

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF WEST BOYLSTON  
TOWN CLERK MEETING MINUTES**

**OCTOBER 16, 2006**

Article 1, Section 3 of the Town of West Boylston General Bylaws states that "One Hundred (100) legal voters, including the presiding officer and the clerk, shall constitute a quorum, provided that a number less than a quorum may vote an adjournment; and that not more than Seventy-five (75) shall be required to maintain a quorum once the meeting has been called to order by the Moderator and that a quorum of Seventy-five (75) be required to reconvene any adjourned session of any such meeting"

The Moderator was informed that 100 registered voters were in attendance and that the quorum requirement established by Article 1, Section 3 of the General Bylaws was met.

Town meeting was called to order at 7:07 p.m.

The following people were appointed and sworn in as tellers by the town clerk.

Dennis Mulryan	Elizabeth Witkowicz
Michael Vincent	Carolyn Padden
Michael Kittredge	Barbara Mard
Barbara Deschenes	Louise Howland

Moderator David Sweetman recognized the following Cub Scouts and Boy Scouts:

Webelos- Pack 151

Jayson Rego	Ben Baldi	Christian Bilgrein
Austin DuVarney	Nolan Gauthier	James Masse
Patrick McKeon	Mitch McGrath	Andy Meindersma
Flavio Mendonca	Eddy Salate	Sullivan Fisher

Boy Scouts- Troop 151

Joel Sylvester	Nick Gillum	Nick Buno
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Webelo Den Leader Mark Baldi assembled the scouts and led the town meeting in the Pledge of Allegiance.

Following the Pledge of Allegiance, a moment of silence was conducted for all the members of the community who have passed and the service men and women who have made the ultimate sacrifice serving in the armed forces in Iraq, Afghanistan and around the world.

Moderator David Sweetman asked for a motion to accept the provisions of Massachusetts General Law Chapter 39, Section 15 allowing the Moderator to determine a 2/3rd's Majority vote.

Motion- Kevin McCormick      Second- Allen Phillips Unanimously voted.

Upon a motion of David Sweetman and second by the floor it was unanimously voted to waive the reading of the warrant.

**ARTICLE 1 - Authorization To Hear The Reports Of Officers And Committees Of The Town**

MOTION Christopher Rucho  
SECOND Allen Phillips  
SPONSOR Board of Selectmen

It was unanimously voted to hear reports of the officers and standing committees of the town.

The following boards and committees presented reports:

Finance Committee  
Capital Investment Board

**ARTICLE 2 – Authorization To Name Goodale Park Field A “The Richard Townsend Field”**

MOTION Allen Phillips Recommendation- Parks Commission  
SECOND Christopher Rucho  
SPONSOR Parks Commission

It was voted by a simple majority to name Goodale Park Field A “The Richard Townsend Field”.

**ARTICLE 3 – Authorization To Rescind Previously Voted Debt Authorities**

MOTION Kevin McCormick Recommendation Board of Selectmen  
SECOND Christopher Rucho Finance Committee  
SPONSOR Board of Selectmen Sewer Commissioners  
Library Trustees

It was voted by a simple majority to accept this article as printed in the warrant, deleting the words “or take any other action relative thereto”.

It was voted to rescind the following unused debt authorities:

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

**ARTICLE 4 - Authorization To Transfer Money From The Sewer Enterprise**

MOTION Christopher Rucho Recommendation Finance Committee  
SECOND Alexander Fallavollita, Sr. Sewer Commissioners  
SPONSOR Board of Selectmen

It was unanimously voted to transfer the sum of \$226,634.20 from the Sewer Enterprise Fund to the Stabilization Fund for start-up betterment costs.

**ARTICLE 5 – Authorization To Expend Funds From The Capital Investment Fund To Fund Capital Equipment**

MOTION Kevin McCormick Recommendation School Committee  
SECOND Alexander Fallavollita, Sr. Finance Committee  
SPONSOR Board of Selectmen Capital Investment Bd.

## **Main Motion**

Motion to transfer \$43,000.00 from the Capital Investment Fund to purchase a one-ton truck for the Department of Public Works and \$25,000.00 to be expended by the School Department for the installation of security close circuit cameras, monitors, recording devices and associated wiring and related equipment at the West Boylston Middle/High School as recommended by the Capital Investment Board.

## **Motion to Amend**

Motion- Russell Chernin  
Second- Dick Johnson

Amendment to delete the following text:

“and \$25,000.00 to be expended by the School Department for the installation of security close circuit cameras, monitors, recording devices and associated wiring and related equipment at the West Boylston Middle/High School as recommended by the Capital Investment Board.”

After much debate, a request was made by Donald DeMarsh to separate the article into two articles, 5A and 5B and to vote on each separately.

## **Motions Withdrawn**

The motion to amend was withdrawn Russell Chernin and second by Dick Johnson  
The main motion was withdrawn by Kevin McCormick and second by Alexander Fallavollita, Sr.

## **Motion**

Motion- Russell Chernin  
Second- Dick Johnson

To separate the article as follows;

- o Article 5A- Transfer funds from the Capital Investment Fund to purchase a one-ton truck for the D.P.W.
- o Article 5B- Transfer funds from the Capital Investment Fund to be expended by the School Department

Motion to separate carries by a simple majority.

### **Article 5A- Transfer funds from the Capital Investment Fund to purchase a one-ton truck for the D.P.W.**

Motion - Kevin McCormick  
Second- Alexander Fallavollita, Sr.

It was voted unanimously to transfer \$43,000.00 from the Capital Investment Fund to purchase a one-ton truck for the Department of Public Works.

### **Article 5B- Transfer funds from the Capital Investment Fund to be expended by the School Department**

Motion- Allen Phillips  
Second- Christopher Rucho

By a hand count vote of 92 in favor and 79 opposed, this article has failed to carry the required 2/3rds vote.

This article would have allowed the School Department to spend \$25,000.00 for the installation of security close circuit cameras, monitors, recording devices and associated wiring and related equipment at the West Boylston Middle/High School.

**ARTICLE 6 - Authorization To Appropriate Funds For Repairs To The Heating System Of The Beaman Memorial Public Library**

MOTION	Kevin McCormick	Recommendation	Library Trustees
SECOND	Alexander Fallavollita, Sr.		Finance Committee
SPONSOR	Library Trustees		

It was voted by a simple majority to appropriate 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 at the Beaman Memorial Public Library.

**ARTICLE 7 - Authorization To Appropriate Funds For Assessors Cyclical Inspection Program**

MOTION	Allen Phillips	Recommendation	Board of Assessors
SECOND	Christopher Rucho		Finance Committee
SPONSOR	Board of Assessors		

It was voted by a simple majority to transfer the sum of \$30,000.00 from Overlay Surplus Funds to be expended by the Board of Assessors to conduct property inspections in fulfillment of Massachusetts Department of Revenue mandates requiring the periodic inspection of all properties for property tax assessment purposes.

**ARTICLE 8 - Authorization To Appropriate Funds For A Needs Assessment/Feasibility Study**

MOTION	Kevin McCormick	Recommendation	Finance Committee
SECOND	Christopher Rucho		Municipal Building Comm.
SPONSOR	Board of Selectmen		Town-Wide Planning School Committee

It was declared a 2/3rds majority affirmative vote by Moderator David Sweetman under the provisions of M.G.L. Ch. 39 § 15 to allow the town to transfer \$180,000.00 from the Stabilization Fund, of which \$30,000.00 is to be expended by the School Department and \$150,000.00 is to be expended by the Board of Selectmen for a Needs Assessment/Feasibility Study and that any funds not expended or committed to be expended under a contract by October 31, 2007 shall revert to the Stabilization Fund.

**ARTICLE 9— Appropriation Of Funds For Town-Wide Planning Committee**

MOTION	Christopher Rucho	Recommendation	Finance Committee
SECOND	Kevin McCormick		Town-Wide Planning
SPONSOR	Board of Selectmen		

Article 9 failed by a vote of 68 for, and 107 opposed.

This article would have allowed the town to raise and appropriate 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.

**ARTICLE 10 – Appropriation Of Funds For A Wage And Classification Study**

MOTION	Alexander Fallavollita, Sr.	Recommendation	Personnel Board
SECOND	Kevin McCormick		Bylaws Committee
SPONSOR	Board of Selectmen		Finance Committee

It was voted by a simple majority to raise and appropriate, the sum of Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00) for the Town Administrator to conduct a Wage and Classification Study.

**ARTICLE 11 – Acceptance Of Massachusetts General Laws Chapter 44 Section 55C**

MOTION	Allen Phillips	Recommendation	Planning Board
SECOND	Kevin McCormick		Town-Wide Planning
SPONSOR	Town Clerk		Housing Partnership Bylaw Committee

It was voted by a simple majority to accept this article as printed in the warrant deleting the words;

- o “or take any other action relative thereto”, and
- o deleting all references to “Chapter 40” and to replacing said references with “Chapter 44.”

It was voted to accept the provisions of Massachusetts General Laws Chapter 44, 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.

**ARTICLE 12 - Authorization To Board Of Health To Enter Into An Inter-Municipal Agreement**

MOTION	Alexander Fallavollita, Sr.	Recommendation	Board of Health
SECOND	Allen Phillips		
SPONSOR	Board of Health		

It was voted by a simple majority to accept this article as printed in the warrant deleting the words “or take any other action relative thereto”.

It was voted to authorize the Board of Health, in accordance with M.G.L. Ch. 40 Section 4A, 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.

**ARTICLE 13 – Acceptance Of Massachusetts General Laws Chapter 39, Section 23D**

MOTION	Kevin McCormick	Recommendation	Board of Selectmen
SECOND	Alexander Fallavollita, Sr.		
SPONSOR	Board of Selectmen		

It was voted by a simple majority 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.

**ARTICLE 14 – Authorization To Modify Fiscal Year 2007 Appropriations And Other Necessary Adjustments To The Fiscal Year 2007 Budget**

MOTION Christopher Rucho Recommendation Finance Committee  
 SECOND Kevin McCormick Sewer Commissioners  
 SPONSOR Board of Selectmen

It was voted unanimously to raise and appropriate \$69,630 and transfer and appropriate \$194,994.19 for the purpose of amending the FY 2007 budget as printed on the document provided at town meeting.

Department	Appropriated Amount	Type/Source of Funding	Appropriate to Account Name
Board of Assessors	\$600.00	Raise and Appropriate	FY07 BOA Salaries and Wages Budget
Building Inspector	\$30,000.00	Raise and Appropriate	FY07 BI Salaries and Wages Budget
Maturing Debt -Interest	\$39,030.00	Raise and Appropriate	Maturing Debt- Interest
Town Accountant	\$15,000.00	Overlay Surplus	FY07 TwnAct Contract Services Budget
Short Term Debt	\$10,970.00	Interest on Temp. Loan	Maturing Debt- Interest
Police Department	\$28,215.00	FY07 Group Health Ins. Budget	FY07 Police Salaries & Wages Budget
	\$1,320.00	FY07 Group Health Ins. Budget	FY07 Police Purchased Services Budget
Cemetery Department	\$5,100.00	FY07 Cemetery Supply Acct.	FY07 Cemetery Salaries & Wages Budget
DPW	\$17,000.00	FY07 Group Health Ins. Budget	FY07 Streets/Parks Salaries & Wages Budget
	\$10,000.00	FY07 Group Health Ins. Budget	FY07 Snow & Ice Salaries & Wages Budget
Public Education	\$100,000.00	FY07 Group Health Ins. Budget	FY07 School Dept. Budget
Fire Department	\$9,389.19	Fire Dept. Employee Details Agency Acct.	FY07 Fire Dept. Supplies Budget

**ARTICLE 15- Authorization To Amend The Zoning Bylaws To Increase The Density Of Multi-Family Dwellings When Sewer Service Is Permitted**

MOTION Kevin McCormick Recommendation- Planning Board  
 SECOND Christopher Rucho Bylaws Committee  
 SPONSOR Planning Board Town-Wide Planning

It was affirmatively voted by a 2/3rds majority as declared by the Moderator under provision of M.G.L. Ch. 39 § 15 to accept this article as printed in the warrant, deleting the words “or take any other action relative thereto”.

It was voted to allow the town 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.”*

**ARTICLE 16 – Authorization To Amend The Zoning Bylaws To Decrease The Minimum Lot Size In The Industrial District**

MOTION Allen Phillips Recommendation- Planning Board  
 SECOND Christopher Rucho Bylaws Committee  
 SPONSOR Planning Board Town-Wide Planning

It was unanimously voted to accept this article as printed in the warrant, deleting the words “or take any other action relative thereto”.

It was voted 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:

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

And replacing it with this Table:

<b>DISTRICT</b>	<b>Min. Lot Size</b>	<b>Min. Lot Frontage (In feet)</b>	<b>Min. Yards (In feet)</b>		
			<b>Front</b>	<b>Side</b>	<b>Rear</b>
<i>Single Residence</i>	<i>40,000 square feet</i>	<i>120</i>	<i>25</i>	<i>10</i>	<i>10</i>
<i>General Residence</i>	<i>40,000 square feet</i>	<i>120</i>	<i>25</i>	<i>10</i>	<i>10</i>
<i>Business</i>	<i>1 acre</i>	<i>150</i>	<i>10</i>	<i>10</i>	<i>10</i>
<i>Industrial</i>	<i>2 acres</i>	<i>150</i>	<i>50</i>	<i>10</i>	<i>10</i>
<i>Aquifer Protection</i>	<i>50,000 square feet</i>	<i>150</i>	<i>25</i>	<i>10</i>	<i>10</i>

**ARTICLE 17 – Authorization To Amend The General Bylaws Of The Town Of West Boylston To Include Article XXX - Sex Offender Residency Bylaw**

MOTION Allen Phillips Recommendation- BOS  
 SECOND Kevin McCormick Police Department  
 SPONSOR Board of Selectmen No Recommendation- Bylaws Committee

It was voted by a simple majority to accept this article as printed in the warrant deleting the words;

- o “or take any other action relative thereto”, and;

- o striking the words “such a subsequent offence constitutes a breach of the peace for which the offender is also subject to immediate arrest” in Section 2 d ii.

It was voted 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.
- 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.

**ARTICLE 18 – Petitioned Article To Accept Chino Ave.**

MOTION Susan Abramson Recommendation- Planning Board  
SECOND Allen Phillips  
SPONSOR Connerstone Engineering

It was unanimously voted to accept this article as printed in the warrant deleting the words “or take any other action relative thereto”.

It was voted to accept the roadway known as Chino Ave. of the Bonnie View II Subdivision Plan prepared by Connerstone 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.

**ARTICLE 19 – Petition To Accept Stillwater Heights Drive Of The Timberwood Estates Definitive Subdivision**

MOTION Susan Abramson Recommendation- Planning Board  
SECOND Allen Phillips  
SPONSOR GRAZ Engineering, L.L.C.

It was voted unanimously to accept this article as printed in the warrant deleting the words “or take any other action relative thereto”.

It was voted 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 angle 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**

MOTION	David Casey	Recommendation-	against acceptance	Bylaws Committee
SECOND	Russell Chernin			
SPONSOR	David Casey			

Article 20 was defeated by simple majority.

This article would have restricted the use of Recreational Vehicles from operating within 500 yards of any private

residence.

Recreational Vehicles are defined as follows:

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**

MOTION	David Casey	Recommendation-	against acceptance	Bylaws Committee
SECOND	Russell Chernin			
SPONSOR	David Casey			

Article 21 was defeated by simple majority.

This article would have restricted the use of Heavy Duty construction equipment operation to 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.

**ARTICLE 22 – Petitioned Article To Amend Zoning Bylaws To Reduce The Right Of Operation In The Business District**

No Motion was made from the floor.

Article is dead.

Article 22 would have amended the zoning bylaws by modifying Section 3.2 F Line 20 (Schedule of Use Regulations) as follows:

By deleting line 20 of the table:

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

And replacing it with this Line 20 of the Table:

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

Planning Board Chairwoman Karen Pare informed town meeting floor that the Planning Board will be holding a public hearing in January regarding this proposed bylaw change.

Motion to adjourn- Christopher Rucho  
Second- Allen Phillips

Adjourned 10:15 p.m.

Attest

Kim D. Hopewell  
Town Clerk