

# **Special Town Meeting**

## **WARRANT**



**Town of Hudson**  
**Monday, November 21, 2016**  
**Finance Committee**  
**Report and Recommendations**

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## **Finance Committee Preamble**

### **To The People of Hudson, Greetings:**

The Finance Committee would like to take this opportunity to thank the Hudson Sesquicentennial Committee for all of their hard work and dedication in celebrating Hudson's 150<sup>th</sup> Anniversary this year. The last event of the year will be "The Life of Frederick Douglass" on November 29<sup>th</sup>. The event will take place where Frederick Douglass once spoke and where Town of Hudson organized the first Town Meeting in 1866, The Unitarian Church of Marlborough and Hudson.

The Finance Committee has reviewed the warrant articles and we have made our recommendations. We have the following additional comments regarding the articles presented.

Article 5: Community Preservation Appropriations: The Community Preservation Committee is requesting two projects be funded utilizing different portions of available CPA funds. The Town Hall will use the \$200,318.00 from Historic Preservation reserve to repair a portion of the slate roof. The second project will use \$602,533 from the Undesignated Fund for the replacement of the Town Hall heating system. The Finance Committee recommends the passage of this article.

Article 18: The Finance Committee was unable to recommend the adoption of the Wetlands Protection Bylaw by a vote of 2-2-3. A motion will need to be made at Town Meeting.

Respectfully Submitted,

### **The Finance Committee:**

Justin Provencher, Chairman, Stephen Domenicucci, Vice Chairman  
Claudinor Salomao, Barbara Rose, Manuel A. Chaves  
Robert Clark, Dolores Sharek, Sam Calandra, Guy Beaudette

TOWN WARRANT  
THE COMMONWEALTH OF MASSACHUSETTS  
Middlesex, ss.

To any of the constables of the Town of Hudson in the County of Middlesex,  
Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to  
notify and warn the inhabitants of the Town of Hudson, qualified to vote in elections and on  
Town affairs, to assemble in the Hudson High School, Brigham Street, in said Town on

MONDAY, THE TWENTY FIRST DAY OF

NOVEMBER, 2016

at 7:30 o'clock in the evening. Then and there to act on the following articles to wit:



**ARTICLE 1 Chapter 90 Roadway Funds**

To see if the Town will vote to take from available funds the sum of \$593,696.00 for construction, reconstruction and improvements of Town roads as requested by the Board of Selectmen to be reimbursed by the Commonwealth of Massachusetts pursuant to the Town of Hudson's Chapter 90 apportionment for Fiscal 2017; or take any action relative thereto.

Director of Public Works  
Executive Assistant  
Board of Selectmen

***Article 1: The Finance Committee unanimously recommends the adoption of the subject matter of this article and that the sum of \$593,696.00 be taken from available funds.***

**ARTICLE 2 Police Superior Officers Retroactive Wages**

To see if the Town will vote to raise and appropriate \$20,006.00 to fund the Fiscal Year 2017 obligation under the Fiscal Year 2017-2019 collective bargaining agreement between the Town and the Hudson Police Superior Officers' Association/MCOP, Local 433, said amount to be added to line 32 of Article 4 approved at the Town Meeting held on May 2, 2016; or take any action relative thereto.

Executive Assistant  
Police Chief  
Finance Director  
Board of Selectmen

***Article 2: The Finance Committee unanimously recommends the adoption of the subject matter of this article and that the sum of \$20,006.00 be raised and appropriated.***

**ARTICLE 3 Lake Boon Commission Budget Adjustment**

To see if the Town will vote to reduce the amount appropriated for Lake Boon Commission expenses in line 30 of Article 4 of the May 2, 2016 Annual Town meeting by \$4,569.00, leaving a net Fiscal Year 2017 appropriation of \$2,497.00.

Executive Assistant  
Board of Selectmen

*Note: The combined Lake Boon Commission budget voted by the Commission was \$7,360.00. The Town of Stow is responsible for 2/3 of the total and the Town of Hudson is responsible for 1/3. This article corrects an over-appropriation.*

***Article 3: The Finance Committee unanimously recommends the adoption of the subject matter of this article.***

**ARTICLE 4 FY2017 Budget Adjustment**

To see if the Town will vote to transfer \$8,250.00 from Finance Department Personnel line item 13 of Article 4 approved at the Town Meeting held on May 2, 2016 to Finance Department Expenditures Line item 14 of Article 4 approved at the Town Meeting held on May 2, 2016; or to take any action relative thereto.

Director of Finance  
Executive Assistant  
Board of Selectmen

*Note: Additional funds are need primarily for postage and software license. Access is available because of staff turn overs.*

**Article 4: The Finance Committee unanimously recommends the adoption of the subject matter of this article.**

**ARTICLE 5 Community Preservation Reservation of Funds**

To see if the Town will vote to appropriate from the **Community Preservation** available funds the amount of \$802,851.00 recommended by the Community Preservation Committee for a community preservation project in fiscal year 2017, as follows:

**\$200,000.00** From the Historic Resources Reserve for the rehabilitation and renovation of Hudson Town Hall.

**\$602,851.00** From the Community Preservation Undesignated Fund Balance for the rehabilitation and renovation of Hudson Town Hall.

Or take any action relative thereto.

Community Preservation Committee

*Note: This project entails roof repair and replacement of the facility heating system.*

**Article 5: The Finance Committee recommends the adoption of the subject matter of this article and that the \$802,851.00 be appropriated. Vote 6-0-1**

**ARTICLE 6 Sale of Property – 62 Packard Street**

To see if the Town will vote to authorize the Board of Selectmen to sell the Police Station located at 62 Packard Street, Hudson, Massachusetts, which parcel is shown on Assessor's Map 18, Lot 71, and to conveyed to the Town by deed dated January 21, 1954 in Book 8206, Page 510, such sale to be subject to the provisions of Chapter 30B of the Massachusetts General Laws, and further that such disposition to be on such other terms and conditions that the Board of Selectmen deem appropriate, only after the successful relocation of the Police Department to its new headquarters is complete; or take any action relative thereto.

Executive Assistant  
Board of Selectmen

**Article 6: The Finance Committee recommends the adoption of the subject matter**

**ARTICLE 7 Authorization to Negotiate Pilot Solar Agreement: 36D Stow and Cemetery Road**

To see if the Town will vote, pursuant to the provisions of M.G.L. c. 59, §38H and regulations promulgated thereunder, to authorize the Executive Assistant in conjunction with the Board of Assessors to negotiate and enter into a payment in lieu of tax agreement with the lessee/operator/owner of the solar photovoltaic energy generating facility to be developed at 36D Stow and Cemetery Road, (Assessors Map 6, Parcel 57); upon such terms and conditions as the Executive Assistant and Board of Assessors shall deem to be in the best interests of the Town; or take any action relative thereto.

Executive Assistant  
Board of Selectmen

*Note: The lessee/operator/owner will be required to pay a payment in lieu of property taxes on the value of the installation. The MA Department of Revenue allows towns to enter into payment in lieu of tax (PILOT) agreements which enable the town to receive and the taxpayer to pay a fixed amount that meets the Assessors' valuation for the term of the agreement. The PILOT provides the Town with a known annual income stream and reduces tax uncertainty for the developer.*

**Article 7: The Finance Committee recommends the adoption of the subject matter of this article. Vote 6-0-1**

**ARTICLE 8 173 Washington Street Debt Service Adjustment**

To see if the Town will vote to transfer \$30,525 from Receipts Reserved for Appropriation from the Sale of Real Estate in accordance with Massachusetts General Laws, Chapter 44, §63 for the purposes of funding the FY 2017 debt service for the purchase of the 173 Washington Street property; or take any action relative thereto.

Executive Assistant  
Finance Director  
Board of Selectmen

*Note: Proceeds from the sale of this property have been reserved and will be used for annual debt service payments. Taxpayer funds are not being used to support this debt.*

**Article 8: The Finance Committee unanimously recommends the adoption of the subject matter of this article and that \$30,525 be transferred from the Sale of Real Estate receipts.**

**ARTICLE 9 Purchase Asphalt Hotbox and SUV**

To see if the Town will vote to transfer the sum of \$7,817.00 from the balance remaining under Article 2 of the May 2015 Town Meeting (four wheel drive 1-ton utility body portion), \$5,030.00 from the balance remaining under Article 2 of the May 2015 Town Meeting (four wheel drive 1-ton dump truck portion); \$46,100.00 from the balance remaining under Article 5 of the May 2016 Town Meeting (front end loader portion); \$9,250.00 from the balance remaining under Article 5 of the May 2016 Town Meeting (snow blower portion); and \$2,341.00 from the balance remaining under Article 5 of the May 2016 Town Meeting (dump truck portion) for a total of \$70,538.00 to be used for the purchase of an asphalt hotbox



\$33,021.00 and a replacement for a DPW sport utility vehicle \$37,517.00; or take any action relative thereto.

Director of Public Works  
Executive Assistant  
Board of Selectmen

***Article 9: The Finance Committee recommends the adoption of the subject matter of this article and that the sum of \$12,847 be transferred from the balance remaining under Article 2 of the May 2015 Town Meeting and \$57,691 be transferred from the balance remaining under Article 5 of the May 2016 Town Meeting. Vote 5-2-0***

***ARTICLE 10 Appropriation of Funds: Cemetery Commission Receipts***

To see if the Town will vote to appropriate \$35,000.00 from the Receipts Reserved from Appropriation from the Sale of Cemetery lots in accordance with M.G.L. Chapter 114, Section 15 for the purposes of funding infrastructure improvements in the Cemetery (drainage, roadway & lot expansion); or take any action relative thereto.

Director of Public Works  
Executive Assistant  
Cemetery Commission  
Board of Selectmen

*Note: Expenditure of funds approved by the Cemetery Commission.*

***Article 10: The Finance Committee unanimously recommends the adoption of the subject matter of this article and that the \$35,000.00 be appropriated.***

***ARTICLE 11 Appropriation of Funds: Cemetery Commission Receipts***

To see if the Town will vote to appropriate \$10,000.00 from the Receipts Reserved from Appropriation from the Sale of Cemetery lots in accordance with M.G.L. Chapter 114, Section 15 for the purposes of funding engineering services for the Cemetery (new maintenance garage / Bathroom Facility); or take any action relative thereto.

Director of Public Works  
Executive Assistant  
Board of Selectmen

*Note: Expenditure of funds approved by the Cemetery Commission*

***Article 11: The Finance Committee unanimously recommends the adoption of the subject matter of this article and that \$10,000.00 be appropriated.***

***ARTICLE 12 Rescind Authorization to Borrow***

To see if the Town will vote to rescind the authority to borrow the sum of \$34,835.76 of the total borrowing authorization of \$500,000.00 approved under Article 3 of the November 1999 Town Meeting; or take any action relative thereto.

Executive Assistant  
Finance Director  
Board of Selectmen

***Article 12: The Finance Committee unanimously recommends the adoption of the subject matter of this article.***

**ARTICLE 13 Rescind Authorization to Borrow**

To see if the Town will vote to rescind the authority to borrow the sum of \$26,153.00 of the total borrowing authorization of \$474,527.00 approved under Article 4 of the May 2012 Town Meeting; or take any action relative thereto.

Executive Assistant  
Finance Director  
Board of Selectmen

***Article 13: The Finance Committee unanimously recommends the adoption of the subject matter of this article.***

**ARTICLE 14 Rescind Authorization to Borrow**

To see if the Town will vote to rescind the authority to borrow the sum of \$68,216.00 of the total borrowing authorization of \$7,725,000.00 approved under Article 5 of the May 2007 Town Meeting; or take any action relative thereto.

Executive Assistant  
Finance Director  
Board of Selectmen

***Article 14: The Finance Committee unanimously recommends the adoption of the subject matter of this article.***

**ARTICLE 15 Establish PEG Access and Cable Related Fund**

To see if the Town will vote to accept General Laws Chapter 44, Section 53F ¾, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2018, which begins on July 1, 2017; further, to see if the Town will vote to authorize the Town Accountant to transfer any unencumbered balance in the Verizon and Comcast PEG Access Funds at the end of June 30, 2017, to the PEG Access and Cable Related Fund on July 1, 2017, or to take any action relative thereto.

Executive Assistant  
Finance Director  
Board of Selectmen

*Note: This Accounting change to the way Hudson accounts for cable related receipts is in response to a Department of Revenue "Informational Guidelines Release".*

***Article 15: The Finance Committee unanimously recommends the adoption of the***

*subject matter of this article.*

**ARTICLE 16 Establish Other Post-Employment Benefits (OPEB) Liability Trust**

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 32B, Section 20 to establish an Other Post-Employment Benefits (OPEB) Liability Trust to reserve funds for retiree health insurance and other post-employment benefits; or take any action relative thereto.

Finance Director  
Executive Assistant  
Board of Selectmen

**Article 16: The Finance Committee recommends the adoption of the subject matter of this article. Vote 6-1-0**

**ARTICLE 17 Amend Zoning By-Law – C-1 District**

To determine whether the Town will vote to amend the Town of Hudson Protective Zoning By-Laws by deleting the following language from Section 9.2, “noted in Table 2” Use Scheduled, C-1 Zoning District and replacing it with “required under Section 7.1.7”; or take any action relative thereto.

Director of Community Development  
Executive Assistant

*Note: This language correction arose from discussions at the May 2016 Town Meeting.*

**Article 17: The Finance Committee unanimously recommends the adoption of the subject matter of this article.**

**ARTICLE 18 Amend General By-Laws: Town of Hudson Wetland Protection By-Law**

To see if the Town will vote to amend the General Bylaws of the town by inserting the following bylaw “**Town of Hudson Wetlands Protection Bylaw**” as **Article X** of the General Bylaws and making the present Article X, “**Applications and Penalties**”, the new Article XI

**Town of Hudson  
Wetlands Protection Bylaw  
Hudson Conservation Commission**

**Section 1 Purpose**

The intent and purpose of this bylaw is to protect the wetlands, water resources, and adjoining land areas in the Town of Hudson by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon the following resource area values: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water quality, control of soil and water pollution, fisheries, shellfisheries, wildlife habitat, rare species habitat including rare plant species, agriculture, aquaculture, and recreation values, deemed important to the community (collectively, the “resource area values protected by this bylaw”). This bylaw is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and



procedures stricter than those of the Wetlands Protection Act (M.G.L. Ch. 131 §40) and Regulations thereunder (310 CMR 10.00), subject, however, to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth.

## **Section 2      Jurisdiction**

Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas as set out in Section 7: any freshwater wetlands; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds of any size; intermittent streams, brooks, and creeks; beaches; lands under water bodies and lands abutting any of the aforesaid resource areas out to a distance of 100 feet (the buffer zone); perennial rivers, streams, brooks and creeks and lands adjoining these resource areas out to a distance of 200 feet (Riverfront Area); lands subject to flooding or inundation by groundwater or surface water (collectively "the resource areas protected by the bylaw". Said resource areas shall be protected whether or not they border surface waters.

## **Section 3      Exemptions and Exceptions**

The application and permit required by this bylaw shall not be required for work performed for normal maintenance or improvement of land in agricultural use as defined by the Wetlands Protection Act Regulations at 310 CMR 10.04.

The application and permit required by this bylaw shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, provided that written notice has been given to the Conservation Commission at least 14 days prior to commencement of work, and provided that the work conforms to any performance standards and design specifications in regulations promulgated by the Commission. The application and permit required by this bylaw shall not be required by the Department of Public Works for maintaining, repairing, or replacing, but not substantially changing or enlarging, existing roads, provided that written notice has been given to the Conservation Commission at least 14 days prior to commencement of work, and provided that the work conforms to any performance standards and design specifications in regulations promulgated by the Commission.

The application and permit required by this bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this bylaw. Upon failure to meet these and other requirements of the Commission, the Commission may, after written notice and a public hearing, revoke, rescind or modify an emergency project approval and order restoration and mitigation measures.

The exceptions provided in the Wetlands Protection Act Regulations at 310 CMR 10.58 (6) shall apply.

Strict compliance with this Bylaw may be waived after hearing when, in the judgment of the Conservation Commission, such action is consistent with the intent and purpose of the Bylaw. Any request for a waiver must be submitted to the Commission in writing. The applicant shall have the burden of demonstrating that the granting of the waiver is consistent with the intent and purpose of the Bylaw.

## **Section 4      Applications and Fees**



Written application shall be filed with the Conservation Commission to perform activities affecting resource areas and buffer zones protected by this bylaw. The permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas and buffer zones protected by this bylaw. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.

The Commission in an appropriate case may accept as the application and plans under this bylaw any application and plans filed under the Wetlands Protection Act (M.G.L. Ch. 131 §40) and Regulations (310 CMR 10.00).

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may in writing request a determination from the Commission. The Commission shall accept a Request for Determination of Applicability (RDA) under the Wetlands Protection Act as a request under this bylaw. Such a Request for Determination shall include information and plans as are deemed necessary by the Commission.

Upon receipt of an application, or at any time during the hearing process, the Commission may impose reasonable fees upon the applicant for the employment of outside consultants, engaged by the Conservation Commission, for specific expert services deemed necessary by the Commission to come to a final decision on an application submitted to the Conservation Commission pursuant to the requirements of the Wetlands Protection Act (MGL Ch. 131 § 40), Conservation Commission Act (MGL Ch. 40 § 8C), or this bylaw, as they may be amended or enacted from time to time. Such fees shall be deposited in a special account established in accordance with MGL Ch. 44 § 53G. Procedures governing the hiring of outside consultants shall be included in the Conservation Commission Rules and Regulations.

The exercise of discretion by the Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information available only through outside consultants is necessary for the making of an objective administrative decision. The Commission shall return any unused portion of the consultant fee to the applicant.

Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and Department of Environmental Protection (DEP) of such a decision in writing.

The Commission may waive the consultant fee and costs and expenses for a permit or other application filed by a government agency for a good cause shown.

## **Section 5      Notice and Hearings**

Any person filing a Notice of Intent, Abbreviated Notice of Intent, or Abbreviated Notice of Resource Area Delineation with the Conservation Commission shall at the same time give written notice thereof, by certified mail (return receipt requested) or hand delivered, with verified written proof of delivery, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 100 feet of the property line of the applicant, including any in another municipality or across a body of water. The assessors maintaining any applicable tax list shall certify to the Conservation Commission the names and addresses of the parties in interest and such certification shall be conclusive for all purposes. The notice to abutters shall include a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters. The notice to abutters shall also state where information may be obtained regarding the date, time and place of the public hearing scheduled to consider the application. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission.

The Commission shall conduct a public hearing on any Notice of Intent (NOI), Abbreviated Notice of Resource Area Delineation (ANRAD) or Request for Determination of Applicability (RDA), with written



notice given at the expense of the applicant, at least five business days prior to the hearing, in a newspaper of general circulation in the municipality.

The Commission shall commence the public hearing within 21 days from receipt of a completed NOI, ANRAD or RDA unless an extension is authorized in writing by the applicant. With the consent of the applicant, the Commission shall have authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others deemed necessary by the Commission in its discretion, based on comments and recommendations of the boards and officials listed in Section 6.

The Commission shall issue its permit, other order or determination in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

The Commission in an appropriate case may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act (M.G.L. Ch.131 §40) and Regulations (310 CMR 10.00).

## **Section 6      Permits and Conditions**

If the Conservation Commission, after a public hearing, determines that the activities which are subject to the permit application or the land and water uses that will result therefrom, are likely to have a significant individual or cumulative effect upon the resource area values protected by this bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected resource areas and buffer zones throughout the community and the watershed, resulting from past activities, permitted and exempt.

Where no conditions are adequate to protect those resource values, the Commission is empowered to deny a permit for failure to meet the requirements of this bylaw. It may also deny a permit: for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; or for failure to avoid or prevent adverse or unacceptable significant or cumulative effects upon the resource area values protected by this bylaw. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

Lands within 200 feet of rivers (Riverfront Area), and lands within 100 feet of other resource areas excluding Land Subject to Flooding (the Buffer Zone), are presumed important to the protection of these resources because activities undertaken in close proximity to resource areas have a high likelihood of adverse impact upon the wetland or other resource, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission may therefore establish performance standards for protection of such lands including without limitation strips of continuous, undisturbed vegetative cover within the 200-foot or 100-foot area, or other form of work limit or setback to buildings, roads, landscaping and other features, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the bylaw.

The following are the minimum distances (setbacks) of activity from the edge of wetlands or vernal pools. No activity shall be allowed within these setbacks except as provided below. These setbacks are the minimum and may be extended further if deemed necessary for the protection of the interests of the Bylaw by the Commission.

The setbacks shall be as follows:

- A. 0-foot setback for wetland-dependent structures (drain outfalls, weirs, and similar structures), fences, and structures necessary for upland access where reasonable alternative access is unavailable.
- B. 25-foot setback to the edge of driveways, roadways, and structures. This shall be a buffer of undisturbed natural vegetation where possible.
- C. 25-foot chemical-free area within which no pesticides, herbicides, or fertilizers shall be used.
- D. 50- foot buffer of undisturbed natural vegetation from the mean high water line of vernal pools.

Pre-existing activities or structures not meeting the setbacks set forth above need not be discontinued or removed [but shall be deemed to be nonconforming]. No new activity shall be commenced and no new structure shall be located closer to the edge of wetlands or vernal pools than existing non-conforming like activities or structures, but the Commission may permit new activity or structures as close to the edge of wetlands or vernal pools if it finds that such activity or structure will not affect the interests protected by the Bylaw any more adversely than the existing activity or structure.

To prevent wetlands loss, the Commission shall require applicants to avoid wetlands alteration wherever feasible; shall minimize wetlands alteration; and, where alteration is unavoidable, shall require full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with adequate security, professional design, and monitoring to assure success, because of the high likelihood of failure of replication.

The Commission may require a wildlife habitat study of the project resource area and buffer zone, to be paid for by the applicant, whenever it deems appropriate, regardless of the type of resource area or the amount or type of alteration proposed. The decision shall be based upon the Commission's estimation of the importance of the habitat area considering (but not limited to) such factors as proximity to other areas suitable for wildlife, importance of wildlife "corridors" in the area, or possible presence of rare species in the area. The work shall be performed by an individual who at least meets the qualifications set out in the wildlife habitat section of the Wetlands Protection Act Regulations (310 CMR 10.60).

The Commission shall presume that all areas meeting the definition of "vernal pools" under Section 9 of this bylaw perform essential habitat functions. This presumption may be overcome only by the presentation of substantial credible evidence which, in the judgment of the Commission, demonstrates that the basin or depression does not provide essential habitat functions. Any formal evaluation should be performed by an individual meeting the qualifications under the wildlife habitat section of the Wetlands Protection Act Regulations.

A permit shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual written notification of time and location of work is given to the Commission. Any permit may be renewed for one or more periods of up to 3 years each, provided that a request for a renewal is received in writing by the Commission at least 30 days prior to expiration. Notwithstanding the above, a permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land.

The Commission may revoke any permit, other order, determination or other decision issued under this bylaw for failure to comply with conditions stated therein and with all related statutes and other regulatory measures. Revocation will take place after notice to the holder of the permit, the public, abutters, and town boards, pursuant to Sections 5 and 6, and a public hearing at which the Permit holder will be afforded an opportunity to present his position as to why revocation should not occur. Amendments to permits or determinations shall be handled in the manner set out in the Wetlands Protection Act Regulations and policies thereunder.

The Commission in an appropriate case may combine the decision issued under this bylaw with the Order of Conditions, Order of Resource Area Delineation (ORAD), Determination of Applicability or Certificate of Compliance issued under the Wetlands Protection Act and Regulations.

No work proposed in any application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the registry of deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the document has been recorded and furnishes a duly recorded copy for the Commission files. If the applicant fails to perform within 30 days, the Commission may record the documents itself with the recording fee and an administrative cost for such recording paid by the applicant.

## **Section 7      Regulations**

After public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to effectuate the purposes of this bylaw, effective when voted and filed with the town clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw.

At a minimum these regulations shall define key terms in this bylaw not inconsistent with the bylaw, procedures governing the hiring of outside consultants and procedures governing the amount and filing of fees.

## **Section 8      Definitions**

Except as specifically provided by this Bylaw and the Hudson Wetlands Protection Bylaw Regulations, terms used in this Bylaw have the meanings defined in the Wetlands Protection Act, M.G.L. Ch. 131, Sec. 40 and in the Regulations currently codified at 310 CMR 10.00. The following definitions shall apply in the interpretation and implementation of this bylaw.

The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas and buffer zones protected by this bylaw:

- A. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind
- B. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics
- C. Drainage, or other disturbance of water level or water table
- D. Dumping, discharging, or filling with any material which may degrade water quality
- E. Placing of fill, or removal of material, which would alter elevation
- F. Driving of piles, erection, expansion or repair of buildings, or structures of any kind
- G. Placing of obstructions or objects in water
- H. Destruction of plant life including cutting or trimming of trees and shrubs, which may significantly impact the interests protected by this Bylaw
- I. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters
- J. Any activities, changes, or work which will, in the opinion of the Commission, cause or tend to contribute to pollution of any body of water or groundwater.

The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

The term "pond" shall be consistent with the definition of 310 CMR 10.04 except that the size threshold of 10,000 square feet shall not apply.



The term "rare species" shall include, without limitation, all vertebrate and invertebrate animal and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

The term "stream" means an open body of running water, including brooks and creeks, which moves in a definite channel, natural or man-made, in the ground due to a hydraulic gradient, year-round or intermittent. Such bodies of running water that are intermittent (do not flow throughout the year) are streams, except for those that serve only to carry the immediate surface runoff from stormwater or snowmelt. A portion of a stream may flow through a culvert or beneath a bridge

The term "vernal pool" shall include, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The buffer zone for vernal pools shall extend 100 feet from the mean annual high-water line defining the depression. Where the 100-ft. buffer zone contains an existing house, the portion of the buffer zone immediately between the house and the vernal pool may be reduced to one-half the distance between the vernal pool and the existing house foundation. In either case the buffer zone for vernal pools shall not extend over existing lawns, gardens, landscaped or developed areas.

Except as otherwise provided in this bylaw or in regulations of the Conservation Commission, the definitions of terms and procedures in this bylaw shall be as set forth in the Wetlands Protection Act (M.G.L. Ch. 131 §40) and Regulations (310 CMR 10.00).

## **Section 9      Security**

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Conservation Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by one or more of the methods described below:

- A. By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission, as approved in form by Town Counsel, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit.
- B. By accepting a conservation restriction, easement, or other covenant enforceable in a court of law, as approved in form by Town Counsel, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

## **Section 10      Enforcement**

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas or buffer zones protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.

Subject to all applicable state and federal laws including State and Federal constitutions, the Conservation Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the

purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary.

The Commission shall have authority to enforce this bylaw, its regulations, and permits issued thereunder by violation notices, non-criminal disposition procedures under M.G.L. Ch. 40 §21D, and civil and criminal court actions. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both. Court having equity jurisdiction may restrain violations of the provisions of this By-law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

If the Commission chooses to pursue non-criminal disposition the following procedure will be followed: Any person who violates any provision of this bylaw, or regulations, permits, or administrative orders issued thereunder, shall be served with a violation notice enumerating the alleged violations. If after ten business days the Commission has not received what it deems to be either (a) sufficient evidence demonstrating that no violations have occurred, or (b) a filing that will remove the violations along with evidence that sufficient progress is being made to correct the violations then the Commission shall issue an Enforcement Order requiring appropriate action by a specified date. If the violator does not fulfill the requirements of the Enforcement Order, then violator may be punished by a fine of up to \$300 per offense. Beginning ten business days after the date of the violation notice each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense.

#### **Section 11      Burden of Proof**

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this bylaw. Failure to provide adequate evidence to the Conservation Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

#### **Section 12      Appeals**

A decision of the Conservation Commission shall be reviewable in the jurisdictional Trial Courts of the Commonwealth pursuant to the applicable provisions of the Massachusetts General Laws.

#### **Section 13      Relation to the Wetlands Protection Act**

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (M.G.L. Ch. 131 §40) and Regulations (310 CMR 10.00) thereunder.

#### **Section 14      Severability**

The invalidity of any section or provision of this bylaw, as determined by a Court of competent jurisdiction, shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

And also to amend said By-laws under Article XI, Section 4, Non-Criminal Complaint by inserting the following to the end of the list under the heading so noted:

or take any action relative thereto.

Conservation Commission  
Executive Assistant

*Note: The Hudson Conservation Commission is proposing a Wetlands Protection Bylaw in order to improve its ability to protect wetland resource areas. The Bylaw would add protection to the 100-foot buffer zone which surrounds wetland resources, establish a 25-foot no-disturb setback for new construction, and protect small ponds, isolated wetlands, and vernal pools. The Bylaw would also enable the Conservation Commission to impose fines for violations of the Bylaw in the case where an Enforcement Order has been issued and there is non-compliance with the Enforcement Order.*

**Article 18: The Finance Committee is unable to recommend this article. Vote 2-2-3**

**ARTICLE 19 Road Acceptance: Layout Of A Portion of Forbes Road**

To see if the Town will vote to accept a layout of Forbes Road as a Town way as shown on a Plan entitled *Acceptance Plan of a Portion of Forbes Road in Hudson, MA owned by Ashbury Realty Trust, prepared by Thomas DiPersio, Jr. and Associates, Inc. Land Surveying and Civil Engineering, 641 Concord Road, Marlborough, MA 01752 date: May 2015, scale 1"=40'* a print of which has been duly filed in the Office of the Town Clerk of Hudson, MA. Said new road being more particularly described as follows:

Beginning at a point on the easterly side of Atherton Road on the northerly side of Forbes Road;

**A Portion of Forbes Road**

Beginning at a point on the northerly side of Forbes Road, approximately 454.06 feet from Atherton Road,

Thence:	S. 48° 24' 36" E. 757.00 feet to a point of curvature;
Thence:	by a curve to the right having a radius of 325.00 feet and an arc length of 547.38 feet to a point of tangency;
Thence:	S. 48° 05' 24" W. 277.44 feet to a point;
Thence:	across the end of Forbes Road N. 41° 54' 36" W 50.00 feet to a point;
Thence:	N. 48° 05' 24" E. 277.44 feet to a point of curvature;
Thence:	by a curve to the left having a radius of 275.00 feet and an arc length of 463.17 feet to a point of tangency;
Thence:	N. 48° 24' 36" W. 757.00 feet to a point on the southerly side of Forbes Road approximately 491.84 feet from Atherton Road;
Thence:	across the end of Forbes Road North 41° 35' 24" East 50 feet to the point of beginning.

Said portion of Forbes Road being 76,985.64 square feet in area.

**30-foot-wide Drain Easement**

Beginning at a point on the northeasterly side of Forbes Road at Lot 36A, 3.60 feet north west from a point of curvature in said road;

Thence:	N. 58° 15' 34" E. 171.58 feet to a point;
Thence:	N. 84° 16' 43" W. 36.76 feet to a point;



Thence: S. 05° 43' 17" E. 30.00 feet to a point;  
Thence: S. 84° 16' 43" W. 29.83 feet to a point;  
Thence: S. 58° 15' 34" W. 156.87 feet to a point on the northeasterly side of Forbes Road;  
Thence: along Forbes Road by a curve to the left having a radius of 325.00 feet and an arc length of 27.41 feet to the point of beginning.

### **Drain Easement**

Beginning at a point that is the easterly corner of Lot 36A and the northerly corner of Lot 35A, which is 160.00 feet northeasterly of Forbes Road;

Thence: along Lot 31A N. 05° 43' 07" W. 120.46 feet to a point;  
Thence: along Lot 31A S. 74° 10' 51" E. 30.00 feet to a point;  
Thence: along Lot 30A N. 39° 43' 34" E. 131.18 feet to a point;  
Thence: S. 50° 16' 07" E. 55.43 feet to a point;  
Thence: S. 00° 42' 18" W. 127.72 feet to a point;  
Thence: S. 27° 16' 48" W. 50.00 feet to a point;  
Thence: S. 48° 31' 19" W. 90.19 feet to a point;  
Thence: along Lot 31A N. 43° 07' 24" W. 75.00 feet to the point of beginning;

Planning Board  
Director of Community Development  
Executive Assistant

***Article 19: The Finance Committee unanimously recommends the adoption of the subject matter of this article.***

### ***ARTICLE 20 Petitioned Article: Addiction Referral Center***

To see if the Town will vote to raise and appropriate or take from available funds the sum of \$5,000.00 to assist the Addictions Referral Center in Marlboro in its efforts to provided assistance to persons from Hudson and surrounding communities who have problems with alcohol and/or other substance abuse, said funds to be expended under the direction of the Executive Assistant and the Board of Selectmen; or take any action relative thereto.

Petitioned by Ernie Kapopoulos, et. Al

*Note: This article, if passed, will be added to the amount approve at the May, 2016 Town meeting for a total FY 2017 appropriation of \$10,000.*

***Article 20: The Finance Committee recommends the adoption of the subject matter of this article and that the sum of \$5,000.00 be raised and appropriated.  
Vote 6-1-0***

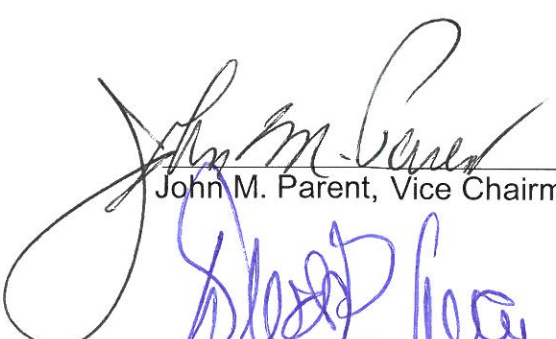
And you are directed to serve this warrant by posting up copies attested by you in the following places: one at the Post Office, one at the Town House, one at the Office of the Town Clerk, and in six other public places in said Town, Fourteen days at least before the time of holding said meeting and by publication in a newspaper published in said Town.

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk on or before time of holding said meeting.

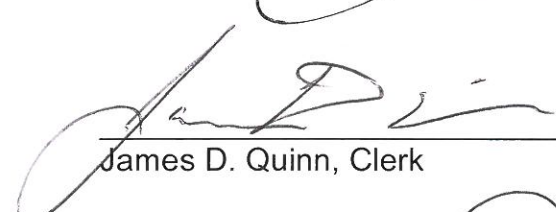
Given under our hands this 26<sup>th</sup> day of September signed by the Selectmen in the year Two Thousand and Sixteen.



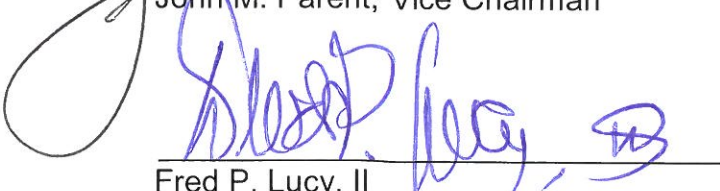
\_\_\_\_\_  
Scott R. Duplisea, Chairman



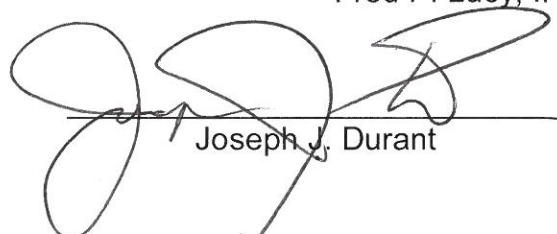
\_\_\_\_\_  
John M. Parent, Vice Chairman



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James D. Quinn, Clerk



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Fred P. Lucy, II



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Joseph J. Durant



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**INTRODUCTION TO TOWN MEETING**

The Town Meeting is a deliberative assembly, charged with considering a number of questions of varying complexity in a reasonable period of time, and with full regard to the rights of the majority.

**AUTHORITY**

The three elements of authority at Town Meeting are a quorum of 150 registered voters or more, the Moderator and the Town Clerk. The Moderator presides at and regulates the proceedings, decides all questions of order, and makes declarations of all votes. No one may speak on an issue without being recognized by the Moderator. It is his responsibility to approve the distribution of materials, and persons wishing to do so must seek his permission. The Moderator appoints Tellers and alternates for the purpose of counting votes of the meeting.

**THE WARRANT:** All matters to be considered at Town Meeting must be published in the Town Meeting Warrant, which is the responsibility of the Board of Selectmen. The Finance Committee reviews the warrant, making recommendations on items of business to be presented. In accordance with the By-Laws, all articles in the Warrant are considered in the order in which they appear in the Warrant, unless the Town Meeting votes otherwise, after reasons have been stated. The Moderator has full discretion to decide whether or not the motion to change the order of articles will be entertained.

**PARTICIPATION:** All remarks should be limited to the subject then under discussion. It is improper to indulge in references to personalities. The Moderator may request any person to keep silent. If after warning from the Moderator, a person refuses to be silent or persists in other disorderly behavior, the Moderator may order a person to withdraw and if he fails to withdraw, may order a police officer to remove such person from the Meeting. Each individual who speaks to the Meeting should make an effort to be as brief as possible out of consideration for others attending the Meeting and the need to give adequate time to all matters coming before it.

**CLASSIFIED MOTIONS:** Pursuant to section 8 of article II of the By-Laws of the Town of Hudson, when a question comes before Town Meeting certain motions shall be received and have precedence in the following order:

**PRIVILEGED MOTIONS:** These are motions that have no connection with the main motion before the Town Meeting, but are motions of such importance that they are entitled to immediate consideration. These motions have the privilege of temporarily setting aside the main business before the Town Meeting.

**TO ADJOURN** (decided without debate); **TO FIX THE TIME FOR ADJOURNMENT**; **SUBSIDIARY MOTIONS:** These are motions that are used to modify or dispose of the main motion being considered. Their existence as motions depend on the main motion to which they are subordinate; **TO LAY ON THE TABLE** (decided without debate);

**FOR THE PREVIOUS QUESTION** (decided without debate); **TO COMMIT**; **TO AMEND**; **TO POSTPONE INDEFINITELY**

All motions may be withdrawn by the maker if no objection is made.

**INFORMATION ON MOTIONS:** A motion is the means of bringing a proposal or question before the Meeting for consideration. When put forward it is a motion; after is seconded and acknowledged by the Moderator, it becomes the question or proposal; and if it is approved by the Meeting, it becomes a resolution. Generally, no motion shall be entertained unless the subject is contained within a warrant article. The Moderator shall determine whether a motion is within the "scope of the article," that is, whether the warrant gives adequate notice that the action proposed by the motion might be taken at the Meeting. Articles only give notice and do not initiate action; motions do. Motions may be withdrawn; articles may not be.

Some motions avoid a final determination by the Meeting. A motion to commit or refer sends the matter to an existing board or committee or one to be established. The motion to postpone indefinitely disposes of the question without bringing it to a direct vote. The motion to postpone indefinitely should not be confused with the motion to lie on the table which only temporarily delays a vote.

Pursuant to article II, section 3 of the Town of Hudson By-Laws, no vote of Town Meeting shall be reconsidered except upon notice by an individual who voted with the majority thereon given within one hour of

such vote at the same or succeeding session. If the individual who gives notice does not immediately make such motion, then a motion to reconsider may be made by another individual voter who voted with the majority.

Pursuant to section 4 of article II, no article in the Warrant shall be again taken into consideration after disposed of unless ordered by a vote of two-thirds of the voters present and voting. Pursuant to section 5 of article II, no voter shall speak more than twice upon any question without obtaining leave of Town Meeting neither except to correct an error or explain a point, nor until all other individuals who have not spoken and so desire have been given the opportunity to speak. Pursuant to section 6 of article II, all motions must be reduced to writing before being submitted to the Town Meeting if required by the Moderator.

Pursuant to section 9 of article II, a motion to receive the report of a committee shall put the report before Town Meeting but not discharge the committee. A vote to accept or adopt such report with or without amendment shall discharge the committee.

Pursuant to section 10 of article II, a 150-voter quorum is required to conduct business at Town Meeting. However, no quorum is needed for a motion to adjourn.

Pursuant to section 11 of article II, articles in a warrant shall be considered in order, except that the Moderator upon request and for reasons stated, may entertain a motion to consider an article out of regular order.

Pursuant to section 12 of article II and in addition to the authority already specified above, the Moderator may administer the oath of office to a town officer chosen at Town Meeting. If a vote declared by the Moderator is immediately questioned by seven or more voters, then the Moderator must verify the vote by polling voters or dividing the Town Meeting. If a two-thirds vote of Town Meeting is required by State Statute, the count shall be taken and the vote recorded by the Town Clerk. However, if the vote is declared to be unanimous, a count is not needed and the Town Clerk shall record the vote as unanimous unless immediately questioned by seven or more voters.

#### **TOWN FINANCE TERMINOLOGY**

The following terms are used from time to time in the Annual Report and Town Meeting. In order to provide everyone with a better understanding of the meaning, the following definitions are offered:

**SURPLUS REVENUE:** (Sometimes referred to as Excess and Deficiency Account). This fund is the amount by which the Cash, Accounts Receivable, and other assets exceed the liabilities and reserves.

**AVAILABLE FUNDS:** (Often called "Free Cash") This fund represents the amount of money remaining after deducting from the Surplus Revenue all uncollected taxes for prior years, taxes in litigation and court judgments. This fund is certified annually by the State Bureau of Accounts and may be used to defray town costs by a vote of the Town Meeting.

**OVERLAY:** The overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover tax abatements and exemptions granted and to avoid fractions in the tax rate.

**RESERVE FUND:** This is a fund established by the voters at the annual town meeting and may consist of direct appropriations or transfers. Transfers from the Reserve Fund are initiated by the Executive Assistant and require the approval of the Finance Committee. The use of the Reserve Fund is restricted to "extraordinary or unforeseen expenditures".