

SPECIAL TOWN MEETING
October 20, 2014
Milford, Massachusetts

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS:

To either Constable of the Town of Milford in said County,

GREETINGS:

In the name of the Commonwealth aforesaid, you are hereby required to notify and warn the Inhabitants of the Town of Milford, qualified by law to vote in Town Affairs, to meet in the Upper Hall of the Milford Town Hall, 52 Main Street, on the 20th day of October, 2014 A.D. at 7:30 P.M. and then and there to act upon the following articles:

ARTICLE 1: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be utilized for the July 4, 2015 celebration, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 2: To see if the Town will vote to transfer a sum of money from the Sewer Department Retained Earnings, to increase the Sewer Stabilization Account, or take any other action in relation thereto.

(Town Treasurer)

ARTICLE 3: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$20,000.00 to be spent under the jurisdiction of the Highway Surveyor for the purpose of MS4 Storm Water Permit compliance, or take any other action in relation thereto.

(Highway Surveyor)

ARTICLE 4: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be utilized to obtain and install an audio system in the upper Town Hall, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 5: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$18, 000.00 to be utilized to purchase a new field tractor to replace a 1979 tractor, or take any other action in relation thereto.

(Park Commissioners)

ARTICLE 6: To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money in the amount of \$25,000.00 to be spent under the jurisdiction of the Police Chief for the replacement of computers and related equipment and software at the Police Department, or take any other action in relation thereto.

(Police Chief)

ARTICLE 7: To see if the Town will vote to amend the General Bylaws by adopting a new Article 39 thereof relating to the regulation of boating on Milford Pond and Louisa Lake as follows:

“ARTICLE 39”

MILFORD POND AND LOUISA LAKE BOATING REGULATIONS

SECTION 1. FINDINGS AND INTENT

- 1.1 Milford Pond, formerly known and named as Cedar Swamp Pond, was placed under the jurisdiction of the Milford Conservation Commission by vote of Town Meeting on April 24, 1979 (see Article 40 of the 1979 Adjourned Annual Town Meeting Warrant).
- 1.2 Town Meeting subsequently voted to rename Cedar Swamp Pond to Milford Pond on April 30, 1979 (see Article 48 of the 1979 Adjourned Annual Town Meeting Warrant).
- 1.3 The Board of Selectmen established the Milford Pond Restoration Committee on January 10, 1994 to oversee the long range planning effort to restore the pond.
- 1.4 The Town of Milford and the U.S. Army Corps of Engineers jointly conducted the Milford Pond Aquatic Ecosystem Restoration Project in accordance with Plans dated July 25, 2014.
- 1.5 Said Restoration Project will increase the depth of approximately seventeen acres of Milford Pond by up to twelve feet to restore deep water aquatic habitat.
- 1.6 Said Restoration Project will also provide increased opportunities for boating and fishing in Milford Pond.
- 1.7 The Massachusetts Natural Heritage Endangered Species Program, during Project planning and permitting, identified the potential for migration of invasive species into Milford Pond by result of inappropriately cleaned recreational boats.
- 1.8 The Massachusetts Natural Heritage Endangered Species Program, during Project planning and permitting, identified the potential for protection of endangered species nesting in Milford Pond by control of noise and disturbances from recreational boating.
- 1.9 It is therefore the intent of the provisions contained herein to protect the restored Milford Pond aquatic ecosystem by strictly regulating the type of boats allowed and the maintenance of any boats launched into Milford Pond or Louisa Lake, which is upstream of Milford Pond.

SECTION 2. GENERAL RULES AND REGULATIONS

The following general rules and regulations shall apply to the use of Milford Pond and Louisa Lake:

- 2.1 Any person aboard a vessel shall at all times have a Coast Guard approved personal flotation device.
- 2.2 No person shall operate a vessel between the hours of sunset and sunrise or when vision is unduly restricted by weather.
- 2.3 No person shall operate a boat except in a safe and prudent manner, having due regard for other waterborne traffic, so as not to endanger the life, limb or property of any person.
- 2.4 The discharge or disposal of petroleum products, holding tank contents, garbage, waste, rubbish or debris on the waters, shores, or landing areas is prohibited.

2.5 No vessel shall be operated in an overloaded condition. "Overloaded condition" means that the number of persons on board and/or the cargo being carried exceeds the manufacturer's recommended limit for such vessel or is excessive given wind, water and weather conditions.

SECTION 3. BOATING USES PROHIBITED

The following boating uses are specifically prohibited on Milford Pond and Louisa Lake:

- 3.1 jet skis, surf jets, wet bikes or other so-called "personal watercraft";
- 3.2 boats powered by an internal combustion engine, in-board or out-board, except as exempted by Section 4.4 hereinafter; and
- 3.3 sailboats other than those allowed under Section 4.3 below.

SECTION 4. BOATING USES PERMITTED

The following boating uses are permitted on Milford Pond and Louisa Lake:

- 4.1 canoes and kayaks;
- 4.2 rowboats and dingys, with or without electric motors;
- 4.3 small board boats or day sailers, and
- 4.4 boats powered by an internal combustion engine, in-board or out-board, but only if required for the purpose of scientific investigation, search and rescue efforts, compliance with permitting requirements, or other specific purposes as sanctioned by the Town.

SECTION 5: CONTROL OF INVASIVE PLANTS AND SPECIES

5.1 No person shall launch a vessel into the waters of Milford Pond or Louisa Lake, or at any time after such launch transfer a vessel or trailer from any public, private or commercial launch area on Milford Pond or Louisa Lake without first inspecting said vessel and trailer for visible marine growth, including macrophytes (weeds).

5.2 Any such visible marine growth shall be removed and disposed of in a manner so as to ensure that it is not released into Milford Pond, Louisa Lake, or any water body. In order to prevent the migration of invasive plants and species boat owners shall:

- 5.2.1 remove any visible mud, plants, fish or animals from structure before transporting equipment;
- 5.2.2 eliminate water from boat and equipment (bait buckets, pails, etc.) before transporting;
- 5.2.3 clean and dry anything that contacted water (boats, trailers, equipment, clothing, dogs, etc.); and
- 5.2.4 plants, fish or animals shall not be released into Milford Pond, Louisa Lake, or any water body unless taken from such body of water.

5.3 If any transportation or migration of an invasive species is suspected, the enforcement authorities identified in Section 6 hereinafter shall be notified immediately.

SECTION 6. ENFORCEMENT

The enforcement authorities for this By-Law are the Milford Police Department, the Milford Conservation Commission, or its agents. Any person violating any provision of this By-Law shall be punished by a fine of not more than One Hundred Dollars (\$100) per occurrence with each incident of violation, or day of violation, constituting a separate offense.

SECTION 7. SEVERABILITY

The invalidity of any section or provision of these regulations shall not invalidate any other section or provision thereof.

or take any other action pertaining thereto.

(Milford Pond Restoration Committee)

ARTICLE 8: To see if the Town will vote to amend the Zoning Bylaw by rezoning the following parcels from General Residential (RA) District and/or Neighborhood Commercial (CB) District to Office Residential (OR) District:

Assessors Map 49 Block 0 Lot 13A; Assessors Map 51 Block 0 Lots 10 thru 12, 24 thru 26, 26A, 27 thru 29, 31 thru 33, and 35 thru 44, 46 thru 53, 53A, 54 thru 61, 61A, 61B, 62 thru 84, 84-2, 84-3, 85, 86, 89 thru 92, and 94. The 75 parcels referenced herein are located along and in the vicinity of Main Street, Nelson Heights, and the intersection of Route 16 and Route 140.

or take any other action relating thereto.

(Planning Board/Industrial Development Commission)

ARTICLE 9: To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money in the amount of \$30,000.00 to be spent under the jurisdiction of the Highway Surveyor for the purpose of installing a new generator at the Highway Department, or take any other action in relation thereto.

(Highway Surveyor)

ARTICLE 10: To see if the Town will vote to amend Section 3.4 Parking Requirements of the Zoning Bylaw relating to shared parking by deleting Section 3.4.1(b)3 Shared Parking and adopting in lieu thereof the following new Section 3.4.1(b)3:

3.4.1(b)3. Shared Parking: Notwithstanding any other parking requirements set forth in this Article for individual land uses, when any land or building is used for three or more distinguishable purposes, the minimum total number of on-site off-street parking spaces required to serve the combination of all uses may be reduced as follows, provided that the Planning Board first issues a Special Permit for such reduction:

3 thru 5 separate uses: 10% reduction

6 + separate uses: 20% reduction

or take any other action relating thereto.

(Planning Board)

ARTICLE 11: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be spent under the jurisdiction of the Board of Selectmen for the purpose of a detailed Phase II Dam Inspection and Evaluation Report of the Louisa Lake Dam; to include all field work, structural analysis, reporting, permitting, cost estimating, bidding and construction administration and inspection of repairs to the Dam, the spillway, the diversion structure and the two dikes; and any other action required by the Office of Dam Safety or necessary thereto to complete the Phase II Dam Inspection, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 12: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$10,000.00 to be utilized for tree related services at the North Purchase Cemetery, or take any other action in relation thereto.

(Lynn Lovell)

ARTICLE 13: To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be expended to complete the second floor at the Ruth Anne Bleakney Senior Center, or take any other action in relation thereto.

(Senior Center Director)

ARTICLE 14: To see if the Town will vote to amend the Zoning Bylaw relating to uses allowed within the Office Residential (OR) zoning district as noted hereinafter:

BY ADDING in Section 2.3 Use Regulation Schedule references to Hospital, Secondary Food Service, Helistop, and Solar Energy System uses as follows:

2.3 Use Regulation Schedule

DISTRICT													
ACTIVITY OR USE	RA	RB	RC	RD	OR	BP	CA	CB	CC	IA	IB	IC	
INSTITUTIONAL USES													
Hospital ¹	P	A	A	A	P	O	O	O	O	O	O	O	
BUSINESS USES													
Food Service as Secondary Use ^{1,19}	O	O	O	O	S	S	O	O	O	O	P	O	
<u>OTHER PRINCIPAL USES</u>													
Helistop ¹	O	O	O	O	O ²⁴	P	O	O	O	P	P	P	
<u>ACCESSORY USES</u>													
Large Scale Solar Energy System ^{1,22}	O	O	O	O	S	P	O	O	O	P	P	P	

²⁴ Helistop permitted as accessory to Hospital use only.

AND BY ADDING in Section 2.5 Intensity of Use Schedule references to height requirements in the Office Residential (OR) district by inserting a new footnote "j" as follows:

2.5 Intensity of Use Schedule

	DISTRICT											
INTENSITY OF USE	RA	RB	RC	RD	OR	BP	CA	CB	CC	IA	IB	IC
<u>HEIGHT REQUIREMENTS^f</u>												
Maximum Height (feet) ^f	35	35	35	35	35 ^j	60	60	60	60	60	60	60
Maximum number of stories (whichever is less)	2	2 ^{1/2}	2 ^{1/2}	2 ^{1/2}	2 ^j	5	5	5	5	5	5	5

^j Maximum non-residential building height to be determined by the Planning Board upon issuance of a special permit, but in no case shall the height exceed 4 stories or 50' whichever is less.

or take any other action relating thereto.

(Planning Board)

ARTICLE 15: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money, said sum to be utilized to reduce the amount of money authorized to be borrowed under Article 24 of the May 19, 2014 annual Town Meeting for the renovation of the Milford Youth Center and facilities; said sum further to be utilized together with funds appropriated for all of the purposes as authorized under said Article 24, or take any other action in relation thereto.

(Milford Armory Renovation Committee)

ARTICLE 16: To see if the Town will vote to appropriate a sum of money to be spent under the jurisdiction of the Highway Surveyor for the purpose of replacing two sections of the Godfrey Brook culvert, one section between Congress Terrace and Westbrook Street and the second section on Main Street; and further, to see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, take by eminent domain, or otherwise acquire the rights in land, being permanent and/or temporary easements, necessary for the above project, to provide the sum or sums of money necessary to pay the costs of damage of thereof and to direct how all of said sums shall be raised whether from the current tax levy, by transferring from available funds, by borrowing or otherwise, and how expended, or take any other action in relation thereto.

(Highway Surveyor/Board of Selectmen)

ARTICLE 17: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$40,000.00 to be used to perform an assessment of the Middle School East building and of said buildings suitability to support other uses for occupancy, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 18: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be utilized by the Board of Selectmen for consultant services associated with the implementation of the town-wide Geographic Information System Project including the lease and/or purchase of hardware/software/peripherals, digitizing aerial photos and planimetric mapping, network/database integration, technical support, and training, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 19: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$190,000.00 to be spent under the jurisdiction of the Highway Surveyor for the purpose of replacing an existing truck with a new truck for plowing, sanding, and road maintenance purposes, or take any other action in relation thereto.

(Highway Surveyor)

ARTICLE 20: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$20,000.00 for the purpose of upgrading the Milford Town Library's electric grid/data access points and security cameras, or take any other action in relation thereto.

(Board of Library Trustees)

ARTICLE 21: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be utilized to replace heating units and to renovate and upgrade the boiler room in the Milford Town Hall, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 22: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be utilized to install lead copper gutters, downspouts, roof edge aprons, valleys, re-flashing around the tower base, snow guards, and snow melt systems over the entrances at the Milford Town Hall, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 23: To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be added to the Town Accountant Personal Services Budget Account No. 135-5110 as voted under Article 4 of the May 19, 2014 Annual Town Meeting, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 24: To see if the Town will vote to amend the Zoning Bylaw by rezoning the following parcels from General Residential (RA) District to Neighborhood Commercial (CB) District:

Assessors Map 48 Block 0 Lots 261, 727, and 728.

Assessors Map 52 Block 0 Lots 268, 298, and 319.

AND BY rezoning the balance of the following parcels not already entirely within the CB District from General Residential (RA) District to Neighborhood Commercial (CB) District:

Assessors Map 48 Block 0 Lots 197, 198, 199, 200, 216, 217, 222, 260, 260A, and 262.

Assessors Map 52 Block 0 Lots 269, 296, 297, 322 thru 328, 343, 350, 351, 360, 361, and 367.

The 31 parcels or portions thereof referenced herein are located along and in the vicinity of Main Street between Water Street and Orrin Street.

or take any other action relating thereto.

(Planning Board)

ARTICLE 25: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$15,000.00 to be spent under the jurisdiction of the Board of Library Trustees for new computer work stations, chairs and related fixtures for use with upgraded electrical or data systems, or take any other action relating thereto.

(Board of Library Trustees)

ARTICLE 26: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to the Milford Youth Commission FY 2015 budget as voted under line item 4 of the May 19, 2014 annual Town Meeting, or take any other action in relation thereto.

(Milford Youth Commission)

ARTICLE 27: To see if the Town will vote to authorize the Milford Upper Charles Trail Committee to expend any unused funds from those funds appropriated under article 28 of the May 19, 2014 annual Town Meeting for the purpose of installing pedestrian push buttons on existing flashing beacon signals on all trail roads crossings and for other signal improvements as may be required, or take any other action in relation thereto.

(Milford Upper Charles Trail Committee)

ARTICLE 28: To see if the Town will vote to authorize the Milford Upper Charles Trail Committee to expend the remaining balance in Capital Project Fund 4033-5000-5840 for the purpose of preparing a Phase 3 As-Built Plan and for trail improvements which may include but not be limited to bank stabilization, erosion control, drainage and handicapped accessibility enhancements or take any other action in relation thereto.

(Milford Upper Charles Trail Committee)

ARTICLE 29: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$86,000.00 said sum to be utilized to rehabilitate and upgrade various systems in the areas within both Milford Fire Stations, or take any other action in relation thereto.

(Fire Chief)

ARTICLE 30: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$50,000.00 to be utilized to repair and upgrade the Birch Street Fire Station training building, or take any other action in relation thereto.

(Fire Chief)

ARTICLE 31: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$15,000.00 to replace the UHF Dispatch Radio Repeater at the Highland Street Tower site or take any other action in relation thereto.

(Fire Chief)

ARTICLE 32: To see if the Town will vote to accept the provisions of sub-section (4)(d) ½ of Section 20 of Chapter 32 of the General Laws through which acceptance of the Milford Retirement Board may compensate the Town Accountant for services in an amount of not less than \$200 no more than \$3,000.00 per year, or take any other action in relation thereto.

(Milford Retirement Board)

ARTICLE 33: To see if the Town will vote to transfer a sum of money from available funds to be added to the Town Stabilization Funds, or take any other action in relation thereto.

(Finance Committee)

ARTICLE 34: To see if the Town will vote to appropriate a sum of money from available funds to be utilized to off-set operating, capital and debt expenses to fix the tax rate for fiscal year 2015, or take any other action in relation thereto.

(Board of Selectmen)

And you are hereby directed to serve this warrant by posting at least fourteen days before said meeting attested copies of this warrant in ten or more public places located in said Milford.

HEREOF, FAIL NOT, and make due return of this warrant with your doings thereon to the Clerk of said Town at the time of said meeting.

Given under our hands at Milford this 29th day of SEPTEMBER, 2014

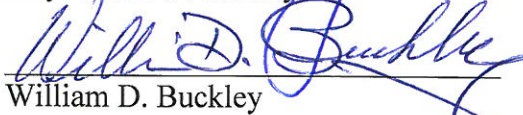
MILFORD BOARD OF SELECTMEN



Dino B. DeBartolomeis, Chairman



Atty. Brian W. Murray



William D. Buckley

A true copy attest:



Thomas J. O'Loughlin, Chief of Police