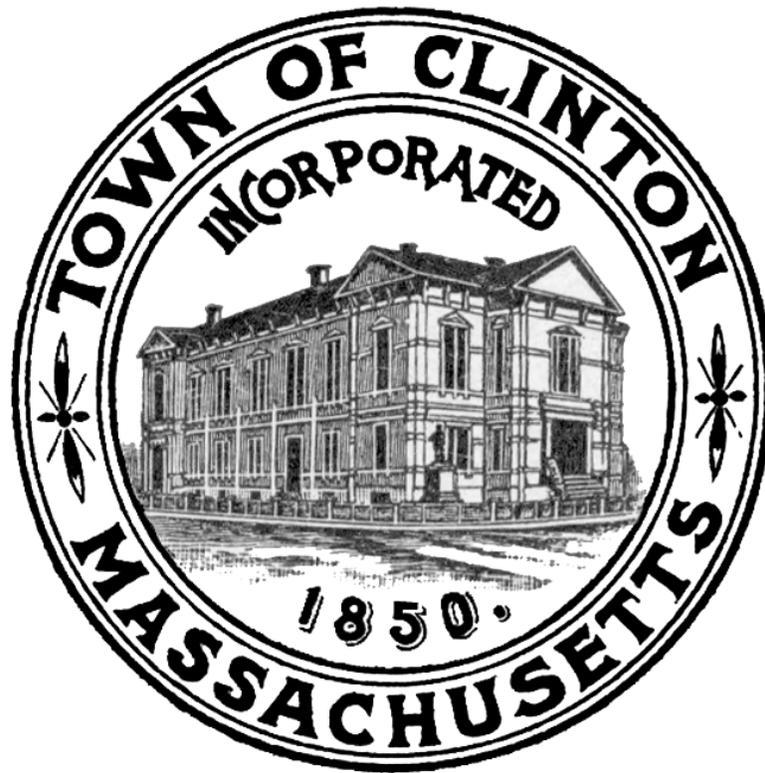


Annual Town Meeting Warrant



Town Hall Fallon Auditorium
June 6, 2011
7:00 P.M.

TOWN OF CLINTON
COMMONWEALTH OF MASSACHUSETTS
WARRANT FOR ANNUAL TOWN MEETING

WORCESTER, SS.

To the Constable of the Town of Clinton in the County of Worcester.

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town, qualified to vote in the elections and town affairs, to meet at the Town Hall in said Clinton on Monday, the sixth day of June 2011 at 7:00 P.M., then and there to act on the following articles:

ARTICLE 1

To receive the reports of the town officers and to act thereon.

ARTICLE 2

To see if the Town will vote to fix the salaries and compensation of all elective officials of the Town, as provided by Chapter 41, Section 108 of the M.G.L., as amended, said salaries and compensation to be effective from July 1, 2011 to June 30, 2012, and to raise and appropriate a sum of money therefore, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 3

To see if the Town will vote to raise and appropriate from the current tax levy or transfer from available funds such sums of money as may be deemed necessary to defray town charges from July 1, 2011 to June 30, 2012, as those charges appear in the Finance Committee Report of Recommendations, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 4

To see if the Town will vote to raise and appropriate the sum of \$600,000.00, said sum to be used to supplement the School Department budget for fiscal year 2012 contingent upon the passage of a proposition 2½ referendum question, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 5

To see if the Town will vote to authorize the Town Treasurer and Town Collector to enter into a compensating balance agreement for Fiscal Year 2012 pursuant to Chapter 44, Section 53F of the M.G.L., as amended, or act in any manner relating thereto.

ARTICLE 6

To see if the Town will vote to raise and appropriate or take from available funds the sum of \$4,800.00, or any other sum, said sum to be expended for social services in accordance with programs as approved by the Board of Selectmen, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 7

To see if the Town will vote to raise and appropriate or take from available funds the sum of \$15,000.00, or any other sum, said sum to be expended as the Town of Clinton's share to the Wachusett Health Education Action Team (WHEAT, Inc.), which committee is a delegate agency of the Montachusett Opportunity Council, Inc., or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 8

To see if the Town will vote to raise and appropriate or take from available funds the sum of \$5,513.40, or any other sum, said sum to be expended by the Board of Selectmen for the following unpaid bills, or act in any manner relating thereto.

UMASS Center for Health Care Financing	\$ 3,091.73
Clinton Hospital	\$ 1,223.00
Health Alliance	\$ 536.42
Hanger Prosthetics	\$ 350.87
Stephen Mudgett	\$ 150.00
UMASS Memorial	\$ 148.93
Polar Beverages	\$ 12.45

(Finance Committee - Approved)

ARTICLE 9

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or take from available funds the sum of \$30,000.00, or any other sum, said sum to be expended by the Police Chief for the purchase of one (1) new police cruiser, or act in any manner relating thereto.

(Police Chief)

(Finance Committee - Approved)

ARTICLE 10

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or take from available funds the sum of \$47,444.00, or any other sum, said sum to be expended by the Board of Assessors to defray the cost of performing the state mandated property revaluation for Fiscal Year 2012, or act in any manner relating thereto.

(Board of Assessors)

(Finance Committee - Approved)

ARTICLE 11

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or take from available funds the sum of \$35,000.00, or any other sum, said sum to be expended by the Police Chief for an upgrade of the computer system at the Clinton Police Station, or act in any manner relating thereto.

(Police Chief)

(Finance Committee - Approved)

ARTICLE 12

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or take from available funds the sum of \$12,250.00, or any other sum, said sum to be expended by the Fire Chief for the purchase of thermal imaging equipment for the Clinton Fire Department, or act in any manner relating thereto.

(Fire Chief)

(Finance Committee - Approved)

ARTICLE 13

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or take from available funds the sum of \$6,400.00, or any other sum, said sum to be expended by the Parks & Recreation Commission for the purchase of a new zero turn forty-four inch lawn mower, or act in any manner relating thereto.

(Parks & Recreation)

(Finance Committee - Approved)

ARTICLE 14

To see if the Town will vote to raise and appropriate the sum of \$285,000.00, said sum is appropriated for the purpose of financing the development of a Stormwater Management Plan including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Town Treasurer with the approval of the Board of Selectmen is authorized to borrow \$285,000.00 and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the Town unless the Town Treasurer with the approval of the Board of Selectmen determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78; that the Town Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water

Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project, or act in any manner relating thereto.

(Department of Public Works)

(Finance Committee - Approved)

ARTICLE 15

To see if the Town will vote to accept the provisions of Sections 27 and 28 of Chapter 131 of the Acts of 2010 entitled "Supplemental Pension Allowance to Surviving Spouses of Disabled Employees," to increase the annual cap for survivor benefits to \$9,000.00 per year; or act in any manner relating thereto.

(Retirement Board)

(Finance Committee - Approved)

ARTICLE 16

To see if the Town will vote to amend the Zoning By-Laws for the purpose of facilitating compliance with M.G.L. c. 43D, its 180-day deadline on the issuance of permitting decisions and Town Meeting's acceptance of the same for the designated Priority Development Sites (PDS), as follows:

Item 1. Add the following, new Section 5390:

5390. Priority Development Site(s). Application for a sign permit at a Priority Development Site (PDS) shall be submitted either (a) simultaneously with any other permit application(s) required by the Zoning or Administrative By-Laws relating to the use or development of the PDS, or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D, or (b) immediately upon the issuance of a special permit therefor, if so required. A decision thereon shall be rendered no later than thirty (30) days from the date of submission of a complete application.

Item 2. Add the following, new Section 9337:

9337. Where the development of a Priority Development Site (PDS) requires one (1) or more special permit(s), application(s) therefor shall be submitted simultaneously with any other permit application(s) required by the Zoning or Administrative By-Laws relating to the use or development of the PDS, or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D. The completeness of said application(s) shall be determined, and the applicant(s) notified of the same, in accordance with G.L. c. 43D and 400 CMR 2.00, *et seq.* Decision(s) on said application(s) shall be rendered no later than 180 days from the date of submission of complete application(s); provided, however, that a decision on an application for a special permit to allow on- or off-premises sign(s) shall be made no later than 140 days from said date of submission, with an application for a sign permit submitted to the Building Commissioner immediately thereafter.

Item 3. Add the following, new Section 9436:

9436. *Priority Development Site(s)*. Notwithstanding the foregoing, where the development of a Priority Development Site (PDS) requires site plan review, an application therefor shall be submitted simultaneously with any other permit application(s) required by the Zoning or Administrative By-Laws relating to the use or development of the PDS, or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D. Due to the complexity associated with concurrent reviews, where development of the PDS also requires one (1) or more special permit(s), regardless of the designated special permit granting authority, the 60-day deadline for Planning Board action on a complete application for site plan review, as aforesaid, shall be extended to 180 days from the date of submission thereof.

Item 4. Add the following, new definition to Section 10000, alphabetically:

PRIORITY DEVELOPMENT SITE: Any of the properties designated as such by majority vote of Town Meeting and subsequent approval of the Interagency Permitting Board established by G.L. c. 23A, § 62, all pursuant to G.L. c. 43D, being identified in the Assessor's records as Map 85, Lots 297, 298, 299, 377, 378, 1252, 1436, 1669, 2363 and 3460 and Map 131, Lot 2066. Final action on application(s) relating to the use or development of the Priority Development Site (PDS), or the buildings and/or structures thereon, shall be taken within 180 days, subject to extension as per G.L. c. 43D and 400 CMR 2.00, *et seq.*

ARTICLE 17

To see if the Town will vote to amend the Zoning By-Laws to update the Floodplain District for the purpose of facilitating compliance with new flood maps drafted by the Federal Emergency Management Agency (FEMA), as follows:

Item 1. Add the following, new Section 8120:

8120 District Delineation. The FPPOD is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Clinton designated as Zones A and AE, on the Worcester County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Worcester County FIRM that are wholly or partially within the Town of Clinton are panel numbers 25027C0952E, 25027C0953E, 25027C0954E, 25027C0956E, 25027C0957E and 25027C0958E, dated July 4, 2011. The exact boundaries of the FPPOD may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 4, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Conservation Commission, Board of Assessors, Building Commissioner and Zoning Commissioner.

Item 2. Add the following, new Section 8130:

8130 Overlay District. The FPPOD is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Item 3. Add the following new section:

BASE FLOOD ELEVATION AND FLOODWAY DATA

1. **Floodway Data.** In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. **Base Flood Elevation Data.** Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

Item 4. Add the following new section:

NOTIFICATION OF WATERCOURSE ALTERATION

In a riverine situation, the Conservation Commission shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

ARTICLE 18

To see if the Town will vote to amend the Zoning By-Laws as follows:

Item 1. In Section 9300, entitled “Special Permits”, Subsection 9330 entitled “Procedures”, add the position of Director Community & Economic Development to the list of town officials receiving a copy of all special permit applications by inserting “Director Community & Economic Development” after “Fire Chief,”.

Item 2. In Section 9400, entitled “Site Plan Review”, Subsection 9430 entitled “Procedures”, add the position of Director Community & Economic Development to the list of town officials receiving a copy of all site plan review applications by inserting “Director Community & Economic Development” after “Fire Chief,”.

ARTICLE 19

To see if the Town will vote to amend the Zoning Map and Zoning By-Laws for the purpose of establishing a new Light Industrial (LI) District, as follows:

Item 1. Amend said Zoning Map by designating the following land as within the LI District: (a) that land situated at the western end of Clinton, roughly bounded by the Boston & Maine Railroad to the south, the Town of Lancaster to the north and west and South Meadow Road to the east, identified in the Assessor's records as Map 131, Parcels 135, 787, 2066, 3838 and 3951 and currently zoned Industrial (I); and that land situated at the northern end of Clinton off Myles Standish Road, Parker Road and Adam Street, identified in the Assessor's records at Map 130, Parcels 3, 412, 1899 and 4134 and currently zoned Industrial (I).

Item 2. In Section 2100, add the following, new reference:

Light Industrial LI

Item 3. Also in Section 2100, add a new Subsection 2116, as follows:

2116. *Light Industrial (LI).* The Light Industrial District is intended to provide for assembly, fabrication, office, research, laboratory, biotechnology and other forms of manufacturing.

Item 4. Amend Section 3130, the "Table of Use Regulations," (a) by modifying the "Exempt and Institutional Uses" numbered 4, 5 and 6 as follows:

PRINCIPAL USE
B. EXEMPT AND INSTITUTIONAL USES
4. Child care center
5. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area or two qualified acres as set forth in G.L. c. 40A, s. 3
6. Exempt facilities for the sale of produce, and wine and dairy products as set forth in G.L. c. 40A, s. 3

(b) by adding a column thereto for the LI District, as follows:

PRINCIPAL USE	LI
A. RESIDENTIAL USES	
1. Single-family dwelling	N
2. Two-Family dwelling	N
3. Three or More Unit Multifamily dwelling	N
4. Boarding house	N
5. Mobile home park or trailer camp	N
6. Planned unit development/mill conversion	N
7. Flexible development	N

B. EXEMPT AND INSTITUTIONAL USES	
1. Use of land or structures for religious purposes	Y
2. Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y
3. Family day care home, small Family day care home, large	N N
4. Child care center	Y
5. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area or two qualified acres as set forth in G.L. c. 40A, s. 3	Y
6. Exempt facilities for the sale of produce, and wine and dairy products as set forth in G.L. c. 40A, s. 3	Y
7. Cemeteries, private	N
8. Municipal facilities	BA
9. Essential services	BA
10. Hospital	BA
C. COMMERCIAL USES	
1. Nonexempt farm	N
2. Nonexempt farm stand for wholesale or retail sale of products	N
3. Nonexempt educational use	N
4. Commercial greenhouse	N
5. Animal clinic or hospital	BA
6. Kennel	BA
7. Nursing or convalescent home	BA
8. Funeral home	N
9. Hotel or motel	BA
10. Bed and Breakfast	N
11. Retail stores and services not elsewhere set forth	N
12. Personal service establishment	N
13. Motor vehicle, trailer, or boat sales and rental	NA
14. Motor vehicle general and body repair	BA
15. Motor vehicle light service	N
16. Car wash	N
17. Restaurant	N
18. Restaurant, fast-food or drive-in	N
19. Business or professional office; bank, financial agency or institution	Y
20. Medical office building or clinic	BA
21. Any other commercial drive-through use	N
22. Indoor commercial recreation	BA

23. Outdoor commercial recreation	N
24. Membership club, civic, social, professional or fraternal organization	BA
25. Commercial parking lot or garage	N
26. Adult entertainment establishment	N
27. Wireless Communications Facility	SB
28. Bus, taxi or other public transit terminal facility	BA
29. Temporary amusement enterprise	N
D. INDUSTRIAL USES	
1. Quarrying or other extractive operation	N
2. Light manufacturing	Y
3. Manufacturing	BA
4. Wholesale, warehouse, self-storage mini-warehouse, or distribution facility	BA
5. Research, experimental and testing laboratories	Y
6. Transportation freight terminal	BA
7. Fuel storage or distribution facility	BA
8. Electric, gas, steam generation or storage plant	N
9. Solid waste disposal facilities; sanitary landfill	N
10. Junkyard or automobile salvage yard	N
11. Plant for dry cleaning, cold storage or freezing	N
12. Beverage bottling or food packaging plant	BA
13. Contractor's yard	BA

and (c) by modifying the following use in the Industrial (I) District:

PRINCIPAL USE	I
D. INDUSTRIAL USES	
1. Quarrying or other extractive operation	N

Item 5. Amend Section 4130, the “Table of Dimensional Regulations,” (a) by adding a column thereto for the LI District, as follows:

DIMENSIONAL REQUIREMENTS	LI
Min. Lot Area, single family (sq. ft.)	N/A
Min. Lot Area, two family (sq. ft.)	N/A
Min. Lot Area, multifamily (sq. ft.)	N/A
Min. Lot Area, all other uses (sq. ft.)	40,000
Min. Frontage (feet)	150
Min. Lot Width (ft.)	100
Min. Front Setback from Street (feet)	30
Min. Side Yard (feet)	25

Min. Rear Yard (feet)	25
Max. Lot Coverage (%)	40
Max. Building Height (ft.)	45
Max. Building Height (# stories)	4

and (b) by modifying the following requirements for the I District:

DIMENSIONAL REQUIREMENTS	I
Min. Lot Area, all other uses (sq. ft.)	12,000*
Min. Frontage (feet)	110*
Min. Lot Width (ft.)	90*
Min. Front Setback from Street (feet)	25*
Min. Side Yard (feet)	15*
Min. Rear Yard (feet)	15*
Max. Lot Coverage (%)	50*
Max. Building Height (ft.)	50*
Max. Building Height (# stories)	5*

* For the proposed rehabilitation of existing structures in the Industrial District, these requirements shall not apply. Instead, the Planning Board may adjust these requirements in accordance with existing conditions in order to promote the redevelopment and reuse of such properties.

Item 6. In Section 5360, add the words “and LI District” after the words “I District.”

Item 7. In Section 5430, add a new column for the LI District, as follows:

DISTRICT	LI
BUFFER WIDTH (ft.)	10

Item 8. In Section 10000, add the following, new definition:

Laboratory, research: Laboratory or research establishments including biotechnology companies but excluding laboratories categorized as Level 4 by the National Institutes for Health.

(Planning Board)

ARTICLE 20

To see if the Town will vote to amend the Administrative By-Laws for the purpose of facilitating compliance with M.G.L. c. 43D, its 180-day deadline on the issuance of permitting decisions and Town Meeting’s acceptance of the same for the designated Priority Development Sites (PDS), as follows:

Item 1. Add the following, new sentence to the end of Section 11 in “Article XVIII: Streets and Sidewalks”: “Where the development of a Priority Development Site (PDS), as defined by

Section 10000 of the Zoning By-Laws, requires a permit hereunder, an application therefor shall be submitted simultaneously with any other permit application(s) required by the Zoning or Administrative By-Laws relating to the use or development of the PDS, or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D, and a decision thereon shall be rendered no later than thirty (30) days from the date of submission of a complete application.”

Item 2. Add the following, new Section 2 to “Article XXXVI: Historic District Building Renovation”:

SECTION 2.

The provisions hereof shall not apply to any building now erected or proposed to be erected on any Priority Development Site (PDS), as defined by Section 10000 of the Zoning By-Laws.

Item 3. Within “Article XXXVII: Sewer By-Laws,” renumber Article VII as Article VIII and add the following, new Article VII:

Where the development of a Priority Development Site (PDS), as defined by Section 10000 of the Zoning By-Laws, requires permit(s), approval(s) and/or review(s) hereunder, application(s) or request(s) therefor shall be submitted simultaneously with any other permit application(s) required by the Zoning or Administrative By-Laws relating to the use or development of the PDS, or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D, and decision(s) thereon shall be rendered no later than ninety (90) days from the date of submission of complete application(s).

ARTICLE 21

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 90, Section 22B, Subsections (b) to (k), as amend, relative to the regulation and processing of abandoned motor vehicles on public property or private property of another, or act in any manner relating thereto.

ARTICLE 22

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 31, Section 58A, as amended, pertaining to the maximum age of hire for public safety personnel, or act in any manner relating thereto.

(Fire Chief)

ARTICLE 23

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 41, Section 111M, as amended, pertaining to the payment of lost wages for emergency medical technicians, or act in any manner relating thereto.

(Fire Chief)

ARTICLE 24

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 41, Section 111N, as amended, pertaining to emergency medical technician medical bills to be paid outside of workers compensation, or act in any manner relating thereto.

(Fire Chief)

ARTICLE 25

Voter petition to see if the Town will vote to accept the private ways known as Brendan Road as a public way in the Town of Clinton, or act in any manner related thereto.

(Citizens Petition)

ARTICLE 26

Voter petition to see if the Town will vote to accept the private ways known as Craig Drive as a public way in the Town of Clinton, or act in any manner related thereto.

(Citizens Petition)

ARTICLE 27

Voter petition to see if the Town will vote to accept the private ways known as Eileen Avenue as a public way in the Town of Clinton, or act in any manner related thereto.

(Citizens Petition)

ARTICLE 28

Voter petition to see if the Town will vote to accept the private ways known as Gorham Avenue as a public way in the Town of Clinton, or act in any manner related thereto.

(Citizens Petition)

ARTICLE 29

Voter petition to see if the Town will vote to accept the private ways known as Megan Circle as a public way in the Town of Clinton, or act in any manner related thereto.

(Citizens Petition)

HEREOF FAIL NOT, and make due return of this warrant with your doing thereon, to the Town Clerk, at the time and place of the meeting, as aforesaid.

GIVE UNDER OUR HANDS, THIS twenty-fifth day of May in the year of our Lord, two thousand and eleven.

BOARD OF SELECTMEN

James J. LeBlanc, Chairman
William F. Connolly, Jr., Vice-Chairman
Kathleen A. Sheridan, Clerk
Mary Rose Dickhaut
David J. Sargent

WORCESTER, SS.

By virtue of this Warrant, I have this day notified and warned the inhabitants of the Town of Clinton aforesaid, qualified to vote in elections and town affairs, to meet at the time and place for the purpose within named, by publishing in The Item, a newspaper published in the said Town, as hereby directed.

James P. Farragher
Constable for the Town of Clinton