

TOWN OF BOLTON



ANNUAL TOWN MEETING WARRANT MONDAY, MAY 6, 2013

ANNUAL TOWN ELECTION MONDAY, MAY 13, 2013

Annual Town Meeting
Monday, May 6, 2013
Tuesday, May 7, 2013 if necessary
7:00 p.m.
Nashoba Regional High School Auditorium

Annual Town Election
Monday, May 13, 2013
Noon to 8:00 p.m.
Nashoba Regional High School Auditorium

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

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BOARD OF SELECTMEN'S STATEMENT

Preparing for a successful town meeting requires a substantial effort from a large number of people, both the volunteers who serve on the boards and committees that oversee the town's activities and the town's employees who implement the decisions determined by voters at town meeting.

One of the most important groups in preparing for town meeting is the Advisory Committee. It functions as the town's finance committee, and in addition, it renders an opinion on all of the agenda items (warrant articles) placed before the voters at town meeting. This year, the Advisory Committee has devoted dozens of hours to going over every line item in the town's budget to make sure each one is as tightly controlled as possible, while still adequately funding what the town needs to have done. The result is a budget for the upcoming fiscal year 2014 that is lean, but is fully adequate to provide the educational, public safety and public works services that the town's residents deserve. Moreover, for the second consecutive year, the Committee has provided for a large number of capital improvement and repair projects to be undertaken, without any borrowing, by utilizing the town's cash holdings instead of issuing debt.

A second group having a major role in getting ready for town meeting is the Planning Board. This year that board has prepared six warrant articles that will clarify the town's existing zoning requirements. It has submitted another article that will bring our bylaw on wireless communications facilities into conformance with a new federal law regarding these facilities. In addition, it is proposing a new bylaw designed to protect the town's historic barns and carriage houses by allowing controlled residential and business use of these structures.

One more group whose efforts have been very important in preparing for town meeting is the Capital Planning Committee. The members of this group have carefully vetted and prioritized nearly all of the building and repair projects facing the town. Their contribution to the Advisory Committee in determining which projects the town should undertake and pay for in the upcoming fiscal year has been invaluable.

Other groups that have prepared articles that they believe will benefit the town, and that they hope will be passed by town meeting, include the Board of Commissioners of Trust Funds, the Board of Health, the Department of Public Works, the Police Department, the Ambulance Department and the Nashoba Regional School District.

We also want to recognize the town's employees, especially its department heads, who have spent a great deal of time preparing their budgets and aiding in the process of getting ready for town meeting in many different ways.

Finally, we want to give special thanks to our Town Administrator, Don Lowe, and our Town Secretary, Linda Day, who have spent countless hours putting together this warrant and have reviewed it in nearly endless detail to assure that the wording is as accurate and legally correct as possible.

David Lindsay, Chairman
Stanley Wysocki
Lawrence Delaney

ADVISORY COMMITTEE'S STATEMENT

Introduction

Bolton's FY14 budget was produced with the cooperation of the Town Administrator, Department Leaders, Board of Selectmen, Town Accountant and Town Treasurer. Special thanks go to Town Secretary, Linda Day, who supports the Advisory Committee year-round, and especially from January to April when the Advisory Committee meets each week.

Significant events in the FY14 year budget:

- Nashoba Regional School District (NRSD) could not provide an exact FY14 assessment to Bolton due to a clerical error. NRSD provided the initial assessment shown in this warrant. It is unknown when the final assessment will be available to the town for disposition.
- **NRSD estimates the final FY14 assessment will be \$408,000 to \$508,000 above the FY13 assessment. This is an additional \$233,382 to \$333,382 above the increased assessment shown in this warrant.**
- Bolton's debt service payments are \$57,606 less than in FY13. FY13 debt service payments were \$66,982 lower than in FY12.
- FY14 capital expenditures totaling \$794,842 are paid using Free Cash and other available funds, avoiding additional debt. Capital expenditures for Emerson and Sawyer schools total \$296,517. Capital expenditures for non-school departments total \$498,325.
- This is the second consecutive year in which the ATM warrant does not include new borrowing.

Revenue Table

REVENUE	FY14 \$	PRIOR YEAR Inc/(Dcr)	
		FY13 \$	FY13 %
Tax Levy of Prior Year	16,199,260	-----	-----
Prop 2-1/2 Levy Limit	404,981	-----	-----
New Growth	165,000	(64,651)	(-28.15%)
Debt Excluded from Prop 2-1/2	1,851,365	(175,297)	(-8.65%)
Taxable Levy Limit (sum of above)	18,620,606	394,684	2.17%
Allowance for Abatement & Exemptions	(160,000)	8,430	(-5.01%)
State Revenue	628,840	0	0.00%
Local Receipts	1,077,275	137,275	14.60%
Other Available Funds	613,217	88,465	16.86%
Free Cash (Operating)	0	(175,527)	(100.00%)
Free Cash (Articles)	187,274	(96,806)	(-34.06%)
Borrowing	0	0	0.00%
Total Revenue	20,967,212	356,521	1.73%

- Excluding assessments from the NRSD and Minuteman Regional School District, town expenditures increased by only \$75,457 to \$7,966,693. This is a 0.91% (less than one percent) change.
- Excluding assessments from the NRSD and Minuteman Regional School District, wages and salaries paid by the Town of Bolton increase by \$117,582 (3.9%) to \$3,107,974. All other town expenditures *decrease* by \$42,125 (-.86%) to \$4,858,719. This decrease is due to the reduction in debt service and a one-time reduction in retirement assessments for town employees.
- Non-tax Local Receipts increase by \$137,275 (14.6%) in FY14, reflecting recent historical trends.
- **"Other Available Funds"** includes an unusual \$192,857 transfer from the Assessor's Overlay Reserve (Abatement) Account to town funds

Revenues

Projected revenues for FY14 rise \$356,521 (1.73%) above FY13, to \$20,967,212. As the Revenue Table shows, the \$394,684 of additional tax revenue is offset by a decline in the use of Free Cash in the budget. This is due to the lack of the full NRSD assessment in the budget.

Debt service for Proposition 2-1/2 excluded borrowings is \$178,360 less than in FY13. \$127,011 of FY13 Prop 2-1/2 excluded debt was the final payment of the NRSD deficit bond.

The \$137,275 increase in Local Receipts revenue reflects recent history, largely in excise tax receipts and cell phone tower receipts.

No additional debt is needed to support the Operating Budget or Capital Projects in the FY14 proposed budget.

Each year, the Massachusetts Department of Revenue reviews the town's finances and "certifies" the amount of money not restricted to any use. The Town of Bolton uses this **Certified Free Cash** as a source of revenue to meet operating and capital project requirements. Bolton's Certified Free Cash on July 1, 2012 was \$844,607. This is 4.4% of the FY 12 budget (which ended June 30, 2012) and well within the Department of Revenue's recommendation that Certified Free Cash equal between 3% and 5% of the budget at the end of each fiscal year. Free Cash is the result of revenues exceeding expenditures across multiple years.

Expenditures

The Expenditures Table on this page uses the budget information contained in this town warrant. That means it does not include the full NRSD assessment, which was not ready at the time this warrant was prepared. Expenditures will increase to fulfill the additional NRSD assessment.

Expenditures Table

EXPENDITURES	FY14 \$	PRIOR YEAR Inc/(Dcr)	
		FY13 \$	FY13 %
General Government	1,214,964	67,882	5.92%
Public Safety	1,917,381	83,051	4.53%
Education*	12,125,837	174,410	1.46%
Public Works	1,344,108	10,786	0.81%
Human Services	116,667	16,566	16.55%
Culture & Recreation	418,176	10,645	2.61%
Debt Service	2,124,957	(57,606)	(2.64%)
Employee Benefits	769,593	(55,867)	(6.77%)
Other Insurance	60,847	0	0.00%
Total Operating Expenditures	20,092,530	249,867	1.26%
FY14 Reserve for FY13 Snow & Ice Deficit	100,000	100,000	0.00%
Interest Charges	0	(11,676)	100.00%
State & County	7,840	0	0.00%
Warrant Articles Using Free Cash or Other Available Funds	766,842	224,010	41.27%
Warrant Articles Borrowing	0	0	0.00%
Total Expenditures	20,967,212	562,201	2.76%
* Additional Education expenses of \$233,382 to \$333,382 expected in FY14 from NRSD			

Bolton's total FY14 budget increases by \$562,201 (2.76%) to \$20,967,212. The largest single component of this change is the NRSD assessment increase of \$174,618. (This increase is offset by reductions in vocational education for a net increase of \$174,410 in Education.)

Bolton's operating budget for FY14 increased \$249,867 (1.26%) to \$20,092,530.

In comparison to the 1.46% increase for the *incomplete* NRSD assessment, Bolton's non-education operating expenditures increase by 0.96%, less than one percent (\$75,457) in FY14.

The NRSD assessment presented in this warrant consumes 44.6% of all of the new tax income available in FY14.

If the full \$508,000 NRSD assessment is levied upon the town, this will consume all new tax income (\$391,621) and 85% (\$116,379) of all new Local Receipts income (\$137,275)

An NRSD assessment of \$508,000 in FY14 is a 4.4% increase over the FY13 assessment.

As noted above, non-education town expenditures increased by a mere \$75,457 (0.96%). This is the result of \$117,582 (3.93%) increase in salaries and wages to \$3,107,974. This is partially offset by a decrease of \$42,125 (-0.86%) in non-wage and non-salary expenses to \$4,858,719.

As in FY13, town departments limited their service and capital project requests in FY14 to accommodate the projected NRSD budget increase without a Proposition 2-1/2 tax override.

Across all town departments, non-union employees receive a 2% Cost-of-Living Adjustment (COLA) increase in the FY14 budget. This is in keeping with the COLA's granted to union employees in their contracts with the town. A compensation study completed last year shows that Bolton wages and salaries for non-union employees are comparable with other towns. The few adjustments needed are addressed in this FY14 budget.

General Government – This \$67,882 increase includes replacement of heat and hot water boilers due to cracked fireboxes in the older, Fire Department portion of the Public Safety building for \$28,000. Another \$8,000 is for repairs to the roof and exterior walls of the original fire station (next to the Public Safety Building). \$6000 is for improved maintenance of town conservation land, \$11,680 for IT infrastructure support (which is outsourced), and \$19,000 in adjustments as part of the town employee compensation study.

Public Safety – The increase of \$83,051 is net of \$16,000 decrease in combined heating and electrical costs at the Public Safety Building. This budget adds \$24,551 for a police Resource Officer at the high school 20 hours each week during the school year (partially offset by payments from NRSD), \$10,300 to replace end-of-life computer equipment, \$16,964 to support police and fire department software, and \$15,916 for a projected increase in ambulance calls. The remaining \$15,000 is changes in salaries and wages across the police, fire, and safety communications departments. As in FY13, the budget includes a new police cruiser.

Education - The Nashoba Regional School District (NRSD) assessment to Bolton by increased \$174,618 (1.5%) to \$11,768,490. However, this is only a partial assessment. Additional assessments will be determined in the coming months. NRSD estimates that additional assessments could be from \$233,382 to \$333,382. ***This means the total assessment from NRSD could range from \$12,001,872 to \$12,101,872, a \$408,000 to \$508,000 increase.*** Minuteman Regional Vocational Technical School increased its assessment by \$15,625 (4.6%) to \$357,347.

Public Works – Increases by \$10,786 (0.8%) to \$1,344,108. Most of this increase is due to projected increases in fuel cost.

Human Services - Increases by \$16,566 (16.5%) to \$116,667. The Council on Aging increased the hours per week of its Outreach worker, adding \$4,200 to the budget. This position is partially subsidized by the State of Massachusetts. Veterans Benefits increased by \$11,000 to address the needs of service veterans in the town of Bolton.

Culture and Recreation - Increases by \$10,645 (2.6%) to \$418,176. The largest part of this increase is salaries, wages, and an increase in the book budget at the library, for \$8,345 (2.2%). \$2,300 was added to the budget to support the celebration of Bolton's 275th birthday.

Debt Service – Declines for a second year in a row. This year, the \$57,606 decline represents a 2.64% reduction in debt service compared to the prior year. (Not included in this category is NRSD debt, which is included in the NRSD assessment.)

Employee Benefits – Due to a one-time change in the assessment for retirement benefits, this category is \$55,867 (6.8%) less than last year.

Warrant Articles – Following the initiative begun in the FY13 budget, the town is using Certified Free Cash and other available monies to fund capital projects without incurring additional debt. The proposals total \$498,325 for town buildings, infrastructure and Public Safety Information Technology and another \$259,017 dedicated to the Emerson and Sawyer Schools.

This year's capital project proposals are:

- Repair of culvert on Sampson Road, near Main Street (\$200,000)
- Houghton Building Exterior (\$90,000)
- Emerson School Heating Boiler Replacement (\$75,000)
- Truck Replacement - DPW (\$65,000)
- Police Software (\$32,465)
- EMT/Ambulance Software (\$20,000)
- Sawyer School Playground (\$30,000)
- Emerson School Communications Improvement (\$15,000)
- Sawyer School Hot Water Boiler Replacement (\$18,000)
- Sawyer School Interior Door Hardware (\$22,500)
- Sawyer School Replacement Flooring (\$26,017)
- Exterior Door Replacement at Sawyer and Emerson schools (\$60,000)
- Repair of Sugar Road Culvert (\$62,860)
- Emerson School Well Remediation (\$50,000)
- Repairs to original fire station (\$8,000), included in operating budget
- Replacement of boilers in current fire station (\$20,000) due to cracked fire boxes, included in operating budget

The Advisory Committee recommends that the town fund the capital projects listed above without incurring new debt. Our debt service is declining and will continue to decline in future years unless we add new debt. We can maintain this downward direction if we deploy our cash resources for capital projects and avoid other incremental debt. Reducing this debt load decreases taxes without reducing town services.

As in past years, many worthy services and capital projects are not addressed in this budget. The NRSD School Committee prepares its budget independently of town needs and the NRSD assessment is legally binding upon the town. Bolton's NRSD assessment this year could be \$12,101,872 (57.7% of the entire budget). All other non-education town expenses are \$7,966,693. Town departments, boards, volunteers and officers try to deliver as much as possible with the money available after the NRSD assessment.

Connie Benjamin
Brad Cote
Robert Czekanski
Randy Dinjian, Chairman
Michael Zelenkov

CAPITAL PLANNING COMMITTEE'S STATEMENT

The Capital Planning Committee (CPC) assists the Advisory Committee in doing a deep review of all capital requests over \$25,000. Whereas the Advisory Committee must review each department's entire budget - line by line - the CPC is able to focus on just a limited number of items. Since most capital requests are not budgeted for on a yearly basis, the Advisory Committee must decide which items should be paid for from available cash; which items should be borrowed for; and which items must wait for another year. The CPC helps the Advisory Committee to negotiate the delicate balance between fiscal prudence and the town's needs.

The CPC meets with all groups and departments making capital requests and works with them to understand the need for each request. The CPC makes every effort to fully investigate all requests, including touring facilities. Once all requests have been examined, the CPC prioritizes the requests by department and then ranks them in an overall list. The full list of capital items has been given in the Advisory Committee's statement, but the CPC would like to use this space to provide more detail on some of the approved requests.

Department of Public Works

Articles 20-23 all deal with capital requests from the DPW. Last year, the CPC recommended delaying the purchase of a new one-ton truck for one year. Due to the age and condition of the existing truck it will replace, this request (Article 20) has been recommended by the CPC.

Article 21 refers to the exterior maintenance required on the Houghton building. While this is a costly request (\$90,000), the CPC approves it for two reasons: the town has already invested a significant amount of money on the interior of the building and the new fiber cement siding material will be long-lasting and will require little maintenance.

Articles 22 and 23 are for culvert repairs. While not exciting, culverts are a critical part of water management around the town's roads and houses. These repairs are required to replace a failed culvert at Sampson Road and to prevent a culvert failure on Sugar Road. This is the second year in a row where the town has had to pay a significant amount of money for culvert repairs. As part of its long-term planning efforts, the CPC will work closely with the DPW to identify vulnerable culverts. This will hopefully allow the town to preemptively repair culverts and thereby reduce costly replacements.

Emerson and Florence Sawyer Schools

The major capital expenses for the two schools are presented in Articles 26-28. The CPC approves all of these requests in order to facilitate much needed repairs and improvements in the schools. The school system is a major reason people move to Bolton, so the town needs to view the buildings as critical assets to maintain. Article 26 requests a total of \$119,017: the majority of this (\$75,000) to replace a 40 year-old heating system in Emerson. \$26,000 is also requested for carpet and flooring repair, which will greatly help to improve the condition of the halls and classrooms. The CPC views this type of maintenance as very important to keep the schools in good working order.

\$82,500 of the total \$97,500 requested in Article 27 deals with interior and exterior door maintenance at the schools. Some of the exterior doors in Florence Sawyer are in such disrepair that they are literally rusting apart. These doors pose safety hazards and lead to significant heat loss during the winter, posing an unnecessary energy expense until repaired. The hardware on the interior doors also needs to be updated for maintenance and safety reasons. As stated above, these schools are major assets to the town and must be maintained in accordance.

CPC's Five-Year Plan

In addition to providing advice to the Advisory Committee, the other main area that the CPC focuses on is helping to establish a five-year plan in the town. Due to the nature of the yearly budget cycle, it's often easy for the town to focus only on the upcoming fiscal year. With this in mind, the CPC works with all departments to help identify any capital requests forecasted for the next 5 years. Doing this allows the town to prioritize requests based on when funds will be available. The CPC also pro-actively looks for areas in the budget to help the town reduce costs.

Erik Neyland
Michael Gorr
Michael Guerin
David Yesue

COMMONWEALTH OF MASSACHUSETTS
TOWN OF BOLTON
WORCESTER, ss

ANNUAL TOWN MEETING
Monday, May 6, 2013
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 6th day of May, 2013 at 7:00 p.m., then and there to act on the following articles:

Article 1: 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 2012; or do or act relating thereto.

Sponsor: Board of Selectmen

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

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: Majority

Article 2: Unpaid Bill for Fiscal Year 2012

To see if the Town will vote to transfer from available funds the sum of \$600 (Six hundred dollars) for the purpose of paying the following unpaid FY12 bill, pursuant to M.G. L., Chapter 44, Section 64; or do or act relating thereto.

\$600.00 Beaver Solutions LLC

Sponsor: Conservation Commission

Note: This is an unpaid bill from the previous fiscal year for services that have been rendered.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: 4/5 Majority

Article 3: Fiscal Year 2014 Operating Budget

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,092,530 (Twenty million ninety two thousand five hundred thirty 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 \$180,000 (One hundred eighty thousand dollars) be transferred from the Cell Tower Fund;
- b. The sum of \$77,500 (Seventy seven thousand five hundred dollars) be transferred from the Ambulance Receipts Reserved for Appropriation to be applied to the Ambulance Department budget;
- c. The sum of \$242,857 (Two hundred forty two thousand eight hundred fifty seven dollars) or any other amount, be transferred from the Overlay Reserve Account;
- d. The sum of \$19,592,173 (Nineteen million five hundred ninety two thousand and one hundred seventy three dollars) to be raised by taxation; or do or act relating thereto.

Sponsor: Board of Selectmen

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: Majority

Article 4: 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 on permit fees of no more than 7.5% shall be deposited with an annual cap of \$20,000 (Twenty thousand dollars). The Revolving Fund, originally approved in Article 7 of the 2010 Annual Town Meeting, 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 hand held devices such as netbooks in the field.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: Majority

Article 5: Other Post-Employment Benefits (OPEB)

To see if the Town will vote to accept the provisions of M.G.L. Chapter 32B, Section 20, which will allow for the establishment of an Other Post-Employment Benefits Liability Trust Fund (OPEB); or do or act relating thereto.

Sponsor: Town Accountant

Summary: In addition to pension benefits, the Town provides retired employees with health care and life insurance benefits and costs are accounted for on a pay-as-you-go basis. While the new accounting standards under GASB 45 do not require pre-funding of these liabilities, we may elect to do so at some point in the future. There is no immediate financial impact to the Town by establishing an OPEB Trust Fund. In the event that the Town does elect to make these voluntary contributions, the funds set aside will be deposited in this Trust Fund.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Capital Planning Committee Recommendation: Approved

Vote Required: Majority

Article 6: Compensation for Town Clerk Certification

To see if the Town will vote to accept M.G.L. Chapter 41, Section 19K which entitles the Town Clerk to receive additional compensation annually for achieving the designation of Certified Massachusetts Municipal Clerk (CMMC), or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: Massachusetts Town Clerks' Association (MTCA) has developed a certification program to establish minimum standards of knowledge of statutory requirements and to enhance the professionalism of the position. After earning the designation of Certified Massachusetts Municipal Clerk (CMMC), according to M.G.L. the Town Clerk is entitled to an annual compensation of \$1,000.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: Majority

Article 7: Compensation for Town Treasurer Certification

To see if the Town will vote to accept M.G.L. Chapter 41, Section 108P which entitles the Town Treasurer to receive additional compensation annually for achieving the designation of Certified Massachusetts Municipal Treasurer (CMMT); or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: The Town Treasurer, after three years of classes and training, passed the certification exam in August of 2011 to hold the designation of Certified Massachusetts Municipal Treasurer and according to M.G.L. is currently entitled to an annual compensation of \$1,000.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: Majority

Article 8: Dissolution of the Board of Commissioners of Trust Funds

To see if the Town will vote to dissolve the Board of Commissioners of Trust Funds; or do or act relating thereto.

Sponsor: Board of Commissioners of Trust Funds

Summary: The Board of Commissioners of Trust Funds was voted in at the Annual Town Meeting on February 3, 1941, to manage trust funds in accordance with M.G.L. Chapter 41, Section 45-47 inclusive. The current Commissioners voted to dissolve the Board of Commissioners of Trust Funds on January 17, 2013, and transfer all responsibilities to the Town Treasurer. This action was taken because the trust balances are very small and there is no need for them to assist in the management of the funds.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: Majority

Article 9: Dissolution of the Board of Trustees of the Francis E. Whitcomb Benevolent Fund

To see if the Town will vote to dissolve the Board of Trustees of the Francis E. Whitcomb Benevolent Fund; or do or act relating thereto.

Sponsor: Board of Trustees of the Francis E. Whitcomb Benevolent Fund

Summary: At the August 26, 1909 Annual Town Meeting the town first voted to accept the gift from the estate of Francis E. Whitcomb. The current Trustees voted to dissolve the Francis E. Whitcomb Benevolent Fund on January 17, 2013, and transfer all responsibilities to the Town Treasurer. This action was taken because the trust balances are very small and there is no need for them to assist in the management of the funds.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: Majority

Article 10: Central Massachusetts Mosquito Control Project

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$41,000 (Forty-one thousand dollars) to reimburse the Town for the annual costs associated with becoming a member of 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. Chapter 59, Section 21C(g) (Proposition 2 ½) allowing the Town to assess said sum in additional real and property taxes; or do or act relating thereto.

Sponsor: Board of Health

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 at 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 their member cities and towns, and residents can opt out of any part of the 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 \$41,000 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 \$41,000 to the Town's operating budget and tax levy.

Board of Selectmen Recommendation: Disapproved

Advisory Committee Recommendation: Recommendation to be given on Town Meeting Floor

Vote Required: Majority

Article 11: Amendment to the Dog Bylaws

To see if the Town will vote to amend the Code of the Town of Bolton, Chapter 110 Animals, Section 110-1 Statutory authority, Section 110-2 Definitions, Section 110-3 Prohibited conduct, Section 110-5 Action upon failure to license dogs, and Section 110-8 Violations and penalties, as follows (deletions in *parenthesis and italics*) and additions are underlined); and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Bolton; or do or act relating thereto.

Section 110-1 Statutory authority.

The Town of Bolton adopts this Dog and Kennel Bylaw in accordance with, and to conform with, M.G.L. Chapter 140, Sections 136A-174(D)E.

Section 110-2 Definitions:

For the purposes of this bylaw, the following terms shall have the meanings indicated:

RUNNING AT LARGE - Any dog off premises of its owner or keeper, and not under the direct control of a person demonstrating the ability to properly control the dog.

ATTACK - Aggressive physical contact initiated by an animal.

DANGEROUS DOG - a dog that either:

- (i) Without justification, attacks a person or domestic animal causing physical injury or death; or
- (ii) Behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

NUISANCE DOG - a dog that:

- (i) By excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or
- (ii) By excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or
- (iii) Has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

KENNEL - *(One pack or collection of more than three dogs three months old or older on a single premises, whether maintained for breeding, boarding, sale, training, hunting, or other purposes.)* A pack or collection of dogs on a single premises, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

COMMERCIAL BOARDING OR TRAINING KENNEL - Commercial boarding or training kennel, an establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under M.G.L. Section 39A of Chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

COMMERCIAL BREEDER KENNEL - An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

DOMESTIC CHARITABLE CORPORATION KENNEL - A facility operated, owned or maintained by a domestic charitable corporation registered with the department or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and

promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purposes while providing veterinary treatment and care.

PERSONAL KENNEL - A pack or collection of more than three dogs, three months old or older, owned or kept under single ownership for private personal use; provided however, that breeding of personally-owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, or barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.

VETERINARY KENNEL - A veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided however, that “veterinary kennel” shall not include a hospital clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care.

Section 110-3 Prohibited conduct

(A.) At no time shall a person owning or keeping a dog in the Town allow such dog to:

- (1) be unlicensed, uncollared, or untagged; (or to become a public nuisance to others within the Town limits.)
- (2) be a dangerous dog;
- (3) be a nuisance dog;

(A dog shall be deemed a “(public) nuisance dog” for, but not limited to, the following reasons:)

- ((1) Attacking or chasing persons or domestic animals.)*
- ((2) Damaging property of others beyond its owner’s/keeper’s property.)*
- (4) Interfere(ing) with or disrupt(ing) organized school or public activities;*
- (5) Interfere(ing) with the use of a public right-of-way;*
- (6) Chase(ing) moving vehicles; or,*
- ((6) Exhibiting a vicious disposition.)*
- ((7) Barking or howling excessively resulting in complaints to the Police or Animal Control Officer.)*
- (7) Run(ning) at large.*
- ((9) Creating other disturbances.)*

Section 110-5 Action upon failure to license dogs

As allowed by M.G.L. Chapter 140, Section 173, all owners or keepers of dogs kept in the Town of Bolton, who on the first day of May of each year have not licensed said dog or dogs as prescribed by M.G.L. Chapter 140, Sections 127 and 137A, and this bylaw shall be required to pay an additional fee of \$25 per dog, payable to the Town of Bolton. If still unlicensed, uncollared, and untagged after June 1, a fine of \$50 per dog shall be imposed. The Board of Selectmen shall, by June 11, issue a warrant directing the Animal Control Officer to seek out,

catch, and confine all such dogs; and to enter and prosecute a complaint in District Court against the owners or keepers, if known, of said dogs, in accordance with M.G.L. Chapter 140, Section 151A.

Subsection 110-8 Violations and penalties

Violations of this Article I and Article II, Section 110-9, or M.G.L. Chapter 140, Sections 136A through 174D, shall be subject to impoundment of the animal by the Animal Control Officer, and/or a fine upon the owner or keeper of a dog or livestock so found to be at large, dangerous or a public nuisance; and/or by criminal or noncriminal disposition as provided in M.G.L. Chapter 140, Sections 151A, 157, 157A, and 173A. Such fines shall not be more than \$25 for the first offense, not more than \$50 for the second offense, and not more than the maximum allowed by law for subsequent offenses. Any violation resulting in impoundment shall also require payment to the Town of Bolton of a pickup fee of \$10, plus normal boarding fees.

Sponsor: Board of Selectmen

Summary: As of October 31, 2012, “An Act further Regulating Animal Control” (“The Act”) from the state legislature became effective. As a result of this new legislation the need arises to revise the bylaws to insure they are not in direct conflict with “The Act”. These amendments are not creating “a leash law” and don’t change our administrative procedures regarding licensing. These amendments give the town bylaws clearer definitions for dog owners regarding prohibited conduct for dogs.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: Majority

Article 12: Amendment to the Code of the Town of Bolton, Article VI, Definitions, Section 250-28, Terms Defined

To see if the Town will vote to amend the Code of the Town of Bolton, Article VI, Definitions, Section 250-28, Terms Defined by inserting the following (deletions in *parenthesis and italics*) and additions are underlined), and further that nonsubstantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Bolton; or do or act relating thereto.

Section 250-28 Terms Defined

SPORTS FACILITY - A facility operated as a business, open to the public and designed and equipped for the conduct and instruction of sports and recreation with activities such as baseball, basketball, football, soccer, lacrosse, rugby, hockey, rock climbing, laser tag, running track, health club, bowling, racquetball, tennis and squash, swimming, curling, golf and other customary sports and recreational activities. Activities such as motor sports or activities using any form of motorized vehicles, firing ranges, sports stadiums, camping facilities, water parks, outdoor miniature golf courses, billiard parlors, or roller skating are not allowed.

Sponsor: Planning Board

Summary: The purpose of this bylaw is to create a definition for a Sports Facility.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: 2/3 Majority

**Article 13: Amendment to the Code of the Town of Bolton, Article III, Zoning District Regulations,
Section 250-10, Types of Districts and Permitted Uses**

To see if the Town will vote to amend the Code of the Town of Bolton, Article III, Zoning District Regulations, Section 250-10, Types of Districts and Permitted Uses as follows (deletions in *parenthesis and italics*) and additions are underlined, and further that nonsubstantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Bolton; or do or act relating thereto.

250-10 Types of districts and permitted uses (3)

(3) Business: for retail and service establishments where business is conducted wholly within the closed building or wholly or partially outside a building by Special Permit.

Sponsor: Planning Board

Summary: The purpose of this bylaw is to allow business uses wholly within a building or wholly or partially outside a building by Special Permit.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: 2/3 Majority

**Article 14: Amendment to the Code of the Town of Bolton, Article III, Zoning District Regulations,
Section 250-12, Schedule of Permitted Uses**

To see if the Town will vote to amend the Code of the Town of Bolton, Section 250-12, Schedule of Permitted Uses as follows (deletions in *parenthesis and italics*) and additions are underlined, and further that nonsubstantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Bolton; or do or act relating thereto.

Section 250-12 Schedule of Permitted Uses

	Residential	Business	Limited Business	Commercial	Industrial	Limited Recreation Business
Other Retail, wholesale or service:						
wholly or partially outside a building	No	<i>(No)</i> <u>SP</u>	SP	Yes	No	No
Recreational (<i>Indoor tennis, health club, bowling</i>)						
<u>Sports Facilities**</u>	No	SP	SP	Yes	<u>SP</u>	No

Sponsor: Planning Board

Summary: The purpose of this bylaw is to update the Use Table by allowing both outdoor and indoor use in the business district as well as creating a sports facility use.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: 2/3 Majority

Article 15: Amendment to the Code of the Town of Bolton, Section 250-10, Types of Districts and Permitted Uses

To see if the Town will vote to amend the Code of the Town of Bolton, Section 250-10, Types of Districts and Permitted Uses, Section B (5) as follows (deletions in *parenthesis and italics*) and additions are underlined); or do or act relating thereto.

(Commercial: for uses set forth in Subsection B(3) above; for removal or processing of earth materials, to include stones, soil, loam, sand or gravel; and for retail, wholesale and service establishments where business is conducted wholly or partially outside a building, except restaurants, which must be conducted wholly within an enclosed building.)

Sponsor: Planning Board

Summary: The purpose of this bylaw is to eliminate the commercial district from the table of uses because the Town does not have any land zoned commercial.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: 2/3 Majority

Article 16: Amendment to the Code of the Town of Bolton, Section 250-12, Schedule of Permitted Uses

To see if the Town will vote to amend the Code of the Town of Bolton, Section 250-12, Schedule of Permitted Uses, as follows (deletions in *parenthesis and italics*) and additions are underlined); or do act relating thereto.

	Limited	Limited		Limited
Types of Uses	Residential	Business	Business (<i>Commercial</i>)	Industrial Business

Sponsor: Planning Board

Summary: The purpose of this bylaw is to eliminate the commercial district from the table of uses because the Town does not have any land zoned commercial.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: 2/3 Majority

Article 17: Amendment to the Code of the Town of Bolton, Article V, Special Regulations, Section 250-25, Wireless Communication

To see if the Town will vote to amend the Code of the Town of Bolton, Article V, Special Regulations, Section 250-25, Wireless Communications by adding the following Subsection (c) after (b) in Section I, Exemptions, to conform to the recent amendment to the Telecommunications Act of 1996, approved via the Tax Relief and Job Creation Act of 2012, and to amend the numbering of the exemptions in Section 250-25 accordingly; or do or act relating thereto.

(c) Eligible Facility Modifications. “Modification Requests” to “Eligible Facilities” shall be exempt from the requirements of Section 250-25C if the building inspector determines that the requirements of this subsection have been met. For the purposes of this subsection, “Eligible Facilities” means existing wireless towers and base stations. “Modification Requests” means any modification request to “Eligible Facilities” involving:

- i) colocation of new communication devices; or
- ii) removal of communication devices; or
- iii) replacement of communication devices or other transmission equipment; that does not substantially change the physical dimensions of existing eligible facilities.

Sponsor: Planning Board

Summary: The recent amendment to the Telecommunications Act of 1996 mandates approval of modifications that “[do] not substantially change the physical dimensions” of existing wireless towers or base stations for “eligible facilities.” Facilities are considered “eligible” for this protection if the modification requests involve (1) colocation of new transmission equipment, (2) removal of transmission equipment, or (3) replacement of transmission equipment. The Town’s current bylaw requires a new special permit for any modifications, extensions and additions, or replacements of all wireless communication facilities. This amendment changes the language of the bylaw to comply with the amendment to the Telecommunications Act by exempting “Eligible Facilities” from the requirements of the bylaw.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: 2/3 Majority

Article 18: Amendment to the Code of the Town of Bolton, Article VI, Wireless Communications, Section 250-25 (B)

To see if the Town will vote to amend the Code of the Town of Bolton, Article VI, Wireless Communication, Section 250-25 (B), Definitions by inserting the following (deletions in *parenthesis and italics*) and additions are underlined), and further that nonsubstantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Bolton; or do or act relating thereto.

B. Definitions

TRANSMISSION EQUIPMENT - radio transceivers, coaxial cable, a regular and backup power supply, and other associated electronics.

COLOCATION - means the mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

Sponsor: Planning Board

Summary: The recent amendment to the Telecommunications Act of 1996 mandates approval of modifications that “[do] not substantially change the physical dimensions” of existing wireless towers or base stations for “eligible facilities.” Facilities are considered “eligible” for this protection if the modification requests involve (1) colocation of new transmission equipment, (2) removal of transmission equipment, or (3) replacement of transmission equipment. The Town’s current bylaw requires a new special permit for any modifications, extensions and additions, or replacements of all wireless communication facilities. This amendment changes the language of the bylaw to comply with the amendment to the Telecommunications Act by exempting “Eligible Facilities” from the requirements of the bylaw.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: 2/3 Majority

Article 19: Amendment to the Code of the Town of Bolton to add Chapter 151, Historic Preservation,
Article I, Barn, Stable and Carriage House Preservation Bylaw

To see if the Town will vote to amend the Code of the Town of Bolton by inserting the following new section, and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Bolton; or do or act relating thereto.

ARTICLE I

Barn, Stable & Carriage House Preservation

Section 151-1. Accessory Apartments.

A. Purpose.

The purpose of this bylaw is to preserve existing detached barns, stables and carriage houses built before 1925 and provide flexibility for accessory apartment types.

B. Restrictions.

The Planning Board, acting as the Special Permit Granting Authority (SPGA) may grant a special permit to use a detached barn, stable or carriage house for single-family residential use on a lot with an existing dwelling provided all of the following conditions are satisfied:

- (1) The barn, stable or carriage house must have existed continuously since 1925. When converted for residential use, the structure must have a minimum net floor area of 400 square feet for accessory apartment types.
- (2) The barn, stable or carriage house and principal dwelling must be and remain located on the same lot.
- (3) At least one of the dwellings (barn, stable, carriage house or principal dwelling) must be and remain owner occupied.
- (4) The principal dwelling must be included in the Historical and Architectural Inventory of Bolton, MA or alternatively qualify by having been built prior to 1925 with a detached barn, stable or carriage house.
- (5) The Building Inspector shall confirm by inspection that the existing principal dwelling on the lot must be used only as a single-family dwelling during such time as the barn, stable or carriage house is being used as a dwelling. A two-family dwelling may be converted to

a single-family dwelling to meet this requirement. The Building Inspector shall confirm by inspection that the existing dwelling is being used only as a single-family dwelling before issuing a certificate of occupancy for the use of the barn, stable or carriage house. The owner of the property must sign an affidavit recorded at the Registry of Deeds with the special permit accepting such requirement.

- (6) The exterior facade of the barn, stable or carriage house shall substantially retain its appearance as a barn, stable or carriage house and exterior architectural features shall be preserved to the maximum extent practicable, keeping in mind the barn, stable or carriage house will be a dwelling. If the facade of the barn, stable or carriage house shall have been changed from its original appearance prior to the filing for a special permit under this section, it shall be restored to be consistent with the architecture of the period of its construction. The SPGA shall obtain a report from the Bolton Historical Commission as to exterior features that it recommends be preserved or restored and which, if any, proposed exterior alterations should be allowed on the barn, stable or carriage house. The existing footprint shall remain substantially the same but shall not increase more than 10%.
- (7) Sufficient off-street parking must be provided for occupants of the barn, stable or carriage house.
- (8) The barn, stable or carriage house shall meet all building code requirements and shall have properly installed and maintained fire safety devices for the protection of all occupants in the entire dwelling, be issued an address for the accessory unit by the Fire Department and be subject to compliance with state and local Board of Health requirements and State and Local Wetland Bylaws and Regulations.
- (9) Any other conditions, safeguards and limitations on time or use as may be imposed by the SPGA according to Massachusetts General Laws, Chapter 40A or regulations pursuant thereto.

Section 151-2. Accessory Uses.

A. Purpose:

The purpose of this section is to preserve existing, freestanding and detached barns, stables and carriage houses built before 1925 and provide flexibility for home occupations. The conduct of the following home occupations may be permitted under the provisions of this section of the Barn, Stable and Carriage House Preservation Bylaw. It is the intent of this section to allow home occupations that are generally not allowed under Bolton's Accessory Use Bylaw, Chapter 250, Zoning, Section 250-21. The Accessory Use must be clearly incidental and secondary to the principal use of the principal dwelling unit or the permitted accessory structure. The essential component of a home occupation is that it does not detract from the character of the existing land use.

B. Restrictions.

A Special Permit from the Planning Board is required for home occupations which are not allowed under the Accessory Uses Section 250-21. Any Special Permit issued for a home occupation pursuant to this bylaw shall be subject to the following conditions:

- (1) The structure used must have been in existence prior to 1925. Any and all additions to the original structure must be in keeping with the original architectural style.
- (2) Sufficient off-street parking must be provided and such parking areas must be in keeping with the character of a single-family residence. Crushed stone may be considered as an acceptable paving surface for this use. No more than two parking spaces shall be located within the front yard of the property.
- (3) There shall be no external change which alters the residential appearance. The residential character of the premises must be preserved. All materials and products shall be stored only within the dwelling. All work or sale of goods must be carried on inside the building used.
- (4) There shall be no exterior display, no exterior storage of materials, and no other exterior indication of the permitted use or other variation from the residential character of the principal building other than a sign as permitted under Section 250-18, Subsection E, of the Bolton Zoning Bylaws pertaining to residential signs.
- (5) The SPGA may impose on any special permit additional conditions, including but not limited to, number of employees permitted, hours of operations and screening plantings of abutting properties.
- (6) Before granting a special permit the SPGA must conclude that the impact from traffic, lighting, and hours of operation will not have a negative impact on the residential neighborhood.
- (7) The permitted use shall be carried out only inside the principal dwelling or the barn, stable, or carriage house.
- (8) The permitted use shall be carried out by the person who resides in the principal dwelling or the barn, stable, or carriage house.
- (9) Not more than two persons other than the residents of the dwelling and not more than a total of four are employed at any one time on the premises in the permitted use.
- (10) No equipment or process shall be used which creates offensive noise, vibration, smoke, dust, odors, fumes, heat or glare detectable to the normal senses off the premises.
- (11) No equipment or process shall be used which creates electrical interference in household devices off premises.
- (12) The permitted use shall not allow shipments by vehicles not customarily making deliveries in a residential area.
- (13) No highly toxic, explosive, flammable, combustible, corrosive, radioactive or similar hazardous materials are to be used or stored on the premises in amounts that exceed those that are typically found in normal residential use.

- (14) The occupied space for the permitted use shall not exceed more than 1/3 of the floor space of the living area of the principal dwelling, if it is being used as an accessory use to the principal dwelling, or more than 1/3 of the floor space of the living area of the accessory dwelling, if it is being used as an accessory use to the accessory dwelling.

C. Allowed uses are the following:

- (1) Photo studio, artist, craftsman, or other artisan studios. Stock and trade may be sold on the premises, provided that it is produced on the premises.
- (2) Repair and alteration of wearing apparel and accessories.
- (3) Florist or caterer.
- (4) Repair for musical instruments.
- (5) Bed-and-breakfast.
- (6) Antique shop.

D. Prohibited Occupations/Activities.

The following occupations or activities are expressly prohibited as home occupations:

- (1) Servicing, maintenance, or restoration of motor vehicles.
- (2) Trucking or warehousing activities.
- (3) Sale of articles, except as provided in the above Subsection C.
- (4) Animal hospital.
- (5) Medical or dental clinics.

E. Process.

- (1) An owner or owners of a barn, stable and carriage house may make an application to the SPGA; for a Special Permit for the alteration and/or occupancy of a barn, stable and carriage house in compliance with all of the above-listed restrictions. The SPGA will then post notice of this public hearing in accordance with Chapter 40A, Massachusetts General Laws. The Bolton Historical Commission shall be notified upon receipt of building application.
- (2) The Special Permit for said barn, stable or carriage house will be limited to the original applicant but shall be transferred with ownership upon the successful inspection of the property which verifies that all conditions of the requirements for a barn, stable or carriage house are being met and upon recertification that the new owner(s) of the dwelling plan(s) to maintain residence in either the barn, stable or carriage house or the principal residence.
- (3) If the terms and/or conditions of the Special Permit for a barn, stable or carriage house are not being complied with, such Special Permit can and will be revoked in accordance with standard enforcement procedures, or if all conditions are not met within one year of issuance of the Special Permit, the Special Permit will be null and void.

F. Criteria

For those uses identified in Chapter 151 of the Code of the Town of Bolton as requiring a Special Permit from the Planning Board, the following additional factors shall be considered by the Planning Board, granting, denying, or considering renewal of any Special Permit:

- (1) The existence of safe vehicle access to and from the property; and
- (2) The existence of safe pedestrian access to and from the site.

Section 151-3. Rules and Regulations.

The Planning Board may adopt Rules and Regulations relative to this Bylaw.

Sponsor: Planning Board

Summary: The Bolton Accessory Apartment Bylaw Section 250-21 (D) requires that an accessory apartment is located either in or attached to a new or existing dwelling. The creation of the Barn, Stable & Carriage House Preservation Bylaw would help to preserve historical detached barns, stables & carriage houses built before 1925 by providing flexibility for accessory apartments types by not requiring that accessory apartments be attached to the existing dwelling. In addition the proposed Barn, Stable & Carriage House Preservation Bylaw provides more flexibility for home occupations not currently allowed under the Accessory Use bylaw Home Occupations Section 250-21 (A).

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: 2/3 Majority

Article 20: Purchase of New One-Ton Minimum 17,000 Gross Vehicle Weight 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 \$65,000 (Sixty-five thousand dollars) to fund the purchase of a new one-ton truck for the Department of Public Works; or do or act related thereto.

Sponsor: Department of Public Works

Summary: The DPW uses trucks on the roads and on Town grounds year round and for lighter duty plowing during the winter months. This dump truck will replace a ten-year-old vehicle.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Capital Planning Committee Recommendation: Approved

Vote Required: Majority

Article 21: Houghton Building – External Repairs

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$90,000 (Ninety thousand dollars) to fund repairs to the exterior of the Houghton Building; or do or act relating thereto.

Sponsor: Department of Public Works

Summary: The installation of cement fiber board, such as that produced by James Hardie or similar material, will improve the appearance of the building and extend the period of time before which additional maintenance would need to be performed.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Capital Planning Committee Recommendation: Approved

Vote Required: Majority

Article 22: Replacement of Sampson Road and Main Street Culvert

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$200,000 (Two hundred thousand dollars) to fund the replacement of the culvert closest to Main Street on Sampson Road; or do or act relating thereto.

Sponsor: Department of Public Works

Summary: This culvert is in a state of collapse. Failure to replace this culvert could result in a road closure and flooding of residents in the area.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Capital Planning Committee Recommendation: Approved

Vote Required: Majority

Article 23: Repair Sugar Road Culvert

To see if the Town will vote to appropriate the sum of \$62,860 (Sixty-two thousand eight hundred sixty dollars) to fund the culvert repair at 550 Sugar Road; and that to meet this appropriation the sum of \$62,860 (Sixty-two thousand eight hundred sixty dollars) be transferred from unexpended funds from the Sugar Road Culverts article, as previously appropriated by Article 6 of the May 7, 2012, Annual Town Meeting; or do or act relating thereto.

Sponsor: Department of Public Works

Summary: This culvert is showing signs of severe distress. If it is repaired soon, a much more costly replacement will be avoided.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Capital Planning Committee Recommendation: Approved

Vote Required: Majority

Article 24: New Playground Equipment for Florence Sawyer School

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$30,000 (Thirty thousand dollars) to replace the existing playground equipment at Florence Sawyer School; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: The existing playground equipment at the Florence Sawyer School is over 20 years old and needs to be replaced. The entire project will cost approximately \$150,000. However, a group of parents have already raised approximately \$120,000 to help with this effort. This \$30,000 is requested to complete the funding for the project.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Capital Planning Committee Recommendation: Approved

Vote Required: Majority

Article 25: IMC Replacement Software - Ambulance Department and Dispatch Automation Software - Police Department

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$52,465 (Fifty two thousand four hundred sixty five dollars) for the purchase and implementation of an electronic patient care reporting (ePCR) software package for the

Ambulance Department (\$20,000) and dispatch call automation software for the Dispatchers (\$32,465); or do or act relating thereto.

Sponsor: Ambulance Department

Summary: The current ePCR software will no longer be supported by the vendor. Vendor support is necessary as state regulations frequently change which often result in changes/additions to programming. In addition to vendor support, the new software provides additional functionality and offers user-friendly features that are specifically designed to be used while treating the patient in the ambulance. The selected software will continue to be tightly integrated with the current Dispatch, Police and Fire software.

Effective July 1, 2012, the State of Massachusetts required that all Public Safety Personnel who work as Dispatchers follow a new protocol in support of the Emergency Medical Dispatch (EMD) function. This function covers ambulance calls and fire calls. The required procedures are currently followed by using “run cards” which list the required questions to be asked of a caller. This software and associated one-time expenses would automate this process and would assist our Dispatchers in supporting these new procedures.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Capital Planning Committee Recommendation: Approved

Vote Required: Majority

Article 26: Capital Improvements - School Repairs

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$119,017 (One hundred nineteen thousand seventeen dollars) for school repairs (\$18,000 for a new boiler for the Florence Sawyer School, \$75,000 for a new boiler for the Emerson School, \$26,017 for new flooring in the Florence Sawyer School); or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: These funds will be used to make needed repairs at the Emerson School and the Florence Sawyer School. The current boiler in the Florence Sawyer School is five years past its expiration date and our insurance company is recommending that it be replaced. The current boiler in the Emerson School was installed in 1971 and has reached the end of its useful life. The flooring in the Florence Sawyer School is necessary because the carpeting in the classrooms is heavily worn and has separated seams. Tile floors are cracking as well.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Capital Planning Committee Recommendation: Approved

Vote Required: Majority

Article 27: Capital Improvements – School Safety Enhancements

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$97,500 (Ninety Seven thousand five hundred dollars) for school safety enhancements (\$60,000 for the installation of new exterior doors and hardware at the Florence Sawyer School and door weather stripping and exterior locker-room door replacement at the Emerson School and, \$22,500 for interior door hardware replacement at the Sawyer School, and \$15,000 for a new intercom system for the Emerson School); or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: These funds will be used to improve safety at the Emerson School and the Florence Sawyer School. New exterior doors will be installed, where needed, at the Emerson School and the Florence Sawyer School. The door hardware at the Sawyer School is failing and levers can no longer be adjusted. The new intercom system for the Emerson School will be integrated into the current VoIP phone system.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Capital Planning Committee Recommendation: Approved
Vote Required: Majority

Article 28: Emerson Well Improvements

To see if the Town will vote to appropriate the sum of \$50,000 (Fifty thousand dollars) to complete the funding of the project to construct a new water line to serve the Emerson School from the Florence Sawyer School public water supply well, as approved in Article 21 of the Annual Town Meeting on May 3, 2010; and that to meet this appropriation the sum of \$16,510.50 (Sixteen thousand five hundred ten dollars and fifty cents) be transferred from unexpended funds from the Alternative Water Supply Emerson School article, as appropriated by Article 11 of the May 4, 2009, Annual Town Meeting, and the sum of \$33,489.50 (Thirty three thousand four hundred eighty nine dollars and fifty cents) be transferred from unexpended funds from the Construct Sewer Force Main article, as appropriated by Article 15 of the May 5, 2008, Annual Town Meeting; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: At the Annual Town Meeting of May 3, 2010, \$63,000 was approved for a project which would construct a well to serve both the Emerson School and the Florence Sawyer School with the current Florence Sawyer School well, as required by a DEP audit. When this amount was calculated, it was believed that a form of drilling known as directional drilling could be utilized. Once some test drilling was performed, it was learned that the amount of ledge in this area was much higher than anticipated. Having gone back out to bid, it has been determined that this additional amount of money needs to be appropriated in order to complete this project.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Capital Planning Committee Recommendation: Approved

Vote Required: Majority

Article 29: Authorize Town Election

To see if the Town will vote to meet at the Nashoba Regional High School Auditorium in Bolton, on Monday, May 13, 2013, 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, Five Constables, One Commissioner of Trust Funds, One member of the Nashoba Regional School District Committee, One member of the Commissioner of Trust Funds, One Library Trustee, Two members of the Parks and Recreation Commission; One Trust of the Francis E. Whitcomb Benevolent Fund.

FIVE YEARS: One Housing Authority member and One Planning Board member

Vote Required: Majority

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 28th day of March in the year of our Lord, Two thousand thirteen.

BOLTON BOARD OF SELECTMEN

David Lindsay, Chairman

Stanley Wysocki

Lawrence Delaney

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 13, 2013
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 Thirteenth day of May, 2013 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 assess an additional \$41,000.00 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, 2013?

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 28th day of March in the year of our Lord, Two thousand thirteen.

BOLTON BOARD OF SELECTMEN

David Lindsay, Chairman

Stanley Wysocki

Lawrence Delaney

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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TO: POSTAL CUSTOMER
BOLTON, MA 01740**

**Annual Town Meeting
Monday, May 6, 2013
Tuesday, May 7, 2013 if necessary
7:00 p.m.
Nashoba Regional High School Auditorium**

**Annual Town Election
Monday, May 13, 2013
Noon to 8:00 p.m.
Nashoba Regional High School Auditorium**

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