



Town of Charlton, Massachusetts
Annual Town Meeting Warrant
Election Portion - May 7, 2011
Town Meeting Business Session - May 16, 2011

To either of the Constables of the Town of Charlton:

In the County of Worcester,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of the **Town of Charlton** qualified to vote in elections to meet in the **Heritage School, Oxford Road** in said Charlton on **Saturday, May 7, 2011** at eight o'clock in the forenoon when the polls will be opened for the Annual Election of Officers; after action is taken on Article 1 of this warrant to meet again on **Monday, May 16, 2010** at seven o'clock in the evening at **Charlton Middle School, Oxford Road**, in said Charlton, for the purpose of taking action on the remaining articles listed on the warrant; that the polls for the Annual Election of officers on Saturday, May 7, 2011 will be closed at eight o'clock in the evening and that the remainder of this meeting on Monday, May 16, 2011 will be adjourned at eleven o'clock in the evening unless voted otherwise by the registered voters present, and that the articles in this warrant shall be deemed part of the Annual Town Meeting of the Town of Charlton for the Fiscal Year 2012.

ARTICLE 1. ELECTION

To choose two Selectmen for three years, one Town Clerk for three years, one Moderator for three years, one Assessor for three years, one Cemetery Commissioner for three years, two Water and Sewer Commissioners for three years, one Planning Board Member for five years, one Recreation Commissioner for three years, one Recreation Commissioner for one year (to fill vacancy), one Board of Health Member for three years, one Tree Warden for three years, two Trustees of the Free Public Library for three years, one Dudley-Charlton Regional School Committee Member for three years, one Dudley-Charlton Regional School Committee Member for one year, one So. Worcester County Vocational School Committee Member for three years, and one Housing Authority Member for five years.

The following ballot question will appear on the ballot to be used for the election portion of the Annual Town Meeting on May 7, 2011:

QUESTION 1: (BALLOT QUESTION)

Shall the Town of Charlton be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to fund the Charlton Landfill closing?

Yes _____ No _____

SPONSOR: BOARD OF SELECTMEN

ARTICLE 2. TOWN REPORTS

To see if the Town will vote to accept the reports of its officers for the past year, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

ARTICLE 3. NOTICE OF TOWN MEETINGS

To see if the Town will direct the Town Meeting to be warned during the ensuing years as follows: by posting attested copies of the Town Warrant calling the meeting at each of the Post Offices and posting like attested copies of the Warrant, one in Dexter Memorial Hall and one in the Charlton Municipal Offices (George C. McKinstry, III Building), in said Town seven days at least before the time of holding the Annual Town Meeting and fourteen days at least before the time of holding a Special Town Meeting, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

ARTICLE 4. LITIGATION

To see what action the Town will take in relation to prosecuting and defending actions or suits for and against the Town, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

ARTICLE 5. SALE OF TAX TITLE LAND

To see if the Town will vote to authorize the Selectmen to sell by public sale or sales from time to time and convey by good and sufficient deed or deeds, in the name and on behalf of the Town and in accordance with the provisions of General Laws Chapter 40, Section 3, and Chapter 30B, Section 16 if otherwise applicable, severally or in groups of two or more, the lots, tracts, or parcels of land title to which was acquired by the Town by deed of any individual or organization or by deeds to it by the Treasurer of the Town pursuant to the provisions of General Laws, Chapter 60, Sections 79 and 80 or by foreclosure of tax lien pursuant to the provisions of General Laws, Chapter 60, Section 65, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

ARTICLE 6. SALE OF SURPLUS PROPERTY

To see if the Town will vote to authorize the Selectmen or their designee to sell or otherwise dispose of surplus or obsolete personal property of the Town (a) after first having advertised the same for sale in a daily newspaper of general circulation in the town at least seven (7) days before the date of such sale and by posting a notice thereof in the Charlton Municipal Offices (George C. McKinstry, III Building), or (b) where the estimated net value is \$5,000.00 or more by following the procedures required by Mass General Laws, Chapter 30B, Section 15, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

ARTICLE 7. APPOINTMENT OF COMMITTEES AND FILLING OF VACANCIES

To see if the Town will authorize the Selectmen to appoint any committee or committees for the ensuing year and fill any vacancies that may occur on said committees, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

ARTICLE 8. GRANT APPLICATIONS

To see if the Town will vote to authorize the Board of Selectmen to apply for any state and federal grant programs that become available and expend any monies received, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

ARTICLE 9. APPROPRIATION OF FUNDS FOR UNPAID BILLS OF A PRIOR FISCAL YEAR

To see if the Town will vote to raise by taxation, transfer or borrow and appropriate a sum or sums to Accounts to be specified at the town meeting for payment of one or more prior fiscal year's bills not paid due to an insufficiency of appropriation or for any other reason, or take any action relative thereto or thereon.

SPONSOR: VARIOUS TOWN DEPARTMENTS AND OFFICIALS

ARTICLE 10. INTER/INTRA DEPARTMENTAL TRANSFERS FOR FY11

To see if the Town will vote to transfer and appropriate sums to be specified at the Annual Town Meeting within departmental accounts, from one line item of such accounts to another line item or line items of such accounts, for the fiscal year ending June 30, 2011, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

ARTICLE 11. TOWN BUDGET

To see if the Town will vote to raise, borrow or transfer and appropriate such sums of money as may be necessary to defray the expenses of the fiscal year beginning July 1, 2011, and, as provided by General Laws, Chapter 41, Section 108, to fix the salaries and compensation of all elected officers of the Town as set forth in the budget voted under this Article or as separately voted by the Town under other articles of the Warrant for this meeting, or take any action relative thereto or thereon.

SPONSOR: FINANCE COMMITTEE

ARTICLE 12. WATER DEPARTMENT BUDGET (ENTERPRISE FUND)

To see if the Town will vote to raise by taxation, borrow or transfer from available funds and appropriate to the Water Enterprise Fund, such sums of money as may be necessary, together with revenue from Water Department operations, to defray the expenses of the Water Department for the fiscal year beginning July 1, 2011, or take any action relative thereto or thereon.

SPONSOR: WATER & SEWER COMMISSION

ARTICLE 13. SEWER DEPARTMENT BUDGET (ENTERPRISE FUND)

To see if the Town will vote to raise by taxation, borrow or transfer from available funds and appropriate to the Sewer Enterprise Fund, such sums of money as may be necessary, together with revenue from Sewer Department operations, to defray the expenses of the Sewer Department for the fiscal year beginning July 1, 2011, or take any action relative thereto or thereon.

SPONSOR: WATER & SEWER COMMISSION

ARTICLE 14. REAUTHORIZATION OF REVOLVING FUNDS

To see if the Town, upon recommendation of the Board of Selectmen, will vote, as authorized by Mass. General Laws Chapter 44, Section 53E ½, to reestablish the following Revolving Funds, and to authorize the official, commission, board or committee specified in the first column below to expend funds from the specified account, without further appropriation, provided that the amount to be expended from such account in the fiscal year commencing this coming July 1 shall not exceed the amount set forth in the fourth column unless an additional amount or amounts are recommended by both the Board of Selectmen and the Finance Committee:

Department	Revenue	Purpose	Amount
WIRE INSPECTOR REVOLVING FUND	Fees charged for the Wire Inspector's services	Wire Inspector's fee per inspection. Unencumbered balance at the end of the fiscal year reverts to general fund	\$20,000.00
GAS INSPECTOR REVOLVING FUND	Fees charged for the Gas Inspector's services	Gas Inspector's fee per inspection. Unencumbered balance at the end of the fiscal year reverts to general fund	\$15,000.00
PLUMBING INSPECTOR REVOLVING FUND	Fees charged for the Plumbing Inspector's services	Plumbing Inspector's fee per inspection. Unencumbered balance at the end of the fiscal year reverts to general fund.	\$15,000.00
CEMETERY COMMISSION REVOLVING FUND	Interment fee equal to cost of grave opening	Grave opening fee. Unencumbered balance at the end of the fiscal year in excess of \$5,000.00 reverts to the general fund	\$25,000.00
RECREATION COMMISSION REVOLVING FUND	Fees charged to individuals participating in a program, donations and gifts, private sponsorship of a program and fees charged for the use of Recreation facilities	Funds will be used in direct support of the listed programs for the following items: supplies for the programs, contractual services required to present a program, administrative expenses required to run the program, repair of equipment used in a program and the repair and maintenance of facilities used for a program	\$15,000.00
HAZARDOUS WASTE REVOLVING FUND	Fees charged for Hazardous waste coordinator services and supplies	Payments for Hazardous Waste Coordinator and for replacement supplies	\$15,000.00
PLANNING BOARD REVOLVING FUND	Fees for engineering review and other consultants as well as advertising and mailing	Payments to engineers and other consultants, as well as advertising and mailing. Unencumbered balance at the end of the fiscal year in excess of \$20,000 reverts to general fund.	\$60,000.00

RECYCLING REVOLVING FUND	Fees from sales of rain barrels and/or compost units	Purchase additional rain barrels and/or compost bins. Unencumbered balance at the end of the fiscal year in excess of \$1,000. reverts to general fund.	\$1,000.00
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; or take any action relative thereto or thereon.

SPONSOR: VARIOUS OFFICIALS, BOARDS, COMMISSIONS AND COMMITTEES

ARTICLE 15. TRANSFER OF FUNDS TO AND FROM STABILIZATION FUND ACCOUNT

To see if the Town will vote to add funds to and/or transfer and appropriate sums from the Stabilization Fund Account to an account or accounts to be determined at the Town Meeting, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

ARTICLE 16. CAPITAL ITEMS AND RELATED CONTRACTS

To see if the Town will vote to raise by taxation, borrow or transfer from available funds, including so called "free cash" and funds previously appropriated to other uses, and appropriate a sum or sums to purchase capital items and for service, repair, improvement, architectural, construction, renovation, improvement and/or other contracts relating to town buildings, facilities and other property, and to authorize the Board of Selectmen, Chief Procurement Officer, or other appropriate town official, board, commission or committee to enter into such contracts or leases, and to take other such action, as may be necessary to effectuate the purposes of such votes, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN/VARIOUS DEPARTMENTS

ARTICLE 17. CEMETERY PERPETUAL CARE

To see if the Town will vote to accept the sum of \$5,275 as trust funds from individual persons, the income from each such sum to be used for the perpetual care of the Charlton cemeteries, or take any action relative thereto or thereon.

SPONSOR: CEMETERY COMMISSION

ARTICLE 18. ACCEPTANCE OF EASEMENT FOR CITY DEPOT ROAD SEWER LINE

To see if the Town will vote: (a) to authorize the Charlton water and sewer commission, on behalf of the Town and upon such terms and conditions as the commission deems to be in the best interest of the Town, to accept conveyance to the Town of a permanent easement for the purpose of constructing, installing, maintaining, repairing and replacing a sewer system over, on, across, under and through a private way shown on a plan of land entitled, "Plan of Properties owned by ResCom Services, Inc. (#13) and Alfred R Denault and Cheryl Ann Denault Guyan (#11) City Depot Road, Charlton, MA," dated June 1, 2010, by Jalbert Engineering, Inc., and recorded in the Worcester District Registry of Deeds in Plan Book 883, Plan 65; (b) to place care, custody, management and control of such easement in the Charlton water and sewer commission; and (c) to authorize such commission to take any and all action

necessary for the purpose of effectuating the foregoing vote, or take any action relative thereto or thereon.

SPONSOR: WATER AND SEWER COMMISSION

ARTICLE 19. APPROPRIATION OF ADDITIONAL FUNDS AND AUTHORIZATION FOR THE PURPOSE OF ESTABLISHING A SYSTEM FOR SUPPLYING THE TOWN OR FURTHER AREAS OF THE TOWN WITH WATER.

To see if the Town will vote to (i) amend its vote adopted under Article 5 of the Warrant at the Special Town Meeting held on April 13, 2005, as amended by subsequent votes of the Town adopted under Article 16 of the Warrant at the Special Town Meeting held on October 28, 2008 and under Article 8 of the Warrant at the Special Town Meeting held on October 27, 2009, to permit funds authorized to be borrowed thereunder to be expended for the additional purpose of designing and constructing a water main loop, so-called, in a southerly direction up North Main Street to Charlton Elementary School on Burlingame Road and to the Town owned building at 4 Dresser Road, and (ii) to appropriate an additional sum of money, to be raised by borrowing or otherwise, to pay additional costs of designing and constructing a water main loop, so-called, in a southerly direction up North Main Street to Charlton Elementary School on Burlingame Road and to the Town owned building at 4 Dresser Road, or (iii) take any other action relative thereto.

SPONSOR: Water/Sewer Commission and Town Treasurer

ARTICLE 20. PROPOSED STORMWATER & EROSION CONTROL AND ILLICIT DISCHARGE BYLAWS

To see if the Town will vote to amend the Town of Charlton General Bylaws by adding thereto two, additional, related bylaws concerning stormwater, one entitled, "Stormwater Management & Erosion Control Bylaw" and the other "Illicit Discharge Bylaw", each to be administered by the Charlton conservation commission, the purpose of each of same being to protect the Town's water bodies and groundwater resources and to safeguard the public health, safety, and welfare and the natural resources of the Town, the full text of each such proposed bylaw being available for review in the town clerk's office during normal business hours, and such bylaws to be assigned such article numbers in the General Bylaws as the town clerk determines appropriate, or take any action relative thereto or thereon.

SPONSOR: CONSERVATION COMMISSION

No vote shall be taken on any motion relating to Article 21 thru 25 below until the Planning Board has submitted a report with recommendations thereon to the Town Meeting, if 21 days have not elapsed since the public hearing before the Planning Board was held on the proposed amendment to the Zoning By-law set forth in said Article. (Gen. Laws Chapter 40A, Section 5, paragraph 3).

ARTICLE 21. COMMERCIAL SOLAR ENERGY FACILITY ZONING BY-LAW REVISION

To see if the Town will vote to revise the Charlton Zoning By-law as follows:

1. Amend Section 2-Definitions by adding the following definition to Section 2.1 Uses and Structures:

Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

2. Amend Section 3.2 Use Regulations by adding “Large-Scale Ground-Mounted Solar Photovoltaic Installation” as Principal Use #15 in sub-section 3.2.2.6, allowable in all zoning districts subject to use designation “P,” requiring Planning Board site plan review and approval.

SPONSOR: PLANNING BOARD

ARTICLE 22. SITE PLAN REVIEW ZONING BY-LAW REVISION

To see if the Town will vote to amend Section 7.1.4 (Site Plan Review) of the Charlton Zoning By-Law by revising and reformatting parts of sub-sections 7.1.4.1 through 7.1.4.3 as highlighted in bold below, replace sub-sections 7.1.4.4 through 7.1.4.9 in their entirety with new language as detailed in bold below, and to add a new sub-section designated as 7.1.4.10 (Post-Site Plan Approval) as detailed in bold below:

7.1.4 Site Plan Review and Approval

7.1.4.1. Purposes and Thresholds: For the purpose of ensuring adequate storm water management, wastewater disposal, screening, parking and loading spaces, utilities, water supply and pressure, landscaping, protection of significant natural and manmade features, lighting, and erosion and sedimentation control, compatible site design, safe pedestrian and vehicular access, protection of the natural environment, and compliance with the provisions of this Bylaw, a Site Plan shall be submitted for review and approval to the Planning Board, for the following uses:

- a. New construction of all uses identified with the symbol “P” (“P” Use) on the “Use Regulation Schedule” of Section 3.2.2 of this Bylaw.
- b. **Expansion of any “P” Use existing to increase floor space by at least twenty-five percent(25%) or five thousand (5,000) square feet, whichever is less;**
- c. Any change in a P Use if (1) the change is from one major category of use listed in the Use Regulation Schedule to another major category of use (for example, a change from any use listed under Business Uses to a use listed under Industrial and Warehouse Uses), or (2) such change would result in a more intensive use, as measured by the need for more than **five (5)** additional parking spaces (**as required by Section 4.2.2 of this Bylaw**) or an increase in traffic generation (as measured by the Institute of Transportation Engineers Trip Generation Manual or another source standard in the industry).

- d. Resumption, subject to the other requirements and proscriptions of this Bylaw, of any “P” Use described above discontinued for more than two (2) years.
- e. **All uses in those districts where Site Plan Approval is required.**

7.1.4.2 General Requirements:

- a. **All site plans required under this Bylaw shall be prepared by a registered professional architect, registered professional landscape architect, or registered professional engineer, unless the Planning Board waives this requirement because of unusually simple circumstances and specifically exempted herein. Ten (10) copies of site plans and other plans required by Section 7.1.4.3 below, shall be submitted to the Planning Board or its designee.**

Applicant shall submit a narrative with the plan if necessary for a layperson to understand the plan or any detail thereof. Each page of the submitted plans shall have a Planning Board signature block at approximately the same location. At the written request of the applicant, the Planning Board may waive any information requirements it judges to be unnecessary to the review of a particular plan.

- b. **For those uses/structures referenced in Section 7.1.4.1 (a) through (d) of this Bylaw as Site Plan Approval pursuant to this Section 7.1 is a prerequisite the grant of a building permit.**

7.1.4.3 Submission Requirements

- a. **A site plan at a scale of one inch equals forty feet (1" = 40') or such other scale as the Planning Board may accept so long as the plan shows all details clearly and accurately. For convenience and clarity, this information may be shown on one or more separate drawings. The site plan shall show the following information and in all cases distinguish clearly between existing and proposed features:**

1. Name, address, and phone number of the person or persons submitting the application. If other than the owner, a notarized statement authorizing the applicant to act on the owner's behalf and disclosing his interest shall be submitted.
2. Name, address, and phone number of the owner or owners.
3. Property address and Charlton Assessors' Map, Block, and Lot Number.
4. Name of project, date and scale of plan.
5. Dimensions of lot, building coverage percentage (See Section 3.2.4) and unoccupied space percentage (See Section 4.2.4.6)
6. **Description (including location) of existing land use(s) and building(s), if any.**
7. **Description (including location and dimensions) of proposed use(s) and buildings.**

8. Location of required setback lines.
 9. Location and dimensions of all driveway(s).
 10. Location and dimensions of all driveway opening(s). Road construction and drainage details, curb cuts, and all required state and local highway access authorizations.
 11. Location, dimensions, and detail of surfacing materials of parking and loading space(s). The plan should also indicate the total number of parking spaces provided and the total required number of parking spaces (See Section 4.2.2, Off-Street Parking Schedule).
 12. Service area(s), exterior storage areas, fences, **and screening**.
 13. Lighting (see Section 4.2.4.7 **for commercial lighting plans**). For projects located in BEP districts, sufficient detail should be provided to demonstrate compliance with Section 5.8.3.
 14. The location, dimensions, height, illumination and characteristics of proposed signs, in sufficient detail to demonstrate compliance with Section 5.6, Signs.
 15. The location and description of all existing and proposed sewage disposal systems, stormwater management systems and other required waste disposal systems. All related easements **shall** be shown.
 16. Existing and proposed well or public water supply system.
 17. Location and description of all other existing and proposed utilities, their exterior appurtenances, and related easements.
 18. Zoning district(s) in which the property is located and location of any zoning district boundaries that divide or abut the property.
 19. Ownership of the abutting land as indicated on the most recent Town Assessors' records and location of buildings thereon within three hundred (300) feet of the project boundaries.
 20. Existing topography and proposed finished grading at two (2) foot elevation intervals and existing easements, if any.
 21. Significant natural and manmade features such as stone walls, public or private burial grounds, and water courses.
 22. **Erosion and sedimentation control plan including during and after construction.**
 23. Location of wetlands as well as calculation of percentage of lot free of wetlands (to determine compliance with Section 3.3.2.5).
 24. Proposed emergency vehicle routing around building(s) and any and all emergency entrances and/or exits.
- b. A landscaping plan at the same scale as the site plan that shows landscaping features including the location and description of screening, fencing, and plantings, including the size and type of planting material. **Landscaping plans for projects that include no more than 12,000 square feet of gross building area shall be prepared by a registered engineer or by a landscape designer. Landscaping plans for projects that include more than 12,000 square feet of gross building area, shall be prepared by a licensed landscape architect.**

- c. A locus plan at a scale of one inch equals one hundred feet (1" = 100') or other such scale as may be approved by the Planning Board, showing the entire project site and its relation to surrounding properties, buildings and roadways, and zoning district boundaries within one thousand (1,000) feet of the project boundaries or such other distance as may be approved by the Planning Board.
- d. Building elevation plans at a scale of one-quarter inch equals one foot (¼" = 1') or one-half inch equals one foot (½" = 1') or other such scale as may be approved by the Planning Board, showing all elevations of all proposed buildings and structures and indicating type and color of materials to be used on all facades.
- e. **Payment of required administrative and peer review fees.**
- f. **Copies of all easements, covenants and restrictions shown on plans and text to be provided.**
- g. **Additional information required by the Planning Board to determine compliance with the criteria set forth in Section 7.1.4.7 including but not limited to soil suitability tests and analysis, a phasing plan, if applicable, a construction mitigation plan and a landscape maintenance plan.**

7.1.4.4 Filing the Application: The applicant shall submit the application for Site Plan Approval to the Town Clerk and a date and time-stamped copy thereof to the Planning Board or its designee. The date of filing shall be the date after which the application was received by the Clerk and the Planning Board or its designee.

7.1.4.5 Pre-Application Meeting, Notice and Hearing: The Planning Board strongly encourages the applicant to present and discuss the general development concept for the proposed project at one of its posted meetings prior to filing an application. The applicant may present as many or as few of the details listed in Section 7.1.4.3 as desired.

7.1.4.6 Site Plan Review and Approval Procedures:

- a. **Within seven (7) business days after the filing of an application for Site Plan Approval, the Planning Board may submit one (1) copy of the site plan each to the Board of Selectmen, the Board of Health, the Conservation Commission, the Inspector of Buildings, the Superintendent of Highways, and the Sewer Commission and ask for their comments.**
- b. **Within sixty-five (65) days of the filing of an application for Site Plan Approval, the Planning Board shall provide notice and hold a public hearing noticed in accordance with the requirements set forth in GL 40A §§11 and 15. A majority vote of the Planning Board is required for approval of a Site Plan.**
- c. **Within ninety (90) days after the initial date of the public hearing, the Planning Board shall take its final action on the application (render its decision, file its decision with the Town Clerk and notify the Applicant of its decision).**
- d. **At the applicant's written request, the Planning Board may extend the time period in 7.1.4.6(b) and (c) unless extended pursuant to 7.1.4.6(d) shall constitute approval of the Site Plan as provided in GL 40A Section 11.**

- e. **Failure of the Planning Board to act within any of the time periods listed above in 7.1.4.6(b) and (c) unless extended pursuant to 7.1.4.6(d) shall constitute approval to the Site Plan as provided in GL 40A Section 11.**

7.1.4.7 Review and Approval Criteria

- a. **The Planning Board shall approve a Site Plan for projects with “P” uses if the applicant demonstrates to the Planning Board that the project is properly designed in the following site design categories:**
 - 1. **The Site Plan complies with all applicable provisions of these Bylaws feasible to the site including, but not limited to §4.2, and §§5.17 A & B for projects within the Village District.**
 - 2. **The Application is complete, including payment of administrative and peer review fees (see §7.1.4.3).**
 - 3. **All drives, parking lots, loading areas, paths, sidewalks and streets are designed to provide for safe vehicular, pedestrian and bicycle travel.**
 - 4. **There is safe and adequate access and egress to the site.**
 - 5. **Access and site circulation enables prompt fire, police, ambulance and other emergency responses.**
 - 6. **Adequate capture and discharge of stormwater and surface water runoff is achieved in accordance with the Department of Environmental Protection Massachusetts Stormwater Handbook, as amended.**
 - 7. **Provision for adequate utilities has been made.**
 - 8. **Adequate water supply is available in terms of quantity, quality, and water pressure for commercial and/or domestic needs and fire protection.**
 - 9. **Minimize glare from headlights through plantings or other screening.**
 - 10. **Lighting intrusion on to other properties and public ways is minimized, while at the same time providing adequate lighting for security and public safety.**
 - 11. **Adequate disposal of wastewater is provided.**
 - 12. **Changes to the natural landscape are minimized.**
 - 13. **Adverse impacts of construction are minimized.**
 - 14. **There is adequate landscaping and landscaping maintenance.**
- b. **The Board may deny an application for Site Plan Approval if:**

1. The project does not comply with one or more of the criteria set forth in 7.1.4.7.1 and reasonable conditions cannot be imposed to ensure compliance with one or more of these criteria, or
2. The applicant has not provided information sufficient for the Planning Board to determine compliance with one or more of the criteria listed in 7.1.4.7.1.

7.1.4.8 Lapse: An approved Site Plan shall lapse after a period of two (2) years (not including time required to pursue or await the determination of an appeal from Site Plan Approval) from the date of approval unless substantial use or construction has not begun. All work proposed in the Site Plan or required by conditions in the Site Plan Approval decision, shall be completed within two (2) years from the date the Planning Board voted to approve the Site Plan unless the Planning Board provides in the Site Plan Approval for a longer period of time or the Applicant requests an extension and it is granted by the Planning Board.

7.1.4.9 Conditions

- a. The Planning Board may impose conditions on Site Plan Approval to ensure compliance with the Review and Approval Criteria listed above including, but not limited to, requiring:
 1. A performance guarantee, in a form and amount acceptable to the Planning Board, to guarantee completion of all public improvements required by the approved Site Plan and land restoration not having to do with the construction of public improvements.

The Planning Board shall establish the amount of security required after reviewing an estimate from the applicant's engineer and determining whether the proposed amount is sufficient or whether it needs to be increased.

2. That any project easements and restrictions are subject to review and approval by legal counsel to the Planning Board.
3. That condominium and homeowners documents are subject to review and approval by legal counsel to the Planning Board to ensure compliance with the Review and Approval Criteria listed above.
4. Other conditions the Planning Board determines are necessary to ensure compliance with the Review and Approval Criteria listed above.

7.1.4.10 Post-Site Plan Approval

- a. Upon completion of construction, and before the release of the performance guarantee, the applicant shall have prepared and submitted to the Planning Board As-Built Plans. The Board shall receive six (6) paper copies of the As-Built Plans and the Plans shall also be submitted in AutoCad (*.dwg) format or such other digitized file format as specified by the Planning Board.
- b. An applicant shall submit proposed changes to an approved Site Plan to the Planning Board so that it can determine whether the changes are field adjustments or amendments to the approved Site Plan. The Planning Board shall convene a public hearing in accordance with MGL. 40A Section 11 to consider and vote upon proposed amendments.

- c. Appeals from a Planning Board decision to grant, grant with conditions or deny Site Plan Approval shall be made to Superior Court in accordance with MGL. 40A Section 17.

SPONSOR: PLANNING BOARD

ARTICLE 23. FLOOD PLAIN DISTRICT ZONING BY-LAW REVISION

To see if the Town will vote to revise Section 6.2 (District Delineation) and Section 6.3 (Regulations) within Section 6-Flood Plain District of the Charlton Zoning By-Law, said revised language highlighted in bold as follows:

6.2 District Delineation

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Charlton designated as Zones A and AE, on the Worcester County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Worcester County FIRM that are wholly or partially within the Town of Charlton are panel numbers 25027C0767E, 25027C0768E, 25027C0769E, 25027C0780E, 25027C0783E, 25027C0786E, 25027C0787E, 25027C0788E, 25027C0789E, 25027C0791E, 25027C0792E, 25027C0793E, 25027C0794E, 25027C0931E, 25027C0932E, 25027C0951E, 25027C0952E, 25027C0953E, 25027C0954E, 25027C0956E, 25027C0957E and 25027C0958E, dated July 4, 2011. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 4, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.

Within Zone A, where the one hundred (100) year flood elevation is not provided on the FIRM, the developer/applicant shall obtain existing flood elevation data, and it shall be reviewed by the Town Inspector of Buildings. If the Inspector of Buildings determines that the data is sufficiently detailed and accurate, it shall be relied upon to require compliance with this Bylaw and the State Building Code. If the determination is that the land is in the Flood Plain, the Inspector of Buildings shall notify the Planning Board and the developer/applicant.

6.3 Regulations

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

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);

- **Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);**

6.3.1 Permitted Uses

The following uses of low flood damage potential and uses which cause no or little obstruction to flood flows shall be allowed provided they are permitted in the underlying district and they do not require structures, fill or storage of material and equipment.

6.3.1.1 Agricultural uses such as farming, grazing, truck farming, horticulture, and the like.

6.3.1.2 Forestry and nursery uses.

6.3.1.3 Outdoor recreational uses, including fishing, boating, play areas, and the like.

6.3.1.4 Conservation of water.

6.3.1.5 Wildlife management areas; foot, bicycle, and/or horse paths.

6.3.1.6 Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.

6.3.1.7 Buildings lawfully existing prior to the adoption of these provisions.

6.3.2 Notification Of Watercourse Alteration

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

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

SPONSOR: PLANNING BOARD

ARTICLE 24. PETITION- ZONING

Moreland Realty Trust is requesting the Town meeting to amend the town zoning by-law by extending the community business (CB) zoning district northerly on property designated as assessor's map parcel ID: 38-A-8 as shown on the attached proposed zoning district revision map.

SPONSOR: Petition

ARTICLE 25. PETITION- ZONING

To see if the Town Meeting will vote to amend the Charlton Zoning bylaw by changing the zoning designation for property northerly of Major Hill Road, Assessors Map 31-D-5, from Industrial General (IG) to R-40 Residential zoning designation.

SPONSOR: Petition

ARTICLE 26. ACCEPTANCE OF BRACKETT HILL ROAD

To see if the Town will vote (1) to accept as a public way "Brackett Hill Road", said way being shown on a plan entitled "Plan Showing Modifications To Pike's Pond Subdivision", dated February 7, 2001, prepared by Jim Kasierski, PLS, Inc., 82 Dresser Hill Road, Charlton, MA and recorded with the Worcester District Registry of Deeds in Plan Book 665, Plan 115, a copy of said plan being on file in the office of the Town Clerk, and (2) to authorize the Selectmen, in the name and on behalf of the Town, to accept such deeds of easement or fee for public way purposes and other instruments as the Selectmen shall deem advisable to accomplish such acceptance, or take any action relative thereto or thereon

SPONSOR: Landowner

ARTICLE 27. ACCEPTANCE OF PIKES POND CIRCLE

To see if the Town will vote: (1) to accept as a public way "Pike's Pond Circle", said way being shown on a plan entitled "Record Drawing As-Built Survey prepared for Moriah Development Corporation Pike's Pond Circle, Charlton, Massachusetts", dated April 4, 2002, prepared by Jim Kasierski, PLS, Inc., 82 Dresser Hill Road, Charlton, MA 01507, to be recorded with the Worcester District Registry of Deeds, a copy of said plan being on file in the office of the Town Clerk, and such easements and other rights as the Planning Board deems sufficient, including the easements to the shown on said plan, e.g., (a) "Existing 20' Wide Access Easement to the Town of Charlton for Dam Maintenance Purposes", as to such easement conveyance to be confirmatory if such has already been deeded to the Town previously, (b) access easement to drain line and outlet, and (c) easement on Lot 30 for a portion of the cul-de-sac turnaround located on Lot 30; and (2) to authorize the Selectmen, in the name and on behalf of the Town, to accept such deeds of easement or fee for public way purposes and other instruments as the Selectmen shall deem advisable to accomplish such acceptance, or take any action relative thereto or thereon

SPONSOR: Landowner

* * * * *

And you are directed to serve this Warrant by posting attested copies thereof, one at each of the Post Offices, one in Dexter Memorial Hall and one in the Charlton Municipal Offices (George C. McKinstry, III Building) in said Town, seven days at least before the time and place of holding meeting.

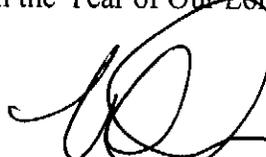
Hereof, fail not, and make due returns of the Warrant with your doings thereon to the Town Clerk at the time and place of holding meeting.

Given under our hands this 29th day of April in the Year of Our Lord Two Thousand and Eleven (2011).

Board of Selectmen



Peter J. Bofia, Chairperson



Frederick C. Swensen, Vice-Chairperson



Kathleen W. Walker, Clerk

Scott D. Brown, Member



David Singer, Member

A true copy:

Attest:

Posted as directed:

Constable/Police Officer of Charlton, Massachusetts

Richard J. Fiske, Jr. 4-29-2011