

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HOPKINTON
ANNUAL TOWN MEETING WARRANT
MAY 1, 2023**

(Voter Registration Deadline: April 11, 2023)

MIDDLESEX, ss.

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

GREETINGS:

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

To bring in their ballots on May 15, 2023, to an adjourned session of the Annual Town Meeting to be held at the Hopkinton Middle School Gymnasium, for the election of the following Officers:

Offices for the May 15, 2023 Election

Office	# Positions	Length of Term
Select Board	1	3 years
Board of Assessors	1	3 years
Board of Health	1	3 years
Board of Library Trustees	2	3 years
Commissioners of Trust Fund	1	3 years
Constable	1	3 years
Hopkinton Housing Authority**	1	1 year
Parks & Recreation Commission	2	3 years
Planning Board	2	5 years
Planning Board	1	3 years
Planning Board**	1	2 years
School Committee	2	3 years

****UNEXPIRED TERM**

The Middle School is accessible. If accessibility accommodations/modifications are needed, please contact the Town Manager's office at 508-497-9701 by April 27, 2023.

Select Board Chair Amy Ritterbusch _____

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

QUESTIONS

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 pay for the design, engineering, permitting, and construction of a new sidewalk on Chestnut St. from Wild Road to Smith Road, including any and all costs, fees, and expenses related to the same?

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 pay for the design, engineering, permitting, and construction of a new sidewalk between EMC Park and Fitch Avenue, connecting to Blueberry Lane, including any and all costs, fees, and expenses related to the same?

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 pay for the architectural and engineering design for Fire Station 2, including any and all costs, fees, and expenses related to the same?

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 pay for the Hopkinton Public School HVAC renewal work including any and all costs, fees, and expenses related to the same?

QUESTION 5: Shall the Town of Hopkinton be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to pay for the Hopkins School Addition project including any and all costs, fees, and expenses related to the same?

QUESTION 6: 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 pay for the reconstruction and paving of Pratt Way and the roadways within Evergreen and Mount Auburn Cemeteries including any and all costs, fees, and expenses related to the same?

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 at 88 Hayden Rowe, on May 1, 2023, at 7:00 p.m., then and there to act upon the following Articles:

REPORTS

Select Board Chair Amy Ritterbusch _____

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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 2023

ARTICLE: 2 FY 2023 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 on June 30, 2023.

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 General Laws chapter 44, §64.

Pass any vote or take any act relative thereto.

FINANCIAL - FISCAL YEAR 2024

ARTICLE: 4 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 General Laws chapter 41, §108.

Pass any vote or take any act relative thereto.

ARTICLE: 5 Fiscal Year 2024 Operating Budget; Sponsor: Town Manager

To hear and act on reports and recommendations of the Appropriation Committee and to see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide a sum or sums of money for the operation and maintenance of Town Departments for the fiscal year beginning on July 1, 2023, 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.

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ARTICLE: 6 FY 2024 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 the General Bylaws, Chapter 13, Article VI, pursuant to General Laws chapter 44, §53E½, for the fiscal year beginning on July 1, 2023.

Pass any vote or take any act relative thereto.

ARTICLE: 7 PEG Access and Cable Related Fund Revolving Account Funding; Sponsor: Town Manager

To see if the Town will vote to appropriate a sum or sums of money from the PEG Access and Cable Related Fund Revolving Account, established pursuant to General Laws chapter 44, §53F¾, to support public, educational, or governmental access cable television services.

Pass any vote or take any act relative thereto.

ARTICLE: 8 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 General Laws chapter 90 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, all 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: 9 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.

Pass any vote or take any act relative thereto.

ARTICLE: 10 Transfer to the General Stabilization Fund; Sponsor: Town Manager

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the purpose of increasing the General Stabilization Fund, to be used, upon further appropriation, for any lawful purpose.

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Pass any vote or take any act relative thereto.

ARTICLE: 11 Transfer to the School Special Education Reserve 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 School Special Education Reserve Fund, to be used, without further appropriation, for unanticipated or unbudgeted costs of special education and recovery high school programs, out-of-district tuition, or transportation.

Pass any vote or take any act relative thereto.

ARTICLE: 12 Establish Capital Stabilization Account for South Middlesex Regional Vocational Technical School District; Sponsor: South Middlesex Regional Vocational Technical School District

To see if the Town will vote to authorize the South Middlesex Regional Vocational Technical School (aka Keefe Regional Technical School) District Committee to establish a Capital Stabilization Account for the South Middlesex Regional Vocational Technical School (aka Keefe Regional Technical School) District, pursuant to General Laws chapter 71, §16G½.

Pass any vote or take any act relative thereto.

ARTICLE: 13 PILOT Agreement, Wilson Street Solar Farm; Sponsor: Select Board

To see if the Town will vote in accordance with Chapter 59, Section 5, Clause forty-fifth of the *Massachusetts General Laws*, to approve a Payment in Lieu of Taxes (PILOT) Agreement, as negotiated by the Select Board, with GHTJA04 LLC, for a period of twenty-five (25) years, whereby GHTJA04 LLC will pay the Town a sum of monies per year relative to a portion of land located at 17 Wilson Street, shown as Assessors' Maps U12 1 A, U12 2 A, U11 30 0 and U11 26 B, and which is related to the proposed construction and operation of a Large-Scale Ground Mounted Solar Photovoltaic Installation with an expected nameplate capacity of approximately 1.8 megawatts, said PILOT Agreement being on file in the Town Clerk's Office, and further to allow the Select Board or the Town Manager to negotiate any amendments necessary to said PILOT Agreement to reflect any changes in the size of the parcel of land or size of the system so long as the payments reflected in the PILOT Agreement rise or lower commensurately.

Pass any vote or take any act relative thereto.

CAPITAL EXPENSES AND PROJECTS

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ARTICLE: 14 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:

<i>Item</i>	<i>Purchase or Product</i>	<i>To be spent under the direction of</i>
1	End User Computer Hardware Renewal Refresh	Town Manager
2	Security Cameras at Police Department, Town Hall	Town Manager
3	Network Switching and WiFi Upgrades	Town Manager
4	Police Department Vehicle Replacement - Three Cruisers	Town Manager
5	Fire Department Vehicle Replacement for 2011 Chevy Tahoe	Town Manager
6	Fire Department Vehicle Replacement for 2011 F-250 Pickup with Plow	Town Manager
7	Fire Department Breathing Air Fill Station	Town Manager
8	School Systemwide Wireless Technology Upgrade	School Superintendent
9	EMC Park Drainage Remediation	Town Manager
10	Drainage Improvement - Wood Street	Town Manager
11	Drainage Improvement - Downey Place	Town Manager
12	Replace 2005 Caterpillar 928 Loader	Town Manager
13	Replace 2005 Caterpillar 420 Backhoe	Town Manager

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<i>Item</i>	<i>Purchase or Product</i>	<i>To be spent under the direction of</i>
14	Participatory Budget Items: Flashing Traffic Beacon for Crosswalk at the corner of Grove St. and Pleasant St.; Installation of Electric Vehicle Charging Stations; Fitness Station along Center Trail, Free CPR and First Aid Classes; Tree planting, stone wall work and turf work at the Hughes Farm Property at 192 Hayden Rowe	Town Manager

Pass any vote or take any act relative thereto.

ARTICLE: 15 Chestnut Street Sidewalk; Sponsor: Planning Board

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 the design, engineering, permitting, and construction of a new sidewalk on Chestnut St. from Wild Road to Smith Road, including any and all costs, fees, and expenses related to the same; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE: 16 Sidewalk from EMC Park to Blueberry Lane; Sponsor: Planning Board

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 the design, engineering, permitting, and construction of a new sidewalk between EMC Park and Fitch Avenue, connecting to Blueberry Lane, including any and all costs, fees, and expenses related to the same; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE: 17 Fire Station 2 Architectural and Engineering Design; Sponsor: Fire Chief and Town Manager

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 architectural and engineering design for Fire Station 2, including any and all costs, fees, and expenses related to the same; 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: 18 Hopkinton Public School HVAC Renewal Work; 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 the Hopkinton Public School HVAC renewal work, including any and all costs, fees, and expenses related to the same; said sum to be spent under the direction of the School Committee.

Pass any vote or take any act relative thereto.

ARTICLE: 19 Hopkins School Addition; Sponsor: School Committee

To see if the Town will vote to raise and appropriate, transfer from available funds including but not limited to the School Department Stabilization Fund, borrow, appropriate from excess bond premiums, or otherwise provide a sum or sums of money for the Hopkins School Addition project, including any planning, design, engineering, construction, including any and all costs, fees, and expenses related to the same; said sum to be spent under the direction of the School Committee.

Pass any vote or take any act relative thereto.

ARTICLE: 20 Roadway Paving - Pratt Way and Cemeteries; Sponsor: Director of Public Works and Town Manager

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 the reconstruction and paving of Pratt Way and the roadways within Evergreen and Mount Auburn Cemeteries, including any and all costs, fees, and expenses related to the same; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE: 21 Water Department Vehicle Replacement; Sponsor: Director of Public Works and Town Manager

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 the replacement of one superduty dump truck; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE: 22 School Curriculum, Equipment, and Services Contracts; Sponsor: School Committee

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To see if the Town will vote to authorize the Superintendent of Schools, or a designee thereof, to enter into a contract or contracts for Digital Curriculum (educational programs, educational courses, educational curricula in any media including online textbooks, educational software, newspapers, serials, periodicals, audiovisual materials or software maintenance), Technology Equipment and property Lease, and School Bus Transportation, for a term or terms in excess of three years but not to exceed six years, including any extension or renewal thereof or option under an existing contract, upon such terms and conditions determined by the Superintendent or designee to be in the best interests of the Town; provided, however, that, prior to executing a contract for a term in excess of three years, the Superintendent or designee shall certify in writing to the School Committee that such longer term will enable the Town to secure more favorable terms, considering price, expected useful life and any other relevant factors, that would otherwise be available under a contract with a three-year term.

Pass any vote or take any act relative thereto.

COMMUNITY PRESERVATION FUNDS

ARTICLE: 23 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 2024, for committee administrative expenses and other expenses in the fiscal year beginning on July 1, 2023, with each item to be considered a separate appropriation.

Pass any vote or take any act relative thereto.

ARTICLE: 24 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 2024; 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, Town Clerk, Trail Coordination and Management Committee, Open Space Preservation Commission, Upper Charles Trail Committee, Hopkinton Housing Authority and the Parks and Recreation 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 for historic resources and conservation restrictions for open space, in accordance

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with General Laws chapter 184, to comply with the requirements of General Laws chapter 44B, §12 for the same:

- A. A sum or sums of money from funds reserved for Historical Preservation for Restoration of Historical Records, not including digitization of the same. Funded from the Historical Preservation Reserve with the following conditions: 1. That the grant expires on July 1, 2024 unless extended by the Community Preservation Committee. 2. Grant be spent under the direction of the Town Clerk and the Community Preservation Committee.
- B. A sum or sums of money from funds reserved for Open Space/Undesignated Reserve for the land purchase of the Jenner Property, parcel R12 9 0. Located between Saddle Hill and Cedar Street. Funded from Open Space/Undesignated Reserve with the following conditions: 1. That the grant expired on July 1, 2024 unless extended by the Community Preservation Committee. 2. Grant be spent under the direction of the Town Manager and the Community Preservation Committee. 3. Price includes all legal costs for the purchase of the land. 4. That a Conservation Restriction be placed on the land within five years and that allows trails to be designed and constructed. 5. Land will be held by the Open Space Preservation Commission.
- C. A sum or sums of money from funds reserved for Open Space/Undesignated Reserve for the land purchase of Connelly Land (R34 26 B and U26 7 0). Funded from Open Space/Undesignated Reserve with the following conditions: 1. That the grant expired on July 1, 2024 unless extended by the Community Preservation Committee. 2. Grant be spent under the direction of the Town Manager and the Community Preservation Committee. 3. Price includes all legal costs for the purchase of the land. 4. That a Conservation Restriction be placed on the land within five years and that allows trails to be designed and constructed. 5. Land will be held by the Open Space Preservation Commission.
- D. A sum or sums of money from funds reserved from the Open Space Reserve for the Boundary Marking of 9 parcels. Funded from the Open Space Reserve with the following conditions: 1. That the grant expires on July 1, 2024 unless extended by the Community Preservation Committee. 2. Grant be spent under the direction of the Open Space Preservation Commission and the Community Preservation Committee.
- E. A sum or sums of money from funds reserved for Open Space Reserve for Trailhead Parking on Ash Street. Funded from the Open Space Reserve with the following conditions: 1. That the grant expires on July 1, 2024 unless extended by the Community Preservation Committee. 2. Grant be spent under the direction of the Trail Coordination and Management Committee and the Community Preservation Committee.

- F. A sum or sums of money for funds reserved for Open Space/Undesignated Reserve for the land purchase NSTAR Parcel R23 73 A (approximately 5.99 acres) and R23 73 B (approximately 1 acre). Funded from Open Space/Undesignated Reserve with the following conditions: 1. That the grant expired on July 1, 2024 unless extended by the Community Preservation Committee. 2. Grant be spent under the direction of the Town Manager and the Community Preservation Committee. 3. Price includes all legal costs for the purchase of the land. 4. That a Conservation Restriction be placed on the land within five years and that allows trails to be designed and constructed. 5. Land will be held by the Open Space Preservation Commission.
- G. A sum or sums of money for funds reserved for Open Space/Undesignated Reserve for the land purchase NSTAR Parcel R23 100 0 (approximately 9.9 acres). Funded from the Open Space/Undesignated Reserve with the following conditions: 1. That the grant expired on July 1, 2024 unless extended by the Community Preservation Committee. 2. Grant be spent under the direction of the Town Manager and the Community Preservation Committee. 3. Price includes all legal costs for the purchase of the land. 4. That a Conservation Restriction be placed on the land within five years and that allows trails to be designed and constructed. 5. Land will be held by the Open Space Preservation Commission.
- H. A sum or sums of money from funds reserved for Recreation Funds for Trail Bridges and Boardwalks. Funded from the Recreation Reserve with the following conditions: 1. That the grant expires on July 1, 2025 unless extended by the Community Preservation Committee. 2. Grant be spent under the direction of the Trail Coordination and Management Committee and the Community Preservation Committee.
- I. A sum or sums of money from funds reserved for Recreation Funds for Additional Shade Structures and benches at the Dog Park. Funded from the Recreation Reserve with the following conditions: That the grant expires on July 1, 2024 unless extended by the Community Preservation Committee. 2. Grant be spent under the direction of the Parks and Recreation Commission and the Community Preservation Committee.
- J. A sum or sums of money from funds reserved from Undesignated Reserve for the Design, Construction bid documents, construction, and parking for a Cricket Pitch and Little League baseball field at Pyne Field. Funded from Undesignated Reserve with the following conditions: 1. That the grant expires on July 1, 2025 unless extended by the Community Preservation Committee. 2. Grant be spent under the direction of the Parks and Recreation Commission and the Community Preservation Committee.
- K. A sum or sums of money from funds reserved for Recreation Funds for Additional Security Cameras at Sandy Beach and Fruit Street Athletic Fields. Funded from the Recreation Reserve with the following conditions: 1. That the grant expires on July 1, 2024 unless extended by the Community Preservation Committee. 2. Grant be spent

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under the direction of the Parks and Recreation Commission and the Community Preservation Committee.

- L. A sum or sums of money from funds reserved for Community Housing Reserve for the creation of ADA compliant seating areas, which will include shading structures, a covered bus shelter and walkways at the Housing Authority. Funded from the Community Housing Reserve with the following conditions: 1. That the grant expires on July 1, 2025 unless extended by the Community Preservation Committee. 2. Grant be spent under the direction of the Hopkinton Housing Authority and the Community Preservation Committee.
- M. A sum or sums of money funded from Recreation Reserve for Preliminary Engineering including wetlands assessment, topographical evaluation, and trail mapping of the town-owned portions and abutting properties of the Western Route Trail. Funded from the Recreation Reserve with the following conditions: 1. That the grant expires on July 1, 2024 unless extended by the Community Preservation Committee. 2. The Trail Coordination and Management Committee gets written statement from private property owners for permission to walk the site, determine wetlands, and survey the land for future trail locations and expressing willingness to enter into discussions on the town purchasing an easement or land for the future trail. 3. Grant be spent under the direction of the Trail Coordination and Management Committee and the Community Preservation Committee.
- N. A sum or sums of money funded from Recreation Reserve for Preliminary Engineering including wetlands assessment, topographical evaluation, and trail mapping of Segment One. Funded from Recreation Reserve with the following conditions: 1. That the grant expires on July 1, 2024 unless extended by the Community Preservation Committee. 2. Grant be spent under the direction of the Upper Charles Trail Committee and the Community Preservation Committee.
- O. A sum or sums of money from funds reserved for Open Space/Undesignated Reserve for the land purchase of the McDonough property, parcel R10 15 0. Funded from Open Space/Undesignated Reserve with the following conditions: 1. That the grant expired on July 1, 2024 unless extended by the Community Preservation Committee. 2. Grant be spent under the direction of the Town Manager and the Community Preservation Committee. 3. Price includes all legal costs for the purchase of the land. 4. That a Conservation Restriction be placed on the land within five years and that allows trails to be designed and constructed. 5. Land will be held by the Open Space Preservation Commission.

Pass any vote or take any act relative thereto.

ZONING BYLAW AMENDMENTS

ARTICLE: 25 Inclusionary Development Bylaw; Sponsor: Planning Board

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To see if the Town will vote to amend Article XI, Flexible Community Development Bylaw, of the Zoning Bylaws, as follows:

1. By changing the name of the Bylaw from “Flexible Community Development Bylaw” to “Inclusionary Development Bylaw”;
2. By amending the text of said Bylaw, with bolded text being inserted into said Bylaw and text containing a strikethrough being eliminated from said Bylaw as follows:

§ 210-57. Purpose and Intent.

The purpose of this Article is to increase the inventory of affordable housing in Hopkinton. It is intended that the affordable housing units that result from this Article be considered as Local Initiative Program (LIP) units, in compliance with the requirements for the same as specified by the Department of Housing and Community Development (DHCD) and that said units shall count toward the Town’s requirements under G.L. c.40B sec. 20-23. Each affordable unit created in accordance with this Article shall have limitations governing its resale to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households.

§ 210-58. Applicability.

A. In all zoning districts, the inclusionary housing provisions of this section shall apply to the following uses, hereafter called the “development”:

(1) Any project that results in a net increase of **five (5)**~~ten (10)~~ or more dwelling units, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space, with the exception of Article XIII A, Village Housing Development projects; and

(2) Any division and/or subdivision of land held in common ownership as of the effective date of this Article, or anytime thereafter, into **five (5)**~~ten (10)~~ or more dwelling units.

§ 210-59. Administration.

~~A development shall require the grant of a Special Permit from the Planning Board. A Special Permit shall be granted if the proposal meets the requirements of this Chapter. If a development requires a Special Permit pursuant to any other provision of this Chapter, a separate Special Permit shall not be required.~~ The Planning Board shall prepare and, after a public hearing, adopt and file regulations with the Town Clerk, which **may be amended from time to time, and** shall include submission requirements, timelines, procedures and provisions necessary to implement this Article.

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§ 210-60. Mandatory Provision of Affordable Units.

A. In each applicable development, **10% of the total units** ~~one dwelling unit shall be established as an affordable housing units for every ten (10) dwelling units in the development, in any one or combination of methods provided for below. Where fractional units are the result, the number of affordable units shall be rounded up to the nearest whole number. For example, in developments of 12 units, two affordable units shall be created (1.2 units rounded up to 2 units); in developments of 17 units, two affordable units shall be created (1.7 units rounded up to 2 units); and so on. For example, in a development of 10 to 19 units, 1 unit shall be affordable; in developments of 20 to 29 units, 2 units shall be affordable; and so on. The use of a combination of methods shall be approved by the Planning Board. Affordable dwelling units shall be constructed or rehabilitated on the development locus.~~

B. The Planning Board may grant a Special Permit to allow for the construction or rehabilitation of a dwelling unit on a locus different than the development, or allow for a payment-in-lieu of construction or rehabilitation of a dwelling unit. Such Special Permit may be issued only where the Planning Board makes a specific finding that there will be a significant net benefit to achieving the Town's affordable housing objectives as a result of allowing the construction or rehabilitation of a dwelling unit on a different locus than the development, or a payment-in-lieu.

~~(1) Constructed or rehabilitated on the development locus; or~~

~~(2) Constructed or rehabilitated on a locus different than the development; or~~

~~(3) An equivalent fees in-lieu of payment may be made.~~

~~B. For every affordable unit required, one additional market rate dwelling unit may be added to the total number of dwelling units in the development. For example, in a development of 20 units, two affordable units are required and the number of market rate units may be increased by two, for a total of 22 units.~~

~~C. The Planning Board may allow a reduction in the dimensional requirements, including minimum lot area, frontage or setback requirements, applicable to the proposed development in order to accommodate the additional units on the site and to locate them within the areas most suitable for development. Such authorization for reduction shall be included in the special permit.~~

§ 210-61. Provisions Applicable to Affordable Housing Units On- and Off-Site.

A. All affordable units created, constructed or rehabilitated under this Article shall be situated within the development so as not to be in less desirable locations than market rate

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units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

B. Affordable housing units shall be integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of materials with other units. Interior features and mechanical systems of affordable units shall conform to the same specifications as apply to market-rate units.

C. Affordable housing units shall be provided coincident to the development of market-rate units.

D. The deeds to the affordable housing units sold to income eligible buyers shall contain a restriction against renting or leasing of said unit(s) during the period for which the housing unit(s) contains a restriction on affordability, **unless a written waiver is explicitly allowed by consent of the Town and the Commonwealth.**

E. **All affordable units created, constructed or rehabilitated under this article shall hold a legal use restriction that runs with the land, is recorded at the Registry of Deeds, provides for affordability in perpetuity, identifies the Subsidizing Agency and monitoring agent, if applicable, and restricts occupancy to income-eligible households, as defined by the Department of Housing and Community Development.**

EF. The applicant shall comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of an acceptable deed rider.

~~FG.~~ **If the Planning Board grants a Special Permit that allows for off-site units,** ~~the~~ location of the off-site units ~~to be provided~~ shall be approved by the Planning Board, and shall be provided coincident to the development of the market-rate units or in accordance with an alternate schedule approved by the Planning Board. Exercise of this option shall not result in the destruction or demolition of existing structures, unless the Planning Board determines that: 1) such destruction or demolition is not detrimental to the neighborhood; and 2) where the proposed destruction or demolition of existing housing units is proposed, is consistent with the overall housing goals of the Town. When the Historic Preservation Bylaw (Chapter 125 of the Bylaws of the Town of Hopkinton) applies to the structure, the Planning Board shall consult with the Historical Commission before making a determination.

§ 210-62. Fees-in-Lieu-of Affordable Housing Unit Provision.

A. **The Planning Board may authorize an applicant, as a condition for the grant of a Special Permit** ~~An applicant may~~ contribute funds to the Town of Hopkinton Affordable Housing Trust Fund ~~or Hopkinton Community Housing Task Force, Inc. (CHTF)~~ to be used for the development of affordable housing in lieu of constructing and offering affordable units within

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the locus of the proposed development or at an off-site locus **only if allowed by the Planning Board through the grant of a Special Permit.**

(1) Calculation of fee-in-lieu-of units. For each affordable unit not constructed or provided through one or a combination of the methods specified in this Article, 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 LIP guidelines regardless of what type of dwelling units are proposed, approved or constructed in the development.

(2) Schedule of fees-in-lieu-of-units payments. Fees-in-lieu-of-units payments shall be made according to a schedule agreed upon by the Planning Board and the applicant.

§ 210-63. Conflict with Other Bylaws.

The provisions of this Article shall be considered supplemental of existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.

Pass any vote or take any act relative thereto.

ARTICLE: 26 Electric Vehicle Parking Spaces; Sponsor: Planning Board

To see if the Town will vote to amend the text of Zoning Bylaw, Article XVIII, Supplementary Regulations, by inserting a new Section 210-124.1, Electric Vehicle Parking, as follows:

§ 210-124.1 Electric Vehicle Parking.

A. Purpose

The sale of electric vehicles continues to grow in Massachusetts and opportunities for charging of these electric vehicles needs to be widespread to accommodate this mode shift. The purpose of this bylaw is to support this mode shift to electric vehicles and encourage ongoing efforts to reduce the impact of fossil fuels on the environment and work towards carbon neutrality by introducing opportunities for EV charging on parking areas with 5 spots or more. It is not the intent of this bylaw to open a private parking area for public use.

B. Administration

The Planning Board shall prepare and, after a public hearing, adopt and file regulations with the Town Clerk, which may be amended from time to time, and shall include technical requirements of the EV-Ready and EVSE-installed infrastructure, procedures, and provisions necessary to implement this Article.

C. Definitions

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ELECTRIC VEHICLE (EV): Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets and that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries, producing zero tailpipe emissions or pollution when stationary or operating.

PLUG-IN HYBRID ELECTRIC VEHICLE (PHEV): A hybrid electric vehicle whose battery can be recharged by plugging it into an external source of electric power, as well as by its on-board engine and generator.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE): Equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.

EV INLET: The EV inlet is located on the EV and consists of an electrical connection port that, when combined with the connector, can provide conductive charging and information exchange.

CONNECTOR: A connector is a device that, by insertion into an EV inlet, establishes an electrical connection to the EV for the purpose of information exchange and charging.

EV-READY: EV-Ready shall mean providing conduit, infrastructure, and a viable pathway for adequate electric connection sufficient to support a charging level set forth by the Planning Board in its regulations.

EVSE-INSTALLED: "EVSE-Installed" shall, at a minimum, mean an installed EVSE within a minimum charging level as set forth by the Planning Board in its regulations.

D. Applicability

Construction projects subject to Major Project Site Plan Review pursuant to Article XX, specifically §210-134.C (Major Project) for *construction or enlargement of a parking area containing 25 or more parking spaces* and development projects requiring Minor Project Site Plan Review pursuant to Article XX, specifically §210-134.B (Minor Project) for *construction or enlargement of a parking area containing five or more parking spaces* shall conform to the minimum requirements for EVSE-Installed and/or EV-Ready parking spaces as set forth in this Article; provided, however, that such construction projects for which there is no net increase in the number of parking spaces are not required to conform to the provisions of this Article.

The Planning Board may waive or reduce the requirements for EVSE-Installed or EV-Ready parking spaces only upon a finding that the provision of the required EVSE-Installed or EV-Ready parking spaces would be significantly detrimental to the project, or the layout or orientation of the parking area does not allow for efficient provision of EV-Installed or EV-Ready parking spaces and such layout or orientation cannot be reasonably modified to accommodate the EVSE-Installed or EV-Ready parking spaces.

E. EVSE-Installed and EV-Ready Requirements

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- (1) Where EVSE-Installed or EV-Ready parking spaces are required by the Article, the Planning Board shall set forth a minimum acceptable standard for charging level in its regulations.
- (2) The number of EVSE-Installed and/or EV-Ready parking spaces shall be provided as follows:
 - (a) Parking areas with fewer than 5 spaces shall not be required to provide any EVSE-Installed or EV-Ready parking spaces.
 - (b) Parking areas with 5 - 10 spaces shall provide 1 EVSE-Installed parking space or 2 EV-Ready parking spaces.
 - (c) Parking areas with 11 or more parking spaces shall provide 10% of the total spaces as EVSE-Installed parking spaces or 20% of the total spaces as EV-Ready parking spaces.

In any case where the calculation of EVSE-Installed or EV-Ready parking spaces results in a fraction of a space, the number of spaces shall be rounded up to the next whole number. *For example, a result of 1.7 spaces shall be rounded up to 2 spaces, a result of 3.2 spaces shall be rounded up to 4 spaces, and so on.*

- (3) The EVSE-Installed and EV-Ready parking spaces shall be located within the parking area, and shall be counted toward the parking requirements for the use, in accordance with the requirements of the Zoning Bylaw for off-street parking spaces.

F. Other Requirements

- (1) All EVSE placed and proposed shall be compliant with applicable state and federal law benefitting persons with disabilities, including the Americans with Disabilities Act of 1990 (ADA). All installed EVSE must comply with all requirements specified by the Massachusetts Architectural Access Board.
- (2) EVSE may be installed in standard parking spaces or accessible parking spaces. The installation of an EVSE shall not reduce the size of the parking space to below minimum local zoning requirements for off-street parking spaces.
- (3) An EVSE shall have all relevant parts located within accessible reach, and in a barrier-free access aisle for the user to move freely between the EVSE and the electric vehicle.
- (4) Where EVSE is provided or proposed within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment must be located so as not to interfere with accessibility requirements; it should not interfere with the minimum pedestrian clearance widths as required by applicable state and federal law benefitting persons with disabilities, including the ADA. Cords, cables, and connector equipment should not extend across the path of travel within the sidewalk or walkway.

Pass any vote or take any act relative thereto.

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ARTICLE: 27 Site Plan Review Rooftop Solar Exemption; Sponsor: Planning Board

To see if the Town will vote to amend the text of Zoning Bylaw Article XX, Site Plan Review, by inserting a new sentence at the end of the last paragraph of Section 210-134, Definitions, as indicated by **bold** text as follows:

For the purposes of Site Plan Review, the term “gross floor area” shall mean the sum of the gross horizontal areas of the several floors of a building including all garages, basements and cellars. All dimensions shall be taken from the exterior faces of walls, including the exterior faces of enclosed porches. **For the purposes of this Article, solar panels, modules, and associated equipment that is located on the rooftop of a building shall not be considered “mechanical equipment” and shall be exempt from the provisions of this article.**

Pass any vote or take any action relative thereto.

ARTICLE: 28 Zoning District Change - 2 West Elm Street and 0 West Elm Street; Sponsor: Citizens Petition

To see if the Town will vote to amend the Zoning Map of the Town of Hopkinton by changing the zoning district of land at 2 West Elm St. shown on Assessors Map R23, Block 45, Lot 0 and 0 West Elm St. shown on Assessors Map R23, Block 46 from Residential B District to Business District.

Pass any vote or take any act relative thereto.

ARTICLE: 29 Zoning District Change - South Street and Hayward Street; Sponsor: Citizens Petition

To see if the Town will vote to amend the Zoning Map of the Town of Hopkinton by changing the zoning district of land at:

66 South Street shown on Assessors Map L37, Block 97, Lot 0

68 South Street shown on Assessors Map L37, Block 96, Lot 0

70 South Street shown on Assessors Map L37, Block 95, Lot 0

28 Hayward Street shown on Assessors Map L37, Block 94, Lot 0

30 Hayward Street shown on Assessors Map L37, Block 93, Lot 0

Pine Grove Lane a private 25’ wide way from Hayward Street north to 52 South Street shown on Assessors Map R23, Block 65, Lot 0 and Hayward Street south to 74-76 South Street shown on Assessors Map R29, Block 23, Lot A.

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From Residential Lake Front District to Rural Business District.

Pass any vote or take any act relative thereto.

GENERAL BYLAW AMENDMENTS

ARTICLE: 30 Housekeeping - Delete Definition; Sponsor: Town Clerk

To see if the Town will vote to amend the General Bylaws, Chapter 1 by striking "Article V Definitions" in its entirety and changing Article VI, Administration of Fines for Certain Violations, to Article V, accordingly.

Pass any vote or take any other act relative thereto

ARTICLE: 31 Amend Meeting Minutes Bylaw: Sponsor: Town Clerk

To see if the Town will vote to amend the General Bylaws, Section 5-29, "Meeting Minutes," subsection A, by: (1) striking "boards, committees, and commissions" and in its place insert the phrase "multi-member public bodies", (2) striking the phrase "forty (40) calendar days" and inserting in its place "thirty (30) days", and (3) inserting after "later" the phrase "unless the public body finds good cause to exceed these timeframes", so that the amended Section 5-29, subsection A will read as follows:

"Approval of Minutes. All multi-member public bodies of the Town shall approve the minutes of their open session or executive session meetings within thirty (30) days of the meeting, or at its next meeting, whichever is later, unless the public body finds good cause to exceed these timeframes."

Pass any vote or take any act relative thereto.

ARTICLE: 32 Amend Leash Law: Sponsor: Select Board

To see if the Town will vote to amend Article III, Leashing of Dogs, in Chapter 62, Animals, of the General Bylaws as follows:

1. By deleting Section 62-3 "Leashing and curbing required certain hours; exception" in its entirety and inserting in its place, a new Section 62-3 "Leashing and curbing required; exceptions" to read as follows:

No person who owns or keeps a dog or dogs shall allow the same to run free unless said dog is on the owner's or keeper's premises. Any dog not on the premises of its owner or keeper shall be leashed and curbed, provided that the said leashing or curbing shall not apply to hunting, guide, and therapy dogs under direct command of its owner or keeper, or to dogs used in law enforcement.

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2. By deleting the text of Section 62-4 in its entirety and replacing it with the text:
“Whoever violates this article shall be subject to a fine in the amount of \$50 or the minimum amount permitted by Section 173A of Chapter 140 of the General Laws, whichever is higher.”
3. By deleting “\$15” in Section 62-5, Redemption fee, and inserting in its place “\$25”.

Pass any vote or take any act relative thereto.

ARTICLE: 33 Short Term Rental Bylaw: Sponsor: Select Board

To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton by adopting a new Chapter 164, Short Term Rental of Residential Property, as follows:

CHAPTER 164

Short-Term Rental of Residential Property

§164-1 Purpose

The purpose of this Chapter is to establish regulations and a licensing process for the administration and enforcement of the short-term rental of residential property in the Town of Hopkinton. The regulations and the licensing process are designed to protect the health, safety, and welfare of the short-term tenants, the property owner, the residents of the surrounding neighborhood, and the public, and to ensure compliance with applicable Massachusetts General Laws and regulations.

§164-2 Applicability

The rental of residential property to short-term paying guests shall be allowed only in accordance with the requirements of this Bylaw. The provisions of this chapter 164 shall apply to all short term rental units (defined in §164-3) that are rented for more than 7 consecutive or non-consecutive calendar days in any 365-day period. Short term rental units that are rented for 7 or less consecutive or non-consecutive calendar days in any 365-day period shall be exempt from the provisions of this chapter 164.

§164-3 Definitions

DWELLING UNIT – An owner-occupied, tenant-occupied or non-owner-occupied residential property including, but not limited to, a dwelling unit, single-family dwelling unit, condominium, apartment, multi-family dwelling, or a furnished accommodation that is not a:

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hotel; inn; bed and breakfast establishment; lodging house; or continuing care retirement facility, assisted living facility, nursing home facility, or similar facility.

LICENSE – A license issued by the Select Board for operation of a Short-Term Rental Unit.

OPERATOR – Any person or entity operating a Short-Term Rental Unit. An Operator may be the owner of a Short-Term Rental Unit, or a lessee of a Short-Term Rental Unit with express written permission from the unit’s lessor.

SHORT-TERM RENTAL UNIT – Any Dwelling Unit where at least one room or unit is rented to an occupant or sub-occupant; and all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased and rented as such.

§164-4 General Requirements

The following requirements shall apply to all short term rentals:

- A. No property other than a Dwelling Unit may be operated as a Short-Term Rental Unit.
- B. No non-residential property may be operated as a Short-Term Rental Unit.
- C. No Dwelling Unit may be operated as a Short-Term Rental Unit without a License.
- D. Notwithstanding the issuance of a License, no Dwelling Unit may be used as a Short-Term Rental Unit except in compliance with these General Requirements.
- E. No Dwelling Unit shall be operated as Short-Term Rental Unit if it is designated as affordable or otherwise income-restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law.
- F. No Dwelling Unit shall be operated as Short-Term Rental Unit if it is in violation or noncompliance with any provisions of the Building Code, Fire Code, and Board of Health regulations.
- G. No Dwelling Unit shall be operated as Short-Term Rental Unit if the Operator, or owner of the property if different from the Operator, is in arrears for payment of the unit’s Town taxes, water, or sewage charges.
- H. No Dwelling Unit shall be operated as Short-Term Rental Unit unless the number of off-street parking spaces for the property on which the unit is located is sufficient to accommodate all guest occupants.

- I. No Dwelling Unit shall be operated as Short-Term Rental Unit if said unit is subject to zoning or other restrictions that prohibit short-term rental use.
- J. Operators shall designate for each Short-Term Rental Unit a person to be the manager of said unit. Managers shall respond within 2 hours to any problem or complaint and within 30 minutes in an emergency.
- K. The maximum occupancy of any short-term rental unit shall be limited to two people per bedroom.
- L. No commercial trash receptacle, including but not limited to a dumpster, may be maintained on the property on which a Short-Term Rental Unit is located for use by the Short-Term Rental Unit occupants for trash disposal. All trash removal for occupants of a Short-Term Rental Unit shall be by regular residential trash removal services, and shall be collected weekly, at a minimum.
- M. Short-Term Rental Units shall be subject to inspection by the Board of Health, Fire Department and the Director of Municipal Inspections.
- N. All Operators shall maintain an up-to-date log of all occupants that occupy any Short-Term Rental Unit. Said log shall contain all occupants' names, ages, and dates of commencement and expiration of each short-term rental period. The log shall be available for inspection by the Board of Health, Fire Department, and the Director of Municipal Inspections.
- O. All Licenses shall be issued to Operators and shall not run with the Short-Term Rental Unit or the property on which the unit is located. All Licenses shall terminate immediately upon any sale or transfer of ownership of the Short-Term Rental Unit or property on which the Short-Term Rental Unit is located. All Licenses shall terminate if the Operator to whom the license is issued transfers or is no longer in control of said Short-Term Rental Unit or property on which the Short-Term Rental Unit is located; provided, however, that the Select Board may allow the transfer of a license at its sole discretion.
- P. Short-Term Rental Units may only be rented for a minimum of 2 consecutive days and a maximum of 30 consecutive days. No Operator may rent a Short-Term Rental Unit to the same person for more than 30 consecutive days in any 6-month period. Rental durations outside of these minimum and maximum time periods are prohibited.
- Q. Operators shall maintain the structure and property exterior in good condition, including the upkeep of lawns, shrubbery, and other landscape features.

- R. Operators shall furnish each short-term rental occupant with a community information card containing, at a minimum, (i) emergency telephone numbers for the Hopkinton Police Department, Fire Department, and manager designated by the Operator, (ii) a description of the regulations, if any, relative to on-street parking at the address and fines for parking violations, (iii) a description of the Town’s trash and recycling requirements, including the date of trash and recycling collection at the address, and (iv) a copy of the Town’s noise bylaw.
- S. Operators shall post a sign on the inside of the Short-Term Rental Unit providing information on the location of all fire extinguishers in the unit, and, if applicable, the location of all fire exits and pull fire alarms in the dwelling.
- T. Operators shall retain and make available to the Town, upon written request, records to demonstrate compliance with this Section. The Operator shall retain such records for as long as a Dwelling Unit is offered as a Short-Term Rental Unit.

§164-5 License

Operators shall apply annually to the Select Board for a License for all Short-Term Rental Units. All Licenses will expire on June 30 of each year The Select Board may adopt regulations, an application form, or other procedures governing the issuance and regulation of Licenses and Operators. Short-Term Rental Units shall be annually recorded in a Short-Term Rental Registry for a fee or fees set by the Select Board.

§164-6 Violations and Penalties

- A. Failure to comply with the requirements of this Bylaw, regulations adopted by the Select Board, conditions of a License, or an order issued by the Board of Health, Fire Department, or Director of Municipal Inspections, shall be subject to the following penalties:

- First Violation: \$150
- Second violation: \$250
- Third and subsequent violations: \$350

Each day that such violation continues shall be deemed to be a separate violation and be subject to the above penalty.

- B. The Select Board may suspend or revoke any License for failure to comply with the requirements of this Bylaw, regulations adopted by the Select Board, conditions of a License, or an order issued by the Board of Health, Fire Department, or Director of Municipal Inspections.

- C. Any person or entity maintaining Short-Term Rental Unit without a License shall be punished by a fine of \$500. Each day that such violation continues shall be deemed to be a separate violation and be subject to the penalty.
- D. In lieu of the penalties set forth in this section, violations may be addressed in accordance with the provisions of M.G.L. 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 action related thereto.

ARTICLE: 34 Gun Club Indoor Shooting: Sponsor: Citizens Petition

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

Protect “we the people, babies, animals & birds”, from noise pollution. Gun clubs, should practice firing gun shots indoor and stop noise pollution and make the Town of Hopkinton, enjoyable to every citizen, babies, animals & birds.

Pass any vote or take any action relative thereto.

LAND ACQUISITION AND DISPOSITION

ARTICLE: 35 Street Acceptance - Foxhollow Road; Sponsor: Planning Board and Select Board

To hear the report of the Select Board relative to the laying out of the following named street, under the provisions of General Laws chapter 82, and to see if the Town will vote to accept such street as and for public ways and to authorize the Select Board to acquire by gift, purchase, or eminent domain any land or interest in land necessary for such laying out, and act on all matters relating thereto:

Foxhollow Road, from Pond Street to end.

Pass any vote or take any action relative thereto.

ARTICLE: 36 Street Acceptance - Box Mill Road; Sponsor: Planning Board and Select Board

To hear the report of the Select Board relative to the laying out of the following named street, under the provisions of General Laws chapter 82, and to see if the Town will vote to accept such street as and for public ways and to authorize the Select Board to acquire by gift, purchase, or eminent domain any land or interest in land necessary for such laying out, and act on all matters relating thereto:

Box Mill Road, from Leonard Street to end.

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Pass any vote or take any action relative thereto.

ARTICLE: 37 Accept Gift of Land - Turkey Ridge Subdivision; Sponsor: Planning Board

To see if the Town will vote to authorize the Select Board to acquire, by gift, a fee interest in certain parcels of land consisting of 10.22 acres in Parcels B and C as shown on a plan entitled "Definitive Residential Subdivision Turkey Ridge" prepared by J.D. Marquedant & Associates, Inc. and dated June 11, 2021, revised November 12, 2021, a copy of which is available for inspection at the Office of the Town Clerk, said land being a portion of property located at 35 Lincoln Street and 52 Cedar Street Extension and as shown on Assessors Map as R3 Block 14 Lot 0 and R3 Block 8 Lot 0, and said land to be used for open space purposes.

Pass any vote or take any action relative thereto.

ARTICLE: 38 Solar Canopy Leases, Middle School and High School; Sponsor: Town Manager

To see if the Town will authorize the Select Board and the School Committee to take the following actions, with respect to parking lot solar canopy facility projects on parcels of land under their custody and control:

1. To authorize a lease of a portion of the parking lot located at 88 Hayden Rowe, for a maximum of thirty (30) years, upon such terms and conditions as are acceptable to the Select Board and School Committee, to a solar energy provider for the purposes of constructing, maintaining, and operating a parking lot solar canopy facility on the property.
2. To authorize a lease of a portion of the parking lot located at 90 Hayden Rowe, for a maximum of thirty (30) years, upon such terms and conditions as are acceptable to the Select Board and School Committee, to a solar energy provider for the purposes of constructing, maintaining, and operating a parking lot solar canopy facility on the property.
3. To authorize the Town to grant easements to Eversource to install, maintain, operate, repair, reinstall, or replace utility pole lines and a substation for three phase power for the parking lot solar canopy facility installations at 88 and 90 Hayden Rowe.

Pass any vote or take any action relative thereto.

ARTICLE: 39 Fruit Street Lease; Sponsor: Citizens Petition

To see if the Town will vote to authorize the Select Board to increase the portion of Parcel 8, as depicted on the Fruit Street Master Plan dated March 24, 2015, to be leased to a non-profit philanthropic organization for the benefit of Hopkinton youth and based in the Town of Hopkinton from 5 acres, as adopted by the Town under Article 56 of the 2015 Annual Town Select Board Chair Amy Ritterbusch _____

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Meeting, to the remainder of Parcel 8 not already leased to Baypath Humane Society and to negotiate and enter into a lease agreement with Hopkinton Scout Leaders Association, Inc.

Pass any vote or take any action relative thereto.

ARTICLE: 40 Drainage Easement, 14 Hazel Road; Sponsor: Town Engineer/Facilities Director and Town Manager

To see if the Town will vote to authorize the Select Board to acquire by gift, purchase, eminent domain, or otherwise, an easement located at 14 Hazel Road as shown as "Proposed Drainage Easement" on a plan entitled "Easement Plan of Land in Hopkinton, Massachusetts", prepared by VHB, Inc. and dated May, 4, 2022, a copy of which is available for inspection at the Office of the Town Clerk, said land being a portion of property shown on Assessors' Map U22 46 0, and said easement to be used for installing drainage infrastructure from EMC Park to the existing municipal drainage infrastructure in Hazel Road.

Pass any vote or take any action relative thereto.

ARTICLE: 41 Drainage Easement, 77 South Street; Sponsor: Director of Public Works and Town Manager

To see if the Town will vote to authorize the Select Board to acquire by gift, purchase, eminent domain, or otherwise, an easement located at 77 South Street as shown on the Condominium Site Plan recorded with the Middlesex South District Registry of Deeds as Plan No. 657 of 2022, entitled "Condominium Site Plan - Beveleo Business Park Condominium," prepared by Control Point Associates, Inc., dated September 22, 2022, a copy of which is available for inspection at the Office of the Town Clerk, said land being a portion of property shown on Assessors' Map R27 7 B, and said easement to be used for the operation, maintenance, repair, inspection, and replacement of the Stormwater Basin with appurtenant utilities, including but not limited to piping, outlet(s), headwall and riprap collectively the "Drainage Structure").

Pass any vote or take any action relative thereto.

ARTICLE: 42 Drainage Easement, 20 Downey Place; Sponsor: Director of Public Works and Town Manager

To see if the Town will vote to authorize the Select Board to acquire by gift, purchase, eminent domain, or otherwise, an easement located at 20 Downey Place as shown as "Proposed 20' Wide Easement Area = 2,000 ± sq. ft." on a plan entitled "Sketch Plan of Proposed Drainage Easement in Hopkinton Massachusetts", prepared by VHB, Inc. and dated April 3, 2023, a copy of which is available for inspection at the Office of the Town Clerk, said land being a portion of property shown on Assessors' Map L36 51 0, and said easement to be used for installing and maintaining drainage infrastructure.

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Pass any vote or take any action relative thereto.

ARTICLE: 43 Home Rule Petition for Special State Legislation to Authorize Taking of Easements in Milford for Lake Maspenock Dam Repairs; Sponsor: Director of Public Works and Town Manager

To see if the Town will vote to authorize the Select Board to petition the Massachusetts General Court for special legislation, as set forth below, authorizing the Select Board to acquire by eminent domain such temporary and permanent easements on land in the Town of Milford as are required for the repair and maintenance of the Lake Maspenock Dam, which is owned and maintained by the Town of Hopkinton but is situated in the Town of Milford; provided, however, that the General Court may reasonably vary the form and substance of this requested legislation within the scope of the general public objectives of this petition:

An Act Authorizing the Town of Hopkinton to Take by Eminent Domain Certain Easements in the Town of Milford for the Repair and Maintenance of the Lake Maspenock Dam

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. The Town of Hopkinton may take and hold, by and subject to the provisions of Chapter 79 of the General Laws, certain easements on land situated in the Town of Milford, described with particularity in the following Section 2, that are necessary for the repair and maintenance of the Lake Maspenock Dam, acquired by the Town of Hopkinton from the Milford Water Company, a statutory corporation incorporated pursuant to Chapter 77 of the Acts of 1881.

Section 2. The Town of Hopkinton may take and hold permanent and temporary easements on land in the Town of Milford, situated off Pine Island Road, and identified, at the time of this act's passage, as Milford Assessors' Parcels numbered 10-0-3, 10-0-4, and 10-0-5.

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

Pass any vote or take any action relative thereto.

ARTICLE: 44 Easements for Lake Maspenock Dam Repairs; Sponsor: Director of Public Works and Town Manager

To see if the Town will vote to authorize the Select Board to acquire by gift, purchase, eminent domain, or otherwise, easements located as follows:

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1. 32 Pine Island Road as shown as “Map 10 Lot 3, 32 Pine Island Road, N/F William F. Sweeney Jr., Plan BK 54773 PG 171” on a plan entitled “Lake Maspenock Dam Left Downstream Wall Repair”, prepared by PARE Corporation and dated September 2022, a copy of which is available for inspection at the Office of the Town Clerk, said land being a portion of property shown on Milford Assessors’ Map 10 Lot 3;
2. Rear North Pond Terrace as shown as “Map 10 Lot 5, Rear North Pond Terrace, N/F William F. Sweeney Jr., C/O Catherine A. Sweeney & Ruth Geringer, Plan BK 54773 PG 171” on a plan entitled “Lake Maspenock Dam left Downstream Wall Repair”, prepared by PARE Corporation and dated September 2022, a copy of which is available for inspection at the Office of the Town Clerk, said land being a portion of property shown on Milford Assessors’ Map 10 Lot 5;

Said permanent access easements to be used for future dam repairs for the Lake Maspenock Dam.

Pass any vote or take any action relative thereto.

ARTICLE: 45 Temporary Easement for Lake Maspenock Dam Repairs (Eminent Domain); Sponsor: Director of Public Works and Town Manager

To see if the Town will take a temporary easement of 2,883 square feet on a piece of land by eminent domain identified on the Milford Assessors maps as Map 10 Lot 4, Rear North Pond Terrace, N/F Heirs of William H. Casey, Plan Book 2667 Page 557 on a plan entitled “Lake Maspenock Dam Left Downstream Wall Repair”, prepared by PARE Corporation and dated September 2022, a copy of which is available for inspection at the Office of the Town Clerk.

Pass any vote or take any action relative thereto.

ADMINISTRATIVE

ARTICLE: 46 Net Zero Resolution; Sponsor: Select Board and Sustainable Green Committee

To see if the Town will vote to accept the following Resolution:

WHEREAS, the United Nations Intergovernmental Panel on Climate Change (IPCC) has reiterated its call for ambitious climate action on a global scale to limit warming to within 1.5°C (2.7°F) above pre-industrial temperatures to avoid the worst consequences of climate change, and indicated that such a threshold requires at minimum decreasing carbon pollution by 45% from 2010 levels by 2030 and reaching global net zero carbon emissions by 2050; and

WHEREAS, the goals of the National Climate Task Force include reducing U.S. greenhouse gas emissions 50-52% below 2005 levels by 2030, reaching 100% carbon pollution-free

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electricity by 2035, and achieving a net zero emissions economy by 2050, and the US Inflation Reduction Act of 2022 makes significant advances toward achieving these goals; and

WHEREAS the Commonwealth of Massachusetts has set a 2050 target date for achieving net zero emissions, and has enacted “An Act driving clean energy and offshore wind” (H.5060) to accelerate fossil fuel independence; and

WHEREAS the residents of Hopkinton have already experienced negative effects of climate change including rising overall temperatures, an increase in extreme weather conditions including flooding and winter storm events, adverse impact on our flora and fauna, an increase in algal blooms in our waterways, an increase in insect-borne illness, and increased exposure to ultraviolet radiation; and

WHEREAS the Town of Hopkinton’s Master Plan (2017) called for a strategic plan or policies "to achieve long term sustainability and efficiency in energy and other fields to improve public health and community resiliency”; and

WHEREAS the Town of Hopkinton was among the first Massachusetts municipalities designated as Green Communities and has already completed numerous sustainability projects through the use of Green Communities funding; and

WHEREAS the Town of Hopkinton enjoys numerous sustainability advantages including relatively few large industries, more new construction, and more green space than many other towns and therefore the Town has a responsibility and capability to establish a somewhat earlier net zero target date than 2050; and

WHEREAS the health and safety of all our residents are affected by rising temperatures and extreme weather emergencies but not on an equal basis, with our seniors, children, fixed income residents, non-native speakers, and disabled residents being among the most vulnerable; and

WHEREAS the welfare of future generations depends upon actions taken now and with a sense of urgency;

BE IT THEREFORE RESOLVED [1] that the Town of Hopkinton commits to a net zero goal of 2045 to eliminate or offset all carbon emissions including municipal, commercial, and residential sources with intermediate milestones of 50% emissions reductions by 2030, and 75% emissions reductions by 2037, relative to 2017 baseline levels.

BE IT FURTHER RESOLVED [2] that the Sustainable Green Committee will present to the Select Board in 2023 a Climate Action Plan, including a Greenhouse Gas Inventory, describing the Town’s current status and providing recommendations to reach the Town’s net zero targets, and that in drafting the document the Committee will seek community input and prioritize social justice and equity.

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BE IT FURTHER RESOLVED [3] that all Town boards, committees, and departments deemed appropriate by the Select Board will present to the Board by year end 2024 their plans to align with the Town's net zero targets.

BE IT FURTHER RESOLVED [4] that the Sustainable Green Committee shall present to the Select Board following each calendar year a report describing progress toward the Town's net zero targets, following the targets and methodology set forth in the Climate Action Plan and Greenhouse Gas Inventory, and including areas such as energy, buildings, transportation, environment, waste, and industry.

BE IT FURTHER RESOLVED [5] that Town boards, committees, and staff shall take the Town's net zero targets into consideration, to the extent allowed by law, when making budget requests or recommendations; making procurement decisions concerning design, construction, purchase, renovation, or maintenance of any municipal property; and conducting municipal operations or directing contracted services.

Pass any vote or take any act relative thereto.

ARTICLE: 47 Abolish Upper Charles Trail Committee and Establish Subcommittee; Sponsor: Citizens Petition

To see if the Town will, in accordance with Section 6.1 of the Town Charter, vote to direct the Town Manager to abolish the Upper Charles Trail Committee (UCTC) and establish a subcommittee termed the Upper Charles Trail Subcommittee under the direction of the Trails Coordination and Management Committee (TCMC; hereafter to be known as the Hopkinton Trails Committee). This subcommittee shall perform the function of the former UCTC, including 1) establishing at least two possible trail routes for review by the town and selection by the Select Board, and 2) developing this trail using all available funds. The subcommittee shall be comprised of seven (7) members chosen by the Trails Committee and will follow guidance for public communication as previously developed by the TCMC. Funds from this town meeting and from other sources allotted to the UCTC shall be spent under the direction of the Trails Committee and subcommittee for the tasks indicated above and as intended by town meeting. Pass any vote or take any action relative thereto.

Pass any vote or take any act relative thereto.

ARTICLE: 48 Upper Charles Trail Committee Spending, Segment 7; Sponsor: Citizens Petition

To see if the Town will vote that no further public funds will be expended by the Upper Charles Trail Committee (UCTC) for work related to establishing a Shared Use Path along that section of Hayden Rowe referred to as Segment 7 in the UCTC's plan entitled "Upper Charles Trail Overall Alignment Schematic 3/14/2022," a section that roughly encompasses the land along Hayden Rowe from 147 Hayden Rowe Street to 192 Hayden Rowe Street. Pass any vote or take any action relative thereto.

Select Board Chair Amy Ritterbusch _____

Initial

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 _____th day of _____, 2023.

SELECT BOARD
TOWN OF HOPKINTON

Amy Ritterbusch, Chair

Mary Jo LaFreniere, Vice-Chair

Irfan Nasrullah

Muriel Kramer

Shahidul Mannan

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

Select Board Chair Amy Ritterbusch _____
Initial