

ADJOURNED ANNUAL TOWN MEETING

May 22, 1996

Moderator DeWitt T. Minich called the third session of the Boxford Annual Town Meeting to order at 7:19 p.m. The articles of the warrant were disposed of as follows:

ARTICLE 34. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund a feasibility study for an addition to and renovation of the existing Junior/Senior High School of the Masconomet Regional School District; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$18,445 to fund a feasibility study for an addition to and renovation of the existing Junior/Senior High School of the Masconomet Regional School District.

Finance Committee recommended adoption of this article.

ARTICLE 35. To see if the Town will vote to accept the proposal of the Masconomet Regional School District voted on January 17, 1996 to amend the Agreement establishing the Masconomet Regional School District by deleting Section 1 in its entirety and substituting the following:

Section I - The Regional District School Committee

A. Powers, Duties and Composition

The powers and duties of the Regional School District shall be vested in and exercised by the Regional School District Committee sometimes called the Committee. The Committee shall consist of thirteen (13) members; four (4) from Middleton; four (4) from Topsfield; and five (5) from Boxford.

B. Interim Committee:

Within 30 days after the passage of this Amendment to the Masconomet Regional School District Agreement by the member towns, an interim Committee will be established which will consist of the four elected members from the Town of Topsfield; the four elected members from the Town of Boxford plus one member from the Town of Boxford appointed by the selectmen of the Town of Boxford and the remaining interim Committee members from Boxford, said appointed member to serve until the next annual election; the three elected members from the Town of Middleton plus one member from the Town of Middleton appointed by the Selectmen of the Town of Middleton and the remaining interim Committee members from Middleton, said appointed member to serve until the next annual election.

C. Elected Members:

At the annual Town elections in 1997, each Town shall elect members of the Committee. All elected members of the interim Committee

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shall continue to serve out their terms on the Committee. The Town of Boxford shall elect one additional member of the School Committee to replace the appointed member for a three year term. The Town of Middleton shall elect one additional member to replace the appointed member for a three year term. At the expiration of the term of office of each elected member, the member town shall, at its annual election, elect a member to serve for a term of three years or until his or her successor is elected and qualified.

D. Vacancies:

If a vacancy occurs among the members, the Selectmen and the remaining Committee members from the town concerned shall appoint a member to serve until the next annual election, at which election a successor shall be elected to serve for the balance of the unexpired term, if any.

E. Quorum:

The quorum of the Committee for the transaction of business shall be a majority of the entire membership, but a lesser number may adjourn.

F. Organization:

Promptly upon the appointment and qualification of the initial members and annually thereafter upon the election or appointment and qualification of successors, the Committee shall organize and choose by ballot a chairman from its own membership. At the same meeting, or at any other meeting, the Committee shall appoint a treasurer and secretary who may be the same person but who need not be members of the Committee, choose such other officers as it deems advisable, determine the terms of office of its officers (except the Chairman who shall be elected annually as provided above) and prescribe the powers and duties of any of its officers, fix the time and place for its regular meetings, and provide for the calling of special meetings; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to accept the proposal of the Masconomet Regional School District voted on January 17, 1996 to amend the Agreement establishing the Masconomet Regional School District by deleting Section 1 in its entirety and substituting the following:

Section I - The Regional District School Committee

A. Powers, Duties and Composition

The powers and duties of the Regional School District shall be vested in and exercised by the Regional School District Committee sometimes called the Committee. The Committee shall consist of thirteen (13) members; four (4) from Middleton; four (4) from Topsfield; and five (5) from Boxford.

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B. Interim Committee:

Within 30 days after the passage of this Amendment to the Masconomet Regional School District Agreement by the member towns, an interim Committee will be established which will consist of the four elected members from the Town of Topsfield; the four elected members from the Town of Boxford plus one member from the Town of Boxford appointed by the selectmen of the Town of Boxford and the remaining interim Committee members from Boxford, said appointed member to serve until the next annual election; the three elected members from the Town of Middleton plus one member from the Town of Middleton appointed by the Selectmen of the Town of Middleton and the remaining interim Committee members from Middleton, said appointed member to serve until the next annual election.

C. Elected Members:

At the annual Town elections in 1997, each Town shall elect members of the Committee. All elected members of the interim Committee shall continue to serve out their terms on the Committee. The Town of Boxford shall elect one additional member of the School Committee to replace the appointed member for a three year term. The Town of Middleton shall elect one additional member to replace the appointed member for a three year term. At the expiration of the term of office of each elected member, the member town shall, at its annual election, elect a member to serve for a term of three years or until his or her successor is elected and qualified.

D. Vacancies:

If a vacancy occurs among the members, the Selectmen and the remaining Committee members from the town concerned shall appoint a member to serve until the next annual election, at which election a successor shall be elected to serve for the balance of the unexpired term, if any.

E. Quorum:

The quorum of the Committee for the transaction of business shall be a majority of the entire membership, but a lesser number may adjourn.

F. Organization:

Promptly upon the appointment and qualification of the initial members and annually thereafter upon the election or appointment and qualification of successors, the Committee shall organize and choose by ballot a chairman from its own membership. At the same meeting, or at any other meeting, the Committee shall appoint a treasurer and secretary who may be the same person but who need not be members of the Committee, choose such other officers as it deems advisable, determine the terms of office of its officers (except the Chairman who shall be elected annually as provided above) and prescribe the powers and duties of any of its officers, fix the time and place for its regular meetings, and provide for the calling of special meetings.

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Finance Committee supported adoption of this article.

**ARTICLE 36.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$5,000 to be used to obtain appraisals of real estate and other professional services related to the evaluation of land for potential acquisition by 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 raise and appropriate the sum of \$5,000 to be used to obtain appraisals of real estate and other professional services related to the evaluation of land for potential acquisition by the Town of Boxford, said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

**ARTICLE 37.** To see if the Town will vote to accept the following as a public way:

**ANDREWS FARM ROAD** in its entirety from station 00+00 to 18.54.51 as shown on the plan entitled "As-Built Plan of Andrews Farm Subdivision, Boxford, MA prepared for 94 Lockwood Lane Realty Trust, Douglas R. Conn, Trustee, and 15 Silverbrook Road Realty Trust, Douglas R. Conn, Trustee; Engineer, Hancock Survey, Inc., dated April 24, 1995" and recorded in the Essex South District Registry of Deeds, Plan Book 307, Plan 19 including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 37.

**ARTICLE 38.** To see if the Town will vote to accept the following as a public way:

**UPTON LANE** in its entirety from station 0+00 to station 5.24.93 as shown on plan entitled, "Asbuilt Plan of Andrews Farm Subdivision Plan", Boxford MA, prepared for Douglas R. Conn, Trustee, 94 Lockwood Lane Realty Trust and 15 Silverbrook Road Realty Trust, Douglas R. Conn, Trustee; Engineer, Hancock Survey, Inc., dated April 24, 1995, and recorded in the Essex South District Registry of Deeds, Plan Book 307 Plan 20 including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 38.

**ARTICLE 39.** To see if the Town will vote to accept the following as a public way:

**GREAT POND DRIVE** beginning on Baldpate Road from station 0+00 to station 15+00 as shown on a plan entitled, "Asbuilt Subdivision Plan of Great Pond Drive Phase II, Boxford, MA prepared for Baldpate Pond Limited partnership, Engineer, Thomas E. Neve

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Associates, Inc., dated October 5, 1995", and recorded in the Essex South District Registry of Deeds, Land Court Certificate #64106, Plan #29220E including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 39.

**ARTICLE 40.** To see if the Town will vote to accept the following as a public way:

**GREAT POND DRIVE** from station 15+00 to station 34+54.47 as shown on a plan entitled, "Asbuilt Subdivision Plan of Great Pond Drive Phase IV, Boxford, MA prepared for Baldpate Pond Limited Partnership, Engineer, Thomas E. Neve Associates, Inc., dated February 16, 1996" and recorded in the Essex South District Registry of Deeds, Plan Book 297, Plan #2 including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 40.

**ARTICLE 41.** To see if the Town will vote to accept the following as a public way:

**GREAT POND DRIVE** beginning on Georgetown Road at station 63+64.03 to station 49+69.10 as shown on a plan entitled "As-Built Subdivision Plan of Great Pond Drive Phase III, Boxford, MA prepared for Baldpate Pond Limited Partnership, Engineer, Thomas E. Neve Associates, Inc., dated October 9, 1995 and recorded in the Essex South District Registry of Deeds, Book 292, Plan #35 including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 41.

**ARTICLE 42.** To see if the Town will vote to accept the following as a public way:

**MORNINGSIDE CIRCLE** in its entirety from station 0+00 to station 8+55.20 as shown on plan entitled, "Asbuilt Subdivision Plan Great Pond Drive Phase II, Boxford, MA prepared for Baldpate Pond Limited Partnership; Engineer, Thomas E. Neve Associates, Inc., dated October 5, 1995", and recorded in the Essex South District Registry of Deeds, Plan Book 291, Plan #83 including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 42.

**ARTICLE 43.** To see if the Town will vote to accept the following as a public way:

**CARRIAGE HOUSE LANE** in its entirety from station 0+00 to station 10+72.02 as shown on plan entitled, "Asbuilt Subdivision Plan of Carriage House Lane, Baldpate Pond Subdivision Phase I, Boxford, MA, prepared for Baldpate Pond Limited Partnership; Engineer,

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Thomas E. Neve Associates, Inc., dated February 8, 1995", and recorded in the Essex South Registry of Deeds, Land Court Certificate #64106, Plan #29220E including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 43.

**ARTICLE 44.** To see if the Town will vote to accept the following as a public way:

**BENNETT ROAD** in its entirety from station 0+00 to station 15+00 as shown on a plan entitled, "As-Built Subdivision Plan of Farrwood Estates, Bennett Road, Boxford, MA, prepared for Arbella Crossing Realty Trust of 1993, dated February 21, 1995, revised September 6, 1995; Engineer, Thomas E. Neve Associates, Inc., and recorded in the Essex South District Registry of Deeds as Plan 52 in Plan Book 288 and recorded in the Land Court Registration Office as Plan 434498F including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to accept the following as a public way:

**BENNETT ROAD** in its entirety from station 0+00 to station 15+00 as shown on a plan entitled, "As-Built Subdivision Plan of Farrwood Estates, Bennett Road, Boxford, MA, prepared for Arbella Crossing Realty Trust of 1993, dated February 21, 1995, revised September 6, 1995; Engineer, Thomas E. Neve Associates, Inc., and recorded in the Essex South District Registry of Deeds as Plan 52 in Plan Book 288 and recorded in the Land Court Registration Office as Plan 434498F including any easements appurtenant thereto.

**ARTICLE 45.** To see if the Town will vote to accept the following as a public way:

**HUNTER'S ROAD** in its entirety 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; prepared for Hay Meadow Realty Trust, Harry G. Koniars, Trustee, Engineer: Hayes Engineering, Inc., 603 Salem Street, Wakefield, MA and recorded in the Essex South District Registry of Deeds, Plan Book 256, Plan 38 including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to accept the following as a public way:

**HUNTER'S ROAD** in its entirety 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; prepared for Hay Meadow Realty Trust, Harry G. Koniars, Trustee, Engineer: Hayes Engineering, Inc., 603 Salem Street, Wakefield, MA and recorded in the Essex South District Registry of Deeds, Plan Book 296, Plan #1 including any easements appurtenant thereto.

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**ARTICLE 46.** To see if the Town will vote to accept the following as public ways:

**BERRY PATCH LANE** in its entirety from station 0+00 to station 14+65.00 as shown on a plan entitled "As-Built Plan of Berry Patch Lane, Boxford, MA, prepared for Gwen S. Washburn, Engineer; Hancock Survey Associates, Inc., dated December 10, 1993", and recorded at the Essex South Registry of Deeds; Plan Book 8802 including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to accept the following as public ways:

**BERRY PATCH LANE** in its entirety from station 0+00 to station 14+65.00 as shown on a plan entitled "As-Built Plan of Berry Patch Lane, Boxford, MA, prepared for Gwen S. Washburn, Engineer; Hancock Survey Associates, Inc., dated December 10, 1993", and recorded at the Essex South Registry of Deeds; Plan Book 8802, Plan #52, including any easements appurtenant thereto.

**ARTICLE 47.** To see if the Town will vote to accept the following as a public way:

**KING EDWARD COURT** from station 0+00 to station 7+67.55 as shown on a plan entitled "As-Built Subdivision Plan of King Edward Court, Boxford, MA, prepared by Jack Masterson; Engineer, Thomas E. Neve Associates, Inc., dated February, 14, 1996; and recorded in Essex South District Registry of Deeds, Plan Book 284, Plan #4 including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 47.

**ARTICLE 48.** To see if the Town will vote to accept the following as a public way:

**PEARL ROAD EXTENSION** in its entirety from station 00+00 to station 5+35.80 as shown on plan entitled "Asbuilt Subdivision Plan of Pearl Road, West Parish, Boxford, MA prepared for Charles R. Rounds, Jr., Trustee; Engineer, Thomas E. Neve Associates, Inc., dated September 20, 1995", and filed in the Essex South District Registry of Deeds, Plan Book 237, Plan #47 including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to accept the following as a public way:

**PEARL ROAD EXTENSION** in its entirety from station 00+00 to station 5+35.80 as shown on plan entitled "As-built Subdivision Plan of Pearl Road, West Parish, Boxford, MA prepared for Charles R. Rounds, Jr., Trustee; Engineer, Thomas E. Neve Associates, Inc., dated September 20, 1995", and filed in the Essex South District Registry of Deeds, Plan Book 237, Plan #47 including any easements appurtenant thereto.

**ARTICLE 49.** To see if the Town will vote to accept the following as a public way:

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TOWNSEND FARM ROAD in its entirety from station 0+00 to 66+36, as shown on a plan "Asbuilt Plan of Townsend Farms Subdivision", Boxford, MA, prepared for Middleton Road Boxford Realty Trust, Douglas R. Conn and Peter S. Confalone, Trustees; Engineer, Hancock Survey, Inc., dated December 10, 1993 and filed in the Essex South District Registry of Deeds, Plan Book 307, Plan #19 including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to accept the following as a public way:

TOWNSEND FARM ROAD in its entirety from station 0+00 to 66+36, as shown on a plan "As-built Plan of Townsend Farms Subdivision", Boxford, MA, prepared for Middleton Road Boxford Realty Trust, Douglas R. Conn and Peter S. Confalone, Trustees; Engineer, Hancock Survey, Inc., dated December 10, 1993 and filed in the Essex South District Registry of Deeds, Plan Book 307, Plan #19 including any easements appurtenant thereto.

ARTICLE 50. To see if the Town will vote to accept the following as a public way:

PERLEY LANE in its entirety from station 0+00 to station 4+35.42, as shown on a plan "Asbuilt Plan of Townsend Farms Subdivision", Boxford, MA, prepared for Middleton Road Boxford Realty Trust, Douglas R. Conn and Peter S. Confalone, Trustees; Engineer Hancock Survey, Inc., dated December 10, 1993, and filed in the Essex South District Registry of Deeds, Plan Book 307, Plan #19 including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to accept the following as a public way:

PERLEY LANE in its entirety from station 0+00 to station 4+35.42, as shown on a plan "As-built Plan of Townsend Farms Subdivision", Boxford, MA, prepared for Middleton Road Boxford Realty Trust, Douglas R. Conn and Peter S. Confalone, Trustees; Engineer Hancock Survey, Inc., dated December 10, 1993, and filed in the Essex South District Registry of Deeds, Plan Book 307, Plan #19 including any easements appurtenant thereto.

ARTICLE 51. To see if the Town will vote to enact a Pond Watershed Overlay District by approving the following amendments to Boxford's Zoning Bylaw:

a) Inserting in Section 1 (the preamble) after the phrase "to conserve health" the phrase "to preserve the integrity of the water supply."

b) Changing Section II from seven districts to eight districts and adding:

"8. Pond Watershed Overlay District"

c) Adding to Section V a new Subsection I to read:

I. Pond Watershed Overlay District



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The Pond Watershed Overlay District consists of the mapped watersheds to Boxford's fresh water ponds. Long considered one of the Town's most significant natural resources, Boxford's numerous fresh water ponds are threatened by land based activities within the pond watersheds, including residential development, removal of natural vegetative growth and waterfowl. Of particular concern are elevated levels of nutrients such as nitrogen and phosphorus, present in the Town's surface waters. Excessive nutrients will cause pond water quality to decline, create noxious odors, increase growth of nuisance plants and reduce values of property within the ponds' watersheds.

The purpose of this District is to identify land areas that provide recharge and runoff to Boxford's fresh water ponds by incorporating these contributing areas into the Town's Zoning Map, Zoning Bylaws and other regulatory tools, as amended.

**Permitted Uses:** In any lot created after the adoption of this amendment,

1) The Pond Watershed Overlay District shall be considered to be superimposed over any other district established in this bylaw. Land in a Pond Watershed Overlay District may be used for any purpose otherwise permitted in the underlying district, subject to the additional restrictions presented herein. Land located such that the site lies partially within an Overlay District shall be governed by the restrictions applicable to the zoning district in which the part of the land is located.

2) Within a Pond Watershed Overlay District, no principal or accessory structure shall be constructed within one hundred (100) feet of the high water mark of a pond. Excluded from this prohibition, subject to other applicable regulations in the Town of Boxford, are structures commonly referred to as "duck walks," landings, docks, and piers.

3) Within a Pond Watershed Overlay District, no land area within three hundred (300) feet of a measured high water mark of a pond shall consist of cultivated lawn greater than five thousand (5,000) square feet on any single lot.

4) For a distance of at least fifty (50) feet from the high water mark of any pond within a Pond Watershed Overlay District, natural vegetation shall be left in its natural state, except for a path, not to exceed five (5) feet in width. Vegetation that poses a threat to persons or property may be removed, subject to other applicable regulations in the Town of Boxford; or take any other action thereon.

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**EXPLANATION:** The creation of a new Pond Watershed Overlay District will provide a zoning mechanism to prevent new construction in the vicinity of specific Boxford ponds from adversely affecting the quality of the water in those ponds.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 101 in favor and 49 opposed, to enact a Pond Watershed Overlay District by approving the following amendments to Boxford's Zoning Bylaw:

- a) Inserting in Section 1 (the preamble) after the phrase "to conserve health" the phrase "to preserve the integrity of the water supply."
- b) Changing Section II from seven districts to eight districts and adding:  
"8. Pond Watershed Overlay District"
- c) Adding to Section V a new Subsection I to read:

**I. Pond Watershed Overlay District**

The Pond Watershed Overlay District consists of the mapped watersheds to Boxford's fresh water ponds. Long considered one of the Town's most significant natural resources, Boxford's numerous fresh water ponds are threatened by land based activities within the pond watersheds, including residential development, removal of natural vegetative growth and waterfowl. Of particular concern are elevated levels of nutrients such as nitrogen and phosphorus, present in the Town's surface waters. Excessive nutrients will cause pond water quality to decline, create noxious odors, increase growth of nuisance plants and reduce values of property within the ponds' watersheds.

The purpose of this District is to identify land areas that provide recharge and runoff to Boxford's fresh water ponds by incorporating these contributing areas into the Town's Zoning Map, Zoning Bylaws and other regulatory tools, as amended.

**Permitted Uses:** In any lot created after the adoption of this amendment,

1) The Pond Watershed Overlay District shall be considered to be superimposed over any other district established in this bylaw. Land in a Pond Watershed Overlay District may be used for any purpose otherwise permitted in the underlying district, subject to the additional restrictions presented herein. Land located such that the site lies partially within an Overlay District shall be governed by the restrictions applicable to the zoning district in which the part of the land is located.

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- 2) Within a Pond Watershed Overlay District, no principal or accessory structure shall be constructed within one hundred (100) feet of the high water mark of a pond. Excluded from this prohibition, subject to other applicable regulations in the Town of Boxford, are structures commonly referred to as "duck walks," landings, docks, and piers.
- 3) Within a Pond Watershed Overlay District, no land area within three hundred (300) feet of a measured high water mark of a pond shall consist of cultivated lawn greater than five thousand (5,000) square feet on any single lot.
- 4) For a distance of at least twenty five (25) feet from the high water mark of any pond within a Pond Watershed Overlay District, natural vegetation shall be left in its natural state, except for a path, not to exceed seven (7) feet in width. Dead or dying vegetation that poses a threat to persons or property may be removed, subject to other applicable regulations in the Town of Boxford.

A 2/3 vote was required.

ARTICLE 52. To see if the Town will vote to amend the Zoning Map of the Town of Boxford dated August 1993 to add a Pond Watershed Overlay District around Baldpate Pond, as shown on a map dated March 26, 1996, filed with the Town Clerk; or take any other action thereon.

EXPLANATION: The inclusion of Baldpate Pond in the Pond Watershed Overlay District will regulate new construction in its watershed to prevent an adverse impact on the quality of its water.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 113 in favor and 23 opposed, to amend the Zoning Map of the Town of Boxford dated August 1993 to add a Pond Watershed Overlay District around Baldpate Pond, as shown on a map dated March 26, 1996, filed with the Town Clerk.

A 2/3 vote was required.

ARTICLE 53. To see if the Town will vote to amend the Zoning Map of the Town of Boxford dated August 1993 to add a Pond Watershed Overlay District around Hovey's Pond, as shown on a map dated March 26, 1996, filed with the Town Clerk; or take any other action thereon.

EXPLANATION: The inclusion of Hovey's Pond in the Pond Watershed Overlay District will regulate new construction in its watershed to prevent an adverse impact on the quality of its water.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 108 in favor and 24 opposed, to amend the Zoning Map of

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the Town of Boxford dated August 1993 to add a Pond Watershed Overlay District around Hovey's Pond, as shown on a map dated March 26, 1996, filed with the Town Clerk.

A 2/3 vote was required.

ARTICLE 54. To see if the Town will vote to amend the Zoning Map of the Town of Boxford dated August 1993 to add a Pond Watershed Overlay District around Stiles Pond, as shown on a map dated March 26, 1996, filed with the Town Clerk; or take any other action thereon.

EXPLANATION: The inclusion of Stiles Pond on the Pond Watershed Overlay District will regulate new construction in its watershed to prevent an adverse impact on the quality of its water.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 112 in favor and 21 opposed, to amend the Zoning Map of the Town of Boxford dated August 1993 to add a Pond Watershed Overlay District around Stiles Pond, as shown on a map dated March 26, 1996, filed with the Town Clerk.

A 2/3 vote was required.

ARTICLE 55. To see if the Town will amend the Zoning Bylaw as it pertains to Section III - Existing Uses, by deleting subsection III. A. 3 as it is presently written and substituting NEW subsections 3 3(a)(1-2) as follows:

3. Pre-existing, non conforming structures or uses may be extended, altered or changed only by special permit from the Board of Appeals. Any such change, extension or alteration shall not be substantially more detrimental to the neighborhood than the existing non conforming uses or structure.

a. Recognizing the need to provide some guidelines for determining relative detrimentality, and recognizing that there are basic and consistent principles of zoning which are broadly accepted, the following standards shall apply to the granting of a special permit under this section:

1. The standards of Section X. D

2. The change or alteration of the structure or use may be allowed as maintaining or lessening any nonconformity without having to meet existing dimensional requirements. However, the extension of a structure or expansion of a use may be considered a detriment after the Board of Appeals considers whether the extension or expansion extends or creates a new dimensional nonconformity, impairs views or vistas, negatively impacts on ground or surface water quality or does not reasonably conform to the average dimensions found in the neighborhood.

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3. Where the proposed use is regulated by other sections of this Bylaw, the applicable standards of those sections shall also be considered in determining whether the proposal is substantially more detrimental; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 55.

ARTICLE 56. To see if the Town will vote to amend the Zoning Bylaw of the Town of Boxford by adding the following sentence at the end of the first paragraph of Section VII A

"to be considered incidental, the total volume of material removed may not exceed 500 cubic yards"; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to pass over Article 56.

ARTICLE 57. To see if the Town will vote to amend Article 12 of the General Bylaws called WETLAND PROTECTION BYLAW as follows:

Section 2: Jurisdiction  
Add new paragraph:

The Pond Watershed Overlay District

Section 4: Application for Permits and Requests for Determination of Applicability  
Third paragraph:

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 of Applicability (RDA) or resource delineation. (remainder unchanged)

Section 6: Permits, Determinations and Conditions  
After fourth paragraph, add:

No work proposed in any permit application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the Registry of Deeds or, if the land affected is registered land, in the registry section of the Land Court for the district wherein the land lies and until the holder of the permit certifies in writing to the Commission that the permit has been recorded.

Section 8: Definitions  
Add the following definitions:

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The term "Vernal Pool" shall include a confined basin depression of any size which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, which is free of naturally occurring fish populations and which contains evidence of breeding by obligate vernal pool species as recognized by Massachusetts Natural Heritage and Endangered Species Program.

The term "Pond" shall include any substantially open body of fresh water with a surface area observed or recorded within the last ten years of at least 10,000 square feet. Ponds may be either naturally occurring or man-made by impoundment, excavation, or otherwise. Ponds shall contain standing water except for periods of extended drought. For purposes of this definition, extended drought shall mean any period of four or more months during which the average rainfall for each month is 50% or less of the ten year average for that same month.

Notwithstanding the above, the following man-made bodies of open water shall not be considered ponds:

- (a) swimming pools or other impervious man-made basins; and
- (b) individual gravel pits or quarries excavated from upland areas unless inactive for five or more consecutive years.

At the end of Section 8, add the following:

- (k) Incremental activities which have, or may have a cumulative adverse impact on the resource areas protected by this bylaw.

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

- (1) Application of pesticides or herbicides:

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 2: Jurisdiction  
Add new paragraph:

The Pond Watershed Overlay District

Section 4: Application for Permits and Requests for Determination of Applicability

Third paragraph:

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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 of Applicability (RDA) or resource delineation. (remainder unchanged)

Section 6: Permits, Determinations and Conditions  
After fourth paragraph, add:

No work proposed in any permit application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the Registry of Deeds or, if the land affected is registered land, in the registry section of the Land Court for the district wherein the land lies and until the holder of the permit certifies in writing to the Commission that the permit has been recorded.

Section 8: Definitions

Add the following definitions:

The term "Vernal Pool" shall include a confined basin depression of any size which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, which is free of naturally occurring fish populations and which contains evidence of breeding by obligate vernal pool species as recognized by Massachusetts Natural Heritage and Endangered Species Program.

The term "Pond" shall include any substantially open body of fresh water with a surface area observed or recorded within the last ten years of at least 10,000 square feet. Ponds may be either naturally occurring or man-made by impoundment, excavation, or otherwise. Ponds shall contain standing water except for periods of extended drought. For purposes of this definition, extended drought shall mean any period of four or more months during which the average rainfall for each month is 50% or less of the ten year average for that same month.

Notwithstanding the above, the following man-made bodies of open water shall not be considered ponds:

- (a) swimming pools or other impervious man-made basins; and
- (b) individual gravel pits or quarries excavated from upland areas unless inactive for five or more consecutive years.

At the end of Section 8, add the following:

- (k) Incremental activities which have, or may have a cumulative adverse impact on the resource areas protected by this bylaw.

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

(1) Application of pesticides or herbicides:

ARTICLE 58. To see if the Town will vote to amend Article 12 of the General Bylaws called WETLAND PROTECTION BYLAW as follows:

Section 10: Enforcement

Before first paragraph, add the following:

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

First paragraph:

The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

Add to last paragraph:

The specific penalties as listed here shall apply and in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed shall also be enforcing persons for such penalties; each day on which any violation exists shall be deemed to be a separate offense.

	<u>Buffer Zone</u>	<u>Wetlands Resource Area</u>	<u>Non-Compliance with an Order of Conditions or Enforcement Order</u>
<u>1st Offense</u>	<u>\$ 25.00</u>	<u>\$ 50.00</u>	<u>\$ 50.00</u>
<u>2nd Offense</u>	<u>\$150.00</u>	<u>\$150.00</u>	<u>\$200.00</u>
<u>3rd Offense</u> <u>(and any subsequent offense)</u>	<u>\$300.00</u>	<u>\$300.00</u>	<u>\$300.00</u>



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Municipal personnel authorized: Conservation Commission members & Administrator.;  
or take any other action thereon.

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 10: Enforcement

Before first paragraph, add the following:

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

First paragraph:

The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

Add to last paragraph:

The specific penalties as listed here shall apply and in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed shall also be enforcing persons for such penalties; each day on which any violation exists shall be deemed to be a separate offense.

	<u>Buffer Zone</u>	<u>Wetlands Resource Area</u>	<u>Non-Compliance with an Order of Conditions or Enforcement Order</u>
<u>1st Offense</u>	<u>\$ 25.00</u>	<u>\$ 50.00</u>	<u>\$ 50.00</u>
<u>2nd Offense</u>	<u>\$ 50.00</u>	<u>\$150.00</u>	<u>\$200.00</u>
<u>3rd Offense</u> <u>(and any subsequent offense)</u>	<u>\$300.00</u>	<u>\$300.00</u>	<u>\$300.00</u>

Municipal personnel authorized: Conservation Commission members & Administrator.

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Finance Committee recommended adoption of this article.

ARTICLE 59. 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 raise and appropriate 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 60. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$14,179 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 raise and appropriate the sum of \$14,179 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.

ARTICLE 61. To see if the Town will amend Article 2, Section 6 of the General Bylaws as follows, effective July 1, 1996:

2-6-5 Schedule of fees to be charged by the Town Clerk

(21) For filing by a person conducting business under a title other than his real name or a statement of change of his residence, or of his discontinuance, retirement or withdrawal from or of a change of location of such business.

From \$5.00 to \$20.00

(22) For furnishing certified copy of certificate of person conducting business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business.

From \$5.00 to \$10.00

(42) For entering Notice of Intention of Marriage and issuing Certificate thereof:

From \$15.00 to \$25.00

and to set the following new fees to be charged by the Town Clerk under Section 2-6-5 to be effective July 1, 1996:

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- |   |          |
|---|----------|
| (82) Issuing Burial Permit                    | \$ 25.00 |
| (84) Issuing Voter's Registration Certificate | 5.00     |
| (86) For all UCC Filing                       | 25.00    |
| (88) For UCC Searches by Mail                 | 20.00    |
| (90) Issuing Accessory Apartment Registration | 15.00    |
| (92) Issuing Raffle & Bazaar Permits          | 25.00    |
- or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend Article 2, Section 6 of the General Bylaws as follows, effective July 1, 1996:

2-6-5 Schedule of fees to be charged by the Town Clerk  
(21) For filing by a person conducting business under a title other than his real name or a statement of change of his residence, or of his discontinuance, retirement or withdrawal from or of a change of location of such business.

From \$5.00 to \$20.00

(22) For furnishing certified copy of certificate of person conducting business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business.

From \$5.00 to \$10.00

(42) For entering Notice of Intention of Marriage and issuing Certificate thereof:

From \$15.00 to \$25.00

and to set the following new fees to be charged by the Town Clerk under Section 2-6-5 to be effective July 1, 1996:

- |   |          |
|---|----------|
| (82) Issuing Burial Permit                    | \$ 25.00 |
| (84) Issuing Voter's Registration Certificate | 5.00     |
| (86) For all UCC Filing                       | 25.00    |
| (88) For UCC Searches by Mail                 | 20.00    |
| (90) Issuing Accessory Apartment Registration | 15.00    |
| (92) Issuing Raffle & Bazaar Permits          | 25.00    |

Finance Committee recommended adoption of this article

ARTICLE 62. To see if the Town will amend its General Bylaws to increase the fees charged by the Town Clerk as detailed in Section 8-4-8 as follows, effective July 1, 1996:

8-4-8 Notwithstanding the provisions of Section 139 of said Chapter 140 or any other provision of law to the contrary, the annual fees to be charged by the Town of Boxford for the issuance of licenses for dogs shall be:

ALL DOGS.....\$10.00 (Ten Dollars)

KENNELS (5 or more dogs)....\$125.00 (One Hundred Twenty Five Dollars);

or take any other action thereon.

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Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend its General Bylaws to increase the fees charged by the Town Clerk as detailed in Section 8-4-8 as follows, effective July 1, 1996:

8-4-8 Notwithstanding the provisions of Section 139 of said Chapter 140 or any other provision of law to the contrary, the annual fees to be charged by the Town of Boxford for the issuance of licenses for dogs shall be:

- ALL DOGS.....\$10.00 (Ten Dollars)
- KENNELS (5 or more dogs)....\$125.00 (One Hundred Twenty Five Dollars).

A proposed amendment to retain the kennel fees at the current rate was defeated by hand count vote, 62 in favor and 66 opposed.

Finance Committee recommended adoption of this article.

**ARTICLE 63.** To see if the Town will vote to petition the General Court to pass legislation to establish recall elections in the Town of Boxford as follows:

**SECTION 1.** Any person who holds an elected office in the Town of Boxford and who has held such office for four months and has more than six months remaining in the term of such office on the date of filing of the affidavit referred to in section two, may be recalled from office by the registered voters of said town in the manner provided herein.

**SECTION 2.** Fifty or more registered voters from each precinct of the Town of Boxford for a total of at least one hundred registered voters may file with the town clerk of said town an affidavit containing the name of the officer whose recall is sought and a statement of one or more of the following grounds upon which the petition is based: lack of fitness, corruption, incompetence, neglect of duties, malfeasance, misfeasance or violation of oath. The town clerk shall deliver to said voters petition blanks demanding such recall, printed forms of which said clerk shall keep available. Such blanks shall be completed by writing or type-writing, shall be addressed to the Board of Selectmen; shall contain the names of the first 20 persons who filed the affidavit and the grounds for recall as stated in the affidavit; shall demand the election of a successor to the office and shall be dated and signed by the town clerk. A copy of such petition shall be kept on file in the office of the town clerk in a record book maintained for the purpose. The recall petitions shall be returned and filed in the office of the town clerk within twenty-one days following the date the petitions were issued, signed by at least ten percent of the total number of registered voters duly recorded on the registration list of the town clerk as of the preceding town election. The town clerk shall within twenty-four hours following such filing submit such petitions to the registrars of voters who

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shall, within seven days, certify thereon the numbers of signatures which are names of registered voters of said town.

SECTION 3. If the petitions shall be certified by the registrars of voters to be sufficient, the town clerk shall forthwith submit the same to the board of selectmen. Upon its receipt of the certified petition, the board of selectmen shall within forty-eight hours give written notice of such petitions and certification to the person whose recall is sought. If such officer does not resign his office within five days following delivery of said notice, the Board of Selectmen shall order an election to be held not less than sixty-four nor more than ninety days after the date on which the Board of Selectmen files notice of the election with the Town Clerk; provided, however, that if another town election is to occur within one hundred days of said date, the Board of Selectmen shall hold the recall election on the date of said Town Election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need to be counted.

SECTION 4. An officer whose recall is sought may not be a candidate to succeed himself at the recall election. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of laws relating to elections, unless otherwise provided by this act.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If he is not recalled in the election he shall continue in office for the remainder of his unexpired term, subject to recall as before, except that he cannot be recalled thereby until at least six months after the election at which his recall was submitted to the voters.

If the officer is recalled in the election, he shall be deemed removed upon the qualifications of his successor who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

SECTION 6. Ballots used at the recall election shall contain the following propositions in the order indicated:

For the recall of (name of officer)  
Against the recall of (name of officer)  
Adjacent to each proposition, there shall be a place to mark a vote.  
After the propositions, the word "Candidates" shall appear,

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and directions to voters as required by Section forty-two of Chapter fifty-four of the General Laws followed by the names of candidates arranged alphabetically by surname.

If a majority of the votes cast upon the question of recall is in the affirmative, and provided that at least twenty percent of the total number of registered voters as of the date of the most recent town election have participated in such recall election, the officer shall be deemed to have been recalled.

The ballots for candidates shall be counted, and the candidate receiving the highest number of votes shall be declared elected. If a majority of the votes on the question is in the negative, the ballots for candidates need not be counted except as provided in section three; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend the original motion to read "to pass over Article 63."

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to pass over Article 63.

Finance Committee recommended adoption of this article.

**ARTICLE 64.** To see if the Town will vote to authorize the Board of Selectmen to enter into contracts for the provision of ambulance services authorized by the Board of Selectmen for a period of up to five years in length, pursuant to MGL Chapter 30B; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED by unanimous voice vote, to authorize the Board of Selectmen to enter into contracts for the provision of ambulance services authorized by the Board of Selectmen for a period of up to five years in length, pursuant to MGL Chapter 30B.

Finance Committee recommended adoption of this article.


**ARTICLE 65.** To transact any other business that may legally come before said meeting.

Upon motion made and duly seconded, it was VOTED, by unanimous vote, to dissolve this Annual Town Meeting at 9:36 p.m.

Registered voters attending the meeting were 169. Counters and checkers for the meeting were appointed by Town Clerk Patricia Shields.

A true record.

ATTEST:

  
Patricia Shields  
Town Clerk

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TRANSFERS:

Article 17 (from free cash for repairs and maintenance of town buildings)	\$ 60,000.00
Article 18 (from free cash for Garden Club)	800.00
Article 19 (from free cash for police cruiser)	26,690.00
Article 20 (from free cash to Fire Station for exhaust systems)	17,500.00
Article 21 (from free cash for lawn mower)	<u>12,500.00</u>
TOTAL TO BE TRANSFERRED:	\$ 117,490.00

RAISE AND APPROPRIATE:

Article 7	\$ 14,400.00
Article 12	10,393,802.00
Article 25 (contingent upon successful passage of Prop. 2-1/2 override)	30,000.00
Article 26 (contingent upon successful passage of Prop. 2-1/2 override)	87,090.00
Article 28 (contingent upon successful passage of Prop. 2-1/2 override)	30,000.00
Article 29 (contingent upon successful passage of Prop. 2-1/2 override)	25,000.00
Article 31	8,438.00
Article 33 (contingent upon successful passage of Prop. 2-1/2 override and funding through Self Help Grant)	450,000.00
Article 34	18,445.00
Article 36	5,000.00
Article 59	1,500.00
Article 60	<u>14,179.00</u>
TOTAL TO BE RAISED AND APPROPRIATED:	\$11,077,854.00

APPROPRIATIONS:

Article 3 (from Enterprise Fund Receipts)	\$ 164,435.00
Article 10 (from Wetlands Protection Fund)	<u>5,612.00</u>
TOTAL TO BE APPROPRIATED:	\$ 170,047.00