

# TOWN OF BOLTON



## SPECIAL TOWN MEETING

### WARRANT

**WEDNESDAY, OCTOBER 16, 2013**

Special Town Meeting  
Wednesday, October 16, 2013 7:00 p.m.  
**Nashoba Regional High School Auditorium**

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



## TABLE OF CONTENTS

Article 1: Unpaid Bill for Fiscal Year 2013 .....	1
Article 2: Compensation for Assessors Certification.....	1
Article 3: Amendment to the Dog Bylaws .....	1
Article 4: Amendment to the Code of the Town of Bolton, Article III, Zoning District Regulations, Section 250-13, Dimensional Regulations .....	2
Article 5: Assignment of Conservation Restriction .....	2
Article 6: Retroactive Pay and Benefits – Dispatch Contract .....	3
Article 7: Retroactive Pay and Benefits – Police Contract .....	3
Article 8: Nashoba Regional School District Assessment .....	3
Article 9: Citizen’s Petition – Temporary Moratorium On Medical Marijuana Treatment Facilities .....	4

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF BOLTON  
WORCESTER, ss

SPECIAL TOWN MEETING  
Wednesday, October 16, 2013  
Nashoba Regional High School Auditorium  
7:00 p.m.

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

GREETINGS - In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Bolton aforesaid, qualified to vote in elections and town affairs, to meet at Nashoba Regional High School Auditorium in said Bolton, on the 16th day of October, 2013 at 7:00 p.m., then and there to act on the following articles:

Article 1: Unpaid Bill for Fiscal Year 2013

To see if the Town will vote to transfer from available funds the sum of \$300 (Three hundred dollars) for the purpose of paying the following unpaid FY13 bill, pursuant to M.G. L., Chapter 44, Section 64; or do or act relating thereto.

\$300.00 Sterling Fire Department

**Sponsor:** Ambulance Department

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

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** 9/10 Majority

Article 2: Compensation for Assessors Certification

To see if the Town will vote to accept M.G.L., Chapter 59, Section 21A which entitles the Assistant Assessor to receive additional compensation annually for achieving the designation of Massachusetts Accredited Assessor (MAA); or do or act relating thereto.

**Sponsor:** Board of Assessors

**Summary:** The Assistant Assessor, after three years of classes and training, passed the certification exam in 2003, and continues to complete all required triennial MAA-recertification, to hold the designation of Massachusetts Accredited Assessor and according to M.G.L. is currently entitled to an additional annual compensation of \$1,000.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

Article 3: Amendment to the Dog Bylaws

To see if the Town will vote to amend the Code of the Town of Bolton, Chapter 110 Animals, Section 110-2 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.

**Section 110-2 Definitions:**

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

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

**Sponsor:** Board of Selectmen

**Summary:** This amendment is to adjust the definition for “Personal Kennel” to match the state definition for the minimum number of dogs in a personal kennel.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

**Article 4: Amendment to the Code of the Town of Bolton, Article III, Zoning District Regulations, Section 250-13, Dimensional Regulations**

To see if the Town will vote to amend the Code of the Town of Bolton, Section 250-13, Dimensional Regulations as follows (deletions in *parenthesis and italics*) and additions are underlined).

**Section 250-13 Dimensional Regulations**

**C. One Building Per Lot**

- (a) Residential Use: Not more than a single dwelling shall be erected or moved onto a lot unless allowed by Special Permit under the Barn, Stable & Carriage House Preservation Bylaw, Chapter 151, Historic Preservation, Article 1, of the Code of the Town of Bolton.
- (b) Other Uses: Not more than a single principal building, regardless of use, shall be erected or moved onto a lot unless allowed by Special Permit under the Barn, Stable & Carriage House Preservation Bylaw, Chapter 151, Historic Preservation, Article 1, of the Code of the Town of Bolton.

**Sponsor:** Planning Board

**Summary:** The Town approved the Barn, Stable & Carriage House Preservation Bylaw at the May 2013 Town Meeting which allows particular accessory uses as well as accessory apartments in detached barns, stables and carriage houses. The current bylaw only allows one structure per lot which conflicts with the new bylaw.

**Board of Selectmen Recommendation:** Approved

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

**Vote Required:** 2/3 Majority

**Article 5: Assignment of Conservation Restriction**

To see if the Town will vote pursuant to M.G.L., Chapter 40, Section 3, to authorize the Board of Selectmen and the Conservation Commission to assign their current property interest in a Conservation Restriction held on a 100.1-acre parcel of land (OS-1, OS-2, OS-3 and OS-4) owned by Century Mills Limited Partnership, LLC, to the Bolton Conservation Trust, Inc., a private non-profit corporation, so that the Bolton Conservation Trust, Inc. would become the Grantee of the Conservation Restriction when said parcels are conveyed to the Town; and further to authorize the Board of Selectmen to seek legislative approval authorizing assignment of that interest of land; or do or act relating thereto.

**Sponsor:** Conservation Commission

**Summary:** In 2007, the Massachusetts Division of Fisheries and Wildlife required the developer of the subdivision known as “Century Mill Estates” to put a Conservation Restriction on approximately 100 acres of open space in the subdivision prior to any work on the property. The open space contains many important natural resources and habitat for rare and endangered species. In 2010, the Conservation Commission and Board of Selectmen accepted a Conservation Restriction for the town to ensure protection in perpetuity. The subdivision approvals and Order of Conditions require the developer to grant the open space to the Town. Since the town cannot both own the land and hold the Restriction, the Conservation Commission has recommended the Restriction be assigned to the Bolton Conservation Trust. State law for disposing of conservation land requires a vote of the Conservation Commission, the Board of Selectmen, Town Meeting and 2/3’s of the state legislature to assign the Restriction.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority

Article 6: Retroactive Pay and Benefits - Dispatch Contract

To see if the Town will vote to raise and appropriate the sum of \$1,071.35 (One thousand seventy one dollars and thirty five cents) to meet the town’s contractual obligations for FY12 for the recently negotiated Dispatch Union Contract; or do or act relating thereto.

**Sponsor:** Board of Selectmen

**Summary:** At the end of FY’13, the Town of Bolton concluded negotiations with our Dispatch Union for a three-year contract covering FY12-FY14. This appropriation is needed to meet our remaining FY12 obligations.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

Article 7: Retroactive Pay and Benefits - Police Contract

To see if the Town will vote to raise and appropriate a sum of money to meet the town’s contractual obligations for FY12 for the recently negotiated Police Union Contract; or do or act relating thereto.

**Sponsor:** Board of Selectmen

**Summary:** In FY14, the Town of Bolton concluded negotiations with our Police Union for a three-year contract covering FY12-FY14. Funds in the FY14 budget can be applied to retroactive commitments made for FY13 but cannot be legally applied to FY12. Therefore, a separate appropriation is needed to meet our FY12 obligations. The exact amount of this appropriation is still being determined and will be presented as an amendment to this article at the Special Town Meeting.

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

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

**Vote Required:** Majority

Article 8: Nashoba Regional School District Assessment

To see if the Town will vote to raise and appropriate or transfer from available funds the amount of \$200,188 (Two hundred thousand one hundred eighty eight dollars) to fund the remaining balance of the Nashoba Regional School District assessment for FY14; or do or act relating thereto.

**Sponsor:** Board of Selectmen

**Summary:** When the Nashoba Regional School District submitted its student enrollment figures to the state in the spring of FY13, a clerical error resulted in 75 students not being reported. Now that the correction has been made and the School Committee has voted its final budget figures, an additional appropriation must be approved to fund this deficit. The \$200,188 is lower than the estimate (\$230,000 - \$330,000) provided by the Nashoba Regional School District at the Annual Town Meeting in May 2013.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

**Article 9: Citizen's Petition – Temporary Moratorium On Medical Marijuana Treatment Facilities**

"to see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 2.7 - Temporary Moratorium On Medical Marijuana Treatment Facilities--The town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through June 30, 2014. During the moratorium period, the Town shall undertake a planning process to address the Department of Public Health regulations regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses." Or, do or act relating thereto.

**Sponsor:** Citizen's Petition

**Summary from Citizen's Petition:** In response to the new medical marijuana law, most of our neighboring towns have adopted moratoriums designed to give them time to decide how to respond to the new situation. Bolton should join the other towns in establishing a moratorium so we can plan our response prior to having to process proposals for marijuana facilities here. If Bolton is one of the few towns without a moratorium, it is likely to be targeted in the near future as a location for such a facility by several of the 200-plus organizations seeking to open marijuana dispensaries in the state.

**Board of Selectmen Recommendation:** No Recommendation

**Advisory Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority

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 19<sup>th</sup> day of September in the year of our Lord, two thousand thirteen.

Stanley Wysocki                    ) Selectmen  
Lawrence Delaney                ) of  
Mark Sprague                     ) Bolton

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

Worcester, ss.

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: \_\_\_\_\_

