

ADJOURNED ANNUAL TOWN MEETING
May 18, 1988

Moderator DeWitt T. Minich called the third session of the Annual Town Meeting to order at 7:32 p.m.

ARTICLE 46. To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money to fund an engineered study of the Pye Brook Watershed from its headwaters at Four Mile Pond to the Boxford/Topsfield town line, said funds to be expended under the direction of the Board of Selectmen, or take any other action thereon.

The Finance Committee recommended adoption of this article.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from Free Cash the sum of \$15,000 to fund an engineered study of the Pye Brook Watershed from its headwaters at Four Mile Pond to the Boxford/Topsfield town line, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 47. To see if the Town will authorize the Selectmen to accept on behalf of the Town all interest in the Canoe Channel and earth fill dam with concrete spillway in Pye Brook, known as "Dorman's Dam", shown on Lots 1C and 1D on a plan entitled "Plan of Land in Boxford, MA Prepared for Wild Meadows Trust", dated December 15, 1981, by Hancock Survey Associates, Inc., which plan is recorded in Essex South District Registry of Deeds in Plan book 173, as Plan 6; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over this article.

Article 49 through 57 deal with Zoning Bylaw changes and would require a 2/3 vote for adoption of the article. In response to a question from the Moderator, Craig Falk of the Planning Board reported that a public hearing, required, had been held on each of these articles. The Moderator allowed Article 48, 51 and 57 to be acted upon consecutively because the articles covered related materials.

ARTICLE 48. To see if the Town will vote to delete Section V(A) (4) of the Zoning Bylaw which allows for a "Rooming or boarding house with not over four lodgers".

EXPLANATION: This revision will eliminate such a rooming or boarding house as a permitted use of a residence (however, current rooming or boarding house use would be grandfathered).

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over this article.

ARTICLE 51. To see if the Town will vote to delete Section V(A)(11)(g) of the Zoning Bylaws in its entirety, which allows for "The taking of more than four lodgers".

EXPLANATION: The revision eliminates the taking of more than four lodgers as a permitted use pursuant to a Special Permit (however, current use of such lodgers would be grandfathered).

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over this article.

ARTICLE 57. To see if the Town will vote to delete Section VIII(5) of the Zoning Bylaw which defines "Rooming or Boarding House: A dwelling in which the family resident therein provides eating and/or sleeping accommodations for not more than four paying guests who use only the cooking facility ordinarily used by the resident family.

EXPLANATION: The definition would no longer be necessary if the other proposed changes are adopted which in effect eliminate a rooming and boarding house as a permitted use of a residence.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over this article.

ARTICLE 49. To see if the Town will vote to amend Section V(A)(8)(c) of the Zoning Bylaw by adding the following underlined language thereto: "c. no offensive noise, vibration, smoke, dust, fumes odors, heat, glare, unsightliness or unsafe condition is produced."

EXPLANATION: The revision adds "unsafe condition" as an element to be considered in determining whether the use of a dwelling or accessory building for a customary home or professional occupation will be permitted.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend Section V(A)(8)(c) of the zoning Bylaw by adding the following underlined language so that it reads: "c. no offensive noise, vibration, smoke, dust, fumes, odors, heat, glare, unsightliness or unsafe condition is produced."

Craig Falk of the Planning Board made an oral report of a favorable recommendation by the Planning Board.

ARTICLE 50. To see if the Town will vote to revise Section V(A)(11)(c) of the Zoning Bylaw in its entirety to read: "c. Maintenance of commercial dog kennels provided no structures or operations are involved which are not in keeping with the residential character of the Town, all structures and operation are substantially screened from view with evergreen trees, shrubs, similar vegetation, fences or other means and no offensive noise, odors, unsightliness or unsafe condition is produced."

EXPLANATION: The revision adds minimum standards for determining the circumstances under which a commercial dog kennel would be permissible pursuant to a Special Permit.

Upon motion made and duly seconded, it was VOTED, by hand count, 91 affirmative, 11 opposed, to revise Section V(A)(11)(c) of the Zoning Bylaw in its entirety to read: "c. Maintenance of commercial dog kennels provided no structures or operations are involved which are not in keeping with the residential character of the Town, all structures and operations are substantially screened from view with evergreen trees, shrubs, similar vegetation, fences or other means and no offensive noise, odors, unsightliness or unsafe condition is produced.

Craig Falk of the Planning Board made an oral report of a favorable recommendation by the Planning Board.

ARTICLE 52. To see if the Town will vote to revise Section V(A)(11)(L) of the Zoning Bylaw in its entirety to read: "Maintenance of horse stables or saddle horses for rental provided no structures or operations are involved which are not in keeping with the residential character of the Town, and no offensive noise, odors, unsightliness, or unsafe condition is produced."

EXPLANATION: The revision adds minimum standards for determining the circumstance under which the maintenance of horse stables or saddle horses for rental would be permissible pursuant to a Special Permit. The revision eliminates other recreation or amusement enterprises including rental of boats, sale of bait, ski tow and similar activities as permissible pursuant to a Special Permit.

Upon motion made and duly seconded, the article was defeated by hand count vote, 50 affirmative, 52 opposed.

Craig Falk of the Planning Board made an oral report of a favorable recommendation by the Planning Board.

ARTICLE 53. To see if the Town will vote to revise the second full paragraph of Section V(E) of the Zoning Bylaw in its entirety to read: "The Conservancy District shall be based upon the elevations shown on the Zoning Map dated May 10, 1977, as amended, and shall include any adjacent Bordering Vegetated Wetland, as defined in 310 Code of Massachusetts Regulations 10.55, and shall exclude any adjacent land which is not Bordering Vegetated Wetland."

EXPLANATION: After the revision, Conservancy District land will include land which is Bordering Vegetated Wetland but exclude land which is not Bordering Vegetated Wetland where such land is adjacent to what is presently Conservancy District land.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to revise the second full paragraph of Section V(E) of the Zoning Bylaw in its entirety to read: "The boundaries of the Conservancy District shall be based upon the elevations shown on the Zoning Map dated May 10, 1977, as amended, and shall encompass any adjacent Bordering Vegetated Wetland, as defined in 310 Code of Massachusetts Regulations 10.55, and shall exclude any adjacent land which is not Bordering Vegetated Wetland."

Darman Wing of the Planning Board made an oral report of a favorable recommendation by the Planning Board.

ARTICLE 54. To see if the Town will vote to revise the first sentence of VI(B)(2)(c)(2) of the Zoning Bylaw in its entirety to read: "Every lot laid out for residential use shall have at least one (1) acre of contiguous legally buildable area of naturally occurring land with soils not subject to flooding as defined in 310 Code of Massachusetts Regulation 10.57, and sufficiently dry to permit installation and use of facilities for the disposal of sanitary wastes."

EXPLANATION: The revision adds a reference to a definition of flooding, which, in general terms, is the water level reached by the worst storm in a 100 year period.

Upon motion made and duly seconded, it was VOTED by unanimous voice vote, to revise the first sentence of VI(B)(2)(c)(2) of the Zoning Bylaw in its entirety to read:

"Every lot laid out for residential use shall have at least one (1) acre of contiguous legally buildable area of naturally occurring land with soils not subject to flooding as defined in 310 Code of Massachusetts Regulation 10.57, and sufficiently dry to permit installation and use of facilities for the disposal of sanitary wastes."

Darman Wing of the Planning Board made an oral report of a favorable recommendation by the Planning Board.

ARTICLE 55. To see if the Town will vote to revise Section VI(B)(4)(b)(3) of the Zoning Bylaw, in its entirety, to read: "3) Each lot for residential use is an R-A Residence-Agricultural District shall have a minimum depth of at least fifty (50) feet along its minimum required frontage for up to a maximum of two hundred (200) continuous feet of such frontage."

EXPLANATION: The revision attempts to make clear that the fifty feet of minimum depth only applies to a maximum of 200 feet of the otherwise required frontage.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to revise Section VI(B)(4)(b)(3) of the Zoning Bylaw, in its entirety, to read: "3) Each lot for residential use is an R-A Residence-Agricultural District shall have a minimum depth of at least fifty (50) feet along its minimum required frontage for up to a maximum of two hundred (200) continuous feet of such frontage."

Darman Wing of the Planning Board made an oral report of a favorable recommendation by the Planning Board.

ARTICLE 56. To see if the Town will vote to revise Section VI(B)(4)(b)(1) of the Zoning Bylaw in its entirety to read: "Each lot for residential use in an R-A Residence-Agricultural District shall contain a minimum two hundred (200) feet diameter area within the legally contiguous buildable area and within which 200 feet diameter area any dwelling shall be built, subject to all set-back and other provisions of these bylaws. The two hundred (200) feet diameter area shall be designated on any plans for the lot."

EXPLANATION: The revision helps assure that the minimum 200' diameter area is legally contiguous buildable area.

Upon motion made and duly seconded, the article was defeated by hand count vote, 57 affirmative, 47 negative.

Darman Wing of the Planning Board made an oral report of a favorable recommendation by the Planning Board.

ARTICLE 58. To see if the Town will vote to accept Chapter 236 of the Acts of 1987, "an Act providing for the expenditure of default funds by municipal planning boards," which states as follows:

Section 81U of Chapter 41 of the General Laws is hereby amended by inserting after the penultimate paragraph the following paragraph:

In any town which accepts the provisions of this paragraph, the proceeds of any such bond or deposit shall be made available to the town for expenditure to meet the cost and expenses of the municipality in completing the work as specified in the approved plan. If such proceeds do not exceed twenty-five thousand dollars, the expenditure may be made without specific appropriation under section fifty-three of chapter

forty-four; provided however, that such expenditure is approved by the Board of Selectmen. The provisions of this paragraph shall not apply to cities or to towns having Town Councils.

EXPLANATION: Acceptance of the provisions allows the Selectmen to apply \$25,000 or less of subdivision performance guarantee funds without specific appropriation upon a default by a developer.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to accept Chapter 236 of the Legislative Acts of 1987, "an Act providing for the expenditure of default funds by municipal planning boards," which states as follows:

Section 81U of Chapter 41 of the General Laws is hereby amended by inserting after the penultimate paragraph the following paragraph:

In any town which accepts the provisions of this paragraph, the proceeds of any such bond or deposit shall be made available to the town for expenditure to meet the cost and expenses of the municipality in completing the work as specified in the approved plan. If such proceeds do not exceed twenty-five thousand dollars, the expenditure may be made without specific appropriation under section fifty-three of chapter forty-four; provided however, that such expenditure is approved by the Board of Selectmen. The provisions of this paragraph shall not apply to cities or to towns having Town Councils.

Darman Wing of the Planning Board made an oral report of a favorable recommendation by the Planning Board.

ARTICLE 59. To see if the Town will vote to raise and appropriate, transfer from available funds, or bond a sum of money, or borrow through State House Notes, a sum of money to establish a "Conservation Fund", pursuant to Massachusetts General Laws, Chapter 40, Section 5, Clause 51, said funds to be expended under the direction of the Conservation Commission for the purposes stated in said section, or take any other action thereon.

The Finance Committee did not recommend adoption of this article.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 73 affirmative, 36 negative, to raise and appropriate the sum of \$100,000 to establish a "Conservation Fund", pursuant to Massachusetts General Laws, Chapter 40, Section 5, Clause 51, said funds to be expended under the direction of the Conservation Commission for the purposes stated in said section.

ARTICLE 60. To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money to the Town Insurance Fund, or take any other action thereon.

The Finance Committee recommended adoption of this article.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from Free Cash the sum of \$4,000 to the Town Insurance Fund.

ARTICLE 61. To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money to the Town Unemployment Fund, or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote to pass over this article.

ARTICLE 62. To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money to the Finance Committee Reserve Fund, or take any other action thereon.

The Finance Committee recommended adoption of this article.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from Free Cash the sum of \$50,000 to the Finance Committee Reserve Fund.

ARTICLE 63. To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money to the Town Stabilization Fund, or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over this article.

ARTICLE 1. To hear and act on the reports of the Town Officers and Committees.

(The Town Report is at the printers and not yet available for review.)

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to receive and place on file without ratification of any action taken, or authorization of any action proposed, the reports of the Town Officers and Committees.

ARTICLE 64. To transact any other business that may legally come before said meeting.

Former Selectwoman Enid E. Thuermer, who has left office after six years of service to the Town received a standing ovation.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to dissolve the meeting at 9:00 p.m.

Registered voters attending the meeting were 107. Counter and checkers for the meeting were appointed by Town Clerk Frank H. Weatherby.

A true record

ATTEST:

Frank H. Weatherby
Town Clerk

APPROVED BUDGET FOR 1988-1989

1. General Government		
Selectmen	\$ 80,637.	
Town Clerk	21,518.	
Town Counsel	60,000.	
Planning Board	3,807.	
Planning/Cons. Com. Office	21,097.	
Board of Appeals	1,979.	
Recreation Commission	14,910.	
Council on Aging	19,730.	
Conservation Commission	2,975.	
Board of Health	40,805.	
Personnel Board	1,477.	
Groundwater Study Committee	<u>500.</u>	
TOTAL		\$ 269,435.
2. Finance		
Accountant	\$ 65,268.	
Assessors	43,806.	
Finance Committee	1,040.	
Tax Collector	30,819.	
Treasurer	21,578.	
Interest on Loans	<u>2,500.</u>	
TOTAL		\$ 165,011.
3. Public Safety		
Police Salary	\$ 332,147.	
Police - All Other	61,386.	
Police - Reserves/OT	93,911.	
(Police - SUB TOTAL)		(487,444.)
Fire	86,235.	
Communications - Salary	97,684.	
Communications - All Other	20,742.	
(Communications - SUB TOTAL)	(204,661.)	
Animal Control Officer	7,442.	
Parking Clerk	250.	
Ambulance Service	<u>50,460.</u>	
TOTAL		\$ 750,257.
4. Education		
Library - Salary	\$ 81,686.	
Library - All Other	40,782.	
(Library - SUB TOTAL)		(122,468.)
Elementary Schools	1,885,289.	

Masconomet	2,160,913.	
North Shore Vocational	<u>25,982.</u>	
TOTAL		\$4,194,652.
5. Town Maintenance		
DPW - Salary	\$ 184,997.	
DPW - Materials	137,230.	
DPW - All Other	112,841.	
(DPW - SUB TOTAL)		(435,068.)
Building Maintenance	28,524.	
Cemeteries	1,550.	
Moth Suppression	<u>1,500.</u>	
TOTAL		\$466,642.
6. Inspectors		
Animal	\$ 1,940.	
Building	26,130.	
Electrical	<u>7,343.</u>	
TOTAL		\$35,413.
7. Insurance and Pensions		
Health and Life Insurance	\$ 115,500.	
General Insurance	155,376.	
Veterans Benefits	5,000.	
Retirement Pension	<u>0.</u>	
TOTAL		\$275,876.
GRAND TOTAL TOWN BUDGET		\$6,157,286.
RAISE AND APPROPRIATE		
Article 15	\$ 68,294.	
Article 59	<u>100,000.</u>	
TOTAL		\$168,294.
TOTAL TO BE RAISED AND APPROPRIATED		\$6,325,580.
TRANSFERS		
Federal Revenue Sharing		
Article 15	62,778.16	
Previous Warrant Articles		
Article 15	11,389.52	
Free Cash		

Article 6	2,000.00
Article 9	35,881.00
Article 10	6,900.00
Article 11	4,500.00
Article 12	10,000.00
Article 13	52,000.00
Article 14	4,960.00
Article 15	7,529.48
Article 16	10,410.00
Article 17	34,000.00
Article 18	6,050.00
Article 19	8,400.00
Article 20	16,065.00
Article 21	11,500.00
Article 22	500.00
Article 23	3,000.00
Article 24	7,000.00
Article 25	2,000.00
Article 28	25,000.00
Article 42	70,000.00
Article 45	2,000.00
Article 46	15,000.00
Article 60	4,000.00
Article 62	<u>50,000.00</u>
(Free Cash - SUB TOTAL)	(\$388,695.48)

TOTAL TO BE TRANSFERRED

\$462,863.16