

**ADJOURNED ANNUAL TOWN MEETING**  
May 22, 1997

Newly-elected Moderator Gerald R. Johnston called the third session of the Boxford Annual Town Meeting to order at 7:22 p.m. The articles of the warrant were disposed of as follows:

**ARTICLE 38.** To see if the Town will vote the prohibition in the Town of Boxford of the provision of any public water supply provided by another town, commission or municipal corporation for the purpose of residential uses and business uses set forth and established under the Boxford Zoning Bylaw; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to prohibit in the Town of Boxford the provision of any public water supply provided by another town, commission or municipal corporation for the purpose of residential uses and business uses set forth and established under the Boxford Zoning Bylaw.

**ARTICLE 39.** To see if the Town will vote (i) to ratify the 1993 vote of the Boxford Board of Selectmen authorizing the Town of Georgetown to supply water to the property known as Lot 3 on Plan number 26501B filed with the Land Court at the Essex South District Registry of Deeds on August 8, 1994, currently having a street address of 256 Georgetown Road, Boxford, with the condition that only B-1, Retail Business District uses, excluding any residential uses, shall be allowed to connect to the water supply for the sole purpose of fire protection, provided that the Planning Board and Fire Chief agree that no other viable option exists to provide water for this purpose; (ii) to authorize the Board of Selectmen to enter into a contract with the Town of Georgetown for said purpose; or (iii) to take any other action thereon.

*Explanation: It is the intent of this Article to allow the Selectmen to enter into an agreement with the Town of Georgetown to supply water to the commercial site. This article will not allow this water to be used for any residential purpose or to be extended beyond this site for any residential purpose.*

A motion was made and duly seconded to call the question and passed by a majority voice vote.

Upon motion made and duly seconded, Article 39 was defeated by a majority voice vote.

**ARTICLE 40.** To see if the Town will vote to amend the Zoning Bylaw of the Town of Boxford by adding to Section VI a new paragraph as follows:

**Section VI**

**I. Phased Growth**

1. **Purpose:** The purposes of Phased Growth are to protect and promote the public health, safety, and welfare of the Town of

Boxford by phasing the growth of the Town at a manageable rate to ensure that the Town has adequate time to expand its resources and to provide the necessary services to meet the educational, infrastructure, and public safety needs of its residents in accordance with its Master Plan.

2. **Applicability:** This sub-section shall apply to every new residential development. Development shall mean a single parcel or set of contiguous parcels of land held in common ownership, regardless of form, at any time on or after the effective date of this sub-section for which one or more building permits will be sought.

3. **Phasing Schedule:** Building permits for each development shall be granted at an annual rate not greater than that permitted by the following schedule:

<u>No. of New Dwellings Projected in Total Development</u>	<u>Maximum No. of Building Permits for New Dwellings Per Year</u>
1-10	5
11-20	6
21-30	7
31-40	8
41-50	9
more than 50	10 plus 5% of number over 50

4. Subsequent changes in the shape or ownership of lots shall not affect the applicability of this sub-section. Lots can be sold at any time for construction of dwellings in future years; however, any lots covered by the provision, hereafter sold or otherwise transferred, shall include in the deed the earliest date on which construction may be commenced.

5. This sub-section shall be effective until May 1, 2007; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend the Zoning Bylaw of the Town of Boxford by adding to Section VI a new paragraph as follows:

**Section VI**

**I. Phased Growth**

1. **Purpose:** The purposes of Phased Growth are to protect and promote the public health, safety, and welfare of the Town of Boxford by phasing the growth of the Town at a manageable rate to ensure that the Town has adequate time to expand its resources and to provide the necessary services to meet the educational, infrastructure, and public safety needs of its residents in accordance with its Master Plan.

2. **Applicability:** This sub-section shall apply to every new residential development. Development shall mean a single

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parcel or set of contiguous parcels of land held in common ownership, regardless of form, at any time on or after the effective date of this sub-section for which one or more building permits will be sought.

3. **Phasing Schedule:** Building permits for each development shall be granted at an annual rate not greater than that permitted by the following schedule:

<u>No. of New Dwellings Projected in Total Development</u>	<u>Maximum No. of Building Permits for New Dwellings Per Year, Beginning with the Issuance of the First Permit</u>
1-10	5
11-20	6
21-30	7
31-40	8
41-50	9
more than 50	10 plus 5% of number over 50

4. Subsequent changes in the shape or ownership of lots shall not affect the applicability of this sub-section. Lots can be sold at any time for construction of dwellings in future years; however, any lots covered by the provision, hereafter sold or otherwise transferred, shall include in the deed the earliest date on which construction may be commenced.

5. This sub-section shall be effective until May 1, 2007.

Upon motion made and duly seconded, an amendment to add "subsequent to the approval of the subdivision" to the second column heading was defeated by unanimous voice vote.

A 2/3 vote was required.

**ARTICLE 41.** To see if the Town will vote to amend its General Bylaws (Article 12 "WETLANDS PROTECTION" as printed in this Warrant); or take any other action thereon.

Upon motion made and duly seconded, an amendment to change "March" to "April" under the definition of "Vernal Pool" was defeated by a majority voice vote.

Upon motion made and duly seconded, an amendment was VOTED, by majority voice vote to delete the following wording: under Section 2 "Pond Watershed Overlay District including Hovey's Pond, Baldpate Pond, Stiles Pond, and lands within 300 feet from the mean annual high-water line around each pond"; under Section 8, Subparagraph (k) "Any activities deemed by the Commission likely to have a significant or cumulative effect upon resource area values protected by this bylaw"; and under Section 8, in the text defining Buffer Zone, "The Buffer Zone shall also mean that area of land

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Substitute for the first paragraph:

Written application shall be filed with the Commission to perform activities affecting resource areas protected by this bylaw. The application, formally known as the Notice of Intent or Request for Determination of Applicability, shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this bylaw. No activities shall commence without receiving and complying with a permit, formally known as an Order of Conditions or Conditions imposed on a Negative Determination of Applicability, issued pursuant to this bylaw.

Add after first paragraph:

The Commission in an appropriate case may accept as the permit application and plans under this bylaw the Notice of Intent and plans filed under the Wetlands Protection Act, MGL, Chapter 131, Section 40 and Regulations, 310 CMR 10.00, as they may be amended. At the time of a permit application (Notice of Intent), Request for Determination of Applicability, application for Partial Certificate of Compliance, or request for Extension Permit, the applicant shall pay a filing fee specified in Regulations of the Commission. The fee is in addition to that required, if any, by the Wetlands Protection Act, MGL Chapter 131, Section 40, and Regulations 310 CMR 10.00 as they may be amended.

Substitute for the second paragraph:

Any person desiring to know whether or not proposed activity or an area is subject to this bylaw may, in writing, request a determination from the Commission. Such a Request for Determination of Applicability shall contain data and plans as the Commission specifies, unless said request is only for an informal opinion as stipulated in Section 5 of this bylaw.

#### Section 5 Public Notice and Hearings

Substitute the following for the first paragraph:

Any person filing a permit application (Notice of Intent), Request for Determination of Applicability or request for Amendment to Order of Conditions with the Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 500 feet of the property line of the applicant, including any in another municipality or across a body of water. In case of property that has frontage on a pond, abutters will include all those properties with frontage on the pond or pond association if in existence.

The notice to abutters shall enclose a copy of the application or request, with plans, or shall state where copies may be examined

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and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing, and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

The notice to abutters shall include at a minimum a sketch or map of the location and a description of proposed work.

Substitute for the fourth paragraph:

The Commission shall commence the public hearing within 21 days from receipt of a completed permit application or request for Determination of Applicability unless an extension is authorized in writing by the applicant.

Substitute for the sixth paragraph:

The Commission shall issue its permit or determination in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

Substitute for the seventh paragraph:

The Commission in an appropriate case may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act, MGL Chapter 131, Section 40, and Regulations, 320 CMR 10.00, as they may be amended.

#### Section 6 Permits, Determinations, and Conditions

Substitute for the fifth paragraph:

The Commission in an appropriate case may combine the permit or determination (other action on an application) issued under this bylaw with the Order of Conditions or Determination of Applicability issued under the Wetlands Protection Act, MGL Chapter 131, Section 40, and Regulations, 320 CMR 10.00, as they may be amended.

#### Section 8 Definitions

Substitute the following definitions or portions thereof, or add definitions as indicated, and alphabetize the definitions as amended:

"Alter"

subparagraph (g) Placing of obstructions or objects (including docks and piers) in water;

Add the following:

Abutter means the owner of any property any portion of which lies within 500 feet radially from any lot line of the subject property including owners of land directly opposite on any public or private street or way including any in another municipality or across a

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body of water. In the case of property that has frontage on a pond, abutters shall include all those properties with frontage on the pond or pond association if in existence.

Beach means a naturally or man-made unvegetated bank which normally abuts and confines a water body.

Bogs are areas where standing or slowly running water is near or at the surface during a normal growing season and where a vegetational community has a significant portion of the ground or water surface covered with Sphagnum moss (Sphagnum) and where the vegetational community is made up of a significant portion of one or more of, but not limited to nor necessarily including all, of the following plants or groups of plants: aster (*Aster nemoralis*), azaleas (*Rhododendron canadense* and *R. viscosum*), black spruce (*Picea mariana*), bog cotton (*Eriophorum*), cranberry (*Vaccinium macrocarpon*), high-bush blueberry (*Vaccinium corymbosum*), larch (*Larix laricina*), laurels (*Kalmia angustifolia* and *K. polifolia*), leatherleaf (*Chamaedaphne calyculata*), orchids (*Arethusa*, *Calopogon*, *Pogonia*), pitcher plants (*Sarracenia purpurea*), sedges (*Cyperaceae*), sundews (*Droseraceae*), sweet gale (*Myrica gale*), white cedar (*Chamaecyparis thyoides*).

Bordering Vegetated Wetlands are freshwater wetlands which border on creeks, streams, rivers, ponds and lakes. Bordering Vegetated Wetlands are areas where the soils are saturated and/or inundated such that they support a predominance (50% or greater) of wetland indicator plants.

Bordering Land Subject to Flooding is an area with low, flat topography adjacent to and inundated by flood waters rising from creeks, streams, rivers, ponds or lakes. The boundary of Bordering Land Subject to Flooding is the 100 year flood plain. It extends from the outer edge of a bank or Bordering Vegetated Wetland.

Buffer Zone means that area of land extending one hundred (100) feet horizontally outward from the boundary of the following resource areas: Freshwater Wetlands, Marshes, Wet Meadows, Bogs, Swamps, Lakes, Ponds, Rivers, Streams, Creeks, Banks, Beaches, Vernal Pools, large isolated wetlands, lands under waterbodies, lands subject to flooding or inundation by groundwater or surface water.

Creek means the same as a stream.

Dredge means to deepen, widen, or excavate, either temporarily or permanently.

Freshwater Wetlands are Wet Meadows, Marshes, Swamps and Bogs.

Isolated Land Subject to Flooding is any isolated depression without an inlet or outlet which at least once a year confines

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standing water to a volume of at least one quarter acre-foot of water with an average depth of at least six inches. The boundary is the perimeter of the largest observed or recorded volume of water confined in the basin.

Lake means any open body of fresh water with a surface area of ten (10) acres or more, and shall include great ponds.

Large Isolated Wetlands means isolated wetlands 5000 square feet or larger.

Marshes are areas where a plant community exists in standing or running water during the growing season and where a significant part of the vegetational community is composed of, but not limited to nor necessarily including all, of the following plants or groups of plants: arums (Araceae), bladder worts (Utricularia), burr reeds (Sparganiaceae), button bush (Cephalanthus occidentalis), cattails (Typha), duck weeds (Lemnaceae), eelgrass (Vallisneria), frog bits (Hydrocharitaceae), horsetails (Equisetaceae), hydrophilic grasses (Gramineae), leatherleaf (Chamaedaphne calyculata), pickerel weeds (Pontederiaceae), pipeworts (Eriocaulon), pond weeds (Potamogeton), rushes (Juncaceae), sedges (Cyperaceae), smartweeds (Polygonum), sweet gale (Myrica gale), water milfoil (Haloragaceae), water lilies (Nymphaeaceae), water starworts (Callitrichaceae), water willow (Decodon verticillatus).

Mean Annual High-Water Line shall mean with respect to a river, the line that is apparent from visible markings or changes in the character of soils or vegetation due to the prolonged presence of water and which distinguishes between predominantly aquatic and predominantly terrestrial land.

Substitute the following:

Ponds shall include any substantially open body of fresh water with a surface area observed or recorded within ten years prior to the date of application, 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: swimming pools or other impervious man-made basins; and individual gravel pits or quarries excavated from upland areas unless inactive for five or more consecutive years.

The term "resource areas" shall include any freshwater wetlands; marshes; wet meadows; bogs, swamps; lakes; ponds; rivers; streams; creeks; banks; beaches; vernal pools; large isolated wetlands;

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lands under water in each resource area; riverfront area; land subject to flooding or inundation by groundwater or surface waters; and Buffer Zone as defined in this bylaw.

Add the following:

Resource Area Values shall include but are not limited to the following: public or private water supply, ground water, flood control, erosion and sedimentation control, storm damage prevention, water quality, water pollution control, fisheries, wildlife habitat, rare species habitat including rare plant species, agriculture, riverfront area values, and recreation values deemed important to the community.

River means a natural flowing body of water of any size that empties to any ocean, lake or other river and which flows throughout the year.

Riverfront Area means that area of land situated between a river's mean annual high-water line and a parallel line located two hundred (200) feet away, measured outward horizontally from the river's mean annual high-water line.

Stream is a body of running water, and the land under the water, including brooks, creeks, and man-made water courses, which moves in a definite channel in the ground due to hydraulic gradient. A portion of a stream may flow through a culvert, or beneath a bridge or beneath the surface of the ground. A stream may be intermittent (i.e., does not flow throughout the year) except for that portion upgradient of all resource areas.

Swamps are areas where ground water is at or near the surface of the ground for a significant part of the growing season or where runoff water from surface drainage frequently collects above the soil surface, and where a significant part of the vegetational community is made up of, but not limited to nor necessarily include all of the following plants or groups of plants: alders (*Alnus*), ashes (*Fraxinus*), azaleas (*Rhododendron canadense* and *R. viscosum*), black alder (*Ilex verticillata*), black spruce (*Picea mariana*), buttonbush (*Cephalanthus occidentalis*), American or white elm (*Ulmus americana*), white Hellebore (*Veratrum viride*), hemlock (*Tsuga canadensis*), high-bush blueberry (*Vaccinium corymbosum*), larch (*Larix laricina*), cowslip (*Caltha palustris*), poison sumac (*Toxicodendron vernix*), red maple (*Acer rubrum*), skunk cabbage (*Symplocarpus foetidus*), sphagnum mosses (*Sphagnum*), spice bush (*Lindera benzoin*), black gum tupelo (*Nyssa sylvatica*), sweet pepper bush (*Clethra alnifolia*), white cedar (*Chamaecyparis thyoides*), willow (*Salicaceae*), common reed (*Phragmites communis*), jewelweed (*impatiens capensis*).

Substitute the following:

Vernal Pool shall include a confined basin depression of any size which, at least in most years, holds water for a minimum of two



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continuous months during March through August, which is free of naturally occurring fish populations and which contains evidence of breeding by obligate vernal pool species as recognized by the Massachusetts Natural Heritage and Endangered Species Program.

Add the following:

Wetland Resource Area is any resource area other than the Buffer Zone.

Wet Meadows are areas where ground water is at the surface for the significant part of the growing season and near the surface throughout the year and where a significant part of the vegetational community is composed of various grasses, sedges, and rushes, made up of, but not limited to nor necessarily including all of the following plants or groups of plants: blue flag (Iris), vervain (Verbena), thoroughwort (Eupatorium), dock (Rumex), false loosestrife (Ludwigia), hydrophilic grasses (Gramineae), loosestrife (Lythrum), marsh fern (Dryopteris thelypteris), rushes (Juncaceae), sedges (Cyperaceae), sensitive fern (Onoclea sensibilis), smartweed (Polygonum).

and further, in the last paragraph, add at end of sentence: "as they may be amended."

#### Section 9 Security

Substitute for the entire section:

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 conditions imposed thereunder (including conditions requiring mitigation work) be secured by the following method: 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.

#### Section 10 Enforcement

Substitute for the seventh paragraph:

Seventh paragraph: As an alternative to criminal prosecution in a specific case, the Commission may issue citations under the non-criminal disposition procedure set forth in Mass. GL Chapter 40, Section 21D, as set forth in Article Eleven of the General Bylaws.

#### Section 12 Relation to the Wetlands Protection Act

Add to the end of paragraph: "as they may be amended"

#### Section 14 Fee Schedule

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Add as new last paragraph:  
The fee schedule shall be as defined in the Regulations.

Section 15 Wetlands Identification

Substitute for the entire section:  
Wetlands resource areas and their boundaries shall be identified in the manner designated in Mass. DEP Handbook "Delineating Bordering Vegetated Wetlands under Mass. Wetlands Protection Act", March 1995.

Section 16 Associate Members of the Commission

Substitute for the entire section:  
The Chairman, with the approval of a majority of the Commission, may appoint individuals for the purpose of assisting the Commission in various projects not involving applications or requests for determinations as defined in this bylaw. Such individuals shall be referred to as Associate Members, shall be non-voting members, and shall serve for a term of one year and may be reappointed as deemed appropriate by a majority of the Commission.

**ARTICLE 42.** To see if the Town will vote to borrow \$200,000 from the Massachusetts Water Pollution Abatement Trust, for the purpose of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with Board of Health and residential property owners, including without limitation all costs thereof as defined in § 1 of Chapter 29C of the Massachusetts General Laws; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to borrow \$200,000 for the purpose of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the Massachusetts General Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$200,000 and issue bond or notes therefor under Massachusetts General Laws, Chapters 111 & 127B½ and/or Chapter 29C of the General Laws; that project and financing costs shall be repaid by the property owners, in accordance with those agreements, but such bonds or notes shall be general obligations of the Town; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the projects or for the financing thereof; and that the Board of Health is

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authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the projects and to take any other action necessary to carry out the projects.

A 2/3 vote was required.

Finance Committee recommended adoption of this article.

**ARTICLE 43. Proposed Land Purchase Warrant**

Parties bringing a warrant before the Boxford Town Meeting requesting the Town of Boxford to purchase property must include the following information with the warrant:

1. A summary appraisal report from a licensed appraiser. The appraiser will be independent of the Town of Boxford and the party selling the property. The appraiser will be mutually agreed to by the Town of Boxford's Conservation Commission and the party selling the property. The Town of Boxford will pay for the appraisal.
2. A statement from the Town of Boxford's Planning Board roughly estimating the potential number of building lots within the property for sale.
3. A recommendation and a brief explanation from the Town of Boxford's Planning Board and another from the Town of Boxford's Conservation Commission establishing the recreational value of the property included in the warrant.
4. A recommendation and brief explanation from the Town of Boxford's Planning Board and another from the Town of Boxford's Conservation Commission establishing the natural resource and conservation value of the property included in the warrant; or take any other action thereon.

Upon motion made and duly seconded, Article 43 was defeated by majority voice vote.

**ARTICLE 44.** To see if the Town will vote to amend its General Bylaws by adding the following new Section 9 to **ARTICLE TWO - ELECTED OFFICERS AND BOARDS:**

**Section 9, Moderator**

2-9-1 A Moderator shall be elected from the Town for a term of office of one year.

2-9-2 In matters requiring a two-thirds vote by statute, the Moderator may dispense with a count if the results of the vote were obviously more than a  $\frac{2}{3}$  majority. If seven or more voters request an actual count, it must be done; 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 the General Bylaws by adding the following new Section 9 to ARTICLE TWO - ELECTED OFFICERS AND BOARDS:

Section 9, Moderator

2-9-1 A Moderator shall be elected from the Town for a term of office of one year.

2-9-2 In matters requiring a two-thirds vote by statute, the Moderator may dispense with a count if the results of the vote were obviously more than a  $\frac{2}{3}$  majority. If seven or more voters request an actual count, it must be done.

ARTICLE 45. To see if the Town will vote to ratify the contract entered into by the Town, by and through the Chairman of the Board of Selectmen, with Shah Construction Company, Inc., dated March 28, 1996, and entitled: "Renovations and Additions to the Spofford Pond School and the H.L. Cole School, Boxford, MA"; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to ratify the contract entered into by the Town, by and through the Chairman of the Board of Selectmen, with Shah Construction Company, Inc., dated March 28, 1996, and entitled: "Renovations and Additions to the Spofford Pond School and the H.L. Cole School, Boxford, MA".

ARTICLE 46. To see if the Town will vote amend its General Bylaws by inserting the following to Section 1 of ARTICLE TWO - ELECTED OFFICERS AND BOARDS:

Section 1, Board of Selectmen

2-1-10 The Board of Selectmen and the Procurement Officer or officers designated pursuant to M.G.L. Chapter 30B are authorized to enter into any contract for the exercise of the Town's corporate powers, on such terms and conditions as are deemed appropriate. Notwithstanding the foregoing, no person shall contract for any purposes, on any terms, or under any conditions inconsistent with any applicable provision of any general or special law; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend the General Bylaws by inserting the following to Section 1 of ARTICLE TWO - ELECTED OFFICERS AND BOARDS:

Section 1, Board of Selectmen

2-1-10 The Board of Selectmen and the Procurement Officer or officers designated pursuant to M.G.L. Chapter 30B are authorized to enter into any contract for the exercise of the Town's corporate powers, on such terms and conditions as are deemed appropriate.

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Notwithstanding the foregoing, no person shall contract for any purposes, on any terms, or under any conditions inconsistent with any applicable provision of any general or special law.

**ARTICLE 47.** To see if the Town will vote to amend its General Bylaws by adding the following new Section 3 to **ARTICLE NINE - LICENSING AND PEDDLING:**

**Section 3: Delinquent Taxpayers; Licenses and Permits Bylaw**

**9-3-1 List of Persons Neglecting or Refusing to Pay Taxes, Assessments or Municipal Charges.** The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually furnish to each Department, Board, Commission or Division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve (12) month period, and that such a party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

**9-3-2 Denial, Refusal or Suspension of License; Hearing.** The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law and the party is given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges,

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payable to the municipality as of the date of issuance of said certificate. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

**9-3-3 Waiver of Denial, Suspension or Revocation.** The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in M.G.L. Chapter 268A, § 1 in the business or activity conducted in or on said property.

**9-3-4 Exceptions.** This Bylaw shall not apply to the following licenses and permits as referenced in the M.G.L.: Open Burning, § 13 of Chapter 48; Bicycles Permits, § 11A of Chapter 85; Sales of Articles for Charitable Purposes, § 33 of Chapter 101; Children Work Permits, § 69 of Chapter 149; Clubs, Associations Dispensing Food or Beverage Licenses, § 21E of Chapter 140; Dog Licenses, § 137 of Chapter 140; Fishing, Hunting, Trapping Licenses, § 12 of Chapter 101; Marriage Licenses, § 28 of Chapter 207; and Theatrical Events, Public Exhibition Permits, § 181 of Chapter 140; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend the General Bylaws by adding the following new Section 3 to ARTICLE NINE - LICENSING AND PEDDLING:

**Section 3: Delinquent Taxpayers; Licenses and Permits Bylaw**

**9-3-1 List of Persons Neglecting or Refusing to Pay Taxes, Assessments or Municipal Charges.** The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually furnish to each Department, Board, Commission or Division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve (12) month period, and that such a party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

**9-3-2 Denial, Refusal or Suspension of License; Hearing.** The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law and the party is given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as of the date of issuance of said certificate. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

**9-3-3 Waiver of Denial, Suspension or Revocation.** The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in M.G.L. Chapter 268A, § 1 in the business or activity conducted in or on said property.

**9-3-4 Exceptions.** This Bylaw shall not apply to the following licenses and permits as referenced in the M.G.L.: Open Burning, § 13 of Chapter 48; Bicycles Permits, § 11A of Chapter 85; Sales of Articles for Charitable Purposes, § 33 of Chapter 101; Children Work Permits, § 69 of Chapter 149; Clubs, Associations Dispensing Food or Beverage Licenses, § 21E of Chapter 140; Dog Licenses, § 137 of Chapter 140; Fishing, Hunting, Trapping Licenses, § 12 of

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Chapter 101; Marriage Licenses, § 28 of Chapter 207; and Theatrical Events, Public Exhibition Permits, § 181 of Chapter 140.

**ARTICLE 48.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$3,000 for the purpose of providing Senior Citizen Real Estate Tax Payment Vouchers for services rendered on behalf of various Town departments, pursuant to an agreement to be formulated by the Council on Aging and approved by 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 \$3,000 for the purpose of establishing a Senior Citizen Real Estate Tax Payment Assistance Program for services rendered on behalf of various Town departments, pursuant to an agreement to be formulated by the Council on Aging and approved by the Board of Selectmen.

Finance Committee recommended adoption of this article.

**ARTICLE 49.** To see if the Town will vote to amend Section V,B of the Boxford Zoning Bylaw as follows:

By "Deleting" paragraphs 2., 4., and 10.a.,c.,e., and f., and by making appropriate number and letter corrections, and "Inserting" the following:

**Prohibited Uses:**

1. Automobile repair, auto body repair, and gasoline service establishments, and any and all accessory or related uses.
2. Store or service establishments which offer any goods or services by means of Drive-Thru, Drive-In, open air, or other method which require any operation outside the establishment.
3. Wholesale or retail food service establishments and any and all accessory or related uses.
4. Commercial amusement enterprises such as, but not limited to bowling, theater, video arcade, and any and all accessory and related uses.
5. Town house, and multiple dwelling units.
6. Adult bookstores\*, adult entertainment establishment\*, adult motion picture theater\*, and adult video store\*.

\*As defined in accordance with M.G.L. Chapter 272, § 31

**NOTE:** Section V,B, Paragraphs 2,4 and 10, a, c e, and f currently read as follows:

**Permitted Uses:**

2. Retail store or service establishment, the principal activities of which shall be the offering within the building of goods or services at retail for use or consumption within the building or off the premises.



4. Restaurant or other place for serving food.

10. Subject to the grant of a Special Permit by the Board of Appeals as provided for in Section X below, the following:

a. Gasoline Service Station provided that repairs shall be limited to minor changes and adjustments and that gasoline pumps and equipment shall be so located that vehicles to be served are entirely upon the service station lot.

c. Store or service establishment, the principal activities of which shall be the offering of goods and services at retail by means of drive-in, open air or other methods which require operations as much outside the building as within.

e. Commercial amusement enterprises such as bowling, theater, clock golf, skating and similar enterprises.

f. Multiple dwellings of not less than four (4) and not more than sixteen (16) dwelling units; building lots to contain at least two (2) acres for each dwelling unit and not more than one (1) multiple dwelling unit to be placed on any single lot.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 49.

ARTICLE 50. To see if the Town will vote to amend Section VI,E. of the Boxford Zoning Bylaw as follows:

By "Deleting" Paragraphs #3 and #4, "Inserting" therein the following:

3. No sign in any district shall be flashing or animated, nor shall be illuminated by other than white light directed within the area of the sign, and no illumination shall be allowed beyond 8:00 P.M.

4. In Business and Manufacturing or Industrial Districts, signs shall only be permitted as follows:

A. For the identification of the name of the business company or agency only and shall not exceed three (3) feet in height nor six (6) feet in length and further shall not exceed a total area of fifteen (15) square feet.

B. Signs shall only be located on the side of the building above the front entrance of the business company or agency.

NOTE: Section VI,E, paragraphs 3 and 4 currently read as follows:

3. No sign in any district shall be flashing or animated, nor shall be illuminated by other than white light, nor project beyond any street line or above any building.

4. In Business and Manufacturing or Industrial Districts signs will be permitted:

a. Advertising goods and services available on the premises,

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not exceeding one (1) square foot for every linear foot of store frontage and in no case exceeding a total area of thirty-six (36) square feet per lot.

b. For identification of the business, company or agency on a wall or parapet of the main building not exceeding thirty (30) square feet for each separate business in a Business district and not exceeding three hundred (300) square feet in a Manufacturing or Industrial District.

c. For the purpose of identifying the business development or shopping center, one (1) freestanding sign with a total of thirty-six (36) square feet of area for each street on which the business development fronts.

5. Signs no larger than fifty (50) square feet may be erected for not more than thirty (30) days if relating to a non-profit charitable public event authorized by the Selectmen.

Upon motion made and duly seconded, it was VOTED, by a greater than 2/3 majority hand vote, to amend Section VI E of the Boxford Zoning Bylaw as follows:

By inserting in Paragraph 3, following the words "above any building," the following:

"and no illumination shall be allowed beyond 8:00 p.m. or after the business closes for the night, whichever is earlier, said sign allowed to be again illuminated when the business reopens the following morning."

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend the original motion by replacing "light allowed to be again illuminated" with "sign allowed to be again illuminated."

A 2/3 vote was required.

**ARTICLE 51.** To see if the Town will vote to amend the Zoning Bylaw of the Town of Boxford by adding to Section VIII a new paragraph (15) entitled "Wireless Communication Facilities" as printed in this Warrant; or take any other action thereon.

(Article language at end of this Warrant)

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend the Zoning Bylaw of the Town of Boxford by adding to Section VIII a new paragraph (15) entitled "Wireless Communication Facilities" and a new paragraph (16) entitled "Wireless Communication Services".

15. "Wireless Communication Facility" shall mean a wireless communications monopole, including antennas and accessory structures, if any, which facilitates the provision of wireless communications services.

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16. "Wireless Communications Services" shall mean the following types of services: cellular telephone service, personal communications and enhanced specialized mobile radio service.

Add the following new Section V as follows:

**Section V-J. Wireless Communications Services District**

1. **Purpose:** The purpose of this section is to establish a district in which wireless communications services may be provided with a minimal harm to the public health, safety and general welfare. Specifically, the Wireless Communications District has been created to protect the general public from hazards associated with wireless communications facilities on residential districts with Boxford. This section is subject to the exemptions enumerated in paragraph 5.

2. **Description of Areas Included in the Wireless Communications Services District:**

a. The Wireless Communications Services District shall include all land owned by the Town of Boxford which is held in the care, custody, management and control of the Board of Selectmen and all land located in an O-Official or Open Space District, B-2 General and Highway Business District and M-Manufacturing or Industrial District.

b. The Wireless Communications Services District shall be construed as an overlay district with regard to said locations. All requirements of the underlying zoning district shall remain in full force and effect, except as may be specifically superseded herein.

3. **Use Restrictions:** A wireless communications facility (including antennas and accessory structures, if any), antenna or satellite dish may be erected in a Wireless Communications Services District upon the issuance of a special permit by the Zoning Board of Appeals pursuant to Section X, subject to site plan review and approval as set forth herein at Section VI-H, subject to the following conditions:

a. The only wireless communication facilities allowed are free-standing monopoles, with associated antenna and/or panels. Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are not allowed.

b. To the extent feasible, all service providers shall collocate on a single facility. Wireless communications facilities shall be designed to accommodate the maximum number of users technologically practical. The intent of this requirement is to reduce the number of facilities which will be required to be located within the community.

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- c. Any proposed extension in the height, addition of cells, antennas, panels, construction of a new facility, shall be subject to a new application for an amendment to the special permit.
- d. New facilities shall be considered by the Zoning Board of Appeals only upon a finding by the ZBA that the existing or approved facilities cannot accommodate the wireless communications equipment planned for the proposed facility.
- e. In no event shall any facility be located closer than two (2) miles to any other such facility.
- f. No facility or attached accessory antenna shall exceed one hundred-twenty (120) feet in height as measured from the mean finished ground level at the base of the facility.
- g. All facilities shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future use.
- h. A facility shall not be erected nearer to any property line than a distance equal to the vertical height of the facility (inclusive of any appurtenant devices), measured at the mean finished grade of the facility base.
- i. A facility shall not be erected nearer to a residential lot line than five hundred (500) feet.
- j. Siting shall be such that the view of the facility from adjacent abutters, residential neighbors and other areas of Town shall be as limited as possible. All facilities shall be painted or otherwise colored so they will blend in with the landscape of the structure on which they are located. A different coloring scheme shall be used to blend the facility with the landscape below and above the tree or building line.
- k. Wireless communication facilities shall be suitably screened from abutters and residential neighborhoods.
- l. Fencing shall be provided to control access to wireless communications facilities and shall be compatible with the scenic character of the Town. Chain-link is not acceptable.
- m. Existing on-site vegetation shall be preserved to the maximum extent possible.
- n. There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four (24) hour basis. All signs shall conform with the Sign Bylaw (Section VI-E).

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o. Night lighting of the facilities shall be prohibited unless required by the Federal Aviation Administration (FAA). Lighting shall be limited to that needed for emergencies and/or as required by the FAA.

p. There shall be a maximum of one (1) parking space for each facility, to be used in connection with the maintenance of the facility and the site, and not to be used for the permanent storage of vehicles.

q. To the extent technologically feasible, all network interconnections from the facility shall be via land lines.

r. Applicants proposing to erect facilities on municipally owned land or structures shall provide evidence of contractual authorization from the Town of Boxford to conduct wireless communications services on municipally owned property.

s. Traffic associated with the facility and accessory facilities and structures shall not adversely affect abutting ways.

t. Satellite dishes and/or antenna may be located on structures or may be free-standing.

u. Satellite dishes and/or antenna shall be situated on a structure in such a manner that they are screened, preferably not being visible from abutting streets. Free-standing dishes and/or antenna shall be located on the landscape in such a manner so as to minimize visibility from abutting streets and residences and to limit the need to remove existing vegetation. All equipment shall be colored, molded and/or installed to lend into the structure and/or landscape.

v. Antennas or dishes located on a structure shall not exceed ten (10) feet in height above the level of its attachment to the structure.

w. Annual certification demonstrating continuing compliance with the standards of the Federal Communication Commission, Federal Aviation Administration and the American National Standards Institute and required maintenance shall be filed with the Building Inspector by the Special Permit holder.

x. All unused facilities or parts thereof or accessory facilities and structures which have not been used for one (1) year shall be dismantled and removed at the owner's expense.

**4. Procedure for a Special Permit**

A. All applications for wireless communications facilities, antennas or satellite dishes shall be made and filed on the

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applicable application forms for site plan and special permit in compliance with the Boxford Zoning Board of Appeals Application instructions. In addition to the requirements for Site Plan review under Section VI-H of the Zoning Bylaw of the Town of Boxford and the Special Permit Requirements under Section X-D, E, F, G, H of the Zoning Bylaw of the Town of Boxford, five (5) copies of the following information must be submitted for application to be considered complete:

i) A locus plan at a scale 1 in. = 200 ft. which shall show all property lines, the exact location of the proposed structure(s), street, landscape/topography features, residential dwellings and neighborhoods and all buildings within five hundred (500) feet of the facility.

ii) A color photograph or rendition of the facility with its antennas and/or panels. For satellite dishes or antennas, a color photograph or rendition illustrating the dish or antenna at the proposed location is required. A rendition shall also be prepared illustrating a view of the monopole, dish or antenna from the nearest street or streets.

iii) The following information must be prepared by a professional engineer:

a. A description of the facility and the technical, economic and other reasons for the proposed location, height and design.

b. Confirmation that the facility complies with all applicable Federal and State standards.

c. A description of the capacity of the facility including the number and type of panels, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations.

d. If applicable, a written statement that the proposed facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), and the Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health, and

e. The applicable review and advertising fees as noted in the application guidelines.

**5. Exemptions**

A. The following types of wireless communications facilities are exempt from this Section J:

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- i) Amateur radio towers used in accordance with the terms of the amateur radio service license issued by the Federal Communications Commission, provided that (1) the tower is not used or licensed for any commercial purpose, and (2) the tower must be removed if the use is discontinued for one year.
- ii) Facilities used for the purposes set forth in M.G.L. c. 40A, paragraph 3.
- iii) Satellite dishes and antennae for residential use.

At this point in the Annual Town Meeting, Nancy Pearl was honored for her 15 years of dedication to the Board of Health.

**ARTICLE 52.** To see if the Town will vote to amend the General Bylaws by adding the following paragraph at the end of Article 8, Section 4-6, dealing with the licensing of dogs:

8-4-6

The failure of an owner or keeper of a dog six months of age or older to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Massachusetts Department of Public Health shall be subject to a non-criminal fine of not more than \$50.00, pursuant to Section 4 of Article 11 of the General Bylaws of the Town; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend the General Bylaws by adding the following paragraph at the end of Article 8, Section 4-6, dealing with the licensing of dogs:

8-4-6

The failure of an owner or keeper of a dog six months of age or older to have said animal vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Massachusetts Department of Public Health shall be subject to a non-criminal fine of not more than \$50.00, pursuant to Section 4 of Article 11 of the General Bylaws of the Town.

**ARTICLE 53.** To see if the Town will vote to amend the Article 8, Section 4-5 of the General Bylaws by amending the fine schedule as follows:

8-4-5

Notwithstanding the schedule of fines set forth in Chapter 140, § 173A, General Laws, the following schedule shall apply to the failure of any owner or keeper of dogs to comply with an order of the dog officer: first offense within a calendar year shall be a warning; second offense within a calendar year shall be **twenty-five dollars** (increase from ten dollars); third or subsequent offense within a calendar year shall be **fifty dollars** (increase from twenty-five dollars); or take any other action thereon.

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Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend the Article 8, Section 4-5 of the General Bylaws by amending the fine schedule as follows:

8-4-5

Notwithstanding the schedule of fines set forth in Chapter 140, § 173A, General Laws, the following schedule shall apply to the failure of any owner or keeper of dogs to comply with an order of the dog officer: first offense within a calendar year shall be a warning; second offense within a calendar year shall be **twenty-five dollars** (increase from ten dollars); third or subsequent offense within a calendar year shall be **fifty dollars** (increase from twenty-five dollars).

**ARTICLE 54.** To see if the Town will vote to accept Chapter 32B, Section 18 of the Massachusetts General Laws which would require that all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, be required to enroll in a Medicare health benefits supplement plan offered by the town; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority hand vote, to accept Chapter 32B, Section 18 of the Massachusetts General Laws which would require that all eligible municipal retirees in the Town of Boxford, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, be required to enroll in a Medicare health benefits supplement plan offered by the town.

**ARTICLE 55.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$10,000 to create a "Compensated Absence Fund;" said Fund to be managed and 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 the Stabilization Fund the sum of \$10,000 to create a "Compensated Absence Fund;" said Fund to be managed and said funds to be spent under the direction of the Board of Selectmen.

A 2/3 vote was required.

Finance Committee recommended adoption of this article.

**ARTICLE 56.** To see if the Town will vote to accept Massachusetts General Laws Chapter 111, § 155 "Licensing of Stables in Cities and Large Towns; Fees," and establish said fee at \$10.00 per stable per seven year licensing period; and to amend Article Seven of the General Bylaws by adding said section as follows:



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**ARTICLE SEVEN - PUBLIC HEALTH**

7-7-7 A licensing fee of \$10.00 shall be assessed for each stable; said fee to be paid once per seven year period; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to accept Massachusetts General Laws Chapter 111, Section 155 "Licensing of Stables in Cities and Large Towns; Fees," and establish said fee at \$10.00 per stable per seven year licensing period; and to amend Article Seven of the General Bylaws by adding said section as follows:

**ARTICLE SEVEN - PUBLIC HEALTH**

7-7-7 A licensing fee of \$10.00 shall be assessed for each stable; said fee to be paid once per seven year period

**ARTICLE 57.** To see if the Town will vote to amend the General Bylaws by deleting Section 2-1-8, which currently reads as follows:

"2-1-8 The Board of Selectmen shall be authorized to sell by public bid, lease, or dispose of personal property owned by the Town not exceeding \$3,000 in total value, without prior authorization of the town meeting;" and substituting the following language:

"2-1-8 The Board of Selectmen shall be authorized to dispose of personal property owned by the Town 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 amend the General Bylaws by deleting Section 2-1-8, which currently reads as follows:

"2-1-8 The Board of Selectmen shall be authorized to sell by public bid, lease, or dispose of personal property owned by the Town not exceeding \$3,000 in total value, without prior authorization of the town meeting;" and substituting the following language:

"2-1-8 The Board of Selectmen shall be authorized to dispose of personal property owned by the Town pursuant to MGL Chapter 30B."

Finance Committee recommended adoption of this article.

**ARTICLE 58.** To see if the Town will vote to accept the following as a public way:

**CARRIAGE HOUSE LANE** (Baldpate Pond, Phase I) in its entirety from station 0+00 to station 10+72.02 as shown on plan entitled "As-Built Subdivision Plan of Carriage House Lane, Baldpate Pond Subdivision Phase I, Boxford, MA, prepared for Baldpate Pond

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Limited Partnership; Engineer, Thomas E. Neve Associates, Inc., dated February 8, 1995" and recorded in the Essex South Registry of Deeds, Land Court Certificate #64106, Plan #29220E, and to authorize the Board of Selectmen to accept 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:  
**CARRIAGE HOUSE LANE** (Baldpate Pond, Phase I) in its entirety from station 0+00 to station 10+72.02 as shown on plan entitled "As-Built Subdivision Plan of Carriage House Lane, Baldpate Pond Subdivision Phase I, Boxford, MA, prepared for Baldpate Pond Limited Partnership; Engineer, Thomas E. Neve Associates, Inc., dated February 8, 1995" and recorded in the Essex South Registry of Deeds, Land Court Certificate #64106, Plan #29220E, and to authorize the Board of Selectmen to accept any easements appurtenant thereto.

**ARTICLE 59.** To see if the Town will vote to accept the following as a public way:

**MORNINGSIDE CIRCLE** (Baldpate Pond, Phase II) in its entirety from station 0+00 to station 8+55.20 as shown on plan entitled "As-Built 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, and to authorize the Board of Selectmen to accept 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:

**MORNINGSIDE CIRCLE** (Baldpate Pond, Phase II) in its entirety from station 0+00 to station 8+55.20 as shown on plan entitled "As-Built Subdivision Plan Great Pond Drive Phase II, Boxford, MA prepared for Baldpate Pond Limited Partnership dated October 5, 1995, prepared by Thomas E. Neve Associates, Inc., See Definitive Subdivision Plan recorded in the Land Registration Office (at Land Court) as Plan #29220J and in the Essex South Registry of Deeds, Plan Book 291, Plan #83, and to authorize the Board of Selectmen to accept any easements appurtenant thereto.

**ARTICLE 60.** To see if the Town will vote to accept the following as a public way:

**GREAT POND DRIVE** (Baldpate Pond, Phase III) 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, and to authorize the Board of Selectmen to accept 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:

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**GREAT POND DRIVE** (Baldpate Pond, Phase III) 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, and to authorize the Board of Selectmen to accept any easements appurtenant thereto.

**ARTICLE 61.** To see if the Town will vote to accept the following as a public way:

**GREAT POND DRIVE** (Baldpate Pond, Phase IV) from station 15+00 to station 34+54.47 as shown on a plan entitled "As-Built 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, and to authorize the Board of Selectmen to accept 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: a portion of **GREAT POND DRIVE** (Baldpate Pond, Phase IV) from station 15+00 to station 34+54.47 as shown on a plan entitled "As-Built Subdivision Plan of Great Pond Drive Phase IV, Boxford, MA prepared for Baldpate Pond Limited Partnership, dated February 16, 1996" prepared by Thomas E. Neve Associates, Inc., and recorded in the Essex South District Registry of Deeds, Plan Book 297, Plan #2, and to authorize the Board of Selectmen to accept any easements appurtenant thereto.

**ARTICLE 62.** To see if the Town will vote to accept the following as a public way: a portion of **MEETING PLACE CIRCLE** (Baldpate Pond Phase V) from station 4+23.49 to station 15+22.58 as shown on a plan entitled "As-Built Subdivision Plan of Great Pond Drive, Baldpate Pond Subdivision, Phase V, Boxford, MA prepared for Baldpate Pond Limited Partnership, dated October 22, 1996, prepared by Thomas E. Neve Associates, Inc.". See Definitive Subdivision Plan recorded in the Land Registration Office (at Land Court) as Plan #29220M in the Essex South District Registry of Deeds in Plan Book 296, as Plan 91, and to authorize the Board of Selectmen to accept 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: **MEETING PLACE CIRCLE** from station 4+23.49 to station 15+22.58 as shown on a plan entitled "As-Built Subdivision Plan of Great Pond Drive, Baldpate Pond Subdivision, Phase V, Boxford, MA prepared for Baldpate Pond Limited Partnership, dated October 22, 1996, prepared by Thomas E. Neve Associates, Inc." See Definitive Subdivision Plan recorded in the Land Registration Office (at Land Court) as Plan #29220M in the Essex South District Registry of Deeds in Plan Book 296, as Plan 91, and to authorize the Board of Selectmen to accept any easements appurtenant thereto.

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**ARTICLE 63.** To see if the Town will vote to accept the following as a public way: **JOSEPH SMITH LANE EXTENSION** in its entirety, as shown on a plan entitled "Definitive Plan Joseph Smith Lane Extension Boxford, Mass.", Developer Tree Swamp Farm, Inc., Engineer: Hayes Engineering, Inc., dated August 28, 1990, revised November 21, 1990, filed with Essex South District Registry of Deeds in Plan Book 274, Plan 63, and to authorize the Board of Selectmen to accept 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: **JOSEPH SMITH LANE EXTENSION** in its entirety, as shown on a plan entitled "Definitive Plan Joseph Smith Lane Extension Boxford, Mass.", Developer Tree Swamp Farm, Inc., Engineer: Hayes Engineering, Inc., dated August 28, 1990, revised November 21, 1990, filed with Essex South District Registry of Deeds in Plan Book 274, Plan 63, and to authorize the Board of Selectmen to accept any easements appurtenant thereto.

**ARTICLE 64.** 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: (underlined sentence below):

Section VII -- General Regulations

A. Soil Stripping

The removal of sod, loam, sand, gravel or quarried stone forming a part of the real estate in the Town of Boxford, except when necessarily incidental to or in connection with the construction, at the site of removal, or a building for which a permit has been issued, or for grading or otherwise improving the premises of which such building is a part, shall not be permitted unless a Special Permit from the Board of Appeals be first obtained. "To be considered incidental, the total volume of material removed may not exceed 500 cubic yards;" or take any other action thereon.

**Explanation:** *Quantifying the maximum amount which may be removed without obtaining a Special Permit will greatly reduce the uncertainty and ambiguity of the present requirement.*

Upon motion made and duly seconded, it was VOTED, by unanimous voice 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: (underlined sentence below):

Section VII -- General Regulations

A. Soil Stripping

The removal of sod, loam, sand, gravel or quarried stone forming a part of the real estate in the Town of Boxford, except when necessarily incidental to or in connection with the construction, at the site of removal, or a building for which

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a permit has been issued, or for grading or otherwise improving the premises of which such building is a part, shall not be permitted unless a Special Permit from the Board of Appeals be first obtained. "To be considered incidental, the total volume of material removed may not exceed 500 cubic yards."

A 2/3 vote was required.

**ARTICLE 65.** To see if the Town will vote to amend the Zoning Bylaw of the Town of Boxford by deleting Sub-Paragraph 5 of Section II B. which currently reads as follows:

5. Where a district boundary line between a Residence-Agriculture, Business and/or Manufacturing or Industrial District divides any lot existing at the time such line is adopted, the regulations for the less restricted portions of such lot shall extend no more than thirty (30) feet into the more restricted portion, provided the lot has frontage in the less restricted district; or take any other action thereon.

*Explanation: The present paragraph allows an automatic 30 foot extension of a Business Manufacturing or Industrial District into an adjacent Residential District under certain circumstances. The Planning Board feels that such extensions have a large potential adverse impact and would better be made by vote of Town Meeting.*

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend the Zoning Bylaw of the Town of Boxford by deleting Sub-Paragraph 5 of Section II B. which currently reads as follows:

5. Where a district boundary line between a Residence-Agriculture, Business and/or Manufacturing or Industrial District divides any lot existing at the time such line is adopted, the regulations for the less restricted portions of such lot shall extend no more than thirty (30) feet into the more restricted portion, provided the lot has frontage in the less restricted district.

A 2/3 vote was required.

**ARTICLE 66.** To see if the Town will vote to amend the Zoning Bylaw of the Town of Boxford by deleting the final phrase (underlined section below) of Section VI B 11 which reads as follows:

11. Following acceptance of this Bylaw, no lot for residential use shall be laid out which is irregular in shape:

a. A lot with at least 250 feet of street frontage is substantially irregular in shape if the area of the lot is less than 50% of the area of a square lot of the same perimeter; and

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b. A lot with less than 250 feet of street frontage is substantially irregular in shape if the area of the lot is less than 20% of the area of a square lot of the same perimeter. The aforementioned percentage standards may be applied to the entire lot or, at the discretion of the owner, to the minimum lot area which conforms to all other requirements of these bylaws, except that for the purposes of this sentence only, the minimum lot area need not include the lot's frontage; or take any other action thereon.

**Explanation:** Elimination of the underlined phrase will require that the pork chop "handle" be included in the regularity calculation and have the effect of limiting its length.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend the Zoning Bylaw of the Town of Boxford by deleting the final phrase (underlined section below) of Section VI B 11 which reads as follows:

11. Following acceptance of this Bylaw, no lot for residential use shall be laid out which is irregular in shape:

a. A lot with at least 250 feet of street frontage is substantially irregular in shape if the area of the lot is less than 50% of the area of a square lot of the same perimeter; and

b. A lot with less than 250 feet of street frontage is substantially irregular in shape if the area of the lot is less than 20% of the area of a square lot of the same perimeter. The aforementioned percentage standards may be applied to the entire lot or, at the discretion of the owner, to the minimum lot area which conforms to all other requirements of these bylaws, except that for the purposes of this sentence only, the minimum lot area need not include the lot's frontage

A 2/3 vote was required.

At this point in the Annual Town Meeting, Kurt Kaiser was cited and thanked for his 12 years of service on the Planning Board.

**ARTICLE 67.** To see if the Town will vote to amend the Zoning Bylaw of the Town of Boxford by adding to Section VIII a new paragraph (15) entitled "Wireless Communication Facilities" and a new paragraph (16) entitled "Wireless Communications Services" as follows:

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 67.

**ARTICLE 68.** To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund a Reserve Fund; said funds to be spent under the direction of the Finance Committee; or take any other action thereon.

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Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from the Reserve for Extraordinary and Unforeseen Expenditures the sum of \$100,000 to fund a Reserve Fund; said funds to be spent under the direction of the Finance Committee.

A 2/3 vote was required.

Finance Committee recommended adoption of this article.

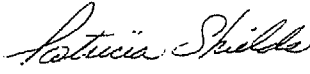
ARTICLE 69. To transact any other business that may legally come before said meeting.

Upon motion made and duly seconded, it was VOTED, by unanimous vote, to dissolve this Annual Town Meeting at 11:06 p.m.

Registered voters attending the meeting were 313. Counters and checkers for the meeting were appointed by Town Clerk Patricia Shields.

A true record.

ATTEST:

  
Patricia Shields  
Town Clerk

RAISE AND APPROPRIATE:

Article 10	\$11,606,670.00
Article 18 (Prop. 2-1/2 override)	100,000.00
Article 20 (Prop. 2-1/2 override)	95,491.00
Article 21 (Prop. 2-1/2 override)	127,000.00
Article 25 (Prop. 2-1/2 override)	33,700.00
Article 26 (Prop. 2-1/2 override)	11,400.00
Article 27 (Prop. 2-1/2 override)	24,725.00

TOTAL TO BE RAISED  
AND APPROPRIATED:

\$11,998,986.00

APPROPRIATIONS:

Article 3 (from Enterprise Fund Receipts)	\$ 188,825.00
Article 7 (from Wetlands Protection Fund)	9,610.96
Article 19 (for Highway Maintenance /Construction)	305,523.00

TOTAL TO BE APPROPRIATED:

\$ 503,958.96

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TRANSFERS:

Article 10	(from free cash to operating budget)	\$ 75,566.00
Article 12	(from free cash to COPSFAST)	14,400.00
Article 13	(from free cash to HAWC)	1,500.00
Article 14	(from free cash to Tri-Town Council)	21,269.00
Article 34	(from Art. 22 5/9/95 ATM)	15,000.00
	(from Art. 29 5/15/96 ATM to Recycling Center)	23,560.00
Article 35	(from free cash and	1,908.23
	from Art. 28-5/10/94 ATM,	505.27
	from Art. 43-5/9/95 ATM,	2,756.18
	from Art. 6-5/14/96 STM,	25.00
	from Art. 21-5/14/96 ATM,	401.00
	from Art. 25-5/14/96 ATM,	35.00
	from Art. 3-10/22/96 STM,	335.23
	from Art. 1-12/14/94 STM,	1,480.02
	from Art. 23-5/12/93 ATM,	20.42
	from Art. 12-5/12/92 ATM,	20.00
	from Art. 15-5/12/92 ATM,	9.50
	from Art. 12-5/10/94 ATM,	4.01
	from Art. 19-5/10/88 ATM for copy machine, Inspectional Offices)	.08
Article 36	(from free cash to Conservation Fund)	14,750.00
Article 48	(from free cash to Sr. Citizens Tax Assistance Program)	3,000.00
Article 55	(from Stabilization Fund to Compensated Absence Fund)	10,000.00
Article 68	(from Reserve for Extraordinary Exp. to FinCom Reserve)	<u>100,000.00</u>
TOTAL TO BE TRANSFERRED:		\$ 286,545.00

Article 37 (bond) \$ 5,000,000.00

Article 42 (borrow from State) \$ 200,000.00