

# Annual Town Meeting Warrant



Town Hall Fallon Auditorium  
June 3, 2019  
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 third day of June 2019 at 7:00 P.M., then and there to act on the following articles:

ARTICLE 1

To see if the Town will vote to elect a temporary Moderator.

ARTICLE 2

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

ARTICLE 3

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 §108, of the Massachusetts General Laws, said salaries and compensation to be effective from July 1, 2019 to June 30, 2020, and to raise and appropriate a sum of money therefore, or act in any manner relating thereto.

(Finance Committee – Approved)

ARTICLE 4

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, 2019 to June 30, 2020, as those charges appear in the Finance Committee Report of Recommendations, 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 with a banking institution for Fiscal Year 2020 pursuant to Chapter 44 §53F, of the Massachusetts General Laws, or act in any manner relating thereto.

ARTICLE 6

To see if the Town will vote to raise and appropriate or transfer 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 transfer from available funds the sum of \$20,000.00, 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 United Way of Tri-County, or act in any manner relating thereto.

(Finance Committee – Approved)

ARTICLE 8

To see if the Town will vote pursuant to the provisions of Chapter 44 §53E½ of the Massachusetts General Laws to set the limits on the total amounts that may be expended from each of the Town's revolving funds established under the Town's Administrative By-Laws, or act in any manner relating thereto.

<b>Revolving Fund</b>	<b>Spending Limit</b>
Gas/Plumbing Inspection	\$50,000.00
Council on Aging	\$ 2,000.00
Town Hall Use	\$ 5,000.00
Olde Home Day	\$25,000.00
Fuller Field	\$ 3,000.00
Town Clerk	\$10,000.00

(Finance Committee – Approved)

ARTICLE 9

To see if the Town will vote to appropriate from the Assessors Overlay Reserve Account the sum of \$30,000.00, or any other sum, said sum to be used to continue the Senior Tax Rebate Program for Fiscal Year 2020, or act in any manner relating thereto.

(Finance Committee – Approved)

ARTICLE 10

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$150,000.00, or any other sum, to the Health Insurance Trust Fund, or act in any manner relating thereto.

(Finance Committee – Approved)

ARTICLE 11

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$150,000.00, or any other sum, to the Stabilization Fund, or act in any manner relating thereto.

(Finance Committee – Approved)

ARTICLE 12

To see if the Town will vote to raise and appropriate or transfer from the Landfill Enterprise Fund Retained Earnings the sum of \$2,560,000.00, or any other sum, to the Landfill Closure Reserve, or act in any manner relating thereto.

(Finance Committee – Approved)

ARTICLE 13

To see if the Town will vote to raise and appropriate or transfer from the Landfill Enterprise Fund Retained Earnings the sum of \$4,500,000.00, or any other sum, to the Capital Projects & Infrastructure Improvements Stabilization Fund, or act in any manner relating thereto.

(Finance Committee – Approved)

ARTICLE 14

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$2,239.60, 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.

Regonini-Zoll Memorials	\$1,777.00
Daryl Suderley	\$ 462.60

(Finance Committee – Approved)

ARTICLE 15

To see if the Town will vote to appropriate from the PEG Access and Cable Related Fund the sum of \$225,000.00, or any other sum, said sum to be used for the support of cable access related services, programming and equipment, or act in any manner relating thereto.

(Finance Committee – Approved)

## ARTICLE 16

To see if the Town will vote to raise and appropriate, borrow or transfer the sum of \$4,500,000.00, or any other sum, said sum to be funded by a \$3,000,000.00 transfer from the Capital Projects & Infrastructure Improvements Stabilization Fund and borrowing of \$1,500,000.00, and expended by the Board of Selectmen for the High Street and Church Street Reconstruction Project, including sidewalks, curbing and installation of decorative streetlights and streetscape improvements in the downtown area, including all related costs, or act in any manner relating thereto.

(Finance Committee – Approved)

## ARTICLE 17

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase, and/or eminent domain, any and all permanent and/or temporary easements for the purpose of repairing, improving or reconstructing streets, sidewalks, drainage facilities, and appurtenances related thereto, in connection with the High Street and Church Street reconstruction project, and to authorize the Board of Selectmen to take all steps necessary, including executing documents and appropriating from available funds money necessary for such acquisitions, upon such terms and conditions as the Board of Selectmen deem to be in the best interest of the Town, or act in any manner relating thereto.

(Finance Committee – Approved)

## ARTICLE 18

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$640,000.00, or any other sum, said sum to be expended by the Clinton Public Schools for the repair or replacement of the roof at the Clinton Middle School, or act in any manner relating thereto.

(School Committee)

(Finance Committee – Approved)

## ARTICLE 19

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$140,000.00, or any other sum, said sum to be expended by the Department of Public Works for the purchase of a new one-ton truck with catch basin cleaner, act in any manner relating thereto.

(Public Works)

(Finance Committee – Approved)

## ARTICLE 20

To see if the Town will vote to raise and appropriate, borrow, or transfer from the Capital Projects & Infrastructure Improvements Stabilization Fund the sum of \$1,500,000.00, or any other sum, said sum to be expended by the Department of Public Works for road resurfacing and improvements as approved by the Board of Selectmen, or act in any manner relating thereto.

(Public Works)

(Finance Committee – Approved)

## ARTICLE 21

To see if the Town will vote to raise and appropriate, borrow, or transfer from the Capital Projects & Infrastructure Improvements Stabilization Fund the sum of \$200,000.00, or any other sum, said sum to be expended by the Department of Public Works for drainage system improvements on Pleasant Street, Marshall Street, Liberty Street, Summit Street and Wilson Street, or act in any manner relating thereto.

(Public Works)

(Finance Committee – Approved)

## ARTICLE 22

To see if the Town will vote to raise and appropriate, borrow, or transfer from the Landfill Closure Reserve the sum of \$1,000,000.00, or any other sum, said sum to be expended by the Department of Public Works for the South Meadow Pond Dredging and Phase I Landfill Closure Project and all related work, or act in any manner relating thereto.

(Public Works)

(Finance Committee – Approved)

## ARTICLE 23

To see if the Town will vote to appropriate, pursuant to Chapter 44 §20 of the Massachusetts General Laws, the sum of \$229,445.00, or any other sum, from the Water Meter Replacement Project, authorized under Article 13 of the 2013 Annual Town Meeting, to be used for a sewer inflow & infiltration study and related sewer system improvements, or act in any manner relating thereto.

(Public Works)

(Finance Committee – Approved)

## ARTICLE 24

To see if the Town will vote to raise and appropriate, borrow, or transfer from the Water/Sewer Enterprise Fund the sum of \$460,000.00, or any other sum, said sum to be expended by the Department of Public Works for a sewer inflow & infiltration study and related sewer system improvements; or act in any manner relating thereto.

(Public Works)

(Finance Committee – Approved)

## ARTICLE 25

To see if the Town will vote to raise and appropriate, borrow, or transfer from the Water/Sewer Enterprise Fund the sum of \$950,000.00, or any other sum, said sum to be expended by the Department of Public Works for exterior painting and installation of a disinfection by-product removal system at the Burditt Hill Tank and for interior/exterior painting and installation of mixing valve system at the Mulberry Water Tank, or act in any manner relating thereto.

(Public Works)

(Finance Committee – Approved)

## ARTICLE 26

To see if the Town will vote to raise and appropriate, borrow, or transfer from the Water/Sewer Enterprise Fund the sum of \$50,000.00, or any other sum, said sum to be expended by the Department of Public Works for studies/permitting in connection with dam removal assessments at the Wekepeke property in Sterling, or act in any manner relating thereto.

(Public Works)

(Finance Committee – Approved)

## ARTICLE 27

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$200,000.00, or any other sum, said sum to be expended by the Police Chief for the purchase of and installation of a cloud based records management software system for police and fire reports, or act in any manner relating thereto.

(Police Chief)

(Finance Committee – Approved)

## ARTICLE 28

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$550,000.00, or any other sum, said sum to be used by the Fire Department for the purchase of a new fire engine, or act in any manner relating thereto.

(Fire Chief)

(Finance Committee – Approved)

## ARTICLE 29

To see if the Town will vote to authorize the filing of special legislation to allow for the Board of Selectmen to appoint two (2) alternate members of the Conservation Commission for staggered terms not to exceed three years, whereby the Chair of the commission may designate an alternate member to sit on the commission in the case of absence, inability to act or conflict of interest on the part of a member of the commission or, in the event of a vacancy on the commission, until the vacancy is filled under Section 8C of Chapter 40, or act in any manner relating thereto.

## ARTICLE 30

To see if the Town will vote to accept the provisions under Chapter 32, Section 20A to indemnify members of the Clinton Retirement Board, to the same extent as provided for public employees under Chapter 258, in connection with the defense of any civil action defended by an attorney employed by said board and arising out of acts performed by such member while acting within the scope of his/her official duties, or act in any manner relating thereto.

(Retirement Board)

## ARTICLE 31

To see if the Town will vote to amend the Administrative By-Laws by adding a new Article captioned "Transfers from the Landfill Enterprise Fund to the Capital Projects & Infrastructure Improvements Stabilization Fund" as set forth below for the purpose of establishing guidelines for the transfer of funds from the Landfill Enterprise Fund to the Capital Projects & Infrastructure Improvements Stabilization Fund, or act in any manner relating thereto.

### **ARTICLE \_\_\_\_: TRANSFERS FROM THE LANDFILL ENTERPRISE FUND TO THE CAPITAL PROJECTS & INFRASTRUCTURE IMPROVEMENTS STABILIZATION FUND**

#### **SECTION 1 - PURPOSE.**

The purpose of this article is to provide guidelines for the transfer of surplus retained earnings from the Landfill Enterprise Fund to the Capital Projects & Infrastructure Improvements Stabilization Fund as required by Chapter 164 of the Acts of 2018.

#### **SECTION 2 – TRANSFERS**

If the Landfill Enterprise Fund generates retained earnings that are not required for the capital expenditures of said enterprise, the Board of Selectmen shall recommend at town meeting that said retained earnings be transferred to the Capital Projects & Infrastructure Improvements Stabilization Fund. Nothing herein shall prevent transfers into the Capital Projects & Infrastructure Improvements Stabilization Fund from other sources as permitted by law.

#### **SECTION 3 - USE**

The Capital Projects & Infrastructure Improvements Stabilization Fund is to be used only for capital projects and infrastructure improvement projects pursuant to guidelines established by the Board of Selectmen.

## ARTICLE 32

To see if the Town will vote to amend the Administrative By-Laws of the Town of Clinton by deleting Article XIV: Free Public Library Trustees and inserting new Article XIV: Bigelow Free Public Library, or act in any manner relating thereto.

### **EXISTING ARTICLE XIV**

#### **ARTICLE XIV: FREE PUBLIC LIBRARY TRUSTEES**



### **SECTION 1.**

There shall be chosen by ballot, at the annual town election in each year, two Trustees of the Public Library, to fill the vacancies occurring by the expiration of the term of service of persons heretofore elected, which Trustees shall hold office for the term of three years.

### **SECTION 2.**

All moneys appropriated for said Library shall be expended by the Board of Trustees in the purchase of such books as they shall select, and in the support and promotion of its interests and efficiency.

### **SECTION 3.**

The Board of Trustees shall have full power to appoint a Librarian and such subordinate officers as they may deem expedient, determine their duties, fix their salaries and remove them at pleasure.

### **SECTION 4.**

The Board of Trustees shall have the sole management of the Library and custody of the books and other property, and shall have full power to make any and all needful regulations for governing said Library and the use thereof.

### **SECTION 5.**

The said Trustees shall lay before the Town, at each annual meeting, a detailed report of their doings and of the condition of the Library, to be printed in the Annual Town Report.

### **SECTION 6.**

The Town shall appropriate and expend annually, at least the sum of twenty-five hundred dollars, for the support, care and maintenance of a free public library.

## **NEW ARTICLE XIV**

### **ARTICLE XIV: BIGELOW FREE PUBLIC LIBRARY**

#### **SECTION 1: BOARD OF LIBRARY TRUSTEES**

The Board shall be composed of six members, two of whom shall be elected each year at the Annual Town Elections as provided for in M.G.L., Chapter 78, Section 10. Trustees shall serve without compensation for a term of three years.

#### **SECTION 2: BOARD RESPONSIBILITIES**

The Board shall have those responsibilities as provided herein and in M.G.L., Chapter 78, Section 11 regarding the custody and management of the Library and property owned by the Town pertaining to the Library. The Board shall be responsible for all monies appropriated by the Town for the Library and all money or property received by the Town by gift or bequest for the Library.

The Board shall establish written policies governing library use, activities, and services, including a policy for the selection of library materials and the use of library materials and facilities in accordance with the current standards of the American Library Association as provided in M.G.L., Chapter 78, Section 33.

The Board shall act as an advocate for the Library in the community and beyond. The Board shall study and support legislation that benefits the Library and the larger library community of which it is a part.

The Board shall appoint a qualified Library Director who shall be the executive and administrative officer of the Library under the supervision, review and direction of the Board. Responsibilities delegated by the Board to the Library Director, who shall attend all Board meetings, shall include implementation of policies approved by the Board, selection and supervision of library personnel, selection of books and other materials, maintenance of library collections, expenditure of funds within the approved budget, direction of library operations and provision of services to the public. The Library Director shall provide the Board with an annual Library report to be included in the Annual Town Report.

### **SECTION 3: TOWN APPROPRIATED MONEY**

The Town of Clinton shall annually appropriate and expend money for the support, care, and maintenance of the Bigelow Free Public Library and the services it provides to the community.

(Library Board of Trustees)

## **ARTICLE 33**

To see if the Town will vote to amend the Administrative By-Laws of the Town of Clinton by deleting Article III: Duties of the Selectmen, Section 11, and inserting new Section 11, to establish new guidelines relative to the disposition of surplus town property or act in any manner relating thereto.

### **EXISTING SECTION 11**

Whenever any personal property of the Town not exceeding \$500 in value become obsolete, antiquated and unfit for further use, the Selectmen may dispose of same by sale, barter, or exchange.

### **NEW SECTION 11.**

If a Department Head seeks to dispose of any surplus personal property having a value of more than \$500, he/she shall submit a written recommendation to the Chief Procurement Officer (CPO) that the identified personal property is surplus to the department's needs and therefore may be disposed of by the Town. Such written recommendation shall include a good faith estimated value of the personal property. Personal property having a value of less than \$500 and no longer needed by a department may be disposed of as the Department Head deems appropriate providing said Department Head provides ten (10) days' advanced notice to the CPO of the personal property, estimated value and intended disposition.

Personal property recommended as surplus by a Department Head and valued greater than \$500 and less than \$2,500 may be designated surplus by the CPO and the CPO shall advertise the items for sale on the Town website, or in the local newspaper, or by online auction as he/she deems in the best interest of the Town.

For personal property recommended as surplus by a Department Head and valued at \$2,500 or more, the Board of Selectmen shall vote whether to designate such personal property as surplus. For such personal property deemed surplus by the Board of Selectmen, the CPO shall dispose of the personal property in accordance with Chapter 30B of the Massachusetts General Laws by sealed bids or by public auction.

At the discretion of the Board of Selectmen, surplus personal property may be sold at less than fair market value or donated to a governmental entity or an organization which has Internal Revenue Service tax exempt status by reason of its charitable nature as provided in Chapter 30B of the Massachusetts General Laws.

#### ARTICLE 34

To see if the Town will vote to amend the Administrative By-Laws by adding a new Article to adopt the "Stretch Energy Code" as set forth below for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of January 1, 2020, or take any other action relative thereto.

#### **ARTICLE \_\_\_\_: STRETCH ENERGY CODE**

##### **SECTION 1- ADOPTION.**

The Town has adopted the provisions of 780 CMR 115.AA (i.e., Appendix 115.AA of the State Building Code or the "Stretch Energy Code"), as it may be amended from time to time, effective in the Town beginning on January 1, 2020.

##### **SECTION 2 PURPOSE.**

The purpose of the Stretch Energy Code is to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.; or do or act relating thereto.

#### ARTICLE 35

**ARTICLE\_\_:** To see if the Town will vote to amend the Zoning By-law of the Town of Clinton by inserting a new Section 3500, Mixed Use. Downtown Residential, or act in any manner thereto;

#### **3500. MIXED USE. DOWNTOWN RESIDENTIAL**

**3510. Purpose.** This Zoning By-law shall encourage the creation of conversion of existing structures and creation of new mixed-use commercial and residential structures in Clinton's downtown and along commercial nodes to support Clinton's local economy and meet local housing needs.

**3520. Applicability.** This Zoning By-law shall apply as-of-right in the BR Zoning District, and by special permit in the C and R1 zoning districts, to new construction on lawfully existing lots and to the conversion of lawfully existing structures, whether they are conforming or pre-

existing nonconforming per Section 3600 of this Zoning By-law. Additions to existing structures exceeding twenty-five percent (25%) of the gross floor area of the existing structure shall render the entire structure to be considered a new structure.

In the event of a conflict between this Section 3500 and the requirement(s) of the applicable zoning district or any other provision(s) of this Zoning By-law, and insofar as this Section 3500 imposes requirement(s) that are more or less stringent than those otherwise applicable under this Zoning By-law, the provision(s) of this Section 3500 shall control with respect to any development or redevelopment occurring hereunder.

**3530. Standards.** The first floor of mixed-use structures must be primarily dedicated to a commercial use, with no more than twenty percent (20%) of the first-floor floor area serving upper-story residential uses (such as for the customary provision of an entrance, lobby, elevator, stair, bicycle storage, and/or mail room).

3531. Apartment units created under this Zoning by-law must meet the following minimum **gross floor area** measurements:

Studio/Efficiency	500 square feet
One Bedroom	650 square feet
Two Bedroom	750 square feet
Three Bedroom	900 square feet
+ per additional bedroom	150 square feet

3532. The external appearance of existing structures to be converted to mixed-use shall remain substantially the same, and new mixed-used buildings shall be designed to meet the following standards:

- a) Any exterior alterations, such as additions, shall be designed so as to be complementary to the existing structure (should one exist, or neighboring structures for the purpose of new construction), and shall to the greatest extent possible, make use of the same or comparable building materials for exterior cladding, windows and window openings, and roofing.
- b) Buildings shall be designed in a manner consistent with the Town of Clinton's Downtown Sign and Façade Guidelines.
- c) Any stairways or access and egress alterations serving upper-story residential units shall be enclosed, screened, and located so that visibility from public ways is minimized.
- d) New construction permitted under this section of the Zoning By-law in the BR zone shall not exceed seventy percent (70%) lot coverage, and ten percent (10%) of the lot shall be constructed as usable open space (patio, roof deck, terrace, landscaped lawn with plantings) to serve building residents. New construction permitted under this section of the Zoning By-law in any other zoning district shall not exceed the lot coverage maximums otherwise allowed under Section 4130 – Table of Dimensional Requirements, unless waived by special permit by the Planning Board. In no case shall the Planning Board waive more than fifteen percent (15%) of maximum lot coverage by special permit.
- e) Any illumination serving commercial or residential parking shall be screened and/or shielded as needed so as not to project onto neighboring properties.

- f) To the greatest extent possible, mechanical equipment serving the building shall be co-located and setback on the building's rooftop so as to minimize visual disruption to the building's facade. Mechanical equipment shall be screened within equipment structures or by visual and/or acoustical screens. In no case shall any
- g) rooftop equipment, screen, or equipment structure and/or headhouse or decking structure exceed ten feet (10 ft.) in height of the highest point on the building's rooftop.

**3540. Parking.** Parking shall be provided in accordance with the following standards:

3541. In no case shall parking be constructed within the required front yard setback, or between the front lot line and the front façade of a building. Parking located within side yards shall be screened from the front lot line by vegetation and/or fencing, provided that no such fence exceeds four feet (4 ft.) in height.

3542. Sufficient and appropriate space for at least one (1) off-street parking space per residential unit for units created in existing buildings shall be provided, unless otherwise waived by special permit by the Planning Board. There shall be no parking requirement for the commercial use(s) in new or existing buildings converted under this Section of the Zoning By-law, provided that the site is served by municipal on-street parking or is located within three-hundred feet (300 ft.) of a municipal parking lot. New structures shall provide parking in accordance with Multi-Family Dwelling requirements in Table of Parking Requirements in Section 5000, unless otherwise waived by the Planning Board.

Amendment to Section 3500:

Remove existing **3500. [RESERVED]** and replace with "Section 3500. Mixed Use. Downtown Residential".

Amendment to Section 3130 – Table of Use Regulations to include new provisions for Mixed Use – Downtown Residential:

PRINCIPAL USE	R2	R1	BR	C	I
<b>A. RESIDENTIAL USES</b>					
8. Mixed Use, Downtown Residential (Section 3500)	N	PB	Y	PB	N

Insert New Provision in Section 3630 - Nonconforming Structures:

3633. Alterations and/or extension of a nonconforming structure converted to mixed use under Section 3500 of this Zoning By-law.

Amendment to Section 4130 – Dimensional Requirements to include new provisions for mixed use lots:

DIMENSIONAL REQUIREMENTS	R1	R2	BR	C	I
	Min. Lot Area, mixed use (sq. ft.)	12,000	N/A	5,000	12,000

Amendment to Section 5100 – Table of Parking Requirements to include new provisions for mixed use lots:

<b>PRINCIPAL USE</b>	<b>NUMBER OF PARKING SPACES</b>
<b>A. RESIDENTIAL USES</b>	
7. Mixed Use – Downtown Residential	See Section 3500

(Planning Board)

ARTICLE 36

**ARTICLE \_\_:** To see if the Town will vote to amend the Zoning By-law of the Town of Clinton by inserting a new Section 7300, Conversion of Existing Structures, or act in any manner thereto;

**SECTION 7300. CONVERSIONS OF EXISTING STRUCTURES**

7310. Purpose. The purpose of this Zoning By-law is to support the preservation and protection of the architectural integrity of historic residential structures in Clinton by allowing for interior conversions of floor area to two-family or multi-family housing thereby increasing the financial viability of such structures.

7320. Applicability. This Zoning By-law shall apply to any lawfully existing residential structure fifty (50) years of age or older, on a lot meeting the minimum lot area for “all other uses” as required under Section 4130 of this Zoning By-law, in any zoning district, provided that such structure measures at least two-thousand four-hundred (2,400 s.f.) in gross floor area.

7330. Exterior Alterations. The external appearance of the structure shall not be significantly altered from the appearance of the original structure, in accordance with the following:

7331. Any stairways or access and egress alterations serving new residential units shall be enclosed, screened, and/or located so that visibility from public ways is minimized;

7332. Additions to the existing structure may not exceed ten percent (10%) of the existing gross floor area. Additions converting areas within basements or attics to habitable area shall not count as new floor area; however, in those instances where dormers are constructed, any new area created measuring 6’7” in height shall be considered new floor area. Dormers must be inset by at least 18 inches from any gable or eave.

7333. Any exterior alterations shall be painted, clad, repaired, or otherwise constructed to match those materials and colors used on the existing structure (unless the entire structure is to be reclad as part of the conversion) so as to blend seamlessly.

7340. Interior Standards. Apartment units created under this Zoning by-law must meet the following minimum gross floor area requirements:

Studio/Efficiency	500 square feet
One Bedroom	650 square feet
Two Bedroom	750 square feet
Three Bedroom	900 square feet
+ per additional bedroom	150 square feet

7350. Parking. Sufficient and appropriate space for additional parking spaces shall be constructed to serve the new residential units and provided in accordance with the parking requirements for multi-family dwellings in the Table of Uses in Section 5000 of this Zoning By-law.

Amendment to Section 3130 – Table of Use Regulations to include new provision for conversions of existing structures:

<b>PRINCIPAL USE</b>	<b>R2</b>	<b>R1</b>	<b>BR</b>	<b>C</b>	<b>I</b>
<b>A. RESIDENTIAL USES</b>					
9. Conversion of Existing Structures (Section 7300)	PB	PB	Y	PB	N

New Provision in Section 3650 - Nonconforming Single- and Two- Family Residential Structures:

In the event that the Building Commissioner determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alterations inclusive of those authorized under Section 7300 of this Zoning By-law, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

Amendment to Section 5100 – Table of Parking Requirements to include reference for conversions of existing structures:

<b>PRINCIPAL USE</b>	<b>NUMBER OF PARKING SPACES</b>
<b>A. RESIDENTIAL USES</b>	
8. Conversions of Existing Structures	See Section 7300

(Planning Board)

ARTICLE 37

**ARTICLE\_\_:** To see if the Town will vote to amend the Zoning By-law of the Town of Clinton by inserting regulations and standards related to multi-family housing including amendments to Section 4130 (Table of Dimensional Requirements), Section 5100 (Table of Parking Requirements), and the inclusion of new Section 9457 (Site Plan Design Standards for Multi-Family Housing), or act in any manner thereto;

Amendment to Section 4130. Table of Dimensional Requirements to address multifamily in BR and C zones and clarify definition of “N/A”:

<b>DIMENSIONAL REQUIREMENTS</b>	<b>R1</b>	<b>R2</b>	<b>BR</b>	<b>C</b>	<b>I</b>
	Min. Lot Area, multifamily (sq. ft.)	24,000 for three units, plus 6,000 for fourth	36,000 for three units, plus 9,000 for fourth	5,000	12,000

N/A – Not allowed.

Amendment to Section 5100 – Table of Parking Requirements to revise multi-family parking standards:

PRINCIPAL USE	NUMBER OF PARKING SPACES
<b>A. RESIDENTIAL USES</b>	
3. Multifamily dwelling*	1 space per studio dwelling unit 1.2 spaces per one-bedroom dwelling unit 1.5 spaces per two-bedroom dwelling unit 2 spaces per 3+ bedroom dwelling unit  Plus one visitor space per every 5 dwelling units

\* Any fractional parking requirement measuring 0.5 or greater shall be rounded up to the nearest whole number.

Amendment to Section 9400 to include new Site Plan Design Standards for Multi-family Developments and Mixed-Use Residential Buildings:

9457. Site Plan Design Standards for Multi-family Mixed-Used Residential Structures and Lots are as follows:

- a. Projects shall, to the greatest extent possible do the following:
  - Foster project designs that create and enhance a sense of community and neighborhood.
  - Create and promote usable public spaces.
  - Contribute to creating neighborhoods of superior architectural and visual interest.
  - Create project designs that are transit and pedestrian friendly.
  - Ensure community longevity by designing projects and neighborhoods that will endure over time.
  - Incorporate environmentally sustainable features into project design.
  - Consider and respond to the relationship and context of adjacent projects.
- a. The overall character of the development shall be defined through the use of a consistent design concept and shall incorporate the architectural embellishments commonly associated with that style.
- b. Architectural design concepts of neighboring projects shall be considered. The project may adopt a consistent or contrasting approach.
- c. Architectural elements such as varied roof forms, articulation of the facade, breaks in the roof, walls with texture materials and ornamental details, and landscaping shall be incorporated to add visual interest.
- d. Architectural elements such as fenestrations and recessed planes shall be incorporated into façade design. Large areas of flat, blank wall and lack of treatment are strongly discouraged unless it benefits the overall design aesthetic.
- e. Semi-private areas such as covered front porches and/or courtyards are highly encouraged.



- f. Roof height, pitch, ridgelines and roof materials shall be varied to create visual interest and avoid repetition. Architectural style should be considered when designing the roof plan.
- g. Stairs and other entry access requirements such as wheelchair ramps and elevators shall be integrated into the overall project design.
- h. Building layout should ensure the gradual transition of building height and mass.
- i. Pedestrian scaled entry shall be a prominent feature of the front elevation. Building entry zones shall be clearly defined through the use, or combined use, of elements such as accent paving, accent planting, colored pots and bollards.
- j. Architectural detail such as windows, awnings, trellises, balconies, patios, landscape planters and material changes at the street level shall be used to soften the edge of the building and enhance pedestrian scale.
- k. High quality and durable materials, such as stone, brick and cementitious siding, are encouraged as is the creative and appropriate use of color provided that it is consistent with the overall architectural style or theme of the project. Variation in exterior treatment of adjacent buildings is encouraged.
- l. Rear and side elevations of units/buildings facing a major street shall be given particular emphasis. Side and back walls of units/ buildings on corners shall include treatment on walls facing the street, and shall incorporate design features such as bump-outs, variation in building mass, and window placement.
- m. When adjacent to single family residences, side and rear setbacks shall allow for a sufficient planter area to buffer impacts and screen undesirable views. When necessary, setbacks shall be used to provide sound attenuation by creating space for the placement of sound barriers.
- n. Services and storage, including garbage collection, recycling, fire and utilities shall be screened from public view. All refuse containers shall be placed within screened storage areas or enclosures. Enclosures shall be located to provide easy accessibility for users, adequate room for servicing by refuse trucks and shall not hinder visibility for vehicle circulation. Enclosure materials and colors shall be consistent with, and complimentary to, building materials and finishes.

(Planning Board)

### ARTICLE 38

**ARTICLE\_\_:** To see if the Town will vote to amend the Zoning By-law of the Town of Clinton to insert the following amendments: allow for multiple principal structures on the same lot by special permit; alter lot area computation; alter parking area design requirements; allow a waiver of the land use ratio for Mill Conversion/Planned Developments by special permit; and clarify special permit requirements for Site Plan review and plan requirements.

Amendment to Section 4110 – One Structure Per Lot to include special permit provision:

**4110. One Structure per Lot.** Not more than one principal structure may be placed on any lot, unless authorized by special permit by the Planning Board. The Planning Board may authorize the special permit if more than one principal structure per lot is preferable due to improved site design.

Amendment to Section 4230 – Lot Area Computation to exclude wetlands, open water, and steep slope from developable lot area:

**4230. Lot Area Computation.** The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. The lot area required for zoning compliance shall be land other than those defined as “wetlands” by the Massachusetts Department of Environmental Protection (or its successor agency), open water, or steep slope (slopes measuring 15% or more):

Amendments to Section 5100 – Parking Requirements to codify existing policies and improve parking area aesthetics:

5123. Any reduction in area required for parking because of these joint use provisions may be required as reserved landscaped open space; such area shall be computed at the rate of one hundred eighty (180) square feet per parking space.

5131. In the BR, C and I zoning districts, if there are special and unusual circumstances that make it impractical to provide all required parking within three-hundred feet (300 ft.) of the principal use, other provisions, such as the long-term leasing of off-street parking facilities (for a duration of at least five years), may be made for the location of parking provided it is a permitted use in the zone in which it is to be located and subject to Special Permit and Site Plan approval by the Planning Board.

5167. All portions of all parking spaces and maneuvering aisles shall be set back a minimum of five (5) feet from any wall of a building. To the greatest extent possible, garage doors shall be located facing away from a public way.

5168. Each required off-street parking space shall be designed so that any motor vehicle may proceed to and from said space without requiring the moving of any other vehicle or by passing over any other parking space, except where the parking area is attended or limited to employees, or on lots with three or fewer dwelling units.

5169. Off-street parking facilities shall be designed with parking facilities located to the side of and/or behind principal structures, and in no case shall a parking space be located between the front lot line and the front façade of the principal structure unless authorized by special permit by the Planning Board.

Amendments to Section 7100 – Flexible Development, to alter density bonus formula and building type restrictions:

7160. Basic Maximum Number of Dwelling Units. The Basic Maximum Number of dwelling units allowed in a Flexible Development shall not exceed the number of ~~lots~~ units which could reasonably be expected to be developed upon the site under a conventional plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands regulations and other applicable requirements. The proponent shall have the burden of proof with regard to the design and engineering specifications for such conventional plan.

7181. *Types of Buildings.* The Flexible Development may consist of any combination of single-family, two-family and multifamily residential structures. The architecture of all multifamily buildings shall be residential in character and complementary of the local architectural vernacular within the neighborhood.

Amendment to Section 7200 – Mill Redevelopment to establish waiver standards:

7222. If there is more than one type of major land use (e.g., residential, institutional, office building, or research establishment), no one type shall constitute less than ten (10) percent or more than seventy (70) percent of the total dwelling units or gross floor area, unless a waiver justified by the submission of a market analysis prepared by a qualified professional is authorized by Special Permit by the Planning Board.

Amendments to Section 9300 – Special Permits, to clarify permit and plan requirements:

**9330. Procedures.** Applicants are encouraged to hold a pre-application meeting, with the special permit granting authority prior to filing a formal application; said pre-application meeting shall be mandatory if the application requests a special permit in connection with the development of a Priority Development Site (PDS). Whenever an application for a special permit is filed with a special permit granting authority, a special permit for Site Plan Review may also be required under Section 9400 of this Zoning By-law. When an application is filed, the applicant shall also file, within five (5) working days of the filing of the completed application with said authority, copies of the application, accompanying site plan, and other documentation, to the Board of Health, Conservation Commission, Building Commissioner, Director of Public Works, Police Chief, Fire Chief, Director Community & Economic Development and Board of Selectmen for their consideration, review, and report. The copies necessary to fulfill this requirement shall be furnished by the applicant.

**9340. Development Impact Statement (DIS).** At the discretion of the special permit granting authority, the submittal of a development impact statement (DIS) may be required. The DIS shall be prepared by an interdisciplinary team including a Registered Landscape Architect or Architect, a Registered Professional or Civil Engineer, and/or a Registered Surveyor.

Amendment to Section 9451 – Contents of Plans, to clarify required plans for projects requiring board level review:

d. Existing and proposed architectural elevations and a color rendering for all building facades where work is proposed to be performed. Plans shall indicate all proposed building materials, salient measurements and dimensions, illumination details, and other relevant information.

(Planning Board)

ARTICLE 39

To see if the Town will vote to declare the real properties owned by the Town and located at 329 High Street and 172 Sterling Street as surplus properties and available for disposition thereby enabling the Board of Selectmen to solicit proposals from potential purchasers of the properties in accordance with Chapter 30B of the Massachusetts General Laws, or act in any manner relating thereto.

ARTICLE 40

To see if the Town will vote to accept the private way known as Prescott Lane as a public way in the Town of Clinton, as shown on a plan on file in the Office of the Town Clerk and available for public inspection during regular Town Hall business hours, or act in any manner related thereto.

#### ARTICLE 41

To see if the Town will vote to accept the Open Space areas consisting of 5.45 acres and 3.08 acres all as shown on a plan of land entitled, "THE VILLAGES AT BUFTON FARM, DEFINITIVE SUBDIVISION OF LAND IN CLINTON, MASS" Prepared for: 2100 Corp., Scale: 1" = 40', August, 2003, which plan is recorded with the Worcester District Registry of Deeds in Plan Book 845, Plan 4, and plan of land entitled, "THE VILLAGES AT BUFTON FARM, MODIFICATION OF DEFINITIVE SUBDIVISION OF LAND", Clinton, Mass., Owned by 2100 Corp., Scale 1" = 40', March, 2013, Prepared by David E. Ross Associates, Inc., Civil Engineers – Land Surveyors – Environmental Consultants," which plan is recorded with the Worcester District Registry of Deeds in Plan Book 902, Plan 88.

#### ARTICLE 42

To see if the Town will vote to accept Lot 7 and Lot 12 and those areas marked as Open Space, on a plan of land entitled, "DEFINITIVE SUBDIVISION MODIFICATION, NATHAN HEIGHTS PHASE 1 CLINTON, MASSACHUSETTS, a Flexible Development Plan", Prepared for Owner: G & B Investments, LLC, 2100 Lakeview Avenue, Dracut, Massachusetts 01826, Scale: 1" = 200' June 11, 2004, Prepared by Cuoco & Cormier Engineering Associates, Inc., Civil Engineers - Land Surveyors- Environmental Sciences, 170 Main Street, Unit 112, Tewksbury, MA, 01876, which plan is recorded with the Worcester County Registry of deeds at Plan Book 820, Plan 6.

#### ARTICLE 43

To see if the Town will vote to acquire by gift a parcel of land on Pond View Drive for the maintenance of the water line said parcel being known as Parcel A consisting of 11,755 square feet as shown on a plan of land entitled "Land in Clinton, Massachusetts, Boston & Maine Corporation to South Meadow Way Realty Trust", dated May 1, 2014, drawn by New England Engineering Group, said Plan being recorded with the Worcester Registry of Deeds in Plan Book 907, Plan 36, being the same parcel conveyed to South Meadow Way Realty Trust by deed recorded in Book 56137, Page 302, or any in any manner relating thereto.

#### ARTICLE 44

To see if the Town will vote to grant a utility easement over Town owned land on South Meadow Road in connection with potential private property solar arrays thereby enabling the Board of Selectmen to solicit proposals for use of such utility easement and benefits to the Town therefrom in accordance with Chapter 30B of the Massachusetts General Laws as applicable, or act in any manner relating thereto.

ARTICLE 45

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to authorize the Board of Selectmen to grant a Chapter 138, Section 15 all alcohol package store license to Super Summit, Inc. for premises located at 1183 Main Street Clinton MA, notwithstanding the limitation on the number of such licenses which may be granted, or act anything thereon.

(Citizens Petition)

ARTICLE 46

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to authorize the Board of Selectmen to grant a Chapter 138, Section 15 all alcohol package store license to 1044 Main Street Clinton LLC, for premises located at 1044 Main Street Clinton MA, notwithstanding the limitation on the number of such licenses which may be granted, or act anything thereon.

(Citizens Petition)

ARTICLE 47

Clinton Youth Football and Cheer is asking the Town to appropriate money not to exceed \$10,000.00 to purchase a storage unit for Fuller Field at the upcoming Town Meeting for FY2020.

(Citizens Petition)

(Finance Committee – Disapproved)

ARTICLE 48

Clinton Youth Football and Cheer along with Clinton Little League are looking for the Town of Clinton to appropriate money not to exceed \$28,000.00 to purchase portable bleachers for the use at Fuller Field at the upcoming Town Meeting for FY2020.

(Citizens Petition)

(Finance Committee – Disapproved)

**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 fifteenth day of May in the year of our Lord, two thousand and nineteen.

BOARD OF SELECTMEN

Michael J. Dziokonski, Chair  
William F. Connolly, Jr., Vice-Chair  
Sean J. Kerrigan, Clerk  
Marc S. Iacobucci

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.

Kevin R. Haley  
Constable for the Town of Clinton