



**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HOPKINTON
ANNUAL TOWN MEETING WARRANT
MAY 6, 2019**

(Voter Registration Deadline: April 17, 2019)

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 20, 2019, 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 20, 2019 Election

Office	Number of open positions	Length of Term
Board of Assessors	1	3 years
Board of Health	1	3 years
Board of Library Trustees	2	3 years
Board of Selectmen	2	3 years
Cemetery Commissioners	1	3 years
Commissioners of Trust Fund	1	3 years
Constable	1	3 years
Hopkinton Housing Authority	1	5 years
Parks and Recreation Commission	1	3 years
Planning Board	1	5 years
Planning Board	1	2 years
Planning Board	1	1 year
School Committee	1	3 years
Town Clerk	1	3 years
Town Moderator	1	3 years

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Warrant

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

QUESTION 1: 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 nineteen by an amount equal to \$1,180,568 (ONE MILLION, ONE HUNDRED EIGHTY THOUSAND, FIVE HUNDRED SIXTY-EIGHT DOLLARS)?

QUESTION 2: 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 purchase a Ladder Truck for the Fire Department?

QUESTION 3: Shall the Town of Hopkinton be allowed to exempt from the provisions of two and one-half, so-called, the amounts required to pay for the bond issued in order to purchase an interest in land contiguous with the Town Hall property for the purpose of providing Town Hall parking?

QUESTION 4: Shall the Town of Hopkinton be allowed to exempt from the provisions of two and one-half, so-called, the amounts required to pay for the bond issued in order to purchase an interest in one or more parcels of land for the purpose of providing municipal parking in the downtown area?

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, on May 6, 2019, at 7:00 p.m., then and there to act upon the following Articles:

REPORTS

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

Pass any vote or take any act relative thereto.

FINANCIAL – FISCAL YEAR 2019

ARTICLE: 2	FY 2019 Supplemental Appropriations and Transfers	<i>Sponsor: Town Manager</i>
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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 and various accounts for the fiscal year ending June 30, 2019.

Pass any vote or take any act relative thereto.

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ARTICLE: 3	Unpaid Bills from Previous Fiscal Years	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money to pay unpaid bills from prior fiscal years, in accordance with the provisions of Chapter 44, Section 64, of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

FINANCIAL – FISCAL YEAR 2020

ARTICLE: 4	Property Tax Exemption Increase	<i>Sponsor: Chief Financial Officer/Town Manager</i>
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To see if the Town will vote to accept the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, to provide an additional real estate tax exemption for all fiscal years beginning July 1, 2019, 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: 5	BRAVE Act - Increase in abatement by amount not to exceed the cost of living	<i>Sponsor: Board of Selectmen/Board of Assessors</i>
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To see if the Town will vote to accept Clause Seventeenth F of *M.G.L. c.59, §5*, which provides that, notwithstanding any provision of general or special law to the contrary, an abatement granted pursuant to clause Seventeenth, Seventeenth C, Seventeenth C ½ or Seventeenth D of *M.G.L. c.59, §5*, may be increased annually at the discretion of the Town by an amount not to exceed the increase in the cost of living as determined by the Consumer Price Index for such year.

Pass any vote or take any act relative thereto.

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ARTICLE: 6	BRAVE Act - Real estate tax exemption for veterans and other qualified persons where home is owned by a trust, conservator or other fiduciary for the person's benefit	<i>Sponsor: Board of Selectmen/Board of Assessors</i>
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To see if the Town will vote to accept Clause Twenty-second G of *M.G.L. c.59, §5* to exempt from taxation certain real estate that is the domicile of a person but is owned by a trustee, conservator or other fiduciary for the person's benefit if the real estate would be eligible for exemption under clause Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E or Twenty-second F of *M.G.L. c.59, §5* if the person were the owner of the real estate.

Pass any vote or take any act relative thereto.

ARTICLE: 7	BRAVE Act - Real estate tax exemption for surviving parents or guardians of certain soldiers, sailors, members of the National Guard and veterans	<i>Sponsor: Board of Selectmen/Board of Assessors</i>
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To see if the Town will vote to accept Clause Twenty-second H of *M.G.L. c. 59, § 5* to exempt from taxation certain real property of and occupied by parents or guardians of military personnel who were killed in action or injured in action that subsequently caused their death, or military personnel missing in action and presumed dead, subject to residency requirements.

Pass any vote or take any act relative thereto.

ARTICLE: 8	BRAVE Act - Reduction of property tax obligation of veteran in exchange for volunteer services	<i>Sponsor: Board of Selectmen/Board of Assessors</i>
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To see if the Town will vote to accept *M.G.L. c.59, §5N*, regarding a Program for Reduction in Property Tax Obligations to allow veterans, or a spouse of a veteran in the case where the veteran is deceased or has a service-connected disability, in exchange for volunteer services, up to \$1,500 in tax reduction.

Pass any vote or take any act relative thereto.

ARTICLE: 9	Set the Salary of Elected Officials	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to fix the salary or compensation of all of the elected 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.

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ARTICLE: 10	Fiscal 2020 Operating Budget	<i>Sponsor: Town Manager</i>
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To hear and act on reports and recommendations of the Appropriation Committee and to see if the Town will vote to (1) 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 July 1, 2019, and that such sums be expended for such purposes under the direction of the respective Town Officers, Boards and Committees; and (2) support, as a nonbinding resolution, 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: 11	FY 2020 Revolving Funds Spending Limits	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to establish the limit on the total amount that may be expended from each revolving fund established by Article VI of Chapter 13 of the General Bylaws pursuant to Section 53E½ of Chapter 44 of the *Massachusetts General Laws* for the fiscal year beginning July 1, 2019.

Pass any vote or take any act relative thereto.

ARTICLE: 12	PEG Access Enterprise Fund	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to accept Chapter 44, Section 53F½ of the *Massachusetts General Laws*; and to establish a PEG Access enterprise fund for cable television public access for the fiscal year beginning July 1, 2019.

Pass any vote or take any act relative thereto.

ARTICLE: 13	Chapter 90 Highway Funds	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to appropriate a sum or sums of money from the proceeds due to the Town pursuant to Chapter 90 of the *Massachusetts General Laws*, for the purposes of repair, construction, maintenance and preservation of the Town’s roads and bridges, the acquisition of easements and other interests in real property related to the laying out of ways, 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: 14	Transfer to General Stabilization Fund	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the purpose of increasing the General Stabilization Fund, to be used, upon further appropriation, for any lawful purpose.

Pass any vote or take any act relative thereto.

ARTICLE: 15	Establishment of School Department Stabilization Fund; Acceptance of fourth paragraph of M.G.L. c.40, §5B	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to:

1. Raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money to establish a School Department Stabilization Fund, in accordance with Chapter 40, Section 5B of the *Massachusetts General Laws*, to be used, upon further appropriation and at the direction of the School Committee, for the purpose of paying School Department costs related, in whole or in significant part, as reasonably determined by the School Committee, to impacts on the Hopkinton Public Schools resulting from enrollment by residents of Legacy Farms;
2. Accept the fourth paragraph of Chapter 40, Section 5B, of the *Massachusetts General Laws*, which allows the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under Chapter 40, Section 5B of the *Massachusetts General Laws*, to be effective for all fiscal years beginning on or after July 1, 2019;
3. Dedicate a percentage, not less than 25%, of all receipts from any private source, including any receipts accepted pursuant to the Legacy Farms Host Community Agreement that are based on increases in enrollment in the Hopkinton Public Schools by residents of Legacy Farms, to the School Department Stabilization Fund established under this article for all fiscal years beginning on or after July 1, 2019; and
4. Raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money to be used to pay School Department costs related, in whole or in significant part, as reasonably determined by the School Committee, to impacts on the Hopkinton Public Schools resulting from enrollment by residents of Legacy Farms, said sum to be spent under the direction of the School Committee.

Pass any vote or take any act relative thereto.

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ARTICLE: 16	Transfer to Other Post-Employment Benefits Liability Trust Fund	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the purpose of increasing the Other Post-Employment Benefits Liability Fund, to be used, upon further appropriation, for any lawful purpose

Pass any vote or take any act relative thereto.

CAPITAL EXPENSES AND PROJECTS

ARTICLE: 17	Pay-As-You-Go Capital Expenses	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money to fund the following Pay-As-You-Go capital purchases and projects:

Item	Purchase or Product	To be spent under the direction of
A	Security Cameras - Library & Police Department	Town Manager
B	End User Hardware Replacement	Town Manager
C	Public Safety Facility/Fire Station Feasibility Study	Fire Chief, Police Chief, Town Manager
D	Replace Fire Chief Car	Fire Chief
E	Police Jail Cells Floor Repair	Town Manager
F	Town Hall Elevator Controls	Town Manager
G	Replace DPW Trucks	Town Manager
H	Wetlands Order of Conditions	School Superintendent
I	Roof Engineering	School Superintendent
J	Kitchen Equipment	School Superintendent
K	Data Center Replacement	School Superintendent
L	School Capacity Study	School Superintendent
M	District Wide Facility Improvements	School Superintendent
N	Boiler Replacement	School Superintendent
O	Special Education Van	School Superintendent
P	Replace Police Cruisers	Police Chief

Pass any vote or take any act relative thereto.

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ARTICLE: 18	Purchase of Valve Maintenance Trailer System	<i>Sponsor: Director of Public Works</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the purchase of a Valve Maintenance Trailer System, accessories, and any other related costs; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE: 19	Purchase of Water Department Truck	<i>Sponsor: Director of Public Works</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the purchase of a Water Department truck, accessories and any other related costs; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE: 20	Purchase of Bucket Truck	<i>Sponsor: Director of Public Works</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the purchase of a Bucket Truck, accessories, and any other related costs; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE: 21	Purchase of Multi-Purpose Municipal Tractor	<i>Sponsor: Director of Public Works</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the purchase of a DPW multi-purpose municipal tractor, accessories and any other related costs; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE: 22	Sewer Comprehensive Wastewater Management Plan Update	<i>Sponsor: Director of Public Works</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for planning and engineering designs and associated costs related to the Town’s Comprehensive Wastewater Management Plan Update; said sums to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

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ARTICLE: 23	Sidewalk Master Plan Phase II	<i>Sponsor: Director of Public Works</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the design, repair, maintenance, renovation, improvement, rehabilitation, construction and reconstruction of sidewalks along West Main Street, Wild Road, Hayden Rowe and Wood Street; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE: 24	School Bus Parking Lot	<i>Sponsor: School Committee</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise to provide a sum or sums of money to supplement a prior appropriation authorized under Article 21 of the 2018 Annual Town Meeting, for the construction of a school bus parking lot on Town-owned property at 90 Hayden Rowe (Assessors Map parcel U21 3 0); said sum to be spent under the direction of the School Committee.

Pass any vote or take an act relative thereto.

ARTICLE: 25	Purchase of Ladder Truck	<i>Sponsor: Fire Chief</i>
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To see if the Town will vote to raise and appropriate, borrow, transfer from available funds, or otherwise provide a sum or sums of money for the purchase of a Ladder Truck, accessories, and any other related costs; said sum to be spent under the direction of the Fire Chief.

Pass any vote or take an act relative thereto.

ARTICLE: 26	Public Safety Software Upgrade	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to raise and appropriate, borrow, transfer from available funds, or otherwise provide a sum or sums of money for a public safety software upgrade; said sum to be spent under the direction of the Town Manager.

Pass any vote or take an act relative thereto.

ARTICLE: 27	Town Hall Basement Renovation	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to raise and appropriate, borrow, transfer from available funds, or otherwise provide a sum or sums of money for the design, repair, renovation, improvement and construction of the Town Hall Basement; 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: 28	Security Cameras - Schools	<i>Sponsor: School Committee</i>
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To see if the Town will vote to raise and appropriate, borrow, transfer from available funds, or otherwise provide a sum or sums of money for the design and installation of Security Cameras at the Schools; said sum to be spent under the direction of the School Superintendent.

Pass any vote or take any act relative thereto.

ARTICLE: 29	Center School Renovation and Reuse Feasibility Study	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to raise and appropriate, borrow, transfer from available funds, or otherwise provide a sum or sums of money to conduct a feasibility study on the reuse and renovation of the Center School, located at 11 Ash Street, Hopkinton, shown as Assessors Map parcel U17 42 0, and to perform necessary repairs on the Center School building; said sum to be spent under the direction of the Permanent Building Committee.

Pass any vote or take any act relative thereto.

COMMUNITY PRESERVATION FUNDS

ARTICLE: 30	Community Preservation Funds	<i>Sponsor: Town Manager</i>
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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 the fiscal year beginning July 1, 2019, with each item to be considered a separate appropriation.

Pass any vote or take an act relative thereto.

ARTICLE: 31	Community Preservation Recommendations	<i>Sponsor: Community Preservation Committee</i>
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To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Community Preservation budget for Fiscal Year 2020, and to appropriate from the Community Preservation Fund a sum of money, not to exceed 5% of the estimated annual revenues for Fiscal Year 2020, to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2020; 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, 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:

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- A. \$20,000 (TWENTY THOUSAND DOLLARS) from funds reserved for Historical Preservation for the preservation of land records in the Town Hall basement, with the funds being expended based on the age of record, extent of damage, and importance of contents; said sum to be spent under the direction of the Hopkinton Town Clerk and the Community Preservation Committee.
- B. \$3,750 (THREE THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS) from funds reserved for Historical Preservation for the preservation of historical photographs by digitizing the photograph and uploading them onto a publicly accessible website; said sum to be spent under the direction of the Hopkinton Historical Society and the Community Preservation Committee.
- C. \$10,000 (TEN THOUSAND DOLLARS) from funds reserved for Historical Preservation for the preservation and rehabilitation of the most at-risk headstones at Mt. Auburn, East Hopkinton, Hayden Rowe, Bear Hill, and Evergreen cemeteries, as well as the Main Street cemetery and Valentine Tombs if funds allow; said sums to be spent under the direction of the Cemetery Commission and the Community Preservation Committee.
- D. \$20,000 (TWENTY THOUSAND DOLLARS) from Undesignated Funds for the design and engineering of a dog park at 66B Fruit Street, shown as Assessors Map parcel R6 8 0, and \$115,799 (ONE HUNDRED FIFTEEN THOUSAND SEVEN HUNDRED NINETY NINE DOLLARS) from funds reserved for Passive/Active Recreation and \$14,201 (FOURTEEN THOUSAND TWO HUNDRED ONE DOLLARS) from Undesignated Funds, for a total of \$130,000 (ONE HUNDRED THIRTY THOUSAND DOLLARS), for the construction of the dog park, provided, however, that said \$130,000 (ONE HUNDRED THIRTY THOUSAND DOLLARS) shall be contingent on the receipt of a \$250,000 (TWO HUNDRED FIFTY THOUSAND DOLLARS) grant from the Stanton Foundation to the Parks and Recreation Department; said sums to be spent under the direction of the Parks and Recreation Department and the Community Preservation Committee.
- E. \$25,000 (TWENTY FIVE THOUSAND DOLLARS) from funds reserved for Passive/Active Recreation for the design and installation of a lacrosse wall at the Fruit Street fields located at 66B Fruit Street, shown as Assessors Map parcel R6 8 0; said sums to be spent under the direction of the Parks and Recreation Department and the Community Preservation Committee.
- F. \$25,000 (TWENTY FIVE THOUSAND DOLLARS) from funds reserved for Passive/Active Recreation for the engineering, materials, and installation of an irrigation system at the Pyne Field located at 66 Fruit Street, shown as Assessors Map parcel U3 13 0; said sums to be spent under the direction of the Parks and Recreation Department and the Community Preservation Committee.
- G. \$50,000 (FIFTY THOUSAND DOLLARS) from funds reserved for Passive/Active Recreation to design a wetland crossing at 0 Wilson Street, shown as Assessors Map parcel R13 8 3, the purpose of which will allow the public to access other recreational lands; said sums to be spent under the direction of the Parks and Recreation Department and the Community Preservation Committee.
- H. \$260,000 (TWO HUNDRED SIXTY THOUSAND DOLLARS) from Undesignated Funds to replace all the existing equipment at the EMC Playground located at 113 Hayden Rowe, shown as Assessors

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Map parcel U22 19 A; said sums to be spent under the direction of the Parks and Recreation Department and the Community Preservation Committee.

Pass any vote or take any act relative thereto.

ZONING BYLAW AMENDMENTS

ARTICLE: 32	Car Wash Use	<i>Sponsor: Planning Board</i>
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To see if the Town will vote to amend the Zoning Bylaws as follows:

1. By deleting, from Article VIA, Downtown Business District, §210-20.3.A(4), in its entirety, and renumbering subsequent subsections of §210-20.3.A accordingly.

and

2. By amending Article VIII, Industrial A District, §210-35, Uses allowed by special permit, by inserting, after §210-35.A(7), in appropriate numerical order, the following

() Car wash facilities that, to the extent feasible, employ technologies that conserve water and electricity.

Pass any vote or take any act relative thereto.

ARTICLE: 33	Indoor Recreation Uses	<i>Sponsor: Planning Board</i>
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To see if the Town will vote to amend Article VIII, Industrial A District, §210-35, Uses allowed by special permit, of the Zoning Bylaws by inserting, after §210-35.A(7), in appropriate numerical order, the following:

() Indoor recreation uses.

Pass any vote or take any act relative thereto.

ARTICLE: 34	Self-Storage Facilities	<i>Sponsor: Paul Mastroianni, Citizens Petition</i>
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To see if the Town will vote to amend the Zoning Bylaws as follows:

1. By amending Article VIII, Industrial A District, §210-34, Uses permitted by right, of the Zoning Bylaws by inserting, after §210-34.A(12), in appropriate numerical order, the following:

() Self-storage facilities for residential and commercial customers.

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- By amending Article XVIII, Supplementary Regulations, Section 210-124, Off-street parking, by inserting, in appropriate alphabetical order, a new line in the table set forth in §210-124.B(1), as follows:

Type of Use	Number of Spaces
Self-Storage Facility	2 spaces per 10,000 square feet of gross floor area

Pass any vote or take any action thereto.

ARTICLE: 35	Associated Retail to Manufacturing Use	<i>Sponsor: Planning Board</i>
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To see if the Town will vote to amend the Zoning Bylaws as follows:

- By amending Article VIII, Industrial A District, §210-35, Uses allowed by special permit, by inserting, after §210-35.A(7), in appropriate numerical order, the following:

() Retail stores associated with a manufacturing, assembly or processing plant located within the Industrial A District and that principally sell items manufactured, assembled, processed, or produced in the district. The area of such retail use shall not exceed 5,000 square feet.

- By amending Article VIIIA, Industrial B District, §210-37.9, Uses allowed by special permit, by inserting, after §210-37.9.J, the following:

K. Retail stores associated with a manufacturing, assembly or processing plant located within the Industrial B District and that principally sell items manufactured, assembled, processed, or produced in the district. The area of such retail use shall not exceed 5,000 square feet.

Pass any vote or take any action relative thereto.

ARTICLE: 36	OSMUD District – Residents of Age-Restricted Housing	<i>Sponsor: Planning Board</i>
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To see if the Town will vote to amend the Zoning Bylaw as follows:

- By deleting the first paragraph of Article XXVI, Section 210-166.A and inserting, in place thereof, a new first paragraph,

Dwelling Uses within the OSMUD District shall be limited to 940 new Dwelling Units constructed after May 5, 2008, plus 180 Dwelling Units in Senior Housing Developments constructed after May 4, 2015, provided, however, that the owner or owners of any

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such additional Dwelling Unit in Senior Housing Developments shall require, through deed restrictions, condominium documents, leases, rental agreements or other appropriate instruments, the form and adequacy of which has been approved by the Planning Board, that at least one resident of every Dwelling Unit be 55 years of age or older. No more than 50 of the 1120 new Dwelling Units so constructed may be single-family dwellings, and the remainder shall be multi-family dwellings, including attached dwellings, garden apartments, units in mixed-use buildings and Senior Housing Developments.

and

2. By inserting in Article XXVI, Section 210-175.C, after the words "2015 Annual Town Meeting," a semi-colon and the words " provided, however, that such land shall be subject to the provisions of this Article as in effect on the effective date of the amendments added to this Article by the 2019 Annual Town Meeting", so that Section 210-175.C will read as follows (insertions bolded and underlined):

All land within the OSMUD District shall be subject to the provisions of this Chapter as in effect on the effective date of the amendments added to this Chapter by the 2015 Annual Town Meeting; **provided, however, that such land shall be subject to the provisions of this Article as in effect on the effective date of the amendments added to this Article by the 2019 Annual Town Meeting.**

Pass any vote or take any action relative thereto.

ARTICLE: 37	OSMUD District - Affordable Housing	<i>Sponsor: Planning Board</i>
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To see if the Town will vote to amend the Zoning Bylaws as follows:

1. By deleting the last sentence of Article XXVI, Section 210-167.C, Affordable Housing, and inserting, in place thereof, the following:

The additional Dwelling Units of Affordable Housing required under this section may be provided anywhere within the Town of Hopkinton. The location of Dwelling Units of Affordable Housing located outside the OSMUD District shall be approved by the Planning Board.

An applicant may contribute funds to the Town of Hopkinton Affordable Housing Trust Fund to be used for the development or creation of Affordable Housing in lieu of constructing and offering some or all of the Dwelling Units required by Section 210-167.C. For each Affordable Unit not constructed or provided, the fee shall be an amount equal to the purchase price of a three-bedroom home that is affordable to a qualified affordable housing unit purchaser, as contained in the Department of Housing and Community Development Local Initiative Program (LIP) guidelines regardless of what type of dwelling units are proposed, approved or constructed in the Development

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Project. Payments shall be made according to a schedule agreed upon by the Planning Board and the applicant.

2. By inserting in Article XXVI, Section 210-175.C, after the words “2015 Annual Town Meeting,” a semi-colon and the words “ provided, however, that such land shall be subject to the provisions of this Article as in effect on the effective date of the amendments added to this Article by the 2019 Annual Town Meeting”, so that Section 210-175.C will read as follows (insertions bolded and underlined):

All land within the OSMUD District shall be subject to the provisions of this Chapter as in effect on the effective date of the amendments added to this Chapter by the 2015 Annual Town Meeting; **provided, however, that such land shall be subject to the provisions of this Article as in effect on the effective date of the amendments added to this Article by the 2019 Annual Town Meeting.**

Pass any vote or take any act relative thereto.

ARTICLE: 38	OSMUD District - Restricted Land Definition	<i>Sponsor: Planning Board</i>
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To see if the Town will vote to Amend Article XXVI of the Zoning Bylaws as follows:

1. By inserting in the definition of RESTRICTED LAND in Section 210-164, after the words “(5) land improved for other municipal”, the words “or cultural” so that the definition will read as follows (insertions bolded and underlined):

Land devoted to uses permitted by § 210-170A, which may include (1) open space land left substantially in its natural state; (2) open space land that is restored or landscaped, including irrigation, detention and/or retention ponds or stormwater catchment areas and subsurface utilities; (3) open space land used for agricultural purposes; (4) open space land improved for active and passive recreational uses, including pedestrian, bicycle and equestrian trails; (5) land improved for other municipal **or cultural** uses; (6) food preparation and sales areas, restrooms, parking and access areas, and similar uses, structures or portions thereof, operated in association with other Restricted Land uses; and (7) A total of no more than 30 acres of land, which may be restricted for the benefit of landowners within a particular area of the OSMUD District. Restricted Land shall not include land set aside for road and/or parking uses that are not accessory to other Restricted Land Uses.

2. By inserting in Section 210-170.A, after the words “underground utilities,” the words “cultural uses,” so that Section 210-170.A will read as follows (insertions bolded and underlined):

Restricted Land may be used for active and passive recreation, conservation, forestry, agriculture, natural buffers, underground utilities, **cultural uses**, municipal purposes and other similar purposes necessary for the convenience and enjoyment of the OSMUD

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District or the Town, as well as other purposes customarily associated with a use authorized by this Subsection.

- 3. By inserting in Section 210-170.F, after the words "recreational facilities," the words "or cultural uses", so that Section 210-170.F will read as follows (insertions bolded and underlined):

Restricted Land may be (i) owned by a Landowners' Association, (ii) owned by a non-profit entity, a principal purpose of which is land conservation or the provision of recreational facilities **or cultural uses**, (iii) conveyed to the Town, or (iv) owned by, made subject to easement rights benefiting, or leased to third parties. In all such cases the uses permitted by such deeds, easements or leases of required Restricted Land shall be consistent with the provisions of this §210-170, the Master Plan Special Permit and the applicable Restricted Land Covenant. A Landowners' Association or other party responsible for Restricted Land may adopt reasonable rules and regulations to govern the use of the Restricted Land under its control and to prevent encroachment thereon.

And

- 4. By inserting in Section 210-175.C, after the words "2015 Annual Town Meeting," a semi-colon and the words "provided, however, that such land shall be subject to the provisions of this Article as in effect on the effective date of the amendments added to this Article by the 2019 Annual Town Meeting," so that Section 210-175.C will read as follows (insertions bolded and underlined):

All land within the OSMUD District shall be subject to the provisions of this Chapter as in effect on the effective date of the amendments added to this Chapter by the 2015 Annual Town Meeting; **provided, however, that such land shall be subject to the provisions of this Article as in effect on the effective date of the amendments added to this Article by the 2019 Annual Town Meeting.**

Pass any vote or take any act relative thereto.

ARTICLE: 39	Temporary Banners	<i>Sponsor: Planning Board</i>
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To see if the Town will vote to amend Article XXVII, Signs, of the Zoning Bylaws, §210-179, Temporary signs, by deleting §210-179.C in its entirety, and inserting, in place thereof, a new §210-179.C as follows:

Temporary banners may be displayed over Route 85, Route 135 and West Main Street if authorized by the Board of Selectmen and subject to such limitations on time, placement and manner of display as it shall require. Such banners shall not be displayed for more than 14 days and may not exceed 180 square feet in area.

Pass any vote or take any act relative thereto.

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ARTICLE: 40	Commercial Solar Photovoltaic Installations	<i>Sponsor: Planning Board</i>
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To see if the Town will vote to amend Article XXXI, Commercial Solar Photovoltaic Installations, of the Zoning Bylaws, by deleting the third and fourth sentences of in §210-202.E, Use Regulations, and inserting, in place thereof, new third and fourth sentences as follows:

Whenever reasonable, structures shall be shielded from view by vegetation forming an effective year-round screen and/or joined and clustered to avoid adverse visual impacts. Methods such as the use of landscaping, natural features, earthen berms and fencing may be utilized.

Pass any vote or take any act relative thereto.

ARTICLE: 41	Subdivision, Garden Apartment & Village Housing Phasing – 3-year Moratorium	<i>Sponsor: Amy Ritterbusch/Deborah Fein-Brug, Citizens Petition</i>
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To see if the Town will vote to amend the Zoning Bylaws by inserting a new Article XXXVI, Subdivision, Garden Apartment & Village Housing Phasing, as follows:

ARTICLE XXXVI
Subdivision, Garden Apartment & Village Housing Phasing

§ 210-251. Intent and purpose.

The intent and purpose of this article are as follows:

- A. To ensure that growth and development occur in accordance with the planning objectives of the town, in an orderly manner and at a rate that can be supported by Town services, without large year-to-year variations in rate;
- B. To provide the Town with the opportunity to study the effect of growth on the infrastructure, finances, character and municipal services of the Town and to plan for such capital improvements as may become necessary;
- C. To ensure that the pace of residential development is related to the town's ability to provide adequately for public safety, schools, roads, municipal infrastructure and human services at the quality which citizens expect, and which is within the town's ability to pay;
- D. To preserve and enhance the existing character of the community and its property values; and
- E. To allow departures from the strict application of the growth rate measures in this article when appropriate to encourage those types of residential growth which address the housing needs of specific population groups or which significantly reduce the residential density of the town.

§ 210-252. Applicability.

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A. This article shall apply to dwelling units in all subdivisions, Garden Apartment developments and Village Housing developments approved by the Planning Board pursuant to the Subdivision Control Law, MGL c. 41, §§ 81K through 81GG, after the effective date of this article. It shall also apply to dwelling units on lots which obtain legal frontage on a street shown on an approved definitive subdivision plan approved after the effective date of this article. For the purposes of this article, subdivisions on adjoining properties held under common ownership at the time of the effective date of this article shall be considered a single subdivision.

B. The provisions of this article shall expire on July 1, 2022; however, Town Meeting may extend the provisions of this article for such additional term as it deems appropriate.

§ 210-253. Issuance of building permits.

A. No more than 10 building permits for the construction of new residential dwelling units which are situated within any subdivision, Garden Apartment development or Village Housing development as referred to above or which obtain their legal frontage on streets shown on any of the subdivision plans as defined above, shall be issued in any twelve-month period.

B. Lots fronting on a street shown on a subdivision plan, or dwelling units shown on a Garden Apartment development plan or dwelling units shown on Village Housing development plan approved after the effective date of this article, but not contained within the limits of the subdivision plan, or Garden Apartment development or Village Housing development, shall be included in the calculation of the total number of lots shown on the subdivision plan, or Garden Apartment development or Village Housing development, pursuant to which the street was created.

C. The Planning Board may authorize the issuance on one occasion only of up to two additional building permits for dwelling units during the last 12 months of construction of the subdivision road and infrastructure if, in the opinion of the Planning Board, the issuance of the permits would result in or facilitate the prompt completion of the subdivision.

§ 210-254. Exemptions.

The provisions of this article shall not apply to the following types of residential development and properties:

A. Applications for building permits for the enlargement, restoration, alteration or reconstruction of a dwelling.

B. Individual building lots not created by a definitive subdivision plan approved pursuant to MGL c. 41, § 81U.

C. Individual building lots created by a definitive subdivision plan approved by the Planning Board prior to the effective date of this article.

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D. Dwelling units approved by the issuance of a comprehensive permit by the Board of Appeals pursuant to MGL. c. 40B.

§ 210-255. Zoning change protection.

The protection provided by MGL c. 40A, § 6, shall continue until that date which would be the earliest date that application could be made for a building permit for the final dwelling unit in the subdivision pursuant to this article.

Pass any vote or take any action thereto.

ARTICLE: 42	One Year Growth Restriction	<i>Sponsor: Amy Ritterbusch/Deborah Fein-Brug, Citizens Petition</i>
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To see if the Town will vote to amend the Zoning Bylaws of the Town of Hopkinton by inserting a new **Article XXXVII, One-Year Growth Restriction**, as follows:

**Article XXXVII
One-Year Growth Restriction**

210-256 Purpose

The purpose of this section is to implement a reasonable and temporary cap, until June 30, 2020, on construction of new dwelling units in the Town.

210-256.1 Background

The Town of Hopkinton is faced with sudden increased development activity and a rapid increase in school enrollment far greater than the enrollment projections provided to the Schools by the New England School Development Council last year. From 2010 to 2017 Hopkinton has grown in population by 20.8 percent. Although the building of a new elementary school was just completed in 2018, upon its opening last year all Hopkinton Public Schools buildings are now at or approaching their recommended capacity, and additional rapid growth is anticipated in the coming years due to the ongoing previously approved developments of large parcels of land, such as Legacy Farms (733 acres) and the former Terry Property (204 acres). The Town is currently in the process of undertaking a School Building Capacity Study and a Fire Station Feasibility Study. The town has identified that the Fire Department headquarters is approaching its design capacity and offers limited or no room for expansion. Requests for service from the Fire Department have been increasing, and response times have also been increasing, in the last three years as the town has grown. The purposes of this Section are: to promote orderly growth in the Town of Hopkinton; to phase growth so that it will not unduly strain the community's ability to provide basic education; public facilities and services; to provide the town, its boards and its agencies with information, time and capacity to incorporate community input into updated zoning regulations of the community; and to preserve and enhance existing community character and value of property.

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210-256.2 Planning Method

To accomplish this, the town shall establish a Growth Study Committee (as had previously been done in 1995 during another period of rapid growth), comprised of community members and town officials appointed jointly by the Planning Board and Board of Selectmen [Select Board] no later than August 1, 2019. The purpose of the committee shall be to objectively research the impact of growth and identify a proactive approach to managing growth. The Committee which will gather feedback from the community in a variety of ways, including but not limited to conducting surveys, holding forums, and researching how other towns have managed rapid growth. The committee will analyze recent large developments (such as Legacy Farms and the Terry Property) and provide an analysis of whether or not there was an overall net positive financial impact. The committee will create a development schedule that will relate the timing of residential development to the Town’s ability to provide services. The one-year slowing of new building permits proposed in this article will allow for effective review of municipal services impacts by development type. This Section shall remain in effect until June 30, 2020; at the 2020 Annual Town Meeting an updated growth bylaw proposal will be presented by the Growth Study Committee, which may possibly extend this Section as appropriate to allow further study, or shall allow this Section to expire. The proposal will use the data and research gathered by the committee to formulate specific text for inclusion the zoning bylaws.

210-257 Regulations

210-257.1 Scope

No building permit for a new Dwelling Unit shall be issued unless in accordance with the Regulations of Article XXXVII of this Bylaw. The provisions of this Section shall not apply to, nor limit in any way, the granting of building and occupancy permits required for enlargement, restoration, alteration or reconstruction of existing dwelling units including those dwelling units lost to natural disaster or fire.

210-257.2 Application

The Regulations of this section shall apply to all new dwelling units, including but not limited to dwelling units on lots shown on definitive subdivision plans, divisions of land not requiring subdivision approval such as approval-not-required (ANR) plans, and Special Permits which result in the creation of a new dwelling unit or units.

210-257.3 Issuance of Residential Building Permits

A. A town-wide total of not more than twelve (12) building permits for new dwelling units shall be authorized by the Town during the period that this Section is in effect.

B. General Applicants. Not more than two (2) dwelling units shall be authorized via a Building Permit(s) for any one applicant during the period that this Section is in effect.

Pass any vote or take any action relative thereto.

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ARTICLE: 43	Change “Board of Selectmen” to “Select Board” in Zoning Bylaw	<i>Sponsor: Amy Groves, Citizens Petition</i>
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To see if the Town will vote to amend the Zoning Bylaw of the Town of Hopkinton as follows:

1. By inserting in Article I of the Zoning Bylaw, §210-4, General Provisions, in appropriate alphabetical order, the following:

SELECT BOARD: The “Board of Selectmen” established by Section 3-1 of the Hopkinton Home Rule Charter.

2. By deleting the term “Board of Selectmen” from the following sections of the Zoning Bylaw and inserting, in place thereof, the term “Select Board”:

- A. Article XII, Water Resources Protection Overlay District, §210-71.C(3);
- B. Article XVIII, Supplementary Regulations, §210-126.2.P(1);
- C. Article XXVI, Open Space Mixed Use Development Overlay District, §210-170.D;
- D. Article XXVI, Open Space Mixed Use Development Overlay District, §210-172.C(3);
- E. Article XXVII, Signs, §210-178.F; and
- F. Article XXVII, Signs, §210-179.C

3. By deleting the term “Selectmen” from the following sections of the Zoning Bylaw and inserting, in place thereof, the term “Select Board”:

- A. Article I, General Provisions, §210-4 OFFICIAL ZONING MAP; and
- B. Article XXII, Board of Appeals, §210-146.C (2 occurrences)

and

4. By deleting all instances of the term “Board of Selectmen” and “Selectmen” from any amendment to the Zoning Bylaw approved at the Annual Town Meeting beginning May 6, 2019, and inserting, in place thereof, the term “Select Board”.

Pass any vote or take any action relative thereto.

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GENERAL BYLAW AMENDMENTS

ARTICLE: 44	Change “Board of Selectmen” to “Select Board” in General Bylaws	<i>Sponsor: Amy Groves, Citizens Petition</i>
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To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton as follows:

1. By inserting new Article V, Definitions, into Chapter 1 of the General Bylaws as follows:

Article V
Definitions

Select Board: The term “Select Board” shall mean the “Board of Selectmen” established by Section 3-1 of the Hopkinton Home Rule Charter. The Select Board shall have all the powers and duties granted to Boards of Selectmen by the Constitution and General Laws of the Commonwealth of Massachusetts, and such additional powers and duties as may be provided by the Charter, by these Bylaws, by the Zoning Bylaws or by Town Meeting vote.

2. By deleting the following instances of the term “Board of Selectmen” and inserting, in place thereof, the term “Select Board”:
 - A. Chapter 1, Article II, §1-4. Penalties enumerated (6 instances);
 - B. Chapter 5, Article I, §5-5. Insertion of requests in Town Warrant; report by Committee;
 - C. Chapter 5, Article III, §5-11. Chairman;
 - D. Chapter 5, Article IV, §5-12. Appointment; purpose;
 - E. Chapter 5, Article IV, §5-13. Membership; terms; compensation;
 - F. Chapter 5, Article V, §5-19.A. Selection of members and term of service;
 - G. Chapter 5, Article V, §5-19.C. Selection of members and term of service;
 - H. Chapter 5, Article VI, §5-23. Establishment; membership; terms; vacancies; appointments (4 instances);
 - I. Chapter 5, Article VI, §5-26. Severability;
 - J. Chapter 5, Article VII, §5-27. Establishment; membership; terms; purpose (2 instances);
 - K. Chapter 5, Article VII, §5-28.A. Powers and Duties;
 - L. Chapter 13, Article VI, §13-12.C. Expenditure Limitations ;
 - M. Chapter 28, Article I, §28-4.A. Selectmen;
 - N. Chapter 28, Article I, §28-4.D Selectmen (4 instances);
 - O. Chapter 33, §33-3.A Personnel Board;
 - P. Chapter 33, §33-3.D Personnel Board;
 - Q. Chapter 33, §33-3.E Personnel Board;
 - R. Chapter 33, §33-3.H Personnel Board;
 - S. Chapter 47, Article I, §47-1. Posting of warrant;
 - T. Chapter 55, Article 1, §55-4.D(4) Control and curtailment of signals emitted by alarm users;

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- U. Chapter 55, Article 1, §55-6.F. False alarms (2 instances);
- V. Chapter 55, Article 1, §55-7.C. Violations and penalties;
- W. Chapter 55, Article II, §55-11. Appeal procedure;
- X. Chapter 58, §58-1.C. Possession and Use of Alcoholic Beverages, Marijuana or Tetrahydrocannabinol (2 instances);
- Y. Chapter 62, Article V, §62-7.G.B(1). Denials, Suspension or Revocation of Kennel License;
- Z. Chapter 62, Article V, §62-7.G.B(2). Denials, Suspension or Revocation of Kennel License (6 instances);
- AA. Chapter 62, Article VIII, §62-14. Administration;
- BB. Chapter 62, Article VIII, §62-16.A. Complaints; investigations;
- CC. Chapter 62, Article VIII, §62-16.B. Complaints; investigations (2 instances);
- DD. Chapter 62, Article VIII, §62-17.A. Violations and penalties;
- EE. Chapter 62, Article VIII, §62-17.B. Violations and penalties (2 instances);
- FF. Chapter 119, §119-8.B. Administration;
- GG. Chapter 119, §119-8.D. Administration;
- HH. Chapter 123, §123-4.A. Historic District Commission;
- II. Chapter 123, §123-4.B. Historic District Commission;
- JJ. Chapter 123, §123-4.C. Historic District Commission;
- KK. Chapter 123, §123-4.F. Historic District Commission;
- LL. Chapter 142, §142.3.A. Appeal (2 instances);
- MM. Chapter 142, §142.3.C. Appeal;
- NN. Chapter 160, §160-5.B. Procedures for obtaining permits;
- OO. Chapter 163, Article II, §163-4. Assessments (2 instances);
- PP. Chapter 163, Article II, §163-11.C(6). Sewer privilege fee;
- QQ. Chapter 170, Table of Contents;
- RR. Chapter 170, §170-1. Authority of Board of Selectmen (4 instances);
- SS. Chapter 170, §170-2. Separation of recyclables required;
- TT. Chapter 170, §170-3. Definitions;
- UU. Chapter 170, §170-4. Changes to list of recyclables and disposal areas; notice to residents (4 instances);
- VV. Chapter 171, §171-6.F. Enforcement, Criminal Penalty;
- WW. Chapter 174. Table of Contents (3 instances);
- XX. Chapter 174, Article I, §174-1. Presentation to Board of Selectmen (2 instances);
- YY. Chapter 174, Article II, §174-2. Submission of names to Board of Selectmen (2 instances);
- ZZ. Chapter 174, Article III, §174-3. Plan required; conditions for acceptance;
- AAA. Chapter 174, Article IV, §174-4. Betterments assessments (3 instances);
- BBB. Chapter 174, Article VI, §174-10. Authorization to make repairs;
- CCC. Chapter 174, Article VI, §174-13. Abutters (4 instances);
- DDD. Chapter 174, Article VI, §174-15. Approval and method of payment (7 instances);
- EEE. Chapter 174, Article VI, §174-16. Board of Selectmen action (2 instances);
- FFF. Chapter 174, Article VI, §174-17. Liability of town;
- GGG. Chapter 174, Article VI, §174-18. Ways to be open to public use;
- HHH. Chapter 174, Article VI, §174-22. Minor repairs;
- III. Chapter 188, §188-3.A. Hearing; notice; conditions;
- JJJ. Chapter 195, Article I, §195-5. Glossary of terms (2 instances);

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- KKK. Chapter 199, Article I, §199-1. Petition requirements;
- LLL. Chapter 199, Article III, §199-12. Assessments (2 instances);
- MMM. Chapter 199, Article III, §199-19.C(6). Water Privilege Fee;
- NNN. Chapter 206, §206-7. Coordination with Other Boards; and
- OOO. Chapter 206, §206-13.C. Enforcement.

3. By deleting the following instances of the term “Selectmen” or “Selectmen are” and inserting, in place thereof, the term “Select Board” or “Select Board is”:

- A. Chapter 5, Article IV, §5-14, Filling of vacancies;
- B. Chapter 28, Table of Contents;
- C. Chapter 28, Article I, §28-1. Deadline for submission of reports;
- D. Chapter 28, Article I, §28-4. Selectmen;
- E. Chapter 28, Article I, §28-4.A. Selectmen;
- F. Chapter 28, Article I, §28-4.B. Selectmen;
- G. Chapter 28, Article I, §28-4.C. Selectmen;
- H. Chapter 47, Article 1, §47-2. Date and time of Annual Town Meeting and elections;
- I. Chapter 62, Article VIII, §62-17. Violations and penalties;
- J. Chapter 158, §158-2. Authority of Selectmen to sell certain real estate (3 instances);
and
- K. Chapter 174, Article VI, §174-15. Approval and method of payment.

4. By deleting Section 28-4.D, Selectmen, in its entirety, and inserting, in place thereof, the following:

The Select Board shall consist of five members, each of whom shall serve for a term of three years. The members of the Select Board in office as of the date of TOWN OF HOPKINTON GENERAL BYLAW adoption of this subsection shall remain in office until the expiration of the respective term of such member or until a vacancy occurs in such position for other cause. At the Annual Town Election to be held in May 2001, there shall be three persons elected at large by ballot to the Select Board by the voters of the town, with the candidate elected with the greatest number of votes to serve for a term of three years, the candidate with the second greatest number of votes to serve for a term of three years, and the candidate with the third greatest number of votes to serve for a term of two years. At each Annual Town Election thereafter the number of members of the Select Board whose terms have expired shall be elected by ballot for a term of three years. After the election of the Select Board, if there is a failure to elect or a vacancy occurs in the office of a Select Board Member, the remaining Members may call a special election to fill the vacancy and shall call such election upon the request, in writing, of the number of registered voters of the town required by and in accordance with the procedure set forth in MGL c. 41 § 10

and

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5. By deleting all instances of the term “Board of Selectmen” and “Selectmen” from any amendment to the General Bylaws approved at the Annual Town Meeting beginning May 6, 2019, and inserting, in place thereof, the term “Select Board”.

Pass any vote or take any action relative thereto.

ARTICLE: 45	Kennel Licensing Bylaw	<i>Sponsor: Board of Selectmen</i>
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To see if the Town will vote to delete 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 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 Personal Kennel, as defined in Section 136A of Chapter 140 of the Massachusetts General Laws.

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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.
- 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 in accordance with Section 62-7.E.
- D. Number of Permitted Dogs. The Animal Control Officer or agent 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.
- F. Animal Control Officer. The Animal Control Officer may designate an agent to whom the Animal Control Officer may delegate any of the responsibilities contained in this Bylaw.

§ 62-7.C. Application Process.

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- 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 in accordance with Section 62-7.E. 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 in accordance with Section 62-7.E.

§ 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:
 - (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;
 - (5) Organizational policies relating to animal care, intake, veterinary treatment, adoption and euthanasia; and
 - (6) All records pertaining to prior kennel licenses including, but not limited to, copies of

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prior years' kennel licenses, inspection reports prepared by any Inspection Authority, and documentation of any suspensions and/or revocations of kennel licenses.

- 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.

- A. The Inspection Authority may inspect any Kennel or its records at any time for compliance with the provisions of this Chapter and applicable statutes and to determine if a Kennel is being maintained in a sanitary and humane manner and if records are properly kept, in accordance with applicable law. Such inspection shall include, at a minimum, an examination of the following:
 - (1) The records identified in Section 62-7.D.B.
 - (2) Inquiry with the Hopkinton Fire Department, Inspectional Services, Board of Health, and Police Department to ensure that any applicable requirements of those departments have been met; provided, however, that, in the discretion of the Inspection Authority, such inquiry may not be required for Personal Kennels.
 - (3) A review of the Kennel's prior kennel license(s), if any. If any prior kennel license has been suspended or revoked, the Inspection Authority shall review that suspension or revocation determination and require the applicant to provide evidence demonstrating that the reasons for the suspension or revocation have been adequately addressed.
- B. A Kennel shall pass inspection only if the Inspection Authority determines that the kennel is being maintained in a sanitary and humane manner and its records are properly kept. If a Kennel has previously had its kennel license suspended or revoked, it shall not pass inspection unless the Inspection Authority makes a determination that the reasons for the suspension or revocation have been adequately addressed and that the proposed Kennel has been brought into compliance with the requirements of this Section and applicable state 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

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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 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

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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) years 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:

- 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: 46	76 Main Street Historic District	<i>Sponsor: Historical Commission</i>
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To see if the Town will vote to amend Chapter 123, Historic District, of the General Bylaws, as follows:

1. By inserting a new §123-3.C as follows:

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C. There is hereby established under the provisions of G.L. c. 40C, an Historic District to be known as the "76 Main Street Historic District", the location and boundaries of which are shown on a map entitled the "76 Main Street Historic District Map" and which is generally described as follows:

The parcel of land which is shown on Hopkinton Assessors Map U16 Block 75 Lot 0, and is which is bounded and described as follows: Southeasterly by Main Street, 139 feet; Southwesterly by land at 78 Main Street, 181.99 feet; Southeasterly by land at 78 Main Street, 12.17 feet; Southwesterly by land at 4 Summer Street and 8 Summer Street, 160 feet; Northwesterly by land at 102-104 Davis Road, 180.27 feet; and Northeasterly by land of the Town of Hopkinton on 3 courses, 65 feet, 65.88 feet, and 195.57 feet.

- 2. By renumbering existing §123-3.C to §123-3.D;
- 3. By inserting a comma after the words "Board of Selectmen" in the first sentence in §123-4.A, and thereafter the words "and whose authority shall extend over the Hopkinton Center Historic District and the 76 Main Street Historic District," so that the first sentence in §123-4.A will read as follows:

There is hereby established under M.G.L. c.40C, with all the powers and duties of an historic district commission thereunder, the Hopkinton Historic District Commission, consisting of seven members appointed by the Board of Selectmen, and whose authority shall extend over the Hopkinton Center Historic District and the 76 Main Street Historic District.

And

- 4. By inserting a comma after the words "Board of Selectmen" in the first sentence in §123-4.B, and thereafter the words ", and whose authority shall extend over the Woodville Historic District," so that the first sentence in §123-4.B will read as follows:

There is hereby established under MGL c. 40C, with all the powers and duties of an Historic District Commission thereunder, the Woodville Historic District Commission, consisting of seven members appointed by the Board of Selectmen, and whose authority shall extend over the Woodville Historic District.

Pass any vote or take any action thereto.

ARTICLE: 47	Historic Preservation Bylaw Amendments	<i>Sponsor: Historical Commission</i>
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To see if the Town will vote to amend Chapter 125, Historic Preservation, of the General Bylaws, as follows:

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1. By deleting the word "six" from §125-3.A(7), and inserting, in place thereof, the numeral "18," so that §125-3.A(7) will read as follows:

If the Commission determines the structure is worthy of classification as a preferably preserved significant structure, no further demolition permits may be applied for or issued with respect to such structure, for a period of 18 months from the date of such written determination.

2. By deleting the word "six" from §125-3.A(8), and inserting, in place thereof, the numeral "18," so that §125-3.A(8) will read as follows:

During such 18-month period, the Commission will invite the applicant (and the owner of record, if different from the applicant) to participate in an investigation of alternatives to demolition. If acceptable alternatives are agreed upon by the Commission and the applicant, the Commission will file a copy of said agreement with the Building Inspector and Town Clerk and the applicant may apply for necessary permits to begin work. Work shall only be done in accordance with the terms of the agreement unless and until new permit applications are filed and processed hereunder.

3. By deleting the word "six" from §125-3.A(9), and inserting, in place thereof, the numeral "18," so that §125-3.A(9) will read as follows:

If the Commission is satisfied that there is no feasible alternative to demolition, the Commission may so advise the applicant, the Building Inspector, and the Town Clerk in writing, at any time during this 18-month period, and the Building Inspector may issue a permit to demolish the structure in accordance with all applicable codes and regulations.

And

4. By inserting a new §125-6.C, as follows:

C. Any amendment to this Chapter that extends a period of demolition delay shall apply to any demolition delay period pending at the time that the amendment takes effect pursuant to *M.G.L. c.40, §32*.

Pass any vote or take any action thereto.

LAND ACQUISITIONS AND DISPOSITIONS

ARTICLE: 48

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

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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:

Hunters Ridge Way from South Mill Street to South Mill Street.
Penny Meadow Lane from South Mill Street to Dead End.

Pass any vote or take any act relative thereto.

ARTICLE: 49	Fruit Street Lease	<i>Sponsor: Board of Selectmen</i>
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To see if the Town will amend the vote taken under Article 55 of the 2017 Annual Town Meeting warrant authorizing the Board of Selectmen to lease a portion of Parcel 8, 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 99 years, to a non-profit philanthropic organization for the benefit of Hopkinton youth and 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: 50	Chamberlain Street Curve	<i>Sponsor: Board of Selectmen</i>
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To see if the Town will vote to authorize the Board of Selectmen to take the following actions:

1. To petition the General Court, on behalf of the Town, for passage of a special law substantially as provided below; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE TOWN OF HOPKINTON TO REMOVE CERTAIN LAND
FROM A CONSERVATION RESTRICTION

SECTION 1. The town of Hopkinton may remove a portion of a certain parcel of land located off Hayden Rowe, Main Street and Chamberlain Street from the Conservation Restriction conveyed by the town to the Hopkinton Area Land Trust, Inc., effective as of January 6, 2004, and recorded at the Middlesex South District Registry of Deeds in book 41738, page 432. The portion of land to be removed from the Conservation Restriction contains approximately 1,400 square feet of land located along the south westerly sideline of Chamberlain Street and is shown as "Proposed Right of Way Expansion Area = 1,400± SF" on a plan entitled "Definitive Subdivision Plan for Rec Hopkinton LLC", sheet title "Chamberlain Street Improvement Plan A, sheet number 45 of 52" dated June 13, 2018, prepared by Bohler Engineering.

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SECTION 2. Notwithstanding the provisions of chapter 30B and chapter 40 of the General Laws as to the sale and purchase of land or any other general or special law to the contrary, the town of Hopkinton, as consideration for the conveyance authorized in section 1, shall either (a) amend the existing Conservation Restriction to include two new parcels of land, together containing approximately 5.7 acres total, more particularly described as (1) "Parcel B" on a plan entitled "Plan of Land in Hopkinton" dated May 19, 1920, prepared by R.E. Allen & Son, Engineers, filed in the Land Registration Office, a copy of a portion of which is filed in the Middlesex South Registry District of the Land Court in Registration Book 93, Page 225, with Certificate of Title 14624 (Plan No. 8367A); and (2) A parcel of land more particularly described in a deed from the New York, New Haven and Hartford Railroad Company to the Town of Hopkinton, which deed is recorded at the Middlesex South Registry of Deeds in Book 9151, Page 446, and depicted on a plan entitled "New York New Haven and Hartford Railroad Office of Engineer - Real Estate Surveys Land in Hopkinton, Mass to be Conveyed to Town of Hopkinton," dated September 1957 and recorded in the Middlesex South Registry of Deeds as Plan Number 603 of 1958, and which parcel is further depicted on a plan entitled "Sketch Plan of Land", prepared by J.D. Marquedant & Sons, Inc., dated April 23, 2019; or (b) convey a new conservation restriction to the Hopkinton Area Land Trust, Inc., for conservation and passive recreation purposes, over said parcels comprising 5.7 acres pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws.

SECTION 3. This act shall take effect upon its passage.

And

2. Provided that the special legislation is approved by the General Court and signed into law in a form consistent with the provisions of this Article, to remove the described 1,400 square feet of land from the Conservation Restriction described in Section 1 of the special law and place a Conservation Restriction over the land described in Section 2 of the special law.

Pass any vote or take any act relative thereto.

ARTICLE: 51	Municipal Parking	Sponsor: Board of Selectmen
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To see if the Town will vote to:

(1) acquire by gift, purchase, lease, eminent domain or otherwise, an interest in 6 Walcott Street (Assessors Map parcel U16 144 0) for the purpose of providing Town Hall parking on such terms as the Select Board shall deem to be in the best interests of the Town;

(2) acquire by gift, purchase, lease, eminent domain or otherwise, an interest or interests in land from the winner or winners of a competitive bid selected pursuant to *M.G.L. c.30B*, for the

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purpose of providing municipal parking in the downtown area on such terms as the Select Board shall deem to be in the best interests of the Town; and

(3) raise and appropriate, borrow, transfer from available funds or otherwise provide a sum of money for the purpose of such acquisitions.

Pass any vote or take any act relative thereto.

ARTICLE: 52	Easements – Main Street Corridor Project Re-Authorization	Sponsor: Board of Selectmen
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To see if the Town will vote to reauthorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, easements in all or some of the parcels identified in Article 47 of the 2018 Annual Town Meeting for the purpose of establishing a secure permanent public right of way that will allow for construction and roadway safety improvements, including grading, foundation for a mast arm, traffic signals, driveway tie-ins, overhead wires, guy wires, fences and related facilities in connection with the Main Street Corridor Project.

Pass any vote or take any act relative thereto.

ARTICLE: 53	Colella Farm Road Sewer	<i>Sponsor: Maureen W. Belger, Citizens Petition</i>
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To see if the Town will vote to install, including design, engineering and construction, a Public Sewer Line to connect Colella Farm Road to the existing town sewer system. The Sewer Enterprise Fund will issue a note and will be reimbursed through the betterments assessed to the residents who the town deems bettered by the project.

Pass any vote or take any action relative thereto.

<u>ADMINISTRATIVE</u>

ARTICLE: 54	South Middlesex Regional Vocational School District Agreement	Sponsor: Board of Selectmen
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To see if the Town will vote to amend the agreement among the towns of Ashland, Holliston, Hopkinton, and Natick, and the City of Framingham, with respect to Establishment of a Regional Vocational School District to incorporate prior amendments to said agreement, to eliminate outdated provisions, to recognize Framingham’s change from a town to a city form of government, and to bring said agreement into alignment with the District’s existing practices.

Pass any vote or take any act relative thereto.

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ARTICLE: 55	Trustees of the School Fund in the Town of Hopkinton	Sponsor: Trustees of the School Fund
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To see if the Town will choose members to fill the vacancies now existing in the Board of Trustees of the School Fund in the Town of Hopkinton.

Pass any vote of take any action thereto.

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

Given under our hands this _____th day of April, 2019.

BOARD OF SELECTMEN
TOWN OF HOPKINTON

Claire B. Wright, Chair

Brendan Tedstone, Vice-Chair

Brian Herr

John M. Coutinho

Irfan Nasrullah

A TRUE COPY
ATTEST:

Connor Degan, Town Clerk

DATE: _____

I HEREBY CERTIFY THAT I HAVE SERVED THE FOREGOING WARRANT BY POSTING A TRUE AND ATTESTED COPY THEREOF IN (1) TOWN HALL, (2) ALL POST OFFICES, (3) THE PUBLIC LIBRARY, (4) THE SENIOR CENTER, AND (5) AT LEAST ONE PUBLIC SAFETY BUILDING, AT LEAST EIGHT (8) DAYS PRIOR TO THE TIME OF HOLDING SAID MEETING.

Constable of Hopkinton

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Warrant