

## **BOARD OF SELECTMEN'S STATEMENT**

Bolton continues to slowly recover from the Great Recession. This year the budget again avoids an override request, while maintaining Town services. The budget also avoids going to the Prop 2 ½ levy limit, while ensuring a reasonable level of free cash.

Maintaining a reasonable level of free cash, along with not taxing to the levy limit, are indications that the Town is carefully managing its finances. The Town is starting to reap the benefits of prudent, long term actions from last year. Funding the Other Post-Employment Benefits Liability Trust Fund (OPEB) last year helped reduce our unfunded long term liability going forward, and reduced the suggested contribution for this year.

Our decision to regionalize Emergency Management Dispatch (EMD) into the Nashoba Valley Regional Dispatch District at Devens will directly save the town over \$86,000 this year, along with reduced OPEB liability in the future. The decision to regionalize Bolton's Dispatch was driven by the State's desire to reduce the number of dispatch centers as the new and enhanced E-911 requirements and equipment started to be rolled out across the state. Massachusetts has an unusually high number of emergency dispatch centers as compared to most every other state in the US. Bolton took the proactive step of getting ahead of the consolidation rather than being forced to join a regional dispatch group. The regionalization of dispatch will provide a higher level of service moving forward with the added benefit of cost savings to the town. The Board of Selectmen would like to thank our dispatch employees for the many years of service in providing this vital service.

The budget process continues to be very challenging. The proposed budget this year benefits from the savings in EMD, along with reduced snow and ice spending from our mild winter. These savings were dwarfed by the 4.4% increase in the Nashoba Regional School District budget. Educating our children is one of the primary functions of town government, but the on-going increases, far in excess of taxing ability, is squeezing other town activities and capital needs. Over 62% of the total budget is now dedicated to education.

Town departments again had the mandate to keep to level funding in each of their budgets and to bring substantial justification if an increase was being requested. The non-education budget growth was limited to an increase of 0.8%. This increase comes from the proposed Police Union contract. Part of the staffing problems we've had over that last few years has been due in part to the Town paying significantly below what comparable towns pay for police wages. This has, in part, caused higher than expected staff turnover which then necessitated the need to apply overtime to fill in shifts while replacement staff was interviewed and hired. The contract and retroactive pay articles bring us closer to the average, while maintaining the staffing levels previous town meetings voted for.

The remainder of the budget and spending articles are focused this year on addressing long deferred maintenance to our infrastructure and DPW vehicles. As any homeowner knows, some repairs can be delayed, but eventually need to be addressed. Waiting too long can result in significantly higher repair costs. The proposed articles represent the highest priority repairs of the many that have been identified.

This past year has seen the first commercial development projects in several years, and several stalled residential projects have started to move forward. In the long-term, these projects, especially the commercial projects, will benefit the town's tax base. The new Clinton Savings Bank Building and the redevelopment of the former Salt Box building, both on Main Street, are excellent examples of the kind of commercial development that make Bolton an attractive community. The town has always attempted to encourage thoughtful, appropriate business development.

The Board of Selectmen wants to thank everyone involved for the enormous effort it took to bring this warrant to Town Meeting:

- Town employees and department heads who have spent a great deal of time identifying needs, preparing their budgets, and assisting in the budgeting process;
- Our volunteer boards for the considerable time they spent in detailed reviews of their budget requests and working with the Advisory Committee in crafting their budget to maximize the value provided to the town;
- The Advisory Committee for pulling all of the information together and scrutinizing each line of the budget to make the proposed budget as tight as possible;
- Our Town Treasurer Donna Madden and our Town Accountant Ninotchka Rogers for their insights and assistance throughout the budget cycle.

Finally, Town Administrator Don Lowe and Town Secretary Linda Day deserve special thanks for the countless hours spent preparing and revising the warrant, and for the assistance they provide to the Board of Selectmen, and the people of Bolton, throughout the year.

The Board of Selectmen want to thank all town employees and departments for the work they do to support the town of Bolton. Many of these individuals work behind the scenes and do not often get the recognition they so deserve. We thank each and every one for their service to the Town.

And finally a big note of thanks to our fellow Bolton residents who year in and year out support the Town financially and in so many other ways making the town what it is and why it continues to be a desirable place to live and grow.

**Signed,**

**Board of Selectmen**

Mark A. Sprague, Chairman

Stanley M. Wysocki

Thomas J. Frain

## ADVISORY COMMITTEE STATEMENT

### Introduction

This statement summarizes Bolton's FY17 budget and provides comparable data to FY16. The proposed FY17 budget is the work product of the Town Administrator, Department Heads, Board of Selectmen, Town Accountant, Town Treasurer and the Advisory Committee. The Advisory Committee is especially appreciative to Linda Day (town secretary), Donna Madden (town treasurer), and Ninotchka Rogers (town accountant) for their patience and year-round support, particularly January through April when it meets.

<u>Revenue Table</u>			
Revenue	FY17	Amt Incr (Decr) from FY16	% Incr (Decr) from FY16
Tax Levy of Prior Year	18,282,010	-----	-----
Prop 2-1/2 Allowable Growth	457,050	-----	-----
New Growth	165,000	0	0.00%
Debt Excluded from Prop 2- 1/2	1,534,370	(97,292)	-5.96%
<b>Taxable Levy Limit (sum of above)</b>	<b>20,438,430</b>	<b>524,758</b>	<b>2.64%</b>
Allowance for Abatement and Exemption	(160,000)	0	0.00%
State Revenue	649,601	(801)	-0.12%
Local Receipts	1,277,460	32,314	2.60%
Other Available Funds	242,378	(65,702)	-21.33%
Free Cash (for Operating Budget)	50,924	(315,462)	-86.10%
Free Cash (for Articles)	228,733	(64,745)	-22.06%
Borrowing	1,080,556	835,086	340.20%
<b>Total Revenue</b>	<b>23,808,081</b>	<b>945,448</b>	<b>4.14%</b>

### FY17 budget highlights:

- After several years of not borrowing money on capital projects, the FY17 Warrant proposes a series of essential road and town building repairs. With the exception of the proposed Minuteman school building, the borrowing can be handled within the budget. Careful planning resulted in the third consecutive year in which warrant spending does not use the town's full property tax capacity. The use of free cash and budget restraints keep the amount of tax revenue needed to fund the town at \$11,035 under the allowable levy limit under Proposition 2 1/2.
- The capital projects, if approved, will increase debt payments by \$43,498 from FY16 to FY17.
- Education, at \$558,918, continues to be the largest component of the budget and of FY17 budget increases. Also included in the warrant is approval of a new school for Minuteman Regional Vocational; Bolton's share of that would be \$118,413 per year, proposed as a debt exclusion.
- The police budget is up 17.1% due to several factors. The three-year contract with the police was ratified in 2016 and includes salary adjustments that put Bolton's police salaries in the middle of salary ranges for comparable police departments. Retroactive pay for the last two years is included in the warrant (articles 7 and 8). Last year there was no funding for a police cruiser (~\$37,000). This year's budget includes one cruiser, with a borrowing article to buy a second cruiser. Accounting for the cruiser not purchased and 2016 retroactive pay in

article 8(\$74,976) as a basis, the police budget would have increased 5.8%.

- As a result of regionalization of the dispatch center, we see the costs of dispatch dropping from \$257,768(plus \$14,477, art. 6) to \$171,000, a reduction of 37.2%. The dispatch union contract was ratified in 2016 and there are articles for retroactive pay in Articles 5 and 6.

**Revenues**

This FY17 Warrant will raise an additional \$930,040 of revenue by taxation, which represents a 4.39% increase over that raised last year.

<i><u>Expenditures Table</u></i>			
<b>Expenditures</b>	<b>FY17</b>	<b>Amt Incr (Decr) from FY16</b>	<b>% Incr (Decr) from FY16</b>
General Government	1,270,228	(9,288)	-0.73%
Public Safety	2,067,044	(3,066)	-0.15%
Education	13,904,238	558,918	4.19%
Public Works	1,418,253	23,571	1.69%
Human Services	140,899	(5,494)	-3.75%
Culture & Recreation	445,349	1,047	0.24%
Debt Service	2,003,775	43,498	2.22%
Employee Benefits	1,035,680	21,123	2.08%
Other Insurance	73,200	4,268	6.19%
<b>Total Operating Expenditures</b>	<b>22,358,667</b>	<b>634,577</b>	<b>2.92%</b>
Snow & Ice Deficit	75,000	(33,109)	-30.63%
Interest Charges	-	-	-
State & County	9,567	1,685	21.38%
Warrant Articles Using Free Cash or Other Available Funds	273,256	(572,312)	-67.68%
Warrant Articles Borrowing	1,068,562	835,556	341.04%
<b>TOTAL EXPENDITURES</b>	<b>23,797,046</b>	<b>866,398</b>	<b>3.78%</b>

Each year the Massachusetts Department of Revenue reviews the Town’s finances and certifies the amount of unrestricted cash. The Town uses Certified Free Cash to meet operating and capital project requirements. Bolton’s Certified Free Cash on July 1, 2015 was \$604,657 compared with \$983,879 last year.

**Expenditures**

- Projected FY17 expenditures increase by \$630,054(2.90%) above the FY16 budget, most of which was the 4.4% increase in the Nashoba Regional School District assessment.
- Education makes up 62.19% of the FY17 operating budget, increasing by \$558,918(4.19%) over the FY16 budget. The FY17 school district increases are \$573,165 for Nashoba Regional and \$16,674 for Assabet Valley Regional Technical High School. Minuteman Regional assessment decreased \$30,921.
- The remainder of the budget increased \$75,659 (0.90%).
- The capital spending articles include two culverts, major repairs to the columns and foundation in front of Town Hall, three pieces of equipment for the DPW, and a police cruiser. All of these borrowings as well as the operating budget address the town’s operating and capital needs and stay under the available levy limit, while retaining the \$325,000 free cash target that the Selectmen and Advisory Committee agree is needed to run the town.

Signed,  
**Advisory Committee**  
 Connie Benjamin  
 Brad Cote  
 Ted Kirchner  
 Craig Lauer  
 Joe Myerson  
 Ken Troup

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF BOLTON  
WORCESTER, ss

ANNUAL TOWN MEETING  
Monday, May 2, 2016  
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 2nd day of May, 2016 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 2015; or do or act relating thereto.

**Sponsor:** Board of Selectmen

**Note:** Annual Reports are available at the Town Hall, Library and on our website at [www.townofbolton.com](http://www.townofbolton.com).

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

Article 2: Fiscal Year 2017 Operating Budget

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$22,358,667 (Twenty two million three hundred fifty eight thousand six hundred sixty-seven 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 \$50,000 (Fifty thousand dollars) be transferred from the Cell Tower Fund;
- b. The sum of \$85,000 (Eighty five thousand dollars) be transferred from the Ambulance Receipts Reserved for Appropriation to be applied to the Ambulance Department budget;
- c. The sum of \$60,000 (Sixty thousand dollars) or any other amount, be transferred from the Overlay Reserve Account;
- d. The sum of \$50,924 (Fifty thousand nine hundred twenty-four dollars) or any other amount, be transferred from Free Cash;
- e. The sum of \$22,112,743 (Twenty two million one hundred twelve thousand seven hundred forty three dollars) to be raised by taxation; or do or act relating thereto.

**Sponsor:** Board of Selectmen

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

Article 3: 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 shall be deposited with an annual expenditure cap of \$30,000 (Thirty thousand dollars), with the Revolving Fund, originally approved in Article 7 of the 2010 Annual Town Meeting, to be accounted for separately from all other monies in the Town and used for the purpose of funding 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, with the Town Administrator authorized to expend from the fund; or do or act relating thereto.

**Sponsor:** Board of Selectmen

**Summary:** As an ongoing funding mechanism for maintenance and operations of web-based municipal software this article seeks town meeting approval to reauthorize the Revolving Fund which is funded by a 7.5% technology fee surcharge applied to permits issued to fund web-based municipal software, which will be used by Town departments. Monies from the Revolving Fund may be used by the Town Administrator for web-based municipal software maintenance, digitization of plans and expansion of the software technology by adding additional modules and hand-held devices such as netbooks in the field. Per State Law, all revolving funds must be reauthorized annually.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

**Article 4: Reauthorization of a Revolving Fund for the Cadet Program**

To see if the Town will vote pursuant to M.G.L. Chapter 44, Section 53E½ to reauthorize the Nashoba Cadet EMT Program Coordinator to maintain a Revolving Fund into which funds generated from fees paid for courses shall be deposited with an annual expenditure cap of \$2,500 (Two thousand five hundred dollars), with the Revolving Fund, originally approved in Article 6 of the 2015 Annual Town Meeting, to be accounted for separately from all other monies in the Town and used for the purpose of paying the program expenses of the Nashoba Cadet EMT Program, with the Nashoba Cadet EMT Program Coordinator authorized to expend from the fund; or do or act relating thereto.

**Sponsor:** Board of Selectmen

**Summary:** The Nashoba Cadet EMT Program had a revolving account at the Nashoba Regional School District for at least past 15 years. Due to changes to IRS regulations, the district could no longer deposit into this account. Therefore, this revolving account was set up for the Cadet EMT Program last year. Per State Law, all revolving funds must be reauthorized annually.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

**Article 5: Retroactive Pay - Dispatch Contract – FY15**

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$13,386.27 (Thirteen thousand three hundred eighty-six dollars and twenty-seven cents) to meet the Town's contractual obligations for FY15 for the recently negotiated Dispatch Union Contract; or do or act relating thereto.

**Sponsor:** Board of Selectmen

**Summary:** The Town of Bolton concluded negotiations with our Dispatch Union for a two-year contract covering FY15-FY16. This appropriation is needed to meet our remaining FY15 obligations.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

**Article 6: Retroactive Pay - Dispatch Contract – FY16**

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$14,447 (Fourteen thousand four hundred forty-seven dollars) to meet the Town’s contractual obligations for FY16 for the recently negotiated Dispatch Union Contract; or do or act relating thereto.

**Sponsor:** Board of Selectmen

**Summary:** The Town of Bolton concluded negotiations with our Dispatch Union for a two-year contract covering FY15-FY16. This appropriation is needed to meet our remaining FY16 obligations. The exact amount of this appropriation is still being determined and will be presented as an amendment to this article at the Annual Town Meeting.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

**Article 7: Retroactive Pay - Police Contract – FY15**

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$62,127.22 (Sixty two thousand one hundred twenty-seven dollars and twenty-two cents) to meet the Town’s contractual obligations for FY15 for the recently negotiated Police Union Contract; or do or act relating thereto.

**Sponsor:** Board of Selectmen

**Summary:** The Town of Bolton concluded negotiations with our Police Union for a three-year contract covering FY15-17. Therefore, a separate appropriation is needed to meet our FY15 obligations.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

**Article 8: Retroactive Pay - Police Contract – FY16**

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$74,976 (Seventy four thousand nine hundred seventy six dollars) to meet the Town’s contractual obligations for FY16 for the recently negotiated Police Union Contract; or do or act relating thereto.

**Sponsor:** Board of Selectmen

**Summary:** The Town of Bolton concluded negotiations with our Police Union for a three-year contract covering FY15-16. This appropriation is needed to meet our remaining FY16 obligations. The exact amount of this appropriation is still being determined and will be presented as an amendment to this article at the Annual Town Meeting.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

**Article 9: Minuteman Regional Vocational Technical School – New School Building Project**

To see if the Town will approve the amount of \$144,922,478 for the purpose of paying costs of designing, constructing and originally equipping a new district school, to be located at 758 Marrett Road, Lexington, Massachusetts, and for the payment of all other costs incidental and related thereto (the “Project”), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the School Building Committee. To meet this appropriation, the District is authorized to borrow said amount, under and pursuant to Chapter 71, Section 16(d) of the General Laws, and the District Agreement, as amended, or pursuant to any other enabling authority. The District

acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; provided further that any grant that the District may receive from the MSBA shall not exceed the lesser of (i) forty four and three quarters percent (44.75%) of eligible, approved Project costs, as determined by the MSBA, or (ii) the total maximum grant amount determined by the MSBA, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA, and provided further, that the approval of the District's borrowing by this vote shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2 ½); or do or act relating thereto.

**Sponsor:** Board of Selectmen

**Summary:** In this article, Bolton Town Meeting is being asked to support construction of a new regional vocational-technical high school designed to provide career and technical education combined with academics. The new Minuteman High School will feature a Career Academy model that supports 16 programs and 20 career majors that are in high demand. Building a new school will also ensure Minuteman's continued accreditation by the New England Association of Schools and Colleges (NEASC). NEASC has placed Minuteman's accreditation on "warning" status solely due to the condition of the building.

Minuteman has been working with the Massachusetts School Building Authority (MSBA) since 2009 and has explored several alternatives to improve a 40+ year old facility that needs a new roof; new mechanical, plumbing and electrical systems; and better access for the disabled, among many other things. After an extensive feasibility study, the Minuteman School Committee and the MSBA both concluded that replacement of the existing school is the most cost-effective solution. The MSBA has committed roughly \$44 million to assist with the construction of a new school, the balance to be funded by member communities.

During Minuteman's work with the MSBA on this project, the Town of Bolton has been actively represented on both the Minuteman Regional School Committee and on the Minuteman School Building Committee. Bolton's annual projected debt assessment for the new school is \$118,413 and Med Tax Bill Impact is \$59.66.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

**Article 10: Berlin Road Culvert - \$268,000**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$268,000 (Two hundred sixty-eight thousand dollars) to fund the culvert repair at the water hole (#261) on Berlin Road; and to authorize the Treasurer, with the approval of the Board of Selectmen, pursuant to Massachusetts General Laws, Chapter 44, Section 7(1) or any other authority, to borrow up to the sum of \$268,000 (Two hundred sixty-eight thousand dollars); or do or act relating thereto.

**Sponsor:** Department of Public Works

**Summary:** This culvert is in a state of collapse and if not replaced could result in flooding and road closure.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Capital Planning Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority

**Article 11: Repair Wilder Road Culvert - \$186,000**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$186,000 (One hundred eighty-six thousand dollars) to fund the culvert repair between 123 and 161 Wilder Road; and to authorize the Treasurer, with the approval of the Board of

Selectmen, pursuant to Massachusetts General Laws, Chapter 44, Section 7(1) or any other authority, to borrow up to the sum of \$186,000 (One hundred eighty-six thousand dollars); or do or act relating thereto.

**Sponsor:** Department of Public Works

**Summary:** This culvert is in a state of collapse and sinkholes are forming. If not replaced could result in flooding at the Davis' orchard and road closure.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Capital Planning Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority

**Article 12: Town Hall – External Repairs and Related Engineering - \$325,000**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$325,000 (Three hundred twenty-five thousand dollars) to fund all the currently known necessary external repairs to the Town Hall; and to meet this appropriation, transfer the sum of \$303.43 (Three hundred three dollars and forty-three cents) from unexpended funds from the Upgrade and Expansion of Police, Fire and Ambulance Software article as previously appropriated by Article 13 of the May 7, 2007 Annual Town Meeting; and borrow the sum of \$324,696.57 (Three hundred twenty four thousand six hundred ninety six dollars and fifty-seven cents); and to authorize the Treasurer, with the approval of the Board of Selectmen, pursuant to Massachusetts General Laws, Chapter 44, Section 7(3A) or any other authority, to borrow up to the sum of \$324,696.57 (Three hundred twenty four thousand six hundred ninety six dollars and fifty-seven cents); or do or act relating thereto.

**Sponsor:** Department of Public Works

**Summary:** The structural integrity of the façade of the Town Hall is compromised. The front façade is coming apart from the building itself. The foundation, through years of freeze and thaw cycles, has caused this issue. The pillars are rotting and showing significant deterioration. The wooden stairs on the side of the Town Hall are in need of repair.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Capital Planning Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority

**Article 13: Police Cruiser Purchase – \$38,994**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$38,994 (Thirty eight thousand nine hundred ninety-four dollars) to purchase a new police cruiser; and to authorize the Treasurer, with the approval of the Board of Selectmen, pursuant to Massachusetts General Laws, Chapter 44, Section 7(9) or any other authority, to borrow up to the sum of \$38,994 (Thirty eight thousand nine hundred ninety-four dollars); or do or act relating thereto.

**Sponsor:** Police Department

**Summary:** This article will provide the funds for a new front line Ford Interceptor Utility All-Wheel-Drive vehicle to replace a cruiser which is high-mileage and needs to be retired.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Capital Planning Committee Recommendation:** Recommendation to be given on Town Meeting Floor

**Vote Required:** 2/3 Majority

**Article 14: Public Safety Building – Parking Lot Repairs – \$31,000**

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$31,000 (Thirty-one thousand dollars) to fund the external repairs of the Public Safety

Building; and that to meet this appropriation, the sum of \$11,623.21 be transferred from available funds and the sum of \$10,345.54 (Ten thousand three hundred forty-five dollars and fifty-four cents) from unexpended funds from the Paint and Repairs to the Old Fire Station article, as previously appropriated by Article 22 of the May 12, 2014 Annual Town Meeting; and to meet this appropriation, transfer the sum of \$9,019.79 (Nine thousand nineteen dollars and seventy-nine cents) from unexpended funds from the School Safety Enhancements article, as previously appropriated by Article 27 of the May 13, 2013 Annual Town Meeting; and to meet this appropriation, transfer the sum of \$11.46 (Eleven dollars and forty-six cents) from unexpended funds from the School Repairs article, as previously appropriated by Article 26 of the May 13, 2013 Annual Town Meeting; or do or act relating thereto.

**Sponsor:** Department of Public Works

**Summary:** The cement pad over the fuel/oil heating tank is lower than the driveway causing water to leak into the electronic monitoring system and the filler of the tank. The pad where the ambulance and fire truck fuel up is significantly deteriorated and needs repair or replacement. The sidewalk in front of the meeting room is not level (higher) than the floor of the building causing water to migrate under the sill plate of the building deteriorating the sheetrock.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Capital Planning Committee Recommendation:** Approved

**Vote Required:** Majority

Article 15: Purchase of New 19,500 Gross Vehicle Weight Truck for the Department of Public Works - \$104,000

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$104,000 (One hundred four thousand dollars) to fund the purchase of a new truck for the Department of Public Works; and to authorize the Treasurer, with the approval of the Board of Selectmen, pursuant to Massachusetts General Laws, Chapter 44, Section 7(9), or any other authority, to borrow up to the sum of \$104,000 (One hundred four thousand dollars); or do or act relating thereto.

**Sponsor:** Department of Public Works

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

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Capital Planning Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority

Article 16: Cabinet Replacement, Cameras, and Bulbs for Traffic Lights for the Still River Road and Main Street Intersection - \$27,600

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$27,600 (Twenty-seven thousand six hundred dollars) to purchase a new cabinet to replace the existing cabinet for the traffic lights at the intersection of Main Street and Still River Road; and to meet this appropriation, the sum of \$18,338.79 (Eighteen thousand three hundred thirty-eight dollars and seventy-nine cents) be transferred from available funds and the sum of \$9,261.21 (Nine thousand two hundred sixty one dollars and twenty one cents) be transferred from unexpended funds from the Fyfehire Dam Lowering article, as previously appropriated by Article 14 of the May 14, 2012 Annual Town Meeting; or do or act relating thereto.

**Sponsor:** Board of Selectmen

**Summary:** The current cabinet, which houses the control mechanisms for the traffic lights is quite old and is due to fail. Purchasing this cabinet, along with two cameras for Route 110 traffic, and new bulbs for the lights, will allow us to respond quickly if the current cabinet fails and will slightly improve what we currently have there.

**Board of Selectmen Recommendation:** Approved  
**Advisory Committee Recommendation:** Approved  
**Capital Planning Committee Recommendation:** Recommendation to be given on Town Meeting Floor  
**Vote Required:** Majority

**Article 17: Purchase a New Tractor/Loader Backhoe for the Department of Public Works - \$93,562**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$93,562 (Ninety three thousand five hundred sixty-two dollars) to fund the purchase of a new tractor/loader backhoe for the Department of Public Works; and to authorize the Treasurer, with the approval of the Board of Selectmen, pursuant to Massachusetts General Laws, Chapter 44, Section 7(9), or any other authority, to borrow up to the sum of \$93,562 (Ninety three thousand five hundred sixty-two dollars); or do or act relating thereto.

**Sponsor:** Department of Public Works

**Summary:** The DPW utilizes this tractor year round for drainage work and miscellaneous projects on roads throughout the town of Bolton. It will also be used as a back-up machine to load sand and salt during the winter months. Current backhoe has a seriously defective engine that is no longer cost effective to repair.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Capital Planning Committee Recommendation:** Recommendation to be given on Town Meeting Floor

**Vote Required:** 2/3 Majority

**Article 18: Sander – Body Replacement/Repair (One New Body, Mounting, Cab Repair) - \$65,000**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$65,000 (Sixty-five thousand dollars) to fund the purchase of a body replacement/repair for the Department of Public Works; and to authorize the Treasurer, with the approval of the Board of Selectmen, pursuant to Massachusetts General Laws, Chapter 44, Section 7(9), or any other authority, to borrow up to the sum of \$65,000 (Sixty-five thousand dollars); or do or act relating thereto.

**Sponsor:** Department of Public Works

**Summary:** Replacement of a sander that is 30+ years old. No longer cost effective to repair.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Capital Planning Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority

**Article 19: Funds Transfer from Tree Replacement Program**

To see if the Town will vote to transfer the sum of \$2,550.34 (Two thousand five hundred fifty dollars and thirty four cents) from Article 10 of the Annual Town Meeting on May 1, 2006 to the general fund; or do or act relating thereto.

**Sponsor:** Advisory Committee

**Summary:** Article 10 was approved at the Annual Town Meeting on May 1, 2006. The Advisory Committee would like the remaining balance returned to the general fund.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

**Article 20: Repairs to Engine 1 - \$19,770**

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$19,770 (Nineteen thousand seven hundred and seventy dollars) to fund repairs to Engine 1, including but not limited to, the replacement of the water tank supports, water tank level sensor and battery box, and mitigation of corrosion on the rear axle housing; and that to meet this appropriation, the sum of \$18,884.20 be transferred from available funds and the sum of \$885.80 (Eighty hundred eighty five dollars and eighty cents) be transferred from unexpended funds from the Fire Department Rescue Equipment article, as previously appropriated by Article 25 of the May 12, 2014 Annual Town Meeting; or do or act relating thereto.

**Sponsor:** Fire Department

**Summary:** Engine 1 is the Fire Department's 1995 pumper fire engine which has reliably served our community over the past 21 years as the fire engine which responds first out the door for most types of fire calls. Once the new all-wheel drive fire engine is delivered to the Town this summer Engine 1 will take on a less demanding secondary response role in order to extend its useful life. However, in order continue to operate Engine 1 in a safe and reliable manner there are several repairs that must be performed to address areas of normal wear and tear over the years. These areas are:

- Replace the rusted and rotted supports which provide support to the bottom of the 1,200 gallon water tank carrying most of its weight. Replacement of these supports is necessary to prevent expensive damage to the water tank from not being adequately supported.
- Replace the water tank sensor which measures the level of water in the tank so that the firefighter operating the fire engine during a fire can know how much water is left in the tank. This sensor has been cleaned numerous times but is now in need of replacement.
- Replace the battery box which has become corroded over the years and no longer securely supports and contains the fire engine's batteries.
- Remove some areas of moderate corrosion on the rear axle housing and stabilize the metal in that area with rust prevention paint. This corrosion was caused by the original design of the fire engine which had overflow water from the water tank discharged directly onto the rear axle. This discharge would be moved to prevent this problem from continuing.

With the estimated cost of over \$19,000 these repairs are not able to be done using funds from the Fire Department's expense budget.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

**Article 21: Purchase of a Chest Compression System**

To see if the Town will vote to transfer from the Ambulance Receipts Reserved for Appropriations Account, the sum of \$15,000 (Fifteen thousand dollars), pursuant to any applicable statute, for the purpose of purchasing a Lucas Chest Compression System, to meet all state and federal specifications; or do or act relating thereto.

**Sponsor:** Ambulance Department

**Summary:** A Chest Compression System is designed to help improve outcomes of sudden cardiac arrest victims and improve operations for medical responders. A chest compression system allows for compressions to be delivered at the optimal rate and depth consistently regardless of the scene conditions and can be deployed quickly with minimal interruption to patient care.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

Article 22: Mosquito Monitoring and Surveillance for Disease Identification

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$14,950 (Fourteen thousand nine hundred fifty dollars) to contract with Vector Disease Control International for the annual costs associated with implementing a Mosquito Monitoring and Surveillance Program; or do or act relating thereto.

**Sponsor:** Board of Health

**Summary:** Vector Disease Control International (VDCI) has over 200 employees and works in over 16 states. VDCI offers a flexible alternative for disease identification through mosquito monitoring and surveillance to towns which have opted out of the Central Massachusetts Mosquito Control Project (CMMCP). Their goal is to provide surveillance and disease identification to communities adverse to generalized control methods. The \$14,950 annual expense includes three traps that will be checked weekly, testing of mosquito pools for West Nile Virus (WNV) and eastern equine encephalitis (EEE), and weekly reporting of findings from VDCI biologists and entomologists. The full season, fixed pricing includes services from May 1st-September 30th, though if weather indicates that services should begin sooner or end later, the service will be extended at no incremental cost.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

Article 23: Military Statute

To see if the Town will vote to accept the provisions of M.G.L. Chapter 33, Section 59, which entitles Town employees serving in the armed forces to certain salary protections and other employee benefits while in training or on active duty; or do or act relating thereto.

**Sponsor:** Board of Selectmen

**Summary:** Currently, the Town of Bolton is only required to compensate an employee on military leave for ten days pay per year. If this statute is accepted, the town will be required to compensate such employees for 17 days pay per year.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

Article 24: Amendment to the Code of the Town of Bolton, Division I, Part III. Zoning Bylaw, Chapter 250. Zoning, Article V. Special Regulations – to Add New Section 250-26.1. As-of-Right commercial solar photovoltaic renewable energy installations overlay district

To see if the Town will vote to amend the Code of the Town of Bolton, Division I, Part III. Zoning Bylaw, Article V. Special Regulations, by inserting new Section 250-26.1. As-of-Right commercial solar photovoltaic renewable energy installations overlay district, as follows (deletions in *parenthesis and italics*) and additions underlined), and updating the Bolton, Massachusetts Town Base Map and Zoning Map dated February 7, 2015 to include the As-of-Right commercial solar photovoltaic renewable energy installations overlay district. The map is on file at the Town Clerk's Office and available for inspection during regular Town Hall business hours;

§250-26.1. As-of-Right commercial solar photovoltaic renewable energy installations overlay district.

A. Purpose

- (1) The purpose of this bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic renewable energy installations in the overlay district by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic

resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

- (2) The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic renewable energy installations located in the overlay district.

#### B. Designated Location

The properties designated as part of this overlay district include Bolton Assessor's Map 5.A, Parcel 11, Bolton Assessor's Map 5.A, Parcel 19 and Bolton Assessor's Map 4.C, Parcel 38 where ground-mounted large scale solar photovoltaic installations may be sited as-of-right. Said locations shall be shown on Bolton, Massachusetts Base Town Map & Zoning Map pursuant to Massachusetts General Laws Chapter 40A Section 4. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Town Clerk.

#### C. Applicability

- (1) This section applies to large-scale ground-mounted solar photovoltaic renewable energy installations with a rated name plate capacity of 250 kW (DC) or more occupying approximately one acre of land in the overlay district.
- (2) 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 site plan approval granting authority.
- (3) This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.
- (4) The construction and use of large-scale ground-mounted solar photovoltaic renewable energy installations shall undergo site plan approval by the Board of Selectmen prior to construction, installation or modification. Site plan approval decisions shall conform to the requirements of this section, § 250-23F of the Zoning Bylaw and other relevant sections of the Zoning Bylaw.

#### D. Definitions

As-of-Right Siting: As-of-right siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to site plan approval to determine conformance with local zoning ordinances or bylaws. Projects cannot be prohibited, but can be reasonably regulated by the Board of Selectmen.

Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in Direct Current (DC).

#### E. General

- (1) Required Documents. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts. Pursuant to the site plan approval process, the project proponent shall provide the following documents:

- (a) Site plan showing property lines, zoning district, access to the project site and physical features including roads, grading, vegetation clearing and planting, exterior lighting, signage, screening, etc.
  - (b) Drawings showing the proposed layout of the system and its major components including PV panels, mounting system and inverter.
  - (c) Electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods.
  - (d) Name, address, and contact information for property owners, project proponents and their agents, and the proposed system installer.
  - (e) Interconnection agreement.
  - (f) Operation and maintenance plan.
  - (g) Emergency response plan.
  - (h) Description of financial surety.
- (2) Lot requirements. A large-scale ground-mounted solar photovoltaic renewable energy installation shall meet the setbacks and maximum lot coverage under "Other Uses" of the Dimensional regulations in § 250-13.
- (3) Visual impact. The visual impact of large-scale ground-mounted solar photovoltaic renewable energy installations, 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 the site plan approval granting authority. Methods such as the use of landscaping, natural features and opaque fencing shall be utilized.
- (4) Compliance with laws, ordinances and regulations. The construction and operation of large-scale ground-mounted 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.
- (5) Building permit. No large-scale ground-mounted solar photovoltaic renewable energy installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit. The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit.
- (6) Utility notification. No large-scale ground-mounted solar photovoltaic renewable energy installation shall be constructed until evidence has been given to the site plan approval granting authority 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's 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 site plan approval granting authority. 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.

- (7) Maintenance. The large-scale ground-mounted 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 site plan approval granting authority. 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.
- (8) Emergency services. The large-scale ground-mounted 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 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.
- (9) Safety and security.
  - (a) Safety and measures of security shall be subject to the approval of the site plan approval granting authority, the Fire Department and the Police Department, and the owner or operator shall be required to provide emergency services with training on all equipment and procedures referenced in the emergency response plan or which might otherwise be necessary for emergency services to operate or perform.
  - (b) 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.

#### F. Design Standards

- (1) Lighting. Lighting of large-scale ground-mounted solar photovoltaic renewable energy installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution, with mounting height not to exceed 20 feet.
- (2) Signs and advertising.
  - (a) Section 250-18, Sign regulations, of the Zoning Bylaw does not apply to this section. Signage for large-scale ground-mounted solar photovoltaic renewable energy installations shall be limited in size as determined by the site plan approval granting authority.
  - (b) Large-scale ground-mounted solar photovoltaic renewable energy installations shall not be used for displaying any advertising except for reasonable identification of the owner or operator of the large-scale ground-mounted solar photovoltaic renewable energy installations and emergency contact information.

- (3) Utility connections. All utility connections from the large-scale ground-mounted solar photovoltaic renewable energy installations shall be underground unless specifically permitted otherwise by a 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.
- (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 large-scale ground-mounted solar photovoltaic renewable energy installation or otherwise prescribed by applicable laws, regulations and bylaws.
- (5) Structures and panels. All structures and panels and all associated equipment and fencing including large-scale ground-mounted 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.

#### G. Modifications.

All substantive material modifications to a large-scale ground-mounted solar photovoltaic renewable energy installation made after issuance of the required building permit shall require approval by the site plan approval granting authority.

#### H. Abandonment and removal.

- (1) Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted 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 site plan approval granting authority. 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) Removal requirements. Any large-scale ground-mounted 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 site plan approval granting authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
  - (a) Physical removal of all large-scale ground-mounted solar photovoltaic renewable energy installation structures, equipment, security barriers and transmission lines from the site.
  - (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  - (c) Stabilization or revegetation of the site as necessary to minimize erosion. The site plan approval granting authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

I. Financial surety.

The proponents of large-scale ground-mounted solar photovoltaic renewable energy installation projects may be required to provide a noncancellable surety bond or other form of surety 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 site plan approval granting authority, but in no event to exceed more than 150% 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. The site plan approval granting authority may waive this requirement at their discretion.

J. The Board of Selectmen may adopt, and from time to time amend, rules and regulations consistent with the provisions of this Zoning Bylaw, G.L. c. 40A, and other applicable provisions of the General Laws, and shall file a copy of said rules and regulations with the Town Clerk.

K. All large-scale ground-mounted solar photovoltaic renewable energy installation site plan approval decisions shall be valid for a twelve-month period unless renewed or extended by the site plan approval granting authority following application made by the applicant. There is no limit to the number of renewals or extensions the site plan approval granting authority may grant for a large-scale ground-mounted solar photovoltaic renewable energy installation.

and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Bolton; or do or act relating thereto.

**Sponsor:** Planning Board

**Summary:** This bylaw amendment allows for as-of-right siting for large-scale ground-mounted solar photovoltaic renewable energy installations in an overlay district identified on Bolton Assessor's Map 5.A, as Parcel 11, Bolton Assessor's Map 5.A, as Parcel 19 and Bolton Assessor's Map 4.C, as Parcel 38. All three properties are owned by the Town of Bolton. Parcel 5.A-11 is approximately 8 acres and was previously the Town's dump site on Forbush Mill Road. Parcel 5.A-19 is approximately 11 acres and is located adjacent to Parcel 5.A-11 on Forbush Mill Road. Parcel 4.C-38 is approximately 49 acres and is located off of Route 117 behind Bolton Office Park. This parcel extends to Route 495 adjacent to the existing cell tower and contains the Town's wastewater treatment facility. As-of-right siting allows for a ground-mounted solar project with a rated name plate capacity of 250 kW (DC) to be located within the overlay without having to apply for special permit through Planning Board. Site plan approval would still be required through the Board of Selectmen. The purpose of allowing for as-of-right siting for renewable energy generating facilities is to assist in meeting the criteria set forth by the Massachusetts Department of Energy Resources to apply for Green Community designation and grant program. This article would also allow for the revision of the Town of Bolton Zoning Map to include As-of-Right commercial solar photovoltaic renewable energy installations overlay district.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority

Article 25: Amendment to the Code of the Town of Bolton, Division I, Part II. General Legislation, Chapter 211. Streets and Sidewalks – to add Article IV, Section 211-7. Public Way Access Permits

To see if the Town will vote to amend the Code of the Town of Bolton, Division I, Part II, General Legislation by inserting Article IV, Public Way Access Permits, as follows (deletions in *parenthesis and italics*) and additions underlined);

ARTICLE IV

§211-7. Public Way Access Permits.

- A. Purpose. It is the purpose of this Bylaw to establish requirements for the review of public way access permit applications to ensure public safety for existing business, commercial and industrial developments which alter commercial driveways in the Town of Bolton.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:
- (1) Commercial Driveway shall include any public entrance off of a Town public way into or out of a place of business, including nonresidential uses in a residential district.
  - (2) Modification to existing commercial driveways shall mean any alteration of the physical or traffic operational features of the access.
- C. Applicability. These procedures apply to existing developments which propose either physical modifications to existing commercial driveways or the construction of new commercial driveways which serves a building or expansion of a facility.
- D. Exemption. Projects governed by a special permit issued by the Planning Board where either a modification to existing commercial driveway or new commercial driveway would be reviewed as part of a modification/amendment to that special permit, or an entirely new special permit, are exempt from this bylaw.
- E. Submittal of permit application. The Planning Board shall be responsible for the issuance of public way access permits, with approval not to be unreasonably withheld. A permit application shall be deemed complete only after the following items have been submitted:
- (1) Application form.
  - (2) Engineering plans acceptable to the Planning Board.
- F. Procedures. A public meeting shall be required between the applicant and the Planning Board to review applications. Where an application is deemed complete, the Planning Board shall render a decision within sixty (60) days of filing of the application.
- G. Powers of the Planning Board.
- (1) The Planning Board may request adjustments to the location of the intersection of the commercial driveway entrance to the public way when line-of-sight, proximity to other driveways or roads or other public safety issues are identified during the review process. Items taken into consideration during the review include but are not limited to the following:
    - (a) The safety of the proposed driveway configuration(s) as designed, for normal use.
    - (b) The safety of the intersection with the public way.
    - (c) The proximity to other intersections with the public way.
    - (d) The adequacy of the driveway to provide access to vehicles carrying materials which are potentially hazardous.

- (e) The environmental impact on wetlands and water resources.
- (2) The Planning Board may, in the alternative, impose conditions upon a public way access permit to facilitate safe and efficient pedestrian and traffic operations within the access and on adjacent public ways, to mitigate traffic impacts, and to avoid, or minimize environmental damage during the construction period. Such conditions may include, but not be limited to:
  - (a) Necessary limitations on turning movements.
  - (b) Restrictions on the number of access points to serve the parcel.
  - (c) Vehicle trip reduction techniques.
  - (d) Design and construction of necessary public way and pedestrian improvements by the applicant.
  - (e) Reimbursement by the applicant of costs to the Town for inspection of the public way improvement work.
- (3) Waiver of design regulations: Where site or access conditions do not allow the proposed commercial driveway to meet recognized design standards (governed by the Bolton Subdivision Rules and Regulations, and other standards utilized by the Massachusetts Department of Transportation), the Planning Board may vary application of the design standards on a case by case basis, upon the finding that there are no reasonable available alternatives which would allow access in compliance with these standards. In this case, the applicant must commit to provide measures to mitigate impacts to traffic and operational safety which the Planning Board determines are necessary.
- (4) The Planning Board may choose to have the Town's consulting engineer review the public way access permit application at the expense of the applicant.

#### H. Access permit provisions.

- (1) Access to a given tract of land must be made from an accepted or an approved right-of-way within the extremities of the frontage required.
- (2) There shall be no hazardous or blind commercial driveways.
- (3) No person shall construct or maintain any commercial driveway, conduit, or drain so as to discharge water or filth upon the street pavement or into open waterways or ponds.
- (4) No commercial driveway shall be constructed which ties directly onto an accepted public way which in any manner inhibits the existing drainage system of the public way.
- (5) Commercial driveways shall be in conformance with Section 250-19 of the Zoning Bylaw (Line of sight at intersections).

- (6) Construction under the terms of a public way access permit shall be completed within one year of the date of issue, unless otherwise stated in the permit. The Planning Board may extend the permit for an additional year, at the written request of the applicant, filed prior to the expiration of the original construction period.
- (7) When the Planning Board determines that a permit condition has not been complied with, it may suspend or revoke a public way access permit.
- (8) The Planning Board may require a performance bond to be posted by the applicant in an amount not to exceed the estimated cost of the work, as determined by the applicant and approved by the Planning Board. The performance bond shall be posted prior to the issuance of the permit.
- (9) The Planning Board may issue written orders or regulations to carry out or enforce the provisions of this Bylaw.

and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Bolton; or do or act relating thereto.

**Sponsor:** Planning Board/Public Ways Safety Committee

**Summary:** This bylaw amendment establishes the requirement for a public way access permit for the alteration of public ways proposed by existing developments with business, commercial or industrial uses that would not otherwise be governed by a special permit in the Town of Bolton. Alteration to the public way may include a physical modification to an existing commercial driveway or the construction of a new commercial driveway. The Planning Board will be responsible for the issuance of public way access permits and will have the authority to impose conditions to facilitate safe and efficient pedestrian and traffic operations on adjacent public ways as well as to mitigate traffic impacts.

**Board of Selectmen Recommendation:** Disapproved

**Advisory Committee Recommendation:** Disapproved

**Vote Required:** Majority

Article 26: Amendment to the Code of the Town of Bolton, Division I, Part III. Zoning Bylaw, Chapter 250. Zoning, Article V. Special Regulations, Section 250-23. Business, commercial and industrial regulations - to Add new Subsection E. Special permits for zoning use. (1)(j)

To see if the Town will vote to amend the Code of the Town of Bolton, Division I, Part III. Zoning Bylaw, Article V. Special Regulations, Section 250-23. Business, commercial and industrial regulations, by inserting new Subsection E. Special permits for zoning use. (1)(j), as follows (deletions in *parenthesis and italics*) and additions underlined;

Section 250-23. Business, commercial and industrial regulations.

E. Special permits for zoning use.

- (1) For those uses identified in § 250-12 of this Zoning Bylaw as requiring a special permit from the Planning Board, the following factors shall be considered by the Planning Board in granting, denying, or considering renewal of any special permit:
  - (j) Require a Knox box (a secure, tamper-proof storage box for keys or other access tools) at locations approved by the Fire Department on all commercial, business or industrial structures with an automatic fire alarm system.

and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Bolton; or do or act relating thereto.

**Sponsor:** Planning Board

**Summary:** This bylaw amendment is to require a secure, tamper-proof storage box for keys and other access tools on all commercial, business and industrial structures that have an automatic fire alarm system to ensure access to the system by the Bolton Fire Department.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority

Article 27: Amendment to the Code of the Town of Bolton, Division I, Part III. Zoning Bylaw, Chapter 250. Zoning, Article III. Zoning District Regulations, Section 250-12. Schedule of permitted uses

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

<b>Types of Uses</b>	<b>Residential</b>	<b>Business</b>	<b>Limited Business</b>	<b>Industrial</b>	<b>Limited Recreation Business</b>
Light manufacturing (see 250-23)	No	No	No	(Yes) <u>SP</u>	No
Research and development laboratories	No	No	No	(Yes) <u>SP</u>	No
Bulk storage**	No	No	No	(Yes) <u>SP</u>	No

and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Bolton; or do or act relating thereto.

**Sponsor:** Planning Board

**Summary:** This bylaw amendment modifies the schedule of permitted uses for light manufacturing, research and development laboratories and bulk storage in the industrial zoning district from a “yes”, meaning a permitted use, to a “SP”, meaning a use allowed by special permit acted on by the Planning Board. Currently these uses require only site plan approval from the Board of Selectmen.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority

Article 28: Amendment to the Code of the Town of Bolton, Division I, Part III. Zoning Bylaw, Chapter 250. Zoning, Article V. Special Regulations, Section 250-23.2. Mixed Use Village Overlay District. A. Location.

To see if the Town will vote to amend the Code of the Town of Bolton, Division I, Part III. Zoning Bylaw, Chapter 250. Zoning, Article V. Special Regulations, Section 250-23.2. Mixed Use Village Overlay District. A. Location, as follows (deletions in *parenthesis and italics*) and additions underlined), and update the Bolton, Massachusetts Town Base Map and Zoning Map dated February 7, 2015 to include Parcel 4.D-21 (357 Main Street) into the Mixed Use Village Overlay District. The map is on file at the Town Clerk’s Office and available for inspection during regular Town Hall business hours;

A. Location. The Mixed Use Village Overlay District includes properties east and west of the intersection of I-495 and Route 117 zoned Business, Limited Business and Residential and

designated on the Bolton Assessors Map as Map 4C, Parcel 24; Map 4C, Parcel 35; Map 4C, Parcel 39; Map 4D, Parcel 21; Map 4D, Parcel 28; Map 4D, Parcel 29; Map 4D, Parcel 30; Map 4D, Parcel 33; Map 4D, parcel 34; Map 4D; parcel 61; (and) the portion of Map 4D, Parcel 71 zoned Business.

and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Bolton; or do or act relating thereto.

**Sponsor:** Planning Board

**Summary:** This bylaw amendment would add 357 Main Street, Parcel 4.D-21, to the Mixed Use Village Overlay District. The owner of 357 Main Street is seeking the possibility to include residential use as part of the parcel's zoning. The property is currently zoned limited business where residential use is prohibited. The 15 acre premises has been vacant since 2008 and for sale since 2009. To encourage purchase and occupancy, the Planning Board, in working with the owner's realtor, agreed to support adding the parcel to the Mixed Use Village Overlay District to allow for a balanced combination of commercial and residential use. The property is offset from Main Street, relatively secluded and wooded, lending itself to residential use. The parcel was originally zoned residential, but amended to Limited Business in 2005. This article would also allow for the revision of the Town of Bolton Zoning Map to include the parcel into the Mixed Use Village Overlay District.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority

Article 29: Adoption of Stretch Energy Code and Amendment to the Code of the Town of Bolton,  
Division 1, Part II, General Legislation to Add New Chapter 234: Stretch Energy Code

To see if the Town will vote to adopt the "Stretch Energy Code" as set forth in the State Building Code at 780 CMR 115.AA (i.e., Appendix 115.AA), as it may be amended from time to time, a copy of which is on file in the Town Clerk's Office, to be effective in the Town beginning on January 1, 2017, and to amend the Code of the Town of Bolton, Division 1, Part II, General Legislation, by inserting a new Chapter 234: Stretch Energy Code, as follows (deletions in *parenthesis and italics*) and additions underlined);

Chapter 234: Stretch Energy Code

§234-1 Adoption. The Town has adopted the provisions of 780 CMR 115.AA (i.e., Appendix 115.AA of the State Building Code or the "Stretch Energy Code"), as it may be amended from time to time, effective in the Town beginning on January 1, 2017.

§234-2 Purpose. The purpose of the Stretch Energy Code is to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.; or do or act relating thereto.

**Sponsor:** Board of Selectmen

**Summary:** Adopting the Stretch Energy Code (780 CMR 115.AA, 8<sup>th</sup> Edition) is one of the requirements to qualify for Green Community designation which will allow the Town to access Department of Energy Resources related projects, and makes the Town eligible to apply for grants for local renewable power and energy efficiency projects. This optional "stretch code" was developed in response to the call for improved building energy efficiency in Massachusetts. Towns and cities in the Commonwealth may adopt Appendix 115.AA in place of the energy efficiency requirements of the "base" building code. By adopting the Stretch Code, the Town can apply for Green Community designation.

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

Article 30: Authorize Town Election

To see if the Town will vote to meet at the Nashoba Regional High School Auditorium in Bolton, on Monday, May 9, 2016, between the hours of noon and 8 p.m. to elect by ballot the following officers; or do or act relating thereto.

**ONE YEAR:** One Moderator, One Town Clerk,

**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 Library Trustee, One member of the Nashoba Regional School District Committee, One member of the Parks and Recreation Commission and Five Constables

**FIVE YEARS:** 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 31st day of March in the year of our Lord, Two thousand sixteen.

BOLTON BOARD OF SELECTMEN

\_\_\_\_\_  
Mark A. Sprague, Chairman

\_\_\_\_\_  
Stanley M. Wysocki

\_\_\_\_\_  
Thomas J. Frain

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

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

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

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF BOLTON  
WORCESTER, ss  
ANNUAL TOWN ELECTION  
Monday, May 9, 2016  
12 noon to 8:00 p.m.**

To the Constables of the Town of Bolton in the County of Worcester,

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in the Elections and in Town affairs, to meet at the Nashoba Regional High School Auditorium in Bolton, Massachusetts on Monday, the Ninth day of May, 2016 between the hours of 12 noon to 8:00 p.m. to vote on the following question:

**Question 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 Town's allocable share of the bond issued by the Minuteman Regional Vocational Technical School District in order to pay costs of designing, constructing and originally equipping a new district school located at 758 Marrett Road, Lexington, Massachusetts, and for the payment of all other costs incidental and related thereto? YES \_\_\_ NO \_\_\_

And you are directed to serve this Warrant, by posting up attested copies thereof at the U.S. Post Office, Town Library, Town Hall and Police Station, in said Town at least seven (7) days before the time of holding said Election.

Hereof fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this 31<sup>st</sup> day of March in the year of our Lord, Two thousand sixteen.

BOLTON BOARD OF SELECTMEN

\_\_\_\_\_  
Mark A. Sprague, Chairman

\_\_\_\_\_  
Stanley M. Wysocki

\_\_\_\_\_  
Thomas J. Frain

A true copy, Attest: \_\_\_\_\_ Constable \_\_\_\_\_ Date

Worcester, ss.

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

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