



**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HOPKINTON
ANNUAL TOWN MEETING WARRANT
MONDAY, MAY 5, 2014**

(Voter Registration Deadline: Tuesday, April 15, 2014, 8:00 p.m.)

MIDDLESEX, ss.

To any of the Constables of the Town of Hopkinton in said County,

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn all inhabitants of the Town of Hopkinton qualified to vote in elections and in Town affairs:

To bring in their ballots on Monday, May 19, 2014, to an adjourned session of the Annual Town Meeting held at the Hopkinton Middle School Gymnasium, for the election of the following Officers:

Offices for the May 19, 2014 Election

Office	Term (Years)
Selectmen (1)	3
Board of Assessors (1)	3
Board of Health (1)	3
Board of Library Trustees (2)	3
Cemetery Commissioner (1)	3
Commissioner of Trust Fund (1)	3
Housing Authority (1)	3
Parks and Recreation Commission (2)	3
Planning Board (1)	5
School Committee (2)	3

AND, also, to vote "Yes" or "No" on the following questions appearing on the ballot in accordance with Chapter 59, Section 21C of the *Massachusetts General Laws*:

"Shall the Town of Hopkinton be required to reduce the amount of real estate and personal property taxes to be assessed for the fiscal year beginning July first, two thousand and fourteen by an amount equal to \$1,250,000?"

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"Shall the Town of Hopkinton be allowed to exempt from the limitations imposed by Chapter 59, Section 21C of the *Massachusetts General Laws* (Proposition 2 1/2, so-called), the amounts required to pay for the bond issued for costs related to the renovation, restoration, expansion, construction and reconstruction of the Hopkinton Public Library?"

For this purpose the polls will be open from 7:00 a.m. to 8:00 p.m.

AND, further, to meet at the Hopkinton Middle School Auditorium at 88 Hayden Rowe Street, on Monday, May 5, 2014, at 7:00 p.m., then and there to act upon the following Articles:

REPORTS

ARTICLE 1: Acceptance of Town Reports

Sponsor: Town Manager

To hear the Reports of Town Officers, Boards and Committees.

Pass any vote or take any act relative thereto.

FINANCIAL – FISCAL YEAR 2014

ARTICLE 2: FY 2014 Supplemental Appropriations

Sponsor: Town Manager

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money to supplement operating budgets for the fiscal year ending June 30, 2014.

Pass any vote or take any act relative thereto.

ARTICLE 3: FY 2014 Budget Transfers

Sponsor: Town Manager

To see if the Town will vote to transfer a sum or sums of money between and among various accounts for the fiscal year ending June 30, 2014.

Pass any vote or take any act relative thereto.

ARTICLE 4: Unpaid Bills from Previous Fiscal Years

Sponsor: Town Manager

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money to pay unpaid bills from prior fiscal years, in accordance with the provisions of Chapter 44, Section 64, of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

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FINANCIAL – FISCAL YEAR 2015

ARTICLE 5: Property Tax Exemption Increase

Sponsor: Board of Assessors

To see if the Town will vote to accept the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, to provide an additional real estate tax exemption in the fiscal year beginning July 1, 2014, for those qualifying for an exemption under Chapter 59, Section 5, clauses 17D, 22, 22A, 22B, 22C, 22D, 22E, 37A, 41C, 42 or 43 of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

ARTICLE 6: Amend the Salary of an Elected Official

Sponsor: Personnel Committee

To see if the Town will vote to fix the salary or compensation of all of the elected officers of the Town in accordance with Chapter 41, Section 108, of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

ARTICLE 7: Fiscal 2015 Operating Budget

Sponsor: Town Manager

To hear and act on reports and recommendations of the Appropriation Committee and to see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide, a sum or sums of money for the operation and maintenance of Town Departments for the fiscal year beginning on July 1, 2014, and that such sums be expended for such purposes under the direction of the respective Town Officers, Boards and Committees.

Pass any vote or take any act relative thereto.

ARTICLE 8: Underride

Sponsor: Board of Selectmen

To see if the Town will vote, as a nonbinding resolution, to support an affirmative vote on the upcoming ballot question to reduce the amount of real estate and personal property taxes to be assessed for the upcoming fiscal year (the “underride”).

Pass any vote or take any act relative thereto.

ARTICLE 9: FY 2015 Revolving Funds

Sponsor: Town Manager

To see if the Town will vote to authorize or re-authorize the use of revolving funds containing receipts from the fees charged to users of the services provided by the various Boards, Committees, Departments or Offices of the Town, pursuant to Chapter 44, Section 53E 1/2, of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

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ARTICLE 10: Chapter 90 Highway Funds*Sponsor: Town Manager*

To see if the Town will vote to appropriate a sum or sums of money from the proceeds due to the Town pursuant to Chapter 90 of the *Massachusetts General Laws*, for the purposes of repair, construction, maintenance and preservation of the Town's roads and bridges and other related costs, which qualify under the State Aid Highway Guidelines adopted by the Massachusetts Department of Transportation; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE 11: Transfer to Capital Expense Stabilization Fund*Sponsor: Town Manager*

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the purpose of increasing the Capital Expense Stabilization Fund, to be used, upon further appropriation, for any lawful future capital expense.

Pass any vote or take any act relative thereto.

ARTICLE 12: Transfer to General Stabilization Fund*Sponsor: Town Manager*

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the purpose of increasing the General Stabilization Fund, to be used, upon further appropriation, for any lawful purpose.

Pass any vote or take any act relative thereto.

ARTICLE 13: Other Post Employment Benefits Liability Trust Fund*Sponsor: Town Manager*

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money to be credited to the Other Post Employment Benefits Liability Trust Fund.

Pass any vote or take any act relative thereto.

CAPITAL EXPENSES AND PROJECTS**ARTICLE 14: Pay-As-You-Go Capital Expenses***Sponsor: Town Manager*

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money to fund the following Pay-As-You-Go capital purchases and projects:

<u>Purchase or Product</u>	<u>To be spent under the direction</u>
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	<u>of:</u>
Pierce/Sabre Fit-out	Fire Chief
Replacement of Two Front-Line Cruisers and One Mobile Data Terminal	Police Chief
Two Building and Grounds Department Trucks	School Committee
Hopkins School Ceiling Tile Replacement	School Committee
Upgrade Middle School Auditorium Stage Components	School Committee
Upgrade Fire Alarm System - Horns/Strobes	School Committee
Joint IT Upgrades at the Center and Elmwood Schools	School Committee
Hayden Rowe Drainage	DPW
Keefe Regional Technical School Roof	Keefe Regional Technical School District

Pass any vote or take any act relative thereto.

ARTICLE 15: Library Construction

Sponsor: Board of Selectmen

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the purpose of obtaining schematic designs, architectural and engineering designs, cost estimates, bid documents and for the purpose of renovation, restoration, expansion, construction and reconstruction of the Library, including the provision of temporary quarters, subject to receipt of a Massachusetts Board of Library Commissioners Construction Grant for a portion of the project costs; said sum to be spent under the direction of the Board of Selectmen.

Pass any vote or take any act relative thereto.

ARTICLE 16: Sidewalk Construction & Rehabilitation Program

Sponsor: Board of Selectmen & Town Manager

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the design, repair, maintenance, renovation, improvement, rehabilitation, construction and reconstruction of sidewalks; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE 17: Hayden Rowe Traffic Calming

Sponsor: Board of Selectmen & Town Manager

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the design, improvement, rehabilitation, construction and reconstruction of the roadway and sidewalks on Hayden Rowe Street, including traffic signalization or public lighting installations, fire alarm or police communication

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installations and for the purpose of extending and improving such installations; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE 18: Main Fire Station Roof

Sponsor: Town Manager & Fire Chief

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the design, reconstruction and repair of the roof at the Main Fire Station; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

ARTICLE 19: International Horton Ambulance

Sponsor: Town Manager & Fire Chief

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the replacement of an ambulance; said sum to be spent under the direction of the Fire Chief.

Pass any vote or take any act relative thereto.

ARTICLE 20: Vactor Truck

Sponsor: Town Manager & Public Works

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the replacement of a vactor truck; said sum to be spent under the direction of the Director of Public Works.

Pass any vote or take any act relative thereto.

ARTICLE 21: Evaluation Studies for School Roof Repairs

Sponsor: School Committee

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for conducting engineering evaluation studies, for the repair of roofs at the Hopkins School and Hopkinton High School; said sum to be spent under the direction of the School Committee.

Pass any vote or take any act relative thereto.

ARTICLE 22: School Safety and Security

Sponsor: School Committee

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the replacement of safety and security systems and equipment; said sum to be spent under the direction of the School Committee.

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Pass any vote or take any act relative thereto.

ARTICLE 23: Board of Assessors Services Contract

Sponsor: Board of Assessors

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the purpose of contracting services of a consultant, appraisal firm, and/or hiring additional personnel, along with related expenses, to assist the Board of Assessors with the implementation of the state-mandated Fiscal Year 2016 assessment certification program; said sum to be spent under the direction of the Board of Assessors.

Pass any vote or take any act relative thereto.

COMMUNITY PRESERVATION FUNDS

ARTICLE 24: Community Preservation Recommendations

Sponsor: Community Preservation Committee

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2015 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money, not to exceed 5% of the Fiscal Year 2015 estimated annual revenues, to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2015; and, further, to reserve for future appropriation a sum of money from the Community Preservation Fund for open space, historic resources, and community housing purposes; and, further, to appropriate from the Community Preservation Fund, or borrow pursuant to Chapter 44B, Section 11, of the Massachusetts General Laws, or any other enabling authority, a sum or sums of money for the following Community Preservation projects or purposes, including the acquisition of interests in land, all as recommended by the Community Preservation Committee:

- a) A sum of money from funds reserved for Historic Preservation and from the Discretionary/Budgeted reserves to increase classroom space in the barn at the Hopkinton Center for the Arts, located at 98 Hayden Rowe Street; said sum to be spent under the direction of the Hopkinton Community Endowment and the Community Preservation Committee.
- b) A sum of money from the Discretionary/Budgeted Reserves for the preservation of Town records; said sum to be spent under the direction of the Town Clerk and the Community Preservation Committee.
- c) A sum of money from funds reserved for Historic Preservation for plumbing, electrical and aesthetic repairs to the Claflin Fountain on the Town Common; said sum to be spent under the direction of the Parks and Recreation Department and the Community Preservation Committee.

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- d) A sum of money from funds reserved for Passive Recreation to fund the placement of Conservation Restrictions on the open space properties known as Cameron Woods and Whisper Way; said sum to be spent under the direction of the Hopkinton Area Land Trust and the Community Preservation Committee.
- e) A sum of money from funds reserved for Passive Recreation to install signage to identify trailheads at the Town-owned parcels on Fruit Street, Phipps Woods, Braden Woods, Cameron Woods and Whisper Way; said sum to be spent under the direction of the Hopkinton Area Land Trust and the Community Preservation Committee.
- f) A sum of money from funds reserved for Historic Preservation to restore and reset granite curbing on Town Common memorials; said sum to be spent under the direction of the Parks and Recreation Department and the Community Preservation Committee.
- g) A sum of money from funds reserved for Historic Preservation to digitize and catalogue historic Hopkinton documents; said sum to be spent under the direction of the Hopkinton Public Library and the Community Preservation Committee.

GENERAL BYLAW AMENDMENTS

ARTICLE 25: Farmer's Market Wine Sampling on Town Common	<i>Sponsor: Town Manager & Parks & Recreation Commission</i>
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To amend Chapter 58, Alcoholic Beverages, Marihuana or Tetrahydrocannabinol and Tobacco, of the General Bylaws by deleting Section 58-1 thereof in its entirety and inserting, in place thereof, the following:

§ 58-1. Possession and Use of Alcoholic Beverages, Marihuana or Tetrahydrocannabinol.

- A. Except as otherwise provided in this Section, no person shall consume an alcoholic beverage, as defined by Chapter 138, Section 1 of the General Laws; or possess an opened container of such beverage; or smoke, ingest or otherwise use or consume marihuana or tetrahydrocannabinol, as defined by Chapter 94C, Section 1 of the General Laws, within the limits of any park, playground, public building or any public land (but not including a public way) owned or under the control of the Town of Hopkinton. Nor shall any person consume an alcoholic beverage or smoke, ingest or otherwise use or consume marihuana or tetrahydrocannabinol, as previously defined, on any public way or way to which the public has a right of access as invitees or licensees, including any person in a motor vehicle while it is in, on or upon any public way or any way to which the public has a right of access as aforesaid within the limits of the Town of Hopkinton. Nor shall any person consume an alcoholic beverage, as previously defined, in, or upon any private land or place without the consent of the owner or person in control of such private land or place.
- B. Subsection A of this Section shall not be construed to apply to the consumption or possession on public land of samples of wine provided, without charge, to prospective customers at an agricultural event authorized pursuant to Chapter 138, Section 15F of

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the General Laws; provided, however, that no such sample may exceed one ounce of wine and no more than five such samples may be served to an individual prospective customer.

Pass any vote or take any act relative thereto.

ZONING BYLAW AMENDMENTS

ARTICLE 26: Downtown Business/Residence A District Boundary Modifications *Sponsor: Planning Board*

To see if the Town will vote to amend the Zoning Map by changing the boundary between the Downtown Business (BD) District and the Residence A (RA) District to run concurrently with existing property lines on the following parcels:

<i>Parcel Location</i>	<i>From</i>	<i>To</i>
Davis Road (Map U16 Block 286 Lot 0)	Downtown Business (BD) and Residence A (RA)	Downtown Business (BD)
5 Cedar St. (Map U16 Block 86 Lot A)	Downtown Business (BD) and Residence A (RA)	Downtown Business (BD)
1 Claflin St. (Map U16 Block 138 Lot 0)	Downtown Business (BD) and Residence A (RA)	Downtown Business (BD)
3 Claflin St. (Map U16 Block 139 Lot 0)	Downtown Business (BD) and Residence A (RA)	Downtown Business (BD)
5 Claflin St. (Map U16 Block 140 Lot 0)	Downtown Business (BD) and Residence A (RA)	Downtown Business (BD)
7 Claflin St. (Map U16 Block 141 Lot 0)	Downtown Business (BD) and Residence A (RA)	Downtown Business (BD)
13 Summer St. (Map U16 Block 61 Lot 0)	Downtown Business (BD) and Residence A (RA)	Residence A (RA)
20 Mayhew St. (Map U16 Block 41 Lot 0)	Downtown Business (BD) and Residence A (RA)	Residence A (RA)
19 Cedar St. (U16 Block 88 Lot 0)	Downtown Business (BD) and Residence A (RA)	Residence A (RA)
22 Walcott St. (Map U16 Block 135 Lot 0)	Downtown Business (BD) and Residence A (RA)	Residence A (RA)
12 Claflin St. (Map U16 Block 156 Lot A)	Downtown Business (BD) and Residence A (RA)	Residence A (RA)

Pass any vote or take any act relative thereto.

ARTICLE 27: Downtown Business District Lot Area *Sponsor: Planning Board*

To see if the Town will vote to amend Article VIA, Downtown Business (BD) District, of the Zoning Bylaws by deleting item A of § 210-20.1, Size and setback requirements, therefrom in its entirety and inserting in place thereof a new item A as follows:

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A. Minimum lot area: 7,000 square feet.

Pass any vote or take any act relative thereto.

ARTICLE 28: Industrial A and Industrial B Districts - frontage

Sponsor: Planning Board

To see if the Town will vote to amend the Zoning Bylaws as follows:

1. Amend Article VIII, Industrial A (IA) District, § 210-28(A), Size and setback requirements, by deleting the words “on a public way” from subsection (1).
2. Amend Article VIIIA, Industrial B (IB) District, § 210-37.2(A), Size and setback requirements, by deleting the words “on a public way” from subsection (1).

Pass any vote or take any act relative thereto.

ARTICLE 29: Floodplain District

Sponsor: Planning Board

To see if the Town will vote to amend Article X, Floodplain District, of the Zoning Bylaws by deleting §§ 210-50 through 210-53 inclusive in their entirety, and inserting, in place thereof, the following:

§ 210-50. District delineation.

The Floodplain District is hereby established as an overlay district to all other Zoning Districts. The Floodplain District includes all special flood hazard areas within the Town of Hopkinton designated as Zone A or AE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Hopkinton are panel numbers 25017C0489F, 25017C0493F, 25017C0494F, 25017C0513F, 25017C0602F, 25017C0605F, 25017C0606F, 25017C0610F, 25017C0626F, 25017C0627F, and 25017C0628F dated July 7, 2014; and 25017C0620E and 25017C0629E dated June 4, 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and may be further defined by the July 2014 Middlesex County Flood Insurance Study (FIS) report. The FIRM and FIS report are incorporated herein by reference and shall be kept on file with the Town Clerk, the Planning Board, the Conservation Commission and the Director of Municipal Inspections.

§ 210-51. Use regulations.

Where there is a conflict between provisions of this article and other Zoning Bylaws, the more restrictive regulation shall be deemed to be applicable. All development in the Floodplain District, including structural and nonstructural activities, whether permitted by right or by Special Permit, shall be in compliance with those provisions of the Massachusetts State Building Code that address construction in floodplains and floodways; as well as regulations of the Department of Environmental Protection codified at 310 CMR 13.00, Inland Wetlands Restrictions, 310 CMR 10.00,

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Wetlands Protection, and 310 CMR 15.00, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage (Title 5), as such provisions and regulation may be amended from time to time.

§ 210-52. Permitted uses.

The following uses, which create a minimal risk of damage due to flooding and will not constitute obstructions to flood flow, shall be allowed by right in the Floodplain District if they are permitted in the underlying district and do not require structures, fill or storage of materials or equipment:

- A. Agricultural uses.
- B. Forestry and nursery uses.
- C. Outdoor recreational uses, including fishing, boating and play area.
- D. Conservation of water, plants and wildlife.
- E. Wildlife management areas, foot, bicycle and horse paths.
- F. Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage or sale of crops raised on the premises.
- G. Buildings lawfully existing prior to the adoption of these provisions.

§ 210-53. Special Permits.

A. In the Floodplain District, except as authorized by a Special Permit granted by the Board of Appeals, no building or structure shall be erected, constructed or moved; no building or structure shall be enlarged by more than 30% of its ground floor area; and no dumping, filling or earth removal or transfer shall be permitted.

B. Within 10 days of receipt of an application for a Special Permit pursuant to this section, the Board of Appeals shall transmit one copy of the development plan to the Conservation Commission, the Planning Board, the Board of Health and the Director of Municipal Inspections. Final action shall not be taken until reports have been received from these officials or until 35 days after transmittal of the development plan pursuant to this section, whichever occurs first.

C. The Board of Appeals may issue a Special Permit pursuant to this section in accordance with with the following provisions:

(1) The proposed use shall comply in all respects with all requirements applicable in the underlying Zoning District.

(2) All encroachments into the floodway, including fill, new construction, substantial improvement to existing structures and other development, shall be prohibited unless the applicant provides certification by a registered professional engineer demonstrating that the encroachment will not

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result in any increase in flood levels during the occurrence of the 100-year flood. For watercourses that have not had a regulatory floodway designated, the Board of Appeals shall use the best available Federal, State, local or other floodway data to prohibit encroachments into floodways that would result in any increase in flood levels within the community during the occurrence of a base flood discharge.

(3) In granting a Special Permit pursuant to this section, the Board of Appeals may specify such requirements and conditions as it deems necessary to protect the health, safety and welfare of the public.

Pass any vote or take any act relative thereto.

ARTICLE 30: Repeal Subdivision Phasing Bylaw

Sponsor: Planning Board

To see if the Town will vote to repeal Article XVIB, Subdivision Phasing, from the Zoning Bylaws, in its entirety, and to amend § 210-163(B) of Article XXVI, Open Space Mixed Use Development Overlay District, by deleting item 1 therefrom and renumbering the remaining items appropriately.

Pass any vote or take any act relative thereto.

ARTICLE 31: Medical Marijuana Dispensaries

Sponsor: Planning Board

To see if the Town will vote to amend the Zoning Bylaws as follows:

1. Insert the following new definition into § 210-4, Definitions, in appropriate alphabetical order:

Registered Marijuana Dispensary (RMD); (also known as a Medical Marijuana Treatment Center) – A not-for-profit entity registered under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the sites of dispensing, cultivation and preparation of marijuana.

2. Insert the following item as a use allowed by special permit into the sections noted below:

Registered Marijuana Dispensary (RMD). The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for any such RMD.

<i>Zoning District</i>	<i>Section</i>
Business District	§ 210-19; new item H
Rural Business District	§ 210-24; new item G
Industrial A District	§ 210-35; new item I
Industrial B District	§ 210-37.9; new item J

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3. Amend Article XXVII, Signs, by inserting into § 210-181, Special Regulations, a new item D as follows:

D. Signs at a Registered Marijuana Dispensary (RMD) shall be subject to the requirements applicable in the Zoning District in which they are located, with the following additional restrictions:

(1) At a minimum, all signs at RMDs shall be in compliance with the provisions of 105 CMR 725.105 or any applicable successor regulation of the Massachusetts Department of Public Health, as such provisions may be amended from time to time;

(2) RMD window signs shall be limited to a maximum of 20% of the window area. No window sign shall be illuminated. Neon signs, including any sign that features exposed glass tubing filled with fluorescent gas, shall not be displayed in windows; nor shall such signs be visible through windows. No window signs or signs visible through windows shall flash, rotate, be animated, be motorized or move or be designed to move by any means, either in whole or in part.

4. Amend Article XXXIII, Medical Marijuana Treatment Centers, by deleting the Article in its entirety and replacing it with the following:

ARTICLE XXXIII

Registered Marijuana Dispensaries

§ 210-219. Special Permit

The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for any Registered Marijuana Dispensary (RMD). Applications for Special Permits for RMDs must conform to the Standards and Procedures of this Article XXXIII, in addition to the generally applicable standards for the grant of a special permit set forth in MGL. c. 40A, § 9.

§ 210-220. Buffer Zone

A. RMDs shall not be located within 500 feet of:

- (1) Any school, including a public or private elementary, vocational or secondary school or a public or private college or university;
- (2) Any child care facility, including preschools;
- (3) Any facility in which children commonly congregate, including, but not limited to, a public library, a playground, an athletic field or recreational facility, a place of worship, and a Town owned beach.

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B. For the purposes of this section, the distance of an RMD from a protected use shall be measured in a straight line from the nearest point of the property line of the protected use to the nearest point of the RMD.

§ 210-221. Requirements

- A. No smoking, burning or other consumption of marijuana or marijuana-related products shall be permitted on the premises of an RMD.
- B. No person under the age of 21 shall be permitted on the premises of an RMD unless that person is a qualified patient or accompanied by a caregiver or patient with a valid registration card.
- C. No RMD shall be located inside a building containing residential units, including transient housing.
- D. No RMD shall be located in a movable or mobile structure such as a van or truck.
- E. No RMD shall be located in a building that contains any medical doctor's offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.
- F. All RMDs shall be contained within buildings or structures having a gross floor area of not less than 1,000 square feet and not more than 20,000 square feet.
- G. An RMD shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state issued licenses or permits or within six months of ceasing operations, whichever comes first.

§ 210-222. Standards and Procedures Applicable to Special Permits for Registered Marijuana Dispensaries:

- A. Applicants for an RMD Special Permit shall submit the following information in addition to all other required submissions:
 - a. Names and address of all owners, managers, members, partners and employees;
 - b. Sources of all marijuana that will be processed, packaged, sold or distributed at the facility;
 - c. Projected quantity of marijuana that will be processed, packaged, sold or distributed at the facility;
 - d. The name and contact information for a person on staff at the RMD whose responsibilities include community relations, to whom Town staff can provide notice if there are operating problems associated with the establishment.
- B. No Special Permit may be issued unless the Planning Board finds that the RMD is designed so as to minimize any adverse visual or economic impacts on the abutters or other parties in interest, as defined in *M.G.L. c. 40A, §11*.

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- C. Each RMD receiving a Special Permit shall, as a condition of the Special Permit, file with the Planning Board and the Town Clerk a copy of all reports submitted to any state agency, including the reports required by 105 CMR 725.105(Q)(4) describing the RMD's liability insurance coverage and the annual security system audits required by 105 CMR 725.110(G).
- D. Special Permits for RMDs shall have a term limited to the duration of the applicant's ownership and the use of the premises as an RMD. Transfers of the special permit may occur only with the permission of the Planning Board, and only in the form of an amendment to the Special Permit.

Pass any vote or take any act relative thereto.

**ARTICLE 32: Open Space Mixed Use Development (OSMUD)
Overlay District – Hockey Rink**

Sponsor: Planning Board

To see if the Town will vote to amend Article XXVI, Open Space Mixed Use Development Overlay District, of the Zoning Bylaws as follows:

1. By inserting into § 210-166, Intensity of Use Limitations, subsection C, the following at the end of the second paragraph, immediately following "calculation of Gross Floor Space":
 - (v) structures or portions thereof located at 0 East Main Street, the athletic fields parcel/recreational parcel.
2. By deleting subsection A.3 of § 210-173, Site Plan Review, in its entirety and replacing it with the following:
3. The Decision Criteria in this Article shall supersede the Site Plan Standards listed in §210-136.1 and referred to in § 210-136.2.A

Pass any vote or take any act relative thereto.

**ARTICLE 33: Open Space Mixed Use Development (OSMUD)
Overlay District – More dwelling units; senior
housing development definition**

Sponsor: Planning Board

To see if the Town will vote to amend Article XXVI, Open Space Mixed Use Development Overlay District, of the Zoning Bylaws as follows:

1. Amend § 210-163(B) by inserting the following item 1:
 - (1) Article XVIA (Senior Housing Development)
 and renumbering the remaining items appropriately.
2. Insert in alphabetical order into § 210-164, Definitions, the following definition:

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SENIOR HOUSING DEVELOPMENT - A multifamily residential land use consisting of multiple dwelling units on one single contiguous parcel, operated with the intent that at least one resident of every unit be 55 years of age or older.

3. Amend the table in § 210-165, Uses, by deleting the row beginning with the term "Multifamily Dwellings" and inserting, in place thereof, a row beginning with the term "Multifamily Dwellings other than Senior Housing Developments" that has a "Y" in the columns for the Residential Subdistrict, the Commercial Subdistrict and the Village Center Subdistrict.
4. Further amend the table in § 210-165, Uses, by deleting the "SP" in the Commercial Subdistrict column for the row beginning with the term "Attached dwellings including garden apartments", and insert therefore a "Y".
5. Further amend the table in § 210-165, Uses, by deleting the row beginning with the term "Senior Housing" and inserting, in place thereof, a row beginning with the term "Senior Housing Development" that has a "Y" in the column for the Residential Subdistrict, a "Y" in the column for the Commercial Subdistrict and a "Y" in the column for the Village Center Subdistrict.
6. Amend § 210-166, Intensity of Use Limitations, by deleting the first paragraph of subsection A and inserting a new subsection A as follows:

- A. Dwelling Uses within the OSMUD District shall be limited to 940 new Dwelling Units constructed after May 5, 2008, plus 200 Dwelling Units in Senior Housing Developments constructed after May 5, 2014, provided, however, that the owner or owners of any such additional Dwelling Unit in Senior Housing Developments shall require, through deed restrictions, condominium documents, leases, rental agreements or other appropriate instruments, the form and adequacy of which has been approved by the Planning Board, that no child under the age of 18 may be a resident in any such Dwelling Unit. No more than 50 of the 1140 new Dwelling Units so constructed may be single-family dwellings, and the remainder shall be multi-family dwellings, including attached dwellings, garden apartments, units in mixed-use buildings and Senior Housing Developments.

Neither the dwellings located at 80, 82, 83 nor 90 East Main Street or 26 Clinton Street, nor the Group Home located at 44 Wilson Street, all of which were in existence as of the effective date of this Article, shall be deemed to be a Dwelling Unit for the purposes of this Intensity of Use limitation. However, in the event that any such dwelling is converted to or reconstructed as a multi-family dwelling use, the resulting number of Dwelling Units in excess of one (1) on any such property shall be counted towards the Intensity of Use limitation.

No Accessory Family Dwelling Unit for which the Board of Appeals grants a Special Permit pursuant to § 210-126 shall be deemed to be a separate Dwelling Unit for purposes of this Intensity of Use limitation.

7. Amend § 210-167, Affordable Housing, by deleting subsection A in its entirety and inserting a new subsection A as follows:

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- A. Except as otherwise provided in the following paragraph of this Section, not fewer than sixty (60) Dwelling Units within the OSMUD District shall be Affordable Housing, which shall be located within one or more Development Projects containing, in the aggregate, not fewer than two hundred forty (240) Dwelling Units eligible for inclusion in the Massachusetts Department of Housing and Community Development's Subsidized Housing Inventory. These requirements shall be in addition to the Affordable Housing requirements provided in Subsection C of this Section.

Notwithstanding the foregoing, if, prior to the issuance of a building permit for a Development Project that contains Affordable Housing, either (i) M.G.L. c. 40B, §§ 20 through 23 is no longer in effect, or (ii) the rules, regulations or guidelines of the Massachusetts Department of Housing and Community Development issued pursuant to M.G.L. c. 40B, §§ 20 through 23 no longer provide that all of the units in a rental development that contains at least 25% affordable housing units are eligible for inclusion on the Subsidized Housing Inventory, then not fewer than ninety-four (94) Dwelling Units within the OSMUD District shall be developed as Affordable Housing, in addition to the Affordable Housing requirements provided in Subsection C of this Section.

8. Add a new subsection C to § 210-167 as follows:

- C. In addition to the Affordable Housing requirements provided in Subsection A of this Section, to the extent that the Senior Housing Developments create a total number of Dwelling Units within the OSMUD District in excess of 940, those Senior Housing Developments shall require the provision of, in the aggregate, one Dwelling Unit of Affordable Housing for every 10 Dwelling Units in Senior Housing Developments, but not to exceed twenty (20) Dwelling Units of Affordable Housing in the aggregate. The additional Dwelling Units of Affordable Housing required under this section may be provided anywhere within the OSMUD District.

9. Amend § 210-168, Dimensional Requirements by changing the tables in subsections A and B by altering the column headings to read "Residential Subdistrict (R) and Commercial Subdistrict (C) [Dwelling Uses]", "Commercial Subdistrict (C) [Commercial Uses]" and "Village Center Subdistrict (VC)".
10. Further amend § 210-168, subsection A by deleting the second sentence following the table and beginning with the words "When a Commercial Subdistrict..." in its entirety and replacing it with the following:

When a Commercial Subdistrict abuts a Residential Subdistrict within the OSMUD District, a setback of at least 50 feet between buildings in the Commercial Subdistrict used for commercial purposes and the boundary of the Residential Subdistrict shall be provided.

11. Amend § 210-168, subsection C by deleting the first sentence in its entirety and replacing it with the following:

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All buildings in the Commercial Subdistrict used for commercial purposes shall be located a minimum of 100 feet from any lot outside the OSMUD District used for residential purposes at the time of the Site Plan Review application.

12. Delete subsection C of § 210-175 in its entirety and inserting, in place thereof, a new item subsection C as follows:

C. All land within the OSMUD District shall be subject to the provisions of this Chapter as in effect on the effective date of the amendments added to this Chapter by the 2014 Annual Town Meeting.

Pass any vote or take any act relative thereto.

ARTICLE 34: Neighborhood Mixed Use District
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<i>Sponsor: Planning Board</i>

To see if the Town will vote to amend the Zoning Bylaws and the Zoning Map as follows:

- A. By inserting a new Article XXXV, Neighborhood Mixed Use District, as follows:

ARTICLE XXXV
Neighborhood Mixed Use District

§210-237. Development and Design Objectives.

The Neighborhood Mixed Use District (NMU District) is designed to accommodate the integration of multi-family residential uses with commercial development in areas suitably located with convenient highway access, to increase the inventory of affordable housing in Hopkinton that are Local Initiative Program (LIP) units in compliance with the requirements specified by the Department of Housing and Community Development (DHCD) so that said units will count toward the Town's requirements under M.G.L. c. 40B, §§ 20-23, and to provide specialized services to the community and the region. It is the intent that, within the NMU District, there shall be an overall unity of design of the uses consistent with designs that are traditional to New England and Hopkinton. The location and design of such uses should be such that they will not disturb residential neighborhoods or detract from the appearance of the Town and will result in the maintenance of a balance and workable relationship between undeveloped natural resources, residential neighborhoods and commercial development.

§210-238. Applicability.

1. Notwithstanding any provision of this Chapter to the contrary, development undertaken under a Master Plan Special Permit issued pursuant to § 210-247 shall not be subject to § 210-126.1 Residential Subdivisions of 10 acres or more.

A. Development undertaken pursuant to a Master Plan Special Permit issued pursuant to § 210-247 shall be subject to the following provisions of this Chapter only to the extent provided for in, and as modified by, the provisions of this Article:

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1. Article XI, Flexible Community Development Bylaw;
2. Article XII, Water Resources Protection Overlay District;
3. Article XVIII, Supplementary Regulations;
4. Article XX, Site Plan Review.

§210-239. Definitions.

Except as otherwise provided in this section, the definitions set forth in §210-4 shall be applicable to all terms used in this Article. Notwithstanding the forgoing, the following terms, as used in this Article, shall have the meanings indicated:

AFFORDABLE HOUSING – Any Dwelling Units qualifying as low or moderate income housing as defined by regulations of the Department of Housing and Community Development.

AIR-SUPPORTED STRUCTURE – A structure used in conjunction with an athletic club/health and fitness club wherein the shape of the structure is attained by air pressure, and occupants of the structure are within the elevated pressure area.

BUILDABLE AREA – The portion of a Development Project area that is not Open Conserved Land.

CONSTRUCTION ACTIVITY – The construction of new structures or site work associated with the construction of new structures. The term includes the construction of roadways, installation of utilities, and restoration and improvement of Open Conserved Land.

DEVELOPMENT PROJECT - A development undertaken pursuant to this Article, as shown on a site plan submitted to the Planning Board for Site Plan Review. A Development Project may occupy one or more lots.

DEVELOPMENT SITE — All land area located within the NMU District.

DWELLING UNIT - Use as Dwelling Units as defined in §210-4, but specifically not including residential units that may be part of a Continuing Care Retirement Community, Assisted Living Facility or similar institution.

HEIGHT – The vertical distance from the mean finished grade of all sides of building or structure to the highest point of the roof for flat roofs, to the deck line for mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs, excluding chimneys, spikes, towers, wireless communication facilities, screens, parapet walls, and other structures, equipment, or projections not used for human occupancy. For residences, the area above the mean finished grade and below the floor of the first occupiable story, not to exceed 10 feet, shall be excluded from measurement of height and stories.

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MULTIFAMILY DWELLINGS – Any dwelling units other than Single-Family Dwellings.

OPEN CONSERVED LAND – Land that is available for public use, reserved for outdoor passive or active recreation, and protected in perpetuity by an Open Conserved Land Covenant prohibiting further development or activities within such land that are inconsistent with the Open Conserved Land Covenant’s purpose.

OPEN CONSERVED LAND COVENANT – A legally enforceable restriction or covenant, recorded in the Registry of Deeds and enforceable by the Town, providing that the land subject thereto shall remain as Open Conserved Land in perpetuity.

STORY – That portion of a building included between the upper surface of a floor and the upper surface of the floor above, except that attic or loft space between the upper surface of a floor and the upper surface of a slanted or partially slanted roof shall not be considered a story, whether or not used for human occupancy.

§210-240. Permitted Uses.

No new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used in the NMU District for any purpose except one or more of the following, provided that no use shall involve noxious odors or excessive noise.

A use that is permitted by right is denoted by the letter “Y”.

A use denoted by the letters “SP” may be permitted by Special Permit from the Planning Board.

A. The following uses shall be permitted by right or allowed by Special Permit in the NMU District without the issuance of a Master Plan Special Permit. Upon the issuance of a Master Plan Special Permit pursuant to § 210-247 and the filing of the Notice pursuant to § 210-247.D, the uses permitted in § 210-240.B and not those specified in § 210-240.A shall be permitted within the area subject to the Master Plan Special Permit.

Table of Uses –Land not subject to a Master Plan Special Permit

Professional offices, medical offices, administrative offices, clerical offices, establishments for research and development or laboratories with a biosafety level of Level 1 or Level 2.	Y
Light manufacturing and/or assembly with associated professional, administrative and/or clerical offices.	Y
Conference centers	Y
Banks	Y
Restaurants	Y
Drive-in, drive-through, or drive-up uses, but excluding the dispensing of food or drink.	Y
Public and private educational uses	Y
Agricultural and horticultural uses	Y
Child-care centers	Y

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Places of worship and other religious uses	Y
Continuing care retirement communities, assisted living facilities or similar institutions, with a maximum aggregate number of beds and/or units within the NMU District not to exceed 300. For definition of use, see § 210-164 and for parking requirements see § 210-169A.	Y
Continuing care retirement communities, assisted living facilities or similar institutions, if the maximum aggregate number of beds and/or units within the NMU District will be greater than 300. For definition of use, see § 210-164 and for parking requirements see § 210-169A.	S P
Health services facilities	Y
Retail stores not to exceed 2,000 square feet, located so as to provide for the convenience of the occupants of the immediate neighborhood, selling items such as groceries, prepared take-out food, toilet articles, cosmetics, candy, sundries, medications, newspapers, magazines and ice cream; provided, however, that any such retail store may operate only between the hours of 6:00 a.m. and 10:00 p.m.	Y
Residential dormitory components of a conference center	S P
Public transportation facilities, limited to 1) shuttle bus stop facilities, 2) park and ride parking facilities, and 3) parking facilities for public school buses serving Hopkinton residents.	S P
Facilities used for water supply or sewage treatment, or associated with the provision of electrical, telephone, gas or cable services within the NMU District.	Y
Accessory uses to any use allowed by right or by Special Permit herein.	Y

B. The following uses shall be permitted in the NMU District for a Development Project under a Master Plan Special Permit issued pursuant to § 210-247:

Table of Uses –Land subject to a Master Plan Special Permit

Multi-family dwellings	Y
Retail stores, not to exceed 15,000 square feet per single tenant or operator	Y
Retail stores exceeding 15,000 square feet per single tenant or operator, but not to exceed 38,000 square feet per single tenant or operator	S P
Athletic clubs/Health and Fitness clubs	Y
Health services facilities	Y
Professional offices, medical offices, administrative offices, clerical offices, establishments for research and development or laboratories with a biosafety level of Level 1 or Level 2	Y
Light manufacturing and/or assembly with associated professional, administrative and/or clerical offices	Y
Conference centers	Y
Banks	Y
Restaurants	Y
Drive-in, drive-through, or drive-up uses, excluding the dispensing of food or drink	Y
Public and private educational uses	Y
Child care centers	Y
Places of worship and other religious uses	Y
Municipal uses	Y

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Residential dormitory components of a conference center	S P
Public transportation facilities, limited to 1) shuttle bus stop facilities, 2) park and ride parking facilities, and 3) parking facilities for public school buses serving Hopkinton residents.	S P
Facilities used for water supply or sewage treatment, or associated with the provision of electrical, telephone, gas or cable services within the NMU District.	Y
Accessory uses to any use allowed by right or by Special Permit herein.	Y

§210-241. Intensity of Use Limitations.

A. Commercial Uses within the NMU District shall be limited to 250,000 square feet of Gross Floor Space in the aggregate, as authorized by a Master Plan Special Permit issued pursuant to §210-247. No single building shall have a footprint exceeding 19,000 square feet of Gross Floor Space or exceed 38,000 square feet of Gross Floor Space in total, with the exception of buildings used for an Athletic Club/Health and Fitness Club. An Athletic Club/Health and Fitness Club may have a footprint of up to 80,000 square feet of Gross Floor Space exclusive of Air Supported Structures or a footprint of up to 110,000 square feet of Gross Floor Space inclusive of Air Supported Structures, but shall not exceed 150,000 square feet of Gross Floor Space inclusive of Air Supported Structures; provided, however, that the Planning Board may, by Special Permit, approve an Athletic Club/Health and Fitness Club with a greater area of Gross Floor Space.

The Planning Board may, by Special Permit, approve the re-use of a building or combination of buildings formerly containing an Athletic Club/Health and Fitness Club for non-residential uses permitted under §210-240.B where such re-use would exceed the maximum footprint or Gross Floor Space otherwise permitted for such uses by this section; provided, however, that no Special Permit may authorize an Air Supported Structure to be used for purposes that are not a component of an Athletic Club/Health and Fitness Club. Under no circumstances shall a Special Permit be issued that results in more than 250,000 square feet of Gross Floor Space of commercial uses within the NMU District.

B. For the purposes of this section, the area of buildings used for water supply or sewage treatment facilities shall be excluded from the calculation of Gross Floor Space.

B. Residential Uses within the NMU District shall be limited to 280 Dwelling Units, which shall be multi-family dwellings with a maximum of 472 bedrooms in total and which shall not include more than 20 three-bedroom units, as authorized by a Master Plan Special Permit issued pursuant to §210-247.

§210-242. Affordable Housing.

Affordable Housing shall be provided in accordance with the following requirements:

A. One (1) Dwelling Unit shall be established as an Affordable Housing Unit for every four (4) Dwelling Units within the NMU District. As long as the rules, regulations or guidelines of the Massachusetts Department of Housing and Community Development issued pursuant to M.G.L. c. 40B, §§ 20-23 provide that all of the units in a rental development that contains at least 25%

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affordable housing units are eligible for inclusion on the Subsidized Housing Inventory, then all Dwelling Units within the NMU District shall be operated as a rental development. However, if either (i) M.G.L. c. 40B, §§ 20-23 is no longer in effect, or (ii) the rules, regulations or guidelines of the Massachusetts Department of Housing and Community Development, issued pursuant to M.G.L. c. 40B §§ 20-23, no longer provide that all of the units in a rental development that contains at least 25% affordable housing units are eligible for inclusion on the Subsidized Housing Inventory, then the Dwelling Units may be operated either as a rental development or as a for-sale condominium development. In such case, the number of affordable Dwelling Units shall be no less than one (1) for every four (4) Dwelling Units within the NMU District.

B. All Affordable Housing Units shall be integrated with the rest of the residential development in which it is located, and shall be comparable in design, exterior appearance, construction, and quality of exterior materials with other units in such residential development. The mean number of bedrooms in Affordable Housing Units shall be equal to the mean number of bedrooms in the market-rate Dwelling Units in the residential development in which they are located.

§210-243. Dimensional Requirements.

A. Where a Master Plan Special Permit has not been issued, the dimensional requirements set forth in § 210-186 shall be applicable.

B. The following dimensional requirements shall apply to any uses for which a Master Plan Special Permit has been issued:

1. Development Site:

a. Minimum lot frontage for the Development Site on a public way: 50 feet.

b. Minimum setback of buildings and parking areas:

i. For buildings: Forty (40) feet from the boundary line of a Business, Downtown Business, Industrial A, Industrial B or Agricultural District for all buildings; forty (40) feet from the boundary line of a Rural Business District for residential buildings; zero (0) feet from the boundary line of a Rural Business District for commercial buildings; one hundred (100) feet from the boundary of all other zoning districts.

ii. For parking: Forty (40) feet from the boundary line of a Business, Downtown Business, Industrial A, or Agricultural District; forty (40) feet from the boundary line of an Industrial B District for parking accessory to residential buildings and thirty (30) feet from the boundary line of an Industrial B District for parking accessory to commercial buildings; zero (0) feet from the boundary line of a Rural Business district for at-grade parking accessory to commercial buildings; one hundred (100) feet from the boundary of all other zoning districts.

iii. Thirty (30) feet from the street line for residential buildings; forty (40) feet from the street line for all other buildings; five (5) feet from the street line for at-grade parking areas;

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provided, however, that such setbacks shall not be applicable to private roadways located entirely within the NMU District.

- c. The minimum setback of buildings and parking areas from property lines shall be landscaped and/or wooded so as to provide adequate year-round screening of the use from abutting property and streets. Such minimum setback areas shall remain undisturbed or, if previously disturbed, shall be planted and/or landscaped.

The Planning Board may authorize by special permit a lesser setback or lesser screening than set forth herein, upon a finding that such lesser setback or screening is appropriate for the Development Site and the surrounding neighborhood and uses.

2. Individual lots within the Development Site:

- a. Minimum lot area for individual lots within Development Site: None.
- b. Minimum lot frontage within the Development Site: None; provided, however, that roadways located entirely within the Development Site shall provide adequate access for all buildings on the development site, but shall not become public ways. Fifty feet of frontage shall be required for each lot in the Development Site if the roads are intended to be eligible for acceptance as public ways.
- c. Minimum setback of buildings from interior property lines within the Development Site and from private roadways: None.

3. Maximum building height:

Buildings and structures shall not exceed 50 feet in height or have more than four stories.

4. A minimum of 40% of the total area of the Development Site shall be Open Conserved Land.

5. Multiple buildings and uses may be permitted on a single lot.

§210-244. Parking.

The requirements of §210-124(B) (1) relating to the minimum number of parking spaces shall apply in the NMU District, with the following addition:

Use	Requirement
Multi-family dwelling units	1 space for one bedroom unit; 2 spaces for every unit with 2 or more bedrooms.

§210-245. Open Conserved Land.

- A. Adequate pedestrian access, as determined by the Planning Board, shall be provided to the Open Conserved Land. The Open Conserved Land may remain as part of the overall Development Site and need not be a separate parcel, but there shall be Open Conserved Land Covenants stating that there shall be no further development and no activities within the Open Conserved Land that

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are not consistent with the Open Conserved Land Covenant's purpose. The Open Conserved Land may consist of a separate parcel and may be conveyed to the Town or a nonprofit organization, the purpose of which is the preservation of open space, or may be retained by an owner of land within the Development Site. Regardless of any such conveyance, the Open Conserved Land shall continue to be considered part of the Development Site for the purpose of calculating dimensional requirements.

B. The Open Conserved Land shall consist of land that may be used for outdoor active or passive recreational purposes and shall be planned as large, contiguous units wherever possible. If privately owned, the Open Conserved Land shall be available for use by the general public, subject to such reasonable rules and regulations to govern the use of the Open Conserved Land as may be adopted by the owner thereof. The Open Conserved Land may be comprised of more than one parcel, provided that the size, shape and location of such parcels are suitable for outdoor active or passive recreational purposes.

C. Setback areas from zoning district boundaries, if more than 100 feet in depth, may be considered to be part of the Open Conserved Land.

D. Areas set aside for planned or reserved parking spaces or fire lanes shall not qualify to be part of the Open Conserved Land.

E. Open Conserved Land may be used for the provision of subsurface utilities for the NMU District such as sewer lines, water lines, wastewater disposal beds and related underground equipment.

F. Open Conserved Land Covenants shall specify the permitted uses of specific parcels of Open Conserved Land; the responsible party to be charged with maintenance and stewardship of the Open Conserved Land in perpetuity; and a required program for such maintenance and stewardship.

G. Nothing in this section shall be interpreted to preclude the owner of Open Conserved Land from imposing additional restrictions on the Open Conserved Land or a conservation restriction which are not inconsistent with the applicable Open Conserved Land Covenant.

§ 210-246. Design Principles.

A. Curb cuts on public ways abutting the Development Site shall be minimized. Whenever feasible, Development Projects shall include interior vehicular connections to adjacent Development Projects and to adjacent non-residential development outside the NMU District for the purpose of reducing curb cuts and traffic flow on adjacent public ways. The location of curb cuts shall be determined by the Planning Board during the Site Plan Review process.

B. Buildings, roadways and parking lots shall be designed to accommodate the landscape, natural site features and natural resources. Disturbance to the site shall be minimized so that as many trees and natural features are retained as possible. Natural features shall be incorporated within the Open Conserved Land where possible.

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C. Outdoor lighting fixtures shall be shielded and directed to prevent illumination from falling outside of the intended areas.

D. The design of any interior roadway that connects two or more Development Projects shall conform to the Rules and Regulations Relating to the Subdivision of Land, whether or not such interior roadway is laid out in accordance with the Subdivision Control Law. The Planning Board may waive specific provisions of the Rules and Regulations Relating to the Subdivision of Land if such waiver would be not be inconsistent with the design principles set forth in this section and otherwise in the public interest. All utilities within the Development Site shall be underground.

E. The design of buildings shall be consistent with styles that are traditional to New England and Hopkinton. Buildings shall utilize energy efficient design and low impact development techniques and principles, to the extent feasible.

F. If stormwater management facilities are necessary for the construction of the buildings on the Development Site, such facilities shall not be located within the required setback areas, unless specifically permitted by the Planning Board. Such stormwater management facilities shall be designed to appear as natural landforms, to the extent feasible.

§210-247. Master Plan Special Permit.

A. The Planning Board shall be the Special Permit Granting Authority for any Special Permit issued pursuant to the provisions of this Article. The Planning Board may adopt and file with the Town Clerk regulations governing Submission Requirements and Procedures for any such Special Permit.

B. In all matters in which it has jurisdiction to issue use Special Permits pursuant to the provisions of this Article, the Planning Board may issue such Special Permits only upon a finding that the proposed use is in harmony with the general purpose and intent of this chapter. Any such Special Permit shall be subject to such conditions and safeguards as the Planning Board may prescribe and shall include design guidelines applicable to development of the site. In reviewing any application for such a Special Permit, the Planning Board shall give due consideration to promoting the public health, safety, convenience and welfare, shall encourage the most appropriate use of land, shall require that development be consistent with the Design Principles set forth in §210-246 and shall permit no building or use that is injurious, noxious, offensive or detrimental to its neighborhood.

C. Except as otherwise authorized in this Section, no Construction Activity for a use that is subject to a Master Plan Special Permit pursuant to the provisions of this Article shall commence unless authorized by said Master Plan Special Permit.

D. If the applicant elects to exercise the rights granted in a Master Plan Special Permit issued pursuant to the provisions of this Article, a Notice to such effect shall be filed with the Town Clerk, Planning Board and Department of Municipal Inspections, and recorded in the Registry of Deeds, prior to the commencement of Construction Activity. From and after the filing of such Notice, all Construction Activity within the NMU District shall be in accordance with the approved Master Plan Special Permit.

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E. The entirety of the NMU District shall be subject to one Master Plan Special Permit, for uses allowed pursuant to § 210-240.B.

F. Application for a Master Plan Special Permit.

1. A record owner desiring a Master Plan Special Permit pursuant to the provisions of this Article shall file with the Planning Board an application therefor in accordance with any applicable regulations and submission requirements adopted pursuant to this Article. At a minimum, the application shall be accompanied by a Master Plan that depicts the planned use of the entire NMU District, as well as the following information relating to development of the NMU District:

a. Identification of the entire area of land to be developed;

b. The existing topography of the land, vegetative cover, soil types, wetlands and water bodies, roads and ways;

c. The general proposed location within which structures will be constructed, together with a schedule of proposed land use types including Multifamily Dwellings, commercial uses, Air-Supported Structures, mixed use buildings, and/or buildings accessory to Open Conserved Land uses;

d. The general proposed location, size and intended use of all Open Conserved Land, including pedestrian, bicycle and equestrian trails, and the entity intended to own, operate and/or maintain such Open Conserved Land;

e. The general proposed location of all existing and proposed roads, water supply systems, wastewater systems, storm water drainage, utilities, and connections to existing infrastructure;

f. An analysis of the impact of implementing the Master Plan on surface and ground water quality, groundwater recharge, wildlife habitat and corridors, wetlands and bodies of water, including streams and rivers, both localized and general, and an evaluation of pre-development conditions and post-development conditions;

g. A traffic impact and access study on the impact of implementing the Master Plan;

h. An analysis of the projected economic impact of implementing the Master Plan on the Town, prepared by a qualified independent economic research consultant;

i. A phasing projection indicating the general anticipated schedule of construction of improvements within the NMU District in accordance with the Master Plan Special Permit; provided, however, that such schedule may be subject to variation depending on market forces;

j. Proposed Design Guidelines for the NMU District;

k. Proposed forms of the Open Conserved Land Covenant necessary for the Open Conserved Land.

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2. Approval criteria. No Master Plan Special Permit shall be granted unless the Planning Board finds that:

- a. The Master Plan complies with the provisions of this Article.
- b. The impact of the development activities shown on the Master Plan is anticipated to be of benefit to the Town.
- c. The intersections and roadways providing access to the NMU District will operate at an acceptable level of service based on the anticipated impact of vehicular traffic from all proposed development within the NMU District.
- d. The Master Plan provides adequately for the convenience and safety of vehicular and pedestrian movement within the NMU District and in relation to streets, property or improvements outside the NMU District.
- e. The Master Plan provides for the adequacy of the methods of disposal of sewage, refuse and other wastes, provision of utilities, and the methods of drainage for surface water and seasonal flooding, if any, and adequate provision of water for domestic purposes.

3. An NMU special permit may be combined with a special permit regarding parking pursuant to Section 210-124(C) and (D).

4. Approval of an NMU Master Plan Special Permit application shall not be considered to constitute approval of any construction.

5. Master Plan Special Permit Amendment.

a. Amendment of a Master Plan Special Permit issued pursuant to the provisions of this Article shall require the approval of the Planning Board. An application to amend the Master Plan Special Permit may be submitted separately or together with an application to the Planning Board for Site Plan Review. If the Board determines that a proposed amendment is significant, it shall hold a public hearing in conformance with M.G.L. c. 40A §9. If the Board determines, at a noticed public meeting of the Board but without a public hearing in conformance with M.G.L. c. 40A §9, that a proposed amendment is minor, it may amend the Master Plan Special Permit without a public hearing; provided, however, that a copy of such amendment shall be filed with the Town Clerk.

b. Applications for an amendment to a Master Plan Special Permit issued pursuant to the provisions of this Article may be filed by the owners of the affected land, and shall not be required to be filed by the owners of all land within the NMU District.

c. Duration of Approval. The commencement of Construction Activity within two (2) years of the date of the filing of the decision with the Town Clerk (or the date of the final resolution of any appeal of such decision) shall be deemed to constitute substantial use of rights under the Master Plan Special Permit.

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§210-248. NMU Site Plan Review.

A. Construction of all Development Projects within the NMU District shall be subject to Site Plan Review by the Planning Board in accordance with the provisions of Article XX, with the following additions and exceptions:

1. Submitted Site Plans shall show the planned design, use and lighting of the entire Development Site; provided, however, that, if development will be phased over time, separate site plan submissions may be made for separate portions of the Development Site.

2. Construction of residential Development Projects shall be subject to Site Plan Review, notwithstanding any provision of §210-133 to the contrary. However, Site Plan Review shall not apply to the alteration, reconstruction or enlargement of residential buildings.

3. In addition to the Site Plan Standards set forth in §210-136.1, the Site Plan shall conform to the Master Plan Special Permit.

B. Permissible Building Areas: A Site Plan may show proposed construction within a Permissible Building Area, where the mix of uses and related construction details are subject to change, and shall specify the maximum square feet of Gross Floor Space to be constructed within such Permissible Building Area. Although the Site Plan may show a proposed building in a specific location, the Site Plan approval shall authorize the construction of the Development Project if the structures therein and other site features thereof are located within the Permissible Building Area indicated. After the issuance of a Certificate of Occupancy for a building, (i) for commercial buildings: the amount by which such building is less than the maximum square footage of Gross Floor Space allocated thereto shall be available for reallocation to other proposed commercial buildings in computing the total Gross Floor Space for commercial uses in the NMU District for purposes of the Intensity of Use Limitations set forth in §210-241.A, and (ii) for residential buildings: the amount by which the number of Dwelling Units constructed is less than the number of Dwelling Units proposed shall be available for reallocation to other proposed Dwelling Units in computing the total number of Dwelling Units for purposes of the Intensity of Use Limitations set forth in §210-241.B, subject to further site plan review of the buildings to which such intensity of uses is reallocated, if required.

C. Minor Modifications: After the filing of a Decision of Site Plan Review, the Planning Board shall have the authority to approve minor modifications to the Site Plan. Minor modifications shall include changes that involve minor utility or building orientation adjustments; minor adjustments to parking, landscaping, Open Conserved Land or other building or site details; or other changes that do not significantly increase the square footage of Gross Floor Space of Commercial Uses within a Development Project or the number of Dwelling Units in a Development Project. Minor modifications may be approved by the Planning Board at any regularly scheduled public meetings, without the need to hold a public hearing.

D. Duration of Approval: If the development is to be phased over time, Site Plan approvals under this Article shall remain in effect as long as a building permit for not less than one (1) building in a Development Project on the Development Site is issued within two (2) years of issuance of the Site Plan approval (or the date of final resolution of any appeal of such issuance).

Board of Selectmen Chairman John M. Mosher _____

Initial _____

§ 210-249. Signs

All signs in the NMU District are solely subject to such limitations of size and usage as may be imposed by the Planning Board.

§210-250. Miscellaneous.

A. Modifications to Article XII, Water Resources Protection Overlay District. In the NMU District, the following modifications to the provisions generally applicable to the Water Resources Protection Overlay District shall apply:

For purposes of §210-70(C) (2), the term "Development Project" shall be substituted for the term "lot."

B. Modification to Article XVIII, Supplementary Provisions. The Planning Board may, at its discretion, waive provisions of §210-124, Off-Street Parking which pertain to the design of parking facilities, as part of the Site Plan Review process if such waiver would assist with achieving the purposes of this Article.

B. By inserting in § 210-4, Definitions, in alphabetical order, a new definition of Athletic Club/Health and Fitness Club, as follows:

ATHLETIC CLUB/HEALTH AND FITNESS CLUB -- A facility, whether or not operated for profit, that offers athletic and physical fitness activities such as tennis, swimming, and exercise and weight rooms, and which may include exercise therapy, rehabilitation and health-related services, and which may charge a fee for use of such facility and its services. Such club may include accessory restaurant or retail uses.

C. By inserting in § 210-1, Zoning districts, the following at the end of section A:

NMU Neighborhood Mixed Use District

D. By amending the Zoning Map by changing the zoning district of the following parcels of land, consisting of approximately 96 acres as shown on a plan entitled "Proposed Zoning Map Amendment" prepared by Allen Engineering, LLC, dated March 1, 2013 from the Office Park District to the Neighborhood Mixed Use District:

Assessors Map R23 Block 73 Lot 0

Assessors Map R23 Block 87 Lot 0

Pass any vote or take any act relative thereto.

LAND ACQUISITIONS AND DISPOSITIONS

Board of Selectmen Chairman John M. Mosher _____

Initial _____

ARTICLE 35: Sidewalk Easement – East Main Street*Sponsor: Planning Board*

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, the following interest in property:

The perpetual right and easement to locate, construct, lay, excavate, install, operate, use, inspect, maintain, repair, remove, replace and reconstruct a sidewalk and to do all other acts incidental to said purpose, including the right to pass and repass along and over the land for the aforementioned purposes, in, through and under the land marked “Proposed Sidewalk Easement A” and “Proposed Sidewalk Easement B” on a plan of land entitled “Subdivision Plan of Land in Hopkinton Massachusetts” dated February 4, 2014, a copy of which is on file at the Office of the Town Clerk.

Pass any vote or take any act relative thereto.

ARTICLE 36: Gift of Land – Hunters Ridge Open Space*Sponsor: Planning Board*

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, the following parcels of land:

The land in Hopkinton, Middlesex County, Massachusetts, shown as Parcels “Open Space A” and “Open Space B” on a Plan entitled “Hunters Ridge”, dated March 13, 2013 revised through May 9, 2013, Guerriere & Halnon, Inc., 333 West Street, Milford, MA, which Plan is recorded with the Middlesex South District Registry of Deeds as Plan Number 625 of 2013. Said Parcel “Open Space A” is designated on said plan as containing a total of 800,908 square feet of land. Said Parcel “Open Space B” is designated on said plan as containing a total of 173,960 square feet of land.

Said land to be under the care, custody, management and control of the Conservation Commission and used for open space purposes.

Pass any vote or take any act relative thereto.

ARTICLE 37: Gift of Land – 294 Hayden Rowe Street*Sponsor: Upper Charles Trail Committee*

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, the following parcel of land:

The land in Hopkinton, Middlesex County, Massachusetts, shown as “Owners Unknown” on a plan of land entitled “Plan of Land 294 Hayden Rowe Street in Hopkinton, Mass.” dated September 13, 2013, which Plan is recorded with the Middlesex South District Registry of Deeds as Plan number 764 of 2013.

Said land to be under the care, custody, management and control of the Board of Selectmen and used for a non-motorized, multi-use trail purposes.

Pass any vote or take any act relative thereto.

Board of Selectmen Chairman John M. Mosher _____

Initial _____

ARTICLE 38: Acceptance of Easement – Upper Charles Trail*Sponsor: Upper Charles Trail Committee*

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, the following interest in property:

The perpetual right and easement to locate, construct, lay, excavate, install, operate, use, inspect, maintain, repair, remove, replace and reconstruct a non-motorized, multi-use trail and other associated uses, including stormwater management, deemed necessary for the aforementioned purpose and to do all other acts incidental to said purpose, including the right to pass and repass along and over the land for the aforementioned purposes, in, through and under the land marked “Proposed 15’ Wide Access and Egress Easement” on a plan of land entitled “Easement Plan of Land 294 Hayden Rowe Street in Hopkinton, Mass.” and “Proposed 5’ Wide Landscape Easement” dated October 23, 2013, a copy of which is on file at the Office of the Town Clerk.

Pass any vote or take any act relative thereto.

ARTICLE 39: Acquisition of Property at 25 Ash Street*Sponsor: Board of Selectmen & Town Manager*

To see if the Town will authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, a fee interest or right of way in a parcel of land along a portion of the property at 25 Ash Street, shown on the Assessors Map as U17-36-0.

Pass any vote or take any act relative thereto.

ARTICLE 40: Street Acceptances*Sponsor: Board of Selectmen & Planning Board*

To hear the report of the Board of Selectmen relative to the laying out and the widening and relocation of the following named streets under the provisions of Chapter 82 of the *Massachusetts General Laws*, and to see if the Town will vote to accept such streets as and for public ways and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain any land or interest in land necessary for such laying out, and act on all manners relating thereto:

Snowy Owl Road	from Spring Street to Falcon Ridge Drive
Falcon Ridge Drive	from Snowy Owl Road to Snowy Owl Road
Appaloosa Circle	from the existing end of public way to dead end
Equestrian Drive	from Saddle Hill Road to Appaloosa Circle
Hazel Road	from Eastview Road to Susan Drive
Susan Drive	from Hazel Road to dead end

Pass any vote or take any act relative thereto.

ADMINISTRATIVE**ARTICLE 41: Scenic Road Designation – Chamberlain Street***Sponsor: Planning Board*

Board of Selectmen Chairman John M. Mosher _____

Initial _____

To see if the Town will vote to designate Chamberlain Street, from Angelo Drive westerly to the dead end, as a scenic road pursuant to Chapter 40, Section 15C of the *Massachusetts General Laws* and Town Bylaw Chapter 160, Scenic Roads, of the General Bylaws.

Pass any vote or take any act relative thereto.

ARTICLE 42: Trustees of the School Trust Fund in the Town of Hopkinton	<i>Sponsor: Trustees of the School Fund</i>
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To see if the Town will choose members to fill the vacancies now existing in the Board of Trustees of the School Fund in the Town of Hopkinton.

Pass any vote of take any action thereto.

HEREOF FAIL NOT, and make the due return of this warrant, with your doings thereon to the Clerk of said Town of Hopkinton, at the time and place aforesaid.

Given under our hands this ____ day of April, 2014.

BOARD OF SELECTMEN
TOWN OF HOPKINTON

John M. Mosher, Chairman

Benjamin L. Palleiko, Vice-Chairman

Michelle Gates

Todd Cestari

Brian J. Herr

A TRUE COPY
ATTEST:

Geri Holland, Town Clerk

DATE: _____

I HEREBY CERTIFY THAT I HAVE SERVED THE FOREGOING WARRANT BY POSTING A TRUE AND ATTESTED COPY THEREOF IN THE TOWN HOUSE, IN EACH OF THE CHURCHES IN THE TOWN, IN EACH OF THE POST OFFICES AND IN EACH OF THE ENGINE HOUSES OF THE TOWN AT LEAST EIGHT (8) DAYS PRIOR TO THE TIME OF HOLDING SAID MEETING.

Board of Selectmen Chairman John M. Mosher

Initial

Constable of Hopkinton

Board of Selectmen Chairman John M. Mosher_____

Initial_____