

**ANNUAL TOWN MEETING**  
**Monday, May 2, 2016**  
**Nashoba Regional High School Auditorium**  
**7:00 p.m.**

Prior to the start of the meeting the following were duly sworn to faithful service for the evening: checkers were, Nancy Jagodnik, Corinne Mackie, Patty Pleshaw, Marci Nonni, Alice Roemer and Jennifer Marquis. Under the direction of and including Tom Wildman, the counters were Susan Mason, Jeff Nichols, Liz Cook, Bob Busch, Clare Moses, Randy Porteus and Burt Shnitzler.

Richard Fly, called the 279th Bolton Town Meeting to order at 7:02 pm after determining more than the required quorum of 75 voters had checked in. Mr. Fly acknowledged the warrant had been duly posted and was returned to the Town Clerk. He went on to introduce the members of the Board of Selectmen, Advisory Committee, Town Administrator, Town Counsel and Town Clerk. He reviewed the procedures he wished to be used for addressing Town Meeting. The total in attendance was 192 out of 3585 registered voters.

Mr. Fly went on to acknowledge the recent appointment of Warren (Bumper) Nelson as the new Police Chief of Bolton. Chief Nelson received a round of applause.

Prior to the first article being displayed, a short video was played announcing the availability of the first Town Record Book which included the handwritten Declaration of Independence of Bolton. Each page of the 240 year old book has been photographed and digitized and will be available on the Town of Bolton website shortly.

**Article 1: Accept Annual Reports**

The Town voted 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.

**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 **Vote:** Unanimous in Favor

**Article 2: Fiscal Year 2017 Operating Budget**

The Town voted 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.

**Sponsor:** Board of Selectmen

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority **Vote:** Majority in Favor

#### Article 3: Reauthorization of a Revolving Fund for Web-based Municipal Software Services

The Town voted 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.

**Sponsor:** Board of Selectmen

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority **Vote:** Unanimous in Favor

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

The Town voted 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.

**Sponsor:** Board of Selectmen

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority **Vote:** Unanimous in Favor

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

The Town voted 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.

**Sponsor:** Board of Selectmen

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved  
**Vote Required:** Majority **Vote:** Unanimous in Favor

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

The Town voted 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.

**Sponsor:** Board of Selectmen

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

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

The Town voted 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.

**Sponsor:** Board of Selectmen

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

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

The Town voted 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.

**Sponsor:** Board of Selectmen

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

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

The Town approved 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).

**Sponsor:** Board of Selectmen

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority **Vote:** Majority in Favor

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

The Town voted 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).

**Sponsor:** Department of Public Works

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Capital Planning Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority **Vote:** Majority in Favor

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

The Town voted 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).

**Sponsor:** Department of Public Works

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Capital Planning Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority **Vote:** Unanimous in Favor

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

The Town voted 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).

**Sponsor:** Department of Public Works

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Capital Planning Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority **Vote:** Unanimous in Favor

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

The Town voted 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).

**Sponsor:** Police Department

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority **Vote:** Majority in Favor

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

The Town voted 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.

**Sponsor:** Department of Public Works

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Capital Planning Committee Recommendation:** Approved

**Vote Required:** Majority **Vote:** Unanimous in Favor

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

The Town voted 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).

**Sponsor:** Department of Public Works

**Board of Selectmen Recommendation:** Approved  
**Advisory Committee Recommendation:** Approved  
**Capital Planning Committee Recommendation:** Approved  
**Vote Required:** 2/3 Majority **Vote:** Unanimous in Favor

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

The Town voted 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 Fyfeshire Dam Lowering article, as previously appropriated by Article 14 of the May 14, 2012 Annual Town Meeting.

**Sponsor:** Board of Selectmen  
**Board of Selectmen Recommendation:** Approved  
**Advisory Committee Recommendation:** Approved  
**Vote Required:** Majority **Vote:** Unanimous in Favor

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

The Town voted 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).

**Sponsor:** Department of Public Works  
**Board of Selectmen Recommendation:** Approved  
**Advisory Committee Recommendation:** Approved  
**Vote Required:** 2/3 Majority **Vote:** Unanimous in Favor

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

The Town voted 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).

**Sponsor:** Department of Public Works  
**Board of Selectmen Recommendation:** Approved  
**Advisory Committee Recommendation:** Approved  
**Capital Planning Committee Recommendation:** Approved  
**Vote Required:** 2/3 Majority **Vote:** Unanimous in Favor

Article 19: Funds Transfer from Tree Replacement Program

The Town voted 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.

Motion made and seconded to amend sum to \$912.34. **Vote:** Motion passed unanimously.

**Sponsor:** Advisory Committee

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

**Vote:** Unanimous in Favor

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

The Town voted 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.

**Sponsor:** Fire Department

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

**Vote:** Unanimous in Favor

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

The Town voted 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.

**Sponsor:** Ambulance Department

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

**Vote:** Unanimous in Favor

#### 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.

Board of Health Chair, Christopher Slade made the motion to Pass Over Article 22. After it was seconded the motion went to a vote.

**Sponsor:** Board of Health

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

**Vote:** Unanimous in Favor to Pass Over

#### Article 23: Military Statute

The Town voted 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.

**Sponsor:** Board of Selectmen

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

**Vote:** Unanimous in Favor

Motion made to address Article 29 after Article 23. **Vote:** Unanimous in Favor.

#### 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

The Town voted 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.

**Sponsor:** Board of Selectmen

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** Majority

**Vote:** Majority in Favor

#### 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

The Town voted 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.

Planning Board Report: At a duly posted Planning Board Hearing on February 10, 2016, the Board voted unanimously to recommend the approval of Article 24.

**Sponsor:** Planning Board

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority

**Vote:** Unanimous in Favor

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  
The Town voted 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.

Motion was made to Pass Over Article 25. After it was seconded the motion went to a vote.

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

**Board of Selectmen Recommendation:** Disapproved

**Advisory Committee Recommendation:** Disapproved

**Vote Required:** Majority

**Vote:** Unanimous in Favor to Pass Over

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)

The Town voted 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.

Planning Board Report: At a duly posted Planning Board Hearing on February 10, 2016, the Board voted unanimously to recommend the approval of Article 26.

**Sponsor:** Planning Board

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority

**Vote:** Unanimous in Favor

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

The Town voted 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;

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

Planning Board Report: At a duly posted Planning Board Hearing on February 10, 2016, the Board voted unanimously to recommend the approval of Article 27.

**Sponsor:** Planning Board

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority

**Vote:** Majority in Favor

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.

The Town voted 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.

Planning Board Report: At a duly posted Planning Board Hearing on February 10, 2016, the Board voted unanimously to recommend the approval of Article 28.

**Sponsor:** Planning Board

**Board of Selectmen Recommendation:** Approved

**Advisory Committee Recommendation:** Approved

**Vote Required:** 2/3 Majority

**Vote:** Majority in Favor

Article 30: Authorize Town Election

The Town voted 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.

**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

**Vote:** Unanimous in Favor

Meeting dissolved at 9:13 PM