

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HOPKINTON  
ANNUAL TOWN MEETING WARRANT  
MAY 6, 2024**

*(Voter Registration Deadline: April 26, 2024)*

MIDDLESEX, ss.

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

**GREETINGS:**

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

To bring in their ballots on May 20, 2024, to an adjourned session of the Annual Town Meeting to be held at the Hopkinton Middle School Gymnasium, for the election of the following Officers:

Offices for the May 20, 2024 Election

Office	# Positions	Length of Term
Select Board	2	3 Years
Board of Assessors	1	3 Years
Board of Health	1	3 Years
Board of Library Trustees	1	3 Years
Board of Library Trustees**	1	1 Year
Cemetery Commissioners	1	3 Years
Cemetery Commissioners**	1	2 Years
Commissioners of Trust Fund	1	3 Years
Constable	1	3 Years
Hopkinton Housing Authority	1	5 Years
Hopkinton Housing Authority**	1	1 Year
Parks and Recreation Commission	2	3 Years
Parks and Recreation Commission**	1	1 Year
Planning Board	1	5 Years

The Middle School is accessible. If accessibility accommodations/modifications are needed, please contact the Town Manager's office at 508-497-9701 by April 30, 2024.

Select Board Chair Muriel Kramer \_\_\_\_\_

Planning Board**	1	1 Year
Planning Board**	1	3 Years
School Committee	2	3 Years

\*\*UNEXPIRED TERM

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 digitization of all Town paper records, 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 replacement of HVAC/air handling units at the Hopkinton Public Schools, 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 renovation and an addition to the Hopkins Elementary School, 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 survey, design, engineering, permitting, and construction of drainage improvements on Ash Street and Fenton Street, 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 survey, design, engineering, permitting, and construction of roadway, sidewalk, and drainage improvements on DiCarlo Road, Peppercorn Road, and Barbara Road, 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 survey, design, engineering, permitting, and construction of culvert replacement on Granite Street, including any and all costs, fees, and expenses related to the same?

QUESTION 7: 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 replacement of the ozone treatment system at the Howe Street Water Treatment Plant in Ashland, including any and all costs, fees, and expenses related to the same, that while such borrowing shall be a general obligation of the Town, it is the intent of the Town that the debt service be paid in the first instance from the water enterprise fund?

QUESTION 8: 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 for design, engineering, and permitting support for East Main Street Water Main replacement, including any and all costs, fees, and expenses related to the same, that while such borrowing shall be a general obligation of the Town, it is the intent of the Town that the debt service be paid in the first instance from the water enterprise fund?

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 6, 2024, at 7:00 p.m., 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 2024

### **ARTICLE: 2 FY 2024 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, 2024.

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 2025**

### **ARTICLE: 4 Rescind Authorized but Unissued Debt; Sponsor: Town Manager**

To see if the Town will vote to rescind authorized and unissued debt for projects that are no longer necessary or do not require additional funding.

Pass any vote or take any act relative thereto.

### **ARTICLE: 5 Excess Bond Premium; Sponsor: Town Manager**

To see if the Town will vote to appropriate the remaining excess bond premium from the Town's General Obligation Municipal Purpose Loan of Bonds to capital projects of the Town for which such bonds were issued or for which borrowing has been authorized, so as to reduce the borrowing authorizations accordingly, or to other capital projects of the Town.

Pass any vote or take any act relative thereto.

### **ARTICLE: 6 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: 7 Fiscal Year 2025 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, 2024, and that such sums be expended for such purposes under the direction of the respective Town Officers, Boards, and Committees.

Pass any vote or take any act relative thereto.

### **ARTICLE: 8 FY 2025 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, 2024.

Pass any vote or take any act relative thereto.

**ARTICLE: 9 PEG Access and Cable Related Funding; Sponsor: Town Manager**

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

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 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: 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.

Pass any vote or take any act relative thereto.

**ARTICLE: 12 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.

Pass any vote or take any act relative thereto.

**ARTICLE: 13 Transfer to the Capital Expense Stabilization Fund; Sponsor: Town Manager**

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

Pass any vote or take any act relative thereto.

**ARTICLE: 14 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: 15 Opioid Funds Appropriation; Sponsor: Town Manager**

To see if the Town will vote to appropriate from certified free cash, \$45,190.32 (FORTY-FIVE THOUSAND, ONE HUNDRED NINETY DOLLARS AND THIRTY-TWO CENTS), or a greater or lesser sum, in opioid settlement funds received prior to Fiscal Year 2024 into a special revenue fund for this purpose.

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:

Item	Purchase or Product	To be spent under the direction of
1	End User Computer Hardware Refresh	Town Manager
2	Network Switches	Town Manager
3	Cyclical Replacement of Multi-Function Printers	Town Manager
4	Police Department Vehicle Replacement – Three Cruisers	Town Manager

5	Lucas CPR Machine	Town Manager
6	Ambulance 2 Replacement	Town Manager
7	Fruit Street Garage Repairs	Town Manager
8	Town Facilities Master Planning	Town Manager
9	Replace Street Sweeper (E-22)	Town Manager
10	Superduty Pickup (M-1) F-350 Replacement	Town Manager
11	Schools Systemwide Technology Upgrades	School Superintendent
12	Participatory Budget Items: Two ADA accessible exit doors and a fence at the amphitheater area at Hopkinton Center for the Arts, 98 Hayden Rowe; Black Earth composting starter kits for residents; Pollinator gardens at the Hughes Farm and Pratt Farm conservation areas; Turtle crossing signs	Town Manager

Pass any vote or take any act relative thereto.

**ARTICLE: 17 Digitization of All Town Records; Sponsor: Director of Information Technology & Innovation Services**

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 digitization of all Town records, 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: 18 Districtwide HVAC Replacement; 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 replacement of HVAC/air handling units at the Hopkinton Public Schools, 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 Elementary School Addition and Renovation; 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 renovation and an addition to the Hopkins Elementary School, 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 Ash Street and Fenton Street Drainage Improvement; Sponsor: Director of Public Works**

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 survey, design, engineering, permitting, and construction of drainage improvements on Ash Street and Fenton Street, 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 Roadway and Sidewalk Improvements, DiCarlo Rd., Peppercorn Rd., Barbara Rd.; Sponsor: Director of Public Works**

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 survey, design, engineering, permitting, and construction of roadway, sidewalk, and drainage improvements on DiCarlo Rd., Peppercorn Rd., and Barbara Rd., 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: 22 Granite Street Culvert Replacement; Sponsor: Director of Public Works**

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 survey, design, engineering, permitting, and construction of culvert replacement on Granite Street, 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: 23 Townwide Water Main Flushing Program; Sponsor: Director of Public Works**



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 a townwide water main flushing program, 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: 24 Howe Street Water Treatment Plant – Ozone Treatment; Sponsor: Director of Public Works**

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 replacement of the ozone treatment system at the Howe Street Water Treatment Plant in Ashland, 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: 25 Grove Street Water Tank Design; Sponsor: Director of Public Works**

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 design, engineering, environmental assessment and abatement, and permitting support of the Grove Street Water tank, 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: 26 East Main Street Water Main Replacement; Sponsor: Director of Public Works**

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 design, engineering, and permitting support for East Main Street Water Main replacement, 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: 27 Water Department Vehicle Replacement (W1); Sponsor: Director of Public Works**

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 utility pickup truck, 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: 28 Water Department Vehicle Replacement (W2); Sponsor: Director of Public Works**

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 utility pickup truck, 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: 29 Water Department Vehicle Replacement (W3); Sponsor: Director of Public Works**

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 utility pickup truck, 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: 30 Sewer Department Vehicle Replacement; Sponsor: Director of Public Works**

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 pickup truck, 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: 31 Wastewater Treatment Plant Membrane; Sponsor: Director of Public Works**

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 the wastewater treatment plant membrane at the Fruit Street Wastewater Treatment Facility, 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: 32 Sewer System Evaluation Survey, Hayden Rowe Pump Station; Sponsor: Director of Public Works**

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 a sewer system evaluation survey to address concerns and operational issues related to wastewater flows to the Hayden Rowe Pump Station, 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: 33 Municipal Parking; Sponsor: Select Board**

To see if the Town will vote to:

Acquire by gift, purchase, lease, eminent domain or otherwise, an interest in 10 Walcott Street, 14 Main Street and 0 Main Street (Assessors Map parcels U16 143 0, U16 151 0, U16 153 4) for the purpose of providing municipal parking on such terms as the Select Board shall deem to be in the best interests of the Town and to

- (1) raise and appropriate, borrow, transfer from available funds, or otherwise provide a sum of money for the purpose of said acquisition; and
- (2) Accept a gift of construction of the parking lot located at 6 Walcott Street (Assessors Map parcel U16 144 0) connected to the property located at 18 Main Street (Assessors Map parcel U16 149 0) for the purpose of providing municipal parking in the downtown area on such terms as the Select Board shall deem to be in the best interests of the Town.

Pass any vote or take any act relative thereto.

**ARTICLE: 34 Toxic Chemicals Testing; Sponsor: Sustainable Green Committee**

To see if the Town will appropriate funds not to exceed \$10,000 for the purpose of detecting toxic chemicals including PFAS, pesticides, herbicides, or elements including lead and arsenic, as determined by the town with oversight by the Health Department, in any town lands or waters or in any media prior to application to town lands or waters by the Town of Hopkinton.

Pass any vote or take any action relative thereto.

**ARTICLE: 35 Home Rule Petition - Senior Tax Exemptions, School Building Projects; Sponsor: Select Board**

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 a means-tested senior citizen property tax exemption for school building projects; 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 ESTABLISH A MEANS-TESTED  
SENIOR CITIZEN PROPERTY TAX EXEMPTION FOR SCHOOL BUILDING CONSTRUCTION  
PROJECTS

SECTION 1. With respect to each qualifying parcel of real property classified as class one, residential in the Town of Hopkinton, there shall be an exemption from the property tax in an amount equal or less than the actual cost of borrowing (including principal and interest) in any fiscal year, for a specific school building construction project, to be set annually by the Board of Assessors. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this Act, "parcel" shall mean a unit of real property as defined by the Board of Assessors under the deed for the property and shall include a condominium unit. The exemption provided for in this section shall be in addition to any other exemptions allowed under the General Laws.

SECTION 2. The Board of Assessors may deny an application if it finds that the applicant has excessive assets that place the applicant outside of the intended recipients of the senior exemption established pursuant to this act. Real property shall qualify for the exemption under section 1 if all of the following criteria are met:

- (i) The qualifying real property is owned and occupied by a person whose prior year's income would make the person eligible for the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws;
- (ii) The qualifying real property is owned by a single applicant age 65 or older at the close of the previous year or jointly by persons either of whom is age 65 or older at the close of the previous year and the joint applicant is 60 years of age or older;
- (iii) The qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;
- (iv) The applicant or at least one of the joint applicants has been domiciled and owned a home in the Town of Hopkinton for at least 10 consecutive years before filing an application for the exemption;
- (v) The maximum assessed value of the domicile is not greater than the prior year's maximum assessed value for qualification for the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws as adjusted annually by the department of revenue; and
- (vi) The Board of Assessors has approved the application for the exemption.

SECTION 3. The total amount exempted by this act shall be allocated proportionally within the tax levy on all residential taxpayers.

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

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

Pass any vote or take any action relative thereto.

**ARTICLE: 36 Adopt the Specialized Energy Code; Sponsor: Sustainable Green Committee**

To see if the Town will vote to adopt the Specialized Energy Code, for the purpose of regulating the design and construction of buildings for the effective use of energy and reduction of greenhouse gas emissions, by accepting the provisions of 225 CMR 22, Appendix RC and 225 CMR 23, Appendix CC, with such acceptance to take effect January 1, 2025.

Pass any vote or take any action relative thereto.

**COMMUNITY PRESERVATION FUNDS**

**ARTICLE: 37 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 2025, for committee administrative expenses and other expenses in the fiscal year beginning on July 1, 2024, with each item to be considered a separate appropriation.

Pass any vote or take any act relative thereto.

**ARTICLE: 38 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 2025; 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, Trail Coordination and Management Committee, Open Space Preservation Commission, School Committee, Historical Society, Cemetery Commission, Hopkinton Area Land Trust, Hopkinton Public Schools, 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 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 Community Housing Reserve for a Survey of the Housing Parcel on the Town's 66 Fruit Street Property with the following conditions: 1. That the grant expires on July 1, 2025 unless extended by the Community Preservation Committee. 2. Grant to be spent under the direction of the Town Manager's Office and the Community Preservation Committee. 3. That a grant agreement is accepted by the applicant (Town Manager's office) and a project budget is submitted to the Community Preservation Committee prior to expenditure of awarded funds.
- B. A sum or sums of money from funds reserved for Open Space Reserve for a Conservation Restriction for the Rice Woods (Jenner) parcel with the following conditions: 1. That the grant expires on July 1, 2026 unless extended by the Community Preservation Committee. 2. Grant to be spent under the direction of the Hopkinton Area Land Trust and the Community Preservation Committee. 3. That a grant agreement is accepted by the applicant (Hopkinton Area Land Trust) and a project budget is submitted to the Community Preservation Committee prior to expenditure of awarded funds.
- C. A sum or sums of money from funds reserved for Open Space Reserve for a Conservation Restriction for the Hughes Property with the following conditions: 1. That the grant expires on July 1, 2026 unless extended by the Community Preservation Committee. 2. Grant to be spent under the direction of the Hopkinton Area Land Trust and the Community Preservation Committee. 3. That a grant agreement is accepted by the applicant (Hopkinton Area Land Trust) and a project budget is submitted to the Community Preservation Committee prior to expenditure of awarded funds.
- D. A sum or sums of money from funds reserved for Historical Preservation Reserve for Headstone Restoration as the Historical Commission deems the restoration Historically Significant, with the following conditions: 1. That the grant expires on July 1, 2025 unless extended by the Community Preservation Committee. 2. Grant to be spent under the direction of the Cemetery Commission and the Community Preservation Committee. 3. That a grant agreement is accepted by the applicant (Cemetery Commission) and a project budget is submitted to the Community Preservation Committee prior to expenditure of awarded funds.

- E. A sum or sums of money from funds reserved for Historical Preservation Reserve for the Restoration of the Historical Society Building located at 168 Hayden Rowe as the Historical Commission deems the building Historically Significant. Funds approved with the following conditions: 1. That the grant expires on July 1, 2025 unless extended by the Community Preservation Committee. 2. Grant to be spent under the direction of the Historical Society (Historical Commission/Town Manager's Office) and the Community Preservation Committee. 3. That a grant agreement is accepted by the applicant (Historical Society) and a project budget is submitted to the Community Preservation Committee prior to expenditure of awarded funds.
- F. A sum or sums of money from funds reserved for Recreation Reserve for the Engineering Study, Design and Construction Bid Documents for an inclusive playground, with the following conditions: 1. That the grant expires on July 1, 2025 unless extended by the Community Preservation Committee. 2. Grant to be spent under the direction of Hopkinton Public Schools and the Community Preservation Committee. 3. That a grant agreement is accepted by the applicant (Hopkinton Public Schools) and a project budget is submitted to the Community Preservation Committee prior to expenditure of awarded funds.
- G. A sum or sums of money from funds reserved for Recreation Reserve for the construction of a Permanent Storage Shed at the Fruit Street Fields, with the following conditions: 1. That the grant expires on July 1, 2025 unless extended by the Community Preservation Committee. 2. Grant to be spent under the direction of Parks and Recreation Commission and the Community Preservation Committee. 3. That a grant agreement is accepted by the applicant (Parks and Recreation Commission) and a project budget is submitted to the Community Preservation Committee prior to expenditure of awarded funds.
- H. A sum or sums of money from funds reserved for Recreation Reserve for the completion of the Chamberlain Connector Trails with the following conditions: 1. That the grant expires on July 1, 2025 unless extended by the Community Preservation Committee. 2. Grant to be spent under the direction of Trails Coordination and Management Committee and the Community Preservation Committee. 3. That a grant agreement is accepted by the applicant (Trails Coordination and Management Committee) and a project budget is submitted to the Community Preservation Committee prior to expenditure of awarded funds.
- I. A sum or sums of money from funds reserved for Open Space Reserve for the land purchase, legal fees and surveying costs of the Larter Parcel (13.97 acres +/- Part of Assessors Map U6 lots 21, 20), with the following conditions: 1. That the grant expires on July 1, 2025 unless extended by the Community Preservation Committee. 2. Grant to be spent under the direction of the Town Manager's office and the Community Preservation Committee. 3. Grant includes all legal, administrative and survey cost 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 constructed. Land will be held by the Open Space Preservation Commission.

- J. A sum or sums of money from funds reserved for Open Space Reserve for the land purchase, legal fees and surveying costs of the Colella Property Parcel (0 Hayden Rowe Assessors Map U24 4 0) 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 Town Manager's office and the Community Preservation Committee. 3. Grant includes all legal, administrative and survey cost 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 constructed. Land will be held by the Open Space Preservation Commission.

Pass any vote or take any action relative thereto.

## **ZONING BYLAW AMENDMENTS**

### **ARTICLE: 39 MBTA Communities Zoning Bylaw; Sponsor: Planning Board**

To see if the Town will vote to amend Chapter 210, Zoning Bylaws to insert the following language after Article XXXV, Neighborhood Mixed Use District and to amend the Zoning Map to include the MBTA Communities Multi-Family Overlay District:

#### **ARTICLE XXXVI MBTA Communities Multi-Family Overlay District (MCMOD) Bylaw**

##### **§ 210-251. Purpose and Intent.**

The purpose of the MBTA Communities Multi-family Overlay District (MCMOD) is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as of right multi-family housing to accomplish the following purposes:

- A.** Encourage the production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels.
- B.** Locate housing within walking distance of public transit and other amenities to promote general public health, reduce the number of vehicular miles traveled, support economic development, and meet community-based environmental goals, including reducing greenhouse gasses and improving air quality.
- C.** Support and encourage further public investment in public transit and pedestrian- and bike-friendly infrastructure.
- D.** Increase the municipal tax base through private investment in new residential developments.



**§ 210-252. Establishment and Applicability.**

This MCMOD is an overlay district having a land area of approximately 58.4 acres in size that is superimposed over the underlying zoning district(s) and is shown on the Zoning Map.

**A. Applicability of MCMOD.**

An applicant may develop multi-family housing located within a MCMOD in accordance with the provisions of this Article.

**B. Subdistricts.**

The MCMOD is composed of two (2) subdistricts, as defined by the Assessor Parcel numbers below and shown on the MBTA Communities Multi-family Overlay District (MCMOD) Map.

**(1) Upper Cedar Street Subdistrict**

Map R4 Block 8 Lot 0  
Map R4 Block 17 Lot 0  
Map R4 Block 12 Lot 0  
Map R4 Block 20 Lot 0

**(2) Downtown Subdistrict**

Map U16 Block 80 Lot 0	Map U16 Block 144 Lot 0
Map U16 Block 85 Lot 0	Map U16 Block 145 Lot 0
Map U16 Block 86 Lot 0	Map U16 Block 146 Lot 0
Map U16 Block 86 Lot A	Map U16 Block 147 Lot 0
Map U16 Block 87 Lot 0	Map U16 Block 148 Lot 0
Map U16 Block 87 Lot A	Map U16 Block 149 Lot 0
Map U16 Block 88 Lot 0	Map U16 Block 151 Lot 0
Map U16 Block 115 Lot 0	Map U16 Block 152 Lot 0
Map U16 Block 116 Lot 0	Map U16 Block 153 Lot 0
Map U16 Block 117 Lot 0	Map U16 Block 153 Lot 4
Map U16 Block 118 Lot 0	Map U16 Block 220 Lot 0
Map U16 Block 121 Lot 0	Map U16 Block 221 Lot 0
Map U16 Block 124 Lot 0	Map U16 Block 222 Lot 0
Map U16 Block 125 Lot 0	Map U16 Block 223 Lot 0
Map U16 Block 127 Lot 0	Map U16 Block 250 Lot 0
Map U16 Block 128 Lot 0	Map U16 Block 254 Lot 0
Map U16 Block 129 Lot 0	Map U16 Block 255 Lot 0
Map U16 Block 130 Lot 0	Map U16 Block 256 Lot 0
Map U16 Block 131 Lot 0	Map U16 Block 257 Lot 0

**C. Underlying Zoning.**

The MCMOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right or by special permit in the MCMOD. Uses that are not identified in Section 210-254 are governed by the requirements of the underlying zoning district(s).

**§ 210-253. Definitions.**

For purposes of this Article, the following definitions shall apply to MCMOD developments. Where the definitions contained herein differ from those in MGL 40A, Section 3A, the definitions contained in MGL 40A, Section 3A shall be used:

**Affordable housing unit.** A dwelling unit that qualifies as a Local Initiative Unit under the Commonwealth's Local Initiative Program (760 CMR 45.00) and meets the requirements of a subsidized housing unit for purposes of listing in the Subsidized Housing Inventory under GL. c.40B §§ 20-23.

**Affordable housing.** Housing that contains Affordable Units as defined by this Article.

**Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.

**As-of-right.** Development that may proceed under the Zoning Bylaw in place at the time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

**Compliance Guidelines.** Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A, issued by EOHLC, as they exist on the date of adoption of this bylaw or may be revised or amended from time to time.

**Dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**EOHLC.** The Massachusetts Executive Office of Housing and Livable Communities (formerly known as Department of Housing and Community Development, or DHCD), or any successor agency.

**Mixed-use development.** Development containing a mix of residential uses and non-residential uses, including commercial, institutional, industrial, or other uses.

**Multi-family housing.** A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.

**Multi-family zoning district.** A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.

**Open Space.** Open space shall consist of landscaping, naturally vegetated areas, trails, and/or shared open areas with permeable hardscape. All open space must be an outdoor area on the ground, outside of the building footprints, which is open to the sky and which is designed and used for outdoor living and/or recreation and shall not include parking or vehicle circulation areas. Vegetated and/or landscaped setbacks may be included as Open Space.

**Parking, structured.** A structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.

**Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.

**Section 3A.** Section 3A of the Zoning Act.

**Special permit granting authority.** The Special Permit Granting Authority shall include the Select Board, Board of Appeals, or the Planning Board, as designated by the Zoning Bylaw for the issuance of special permits.

**Sub-district.** An area within the MCMOD that is geographically smaller than the MCMOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.

### § 210-254. Permitted Uses.

**A. Uses Permitted As-of-Right.** The following uses are permitted as-of-right within the MCMOD.

(1) Multi-family housing.

**B. Uses Permitted by Special Permit.** The following uses require a Special Permit from the Planning Board.

(1) Mixed-use development. Uses that may be allowed in a mixed-use development are as follows:

a. Ground Floor: Community space; Educational uses; Personal services; Retail; Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail; Restaurant, café, and other eating establishments without a drive-through; Office, professional office, medical and dental offices, and co-working space Artists' studios, maker space, and small-scale food production (no more than 5,000 sf), and retail associated with each use.

b. Any Floor: Residential.

**C. Accessory Uses.** The following uses are considered accessory as-of-right to any of the by-right or permitted uses in Section 210-254.A or 210-254.B.

(1) Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.

(2) Any use meeting the definition of "Accessory Use" under § 210-4 of this Chapter.

### § 210-255. Dimensional Standards.

**A. Dimensional Standards.**

Notwithstanding anything to the contrary in this Zoning Bylaw, the dimensional requirements applicable in the MCMOD are as follows:

**(1) Upper Cedar Street Subdistrict**

- a. Minimum Lot Size: 15,000 square feet.
- b. Maximum Height: 40 feet.
- c. Minimum Open Space: 30%.
- d. Floor Area Ratio: N/A.
- e. Maximum Building Coverage: 45%.
- f. Minimum Frontage: 100 feet.
- g. Front Yard Setback: 40 feet.
- h. Side Yard Setback: 10 feet.
- i. Rear Yard Setback: 20 feet.

**(2) Downtown Subdistrict**

- a. Minimum Lot Size: 5,000 square feet.
- b. Maximum Height: 35 feet.
- c. Minimum Open Space: None.
- d. Floor Area Ratio: N/A.
- e. Maximum Building Coverage: 75%.
- f. Minimum Frontage: 50 feet.
- g. Front Yard Setback: 5 feet.
- h. Side Yard Setback: 0 feet.
- i. Rear Yard Setback: 20 feet.

**B. Multi-Building Lots.** In the MCMOD, lots may have more than one principal building.

**C. Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, mechanical equipment, towers, silos, or spires, whose features are in no way used for human occupancy and do not constitute more than 25% of the ground floor area (GFA) of the building.

**D. Exceptions - Renewable Energy Installations.** The Planning Board or Special Permit Granting Authority may waive the height and setbacks in Section 210-255.A. Dimensional Standards to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

**E. Planning Board Authority to Waive Provisions**

The Planning Board shall have the authority to waive provisions of Section 210-255.A, upon a determination that such action is in the public interest and a waiver would be consistent with the purpose and intent of this Article.

**§ 210-256. Off-Street Parking.**

These parking requirements are applicable to development in the MCMOD.

**A. Number of Parking Spaces.** The following **maximum** number of off-street parking spaces shall be permitted by use, either in surface, garage, or other structured parking:

- (1) Multi-family: 1.25 parking spaces per dwelling unit.
- (2) Mixed-Use/Commercial (non-residential): 2 parking spaces per 1,000 sf GFA.

**B. Bicycle Parking.** The following **minimum** number of covered bicycle parking spaces shall be provided by use:

- (1) Multi-family: 1 space per dwelling unit.
- (2) Mixed-Use/Commercial (non-residential): 2 spaces per 1,000 sf GFA.

**C. Bicycle Storage.** For a multi-family development of 25 units or more, or a mixed-use development of 25,000 square feet or more, at least 25% of the required bicycle parking spaces shall be covered and integrated into the structure(s) of the building(s).

**D. Electric Vehicle Parking.** Where applicable, the proposed development shall comply with Section 210-124.1 of the Zoning Bylaw.

**E. Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demand by using accepted methodologies.

**§ 210-257. General Development Standards.**

**A. Applicability.** Development standards in the MCMOD are applicable to all multi-family development within the MCMOD. These standards are components of the Site Plan Review process in Section 210-259, Site Plan Review.

**B. Site Design.**

- (1) **Connections.** Sidewalks shall provide direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking. Additionally, sidewalks shall be provided along the entire frontage of the subject property along existing public ways. The Planning Board may approve alternative provisions or waive the requirements of this Standard in situations where sidewalk construction or use is not feasible or practical.
- (2) **Vehicular access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged.
- (3) **Open Space.**
  - a. Within the Upper Cedar Street Sub-district, a minimum of thirty percent (30%) of the parcel shall be provided as open space.
  - b. MCMOD developments in the Downtown Subdistrict may provide common space for residents as part of the development, however, the open space requirement shall not apply to these developments.
  - c. Open space shall be used solely for recreation (active or passive), conservation, or agriculture purposes by residents and/or the public. Trails are considered an acceptable use. Where appropriate, multiple uses of open space are encouraged.
  - d. All landscaped and hardscaped areas shall be permanently maintained with proper care, so that residents may utilize these areas as designed.
  - e. Open space may not be used for components of sewage disposal systems serving the development, unless the areas containing these systems have been designed and constructed to support viable passive recreational opportunities, and that these passive recreational opportunities are allowed by the property owner/property manager.
  - f. The required setbacks shall be maintained in a landscaped or naturally vegetated state, intended to screen and buffer the development from abutting and neighboring uses and may be included within the open space. This vegetated setback requirement may be eliminated where the proposed development abuts existing permanent open space.
- (4) **Screening for Parking.** Surface parking adjacent to a public sidewalk or residentially-zoned land shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of native trees, shrubs, and/or perennials, but no less than ten feet. The buffer may include a fence or wall of no more than six feet in height unless there is a significant grade change between the parking and the sidewalk.
- (5) **Parking Surface Materials.** The parking surface may be concrete, asphalt, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.
- (6) **Plantings.** Plantings shall only include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
- (7) **Lighting.** On-site lighting shall conform to the provisions of Section 210-136.1.N of the Zoning Bylaw.

- (8) **Mechanicals.** Mechanical equipment at ground level shall be screened by fencing and/or plantings, or a combination thereof. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.
- (9) **Dumpsters.** Dumpsters shall be screened by fencing and/or plantings, or a combination thereof. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.
- (10) **Stormwater management.** The proposed stormwater management system for the development shall conform to strategies that demonstrate compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and additional requirements under the Hopkinton MS4 Permit for projects that disturb more than one acre and discharge to the Town's municipal stormwater system. An Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements shall be provided to the Planning Board.

**C. Buildings: General.**

- (1) **Position relative to principal street.** The primary building shall have its principal façade and entrance facing the principal street. See also Section 210-257.G. Buildings: Corner Lots.
- (2) **Entries.** Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.

**D. Buildings: Multiple buildings on a lot.**

- (1) For a mixed-use development, uses may be mixed within the buildings or in separate buildings.
- (2) Parking and circulation on the site shall be organized to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
- (3) A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other, as well as to the sidewalk along the frontage of the property, unless otherwise waived by the Planning Board.
- (4) The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
- (5) The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.

**E. Buildings: Mixed-use development.**

- (1) In a mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.
- (2) Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable.
- (3) Materials for non-residential uses shall be stored inside or under cover and shall not be accessible to residents of the development.
- (4) Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.

**F. Buildings: Shared Outdoor Space.** Multi-family housing and mixed-use development shall have common outdoor space that all residents can access. Such space may be located in any combination of ground floor, courtyard, rooftop, terrace, or Open Space. Shared outdoor space within the footprint of a building shall not count towards the project's minimum Open Space requirement.

**G. Buildings: Corner Lots.** A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets.

- (1) Such entries shall be connected by a paved surface to the public sidewalk, if applicable.
- (2) All façades visible from a public right-of-way shall be treated with similar care and attention in terms of entries, fenestration, and materials.
- (3) Fire exits serving more than one story shall not be located on either of the street-facing façades.

**H. Lots with Infill Buildings.** If the adjacent buildings are set back at a distance that exceeds the minimum front yard requirements, infill buildings shall meet the requirements of Section 210-255. Dimensional Standards. Otherwise, infill buildings may match the setback line of either adjacent building, or an average of the setback of the two buildings to provide consistency along the street.

**I. Buildings: Principal Façade and Parking.** Parking shall be subordinate in design and location to the principal building façade.

- (1) **Surface parking.** Surface parking shall be located to the rear or side of the principal building. Parking shall not be located in the setback between the building and any lot line adjacent to the public right-of-way.
- (2) **Integrated garages.** The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.



- (3) **Parking structures.** Building(s) dedicated to structured parking on the same lot as one or more multi-family buildings or mixed-use development shall be subordinate in design and placement to the multi-family or mixed-use building(s) on the lot.

**J. Planning Board Authority to Grant Waivers.** Upon the request of the Applicant and subject to conformance with Section 210-255. Dimensional Standards and the Compliance Guidelines, the Planning Board may waive the requirements of this Section 210-257. General Development Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the MCMOD.

### § 210-258. Affordability Requirements

- A. Any development within the MCMOD shall conform to the requirements of Article XI, Inclusionary Development, of these Zoning Bylaws, with the exception that the MCMOD shall require 10% of the total units be established as affordable housing units and where fractional units are the result, the number of affordable units shall be rounded down to the nearest whole number where the calculation of 10% of the units results in a half-unit (0.5) or less. Where the calculation of 10% of the units results in more than a half-unit, the number of units shall be rounded up to the nearest whole number. For example, in MCMOD developments of 15 units, one affordable unit (as defined in Chapter 210) shall be created (1.5 units rounded down to one unit); in developments of 16 units, two affordable units shall be created (1.6 units rounded up to two units); and so on.
- B. In the event that the Executive Office of Housing and Livable Communities (EOHLC) determines that the calculation detailed above does not comply with the provisions of Section 3A, the following standard shall apply.

- (1) Any development within the MCMOD shall conform to the requirements of Article XI, Inclusionary Development, of these Zoning Bylaws, with the exception that the MCMOD shall require 10% of the total units be established as affordable housing units and where fractional units are the result, the number of affordable units shall be rounded down to the next whole number. For example, in MCMOD developments of 12 units, one affordable unit (as defined in Chapter 210) shall be created (1.2 units rounded down to one unit); in developments of 17 units, one affordable unit shall be created (1.7 units rounded down to one unit); and so on.

### §210-259. Site Plan Review.

- A. **Applicability.** Site Plan Review is required for any project proposed within the MCMOD. An application for Site Plan Review shall be reviewed by the Permitting Authority for consistency with the purpose and intent of Sections 210-254. Permitted Uses through 210-258. Affordability.
- B. **Submission Requirements.** As part of any application for Site Plan Review for a project within the MCMOD, the Applicant must submit the following documents to the Planning Board:
  - (1) Application and fee for Site Plan Review.

- (2) Site plans that show the position of the building on the site, points of vehicular access to and from the site and vehicular circulation on the site, stormwater management, utilities, and landscape treatments, including any screening of adjacent properties, and other information commonly required by Municipality for Site Plan Review.
- (3) Elevations of the building(s) showing the architectural design of the building.
- (4) All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1"=40') or larger, or at a scale as approved in advance by the Planning Board.
- (5) Narrative of compliance with the applicable design standards of this Article.

**C. Timeline.** The Planning Board shall hold a public hearing within 65 days of the filing of any application for a MCMOD Site Plan and shall file a decision within 90 days of the close of the hearing. Notice of the time, place, and subject matter of the public hearing shall be given by the Planning Board, at the expense of the Applicant, to the Applicant and to all owners of land abutting the land being the subject of such application as appearing on the most recent tax list on file at the Assessor's Office. In addition, the Planning Board shall also give notice of the time, place, and subject matter of the public hearing, at the expense of the Applicant, by advertisement in a newspaper of general circulation in the Town, once in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing. The Planning Board may, when appropriate, seek the input of other municipal boards or officials. In general, site plan review should be completed no more than six months after the submission of the application, unless extended by written permission of the Applicant.

**D. Site Plan Approval.** Site Plan approval for uses listed in Section 210-254. Permitted Uses shall be granted upon determination by the Planning Board that the following conditions have been satisfied. The Planning Board may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied.

- (1) The Applicant has submitted the required fees and information as set forth in Hopkinton's requirements for a Building Permit and this Section 210-259, Site Plan Review; and
- (2) The project as described in the application meets the development standards set forth in Section 210-257. General Development Standards, unless any requirements have been waived by the Planning Board.

**E. Project Phasing.** An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Planning Board, provided that the submission shows the full buildout of the project and all associated impacts as of

the completion of the final phase. However, no project may be phased solely to avoid the provisions of Section 210-258. Affordability Requirements.

**Section 210-260. Severability.**

If any provision of this Article is found to be invalid by a court of competent jurisdiction, the remainder of Article shall not be affected but shall remain in full force. The invalidity of any provision of this Article shall not affect the validity of the remainder of the Hopkinton Zoning Bylaw.

Pass any vote or take any act relative thereto.

**ARTICLE: 40 Zoning Map Change, 1 Colonial Ave., 81 Hayden Rowe, 83 Hayden Rowe; 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 1 Colonial Avenue shown on Assessor Map U22, Block 38, Lot 0, and land at 81 Hayden Rowe shown on Assessor Map U19, Block 175, Lot 0, and land at 83 Hayden Rowe shown on the Assessor Map U19, Block 175, Lot 2 from the Residential A, (RA) District to Business (B) District.

Pass any vote or take any act relative thereto.

**GENERAL BYLAW AMENDMENTS**

**ARTICLE: 41 Amend Noncriminal Disposition Bylaw; Sponsor: Conservation Commission**

To see if the Town will vote to amend the General Bylaws, Chapter 1, Article II, Section 1-4 Penalties enumerated, by inserting a new row at the end of the section to read as follows:

<b>Citation to Law, Bylaw, Rule or Regulation, if Applicable</b>	<b>Subject of Bylaw and Enforcing Person</b>	<b>Penalty</b>
Wetlands Protection (Ch. 206)	Wetlands Protection  Conservation Administrator, Environmental and Inspectional Services Coordinator, Conservation Commission Members or Agents as designated by the Conservation Commission or Conservation Administrator	\$300 per violation, each day being a separate offense

Pass any vote or take any act relative thereto.

**ARTICLE: 42 General Bylaw Amendment – Membership Requirements for Certain Committees; Sponsor: Select Board**

To see if the Town will amend Chapter 5, Boards, Committees and Commissions, of the General Bylaws as follows:

1. By deleting “registered voters” and inserting in its place “residents” in the first sentence of Article I, Appropriation Committee, Item A of Section 5-1 “Appointment; compensation; duties” as follows:

There shall be an Appropriation Committee of five Hopkinton ~~registered voters~~ **residents** of sound business experience or good judgment, who shall serve without pay and who shall consider any and all questions involving the expenditure of money, for the purpose of making reports or recommendations thereon to the Town.

2. By deleting “registered voters” and inserting in its place “residents” in Article V, Capital Improvement Program Committee, Item B in Section 5-18 “Establishment” as follows:

B. The Committee shall consist of five ~~registered voters~~ **residents** of the Town of Hopkinton (hereinafter “town”), none of whom is a Town employee or Town official (either elected or appointed), who shall be appointed as provided in § 5-19.

3. By deleting “registered voters” and inserting in its place “residents” in the first sentence of Article VI, Community Preservation Committee, Section 5-23 “Establishment; membership; terms; vacancies; appointments” as follows:

There shall be established in the Town pursuant to G.L. c. 44B, sec. 5(a) a Community Preservation Committee (the “Committee”). The Committee shall consist of nine (9) members, which shall include one member of the Hopkinton Conservation Commission as designated by that Commission; one member of the Hopkinton Historical Commission as designated by that Commission; one member of the Planning Board as designated by that Board; one member of the Parks and Recreation Commission as designated by that Commission; one member of the Hopkinton Housing Authority as designated by that Authority; one member of the Hopkinton Open Space Preservation Commission as designated by that Commission; and three members to be appointed at large from the ~~registered voters~~ **residents** of the Town by the Select Board.

Pass any vote or take any act relative thereto.

**ARTICLE: 43 General Bylaw Amendment - Admission to Town Meeting Hall; Sponsor: Select Board**

Select Board Chair Muriel Kramer \_\_\_\_\_

To see if the Town will vote to amend Article I of Chapter 47, Town Meetings, of the General Bylaws, by deleting Section 47-4 in its entirety and inserting a new Section 47-4 with a new title as follows:

§47-4. Admission to Town Meeting Hall, Voters and Residents.

The Moderator shall designate an area for non-voters to attend the town meeting. The Moderator may move the non-voter section to an overflow area to ensure priority seating is given to voters. Said overflow section must also have suitable audio and visual access to the main section of the hall.

A list of non-voting residents in attendance will be maintained by the Town Clerk to verify access to the hall using the data from the annual street list, and the Town Clerk will provide means to identify said residents.

Any resident of the Town of Hopkinton may, when recognized by the Moderator in accordance with the rules of the hall, be recognized to speak on the article under discussion.

Pass any vote or take any act relative thereto.

**ARTICLE: 44 General Bylaw Amendment - Leash Law; Sponsor: Trail Coordination and Management Committee**

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

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:

- A. No person who owns or keeps a dog or dogs shall allow the same to run free between the hours of 7:00 a.m. and 8:00 p.m. unless said dog is on the owner's or keeper's premises. Any dog not on the premises of its owner or keeper between said hours shall be leashed and curbed, provided that the said leashing or curbing shall not apply to a hunting dog under direct command of its owner or keeper while training or working in the field, and except as allowed by 62-3 B and 62-3 C below. For purposes of this Section, "leashed" shall mean a restraint providing a continuous physical connection between a dog and its owner or keeper and shall not include electronic leashes, e-collars, or similar devices.
- B. A dog is permitted to be off-leash within the confines of the fence at the Hopkinton Dog Park provided that the dog is under the direct command of its owner or keeper while in the dog park and the owner or keeper is responsible for curbing the dog.

- C. The Select Board may from time to time allow exceptions to 62-3 A for the purpose of temporarily testing alternative dog control approaches within the town. The public shall be informed of such temporary exceptions by notice in a local news medium.

Pass any vote or take any act relative thereto.

### **LAND ACQUISITION AND DISPOSITION**

#### **ARTICLE: 45 Accept Gift of Land - Whisper 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 the following parcels of land: 1) an approximately 20.596 acre parcel located at 0 Wood Street, shown on Hopkinton Assessors Map U14 Block 28 Lot A; and 2) an approximately 5 acre parcel located at 0 Wood Street, Hopkinton Assessors Map U14 Block 28 Lot K; parcels shown as parcel "Open Space" on a plan entitled "Easement Plan in Hopkinton, MA (Middlesex County)", prepared by Precision Land Surveying, Inc. dated November 6, 2023, and "Parcel C" on a plan entitled "Plan of Land in Hopkinton, MA (Middlesex County)", prepared by Precision Land Surveying Inc., dated November 5, 2023, copies of which are available for inspection at the Office of the Town Clerk, and said land to be used for open space purposes.

Pass any vote or take any action relative thereto.

#### **ARTICLE: 46 Accept Gift of Land - Connelly Farm Subdivision; Sponsor: Planning Board**

To see if the Town will vote to authorize the Select Board to acquire, by gift, a fee interest in a certain parcel of land consisting of a 17.94± acre parcel shown as Parcel A on a plan entitled "Definitive Residential Subdivision 'Connelly Farm' Definitive Subdivision Plan in Hopkinton, MA", prepared by J.D. Marquedant & Associates Inc., dated March 15, 2021, last revised February 8, 2022, a copy of which is available for inspection at the Office of the Town Clerk, said land being a portion of property located at 0 Hayden Rowe (Hopkinton Assessors Map U25 Block 22 Lot A), and said land to be used for open space purposes.

Pass any vote or take any action relative thereto.

#### **ARTICLE: 47 Accept Gift of Land - Elmwood III Subdivision; Sponsor: Select Board**

To see if the Town will vote to authorize the Select Board to acquire, by gift, a fee interest in a certain parcel of land consisting of 4.793 acres in Parcel A as shown on a plan entitled "Plan of Land in Hopkinton, Massachusetts" prepared by GLM Engineering Consultants, Inc. and dated December 11, 2023, a copy of which is available for inspection at the Office of the Town Clerk, said land being a portion of property located off Blueberry Lane and Myrtle Avenue, as shown on Assessors Map U23 Block 63 Lot 0; said land to be used for open space purposes.

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Pass any vote or take any action relative thereto.

**ARTICLE: 48 Easement, Lake Maspenock Dam Operations & Maintenance; Sponsor: Director of Public Works**

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 Pine Island Road as shown as “Map 10 Lot 44, Pine Island Road, N/F Town of Milford, Plan BK 66681 PG 234” on a plan entitled “Proposed Easement Plan”, prepared by Pare Corporation, and dated January 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 10 Lot 44, and said easement to be used for operations and maintenance of the Lake Maspenock Dam.

Pass any vote or take any action relative thereto.

**ARTICLE: 49 Property Disposition - 0 Duffield Road and 0 Beach Street; Sponsor: Select Board**

To see if the Town will vote to authorize the Select Board, on behalf of the Town, to sell or otherwise dispose of two parcels of land: 1) 0 Duffield Road shown on Assessors Map L35 131 0 consisting of approximately 3,920 square feet of land; and 2) 0 Beach Street shown on Assessors Map L35 136 0 consisting of approximately 2,178 square feet of land; as well as all buildings and appurtenances thereon, under such terms as it may determine.

Pass any vote or take any action relative thereto.

**ARTICLE: 50 Transfer Care, Custody & Control of Echo Trail Parcels; Sponsor: Open Space Preservation Commission**

To see if the Town will vote to transfer the care, custody and control of the two Echo Trail parcels to the Open Space Preservation Commission, which will facilitate the placement of a Conservation Restriction on the parcels that identifies the Open Space Preservation Commission as the responsible Town entity. Parcels are located at 0 Granite Street (U25-11-0) and 0 Hayden Rowe (R34-16-1).

Pass any vote or take any action relative thereto.

**ADMINISTRATIVE**

**ARTICLE: 51 Amend Town Charter - Housekeeping; Sponsor: Select Board**

To see if the Town will vote to authorize the Select Board to petition the General Court of the Commonwealth, on behalf of the Town, for passage of special legislation substantially as

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provided below; provided, however, that the General Court may make clerical or editorial changes of form only to said legislation, unless the Select Board votes to approve amendments thereto; and provided further that the Select Board is hereby authorized to approve amendments that shall be within the scope of the general public objectives of said petition.

AN ACT AMENDING THE CHARTER OF THE TOWN OF HOPKINTON TO CORRECT A  
STATUTORY REFERENCE

SECTION 1. Article 3, section 3-1, subsection (d) of the charter of the town of Hopkinton, which is on file in the office of the archivist of the Commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the text "M.G.L. c.41 §97" and inserting in place thereof the following text: "M.G.L. c.41 §97A".

SECTION 2. This act shall take effect upon its passage.

Pass any vote or take any action relative thereto.

**ARTICLE: 52 Establish Government Study Committee; Sponsor: Citizens Petition**

To see if the Town of Hopkinton will vote to form a Government Study Committee ("GSC"). Said GSC would be charged with the following duties:

- (1) to study and report on the Town of Hopkinton's ("Town's") current forms of government and actual governance;
- (2) to examine the models of government in comparable communities across the Commonwealth of Massachusetts;
- (3) to report on the strengths of the Town's current government and governance;
- (4) to report on the weaknesses of the Town's current government and governance;
- (5) to recommend any amendments to the Town's Home Rule Charter (the "Charter") so as to improve the Town's form of government;
- (6) to recommend any amendments to the Town's Bylaws so as to improve the Town's form of government;
- (7) to recommend any amendments to the Town's governing practices so as to improve the Town's form of government; and,
- (8) to facilitate the Town's citizens' engagement with and discussion about the GSC's work.

Said GSC shall consist of the following seven members:

- (1) one appointed by the Town Moderator within 90 calendar days of the completion of the next Annual Town Meeting;
- (2) one appointed by the Town Clerk within 90 calendar days of the completion of the next Annual Town Meeting;
- (3) one appointed by the Select Board within 90 calendar days of the completion of the next Annual Town Meeting; and,



(4) four chosen by the Board of Registrars of Voters within 90 calendar days of the completion of the next Annual Town Meeting from a pool of applicants to be collected by said Board of Registrars of Voters between the completion of the next Annual Town Meeting and 89 calendar days from the completion of the next Annual Town Meeting.

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 \_\_\_\_\_, 2024.

SELECT BOARD  
TOWN OF HOPKINTON

\_\_\_\_\_  
Muriel Kramer, Chair

\_\_\_\_\_  
Shahidul Mannan, Vice Chair

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

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

\_\_\_\_\_  
Irfan Nasrullah

A TRUE COPY  
ATTEST:

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

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

I HEREBY CERTIFY THAT I HAVE SERVED THE FOREGOING WARRANT BY POSTING A TRUE AND ATTESTED COPY THEREOF IN (1) TOWN HALL, (2) ALL POST OFFICES, (3) THE PUBLIC LIBRARY, (4) THE SENIOR CENTER, AND (5) AT LEAST ONE PUBLIC

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SAFETY BUILDING, AT LEAST EIGHT (8) DAYS PRIOR TO THE TIME OF HOLDING SAID MEETING.

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Constable of Hopkinton

Select Board Chair Muriel Kramer \_\_\_\_\_