

# TOWN OF BOLTON



**SPECIAL TOWN MEETING**

**WARRANT**

**MONDAY, NOVEMBER 7, 2011**

Special Town Meeting  
Monday, November 7, 2011  
7:00 p.m.  
**Florence Sawyer School Auditorium**

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

## TABLE OF CONTENTS

Article 1: Unpaid Bill for Fiscal Year 2011 .....	1
Article 2: Creation of Five Member Conservation Commission .....	1
Article 3: Amendment to Section 2.5.9 Inclusionary Housing.....	2
Article 4: Fire Chief Reporting Procedures .....	2
Article 5: Purchase of Smith Property for Affordable Housing and Town Green .....	3
Article 6: Authorize Town Election .....	4

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF BOLTON  
WORCESTER, ss

SPECIAL TOWN MEETING  
Monday, November 7, 2011  
Florence Sawyer School  
7:00 p.m.

To either 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 **Florence Sawyer School Auditorium** in said Bolton, on the 7<sup>th</sup> day of November, 2011 at 7:00 p.m., then and there to act on the following articles:

Article 1: Unpaid Bill for Fiscal Year 2011

To see if the Town will transfer from available funds the sum of \$221.28 (Two hundred twenty-one dollars and twenty-eight cents) for the purpose of paying the following unpaid FY11 bills, pursuant to Massachusetts General Laws, Chapter 44, Section 64; or do or act relating thereto.

\$221.28 Dave's Septic Service, Inc.

**Sponsor:** Park and Recreation Commission

**Summary:** This is necessary to pay unpaid invoices from fiscal year 2011 for services that have been rendered.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** 9/10 majority

Article 2: 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 5-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:** Approved

**Advisory Committee Recommendation:** Disapproved

**Vote Required:** Majority

Article 3: Amendment to Section 2.5.9 Inclusionary Housing

To see if the Town will vote to amend Section 2.5.9 Inclusionary Housing of its Zoning Bylaws as follows (deletions in *(parenthesis and italics)* and additions are underlined);

2.5.9.5 Provision of Affordable Units:

3. The AHU(S) shall be constructed or rehabilitated on the locus subject to the Special Permit and shall be integrated with the rest of the development and situated within the development so as not to be in a less desirable location than the market rate units in the development, and no less accessible to public amenities such as open space than the market rate units. The AHU(s) must be compatible in design, appearance, construction and quality of materials as the market rate units.

2.5.9.5 Provision of Affordable Units:

5. Subject to the approval of the Planning Board, an equivalent fees-in-lieu of payment and/or donation of land in fee simple may be made (See Section 2.5.9.12, below)(.) if the Planning Board determines:

(a) that the fee or donation of land will sufficiently aid in addressing the goals of the Town's Affordable Housing mission; or

(b) the provision of Affordable Units would result in a hardship such as rendering the Project economically infeasible,

or do or act relating thereto.

**Sponsor:** Affordable Housing Trust Fund

**Summary:** This article amends the Inclusionary Zoning Bylaw which requires an affordable unit to be located within a subdivision and to be compatible in design, appearance, and quality of materials as a market rate unit. The article also allows the Planning Board to decide whether the developer provides a donation of land or fee-in-lieu of payment. The previous bylaw left the decision up to the developer.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority

Article 4: Fire Chief Reporting Procedures

To see if the Town will vote to rescind its acceptance of M.G.L. Chapter 48, §42 which was adopted under Article 2 of the October 7, 1930 Special Town Meeting, and Article 14 of the February 2, 1931 Annual Town Meeting, and to accept in its place, the provisions of M.G.L. Chapter 48, §42A, or do or act relating thereto.

**Sponsor:** Board of Selectmen

**Summary:** At a Special Town Meeting on October 7, 1930, and then again at the February 2, 1931 Annual Town Meeting, it was voted to establish a fire department accepting the provisions of M.G.L. Chapter 48, §42. This allowed the Fire Chief to have nearly complete control over the Fire Department, including the appointment and termination of its officers and members. The Selectmen propose the rescission of such acceptance, and that the Town accept the provisions of M.G.L. c.48, §42A. Under §42A, the Selectmen will have authority over the appointment of the Fire Chief and all members of the Bolton Fire Department, as they now do with the Police Chief and the Police Department. It will be possible to have the Fire Chief report to the Selectmen through the Town Administrator, as the Police Chief does presently. The efficiency of the town's management of the Fire Department will be enhanced.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

Article 5: Purchase of Smith Property for Affordable Housing and Town Green

To see if the Town will vote to authorize the Board of Selectmen pursuant to M.G.L. Chapter 40, §14 to purchase, by quitclaim deed, a good and marketable title to two parcels of land with buildings thereon located at 715-723 Main Street, Bolton and owned by the J.L.S. Family Realty Trust, consisting of approximately 8.06 acres of land as shown on Assessors Map, Map 1, Lots 3 and 42 being the property described in two (2) deeds recorded in the Worcester South District Registry of Deeds in Book 11768, Page 348 and Book 13708, Page 179; and one vacant parcel of land consisting of approximately 10,454 s.f. of land and owned by Donald L. Smith and Anne M. Smith as shown on Assessors Map 1, Lot 41, and described in a deed recorded with said Deeds in Book 6947, Page 345, for the primary purpose of creating a town green and affordable housing in accordance with M.G.L. Chapter 40B §§20 and 21, or other purposes consistent with the primary purpose; and that the Board of Selectmen be authorized to enter into all agreements, execute any and all instruments as may be necessary on behalf of the Town of Bolton to effect said purchase, and to file on behalf of Bolton any and all applications deemed necessary for grants and/or reimbursements from any state or federal agency, and that to fund said purchase, the environmental remediation and cleanup of the land and the construction of the Town Center and Green, that the Town appropriate the sum of \$765,000 (Seven hundred and sixty five thousand dollars) and, that to meet such appropriation, \$125,000 shall be transferred from the Bolton Affordable Housing Trust Fund and that the Treasurer be authorized, with the approval of the Board of Selectmen, to borrow up to \$640,000 (Six hundred forty thousand dollars) pursuant to M.G.L. Chapter 44, §7(3), or any other authority, and issue bonds or notes of the Town, contingent on the Town voting to exempt from the limitation on total taxes imposed by M.G.L. Chapter 59, §21C (Proposition 2½), amounts required to pay the principal of, and interest on, the borrowing authorized by this vote; provided that the amount of any grants or reimbursements received in connection with the project shall be applied to reduce the amount of the borrowings authorized hereby or do or act relating thereto.

**Sponsors:** Board of Selectmen, Affordable Housing Trust Fund, Economic Development Committee, Historical Commission, Housing Authority, Parks and Recreation Commission, Planning Board, Public Ways Safety Committee and Partners for Planning

**Summary:** This article authorizes the Town to purchase the Smith property on Main Street and apply for State and federal grants and/or loans to clean up the site and build a town green with a bandstand or gazebo. Affordable and market rate housing will also be part of the project.

A local civic group, Partners for Planning, currently has an offer agreement with the JLS Smith Family Trust to purchase the property for \$230,000. The clean-up costs would be the responsibility of the town and are estimated to be between \$200,000 to \$225,000. However, we expect all or nearly all of this to be covered by grants. An additional \$185,000 is requested to cover the administrative costs of implementing this plan, required demolitions, re-surfacing, and contingencies. Recent analysis of the required remediation indicates that the estimated clean-up cost is credible.

The Town will apply to the US Environmental Protection Agency and Mass Development for Brownfield grants to pay for the clean-up. Discussions with State and federal officials indicate that the Town should be eligible for these grants.

The Town may sell a portion of the 8.3 acres to a developer to construct market rate and affordable housing. Unlike most capital expenses approved by the Town, this project will produce a positive cash flow to the Town after occupancy. Incremental excise and property taxes will ultimately more than offset the project's costs and make a positive contribution to the town's budget.

The sponsors propose that a "Bolton Town Green Development Commission" be created and appointed by the Board of Selectmen. This Commission will manage the project, including approving the design of the site, applying for grants, selecting developers and contractors, and approving expenditures in a manner similar to that of the construction committees that were formed for the Public Safety Building and the Library projects.

Although the article authorizes bond issuance of up to \$640,000, only \$440,000 is expected to be borrowed because it is believed that grants will cover the clean-up costs.

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

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

**Vote Required:** 2/3 Majority

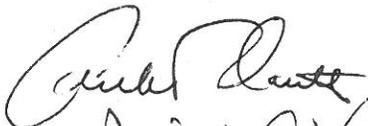
Article 6: Authorize Town Election

To see if the Town will vote to meet at the **Nashoba Regional High School Auditorium** in Bolton, on Monday, November 21, 2011 between the hours of 12 noon and 8 p.m. to vote on the ballot question; or do or act relating thereto.

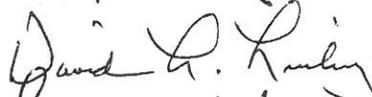
And you are directed to serve this warrant by posting up attested copies thereof at the Town Hall, at the Post Office, and at two other public places, at least fourteen days before the time for holding said meeting.

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;

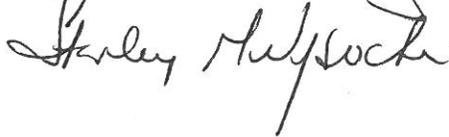
Given under our hands and seal, this 13th day of October in the year of our Lord, two thousand eleven.



Curtis Plante ) Selectmen



David Lindsay ) of



Stanley Wysocki ) Bolton

A true copy. Attest: \_\_\_\_\_ Constable of Bolton \_\_\_\_\_ Date

In obedience to the Warrant, I have notified and warned the said inhabitants of the Town of Bolton to meet at the time and place, by posting up attested copies of the same at the Town Hall, at the Post Office, and at two other public places, at least fourteen days before the date hereof.

Constable of Bolton: \_\_\_\_\_ Date: \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF BOLTON  
WORCESTER, ss

SPECIAL TOWN ELECTION  
Monday, November 21, 2011  
Nashoba Regional High School Auditorium  
12 noon to 8:00 p.m.

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

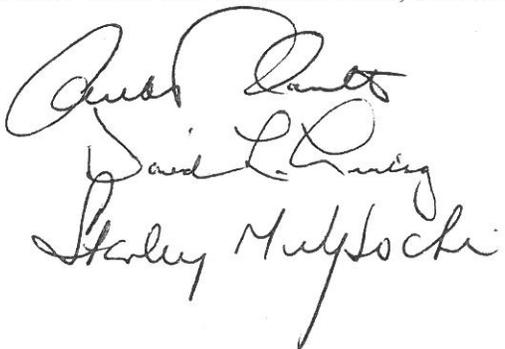
GREETINGS - In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Bolton aforesaid, qualified to vote in elections and town affairs, to meet at the Nashoba Regional High School Auditorium in said Bolton, on the 21st day of November, 2011 between the hours of 12 noon and 8:00 p.m. to vote on the following question:

**Question No. 1:** Shall the Town of Bolton be allowed to exempt from the provisions of proposition two and one-half so called, the amounts required to pay for the bond issued in order to acquire the Smith property? Yes \_\_\_ No \_\_\_

And you are directed to serve this warrant by posting up attested copies thereof at the Town Hall, at the Post Office, and at two other public places, at least fourteen 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 13th day of October in the year of our Lord, two thousand eleven.



Curtis Plante ) Selectmen  
David Lindsay ) of  
Stanley Wysocki ) Bolton

A true copy. Attest: \_\_\_\_\_ Constable of Bolton \_\_\_\_\_ Date

In obedience to the Warrant, I have notified and warned the said inhabitants of the Town of Bolton to meet at the time and place, by posting up attested copies of the same at the Town Hall, at the Post Office, and at two other public places, at least fourteen days before the date hereof.

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**

**SPECIAL TOWN MEETING  
MONDAY, NOVEMBER 7, 2011  
7:00 P.M.  
FLORENCE SAWYER SCHOOL AUDITORIUM**

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