

Annual Town Meeting Result Summary

Monday, May 7 and Tuesday, May 8, 2012

Please refer to the warrant for the complete wording of each article.

Article 1: Accept Annual Reports

Vote Required: Majority **Vote:** Majority in favor

Article 2: Additional Capital Share at Minuteman Regional School District

Vote Required: Majority **Vote:** Unanimous in favor

Article 3: Fiscal Year 2013 Operating Budget

Vote Required: Majority **Vote:** Majority in favor

Article 4: Tree Replacement Program

Vote Required: Majority **Vote:** Majority in favor

Article 5: Replacement of Self-Contained Breathing Apparatus and Turnout Gear for Fire Department

Vote Required: Majority **Vote:** Unanimous in favor

Article 6: Repair or Replacement of Sugar Road Culverts

Vote Required: Majority **Vote:** Majority in favor

Article 7: Establishment of Stabilization Fund for Minuteman Regional School District

Vote Required: Majority **Vote:** Majority in favor

Article 8: Field and Track Replacement Project at Nashoba Regional High School

Vote Required: Majority **Vote:** YES – 177 – Oppose Field and Track
NO – 330 – In Favor of Field and Track
Defeated - Majority Opposed to motion

Article 9: Reauthorization of a Revolving Fund for Web-based Municipal Software Services

Vote Required: Majority **Vote:** Unanimous in favor

Article 10: Re-Numbering and Revision of the Bolton Administrative Bylaws

Vote Required: Majority **Vote:** Majority in favor

Article 11: Re-Numbering and Revision of the Bolton Zoning Bylaws

Vote Required: 2/3 Majority **Vote:** Passed - 2/3 Majority in favor

Article 12: Amendment to the Zoning Bylaws to add Section 2.4.3 Line of Sight at Intersections

Mr. Wagner made a motion to remove entire Section 2.4.3.5.3. Motion was seconded. After some discussion the motion was withdrawn by Mr Wagner.

A reworded motion was made by Mr. Wagner to remove in Section 2.4.3.5.3. ‘hedges, brush and other vegetation’. Motion was seconded. The moderator called for a hand counted vote.

Vote: YES – 280 NO – 191 **Motion to amend passed by Majority.**

Upon advice from Town Counsel Gary Brackett, a motion was made to add the wording ‘hedges, brush and other vegetation’ from Section 2.4.3.5.3. to Sections 2.4.3.6.1. and 2.4.3.8.1. Motion was seconded. The moderator called for a vote.

Vote: Motion to amend passed by Majority.

Vote Required: 2/3 Majority **Vote:** Declared 2/3 majority

Article 13: Creation of a Five-Member Conservation Commission

Vote Required: Majority **Vote:** Defeated – Majority opposed

Article 14: Fyfeshire Dam

Vote Required: Majority **Vote:** Unanimous in favor

Article 15: Amendment to the Zoning Bylaws, Section 2.5.5.7 Design Review Criteria

Vote Required: 2/3 Majority **Vote:** Unanimous in favor

Article 16: Citizen’s Petition – Rezoning

The Town voted not to re-zone the following parcels located in the Town of Bolton to zoning designation “Business”: Map 4.D Lot 34, Map 4.D Lot 33, Map 4.D Lot 30, Map 4.D Lot 61, Map 4.D Lot 28, and to re-zone a portion (1.30 acres) of the following parcel located in the Town of Bolton to zoning designation “Business”: Map 4.D Lot 71.

Sponsor: Citizen’s Petition

Vote Required: 2/3 Majority **Vote:** Defeated – Not 2/3 majority in favor

Article 17: Amendment to the Zoning Bylaws to Add a New Section 2.5.10 Village Overlay District (BVOD)

Ms. Ochsenein made a motion to amend Article 17 as follows:

“Section 2.5.10, Paragraph under “LOCATION”: Change the third line of paragraph to replace the words “**and consisting of**” with the word “**excluding**” as shown below:

The Bolton Village Overlay District includes properties zoned as Business and Limited Business as shown on the Town’s Base Map and identified as the business and limited business zoned parcels just east and west of 495 excluding land zoned business designated on the Bolton Assessors Map as Map 2, Parcel 19 with an address of 626 Main Street.”

Motion was seconded. The moderator called for a hand counted vote.

Vote: YES – 202 NO – 132 **Motion to amend passed by Majority.**

Vote Required: 2/3 Majority **Vote:** Defeated – Not 2/3 majority in favor

Articles 18, 19, 20, 21, 22, 23: Various Zoning Amendments Related to Village Overlay District

Moderator initiated the use of a Consent Calendar for Articles 18, 19, 20, 21, 22, 23. After no ‘holds’ were voiced for any individual article, a motion was made by Mr. Storey, Chairman of the Planning Board to Passover the articles together since Article 17 was defeated.

Vote Required: Majority **Consent Calendar Vote:** Majority in favor to Passover

Article 18: Amendment to the Zoning Bylaws, Section 2.3.3 Mixed Uses

Vote Required: 2/3 Majority **Vote:** Majority in favor to Passover

Article 19: Amendment to the Zoning Bylaws, Section 2.3.5.2 Dimensional Schedule

Vote Required: 2/3 Majority **Vote:** Majority in favor to Passover

Article 20: Amendment to the Zoning Bylaws, Section 2.3.5.3 One Building Per Lot

Vote Required: 2/3 Majority **Vote:** Majority in favor to Passover

Article 21: Amendment to the Zoning Bylaws, Section 2.3.5.6 Building Heights

Vote Required: 2/3 Majority **Vote:** Majority in favor to Passover

Article 22: Amendment to the Zoning Bylaws, Section 2.4.1.3 Parking

Vote Required: 2/3 Majority **Vote:** Majority in favor to Passover

Article 23: Amendment to the Zoning Bylaws, Section 2.5.9.3 Applicability

Vote Required: 2/3 Majority **Vote:** Majority in favor to Passover

Motion made at 11:30 P.M. to vote to continue the Annual Town Meeting until 7:00 PM on Tuesday, May 8, 2012.

Vote Required: Majority **Vote:** Majority in favor

Article 24: Amendment to the Zoning Bylaws, Section 2.6 Definitions

Mr. Stegner made a motion to amend by removing the entire second paragraph beginning with “The intent of the regulation”. Motion was seconded. Town Counsel Gary Brackett advised the language be kept in since it had already been reviewed and approved by the Attorney General.

The moderator called for a vote. **Vote: Motion to amend was defeated by majority.**

Vote Required: 2/3 Majority **Vote:** Passed - 2/3 majority in favor

Article 25: Amendment to the Zoning Bylaws, Section 2.3.4 Use Table

Vote Required: 2/3 Majority **Vote:** Passed - 2/3 majority in favor

Article 26: Amendment to the Zoning Bylaws, Section 2.6, Definitions, Base Map

Vote Required: 2/3 majority **Vote:** Unanimous in favor

Article 27: Amendment to the Zoning Bylaws, to add Section 2.5.8 Commercial Solar Photovoltaic
Renewal Energy Installations

Mr Storey, Chairman of the Planning Board, made a new main motion amending Section 2.5.8.7.1 Financial Surety as follows:

“Proponents of COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION projects shall provide a (*bond*) non-cancellable surety bond or other form of surety approved by the Planning Board to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Special Permit and Site Plan Approval Granting Authorities, but in no event to exceed more than 150 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent.”

Mr. Cote made a motion to amend Section 2.5.8.2.1 to remove “Residential District”. After some discussion the Moderator called for a vote.

Vote: Motion to amend was defeated-majority opposed.

Mr. Pelletier made a motion to amend Section 2.5.8.1 Purpose by adding the phrase “ 250 kW or larger of rated nameplate capacity.” to the end of the section.

After some discussion the Moderator called for a vote.

Vote: Motion to amend was defeated-majority opposed.

Vote Required: 2/3 Majority **Vote:** Unanimous in favor of motion as moved

Article 28: Amendment to the Zoning Bylaws, Section 2.3.4 Use Table

Vote Required: 2/3 Majority **Vote:** Unanimous in favor

Article 29: Citizen's Petition - Solar Property Tax Agreement, 125 Still River Road

Jeff Nichols, Chairman of the Board of Assessors made a new main motion as follows:

“That the Town vote to authorize the Board of Selectmen and the Board of Assessors to negotiate and enter into a tax agreement on behalf of the Town, as authorized by Mass. Gen. Laws c. 59, §38H, with Syncarpha Solar LLC (or a special purpose entity with Syncarpha Solar, LLC as its manager) said tax agreement to be an Agreement for Payment in Lieu of Taxes (PILOT), regarding the development of a ground-mounted solar photovoltaic facility with an estimated AC-rated capacity of 4.95 +/- megawatts to be installed on a portion of the property located at 125 Still River Road in Bolton for a term of up to 25 years and, further, that the Town ratify and approve the PILOT agreement made between the Board of Selectmen and the Board of Assessors with Syncarpha Solar LLC for the period July 1, 2012 through June 30, 2038.”

Vote Required: Majority **Vote:** Unanimous in favor of motion as moved

Article 30: Local Historic District Commission

A motion was made by Iris Bedrow, Chairman of Local Historic District Study Committee, to Passover the article.

Vote Required: Majority **Vote:** Majority in favor to Passover

Vote Required to Passover: Majority **Vote:** Majority in favor to Passover

Article 31: Citizen's Petition – Tree Trimming Bylaw

A motion was made by Brian Cote, proponent of article, to Passover the article.

Vote Required to Passover: Majority **Vote:** Majority in favor to Passover

Article 32: Citizen's Petition – Town Meetings and Warrants Bylaw

A motion was made by Brian Cote, proponent of article, to Passover the article.

Vote Required to Passover: Majority **Vote:** Majority in favor to Passover

Article 33: Authorize Town Election

Vote Required: Majority **Vote:** Unanimous in Favor

Meeting dissolved at 8:40 P.M.