facility shall be in violation of this bylaw and shall within thirty (30) days of receipt of written notice of the registered sex offender's noncompliance with this bylaw, move from said location to a new location, but new location may not be within 1,000 feet of any school, day care center, park, recreational facility, or elderly housing facility. It shall constitute a separate violation for each day beyond the 30 days the registered sex offender continues to reside within 1,000 feet of any school, day care center, park, recreational facility or elderly housing facility. Furthermore it shall be a separate violation each day that a sex offender shall move from one location in the Town of Hopkinton to another that is still within 1,000 feet of any school, day care center, park, recreational facility or elderly housing facility.
- F. Penalties. Any violation of this section shall be enforced by non-criminal disposition pursuant to M.G.L. c.40 §21D as follows:
- (1) First offense by registered sex offender: non-criminal fine of \$150 and notification to offender that he/she has thirty (30) days to move.
  - (2) Subsequent offense by registered sex offender: Non-criminal fine of \$300.00 and notification to offender's parole officer and/or probation officer and the Commonwealth's Sex Offender Registry Board, that the Sex Offender has violated Town's Bylaw.

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

### **Section 3. Additional Exceptions**

A person residing within 1,000 feet of any school, day care center, park, elderly housing facility or recreational facility does not commit a violation of this section if any of the following apply:

- A. The person established the permanent residence and reported and registered the residence prior to the effective date of this Chapter.
- B. The person was a juvenile when he/she committed the offense and was not convicted as an adult.
- C. The school, day care center, park, elderly, housing facility or recreational facility within 1,000 permanent residence was established after the person established the permanent residence and reported and registered the residence pursuant to the Sex Offender Registry Law.
- D. The person is incarcerated in any facility owned, maintained and/or operated by the Town of Hopkinton.
- E. The person is admitted to and subject to an order of commitment at a public or private facility for the care and treatment of persons with intellectual disabilities pursuant to G.L. c.123B.
- F. The person is mentally ill subject to guardianship pursuant to G.L. c.201 §6 or is a person with intellectual disabilities subject to guardianship pursuant to G.L. c.201, §6A, residing with his or her guardian or residing within a group residence that is professionally staffed an supervised 24 hours a day.

**Section 4. Safety Zones**

- A. Prohibitions.
  - 1. A registered sex offender is prohibited from entering upon the premises of a school or day care center unless previously authorized in writing by the school administration or day care center owner.
  - 2. A registered sex offender is prohibited from entering upon the premises of an elderly housing facility unless previously authorized in writing by the on-site manager of the elderly housing facility.
  - 3. A registered sex offender is prohibited from entering upon the premises of a facility for the care and treatment of persons with intellectual disabilities.
  - 4. A registered sex offender is prohibited from entering upon the premises of a park or any recreational facility.
- B. Exceptions.
  - 1. The prohibitions defined shall not be construed or enforced so as to prohibit a Registered Sex Offender from exercising his or her right to vote in any federal, state or municipal election, or from attending any religious service.
  - 2. The prohibitions defined do not apply to a Registered Sex Offender’s place of residence when such residence is excepted under Section 3.
- C. Penalties.

Any violation of this section may be enforced by non-criminal disposition pursuant to M.G.L. c.40 §21D, resulting in : (1) a non-criminal fine of \$150.00 for a first violation; and (2) a non-criminal fine of \$300.00 for each additional violation of this section. A registered sex offender commits a separate offense for each and every violation of this section.

**Section 5. Enforcement.**

- A. The Hopkinton Police Department shall be charged and empowered with the enforcement of this chapter.

- B. A written list describing the prohibited areas defined in this Bylaw as well as a map depicting the safety zones, shall be created by the Town and maintained by the Hopkinton Department of Public Works. The Town shall review both the list and the maps no less than annually for changes. The list, the maps and a copy of this Bylaw will be available to the public at the Hopkinton Police Department and Hopkinton Clerk's Office and on the Town of Hopkinton website.

**Section 6. Severability.**

In the event that any provision of this Chapter, or the application thereof, is found to be invalid for any reason by a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Chapter shall be deemed to be amended to the minimum extent necessary to provide protections substantially as set forth herein.

- 4. By amending Chapter 1, General Provisions, Section 1-4. Penalties enumerated., by adding the following in alphabetical order:

Registered Sex Offender Restrictions Bylaw (Ch. ___)	Registered Sex Offenders' Residences  Police Department	First violation: \$150, and notification to offender that he/she has thirty (30) days to move.  Subsequent violations: \$300.00, and notification to offender's parole officer and/or probation officer and the Commonwealth's Sex Offender Registry Board, that the Sex Offender has violated Town's Bylaw.
Registered Sex Offender Restrictions Bylaw (Ch. ___)	Registered Sex Offenders in Safety Zones  Police Department	First violation: \$150  Subsequent violations: \$300

Pass any vote or take any act relative thereto.

**ZONING BYLAW AMENDMENTS**

**ARTICLE 43: Nonconforming Uses** *Sponsor: Planning Board*

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

- 1. By changing the title of Article XIX, "Nonconforming Uses", to "Nonconforming Lots, Uses and Structures" and by deleting § 210-127 and § 210-128 of Article XIX, Nonconforming Uses, and inserting therefor a new § 210-127 and § 210-128 as follows:

**§ 210-127. Continued use of existing uses.**

Notwithstanding any possible nonconformity, this Chapter shall not apply to the continued use of existing buildings or structures or of land to the extent of its lawful use at the time of



adoption of this Chapter.

**§ 210-128. Changes to existing lots, uses and structures.**

**A. Single and Two Family Residential Dwellings**

Alteration, reconstruction, extension or structural change (collectively “alteration”) to a single or two family residential dwelling shall not be considered an increase in the nonconforming nature of the structure and shall be permitted as of right in the following circumstances, if a) the lot conforms to the minimum lot area and frontage requirements of this Chapter, or b) the lot complied with the minimum area and frontage requirements in effect at the time the lot was created, has not been held in common ownership with adjoining land since rendered nonconforming, and has at least 5,000 square feet of area and 50 feet of frontage:

1. Alteration to an existing dwelling which complies with all current size and setback requirements and such alteration also complies with the current size and setback requirements and building height requirements;
2. Alteration to an existing dwelling which encroaches upon one or more required yard width or setback requirement, where the alteration will comply with all current setback and building height requirements.

Alteration of a single or two family dwelling which does not conform to the foregoing circumstances shall require the issuance of a special permit by the Board of Appeals upon a finding that the proposed change is not substantially more detrimental to the neighborhood.

**B. Nonconforming Structures**

A nonconforming building or structure which is not a single or two family dwelling may be altered, reconstructed, extended or structurally changed only after the issuance of a special permit by the Board of Appeals upon a finding that the proposed change is not substantially more detrimental to the neighborhood.

**C. Nonconforming Lots**

A lot which complied with the minimum area and frontage requirements in effect at the time it was created, has not been held in common ownership with adjoining land since rendered nonconforming, and has at least 5,000 square feet of area and 50 feet of frontage, may be built upon for a single or two family dwelling as of right if the dwelling will comply with all applicable regulations of this Chapter. Construction of a single or two family dwelling or other lawful building on such lots where the proposed dwelling or building will not comply with the applicable regulations of this Chapter is permitted only upon the issuance of a special permit by the Board of Appeals and a finding that the proposed change is not substantially more detrimental to the neighborhood.

**D. Nonconforming Uses**

1. Alteration, reconstruction, extension or structural change (collectively “alteration”) to a nonconforming use to provide for the use in a manner substantially different from the use to which it was put before alteration or for its use for the same purpose to a substantially greater extent shall require the issuance of a special permit by the Board of Appeals upon a finding that the proposed use is not substantially more detrimental to the neighborhood.

2. A change from one nonconforming use to another nonconforming use shall require the issuance of a special permit by the Board of Appeals, upon a finding that the proposed use is not substantially more detrimental to the neighborhood and that the proposed use is a similar or more restricted use.
  3. Where an existing use lacks the required off-street parking facilities for the district in which it is located, such lack shall not render said use nonconforming, but any part of a lot containing such use that is used for parking on the effective date of this Chapter may not be thereafter built upon unless either sufficient additional parking facilities are obtained and made available to keep the ratio of parking space to floor area the same or the remaining number of parking spaces provided conforms to the requirements of this Chapter.
2. By deleting § 210-117.A in its entirety and re-lettering all subsequent subsections of § 210-117.

Pass any vote or take any action related thereto.

<b>ARTICLE 44: Special Permit for New Lots with Historic Structures</b> <i>Sponsor: Planning Board</i>
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To see if the Town will vote to amend the Zoning Bylaws of the Town of Hopkinton as follows:

1. Adopt a new § 210-117.2, Lots with Historic Structures, as follows:

**§ 210-117.2. Lots with Historic Structures**

- A. A lot may be created which does not meet the size and setback requirements of this Chapter upon the issuance of a special permit by the Planning Board, if the following criteria are met:
  - (1) The lot to be created will contain an Historic Structure;
  - (2) The Historic Structure which will be located on the lot is either:
    - (a) Presently situated on a lot for which an application has been submitted to the Town for approval of any single or multi-family residential development, an approval-not-required plan pursuant to MGL c.41 § 81P, or a construction project subject to Article XX, Site Plan Review, and the Historic Structure will remain in its present location; or
    - (b) Planned to be moved from a lot or within a lot for which an application has been submitted to the Town for approval of any single or multi-family residential development, an approval-not-required plan pursuant to MGL c.41 § 81P, or a construction project subject to Article XX, Site Plan Review.
  - (3) The Planning Board finds that the proposed lot is in harmony with the general purpose and intent of this Chapter.
- B. The special permit shall be subject to such conditions and safeguards as the Planning Board may prescribe, including the recording of an historic preservation restriction. In reviewing any application for such special permit, the Planning Board shall give due consideration to promoting the public health, safety, convenience and welfare; shall

encourage the most appropriate use of land and shall permit no building or use that is injurious, noxious offensive or detrimental to its neighborhood.

- C. Administration. Within seven days of receipt of the special permit application, the Planning Board shall transmit a copy of the application to the Historical Commission for comment and recommendations.

- 2. Amend Article XIII, Garden Apartments in Residential Districts, by inserting a new subsection (19) in § 210-74.B, Dimensional Requirements, as follows:

(19) Where the Planning Board has issued a special permit pursuant to § 210-117.2, Lots with Historic Structures, for any of the land subject to a Garden Apartment special permit or site plan application, the Board may authorize the reduction of any of the dimensional requirements of this Article in order to facilitate the preservation of an Historic Structure.

- 3. Amend Article XVIA, Senior Housing Development, by inserting a new (20) in § 210-105.3.B, Dimensional Requirements, as follows:

(20) Where the Planning Board has issued a special permit pursuant to § 210-117.2, Lots with Historic Structures, for any of the land subject to a Senior Housing Development special permit or site plan application, the Board may authorize the reduction of any of the dimensional requirements of this Article in order to facilitate the preservation of an Historic Structure.

Pass any vote or take any action related thereto.

**ARTICLE 45: Commercial Solar Photovoltaic Installations**

*Sponsor: Planning Board*

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

- 1. Amend Article I, General Provisions, § 210-4, Definitions, by inserting a new definition of Commercial Solar Photovoltaic Installation in alphabetical order, as follows:

COMMERCIAL SOLAR PHOTOVOLTAIC INSTALLATION: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and generates power solely for the electrical grid.

- 2. Adopt a new Article XXXI, Commercial Solar Photovoltaic Installations, as follows:

Article XXXI  
Commercial Solar Photovoltaic Installations

§ 210-200. Purpose

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

§ 210-201. Applicability

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

Nothing in this Article should be construed to prevent the installation of roof-mounted solar photovoltaic installations, which are permitted as-of-right in any zoning district.

#### § 210-202. Use Regulations

Commercial solar photovoltaic installations shall conform to the following provisions.

- A. A commercial solar photovoltaic installation may be erected upon the issuance of a special permit by the Planning Board on a lot containing a minimum of three (3) acres.
- B. All setback, yard, buffer and screening requirements applicable in the zoning district in which the installation is located shall apply.
- C. All security fences surrounding the installations shall be set back from the property line a distance equal to the setback requirement applicable to buildings within the zoning district in which the installation is located.
- D. The provisions of Article XX, Site Plan Review, shall not apply to commercial solar photovoltaic installations.
- E. The visual impact of the commercial solar photovoltaic installation, including all accessory structures and appurtenances, shall be mitigated. All accessory structures and appurtenances shall be architecturally compatible with each other. Whenever reasonable, structures shall be shaded from view by vegetation and/or joined and clustered to avoid adverse visual impacts. Methods such as the use of landscaping, natural features and fencing may be utilized.
- F. Lighting shall not be permitted unless required by the Planning Board or required by the State Building Code. Where used, lighting shall be directed downward and full cut-off fixtures shall be used.
- G. All utility connections from the commercial solar photovoltaic installation shall be underground unless specifically permitted otherwise by the Planning Board in the special permit. Electrical transformers and inverters to enable utility interconnections may be above ground if required by the utility provider.
- H. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the commercial solar photovoltaic installation or otherwise prescribed by applicable laws, regulations and bylaws.
- I. The commercial solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, continued compliance with landscaping and screening requirements, and integrity of security measures. The owner or operator shall be responsible for the maintenance of any access roads serving the installation.

#### § 210-203. Discontinuance

A commercial solar photovoltaic installation shall be deemed to have been discontinued if it has not been in service for a continuous 24-month period. Upon receipt of a Notice of Discontinuance from the Director of Municipal Inspections, the owner shall have the

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

§ 210-204. Administration

- A. A special permit is required from the Planning Board to erect or install a commercial solar photovoltaic installation. A record owner desiring to erect a commercial solar photovoltaic installation shall file with the Planning Board an application for a special permit, together with such plans, drawings, specifications, fees and additional information as required by the Planning Board.
- B. The Planning Board shall have the authority to waive specific provisions of this Article upon a determination that the waiver is not inconsistent with the purpose and intent of this section.
- C. The Planning Board shall conduct its review, hold a public hearing and file its decision with the Town Clerk as required by MGL c.40A § 9.
- D. Approval Criteria. Before the Planning Board may issue the special permit, it shall determine each of the following:
  - 1. The commercial solar photovoltaic installation conforms to the provisions of this section.
  - 2. The commercial solar photovoltaic installation will not be detrimental to the neighborhood or the Town.
  - 3. Environmental features of the site and surrounding areas are protected, and the surrounding area will be protected from the proposed use by provision of adequate surface water drainage.
  - 4. The proposed use is in harmony with the general purpose and intent of this Chapter.
- E. Any special permit shall be subject to such conditions and safeguards as the Planning Board may prescribe. Such conditions may include the requirement of a performance bond, secured by deposit of money or negotiable securities, posted with the Town to guarantee proper maintenance and/or removal of the commercial solar photovoltaic installation. The amount of the performance bond shall not exceed the estimated cost of the commercial solar photovoltaic installation removal. Such conditions may also include additional screening of the facility.
- F. In reviewing any application for a special permit, the Planning Board shall give due consideration to promoting the public health, safety, convenience and welfare; shall

encourage the most appropriate use of land and shall permit no building or use that is injurious, noxious, offensive or detrimental to its neighborhood.

Pass any vote or take any action related thereto.

**ARTICLE 46: Water Resources Protection Overlay District**

*Sponsor: Planning Board*

To see if the Town will vote to amend the Zoning Bylaws and the Zoning Map of the Town of Hopkinton by amending Article XII, Water Resources Protection Overlay District, as follows:

1. By deleting from the first sentence of § 210-68, Applicability and Establishment of Districts, subsection B, "February, 2007" and inserting therefor "March 2011".
2. By amending § 210-69 as follows:
  - a. By inserting "or public surface water supply" at the end of the first sentence of the definition of "Water Resources Protection Overlay District";
  - b. By inserting in alphabetical order a new definition of "Zone A" as follows: "Land areas within a DEP approved Zone A and which are contained within the WRPOD."
3. By deleting the first sentence of § 210-70.D and inserting therefor a new sentence as follows: "The following uses are specifically prohibited in the areas indicated on the map as WRPOD and WRPOD-1, except that items (6), (7) and (11) shall not be prohibited in the WRPOD-1 area."
4. By inserting a new § 210-70.E as follows:
  - D. The following uses are specifically prohibited in the areas indicated on the map as Zone A:
    - (1) Solid waste combustion facilities or handling facilities.
    - (2) Junk and salvage operations.
    - (3) Stockpiling or disposal of snow removed from outside the district that contains deicing chemicals.
    - (4) Treatment or disposal works subject to 314 CMR 3.00 or 5.00, except for:
      - a. The replacement or repair of an existing treatment or disposal works that will not result in a design capacity greater than the design capacity of the existing treatment or disposal works;
      - b. Treatment or disposal works for sanitary sewage if necessary to treat existing sanitary sewage discharges in non-compliance with Title 5, 310 CMR 15.00, provided the facility owner demonstrates to the DEP's satisfaction that there are no feasible siting locations outside the Zone A. Any new facility shall be permitted in accordance with 314 CMR 5.00 and shall be required to disinfect the effluent.
      - c. Treatment works approved by the DEP designed for the treatment of contaminated ground or surface waters and operated in compliance with 314 CMR 5.05(3) or 5.05(13); and
      - d. Discharge by public water system of waters incidental to water treatment process.

- (5) Facilities that, through their acts or processes, generate, treat, store or dispose of hazardous waste that are subject to MGL c.21C and 310 CMR 30.000, except for:
  - a. Very small quantity generators as defined by 310 CMR 30.000;
  - b. Treatment works approved by the DEP designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters.
- (6) Human or animal cemeteries or mausoleums.
- (7) Storage of road or parking lot deicing and sanding materials unless covered or contained.
- (8) Storage of fertilizers unless covered or contained.
- (9) Storage of animal manures, unless covered or contained.
- (10) Underground storage tanks.
- (11) Sand and gravel operations.
- (12) Motor vehicle repair operations.
- (13) Commercial car washes; the outdoor washing of commercial vehicles.

Pass any vote or take any action related thereto.

<b>ARTICLE 47: Rural Business District, Setbacks and Screening</b>	<i>Sponsor: Planning Board</i>
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To see if the Town will vote to amend the Zoning Bylaws of the Town of Hopkinton, Article VII, Rural Business District, as follows:

1. By amending § 210-22, Dimensional requirements, item E, by deleting “25 feet” and inserting therefor “10 feet except that the side yard depth shall be 25 feet from abutting property used partially or wholly for residential purposes at the time of application.”
2. By amending § 210-26, Design requirements by deleting subsections C and D and inserting new subsections C and D as follows:
  - C. Landscaping: A landscaped area 12 feet in depth shall be provided along the street frontage of a lot.
  - D. Screening adjacent to residence districts. The minimum setback area adjacent to a lot in a Residence A, Residence B, Residence Lake Front or Agricultural district shall be maintained in a wooded state to provide effective year-round screening of abutting property. All outdoor activity in a BR District, including parking, shall be screened as viewed from the ground. Acceptable screening may be a band of dense natural woodland 20 or more feet wide, differences in elevation sufficient to shield the view as required, an opaque fence or wall or evergreens planted to form a dense hedge of the required height within three years.

Pass any vote or take any action related thereto.

**ARTICLE 48: Open Space Mixed Use District Definitions**

*Sponsor: Planning Board*

To see if the Town will vote to amend the Zoning Bylaws of the Town of Hopkinton, Article XXVI, Open Space Mixed Use Development Overlay District, by inserting the following definitions in § 219-164, Definitions, in alphabetical order:

APARTMENT BUILDING – See definition of Garden Apartment.

ATTACHED DWELLING – A dwelling consisting of two or more dwelling units, each of which has a building element such as a wall, floor, ceiling or roof in common with or other Structure attached to another dwelling unit. Attached dwellings include Garden Apartments.

COMMON OWNERSHIP – Common ownership shall mean ownership by the same person or persons or legal entities or ownership by any two or more persons or entities, when there is active or pervasive control of those legal persons or entities by the same controlling person and there is an intermingling of activity among those persons while engaging in a common enterprise. Common Ownership can include a Condominium or Landowners’ Association.

DUPLEX – An Attached Dwelling consisting of two dwelling units located on a lot in Common Ownership.

GARDEN APARTMENT – A multifamily residential land use consisting of two or more dwelling units each of which is on a single level, at least some of which have a floor or ceiling in common with another unit.

MULTIFAMILY DWELLING OR PROJECT – A collective term referring to any dwelling units other than a Single Family Dwelling located on an individual lot, including an Attached Dwelling, Simplex Dwelling, Duplex Dwelling, Townhouse, Garden Apartment or Apartment Building.

SIMPLEX DWELLING – A detached dwelling separated from another dwelling unit by not more than 25 feet and located on a lot in Common Ownership.

SINGLE FAMILY DWELLING – A detached dwelling unit on an individual lot or a detached dwelling unit separated from another dwelling unit by more than 25 feet, but not including a mobile home or trailer.

STRUCTURE – A man-made combination of materials assembled in a fixed location to give support or shelter or for any other purpose, including buildings, frameworks, platforms, sheds, carports, porte-cocheres, covered walkways and the like; provided, however, that signs, fences, tents, poles, swing sets and the like are not to be considered structures.

TOWNHOUSE – One of a row of three or more dwelling units, each of which has a wall in common with another dwelling unit, with each dwelling unit having a separate entrance and located on a lot in common ownership.

Pass any vote or take any action related thereto.

**ARTICLE 49: Amend Zoning Map: Library Parcels**

*Sponsor: Planning Board*

To see if the Town will vote to amend the Zoning Map of the Town of Hopkinton by changing the zoning district of the parcels of land located at 13 Main Street (Assessors Map U16 Block 196 Lot



0) and 9 Church Street (Assessors Map U16 Block 198 Lot 0) from Residence A to Downtown Business.

Pass any vote or take any action related thereto.

**ARTICLE 50: Amend Zoning Map: Hayward St. and Old Town Rd. Sponsor: Voter Petition**

To see if the Town will vote to amend the Zoning Map of the Town of Hopkinton to rezone certain parcels of land as described below from their current use category to Rural Business (RB) District:

- 33 Hayward Street(L37 101 0) +/- .20 acres Residence Lake Front (RLF1) District to Rural Business (RB) District
- 0 Hayward Street(L37 102 0) +/- .09 acres Residence Lake Front (RLF1) District to Rural Business (RB) District
- 0 Hayward Street + Old Town Road(L37 125 0) +/- .40 acres Residence Lake Front (RLF1) District to Rural Business (RB) District
- 37 Hayward Street(L37 125 A) +/- .56 acres Residence Lake Front (RLF1) District to Rural Business (RB) District
- 0 Old Town Road(L37 124 0) +/- .23 acres Residence Lake Front (RLF1) District to Rural Business (RB) District
- 0 Hayward Street(L37 103 0) +/- .11 acres Residence Lake Front (RLF1) District to Rural Business (RB) District
- 0 Hayward Street(L37 104 0) +/- .66 acres Residence Lake Front (RLF1) District to Rural Business (RB) District
- 0 Old Town Road(L37 123 0) +/- .09 acres Residence Lake Front (RLF1) District to Rural Business (RB) District

Pass any vote or take any action related thereto.

**LAND ACQUISITIONS AND DISPOSITIONS**

**ARTICLE 51: Accept Gift of Land: Granite St. and South Barn Rd. Sponsor: Planning Board**

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, two parcels of land located along Granite Street and South Barn Road as shown on Assessors Map U25 Block 38 Lot 0 and Map R30 Block 151 Lot 0, said land to be under the care, custody, management and control of the Conservation Commission and used for open space purposes.

Pass any vote or take any act relative thereto.

**ARTICLE 52: Disposition of Town Property on Old Town Road Sponsor: Town Manager**

To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town, to sell or otherwise dispose of the real property on Old Town Road shown on Assessors Map L36 Block 177 Lot 0, under such terms as it may determine.

Pass any vote or take any act relative thereto.

**ADMINISTRATIVE**

**ARTICLE 53: Library Project Preliminary Design**

*Sponsor: Permanent Bldg. Comm.*

To see if the Town will vote to accept the preliminary design for the Town Library renovation and expansion project, as shown in "Appendix J" to the document entitled "Massachusetts Board of Library Commissioners 2011 Construction Grant Application for the Hopkinton Public Library" (a copy of which is available at the Town Clerk's Office).

Pass any vote or take any act related thereto.

**ARTICLE 54: Accept M.G.L. c.32B, §18: Medicare for Retirees**

*Sponsor: Town Manager*

To see if the Town will vote to accept the provisions of Chapter 32B, Section 18, of the *Massachusetts General Laws*, thereby requiring that all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to enroll in a medicare health benefits supplement plan offered by the Town.

Pass any vote or take any act related thereto.

**ARTICLE 55: Accept M.G.L. c.32B, §19: Join the GIC**

*Sponsor: Town Manager*

To see if the Town will vote to accept the provisions of Chapter 32B, Section 19, of the *Massachusetts General Laws*.

Pass any vote or take any act related thereto.

**ARTICLE 56: Replace Center School With K-1 School**

*Sponsor: Voter Petition*

To see if the Town will vote to provide a non-binding opinion on whether to consider replacing Center School with a non-districted kindergarten through first grade elementary school. The results of the vote will be used to support the Town of Hopkinton School Committee determine future planning for its public school strategic plan.

Pass any vote or take any act related thereto.

**ARTICLE 57: Build New Middle School, Repurpose Old Middle School**

*Sponsor: Voter Petition*

To see if the Town will vote to provide a non-binding opinion on whether to consider construction of a replacement to the Middle School, and modify the existing Middle School to allow for the replacement Center School and Elmwood School. The results of the vote will be used to support the Town of Hopkinton School Committee determine future planning for its public school strategic plan.

Pass any vote or take any act related thereto.

To see if the Town will vote to provide a non-binding opinion on whether to consider replacing Center School and Elmwood School with a non-districted kindergarten through third grade elementary school. The results of the vote will be used to support the Town of Hopkinton School Committee determine future planning for its public school strategic plan.

Pass any vote or take any act related 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 29<sup>th</sup> day of March, 2011.

BOARD OF SELECTMEN  
TOWN OF HOPKINTON

\_\_\_\_\_  
RJ Dourney, Chairman

\_\_\_\_\_  
Benjamin L. Palleiko

\_\_\_\_\_  
Todd Cestari, Vice-Chairman

\_\_\_\_\_  
John Mosher

\_\_\_\_\_  
Michelle Gates

A TRUE COPY  
ATTEST:

\_\_\_\_\_  
Ann M. Click, Town Clerk

DATE: \_\_\_\_\_

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

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