

## BOARD OF SELECTMEN'S STATEMENT

In preparing the Board of Selectmen's Statement for the 2014 Annual Town Meeting Warrant we looked back on the 2011 Board of Selectmen 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.*

We are happy to report that the Town is in much better shape financially this year. It has been a slow, steady climb over the intervening years to get to this point. It is due to careful budget oversight and having a constant eye to minimizing capital expenditures.

We want to recognize and thank the Town's employees, especially its department heads, who have spent a great deal of time preparing their budgets and assistance with the budgeting process.

The Board of Selectmen want to thank the tremendous amount of work done by our Advisory Committee, Capital Planning Committee, Town Treasurer Donna Madden and our Town Accountant Julie Costello for the considerable time spent reviewing budget request submissions and crafting the FY15 budget under consideration at this Annual Town Meeting.

The FY15 budget is the first in many years that no free cash was needed to balance the budget. There was again no need for an override. There are a number of capital articles that are able to be funded from free cash. The request for a new ambulance will be funded entirely from the ambulance receipts we receive when transporting individuals. This new ambulance will cost the taxpayers nothing. The only item that will be partially funded by borrowing is the new fire department truck. Both the Advisory

Committee and Selectmen decided that the most prudent approach to funding this purchase is to use \$300,000 of free cash and finance the remaining \$245,000 with multi-year Bond Anticipation Notes (BANS). This provides a good balance of the use of free cash and spreading the payments of some of the cost over a number of years. Given that in the coming years we will need to consider replacing additional pieces of Fire Department apparatus we did not believe it was in the best interest of the Town to finance the entire cost of the apparatus being requested in this warrant.

Despite the number of articles in the warrant for capital expenditures we are pleased to report that \$235,000 of free cash will be used to help lower Bolton's overall tax rate.

We want to assure the Town that the FY15 budget and the articles in this Annual Town Warrant have been thoroughly scrutinized and reviewed. We urge your support in the approval of all articles.

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.

In 2011 we started with a quote from the great Yogi Berra. Now we would like to end our statement with one... *"I just want to thank everyone who made this day necessary"*.

Stan Wysocki, Chairman  
Larry Delaney  
Mark Sprague

## ADVISORY COMMITTEE'S STATEMENT

### Introduction

Bolton's FY15 budget is 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 and Town Accountant, Julie Costello who support the Advisory Committee year-round, and especially from January through April when the Advisory Committee meets each week.

### **Significant events in the FY15 budget:**

- For the first time in recent years, the budget presented at town meeting does not use the full property tax capacity of the town. The budget is \$155,127 below the maximum tax capacity.
- In addition, \$235,000 in free cash is used to fund town operations. The total relief to property tax payers is \$390,127 below the maximum tax capacity.
- As in recent years, most capital projects are funded with free cash. The exception this year is the Fire Apparatus (fire truck), funded partially with free cash and partially with debt.
- Debt payments decline by \$58,506 from FY14. Annual payments are \$180,534 lower than in 2012.
- Purchase of a new ambulance (\$225,000) is fully funded from the Ambulance Receipts Reserved account.
- Excluding educational assessments from the Nashoba Regional School District and the Minuteman Regional School District, the town budget increases by only \$80,201 (1.01%) from FY14.

<u>Revenue Table</u>			
Revenue	FY15	Amt Incr (Decr) from FY14	Amt Incr (Decr) from FY14
Tax Levy of Prior Year	16,911,913	-----	-----
Prop 2-1/2 Levy Limit	422,798	-----	-----
New Growth	150,000	(157,672)	-51.25%
Debt Excluded from Prop 2-1/2	1,774,134	(72,517)	-3.93%
<b>Taxable Levy Limit (sum of above)</b>	19,258,845	500,281	2.67%
Allowance for Abatement and Exemption	(160,000)	2,136	-1.32%
State Revenue	633,967	0	0.00%
Local Receipts	1,200,146	122,871	11.41%
Other Available Funds	550,440	(62,777)	-10.24%
Free Cash (for Operating Budget)	235,000	235,000	new
Free Cash (for Articles)	602,928	209,340	53.19%
Borrowing	245,000	245,000	new
<b>Total Revenue</b>	22,566,326	1,251,851	5.87%

### Revenues

Restraining expenses and the use of free cash reduce the amount needed to fund the town by \$390,127, by rules of Proposition 2-1/2, for a net increase of \$861,724 (4.02%)

Of the net increase, \$444,340 is the application of free cash (\$235,000+\$209,340), \$245,000 is borrowing for the Fire Apparatus, \$122,871 is an increase in Local Receipts, and \$110,154 is an increase in taxation.

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, 2013 was \$1,288,354 an amount equal to 6.5% of the FY 13 budget (which ended June 30, 2013). This was an unusually high amount of Certified Free Cash, due in part to the budgeting problems

at NRSD which were resolved at the October 16, 2013 Special Town Meeting. This amount is much above 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.

Full details of the FY15 Budget Revenue are available at [www.townofbolton.com](http://www.townofbolton.com)

<u>Expenditures Table</u>			
Expenditures	FY15	Amt Incr (Decr) from FY14	Per Cent Incr (Decr) from FY14
General			
Government	1,239,185	24,221	1.99%
Public Safety	1,995,602	78,221	4.08%
Education	12,896,989	570,964	4.63%
Public Works	1,355,557	11,449	0.85%
Human Services	130,545	13,878	11.90%
Culture & Recreation	436,051	17,875	4.27%
Debt Service	2,066,451	(58,506)	-2.75%
Employee Benefits	754,721	(14,872)	-1.93%
Other Insurance	68,782	7,935	13.04%
<b>Total Operating Expenditures</b>	20,943,883	651,165	3.21%
Snow & Ice Deficit	100,000	100,000	new
Interest Charges	0	0	
State & County	6,948	0	0.00%
Warrant Articles Using Free Cash or Other Available Funds	880,368	101,945	13.10%
Warrant Articles Borrowing	245,000	245,000	new
<b>TOTAL EXPENDITURES</b>	22,176,199	1,098,110	5.21%

**Expenditures**

Projected expenditures for FY15 rise by \$1,098,110 (5.21%) above FY14.

Education makes up 51.9% of the increase for the town, rising by \$570,964 (4.63%) over the prior year. The school district increases in FY15 are \$538,715 for the Nashoba Regional School District and \$32,249 for the Minuteman Regional School District.

Capital projects using cash and/or debt are another 31.59% of the FY15 expenditure increase. This amount increased by \$346,945 (26.19%) in FY15.

Debt Service and Employee Benefits decline by a combined \$73,378 (2.45%) in FY15.

The last 23.09% of the expenditure increase comes from the remaining town categories: General Government, Public Safety, Public Works, Human Services, Culture and Recreation, Other Insurance, and Reserve for Snow and Ice Deficit. The combined increase of these categories is \$253,579 (5.00%).

Full details of the FY15 Budget Expenditures are available at [www.townofbolton.com](http://www.townofbolton.com)

The Advisory Committee is pleased to deliver a budget that addresses the town's operating and capital needs while staying under the available levy limit. In addition, some free cash is used in the budget to provide tax relief.

Connie Benjamin  
Brad Cote  
Robert Czekanski, Chairman  
Anastasia Downey  
Randy Dinjian

## CAPITAL PLANNING COMMITTEE'S STATEMENT

The Capital Planning Committee (CPC) assists the Advisory Committee in doing a deep review of all capital requests over \$10,000. 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. 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 our recommendations.

FY2015 saw fewer total capital requests than previous years, but the overall total dollars requested is high – due mainly to the new fire apparatus.

### **Public Works**

The DPW has requested \$72,000 for repairs to its existing sander fleet. This money will allow the DPW to extend the life of its trucks and allow the town to delay purchasing new trucks. The CPC recommends approval of Article 23.

Article 24 seeks \$125,000 to replace the failing culvert at Meadow Road. As in previous years, the CPC approves of replacing failed or failing culverts before they cause more extensive damage. The DPW has done a good job of identifying culverts in town that are in need of replacement, spreading the repairs out over several years and adopting slip-lining where prudent to reduce total replacement costs.

Article 22 requests \$28,000 for repairs to the Old Fire Station. While the CPC believes that town assets must be maintained, we do not approve of this article. The CPC feels that a definitive use should be determined for the Old Fire Station property before more money is spent on it.

### **Public Safety**

Article 25 requests \$36,000 for the replacement of rescue equipment. This is critical equipment used in car accidents and other life-and-death rescue events and the CPC approves of the article.

By far the most costly capital request for the town is the fire department's purchase of a new fire apparatus. After careful consideration, the CPC recommends the town approve the \$545,000 for Article 26. The need for a new apparatus is justified based on the advanced age of the existing fleet and the new truck's ability to improve responsiveness and deliver the appropriate fire personnel quickly to emergency situations.

Article 27 seeks to purchase a new ambulance using the existing money in the Ambulance Receipts Reserve. The CPC is of the opinion that the purchase of a new ambulance should not be considered until the balance of the Receipts Reserve is at a sufficient level to cover the entire cost of the new ambulance and its requisite fit-out. Further, the CPC believes that the current ambulance has not passed

its useful life when compared to the town's previous ambulance. This is based on the age and maintenance history of the current vehicle. The CPC understands the desire for a new ambulance, however we believe that this purchase can be delayed for another year.

**Emerson and Florence Sawyer Schools**

There were many capital items approved in FY2014 for the schools and FY2015 is small in comparison. 29 seeks \$12,000 for engineering services to design a new boiler for the school which is experiencing significant repairs and requiring excessive maintenance. These services will ensure the best solution is identified and also help in NRSD's important efforts to improve energy efficiency. The CPC approves of this article.

**Town Vault**

Article 21 seeks \$30,800 for a preliminary study to architect a physical vault in or near Town Hall. The CPC understands the need for secure document storage in town, but disapproves of this article. The estimated total for a new vault is ~\$400,000 (on top of the \$30,800 being sought in Article 21). The CPC feels that the architectural study should not be funded unless the town is willing to move forward with the total cost of the project.

William Bergen  
Colin Bradley  
Michael Gorr, Chairman  
Michael Guerin  
David Yesue

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF BOLTON  
WORCESTER, ss

ANNUAL TOWN MEETING  
Monday, May 5, 2014  
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 5th day of May, 2014 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 2013; 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](http://www.townofbolton.com).

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

Article 2: Reserve Fund Account for FY14

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Advisory Committee Reserve Fund Account for FY14; or do or act relating thereto.

**Sponsor:** Board of Selectmen

**Summary:** Due to unforeseen expenses in several areas, such as our Legal Budget, the \$100,000 in the Advisory Reserve fund may need to be supplemented. The additional funds appropriated in this article may be required to meet our financial obligations for FY'14, which ends June 30, 2014.

**Board of Selectmen Recommendation:** Recommendation to be given on Town Meeting Floor

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

**Vote Required:** Majority

Article 3: Fiscal Year 2015 Operating Budget

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,943,883 (Twenty million nine hundred forty three thousand eight hundred eighty three 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 \$150,000 (One hundred fifty thousand dollars) be transferred from the Cell Tower Fund;

- b. The sum of \$23,000 (Twenty three thousand dollars) be transferred from the Ambulance Receipts Reserved for Appropriation to be applied to the Ambulance Department budget;
- c. The sum of \$100,000 (One hundred thousand dollars) or any other amount, be transferred from the Overlay Reserve Account;
- d. The sum of \$235,000 (Two hundred thirty five thousand dollars) or any other amount, be transferred from Free Cash;
- e. The sum of \$20,435,883 (Twenty million four hundred thirty five thousand eight hundred eighty 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: Dissolve the Advisory Board for the Senior Tax Rebate Program**

To see if the Town will vote to dissolve the Advisory Board for the Senior Tax Rebate Program (STRP); or do or act relating thereto.

**Sponsor:** Board of Selectmen

**Summary:** The Senior Tax Rebate Program (STRP) was established at the Annual Town Meeting on May 1, 1995. At that time the Board of Selectmen were authorized to appoint a 5-member Advisory Board for the purpose of administering the program. The program has been in place since August of 1995 and is continuing to run very well. It has been administered by various departments in Town in recent years and will continue to be administered in the same way. Therefore, the need for an appointed Advisory Board no longer exists.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

Article 6: Amendments to the District Agreement of the Minuteman Regional Vocational School District

To see if the Town will vote, consistent with Section VII of the existing “Agreement With Respect to the Establishment of a Technical and Vocational Regional School District” for the Minuteman Regional Vocational School District, to accept the amendments to said Agreement which have been initiated and approved by a majority of the Regional School Committee and which have been submitted to the Board of Selectmen of each member town prior to its vote on this article; or do or act relating thereto.

**Sponsor:** Minuteman Regional Vocational School District

**Summary:** An amendment to the Minuteman School District Regional Agreement as voted by the Minuteman School Committee is proposed to allow a more “user-friendly” agreement that allows for the following major changes:

- 1) A more desirable option for adding communities to the district;
- 2) A pathway for existing towns that may want to withdraw the district;
- 3) A revised operating cost allocation based on a 4 year rolling average enrollment rather than the most recent year enrollment;
- 4) Assessing capital and debt costs based on three factors: 50% allocation based on a 4 year rolling average enrollment, 1% of annual cost allocated to each member community, and the balance determined by income and property values as calculated by MA Dept of Revenue. This replaces the current allocation based on the most recent year enrollment (with a minimum of 5 students);
- 5) Changing the voting method of the School Committee to a weighted voting based on a 4 year rolling average enrollment rather than the current method of equal votes per member. Exempt from this method is incurring debt, which requires 2/3<sup>rd</sup> of all School Committee members, and a 3/4<sup>th</sup> vote of all members for proposed amendments to the Regional Agreement; and
- 6) A specific process for authorizing new debt, whereby the school district is first required to seek unanimous approval of all member communities at Town Meeting. If rejected, the School Committee may initiate a second attempt with a District-wide election.

This recommended Regional Agreement was developed by a subcommittee of the Regional School Committee consisting of Minuteman School Committee members, local officials and Town Managers to explore the future sustainability of the Minuteman School District. Technical and legal assistance was funded in part by a \$50,000 regionalization grant from the MA Department of Elementary and Secondary Education.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

Article 7: Amendment to the Code of the Town of Bolton Relative to the Barn, Stable and Carriage House Preservation Bylaw

To see if the Town will vote to amend Division I, Part II, General Legislation, of the Code of the Town of Bolton by deleting Chapter 151, Historic Preservation, Article 1, Barn, Stable and Carriage House Preservation in its entirety; and by amending Division I, Part III, Zoning Bylaw, Chapter 250 Zoning, by inserting into Article V, Special Regulations, a new Section 250-27.1, Barn, Stable and Carriage House Preservation; 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.

**Sponsor:** Planning Board

**Summary:** The Barn, Stable & Carriage House Preservation Bylaw approved at the May 6, 2013 Town Meeting is a zoning bylaw and therefore should be moved within the Code of the Town of Bolton from its current location under Chapter 151 - Historic Preservation to Chapter 250 – Zoning. As part of moving this bylaw, non-substantive changes to the numbering are required. No other changes are to be made as part of this article.

**Board of Selectmen Recommendation:** Approved  
**Advisory Committee Recommendation:** Approved  
**Vote Required:** 2/3 Majority

Article 8: Amendment to the Code of the Town of Bolton to Amend Division I, Part III, Zoning Bylaw, Chapter 250 Zoning, Article V, Special Regulations, Section 250-27.1, Barn, Stable and Carriage House Preservation, Subsection B(2)

To see if the Town will vote to amend the Code of the Town of Bolton, Division I, Part III, Zoning Bylaw, Chapter 250 Zoning, Article V, Special Regulations, Section 250-27.1, Barn, Stable and Carriage House Preservation, Subsection B(2), as follows (deletions in *parenthesis and italics*) and additions are underlined;

**B. Accessory uses.**

**(2) Restrictions.**

(o) The barn, stable or carriage house and principal dwelling must be and remain located on the same lot.

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.

**Sponsor:** Planning Board

**Summary:** It has been recommended by Town Counsel that the town vote to amend Section 250-27.1 Barn, Stable and Carriage House Preservation, Part B. Accessory uses - (2), to include the same language as in Part A. Accessory apartments - (2)(b), already in place.

**Board of Selectmen Recommendation:** Approved  
**Advisory Committee Recommendation:** Approved  
**Vote Required:** 2/3 Majority

Article 9: Amendment to the Code of the Town of Bolton, Division I, Part III, Zoning Bylaw, Chapter 250 Zoning, Article V, Special Regulations – to Add New Section 250-23.2, Mixed Use Village Overlay District Bylaw

To see if the Town will vote to amend the Code of the Town of Bolton, Division I, Part III, Zoning Bylaw, Chapter 250 Zoning, Article V, Special Regulations, by inserting the following new Section 250-23.2, Mixed Use Village Overlay District,

**§250-23.2. Mixed Use Village Overlay District**

**A. Location.**

The Mixed Use Village Overlay District includes properties east and west of the intersection of I-495 and Route 117 zoned Business, Limited Business and Residential and designated on the Bolton Assessors Map as Map 4C, Parcel 24; Map 4C, Parcel 35; Map 4C, Parcel 39; Map 4D, Parcel 28; Map 4D, Parcel 29; Map 4D, Parcel 30; Map 4D, Parcel 33; Map 4D, Parcel 34; Map 4D, Parcel 61; and the portion of Map 4D, Parcel 71 zoned Business.

**B. Statement of Purpose.**

The purpose and intent of the Mixed Use Village Overlay District are to allow for greater design flexibility and creativity in order to develop retail/commercial space along with a diversity of

housing types that are compatible with the existing surrounding uses and that are designed to preserve the community's unique rural and historical character.

**C. Goals.** The Mixed Use Village Overlay District is established to:

- (1) Create a mixed use overlay district that will meet the community's goals for high quality development in the vicinity of the I-495 and Route 117 interchange.
- (2) Enable development within the overlay to have a village character that includes a mix of uses, including retail, office and residential.
- (3) Allow the mixed use overlay district to be connected, via sidewalks and off-road trails, to the existing residential areas and schools, to provide for walkability and convenience for residents and students, and to provide potential shoppers for the businesses located in the overlay;
- (4) Provide commercial areas within walking distance to senior citizens living in the Bolton Country Manor housing facility, and
- (5) Protect the streetscape appearance and provide development compatible with the historic character of the community and neighborhood.

**D. Definitions.**

**Mixed Use:** A combination of residential and business uses, as noted below, arranged vertically (in multiple stories of a structure) or horizontally (adjacent to one another in one or more buildings on a lot).

**Live-Work Space:** A dwelling unit in which up to 50% of the floor area is used for the production, showing and sale of art or handcrafted artisan crafts.

**Community Space:** Public locations where members of a community tend to gather for group activities, social support, public information, and other purposes. They may sometimes be open for the whole community or for a specialized group within the greater community.

**E. Permitted Uses.**

In addition to those uses allowed under § 250-12D of the Code of the Town of Bolton, a Mixed Use Village Overlay District may also include: open space, residential dwelling units and associated facilities, assisted living units, live-work spaces, community space, and commercial establishments that may include, retail and service establishments, business or professional offices, software development offices, medical offices, medical and dental clinics, bed and breakfasts, inns, restaurants, and other establishments serving food [but excluding Fast Food Restaurants (see definition in Article VI of the Code of the Town of Bolton)], banks, convenience stores. It may include drive-up facilities for banks, pharmacies and other retail and service uses, but not for food establishments. Food may be consumed outdoors in landscaped terraces, designed for dining purposes.

**F. Prohibited Uses.**

In addition to those uses prohibited under § 250-12D of the Code of the Town of Bolton, no portion of the Mixed Use Village Overlay District shall be used for research and development laboratories or manufacturing enterprises, adult use establishments, onsite laundry or onsite dry cleaners, fast food restaurants (see definition in Article VI of the Code of the Town of Bolton), automotive repair shops or dealerships, car washes, bowling alleys, discotheques or dance halls.

### **G. Authority.**

- (1) The Bolton Planning Board is hereby designated the special permit granting authority (SPGA) to grant special permits for proposed developments under the provision of this section.
- (2) The Planning Board, by grant of a special permit, may authorize projects that:
  - (a) Allow for mixed use development;
  - (b) Decrease the required parking;
  - (c) Increase the percent of impervious surface through a Transfer of Development Right (TDR) process;
  - (d) Decrease the required front or other setbacks;
  - (e) Allow for multiple buildings on one lot; and/or
  - (f) Allow for increased building footprint within the Mixed Use Village Overlay District up to maximum lot coverage of 10%.
- (3) The Planning Board may grant a special permit only upon finding that such use is in harmony with the general purpose and intent of the zoning bylaw and the proposal meets the specific provisions set forth under the Mixed Use Village Overlay District bylaw. In granting the special permit, the Planning Board may also specify conditions, safeguards and limitations concerning the use of the property associated therewith.
- (4) Site plan approval process, pursuant to § 250-23F, is required for all proposed developments under this bylaw. This approval process may include a traffic study to be funded by the applicant.
- (5) Design review criteria, pursuant to § 250-23G, is to be considered for all mixed use developments.

### **H. Findings for a Special Permit.**

In addition to the provisions of § 250-23E, Special permits for zoning use, the Planning Board shall consider the following factors, as applicable, in granting or denying a special permit for proposed development projects under the Mixed Use Village Overlay District.

- (1) Suitability of the site for the proposed development;
- (2) Adequacy of the site in terms of the density of proposed uses;
- (3) Impact on the visual character of the business district and surrounding neighborhood;
- (4) Provides goods and services needed by the local community;
- (5) Follows the Design Guidelines;
- (6) Adequacy of pedestrian and bicycle access to buildings, public spaces, and between adjacent uses;
- (7) Degree to which the proposed project complies with the goals of the Bolton Master Plan;
- (8) Meets affordable housing goals of one (1) unit per eight (8) units constructed
- (9) Creates compatible retail and commercial space (not "strip malls");
- (10) Permits small to moderate economic development and residential uses designed in a village setting and scale;
- (11) Provides connections to existing and/or proposed trails and sidewalks;
- (12) Is in harmony with existing examples of 18th and 19th Century New England architecture, including the scale of structures;
- (13) The size and massing are consistent with the village character;
- (14) Allows for housing at a higher density;

- (15) Utilizes reduced setbacks to provide for village design and improved pedestrian access;
- (16) Provides for parking to be at the rear or side of the structures;
- (17) Includes multiple buildings in order to create small scale structures which would be more consistent with the village character;
- (18) Provides provision to reduce or eliminate undesirable visual, noise, odors or similar impacts upon adjoining properties and the public;
- (19) Provides safe vehicle access to and from the right-of-way; and
- (20) Provides privacy for residences located near to non-residential uses

**I. Housing.**

(1) Projects developed using the Mixed Use Village Overlay zoning shall include housing. The housing types may consist of: studio, one- and two-bedroom units, and/or multi-family housing.

(2) The mix of uses shall be balanced and compatible and shall contribute to a vibrant village atmosphere, including a combination of ground floor street front uses such as retail, restaurant and offices.

(3) Ground floors of buildings fronting streets or public access ways shall be reserved for commercial uses except as specified below.

(a) Dwelling units shall be allowed on ground floors of buildings as follows:

[1] The building is set behind another building that has commercial uses on the ground floor; or

[2] The residential portion of the ground floor of a building is set behind street-front retail/office/restaurant uses within the same building; or

[3] The Planning Board determines that street-front residential uses will not have an adverse impact on the continuity of the commercial street-front uses, and where such street-front residential uses will not be adversely affected by proximity to the street and adjacent commercial uses.

**J. Parking.**

(1) Parking requirements: Entrances to dwelling units shall be visible and accessible from any parking areas located in the rear of a mixed-use building. All entrances are to have sufficient illumination at night time controlled by the residents of the development.

(2) The Planning Board, consistent with § 250-17C of the Code of the Town of Bolton and this section, will consider the following parking requirements for developments within the Mixed Use Village Overlay District:

- a) Two spaces per dwelling unit for one- and two-bedroom units
- b) One space for studio units
- c) One space per 200 square feet of retail

(3) The Planning Board may further reduce the total amount of parking required in the Mixed Use Village Overlay District if the developer shows that, based upon the expected demand of the parking by the various uses, there is not a need for the total number of spaces that would otherwise be calculated based upon the square footage of uses proposed. The Planning Board may require a parking reserve area for some or all of the number of reduced spaces. A parking reserve is an area that is set aside for potential future use as parking if the Planning Board

determines that the parking need exceeds the original estimated need, or if due to changes of use in the development additional parking is needed for the new uses. The parking reserve shall be landscaped and maintained, but shall not be counted towards the minimum required pervious portion of the development (since it may at a future time be converted to parking use).

**K. Vehicle and Pedestrian Elements.**

(1) Vehicle, pedestrian and bicycle elements shall be designed to provide a network of pathways, and promote walking within the Mixed Use Village Overlay District.

(2) Curb cuts shall be minimized.

(3) To maintain a pedestrian-friendly environment, motor vehicle parking spaces shall be located behind or beside buildings wherever possible. Parking located directly between the building and the street alignment shall be strongly discouraged.

**L. Transfer of Development Rights.**

The Planning Board may grant a special permit allowing for a higher percentage of impervious surface (including both structures and other impervious surfaces), provided that for every one square foot that the development exceeds the 50% total impervious standard, two square feet of open space shall be provided on abutting properties in common ownership with the development, whether or not the adjacent properties are within the Mixed Use Village Overlay District but only as follows:

(1) The land used in such calculation (the “transfer land”) must be determined by the Planning Board to be of special importance to remain in a natural state because of its visual prominence or potential vista blockage, because of its ecological significance and fragility, because it has special importance as farmland, or because it is important to the Town’s open space plan.

(2) The transfer land must not be wetlands (as defined in MGL c. 131 § 40 or the Bolton Wetlands Bylaw, Chapter 233 of the Town Code) or in the Floodplain District, § 250-22 of the Code of the Town of Bolton.

(3) The transfer land cannot be used to satisfy lot area requirements for any other development, or be previously restricted from development by a conservation restriction or other binding device.

(4) The Planning Board, after consultation with the applicant, Board of Selectmen and Conservation Commission shall determine the most appropriate form of protection for the transfer land, which may include, but not be limited to a conservation restriction or be owned by the Town. The form of protection must be established prior to the issuance of any building permit.

(5) No buildings, wells or septic systems are allowed in the transfer land.

(6) To the maximum extent possible, the Board will emphasize the goal of providing public access to open space both on the development parcel and on any such open space protected on nearby properties.

### **M. Open Space and Public Amenities.**

All developments approved under the Mixed Use Village Overlay District shall contain a minimum of 10% publicly-accessible open space, located on the site to promote pedestrian and shopper accessibility. These areas may include pedestrian-friendly amenities, such as wide sidewalks/pathways, outdoor seating, patios, or courtyards, as well as landscaped/garden areas associated with these pedestrian amenities. It may include landscaped pathways connecting adjacent developments, but should not include painted pathways/crosswalks through paved parking lots. Links/sidewalks designed to connect parking areas with adjacent developments are encouraged to further the goal of providing safe pedestrian access to businesses, schools, and residences within Bolton. Site landscaping shall be maximized. All improvements to this publicly accessible open space shall be installed and maintained as part of the development by the project proponent.

### **N. Setbacks.**

Within the Mixed Use Village Overlay District, the Planning Board, as part of the special permit, may approve decreased front yard or side yard setbacks to improve site design, promote pedestrian and bicycle accessibility, or allow for consistency with the setbacks of abutting properties to allow new buildings to relate to existing adjacent structures. In order to promote accessibility from sidewalks along Main Street, front yard setbacks may be reduced to forty-feet. In cases where more than one structure is placed on a parcel, structures may be placed farther back on the site to establish courtyards or other open spaces, and to allow for appropriate layout and site design. Side yard setbacks may be reduced, especially where the abutting property is in business or mixed use. In all cases where a lesser setback is allowed, the Planning Board may impose such conditions as it deems necessary. Such circumstances may include landscaping, consistency with existing street setbacks, and design that encourages a pedestrian environment.

### **O. Hiring of a Consultant.**

(1) The Planning Board may utilize provisions of MGL c.44, § 53G to hire consultants to assist the Planning Board in review of the proposed developments.

(2) In addition, the Planning Board shall request the Design Review Board to assist in the review of any project in the Mixed Use Village Overlay District.

(3) The Planning Board may adopt Rules and Regulations to advance the goals of this bylaw,

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.

**Sponsor:** Planning Board / Village Overlay Working Group

**Summary:** A goal of the 2006 Master Plan was to create a village overlay district that allows for greater design flexibility and creativity in order to meet affordable housing goals and create compatible retail and commercial space. Bolton's current zoning only allows one building per lot which forces a developer to construct one large building. Current zoning also requires a 150-foot setback which forces most of the parking in front. The proposed district would allow for more than one building which would result in smaller structures that are more consistent with the character of the Town. It also reduces setbacks to allow parking to be located to the rear or side of the structure(s). The bylaw would allow for increased building footprint of up to 10%.

The development would have strong pedestrian connections and public amenities such as open space and walkways and allows for top of shop housing at a higher density. The proposed bylaw provides for a Transfer of Development Right (TDR) which allows the Town to receive protected open space in exchange for a higher percentage of impervious surface which includes both structures and impervious surfaces.

The Mixed Use Village Overlay District is proposed to include properties zoned as Business, Limited Business and Residential east and west of Interstate Route 495 and Route 117, and designated on the Bolton Assessors Map as Map 4C, Parcel 24; Map 4C, Parcel 35; Map 4C, Parcel 39; Map 4D, Parcel 28; Map 4D, Parcel 29; Map 4D, Parcel 30; Map 4D, Parcel 33; Map 4D, Parcel 34; Map 4D, Parcel 61; and the portion of Map 4D, Parcel 71 zoned Business.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority

#### Article 10: 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 16, 2014, issued by the Federal 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, and 25027C0476E dated July 4, 2011; and 25027C0466F, 25027C0467F, 25027C0478F, 25027C0479F, 25027C483F, 25027C0486F, 25027C0487F, 25027C0488F and 25027C0489F, dated July 16, 2014. The exact boundaries of the district may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 16, 2014. 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; or do or act relating thereto.

**Sponsor:** Planning Board

**Summary:** This amendment to the existing Floodplain District Bylaw is to reflect the revised Worcester County Flood Insurance Rate Maps (FIRMs) dated as of July 16, 2014, 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

**Advisory Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority

#### Article 11: Amendment to the Code of the Town of Bolton to Amend Division I, Part III, Zoning Bylaw, Chapter 250 Zoning, Article V, Special Regulations, Section 250-22, Floodplain District, Subsection A

To see if the Town will vote to amend the Code of the Town of Bolton, Article V, Special Regulations, Section 250.22, Floodplain District, Subsection A, at the request of FEMA, as follows (deletions in *parenthesis and italics*) and additions are underlined;

#### **§ 250-22. Floodplain District.**

**A.** The Floodplain 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 floodplains. The Floodplain District includes all special flood hazard areas within the Town of Bolton designated as Zones 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,) and 25027C0476E, (25027C0478E, 25027C0479E, 25027C483E, 25027C0486E, 25027C0488E and 25027C0489E,) dated July 4, 2011 and 25027C0466F, 25027C0467F, 25027C0478F, 25027C0479F, 25027C483F, 25027C0486F, 25027C0487F, 25027C0488F and 25027C0489F, dated July 16, 2014. The exact boundaries of the district may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated (July 4, 2011) July 16, 2014. 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,

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.

**Sponsor:** Planning Board

**Summary:** This amendment to the existing Floodplain District Bylaw is to reflect the revised Worcester County Flood Insurance Rate Maps (FIRMs) dated as of July 16, 2014, 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

**Advisory Committee Recommendation:** Approved

**Vote Required:** 2/3 majority

Article 12: Amendment to the Code of the Town of Bolton to Amend Division I, Part III, Zoning Bylaw, Chapter 250 Zoning, Article V, Special Regulations, Section 250-22, Floodplain District, Subsections B(2) and C(1)(a)

To see if the Town will vote to amend the Code of the Town of Bolton, Division I, Part III, Zoning Bylaw, Article V, Special Regulations, Section 250.22, Floodplain District, Subsections B(2) and C(1)(a), at the request of FEMA, as follows (deletions in *parenthesis and italics*) and additions are underlined);

#### **§ 250-22. Floodplain District.**

##### **B. Development regulations. The following requirements apply in the Floodplain District:**

(2) In the floodway designated on the (*Flood Boundary and Floodway Map*) Flood Insurance Rate Map, the following provision shall apply:

##### **C. Reference to existing regulations.**

(1) The Floodplain 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 MGL c.131, § 40, and with the following:

(a) The section of the Massachusetts State Building Code which addresses floodplain and coastal high-hazard areas (currently 780 CMR (*120G, Flood Resistant Construction and Construction in Coastal Dunes*)).

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.

**Sponsor:** Planning Board

**Summary:** This amendment to the existing Floodplain District Bylaw is to reflect the revised Worcester County Flood Insurance Rate Maps (FIRMs) dated as of July 16, 2014, 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

**Advisory Committee Recommendation:** Approved

**Vote Required:** 2/3 majority

Article 13: Amendment to the Code of the Town of Bolton, Division I, Part III, Zoning Bylaw, Chapter 250 Zoning, Article V, Special Regulations – to Add New Section 250-23.1, Medical Marijuana Treatment Centers Bylaw

To see if the Town will vote to amend the Code of the Town of Bolton, Division I, Part III, Zoning Bylaw, Article V, Special Regulations, by inserting the following new Section 250-23.1, Medical Marijuana Treatment Centers; **Section 250-23.1 Medical Marijuana Treatment Centers.**

As used in this bylaw, “medical marijuana treatment centers” and/or “registered marijuana dispensary” shall be known as “RMD.”

- A. RMD applicants must follow all local rules, regulations, ordinances and bylaws.
- B. RMD applicants must meet the requirements set forth in § 250-23, Business, commercial and industrial regulations, including, but not limited to, § 250-23E, Special permits for zoning use; § 250-23F, Site plan approval process; and § 250-23G, Design review criteria.
- C. The Planning Board shall be the special permit granting authority.
- D. RMDs are allowed by special permit in Business, Limited Business and Industrial Districts. RMDs are not allowed in the Residential and Limited Recreation Business District.
- E. Any special permit granted shall be subject to an expiration date 36 months from issuance. No special permit may be transferred to another entity.
- F. Applications must comply with all aspects of Massachusetts General Law and the Code of Massachusetts Regulations relative to RMDs, including 105 CMR 725.000.
- G. RMD sites must be set back not less than five-hundred-feet from residential dwellings and not less than fifteen-hundred-feet from all areas where children commonly congregate, including all schools, playgrounds, day-care centers, libraries, churches, athletic playing fields, scout camps, and golf courses. The five-hundred-foot and fifteen-hundred-foot distances shall be measured in a straight line from the nearest point of the residence or facility in question to the nearest point of the proposed RMD.
- H. RMDs are not an allowed use under Bolton’s Right to Farm Bylaw (See Chapter 105, Agricultural Preservation.).
- I. If any provision of this bylaw is declared invalid or unenforceable, the other provisions shall remain in full force and effect,

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 take any other action relating thereto.

**Sponsor:** Planning Board

**Summary:** The Planning Board recommends, as allowed by State Law, that the Town adopt this more specific local bylaw for reasonable local regulation to review and supervise the location of RMDs in the Town of Bolton.

**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, Division I, Part III, Zoning Bylaw, Chapter 250 Zoning, Article VI, Definitions, Section 250-28, Terms Defined – to Add Definition of Medical Marijuana Treatment Center

To see if the Town will vote to amend the Code of the Town of Bolton, Division I, Part III, Zoning Bylaw, Article VI, Definitions, Section 250-28, Terms defined, as follows (deletions in *parenthesis and italics*) and additions underlined);

MEDICAL MARIJUANA TREATMENT CENTER OR SIMILAR FACILITY: A not-for-profit entity registered under 105 CMR 725.100, to be known as a “Registered Marijuana Dispensary (RMD),” that acquires, cultivates, possesses, processes (including the development of related products such as edible marijuana infused products (MIPs), tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses or administers marijuana, products containing marijuana, related supplies or educational materials to registered qualifying patients or their primary caregivers. Unless otherwise specified, “RMD” refers to the site of dispensing, cultivation, and preparation of marijuana.

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 take any other action relating thereto.

**Sponsor:** Planning Board

**Summary:** If the Town votes to approve Article 13, Medical Marijuana Treatment Center Bylaw, then this article must also be approved as well in order to add the definition of Medical Marijuana Treatment Center.

**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, Division I, Part III, Zoning Bylaw, Chapter 250 Zoning, Article III, Zoning District Regulations, Section 250-12, Schedule of Permitted Uses – to Add Medical Marijuana Treatment Centers as a Permitted Use by Special Permit

To see if the Town will vote to amend the Code of the Town Bolton, Division I, Part III, Zoning Bylaw. Article III, Zoning District Regulations, Section 250-12, Schedule of permitted uses, as follows (deletions in *parenthesis and italics*) and additions 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.

Residential      Business      Limited Business      Industrial      Limited Recreation Business

Medical Marijuana Treatment Centers

NO                      SP                      SP                      SP                      NO

**Sponsor:** Planning Board

**Summary:** If the Town votes to approve Article 13, Medical Marijuana Treatment Center Bylaw, then this article must also be approved in order to amend the schedule of permitted uses to designate districts where RMDs will be allowed and ensure that all RMDs applications are subject to the special permitting process.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority

**Article 16: Temporary Moratorium on Medical Marijuana Treatment Facilities**

To see if the Town will vote to amend the Code of the Town of Bolton, Division I, Part III, Zoning Bylaw, Article V, Special Regulations, Section 250-27.2, Temporary Moratorium on Medical Marijuana Treatment Facilities, to extend the temporary moratorium on Medical Marijuana Treatment Centers through December 31, 2014; such text to read as follows;

“The town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through December 31, 2014. During the moratorium period, the Town shall undertake a planning process to address the Department of Public Health regulations regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.”

Or do or act relating thereto.

**Sponsor:** Planning Board

**Summary:** The Town voted at Special Town Meeting on October 16, 2013 for a temporary moratorium on Medical Marijuana Treatment Centers until June 30, 2014. If the Town fails to pass Article 13, Medical Marijuana Treatment Center Bylaw, then the Planning Board recommends extending the moratorium, as allowed under State General Law, to continue the process of crafting an acceptable local bylaw.

**Board of Selectmen Recommendation:** Recommendation to be given on Town Meeting Floor  
**Advisory Committee Recommendation:** Recommendation to be given on Town Meeting Floor

**Vote Required:** 2/3 Majority

**Article 17: Amendment to the Code of the Town of Bolton, Division I, Part III, Zoning Bylaw, Chapter 250 Zoning, Article V, Special Regulations – to Add New Section 250-27.3 Special Permit for Kennels**

To see if the Town will vote to amend the Code of the Town of Bolton, Division I, Part III, Zoning Bylaw, Chapter 250 Zoning, Article V, by inserting new Section 250-27.3, Special Permit for Kennels, as follows;

**Section 250-27.3 Special Permits for Kennels.**

- A.** Special permit granting authority. Special permit applications shall be heard and decided upon by the Planning Board, except in the case where some other special permit granting authority is specified by this bylaw.
- B.** Criteria. Special permits provided for a kennel shall be granted only upon determination by the special permit granting authority stating that said kennel is in conformity to the Bolton Zoning bylaw, the premises in question provide sufficient area for keeping of the dogs and that the health and safety of the public is protected. Such permits may also impose conditions, safeguards and limitations on number of dogs allowable.
- C.** Expiration. Special permits shall lapse 24 months following grant thereof (excepting such time required to pursue or await the determination of an appeal referred to in MGL c. 40A, § 17) if a substantial use or construction has not sooner commenced except for good cause.

**D. Public hearing.** Special permits or any extension, modification, or renewal thereof shall only be issued following public hearing as set forth in Chapter 250 Article II, Section 7 D of the Code of the Town of Bolton.

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.

**Sponsor:** Planning Board

**Summary:** With the increased interest in all types of kennels in Bolton, a special permit process, including a public hearing should be required to give residents the opportunity to give input and allow for appropriate guidelines to be put in place.

**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, Division I, Part III Zoning Bylaw, Article III, Zoning District Regulations, Section 250-12, Schedule of Permitted Uses – to Add Kennels as a Permitted Use by Special Permit

To see if the Town will vote to amend the Code of the Town Bolton, Division I, Part III, Zoning Bylaw, Article III, Zoning District Regulations, Section 250-12, Schedule of permitted uses, as follows (deletions in *parenthesis and italics*) and additions 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.

Residential      Business      Limited Business      Industrial      Limited Recreation Business

Kennels

SP

SP

SP

SP

SP

**Sponsor:** Planning Board

**Summary:** If the Town votes to approve Article 17, Special Permit for Kennels Bylaw, then this article must also be approved in order to amend the schedule of permitted uses to designate districts where kennels will be allowed and ensure that all kennel applications are subject to the special permitting process.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority

Article 19: Acceptance of Drumlin Hill Road, Ledgewood Circle and Fieldstone Way

To see if the Town will vote pursuant to Massachusetts General Law, Chapter 82, to accept Drumlin Hill Road as a public way as shown on a plan entitled “Drumlin Hill Road – Street Acceptance Plan, Northwoods, Bolton, Massachusetts dated November 26, 2013, last revised December 9, 2013”; Ledgewood Circle as a public way as shown on a plan entitled “Ledgewood Circle – Street Acceptance Plan, Northwoods, Bolton, Massachusetts, dated October 4, 2013; and Fieldstone Way as a public way as shown on a plan entitled “Fieldstone Way – Street Acceptance Plan, Northwoods, Bolton, Massachusetts, dated October 4, 2013”, a copy of which is on file in the Town Clerk’s Office; and to authorize the Board of Selectmen to accept a deed by gift of a fee interest in said way; or do or act relating thereto.

**Sponsor:** Planning Board

**Summary:** Drumlin Hill Road, Ledgewood Circle and Fieldstone Way are roadways in the Northwoods Subdivision located off of Warner Road which have been constructed in accordance with the Rules and Regulations of the Planning Board.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

**Article 20: Pedestrian Mobility Funds**

To see if the Town will vote to transfer from available funds the sum of \$4,000 (Four thousand dollars) for the purpose of improving pedestrian mobility; money obtained by the Town as a voluntary gift in lieu of a portion of sidewalk construction in the Northwoods Subdivision as waived by the Planning Board and supported by the Mobility Committee; or do or act relating thereto.

**Sponsor:** Planning Board

**Summary:** Planning Board approved to waive the construction of a walkway in the Northwoods Subdivision on Ledgewood Circle and Fieldstone Way in lieu of a voluntary gift of \$4,000 to the Town for the purpose of improving pedestrian mobility in Bolton. The Board determined that the waiver of this requirement is in the public interest, and that a contribution towards improving pedestrian mobility in other locations in Town will better fulfill the Town's needs and goals. This gift was made at the time of the applicant's submittal for street acceptance.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

**Article 21: Architectural Design and Engineering Work for a New Town Vault - \$30,800**

To see if the Town will vote to raise and appropriate, or transfer from available funds, \$30,800 (Thirty thousand eight hundred dollars) for the architectural design and engineering work for construction of a new vault at the Bolton Town Hall Building, said sum to be expended by the Vault Study Committee, with the advice and consent of the Board of Selectmen; or do or act relating thereto.

**Sponsor:** Board of Selectmen / Vault Study Committee

**Summary:** Upon the request of the Town Clerk, keeper of permanent records, the Selectmen appointed a 3-member Vault Study Committee to research the location, size and cost estimate to build a vault for Bolton's permanent records. Currently, such a vault is mandated by State law. The committee has worked with all department heads to determine what permanent records need to be stored in the vault, determining the vault size of roughly 10ft wide X 20ft long X 8ft high, and to be located near or attached to the Bolton Town Hall Building. The requested funds are to be expended on architectural and engineering work to determine the best location and structure of a new vault. It is anticipated that the Town will be requested to provide construction funding for the project at the Annual Town Meeting in May of 2015.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Disapproved

**Capital Planning Committee Recommendation:** Disapproved

**Vote Required:** Majority

**Article 22: Paint and Repairs to the Old Fire Station - \$28,000**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$28,000 (Twenty-eight thousand dollars) to fund the painting and repair of the Old Fire Station; or do or act relating thereto.

**Sponsor:** Department of Public Works

**Summary:** The building is deteriorating at a rapid rate. This article will fund painting and clapboard repair of this building.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Disapproved

**Capital Planning Committee Recommendation:** Disapproved

**Vote Required:** Majority

**Article 23: Sanders – Body Replacement/Repair (One New Body, Mounting, Cab Repair) - \$72,000**

To see if the Town will vote to appropriate the sum of \$72,000 (Seventy-two thousand dollars) to fund truck repairs, cab replacement, and body replacement to sander trucks used by the Department of Public Works; and to meet this appropriation, the sum of \$68,630 (Sixty-eight thousand six hundred thirty dollars) be transferred from available funds and the sum of \$3,370 (Three thousand three hundred seventy dollars) be transferred from unexpended funds from the DPW One-Ton Truck article, as previously appropriated by Article 20 of the May, 2013 Annual Town Meeting; or do or act relating thereto.

**Sponsor:** Department of Public Works

**Summary:** The exposure to the elements and corrosive salt causes rusting to occur in the sanding vehicles. These repairs need to be made in order to keep the vehicles running and to avoid expensive replacement of the vehicles.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Capital Planning Committee Recommendation:** Approved

**Vote Required:** Majority

**Article 24: Culvert Replacement, Meadow Road, Long Hill Road, Randall Road - \$125,000**

To see if the Town will vote to appropriate the sum of \$85,000 (Eighty-five thousand dollars) to fund culvert replacements at the Meadow Road / Long Hill Road intersection, and \$40,000 (Forty thousand dollars) to fund a culvert replacement on Randall Road; and that to meet this appropriation, the sum of \$114,833.50 (One hundred fourteen thousand eight hundred thirty three dollars and fifty cents) be transferred from available funds and the sum of \$10,166.50 (Ten thousand one hundred sixty six dollars and fifty cents) be transferred from unexpended funds from the Construct Sewer Force Main article, as previously appropriated by Article 15 of the May, 2008 Annual Town Meeting; or do or act relating thereto.

**Sponsor:** Department of Public Works

**Summary:** The culverts at the Meadow / Long Hill Roads intersection are currently in failure and one must be increased in size in order to adequately handle the water in this area. The Randall Road culvert is deteriorating significantly. Failure to replace these culverts could lead to extensive road reconstruction.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Capital Planning Committee Recommendation:** Approved

**Vote Required:** Majority

**Article 25: Fire Department Rescue Equipment - \$36,000**

To see if the Town will vote to appropriate the sum of \$36,000 (Thirty six thousand dollars) for the purpose of purchasing replacement and new rescue equipment; and that to meet this appropriation, the sum of \$32,096.15 (Thirty two thousand ninety six dollars and fifteen cents) be transferred from available funds and the sum of \$3,903.85 (Three thousand nine hundred three dollars and eighty five cents) be transferred from unexpended funds from the Public Safety Building article, as previously appropriated by Article 2 of the November, 2007 Special Town Meeting; or do or act relating thereto.

**Sponsor:** Fire Department

**Summary:** This article would also fund the purchase of new rescue equipment to safely lift heavy objects and to stabilize a motor vehicle which has been involved in an accident and is resting on its side, roof, or other unstable position. Preventing the vehicle from moving unexpectedly is vitally important for the safety of both the rescuers and patients. This is equipment that the Fire Department has not owned in the past but is now considered standard equipment for use in these types of rescue situations.

Over the last 4 years the Fire Department has responded to an average of 28 motor vehicle accidents each year.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Capital Planning Committee Recommendation:** Approved

**Vote Required:** Majority

**Article 26: Replacement Fire Apparatus - \$545,000**

To see if the Town will appropriate the sum of \$545,000 (Five hundred forty five thousand dollars) for the purchase and equipping of a new fire truck and to meet this appropriation, the Town will use \$300,000 (Three hundred thousand dollars) in available funds and borrow the sum of \$245,000 (Two hundred forty five thousand dollars) pursuant to Massachusetts General Laws, Chapter 44, Section 7 as amended or any other enabling authority; or do or act relating thereto.

**Sponsor:** Fire Department

**Summary:** The Fire Department operates a fleet of 5 fire apparatus ranging in age from 6 to 33 years. This article would retire the oldest apparatus, Engine 5, which is our backup water tanker and purchase a properly equipped pumper engine with all-wheel drive capability. Retiring Engine 5 at this time will help the department work towards the goal of a predictable apparatus replacement schedule and to limit the maximum apparatus age to the national fire service recommendation of 25 years. Twenty-five percent of the homes in Bolton are located on long driveways with steep hills and sharp curves which are difficult to access with our present apparatus, especially during times of snow, ice or other extreme weather conditions. Purchasing a pumper with all-wheel drive capability will provide the department with an enhanced ability to safely access these homes with the manpower and equipment needed to effectively deal with emergency situations.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Capital Planning Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority

**Article 27: New Ambulance - \$250,000**

To see if the Town will vote to transfer from the Ambulance Receipts Reserved for Appropriations Account the sum of up to \$250,000 (Two-hundred fifty thousand dollars), pursuant to any applicable statute, for the purpose of purchasing a 2014/2015 Ambulance and equipment to meet all state and federal specifications; or do or act relating thereto.

**Sponsor:** Ambulance Department

**Summary:** The Bolton Ambulance Squad is requesting a transfer of these appropriated funds to purchase a new ambulance vehicle and outfitting equipment, removing our only existing ambulance from its position as a primary response vehicle. Our current ambulance is a 2007 Horton Ambulance Box, mounted to a 2008 Ford F-450 chassis with 46,292 miles. A 911 emergency response vehicle such as an ambulance experiences very harsh operating conditions that a normal vehicle is not exposed to. In addition, our department has seen a significant increase in call volume over the past 10 years, adding to stress placed on the vehicle. Entering its seventh year of service, with a typical primary service life of 5-7 years, we are experiencing increasing costs of maintenance. A new ambulance would allow us to continue to deliver the high quality care and service that the citizens of the Town deserve and expect.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Capital Planning Committee Recommendation:** Disapproved

**Vote Required:** Majority

**Article 28: Library and Town Hall Cameras - \$17,568**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$17,568 (Seventeen thousand five hundred sixty eight dollars) for the purchase of new security cameras for the Library and Town Hall; or do or act relating thereto.

**Sponsor:** Board of Selectmen /Library Trustees

**Summary:** The two security cameras currently within the library building were donated during construction in 2009. They are no longer operational and, as obsolete equipment, they cannot be repaired. Since the expanded library opened in 2010, several incidents have occurred that demonstrate the need to replace the interior cameras and to add two exterior cameras. These incidents include accusations of theft, interpersonal disputes, and property damage with a sizeable insurance claim. The proposed system will aid officers in their investigations, and will also serve as a deterrent. The system was chosen in consultation with security experts, town IT staff, and our Police Chief. The expected life span of the proposed system is five years. The proposal includes equipment and installation.

Currently, the Town Hall has no outdoor security cameras. As the Town Hall is heavily-used at night, these cameras will provide a measure of safety and security for the general public, members of Boards and Committees, and the Town Hall staff.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Capital Planning Committee Recommendation:** Disapproved

**Vote Required:** Majority

**Article 29: Engineering and Evaluation Services for the Florence Sawyer School Boiler Replacement - \$12,000**

To see if the Town will vote to appropriate the sum of \$12,000 (Twelve thousand dollars) and authorize the Nashoba Regional School District to engage the services of a HVAC engineering firm to evaluate the existing boilers at the Florence Sawyer School and design a new system; and to meet this appropriation, the sum of \$2,000 (Two thousand dollars) be transferred from available funds and the sum of \$10,000 (Ten thousand dollars) be transferred from unexpended funds from the School Space Needs article, as previously appropriated by Article 5 of the May, 2006 Annual Town Meeting; or do or act relating thereto.

**Sponsor:** Nashoba Regional School District

**Summary:** The 8 oil fired boilers have been experiencing heat exchanger failures throughout the past few years and are in need of replacement. Rather than simply replacing the system for a similar system it is recommended that an engineering review of alternate systems, fuel, and configuration be explored and a design study completed. This would be a preliminary step to either capital system repairs or a system replacement.

**Board of Selectmen Recommendation:** Approved  
**Advisory Committee Recommendation:** Approved  
**Capital Planning Committee Recommendation:** Approved  
**Vote Required:** Majority

**Article 30: Flooring Replacement (Florence Sawyer School and Emerson Building) - \$5,000**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$5,000 (Five thousand dollars) and authorize the Nashoba Regional School District to continue replacing worn carpets in the Florence Sawyer School and Emerson building; or do or act relating thereto.

**Sponsor:** Nashoba Regional School District

**Summary:** This is the 2<sup>nd</sup> phase of the floor replacement project. Phase-1a (FY14) replaced carpets in 7 classrooms and the front entries of the Florence Sawyer School. Phase-1b (FY14-April) will look to replace an additional 5-classroom carpets and hallway tile repairs in the Florence Sawyer School. The proposed 2<sup>nd</sup> phase would look to continue the replacement program and prioritize classroom carpets in the Emerson building to the limit of the funding.

**Board of Selectmen Recommendation:** Approved  
**Advisory Committee Recommendation:** Approved  
**Vote Required:** Majority

**Article 31: Authorize Town Election**

To see if the Town will vote to meet at the Nashoba Regional High School Auditorium in Bolton, on Monday, May 12, 2014, between the hours of 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

**TWO YEARS:** One member of the Nashoba Regional School District Committee; One member of the Parks and Recreation Commission

**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 Constable, One Library Trustee, Two members of the Parks and Recreation Commission

**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 \_\_\_day of \_\_\_\_\_ in the year of our Lord, Two thousand fourteen.

BOLTON BOARD OF SELECTMEN

\_\_\_\_\_  
Stanley Wysocki, Chairman

\_\_\_\_\_  
Lawrence Delaney

\_\_\_\_\_  
Mark Sprague

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: \_\_\_\_\_

**Board of Selectmen  
Bolton, MA 01740**

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

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

**Annual Town Meeting  
Monday, May 5, 2014  
Tuesday, May 6, 2014 if necessary  
7:00 p.m.  
Nashoba Regional High School Auditorium**

**Annual Town Election  
Monday, May 12, 2014  
Noon to 8:00 p.m.  
Nashoba Regional High School Auditorium**

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