

## ADJOURNED ANNUAL TOWN MEETING

May 10, 1995

Moderator DeWitt T. Minich called the second session of the Boxford Annual Town Meeting to order at 7:31 p.m. The articles of the warrant were disposed of as follows:

**ARTICLE 19.** To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to purchase and equip two new police cruisers, with new radios, and to authorize the Board of Selectmen to trade or dispose of any existing vehicles in any manner which they deem advisable, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of \$48,398 to purchase and equip two new police cruisers, with new radios, and to authorize the Board of Selectmen to trade or dispose of any existing vehicles in any manner which they deem advisable, said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

**ARTICLE 20.** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow, the sum of \$100,000 for the purpose of remediating failing residential subsurface sewage disposal systems and underground fuel storage tanks, pursuant to Massachusetts General Laws Chapter 111, Section 127B 1/2; the sum to be borrowed and repaid by recipients through the betterment procedure pursuant to Chapter 111, Section 127B 1/2 and Massachusetts General Laws Chapter 80; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 20.

Finance Committee did not recommend adoption of this article.

**ARTICLE 21.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$21,000 for protective action on Boxford ponds, including watershed zoning overlay districts for Hovey's, Stiles and Baldpate Ponds, said funds to be spent under the direction of the Board of Health; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from free cash the sum of \$21,000 for protective action on Boxford ponds, including watershed zoning overlay districts for Hovey's, Stiles and Baldpate Ponds, said funds to be spent under the direction of the Board of Health.

Finance Committee did not recommend adoption of this article.

Adjourned Annual Town Meeting - May 10, 1995

**ARTICLE 22.** To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund the construction of a new recycling transfer shed, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

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 the construction of a new recycling transfer shed, said funds to be spent under the direction of the Board of Selectmen

Finance Committee recommended adoption of this article.

**ARTICLE 23.** To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund the purchase of a new photocopy machine for the Town Hall, and to authorize the Board of Selectmen to trade or dispose of the existing Town Hall copy machine in any manner they deem advisable, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

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 the purchase of a new photocopy machine for the Town Hall, and to authorize the Board of Selectmen to trade or dispose of the existing Town Hall copy machine in any manner they deem advisable, said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

**ARTICLE 24.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$150,000 to the Finance Committee Reserve Fund, said funds to be spent under the direction of the Finance Committee; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority show of hands, to amend the article from \$150,000 to \$100,000.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$100,000 to the Finance Committee Reserve Fund, said funds to be spent under the direction of the Finance Committee.

Finance Committee recommended adoption of this article.

**ARTICLE 25.** To see if the Town will vote to authorize the Selectmen to sell a parcel of Town-owned land off Main Street, at the intersection of Glendale Road, consisting of 1.5 acres, identified as Assessors Map 13, Group 3, Parcel 25; with the condition that said parcel is sold with a Conservation Restriction pursuant to MGL Chapter 184, Section 31, and cannot be built upon; provided the proposed purchaser provides to the Town a plan which is recordable in the Essex South Registry of Deeds; or take any other action thereon.

Upon motion made and duly seconded, Article 25 was defeated by hand count vote, 31 in favor and 168 opposed.

Finance Committee recommended adoption of this article.

(The night of Town Meeting, the Finance Committee recommended against adoption of this article.)

Adjourned Annual Town Meeting - May 10, 1995

**ARTICLE 26.** To see if the Town will vote to authorize the Board of Selectmen to grant an easement to the New England Telephone and Telegraph Company and Massachusetts Electric Company for the purpose of providing for the transmission of intelligence and electricity, such easement locations being more particularly described below, in, on and over a certain parcel of land being Town owned land as shown on a sketch on file with the Town Clerk and entitled: "Sketch of Proposed Pole Line Easement in Boxford, Mass. from Town of Boxford to New England Telephone and Telegraph Company, Robert G. Goodwin, Registered Land Surveyor, 82 Central Street, Andover, Mass., Scale 1"=40', Date: Jan. 30, 1995;" or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to authorize the Board of Selectmen to grant an easement to the New England Telephone and Telegraph Company and Massachusetts Electric Company for the purpose of providing for the transmission of intelligence and electricity, such easement locations being more particularly described below, in, on and over a certain parcel of land being Town owned land as shown on a sketch on file with the Town Clerk and entitled: "Sketch of Proposed Pole Line Easement in Boxford, Mass. from Town of Boxford to New England Telephone and Telegraph Company, Robert G. Goodwin, Registered Land Surveyor, 82 Central Street, Andover, Mass., Scale 1"=40', Date: Jan. 30, 1995."

Finance Committee recommended adoption of this article.

**ARTICLE 27.** To see if the Town will vote to petition the General Court to pass legislation to establish a "Boxford Land Bank," the purpose of which is to acquire real estate interests for conservation or preservation of open spaces, wetlands, water resource areas, wild life areas, and for the purpose of providing town administered affordable housing, funded by a temporary fee of up to 2% on real estate transfers; said fee to be collected for a period of twenty years, or until 75% of the town's remaining buildable land has been developed, whichever is sooner; said Land Bank to be administered by the "Boxford Land Bank Commission," consisting of representatives appointed by the Board of Selectmen; or take any other action thereon.

A motion made and duly seconded to pass over this article was defeated by a hand count vote, 92 in favor and 102 opposed.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 123 in favor and 85 opposed, to petition the General Court to pass legislation to establish a "Boxford Land Bank," the purpose of which is to acquire real estate interests for conservation or preservation of open spaces, wetlands, water resource areas, wild life areas, and for the purpose of providing town administered affordable housing, funded by a temporary fee of up to 2% on real estate transfers; said fee to be collected for a period of twenty years, or until 75% of the town's remaining buildable land has been developed, whichever is sooner; said Land Bank to be administered by the "Boxford Land Bank Commission," consisting of representatives appointed by the Board of Selectmen

Finance Committee did not recommend adoption of this article.

Adjourned Annual Town Meeting - May 10, 1995

**ARTICLE 28.** To see if the Town will vote to amend Article 1, Section 1-1-1 so that it shall read as follows: "The date of the Annual Town Meeting shall be the second Tuesday in May, and the date of the Annual Town Election shall be the following Tuesday. A Special Town Meeting shall be held at the discretion of the Board of Selectmen on the 4th Tuesday in October on an annual basis."; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend Article 1, Section 1-1-1 so that it shall read as follows: "The date of the Annual Town Meeting shall be the second Tuesday in May, and the date of the Annual Town Election shall be the following Tuesday. A Special Town Meeting shall be held at the discretion of the Board of Selectmen on the 4th Tuesday in October on an annual basis."

Finance Committee recommended adoption of this article.

**ARTICLE 29.** To see if the Town will vote to accept an increase from \$20,000 to \$40,000 in the qualifying gross receipts from all sources of income in the previous year, pursuant to MGL Chapter 59, Section 5, Clause 41A, which allows an elderly taxpayer to postpone payment of all or a portion of his or her real estate taxes each year at 8 percent simple interest per annum, provided the aggregate of deferred taxes and interest does not exceed 50 percent of the taxpayer's proportional share of the fair cash value of the property; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to accept an increase from \$20,000 to \$40,000 in the qualifying gross receipts from all sources of income in the previous year, pursuant to MGL Chapter 59, Section 5, Clause 41A, which allows an elderly taxpayer to postpone payment of all or a portion of his or her real estate taxes each year at 8 percent simple interest per annum, provided the aggregate of deferred taxes and interest does not exceed 50 percent of the taxpayer's proportional share of the fair cash value of the property.

Finance Committee recommended adoption of this article.

**ARTICLE 30.** To see if the Town will vote to add the following new **ARTICLE FOURTEEN** to the General Bylaws as follows:

**DRIVEWAY/CURB CUT PERMIT**

**Section 1. Definitions**

- 14-1-1 Driveway:** A private road, logging road, temporary access for construction, logging or testing, and any other privately owned access to and egress from a way.
- 14-1-2 Public Way:** A road laid out by a public agency, or dedicated to public use or laid out for public use or maintained as a public way.
- 14-1-3 Way:** Any public or private road laid out under the authority of statute, dedicated to the public use, or any place to which the public has a right of access as an invitee or licensee to operate a motor vehicle.

Adjourned Annual Town Meeting - May 10, 1995

**Section 2. Purposes**

- 14-2-1 To provide a uniform practice in the design and construction of entrances and exits;
- 14-2-2 To provide the necessary drainage;
- 14-2-3 To provide a safe access and egress.

**Section 3. Permits**

- 14-3-1 Any property owner desiring to gain access to a way, or desiring to alter, change or close an existing driveway, shall do so only in accordance with the provisions of a permit issued by the Superintendent of Public Works. The Driveway/Curb Cut Permit shall precede the issuance of any building, well, septic permit or common driveway special permit.
- 14-3-2 Application
1. Before beginning construction, the property owner or his duly authorized agent shall make written application on forms available at the DPW Garage, Town Hall and the Building Inspector's office, to the Superintendent of Public Works.
    - (a) The application shall contain a description of the proposed construction as far as it encroaches upon or affects the public road or public way and its shoulders, banks, ditches, drainage and other features. A fee of \$10.00 shall be paid to the Town of Boxford upon submission of the application.
    - (b) An engineer's plan, or clear sketch, drawn to scale with sufficient clarity and detail to show the nature and character of the work to be performed and showing the following:
      1. Any driveway that is to be created, altered or closed.
      2. The location of the driveway in relation to the lots' front and side property lines.
      3. Details on drainage and topography.
      4. The location of existing driveways and intersections located within 200' of the proposed driveway.
      5. The location and description of trees over 3 inches in diameter and location and nature of any wall at the proposed driveway site.
- 14-3-3 Processing
1. The Superintendent of Public Works shall take action on driveway/curb cut applications within 10 working days of receipt of the application.

Adjourned Annual Town Meeting - May 10, 1995

**Section 4. Design Requirements**

- 14-4-1 Entrances on state highways shall conform to the Massachusetts Department of Public Works standards and regulations.
- 14-4-2 Unless the topography of the land prohibits, driveways shall not be sited within 40 feet of an intersection, or directly opposite an existing driveway, due to potential safety hazards.
- 14-4-3 If construction of the driveway requires the removal of trees or the breaking of a stone wall on or adjacent to the road dedication, this must be noted on the plan and the applicant must receive the consent of the Planning Board under the Commonwealth of Massachusetts Scenic Roads Act prior to the issuance of a driveway/curb cut permit.
- 14-4-4 Driveways shall be located to the best advantage with regard to alignments with the way, profile, sight distance conditions and the like. In no instance shall the driveway intersect the way at less than a sixty (60) degree angle.
- 14-4-5 Driveways shall be so constructed so that water from the driveway shall not drain onto the road.
1. The driveway shall be constructed with a 3/8" per foot downward gradient from the edge of the road surface for a minimum distance of five (5) feet.
- 14-4-6 Culverts taking the place of roadside ditches, shall have a diameter of not less than twelve (12) inches. A larger diameter may be required. All culverts installed under any driveway shall become the property owner's responsibility for cleaning, maintenance and replacement; or take any other action thereon.

Upon motion made and duly seconded an amendment to the Article to delete Section 14-4-3 was defeated by hand count vote, 75 in favor and 93 opposed.

Upon motion made and duly seconded, the Article was defeated by hand count vote, 76 in favor and 105 opposed.

**ARTICLE 31.** To see if the Town will vote to accept the following as a public way: CARRIAGE HOUSE LANE from station 00+00 to 10+72.02 as shown on the plan entitled "As-Built Subdivision Plan of Carriage House Lane, Baldpate Pond Subdivision, Phase I, Boxford, MA, Owner - Baldpate Pond Limited Partnership, dated February 8, 1995; Engineer - Thomas E. Neve Associates, Inc." and recorded in the Land Court Registration Office as Plan No. 29220E; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 31.

**ARTICLE 32.** To see if the Town will vote to accept the following as a public way: STANTON CIRCLE from station 0+00 to 9+79 as shown on a plan entitled "As-Built Subdivision Plan of Castlemere Estates, Stanton Circle, Boxford, MA, Owner - Castlemere Real

Adjourned Annual Town Meeting - May 10, 1995

Estate Trust; Engineer - Thomas E. Neve Associates, Inc., dated October 24, 1994, revised February 21, 1995". Subdivision plans recorded in the Essex South District Registry of Deeds, Plan Book 214, Plan 17; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to accept as a public way STANTON CIRCLE from station 0+00 to 9+79 as shown on a plan entitled "As-Built Subdivision Plan of Castlemere Estates, Stanton Circle, Boxford, MA, Owner - Castlemere Real Estate Trust; Engineer - Thomas E. Neve Associates, Inc., dated October 24, 1994, revised February 21, 1995". Subdivision plans recorded in the Essex South District Registry of Deeds, Plan Book 214, Plan 17.

**ARTICLE 33.** To see if the Town will vote to accept the following as a public way: BENNETT ROAD from station 0+00 to 15+00 as shown on a plan entitled "As-Built Subdivision Plan of Farrwood Estates, Bennett Road, Boxford, MA, Owner - Arbella Crossing Realty Trust of 1993, dated February 21, 1995; Engineer - Thomas E. Neve Associates, Inc." and recorded in the Essex South District Registry of Deeds, Plan 52 in Plan Book 288 and recorded in the Land Court Registration Office as Plan #34498F; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 33.

**ARTICLE 34.** To see if the Town will vote to accept the following as a public way: DOLE HILL LANE from station 0+00 to 18+97.69 as shown on a plan entitled, "As-Built Plan of Dole Hill Acres, Dole Hill Lane, Boxford, MA, dated February 21, 1995, prepared for L.B.M. Realty Trust; Engineer - Thomas E. Neve Associates, Inc." and recorded in the Essex South District Registry of Deeds, Plan Book 262, Plan 69; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 34.

**ARTICLE 35.** To see if the Town will vote to accept the following as a public way: HUNTER'S ROAD from station 0+00 to 15+97.30 as shown on plan entitled "As-Built Plan & Profile, Hunter's Road, Boxford, MA, dated September 15, 1994; Engineer Hayes Engineering, Inc. 603 Salem Street, Wakefield, MA and recorded in the Essex South District Registry of Deeds, Plan Book 256, Plan 38; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 35.

**ARTICLE 36.** To see if the Town will vote to accept the following as public ways: CAHOON ROAD in its entirety and DANA ROAD from station 7+56.71 to 25+54.71 as shown on a plan entitled "As-Built Street Acceptance Plan of Cahoon Road & Dana Road of the Christmas Tree Farms Subdivision in Boxford, MA, prepared for Danforth/Carey & Co., Inc., dated December 14, 1993, Hancock Survey Associates,

Adjourned Annual Town Meeting - May 10, 1995

Inc.", to be recorded at the Essex South Registry of Deeds; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to accept as public ways: CAHOON ROAD in its entirety and DANA ROAD from station 7+56.71 to 25+54.71 as shown on a plan entitled "As-Built Street Acceptance Plan of Cahoon Road & Dana Road of the Christmas Tree Farms Subdivision in Boxford, MA, prepared for Danforth/Carey & Co., Inc., dated December 14, 1993, Hancock Survey Associates, Inc.", to be recorded at the Essex South Registry of Deeds.

ARTICLE 37. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund the purchase of a 35,000 G.V.W. diesel cab and chassis, with dump body, sander and radio, and to authorize the Board of Selectmen to trade or dispose of any existing vehicle in any manner which they deem advisable, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from free cash the sum of \$46,000 to fund the purchase of a 35,000 lb. G.V.W. diesel cab and chassis, with dump body, sander and radio, and to authorize the Board of Selectmen to trade or dispose of any existing vehicle in any manner which they deem advisable, said funds to be spent under the direction of the Board of Selectmen.

ARTICLE 38. To see if the Town will vote to add a second sentence to Section VI, B2, c2 of the Zoning Bylaw reading: "No land which is part of a Wetland Resource Area as specified in 310 CMR 10.02 (1)(a) subject to protection under the Mass. Wetlands Protection Act, MGL, Chapter 131, Section 40 nor any land within 75 feet of such Wetland Resource Area may be counted towards the contiguous buildable area."; or take any other action thereon.

Explanation: The addition of this sentence will make the Zoning Bylaw conform to the Town's Wetland's Protection Bylaw's prohibition against building within 75 feet of any Wetland.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 159 in favor and 12 opposed, to add a second sentence to Section VI, B2, c2 of the Zoning Bylaw reading: "In any lot created after the adoption of this amendment, no land which is part of a Wetland Resource Area as specified in 310 CMR 10.02 (1)(a) subject to protection under the Mass. Wetlands Protection Act, MGL, Chapter 131, Section 40 nor any land within 75 feet of such Wetland Resource Area may be counted towards the contiguous buildable area."

A 2/3 vote was required.



Adjourned Annual Town Meeting - May 10, 1995

**ARTICLE 39.** To see if the Town will vote to amend Section VI B 4b 3 of the Zoning Bylaw by substituting the words "a minimum" for "up to a maximum" so that it will then read: "Each lot for residential use in an R/A Residential Agricultural District shall have a minimum depth of at least 50 feet along its minimum required frontage for a minimum of 200 contiguous feet along such frontage."; or take any other action thereon.

**Explanation:** The proposed words better capture the intent of the Bylaws than the present words.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend Section VI B 4b 3 of the Zoning Bylaw by substituting the words "a minimum" for "up to a maximum" so that it will then read: "Each lot for residential use in an R/A Residential Agricultural District shall have a minimum depth of at least 50 feet along its minimum required frontage for a minimum of 200 contiguous feet along such frontage."

A 2/3 vote was required.

**ARTICLE 40.** To see if the Town will vote to amend Section VI B, 4c 3 of the Zoning Bylaw by striking the second sentence (underlined) in its entirety. The Section now reads: "Each lot established under this section shall have adequate access, as determined by the Inspector of Buildings to the dwelling from its legal frontage. The section shall not apply to lots established before May 8, 1979, or after January 1, 1981, including those lots shown on plans endorsed by the Planning Board under Subdivision Control Law, or endorsed by Planning Board as not requiring approval, prior to May 8, 1979, and to those lots otherwise protected under Mass. General Laws, Chapter 40A. ; or take any other action thereon.

**Explanation:** The words in the second sentence are confusing and no longer required.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend Section VI B, 4c 3 of the Zoning Bylaw by striking the second sentence in its entirety. The Section now reads: "Each lot established under this section shall have adequate access, as determined by the Inspector of Buildings to the dwelling from its legal frontage."

A 2/3 vote was required.

**ARTICLE 41.** To see if the Town will vote to amend Article 12 of the General Bylaws called **WETLAND PROTECTION BYLAW** as follows: (Note: The shaded areas represent the corrections and/or additions, the lined out areas represent deletions.)

Section 1: Purpose Par. 1 & 2

The purpose of this bylaw is to protect the wetlands, related water resources, and adjoining land areas in the Town of Boxford by

Adjourned Annual Town Meeting - May 10, 1995

controlling activities deemed by its Conservation Commission (hereinafter "Commission") likely to have a significant or cumulative effect upon wetland resource area values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water quality, water pollution prevention, fisheries, wildlife habitat, rare species habitat including rare plant species, recreation and aesthetics (collectively, the wetland resource area values protected by this bylaw"). (1995)

The provisions of this bylaw, including any implementing regulations, can be and are intended to be more protective than the Massachusetts Wetland Protection Act, Chapter 131, Section 40 and regulations thereunder, 310 CMR 10.00. (1995)

Section 2: Jurisdiction Par. 1

Except as permitted by the Commission or as provided in this bylaw, no person shall remove, fill, dredge, build upon, or alter the following resource areas: within 100 feet of any freshwater wetland, marsh, wet meadow, bog or swamp; within 100 feet of any lake, river, pond, stream, bank, vernal pool or estuary; and land under said waters; or within 100 feet of any land subject to flooding or inundation by groundwater or surface water. The Conservation Commission shall have jurisdiction over resource areas whether or not they border surface waters. (1995)

Section 4: Application for Permits and Requests for Determination Par. 3

The Commission is authorized to require the applicant to pay the reasonable costs and expenses for expert consultation deemed necessary by the Commission to review the application or request up to a maximum of \$2,500.00. Notice of Intent (NOI) or Request for Determination (RFD) or Resource delimitation. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five days of the date of the public hearing wherein the Commission declared its intention to seek expert consultation. (1995)

Section 6: Permits, Determinations, and Conditions Par. 1 & 5

If the Commission, after a public hearing, determines that the activities which are the subject of the application are likely to have a significant or cumulative effect upon the wetland resource area values protected by this bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. (1995)

Adjourned Annual Town Meeting - May 10, 1995

The Commission in an appropriate case may combine the permit or other action on an application issued under this bylaw with the order of Conditions issued under the Wetlands Protection Act, G.L. Ch. 131, Section 40, and Regulations, 310 CMR 10.00. (1995)

Section 8: Definitions Par. 1-3 & Subsection (i)

The term "resource areas" shall include banks, bordering vegetated wetlands, land under water and land subject to flooding. (1995)

The term "bank" shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher. (1995)

The term "vernal pool" shall include a confined basin depression which, at least in most years, holds water for a minimum of three continuous months during the spring and/or summer, and which is free of adult fish populations, as well as the area within 100 feet of the mean annual boundary of such a depression, regardless of whether the site has been certified by the Massachusetts Division of Wildlife and Fisheries. (1995)

The term "rare species" shall include, without limitation, all vertebrate and invertebrate animal and plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division. (1995)

- (i) Changing water temperature, biochemical oxygen demand, or other physical, biological or chemical characteristics of water; (1995)

Section 9: Security Par. 1 & Subsection (a)

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency or official, the Commission may require that the performance and observance of the condition imposed hereunder thereunder (the conditions requiring mitigation work) be secured wholly or in part by one or more of the methods described below: (1995)

- (a) By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission to be released in whole or in part upon issuance of a Certificate of Compliance for work

performed pursuant to the permit. (1995)

Adjourned Annual Town Meeting - May 10, 1995

Section 10: Enforcement Par. 5

Any person who violates any provision of this bylaw, regulations thereunder, or permits issued thereunder, shall be punished by a fine of not more than \$200 ~~\$300~~. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the bylaw, regulations, or permit violated shall constitute a separate offense. (1995)

Section 12: Relation to the Wetlands Protection Act Par. 1

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule ~~status statutes~~ and regulations thereunder independent of the Wetlands Protection Act, G.L. Ch. 131, Section 40 ~~and Regulations, 110 CMR 10.00 thereunder.~~ (1995); or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend Article 41 by deleting paragraph 3 under Section 8, definition of vernal pools.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend Article 12 of the General Bylaws called WETLAND PROTECTION BYLAW as follows:

Section 1: Purpose Par. 1 & 2

The purpose of this bylaw is to protect the wetlands, related water resources, and adjoining land areas in the Town of Boxford by controlling activities deemed by its Conservation Commission (hereinafter "Commission") likely to have a significant or cumulative effect upon resource area values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water quality, water pollution prevention, fisheries, wildlife habitat, rare species habitat including rare plant species, recreation and aesthetics (collectively, the "resource area values protected by this bylaw"). (1995)

The provisions of this bylaw, including any implementing regulations, can be and are intended to be more protective than the Massachusetts Wetland Protection Act, Chapter 131, Section 40 and Regulations thereunder, 310 CMR 10.00. (1995)

Section 2: Jurisdiction Par. 1

Except as permitted by the Commission or as provided in this bylaw, no person shall remove, fill, dredge, build upon, or alter the following resource areas: within 100 feet of any freshwater wetland, marsh, wet meadow, bog or swamp; within 100 feet of any lake, river, pond, stream, bank, vernal pool; and land under said waters; or within 100 feet of any land subject to flooding or inundation by groundwater or surface water. The Conservation

Adjourned Annual Town Meeting - May 10, 1995

Commission shall have jurisdiction over said resource areas whether or not they border surface waters. (1995)

Section 4: Application for Permits and Requests for Determination  
Par. 3

The Commission is authorized to require the applicant to pay reasonable costs and expenses for expert consultation deemed necessary by the Commission to review the Notice of Intent (NOI), Request for Determination (RFD) or resource delineation. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five days of the date of the public hearing wherein the Commission declared its intention to seek expert consultation. (1995)

Section 6: Permits, Determinations, and Conditions Par. 1 & 5

If the Commission, after a public hearing, determines that the activities which are the subject of the application are likely to have a significant or cumulative effect upon the resource area values protected by this bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. (1995)

The Commission in an appropriate case may combine the permit or other action on an application issued under this bylaw with the order of Conditions issued under the Wetlands Protection Act, G.L. Ch. 131, Section 40, and Regulations, 310 CMR 10.00. (1995)

Section 8: Definitions Par. 1-3 & Subsection (i)

The term "resource areas" shall include banks, bordering vegetative wetlands, land under water and land subject to flooding. (1995)

The term "bank" shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher. (1995)

The term "rare species" shall include, without limitation, all vertebrate and invertebrate animal and plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division. (1995)

- (i) Changing water temperature, biochemical oxygen demand, or other physical, biological or chemical characteristics of water; (1995)

Adjourned Annual Town Meeting - May 10, 1995

Section 9: Security Par. 1 & Subsection (a)

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency or official, the Commission may require that the performance and observance of the condition imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by one or more of the methods described below: (1995)

(a) By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit. (1995)

Section 10: Enforcement Par. 5

Any person who violates any provision of this bylaw, regulations thereunder, or permits issued thereunder, shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the bylaw, regulations, or permit violated shall constitute a separate offense. (1995)

Section 12: Relation to the Wetlands Protection Act Par. 1

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes and regulations thereunder independent of the Wetlands Protection Act, G.L. Ch. 131, Section 40 and Regulations, 310 CMR 10.00 thereunder. (1995)

ARTICLE 42. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$102,000 to purchase computer and related technology hardware and software, including: CPU's, monitors, printers, scanners, modems, laser disc devices, CD Rom drives, work stations and other peripherals, equipment, software licenses and support, and all other incidental items necessary to implement the first year of a five year technology plan for the Boxford Elementary Schools, said funds to be spent under the direction of the Boxford Elementary School Committee; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from free cash the sum of \$102,000 to purchase computer and related technology hardware and software, including: CPU's, monitors, printers, scanners, modems, laser disc devices, CD Rom drives, work stations and other peripherals, equipment, software licenses and support, and all other incidental items necessary to implement the first year of a five year technology plan for the Boxford Elementary Schools, said funds to be spent under the direction of the Boxford Elementary School Committee.

Finance Committee recommended adoption of this article.

Adjourned Annual Town Meeting - May 10, 1995

**ARTICLE 43.** To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund the updating of the 1961 Master Plan of the Town of Boxford, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$30,000 to fund the updating of the 1961 Master Plan of the Town of Boxford, said funds to be spent under the direction of the Board of Selectmen.

An amendment to increase the total sum to \$50,000 was defeated by majority show of hands.

**ARTICLE 44.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$7,500 to fund costs associated with further reduction of Town data on wells and septic systems into a computerized data base; said funds to be spent under the direction of the Board of Health; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from free cash the sum of \$7,500 to fund costs associated with further reduction of Town data on wells and septic systems into a computerized data base; said funds to be spent under the direction of the Board of Health.

Finance Committee did not recommend adoption of this article.

**ARTICLE 45.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$1,500 for the purpose of participation in the Help for Abused Women and their Children (HAWC) program; said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$1,500 for the purpose of participation in the Help for Abused Women and their Children (HAWC) program; said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

**ARTICLE 46.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$13,766 for the support of the Tri-Town Council on Youth and Family Services, Inc.; said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$13,766 for the support of the Tri-Town Council on Youth and Family Services, Inc.; said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

Adjourned Annual Town Meeting - May 10, 1995

**ARTICLE 47.** To see if the Town will vote to withdraw from the Boxford-Wenham Health District, pursuant to the provisions of Massachusetts General Laws Chapter 111, Section 27A; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to withdraw from the Boxford-Wenham Health District, pursuant to the provisions of Massachusetts General Laws Chapter 111, Section 27A.

Finance Committee recommended adoption of this article.

**ARTICLE 48.** To see if the Town will vote to amend **ARTICLE 4**, Section 4-4-3 of the General Bylaws by replacing this section with the following:

4-4-3 After a two month grace period for new systems, the owner of the dwelling or business shall be assessed a penalty of fifty dollars for each false alarm other than those caused by faulty telephone service, electrical storms, or the town's main receiving console. Such penalty to be paid to the Town of Boxford. (1995); or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 68 in favor and 45 opposed, to amend **ARTICLE 4**, Section 4-4-3 of the General Bylaws by replacing this section with the following:

4-4-3 After a two month grace period for new systems, the owner of the dwelling or business shall be assessed a penalty of fifty dollars for each false alarm other than those caused by faulty telephone service, electrical storms, or the town's main receiving console. Such penalty to be paid to the Town of Boxford. (1995).

Finance Committee recommended adoption of this article.

**ARTICLE 49.** To transact any other business that may legally come before said meeting.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to dissolve this Annual Town Meeting at 12:10 p.m.

Registered voters attending the meeting were 233. Counters and checkers for the meeting were appointed by Town Clerk Patricia Shields.

A true record.

ATTEST:



Patricia Shields  
Town Clerk



## Adjourned Annual Town Meeting - May 10, 1995

## TRANSFERS:

Article 21 (from free cash for ponds)	\$	21,000.00
Article 22 (from free cash for recycling shed)		15,000.00
Article 23 (from free cash for photocopy machine)		15,000.00
Article 24 (from free cash to Finance Committee Reserve Fund)		100,000.00
Article 37 (from free cash for truck purchase)		46,000.00
Article 42 (from free cash for elementary school technology purchase)		102,000.00
Article 43 (from free cash for updating master plan)		30,000.00
Article 44 (from free cash for Board of Health computerized data base)		7,500.00
Article 45 (from free cash to HAWC)		1,500.00
Article 46 (from free cash to Tri-Town Council)		<u>13,766.00</u>

TOTAL TO BE TRANSFERRED: \$ 351,766.00

## RAISE AND APPROPRIATE:

Article 9	\$	22,500.00
Article 12		9,346,741.00
Article 13 (contingent upon successful passage of Prop. 2-1/2 override)		190,000.00
Article 14		2,400.00
Article 16 (contingent upon successful passage of Prop. 2-1/2 override)		25,000.00
Article 17 (contingent upon successful passage of Prop. 2-1/2 override)		160,000.00
Article 18 (contingent upon successful passage of Prop. 2-1/2 override)		330,000.00
Article 19		<u>48,398.00</u>

TOTAL TO BE RAISED AND APPROPRIATED: \$10,125,039.00

## APPROPRIATIONS:

Article 3 (from Enterprise Fund Receipts)	\$	139,575.00
Article 10 (from Wetlands Protection Fund)	\$	<u>9,377.74</u>

TOTAL TO BE APPROPRIATED: \$ 148,952.74