

TOWN OF BOLTON



**ANNUAL TOWN MEETING
WARRANT
MONDAY, MAY 7, 2012**

**ANNUAL TOWN ELECTION
MONDAY, MAY 14, 2012**

**Annual Town Meeting
Monday, May 7, 2012
Tuesday, May 8, 2012 if necessary
Wednesday, May 9, 2012 if necessary
7:00 p.m.
Nashoba Regional High School Auditorium**

**Annual Town Election
Monday, May 14, 2012
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

The past few years have made our government work harder than ever before, trying to bring forth a sound, fiscally responsible budget that not only meets the needs and services of our community, but one that takes careful consideration of the financial climate that most of us have been affected by in some way, fashion or form.

Over the past several months, similar to years past, the Board of Selectmen and the Advisory Committee met jointly with all town boards, committees and departments, to deliberate on their respective upcoming budgets. During these meetings, careful analysis of each of the line items within their budgets were carefully and diligently discussed to better understand the necessity of each and whether or not they needed to be decreased or at sometimes increased. Some situations actually called for them to be eliminated totally. Most if not all of the boards, committees and departments were asked to come back for a second look. Collectively, a budget for each department has been presented in its most current form and is before you tonight for your approval.

The Nashoba Regional School District has also played an important role in helping us keep the annual budget increase to a minimum. Meeting monthly at Tri-Town meetings, the Nashoba Regional School District has been represented to discuss current affairs and events to keep the three district towns informed. We applaud their increased transparency and communication so we can begin to prepare our next fiscal budget. Although their current budget reflects a slightly higher increase than what we had hoped, we've been assured that there have been no program cuts affecting our children's educational needs.

This year also brings one of the largest warrants this town has ever seen. This is a clear example of your government at work for you. There are several capital projects before you that have been recently tabled that are up for approval. It is with recent help from reserves of the Overlay Account that have recently been released by the Board of Assessors that allows some capital projects to be considered. In addition to the financial articles you'll also see a number of bylaw and zoning requests. This is more indicative of recent proposals being brought before our community for consideration.

In closing, we'd like to thank all of our townspeople for their support whether it's in town government, assisting in our local schools, or on the fields, or just simply being a concerned resident of our Town of Bolton. It is what we make it.

With sincere appreciation to all,

Curtis Plante, Chairman
David Lindsay
Stanley Wysocki

ADVISORY COMMITTEE'S STATEMENT

Introduction

Bolton's FY13 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, for her help in organizing each of the weekly Advisory Committee meetings from January to April.

Significant events in this year's budget:

- A decrease (\$66,982) in debt service payments starts a period of annual declines in debt service
- Higher than anticipated FY11 cash inflows and lower than anticipated FY11 expenditures added an unexpected \$398,225 to Available Funds ("Free Cash") for use in the FY13 budget and capital projects
- The "Free Cash" portion of Available Funds is used primarily to fund capital projects (avoiding debt), instead of funding operating expenses as in past years
- The Assessors release a large amount (\$247,402) from a prior year's Abatement/Exemption Reserve
- New debt is avoided by using the funds transferred from the Assessor's Abatement/Exemption Reserve and Available Funds for \$542,832 in capital projects and expenditures

Revenues

<u>REVENUE</u>	<u>FY13</u>	<u>Amount Increase (Decrease) from FY12</u>	<u>Per Cent Increase (Decrease) from FY12</u>
Tax Levy of Prior Year	15,580,106	-----	-----
Prop 2-1/2 Levy Limit	389,503	-----	-----
New Growth	100,000	(184,805)	-64.89%
Debt Excluded from Prop 2-1/2 Limits	2,032,603	(24,075)	-1.17%
Taxable Levy Limit (sum of above)	18,102,211	465,428	2.64%
Allowance for Abatements & Exemptions	(150,000)	6,363	-4.07%
State Revenue	616,765	786	0.13%
Local Receipts	940,000	0	0.00%
Other Available Funds	524,752	243,238	86.40%
Free Cash used for Operating Budget	175,527	(111,417)	-38.83%
Free Cash used for Warrant Articles	284,080	207,680	271.83%
TOTAL REVENUE	20,493,335	812,077	4.13%

Projected revenues for FY13 are 4.07% above FY12, to \$20,481,953. As the table to the left shows, income from taxes is 58% of the revenue increase (\$465,428). The balance of the increase (\$346,649) is from (1) a large distribution from a prior year's Assessors' Abatement Reserve (\$243,238), (2) a 26.5% increase in the use of Available Funds (\$96,263) and a large shift from the use of Available Funds for the Operating Budget to Capital Expenditures, (3) the Assessors' Abatement/Exemption reserve for FY13 is \$6,363 less than in FY12, and (4) a \$786 increase in State Revenue.

Tax payments from New Growth are expected to be well below

FY12. Payments for debt outside of the Prop 2-1/2 restrictions decrease by \$24,075 in FY13.

Expenditures

Bolton’s total FY13 budget increases by \$ 1,023,637 (5.26 %), to \$20,481,953 in FY13. (The

<u>EXPENDITURES</u>	<u>FY13</u>	<u>Amount Increase (Decrease) from FY12</u>	<u>Per Cent Increase (Decrease) from FY12</u>
General Government	1,147,082	37,195	3.35%
Public Safety	1,834,330	115,218	6.70%
Education	11,951,427	350,226	3.02%
Public Works	1,333,322	65,559	5.17%
Human Services	100,101	7,264	7.82%
Culture & Recreation	407,531	15,763	4.02%
Debt Service	2,182,563	(66,982)	-2.98%
Employee Benefits	825,460	13,162	1.62%
Other Insurance	60,847	(8,296)	-12.00%
Total Operating Expenditures (sum of above)	19,842,663	529,109	2.74%
FY13 Reserve for FY12 Snow & Ice Deficit	100,000	0	0.00%
State & County	7,840	992	14.49%
Warrant Articles Using Free Cash or Other Available Funds	542,832	404,918	293.60%
Total Expenditures	20,493,335	1,035,019	5.32%

“Total Expenditures” shown in the table include a FY12 warrant article.) This includes one-time capital projects and one-time capital expenditures. Regular town expenses (including education) increase by 2.74% (\$529,109) to \$19,842,663. Education accounts for 66.2% of this increase (\$350,226) with town expenses increasing by \$178,883 for the remaining 33.8%. This increase in town expenses was helped by a significant reduction in debt service (\$66,982) from FY12, marking the long-promised decline in annual debt service.

General Government – The largest component of the \$37,195 increase in this category is the \$19,000 appropriated for the installation of permanent back-up generators at Town Hall and the DPW garage. The generator at Town Hall will provide power to prevent freezing pipes and supply water. The DPW

garage has been selected as the back-up Emergency Operations Center (EOC) in the event the EOC at the Public Safety Building is not accessible. That generator will provide power for heat, hot water, operation of truck repair equipment, and emergency radio services for the town’s Emergency Management Team.

Most of the remaining \$18,195 increase is tied to changes in salaries and wages. Some of these changes were contractual and some were made to maintain parity between union and non-union employees. All employees received a 1% Cost-of-Living adjustment in FY13. There is \$2,500 for audit services in FY13 (required once every three years) and \$1,994 increase in Building Insurance.

Public Safety - The \$115,218 increase in the Public Safety budget reflects the restoration of some expenses eliminated in the past few years of restricted budgets such as the purchase of a police cruiser (\$39,487) and the maintenance of Fire Department water holes (\$15,000). The remainder of the increase is overtime expenses within the Police Department that are budgeted higher than normal due to unforeseen circumstances. Once these circumstances are resolved, a substantial reduction in this expense line should occur. With more than a year's experience in operating the systems at the new Public Safety Building, we are gaining knowledge on how to manage them, which will be used to keep operating expenses level or decreasing.

Education – The Nashoba Regional School District (NRSD) budget is prepared by the NRSD School Committee, not the Town of Bolton. The NRSD assessment to the Town of Bolton for FY13 is \$11,593,872, an increase of \$305,506 (2.7%). Minuteman Regional Vocational Tech assessed the town \$341,722, an increase of \$28,887 (9.2%). In FY13, Assabet Valley Regional Technical High School will assess Bolton \$15,833 to provide education for a Bolton student.

Public Works – Most of the \$65,559 increase is \$42,898 added to the road maintenance portion of the budget. With this change, FY13 road maintenance for the entire town is budgeted at \$202,098, a 26.9% increase over FY12. Of the remaining amount (\$22,661), \$15,661 covers contractual obligations for salaries and wages and \$7,000 is for the monitoring of the gasoline leak at the old town barn. This monitoring expense was previously paid for using warrant articles, but because it is a continuing expense it has been moved to the operating budget.

Human Services – The \$7,264 (7.8%) increase is primarily due to a change in the way Nashoba Boards of Health prices their services to the town and an increase in the benefits to veterans living in Bolton. Bolton is reimbursed by the state for the payments to veterans.

Culture and Recreation – Of the \$15,763 (4.0%) increase in this section of the budget, \$14,380 (91.2%) is an increase to the library budget. Specifically, \$9,939 (69.2%) of the library increase is due to salaries and wages at the library. Purchases of library services and books consumes another \$4,441 (30.8%). Costs for operating the new library building have remained stable from FY12 to FY13. The remaining amount of the increase for Culture and Recreation is for a second lifeguard/swim instructor at the town beach.

Debt Service – Starting with this FY13 budget, scheduled debt payments will decline each year (assuming no additional debt is taken on by the town).

Employee Benefits – This group of expenses increases slightly (\$13,162 or 1.6%) from FY12 to FY13 because a one-time reduction in the cost of group health insurance almost matched the increase in retirement assessments, workers compensation, and life insurance.

Other Insurance – Our premiums for liability, motor vehicle accident, and other professional insurance declined by \$8,296 (12.0%) due to one-time change in the calculation of premiums.

State and County Fees – These are fees laid upon the town by state and county jurisdictions. The FY13 increase is \$992 (14.9%).

Warrant Articles –

In FY13 the town has the opportunity to undertake large capital expenditures without incurring any new debt. These opportunities are:

- Historical Commission request for funds to replace significant trees in town (\$3,000)
- Replace the protective gear (Turnout Gear) worn by the firefighters that has come to the end of its useful life (\$30,450)
- Replace the Fire Department's Self-Contained Breathing Apparatus (SCBA) inventory, which has come to the end of its useful life (\$148,000)
- Replacement of Sugar Road culverts (\$100,000)
- Lower the Fyfeshire Dam (not lower the water, just the physical side-walls of the dam) to remove the dam from state jurisdiction (\$250,000)

We are able to accomplish all this (\$542,832) without the addition of new debt because:

- (1) Significant decrease in annual debt payments from prior years
- (2) The Assessors were able to release \$247,402 from the Abatement/Exemptions Reserve for use by the town
- (3) An unexpected rise in Available Funds due to greater than expected cash receipts in FY11 and less than expected expenditures in FY11
- (4) Shifting the use of Available Funds from Operating Expenses to Capital Projects and Expenditures

The Advisory Committee recommends that the town fund the capital projects and expenditures listed above using Available Funds instead of incurring new debt. Our debt service is now declining year-after-year into the future. We can maintain this downward direction, while supporting the proposed NRHS athletic field upgrade, if we deploy our cash resources for capital projects and avoid other incremental debt.

Advisory Committee

Therese Abdalian
Connie Benjamin
Robert Czekanski, Chairman
Randy Dinjian
Naveen Rohatgi
Michael Zelenkov

COMMONWEALTH OF MASSACHUSETTS
TOWN OF BOLTON
WORCESTER, ss

ANNUAL TOWN MEETING
Monday, May 7, 2012
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 7th day of May, 2012 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 2011; or do or act relating thereto.

Sponsor: Board of Selectmen

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

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

Article 2: Additional Capital Share at Minuteman Regional School District

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$11,382 (Eleven thousand three hundred eighty two dollars) to defray the necessary expenses of the Minuteman Regional Vocational Technical School District (the "District") for the District's 2012 fiscal year, bringing the total appropriation from the Town for the District's 2012 fiscal year to \$324,217; or do or act relating to.

Sponsor: Board of Selectmen

Summary: This article requests additional funds for fiscal year 2012 (July 1, 2011 through June 30, 2012) for the Minuteman Regional Vocational Technical School District Assessment pursuant to an amended budget voted by the Minuteman School Committee on March 13, 2012. The amended budget was required due to unforeseen, emergency renovations to the Trades Hall section of the school building and water service improvements required to address code issues.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

Article 3: Fiscal Year 2013 Operating Budget

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$19,842,663 (Nineteen million eight hundred forty two thousand and six hundred sixty 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 \$116,000 (One hundred sixty thousand dollars) be transferred from the Ambulance Receipts Reserved for Appropriation to be applied to the Ambulance Department budget;
- c. The sum of \$175,527 (One hundred seventy five thousand five hundred twenty seven dollars) or any other amount, be transferred from Free Cash;
- d. The sum of \$19,401,136 (Nineteen million four hundred one thousand and one hundred thirty six dollars) to be raised by taxation; or do or act relating thereto.

Sponsor: Board of Selectmen

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (5 in favor, 0 opposed)

Vote Required: Majority

Article 4: Tree Replacement Program

To see if the Town will vote to appropriate or transfer from available funds the sum of \$3,000 (Three thousand dollars) to continue the shade tree replacement program; or do or act relating thereto.

Sponsor: Historical Commission and Tree Warden

Summary: A modest tree replacement program was approved in 2006 and 2009. This article would keep up the beautification.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

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

To see if the Town will vote to appropriate the sum of \$178,450 (One hundred seventy eight thousand four hundred fifty dollars) for the purchase of Self-Contained Breathing Apparatus (SCBA) in the amount of \$148,000 and Turnout Gear in the amount of \$30,450 to replace current equipment; and that to meet this appropriation, the sum of \$167,100 (One hundred sixty seven thousand one hundred dollars) be transferred from available funds; and the sum of \$11,350 (Eleven thousand three hundred fifty dollars) be transferred from unexpended funds from the Town Hall Boiler article, as previously appropriated by Article 8 of the May 2, 2011 Annual Town Meeting; or do or act relating thereto.

Sponsor: Fire Department

Summary: This equipment is vital to the firefighters to be able to safely enter a burning building or hazardous environment to extinguish a fire or rescue a victim. This article will allow the fire department to replace the protective clothing worn by the firefighters, which in most cases, is at or beyond its usable life of 8 to 10 years. In addition, 20 new Self-Contained Breathing Apparatus (SCBA) will be purchased to replace existing SCBA which are no longer compliant to national safety standards.

The Fire Department has applied for a Federal Assistance to Firefighters Grant from FEMA for 95% of the cost of this equipment but we may not know if we have received the grant until possibly the August, 2012 timeframe. The money from this warrant article would provide funds to purchase this equipment if we do not receive the grant and would only be spent prior to receiving word on the grant for equipment which requires immediate replacement.

Board of Selectmen Recommendation: Approved (Unanimous)

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

Capital Planning Committee Recommendation: Approved (5 in favor, 0 opposed)

Vote Required: Majority

Article 6: Repair or Replacement of Sugar Road Culverts

To see if the Town will vote to appropriate or transfer from available funds the sum of \$100,000 (One hundred thousand dollars) for the repair or replacement of the culverts on Sugar Road; or do or act relating thereto.

Sponsor: Department of Public Works

Summary: The culverts are located on Sugar Road - 97 feet and 112 feet east of the intersection of Houghton Farm Lane. The culverts are in a state of deterioration and need to be replaced at this time.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Capital Planning Committee Recommendation: Approved (5 in favor, 0 opposed)

Vote Required: Majority

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

To see if the Town will vote to establish a stabilization fund by the Minuteman Regional Vocational School District to pay the costs of capital repairs, renovations and improvements to the regional district school and its associated facilities, in accordance with the provisions of Chapter 71, Section 16G1/2 of the General Laws, or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: Minuteman seeks to establish a stabilization fund for which the Regional School District may borrow money or for such other District purposes approved by the Department of Revenue Director of Accounts.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

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

To see if the Town will vote pursuant to Massachusetts General Laws (M.G.L.) Chapter 71, Section 16(d), or any other authority, to disapprove the bond authorization voted on March 15, 2012 by the Nashoba Regional School District for the field and track replacement project at the Nashoba Regional High School; or do or act relating thereto.

Sponsor: Nashoba Regional School District School Committee

Summary: The Nashoba Regional School Committee has voted to renovate the existing track, install an artificial turf field, construct a five (5) court tennis facility and construct a new concession building with personal facilities at a cost of \$2,210,000. The remaining site will be graded to maximize the existing field use with reconfiguration, drainage improvements and perimeter fencing. The current site has not had major upgrades since the 70's. The current condition presents safety and capacity concerns that cannot be addressed without these initiatives. The work will commence on or about June 1, 2012 and will be finished in 2013. Given the District is a separate legal entity it has the authority to issue bonds without the approval of member towns. By statute a member Town, at Town Meeting can only vote to disapprove, in essence a negative vote. Therefore to allow bonding to occur a Town can either take no action or somewhat counter intuitively voted no on the motion to disapprove.

Board of Selectmen Recommendation: Disapproved (Unanimous)

Advisory Committee Recommendation: Disapproved (Unanimous) (The Advisory Committee supports this project and therefore recommends disapproval of this article)

Vote Required: Majority

Article 9: 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 on-going 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 on-going 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 (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

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

To see if the Town will accept the renumbering and revision of the Administrative Bylaws of the Town from their original numbering or their numbering, as amended through November 7, 2011, to the numbering or codification, arrangement, sequence and captions and the comprehensive revisions to the text of the Administrative Bylaws as set forth in the Final Draft of the Code of the Town of Bolton, dated November 2011, said codification having been done under the direction of the Board of Selectmen and Town Counsel, and said Code being a compilation and comprehensive revision of the present bylaws of the Town. All Administrative Bylaws of a general and permanent nature, as amended, heretofore in force and not included in the Code shall be repealed, except that such repeal shall not affect any suit or proceeding pending as the result of an existing law, and such repeal shall not apply to or affect any bylaw, order or article heretofore adopted accepting or adopting the provisions of any statute of the Commonwealth. In lieu of incorporating the full text of the amendments in this warrant, a copy of the proposed recodification is available for review at the Town Clerk's Office during business hours. These

bylaws shall be referred to as the “Code of the Town of Bolton, Massachusetts”; or do or act relating thereto.

Sponsor: Town Clerk and Board of Selectmen

Summary: At the May, 3, 2010 Annual Town Meeting the Town voted Article 2 to use professional services to reorganize or revitalize the Town’s existing Administrative Bylaws. This article is the culmination of the project done by General Code Publishers. The Town’s Administrative Bylaws were renumbered and structured for ease of use without changing their integrity. Included in the process was an analytical review of each bylaw, adding the date the bylaw was adopted and complete history of added amendments.

The finished document organizes the Administrative Bylaws in chapters and sections similar to MA General Laws and is designed to allow room for growth. Upon approval, the Town will be set up with a web based, searchable electronic version and provided with CD’s and a few hard copy binders.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

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

To see if the Town will accept the renumbering and revision of the Zoning Bylaws of the Town from its original numbering, as amended through November 7, 2011, to the numbering or codification, arrangement, sequence and captions and the comprehensive revisions to the text of the Zoning Bylaws as set forth in the Final Draft of the Code of the Town of Bolton, dated November 2011, said codification of the Zoning Bylaw having been done with aid from the Planning Board, and being a compilation and comprehensive revision of the present Zoning Bylaws, including amendments thereto. All Zoning Bylaws, as amended, heretofore in force, and not included in the Zoning Bylaw, shall be repealed, except that such repeal shall not affect any suit or proceeding pending as the result of an existing law. In lieu of incorporating the full text of the amendments in this warrant, the proposed recodification is available in the Town Clerk’s Office during business hours. The Zoning Bylaw shall be codified as Chapter 250 of the “Code of the Town of Bolton, Massachusetts”; or do or act relating thereto.

Sponsor: Town Clerk and Board of Selectmen

Summary: At the May, 3, 2010 Annual Town Meeting the Town voted to approve Article 2 to use professional services to reorganize or revitalize the Town’s existing Zoning Bylaws. This article is the culmination of the project done by General Code Publishers. The Town’s Zoning Bylaws were renumbered and structured for ease of use without changing their integrity. Included in the process was an analytical review of each bylaw, adding the date the bylaw was adopted and complete history of added amendments.

The finished document organizes the Zoning Bylaws in chapters and sections similar to MA General Laws and is designed to allow room for growth. Upon approval, the Town will be set up with a web based, searchable electronic version and provided with CD’s and a few hard copy binders.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: 2/3 Majority

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

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

2.4.3 Line of Sight at Intersections

- 2.4.3 The purpose of this bylaw is to provide a mechanism by which obstacles that threaten the public safety of the Town roads can be prevented. This bylaw is aimed at keeping safe sight lines open at intersections and other locations in which obstacles impede the line of sight.
- 2.4.3.1. Definitions
- 2.4.3.1.1. The term “street” shall include all Town roads both adopted and not yet adopted and roads serving private multi dwelling developments. It shall not include private shared and private common driveways.
- 2.4.3.1.2. The term “commercial driveway” shall include any public entrance into or out of a place of business including non-residential uses in a residential district.
- 2.4.3.1.3. The “restricted area” or “sight triangle” is at the intersection of any street or where a commercial driveway intersects with a street and is within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the property lines extended.
- 2.4.3.2. In the case where property lines are not related to the travelled way, a distance of 10 feet from the edge of the pavement or other distance defining the Town Right of Way on record at the DPW shall be used to define the Restricted Area.
- 2.4.3.3. Any dimensional requirements herein will be subject to the consideration of the impact on safety of intersecting road topology, curvature and gradient of roads and proximity of other intersections.
- 2.4.3.4. If the topology of an intersection or high traffic volume warrant special consideration Sight Triangles can alternatively be defined using the methods described in Chapter 9 of the “Policy on Geometric Design of Highways and Streets (2004)” published by the American Association of State Highway and Transport Officials (AASHTO).
- 2.4.3.5. Exemptions
- 2.4.3.5.1. Existing buildings, existing stone walls, historic and other existing structures are exempt from these requirements.
- 2.4.3.5.2. Existing fences, walls and signs are exempt from these requirements
- 2.4.3.5.3. Trees, hedges, brush and other vegetation are exempt from these requirements
- 2.4.3.6. Restrictions

- 2.4.3.6.1. No new fence, wall, sign or structure which impedes sight lines at elevations between 3 feet and 8 feet above the roadways shall be installed or permitted to remain in the restricted area.
- 2.4.3.7. Permit
 - 2.4.3.7.1. Any new fence, wall, sign or other structure installed in the restricted area will be subject to the issuance of a permit by the Building Inspector.
- 2.4.3.8. Remedies
 - 2.4.3.8.1. If any fence, wall or sign is determined to prevent or impede a safe view of the intersection or oncoming vehicles or pedestrians approaching the intersection, the Board of Selectmen may request that the property owner bring the fence, wall or sign into compliance within a period determined by the Board of Selectmen.
 - 2.4.3.8.2. If the situation is not brought into compliance within such period, the Board of Selectmen may enforce the provisions of this bylaw by noncriminal disposition in accordance with Section 2.1.2.4 of the General Zoning Bylaws, or by any other means authorized bylaw.

Sponsor: Board of Selectmen

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

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: 2/3 Majority

Article 13: Creation of a Five-Member Conservation Commission

To see if the Town will vote to accept the provisions of the Massachusetts General Laws, Chapter 40, Section 8C as amended, and direct the Board of Selectmen to appoint a five-member Conservation Commission for the promotion and development of the natural resources and for the protection of the watershed resources of said Town, and that the terms of the members shall be for one, two or three years, and so arranged that the terms of approximately one-third of the members will expire each year, and their successors shall be appointed for terms of three years each; or do or act relating thereto.

Sponsor: Conservation Commission

Summary: The Conservation Commission, currently a seven-member appointed board, has made repeated efforts in recent years to solicit new members. This has had very limited success, at times making it impossible to form a quorum for conducting business. The Conservation Commission is proposing that the Selectmen appoint a smaller five-member board to enable it to better perform the Commission's functions.

Board of Selectmen Recommendation: No Recommendation

Advisory Committee Recommendation: Disapproved (5 in favor of disapproval, 1 abstained)

Vote Required: Majority

Article 14: Fyfeshire Dam

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$250,000 (Two hundred fifty thousand dollars), pursuant to any applicable statute, for the lowering of the Fyfeshire Dam, and to meet this appropriation, the sum of \$247,402 (Two hundred forty seven thousand and four hundred two dollars) be transferred from the Assessor's Overlay Account, and the sum of \$2,598 (Two thousand five hundred ninety eight dollars) be transferred from available funds, and further, that the Conservation Commission be authorized to file on behalf of Town of Bolton any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts and/or any others in any way connected with the scope of this Article; and further, the Town of Bolton and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of Bolton to effect said lowering; or do or act relating thereto.

Sponsor: Conservation Commission

Summary: A letter of Non-Compliance with the Massachusetts Dam Safety Laws was received March 13, 2009, finding the dam unsafe and a potential threat to public safety. Subsequent investigations by independent consultants concurred that the lower dam at the Fyfeshire Conservation Area is structurally deficient with a significant hazard potential.

A Phase I and II study was performed and a list of alternatives was provided. After further consideration an addendum to the alternatives was provided giving the Town the option to lower the dam sufficiently to remove it from the state's jurisdiction. This alternative will have much less impact on the adjacent wetlands and impoundments. It is expected that the level of permitting will be decreased helping to reduce the overall costs.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Capital Planning Committee Recommendation: Approved (5 in favor, 0 opposed)

Vote Required: Majority

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

To see if the Town will vote to amend Section 2.5.5.7 Design Review Criteria of its Zoning Bylaws 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.

2.5.5.7 Design Review Criteria

Appointment of Design Review Board (DRB) (*Advisory Team (DAT):*)

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

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

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

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

Sponsor: Design Advisory Team

Summary: One of the goals of the 2006 Master Plan was to establish Design Review Guidelines and a committee to review commercial projects in town. Residential homes would not be subjected to the Design Review or the Guidelines. The Town adopted these guidelines and established a Design Advisory Team (DAT) at the May 2011 Town Meeting. This Committee reviews commercial building architecture, building materials, landscape treatments, lighting design, public amenities, building mass etc. This article changes the name of the Design Advisory Team (DAT) to Design Review Board (DRB).

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: 2/3 Majority

Article 16: Citizen's Petition – Rezoning

To re-zone the following parcels located in the Town of Bolton to zoning designation “Business”: Map 4.D Lot 34, Map 4.D Lot 33, Map 4.D Lot 30, Map 4.D Lot 61, Map 4.D Lot 28, and to re-zone a portion (1.30 acres) of the following parcel located in the Town of Bolton to zoning designation “Business”: Map 4.D Lot 71.

Sponsor: Citizen's Petition

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

Advisory Committee Recommendation: Disapproved (3 in favor of disapproval, 2 opposed)

Vote Required: 2/3 Majority

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

To see if the Town will vote to amend the Bolton Zoning Bylaws 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.

2.5.10 Village Overlay District

LOCATION:

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

STATEMENT OF PURPOSE:

The purpose and intent of the Bolton Village Overlay District is to allow for greater design flexibility and creativity in order to meet affordable housing goals and create retail and

commercial space that is compatible with the existing surrounding uses and has been designed and operated in a non-obtrusive manner to preserve the community's unique, rural and historical character.

GOALS:

- to establish a village overlay district that will meet the community's goals (as expressed in the master plan) for a village center;
- to have this new village area in close proximity to the historic, largely residential, village center that also includes the municipal facilities;
- to have this new village area 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 village;
- to provide commercial areas within walking distance to senior citizens living in the Bolton Country Manor housing facility, and
- to protect the streetscape appearance and protection of the character of the community and neighborhood.

The Bolton Planning Board is hereby designated the Special Permit Granting Authority (SPGA) to grant special permits for proposed developments under the provisions of this Article.

DEFINITIONS:

Mixed Use: A combination of residential and business uses, 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 of 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.

PERMITTED USES:

In addition to those uses allowed under Section 2.3.4 of the Bolton By Law, a 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, without limitation, retail and service establishments, business or professional offices, medical offices, medical and dental clinics, bed and breakfasts, inns, restaurants, and other establishments serving food (but excluding Fast Food Restaurants (see definition 2.6)), 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.

In addition to those uses prohibited under Section 2.3.4 of the Bolton By law, no portion of the BVOD shall be used for research and development offices or establishments or research laboratories and manufacturing enterprises, adult use establishments, laundry and onsite dry cleaners, fast food restaurants (see definition 2.6), automotive repair shops or dealerships, car washes, bowling alleys, discotheques or dance halls.

SPECIAL PERMIT CRITERIA:

The Planning Board may grant a special permit that

- allows for mixed use development;
- decreases the required parking;
- increases the percent of impervious surface with a Transfer of Development Right (TDR);
- decreases the required front or other setbacks;
- allows for multiple buildings on one lot; and/or
- allows for increased building footprint within the BVOD up to maximum lot coverage of 10%.

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 Bolton 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.

Site Plan Review, pursuant to Section 2.5.5.6, is required for all proposed developments under this bylaw.

Design Review Criteria, pursuant to Section 2.5.5.7 are to be considered for all commercial developments.

REQUIRED FINDINGS FOR A SPECIAL PERMIT:

Proposed development projects under the BVOD bylaw shall be granted special permits only in conformity with the following:

- a) suitability of the site for the proposed development;
- b) adequacy of the site in terms of the density of proposed uses;
- c) impact on the visual character of the business district and surrounding neighborhood;
- d) provides goods and services needed by the local community;
- e) follows the Design Guidelines;
- f) adequacy of pedestrian access to buildings, public spaces, and between adjacent uses;
- g) degree to which the proposed project complies with the goals of the Bolton Master Plan;
- h) meets affordable housing goals;
- i) creates compatible retail and commercial space (not "strip malls");
- j) permits small to moderate economic development and residential uses designed in a village setting and scale;
- k) provides strong connections, consistent architecture, and small scale structures;
- l) limits size and bulk of as to be consistent with the village character;

- m) allows for housing at a higher density;
- n) reduced setbacks;
- o) allows parking to be to the rear or side of the structures;
- p) allows multiple buildings in order to create small scale structures which would be more consistent with the village character;
- q) provides provision to reduce or eliminate undesirable visual, noise, odors or similar impacts upon adjoining properties and the public;
- r) provides safe vehicle access to and from the right-of-way; and
- s) privacy for residences

HOUSING:

The Village Overlay District may include the following: studio, 1 and 2 bedroom units, and multi-family housing.

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.

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

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

- a) The building is set behind another building that has commercial uses on the ground floor, or
- b) The residential portion of the ground floor of a building is set behind street-front retail/office/restaurant uses within the same building, or
- c) 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 street and adjacent commercial uses.

PARKING:

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.

The Planning Board, consistent with Section 2.4.1.3 and this section, will consider the following parking requirements for developments within the Bolton Village Overlay District:

- a) 2 spaces per dwelling unit for 1 and 2 bedroom units
- b) 1 space per 200 sq ft of retail

The Planning Board may further reduce the total amount of parking required in the Village Overlay District if the developer shows that, based upon the expected temporal use 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 and provide a parking

reserve area for the amount of spaces reduced. A parking reserve is an area that is reserved 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).

VEHICLE AND PEDESTRIAN:

Vehicle and Pedestrian Features: Vehicle, pedestrian and bicycle features shall be designed to provide a network of pathways, and promote walking within the Bolton Village Overlay District. Curb cuts shall be minimized.

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.

TRANSFER OF DEVELOPMENT RIGHTS:

Transfer of Development Rights (TDR): 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, 2 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 Bolton Village Overlay District but only as follows:

- a) 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.
- b) The transfer land must not be wetlands (as defined in MGL c. 131 Section 40 or the Bolton Wetland Bylaw Section 1.18, or in a Flood Plain District Section 2.5.3 and identified by the State as an Endangered Species Habitat Area.
- c) 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.
- d) 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.
- e) No buildings, wells or septic systems are allowed in the transfer land.

- f) 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.

OPEN SPACE AND PUBLIC AMENITIES:

All developments approved under the BVOD 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 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.

SET BACKS:

Within the Bolton 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 40 feet, but may not be more than 80 feet, for developments proposed under this bylaw. In cases where more than one structure is placed on a parcel, not all structures need to be within the 40 – 80 foot setback; 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.

HIRING OF A CONSULTANT:

The Planning Board may utilize provisions of Chapter 44 section 53G to hire consultants to assist the Planning Board in review of the proposed developments. In addition, the Planning Board may, at its option, request the Design Review Board to assist in the review of any project in the Bolton Village Overlay District.

The Planning Board may adopt Rules and Regulations to advance the goals of this bylaw.

map

Sponsor: Planning Board

Summary: One of the goals of the 2006 Master Plan was to establish Design Review Guidelines and a committee to review commercial projects in town. Residential homes would not be subjected to the Design Review or the Guidelines. The Town adopted these guidelines and established a Design Advisory Team (DAT) at the May 2011 Town Meeting. This Committee reviews commercial building architecture, building materials, landscape treatments, lighting design, public amenities and building mass etc.

Another goal of the Master Plan is 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' 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 Bolton Village Overlay District is proposed to include properties zoned as Business and Limited Business and identified as the business and limited business zoned parcels just east and west of 495 and consisting of land zoned business designated on the Bolton Assessors Map as Map 2, Parcel 19 with an address of 626 Main Street (The Salt Box).

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

Advisory Committee Recommendation: Approved (3 in favor, 1 opposed)

Vote Required: 2/3 Majority

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

To see if the Town will vote to amend Section 2.3.3 Mixed Uses of the Bolton Zoning Bylaws 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.

No business, commercial, or industrial building or outdoor storage (except for agriculture, horticulture, or floriculture) shall be established on a lot on which a dwelling exists except as may be permitted by the Planning Board via Special Permit within the Village Overlay District.

Sponsor: Planning Board

Summary: One of the goals of the Master Plan is 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 does not allow both commercial and residential mixes. This amendment would allow it under the village overlay district only.

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

Advisory Committee Recommendation: Approved (3 in favor, 1 opposed)

Vote Required: 2/3 Majority

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

To see if the Town will vote to amend Section 2.3.5.2 Dimensional Schedule of the Bolton Zoning Bylaws 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.

2.3.5.2 Dimensional Schedule.

	Residential Lot	*** Backland Lot (Residential)	Other Uses i.e. Business, Industrial or Commercial
Minimum lot area**	80,000 sq. ft.	4.5 acres	1.5 acres
Minimum lot frontage**	200 feet	50 feet	200 feet
Minimum depth:			
Front yard**	50 feet	50 feet	150 feet****
Other yards**	20 feet	50 feet	50 feet****
Minimum lot width for 100 feet back from street line	150 feet	2.3.5.5 (b)	150 feet
Maximum lot coverage**	N/A	N/A	see Notes A and B

** See definition

*** Refer to 2.3.5.5

****Except as may be permitted by Special Permit under Section 2.5.10, the Bolton Village Overlay District, to improve site design and pedestrian accessibility.

Note A. Except as may be permitted by the Planning Board under Special Permit under Section 2.5.10, the Bolton Village Overlay District. Maximum lot coverage shall be 8% and the sum of all impermeable surfaces and other areas subjected to vehicle traffic or parking on a regular basis shall not exceed 50% of the total lot area within the zone of proposed use.

Note B. The definition of Lot Area set forth in Section 2.6, Definitions, shall apply, except that, in Limited Business Zones only, when a landowner has donated to the Town an easement in, or the Town has taken or purchased an easement in, any portion of a tract of land and said easement has been accepted by the Town for the relocation of an already existing public way, said portion of the tract of land shall be included in the calculation of the lot area of the tract for purposes of this bylaw, subject to the following requirements: the easement area is no greater than

five (5) percent of the size of the tract; the tract remains the same dimensionally, and is not subdivided, divided, altered, or changed in any way; the boundary lines of said easement shall be considered lot lines for purposes of any setback measurements so that the easement area is not included in any calculations of setback requirements; and any use or structure complies with all other requirements of this bylaw.

Sponsor: Planning Board

Summary: Current zoning also requires a 150' setback which forces most of the parking in front. The proposed village overlay district reduces setbacks to allow parking to be located to the rear or side of the structure(s).

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

Advisory Committee Recommendation: Approved (3 in favor, 1 opposed)

Vote Required: 2/3 Majority

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

To see if the Town will vote to amend Section 2.3.5.3 One Building Per Lot of the Bolton Zoning Bylaws 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.

(c) Except as may be permitted by Special Permit under Section 2.5.10, the Bolton Village Overlay District, to improve site design of the development?

Sponsor: Planning Board

Summary: Bolton's current zoning only allows one building per lot which forces a developer to construct one large building. The proposed village overlay district would allow for more than one building which would result in smaller structures that are more consistent with the character of the Town.

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

Advisory Committee Recommendation: Approved (3 in favor, 1 opposed)

Vote Required: 2/3 Majority

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

To see if the Town will vote to amend Section 2.3.5.6 Building Heights of the Bolton Zoning Bylaws 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.

All buildings, except residential and agricultural uses, shall meet the following height limitations:

Except as may be permitted by the Planning Board under Special Permit Buildings within the Bolton Village Overlay District, where the buildings including parapet or sloping façade which extends above the height of the roof shall be no more than 32' and up to 35' if approved by the Fire Department.

Sponsor: Planning Board

Summary: Current zoning only allows building heights of no more than thirty-two feet. The proposed village overlay district would allow a height of no more than 35' to allow for on top of shop housing.

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

Advisory Committee Recommendation: Approved (3 in favor, 1 opposed)

Vote Required: 2/3 Majority

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

To see if the Town will vote to amend Section 2.4.1.3 Parking of the Bolton Zoning Bylaws 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.

(c) The Planning Board, via Special Permit under 2.5.10, the Bolton Village Overlay District, may lower the required area of parking.

Sponsor: Planning Board

Summary: Bolton's current parking requirement is very high compared to other surrounding towns. Under Special Permit in the proposed village overlay district the Planning Board could consider reducing the parking number requirement.

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

Advisory Committee Recommendation: Approved (3 in favor, 1 opposed)

Vote Required: 2/3 Majority

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

To see if the Town will vote to amend Section 2.5.9.3 Applicability of the Bolton Zoning Bylaws by inserting the new section 5 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.

5. This bylaw shall apply to all units in mixed use developments approved by the Planning Board under a Special Permit under 2.5.10 Bolton Village Overlay District.

Sponsor: Planning Board

Summary: Bolton's current inclusionary bylaw requires one affordable unit for each 8 lots or more. This bylaw would also apply to mixed use developments in the proposed village overlay district.

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

Advisory Committee Recommendation: Approved (3 in favor, 1 opposed)

Vote Required: 2/3 Majority

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

To see if the Town will vote to amend Section 2.6 Definitions of the Bolton Zoning Bylaws by inserting the following paragraph in alphabetical order, (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.

Fast Food - An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready to consume state for the consumption either within the building or outside the building or off premises, or within a parked motor vehicle and usually requires ordering at a counter and whose principal method of operation includes sale of food and beverages in paper, plastic or other disposable containers. The foregoing shall not apply if such sales are wholly incidental and ancillary to a conventional restaurant or other allowed principal use; this regulation shall not apply to ice cream parlors.

The intent of the regulation is to address the adverse impacts of fast food restaurants on Bolton’s historic and adjacent residential areas as well as gateways to the town. The proliferation of fast food establishments has a negative impact on the Town’s economy, historical relevance, unique character and economic vitality. These uses are therefore restricted in order for Bolton to maintain unique dining experiences. Fast food establishments detract from the overall historic village experience and are found to be obtrusive and have substantial impacts to the public safety from increases in traffic, litter and childhood obesity.

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

Restaurant - An establishment whose principal use is for serving food within a building, or portion thereof, containing tables and/or booths which is designed, intended and used for the indoor sales and consumption of food prepared on the premises, except that food may be consumed outdoors in landscaped terraces, designed for dining purposes as approved by the Planning Board under Special Permit. The term “restaurant” shall not include “fast food restaurants”.

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 of handcrafted artisan crafts.

Sponsor: Planning Board
Board of Selectmen Recommendation: Approved (2 in favor, 1 opposed)
Advisory Committee Recommendation: Approved (4 in favor)
Vote Required: 2/3 Majority

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

To see if the Town will vote to amend Section 2.3.4 Use Table of its Zoning Bylaws 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.

	Residential	Business	Limited Business	Commercial	Industrial	Limited Recreation District
<u>Fast Food</u>						
<u>Restaurants</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

Sponsor: Planning Board

Summary: The purpose of this amendment is to update the use table with the provision for Fast Food Restaurants.

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

Advisory Committee Recommendation: Approved (4 in favor)

Vote Required: 2/3 Majority

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

To see if the Town will vote to amend the Base Town Map to incorporate zoning changes approved at Town Meeting and amend Section 2.6 Definitions, 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.

Base Map – the Base Town Map and Zoning District Map shall be known and referred to in the Town of Bolton Zoning Bylaws as the “Base Map”. The Base Map is the map prepared by Ducharme & Dillis Civil Design Group, Inc., revised (*July, 2008*) May 2012 and on file with the Town Clerk.

Sponsor: Planning Board

Summary: Update the Town base map and zoning map to include the village overlay district which will include properties zoned as Business and Limited Business and identified as the business and limited business zoned parcels just east and west of 495 and consisting of land zoned business designated on the Bolton Assessors Map as Map 2, Parcel 19 with an address of 626 Main Street. The purpose of the Bolton Village Overlay District is to allow for greater flexibility and creativity in the design of a Village Overlay District and to facilitate the construction and maintenance of streets and utilities and public services in a more economical and efficient manner. The update also corrects the incorrect spelling of “Annie More” to “Annie Moore” and adds roads Houghton Farm Lane, Mill Pond Road, Cider Circle and Old Stone Circle.

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

Advisory Committee Recommendation: Approved (3 in favor, 1 opposed)

Vote Required: 2/3 majority

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

To see if the Town will vote to amend the Bolton Zoning Bylaws 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.

**2.5.8 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY
INSTALLATIONS**

2.5.8.1 Purpose

The purpose of this bylaw is to provide a permitting process and standards for the creation of new COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address and protects public safety, minimizes undesirable impacts on residential

property and neighborhoods, protects scenic, natural and historic resources, protects and/or provides for wildlife corridors, and does not diminish abutting property values and provides adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS.

2.5.8.2 Applicability

No COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS shall be erected or installed except in compliance with the provisions of this Section and other applicable Sections of the Zoning Bylaw, as well as state and federal law. Such use shall not create a nuisance, which is discernible from other properties by virtue of noise, vibration, smoke, dust, odors, heat, glare and radiation, unsightliness or other nuisance as determined by the Special Permit and Site Plan Approval Granting Authorities.

2.5.8.2.1 The construction and use of a COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS with 250 kW or larger of rated nameplate capacity within the Industrial, Limited Business, Business, Limited Recreation District and Residential District shall undergo site plan review by the Board of Selectmen and shall be subject to Special Permit by the Planning Board prior to construction, installation or modification as provided in this section.

2.5.8.2.2 This section also pertains to physical modifications that materially alter the type, configuration or size of these installations or related equipment throughout the useful life of the system or where alterations may impact abutters.

2.5.8.3 General Requirements

2.5.8.3.1 Lot Requirements

A COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION may be permitted on a lot, which contains an area of not less than four (4) acres and meets the setbacks and maximum lot coverage under Other Uses of the Dimensional Regulations Section 2.3.5.

2.5.8.3.2 Visual Impact

The visual impact of the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, including all accessory structures and appurtenances, shall be mitigated. All accessory structures and appurtenances shall be architecturally compatible with each other. Structures shall be shielded from view and/or joined and clustered to avoid adverse visual impacts as deemed necessary by and in the sole opinion of the Special Permit and Site Plan Approval Granting Authorities. Methods such as the use of landscaping, natural features and opaque fencing shall be utilized.

2.5.8.3.3 Compliance with Laws, Ordinances and Regulations

The construction and operation of all COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS shall be consistent with all applicable local regulations and bylaws, and state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of A SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION shall be constructed in accordance with the State Building Code.

2.5.8.3.4 Utility Notification

No COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION shall be constructed until evidence has been given to the Special Permit and Site Plan Approval Granting Authorities that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Proof of a mutual agreement with the utility company shall be provided to the Special Permit and Site Plan Approval Granting Authorities. Off-grid systems shall be exempt from this requirement. If the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION goes on grid, it shall comply with this requirement.

2.5.8.3.5 Maintenance

The COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief, Police Chief, Emergency Medical Services and Special Permit and Site Plan Approval Granting Authorities. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

2.5.8.3.6 Emergency Services

The COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief. The owner or operator shall provide an emergency response plan. The emergency response plan is subject to the approval of the Special Permit and Site Plan Approval Granting Authority, the Fire Department and the Police Department, and shall include at a minimum, explicit instructions on all means of shutting down the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, which shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

2.5.8.3.7 Safety and Security

Safety and measures of security shall be subject to the approval of the Special Permit and Site Plan Approval Granting Authorities, the Fire Department and the Police Department and owner or operator shall be required to provide emergency services with training on all equipment and procedures referenced in the emergency response plan or might otherwise be necessary for emergency services to operate or perform.

The owner or operator shall be required to provide a Knox Box (a secure, tamper proof storage box for keys or other access tools) at each locked entrance to the facility and maintain a complete set of all keys or devices required to gain emergency access to all areas, buildings and equipment of the facility in each Knox Box.

2.5.8.4 Design Standards

2.5.8.4.1 Lighting

Lighting of the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, including all accessory structures and appurtenances shall not be permitted unless required by the Special Permit and Site Plan Approval Granting Authorities, Special Permit and Site Plan Approval Decision or required by the State Building Code. Where used, lighting shall be so arranged as to direct the light away from any street and from any premises residentially used or zoned. Such exterior lights shall be mounted and shielded, such that light sources and lenses shall not be visible from any residential district. Luminaries shall be cutoff (down light type), with the mounting height not to exceed twenty (20) feet. Light overspill shall not create shadowing discernible without instruments on any residentially zoned premises.

2.5.8.4.2 Signs and Advertising

Section 2.4.2 (Signs) of the Zoning Bylaw does not apply to this Section. Signage for COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS shall be limited in size as determined by the Special Permit and Site Plan Approval Granting Authority.

COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS shall not be used for displaying any advertising except for reasonable identification of the owner or operator of the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION and emergency contact information.

2.5.8.4.3 Utility Connections

All utility connections from the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS shall be underground unless specifically permitted otherwise by a Special Permit and Site Plan Approval Decision. Electrical transformers, inverters, switchgear and metering equipment to enable utility interconnections may be above ground if required by the utility provider.

2.5.8.4.4 Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation and trees shall be limited to what is necessary for the construction, operation and maintenance of the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION or otherwise prescribed by applicable laws, regulations and bylaws and meet the soil erosion and habitat impacts as required under the Solar Regulations.

2.5.8.4.5 Structures and Panels

All structures and panels and all associated equipment and fencing including COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS shall be subject to all applicable bylaws and regulations concerning the bulk and height of structures, lot area setbacks, open space, parking and building and lot coverage requirements and may not exceed 50% of the total lot area.

2.5.8.5 Modifications

All substantive material modifications to a COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION made after issuance of the Special Permit and Site Plan Approval Decision shall require modification to the Special Permit and Site Plan Approval Decision.

2.5.8.6 Abandonment and Removal

2.5.8.6.1 Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION shall be considered abandoned when it fails to operate for more than one year without the written consent of the Special Permit and Site Plan Approval Granting Authorities. If the owner or operator of the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.

2.5.8.6.2 Removal Requirements

Any COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, which has reached the end of its useful life or has been abandoned, shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Special Permit and Site Plan Approval Granting Authorities by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

1. Physical removal of all COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, structures, equipment, security barriers and transmission lines from the site.
2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Special Permit and Site Plan Approval Granting Authorities may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

2.5.8.7.1 Financial Surety

Proponents of COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION projects shall provide a bond to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Special Permit and Site Plan Approval Granting Authorities, but in no event to exceed more than 150 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

Before issuance of any building permits for the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, such construction and installation shall be secured in accordance with this bylaw and/or any regulations adopted pursuant to the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION Bylaw for this purpose.

2.5.8.8 Special Permit and Site Plan Approval Decisions

Special Permit and Site Plan Approval decisions shall conform to the requirements of this Section, section 2.5.5.5 and 2.5.5.6 of the Zoning Bylaw and other relevant Sections of the Zoning Bylaw.

2.5.8.9 The Planning Board may utilize provisions of Chapter 44, Section 53G to hire consultants to assist the Planning Board in review of the proposed developments. In addition, the Planning Board may at its option ask the Bolton Energy Committee to assist in review of the project. The Planning Board may adopt Regulations to implement the purpose of this bylaw.

All COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION Special Permit and Site Plan Approval Decisions shall be valid for a twelve (12) month period unless renewed or extended by the Special Permit and Site Plan Approval Granting Authorities following application made by the applicant. There is no limit to the number of renewals or extensions the Special Permit and Site plan Approval Granting Authorities may grant for a COMMERCIAL SOLAR PHOTOVOLTAIC RENEWALBE ENERGY INSTALLATION.

Sponsor: Planning Board

Summary: The purpose of this bylaw is to provide a permitting process and standards for the construction, operation, and/or repair of commercial solar photovoltaic renewable energy installations in the Town of Bolton.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (3 in favor, 1 opposed, 1 abstained)

Vote Required: 2/3 Majority

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

To see if the Town will vote to amend Section 2.3.4 Use Table of its Zoning Bylaws 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.

	Residential	Business	Limited Business	Commercial	Industrial	Limited Recreation District
<u>Commercial Solar Photovoltaic Energy Renewable Installation</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>

Sponsor: Planning Board

Summary: The purpose of this amendment is to update the use table with the provision for commercial solar photovoltaic energy renewable installations.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (3 in favor, 1 opposed, 1 abstained)

Vote Required: 2/3 Majority

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

To see if the Town will vote to authorize the Board of Selectmen to enter into and execute on behalf of the Town a tax agreement, as authorized by MGL Chapter 59, section 38H, with Syncarpha Solar, LLC (or a special purpose entity with Syncarpha Solar, LLC as its manager) with respect to annual payments in lieu of real and personal property taxes for a term of up to 25 years relative to a solar energy system with an AC-rated capacity of up to 5 megawatts, to be installed on a parcel of land owned by Bolton Orchards and located at 125 Still River Road, Bolton; or do or act relating thereto.

Sponsor: Citizen’s Petition

Summary: Bolton Orchards plans to lease approximately 40 acres of its sand pit south of Main Street and east of Still River Road for 25 years for installation of a ground-mounted 4.95 Megawatt solar energy system that will connect with National Grid’s distribution grid. The article authorizes the Selectmen to work with the Board of Assessors and the developer, as recommended by the Massachusetts Department of Revenue, to negotiate a mutually-acceptable annual payment to the town in lieu of taxes to reflect the business value of the project. At the end of the lease and the useful life of the solar facility, the developer will remove the equipment and return the property to its underlying residential zoning.

Board of Selectmen Recommendation: Recommendation to be made on Town Meeting Floor

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

Vote Required: Majority

Article 30: Local Historic District Commission

To see if the Town will vote to establish a Local Historic District and a Local Historic District Commission, and adopt the Local Historic District Bylaw as provided for under Massachusetts General Laws Chapter 40C, as amended, by adding Section 1.22 to the Administrative Bylaws. The Local Historic District boundaries would follow the boundaries of the current National Historic District, with the addition of the east side of Wattaquodock Hill Road up to and including the Memorial and Field House, and excluding the south side of Main Street between 495 and the lacrosse field, 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.

1.22 Bolton Historic District Bylaw

The Town of Bolton hereby establishes a Local Historic District, to be administered by a Bolton Local Historic District Commission (BLHDC) as provided for under M.G.L. Chapter 40C, as amended.

1. PURPOSE

The purpose of this Bylaw is to establish procedures for processing applications for Certificates of Appropriateness, for enforcement, and for the internal management of the Bolton Local Historic District. The objective is to aid in the preservation and protection of the distinctive characteristic and architecture of buildings and places significant in the history of the Town of Bolton and the encouragement of new building designs compatible with the existing architecture.

2. DEFINITIONS

The terms defined in this section shall be capitalized throughout this Bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this Bylaw the following terms shall have the following meanings:

ALTERATION, TO ALTER

The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.

BUILDING

A combination of materials forming either a shelter for persons, animals or property, and/or of historic significance.

CERTIFICATE

A certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this Bylaw.

COMMERCIAL

Any Business, Limited Business, Commercial or Industrial use of the property and/or structures as defined in Section 2.3.2 Types of Districts and Permitted Uses of the May 2011 Bolton Zoning Bylaws.

COMMISSION

The Local Historic District Commission as established in this Bylaw.

CONSTRUCTION, TO CONSTRUCT

The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.

DAYS

Days refers to calendar days.

DISAPPROVAL

The application is denied and proposed additions, changes or demolitions shall not be allowed.

DISTRICT

The Local Historical District as established in the Bylaw consisting of one or more DISTRICT areas.

EXTERIOR ARCHITECTURAL FEATURE

Such portion of the exterior of a BUILDING or STRUCTURE as is open to view from a PUBLIC WAY or WAYS, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

PERSON AGGRIEVED

The applicant; an owner of adjoining property; an owner of property within the same DISTRICT area; an owner of property within 100 feet of said DISTRICT area; and any charitable corporation in which one of its purposes is the preservation of historic places, structures, BUILDINGS or districts.

PUBLIC WAY

Any named, paved public roadway.

SIGNS

Any symbol, design or device used to identify or advertise any place of business, product, activity or person.

STRUCTURE

A combination of materials other than a BUILDING, including but not limited to a SIGN, fence, wall, terrace, walk or driveway.

TEMPORARY STRUCTURE or BUILDING

A BUILDING not to be in existence for a period of more than two years.
A STRUCTURE not to be in existence for a period of more than one year.

3. DISTRICT

The DISTRICT shall consist of one or more DISTRICT areas as listed in Section 12 (Appendices) of this Bylaw.

4. COMMISSION

4.1 The DISTRICT shall be overseen by a COMMISSION consisting of seven members (five permanent members and two alternates) to be appointed by the Board of Selectmen, two members initially to be appointed for one year, two for two years, and one for three years, and each successive appointment to be made for three years. The first Alternate member shall be appointed for one year, each subsequent Alternate member shall be appointed for two-year terms, except that their terms may not expire in the same year. An alternate may become a permanent member of the COMMISSION upon appointment by the Board of Selectmen.

4.2 The COMMISSION shall include at least one of the initial permanent members chosen from the Local Historic District Study Committee, and, if possible, one member from two nominees solicited from the Bolton Historical Society, one member from two nominees solicited from the chapter of the American Institute of Architects covering Bolton; one member from two nominees of the Board of Realtors covering Bolton; and one property owner from within each of the DISTRICT areas. If within thirty days after submission of a written request for nominees to any of the organizations herein named insufficient nominations have been made, the Board of Selectmen may proceed to make appointments as it desires.

4.3 Alternates are subject to the same attendance requirements as regular members and may take part in discussions. Alternates will have a right to vote only when they are designated to replace a regular board member. Alternates may be designated to replace regular board members only when there is no quorum of regular members, either because members are absent or because members have recused themselves from a case due to conflict of interest. To determine which alternate will be designated to replace a regular board member, a card will be drawn from a deck (Aces are withheld from deck) by alternate members in attendance. The highest card holder will be designated to replace the regular member.

4.4 Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.

4.5 Meetings of the COMMISSION shall be held at the call of the Chairman, or at the request of two members and in such other manner as the COMMISSION shall determine in its Rules and Regulations.

4.6 Three members of the COMMISSION shall constitute a quorum. If a quorum cannot be reached with the number of regular and alternate members at a meeting during which a vote is required, the vote shall be deferred to a special meeting of the Commission to be held within seven (7) days.

5. COMMISSION POWERS AND DUTIES

5.1 The COMMISSION shall exercise its powers to review and render a decision of appropriateness on all proposed new construction, reconstructions, alterations, relocations and demolition of all exterior architectural features of STRUCTURES, or any portion thereof, within

the District which are visible from any PUBLIC WAY. For purposes of this bylaw, any STRUCTURES partially within the DISTRICT shall be considered wholly within the DISTRICT. In exercising its powers and duties hereunder, the COMMISSION shall pay due regard to the distinctive characteristics of each BUILDING, STRUCTURE and DISTRICT area.

5.2 The COMMISSION shall adopt, and from time to time amend with Board of Selectmen approval, reasonable Standards and Guidelines not inconsistent with the provisions of the Bylaw or M.G.L. Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for CERTIFICATES, fees, hearing procedures and other matters. The COMMISSION shall file a copy of any such Standards and Guidelines with office of the Town Clerk.

5.3 The COMMISSION, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation, may adopt and from time to time amend guidelines which set forth the designs for certain EXTERIOR ARCHITECTURAL FEATURES which are, in general, suitable for the issuance of a CERTIFICATE. No such design guidelines shall limit the right of an applicant for a CERTIFICATE to present other designs to the COMMISSION for approval.

5.4 The COMMISSION shall at the beginning of each fiscal year hold an organizational meeting and elect a Chairman, a Vice Chairman and Secretary, and file notice of such election with the office of the Town Clerk.

5.5. The COMMISSION shall keep a permanent record of its resolutions, transactions, decisions and determinations and of the vote of each member participating therein.

5.6 The COMMISSION shall undertake educational efforts to explain to the public and property owners the merits and functions of a DISTRICT.

6. ALTERATIONS AND CONSTRUCTION PROHIBITED WITHOUT A CERTIFICATE

6.1 Except as otherwise provided in this Bylaw, no BUILDING or STRUCTURE or part thereof within a DISTRICT shall be CONSTRUCTED or ALTERED in any way that affects the EXTERIOR ARCHITECTURAL FEATURES as visible from a PUBLIC WAY, unless the COMMISSION shall first have issued a CERTIFICATE with respect to such CONSTRUCTION or ALTERATION.

6.2 No building permit for CONSTRUCTION of a BUILDING or STRUCTURE or for ALTERATION of an EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT and no demolition permit for demolition or removal of a BUILDING or STRUCTURE within a DISTRICT shall be issued by the Town or any department thereof until a CERTIFICATE as required under this Bylaw has been released by the COMMISSION

7. PROCEDURE FOR REVIEW OF APPLICATIONS

7.1 Except as this bylaw provides in §5, no STRUCTURE within the DISTRICT shall be constructed or altered in any way that affects EXTERIOR ARCHITECTURAL FEATURES unless the COMMISSION shall first have issued a CERTIFICATE of appropriateness, a

CERTIFICATE of non-applicability, or a CERTIFICATE of hardship with respect to such CONSTRUCTION or ALTERATION, nor shall any building permit or permit for demolition be issued by the Town or any department thereof for any STRUCTURE within the DISTRICT until the certificate required by this section has been issued by the COMMISSION. The applicant must provide an abutters list and agrees to pay any fees for necessary legal notices.

7.2 Applications for CERTIFICATES shall be filed in triplicate, one copy being filed with the COMMISSION, one with the Building Inspector and one with the Town Clerk. Applications shall be in the form specified by the COMMISSION, to include plans and elevations, drawn to scale, detailed enough to show architectural design for the STRUCTURE and its relation to the existing building, and other materials and information deemed necessary by the COMMISSION. Plot and site plans should be filed when applications for CERTIFICATES are made for improvements affecting appearances, such as walls, fences, steps and paving. In the case of demolition or removal, the application must include a statement of the proposed condition and appearance of the property thereafter. The date of the filing of an application shall be the date on which a copy of such application is received by the office of the Town Clerk.

7.3 Within 14 days of the filing of an application for any CERTIFICATE, the COMMISSION shall determine whether the application involves any features which are subject to approval by the COMMISSION.

7.4 If the COMMISSION determines that an application for a CERTIFICATE involves new COMMERCIAL construction, the COMMISSION will forward the application to the Design Review Committee with notification to the Planning Board. Once the COMMISSION has received an approval of design from the Design Review Committee the COMMISSION may issue a CERTIFICATE of Appropriateness within *fourteen (14)* DAYS of receipt of the approval.

7.5 If the application requires the COMMISSION'S review, or at the request of the applicant, the COMMISSION shall hold a public hearing on the application, except as may otherwise be provided by this bylaw. Public notice of the time, place and purpose of the hearing shall be given at least 14 days in advance by posting in a conspicuous place in Town Hall, and in a newspaper of general circulation in Bolton. Concurrently, the COMMISSION shall mail a copy of said notice to the applicant, owners of all adjoining properties and all other properties deemed by the COMMISSION to be materially affected thereby, the Planning Board, the Building Inspector, the Town Clerk, any person filing a written request for notice of hearing, and other persons as the COMMISSION shall deem entitled to notice.

7.6 A public hearing on an application for a CERTIFICATE need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application for a CERTIFICATE may be waived by the COMMISSION if it determines that the EXTERIOR ARCHITECTURAL FEATURE involved, or its category, is so insubstantial in its effect on the DISTRICT that it may be reviewed by the COMMISSION without a public hearing. If the COMMISSION dispenses with a public hearing on an application for a certificate, notice of such application shall be given to the owners of all adjoining property and of other property deemed by the COMMISSION to be materially affected thereby as above provided, and 10 days

shall elapse after the mailing of such notice before the COMMISSION may act upon such application.

7.7 The COMMISSION shall decide upon the determination of any application within 60 days of its filing or within such further time as the applicant may allow in writing, and shall issue a CERTIFICATE or a DISAPPROVAL.

7.8 If the COMMISSION determines that the proposed construction or alteration will be appropriate for or compatible with the preservation or protection of the DISTRICT, a CERTIFICATE of appropriateness shall be issued. In issuing CERTIFICATES, the COMMISSION may, as it deems appropriate, impose certain conditions and limitations and may require architectural or plan modifications consistent with the intent and purpose of this bylaw.

7.9 In the case of a disapproval of an application for CERTIFICATE, the COMMISSION shall set forth in its disapproval the reasons for such disapproval, and may include recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangement, texture, material and similar features which, if made and filed with the COMMISSION in a subsequent application, would make the application acceptable to the COMMISSION. Prior to the issuance of a disapproval of an application for a CERTIFICATE of appropriateness, the COMMISSION may, at its sole discretion, notify the applicant in writing of its proposed action accompanied by specific recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the COMMISSION. If within 14 days of receipt of such notice the applicant files a written modification of his application in conformity with said recommended changes, the COMMISSION shall issue a CERTIFICATE of appropriateness.

7.10 Upon request, the COMMISSION may issue a CERTIFICATE of non-applicability to any applicant whose request does not require COMMISSION approval.

7.11 If the construction or alteration for which an application for a CERTIFICATE of appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a CERTIFICATE of hardship, the COMMISSION shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the DISTRICT generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant, and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this bylaw. If the COMMISSION determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, the COMMISSION shall issue a CERTIFICATE of hardship.

7.12 If the COMMISSION should fail to issue a CERTIFICATE or a DISAPPROVAL within 60 days of the date of the filing of the application for determination or within such further time as the applicant may allow in writing, the COMMISSION shall thereupon issue a CERTIFICATE of hardship due to failure to act.

7.13 The concurring vote of a majority of the members present shall be required to issue a CERTIFICATE.

7.14 A PERSON AGGRIEVED by a decision of the COMMISSION shall, within ten (10) days of the issuance of a CERTIFICATE or DISAPPROVAL, file a written request to the COMMISSION for a review by a person or persons of competence and experience in such matters, acting as arbitrator and designated by the Massachusetts Historical Commission. The finding of the person or persons making such review shall be filed with the Town Clerk within forty-five (45) days after the request, and shall be binding on the applicant and the COMMISSION, unless a further appeal is sought in the Superior Court as provided in Chapter 40C, Section 12A. The filing of such further appeal shall occur within twenty (20) days after the finding of the arbitrator has been filed with the office of the Town Clerk.

7.15 Each CERTIFICATE issued by the COMMISSION shall be dated and signed by its chairman or such other person designated by the COMMISSION to sign such CERTIFICATES on its behalf. Each CERTIFICATE issued by the COMMISSION will be held by the Town Clerk and not released to the applicant for action until the ten (10) DAY appeal process has expired, and only if no appeal or review was submitted.

7.16 If multiple hearings are held by the COMMISSION on one application, the same roster of voting members/alternates must be present for each hearing relevant to that application.

7.17 If a decision is reached on an application with the assistance of an alternate board member, and the applicant later comes back with a similar or related request the same roster of voting members/alternates for the original application shall vote on the similar or related request.

8. CRITERIA FOR DETERMINATIONS

8.1 In reviewing applications for Certificates of Appropriateness, the COMMISSION shall use the criteria set forth in the Bolton Zoning Bylaw, Town of Bolton Design Guideline- Design Review Criteria, and the Local Historic District Standards & Guidelines approved by the Board of Selectmen and adopted by the COMMISSION.

8.2 In deliberating on applications for CERTIFICATES, the COMMISSION shall consider, among other things, the historic and architectural value and significance of the site, BUILDING or STRUCTURE; the general design, proportions, detailing, mass, arrangement, texture and material of the EXTERIOR ARCHITECTURAL FEATURES involved; and the relation of such EXTERIOR ARCHITECTURAL FEATURES to similar features of BUILDINGS and STRUCTURES in the surrounding area.

8.3 In the case of new CONSTRUCTION or addition to existing BUILDINGS or STRUCTURES, the COMMISSION shall consider the appropriateness of the scale, shape and proportions of the BUILDING or STRUCTURE both in relation to the land area upon which the BUILDING or STRUCTURE is situated and in relation to BUILDINGS and STRUCTURES in the vicinity. The COMMISSION may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute of Bylaw. In the case of new CONSTRUCTION, refer to 9.10.

8.4 When ruling on applications for CERTIFICATES on solar systems as defined in Section IA of Chapter 40A, the COMMISSION shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.

8.5 The COMMISSION shall not consider interior arrangements or architectural features not subject to public view from a PUBLIC WAY.

8.6 The historic character of a property should be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property should be avoided.

8.7 Changes to a property that have acquired historic significance in their own right should be retained and preserved.

8.8 Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property should be preserved.

8.9 Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of a missing feature should be substantiated by documentary, physical or pictorial evidence.

8.10 New additions, exterior alterations or related new construction that destroy historic materials, features and spatial relationships that characterize the property should be avoided. New work should be differentiated from the old and should be compatible with the building's historic materials, features, size, scale, proportion and massing to protect the integrity of the property and its environment. New additions and adjacent or related new construction which, if removed in the future, would impair the essential form and integrity of the historic property and its environment should be avoided.

9. EXCLUSIONS

9.1 The COMMISSION shall exclude from its purview the following:

9.1.1 Temporary BUILDINGS or STRUCTURES subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the COMMISSION may reasonably specify.

9.1.2 Terraces, walks, driveways, sidewalks and similar STRUCTURES, provided that any such STRUCTURE is substantially at grade level.

9.1.3 Storm windows and doors, screen windows and doors, and window air conditioners.

9.1.4 The color of paint.

9.2 Upon request the COMMISSION shall issue a CERTIFICATE of Non-Applicability with respect to CONSTRUCTION or ALTERATION in any category not subject to review by the COMMISSION in accordance with the above provisions.

9.3 Nothing in this Bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not involve a change in design, materials or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an

unsafe or dangerous condition, nor construed to prevent any CONSTRUCTION or ALTERATION under a permit duly issued prior to the effective date of this Bylaw.

10. ENFORCEMENT AND PENALTIES

10.1 The COMMISSION shall determine whether a particular activity is in violation of this Bylaw or not, and the COMMISSION shall be charged with the enforcement of this Bylaw.

10.2 The COMMISSION, upon a written complaint from any Bolton resident, or owner of property in Bolton, or upon its own initiative, shall institute any appropriate action or proceeding in the name of the Town of Bolton to prevent, correct, restrain or abate violation of this Bylaw. In the case where the COMMISSION is requested in writing to enforce this Bylaw against any person allegedly in violation of same and the COMMISSION declines to act, the COMMISSION shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore, within *twenty one (21) days* of receipt of such request.

10.3 Whoever violates any of the provisions of this Bylaw shall be punishable by a fine of up to \$300.00 for each offense. Each day during any portion of which such violation continues to exist shall constitute a separate offense. Fines shall be collected by the Town Collector.

10.3.1 Any person aggrieved by the imposition of a fine pursuant to this bylaw shall have an absolute right to request the Board of Selectmen to review the amount of the fine imposed by the Local Historic District Commission. The Board of Selectmen in its absolute discretion may increase or decrease the amount of the fine.

10.3.2

- a. If the person or persons alleged to have violated any provision of this bylaw appeals the finding of violation and or imposition of a fine, the imposition of the fine shall be stayed until final resolution of the appeal.
- b. If an appeal is resolved in favor of the appellant, the fine shall be rescinded.
- c. If an appeal is resolved against the appellant, the fine is retroactive to the initial day of the violation.
- d. Retroactivity of the fine shall also be within the decision making power of the duly constituted appellate body.

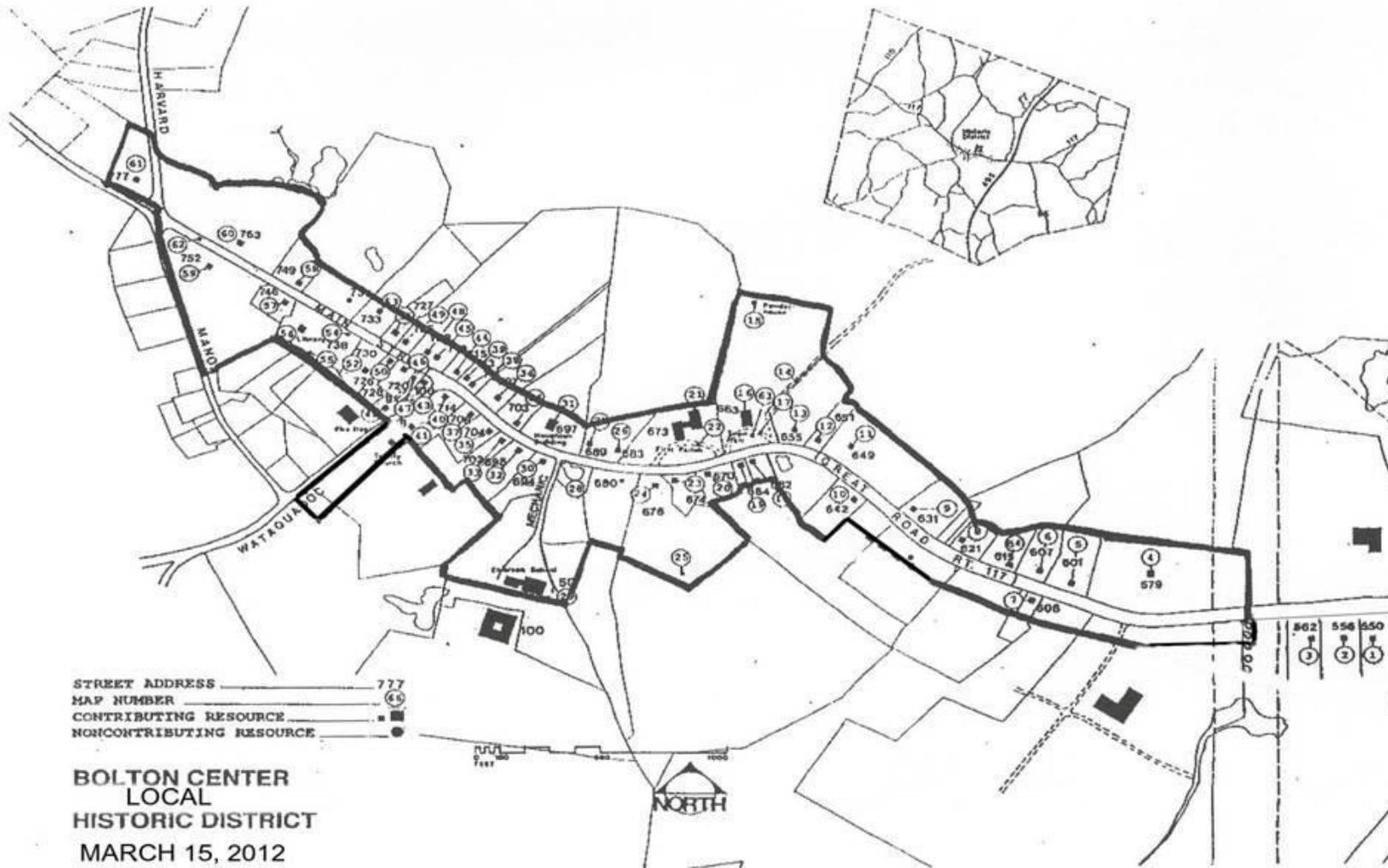
10.4 The COMMISSION may designate the Building Inspector of the Town of Bolton to act on its behalf and to enforce this Bylaw under the direction of the COMMISSION.

11. VALIDITY AND SEPARABILITY

The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

12. APPENDICES:

Appendix 1: Bolton Local Historic District Map



Sponsor: Local Historic District Study Committee

Support: Historical Commission, Local Historic District Study Committee

Summary: The Local Historic District Study Committee (LHDSC) was appointed by the Board of Selectmen on March 24, 2011. The LHDSC was charged with investigating and making recommendations on the application for a Local Historic District in Bolton. This is in direct response to the 1998 Preservation Plan, 2001 Archaeological Survey, 2006 Master Plan, and 2006 Dept of Conservation & Recreation Reconnaissance Report that all call for a local historic district to protect historic and archaeological sites from inappropriate alteration and/or destruction.

The proposed bylaw proposes the following:

1. To define the Local Historic District Boundaries.
2. To establish a Local Historic Commission of five permanent and two alternate members appointed by the Board of Selectmen
3. To grant the Local Historic Commission the authority to review and render a decision of appropriateness on all proposed new construction, reconstructions, alterations, relocations and demolition of all exterior architectural features of buildings and structures, or any portion thereof, within the Historic District which are visible from any public street, public way, public park or public body of water, except as limited by this bylaw. The term "structure" shall include but not be limited to stone walls, fences, driveways, walks, terraces, steps, pavings, signs, lights, and appurtenant fixtures on the lots, buildings, or structures. For purposes of this bylaw, any structures partially within the Historic District shall be considered wholly within the district. To administer the activity within the Local Historic Commission may adopt standards and guidelines which must be approved by the Board of Selectmen. Residents who violate the provisions of this Bylaw shall be punishable by a fine of \$300 per day pursuant to provisions of Section 10

Local Historic District: Follows the current boundaries of the National Historic District with the addition of the east side of Wattaquodock Hill Road up to and including the Memorial and Field House, and excluding the south side of Main St between 495 and the lacrosse field. The southern boundary between the lacrosse field and the eastern property line of 642 Main Street extends one hundred feet (100') from the roadway. All other boundaries are as shown on the LHD Map. (See Map)

The LHDSC has investigated the benefits; met with Massachusetts Historical Commission (MHC); studied the LHD bylaws of towns similar in size and character to Bolton; held forums for National Historic District (NHD) residents and all town residents; met with the Planning Board and Selectmen; sought input from the Bolton Historical Commission and the Design Advisory Team; and conducted a town wide survey. The final Study Report was submitted to (MHC) and the Bolton Planning Board on Feb 1st, 2012. MHC's confirmation of March 19th stated that "The Massachusetts Historical Commission encourages the Town of Bolton to establish a local historic district as a means of protecting historic resources." A public hearing was held for Bolton residents on April 9th, 2012, 60 days after the Study Report was filed.

Board of Selectmen Recommendation: Recommendation to be made on Town Meeting Floor

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

Voter Required: 2/3 Majority

Article 31: Citizen's Petition – Tree Trimming Bylaw

Any and all trees, regardless of where its root system has established itself, residing within the right of way along any road, regardless of scenic distinction, within the town limits of Bolton is subject to tree trimming or removal if any of the below conditions exist; as determined by the town tree warden, or any other town approved certified arborist:

- 1) Diseased beyond the point of recovering or dead is to be removed at the base of the central main trunk or leader, or if a branch where the branch collar meets the central leader;
- 2) All limbs or branches growing into or towards power lines are to removed;
- 3) Any limb or branch growing over any power line is to be removed if:
 - a. Starting at the farthest branch tip out from the central main trunk or leader, going back to each subsequent angle of attachment, down the limb to the central main trunk, the angle of attachment is less than 45%;

- b. Scaffolding branches emerging from the central main trunk or leader at an angle less than 45% are to be removed.

The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this bylaw shall continue to be in full force and effect.

Sponsor: Citizen's Petition

Board of Selectmen Recommendation: Disapproved (Unanimous)

Advisory Committee Recommendation: Disapproved (5 in favor of disapproval, 1 abstained)

Vote Required: Majority

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

(A Special Town Meeting shall, unless a different time or method is prescribed by law, be called by posting an attested copy of the warrant, calling the same, at the Town Hall, at the Post Office and at two other public places in the town fourteen days, at least, before the day appointed for said meeting, and by mailing a copy of the warrant to each household where one or more registered voters resides.) = existing language. In addition to the above process, a Special Town Meeting shall:

- 1) Only take place while the Nashoba Regional School District is in session;
- 2) Only take place on a Monday, additionally:
 - a. No National Holiday shall take place within the same week
- 3) Special Town Election, if necessary, shall:
 - a. Take place on the Monday immediately following the Monday of the Special Town Meeting.
 - b. No National Holiday shall take place within the same week of a Special Town Election.

Prior to the article approving a town election, the town moderator, shall provide a summary description, based upon the article results of the night, explaining what a yes or no vote would mean to that article, and thus what questions would appear on a town election ballot.

The provisions of this bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

Sponsor: Citizen's Petition

Board of Selectmen Recommendation: Disapproved (Unanimous)

Advisory Committee Recommendation: Disapproved (Unanimous)

Vote Required: Majority

Article 33: Authorize Town Election

To see if the Town will vote to meet at the Nashoba Regional High School Auditorium in Bolton, on Monday, May 14, 2012, 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, One Library Trustee, One Parks and Recreation Commission

TWO YEARS: One Planning Board member

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

FIVE YEARS: One member of Housing Authority, One member of the Planning Board;

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 29th day of March in the year of our Lord, Two thousand twelve.

BOLTON BOARD OF SELECTMEN

Curtis Plante, Chairman) Selectmen

David Lindsay) of

Stanley Wysocki) Bolton

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

Worcester, ss.

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

Constable of Bolton: _____ Date: _____

**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 7, 2012
Tuesday, May 8, 2012 if necessary
Wednesday, May 9, 2012 if necessary
7:00 p.m.
Nashoba Regional High School Auditorium**

**** New Location **
Annual Town Election
Monday, May 14, 2012
Noon to 8:00 p.m.
Nashoba Regional High School Auditorium**

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