

ANNUAL TOWN MEETING
Monday, May 1, 2006
Nashoba Regional High School Auditorium
7:00 p.m.

Moderator, James D. Anker, called the meeting to order at 7:03 p.m. after determining more than the required quorum of 75 voters had checked in. Introductions of the Selectmen and Advisory Committee, Town Administrator, Town Clerk and Moderator were made. Thanks were given to Gary Perwak at the Power Point, and to all the volunteers and high school staff who helped with set up. Duly sworn to faithful service for the evening were checkers: Phyllis Langberg, Pam Sowizral, Barbara Wheeler, Cia Ochsenbein and counters: Joyce Miller, Alice Roemer, Susan Miles, Robert Busch, Cathy Haslett, Cia Ochsenbein, Pam Sowizral, Roger Breeze, Marnie Smith, John Hannon, and Marty Fitzgerald.

The Board of Selectmen paid a special tribute to Pierino (Gigi) Bonazzoli for his long and faithful service to the Town as Ambulance Director, EMT, and Firefighter. He was presented an engraved silver bowl and a standing ovation.

Article 1: Unpaid Bills for Fiscal Year 2005

The Town voted to transfer the following for the purpose of paying unpaid FY05 bills, pursuant to Massachusetts Generals Laws, Chapter 44, Section 64:

\$8,402.90	From Free Cash To pay Roberts Electric
\$ 22.85	From Free Cash To pay Verizon
\$1,483.76	From Ambulance Receipts Reserved To pay Marlboro Hudson Ambulance Service

Sponsor:	Board of Selectmen	
Board of Selectmen Recommendation:	Approved	
Advisory Committee Recommendation:	Approved	
Vote Required:	4/5 majority	VOTE: Unanimous in favor

Article 2: Accept Annual Reports

The Town voted to accept the reports of the Board of Selectmen and Advisory Committee, or any other Town officers, boards, or committees for the calendar year 2005.

Sponsor:	Board of Selectmen	
Board of Selectmen Recommendation:	Approved	
Advisory Committee Recommendation:	Approved	
Vote Required:	simple majority	VOTE: Unanimous in favor

Article 3: Fiscal Year 2006 Budget Transfers

The Town voted to transfer the following:

\$7,000	From Ambulance Receipts Reserved
---------	----------------------------------

\$6,000 To 0100-231-5200-000 Ambulance Purchase of Services
From 0100-299-5134-000 Communications Wages
To 0100-210-5133-000 Police Wages
\$4,000 From 0100-299-5200-000 Communications Purchase of Services
To 0100-210-5133-000 Police Wages
\$5,000 From Free Cash
To 0100-210-5133-000 Police Wages
\$12,000 From Free Cash
To 0100-210-5102-000 Police Salary
\$10,000 From Free Cash
To 0100-132-5790-000 Reserve Fund

Sponsor: Board of Selectmen
Board of Selectmen Recommendation: Approved
Advisory Committee Recommendation: Approved
Vote Required: simple majority VOTE: Unanimous in favor

Article 4: FY2006 Receipts Reserved for Appropriation Sale of Real Estate – Moen Land

The Town voted to transfer from the account receipts reserved for appropriation from the sale of real estate – Moen land, the sum of \$203,955.67 (Two hundred three thousand nine hundred fifty-five dollars and sixty-seven cents) to offset the repayment of debt incurred in the procurement of such property in accordance with Massachusetts General Laws, Chapter 44, Section 63.

Sponsor: Board of Selectmen
Board of Selectmen Recommendation: Approved
Advisory Committee Recommendation: Approved
Vote Required: simple majority VOTE: Unanimous in favor

Article 5: School Space Needs

The Town voted to transfer the sum of \$10,000 (Ten thousand dollars) that was appropriated under Article 5 of the May 2005 Annual Town Meeting to be used by the School Space Needs Committee to evaluate space opportunities for school population growth.

Sponsor: Board of Selectmen
Board of Selectmen Recommendation: Approved
Advisory Committee Recommendation: Approved
Vote Required: simple majority VOTE: Unanimous in favor

Article 6: Fiscal Year 2007 Operating Budget

The Town voted to raise and appropriate or transfer from available funds the sum of \$16,103,339 (Sixteen million one hundred three thousand three hundred thirty-nine dollars) as set forth in the budget for the purposes of operating and maintaining the various departments of the Town, and to meet such appropriation:

- a. The sum of \$495,841 (Four hundred ninety-five thousand eight hundred forty-one dollars) to be transferred from Free Cash;
- b. The sum of \$85,000 (Eighty-five thousand dollars) from the Cell Tower Fund;

- c. The sum of \$14,410 (Fourteen thousand four hundred ten dollars) from the Dog Fund to be applied to the Animal Control Officer budget;
- d. The sum of \$68,000 (Sixty-eight thousand dollars) from the Ambulance Receipts Reserved Fund to be applied to the Ambulance Department budget;
- e. The sum of \$15,440,088 (Fifteen million four hundred forty thousand eighty-eight dollars) to be raised by taxation.

Sponsor: Board of Selectmen

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: simple majority

VOTE: Unanimous in favor

Article 7: Purchase and Installation of a Vehicle Exhaust Emissions System at Fire Station

The Town voted to transfer the sum of \$6,200 (Six thousand two hundred dollars) from available funds, pursuant to any applicable statute for the purchase and installation of an exhaust emissions system for one diesel fire engine at the Fire Station, with the transfers to be funded from Free Cash and the unexpended balances from the following articles as follows:

The sum of \$133.05 (One hundred thirty-three dollars and five cents) from Article 12 of the May 6, 2002 Annual Town Meeting for the pumper truck,

The sum of \$2,250.00 (Two thousand two hundred fifty dollars) from Article 23 of the May 3, 2004 Annual Town Meeting for the police facility consultant, and

The sum of \$3,816.95 (Three thousand eight hundred sixteen dollars and ninety-five cents) from Free Cash;

Sponsor: Fire Department
Board of Selectmen Recommendation: Approved
Advisory Committee Recommendation: Approved
Vote Required: simple majority VOTE: Unanimous
in favor

Article 8: Design and Construct a Wastewater Treatment Plant at Sawyer and Emerson Schools

The Town voted to appropriate the amount of \$2,500,000 (Two million five hundred thousand dollars) for the purpose of design, construction and start-up of a wastewater treatment plant at the Florence Sawyer and Emerson Schools; to expend all funds available for the project and to take any other action necessary to carry out the project; and to authorize the Treasurer, with the approval of the Board of Selectmen, pursuant to Massachusetts General Laws, Chapter 44, Section 7(1), or any other authority, to borrow that amount, and to issue bonds or notes of the Town, the principal and interest on the borrowing authorized by this vote to be exempt from the limitation on total taxes imposed by Massachusetts General Laws, Chapter 59, Section 21C (Proposition 2½) only in the event that the voters exempt said borrowing amount at the annual Town election; and that the vote of the Town passed under Article 8 of the warrant for the 2004 Annual Town Meeting which vote appropriated and authorized a borrowing of \$413,000 (Four hundred thirteen thousand dollars) for the purpose of upgrading the septic system of the Florence Sawyer and Emerson Schools is hereby rescinded.

Sponsor: Board of Selectmen
Board of Selectmen Recommendation: Approved
Advisory Committee Recommendation: Approved
Vote Required: 2/3 majority VOTE: Majority in
favor

Article 9: Continuation of Cleanup of Gasoline Contamination

The Town voted to transfer the sum of \$30,000 (Thirty thousand dollars) from available funds, pursuant to any applicable statute, for the continuation of the cleanup of the gasoline contamination on Town and private land which resulted from the leaking underground gasoline storage tanks at the Highway Department, with the transfers to be funded from the unexpended balances from the following articles:

1. The sum of \$335.15 (Three hundred thirty-five dollars and fifteen cents) from Article 12 of the May 6, 2002 Annual Town Meeting for the pumper truck,
2. The sum of \$6,370.15 (Six thousand three hundred seventy dollars and fifteen cents) from Article 17 of the May 3, 2004 Annual Town Meeting for the step increases for non-union employees,
3. The sum of \$3,989.79 (Three thousand nine hundred eighty-nine dollars and seventy-nine cents) from Article 5 of the November 18, 2004 Special Town Meeting for the Smith property study,
4. The sum of \$9,304.91 (Nine thousand three hundred four dollars and ninety-one cents) from Article 3 of the November 18, 2004 Special Town Meeting for the Local Planning Study, and
5. The sum of \$10,000 (Ten thousand dollars) from Article 5 of the May 2, 2005 Annual Town Meeting for the Future Electronics Study.

Sponsor: Department of Public Works
 Board of Selectmen Recommendation: Approved
 Advisory Committee Recommendation: Approved
 Vote Required: simple majority VOTE: Unanimous
 in favor

Article 10: Tree Replacement Program

The Town voted to transfer from available funds the sum of \$3,000 (Three thousand dollars) to commence a shade tree replacement program beginning within the Bolton Center National Register Historic District.

Sponsor: Tree Warden, Historical Commission
 Board of Selectmen Recommendation: Approved
 Advisory Committee Recommendation: Approved
 Vote Required: simple majority VOTE: Majority in
 favor

Article 11: Library Expansion

After a presentation of the article by Christopher Nelson, an opposing view by Wayne Wetzel, an Advisory Committee statement for by Scott Powell and against by

Christopher Slade and much discussion the motion was made to: Move the
Question: Vote: 2/3 majority in favor

Article 11: Library Expansion

The Town voted to appropriate the sum of \$7,029,532 (Seven million twenty-nine thousand five hundred and thirty-two dollars) for the use of the Bolton Public Library for expansion, construction, renovation, furnishing, and equipping and any associated costs of an addition to the Library and any associated costs, including design services, and for remodeling and renovating space within the existing building; that to meet this appropriation, the Board of Selectmen and the Library Board of Trustees are authorized to accept a grant in the amount up to \$2,487,906 (Two million four hundred eighty-seven thousand nine hundred six dollars) from the Massachusetts Board of Library Commissioners, and donations in the amount of \$1,041,626 (One million forty-one thousand six hundred and twenty-six dollars) provided by other parties and, to authorize the Treasurer, with the approval of the Board of Selectmen, pursuant to Massachusetts General Laws, Chapter 44, Section 7 or any other authority, to borrow the amount of \$3,500,000 (Three million five hundred thousand dollars) and to issue bonds and notes of the Town; the borrowing to be contingent on the Town voting to exempt from the limitation on total taxes imposed by Massachusetts General Laws, Chapter 59, Section 21C (Proposition 2½) the principal and interest on the borrowing authorized by this vote; provided however that, to the extent the grant and donations are less than the amount set forth above, the appropriation shall be reduced accordingly; and that the Library Board of Trustees be authorized to expend the monies so appropriated for the foregoing purposes, to contract for and expend any additional State or Federal aid or gifts or donations available for the project, and to take all action necessary to carry out this project, except that the Board of Selectmen shall not execute any contract amount in excess of the appropriation.

Sponsor: Library Board of Trustees
Board of Selectmen Recommendation: Approved
Advisory Committee Recommendation: No Recommendation (3 in favor/3 opposed)
Vote Required: 2/3 majority VOTE: 383 in favor 175 opposed

Article 12: Amendment to the Administrative Bylaws, Section 1.18 Wetlands Bylaw

Motion made to amend Article 12:

In paragraph 1 of section 1.18.2 (which appears on page 12 of the warrant) eliminate the following language which begins on line 7:

“; and (b) land within three hundred feet (300’) of perennial rivers or streams also within an Area of Critical Environmental Concern (“ACEC”)”

In paragraph 2 of section 1.18.2 (which appears on page 12 of the warrant) eliminate the following language which begins on line 3:

“; perennial streams and rivers located within Area of Critical Environmental Concern (“ACEC”) where the adjacent upland resource area extends for three hundred (300’) feet from the top of the bank”

and

In paragraph 5 of section 1.18.2 (which appears on page 13 of the warrant) eliminate the following language on line 3:

“(or 300-feet in ACEC’s)”
in favor

VOTE: Declared Simple Majority

Motion made to indefinitely postpone Article 12: VOTE: Defeated Majority opposed

Article 12: Amendment to the Administrative Bylaws, Section 1.18 Wetlands Bylaw

The Town voted to amend the Wetlands Bylaw of the Town of Bolton, as follows (deletions in *parenthesis and italics*) and additions are underlined:

1.18 WETLANDS BYLAW

1.18.1 Purpose

The purpose of this Bylaw is to conserve and protect the (*wetlands, water resources*), resource areas, the resource interests, and natural resource services (*(collectively, known as “resource interests”)*), in the Town of Bolton by regulating activities (*and to prevent floods, erosion and sedimentation, storm damage, water pollution and net loss of resource area by controlling activities*) deemed by the Conservation Commission (“Commission”) likely to have a significant or cumulative adverse effect upon resource interests. Protected resource interests include, but are not limited to: flood control, storm damage prevention, public and private water supplies, ground water, water quality, prevention of pollution and sedimentation, fisheries, wildlife habitat, rare species habitat including rare plant species, agriculture, aquaculture, adjoining land areas and recreation deemed important to the community. Natural resource services may be classified as either ecological service -- the physical, chemical, or biological functions that one resource provides for another; or public service -- the public uses of natural resources or functions of natural resources that benefit the public. This Bylaw is intended to utilize the Home Rule authority of the Town of Bolton to conserve and protect additional resource areas, with additional standards and procedures stricter than those of the Wetlands Protection Act, (M.G.L. Ch. 131, Section 40),₂ and Regulations thereunder, (310 CMR 10.00).

Deleted: (*collectively, known as “resource interests”*)

1.18.2 Jurisdiction

Unless excepted in Section 1.18.3 (*herein*) or pursuant to a W(w)etlands Bylaw (*crossing*) P(p)ermit, no person shall commence to remove, fill, dredge, build upon, degrade, pollute, discharge into, or otherwise alter the following resource areas (*or land within 25 feet of the following*): any freshwater wetlands; marshes; wet meadows; bogs; swamps; vernal pool habitat, including but not limited to state certified vernal pools; banks; fresh water seeps; reservoirs; lakes; rivers; streams(*;*), and creeks(*;*), whether perennial or intermittent; riverfront areas which are (a) land within two hundred feet (200’) of perennial rivers or streams; beaches; lands under water bodies; lands subject to

flooding or inundation by ground water or surface water; and land within twenty-five feet (25') of the above resources areas, except for riverfront areas (collectively the “wetland resource areas” protected under this bylaw) and adjacent upland resource areas (collectively the “adjacent upland resource areas” protected under this bylaw). This 25-foot prohibition, however, shall not apply to crossings essential to access upland areas. Said resource areas shall be protected whether or not they border surface waters.

Adjacent upland resource areas shall include all lands within seventy-five feet (75') of wetland resource areas enumerated above, except for perennial streams and rivers for which the adjacent upland resource area extends for two hundred feet (200') from the top of the bank.

Deleted: 100

Except as expressly permitted by the (*Conservation*) Commission or as provided in this Bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, pollute, discharge into, or otherwise alter (*either*) a wetland resource area, or an adjacent upland resource area, as described above (*or land within 100 feet of the aforesaid resource areas*).

Where a proposed activity involves work within (*the*) a resource area (or within 100 feet of a resource area), the (*Conservation*) Commission shall presume that the area is significant to protect the resource interests, enumerated in Section 1.18.1, (as well as to protect the private and/or public water supplies, to protect groundwater, to protect fisheries, to protect wildlife habitat, to provide flood control, to prevent storm damage, and to prevent pollution).

Where the proposed activity involves work within the riverfront area, the Commission shall presume the area is significant to protect the riverfront area and its resource interests. This 200-foot presumption does not apply to the redevelopment of those portions of riverfront areas regarded as “previously developed” or “degraded,” or to “paths”. Orders of Conditions for redevelopment and paths are granted at the discretion of the Commission.

These presumptions (is) are rebuttable and may be overcome by a (clear showing) preponderance of the evidence showing that the resource area, (except for (or) land within (100) seventy-five feet (75') of riverfront areas) does not play a role in the protection of one or more of these interests. In the event that the presumption is deemed to have been overcome as to the protection of all the resource interests, the (Conservation) Commission shall make a written determination to this effect, setting forth its grounds.

Where the applicant provides information that the resource area at the site of activity does not play a role in the protection of an interest, the (*Conservation*) Commission may determine that the presumption for that interest has been rebutted. Where the applicant provides information that site of the activity plays a partial role in the protection of an interest, the (*Conservation*) Commission may determine that the

presumption for that interest has been partially rebutted and the presumption of significance is partially overcome.

1.18.3 Applicability, Limitations, and Exceptions

Where the presumption set forth in Section 1.18.2 is not overcome, the applicant shall prove by a preponderance of the evidence that there are no practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects on the interests identified in Section 1.18. (2)1. Further, the applicant shall prove that the work including proposed mitigation will have no significant adverse or cumulative adverse effect (impact) on the resource areas or resource interests. In the event that the (Conservation) Commission finds that the applicant has failed to make either of said proofs, it shall make a written determination setting forth its grounds in an Order of Conditions that shall impose conditions that will protect the interests which make the resource area significant or shall in a written determination deny the activity as it cannot be conditioned to protect the interests of the Bylaw and/or its regulations.

Deleted:)

To prevent (wetland) the loss of resource areas, applicants shall be required to avoid, where feasible, altering a resource area (or within 100 feet of a resource area) (except lands within seventy-five feet (75') of a riverfront area); minimize alteration of a resource area (or within 100 feet of a resource area) (except lands within seventy-five feet (75') of a riverfront area); and, where alteration is unavoidable, complete full mitigation. Replication of resource areas (except lands within seventy-five feet (75') of a riverfront area) (or within 100 feet of a resource area) may be required as a form of mitigation.

(Unless stated herein, the exceptions provided in the Wetlands Protection Act and the Wetlands Regulations, as amended, shall not apply to this Bylaw, and a permit shall be required as set forth in this Bylaw whether or not an order of conditions is also required under the Wetlands Protection Act.)

Exceptions to the Bylaw shall be limited to: maintaining, repairing or replacing, adding to, but not substantially changing or enlarging, an existing single-family residential structure, septic system or appurtenance; maintaining landscaping and gardens accessory to an existing single-family residential structure; lands lawfully in agriculture (commercial and non-commercial) at the time the work takes place; forest cutting (as defined in 310 CMR 10.04, 'Agriculture'(b) 14); maintaining or repairing, but not substantially changing or enlarging, an existing structure in (the wetland) a resource area (or within the first 25 feet of a wetland resource) such as drainage structures, culverts, bridges, driveways or roadways; maintaining or repairing, but not substantially changing or enlarging, fire protection water holes, artificial ponds; clearing of water courses, conservation and outdoor recreation; existing orders and filings before the Commission prior to the effective date of this Bylaw; public utilities (as defined in 310 CMR part 10.53 section (3)(d)); projects carried out under the direction of the U.S. Natural Resource Conservation Service; and emergency projects necessary for the protection of the health and safety of the public and subject to the provisions and conditions of 310

Deleted: or within the first 25 feet of a wetland resource,

CMR part 10.06. *(Within 21 days of commencement of an emergency project, a permit application shall be filed with the Commission for review as provided by this Bylaw).*

No activities other than the excepted activities(,) shall commence without receiving and complying with a permit issued pursuant to this Bylaw. No work proposed in any Wetlands Bylaw P(p) permit application shall be undertaken until the Wetlands Bylaw P(p) permit issued has been recorded in the registry of deeds, or if the land is registered land, filed in the appropriate land court, and until the holder of the Wetlands Bylaw P(p) permit certifies in writing that the Wetlands Bylaw P(p) permit has been recorded. Such certification shall include the book and page or instrument number and date.

1.18.4 Applications for Wetlands Bylaw Permits and Requests for Determination

Any person desiring to know whether a proposed activity is accepted or an area is subject to this Bylaw may request a determination from the Commission by filing a Request for Determination of Applicability (RFD). Such a Request for Determination of Applicability shall include information and plans as required by the Commission.

Written application shall be filed with the Commission to perform activities within the resource areas protected by this Bylaw. The Wetlands Bylaw P(p) permit application shall include such information and plans as deemed necessary by the Commission to describe proposed activities and their effects on the resources areas. Where appropriate, the Commission may accept the Notice of Intent and plans filed under the Wetlands Protection Act and the Regulations as the Wetlands Bylaw P(p) permit application and plans under this Bylaw.

At the time of a request for determination or a Wetlands Bylaw P(p) permit application, the applicant shall pay a filing fee specified in the Regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act (G.L. Ch 131 Section 40) and Regulations (310 CMR 10.00). The fee shall be deposited in a dedicated account, for use only for wetland protection activities. Town, county, state and federal projects are exempt from the filing fee.

The Commission is authorized to require the applicant to pay for the reasonable costs and expenses borne by the Commission for specific expert engineering or for other outside consultant services in order to reach a final decision on the application.

The Commission may require that the applicant's performance and observance of the Order of Conditions, including mitigation, be secured wholly or in part by one or more of the methods set forth in the Regulations. This security shall be in addition to any security required by any other town or state board, agency or official.

1.18.5 Notice and Hearings

Wetlands Bylaw Permit applications shall be filed with the Commission subject to the provisions and conditions of 310 CMR part 10.00 and the Commission may, in an appropriate case continue a public hearing for good cause and may combine its hearing under this Bylaw with the hearing conducted pursuant to the Wetlands Protection Act, M.G.L. Ch 131, Section 40 and Regulations, 310 CMR 10.00.

1.18.6 Wetlands Bylaw Permits, (Orders of Conditions) and Certificates of Compliance

Within 21 days of the close of the hearing the Commission shall issue or deny a Wetlands Bylaw P(p)ermit for the activities requested. If a Wetlands Bylaw P(p)ermit is issued, the Commission shall impose conditions, which the Commission deems necessary or desirable to protect resource areas, resource interests and natural resource services, and all activities shall be done in accordance with those conditions.

Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

Wetlands Bylaw Permits issued hereunder shall expire three years from the date of issuance and may be renewed by the applicant for additional one year periods only where a written request for renewal is received by the Commission not less than 30 days prior to the expiration of the Wetlands Bylaw P(p)ermit and that good cause has been shown for said extension and that there is no likely significant or cumulative adverse effect upon any of the resource areas or resource interests.

Notwithstanding the above, a Wetlands Bylaw P(p)ermit may contain requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land.

If the activity has been completed in accordance with said Wetlands Bylaw P(p)ermit, the Commission shall, within 21 days after a request, issue a Certificate of Compliance evidencing such determination, which may be combined with the Certificate of Compliance under the Wetlands Protection Act. A Certificate of Compliance may specify conditions, which will continue to apply for a fixed number of years or permanently and shall apply to all owners of the land. The Certificate of Compliance shall be recorded in the Registry of Deeds, or if the land is registered land, in the appropriate land court, and the Commission notified in writing by the holder of the Wetlands Bylaw P(p)ermit that the Certificate of Compliance has been recorded. Such notification shall include the book and page or instrument number and date.

Violations of this Bylaw, submission of false information or new information that substantially alters the likely impact of the project on the resource areas may cause the Commission to revoke or modify a Wetlands Bylaw P(p)ermit or determination issued under this Bylaw after notice to the holder of the Wetlands Bylaw P(p)ermit or determination, notice to the public, abutters and town boards, pursuant to Section 1.18.5 and a public hearing.

Appeal from this Bylaw shall be to the Superior Court (*within 45 days of the issuance of the Order of Conditions by the Conservation Commission*).

1.18.7 Regulations

After public notice and public hearing, the Commission may promulgate rules and regulations to effectuate the purpose of this Bylaw effective when voted and filed with the Town Clerk. Failure to promulgate such rules and regulations or a legal declaration of their invalidity by court of law shall not act to suspend or invalidate the effect of this Bylaw.

1.18.8 Definitions

Except as otherwise provided in this Bylaw or in regulations of the Commission, the definitions of terms in this Bylaw shall be as set forth in the Wetlands Protection Act, M.G.L. Ch 131 Section 40, and Regulations 310 CMR 10.00.

1.18.9 Enforcement

The Commission shall have the authority to enforce this Bylaw, its regulations, and Wetlands Bylaw P(p)ermits issued thereunder by violation notices, administrative orders, and civil and criminal court actions. Any person who violates provisions of this Bylaw, its regulations and/or Wetlands Bylaw Permits may be ordered to restore the property to its original condition, pay damages and take other action deemed necessary to remedy such violations, or may be fined, or both.

Any person, who violates any provisions of this Bylaw or regulations, Wetlands Bylaw P(p)ermits or administrative orders issued thereunder, (shall) may be served with a Notice of Violation enumerating the alleged violations. As an alternative to criminal prosecution, the Commission may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Ch 40, Section 21D.

The violator shall pay any and all costs including reasonable attorney fees incurred by the Town.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

1.18.10 Severability

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any Wetlands Bylaw P(p)ermit or determination, which previously has been issued.

Sponsor: Conservation Commission
Board of Selectmen Recommendation: Approved
Advisory Committee Recommendation: Approved
Vote Required: simple majority VOTE as amended: Majority in favor

Motion made to move zoning articles 13 – 18 together for discussion purposes and to vote on them individually. VOTE on motion:
Unanimous in favor

Planning Board Report and Recommendation on Articles 13, 14, 15, 16, 17, and 18:
At a duly-noticed public meeting on April 26, 2006, which followed a public hearing on the proposed zoning changes on April 12, 2006, the Bolton Planning Board voted unanimously to endorse the zoning bylaw changes in Articles 13 through 18 to eliminate

references to the Water Resource Protection District (WRPD) and incorporate the definition of “wetland resource areas” contained in amended Wetland Bylaw. With the amendment made by the Town Meeting, the Board believes that the new definition will effectively leave the application of our zoning bylaws unchanged.

Article 13: Amendment to the Zoning Bylaws, Section 2.5.4 Water Resource Protection District

The Town voted to amend the Zoning Bylaws, Section 2.5.4 Water Resource Protection District by deleting the entire section.

Sponsor: Conservation Commission
Board of Selectmen Recommendation: Approved
Advisory Committee Recommendation: Approved with the modifications made by the amendment to ensure all set-back and buffer zone distances remained at the same distance as previously approved. The proposed expansion of the buffer zone to 300 feet for perennial streams and rivers located within an Area of Critical Concern requires additional impact analysis and public discussion.
Vote Required: 2/3 majority VOTE: Unanimous in favor

Article 14: Amendment to the Zoning Bylaws, Section 2.3.2 (g) Types of Districts & Permitted Uses

The Town voted to amend Section 2.3.2(g) of its Zoning Bylaws as follows (deletions in *parenthesis and italics*) and additions are underlined:

(g) (*Water Resource Protection District: as defined in Section 2.5.4 of the Bylaws of the Town of Bolton.*) Repealed Annual Town Meeting May 2006.

Sponsor: Planning Board
Board of Selectmen Recommendation: Approved
Advisory Committee Recommendation: Approved with the modifications made by the amendment to ensure all set-back and buffer zone distances remained at the same distance as previously approved. The proposed expansion of the buffer zone to 300 feet for perennial streams and rivers located within an Area of Critical Concern requires additional impact analysis and public discussion.
Vote Required: 2/3 majority VOTE: Unanimous in favor

Article 15: Amendment to the Zoning Bylaws, Section 2.3.4 Schedules of Types of Uses

The Town voted to amend Section 2.3.4 of its Zoning Bylaws as follows (deletions in *parenthesis and italics*) and additions are underlined:

2.3.4 The following schedule is included as a general reference schedule of permitted uses within the various districts, but in the event of any

inconsistencies, the provisions of 2.3.2 and other provisions of this Bylaw shall be controlling.

In the schedule, "Yes" means a permitted use, "No" means a prohibited use, and "SP" means a use allowed on Special Permit acted on by the Board of Selectmen.

* Except "yes" for buildings erected prior to March 2, 1970

** See definition

*** Except those listed in 2.3.8.4 and 2.3.8.5

**** Only with a 2.5.2.5 Agricultural/Business Use Special Permit

All uses in the Flood Plain District (*and the Water Resource District*) are subject to the provisions of this Bylaw specifically relating to such district.

Sponsor: Planning Board

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved with the modifications made by the amendment to ensure all set-back and buffer zone distances remained at the same distance as previously approved. The proposed expansion of the buffer zone to 300 feet for perennial streams and rivers located within an Area of Critical Concern requires additional impact analysis and public discussion.

Vote Required: 2/3 majority
in favor

VOTE: Unanimous

Article 16: Amendment to the Zoning Bylaws, Section 2.3.5.5 (g) (2) Backland Zoning

The Town voted to amend Section 2.3.5.5(g) (2) of its Zoning Bylaws as follows (deletions in *(parenthesis and italics)* and additions are underlined):

In Residential Districts backland or reduced frontage lots may be created by Special Permit issued by the Planning Board. Each such lot must meet the following criteria:

(g) At least 1 1/2 acres of contiguous land which is not in a:

(1) Flood Plain District (Section 2.5.3)

(2) (*Water Resource Protection District (Section 2.5.4)*) Wetland Resource Areas as defined in the Wetlands Bylaw 1.18.2

Sponsor: Planning Board

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved with the modifications made by the amendment to ensure all set-back and buffer zone distances remained at the same distance as previously approved. The proposed expansion of the buffer zone to 300 feet for perennial streams and rivers located within an Area of Critical Concern requires additional impact analysis and public discussion.

Vote Required: 2/3 majority
in favor

VOTE: Unanimous

Article 17: Amendment to the Zoning Bylaws, Section 2.3.6.5(a) Size of Restricted Areas, Farmland and Open Space Planned Residential Development

The Town voted to amend Section 2.3.6.5(a) of its Zoning Bylaws as follows (deletions in *(parenthesis and italics)* and additions are underlined):

(a) Size of Restricted Areas

At least 33% of the area of the FOSPRD must be restricted with either a Farmland Restriction (FR) or an Open Space Restriction (OSR). The 33% requirement may be reached with FR land, OSR land, or some of each. The two types of restrictions are defined below in Sections C & D. No more than 25% of the minimum amount of restricted land can be (*in a Water Resource Protection District*) a Wetland Resource Area as defined in the Wetland Bylaw 1.18.2 or in a Flood Plain District, as defined in Section(s 2.5.4 and) 2.5.3.

Sponsor: Planning Board

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved with the modifications made by the amendment to ensure all set-back and buffer zone distances remained at the same distance as previously approved. The proposed expansion of the buffer zone to 300 feet for perennial streams and rivers located within an Area of Critical Concern requires additional impact analysis and public discussion.

Vote Required: 2/3 majority
in favor

VOTE: Unanimous

Article 18: Amendment to the Zoning Bylaws, Section 2.5.7.3 Applicability and Special Permit, Wireless Communication Bylaw

The Town voted to amend Section 2.5.7.3 of its Zoning Bylaws as follows (deletions in *parenthesis and italics*) and additions are underlined):

2.5.7.3 Applicability and Special Permit

No Wireless Communication Facility shall be erected, installed, modified, replaced or maintained except upon the grant of a Special Permit in compliance with the provisions of this Wireless Communication Bylaw. The provisions of the Wireless Communication Bylaw will apply to all Wireless Communication Facilities whether as a principal use or an accessory use and to any and all modification, extensions, and additions to, or replacements of existing Wireless Communication Facilities.

All modifications, extensions and additions to, or replacements of a Wireless Communication Facility shall be subject to a modification of the Wireless Communication Bylaw Special Permit following the same requirements as required for an original application.

A Wireless Communication Bylaw Special Permit may be granted only for:

A. Any Wireless Communication Facility to be constructed, installed, replaced, maintained and/or used in the business, limited business, commercial and industrial zoning districts as specifically provided for hereafter, in compliance with the provisions of this Wireless Communication Bylaw and upon the grant of a Special Permit.

B. Any Wireless Communication Facility to be constructed, installed, replaced, maintained and/or used in the residential zoning district as specifically provided for hereafter in conformance with 2.5.2.5 Agricultural/Business Use and in compliance with the provisions of this Wireless Communication Bylaw and upon the grant of a Special Permit.

No Wireless Communication Facility shall be erected, installed, modified, replaced, maintained and/or used in *(the Water Resource Protection District) a Wetland Resource Area as defined in the Wetlands Bylaw 1.18.2*

Sponsor: Planning Board

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved with the modifications made by the amendment to ensure all set-back and buffer zone distances remained at the same distance as previously approved. The proposed expansion of the buffer zone to 300 feet for perennial streams and rivers located within an Area of Critical Concern requires additional impact analysis and public discussion.

Vote Required: 2/3 majority
in favor

VOTE: Unanimous

Article 19: Enter into Lease with Nashoba Regional School District

The Town voted to authorize the Board of Selectmen to enter into a lease agreement and sign any necessary related contracts with the Nashoba Regional School District

authorizing the town to lease certain land with the school premises and buildings under such terms and conditions as the Board deems in the best interest of the Town.

Sponsor: Board of Selectmen
Board of Selectmen Recommendation: Approved
Advisory Committee Recommendation: Approved
Vote Required: simple majority VOTE: Unanimous
in favor

Article 20: Contribute to the Stabilization Fund

The Town voted to transfer the sum of \$75,000 (Seventy-five thousand dollars) from Free Cash to the Town's stabilization fund.

Sponsor: Board of Selectmen
Board of Selectmen Recommendation: Approved
Advisory Committee Recommendation: Approved
Vote Required: 2/3 majority VOTE: 120 in favor 38
opposed

Article 21: Citizens' Petition

Motion made to refer matter to the Board of Selectmen and to report back on it at the next town meeting. VOTE: Unanimous

in favor

Article 21: Citizens' Petition

To see if the Town will vote to accept Massachusetts General Law Chapter 32B, Section 18 to establish a retiree senior health program and to see if the Town will vote to appropriate \$5,000 (Five thousand dollars) from available funds to pay stipends to current retirees for estimated increased health care premiums and co-pays; or do or act relating thereto.

Sponsor: Citizens' Petition
Board of Selectmen Recommendation: Disapproved
Advisory Committee Recommendation: Vote to postpone to future town meeting

Article 22: Authorize Town Election

The Town voted to meet at the Town Hall in Bolton, on Monday, May 8, 2006 between the hours of 12 noon and 8 p.m. to elect by ballot the following officers.

ONE YEAR: One Moderator, One Town Clerk, One member of the Housing Authority;

THREE YEARS: One member of the Board of Selectmen, One member of the Board of Health, One member of the Board of Assessors, One Tax Collector, One Library Trustee, One member of the Cemetery Committee, Two Parks & Recreation Commissioners, One member of the Nashoba Regional School Committee, One Trustee of the Francis E. Whitcomb Benevolent Fund, One Commissioner of Trust Funds, One Constable;

FIVE YEARS: One member of the Planning Board;

and to vote on the following questions:

Question No. 1: Shall the Town of Bolton 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 design, construct, and start-up a Wastewater Treatment Plant at the Florence Sawyer and Emerson schools? Yes ___ No ___

Question No. 2: Shall the Town of Bolton be allowed to exempt from the provisions of Proposition two and one-half so called, the amounts required to pay for the bond issued for expansion, construction, renovation, furnishing, and equipping and any associated costs of an addition to the Library and any associated costs, including design services, and for remodeling and renovating space within the existing building? Yes ___ No ___

VOTE: Unanimous in favor