

TOWN OF HOLLISTON
SPECIAL TOWN MEETING
NOVEMBER 1, 2012

The Special Town Meeting of November 1, 2012 was originally scheduled for October 29, 2012, but postponed due to Hurricane Sandy. On Oct. 29, 2012, Moderator Kevin Clancy, Selectman Jay Marsden, Selectman Jay Leary, Selectman Kevin Conley, Town Administrator Paul LeBeau, Town Council William Mayer, Police Lieutenant Shawn Moore and Town Clerk Elizabeth Greendale, met at the High School. Kevin Conley made a motion to adjourn the meeting to November 1, 2012 at 7:30 PM, the Motion was seconded and passed unanimously. On November 1, 2012, the Special Town Meeting held at the High School Auditorium was brought to order by Moderator Kevin Clancy at 7:30 with a quorum of 124, and growing.

The moderator read the warrant and went over the preliminary rules for Town Meeting and then read the following motion as required by the Town By-Laws.

PRIOR TO ARTICLE 1

MOTION: Moved that the following non-resident Town officials, consultants to committees and petitioners be allowed to speak during the course of this Special Town Meeting:

Ann McCobb	Health Director/Agent
Leslie McDonnell	Library Director
Mary Bousquet	Treasurer/Collector
David Nalchajian	Town Accountant
Kathryn Peirce	Principal Assessor
Peter Tartakoff	Building Inspector
Brad Jackson	Superintendent of Schools
Sara Ahern	Assistant Superintendent of Schools
Tom Smith	Highway Superintendent
Karen Sherman	Town Planner
John Moore	Police Chief
Brenda Farrell	Housing Authority Director
Cheryl Rudolph	Animal Control Officer
Ronald Sharpin	Water Superintendent
Charles Corman	Technology Director
Charles Katuska	Conservation Agent

SECONDED

DISCUSSION: Our Town By-Laws require that the Town Meeting vote to allow non-residents and non-voters to address the Town Meeting.

VOTE: Passed by unanimous voice vote.

Prior to the start of Town Business, Selectman Jay Marsden read a Proclamation to resident Bob Blair dedicating the new Railroad Street Park as *Blair Square*.

ARTICLE 1. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for unpaid bills from prior years; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that the Town raise and appropriate the sum of \$10,086.33 for invoices from fiscal year 2012.

SECONDED

DISCUSSION: Ken Szajda, 676 Fiske St., gave a presentation on the state of the Town's finances. Bill Dowd, 95 Shaw Farm Rd., suggested that we don't rush through the Articles and make mistakes that can't be fixed.

VOTE: Passed by unanimous voice vote to accept Article 1 as stated in the motion.

ARTICLE 2. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of supplementing various accounts of the Town's fiscal year 2013 annual budget, previously voted by the Town under Article 16 of the Warrant for the 2012 Annual Town Meeting; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that the Town vote to make the following changes in the 2013 Omnibus Budget:

1. raise and appropriate \$10,000 to Selectmen's Account 52000;
2. raise and appropriate \$2,000 to Treasurer/Collector Account 52000;
3. raise and appropriate \$7,348 to Town Clerk Account 51000;
4. reduce Employee Benefits Account 51750 by \$150,416;
5. reduce Employee Benefits Account 51780 by \$4,867;
6. raise and appropriate \$750 to Police Department Account 58000;
7. transfer \$190 from Auxiliary Police Account 57000 to Auxiliary Police Account 54000; and
8. raise and appropriate \$131,377 to Fire Department Account 51000;
9. raise and appropriate \$233,464 to School Department Account 51000;
10. raise and appropriate \$36,999 to Debt Service Account 57600; and
11. transfer \$20,166 from Reserved for Appropriation to Water Department Account 57000.

SECONDED

DISCUSSION: Liz Theiler, 17 Norland St., asked what the increases in the Selectmen's and Town Clerk's budgets are for. Jay Marsden, 32 Wendy Ln. and Chairperson of the Board of Selectmen, said their request was for a new Town Website and GIS program. Town Clerk Elizabeth Greendale, 198 Highland St., explained that the Part Time staff member in the office was needed to stay on permanently at 18 hours per week requiring no benefits because employees who work under 20 hours are not eligible for benefits. Jarad Adams, 3 Peter St., and Chairperson of the Water Commissioners, explained that their transfer is from an insurance claim that needed to be returned to the Water Dept. Bill Dowd, 95 Shaw Farm Rd., encouraged the Town to collect and compare data from other Fire Departments for compensation purposes. Fire Chief Michael Cassidy, 51 Burnap Rd., gave comparisons from Holden, Stow, Ipswich, Lunenburg, Sturbridge and said there were more.

VOTE: Passed by unanimous voice vote to accept Article 2 as stated in the motion.

ARTICLE 3. To see if the Town will vote to transfer from available funds a sum of money for the purpose of reducing the amount of money to be raised through property taxes for fiscal year 2013; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that the Town appropriate the sum of \$1,819,966 from Free Cash for the purpose of resolving any deficits and reducing the amount of money to be raised through property taxes for fiscal year 2013.

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to accept Article 3 as stated in the motion.

ARTICLE 4. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the Stabilization Fund; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that the Town raise and appropriate the sum of \$1,309,000 to the Stabilization Fund.

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to accept Article 4 as stated in the motion.

ARTICLE 5. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the Capital Expenditure Fund; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that the Town raise and appropriate the sum of \$434,246 to the Capital Expenditure Fund.

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to accept Article 5 as stated in the motion.

ARTICLE 6. To see if the Town will vote to authorize the Board of Selectmen to hold a public auction for the purpose of disposing of surplus departmental equipment; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that the Board of Selectmen be authorized to dispose of the following surplus property reported by the School Department: gas powered golf cart and cheerleading mats.

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to accept Article 6 as stated in the motion.

ARTICLE 7. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of capital expenditures, including replacement and new vehicles and equipment, for the Highway, Police, School, Park, Council on Aging, Library, Water and Fire departments, and authorize the Board of Selectmen to trade or sell used equipment toward part of the purchase price; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that the Town appropriate \$98,000 from the Capital Expenditure Fund for three Police Department vehicles; appropriate \$2,200 from the Capital Expenditure Fund for Police Department equipment; appropriate \$25,000 from the Capital Expenditure Fund for improvements to the Central Fire Station; appropriate \$57,900 from the Capital Expenditure Fund for technology improvements for the School Department; appropriate \$10,000 from the Capital Expenditure Fund for repairs to the Placentino/Miller cafetorium wall; appropriate \$170,000 from the Capital Expenditure Fund for an excavator and dump truck/plow for the Highway Department; appropriate \$2,500 from the Capital Expenditure Fund for heating system improvements at the Senior Center; and appropriate \$7,678 from the Capital Expenditure Fund for lighting

improvements to the Public Library; and authorize a trade-in of two Ford Crown Victoria vehicles.

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to accept Article 7 as stated in the motion.

ARTICLE 8. To see if the Town will vote to act on the report of the Community Preservation Committee on the fiscal year 2013 Community Preservation budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund annual revenues or available funds for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of community preservation projects and all other necessary and proper expenses for the year; or take any action relative thereto. (**Community Preservation Committee**)

MOTION:

MOVE: To allocate \$387,000 from estimated FY2013 Community Preservation Act surcharge receipts in the following four reserves in the amounts specified.

Community Housing Reserve	\$38,700
Open Space Reserve	\$38,700
Historic Resources Reserve	\$38,700
Community Preservation Fund Budget Reserve	<u>\$270,900</u>
Total	\$387,000

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to accept the motion as stated above.

MOVE: To reserve \$105,345 under the Community Preservation Act from state matching funds distributed on October 15, 2012 in the following four reserves in the amounts specified.

Community Housing Reserve	\$10,535
Open Space Reserve	\$10,535
Historic Resources Reserve	\$10,535
Community Preservation Fund Budget Reserve	<u>\$73,740</u>
Total	\$105,345

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to accept the motion as stated above.

MOVE: To appropriate \$90,484 for fiscal 2013 from the Community Preservation Open Space Reserve and \$15,968 from the Capital Expenditure Fund for a total of \$106,452 for the Miller School Playground Committee to support the funding of a new playground equipment structure and surface. The playground equipment and surface work must be completed within two years of the October 2012 Town Meeting.

SECONDED

DISCUSSION: Sam Tyler, 353 Chamberlain St., said that a request like this would not have been approved in the past, but due to recent State Legislation this type of funding is now possible.

VOTE: Passed by unanimous voice vote to accept the motion as stated above.

MOVE: To appropriate \$255,000 for fiscal 2013 from the Community Preservation Fund Budget Reserve and \$45,000 from the Capital Expenditure Fund for a total of \$300,000 for the Parks & Recreation Department for capital improvements for the tennis courts and basketball court located at Goodwill Park. The improvements will include drainage mitigation, reconstruction and resurfacing of the four tennis courts, resurfacing of the basketball court and the replacement of backboards and the upgrading of existing lighting fixtures and the installation of four new poles and lighting fixtures. The capital improvements work must be completed within two years of the October 2012 Town Meeting.

SECONDED

DISCUSSION: Peter Hill, 63 Concord St., asked why the Park needs lights if it closes at dusk. Melissa Kaspern, 109 Robert Rd., stated that sometimes during inclement weather the lighting is inadequate, The Park Commissioners were discussing that when the weather is still warm and it gets dark at 6:00 PM some people might still enjoy playing tennis. Their intention is not to keep them on until 10:00 PM, but maybe until 7 or 8 PM Ken Rockett, 21 Hampshire St., asked if we voted to repair the tennis courts maybe 10 years ago. Melissa Kaspern, said that in 2002 the Finance Comm. approved \$100,000 for a short term fix, which lasted the 10 year estimate. The company doing this new work is guaranteeing it will last 25 years.

VOTE: Passed by unanimous voice vote to accept the motion as stated above.

ARTICLE 9. To see if the Town will vote to accept the provisions of section 75 of Chapter 135 of the Acts of 2012, amending section 3 of Chapter 44B of the Massachusetts General Laws, to extend the exemption under the Community Preservation Act to commercial and industrial property; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that the Town accept the provisions section 3 of Chapter 44B of the Massachusetts General Laws, as amended by section 75 of Chapter 135 of the Acts of 2012, and provide that the exemption from the Community Preservation Act surcharge for the first \$100,000 of assessed value shall be extended to property classified as commercial and industrial.

SECONDED

DISCUSSION: Bill Dowd, 95 Shaw Farm Rd., Wants the Finance committee to make a recommendation on this Article because the By-Laws state that they “shall make a recommendation on all financial articles”. Town Counsel Bill Mayer responded that the Article is valid and the Finance Committee has the choice of whether they view it as a financial article or not. Kevin Conley, 44 Cranberry Ln., commented that this is a Small Business Initiative. Mark Schultz, 21 Wedgewood Dr., spoke against the Article. Kevin Conley explained that this is the first of a two step process; if this Article passes it must go on the ballot for the Annual Town Election.

VOTE: Passed by majority hand count vote to accept Article 9 as stated in the motion.
Yes: 81 No: 69

ARTICLE 10. To see if the Town will vote to authorize the Board of Selectmen to seek special legislation substantially as follows:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. As used in this act, the following words shall have the following meanings:

“GASB 43 and 45”, statements 43 and 45 of the Governmental Accounting Standards Board as amended from time to time and their successors.

“Other post-employment benefits” or “OPEB”, post-employment benefits other than pensions as that term is defined in GASB 43 and 45, including post-employment healthcare benefits, regardless of the type of plan that provides them, and all post-employment benefits provided separately from a pension plan, excluding benefits defined as termination offers and benefits.

SECTION 2. (a) There shall be in the Town of Holliston an OPEB Trust Fund, which shall be under the supervision and management of a five (5) member board of trustees comprised of the Chair of the Board of Selectmen, the Town Administrator, the Town Treasurer and Tax Collector, the Chair of the School Committee and a resident appointed by the Board of Selectmen. The Town Treasurer and Tax Collector shall be the custodian of the OPEB Trust Fund and may employ an outside custodial service.

(b) Beginning in fiscal year 2013, the OPEB Trust Fund shall be credited with all amounts, appropriated or otherwise made available by the town for the purposes of meeting the current and future OPEB costs payable by the town. The OPEB Trust Fund shall be credited with all amounts contributed or otherwise made available by employees of the town, for the purpose of meeting future OPEB costs payable by the town. Any interest or other income generated by the fund shall be added to and become part of the fund. Any reimbursements that a political subdivision receives, as a participant in the Retiree Drug Subsidy Program created under the Medicare Prescription Drug Improvement and Modernization Act of 2003 (Pub. L. No. 108-173) or a qualified retiree prescription drug plan under 42 U.S.C. section 1395w-132, may be added to and become part of said fund. Amounts in the OPEB Trust Fund, including any earnings or interest accruing from the investment of these amounts, shall be expended only for the payment of the costs payable by the town for OPEB in consultation with said retirement board. Subject in each instance to the approval of the Board of Trustees, the Town Treasurer and Tax Collector shall invest and reinvest the amounts in the OPEB Trust Fund not needed for current disbursement consistent with the prudent person rule and sections 3, 4, 5, 8 and 9 of Chapter 203C of the General Laws, but no funds may be invested directly in mortgages or in collateral loans. All monies held in the fund shall be segregated from other funds and shall not be subject to the claims of any general creditor of the Town of Holliston.

(c) Said board of trustees may employ any qualified bank, trust company, corporation, firm or person to advise it on the investment of the OPEB Trust Fund and may pay from the OPEB Trust Fund for this advice and other services determined by said board of trustees. Procurement for these services shall be subject to Chapter 30B of the General Laws.

SECTION 3. (a) An actuary, who shall be a member of the American Academy of Actuaries, shall perform an actuarial valuation of the town's OPEB liabilities and funding schedule, as of June 30, 2013, and no less frequently than every second year thereafter. The determinations shall be made in accordance with generally accepted actuarial standards and shall conform to the requirements of GASB 43 and 45 and the actuary shall make a report of the determinations to the town. The report shall, without limitation, detail the demographic and economic actuarial assumptions used in making the determinations and each report after the first report shall also include an explanation of the changes, if any, in the demographic and economic actuarial assumptions employed and the reasons for the changes.

(b) Beginning in fiscal year 2012, all payments for the purposes of meeting the town's costs of OPEB under this act shall be made from the OPEB Trust Fund. Funds in the OPEB Trust Fund shall be segregated from all other funds. Disbursements from the OPEB Trust Fund, including any earnings or interest accruing from the investment of these amounts, shall only be based on sections 1 to 3, inclusive, of this act.

SECTION 4. This act shall take effect upon its passage; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that the Town vote to authorize the filing of special legislation as stated in the Article.

SECONDED

DISCUSSION: Bill Dowd, 95 Shaw Farm Rd., urged reform of Chapter 32 B. Jay Marsden, 45 Wendy Ln., said that this plan was proposed to give the Town more flexibility in handling these liabilities. Sam Tyler, 353 Chamberlain St., said that what we have before us are 2 different options to manage OPEB Trust. This Trust will be irrevocable and can't be touched for anything else. Mark Shultz, 21 Wedgewood Dr., agrees that something needs to be done, and also understands how complex an issue this is. Would also like this explained in very simple terms. Ken Szajda, 676 Fiske St., urged the passing of this Article over Article 11, in the hopes it will be approved by the State. He also noted that this Trust would allow for investing at a greater return.

VOTE: Passed by voice vote to accept Article 10 as stated in the motion.

ARTICLE 11. To see if the Town will vote to accept the provisions of section 20 of Chapter 32B of the Massachusetts General Laws, as amended by section 57 of Chapter 68 of the Acts of 2011, to provide for a separate Other Post Employment Benefits Liability Trust Fund; to determine the custodian of the fund; and to raise and appropriate or transfer from available funds a sum of money for the purpose of the fund; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that the Town vote to indefinitely postpone this Article.

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to Indefinitely Postpone Article 11.

ARTICLE 12. To see if the Town will vote to accept the provisions of section 5N of Chapter 59 of the Massachusetts General Laws; create a veterans' volunteer

services/real property tax obligation program; determine whether said program shall include approved representatives of disabled veterans and determine whether the maximum of the tax obligation reduction shall be based on 125 hours or one thousand dollars (\$1,000); and raise and appropriate or transfer from available funds a sum of money for the purpose of the program; or take any action relative thereto. (**Board of Selectmen**)

MOTION: Moved that the Town vote to raise and appropriate the sum of \$10,000 for the purpose of a veterans' volunteer services/real property obligation program to include approved representatives of disabled veterans with a maximum tax obligation reduction of one thousand dollars (\$1,000).

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to accept Article 12 as stated in the motion.

ARTICLE 13. To see if the Town will vote to accept the provisions of clause 41A of section 5 of Chapter 59 of the Massachusetts General Laws and increase the annual income limit for seniors applying for tax deferral from thirty thousand dollars (\$30,000) to forty thousand dollars (\$40,000); or take any action relative thereto. (**Board of Assessors**)

MOTION: Moved that the Town vote to accept the provisions of clause 41A of section 5 of Chapter 59 of the Massachusetts General Laws and increase the annual income limit for seniors applying for tax deferral from thirty thousand dollars (\$30,000) to forty thousand dollars (\$40,000).

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to accept Article 13 as stated in the motion.

ARTICLE 14. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of revising and updating the Town's Web site; or take any action relative thereto. (**Board of Selectmen**)

MOTION: Moved that the Town raise and appropriate the sum of \$10,000 for the purpose of revising and updating the Town's Web site.

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to accept Article 14 as stated in the motion.

ARTICLE 15. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of providing additional funds to complete the construction of a new well house at well #7; installation of the necessary water main to connect to the existing Dopping Brook Water Treatment plant; make any necessary modifications to the existing treatment plant; and complete modifications to the Joseph M. Finn Water Treatment Facility; or take any action relative thereto. (**Board of Water Commissioners**)

MOTION: Moved that the Town appropriate \$195,351.50 for the purpose of providing additional funds to complete the construction of a new well house at well #7; installation of the necessary water main to connect to the existing Dopping Brook Water Treatment plant; make any necessary modifications to the existing treatment plant; and complete modifications to the Joseph M. Finn Water Treatment Facility, said \$195,351.50 to come from the following available funds:

1. \$160,000 from Article 13 of the Warrant for the October 25, 2010 Special Town Meeting;
2. \$17,378 from Article 27 of the Warrant for the 2008 Annual Town Meeting;
3. \$17,973.50 from Article 31 of the Warrant for the 2010 Annual Town Meeting.

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to accept Article 15 as stated in the motion.

ARTICLE 16. To see if the Town will vote to transfer a sum of money from Water Surplus Retained Earnings to the General Fund; or take any action relative thereto. (**Board of Water Commissioners**)

MOTION: Moved that the Town vote to transfer \$25,000 from Water Surplus retained earnings to the General Fund.

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to accept Article 16 as stated in the motion.

ARTICLE 17. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of establishing a sharps disposal program; or take any action relative thereto. (**Board of Health**)

MOTION: Moved that the Town vote to raise and appropriate \$2,640 for the purpose of establishing a sharps disposal program.

SECONDED

DISCUSSION: Andrew Mades, 135 Norfolk St., asked what the “sharps disposal program” is. Jay Leary, 146 Karen Cir., explained that up until this year used needles were allowed to be disposed of in regular trash, and now they have to be disposed of professionally.

VOTE: Passed by unanimous voice vote to accept Article 17 as stated in the motion.

ARTICLE 18. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation substantially as follows:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding the provisions of Chapter 32B of the Massachusetts General Laws, part-time elected officials of the Town of Holliston who receive an annual stipend of less than five thousand dollars (\$5,000) shall not be eligible for participation in the Town’s contributory health and life insurance benefits plans effective May 22, 2013; except that such elected officials may be deemed eligible to participate in said plans provided that they pay the full monthly cost, plus any administrative costs assessed by the Board of Selectmen, to the Town.

SECTION 2. This act shall take effect upon its passage.; or take any action relative thereto. (**Board of Selectmen**)

Article was written with a type-o, the above “Section 2” was originally printed with “Section 4”. Corrected by the Moderator.

MOTION: Moved that the Town vote to authorize the filing of special legislation as stated in the Article.

SECONDED

DISCUSSION: Liz Theiler, 17 Norland St., wants to know why the date of May 22, 2013 was chosen. Jay Marsden, Chairman of the Board of Selectmen, stated that the Town Election is May 21, 2013 and this would give an elected official until the next election cycle or to be voted out of office.

A Motion to Amend Section 1, effective date of May 22, 2013 to effective immediately, was made by Liz Theiler. Seconded. Michelle Zeamer, 583 Winter St., asked if this By-Law will have to be approved by the Attorney General's Office. Town Counsel, William Mayer, said that this would be enacted upon by the Senate and House of Representatives. The effective date would not be determined by Town Meeting, it would be effective upon its passage through the Legislature.

Vote to Amend Article 18 was defeated by voice call vote.

VOTE: Article 18 was defeated by hand count vote.

Yes 35 No 75

ARTICLE 19. To see of the Town will vote to amend Section V-L Groundwater Protection District of the Zoning By-laws as follows in accordance with the Commonwealth of Massachusetts Executive Office of Energy & Environmental Affairs Department of Environmental Protection Drinking Water Program permit issued to the Holliston Water Department on July 18, 2012 (strikethrough indicates text to delete and bold italic text is new):

V-L GROUNDWATER PROTECTION DISTRICT

3. Establishment and Delineation of Groundwater Protection District

The boundaries of this district are delineated on maps at a scale of 1" – 600' entitled "Aquifer Protection District, Town of Holliston" and ~~1" – 1000'~~ **1" – 3000'** entitled "Zone II and Zone III Delineation" (~~1998, Earth Tech~~ ***prepared by Whitman & Howard, 1996 and approved by the Attorney General on September 21, 2000***) on file with the Office of Town Clerk and Inspector of Buildings, which maps are hereby made part of this by-law. (***Previously amended May 2000 – ATM, Article 35***)

and

4(A)(3) Zone II: Permitted Uses.

- b. Residential development of single family detached dwellings or any residential building, structure or use other than single-family dwellings on lots of at least 40,000 square feet in area, such that no more than ~~20%~~ ***15% or 2,500 s.f. whichever is greater***, of the ~~any~~ building lot is rendered impervious ***unless a system of artificial recharge of precipitation is provided that will not result in the degradation of groundwater quality*** and on-site sewage disposal is equal to, or less than, 110 gallons per day per 10,000 square feet of lot area, but no greater than 15,000 gpd.

and

4(B)(2) Zone II: Prohibited Uses.

- k. Storage of animal manure, unless ~~the storage container is covered or contained in accordance with the specifications of the Natural Resource conservation Service~~ *within a structure designed to prevent the generation and escape of contaminated runoff or leachate.*

or take any action relative thereto. (**By Petition**)

MOTION: Moved that the Town vote to amend the Zoning By-laws of the Town of Holliston as stated in the Article.

SECONDED

DISCUSSION: Jarad Adams, 3 Peter St., said that this Article was put on the Warrant by the Water Commissioners at the request of the Dept. of Environmental Protection. Ken Szajda, 676 Fiske St., asked why this is being taken up at a Fall Town Meeting when as a matter of course Zoning Articles are only taken up at the Annual Town Meeting. Jarad Adams answered that they (the Water Commissioners) wanted to keep the DEP happy. Donna Kramer, 583 Adams St., wants to know what constitutes a roof. Jarad Adams said that this Article is tightening up a By-Law from the 1980's that referred to containment of manure and this would put a roof on the container so as to prevent run off from rain. Water Superintendant Ron Sharpin, said that a tarp would be a sufficient cover. Aislinn Weaver, 69 Woodland St., asked if the use of manure as a garden fertilizer would be prohibited. Jarad Adams responded that it would not be prohibited.

****See Attachment of Letter from the Planning Board**

VOTE: Passed by unanimous voice vote to accept Article 19 as stated in the motion.

ARTICLE 20. To see if the Town will vote to authorize the Board of Selectmen to grant an easement on the public way known as Curve Street for the benefit of Lots 2W (418 Washington Street) and 6 (46 Curve Street) on Block 3 of Assessors' Map 11G, said lots currently owned by L.M.C. Realty Trust; or take any action relative thereto. (**Board of Selectmen**)

MOTION: Moved that the Town vote to authorize the Board of Selectmen to grant an easement on the public way known as Curve Street for the benefit of Lots 2W (418 Washington Street) and 6 (46 Curve Street) on Block 3 of Assessors' Map 11G, as shown on a plan entitled amend the Zoning By-laws of the Town of Holliston as stated in the Article.

SECONDED

DISCUSSION: A motion was made by Jarad Adams to allow Wayland resident Magali Black to speak to Town Meeting on behalf of the Trust. Seconded. Vote was made and

the Motion passed by unanimous voice vote to allow Ms. Black to speak. Ms. Black explained that the owner's have property across the street from the plaza and that the pipe has been under the street for about 50 years. Ken Szajda, 676 Fiske St., asked where this easement is. Jay Marsden explained that the easement is a pipe running from behind Bertuccis to the septic system across the street. This easement would allow the owner access to the pipe if it ever needed repair or replacement.

VOTE: Passed by unanimous voice vote to accept Article 20 as stated in the motion.

ARTICLE 21. To see if the Town will vote, in accordance with section 134 of Chapter 164 of the Massachusetts General Laws, to authorize the Board of Selectmen to enter into a process to aggregate electrical load for electric utility customers in the Town of Holliston; or take any action relative thereto. (**Board of Selectmen**)

MOTION: Moved that the Town vote to authorize the Board of Selectmen to enter into a process to aggregate electrical load for electric utility customers in the Town of Holliston.

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to accept Article 21 as stated in the motion.

A Motion was made and seconded to adjourn the meeting; a vote was taken and passed unanimously at 10:15 PM.

**Attachment



**TOWN OF HOLLISTON
PLANNING BOARD**

703 Washington Street
Holliston, MA 01746
(508)429-0635

October 26, 2012

Kevin Clancy, Town Moderator
c/o Liz Greendale, Town Clerk
703 Washington Street
Holliston, MA 01746

RE: Planning Board Report
Article 19 - Zoning By-Law Amendment

Dear Mr. Clancy:

With regard to the proposed amendment to Zoning By-Laws Section V-L-Groundwater Protection (District 3 and 4), I would respectfully report that the Planning Board held a public hearing as required by MGL, c. 40A, s. 5 on October 25, 2012 and met with Water Superintendent Ron Sharpin. The members voted unanimously to recommend support of the proposed article as written.

If you should have any questions regarding this matter, Board members will be present at Town Meeting.

Sincerely,

Parvinder Patel
Chairman

cc Liz Greendale, Town Clerk
Ron Sharpin, Water Supt.

A true record, ATTEST:

Elizabeth T. Greendale, Town Clerk

