

BOARD OF SELECTMEN'S STATEMENT

As the great Yogi Berra has often been quoted, "It's déjà vu all over again"*. Nothing could be truer this year if one reads the Board of Selectmen's statement from the 2010 Annual Warrant: "This is going to be a difficult year financially..." the words Ken Troup penned for the Annual Town Meeting Warrant a year ago. As some have predicted, this year has proved to be even more difficult financially. Our Town Administrator Don Lowe and the Advisory Committee have directed all the Town departments to prepare FY 2012 budgets that reflect 3% or greater cuts than the budgets that were approved for FY 2011. They have done a tremendous job of reviewing each and every line item in every budget looking for any and all possible savings. These cuts have been painful but necessary given the very fragile economic times we are currently in. The Advisory Committee's statement will provide more detail on the specifics of the FY 2012 budget.

The need for such deep cuts is due in part to the increase in Bolton's assessment in the FY 2012 Nashoba Regional School District budget. The Board of Selectmen along with the Bolton Advisory Committee communicated early on to the District of our need to have a level-funded Nashoba Regional School District (NRSD) budget. What was ultimately voted on by the NRSD School Committee was an overall 1.8% increase in the assessment for the District's budget for FY 2012 which for Bolton translates into a 2.0% increase. This increase is actually 1% lower than what was initially proposed by the District and this lower assessment was approved by the NRSD School Committee. This was due to a more favorable outlook for State aid than was originally anticipated. Given that 80% of the over \$45 million NRSD budget is for compensation, the overall increase was contained but still painful necessitating the drastic cuts to Bolton's overall budget.

While there are no major new capital projects, we have included several spending articles. There is an article to replace the boilers in Town Hall and one for the purchase of a used 6-wheel dump sanding truck for the Department of Public Works.

**The Bolton Board of Selectmen by quoting Yogi Berra is in no way endorsing the New York Yankees or the New York Mets.*

Stanley Wysocki, Chairman

Curtis Plante

David Lindsay

ADVISORY COMMITTEE'S STATEMENT

The Town's FY 2012 budget is the product of a great deal of work by many people. These include the department heads, who developed the original projections, and the Town Administrator, Accountant and Secretary, who combined these projections into a coherent whole. The department heads cooperated with a request from town leaders that they prepare budgets reflecting a 3% reduction from FY 2011 levels, given the current economic condition coupled with indications from the Nashoba Regional School District (NRSD) that their FY 2012 assessment was likely to increase more than we requested and, quite frankly, more than we could afford.

The volunteer boards and committees who oversee many of the Town's operations also made important contributions to the budgeting process. The Advisory Committee reviewed all of the material and implemented spending revisions that would optimize the allocation of the Town's limited resources. The Selectmen provided a last review and confirmed the budget figures being presented to the Annual Town Meeting. The Town is fortunate in having a capable group of professional public servants and a large number of board and committee volunteers who spend many evenings overseeing the Town's governmental activities. All of these individuals should be commended for their diligent public service.

Revenues to the Town from property taxes are expected to rise by +2.5% in FY 2012. The sources of this increase are +2.5% allowed by Proposition 2½ before taking account of debt exclusions, +0.8% from additional value added to the tax base from new building and home improvement activity (often referred to as "new growth") and a -3.5% reduction in debt payments that have been excluded by the Town's voters from Proposition 2½ limits. The reduction in taxes from Proposition 2 1/2-excluded debt resulted from some of the Town's earlier borrowings being paid down more than fresh debt service is being added.

Education is the Town's largest area of expenditure, with approximately \$11.6 million this coming year, or 60.1% of the entire operating budget. The percentage is higher if Bolton's debt service related to the schools is included. The overall NRSD budget reflects a 2.0% increase for FY 2012 relative to FY 2011. This increase is despite our best efforts to communicate to the NRSD early on in the process that, similar to last year's budget environment, we again could only afford a level-funded district-wide assessment in FY 2012. For FY 2011, our similar request was granted when the NRSD submitted a level-funded district-wide assessment that increased Bolton's assessment share by +1.0% due to a percentage-of-pupils-in-the-system moving average formula. Unfortunately, our assessment for FY 2012 is \$188,391 or +1.7% more than it would have been if our level-funded request was granted. This additional expense has forced us to cut deeper into all Town departmental spending to make up the difference.

We believe that the budget submitted by the NRSD does not reflect the spending restraint that is needed to operate responsibly in this difficult economic environment. While we understand the need for a high quality education for all students, we also believe that the submitted budget has not been thoroughly stress-tested to quantify the tradeoffs required to achieve a level funded district-wide assessment, as we had formally requested. As such, the majority of the Advisory Committee voted to formally recommend to the Board of Selectman that the FY 2012 NRSD assessment be rejected at Town Meeting. Bolton's rejection of the NRSD assessment at Town Meeting (coupled with one other town in the district) will require the School Committee to

reassess the FY 2012 budget and potentially resubmit a budget that is more reflective of what the member towns can afford.

Our spending for vocational education, through the Minuteman Regional High School, increased by +15.0% from \$271,942 in FY 2011 to \$312,835 in FY 2012 due to an increase in the number of Bolton students in the Minuteman program. Bolton's overall spending on education is up +2.3% in FY 2012 from the FY 2011 budgeted amount.

Public Safety (primarily Police, Fire, Dispatch and Ambulance) is the Town's next largest area of operating expenditure at \$1.7 million, or 8.9% of the overall budget. Expenses in this area are projected to be up +4.0% in the coming fiscal year. Most of this increase comes from higher operating costs and a full year of operation from the opening of the new Public Safety Building. Slightly offsetting this increase were other reductions (including the elimination of purchasing a new police cruiser in FY 2012), as a result of the expense tradeoffs that were implemented to help pay for the increase in the NRSB assessment.

Public Works at \$1.3 million, or 6.6% of the overall budget, is the third largest area of Town operating expenditure. Expenses in this sector are anticipated to decrease -5.0% in FY 2012. The primary reason for this decrease is a reduction in local road improvements and transfer station hauling expenses. These expenses were heavily scrutinized by the Advisory Committee for areas of savings to help pay for the increase in the NRSB assessment.

General Government expenditures are targeted at \$1.1 million, or 5.7% of the total operating budget. These expenses are set to rise by only +0.3% in FY 2012.

Of special note, the Library's operating budget, at \$361,422 in FY 2012, is down -6.8% from FY 2011. This reduction reflects some difficult choices that were made to reflect the current economic environment coupled with the increase in the NRSB assessment. While the Library budget does represent some higher operating costs related to the new building, these increases have been more than offset by reductions made in both purchases of new books and other materials, certain areas of staffing, and a one hour reduction in hours open each week.

In other areas of interest, the Town's health insurance bill is expected to rise by +13.9% to \$440,700 in FY 2012. Also, the Town's contribution to the Worcester Regional Retirement System will rise by +9.5% to \$306,848 in FY 2012. Given the poor performance of the financial markets during the past several years, it is likely that the Town will have to make even larger contributions to the Retirement System for the foreseeable future in order to make up substantial shortfalls from the system's unrealistic 8.0% investment return/actuarial assumption. Increases of this year's magnitude in health care and retirement plan costs are unsustainable and will lead to some combination of reductions in Town governmental activities and significantly higher property taxes if they persist.

The budget for FY 2012 does not include any cost of living adjustment (COLA) for Town employees. While the Town is not obligated to provide an annual increase of this type, we have typically tried to reward our employees with COLA adjustments. In FY 2011, most workers received a 1% COLA. Unfortunately, under the current budgetary conditions, we were unable to offer such an increase within the confines of the FY 2012 budget.

Total debt service in FY 2012 is projected at \$2.2 million, or 11.6% of the overall budget. This is a moderate +0.5% increase from FY 2011 levels. We are paying down some of our older debt, and incremental debt service for the new Library and Public Safety Center in FY 2012 is minimal.

In addition to the basic budget, the Town Meeting warrant contains six articles in FY 2012 that, if passed, will involve spending from the Town's "free cash" reserves, from its Stabilization Fund, from borrowing or from an operating tax override. To be paid from available funds ("free cash") is a \$25,000 purchase of new boilers for the Town Hall. To be taken from the Stabilization Fund is \$28,500 to pay for the expected final remediation of the oil leak at the new Public Safety Building. Taken from the Ambulance Receipts Reserve Fund will be \$19,400 for the purchase of new pagers for the Ambulance Department. New pagers for the Fire Department will be paid for with \$6,000 from the Dorothy Dewhurst Fund, \$7,614 from certain prior year's residual unspent article balances, and \$3,332 from available funds ("free cash"). To be paid over time with borrowings are \$290,000 for the purchase of a conservation restriction on the Weatherbee land and \$75,000 for a used 6-wheel dump-body sanding truck for the Department of Public Works. To be paid with a permanent \$44,000 annual increase in the tax levy (averaging approximately \$22 per household) is the annual cost of joining the Central Massachusetts Mosquito Control Project.

The Town's overall operating budget is set at \$19,313,554 for FY 2012. After adjusting for the articles using "free cash" discussed in the paragraph above, for snow and ice removal overages, and for variations in State and County fees (but excluding the removal from the Stabilization Fund), the total would be \$19,441,886. This is a +1.4% rise from last year's level. Over the most recent 12 months, the Consumer Price Index is up +2.1%. In real terms, Town government spending is projected to decline slightly in FY 2012. We believe this is an appropriate response to the current difficult economic situation.

Randy Dinjian, Chairman
Bob Czekanski
Connie Benjamin
Terry Abdalian
Naveen Rohatgi
Michael Zelenkov

COMMONWEALTH OF MASSACHUSETTS
TOWN OF BOLTON
WORCESTER, ss

ANNUAL TOWN MEETING
Monday, May 2, 2011
Nashoba Regional High School Auditorium
7:00 p.m.

To any of the Constables of the Town of Bolton, in the County aforesaid:

GREETINGS - In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Bolton aforesaid, qualified to vote in elections and town affairs, to meet at Nashoba Regional High School Auditorium in said Bolton, on the 2nd day of May, 2011 at 7:00 p.m., then and there to act on the following articles:

Article 1: Unpaid Bills for Fiscal Year 2010

To see if the Town will vote to transfer from available funds the sum of \$68.41 (Sixty-eight dollars and forty-one cents) for the purpose of paying the following unpaid FY10 bills, pursuant to Massachusetts General Laws, Chapter 44, Section 64; or do or act relating thereto.

\$60.00	4DFIX
\$ 8.41	WB Mason

Sponsor: Board of Selectmen

Summary: This is necessary to pay the unpaid bills from the previous fiscal year for services that have been rendered.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: 4/5 Majority

Article 2: Fiscal Year 2011 Budget Transfer

To see if the Town will vote to transfer the following;

\$18,000	From Available Funds
	To 210 Police, 5140 Wages – Overtime

or do or act relating to.

Sponsor: Board of Selectmen

Summary: During FY2011, there continues to be one officer on disability. The Town's disability insurance reimburses a portion of the officer's salary to the general fund. This article transfers the insurance proceeds to the police wages account to partially offset the additional wages and overtime incurred to fill in for the injured officer.

Board of Selectmen Recommendation: Approved (2 in favor, 1 opposed)

Advisory Committee Recommendation: Approved (4 in favor, 1 opposed, 1 abstained)

Vote Required: Majority

Article 3: Fiscal Year 2011 Transfer from Available Funds

To see if the Town will vote to transfer from available funds the sum of \$30,000 (Thirty thousand dollars) to the Advisory Committee Reserve Fund Account for FY11; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: The transfer of these funds to the Advisory Reserve Fund will insure that there will be a sufficient balance in the Reserve Fund to accommodate any year-end transfer requests for FY11.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

Article 4: Accept Annual Reports

To see if the Town will vote to accept the reports of the Board of Selectmen and Advisory Committee, or any other Town officers, boards, or committees for the calendar year 2010; or do or act relating thereto.

Sponsor: Board of Selectmen

Note: Copies of the Annual Reports are available at the Town Hall, Library and on our website at www.townofbolton.com.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

Article 5: Fiscal Year 2012 Operating Budget

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$19,313,554 (Nineteen million three hundred thirteen thousand and five hundred fifty-four dollars) or any other amount, 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 \$100,000 (One hundred thousand dollars) be transferred from the Cell Tower Fund;
- b. The sum of \$120,000 (One hundred twenty thousand dollars) be transferred from the Ambulance Receipts Reserved for Appropriation to be applied to the Ambulance Department budget;
- c. The sum of \$286,944 (Two hundred eighty-six thousand nine hundred forty-four dollars) or any other amount, be transferred from Free Cash;
- d. The sum of \$18,806,610 (Eighteen million eight hundred six thousand and six hundred ten dollars) to be raised by taxation; or do or act relating thereto.

Sponsor: Board of Selectmen

Board of Selectmen Recommendation: Approved (Unanimous) with the exception of the Nashoba Regional School District assessment.

Advisory Committee Recommendation: Approved (Unanimous) with the exception of the Nashoba Regional School District assessment.

Vote Required: Majority

Article 6: Purchase Conservation Restriction on Weatherbee Land (\$290,000)

To see if the Town will vote to appropriate the sum of \$290,000 (Two hundred ninety thousand dollars), and to authorize the Board of Selectmen to purchase pursuant to M.G.L. Chapter 40, Section 14 a perpetual Conservation Restriction on land owned by Paul and Barbara Weatherbee as Trustees of the Weatherbee Family Irrevocable Trust, consisting of twelve (12) acres, more or less, of land and shown as a portion of Parcel 7C on Bolton Assessors Map 10, which property is also described in a deed recorded at the Worcester County Registry of Deeds in Book 44117, Page 107, said restriction to be held, managed and controlled by the Bolton Conservation Commission; and further, that the Conservation Commission be authorized to file on behalf of the Town of Bolton any and all applications for grants and/or reimbursements from the Commonwealth of Massachusetts under the LAND (Local Acquisitions for Natural Diversity) program (M.G.L. Chapter 132A, Section 11) and/or any others in any way connected with the scope of this Article; and further, that the Board of Selectmen and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments on behalf of the Town of Bolton to effect said Conservation Restriction; and, that to meet this appropriation, that the Treasurer be authorized, with the approval of the Board of Selectmen, to borrow up to \$290,000 (Two hundred ninety thousand dollars) pursuant to M.G.L. Chapter 44, Section 7(3), or any other authority, the principle interest, and associated costs on the borrowing authorized by this vote to be exempt from the limitation on total taxes imposed by M.G.L. Chapter 59, Section 21C(k) (Proposition 2½), only in the event that the voters exempt said borrowing amount at the annual Town election, and that the Board of Selectmen be authorized to expend the monies so appropriated for the foregoing purposes, or do or act relating thereto.

Sponsor: Conservation Commission

Summary: The purpose of this article is to purchase the development rights, in the form of a Conservation Restriction, on the Weatherbee farm, minus their home, land directly adjacent to their home and a frontage lot that they will create in the future. This property also known as “Freedom Farm” consists of approximately 17 acres and abuts Bowers Springs Conservation Area, a 48 acre town owned property designated as open space. The Conservation Restriction will provide public trail access and its protection in perpetuity will enhance the scenic and natural values of the Bower Springs Core Conservation Area.

The Conservation Commission will have an appraisal done to determine the fair market value of the land with a conservation restriction and will apply for a grant from the state’s LAND program.

Board of Selectmen Recommendation: Disapproved (Unanimous)

Advisory Committee Recommendation: Disapproved (5 for disapproval, 1 abstained)

Vote Required: 2/3 majority

Article 7: Reauthorization of a Revolving Fund for Web-based Municipal Software Services

To see if the Town will vote pursuant to M.G.L. Chapter 44, Section 53E½ to reauthorize the Town Administrator to maintain a Revolving Fund into which funds generated from a technology fee surcharge of no more than 7.5% on permit fees shall be deposited with an annual cap of \$20,000 (Twenty thousand dollars). The Revolving Fund shall be accounted for separately from all other monies in the Town and shall only be used for the purpose of funding ongoing fees for web-based municipal software and digitization of plans. The Town Administrator shall be authorized to expend from the fund; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: As an ongoing funding mechanism for maintenance and operations of web-based municipal software this article seeks town meeting approval to reauthorize the Revolving Fund which is funded by a 7.5% technology fee surcharge applied to permits issued to fund web-based municipal software, which will be used by Town departments. Monies from the Revolving Fund may be used by the Town Administrator for web-based municipal

software maintenance, digitization of plans and expansion of the software technology by adding additional modules and handheld devices such as netbooks in the field.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

Article 8: Funding for Town Hall Boilers

To see if the Town will vote to transfer from available funds the sum of \$25,000 (Twenty-five thousand dollars) to replace the existing boiler at the town hall; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: The existing boiler is over 35 years old and continues to require significant maintenance.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

Article 9: Funding of Oil Tank Cleanup

To see if the Town will vote to transfer from the Stabilization Fund the sum of \$28,500 (Twenty-eight thousand five hundred dollars) to fund ongoing testing and reporting associated with the oil leak at the new Public Safety Building; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: The contaminated soil from the oil leak at the existing tank at the Public Safety Building was successfully removed. The Massachusetts Department of Environmental Protection (DEP) requires one year of additional testing and well monitoring to assure that there is no further contamination. Up to this point, all tests have been negative. These are one-time expenses that were not anticipated or budgeted. If the article is approved, the balance in the Stabilization Fund will be \$933,829.67.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: 2/3 Majority

Article 10: Purchase of Pagers for the Fire and EMS Departments

To see if the Town will vote to appropriate the sum of \$36,346 (Thirty-six thousand three hundred forty-six dollars), to be expended under the direction of the Board of Selectmen for the purchase of new pagers to replace the current pagers for the Fire and EMS Departments, and that to meet this appropriation, the sum of \$3,332 (Three thousand three hundred thirty-two dollars) be transferred from available funds; the sum of \$19,400 (Nineteen thousand four hundred dollars) be transferred from the Ambulance Receipts Reserved for Appropriations account; the sum of \$6,000 (Six thousand dollars) be transferred from the Dorothy Dewhurst Fire Department fund; the sum of \$6,545 (Six thousand five hundred forty-five dollars) be transferred from unexpended proceeds from the bonds that were issued for the purchase of a DPW truck, pursuant to the vote passed at the May 7, 2007, Annual Town Meeting (Article 15); the sum of \$269 (Two hundred sixty-nine dollars) be transferred from unexpended proceeds from the bonds that were issued for the purchase of a DPW truck, pursuant to the vote passed at the May 3, 2010, Annual Town Meeting (Article 19); and the sum of \$800 (Eight hundred dollars) be transferred from unexpended proceeds from the bonds that were issued for the purchase of a wood chipper for the DPW, pursuant to the vote passed at the May 4, 2009, Annual Town Meeting (Article 6); or do or act relating thereto.

Sponsor: Fire Department

Summary: The Fire and EMS are jointly requesting these funds to purchase seventy-five (75) new pagers to replace the current aging pagers. Pagers are worn 24/7 by our emergency responders to alert them that they are needed to respond to either a fire or an ambulance call. The current ambulance pagers are 9 years old and the current fire pagers are 8 years old. The amount requested includes pagers, set-up fees and all accessories needed.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Capital Planning Committee Recommendation: Approved (Unanimous)

Vote Required: 2/3 Majority

Article 11: Central Massachusetts Mosquito Control Project

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$44,000 (Forty-four thousand dollars) to reimburse the town for the annual costs associated with becoming a member in the Central Massachusetts Mosquito Control Project for a minimum three year period, pursuant to M.G.L. Chapter 252, Section 5A and other applicable sections of said law; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town at the annual Town election pursuant to M.G.L. 59, Section 21C(g) (Proposition 2½) allowing the Town to assess said sum in additional real and property taxes; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: The Central Massachusetts Mosquito Control Project (CMMCP) is a state agency that operates under a voluntary assessment and provides a year-round program of mosquito control in 39 cities and towns in both Middlesex and Worcester counties. Services offered are larval and adult mosquito surveillance, larval and adult mosquito control (spraying is done by resident's request), public education, ditch cleaning and maintenance and research/efficacy. One new program at CMMCP is tire recycling to reduce mosquito larval habitat. Their program is tailored to meet the specific needs of our member cities and towns, and residents can opt out of any part of our program. Their goal is to reduce mosquito exposure to the public, and the potential for disease transmission by mosquitoes, by utilizing proven, sound mosquito control techniques. The \$44,000 will be an annual expense for a minimum of 3 years. This amount is deducted from the Town's local aid distribution as an assessment. This appropriation will replenish the general fund. If this Proposition 2½ override is approved, it will result in a permanent increase of \$44,000 to the town's operating budget and tax levy.

Board of Selectmen Recommendation: Disapproved (Unanimous)

Advisory Committee Recommendation: Disapproved (Unanimous)

Vote Required: Majority

Article 12: Granting of Liquor License to Nashoba Valley Winery

To see if the Town will vote to authorize the Board of Selectmen to file Home Rule Legislation that would authorize the Town of Bolton to issue a license pursuant to M.G.L. Chapter 138, Section 12 for the sale of all alcoholic beverages to be drunk on the premises at 100 Wattaquodock Hill Road in Bolton, to NVW, Ltd. d/b/a J's Restaurant at Nashoba Valley Winery, and that the legislation be adopted precisely as follows, except for clerical or editorial changes of form only unless the Selectmen approve amendments to the bill before enactment by the General Court. The Selectmen are hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

HOME RULE LEGISLATION AUTHORIZING THE TOWN OF BOLTON TO GRANT A LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES OF A CERTAIN RESTAURANT

"An Act Authorizing the Town of Bolton to Grant A License for the Sale of All Alcoholic Beverages to be Drunk on the Premises of a Certain Restaurant

Section 1. (a) Notwithstanding sections 11 and 17 of Chapter 138 of the General Laws, or any vote cast in the town of Bolton pursuant to Chapter 386 of the acts of 1986, or any vote cast in the town of Bolton pursuant to Chapter 706 of the acts of 1967, or any vote cast in the town of Bolton pursuant to Chapter 146 of the acts of 1996, or any other special act or general law to the contrary, the licensing authority for the town of Bolton may grant a license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of chapter 138 to NVW, Ltd. d/b/a J's Restaurant at Nashoba Valley Winery, for the premises located at 100 Wattaquaddock Hill Road. The license shall be subject to all of said chapter 138 except said sections 11 and 17.

(b) The licensing authority shall not approve the transfer of the license to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority of the town of Bolton. The licensing authority may then grant the license to a new applicant at the same location subject to all of the procedures set forth under Section 15A of Chapter 138.

Section 2. This act shall take effect upon its passage.”

or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: Although by its population, Bolton could grant additional liquor licenses, votes taken in Bolton during the late 1960s require that additional full liquor licenses can only be granted following home rule legislation. The business owner of the Nashoba Valley Winery and J's Restaurant at Nashoba Valley Winery would like to have a full license for the premises located at 92-100 Wattaquaddock Hill Road.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

Article 13: Granting of Liquor License to the International Golf Club

To see if the Town will vote to authorize the Board of Selectmen to file Home Rule Legislation that would authorize the Town of Bolton to issue a license pursuant to M.G.L. Chapter 138, Section 12 for the sale of all alcoholic beverages to be drunk on the premises at 159 Ballville Road in Bolton, to Wealyn LLC d/b/a the International Golf Club and Resort, and that the legislation be adopted precisely as follows, except for clerical or editorial changes of form only unless the Selectmen approve amendments to the bill before enactment by the General Court. The Selectmen are hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition

HOME RULE LEGISLATION AUTHORIZING THE TOWN OF BOLTON TO GRANT A LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES OF A CERTAIN RESTAURANT

“An Act Authorizing the Town of Bolton to Grant A License for the Sale of All Alcoholic Beverages to be Drunk on the Premises of a Certain Restaurant

Section 1. (a) Notwithstanding sections 11 and 17 of Chapter 138 of the General Laws, or any vote cast in the town of Bolton pursuant to Chapter 386 of the acts of 1986, or any vote cast in the town of Bolton pursuant to Chapter 706 of the acts of 1967, or any vote cast in the town of Bolton pursuant to Chapter 146 of the acts of 1996, or any other special act or general law to the contrary, the licensing authority for the town of Bolton may grant a license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of chapter 138 to Wealyn LLC d/b/a The International Golf Club and Resort for the premises located at 159 Ballville Road. The license shall be subject to all of said chapter 138 except said section 11 and 17. The license shall not be transferable off the premises. If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority of the town of Bolton.

(b) The licensing authority shall not approve the transfer of the license to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority of the town of Bolton. The licensing authority may then grant the license to a new applicant at the same location subject to all of the procedures set forth under Section 15A of Chapter 138.

Section 2. This act shall take effect upon its passage.”

or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: Although by its population, Bolton could grant additional liquor licenses, votes taken in Bolton during the late 1960s require that additional full liquor licenses can only be granted following home rule legislation. The business owner of The International Golf Club and Resort would like to change from its existing club license to a full license for the premises located at 159 Ballville Road by Arklow LP and operated by Wealyn LLC, d/b/a The International Golf Club and Resort.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

Article 14: Adoption of Stretch Energy Code

To see if the Town will vote to adopt the “Stretch Energy Code” as set forth in the State Building Code at 780 CMR 115.AA, 8th Edition, as it may be amended from time to time, a copy of which is on file in the Town Clerk’s Office; or do or act relating thereto.

Sponsor: Energy Committee

Summary: Adopting the Stretch Energy Code (780 CMR 115.AA, 8th Edition) is one of the requirements to qualify for Green Community designation which will allow the Town to access Department of Energy Resources related projects, and makes the Town eligible to apply for grants for local renewable power and energy efficiency projects. This optional “stretch code” was developed in response to the call for improved building energy efficiency in Massachusetts. Towns and cities in the Commonwealth may adopt Appendix 115.AA in place of the energy efficiency requirements of the “base” building code. The Commonwealth will incorporate the Stretch Energy Code in the statewide building code in 2012 in order to comply with the Green Communities Act of 2008 which requires the state building code to be updated every three years. By adopting the Stretch Code now, Bolton can apply for

Green Community designation. Whether or not Bolton adopts the Stretch Code now, the Town will be required to comply with the code in any case, when the state adopts it in 2012.

Board of Selectmen Recommendation: Disapproved (2 for disapproval, 1 for approval)

Advisory Committee Recommendation: Disapproved (Unanimous)

Vote Required: Majority

Article 15: Amendment of the Zoning Bylaws to add Section 2.4.3 Line of Sight At Intersections

To see if the Town will vote to amend the Bolton Zoning Bylaws by inserting the following new section:

2.4.3 Line of Sight at Intersections.

The purpose of this bylaw is to provide a mechanism by which obstacles that threaten the public safety of the Town roads can be prevented. This bylaw is aimed at keeping safe sight lines open at intersections and other locations in which obstacles impede the line of sight.

2.4.3.1. Definitions

2.4.3.1.1. The term “street” shall include all Town roads both adopted and not yet adopted and roads serving private multidwelling developments. It shall not include private shared and private common driveways.

2.4.3.1.1.1. The term “commercial driveway” shall include any public entrance into or out of a place of business within the Industrial, Business or Limited Business zoning districts.

2.4.3.1.3 The “restricted area” or “sight triangle” is that area located at the intersection of any street or where a commercial driveway intersects with a street and is within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the property lines extended.

2.4.3.1.4 An “obstruction” shall mean any fence, wall, sign, structure, hedge, tree, shrub or brush planted, installed or in place in the restricted area which negatively impacts traffic and pedestrian safety at that intersection.

2.4.3.2 In the case where property lines are not related to the travelled way, a distance of 10 feet from the edge of the pavement or other distance defining the Town Right of Way on record at the DPW shall be used to define the Restricted Area.

2.4.3.3 Any dimensional requirements herein will be subject to the consideration of the impact on safety of intersecting road topology, curvature and gradient of roads and proximity of other intersections.

2.4.3.4 If the topology of an intersection warrants special consideration Sight Triangles can alternatively be defined using the methods described in Chapter 9 of the “Policy on Geometric Design of Highways and Streets (2004)” published by the American Association of State Highway and Transport Officials (AASHTO).

- 2.4.3.5 Existing buildings, stone walls, historic and other pre-existing structures are exempt from these requirements.
- 2.4.3.6 Restrictions
 - 2.4.3.6.1 No obstruction which impedes sight lines at elevations between 3 feet and 8 feet above the roadways shall be placed or permitted to remain in the restricted area.
 - 2.4.3.6.2 No hedge, tree, shrub or brush shall be permitted to remain within the restricted area unless the foliage line is maintained at sufficient height, to prevent obstruction of such sight lines.
- 2.4.3.7 Permit
 - 2.4.3.7.1 Any new fence or other structure installed in the restricted area will be subject to the issuance of a permit by the Building Inspector.
- 2.4.3.8 Remedies
 - 2.4.3.8.1 If any obstruction is determined to prevent or impede a safe view of the intersection or oncoming vehicles or pedestrians approaching the intersection, the Board of Selectmen may request that the property owner bring the obstruction into compliance within a period determined by the Board of Selectmen.
 - 2.4.3.8.2 If the situation is not brought into compliance within such period, the Board of Selectmen may enforce the provisions of this bylaw by noncriminal disposition in accordance with Section 2.1.2.4, or by any other means authorized by law; or do or act relating thereto.

Sponsor: Public Ways Safety Committee

Summary: The purpose of this bylaw is to put in place a mechanism by which obstacles that threaten the public safety of the Town roads can be prevented. This bylaw is aimed at keeping safe sight lines open at intersections and other locations in which obstacles impede the line of sight.

Board of Selectmen Recommendation: Approved (2 in favor, 1 opposed)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: 2/3 Majority

Article 16: Amendment of the Zoning Bylaws to Add Subsection 2.5.5.7 Design Review

Guidelines

To see if the Town will vote to amend Section 2.5.5 of the Bolton Zoning Bylaws by inserting the following new subsection:

- 2.5.5.7 Design Review Criteria:
The Planning Board shall consider the following additional design criteria in conducting Special Permit Review for all developments of business or mixed use properties subject to Special Permit Review under the Town of Bolton Zoning Bylaw. The Board of Selectmen may also use these criteria in undertaking Site Plan Review for all business projects in the Town of Bolton subject to Site Plan Review. The Board of Appeals shall also consider these criteria in review of

special permits and variances for all business and industrial uses. The Planning Board, from time to time, may adopt additional Design Review Guidelines Regulations to advance the goals of this section and to provide more detailed examples for prospective developers.

Design Goals:

Buildings and renovations shall be of a design similar to or compatible with traditional architecture in the Town of Bolton in terms of scale, massing, roof shape, spacing and exterior materials. The design standards are intended to promote quality development consistent with the Town's sense of history, human scale and pedestrian-oriented village character.

Building Scale:

The size and detailing of buildings shall reflect the community preference for moderate-scale structures that resemble houses or barns, and do not resemble "big box shopping centers". New buildings and/or substantial alterations shall incorporate features to add visual interest while reducing the appearance of bulk or mass. Such features include varied facades, rooflines and roof heights; materials; awnings; dormers; roof overhangs; pitched roofs; well-proportioned windows and details such as brick chimneys or shutters.

Buildings shall relate to the pedestrian scale by:

- Including appropriate architectural details to add visual interest along the ground floor of all facades that face streets, squares, pedestrian pathways, parking lots, or other significant pedestrian spaces.
- Articulate the base, middle, and top of the facade separated by cornices, string cornices, step-backs or other similar features.
- Continuous lengths of flat, blank walls adjacent to streets, pedestrian pathways, or open spaces shall not be permitted.

Roof Form:

New construction, including new development above existing buildings and/or substantial alterations, shall incorporate gables or other traditional pitched roof forms which will be consistent with the historic architecture of the Town of Bolton. Flat roofs are discouraged.

Mechanical equipment located on roofs shall be screened, organized and designed as a component of the roof design, and not appear to be a leftover or add-on element.

Entrances:

For all primary business and business/residential structures fronting on a public way, the building entrances shall be visible from the right-of-way and the sidewalk, and shall have an entrance directly accessible from the sidewalk; front entrances should be well defined and face the main street. To increase accessibility, structures may also have entrances that provide more direct access to the parking areas beside or behind the structure. Doors shall not extend beyond the exterior facade into pedestrian pathways.

External Materials and Appearance:

Predominant wall materials shall have the appearance of wood, brick or stone that, if painted, shall be painted or coated in a non-metallic finish. Cladding materials should be consistent on all facades, or shall be an appropriate mix found in historic architecture in Bolton (e.g., clapboard front with shingled sides), with the exception of special design elements such as gables or dormers.

Awnings and canopies over windows and doors shall be compatible with the architectural style of the building. Colors and patterns used for awnings and canopies shall be subdued and compatible with any existing awnings on adjacent buildings.

Except for minor trim, the building shall avoid the appearance of reflective materials such as porcelain enamel or sheet metal. Window panes shall be non-reflective.

Ground floor commercial building facades facing streets, squares, or other significant pedestrian spaces shall contain transparent windows and other appropriate architectural details to add visual interest; the amount of windows may vary according to the architectural style of the structure and shall be appropriate to the building style and the intended use, with a general goal of 15 – 25 % fenestration of the first floor facade surface.

Historic Resources:

Wherever possible, existing historic structures on the site shall be preserved and renovated for use as part of the development. Any alteration of or addition to an existing historic structure shall employ materials, colors and textures as well as massing, size, scale and architectural features that compliment the original structure. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved. The addition to, or new construction adjacent to, an historic structure should not necessarily be a copy of the historic structure. See the most recent edition of the Secretary of the Interior's Standards for the Treatment of Historic Properties, and any accompanying guideline documents, for guidance related in particular to additions to historic structures.

Other historic resources on the site, such as stone walls, shall, to the maximum extent feasible, be protected and incorporated into the proposed development.

Fencing and Screening:

Parking areas, dumpsters and ground level mechanical equipment shall be screened from view from all adjacent residential areas by adequate vegetative screening or fencing. Landscaping and vegetative screening shall be preferred over fencing. A solid, year-round, evergreen hedge which will grow to six feet within three years, or a substantial, opaque fence at least six feet high, or the equivalent, shall be installed and maintained in good condition. A strip of dense vegetation of shrubs and trees not less than 50 feet deep may be considered an equivalent. Parking areas shall be reasonably screened and landscaped to

minimize the adverse views from the public way. No wall, fence, structure, planting or other obstruction to a driver's vision may be permitted at eye level, defined as three (3) to eight (8) feet above street grade, within twenty five (25) feet from the intersection of street side lines, unless the town has adopted a separate line-of-sight bylaw, in which case that bylaw shall prevail.

Landscaping:

To the maximum extent possible, projects shall provide pedestrian-friendly amenities, such as public gathering/sitting areas, designated on-site sidewalks/pathways, sidewalks along the public road frontage of the parcel, and appropriate internal walkways. Links/sidewalks designed to connect parking areas with adjacent developments are encouraged to further the goal of providing safe pedestrian access to businesses within Bolton. Site landscaping shall be maximized, per Section 2.5.5.3 Greenspace Regulations. Mature trees, bioswales and infiltration strips should be included to provide shade, reduce heat-island effect, and to manage storm water. Only native species shall be used in landscaping; no invasive species shall be allowed. The Planning Board may require that trees removed as part of the development be replaced on-site or off-site. All vegetation included in the site plan shall be maintained and if necessary replaced from time to time to maintain the overall landscape design approved by the Planning Board.

The Planning Board, from time to time, may adopt additional landscaping guidelines as part of the Design Review Guidelines to advance the goals of this section and to provide more detailed examples for prospective developers.

Service Areas, Utilities and Equipment:

Service and loading areas and mechanical equipment and utilities shall be unobtrusive or sufficiently screened so that they are not visible from streets, adjacent residential zoning districts or primary public open spaces, and shall incorporate effective techniques for noise buffering from adjacent uses.

Lighting:

Building or area lighting for any business, commercial, industrial or other nonresidential private use shall be so arranged as to direct the light away from any street and from any premises residentially used or zoned. The applicant shall coordinate lighting fixture assembly with the surrounding architecture. Such exterior lights shall be mounted and shielded, such that light sources and lenses shall not be visible from any residential district. Luminaries shall be cutoff (downlight) type, with the mounting height not to exceed twenty (20) feet. Light overspill shall not create shadowing discernible without instruments on any residentially zoned premises. With the exception of limited security or safety lighting, all lighting shall be shut off during times outside of business operations. This section shall not apply to reasonable seasonal holiday lighting displays that shall be in place for 30 days or less.

Signage Restrictions:

All proposed signs included in the development shall meet the requirements section 2.4.2.

Sustainable Building and Site Design:

It is desirable that new buildings constructed in the Town of Bolton comply with the current Leadership in Energy and Environmental Design (LEED) criteria, as promulgated by the U.S. Green Building Council to the maximum extent feasible. All site design shall follow, to the maximum extent feasible, the provisions of Low Impact Development (LID) techniques, as described by the Massachusetts Executive Office of Energy and Environmental Affairs, which defines LID as a suite of landscaping and design techniques that attempt to maintain the natural, pre-developed ability of a site to manage rainfall. LID techniques capture water on site, filter it through vegetation, and let it soak into the ground.

Parking:

To the maximum extent feasible, parking areas:

- shall be located behind or to the side of structures, and shall be strongly discouraged between the structure and the public right-of-way
- shall be screened with appropriate landscaping
- shall be designed to minimize heat-island effects by including appropriate internal landscaping, with a minimum of one tree per 10 parking spaces and associated shrubs and other plantings that shall be incorporated into Low Impact Development storm-water infiltration facilities

Bicycle Parking:

Bicycle parking shall be provided for all new development, shall be at least 50 percent sheltered from the elements, and shall be located as close as possible to the building entrance(s). Any property may establish a shared bicycle parking facility with any other property owner within 150 feet.

Appointment of Design Advisory Team (DAT):

The Planning Board may, at its option, appoint a Design Advisory Team to assist in the review of any project being reviewed under this bylaw. Members of the DAT may include: one or more Planning Board member(s); Bolton Energy Committee member(s); Bolton Conservation Commission member(s); professional architects(s); landscape architect(s) or design related professionals(s); Historical Commission member(s); business owner(s); and other boards or committee member(s). Members shall be a resident of the Town of Bolton.

The DAT will provide advisory professional design review assistance to the Planning Board, Zoning Board of Appeals and Board of Selectmen.

The DAT may also submit a written report to the Planning Board, Zoning Board of Appeals, and Board of Selectmen. The DAT will be appointed at a regularly scheduled meeting where public notice has been provided.

At the direction of the Planning Board, a project applicant may be required to meet with the DAT to discuss resolution of design standards,

or do or act relating thereto.

Sponsor: Planning Board

Summary: This new section adds Design Review Guidelines a goal identified in the 2006 Master Plan. The Planning Board received a grant through the Regional Planning Agency (Metropolitan Area Planning Council) and has been working with a consultant to develop these design guidelines. The Planning Board, ZBA and Board of Selectmen will consider the design guidelines for all developments of business or mixed use properties subject to Special Permit, Site Plan Review or a Variance. Building Scale, Historical Resources, Fencing and Screening, External Materials, Landscaping, Service Areas, Lighting, Signage, Sustainable Building and Site Design, Parking, Bicycle Parking will be reviewed under these guidelines.

A Design Review Board may be established at the discretion of the Planning Board where deemed necessary to provide advisory professional design review assistance to the Planning Board, Zoning Board of Appeals and Board of Selectmen for these projects. This committee will consist of members of the Planning Board, Energy Committee, Conservation Commission, Historical Commission, and include professional architect(s), landscape architect(s) or design related professionals and business owners. Members must be a resident of the Town.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: 2/3 majority

Article 17: Amendment to the Zoning Bylaws, to Add Section 2.2.4 Design Review Criteria

To see if the Town will vote to amend the Bolton Zoning Bylaws by inserting the following new section:

2.2.4 Design Review Criteria

In making a decision on proposals for Special Permits or Variances for business or industrial uses, the Board of Appeals shall consider the Design Review Guidelines in Section 2.5.5.7.,

or do or act relating thereto.

Sponsor: Planning Board

Summary: This addition to the Zoning Bylaw allows the Board of Appeals to consider the Design Review Guidelines when making decisions for Special Permits or Variances for business or industrial uses.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: 2/3 majority

Article 18: Amendment to the Zoning Bylaws, Section 2.5.5.5 (h) Special Permits for Zoning Use

To see if the Town will vote to amend Section 2.5.5.5 (h) Special Permits for Zoning Use of the Bolton Zoning Bylaws as follows (deletions in *parenthesis and italics*) and additions are underlined);

(h) the degree to which the project design is in harmony with the neighborhood and the environment (*;and*) and the degree to which the project meets the design review criteria set forth in Section 2.5.5.7, and any Design Review Guidelines hereafter adopted by the Planning Board pursuant to this section; and;

or do or act relating thereto.

Sponsor: Planning Board

Summary: This addition to the Zoning Bylaw allows the Planning Board to consider the Design Review Guidelines when making decisions for Special Permits for business or industrial uses.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: 2/3 majority

Article 19: Amendment to the Zoning Bylaws, Section 2.5.5.6 Site Plan Approval Process

To see if the Town will vote to amend Section 2.5.5.6 Site Plan Approval Process of the Bolton Zoning Bylaws by inserting the following new subsections:

- (j) Design Review Criteria: In making a decision on a proposal for Site Plan Approval, the Board of Selectmen shall consider the Design Review Criteria in Section 2.5.5.7.
- (k) Development Impact Study: To facilitate the Site Plan Approval by the Selectmen, and, where needed, Special Permit Review by the Planning Board and Zoning Board of Appeals, the developer of all new commercial or industrial development, or expansions of existing development, may be required to submit as part of their application, a written analysis of the impact of their project on the community. This Development Impact Statement (DIS) shall include, but will not be limited to any of the following studies as determined by the appropriate permitting authority, and shall be prepared by registered professional engineers or other qualified professionals with expertise in the relevant subject matter areas:
 - Environmental Impact Assessment (i.e., light, noise, storm water, groundwater, utilities, odor, vibration, sight lines etc.)
 - Fiscal Impact Assessment (i.e., Municipal Facilities and Services, school population, impact on adjacent public and private properties)
 - Community Impact Assessment (i.e., Open space preservation, residential privacy, recreation and pedestrian impact, scale and character)
 - Traffic, Parking and Transportation Assessment

This analysis shall be reviewed by the Town's consulting engineer(s) at the applicant's expense. The appropriate permitting authority may waive in part, or in whole the requirement for the DIS. The intent of the DIS is to enable the town to determine and evaluate those methods to be used by the applicant to determine the project's impact on the town and to promote the environmental health of the community, and to minimize the environmental degradation of the Town's natural resources.;

or do or act relating thereto.

Sponsor: Planning Board

Summary: This addition to the Zoning Bylaw allows the Board of Selectmen to consider the Design Review Guidelines when making decisions for Site Plan Review for business or industrial uses.

It also establishes a Development Impact Study requirement under the Site Plan Review that reviews environmental, fiscal and community, traffic, parking and transportation impacts.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: 2/3 majority

Article 20: Amendment to the Zoning Bylaws, Section 2.4.2.2 Sign Regulations

To see if the Town will vote to amend Section 2.4.2.2 Sign Regulations of the Bolton Zoning Bylaws as follows (deletions in *(parenthesis and italics)* and additions are underlined):

2.4.2.2 No sign shall be oscillating, flashing, operating with moving parts or display the illusion of motion. No sign shall be internally lit.

or do or act relating thereto.

Sponsor: Planning Board

Summary: This adds language to the existing sign bylaw requiring that signs are not internally lit.

Board of Selectmen Recommendation: Approved (2 in favor, 1 opposed)

Advisory Committee Recommendation: Approved (5 in favor, 1 opposed)

Vote Required: 2/3 majority

Article 21: Amendment of the Zoning Bylaws, Section 2.5.3 Flood Plain District

To see if the Town will vote to amend the Bolton Zoning Bylaws by deleting in its entirety Section 2.5.3, Flood Plain District, and inserting in its place the following new Section 2.5.3, Flood Plain District:

2.5.3.1 The Flood Plain District is hereby established as an overlay district. The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in flood plains. The Flood Plain District includes all special flood hazard areas within the Town of Bolton designated as Zone A, and AE, on the Worcester County Flood Insurance Rate Maps (FIRMs) and the Flood Boundary and Floodway maps, issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Worcester County FIRMs that are wholly or partially within the Town of Bolton are panel numbers 25027C0457E, 25027C0459E, 25027C0466E, 25027C0467E, 25027C0476E, 25027C0478E, 25027C0479E, 25027C483E, 25027C0486E, 25027C0488E and 25027C0489E, dated July 4, 2011. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 4, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Board of Health, Conservation Commission and Building Inspector.

2.5.3.2 Development Regulations

The following requirements apply in the Flood Plain District:

- (a) Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation of flood proofing requirements, as appropriate, of the State Building Code.

(b) In the floodway, designated on the Flood Boundary and Floodway Map, the following provisions shall apply:

1. All encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a Registered Professional Engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100-year flood.
2. Any encroachment meeting the above standard shall comply with the flood plain requirements of the State Building Code.

(c) In Zones A, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(d) Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

(e) Notification of Watercourse Alteration

In a riverine situation, the Building Inspector shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

(f) Other Use Regulations

All subdivision proposals must be designed to assure that:

- a) such proposals minimize flood damage;
- b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- c) adequate drainage is provided to reduce exposure to flood hazards.

2.5.3.3 Reference to Existing Regulations

The Flood Plain District is established as an overlay district to all other districts. All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit must be in compliance with

Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

2.5.3.4 Applicability

Nothing contained in this section shall limit the authority of the Board of Health, Conservation Commission, and Planning Board with respect to premises in the Flood Plain District or affect the applicability of any other Bylaw to any building activity in the Flood Plain District; or do or act relating thereto.

Sponsor: Planning Board

Summary: This amendment to the existing Flood Plain District Bylaw is to reflect the revised Worcester County Flood Insurance Rate Maps (FIRM's) dated July 4, 2011, and associated language. This is a federal requirement for communities that choose to participate in the National Flood Insurance Program.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: 2/3 majority

Article 22: Adoption of Maps Issued by the Federal Emergency Management Agency

To see if the Town will vote to adopt digital and hard copies of the Worcester County Flood Insurance Rate Maps (FIRMs) dated (July 4, 2011) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Worcester County FIRMs that are wholly or partially within the Town of Bolton are panel numbers 25027C0457E, 25027C0459E, 25027C0466E, 25027C0467E, 25027C0476E, 25027C0478E, 25027C0479E, 25027C483E, 25027C0486E, 25027C0488E and 25027C0489E, dated July 4, 2011. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 4, 2011; or do or act relating thereto.

Sponsor: Planning Board

Summary: This amendment to the existing Flood Plain District Bylaw is to reflect the revised Worcester County Flood Insurance Rate Maps (FIRM's) dated July 4, 2011, and associated language. This is a federal requirement for communities that choose to participate in the National Flood Insurance Program.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: 2/3 majority

Article 23: Purchase of a Used 6-Wheel Dump Body Sanding Truck for the Department of Public Works

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$75,000 (Seventy-five thousand dollars) to purchase a used 6-wheel dump body sanding truck for use in the Department of Public Works, and to meet said appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized pursuant to Massachusetts General Law, Chapter 44, Section 7(9), or any other authority, to borrow up to that amount, the principle interest, and associated costs on the borrowing authorized by this vote to be exempt from the limitation on total taxes imposed by M.G.L. Chapter 59, Section 21C(k) (Proposition 2½), only in the event that the voters exempt said borrowing amount at the annual Town election, and that the Board of Selectmen be authorized to expend the monies so appropriated for the foregoing purposes,; or do or act relating thereto.

Sponsor: Department of Public Works

Summary: The Public Works fleet is aging quickly. This will replace a 1981 vehicle as it is becoming impossible to acquire parts for this truck since it is 30 years old.

Board of Selectmen Recommendation: Approved (2 in favor, 1 opposed)

Advisory Committee Recommendation: Approved (4 in favor, 2 opposed)

Capital Planning Committee Recommendation: Disapproved (Unanimous)

Vote Required: 2/3 Majority

Article 24: Citizens' Petition - Accept GL c. 59, S. 5, Clause 57 to Provide Property Tax Relief for Seniors

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 59, Section 5, Clause 57 providing property tax relief for seniors to be effective beginning in fiscal year 2013.

Sponsor: Citizens' Petition

Summary: Persons 65 or older who meet certain income and other requirements may claim a credit against their Massachusetts personal income taxes for real estate taxes paid on their primary residence during the state tax year. The credit, known as the "circuit breaker"(MA form CB) is the amount of taxes paid that exceeds 10% of the taxpayer's income, up to a maximum credit that is adjusted each year to reflect changes in the cost of living. The credit is refundable, that is, it may be claimed even if the senior(s) would not otherwise have to file a return for the tax year. For state tax year 2010, the maximum credit was \$970.

To be eligible under Clause 57, a taxpayer must (1) be 65 or older and own and occupy the property as his or her domicile as of the July 1 beginning of the fiscal year for which the relief is sought, and (2) have received a "circuit breaker" credit for real estate taxes paid on that domicile or another domicile within Massachusetts for the preceding calendar year. Eligible taxpayers may have their town taxes reduced up to the amount of the credit they received. For example, for a fiscal year 2013 reduction, a taxpayer must be at least 65 and own the domicile as of July 1, 2012 and must have received the credit against his or her 2011 state income taxes. The maximum reduction the taxpayer may receive is the amount of the 2011 credit.

Board of Selectmen Recommendation: Disapproved (Unanimous)

Advisory Committee Recommendation: Disapproved (Unanimous)

Both boards are sympathetic to the concept of a lower rate for middle and lower income seniors, but more time is required for the assessors to evaluate the impact of this proposed change on the town's finances. Because this particular clause does not become effective until FY2013, there appears to be no advantage to approving it now.

Vote Required: Majority

Article 25: Authorize Town Election

To see if the Town will vote to meet at the Nashoba Regional High School Auditorium in Bolton, on Monday, May 9, 2011, between the hours of 12 noon and 8 p.m. to elect by ballot the following officers; or do or act relating thereto.

ONE YEAR: One Moderator, One Town Clerk.

THREE YEARS: One member of the Board of Selectmen, One member of the Board of Health, One member of the Board of Assessors, One member of the Cemetery Committee, One Commissioner of Trust Funds, One Library Trustee, Two members of the Park and Recreation Commission, One Trustee of the Francis E. Whitcomb Benevolent Fund.

FIVE YEARS: One member of the Planning Board.

And you are directed to serve this warrant by posting up attested copies thereof at the U.S. Post Office, Town Library, Town Hall and Police Station at least seven (7) days before the time for holding said meeting.

Hereof fail not, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid;

Given under our hands and seal, this 4th day of April in the year of our Lord, Two thousand eleven.

BOLTON BOARD OF SELECTMEN

Stanley Wysocki, Chairman) Selectmen

Curtis Plante) of

David Lindsay) Bolton

A true copy. Attest: _____ Constable of Bolton _____ Date

Worcester, ss.

Pursuant to the within Warrant, I have notified and warned the inhabitants of the Town of Bolton by posting up attested copies of the same at the U.S. Post Office, Town Library, Town Hall and Police Station at least seven (7) days before the date of the meeting, as within directed.

Constable of Bolton: _____ Date: _____

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF BOLTON
WORCESTER, ss
ANNUAL TOWN ELECTION
Monday, May 9, 2011
Nashoba Regional High School Auditorium
12 noon to 8:00 p.m.**

To the Constables of the Town of Bolton in the County of Worcester,

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in the Elections and in Town affairs, to meet at the Nashoba Regional High School Auditorium in said Bolton, on Monday, the Ninth day of May, 2011 between the hours of 12 noon to 8:00 p.m. to vote on the following question:

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 acquire a perpetual Conservation Restriction on land owned by Paul and Barbara Weatherbee? 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 the purchase of a used 6-wheel dump body sanding truck for use in the Department of Public Works Department? Yes ___ No ___

Question No. 3: Shall the Town of Bolton be allowed to assess an additional \$44,000.00 in real estate and personal property taxes for the purpose of funding the Town's enrollment in the Central Massachusetts Mosquito Control Project for the fiscal year beginning July 1, 2011? Yes ___ No ___

And you are directed to serve this Warrant, by posting up attested copies thereof at the U.S. Post Office, Town Library, Town Hall and Police Station, in said Town at least seven (7) days before the time of holding said Election.

Hereof fail not, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid;

Given under our hands and seal, this 4th day of April in the year of our Lord, Two thousand eleven.

BOLTON BOARD OF SELECTMEN

Stanley Wysocki, Chairman

Curtis Plante

David Lindsay

A true copy, Attest: _____ Constable _____ Date
Worcester, ss.

Pursuant to the within Warrant, I have notified and warned the inhabitants of the Town of Bolton by posting up attested copies of the same at the U.S. Post Office, Town Library, Town Hall and Police Station at least seven (7) days before the date of the meeting, as within directed.

Constable of Bolton: _____ Date: _____

**Board of Selectmen
Bolton, MA 01740**

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U.S. Postage Paid
Bolton, MA
Permit No. 7**

**ECR-LOT
TO: POSTAL CUSTOMER
BOLTON, MA 01740**

**Annual Town Meeting
Monday, May 2, 2011
Tuesday, May 3, 2011 if necessary
7:00 p.m.
Nashoba Regional High School Auditorium**

**** New Location **
Annual Town Election
Monday, May 9, 2011
Noon to 8:00 p.m.
Nashoba Regional High School Auditorium**

*****PLEASE BRING THIS WARRANT TO TOWN MEETING*****