

**TOWN OF NORTHBOROUGH**  
**ANNUAL TOWN MEETING WARRANT**  
**APRIL 22, 2019**

**WORCESTER, SS**

**GREETINGS:**

To any Constable in the Town of Northborough, County of Worcester:

In the name of the Commonwealth of Massachusetts, you are hereby commanded to warn and notify the legal voters of the Town of Northborough to meet at THE ALGONQUIN REGIONAL HIGH SCHOOL on MONDAY, the TWENTY-SECOND day of April 2019 at 7:30 p.m. to act on the following warrant articles:

7:34p.m. Moderator Fred George announced a quorum (100 voters) was present in the hall; the meeting was called to order.

Moderator Fred George read the return of service of the warrant.

**ARTICLE 1: Appointing Deputy Moderator Motion Passed**

To see if the Town will vote to ratify the appointment by the Moderator of Gerald Hickman as Deputy Moderator, as provided by Article II, Section 2-2 of the Northborough Home Rule Charter.

**ARTICLE 2: Compensating Balance Agreement Motion Passed**

To see if the Town will vote to authorize the Treasurer, with the approval of the Board of Selectmen, to enter into a Compensating Balance Agreement or Agreements pursuant to Massachusetts General Laws, Chapter 44, Section 53F, if necessary.

- This Article provides authorization for the Town to enter into a compensating balance agreement in order to obtain banking services. A compensating balance is an arrangement by which a town maintains municipal funds on deposit in return for banking services. Under such an arrangement, the earnings retained by the bank on the account balances “compensate” the bank for the services provided.

**ARTICLE 3: Prior Years’ Bills Motion Passed Over (no prior year bills)**

To see if the Town will vote to raise and appropriate or transfer from unappropriated available funds in the Treasury, or other available funds, a sum of money to pay bills incurred in prior years, or take any action relative thereto.

- Town Meeting action is required to pay bills incurred in prior fiscal years. This Article will be passed over if no bills for goods and services incurred in prior fiscal years are presented to the Town.

**ARTICLE 4: Town Budget Motion Passed**

To see if the Town will vote to raise and appropriate and transfer from available funds the sum of Twenty-Two Million Seven Hundred Ninety Thousand Seven Hundred Two Dollars (\$22,790,702) for Town Government as displayed in the warrant booklet, and to meet said appropriation, the following sums available for appropriation be transferred:

From:

Transfer from Cemetery Trust Fund Income	\$12,264
Transfer from Cemetery Sale of Lots	\$17,750
Transfer from Debt Exclusion Premium Reserve	\$12,548
Transfer from DPU Transportation Fund	\$1,999
Transfer from Conservation Commission Fees	\$6,741
Transfer from Fire Emergency Medical Services Revolving Fund	\$325,252
Transfer from Recreation Revolving Fund	\$166,662
Transfer from Animal Control Revolving Fund	\$32,677
Transfer from Medicare Part D Subsidy	\$72,624
Transfer from PEG Access Cable Related Fund	\$303,566
Free Cash	\$500,000

for a total of One Million Four Hundred Fifty-Two Thousand Eighty-Three Dollars (\$1,452,083) and that the sum of Twenty-One Million Three Hundred Thirty-Eight Thousand Six Hundred Nineteen Dollars (\$21,338,619) be raised by taxation.

**ARTICLE 5: Water, Sewer and Solid Waste Enterprise Funds Motion Passed**

To see if the Town will vote to raise and appropriate and transfer from available funds the sum of Five Million Seven Hundred Twenty-Six Thousand Seven Hundred Fifty-Three Dollars (\$5,726,753) for Water, Sewer and Solid Waste Funds as displayed below for the operation of the Water, Sewer and Solid Waste Utilities, and to meet said appropriation, the following sums available for appropriation be transferred:

From:

Water Fund Free Cash	\$162,648
Solid Waste Fund Free Cash	\$ 28,799

Raise and Appropriate by Taxation:

Solid Waste General Fund Subsidy \$417,160

for a total of Six Hundred Eight Thousand Six Hundred Seven Dollars (\$608,607) and that the sum of Five Million One Hundred Eighteen Thousand One Hundred Forty-Six Dollars (\$5,118,146) be financed from Water, Sewer and Solid Waste Revenues.

Water Fund	\$2,548,680
Sewer Fund	\$2,244,114
Solid Waste	\$ 933,959
Total	\$5,726,753

**ARTICLE 6: Northborough K-8 Schools Budget Motion Passed**

To see if the Town will vote to raise and appropriate by taxation the sum of Twenty Four Million Nine Hundred Twenty-Eight Thousand Five Hundred Fifty-Eight Dollars (\$24,928,558) for the operation of the Northborough Public Schools, or take any action relative thereto.

**ARTICLE 7: Algonquin Regional High School Budget Motion Passed**

To see if the Town will vote to raise and appropriate by taxation Northborough's share of the assessment for the operation of the Northborough-Southborough Regional School District, the sum of Twelve Million Eight Hundred Seventy-Three Thousand Nine Hundred Fifty-Six Dollars (\$12,873,956), or take any action relative thereto.

**ARTICLE 8: Assabet Valley Regional Vocational School District Budget Motion Passed**

To see if the Town will vote to raise and appropriate by taxation Northborough's share of the assessment for the operation and debt service of the Assabet Valley Regional Vocational School District, the sum of Eight Hundred Thirty-Six Thousand Three Hundred Ten Dollars (\$836,310), or take any action relative thereto.

**ARTICLE 9: Revolving Funds Authorization of Expenditure Limits Motion Passed**

To see if the Town will vote to authorize revolving fund annual expenditure limits for Fiscal Year 2020 as shown in the table below:

Revolving Fund	Annual Expenditure Limit
Fire Department (EMS and Haz Mat)	\$500,000
Animal Control	\$50,000
Family & Youth Services	\$20,000
Council on Aging	\$200,000
Community Affairs	\$20,000
Library	\$20,000

or take any other action relative thereto.

- Pursuant to Town’s Revolving Fund Bylaw and the provisions of Massachusetts General Laws Chapter 44, Section 53E½, an annual vote is required to establish expenditures limits for the revolving funds. The Recreation Department revolving fund is authorized under Massachusetts General Laws Chapter 44, Section 53D, and does not require annual reauthorization.

**ARTICLE 10: Appropriations Committee Reserve Fund Motion Passed**

To see if the Town will vote to appropriate the sum of One Hundred Seventy-Five Thousand Dollars (\$175,000) for a Reserve Fund to provide for extraordinary or unforeseen expenditures in accordance with Massachusetts General Laws Chapter 40, Section 6, and to meet said appropriation, One Hundred Seventy-Five Thousand Dollars (\$175,000) be transferred from Free Cash, or take any action relative thereto.

- This Article provides the Town operations with an option for the funding of extraordinary or unforeseen expenditures during the year.

**ARTICLE 11: Stabilization Fund Contribution Motion Passed**

To see if the Town will vote to appropriate the sum of Two Hundred Thousand Dollars (\$200,000) for transfer to the Stabilization Fund, and to meet said appropriation, the sum of Two Hundred Thousand Dollars (\$200,000) be transferred from Free Cash, or take any action relative thereto.

- This Article provides for a contribution to the Stabilization Fund or general savings account for the Town.

**ARTICLE 12 (CIP): Fire Department – Ambulance Replacement Motion Passed**

To see if the Town will vote to appropriate the sum of Three Hundred Fifteen Thousand Dollars (\$315,000) for the use of the Fire Department for the purchase of one new ambulance, and to meet said appropriation the sum of Three Hundred Fifteen Thousand Dollars (\$315,000) be raised by borrowing, in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 7(11) or any other enabling authority, and the Treasurer, with the approval of the Board of Selectmen, be authorized to issue bonds or notes therefor.

- This Article provides funds for the replacement of a 2012 ambulance. The debt service on the bonds for the ambulance will be paid from the EMS revolving account. The EMS revolving account is funded by ambulance service fees and charges.

**ARTICLE 13 (CIP): Police – Police Cruiser Replacements Motion Passed**

To see if the Town will vote to appropriate the sum of One Hundred Forty-Five Thousand Dollars (\$145,000) for the use of the Police Department for the purchase of three new police vehicles and to meet said appropriation the sum of One Hundred Forty-Five Thousand Dollars (\$145,000) be transferred from Free Cash.

- This Article provides funds for the purchase of one patrol vehicle and two administrative vehicles. Included in the funding request is the cost of outfitting the vehicles with ancillary equipment.

**ARTICLE 14 (CIP): DPW – One-Ton Pickup Truck with Plow Motion Passed**

To see if the Town will vote to appropriate the sum of Ninety Thousand Dollars (\$90,000) for the use of the DPW Department for the purchase of a one-ton pickup truck with a plow, and to meet said appropriation the sum of Ninety Thousand Dollars (\$90,000) be transferred from Free Cash.

- This Article provides funds for the purchase of a one-ton pickup truck with a plow to replace a 2000 one-ton pickup truck that has surpassed its useful life expectancy.

**ARTICLE 15 (CIP): DPW – 20-Ton Dump Truck with Spreader and Plow Motion Passed**

To see if the Town will vote to appropriate the sum of Two Hundred Seventy-One Thousand Dollars (\$271,000) for the use of the DPW Department for the purchase of a 20-ton dump truck with a spreader and plow, and to meet said appropriation the sum of Two Hundred Seventy-One Thousand Dollars (\$271,000) be transferred from Free Cash.

- This Article provides funds for the purchase of a 20-ton dump truck with a spreader and plow to replace a 1999 20-ton dump truck that has surpassed its useful life expectancy of about 15 to 20 years.

**ARTICLE 16 (CIP): DPW – Road Improvements and Maintenance Motion Passed**

To see if the Town will vote to appropriate the sum of Three Hundred Thousand Dollars (\$300,000) for Road Improvements and Maintenance, and to meet said appropriation the sum of Three Hundred Thousand Dollars (\$300,000) be transferred from Free Cash.

- This Article provides funds in addition to the FY2020 Chapter 90 allocation in order to maintain current road conditions in accordance with the Pavement Management Plan.

**ARTICLE 17 (CIP): DPW – Water & Sewer Garage Design Motion Passed**

To see if the Town will vote to appropriate the sum of Seventy-Five Thousand Dollars (\$75,000) for the use of the DPW Department to fund the planning and design of renovations and expansions to the Water & Sewer Garage, and to meet said appropriation the sum of Forty-Five Thousand Dollars (\$45,000) be transferred from Water Enterprise Free Cash and the sum of Thirty Thousand Dollars (\$30,000) be transferred from Sewer Enterprise Free Cash, for a total of Seventy-Five Thousand Dollars (\$75,000).

- This Article provides funds for the planning and design of renovations and expansions to the Water & Sewer Garage. The existing garage was originally constructed in 1964 to house only the Water Department. The Town installed sewers in the 1970's, and the expansion of the department operations required additional staff and equipment that was not contemplated when the original garage was built.

The current facility is undersized for the number of vehicles and equipment it houses. The cost is being split 60%/40% between the Water and Sewer Enterprise Funds.

**ARTICLE 18 (CIP): DPW/Water – Assabet Storage Tank Rehabilitation Design **Motion Passed****

To see if the Town will vote to appropriate the sum of Seventy Thousand Dollars (\$70,000) for design services for the rehabilitation of the Assabet Hill Water Tank, and to meet said appropriation the sum of Seventy Thousand Dollars (\$70,000) be transferred from Water Enterprise Free Cash.

- This Article provides funds for the design of small repairs and recoating of the Assabet Hill Water Tank, which is a 3.5 million gallon concrete water storage tank. These repairs were recommended as a result of the most recent tank inspections performed in 2015 as required by MassDEP.

**ARTICLE 19 (CIP): School Department – K-8 Schools Communications and Security Enhancements **Motion Passed****

To see if the Town will vote to appropriate the sum of One Hundred Eighty-Five Thousand Dollars (\$185,000) for the purpose of installing enhanced security systems in Northborough K-8 school schools, such security enhancements to include new telecommunication systems including public address system, security card access, and interior and exterior camera installations, and to meet this appropriation the sum of Fifty-Five Thousand One Hundred Sixty-Seven Dollars (\$55,167) be transferred from Free Cash and the sum of One Hundred Twenty-Nine Thousand Eight Hundred Thirty-Three Dollars (\$129,833) be transferred from the remaining balance of the appropriation voted under Article 23 of the warrant for the April 23, 2018 Town Meeting (Zeh School boiler replacement).

- This Article provides funds for all schools, Proctor Elementary, Peaslee Elementary, Zeh Elementary and Melican Middle schools, to receive the same equipment consistent with the installations at the newly renovated Lincoln Street Elementary School. The security systems will mirror the security equipment installed in other schools within the Public Schools of Northborough and Southborough. Approval of this article will ensure the equity of installations throughout all schools and support overall safe school readiness protocols.

**ARTICLE 20 (CIP): Fire Station Design and Land Acquisition **Motion Passed****

To see if the Town will vote to appropriate the sum of Three Million Five Hundred Thousand Dollars (\$3,500,000) to acquire land located at and known as 10 Monroe Street and 61-65 West Main Street, shown as parcels 7, 9 and 10 on Northborough Assessors' Map 63 and containing approximately 3.97 acres, and pay for related site costs, Owner's Project Manager Services, and Architectural Services for a new Fire Station and to meet said appropriation the following unexpended amounts of money, totaling One Million Three Hundred Eighty-Three Thousand Four Hundred Fifty-One Dollars (\$1,383,451), that were initially borrowed to finance capital projects that are now complete and for which no further liability remains, be transferred, and the

amount of Two Million One Hundred Sixteen Thousand Five Hundred Forty-Eight Dollars (\$2,116,548) be raised by borrowing, provided, however, that the appropriation under this article shall be contingent upon a successful Debt Exclusion vote, under the provisions of Proposition 2 ½, so-called, at the May 2019 Town Election; and further, to authorize the Board of Selectmen to execute all documents and take all action necessary to accomplish said acquisition, or take any other action relative thereto.

<b>Date of Approval</b>	<b>Warrant Article</b>	<b>Original Purpose</b>	<b>Unexpended Amount</b>
April 23, 2012	#31	Lincoln Street School Feasibility	\$ 16,304
April 28, 2014	#19	Lincoln Street School	\$1,367,147
Total Repurposed Funds			\$1,383,451

- This Article provides funds to begin Phase I of the site acquisition and design of a new fire station, and transfers surplus bond proceeds from the completed Lincoln Street School addition/renovation project. In order to transfer these funds, the appropriation under this article will be contingent on a debt exclusion vote because the Lincoln Street School project appropriation was debt excluded.

**ARTICLE 21: Community Preservation Fund – Interpretive Signs Motion Passed**

To see if the Town will vote to appropriate the sum of Eight Thousand Dollars (\$8,000), or any other sum, from the Community Preservation Fund Historic Reserves to the Northborough Historic District Commission for the purchase and installation of two interpretive signs to identify significant historical sites, or take any other action relative thereto.

- Replace existing Howard Street Burial Ground sign, which is rotting and falling down, with a new sign and install a new sign at Brigham Street Burial Ground.

**ARTICLE 22: Community Preservation Fund – Historic Markers Motion Passed**

To see if the Town will vote to appropriate the sum of Five Thousand Eight Hundred Dollars (\$5,800), or any other sum, from the Community Preservation Fund Historic Reserves to the Northborough Historic District Commission for the purchase and installation of two historic markers, or take any other action relative thereto.

- Place one marker at 37-39 Main Street, site of former Cyrus Gale’s General Store, and one marker at the old bridge site where Cold Harbor Brook crosses under Church Street.

**ARTICLE 23: Community Preservation Fund – Northborough Affordable Housing Corporation Motion Passed**

To see if the Town will vote to appropriate the sum of One Hundred Fifty Thousand Dollars (\$150,000), or any other sum, with Ninety-Three Thousand Dollars (\$93,000), or any other sum, from the Community Preservation Unreserved Fund and Fifty-Seven Thousand Dollars (\$57,000), or any other sum, from the Community Preservation Fund revenues to the

Northborough Affordable Housing Corporation, for the purpose of the creation of affordable housing, or take any other action relative thereto.

- Funds to be used by the Northborough Affordable Housing Corporation for future creation of affordable housing.

**ARTICLE 24: Community Preservation Fund – Melican Middle School Field Lighting, Phase II Motion Passed**

To see if the Town will vote to appropriate the sum of Two Hundred Ninety Thousand Seven Hundred Seventy Dollars (\$290,770), or any other sum, with Two Hundred Thirty-Three Thousand Seven Hundred Seventy Dollars (\$233,770), or any other sum, from the Community Preservation Unreserved Fund and Fifty-Seven Thousand Dollars (\$57,000), or any other sum, from the Community Preservation Fund revenues to the Northborough Department of Public Works, for construction and installation of electrical improvements, lighting package, and regrading and restoration of field associated with Phase II of the project for the replacement of the field lighting at the Robert Melican Middle School, or take any other action relative thereto.

- Phase II of two phase project for the design and installation of more effective and efficient field lighting at the Melican Middle School playing fields.

**ARTICLE 25: Community Preservation Fund – White Cliffs Purchase Second Debt Service Payment Motion Passed**

To see if the Town will vote to appropriate the sum of Two Hundred Thirty-Nine Thousand One Hundred Dollars (\$239,100), or any other sum, with Fifty-Seven Thousand Dollars (\$57,000), or any other sum, from the Community Preservation Fund revenues and One Hundred Eighty-Two Thousand One Hundred Dollars (\$182,100), or any other sum, from the Community Preservation Unreserved Fund to the Northborough Community Preservation Committee for Fiscal Year 2020 debt service and expenses associated with the acquisition of the property at 167 Main Street, or take any other action relative thereto.

- Second debt service payment associated with the purchase of the White Cliffs property at 167 Main Street.

**ARTICLE 26: Community Preservation Fund – CPA Administration Motion Passed**

To see if the Town will vote to appropriate the sum of Twenty-Five Thousand Dollars (\$25,000), or any other sum, from the Community Preservation Fund revenues to the Northborough Community Preservation Committee for expenses associated with the implementation of the Community Preservation Act including but not limited to clerical assistance, office supplies, property surveys, appraisals, attorney's fees, and other professional services, recording fees, printing and all other necessary and proper expenses for the Fiscal Year 2020, or take any other action relative thereto.

- Funds used for the administration of the Community Preservation Act.

**ARTICLE 27: Wetlands Bylaw – 6-04-020 Applicability Motion Passed**

To see if the Town will vote to amend the Town of Northborough Wetlands Bylaw, Section **6-04-020** Applicability, by adding the text shown below as underlined, or take any action relative thereto.

**6-04-020 Applicability**

Except as permitted by the Conservation Commission or as provided in this chapter, no person shall remove, fill, dredge, build upon or alter the following resource areas: any freshwater wetland, bordering vegetated wetland, isolated vegetated wetland, marsh, wet meadow, bog or swamp; any bank, beach, lake, river, pond, stream or any land under said waters; any land subject to flooding or inundation by groundwater, surface water or storm flowage; any riverfront area. Any proposed work which falls within one hundred (100) feet of the previously mentioned resource areas or the riverfront area must be approved by the Conservation Commission. Plans of the same are required to be filed by the applicant under M.G.L.A. C. 131, § 40, said plan scale to be no greater than one (1) inch equals forty (40) feet.

11:02 a motion was made to adjourn the meeting **Motion Passed**

**Adjourned session of Annual Town Meeting**

**Tuesday April 23, 2019**

**7:35pm Moderator Fred George announced a quorum was present in the hall and called the meeting to order.**

**ARTICLE 28: Zoning Bylaw 7-03-040, Special Permit C Motion Passed**

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-03-040, Special Permit C. Criteria, by deleting the text shown below in strikethrough and adding the text shown as underlined, or take any action relative thereto.

C. Criteria. Unless otherwise specified herein, special permits ~~shall~~ may be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to the site.

**ARTICLE 29: Zoning Bylaw – 7-03-060, Design Review E Motion Passed**

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-03-060, Design Review E. Appointment of the Design Review Committee, by deleting the text shown below in strikethrough, re-lettering the clauses of the section as shown below, and adding the text shown as underlined, or take any action relative thereto.

E. Appointment of the Design Review Committee

- (1) The Planning Board shall appoint a Design Review Committee. Such Committee shall be chaired by a member of the Planning Board, and shall additionally consist

of four (4) members, who shall be residents, with a preference given to the following disciplines for three-year terms as follows:

- (a) ~~One (1)~~ Two (2) degreed architects;
- (b) One (1) degreed landscape architect; and
- (e) ~~One (1) representative nominated by the Chamber of Commerce; and~~
- (c) One (1) ~~interested and responsible citizen~~ resident of the town with a related background such as real estate development, interior design, graphic design, lighting design, or building/construction; or
- (d) A balance of representation as close as possible to this mix.

**ARTICLE 30: Zoning Bylaw – 7-05-020, Classification of Uses G Motion Passed**

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-05-020 Classification of uses, G. Business uses, (1) Trade, by adding the text shown below as underlined, or take any action relative thereto.

(f) Temporary Outdoor Sales of Holiday Trees, Wreaths, or Similar Horticultural Products: An event of a temporary nature during any holiday season designed to provide for the outdoor sale of trees, wreaths, flowers, or similar holiday horticultural products. Such facilities would not include the use of a permanent structure designed to enclose such use.

**ARTICLE 31: Zoning Bylaw – 7-05-030, Table of Uses, Table 1 Motion Passed**

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-05-030, Table of Uses Table 1. Table of Uses, Part B. Commercial and Industrial Districts, by adding the text shown below as underlined, or take any action relative thereto.

USES	DB	BE	BW	BS	HB	I
BUSINESS USES						
Trade						
<u>Temporary Outdoor Sales of Holiday Horticultural Products</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

**ARTICLE 32: Zoning Bylaw 7-08-020, Special Permit Required A Motion Passed**

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-08-020, Special permit required, A., by deleting the text shown below in strikethrough and adding the text shown as underlined, or take any action relative thereto.

- ~~A.~~ The Zoning Board of Appeals may grant a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension ~~shall not be substantially more detrimental than the existing nonconforming use to the neighborhood,~~ is a similar or less detrimental use, and in making such determination the

Zoning Board of Appeals shall consider whether the proposed use is different in character or in its effect on the neighborhood or on the property in the vicinity. ~~The Zoning Board of Appeals may consider the following types of changes to nonconforming uses:~~

- ~~(1) Change or substantial extension of the use;~~
- ~~(2) Change from one (1) nonconforming use to another nonconforming use.~~

**ARTICLE 33: Zoning Bylaw 7-09-040, Signs Motion Passed**

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-09-040, Signs: B. Definitions; D. Basic requirements; G. Signs in Business Districts, Highway Business District; and H. Signs in the Industrial District, as set forth below, or take any action relative thereto.

B. Definitions

Add a new definition (10) as shown below, and renumber existing definition (10) as (11) and renumber the remainder of the definitions in the subsection accordingly:

(10) ELECTRONIC MESSAGE CENTER – Any sign that utilizes computer-generated messages or some other electronic means of changing copy.

D. Basic requirements

Delete the text shown below in strikethrough and insert the text shown as underlined:

(6) ~~Changeable copy signs that provide a variable message, the content of which can be changed by manual or electronic means~~ is changed manually, are allowed.

(11) Illumination standards for signs with Electronic Message Centers:

- (a) Each electronic message center shall be equipped with a light sensing device that automatically adjusts the brightness or the sign as ambient light conditions change.
- (b) All electronic message center signs shall contain a default design that will freeze the sign in one position if a malfunction occurs.
- (c) No electronic message center sign shall exceed a brightness level of three-tenths (0.3) foot candles above ambient light as measured using a foot candle (Lux) meter at a pre-set distance in accordance with the following procedure:
  - [1] At least thirty (30) minutes past sunset, record the ambient light while the sign is off or displaying all black copy;
  - [2] The light meter shall be held five (5') feet above the finished grade as close as practical to a perpendicular plane of the sign;
  - [3] The meter shall be aimed toward the center of the automatic changeable copy sign;

[4] From the same location, a second reading shall be recorded while the sign is on and not blocked;

[5] If the difference between the measurements is three-tenths (0.3) foot candles or less, the brightness is properly adjusted; otherwise the brightness level must be adjusted to comply with this standard;

[6] The measurement distance shall be determined using the following formula:

$$\underline{\text{Measurement Distance} = \sqrt{\text{area of sign in sq. ft.} \times 100}}$$

Example: Proposed sign is 50 square feet

$$\underline{50 \times 100 = 5000}$$

$$\underline{\sqrt{5000} = 70.71' \text{ (use 71')}}}$$

Therefore the foot candles measurement shall be taken seventy-one (71') feet from the sign.

G. Signs in Business Districts, Highway Business District (Lot with one (1) or two (2) tenants)

Add the text shown as underlined to subsection (1)(c)[1][a]:

Electronic message center may be used as part of freestanding sign.

H. Signs in the Industrial District

Add the text shown as underlined to paragraph (3):

(3) Electronic message center may be used as part of freestanding sign.

**ARTICLE 34: Acceptance of MGL, Chapter 138, Section 33B – to allow for a 10:00 AM Sunday serving time for Section 12 Licensees **Motion Passed****

To see if the Town will vote to accept the provisions of MGL Chapter 138, §33B, which states that the local licensing authority of any city or town which accepts said section may authorize licensees under section twelve of Chapter 138 (sales for on premises consumption), to sell alcoholic beverages between the hours of 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May, and on Christmas day or on the day following when said day occurs on Sunday; or take any other action relative thereto.

**ARTICLE 35: Citizen Petition – Amend Town Meeting Starting Time to 7 PM **Motion Passed****

Amend Section 1-80-020 Holding of Annual Town Meeting and Special Town Meeting  
Each session of the meeting shall begin at 7 PM.

Proposed by: Douglas Stone

## **ARTICLE 36: Citizen Petition – Plastic Bag Reduction Bylaw Motion Passed**

### **1.0 PURPOSE**

The production of thin-film single use plastic checkout bags has significant impacts on the environment, including, but not limited to contributing to the potential death of aquatic and land animals through ingestion and entanglement; contributing to pollution of the natural environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; requiring the use of millions of gallons of crude oil nationally for their manufacture. The purpose of this bylaw is to protect the town's unique natural beauty and its water and natural resources by eliminating single use plastic checkout bags that are distributed in the Town of Northborough and to promote the use of reusable bags.

### **2.0 SEVERABILITY**

Each section, paragraph, sentence, clause, phrase and any other portion of this bylaw shall be construed as separate to the end that if any portion thereof shall be held invalid for any reason, then the remainder of the regulation shall remain in full force and effect.

### **3.0 DEFINITIONS**

- 3.1 "Agent", the Town of Northborough Health Agent
- 3.2 "Board of Health", the legally constituted Board of Health for the Town of Northborough, or its authorized agents or representatives.
- 3.3 "Department", the Town of Northborough Health Department.
- 3.4 "Checkout Bag", a carryout bag with handles provided by a store to a customer at the point of sale. A Checkout bag shall not include:
  - Bags whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store;
  - laundry or dry-cleaner bags;
  - bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture.
- 3.5 "Compostable plastic bag", a plastic bag that meets specific standards set by the American Society of Testing and Materials (ASTM) for biodegradability.
- 3.6 "Recyclable Paper Bag" means a paper bag that is (1) 100 percent recyclable including the handles; (2) contains at least 40% post-consumer recycled paper content; and, (3) displays the percentage of post-consumer recycled content in a visible manner on the outside of the bag.
- 3.7 "Retail establishment", any retail space located in the Town of Northborough including without limitation a restaurant, food or ice cream truck, convenience store, merchandise vendor, farm market, or supermarket.
- 3.8 "Reusable checkout bag", a sewn bag with handles, that is designed for multiple reuse and can carry 25 pounds over a distance of 300 feet. It can be either made of cloth fabric, durable plastic (more than 4 mils thick), or other durable material.

3.9 “Single Use Plastic Bag” shall mean a plastic bag including but not limited to bags with integral handles made of non-biodegradable plastic that is less than 4.0 mils in thickness and is intended for single-use transport of purchased items provided by an establishment to a customer at the point of sale.

#### **4.0 REQUIREMENTS**

4.1 If any retail establishment as defined in section 3 provides a checkout bag to customers, the bag shall comply with the requirements of being either a recyclable paper bag, a compostable plastic bag, or a reusable checkout bag. Single Use Plastic Bags are prohibited as of January 1, 2020.

4.2 The Board of Health may promulgate additional rules and regulations to implement this bylaw.

#### **5.0 PENALTIES AND ENFORCEMENT**

Each Retail Establishment shall comply with this bylaw:

5.1 If it is determined that a violation has occurred the Agent may issue a warning notice for an initial violation.

5.2 Any violation of the provisions of this bylaw may be enforced by non-criminal disposition pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 21D.

5.3 If an additional violation of this by-law has occurred within 30 calendar days after a warning notice has been issued for an initial violation, the Agent may issue a notice of violation and may impose a penalty against the Retail Establishment.

5.4 The penalty for each violation that occurs after the issuance of the warning notice shall be:

- \$50 for the second offense
- \$100 for the third offense and \$200 for all subsequent offenses.

5.5 No more than one (1) penalty shall be imposed upon a Retail Establishment within a seven (7) calendar day period

#### **6.0 EFFECTIVE DATE**

All of the requirements set forth in this by-law shall take effect on January 1, 2020. In the event that compliance with the effective date of this bylaw is not feasible for a Retail Establishment, because of unavailability of compliant checkout bags or economic hardship, the Agent may grant a waiver of not more than six months upon application of the owner or the owner’s representative. The waiver may be extended for one (1) additional six-month period upon showing of continued infeasibility as set forth above.

Proposed by: Jeanne Cahill

## **ARTICLE 37: Citizen Petition – Polystyrene Reduction Bylaw Motion Passed**

### **1.0 PURPOSE**

Styrofoam is the brand name for polystyrene (trademarked by Dow Chemical Co.) a synthetic plastic that biodegrades so slowly (hundreds of years) it is considered to be non-biodegradable. Styrene, the key ingredient in expanded polystyrene, was recently added to the National Toxicology Program’s list of probable human carcinogens (U.S. Department of Health and Human Services). Styrene can leach from polystyrene containers into food and beverages. It has become a major component of plastic debris in the ocean and animals often mistake it for food. It is also hazardous to marine life, transferring toxic chemicals along the food chain. Expanded polystyrene containers are not part of the Town’s regular recycling program. The purpose of this bylaw is to eliminate the distribution of expanded polystyrene containers by all food establishments in the Town of Northborough.

### **2.0 SEVERABILITY**

Each section, paragraph, sentence, clause, phrase and any other portion of this bylaw shall be construed as separate to the end that if any portion thereof shall be held invalid for any reason, then the remainder of the regulation shall remain in full force and effect.

### **3.0 DEFINITIONS**

- 3.1 “Agent”, the Town of Northborough Health Agent
- 3.2 “Board of Health”, the legally constituted Board of Health for the Town of Northborough, or its authorized agents or representatives.
- 3.3 “Department”, the Town of Northborough Health Department.
- 3.4 “Disposable Food Service Container” means a single-use disposable product for serving or transporting prepared, ready-to-consume food or beverages, including without limitation, take-out foods and/or leftovers from partially consumed meals prepared by a food establishment. This includes, but is not limited to, plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, or utensils. It does not include single-use disposable packaging for unprepared foods.
- 3.5 “Food Establishment” means any operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a food establishment for purposes of this bylaw.
- 3.6 “Expanded Polystyrene” means blown polystyrene (polystyrene that has been expanded or “blown” using a gaseous blowing agent into a solid foam) and expanded and extruded forms, which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion blow molding (extruded foam polystyrene).
- 3.7 “Prepared Food” means any food or beverage prepared on the food establishment’s premises, using any cooking or food preparation technique. Prepared food does not include any raw uncooked meat, fish or eggs unless provided for consumption

without further food preparation. Prepared food may be eaten on or off the food establishment's premises.

#### **4.0 REQUIREMENTS**

- 4.1 Food establishments are prohibited from dispensing prepared food to customers in disposable food service containers made from expanded polystyrene.
- 4.2 Each Food Establishment as defined in Section 3, above, located in the Town of Northborough shall comply with this bylaw as of January 1, 2020.
- 4.3 The Board of Health may promulgate additional rules and regulations to implement this bylaw.

#### **5.0 PENALTIES AND ENFORCEMENT**

Each Food Establishment shall comply with this bylaw:

- 5.1 If it is determined that a violation has occurred the Agent may issue a warning notice for an initial violation.
- 5.2 Any violation of the provisions of this bylaw may be enforced by non-criminal disposition pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 21D.
- 5.3 If an additional violation of this bylaw has occurred within 30 calendar days after a warning notice has been issued for an initial violation, the Agent may issue a notice of violation and may impose a penalty against the Food Establishment.
- 5.4 The penalty for each violation that occurs after the issuance of the warning notice shall be:
  - \$50 for the second offense
  - \$100 for the third offense and \$200 for all subsequent offenses.
- 5.5 No more than one (1) penalty shall be imposed upon a Food Establishment within a seven (7) calendar day period.

#### **6.0 EFFECTIVE DATE**

All of the requirements set forth in this bylaw shall take effect on January 1, 2020. In the event that compliance with the effective date of this bylaw is not feasible for a Food Establishment, because of unavailability of compliant containers or economic hardship, the Agent may grant a waiver of not more than six months upon application of the owner or the owner's representative. The waiver may be extended for one (1) additional six-month period upon showing of continued infeasibility as set forth above.

Proposed by: Jeanne Cahill

#### **ARTICLE 38: Citizen Petition – Elimination of Town Meeting Quorum **Motion Failed****

Amend Section 1-80-020 Holding of Annual Town Meeting and Special Town Meeting  
Eliminate the quorum requirement for the Annual Town Meeting and Special Town Meetings.

Proposed by: Douglas Stone

**ARTICLE 39: Citizen Petition – General Bylaw 2-44-100, Snow and Ice Removal from Sidewalks **Motion Failed****

To see if the Town will vote to amend the Code of the Town of Northborough, Chapter 2, General Legislation, by deleting Section 2-44-100 entitled “Snow and ice removal from sidewalks.”

Section 2-44-100 current requires that “The owner or person having care of any property abutting on any sidewalk shall, within six (6) hours after any accumulation of snow cause the same to be removed therefrom and shall, if such sidewalk becomes icy or otherwise slippery, cause the same to be covered with sand or other suitable substance.”

Proposed by: Lisa Maselli

**ARTICLE 40: Citizen Petition – Zoning Bylaw 7-05-030, 7-03-060, 7-06-030, Two-Family Dwelling Amendments **Motion Failed** (Yes 83 No 66 Does not meet the 2/3rds required)**

To see if the Town will vote to amend Part 7 of the Northborough Town Codes, the Northborough Zoning Bylaw, Section 7-03, 7-05 and 7-06 by deleting the text shown below in strikethrough and adding the text below as underlined, or take any action relative thereto.

**Part 1.** Amend Chapter 7-05-030, Table of Uses, Table 1, Part A, Residential Districts, as follows:

Section 7-05-030, Table of Uses, Table 1, Part A, Residential Districts:

<b>USES</b>	<b>RA</b>	<b>RB</b>	<b>RC</b>	<b>GR</b>	<b>MSR</b>	<b>DN</b>
Two-family dwelling <sup>3</sup>	N	N	<del>PB</del> <u>N</u>	PB	PB	PB

Amend footnote 3 to read as follows:

<sup>3</sup>In the ~~RC~~, GR, MSR, and DN districts, approval of a two-family dwelling shall be subject to design review by the Design Review Committee in accordance with two-family design guidelines adopted by the Planning Board and on file with the Town Clerk. Notwithstanding the provisions of Section 7-03-030 or any other provision of this Zoning Bylaw, no use variance for a two-family dwelling shall be permitted in the RA, RB and RC districts.

**Part 2.** Amend Section 7-03-060, Design Review, by amending the following paragraph (e) under Subsection B, Applicability, (1):

(e) In the ~~RC~~, GR, MSR, and DN districts, any special permit application to the Planning Board for a two-family dwelling.

**Part 3.** Amend Chapter 7-06, Density and Dimensional Regulations, as follows; Amend Table 2, Table of Density and Dimensional Regulations as follows:

Amend Section 7-06-030(J) Supplemental density and dimensional regulations for certain use classes, by amending the following paragraph (5), as follows:

5. The following shall apply to two-family dwellings in the RC, GR, MSR, and DN districts, except that the Planning Board may approve a waiver to reduce one side to 15 feet as long as the remaining five feet are added to the other side yard, such that the sum of the setbacks on each side shall not be less than 40 feet:

Amend Table 2, Table of Density and Dimensional Regulations, as follows:

District	Minimum Lot Area (sq. ft.)	Minimum Lot Frontage (feet)	Minimum Lot Width (feet)	Minimum Yard Setbacks		
				Front	Side	Rear
RC	30,000	150 <sup>1</sup>	150 <sup>1</sup>	See Table 2	20	See Table 2
GR	25,000	150	150	See Table 2	20	See Table 2
MSR	25,000	100	100	See Table 2	20	See Table 2
DN	20,000	100	100	See Table 2	20	See Table 2

Delete the existing footnote 1 as follows:

~~<sup>1</sup>The Planning Board may approve a waiver to reduce the minimum lot frontage and minimum lot width to 100 feet by special permit upon a determination that it would not be detrimental to the neighborhood, would be appropriate with respect to the surrounding properties and activities, and would not disturb any consistency of the neighborhood.~~

Proposed by: Lisa Maselli

**ARTICLE 41: Reports Passed Over**

**10:10pm motion made to dissolve the meeting Motion Passed**

**Attendance 4/22/2019: 261**  
**Attendance 4/23/2019: 217**  
**Total Registered Voters: 11,083**

**A True Copy Attest:**

*Andrew T. Dowd*

**Andrew T. Dowd,  
Town Clerk**