

**SPECIAL TOWN MEETING
OCTOBER 25, 2005
HELD ON NOVEMBER 15, 2005**

RAISE AND APPROPRIATE

Article #3	Fire Dept. (ladders/gear racks)	\$ 6,665.00
Article #6	FY 2006 Computer Mgmt. Budget	\$ 10,000.00
Article #7	FY 2006 Gas & Oil Depot Budget	<u>\$ 30,000.00</u>
Total to be Raised/Appropriated		\$ 46,665.00

APPROPRIATE

Article #1	Highway Chapter 90 Funding	\$ 257,282.00
Total Appropriation		\$257,282.00

FREE CASH

Article #2	Fire Dept. Exhaust Systems for both Stations	\$ 3,380.00
Article #4	Brush Mower for DPW	<u>\$ 52,319.00</u>
Total Free Cash		\$ 55,699.00

TRANSFERS

Article #4	from Article 13 STM 10/24/000 (\$16,342.00) From Article 7 ATM 5/14/02 (\$450.00) From Article D15 STM 10/22/02 (\$15,889.00)	\$32,681.00
*Article 5 FY 2004 Assessor Overlay Fund (\$60,000.00)	(Null & Void by DOR)	
Total Transfers		\$ 32,681.00

* Corrections done 12/28/05

**SPECIAL TOWN MEETING
NOVEMBER 15, 2005**

Before the start of Special Town Meeting a special resident was recognized for his many years of service and dedication to the Town of Boxford. Our first full time Fire Chief, Peter C. Perkins was honored with the proclamation of Saturday, February 4th, 2006 as Peter C. Perkins Day. Wishing Beverly and Peter only the BEST that life has to offer.

Voters of the Town of Boxford met at the Masconomet High School on Tuesday, November 15, 2005. Moderator Gerald R. Johnston called the Special Town Meeting to order at 7:45 p.m. The articles of the warrant were disposed accordingly.

ARTICLE 1. To see if Town will vote to appropriate the sum of **\$257,282 for highway maintenance and construction** in accordance with the FY 06 Chapter 90 local transportation aid, as authorized by a contract with the Commonwealth of Massachusetts executed by the Town on September 6, 2005, funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

**Sponsored by the Board of Selectmen
Finance Committee recommends adoption of this article**

*Upon motion made and duly seconded, it was **VOTED by unanimous voice vote to appropriate the sum of \$257,282 for highway maintenance and construction** in accordance with the FY 06 Chapter 90 local transportation aid, as authorized by a contract with the Commonwealth of Massachusetts executed by the Town on September 6, 2005, funds to be expended under the direction of the Board of Selectmen*

ARTICLE 2. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$3,380 to fund the Town's 5% share of a grant received to replace the Fire Department's vehicle exhaust systems in both stations**, said expenditure contingent upon receipt of the grant award, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

**Sponsored by the Board of Selectmen
Finance Committee recommends adoption of this article**

*Upon motion made and duly seconded, it was **VOTED by unanimous voice vote to transfer from Free Cash, the***

sum of \$3,380 to fund the Town's 5% share of a grant received September 30, 2005, to replace the Fire Department's vehicle exhaust systems in both stations, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 3. To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of **\$6,665 to replace several ladders for the Fire Department and to replace Fire Department gear racks**; said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

**Sponsored by the Board of Selectmen
Finance Committee recommends adoption of this article**

Upon motion made and duly seconded, it was VOTED by unanimous voice vote to raise and appropriate the sum of \$6,665 to replace several ladders for the Fire Department and to replace Fire Department gear racks; said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 4. To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of **\$85,000 to purchase and equip a brush mower for the Department of Public Works**; said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

**Sponsored by the Board of Selectmen
Finance Committee recommends adoption of this article
Capital Budgeting Committee to make recommendation at
Town Meeting**

Upon motion made and duly seconded, it was VOTED by majority voice vote to transfer \$16,342. from Article #13 of the October 24, 2000 Special Town Meeting and \$450 from Article #7 of the May 14, 2002 Annual Town Meeting and \$15,889 from Article D15 of the October 22, 2002 Special Town Meeting and \$52,319 from Free Cash for a total sum of \$85,000 to purchase and equip a brush mower for the Department of Public Works; said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 5. To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of **\$60,000 to supplement the Fiscal Year 2005**

Overlay Allowance for Abatements and Exemptions; or take any other action thereon.

Sponsored by the Board of Assessors
Finance Committee recommends adoption of this article

Upon motion made and duly seconded, it was **VOTED by unanimous voice vote to transfer from FY 2004 Overlay released by the Assessors the sum of \$60,000 to supplement the Fiscal Year 2005 Overlay Allowance for Abatements and Exemptions. The FY 2005 overlay account available balance remains at \$50,000.00 and the action taken on Article #5 is deemed null and void by the Department of Revenue.*

ARTICLE 6. To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of **\$10,000 to supplement the Fiscal Year 2006 Computer Management Budget;** or take any other action thereon.

Sponsored by the Board of Selectmen
Finance Committee recommends adoption of this article

*Upon motion made and duly seconded, it was **VOTED by unanimous voice vote to raise and appropriate the sum of \$10,000 to supplement the Fiscal Year 2006 Computer Management Budget.***

ARTICLE 7. To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of **\$30,000 to supplement the Fiscal Year 2006 Gas and Oil Depot Budget;** or take any other action thereon.

Sponsored by the Board of Selectmen
Finance Committee recommends adoption of this article

*Upon motion made and duly seconded, it was **VOTED by unanimous voice vote to raise and appropriate the sum of \$30,000 to supplement the Fiscal Year 2006 Gas and Oil Depot Budget.***

ARTICLE 8. To see if the Town will vote to **authorize the Selectmen to enter into a contract for up to ten years for the maintenance and operation of the Town Beach on Stiles Pond,** or take any other action thereon.

Sponsored by the Board of Selectmen

*Upon motion made and duly seconded, it was **VOTED by greater than 2/3 majority voice vote to authorize the Selectmen to enter into a contract for up to ten years for the maintenance and operation of the Town Beach on Stiles Pond.***

ARTICLE 9. To see if the Town will vote to instruct its representatives to the General Court to file a **home rule petition to exempt Boxford from only that portion of the provisions of Massachusetts General Laws, Chapter 41, Section 97 limiting Police Officer appointments to three year terms and in lieu thereof permit the Boxford Selectmen to appoint full time officers, upon successful completion of probation, without a designation of term;** the General Court may make clerical or editorial changes of form only to the bill unless the Boxford Board of Selectmen approves amendments to the bill before enactment by the General Court and the Boxford Board of Selectmen are herein authorized to approve any such amendments which shall be within the scope of the general public objectives of this petition, or take any other action thereon.

Sponsored by the Board of Selectmen

*Upon motion made and duly seconded, it was **VOTED by majority voice vote to instruct our representatives to the General Court to file a home rule petition to exempt Boxford from only that portion of the provisions of Massachusetts General Laws, Chapter 41, Section 97 limiting Police Officer appointments to three year terms and in lieu thereof permit the Boxford Selectmen to appoint full time officers, upon successful completion of probation, without a designation of term;** the General Court may make clerical or editorial changes of form only to the bill unless the Boxford Board of Selectmen approves amendments to the bill before enactment by the General Court and the Boxford Board of Selectmen are herein authorized to approve any such amendments which shall be within the scope of the general public objectives of this petition.*

ARTICLE 10. To see if the Town will vote to **amend its Wetlands Protection Bylaw, Chapter 192-5(D)(1)(b) to delete existing language and replace with the following: “(b) The application is for a utility project within an established utility or road right-of-way, and providing written notice to individual abutters would be impractical due to the large number of potential abutters”,** or take any other action thereon.

Sponsored by the Conservation Commission

Upon motion made and duly seconded, Article 10 was DEFEATED by majority voice vote.

ARTICLE 11. To see if the Town will vote to amend its Zoning Bylaw, § 196-13C dealing with Accessory Buildings, to add the phrase, "Subject to the granting of a Special Permit by the Board of Appeals as provided in Article X." at the beginning of the section so that the first line of the section will state, "Subject to the granting of the Special Permit by the Board of Appeals as provided in Article X, accessory apartments in residential districts."; or to take any other action thereon.

Sponsored by the Zoning Board of Appeals

Upon motion made and duly seconded, it was VOTED to PASS OVER Article 11.

ARTICLE 12. To see if the Town will vote to amend its Zoning Bylaw, **ARTICLE VI § 196-22 Wireless Communications Services District**, by deleting subsections "C (5)", "C (6)" and "C (9)"; by amending subsections "B (1)" "C (1)", "C (4)", "C (7)", "C (10)" and "C (17)"; and re-numbering as required; changes shown as follows (new language shown in bold and deleted language shown with strikethrough):

"B. Description of areas included in the Wireless Communications Services District.

(1) ~~The Wireless Communications Services District shall include all land located in an O Official or Open Space District, B 2 General and Highway Business District and M Manufacturing or Industrial District.~~ Wireless communications services and the construction of towers shall be located as permitted by the Zoning Board of Appeals.

C. 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 Article X, subject to site plan review and approval as set forth herein at §196-30, subject to the following conditions:

(1) The only wireless communication facilities allowed are freestanding monopoles, with associated antenna and/or panels **to be installed internally within the monopole.**

(4) New facilities shall be considered by the Zoning Board of Appeals only upon a finding by the Zoning Board of Appeals that the ~~existing or approved facilities cannot accommodate the wireless communications equipment planned for the proposed facility.~~ **equipment planned for**

the proposed facility cannot be accommodated on any existing or already approved facilities.

~~(5) In no event shall any facility be located closer than two miles to any other such facility.~~

~~(6) No facility or attached accessory antenna shall exceed 120 feet in height as measured from the mean finished ground level at the base of the facility.~~

(7) All facilities shall be designed to be constructed at the minimum height necessary to accommodate the anticipated **present** and future use **but in no event to exceed 120 feet in height as measured from the mean finished ground level at the base of the facility.**

~~(9) A facility shall not be erected nearer to a residential lot line than 500 feet.~~

(10) 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~~ **or** the structure on which they are located. The coloring scheme of the pole shall be at the discretion of the Board of Appeals based upon information provided during the public hearing.

(17) To the extent technologically feasible, all network interconnections from the facility shall be via **underground** landlines.”

or to take any other action thereon.

Sponsored by the Planning Board

*Upon motion made and duly seconded, it was **VOTED by a greater than 2/3 hand count(131 in favor and 49 opposed) to amend the Town's Zoning Bylaw, ARTICLE VI § 196-22 Wireless Communications Services District, to read as follows;***

- B. Description of areas included in the Wireless Communications Services District.
Wireless communications services and the construction of towers shall be located as permitted by the Zoning Board of Appeals.
- C. 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 Article X,

subject to site plan review and approval as set forth herein at §196-30, subject to the following conditions:

- (1) The only wireless communication facilities allowed are freestanding monopoles, with associated antenna and/or panels to be installed internally within the monopole.
- (2) New facilities shall be considered by the Zoning Board of Appeals only upon a finding by the Zoning Board of Appeals that the equipment planned for the proposed facility cannot be accommodated on any existing or already approved facilities.
- (3) All facilities shall be designed to be constructed at the minimum height necessary to accommodate the anticipated present and future use but in no event to exceed 120 feet in height as measured from the mean finished ground level at the base of the facility.
- (4) 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 or the structure on which they are located. The coloring scheme of the pole shall be at the discretion of the Board of Appeals based upon information provided during the public hearing.
- (5) To the extent technologically feasible, all network interconnections from the facility shall be via underground landlines."

ARTICLE 13. To see if the Town will vote **to amend its Zoning Bylaw** by inserting the following new section:

“§ 196-29. Driveways.

A. Driveways for detached single-family houses – shall comply with the following:

1. Layouts and configurations shall avoid excessive curves and slopes to provide optimal safety.
2. To the extent possible, the driveway apron shall be aligned at ninety degrees (90°) to the paved public way and with a tangent section twenty four feet (24') long, to the extent possible.
3. All driveway locations, layouts, proposed slopes, drainage and associated improvements, shall be shown on a plan, stamped by a licensed architect, professional engineer, or land surveyor, submitted to the building inspector with the building permit application plans, and shall be reviewed and approved by the Inspector of Buildings, Planning Board Administrator, Fire and Police Chiefs, and the Superintendent of the Department of Public Works (DPW).

B. Individual driveways shall meet the following standards:

1. All driveways shall have a finished width no less than nine feet (9').
2. Maximum slopes (measured along the centerline) – 12% at any point; except the first 25' in from the paved portion of the public way shall have a maximum slope of 3%; slopes over 12% shall require a special permit from the Zoning Board of Appeals. Any slopes over 8% shall be paved.
3. The volume of post-development runoff shall not exceed the volume of pre-development runoff.
4. The DPW Superintendent and Fire Chief may advise the Building Inspector to impose other conditions at their discretion to ensure safe access to the public way and to prevent any damage or dangerous situation(s) because of drainage, icing, etc. onto public roads.

C. Shared Driveway Standards – shall conform to all the regulations as set forth in Subsections B(1) through (4), hereof and § 196-13B (11)(m), plus the following:

1. The shared driveway shall have a finished width no less than twelve feet (12') plus a one foot (1') shoulder on either side.”

or to take any other action thereon.

Sponsored by the Planning Board and Fire Chief

Upon motion made and duly seconded, the motion to amend section “A. Driveways for detached single family houses” was withdrawn by the amender.

*Upon motion made and duly seconded, the motion to amend section “B (2) by adding the words before 12% (to the extent possible) and add after the word except(to the extent possible)was **DEFEATED** by majority voice vote.*

Upon motion made and duly seconded, a call for vote on the main motion was voted by majority voice vote.

*Upon motion made and duly seconded, it was **VOTED** by hand count of **98** in favor and **88** opposed to **DEFEAT** Article 13. A two-thirds favorable vote is required.*

ARTICLE 14. To see if the Town will vote to expend \$1,000,000 to purchase and \$25,000 in closing and legal expenses for a total of **\$1,025,000 to acquire** a certain parcel of land known as **the Pearl Land located off Barker Road** consisting of 97± acres of land, more or less, said parcel shown as a portion of Map 1, Block 1, Lot 2 on the records of the Boxford Assessors, as shown on a plan on file with the Town Clerk, and further described by deed dated February 13, 2001, and recorded with the Essex South District Registry of Deeds at Book 16897, Page 148; and to authorize the Board of Selectmen to accept a deed of a

fee simple or lesser interest in said parcel together with all flowage and other rights and easements and subject to all well rights and easements and to fund necessary expenses related to the purchase; that said land be conveyed to the town as a Community Housing Resources Purchase under Massachusetts General Laws Chapter 44B as it may hereafter be amended, said land to be managed and controlled by the Board of Selectmen; said purchase to be funded by **an appropriation of \$159,000 from the Community Housing Resources Reserve and \$866,000 from the undesignated balance of the Community Preservation Fund**; and that the Board of Selectmen be authorized to convey , in perpetuity, a deed restriction in accordance with Massachusetts General Laws Chapter 44B §12 and Chapter 184 §§ 31-33 and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Boxford to affect said purchase; or take any other action thereon.

Sponsored by the Land Committee and Housing Partnership Committee
Finance Committee to make recommendation at Town Meeting
Capital Budgeting Committee to make recommendation at Town Meeting
Community Preservation Committee to make recommendation at Town Meeting*

** NOTE: Massachusetts General Laws requires the expenditure of Community Preservation Funds be recommended to Town Meeting by the Community Preservation Committee (CPC). Should the CPC not make a positive recommendation, this article will be passed over.*

Upon motion made and duly seconded, it was VOTED by unanimous voice vote to PASSOVER Article 14.

ARTICLE 15. To see if the Town will vote to **accept the gift of a 26' wide strip of land from the Falk Family** adjacent to the East Boxford Library consisting of 7,040 square feet of land, more or less, said parcel shown as "Parcel A" on a plan of land entitled "Plan of Land in Boxford, MA Property of Town of Boxford and Holten E. Falk, Bradford R. Falk & Jeffery Falk, scale 1'=30", May 10, 2004, Donohoe and Parkhurst, Inc."; said plan on file with the Town Clerk, and to authorize the Board of Selectmen to accept a deed of a fee simple or lesser interest in said parcel together with all flowage and other rights and easements and subject to all well rights and easements and that the Board of Selectmen be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Boxford to affect said gift; or take any other action thereon.

Sponsored by the Trustees of the Boxford Libraries
Finance Committee to make recommendation at Town Meeting

*Upon motion made and duly seconded, it was **VOTED** by a greater than two-thirds vote to accept Article 15(gift of land from the Falk Family).*

NOTE: At this time, we anticipate that **Article 16** will be offered as a “contingent appropriation”. This means that although the debt appropriation for the article could be approved at the Special Town Meeting, that appropriation would be fully contingent upon successful passage of a Proposition 2 1/2 override ballot question. Should the override question fail, the appropriation would be rendered null and void.

ARTICLE 16. To see if the Town will vote to borrow, raise and appropriate, or transfer from available funds, the sum of \$700,000 for the payment of costs of architectural services for plans and specifications associated with the Board of Library Trustees' project to renovate the existing Main Library at 10 Elm Street in Boxford Village, and for the payment of any and all other costs incidental and related thereto, any such funds to be expended under the direction of the Board of Library Trustees, or to take any other action thereon.

**Sponsored by the Trustees of the Boxford Libraries
Finance Committee does not recommend adoption of this article
Capital Budget Committee to make recommendation at Town Meeting
Selectmen do not support this article**

*Upon a motion made and duly seconded, the motion to refine the concept as a smaller scale library was **DEFEATED** by majority voice vote.*

*Upon a motion made and duly seconded, the motion to raise and appropriate the sum of fifty-thousand dollars was **DEFEATED** by a majority voice vote.*

*Upon a motion made and duly seconded, the motion to change the funding source from free cash to borrow with authorization of the Treasurer with the approval of the Selectmen was **PASSED** by majority vote (97 in favor and 86 opposed).*

*Upon motion made and duly seconded, it was **VOTED** by hand count of 76 in favor and 109 opposed to **DEFEAT** Article 16 to **BORROW** with the authorization of the Treasurer with the approval of the Selectmen the sum of fifty-thousand-dollars for the payment of costs of architectural design*

services associated with the Board of Library Trustees' project to expand and/or renovate the Main Library at 10 Elm Street in Boxford Village, and for the payment of any and all other costs incidental and related thereto, any such funds to be expended under the direction of the Board of Library Trustees."

ARTICLE 17. To transact any other business to legally come before this meeting. Upon motion made and duly seconded, it was **VOTED unanimous voice vote** to dissolve Special Town Meeting at 11:30 pm. 240 registered voters attended this Special Town Meeting. **Counters and checkers for Special Town Meeting were appointed by Town Clerk, Patricia Shields.**

A True record.

ATTEST:


Patricia Shields