

## **WARRANT FOR THE ANNUAL TOWN MEETING, JUNE 7, 2011**

**WORCESTER, S.S.**

**TO EITHER OF THE CONSTABLES OF THE TOWN OF MILLBURY IN THE COUNTY OF WORCESTER,**

### **GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Millbury qualified to vote in elections and Town affairs, to meet at their respective meeting place:

**ARTICLE 1:** To choose all other necessary Town Officers for the year ensuing and to meet on Tuesday, June 7, 2011, at 7:00 P.M. in the Millbury Memorial High School Auditorium in said Millbury to act on the following articles to wit:

**ARTICLE 2:** To hear the reports of several Town Officers and Committees, or take any action thereon.

**ARTICLE 3:** To see if the Town will vote to authorize payment of prior year bills in the amount of One Thousand One Hundred Ninety Dollars and Seventy-Nine Cents (\$1190.79) said sum to be transferred from FY11 fiscal year funds in account # 01.914.5171.00000.0000.560 and with the sums of \$459.54 transferred to account # 01.420.5400.00000.0000.530 and \$731.25 to account #01.423.5210.00000.0000.530, or take any action thereon (Director of Public Works)

**ARTICLE 4:** To see if the Town will vote to raise and appropriate, or transfer from available funds, such sums of money as may be necessary to defray the expenses and charges of the Town of Millbury in Fiscal Year 2012, the period of July 1, 2011 through June 30, 2012, including, but not limited to: the salaries of Town Officers, costs of public education, debt and interest payments, expenses of the Sewer Enterprise Fund, and providing municipal services; or take any other action thereon.

**ARTICLE 5:** To see if the Town will vote to transfer the sum of Five Hundred Forty-Six Thousand Eight Hundred Eighty-Seven Dollars and No Cents (\$546,887.00) from available certified free cash to reduce or stabilize the Fiscal Year 2012 Tax Rate, or take any action thereon. (Town Manager)

**ARTICLE 6:** To see if the Town will vote to authorize any or all of the following capital improvement projects and purchases as follows:

1. Raise and appropriate or transfer from available funds One Hundred Thirty-five Thousand Dollars and No Cents (\$135,000.00) for the School Department for replacing the doors, wiring and fire panel at the R.E. Shaw Elementary School, or take any action thereon. ( School Committee)
2. Raise and appropriate or transfer from available funds the sum of One Hundred Fifteen Thousand Dollars and No Cents (\$115,000.00) to be expended by the Director of Public Works with the approval of the Town Manager to replace the roof and make repairs to the Highway Barn on Providence Street or take any action thereon. (Director of Public Work and Town Manager)
3. Raise and appropriate or transfer from available funds the sum of Eighty Thousand Dollars and No Cents (\$80,000.00) to be expended by the Director of Public Works with the approval of the Town Manager to supplement Chapter 90 funds for needed ADA repairs to sidewalks and other road repairs or take any action thereon. (Director of Public Work and Town Manager)
4. Raise and appropriate or transfer from available funds the sum of Seventy Thousand Dollars and No Cents (\$70,000.00) to be expended by the Director of Public Works with the approval of the Town Manager to remove and replace the Town's gas/diesel underground storage tanks or take any action thereon. (Director of Public Work and Town Manager)
5. Raise and appropriate or transfer from available funds the sum of Nine Thousand Dollars and No Cents (\$9,000.00) to be expended by the Director of Public Works with the approval of the Town Manager to purchase a lawn mower/tractor for the cemetery or take any action thereon. (Director of Public Work and Town Manager)
6. Raise and appropriate or transfer from available funds the sum of Twelve Thousand Dollars and No Cents (\$12,000.00) to be expended by the Board of Fire Engineers with the approval of the Town Manager to upgrade the so called "Jaws of Life," or take any action thereon. (Board of Fire Engineers and Town Manager)
7. Raise and appropriate or transfer from available funds the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) to be expended by the Board of Fire Engineers with the approval of the Town Manager to replace the pump in the forestry truck or take any action thereon. (Board of Fire Engineers and Town Manager)

**ARTICLE 7:** To see if the Town will vote to raise and appropriate the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) to be expended by the Town Manager for required soil and water testing and monitoring, environmental and engineering assessments, related reporting required by the state Department of Environmental Protection (DEP) and any other related actions to abate any environmental contamination located on the Asa Waters Mansion Property, 123 Elm Street; or take any action thereon. (Town Manager)

**ARTICLE 8:** To see if the Town will vote to raise and appropriate the sum of Thirty Thousand Dollars and No Cents (\$30,000.00) to be expended by the Director of Public Work with the approval of the Town Manager for the purpose of undertaking water quality testing and reporting for the former municipal landfill site and adjacent town property located off of Riverlin Street as required by the state Department of Environmental Protection (DEP), or take any action thereon. (Town Manager and Director of Public Works)

**ARTICLE 9:** To see if the Town will vote to raise and appropriate the sum of Ninety Six Thousand Five Hundred Seventy Eight Dollars and No Cents (\$96,578.00) for expenses and revenue generated from the Municipal Medicaid Reimbursement Program to the FY 2012 School Department Budget or take any action thereon. (School Committee)

**ARTICLE 10:** To see if the Town will vote to raise and appropriate the sum of Five Hundred Dollars and No Cents (\$500.00) to be used by the Town Manager to settle claims for personal property damage or incidental personal injury claims that may be brought against the Town, or take any action thereon. (Town Manager)

**ARTICLE 11:** To see if the Town will vote to appropriate the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) from the Retained Earnings of the Sewer Enterprise Fund to the Sewer Stabilization Fund for maintenance of currently constructed sewer system; or take any action thereon. (Town Manager and the Board of Sewer Commissioners)

**ARTICLE 12:** To see if the Town will vote to appropriate the sum of Three Hundred Thousand Dollars and No Cents (\$300,000.00) from the Retained Earnings of the Sewer Enterprise Fund to the Sewer Capital Projects Fund; or take any action thereon. (Town Manager and the Board of Sewer Commissioners)

**ARTICLE 13:** To see if the town will vote to authorize revolving funds for certain town departments under Massachusetts General Laws Chapter 44, Section 53 E ½ for the fiscal year beginning July 1, 2011, or take any action thereon.

<u>Revolving Funds</u>	<u>Authorized to Spend Fund</u>	<u>Revenue Source</u>	<u>Use of Fund</u>	<u>FY12 Spending Limit</u>
Composting Bins	Board of Health	Sale of Composting Bins	Expenditures related to carrying out program	5,000.00
Title V Inspections	Board of Health	Septic System Inspection Fees	Payment for Contractual Services for Septic inspections	25,000.00
Variances & Permits	Board of Appeals	Filing Fees for Variances and Permits	Part-time Salaries, and Expenses	20,000.00

MGL 40B	Board of Appeals	Filing Fees Related to MGL Chapter 40B	Part-time Salaries, supplies, and contractual services relating to 40B applications	30,000.00
Transfer Station	DPW Director	Fees and Charges for disposal of allowable items at Transfer Station	Funding expenses associated with disposal of allowable items	10,000.00
Sealer of Weights and Measures	Town Manager	Fees received for sealing of weights and measures	Payment of expenses and services related to the sealing of weights and measures	10,000.00
Police Dept - License to Carry	Chief of Police	Fees received for Firearms cards and License to Carry permits	To make payment due to the Commonwealth of Mass for their portion of the fees	30,000.00
Asa Waters	Asa Waters Task Force, with Town Manager approval	Fees from Rentals, Donations, and Charges	To fund part-time wages, and expense associated with running the Mansion	90,000.00
Millbury Housing Partnership/Millbury Housing Trust	Town Manager	Proceeds from Sale of Affordable homes	Payment of Administrative, legal, planning, engineering and related expenses of the affordable housing program	10,000.00
Earth Removal	Earth Removal Board with Town Manager Approval	Application Fees	Administrative fees, planning, inspection, and engineering expenses related to the removal permit application	25,000.00
Student Parking Fees	Millbury School Committee	Student Parking Fees	Maintenance and improvement of parking lot	15,000.00

**ARTICLE 14:** To see if the Town will vote to direct the Board of Selectmen to petition the Legislature to seek legislation granting the Board of Selectmen the authority to issue one (1) additional license for the sale of alcoholic beverages to be drunk off premises; or take any action thereon. (Board of Selectmen)

**ARTICLE 15:** To see if the Town will vote to appropriate a sum of money to buy a Aerial Platform Fire Apparatus and to meet said appropriation by authorizing the Town Treasurer/Tax Collector, with the approval of the Board of Selectmen, to borrow a sum of money; to issue bonds or notes of the Town therefore, under the provisions of Massachusetts General Laws, Chapter 44, Section 7, or any other enabling authority, and to pay all necessary legal and bond preparation costs associated with the issuance of said bonds or notes; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by Massachusetts General Laws, Chapter 59, Section 21C, so-called Proposition 2 ½, amounts required to pay the principal of and interest on the borrowing authorized by this vote; or take any action thereon. (Board of Fire Engineers and Town Manager)

**ARTICLE 16:** To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 32, Section 85H½, or take any action thereon. (Board of Fire Engineers)

**ARTICLE 17:** To see if the Town will vote to amend Chapter 2, Article VII. Capital Improvement Committee of the General Bylaws of the Town to read as follows; or take any action relative thereon: (Town Manager)

Delete:

ARTICLE VII. CAPITAL IMPROVEMENT PLANNING COMMITTEE in its entirety;

Insert:

**ARTICLE VII. FINANCIAL MANANAGEMENT PLANNING COMMITTEE**

**Section 2-141.** Financial Management Planning Committee: Established; Composition; Terms;

A planning committee, to be known as the Financial Management Planning Committee, which shall serve as the Financial Planning Committee, Capital Improvement Committee and the Capital Budget Planning Committee as authorized in the Millbury Town Charter, shall be established and appointed by the Town Manager. It shall be composed of the Finance Director, the School Business Manager, (1) representative of the School Committee appointed by or designated by it, one (1) member of the Board of Selectmen appointed by or designated by it, and three (3) members to be appointed by the Town Manager, all for three (3) year terms, however, initial terms shall be staggered such that at least two (2) members' terms will expire each year. The Town Manager and Superintendent of Schools shall not be appointed to this committee.

**Section 2-142.** Financial Management Planning Committee; Annual Budgetary Plan and Capital Improvement Program

All Departments shall communicate annually, in writing, with the Financial Management Planning Committee regarding their five year budgetary and capital needs. Each department shall submit to the Financial Management Planning Committee an inventory of its assets. The Financial Management Planning Committee shall submit annually to the Town Manager and Superintendent of Schools a multi-year Budgetary Plan and Capital Improvement Program report in a format to be determined by the Town Manager. The report shall include information relative to the municipality's budgetary, buildings, capital equipment and technology needs, as well as, funding recommendations. Said report shall be completed by December 31 or at such time as directed by the Town Manager.

**ARTICLE 18:** To see if the Town will vote to appropriate a sum of money to complete repairs on Brierly Pond in accordance with a plan by Tighe and Bond and to meet said appropriation by authorizing the Town Treasurer/Tax Collector, with the approval of the Board of Selectmen, to borrow a sum of money; to issue bonds or notes of the Town therefore, under the provisions of Massachusetts General Laws, Chapter 44, Section 7, or any other enabling authority, and to pay all necessary legal and bond preparation costs associated with the issuance of said bonds or notes; or take any action thereon. (Ponds and Lakes Commission)

**ARTICLE 19:** To see if the Town will vote to raise and appropriate the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) to fund an Elders Community Services Program for the purpose of providing a payment voucher for services rendered for the departments, boards and committees of the municipality to resident property owners who have attained the age of sixty (60) years, to be used to reduce the real estate property taxes for the property in which the elderly owner resides; said program shall be subject to the following conditions, in addition to any and all eligibility requirements promulgated by the Board of Selectmen, after receiving the recommendations of the Council-On-Aging: (a) participation in the program shall be limited to elderly residents of the town who own property and are willing and able to provide services to the town; (b) program participants shall receive compensation at a rate of \$7.50 an hour for each hour of service rendered for a total not to exceed One Thousand Five Hundred Dollars and No Cents (\$1,500.00) in any calendar year; (c) program participants must agree in writing prior to participating in the program to receive compensation in the form of a voucher to be presented to the Treasurer/Tax Collector to be applied to the real estate obligations of the participant for the property in which the participant resides; (d) the Treasurer/Tax Collector shall comply with the wage, tax and payroll deduction requirements of the state Department of Revenue and the federal Internal Revenue Service, prior to compensating program participants or applying the net amount of wages earned to the real estate tax obligations of the participants; and (e) program participants who meet the eligibility guidelines established for the program by the Board of Selectmen shall be selected for participation in the program on a first-come-first-served basis, or take any action thereon.

(Board of Selectmen and Council-On-Aging)

**ARTICLE 20:** To see if the Town will vote to adopt the “Stretch Energy Code” set forth in the State Building Code at 780 CMR 120.AA (i.e., Appendix 120.AA), as may be amended from time to time, and to amend the Town of Millbury General Bylaws, Chapter 5 BUILDINGS AND BUILDING REGULATIONS, Article I, by inserting a new Section 5-5, entitled “Stretch Energy Code” as set forth below:

**Section. 5-5. Stretch Energy Code**

1. **Adoption.** The Town of Millbury has adopted the provisions of 780 CMR 120.AA (i.e., Appendix 120.AA of the State Building Code or the “Stretch Energy Code”), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.

2. **Purpose.** The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.

or take any other action relative thereto. (Energy Advisory Committee)

**Article 21:** To see if the Town will vote to accept as a public way the roadway known as Braney Road, situated east of the public portion of Braney Road in the southeastern section of the Town, as heretofore laid out by the Board of Selectmen in the manner shown on a plan entitled “Roadway Acceptance Plan, Cronin Brook Way & Braney Road, Millbury, Massachusetts” prepared by S.E.C. & Associates, Inc., dated October 13, 2010, last revised November 30, 2010, which plan is on file at the Town Clerk’s Office, and to authorize the Board of Selectmen to acquire on behalf of the Town, by purchase, gift, eminent domain or otherwise, interests in property sufficient to use said way for all purposes for which public ways are used in the Town of Millbury, or take any action relative thereto.

In accordance with the plan, said roadway is more particularly described as follows:

BEGINNING at a granite bound on the westerly side of Braney Road at the corner of lot 86 (open space land) of Cronin Brook Heights  
THENCE across Braney Road (tie-line) N 70° 45’ 24” E a distance of 45.72 feet to a point at land N/F owned Piktelis;  
THENCE along the frontage of land N/F owned Piktelis N 09° 43” 44” E a distance of 70.64 feet to a point;  
THENCE continuing along the frontage of land N/F owned by Piktelis N 26° 06’ 13” E a distance of 88.50 feet to a point;  
THENCE continuing along the frontage of land N/F owned by Piktelis N 85° 46’ 51” E a distance of 19.18 feet to a point at land N/F owned by Swenson;  
THENCE continuing along the frontage of land N/F owned by Swenson N 15° 57’ 21” E a distance of 93.44 feet to a point;  
THENCE continuing along the frontage of land N/F owned by Swenson N 18° 38’ 39” E a distance of 35.19 feet to a point;  
THENCE continuing along the frontage of land N/F owned by Swenson N 03° 19’

16" E a distance of 46.39 feet to a point along a stone wall at land N/F owned by Mangano;

THENCE continuing along a stone wall along the frontage of land N/F owned by Mangano N 06° 17' 33" E a distance of 55.60 feet to a point;

THENCE across Braney Road (tie-line) N 83° 42' 27" W a distance of 33.99 feet to a point at lot 82 (open space land) of Cronin Brook Heights;

THENCE continuing along the frontage of lot 82 (open space land) S 07° 48' 41" W a distance of 96.10 feet to a granite bound at the northerly side of the right of way of Cronin Brook Way;

THENCE continuing along the limit of the right of way line of Cronin Brook Way S 07° 48' 41" W a distance of 9.87 feet to a point;

THENCE continuing along the limit of the right of way line of Cronin Brook Way S 26° 06' 13" W a distance of 119.22 feet to a granite bound at the Southerly side of the right of way of Cronin Brook Way and corner of lot 68 of Cronin Brook Heights;

THENCE continuing along the frontage of lot 68 of Cronin Brook Heights S 26° 06' 13" W a distance of 94.53 feet to a granite bound at an angle point of lot 68;

THENCE continuing along the frontage of lot 68 of Cronin Brook Heights and along the frontage of lot 86 (open space land) of Cronin Brook Heights S 09° 43' 44" W a distance of 98.54 feet to a granite bound at the point of beginning.

Said Braney Road contains 16,704 square feet of land, more or less. (Planning Board)

**Article 22:** To see if the Town will vote to accept as a public way the roadway known as Cronin Brook Way, situated northwest of Braney Road in the southeastern section of the Town, as heretofore laid out by the Board of Selectmen in the manner shown on a plan entitled "Roadway Acceptance Plan, Cronin Brook Way & Braney Road, Millbury, Massachusetts" prepared by S.E.C. & Associates, Inc., dated October 13, 2010, last revised November 30, 2010, which plan is on file at the Town Clerk's Office, and to authorize the Board of Selectmen to acquire on behalf of the Town, by purchase, gift, eminent domain or otherwise, interests in property sufficient to use said way for all purposes for which public ways are used in the Town of Millbury, or take any action relative thereto.

In accordance with the plan, said roadway is more particularly described as follows:

BEGINNING at a granite bound on the westerly side of Braney Road;

THENCE N 26-06'-13" E, 94.53 feet to a granite bound, being known as the starting Point;

THENCE Northerly 36.03 feet along a curve to the left having a radius of 30.00 feet to a granite bound;

THENCE N 42-42'-36" W, 34.35 feet to a granite bound;

THENCE Northerly 47.69 feet along a curve to the right having a radius 175 .00 feet to a granite bound;

THENCE N 27-05"-40" W, 295.18 feet to a granite bound;



THENCE Westerly 385.64 feet along a curve to the left having a radius of 150.00 feet to a granite bound;  
 THENCE S 05-36'-13" W, 101.95 feet to a granite bound;  
 THENCE Southerly 199.63 feet along a curve to the left having a radius of 375.00 feet to a granite bound;  
 THENCE S 24-53'-54" E, 23.37 feet to a granite bound;  
 THENCE Easterly 27.40 feet along a curve to the left having a radius of 30.00 feet to a granite bound;  
 THENCE Starting Southerly then Northerly 298.10 feet along a Cul-de-Sac curve to the right having a radius of 60.00 feet to a granite bound;  
 THENCE Northerly 27.40 feet along a curve to the left having a radius of 30.00 feet to a granite bound;  
 THENCE N 24-53'-54" W, 23.37 feet to a granite bound;  
 THENCE Northerly 226.25 feet along a curve to the right having a radius of 425.00 feet to a granite bound;  
 THENCE N 05-36'-13" E, 101.95 feet to a granite bound;  
 THENCE Northwesterly 514.18 feet along a curve to the right having a radius of 200.00 feet to a granite bound;  
 THENCE S 27-05'-40" E, 295.18 feet to a granite bound;  
 THENCE Southerly 20.62 feet along a curve to the left having a radius of 125.00 feet to a granite bound;  
 THENCE Easterly 71.02 feet along a curve to the right having a radius of 30.00 feet to granite bound;  
 THENCE S 7-48'-41" W, 9.87 feet to a point;  
 THENCE S 26-06'-13" W, 119.22 feet to a granite bound;

Said Cronin Brook Way contains 71,126 square feet of land, more or less. (Planning Board)

**Article 23:** To see if the Town will vote to accept as a public way the roadway known as Diana Hill Drive, situated north of Cronin Brook Way in the southeastern section of the Town, as heretofore laid out by the Board of Selectmen in the manner shown on a plan entitled "Roadway Acceptance Plan, Diana Hill Drive and Taft Circle, Millbury, Massachusetts" prepared by S.E.C. & Associates, Inc., dated October 13, 2010, last revised November 30, 2010, which plan is on file at the Town Clerk's Office, and to authorize the Board of Selectmen to acquire on behalf of the Town, by purchase, gift, eminent domain or otherwise, interests in property sufficient to use said way for all purposes for which public ways are used in the Town of Millbury, or take any action relative thereto.

In accordance with the plan, said roadway is more particularly described as follows:

BEGINNING at a granite bound on the northerly side of Cronin Brook Way and the southwesterly corner of Diana Hill Drive;  
 THENCE Northerly 36.51 feet along a curve to the left having a radius of 30.00 feet of to a granite bound;  
 THENCE N 8-33'-24" W, 101.82 feet to a drill hole in a retaining wall;  
 THENCE Northerly 80.03 feet along a curve to the right having a radius of 275.00

feet to a drill hole in a retaining wall;  
 THENCE N 8-07'-02" E, 101.18 feet to a granite bound;  
 THENCE Northwesterly 477.39 feet along a curve to the right having a radius of 190.00 feet to a tie line at the limit of acceptance;  
 THENCE S 48-56'-24" W, 50.00 feet along the tie line to a point;  
 THENCE Westerly 319.66 feet along a curve to the left having a radius of 140.00 feet to a drill hole in a retaining wall;  
 THENCE S 08-07'-02" W, 101.18 feet to a spike in a paved driveway;  
 THENCE Southerly 65.48 feet along a curve to the left having a radius of 225.00 feet to a granite bound;  
 THENCE S 8-33'-24" E, 89.58 feet to a granite bound;  
 THENCE Easterly 43.16 feet along a curve to the left having a radius of 30.00 feet to a granite bound;  
 THENCE (Tie Line) Westerly 97.20 feet along a curve to the left having a radius of 200.00 feet to a granite bound and point of beginning;

Said Diana Hill Drive contains 33,758 square feet of land, more or less. (Planning Board)

**Article 24:** To see if the Town will vote to accept as a public way the roadway known as Taft Circle, situated northwest of Diana Hill Drive in the southeastern section of the Town, as heretofore laid out by the Board of Selectmen in the manner shown on a plan entitled "Roadway Acceptance Plan, Diana Hill Drive and Taft Circle, Millbury, Massachusetts" prepared by S.E.C. & Associates, Inc., dated October 13, 2010, last revised November 30, 2010, which plan is on file at the Town Clerk's Office, and to authorize the Board of Selectmen to acquire on behalf of the Town, by purchase, gift, eminent domain or otherwise, interests in property sufficient to use said way for all purposes for which public ways are used in the Town of Millbury, or take any action relative thereto.

In accordance with the plan, said roadway is more particularly described as follows:

BEGINNING at a granite bound on the westerly side of Cronin Brook Way and southerly side of Taft Circle;  
 THENCE Northerly 42.24 feet along a curve to the left having a radius of 30.00 feet to a granite bound;  
 THENCE N 53-20'-10" W, 102.97 feet to a granite bound;  
 THENCE Westerly 29.45 feet along a curve to the left having a radius 30.00 feet of to a granite bound;  
 THENCE Starting Northerly then Southerly 306.31 feet along a Cul-de-Sac curve to the left having a radius of 60.00 feet to a granite bound;  
 THENCE Southeasterly 29.45 feet along a curve to the left having a radius of 30.00 feet to a granite bound;  
 THENCE S 53-20'-10" E, 109.66 feet to a granite bound;  
 THENCE Southeasterly 38.22 feet along a curve to the left having a radius of 30.00 feet to a granite bound;  
 THENCE (TIE LINE) Southwesterly 130.89 feet along a curve to the left having a radius of 190.00 feet to a granite bound;

Said Taft Circle contains 14,109 square feet of land, more or less. (Planning Board)

**Article 25:** To see if the Town will vote to accept as a public way the roadway known as Jessica J Drive, situated southeast of Herricks Lane in the southern section of the Town, as heretofore laid out by the Board of Selectmen in the manner shown on a plan entitled "Plan of Acceptance of Jessica J Drive, Millbury, Massachusetts" prepared by LaVallee Brothers Inc, dated March 16, 2005, which plan is on file at the Town Clerk's Office, and to authorize the Board of Selectmen to acquire on behalf of the Town, by purchase, gift, eminent domain or otherwise, interests in property sufficient to use said way for all purposes for which public ways are used in the Town of Millbury, or take any action relative thereto.

In accordance with the plan, said roadway is more particularly described as follows:

Beginning at a point on the southwesterly sideline of Herricks Lane:

THENCE: By a curve to the left R = 30.00 ft. L = 48.27 ft. to a bound  
THENCE: S 59-56-35 E 250.08 ft. to a bound  
THENCE: By a curve to the left R = 30.00 ft. L = 34.02 ft. to a bound  
THENCE: By a curve to the right R = 100.00 ft. L = 540.95 ft. to a spike in a drive  
THENCE: By a curve to the left R = 30.00 ft. L = 34.02 ft. to a bound  
THENCE: N 59-56-35 W 254.29 ft. to a bound  
THENCE: By a curve to the left R = 30.00 ft. L = 45.98 ft. to a point on the southeasterly sideline of Herricks Lane  
THENCE: N 32-15-03 E 110.08 ft. by said sideline to the point of beginning

Said Jessica J Drive contains 46,410 square feet of land, more or less. (Planning Board)

**Article 26:** To see if the Town will vote to accept as a public way the roadway known as Brian Circle, situated at the western end of Keith David Drive in the Town, as heretofore laid out by the Board of Selectmen in the manner shown on a plan entitled "Street Location Plan (Hayward Glen) Keith David Drive, Matthew Circle and Brian Circle in Millbury, Massachusetts" prepared for Longwood Development Corporation, dated September 15, 2006, scale 1"=40' by Zingarelli Associates, Civil Engineers and Land Surveyors, which plan is on file at the Town Clerk's Office, and to authorize the Board of Selectmen to acquire on behalf of the Town, by purchase, gift, eminent domain or otherwise, interests in property sufficient to use said way for all purposes for which public ways are used in the Town of Millbury, or take any action relative thereto.

In accordance with the plan, said roadway is more specifically described as follows:

COMMENCING at the intersection of the northwest line of Brian Circle and the southwest line of Jaclyn Rae Drive, said point being a granite bound and the POINT OF BEGINNING;

THENCE S27°13'55"E by the southwest line of Jaclyn Rae Drive a distance of 90.55 feet to a granite bound at the point of curvature of a curve to the left having a radius of 20.00 feet and a central angle of 96°19'25";

THENCE along said curve a distance of 33.62 feet to a granite bound;

THENCE S56°26'40"W a distance of 103.61 feet to a granite bound at the point of curvature of a curve to the left having a radius of 245.00 feet and a central angle of 25°10'35";

THENCE along said curve a distance of 107.66 feet to a granite bound;

THENCE S31°16'05"W, a distance of 336.35 feet to a granite bound at the point of curvature of a curve to the left having a radius of 20.00 feet and a central angle of 55°46'16";

THENCE along said curve a distance of 19.47 feet to a granite bound at the point of curvature of a reverse curve to the right having a radius of 60.00 feet and a central angle of 291°32'32";

THENCE along said curve a distance of 305.30 feet to a granite bound at the point of curvature of a reverse curve to the left, having a radius of 20.00 feet and a central angle of 55°46'16";

THENCE along said curve a distance of 19.47 feet to a granite bound;

THENCE N31°16'05"E a distance of 336.35 feet to a granite bound at the point of curvature of a curve to the right having a radius of 295.00 feet and a central angle of 25°10'35";

THENCE along said curve a distance of 129.63 feet to a granite bound;

THENCE N56°26'40"E a distance of 113.58 feet to a granite bound at the point of curvature of a curve to the left having a radius of 20.00 feet and a central angle of 83°40'35";

THENCE along said curve a distance of 29.21 feet to the POINT OF BEGINNING;

Said Brian Circle contains 41,108 square feet of land, more or less. (Planning Board)

**Article 27:** To see if the Town will vote to amend the Millbury Zoning Bylaws, **Article 3, Section 36, Floodplain District Requirements**, by adding the following italicized text and deleting the following strikethrough text, and amending the Zoning Map accordingly, or take any action thereon:

**36.2 District Delineation.** The floodplain district is herein established as an overlay district and includes all special flood hazard areas *within the Town of Millbury* designated as Zone A and AE Zones A-1 to A-30 on the ~~Millbury Worcester County Flood Insurance Rate Maps (FIRMs), and the Flood Boundary and Floodway Maps dated January 7, 2000, on file with the Town Clerk, the Planning Board, and the Building Inspector. These maps, as well as the accompanying Millbury Flood Insurance Study are incorporated herein by reference. Within Zone A, where the base flood elevation is not provided on the FIRM, the Building Inspector shall obtain and review existing base flood elevation data. If the data is sufficiently detailed and accurate, it shall be relied upon to require compliance with this zoning by law. issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Worcester County FIRMs that are wholly or partially within the Town of Millbury are panel numbers 25027C0804E, 25027C0807E, 25027C0808E, 25027C0809E, 25027C0812E, 25027C0814E, 25027C0816E, 25027C0817E, 25027C0820E, 25027C0826E, 25027C0828E, and 25027C0836E dated July 4, 2011. The exact boundaries of the District shall be defined by the 100-year base flood elevations show on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS), report dated July 4, 2011. The FIRM and FIS report are~~

*incorporated herein by reference and are on file with the Town Clerk, Planning Board and Building Inspector.*

(Paragraphs 2 and 3 are to remain the same)

*In Zones AE, along watercourses within the Town of Millbury that have a regulatory floodway designated on the Worcester County FIRMs, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.*

### **36.3 Usages Within a Floodplain District.**

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (*currently 780 CMR 3107.0\_120.G, “Flood Resistant Construction and Construction in Coastal Dunes” as amended*)
- Wetlands Protection Regulations, Department of Environmental Protection (*DEP*) (*currently 310 CMR 10.00 as amended*)
- Inland Wetlands Restriction, Department of Environmental Protection (*DEP*) (~~302 CMR 6.00 as amended~~ (*currently 310 CMR 13.00*))
- ~~Coastal Wetlands Restriction, Department of Environmental Protection (302 CMR 4.00 as amended)~~
- Minimum Requirements for Subsurface Disposal of Sanitary Sewage, ~~Department of Environmental Protection~~ *DEP* (*currently 310 CMR 15, Title 5, as amended Title 5*) (Planning Board)

**ARTICLE 28:** To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 138, Section 33B, or take any action thereon. (Board of Selectmen)

Given under our hands this 12<sup>th</sup> day of April, 2011.

And you are directed to serve this Warrant by posting up an attested copy thereof at the Post Office, Library and Senior Center in said Town and in addition at available public places in West Millbury, Bramanville, Dorothy Pond and East Millbury seven days at least before the time of holding said meeting.

Hereof, fail not and make return of this warrant with your doings thereon to the Town Clerk at the time and place of meeting as aforesaid.

**A TRUE COPY ATTEST:**

\_\_\_\_\_  
**Jayne Marie Davolio, Town Clerk**

\_\_\_\_\_  
**Constable**

**BOARD OF SELECTMEN**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_