

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HOPKINTON  
ANNUAL TOWN MEETING WARRANT  
MAY 8, 2021**

*(Voter Registration Deadline: April 13, 2021)*

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 22, 2021, to an adjourned session of the Annual Town Meeting, postponed from the date specified in the Hopkinton General Bylaws to said date by vote of the Select Board, in consultation with the Town Clerk and Town Manager pursuant to Chapter 45 of the Acts of 2020, as amended by Chapter 5 of the Acts of 2021, to be held at the Hopkinton Middle School Gymnasium, for the election of the following Officers:

Offices for the May 22, 2021 Election (postponed, as stated above, from May 17, 2021):

<b>Office</b>	<b>Number of Open Positions</b>	<b>Length of Term</b>
Board of Assessors	1	3 years
Board of Health	1	3 years
Board of Library Trustees	1	3 years
Select Board	2	3 years
Cemetery Commissioners	1	3 years
Commissioners of Trust Fund	1	3 years
Constable	1	3 years

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Office	Number of Open Positions	Length of Term
Housing Authority	1	5 years
Parks & Recreation Commission	2	3 years
Planning Board	2	5 years
Planning Board (unexpired term)	1	1 year
School Committee	2	3 years

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

QUESTION 1: Shall the Town of Hopkinton be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to fund construction, reconstruction, renovation, alteration, and associated improvements of the Marathon School, including any planning, design, engineering, original equipment, or associated costs or expenses related thereto?

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 fund the installation of control systems for the Hopkinton Middle School HVAC Renewal and Digital Control Upgrade, including any planning, design, engineering, original equipment, construction or associated costs or expenses related thereto?

QUESTION 3: Shall the Town of Hopkinton be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to fund the partial roof replacements at the Hopkins and Hopkinton Middle Schools including any planning, design, engineering, construction or associated costs or expenses related thereto?

QUESTION 4: Shall the Town of Hopkinton be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to fund the roof replacement at the Police Station, including any planning, design, engineering, construction or associated costs or expenses related thereto?

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

AND, further, to meet at the Football Field, 88 Hayden Rowe, on May 8, 2021 at 9:00 a.m., postponed from the date specified in the Hopkinton General Bylaws by vote of the Select Board pursuant to *M.G.L. c.39, §10*, then and there to act upon the following Articles:

## REPORTS

### **ARTICLE: 1 Acceptance of Town Reports; Sponsor: Select Board**

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

Pass any vote or take any act relative thereto.

## FINANCIAL - FISCAL YEAR 2021

### **ARTICLE: 2 FY 2021 Supplemental Appropriations and Transfers; Sponsor: Town Manager**

To see if the Town will vote to transfer from available funds or otherwise provide a sum or sums of money to supplement operating budgets and various accounts for the fiscal year ending June 30, 2021.

Pass any vote or take any act relative thereto.

### **ARTICLE: 3 Unpaid Bills from Prior 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 2022

### **ARTICLE: 4 Excess Bond Premium; Sponsor: Town Manager**

To see if the Town will vote to appropriate the remaining excess bond premium from the Town's \$9,175,000 (NINE MILLION ONE HUNDRED AND SEVENTY-FIVE THOUSAND DOLLARS) General Obligation Municipal Purpose Loan of 2019 bonds, dated November 26, 2019, and \$8,915,000 (EIGHT MILLION NINE HUNDRED AND FIFTEEN THOUSAND DOLLARS) General Obligation Municipal Purpose Loan of 2020 bonds, dated June 25, 2020, to reduce necessary borrowing for capital projects legally classifiable as like-projects to the projects that generated the excess premiums that have been authorized by Town Meeting and partially financed, or for new capital projects approved by Town Meeting that are legally classifiable as like-projects to the projects that generated the excess premiums.

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Pass any vote or take any act relative thereto.

**ARTICLE: 5 Set the Salary of Elected Officials; Sponsor: Select Board**

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

Pass any vote or take any act relative thereto.

**ARTICLE: 6 Fiscal Year 2022 Operating Budget; Sponsor: Town Manager**

To hear and act on reports and recommendations of the Appropriation Committee and to see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the operation and maintenance of Town Departments for the fiscal year beginning July 1, 2021, 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: 7 Parks & Recreation Revolving Funds; Sponsor: Town Manager**

To see if the Town will vote to amend Chapter 13, Finances, of the General Bylaws of the Town of Hopkinton, Article VI, Section 13-15 entitled “Authorized Revolving Funds”, for the purpose of establishing and authorizing a new revolving fund for use by certain Town departments, boards, committees or officers, pursuant to Section 53E½ of Chapter 44 of the *Massachusetts General Laws*, by adding a row to the table in Section 13-15 as follows:

<u>Revolving Fund</u>	<u>Department, Board, Committee or Officer Authorized to Spend from Fund</u>	<u>Fees, Charges or Other Receipts Credited to the Fund</u>	<u>Program or Activity Expenses Payable from Fund</u>	<u>Restrictions or Conditions on Expenses Payable from Fund</u>	<u>Other Requirements / Reports</u>	<u>Fiscal Years</u>
Parks and Recreation	Parks and Recreation Director	User Fees from Fruit Street Field Operations	Expenses related to the operation and maintenance of the Fruit Street field facilities	None	None	Fiscal Year 2022 and subsequent years

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Pass any vote or take any act relative thereto.

**ARTICLE: 8 FY 2022 Revolving Funds Spending Limits; Sponsor: Town Manager**

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, 2021.

Pass any vote or take any act relative thereto.

**ARTICLE 9 Consumer Price Index for Property Tax Exemptions; Sponsor: Board of Assessors**

To see if the Town will vote to accept the provisions of Chapter 59, Section 5, Clause forty-first D of the *Massachusetts General Laws*, to automatically increase each year the amount of the income (gross receipts) and assets (whole estate) that certain senior citizens may have to qualify for an exemption under clauses forty-first, forty-first B, and forty-first C of Chapter 59, Section 5 of the *Massachusetts General Laws* by the cost of living adjustment (COLA) determined by the Commissioner of Revenue.

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, 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.

**ARTICLE: 11 Transfer to Other Post-Employment Benefits Liability Trust Fund; Sponsor: Town Manager**

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

**ARTICLE: 12 Transfer from the General Stabilization Fund; Sponsor: Town Manager**

To see if the Town will vote to transfer from the General Stabilization Fund to the Fiscal Year 2022 General Fund, a sum or sums of money for support of General Fund operations.

Pass any vote or take any act relative thereto.

**ARTICLE: 13 Transfer from School Department Stabilization Fund to General Fund; Sponsor: School Committee, Town Manager**

To see if the Town will vote to transfer from the School Department Stabilization Fund to the Fiscal Year 2022 General Fund, a sum or sums of money for support of enrollment growth costs within General Fund operations, said sum to be spent under the direction of the School Committee.

Pass any vote or take any act relative thereto.

**ARTICLE: 14 Transfer from School Department Stabilization Fund to School Department; Sponsor: School Committee**

To see if the Town will vote to transfer from the School Department Stabilization Fund 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 growth; said funds to be retained by the School Department for said purpose until fully expended or transferred for a different purpose; said funds to be spent under the direction of the School Committee.

Pass any vote or take any act relative thereto.

**ARTICLE: 15 Parks & Recreation Enterprise Fund; Sponsor: Town Manager**

To see if the Town will vote to revoke its vote at the 2011 Annual Town Meeting on May 2, 2011 accepting the provisions of Chapter 44, § 53F½ of the *Massachusetts General Laws* to create the Parks & Recreation Enterprise Fund, thus ceasing the Parks & Recreation Enterprise Fund as an enterprise fund effective fiscal year 2022; and, further, that the fund balances from said Parks & Recreation Enterprise Fund at June 30, 2021 be transferred to the Parks & Recreation Revolving Fund, established pursuant to Article 7 of this 2021 Annual Town Meeting Warrant, effective July 1, 2021.

Pass any vote or take any act relative thereto.

**CAPITAL EXPENSES AND PROJECTS**

**ARTICLE: 16 Pay-As-You-Go Capital Expenses; Sponsor: Town Manager**

To see if the Town will vote to raise and appropriate, transfer from available funds, transfer from the Capital Stabilization Fund or otherwise provide a sum or sums of money to fund the following Pay-As-You-Go capital purchases and projects:

<b>Item</b>	<b>Purchase or Product</b>	<b>To be spent under the direction of</b>
1	School District Planning Study	School Superintendent
2	School Security Camera Upgrades	School Superintendent
3	School Data Center Firewall & High School Bell System Upgrade	School Superintendent
4	Hopkinton Middle School Boiler, Additional Funding	School Superintendent
5	Police Patrol Cruiser Replacement (3 units)	Town Manager
6	Town Multi-Function Printer Replacement (2 units)	Town Manager
7	Replace Security Cameras, Police and Fire Stations	Town Manager
8	EMC Park Drainage Remediation	Town Manager
9	Replace Fire Department Ambulance	Fire Chief
10	Fire Engine #4 Refurbishment	Fire Chief
11	Replace Public Works Wood Chipper	Town Manager
12	Public Works Super Duty Truck, Plow, Equipment	Town Manager
13	Public Works Excavator and Trailer	Town Manager

Pass any vote or take any act relative thereto.

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**ARTICLE: 17 Marathon School Addition; Sponsor: School Committee**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, appropriate from excess bond premiums or otherwise provide a sum or sums of money for construction, reconstruction, renovation, alteration, and associated improvements of the Marathon School, including any planning, design, engineering, original equipment, or associated costs or expenses related thereto; said sum to be spent under the direction of the School Committee.

Pass any vote or take any act relative thereto.

**ARTICLE: 18 School HVAC Renewal and Digital Control 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 installation of control systems for the Hopkinton Middle School HVAC Renewal and Digital Control Upgrade, including any planning, design, engineering, original equipment, construction or associated costs or expenses related thereto; said sum to be spent under the direction of the School Committee.

Pass any vote or take any act relative thereto.

**ARTICLE: 19 Hopkins & Middle School Roof Replacement, 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 partial roof replacements at the Hopkins and Hopkinton Middle Schools including any planning, design, engineering, construction or associated costs or expenses related thereto; said sum to be spent under the direction of the School Committee.

Pass any vote or take any act relative thereto.

**ARTICLE: 20 Police Station Roof Replacement; 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 roof replacement at the Police Station, including any planning, design, engineering, construction or associated costs or expenses related thereto; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.



**ARTICLE: 21 Pratt Farm Well Field; Sponsor: Director of Public Works**

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 engineering work related to the design, planning, engineering, permitting, and construction of the Pratt Farm Well Field, or associated costs or expenses related thereto; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE: 22 Grove Street Chlorine Injection; Sponsor: Director of Public Works**

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 installation of a chlorine injection system at the Grove Street water tanks, including any planning, design, engineering, or associated costs or expenses related thereto; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE: 23 Alprilla Farm Well Cleaning; Sponsor: Director of Public Works**

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 cleaning of wells 7 & 8 at Alprilla Farm, including any planning, design, engineering, or associated costs or expenses related thereto; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE: 24 Water Main Replacement - Woody Island Road; Sponsor: Director of Public Works**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the replacement of the water main at Woody Island Road, including any planning, design, engineering, construction or associated costs or expenses related thereto; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**ARTICLE: 25 Inflow and Infiltration Investigation; Sponsor: Director of Public Works**

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 continued investigation of the sewer system to identify possible inflow/infiltration, including any planning, design, engineering, or associated costs or expenses related thereto; said sum to be spent under the direction of the Town Manager.

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Pass any vote or take any act relative thereto.

**ARTICLE: 26 Vehicle Replacement: Sponsor: Director of Public Works**

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 replacement truck for the Sewer department; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

**COMMUNITY PRESERVATION FUNDS**

**ARTICLE: 27 Community Preservation Funds; Sponsor: Community Preservation Committee**

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 and not to exceed 5% of the estimated annual revenues for Fiscal Year 2022, for committee administrative expenses and other expenses in the fiscal year beginning July 1, 2021, with each item to be considered a separate appropriation.

Pass any vote or take any act relative thereto.

**ARTICLE: 28 Community Preservation Recommendations; Sponsor: Community Preservation Committee**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Community Preservation budget for Fiscal Year 2022; and, further, to reserve for future appropriation a sum of money from the Community Preservation Fund for open space, historic resources, community housing, recreation and budgeted reserve 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, and to authorize the Town Manager, the Select Board, and Conservation Commission to enter into all agreements and execute any and all instruments necessary to acquire, convey or accept, as the case may be, appropriate historic preservation restrictions for historic resources and conservation restrictions for open space, in accordance with Chapter 184 of the *Massachusetts General Laws*, to comply with the requirements of Chapter 44B, Section 12 of the *Massachusetts General Laws* for the same:

- A. \$20,000 (TWENTY THOUSAND DOLLARS) from funds reserved for Historic Resources for Phase 5 of the Historic Headstone Restoration at Hayden Rowe Cemetery, East Hopkinton Cemetery, Bear Hill Cemetery and Evergreen Cemetery; said sum to be spent under the direction of the Cemetery Commission and the Community Preservation Committee and

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subject to the condition that any portion of funds not expended by July 1, 2022 shall be returned to the Historic Resources Reserve; provided, however, that the Community Preservation Committee shall be authorized to extend the deadline for expenditure of funds in its discretion.

- B. \$60,000 (SIXTY THOUSAND DOLLARS) from funds reserved for Recreation to add additional equipment to unused space at the EMC Playground off Hayden Rowe, and upgrade the perimeter border of the playground to improve safety; said sum to be spent under the direction of the Parks and Recreation Department and the Community Preservation Committee and subject to the condition that any portion of funds not expended by July 1, 2023 shall be returned to the Recreation Reserve; provided, however, that the Community Preservation Committee shall be authorized to extend the deadline for expenditure of funds in its discretion.
- C. \$350,000 (THREE HUNDRED AND FIFTY THOUSAND DOLLARS) from funds reserved for Recreation to for the design, bid and construction of a public skate park at EMC Park, off Hayden Rowe; said sum to be spent under the direction of the Parks and Recreation Department and the Community Preservation Committee and subject to the following conditions: (1) that safety netting be installed prior to opening the Skate Park; and (2) that any portion of funds not expended by July 1, 2023 shall be returned to the Recreation Reserve; provided, however, that the Community Preservation Committee shall be authorized to extend the deadline for expenditure of funds in its discretion.
- D. \$40,000 (FORTY THOUSAND DOLLARS) from funds reserved for Recreation for skate park netting at EMC Park, which will protect skaters and participants from the batted balls at the ballfield at EMC Park; said sum to be spent under the direction of the Parks and Recreation Department and the Community Preservation Committee and subject to the condition that any portion of funds not expended by July 1, 2023 shall be returned to the Historic Resources Reserve provided, however, that the Community Preservation Committee shall be authorized to extend the deadline for expenditure of funds in its discretion.
- E. \$90,000 (NINETY THOUSAND DOLLARS) from funds reserved for Community Housing for the Covid-19 Emergency Housing Relief Program, which provides Covid-19 related emergency mortgage and rental assistance for low- and moderate-income households; provided that mortgage assistance may be provided only to those households living in housing subject to an affordable housing restriction or in exchange for an affordable housing restriction, and rental assistance may be provided only to households living in units eligible for inclusion in the state Subsidized Housing Inventory; said sum to be spent under the direction of the Town Manager and the Community Preservation Committee and subject to the following conditions: (1) that the Housing Authority votes in support of the Program; (2) that a lottery shall be held to determine which eligible residents will receive relief funds if more requests are received than can be supported with grant funds; and (3) that any portion of funds not expended by July 1, 2022 shall be returned to the Community Housing Reserve; provided, however, that the Community Preservation Committee shall be authorized to extend the deadline for expenditure of funds in its discretion .
- F. \$75,000 (SEVENTY FIVE THOUSAND DOLLARS) from funds reserved for Recreation to install two roughly 0.2 to 0.3 mile stone dust trail sections to connect the Center Trail Phase 2 at

Field 13 to the Chamberlain Street sidewalks, and Center Trail to Field 11 and the Chamberlain Street sidewalk; said sum to be spent under the direction of the Trail Coordination and Management Committee and the Community Preservation Committee and subject to the following conditions: (1) that the Town acquire the fee of or easements upon any portion of the trail not presently owned by the Town of Hopkinton before any expenditure of funds on construction on that portion of the trail; and (2) that any portion of funds not expended by July 1, 2023 shall be returned to the Recreation Reserve; provided, however, that the Community Preservation Committee shall be authorized to extend the deadline for expenditure of funds in its discretion.

G. \$22,000 (TWENTY TWO THOUSAND DOLLARS) from funds reserved for Recreation for preparation for a turf surface at the Lacrosse wall at Fruit Street Fields, Hopkinton, MA; said sum to be spent under the direction of the Parks and Recreation Department and the Community Preservation Committee and subject to the following conditions: (1) that the Town receive a donation or other funding for the Turf Surface; and (2) that any portion of funds not expended by July 1, 2023 shall be returned to the Recreation Reserve; provided, however, that the Community Preservation Committee shall be authorized to extend the deadline for expenditure of funds in its discretion.

H. \$56,000 (FIFTY SIX THOUSAND DOLLARS) from funds reserved for Open Space for the purchase the "Dunbar" property, a parcel of land on Hayden Rowe in Hopkinton, MA, containing 0.35 acres, more or less, identified as Assessor's Parcel U25 26 0 and more particularly described in a certain deed recorded in the Middlesex South District Registry of Deeds in Book 30309 Page 136, parcel to be held by the Select Board for the purpose of incorporation into and/or parking for the Upper Charles Trail trails, open space preservation, wetlands protection, and passive recreation and subsequently transferred to the Open Space Preservation Commission once construction of the trail and/or parking has been completed; said sum to be spent under the direction of the Town Manager and the Community Preservation Committee and subject to the following conditions: (1) that an Conservation Restriction that allows trails and/or a parking lot to be designed and constructed be placed on the land within five years of acquisition; (2) that the grant amount shall include all of the Town's legal costs for the acquisition of the land; and (3) that any portion of funds not expended by July 1, 2022 shall be returned to the Open Space Reserve; provided, however, that the Community Preservation Committee shall be authorized to extend the deadlines for placing a Conservation Restriction on the land and for expenditure of funds in its discretion.

Pass any vote or take any act relative thereto.

## ZONING BYLAW AMENDMENTS

### **ARTICLE: 29 Car Washes, Downtown Business District; Sponsor: Planning Board**

To see if the Town will vote to amend Article VIA, Downtown Business (BD) District, §210-20.3.A., Uses allowed by Special Permit by the Board of Appeals by striking "(4) Car wash facilities." and renumbering "(5) Theaters, halls and clubs." to read "(4) Theaters, halls and clubs."

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Pass any vote or take any act relative thereto.

**ARTICLE: 30 Industrial B District Housekeeping; Sponsor: Planning Board**

To see if the Town will vote to amend Article VIIIA, Industrial B District, §210-37.9, Uses allowed by special permit, of the Zoning Bylaw, by numbering the first paragraph as item A, and renumbering items currently numbered A through K, as items (1) through (11), respectively.

Pass any vote or take any act relative thereto.

**ARTICLE: 31 Wireless Telecommunications Facilities; Sponsor: Planning Board**

To see if the Town will vote to amend Article XVI, Wireless Telecommunications Facilities of the Zoning Bylaws as follows:

1. Amending §210-100.A by inserting, after the words “Any proposed extension in the height” the following:

“that does not substantially change the physical dimensions of a tower or base station”;

and

Striking “new or” after the words “or construction of a”;

and

Inserting “not” after the words “replacement facility, shall”

and

Striking “the submission of a new application for” before the words “a special permit”;

So that Section 210-100.A, as amended pursuant to this Article, reads as follows:

“No wireless communications facility shall be erected or installed except in compliance with the provisions of this article. Wireless communications facilities are allowed in all zoning districts. A special permit is required from the Board of Appeals to erect or install a wireless communications facility. Any proposed extension in the height that does not substantially change the physical dimensions of a tower or base station, addition of cells, antenna or panels, or construction of a replacement facility, shall not require a special permit.”

and

2. Amending §210-101.K by inserting “new” after “The height of”

and

3. Amending §210-101.L by deleting the text “Facilities” from the first sentence and in its place inserting “New facilities”.

and

4. Amending §210-105.B by inserting “new” after “No” in the third sentence of that paragraph so that the sentence, as amended pursuant to this Article, reads as follows:

No new wireless communications facility shall be erected or constructed unless an application has first been submitted to the Board of Appeals and the special permit referred to herein has been obtained.

Pass any vote or take any act relative thereto.

**ARTICLE: 32 Accessory Family Dwelling Unit; Sponsor: Planning Board**

To see if the Town will vote to amend Article XVIII, Supplementary Regulations, §210-126 of the Zoning Bylaws as follows:

1. Amending §210-126 by deleting the word “family”;

and

2. Amending §210-126.B by deleting the word “family” as it appears after the text “to accommodate an additional”

and

3. Amending §210-126.C by deleting the word “family” in every instance it appears, and, further, deleting the third sentence in its entirety;

and

4. Amending §210-126.E by deleting the fourth sentence in its entirety.

and

5. Amending §210-126.L by: deleting the current text of this section and replacing it with the

following:

L. Definition. Accessory dwelling unit shall mean a dwelling unit contained within or being an extension of a single-family structure to accommodate a caregiver or service provider or an additional family only if a member of the additional family is related to the owner of the premises.

Pass any vote or take any act relative thereto.

**ARTICLE: 33 Nonconforming Lots, Uses and Structures; Sponsor: Planning Board**

To see if the Town will vote to amend Article XIX, Nonconforming Lots, Uses and Structures, §210D-128.D, Nonconforming Uses, of the Zoning Bylaws as follows:

1. By inserting a new subsection E immediately following subsection D that reads:

E. Zoning Enforcement Officer Waiver

The Zoning Enforcement Officer may waive the requirement for a Special Permit under §210-128, Item A, above, provided the following criteria is met:

- (1) The proposed alteration does not alter the footprint of the existing dwelling;
- (2) The proposed alteration does not alter the overall height of the existing dwelling; and
- (3) The proponent of the proposed alteration obtains agreement that the proposed alterations are deemed acceptable by all current abutters within 300 feet of the subject property, as evidenced by endorsement of the plan (or a copy of the plan) to be submitted to the Building Department for approval showing the proposed alterations, with dimensions. A certified list of abutters shall be obtained through the Hopkinton Assessing Department.

The Zoning Enforcement Officer, at any time, may elect to take no action on the waiver application and defer to the ZBA for a decision, including in circumstances where the above criteria have been satisfactorily met.

Pass any vote or take any act relative thereto.

**ARTICLE: 34 Temporary Signs; Sponsor: Planning Board**

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

1. To insert the following after §210-179.E:

F. Business Access during Construction in Right-of-Way

(1) "Affected business" shall be defined, for the purposes of this section, as a business for which access can be reasonably determined by the Zoning Enforcement Officer to be blocked, hindered, or otherwise adversely affected due to nearby construction within the right-of-way.

(2) Each affected business may display up to four (4) temporary signs or sandwich boards within 600 feet of the property line for the purpose of directing customers to parking, indicating hours of operation, or displaying messaging such as "open during construction" or other special instructions to customers.

(3) Temporary signs for affected businesses shall not be limited to the 30-day maximum duration, as set forth within this section, but shall be allowed to remain in place until the business is no longer affected by the construction within the right-of-way, as determined by the Zoning Enforcement Officer.

Pass any vote or take any act relative thereto.

**ARTICLE: 35 Commercial Solar Photovoltaic Installations: Sponsor: Planning Board**

To see if the Town will vote to amend Article XXXI, Commercial Solar Photovoltaic Installations, by deleting the current text in its entirety and replace it with the following text:

§ 210-200. Purpose and Intent

The purpose of this Article is to permit the creation of new commercial solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety and minimize impacts on scenic, natural and historic resources, and promote the public health and welfare by minimizing impacts on and undue disturbance to neighboring landowners, including from noise, traffic, lighting, smoke, fumes, dust, odor, glare, stormwater runoff, or the unnecessary removal of trees or destruction of natural habitat.

§ 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 Article.

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Nothing in this Article shall be construed to prevent the installation of solar photovoltaic installations that are an accessory use permitted as-of-right, subject to such other requirements that may apply, including Site Plan Review.

§ 210-202. Use Regulations

Commercial solar photovoltaic installations shall conform to the following requirements:

- 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. Commercial solar photovoltaic installations shall be subject to the provisions of Article XX, Site Plan Review, and shall be considered a “Major Project” as that term is defined in Article XX.
- C. Any and all setback, yard, buffer and screening requirements applicable in the zoning district in which the installation is located shall apply to the installation; provided, however, that the Planning Board may impose greater setback requirements as determined to be necessary based on project or site-specific factors, including solar array type or technology, topography, and tree cover to mitigate the installation’s impacts, including those related to glare, on neighboring land uses.
- D. A security fence or fences shall be installed around the installation and shall be maintained in good condition for as long as the installation continues to be located on the site, whether or not it is being operated. All security fences surrounding the installations shall be set back from the property line a distance that the Planning Board determines to be necessary to minimize visual and other impacts on neighboring land uses.
- E. Any permit authorizing a commercial solar photovoltaic installation may set forth reasonable requirements to minimize or mitigate the visual impacts of the installation, including all accessory structures and appurtenances, as the Planning Board determines will protect the public health, safety, or welfare. At minimum, the following shall be required:
  - (1) All accessory structures and appurtenances shall be architecturally compatible with each other.
  - (2) Solar panels, supporting structures, and appurtenances shall be shielded from view year-round in all districts. Screening methods may include landscaping, natural features, earthen berms, fencing, or a combination thereof.
  - (3) The design and materials used for the installation shall minimize and mitigate reflected solar radiation or glare, including through the placement and arrangement of solar panels, and use of anti-reflective materials or additional screening.

- (4) Visual impacts shall be minimized and mitigated.
- (5) Noise impacts shall be minimized and mitigated, including noise generated by the installation and noise from other sources that may be exacerbated, amplified, or otherwise altered by the installation or alterations to the site.

F. Applications for a special permit pursuant to this Article shall include:

- (1) A visual impact assessment, including analyses such as renderings, and visualizations.
- (2) A sight line representation of the proposed installation prepared by a Professional Engineer or Registered Landscape Architect. The representation shall include depictions, both in a site plan and elevations, of the most visible point of the installation to:
  - (i) any portion of a public way within 500 feet of the property;
  - (ii) any portion of a public way with a clear view of the installation; and
  - (iii) the closest facade of any residential building on a parcel located within 500 feet of the parcel on which the installation is proposed.

Each sight line shall include all intervening trees, buildings, and other applicable objects and be illustrated in color photographs of existing conditions with the proposed installation superimposed on the photographs.

- (3) A glare analysis that includes all proposed measures to minimize or mitigate the impact of glare on any land or way. Existing photographs and proposed renderings from at least four perspectives, including from the nearest residential structures and of the area(s) that are most publicly visible, as specified by the Planning Board, shall be included in the analysis. The analysis shall additionally include a technical explanation of how visualization was produced.
- (4) A preliminary noise analysis prepared by a professional acoustical engineer that includes the ambient noise level traveling across the site prior to any construction or site clearing activities and any projected changes to those noise levels resulting from the installation or site alterations. The analysis shall include, at a minimum, the ambient noise level at three different locations deemed satisfactory by the Planning Board, with simulations performed and measurements taken on weekdays between the hours of 7:00 AM and 6:00 PM, including one simulation performed/measurement taken during the morning peak traffic period, one simulation performed/measurement taken during the evening peak traffic period, and one simulation performed/measurement taken at any point during this time period.

Following construction of an installation, an applicant shall submit a supplemental noise analysis, prepared by a professional acoustical engineer, measuring the ambient noise

level traveling across the site at any previously analyzed location and during the same time periods from the prior analysis. If the noise levels measured for the supplementary analysis exceed those projected in the preliminary noise analysis, the applicant shall implement additional noise minimization and mitigation measures to reduce noise levels to those projected in the preliminary analysis.

- (5) A site plan, landscape plan and erosion sedimentation control plan prepared and stamped by a Professional Engineer or Registered Landscape Architect. The plan shall include:
- (i) proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
  - (ii) the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater impact area;
  - (iii) temporary or permanent access roads and driveway;
  - (iv) grading;
  - (v) exterior lighting and screening of structures; and
  - (vi) types and locations of vegetation or other methods proposed to screen the installation including appurtenant structures from public ways and neighboring properties.
- G. All areas of the site cleared as part of the commercial solar photovoltaic installation, including the areas under and surrounding the solar panels, shall be seeded with a pollinator seed mix and maintained as bird and insect habitat. Mowing shall occur only when necessary for maintenance of the array. Alternative vegetation or cover options may be proposed by the applicant in consideration of soil type and quality, subject to approval by the Planning Board.
- H. Lighting shall not be permitted unless required by the Planning Board or by the State Building Code. Where required, lighting shall be directed downward and full cut-off fixtures shall be used. Lighting shall be illuminated only during hours specified in the special permit, unless such illumination is necessary due to an emergency.
- I. All utility connections from the commercial solar photovoltaic installation shall be underground unless otherwise specifically authorized in the special permit. Electrical transformers and inverters to enable utility interconnections may be above ground if required by the utility provider.
- J. In applying the special permit standards set forth in Section 210-205.C., the Planning Board shall specifically consider whether locating a commercial solar photovoltaic installation on a site that would require extensive tree cutting will be detrimental to the neighborhood or the Town because of the important water management, cooling, and climate benefits trees naturally possess. The clearing of natural vegetation, including trees, shall be limited to the minimum necessary for the construction and operation of the installation.

- K. Installations shall be designed and constructed to protect and optimize the maintenance of wildlife corridors and trail networks. Where such corridors or trail networks may be impacted, an applicant shall prepare plans for alternative trail alignments and wildlife corridors that minimize or mitigate those impacts. Fencing shall be raised from the ground to allow passage of wildlife. This paragraph shall not be construed to require the establishment of public access rights, provided, however, that any agreement by an applicant to establish such a right may be given weight by the Planning Board in making its special permit decision.
- L. In addition to other applicable requirements in this Article, installations proposed for siting and construction on land that is in agricultural use or a pervious open space location shall conform to the following standards:
- (1) Removal of field soils shall be minimized.
  - (2) Disturbances to existing leveled field areas shall be minimized.
  - (3) Soil leveling, smoothing, and penetrations shall be done in a manner that minimizes the displacement of or disturbance to soil. Displaced soils shall be recovered and returned to the area of displacement, to the extent practicable.
  - (4) Ballasts, screw-type, or post driven pilings and other acceptable minimal soil impact methods shall be required. Footings or other methods requiring permanent penetration of soils for mounting are prohibited unless the need for such a method is demonstrated to the satisfaction of the Planning Board.
  - (5) Concrete or asphalt shall not be installed in the mounting area other than that required for ballasts or as required by the Massachusetts State Building Code.
  - (6) The use of geotextile fabrics shall be minimized. Vegetative cover shall be maintained to the extent practicable to prevent soil erosion.
- M. The commercial solar photovoltaic installation, including accessory structures and appurtenances and all access roads and driveways serving the installation, shall be maintained by the owner and operator in good condition for as long as the installation continues to be located on the site, whether or not it is being operated. Maintenance shall include, but not be limited to, painting, structural repairs, continued compliance with landscaping and screening requirements, and safeguarding the integrity of security measures.
- N. The installation shall conform to all other applicable federal and state laws and regulations and bylaws and regulations of the Town.

§ 210-203. Emergency Services

- A. An applicant shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief and all additional information the Chief may request. All means of shutting down the solar photovoltaic installation shall be clearly marked in the plan and on signage located at the installation.
- B. At all times, for as long as the facility continues to be located on the site, whether or not is being operated, the facility operator shall have an official representative for public inquiries, whose name and contact information shall be provided to the Planning Board, and a qualified contact person to provide assistance during an emergency, whose name and contact information shall be provided to the Fire Chief and Police Chief.

§ 210-204. Pesticides, Herbicides, Synthetic Fertilizers

- A. No pesticides, herbicides, defoliants, or synthetic fertilizers shall be used on the site of any commercial solar photovoltaic installation without approval of the Conservation Commission and/or the Planning Board.
- B. Material Safety Data Sheets for the system components will be provided at the discretion of the Planning Board.

§ 210-205. Administration

- A. An applicant desiring to erect or install a commercial solar photovoltaic installation shall file with the Planning Board an application for a special permit, together with such plans, drawings, specifications, fees and additional information as required by the Planning Board.
- B. The Planning Board shall have the authority to waive provisions of Section 210-202, including subject to conditions, upon a determination that such action is in the public interest and a waiver would not be inconsistent with the purpose and intent of this Article. In making this determination, the Planning Board shall consider whether:
  - (1) The public health, safety, and welfare will be protected;
  - (2) Strict application of the requirement to be waived would undermine the public interest;
  - (3) Specific substitute requirements can be adopted that would protect the public interest;
  - and
  - (4) The action made possible by the waiver will not violate any federal, state, or local bylaw.
- C. Approval Criteria. Before the Planning Board may issue such Special Permit, it shall determine each of the following:

- (1) The commercial solar photovoltaic installation conforms to the provisions of this Article.
- (2) The commercial solar photovoltaic installation will not be detrimental to the neighborhood or the Town.
- (3) Environmental features of the site and surrounding areas are protected.

D. Any special permit issued pursuant to this Article shall be subject to such conditions and safeguards as the Planning Board may prescribe. Such conditions may include the requirement of a bond, secured by deposit of money or negotiable securities, posted with the Town to guarantee proper maintenance and/or removal/decommissioning of the commercial solar photovoltaic installation. The amount of the bond shall not exceed 150% of the estimated cost of the commercial solar photovoltaic installation’s removal. Such conditions may also include additional screening of the facility.

§ 210-206. Decommissioning and Discontinuance

A. An installation shall have a Decommissioning Plan. That plan shall contain provisions for: (i) removal of the installation, including all structures, equipment, security barriers and transmission lines; and (ii) stabilization of the site with plantings to include trees, shrubs, and groundcover consistent with native vegetation in surrounding areas as necessary to minimize erosion and sedimentation.

A commercial solar photovoltaic installation shall be deemed to have been discontinued if it has not been in service for a continuous 12-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,, at the owner’s sole expense within three months of receipt of the Notice of Discontinuance, decommission the installation pursuant to the provisions of the Decommissioning Plan and such other reasonable requirements as may be specified by the Director of Municipal Inspections. Failure to comply with these requirements may subject the owner to action pursuant to Article XXIV.

B. An applicant shall provide a form of surety to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board.

Pass any vote or take any act relative thereto.

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**ARTICLE: 36 Commercial Solar Photovoltaic Installations Overlay District; Sponsor: Planning Board**

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

1. To amend Article XXXI, Commercial Solar Photovoltaic Installations, §210-201. Applicability, by striking the first sentence in its entirety and replacing it with the following:

For the purposes of this article, there is hereby established within the Town of Hopkinton an overlay district referred to as the CSPVOD delineated on a map entitled "Commercial Solar Photovoltaic Overlay District, Town of Hopkinton," dated June 2020. This map is hereby made part of the Town of Hopkinton Zoning Bylaw and is on file with the office of the Town Clerk.

Construction and use of a commercial solar photovoltaic installation or any part thereof shall be permitted solely in areas within the CSPVOD and shall be governed by this article.

Pass any vote or take any act relative thereto.

**ARTICLE 37 Rubbish Disposal, Garden Apartments in Residential Districts and Village Housing in Residential Districts; Sponsor: Citizens Petition**

To see if the Town will vote as follows:

To amend the Hopkinton Zoning Bylaws Chapter 74B(11) (Garden Apartments in Residential Districts) and Chapter 210-75.3B(11) (Village Housing in Residential Districts) by deleting the existing language and by replacing it as follows:

- (11) Rubbish disposal. Rubbish disposal will be provided by the Town.

Pass any vote or take any action thereto.

**GENERAL BYLAW AMENDMENTS**

**ARTICLE: 38 Dog Licensing; Sponsor: Select Board**

To see if the Town will vote to amend the General Bylaws by amending Chapter 62, Article II, Dog Licensing, by deleting the second sentence of §62-2 and inserting a new second sentence as follows:

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The amount of the penalty shall be \$50.00 per household irrespective of the number of dogs which reside in the household which have not been licensed on or before April 1st of such year.

and

2. By inserting in Chapter 1, Article II, Section 1-4, Penalties enumerated after the row entitled "Hopkinton Animal Control Bylaws (Ch. 62)" a new row reading as follows:

Citation to Law, Bylaw, Rule or Regulation, if Applicable	Subject of Bylaw and Enforcing Person	Penalty
Dog Licensing (Ch. 62, Art. II)	Dog Licensing Animal Control Officer, Select Board, and Police Department	\$50

Pass any vote or take any act relative thereto.

**ARTICLE: 39 Stormwater Management and Erosion Control; Sponsor: Director of Public Works**

To see if the Town will vote to amend Chapter 172 of the General Bylaws of the Town of Hopkinton, Chapter 172, Stormwater Management and Erosion Control, to comply with the requirements of the current United States Environmental Protection Agency/Massachusetts Department of Environmental Protection General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts (the "MS4 Permit"), and to comply with the mitigation requirements of the Town's Water Management Act (M.G.L. c.21G) permit by deleting the current text of Chapter 172 of the General Bylaws, in its entirety, and replacing it with the following text:

CHAPTER 172

STORMWATER MANAGEMENT AND EROSION CONTROL

- |                        |                         |
|------------------------|-------------------------|
| §172-1. Purpose.       | §172-4. Administration. |
| §172-2. Definitions.   | §172-5. Enforcement.    |
| §172-3. Applicability. | §172-6. Severability.   |

§ 172-1. Purpose.

- A. The purposes of this Chapter are to: 1) protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment; and 2) protect, maintain, and enhance the public safety, environment and general welfare by establishing



minimum standards and procedures to control runoff and prevent soil erosion and sedimentation resulting from construction/alteration and development.

§ 172-2. Applicability.

- A. This Chapter shall apply to all construction activity listed in § 172-2.B of this Chapter unless exempt pursuant to § 172-2.C. Activities that do not result in land disturbance are not subject to this Chapter.
- B. A Stormwater Management Permit (SMP) shall be required from the Planning Board for the following:
  - (1) Construction activities that will result in land disturbance of one acre in area or more, or which is part of a common plan for development that will disturb one acre or more;
  - (2) Construction activities that will disturb land with 15% or greater slope, and where the land disturbance is greater than or equal to 10,000 square feet within the sloped area;
  - (3) Any construction activity that will increase the amount of impervious surface to more than 50% of the area of a lot.
- C. Exemptions. A Stormwater Management Permit shall not be required for the following activities, whether or not such activity results in disturbance or alteration that meets or exceeds the SMP requirements of Section 172-3.B:
  - (1) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and M.G.L. c. 40A, § 3;
  - (2) Activities conducted in accordance with a Forest Stewardship Plan approved by the Massachusetts Department of Conservation and Recreation;
  - (3) Normal maintenance of landscaping, gardens, and lawn areas; and
  - (4) Any construction activity or project requiring approval under the Subdivision Control Law where the Planning Board has approved an application for definitive subdivision approval.

A Stormwater Management Permit shall not be required for the following activities if they will result in land disturbance of less than one acre:

- (1) Additions or modifications to single family structures;

- (2) Additions or modifications to structures which are not for single family use, provided that such addition or modification does not increase the footprint of the structure by more than 100%;
- (3) Normal maintenance of Town owned public land, ways and appurtenances;
- (4) Normal maintenance of driveways;
- (5) Construction of patios, decks, walkways, swimming pools, sheds, fences, or replacement of wells;
- (6) Construction of utilities (gas, water, sewer, electric, telephone, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns; the reconstruction, maintenance or resurfacing of any way maintained by the Hopkinton Department of Public Works;
- (7) Emergency repairs to any utilities (gas, water, sewer, electric, telephone, etc.), stormwater management facility or practice that poses a threat to public health or safety, or as deemed necessary by the DPW Director; and
- (8) Repair or replacement of sewage disposal systems.

§ 172-3. Definitions.

For the purposes of this Chapter, the following shall mean:

**COMMON PLAN OF DEVELOPMENT (or COMMON PLAN)** – A “larger common plan of development or sale” is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan. For example, if a developer buys a 20-acre lot and builds roads, installs pipes, and runs electricity with the intention of constructing homes or other structures sometime in the future, this would be considered a larger common plan of development or sale. If the land is parceled off or sold, and construction occurs on plots that are less than one acre by separate, independent builders, this activity still would be subject to stormwater permitting requirements if the smaller plots were included on the original site plan.

**IMPERVIOUS SURFACE** – Any artificial material or structure on or above the ground that prevents water from infiltrating the underlying soil. Impervious Surfaces may include roads, paved parking lots, sidewalks, and rooftops.

**LAND DISTURBANCE (or DISTURBANCE OF LAND)** – Action that alters the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

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LOW IMPACT DEVELOPMENT (LID) – Systems and practices that use or mimic natural processes resulting in the infiltration, evapotranspiration or use of stormwater. LID includes (1) environmentally sensitive site design approaches such as minimizing impervious surfaces, fitting the development to the terrain, preserving and capitalizing on natural drainage systems, and reproducing pre-development hydrologic conditions, and (2) stormwater management systems modeled after natural hydrologic features to manage rainfall at the source using decentralized micro-scale controls, such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS – The Stormwater Management Standards and accompanying Stormwater Handbook issued by the Department of Environmental Protection pursuant to authority under the Wetlands Protection Act, M.G.L. c. 131, § 40, and the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53.

§ 172-4. Administration.

- A. The Planning Board shall be the permit granting authority for the issuance of Stormwater Management Permits and shall administer, implement and enforce this Chapter. Any powers granted to or duties imposed upon the Planning Board may be delegated to its employees or agents or other municipal employees as appropriate. Permit applications shall be submitted, considered and issued only in accordance with the provisions of this Chapter and the Regulations adopted pursuant to this Chapter.
  
- B. Stormwater Regulations. The Planning Board shall adopt, and may periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection and/or consultant fees including fees pursuant to M.G.L. c. 44, § 53G), procedures and administration of this Chapter. The Regulations shall be adopted by majority vote after conducting a public hearing. Such hearing date shall be advertised once in a newspaper of general local circulation, at least fourteen (14) days prior to the hearing date. Failure of the Planning Board to adopt such Regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Chapter.

Stormwater Management Permit procedures and submission requirements shall be defined and included as part of the Stormwater Regulations. Such Regulations shall include, but shall not be limited to:

- (1) A requirement that Stormwater Management Permits be issued within 60 days of the date of filing a complete application, unless an extension of time has been granted.
  
- (2) A procedure for distribution to and review of permit applications by the Town of Hopkinton Conservation Administrator, Public Health Administrator, Director of Municipal Inspections, and Director of Public Works.

- (3) A requirement for applicants to submit an Operation and Maintenance Plan for the stormwater management system.
  - (4) Performance standards which require that projects must meet the Stormwater Management Standards of the Massachusetts Stormwater Management Policy, any stormwater design requirements of the Town's NPDES stormwater discharge permit, and any requirements imposed by the Planning Board to obtain credit under the Town's Water Management Act permit. The Planning Board will utilize the policy, criteria and information, including specifications and standards, of the latest edition of the Massachusetts Stormwater Management Policy for execution of the provisions of this Chapter. This Policy includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The Policy may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Stormwater Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.
  - (5) A requirement that Low Impact Development site planning and design strategies be incorporated unless infeasible in order to reduce the discharge of stormwater.
- C. Waivers. Strict compliance with this Chapter or the Stormwater Regulations may be waived by the Planning Board when, in the judgment of the Board, such action is not inconsistent with the purposes of this Chapter, the Regulations, or the Town's NPDES stormwater discharge permit.
  - D. Actions by the Planning Board. The Planning Board may take any of the following actions on an application for a Stormwater Management Permit: Approval, Approval with Conditions, or Disapproval. A Permit may be disapproved if the Planning Board determines that the requirements of this Chapter or the Regulations are not met. The Planning Board may impose conditions that survive the completion and approval of as-built plans for a project carried out pursuant to a Stormwater Management Permit.
  - E. Surety. The Planning Board may require the permittee to post, before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable form of security. The bond shall be in a form acceptable to Town Counsel and shall be in an amount deemed sufficient by the Planning Board to ensure that the work will be completed in accordance with the permit.
  - F. Appeals. A decision of the Planning Board shall be final. Further relief of a decision by the Planning Board made under this Chapter shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L. c. 249, § 4.

§172-5. Enforcement.

A. Enforcement Orders. When the Planning Board or its agent determines that an activity is not being carried out in accordance with the requirements of this Chapter, Stormwater Regulations or SMP, it may issue a written enforcement order to the owner of the property. The order shall include the name and address of the alleged violator, the address at which the violation is occurring or has occurred, a statement specifying the nature of the violation, a description of the actions needed to resolve the violation and come into compliance, the deadline within which such actions must be completed, and a statement that, if the violator fails to come into compliance by the specified deadline, the Town may do the work necessary to resolve the violation at the expense of the violator. Persons receiving an enforcement order may be required to:

- (1) Halt all construction activities until there is compliance with the applicable permit or regulation. A “stop work order” will be in effect until the Planning Board or its agent confirms that the activity is in compliance and the violation has been satisfactorily addressed.
- (2) Maintain, install or perform additional erosion and sedimentation control measures;
- (3) Monitor and analyze the impact of the violation and/or the efficacy of corrective actions and report the results to the Planning Board;
- (4) Remediate erosion and sedimentation or any other adverse impacts resulting directly or indirectly from the activity;
- (5) Repair, maintain, or replace the stormwater management system or portions thereof in accordance with the SMP and/or the O&M Plan.

Failure to address an enforcement order in the time specified therein may result in penalties in accordance with the enforcement measures authorized in this Chapter.

B. Penalty. Any person who violates any provision of this Chapter, Regulations, or SMPs issued thereunder, may be punished by a fine of not more than \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense, and each provision of the Chapter, Regulations or SMP violated, shall constitute a separate offense.

C. Non-Criminal Disposition. As an alternative to the penalty in § 172-5.B, the Town of Hopkinton may elect to utilize the non-criminal disposition procedure set forth in §§1-3 and 1-4 of the Bylaws of the Town of Hopkinton. The fine for a first violation shall be \$100 and the fine for second and subsequent violations shall be \$300. Each day or part thereof that such violation

occurs or continues shall constitute a separate offense, and each provision of this Chapter, Regulation or permit violated shall constitute a separate offense.

- D. Appeals. Any person aggrieved by an enforcement order issued pursuant to § 172-5.A may request a hearing before the Planning Board by submitting to the Planning Board, within 30 days of such order, a letter explaining why the order was not justified. The Planning Board shall thereupon schedule and hold a hearing within 21 days regarding such request and, upon the close of such hearing, may uphold, modify or rescind the order as the facts and applicable law may require. The Planning Board's decision shall be deemed as its final action with respect to the matters determined, and any further appeal shall be to a court of competent jurisdiction.
  
- E. Action by the Town to Remedy a Violation. If a violator fails to come into compliance by the deadline specified in an enforcement order, the Planning Board may undertake the work necessary to resolve the violation at the joint and several expense of the violator and property owner. For situations involving an immediate threat, the Planning Board may immediately take such action as is necessary to protect public health, safety, or the environment, without first issuing an enforcement order. Written notice of any remediation action undertaken by the Planning Board shall be provided to the property owner within 24 hours of the commencement thereof.
  
- F. Recovery of Costs. If the Planning Board undertakes remediation work pursuant to § 172-5.E, it shall, within 30 days after completing the work, notify the violator and the property owner in writing of the costs incurred by the Town, including administrative costs, associated with that work. The violator and the property owner shall be jointly and severally liable to repay the Town for those costs within 30 days of receipt of that notice; provided, however, that the violator or the property owner may file a written protest objecting to the amount or basis of costs with the Planning Board within such 30 days. The Planning Board shall schedule and hold a hearing regarding such protests and, upon the close of such hearing, may uphold, modify or rescind the costs required to be repaid, as the facts and applicable law may require. If the amount due is not received by the Town by the expiration of time in which to file such a protest, or within 60 days after the final decision of the Board or (if appealed to court) a court of competent jurisdiction resolving that protest, the amount of the Town's costs shall constitute a municipal charge for purposes of M.G.L. c. 40, § 58, and a lien may be imposed upon the property pursuant to M.G.L. c. 40, § 58. Interest shall accrue on any unpaid costs at the statutory rate, as provided in M.G.L. c. 59, § 57.
  
- G. Civil Relief. If a person violates any provision of this Chapter or an order issued thereunder, the Select Board may seek injunctive relief in a court of competent jurisdiction restraining the person from activities that would create further violations or compelling the person to abate or remedy the violation.

- H. Entry to Perform Duties Under this Bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Town and its agents, officers, and employees may enter privately owned property for the purpose of performing their duties under this Chapter and may make or cause to be made such examinations, surveys, sampling, or remedial activities as the Town deems reasonably necessary.
- I. Remedies Not Exclusive. The remedies listed in § 172-5 are not exclusive of any other remedies available under any applicable federal, state or local law.

§172-6. Severability.

The invalidity of any section, provision, paragraph, sentence, or clause of this Chapter shall not invalidate any section, provision, paragraph, sentence or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

Pass any vote or take any act relative thereto.

**ARTICLE: 40 Obstruction of Streets & Sidewalks, and Housekeeping; Sponsor: Select Board**

To see if the Town will amend the General Bylaws as follows:

- 1. Amend Chapter 174, Streets and Sidewalks, as follows:
  - A. Amend Article V, Depositing Snow, by inserting new language in **bold underline** and deleting language in ~~strike through~~:

Article V  
~~Depositing Snow~~ **Obstruction of Streets and Sidewalks**

§ 174-7. Obstruction of streets and sidewalks prohibited.

No person shall ~~pile, push, throw, shovel, plow or by any other method or means~~ cause **material, whether natural or artificial, including but not limited to snow, leaves, sand or other debris,** to be deposited or placed ~~onto~~ **on** any public ~~or private roadway way~~ **or sidewalk** of the Town **that is open to public use, including the travel way, parking lanes, sidewalk, or other public appurtenances thereto,** so as to ~~impede, obstruct, or interrupt or otherwise adversely~~ **unreasonably impair** affect the ~~unrestricted safe flow of traffic or the safe travel of any pedestrian on~~ **the use and function of the way** such roadway or sidewalk.

§ 174-8. Exceptions.

~~Section 174-7~~ **This Article** shall not apply to any person in the employ of the Town, or in the employ of an independent contractor which has been hired by the Town **authorized by the Town for the purpose of to cause any material to be deposited or placed in a public or private way of the Town snow.**

§ 174-9. Violations and Penalties

Whoever violates this article shall be liable to a penalty not exceeding \$25 for each such violation. **Each day that the impairment of the use and function of the way continues shall constitute a separate violation of this Article.** ~~Each instance of such conduct shall constitute a separate violation of this Article.~~

- B. Amend Article VII, Driveways, § 174-27, by inserting new language in **bold underline**, deleting the language in ~~strikethrough~~.

§ 174-27. Regulations

- A. The slope of a driveway within 20 feet of the edge of the pavement of a public or private way shall not exceed 10%.
- B. No driveway **for which a permit has been issued** ~~which has been permitted~~ under this Article shall **be constructed or maintained so as to allow the** discharge **of** stormwater runoff **onto** ~~into~~ a public or private way **of the Town, including the travel way, parking lanes, sidewalk, or other public appurtenances thereto, so as and thereby** to cause flooding, icing, erosion or sedimentation, accumulation of debris, or other negative effects ~~which impair~~ **that unreasonably impair** the use and function of the way ~~for the general public~~. If, in the opinion of the Director of Public Works (the "**DPW** Director"), the use and function of a way has been so impaired, the property owner shall be responsible for mitigating the condition by implementing such measures as are necessary to prevent the discharge ~~into~~ **onto** the way. Prior to the implementation of mitigation measures, the owner may consult the **DPW** Director to review ~~these~~ **any** measures ~~which that~~ would be implemented outside the way. ~~The Director must approve any~~ **Any** measures ~~which that~~ would be implemented within the layout of the way **must be approved in advance by the DPW Director.**
- C. As part of its driveway permit review process, the Department of Public Works (DPW) **shall endeavor to** ~~will~~ ensure that the roadway opening at the public or private way is adequate for proper public safety emergency vehicle access. **As it deems necessary, The the DPW will may** consult with the Fire Department for its input ~~as it deems necessary~~. After issuance of the driveway permit and a Building Permit, the Director of Municipal Inspections **shall** ~~will~~ conduct a site visit to review the layout of the driveway once it is roughed in and before project completion, to ensure that it is adequate for proper



public safety emergency vehicle access. The Director of Municipal Inspections shall consult with the Fire Department if it appears that public safety emergency vehicle access may be impaired. In those instances where the Fire Department has been consulted and determines that a public safety emergency vehicle cannot adequately access the property, the driveway permit holder shall prepare a plan for accommodating safety vehicles that is acceptable to the Fire Department and the Director of Municipal Inspections, and shall be responsible for implementing the plan prior to issuance of any occupancy permit **for buildings to be serviced by the driveway.**

- D. No driveway permit shall be issued without the written approval of the Fire Department, which may be subject to such conditions as the Fire Department may deem necessary for the protection of the public health and safety. The Fire Department shall prepare publicly available driveway permit guidelines and parameters that it shall consider in its review of every driveway permit application.
- C. Amend Article VII, Driveways, § 174-29, by inserting new language in **bold underline**, deleting the language in ~~strikethrough~~.

§ 174-29. Discharge of water onto a public way prohibited. No person shall alter existing conditions so as to allow, or cause, the ~~man-made~~ **artificial** diversion of water onto a public **or private way** ~~roadway or sidewalk~~ of the Town **that is open to public use, including the travel way, parking lanes, sidewalk, or other public appurtenances thereto,** by pump, down spout, swale, grading of land, or any other method, so as to ~~create a hazard to vehicle or pedestrian travel on~~ **unreasonably impair the use and function of the way** ~~such roadway or sidewalk.~~

2. Amend Chapter 190, Vehicles and Traffic, Article III, Temporary Road Closures, first paragraph of § 190-10, to insert new language in **bold underline**, and delete language in ~~strikethrough~~, as follows:

Except upon the consent of the Chief of Police or the Chief's designee, no person shall place, stand, or park a motor vehicle, trailer, construction equipment, other equipment or other vehicle, ~~of any kind, nor shall they place goods~~ or **other** materials of any kind upon any **public or private way of the Town that is open to public use,** including the travel way, parking lanes, sidewalk, or other public appurtenances thereto, **either** (1) with the intent to open ~~the said street~~ **way** or to perform work or services upon, under, above, or adjacent to ~~the said way;~~ or (2) in such a manner or condition that **unreasonably impairs the use or function of the way** ~~the movement of vehicles or pedestrians upon or within said street or highway is blocked or impeded.~~

Pass any vote or take any act relative thereto.

**ARTICLE: 41 Street Opening Permits, Sponsor: Select Board and Director of Public Works**

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

1. By inserting a new Article IX, Street Opening Permits, as follows:

Article IX  
Street Opening Permits

§174-32. Street Opening Permit Required.

No person shall perform any work requiring the opening of the road surface or work within the right of way of a public way, without first obtaining a street opening permit from the Director of Public Works (the "Director") or a designee thereof.

§174-33. Regulations.

Prior to issuing a permit pursuant to this Article, the Director may require the submission of an application, fee, and other materials containing such information determined to be necessary for evaluation of the application. The Director may develop rules and regulations relative to street opening permits, including, but not limited to, the process for granting permits, the standards for granting permits, and special conditions for issued permits.

§174-34. Enforcement and Penalties.

The Director shall be responsible for the enforcement of this Article. The Director may order the modification, suspension or rescission of any permit issued pursuant to this Article upon a finding, after notice and an opportunity for hearing, of a violation of any provision of this Article, any rule or regulation issued pursuant to Section 174-33, or any condition of such permit. Whoever violates any provision of this Article, any rule or regulation issued pursuant to Section 174-33, or any condition of such permit shall also be subject to a fine of not more than \$100, and shall be required to repair or restore any property damaged as a result of such violation or to reimburse the Town of Hopkinton for any costs incurred to effect such repair or restoration. Each day or portion thereof during which a violation continues shall constitute a separate offense. As an alternative to criminal prosecution in a specific case, the Director may issue a citation under the noncriminal disposition procedure set forth in Chapter 1, Article II of the Town of Hopkinton Bylaws.

§174-35. Emergencies.

Nothing in this Article shall be construed to prevent work necessary for the preservation of life or property during an emergency. Any person engaged in emergency work shall notify the Department of

Select Board Chair Brendan Tedstone\_\_\_\_\_

Initial

Public Works upon the commencement of the emergency work. At the discretion of the Director of Public Works, the person undertaking such work shall be required to apply for an emergency permit as soon as possible after such emergency work has commenced.

And

2. By inserting in Chapter 1, Article II, Section 1-4, Penalties enumerated a new row at the end of the table reading as follows:

Citation to Law, Bylaw, Rule or Regulation, if Applicable	Subject of Bylaw and Enforcing Person	Penalty
Street Opening Permits (Art. IX)	Street Opening Permits DPW Director; Select Board	\$100

Pass any vote or take any act relative thereto.

**ARTICLE: 42 Trench Safety Officer; Sponsor: Select Board & Director of Public Works**

To see if the Town will vote to amend the General Bylaws by inserting a new Chapter 175, Trench Safety Officer, as follows:

Chapter 187  
Trench Safety Officer

§187-1. Permitting Authority.

The Town Manager shall be designated as the Permitting Authority for issuing trench permits pursuant to *M.G.L.* Chapter 82A and 520 CMR 14.00, relative to excavation and trench safety. The Town Manager may charge a reasonable fee, subject to review and approval by the Select Board, to cover the administrative costs of the trench excavation permitting process incurred by the Town in connection with the review and processing of the permits. The Town Manager may develop rules and regulations consistent with Chapter 82A relative to the trench permitting process and the standard and special conditions for issued permits. The Town Manager may delegate, to one or more other persons, authority to perform any or all of the Town Manager’s duties pursuant to this Section.

Pass any vote or take any act relative thereto.

**LAND ACQUISITION AND DISPOSITION**

**ARTICLE: 43    148 Lumber St.; Sponsor: Historical Commission**

To see if the Town will vote to:

- i.    transfer the care, custody, management and control of the real property at 148 Lumber Street, shown on Assessors Map R29 Block 10 Lot D, including the buildings thereon known as the MacFarland-Sanger House, from the Historical Commission to the Select Board; and
  
- ii.   authorize the Select Board, on behalf of the Town, to sell or otherwise dispose of the real property described in this article, under such terms as it may determine, and further direct the Select Board to execute and place a permanent preservation restriction on said real property pursuant to said sale or disposition.

Pass any vote or take any act relative thereto.

**ARTICLE: 44    Teresa Road to Hughes Farm Trail; Sponsor: Citizen’s Petition**

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 land or easements on the portion of four properties (parcels U24 4A, U24 30, U24 198 0, and U24 101 0) that comprise the former railbed between the town-owned Hughes Farm land and Teresa Road, the land to be used for the construction of a trail connecting Teresa Road with the Hughes Farm Trail. Funds in the amount of \$4000 are also requested to begin preparation of this land (moving of an existing fence, tree and brush clearing, etc.) for future installation of a trail. Said sum to be spent under the direction of the Trail Coordination and Management Committee.

Pass any vote or take any act relative 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 \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2021.

SELECT BOARD  
TOWN OF HOPKINTON

\_\_\_\_\_  
Brendan Tedstone, Chair

\_\_\_\_\_  
Irfan Nasrullah, Vice-Chair

\_\_\_\_\_  
Brian Herr

\_\_\_\_\_  
Amy Ritterbusch

\_\_\_\_\_  
Mary Jo LaFreniere

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