COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST BOYLSTON

TOWN MEETING WARRANT

OCTOBER 16, 2006

Worcester ss.

To the Constables of the Town of West Boylston,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of West Boylston qualified to vote in elections and town affairs, to meet in the Auditorium of the Middle/High School in said Town on Monday, October 16, 2006 at 7:00 p.m. in the evening, then and there to act on the following articles.

ARTICLE 1 - AUTHORIZATION TO HEAR THE REPORTS OF OFFICERS AND COMMITTEES OF THE TOWN

To see if the town will vote to hear special reports of the officers and standing committees of the town, or take any other action relative thereto.

<u>ARTICLE 2 – AUTHORIZATION TO NAME GOODALE PARK FIELD A "THE RICHARD TOWNSEND FIELD"</u>

To see if the town will vote to name Goodale Park Field A "The Richard Townsend Field", or take any other action relative thereto.

ARTICLE 3 – AUTHORIZATION TO RESCIND PREVIOUSLY VOTED DEBT <u>AUTHORITIES</u>

To see if the town will vote to rescind the following unused debt authorities:

TM Article	Town Meeting Date	Purpose	Remaining Authority
Article #01 Article #17	October 30, 1995 May 20, 1996	Sewer Construction Library Construction	\$ 1,655,631.94 \$ 1,041,314.00
Article #01	February 22, 1999	Sewer Enterprise Start Up	\$ 1,130,000.00

Or take any other action relative thereto.

ARTICLE 4 - AUTHORIZATION TO TRANSFER MONEY FROM THE SEWER

ENTERPRISE

To see if the town will vote to transfer a sum of money from the Sewer Enterprise Fund to repay the General Fund and/or Stabilization Fund for start-up betterment costs, or take any other action relative thereto

ARTICLE 5 – AUTHORIZATION TO EXPEND FUNDS FROM THE CAPITAL INVESTMENT FUND TO FUND CAPITAL EQUIPMENT

To see if the town will vote to expend a sum of money from the Capital Investment Fund for the purchase of items as recommended by the Capital Investment Board, or take any other action relative thereto.

ARTICLE 6 - AUTHORIZATION TO APPROPRIATE FUNDS FOR REPAIRS TO THE HEATING SYSTEM OF THE BEAMAN MEMORIAL PUBLIC LIBRARY

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Thirty-Seven Hundred Twenty-Nine Dollars and No Cents (\$3,729.00) to replace 30 water valves on all the water source heat pumps, or take any other action relative thereto.

<u>ARTICLE 7 - AUTHORIZATION TO APPROPRIATE FUNDS FOR ASSESSORS</u> <u>CYCLICAL INSPECTION PROGRAM</u>

To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money to conduct property inspections in fulfillment of Massachusetts Department of Revenue mandates requiring the periodic inspection of all properties for property tax assessment purposes, or take any other action relative thereto.

ARTICLE 8 - AUTHORIZATION TO APPROPRIATE FUNDS FOR A NEEDS ASSESSMENT/FEASIBILITY STUDY

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be used by the Municipal Buildings Committee and/or the School Committee for a Needs Assessment/Feasibility Study and other related services necessary for the implementation of the West Boylston Municipal Buildings Improvement Program; any funds not expended or committed to be expended under a contract by October of 2007 shall revert back to the source of funds, or take any other action relative thereto.

ARTICLE 9– APPROPRIATION OF FUNDS FOR TOWN-WIDE PLANNING COMMITTEE

To see if the town will vote to raise and appropriate or transfer from available funds the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) to be expended by the Town-Wide Planning Committee to conduct a citizen's survey, or take any other action relative thereto.

ARTICLE 10 – APPROPRIATION OF FUNDS FOR A WAGE

AND CLASSIFICATION STUDY

To see if the town will vote to raise and appropriate, or transfer from available funds, the sum of Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00) for the town to conduct a Wage and Classification Study, or take any other action relative thereto.

ARTICLE 11 – ACCEPTANCE OF MASSACHUSETTS GENERAL LAWS CHAPTER 40 SECTION 55C

To see if the town will vote to accept the provisions of Massachusetts General Laws Chapter 40, Section 55C, establishing a trust to be known as the Town of West Boylston Affordable Housing Trust Fund whose purpose shall be to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households; appointment of the Board of Trustees and the authority of said Board shall all be as set forth in G.L. Chapter 44, Section 55C, provided, however, that any member of the Board of Trustees may be removed for cause after the opportunity for a hearing; and further, that the Board of Trustees shall provide for an independent annual audit of the books and records of the Trust, and upon receipt of the audit by the Board of Trustees, a copy shall be provided forthwith to the Board of Selectmen, or take any other action relative thereto.

<u>ARTICLE 12 - AUTHORIZATION TO BOARD OF HEALTH TO ENTER INTO AN INTERMUNICIPAL AGREEMENT</u>

To see if the Town of West Boylston will, in accordance with G.L. c. 40 section 4A, authorize the Board of Health to enter into an inter-municipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an Inter-Municipal Aid Agreement to be entered into between the Town and various government units, or take any other action relative thereto.

<u>ARTICLE 13 – ACCEPTANCE OF MASSACHUSETTS GENERAL LAWS CHAPTER 79, SECTION 23D</u>

To see if the town will vote to accept, for all boards, committees or commissions holding adjudicatory hearings in the Town, the provisions of G.L. Chapter 39, Section 23D, which provide that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions are met, or take any other action relative thereto.

ARTICLE 14 – AUTHORIZATION TO MODIFY FISCAL YEAR 2007 APPROPRIATIONS AND OTHER NECESSARY ADJUSTMENTS TO THE FISCAL YEAR 2007 BUDGET

To see if the Town will vote to raise and appropriate or transfer from available funds or from any unexpended balances of Fiscal Year 2007 appropriations, hitherto made, to Fiscal Year 2007 appropriation accounts; or take any other action relative thereto.

ARTICLE 15 – AUTHORIZATION TO AMEND THE ZONING BYLAWS TO INCREASE THE DENSITY OF MULTI-FAMILY DWELLINGS WHEN SEWER SERVICE IS PERMITTED

To see if the Town will vote to amend the Zoning Bylaws to increase the number of allowable units in multi-family dwellings in the case where sewer service is available and permitted by modifying Section 4.3 (Modification to Dimensional Requirements) paragraph A. (Multi-family Dwellings) as follows:

By deleting the text under Section 4.3.A. 1., which currently reads:

"For multiple dwelling use, the minimum lot area shall be 20,000 square feet for each dwelling unit".

And replacing it with:

"For multiple dwelling use, the minimum lot area shall be 10,000 square feet for each dwelling unit on lots where sewer service is available and permitted. For multiple dwelling use on lots where sewer service is not available and permitted, the minimum lot area shall be 20,000 square feet for each dwelling unit."

Or take any other action relative thereto.

ARTICLE 16 – AUTHORIZATION TO AMEND THE ZONING BYLAWS TO DECREASE THE MINIMUM LOT SIZE IN THE INDUSTRIAL DISTRICT

To see if the Town will vote to amend the Zoning Bylaws to decrease the minimum lot size within the Industrial District from five (5) acres to two (2) acres by modifying Section 4.2 (Schedule of Dimensional Requirements) as follows:

By deleting the Table:

DISTRICT	Min. Lot Size	Min. Lot Frontage	Min. Yards (feet)		
	(sq. ft.)	(feet)	Front	Side	Rear
Single Residence	40,000	120	25	10	10
General Residence	40,000	120	25	10	10
Business	1 acre	150	10	10	10
Industrial	5 acres	150	50	10	10
Aquifer Protection	50,000	150	25	10	10

And replacing it with this Table:

DISTRICT	Min. Lot Size	Min. Lot	Min. Yards
		Frontage	(In feet)

		(In feet)	Front	Side	Rear
Single Residence	40,000 square feet	120	25	10	10
General Residence	40,000 square feet	120	25	10	10
Business	1 acre	150	10	10	10
Industrial	2 acres	150	50	10	10
Aquifer Protection	50,000 square feet	150	25	10	10

Or take any other action relative thereto.

ARTICLE 17 – AUTHORIZATION TO AMEND THE GENERAL BYLAWS OF THE TOWN OF WEST BOYLSTON TO INCLUDE ARTICLE XXX - SEX OFFENDER RESIDENCY BYLAW

To see if the town will vote to amend the General Bylaws of the town by adding Article XXX – Sex Offender Residency Bylaw

ARTICLE XXX SEX OFFENDER RESIDENCY BYLAW

Section 1. Definitions

- 1. "Park" means public land designated for active or passive recreational or athletic use by the Town of West Boylston, the Commonwealth of Massachusetts or other governmental subdivision, and located within the Town of West Boylston.
- 2. "School" means any public or private educational facility that provides services to children in grades kindergarten 12.
- 3. "Day care center" means an establishment, whether public or private, which provides care for children and is registered with and licensed pursuant to the laws of the Commonwealth of Massachusetts by the Office of Child Care Services.
- 4. "Elderly housing facility" means a building or buildings on the same lot containing four or more dwelling units restricted to occupancy by households having one or more members fifty-five years of age or older.
- 5. "Place of worship" means a structure used for religious worship or religious education purposes on land owned by, or held in trust for the use of, any religious organization.
- 6. "Sex offender" means a person who resides, works or attends an institution of higher learning in the commonwealth and who has been convicted of a sex offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense or a person released from incarceration or parole or probation supervision or custody with the Department of Youth Services for such a conviction or adjudication or a person who has been adjudicated a sexually dangerous person under G.L. c. 123A, §14, as

- in force at the time of adjudication, or a person released from civil commitment pursuant to section 9 of said chapter 123A, whichever last occurs, on or after August 1, 1981.
- 7. "Sex offender registry" means the collected information and data that is received by the criminal history systems board pursuant to Sections 178C to 178P, inclusive, as such information and data is modified or amended by the sex offender registry board or a court of competent jurisdiction pursuant to said Sections 178C to 178P, inclusive.
- 8. "Permanent residence" means a place where a person lives, abides, lodges, or resides for five (5) or more consecutive days or fourteen (14) or more days in the aggregate during any calendar year.
- 9. "Temporary residence" means a place where a person lives, abides, lodges, or resides for a period of less than five (5) consecutive days or fourteen (14) days in the aggregate during any calendar year, which is not the person's permanent address or place where the person routinely lives, abides, lodges, or resides and which is not the person's permanent residence.
- 10. "Establishing a residence" means to set up or bring into being a dwelling place or an abode where a person sleeps, which may include more than one location, and may be mobile or transitory, or by means of purchasing real property or entering into a lease or rental agreement for real property (including a renewal or extension of a prior agreement whether through written execution or automatic renewal).

Section 2. Sexual Offender Residence Prohibition; Penalties; Exceptions

- a. It is unlawful for any sex offender who is finally classified as a level 2 or 3 offender pursuant to the guidelines of the Sex Offender Registry Board, to establish a permanent residence within two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship.
- b. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence to the nearest outer property line of a school, day care center or park, elderly housing facility or place of worship.
- c. Notice to move. Any registered level 2 or level 3 sex offender who establishes a permanent residence within two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship shall be in violation of this section and shall, within thirty (30) days of receipt of written notice of the sex offender's noncompliance with this chapter, move from said location to a new location, but said location may not be within two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship. It shall constitute a separate violation for each day beyond the thirty (30) days the sex offender continues to reside within two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship. Furthermore it shall be a separate violation each

- day that a sex offender shall move from one location in the Town of West Boylston to another that is within two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship.
- d. Penalties. Violation of this bylaw, or of any regulations adopted hereunder, may be enforced through any lawful means in law or in equity by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer of the Town of West Boylston including, but not limited to, enforcement by non-criminal disposition pursuant to G.L. c. 40, §21D. Each day a violation exists shall constitute a separate violation. The penalties shall be as follows:
 - i. First Offense: Notification to offender that he/she has thirty (30) days to move.
 - ii. Subsequent Offense: Non-criminal fine of \$500.00 and notification to the offender's landlord, parole officer and/or probation officer and the Commonwealth's Sex Offender Registry Board that the person has violated a municipal ordinance. Such a subsequent offence constitutes a breach of the peace for which the offender is also subject to immediate arrest.
- e. Exceptions. A person residing within 2,000 feet of any school, day care center, park, playground, elderly housing facility or place of worship does not commit a violation of this section if any of the following apply:
 - i. The person established the permanent residence and reported and registered the residence prior to July 1, 2006.
 - ii. The person was a minor when he/she committed the offense and was not convicted as an adult.
 - iii. The person is a minor.
 - iv. The school, day care center, park, elderly housing facility or place of worship within 2,000 feet of the personal permanent residence was established after the person established the permanent residence and reported and registered the residence pursuant to the Sex Offender Registry Law.
 - v. The person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.
 - vi. The person is admitted to and/or subject to an order of commitment at a public or private facility for the care and treatment of mentally ill persons pursuant to G.L. c. 123.
 - vii. The person is a mentally ill person subject to guardianship pursuant to G.L. c. 201, §6 or a mentally retarded person subject to guardianship pursuant to G.L. c. 201, §6A, residing with his or her guardian or residing within a group residence that is professionally staffed and supervised 24 hours a day.

Or take any other action relative thereto.

ARTICLE 18 – PETITIONED ARTICLE TO ACCEPT CHINO AVE.

To see if the town will vote to accept the roadway known as Chino Ave. of the Bonnie View II Subdivision Plan prepared by Connorstone Engineering and described as follows:

A certain parcel of land shown as Chino Avenue in West Boylston, MA, Worcester County, shown on a plan entitled, "Roadway acceptance Plan of Chino Avenue, Sta. 0+00 to Sta. 3+93.80, in West Boylston, MA" dated August 28, 2006, and more particularly bounded and described as follows;

Beginning at a point on the northerly side of Bonnie View Drive at land now or formerly of Kenneth J. Dilling & Sheri L. Stegenga; thence

Running N 00-41-50E a distance of 156.78 feet to a point at land now or formerly of James M. Flagg; thence

Running S 67-38-10 E a distance of 11.63 feet to a point; thence

Running N 07-52-23 E a distance of 168.12 feet to a point; thence

Along a curve to the right having a radius of 60.00 feet a distance of 272.10 feet to a point at land now or formerly of Paul & Carolyn Baranauskas; thence

Along a curve to the left having a radius of 25.00 feet a distance of 34.83 feet to a point at land now or formerly of Joseph & Rebecca Serriello; thence

Running S 07-52-23 W a distance of 163.17 feet to a point at land now or formerly of John & Joanne Chionchio; thence

Along a curve to the left having a radius of 75.00 feet a distance of 9.39 feet to a point; thence

Running S 00-41-50 W a distance of 68.74 feet to a point at land now or formerly of Evelyn R. Bohlin & Sheri L. Stegenga; thence

Running N89-18-10 W a distance if 10.00 feet to a point on the easterly sideline of Bonnie View Drive; thence

Running N 75-18-31 W a distance of 41.22 feet to the point of beginning. Containing 25,886 square feet, more or less, as shown on said plan.

or take any other action relative thereto.

<u>ARTICLE 19 – PETITION TO ACCEPT STILLWATER HEIGHTS DRIVE OF THE TIMBERWOOD ESTATES DEFINITIVE SUBDIVISION</u>

To see if the Town will vote to accept the roadway known as Stillwater Heights Drive of the Timberwood Estates Definitive Subdivision, off North Main Street (Route 140), West Boylston, MA as depicted on the plans entitled "Record Acceptance Plan, Timberwood Estates – Stillwater Heights Drive," prepared by GRAZ Engineering, L.L.C.

BEGINNING at the most northwesterly corner of the right-of-way described herein at a granite stone bound with drill hole found on the easterly side of the 1978 State Highway Layout of North Main Street (Route 140) at land now or formerly of Gary L. Parker;

THENCE: By a tangential curve to the left with a radius of twenty-five (25) feet and a central angle

of 75°00'00" for distance of thirty-two and seventy-two hundredths (32.72) feet to a concrete bound with drill hole set;

THENCE: N 87°45'28" E, twenty-six and eighty-four hundredths (26.84) feet to a concrete bound with drill hole set;

THENCE: By a tangential curve to the right with a radius of three hundred twenty-five (325) feet and a central angel of 33°16'27" for a distance of one hundred eighty-eight and seventy-four hundredths (188.74) feet to a drill hole set in ledge with rebar plug;

THENCE: S 58°58'05" E, twelve and fifty-eight hundredths (12.58) feet to a drill hole set in ledge with rebar plug;

THENCE: By a tangential curve in the left with a radius of two hundred seventy-five (275) feet and a central angle of 54°01'24" for distance of two hundred fifty-nine and twenty-nine hundredths (259.29) feet to a concrete bound with drill hole set;

THENCE: N 67°00'31" E, two hundred seventy-eight and forty hundredths (278.40) feet to a point, and said point being N 67°00'31" E, one (1) foot from a concrete bound with drill hole set;

THENCE: By a tangential curve to the right with a radius of one hundred sixty (160) feet and a central angle of 103°42'24" for a distance of two hundred eighty-nine and sixty hundredths (289.60) feet to a concrete bound with drill hole set;

THENCE: S 9°17'05" E, one and five hundredths (1.05) feet to a point, said point being granite stone bound with drill hole found at the terminus of the existing Stillwater Heights Drive, right-of-way as set forth on a plan dated August 9, 1984 and recorded in the Worcester District Registry of Deeds Plan Book 523, Plan 33;

THENCE: S 73°08'35" E, fifty and forty-four hundredths (50.44) feet along the northerly line of said Stillwater Heights Drive to a point;

THENCE: N 9°17'05" W, seven and seventy hundredths (7.70) feet to a concrete bound with drill

hole set;

THENCE: By a tangential curve to the left with a radius of one hundred ten (110) feet and a central

angle of 103°42'24" for a distance of one hundred ninety-nine and ten hundredths

(199.10) feet to a concrete bound with drill hole set;

THENCE: S 67°00'31" W, two hundred seventy-eight and forty hundredths (278.40) feet to a

granite stone bound with drill hole set;

THENCE: By a tangential curve to the right with a radius of three hundred twenty-five (325) feet

and a central angle of 54°01'24" for a distance of three hundred six and forty-four

hundredths (306.44) feet to a concrete bound with drill hole set;

THENCE: N 58°58'05" W, twelve and fifty-eight hundredths (12.58) feet to a concrete bound with

drill hole set;

THENCE: By a tangential curve to the left with a radius of two hundred seventy-five (275) feet

and

a central angle of 33°17'04" for a distance of one hundred fifty-nine and seventy-five

hundredths (159.75) feet to a concrete bound with drill hole set;

THENCE: By a tangential curve to the left with a radius of twenty-five (25) feet and a central

angle

of 104°59'23" for a distance of forty-five and eighty-one hundredths (45.81) feet to a concrete bound with a drill hole set on the easterly sideline of said North Main Street;

THENCE: N 17°14'32" W, one hundred three and fifty-three hundredths (103.53) feet by said

easterly sideline of North Main Street to the point of beginning;

Containing 52,118 square feet (1.19647 acres) more or less.

ARTICLE 20 – PETITIONED ARTICLE TO ESTABLISH A BYLAW TO PLACE RESTRICTIONS ON THE USE OF RECREATIONAL VEHICLES

No Recreational Vehicle shall be operated within 500 yards of any private residence. Recreational Vehicles are defined as follow: Any motor vehicle designed or modified for use over unimproved terrain used for recreation or pleasure, whether or not requiring motor vehicle registration, including, without limitation, all-terrain vehicles, motorized dirt bikes, dune buggies, and go-carts; all legally registered motor vehicles when used off a public way, including, without limitations, mopeds, motorcycles, and four wheel drive vehicles; all motor vehicles designed to travel over ice or snow support in whole or in part by skis, belts, or cleats, including, without limitation, snowmobiles.

Any person violating this bylaw may be fined one hundred dollars (\$100) for the first offense, two hundred dollars (\$200) for the second offense, and five hundred dollars (\$500) for each subsequent offense. Also, after the second offense the equipment used in violation of this bylaw may be

confiscated.

ARTICLE 21 – PETITIONED ARTICLE TO ESTABLISH A BYLAW FOR RESTRICTIONS ON THE USE OF HEAVY DUTY CONSTRUCTION EQUIPMENT

Heavy duty construction equipment shall only be operated during the following hours:

Monday through Friday 7:00 A.M. to 6:00 P.M. Saturday 9:00 A.M. to 3:00 P.M.

Sunday none

Heavy duty construction equipment is defined as follows: construction equipment including, without limitation, backhoes, front end loaders, graders, excavators, cranes, bull dozers paving equipment and other similar equipment.

Any person violating this bylaw may be fined one hundred dollars (\$100) for the first offense, two hundred dollars (\$200) for the second offense, and five hundred dollars (\$500) for each subsequent offense.

<u>ARTICLE 22 – PETITIONED ARTICLE TO AMEND ZONING BYLAWS TO REDUCE THE</u> <u>RIGHT OF OPERATION IN THE BUSINESS DISTRICT</u>

To see if the town will amend the zoning bylaws by modifying Section 3.2 F Line 20 (Schedule of Use Regulations) as follows:

By deleting line 20 of the table:

Business Uses	SR	GR	В	I	C
20 Any business allowed under this section operating between the hours of	N	N	SP	SP	N
2:00 a.m. and 6:00 a.m.					

And replacing it with this Line 20 of the Table:

Business Uses	SR	GR	В	I	С
20 Any business allowed under this section operating between the hours of	N	N	SP	SP	N
11:00 p.m. and 6:00 a.m. excluding those businesses with a valid Common					
Victualler license that establishes operating hours.					

And you are directed to serve this Warrant by posting an attested copy thereof at the place of said meeting as aforesaid and at the Post Office in said Town seven (7) days at least before the time of said meeting.

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

Given under our hands this 28th day of September in the year of our Lord, Two Thousand and Five.

	Kevin M. McCormick, Chairman
	Christopher A. Rucho, Vice Chairman
	Allen R. Phillips, Clerk
	Alexander Fallavollita, Sr., Selectman
	John B. DiPietro, Sr., Selectman Board of Selectmen
A true copy attest:	Town of West Boylston
Kim D. Hopewell, Town Clerk	_
Honorable Board of Selectmen:	
I have served this Warrant by posting du	ly attested copies thereof at the following places:
Mixter Municipal Office Building	
West Boylston Middle/High School	
West Boylston Post Office	
Pruneau's Barber Shop	
Municipal Lighting Plant	
Beaman Memorial Library	
Constable	