

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES, MAY 9, 2006

Voters of the Town of Boxford met at the **Masconomet Regional High School** on **Tuesday, May 9, 2006.**

Before starting Annual Town Meeting awards were given honoring two outstanding residents. **Moderator Gerald Johnston** awarded to **Jane Coe** the “**Good Citizen Award**” for many years of volunteer service to the Town of Boxford and **Robert Was** awarded to **Nancy Merrill** “**The Citizen of the Year Award**” from the Boxford, Topsfield and Middleton Rotary for leadership that crossed town lines.

On a more somber note **Moderator Gerald Johnston** dedicated the baseball field at Stiles Pond Beach to be named “**The Keith R. Koster Park**” in memory of **Keith R. Koster**. A young man who spent many summers working at this beach; your memory will live on.

Boxford’s Annual Town Meeting was called to order at 7:40 pm.

The articles of the warrant were disposed of as follows:

ARTICLE 1. To receive and place on file the reports of the Town Officers and Committees without ratification of any action taken or authorization of any action proposed; or take any other action thereon.

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

ARTICLE 2. To see if the Town will authorize the establishment of the following **revolving accounts** as authorized by Chapter 44, § 53E½ of the Massachusetts General Laws, contingent upon an annual report to the Town on the total receipts and expenditures of each account for each fiscal year:

1) **Recycling Revolving Account** under the direction of the Board of Health and used for the deposit of receipts and fees collected on recyclable materials; said recyclable materials to be determined by a joint vote of the Board of Health and Recycling Committee and to be in compliance with all state health regulations; and, further, to allow the Board of Health, or the Recycling Committee, with the approval of the Board of Health, to expend funds not to exceed **\$25,000** for Fiscal Year 2007 from said account for the operation and maintenance of the Town Recycling Center;

2) **Printing Revolving Account** under the direction of the Board of Selectmen and used for the deposit of receipts and fees collected on the sale of printed official documents as

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required by law by several of the elected and appointed committees, commissions, and boards as well as legal advertisements which are reimbursed to the Town; and further to allow the Board of Selectmen to expend funds not to exceed \$10,000 for Fiscal Year 2007 from said account for the costs to the Town for printing supplies, equipment and reimbursable advertising;

3) **Library Photocopy Machine Revolving Account** under the direction of the Board of Library Trustees and used for the deposit of receipts collected through public use of the photocopy machines at both the Boxford Village and West Boxford libraries; and further to allow the Board of Library Trustees to expend fees not to exceed \$5,000 for fiscal year 2007 from said account for ongoing supplies and maintenance of the copy machines, and purchase of other library supplies;

4) **Conservation Revolving Fund** under the direction of the Conservation Commission and used for the deposit of receipts collected through fees, including fees collected from applications related to the Town of Boxford Wetlands Protection Bylaw, by direction of the Conservation Commission and further to allow the Conservation Commission, with the written approval of the Selectmen, to expend fees not to exceed \$50,000 for fiscal year 2007 from said account for management of land under Conservation Commission control, and for other Conservation Commission expenses approved by a majority of the Commission;

5) **Highway Safety Revolving Account** under the direction of the Board Selectmen and used for the deposit of receipts collected through fines assessed against commercial motor vehicles by the Commercial Vehicle Enforcement Unit; and further to allow the Board of Selectmen to expend fees not to exceed \$10,000 for fiscal year 2007 from said account for the purchase and maintenance of equipment related to highway safety;

6) **Council on Aging Transportation Revolving Account** under the direction of the Council on Aging and used for the deposit of receipts collected through fees collected from users of the Council's transportation equipment; and further to allow the Board of Selectmen to expend fees not to exceed \$10,000 for fiscal year 2007 from said account for the maintenance of the Council's transportation equipment and other related expenses including driver compensation as may be approved by a majority of the Council on Aging;

or take any other action thereon.

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

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*Upon a motion made and duly seconded, it was **VOTED** by unanimous voice vote to authorize the establishment of the revolving accounts as printed in Article 2 of the Warrant as authorized by Chapter 44, § 53E½ of the Massachusetts General Laws, contingent upon an annual report to the Town on the total receipts and expenditures of each account for each fiscal year.*

ARTICLE 3. To see if the Town will vote to adopt the **Classification Plan and Compensation Plan** for FY 2007, as submitted by the Personnel Board under Chapter 23 of the Town Code; said Classification Plan and Compensation Plan as printed on page 23 of this warrant; or take any other action thereon.

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

Amendment to Article 3 to adopt the Classification Plan and Compensation Plan for FY 2007, as submitted by the Personnel Board under Chapter 23 of the Town Code; and compensation plan as printed on page we of this warrant line item #3 Administrative Assistant \$20.40 was **DEFEATED** by majority voice vote.

*Upon a motion made and duly seconded, it was **VOTED** by majority voice vote to adopt the **Classification Plan and Compensation Plan** for FY 2007, as submitted by the Personnel Board under Chapter 23 of the Town Code; said Classification Plan and Compensation Plan as printed on page 23 of this warrant.*

ARTICLE 4. To **act on the proposed budget** and see what sums of money the Town will vote to raise and appropriate, or transfer from available funds, for the use of several departments for fiscal year 2007, to wit: General Government, Finance, Public Safety, Education, Town Maintenance, Health & Human Services, Culture & Recreation, Insurance & Pensions, and all other necessary proper expenses during said fiscal year; and authorize expenditure of these funds under the direction of the appropriate listed department; or take any other action thereon.

Sponsored by the Finance Committee
Estimate: \$ 23,803,803.00
Finance Committee recommends adoption of this article

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The proposed budget is printed on pages 24 and 25 of this warrant

Amendment to Article #4 section VIII Insurance & Pensions line "General Insurance" to temporarily withhold disbursement of \$225,000 to the finance committee reserve until the Town's Chief Procurement Officer has solicited and received three additional quotations for property and casualty insurance comparable to those policies now in force was **DEFEATED by majority show of hands.**

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to raise the sum of \$23,790,232 and transfer \$13,571 from the "Receipts Reserved for Appropriation – Septic Loan Program," for a total appropriation of \$23,803,803, for the use of several departments for fiscal year 2007, to wit: General Government, Finance, Public Safety, Education, Town Maintenance, Health & Human Services, Culture & Recreation, Insurance & Pensions, and all other necessary proper expenses during said fiscal year as printed in the Warrant on pages 24 and 25; and authorize expenditure of these funds under the direction of the appropriate listed department.

NOTE: At this time, we anticipate that **Article 5** will be offered as a "contingent appropriation." This means that although the appropriation could be approved at the Annual Town Meeting, that appropriation would be fully contingent upon successful passage of the related Proposition 2½ ballot question. Should the override question fail, the appropriation would be rendered null and void.

ARTICLE 5. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$66,480 for the purpose of additionally funding the Fiscal Year 2007 Elementary School Budget** for the fiscal year beginning July 1, 2006, provided that the amount authorized herein shall be contingent upon the vote at the Town election to assess additional real estate and personal property taxes in accordance with the provisions of Proposition 2 ½, so called; or take any other action thereon.

**Sponsored by the Elementary School Committee
Finance Committee recommends adoption of this article**

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Upon a motion made and duly seconded, it was VOTED by a majority voice vote to raise and appropriate the sum of \$66,480 for the purpose of additionally funding the Fiscal Year 2007 Elementary School Budget for the fiscal year beginning July 1, 2006, provided that the amount authorized herein shall be contingent upon the vote at the Town election to assess additional real estate and personal property taxes in accordance with the provisions of Proposition 2 ½, so called.

ARTICLE 6. To act on the list of proposed capital purchases for FY 2007 and see what sums of money the Town will vote to raise and appropriate, or transfer from available funds, for the use of several departments for fiscal year 2007, and authorize expenditure of these funds under the direction of the appropriate listed department; or take any other action thereon.

Sponsored by the Board of Selectmen

Estimate: \$ 198,500.

Finance Committee recommends adoption of this article

Capital Budget Committee Recommendation as noted

The proposed capital budget is printed on page 26 of this warrant.

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to transfer from Free Cash the sum of \$198,500 to fund the list of proposed capital purchases for FY 2007 as shown on page 26 of this warrant, for the use of several departments for fiscal year 2007, and authorize expenditure of these funds under the direction of the appropriate listed department

ARTICLE 7. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$14,530 to replace and upgrade computers in the Boxford Public Libraries, said funds to be expended under the direction of the Board of Trustees of the Boxford Town Library; or take any other action thereon.

Sponsored by the Board of Trustees of the Boxford Town Library

Finance Committee recommends adoption of this article

Capital Budget Committee recommends adoption of this article

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Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to transfer from Free Cash the sum of \$9,530 to replace and upgrade computers in the Boxford Public Libraries, said funds to be expended under the direction of the Board of Trustees of the Boxford Town Library.

ARTICLE 8. To see if the Town will vote to set the **annual curbside solid waste collection fee** at **\$2.50** per 32-gallon bag or container (each use); or take any other action thereon.

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

Amendment to Article #8 to retain the annual curbside solid waste collection fee at \$2.00 per 32-gallon bag or container (each bag) **was DEFEATED by a majority voice vote.**

*Upon a motion made and duly seconded, it was VOTED by majority voice vote to set the **annual curbside solid waste collection fee** at **\$2.50** per 32-gallon bag or container (each use).*

ARTICLE 9: To see if the Town will vote to have the Town **re-join the Essex County Mosquito Control District** as the District was set up under the provisions of Chapter 516 of the Acts of 1958; and to authorize the Selectmen to take any actions necessary on behalf of the Town to reinstate membership in the Essex County Mosquito Control District; said membership to be funded through a charge to the Town by the Commonwealth of Massachusetts of **\$67,904** in FY 2007, as estimated by the Department of Revenue, Division of Local Services, or take any other action thereon.

Sponsored by the Board of Health
Finance Committee does not recommend adoption of this article
Board of Selectmen does not recommend adoption of this article

*Upon a motion made and duly seconded, it was VOTED by majority hand count (Favor 147 Opposed 83) to **re-join the Northeastern Mosquito Control District** as the District was set up under the provisions of Chapter 516 of the Acts of 1958; and to authorize the Board of Health to take any actions necessary on behalf of the Town to reinstate membership in the Northeastern Mosquito Control District; said membership to be funded*

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through a charge to the Town by the Commonwealth of Massachusetts of \$67,904 in FY 2007, as estimated by the Department of Revenue, Division of Local Services.

ARTICLE 10. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$20,000** to add to the **Stabilization Fund**, or take any other action thereon.

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

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to transfer from Free Cash the sum of \$20,000 to add to the Stabilization Fund.

ARTICLE 11. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$10,000** to replenish the **Town Insurance Fund**, 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 a motion made and duly seconded, it was VOTED by majority voice vote to transfer from Free Cash the sum of \$10,000 to replenish the Town Insurance Fund, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 12. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$10,000** to replenish the **Town Compensated Absence Fund**, 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

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*Upon a motion made and duly seconded, it was **VOTED by majority voice** to transfer from Free Cash the sum of \$10,000 to replenish the **Town Compensated Absence Fund**, said funds to be expended under the direction of the Board of Selectmen.*

ARTICLE 13. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$75,000 to fund the **Finance Committee Reserve Fund**, said funds to be expended under the direction of the Finance Committee; or take any other action thereon.

Sponsored by the Finance Committee

*Upon a motion made and duly seconded, it was **VOTED by unanimous voice** to transfer from Free Cash the sum of \$75,000 to fund the **Finance Committee Reserve Fund**, said funds to be expended under the direction of the Finance Committee.*

ARTICLE 14. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$2,000 for the purpose of participation in the **Help for Abused Women and their Children (HAWC) program**, 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 a motion made and duly seconded, it was **VOTED by unanimous voice** to transfer from Free Cash the sum of \$2,000 for the purpose of participation in the **Help for Abused Women and their Children (HAWC) program**, said funds to be expended under the direction of the Board of Selectmen.*

ARTICLE 15. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$26,542 for fiscal year 2007 for the **support of the Tri-Town Council on Youth and Family Services, Inc.**, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

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

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Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to transfer from Free Cash the sum of \$26,542 for fiscal year 2007 for the support of the Tri-Town Council on Youth and Family Services, Inc., said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 16. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$25,000** to partially fund the expected legal fees, expert fees, environmental studies, environmental remediation, trial costs, and any other expenses related to the defense of the town in the pending lawsuit, **Jeffrey A. Walker and Pamela A. Walker v. Town of Boxford and Full Circle Construction, Essex Superior Court, C.A. No. 01-1687A**, said funds to be spent 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 a motion made and duly seconded, it was VOTED by unanimous voice vote to transfer from Free Cash the sum of \$25,000 to partially fund the expected legal fees, expert fees, environmental studies, environmental remediation, trial costs, and any other expenses related to the defense of the town in the pending lawsuit, Jeffrey A. Walker and Pamela A. Walker v. Town of Boxford and Full Circle Construction, Essex Superior Court, C.A. No. 01-1687A, said funds to be spent under the direction of the Board of Selectmen.

ARTICLE 17. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$10,000** to replenish the **Town Unemployment Fund**, 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 a motion made and duly seconded, it was VOTED by unanimous voice vote to transfer from Free Cash the sum of \$10,000 to replenish the Town Unemployment Fund, said funds to be expended under the direction of the Board of Selectmen.

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ARTICLE 18. To see if the town will vote to raise and appropriate, or transfer from available funds the sum of **\$3,000** to partially fund the **Boxford Cultural Arts Council**, said funds to be expended under the direction of the Boxford Cultural Arts Council; or take any other action thereon.

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

*Upon a motion made and duly seconded, it was **VOTED** by majority voice vote to transfer from Free Cash the sum of **\$3,000** to partially fund the **Boxford Cultural Arts Council**, said funds to be expended under the direction of the Boxford Cultural Arts Council.*

ARTICLE 19. To see if the Town will vote to appropriate or reserve from the **Community Preservation Fund** annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, debt service, community preservation projects and other expenses in fiscal year 2007, with each item to be considered a separate appropriation:

Appropriations:

From FY 2007 estimated revenues for Sawyer-Richardson Open Space Bond expense	\$260,156
From FY 2007 estimated revenues for Committee Administrative Expenses	\$ 45,000

Reserves:

From FY 2007 estimated revenues for Historic Resources Reserve	\$ 90,000
From FY 2007 estimated revenues for Community Housing Reserve	\$ 90,000

Or take any other action thereon.

**Sponsored by the Community Preservation Committee
Finance Committee recommends adoption of this article**

*Upon a motion made and duly seconded, it was **VOTED** by majority voice vote to appropriate or reserve from the **Community Preservation Fund** annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, debt service, community preservation projects and other expenses in fiscal year 2007, with each item to be considered a separate appropriation:*

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Appropriations:

From FY 2007 estimated revenues for Sawyer-Richardson Open Space Bond expense
\$260,156

From FY 2007 estimated revenues for Committee Administrative Expenses
45,000

Reserves:

From FY 2007 estimated revenues for Historic Resources Reserve
\$90,000

From FY 2007 estimated revenues for Community Housing Reserve
\$90,000

ARTICLE 20. To see if the Town will vote to appropriate **\$58,000** from the Undesignated Community Preservation Fund balance **to fund the Conservation Commission's project to help preserve conservation land in Boxford for passive recreational use**; said projects include, but are not limited to, the preservation of existing trails and access, the preservation of landscape scenic vistas, and the protection of conservation land through improved trail insignia and documentation said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored by the Community Preservation Committee
Finance Committee recommends adoption of this article
Capital Budget Committee Recommendation: "B" High Priority

Upon a motion made and duly seconded, it was VOTED by majority voice vote to appropriate \$58,000 from the Undesignated Community Preservation Fund balance to fund the Conservation Commission's project to help preserve conservation land in Boxford for passive recreational use; said projects include, but are not limited to, the preservation of existing trails and access, the preservation of landscape scenic vistas, and the protection of conservation land through improved trail insignia and documentation said funds to be expended under the direction of the Community Preservation Committee.

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ARTICLE 21. To see if the Town will vote to appropriate \$35,000 from the Undesignated Community Preservation Fund balance **to complete the funding of the Recreation Committee's creation of two new public tennis courts in place of the old ones at the Police Station, and the creation of a new ball field in place of the old at Spofford Pond School, including the installation of an irrigation system to preserve said field as authorized by Article 20 of the May 10, 2005 Annual Town Meeting;** said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

**Sponsored by the Community Preservation Committee
Finance Committee recommends adoption of this article
Capital Budgeting Committee recommends adoption of this article**

Upon a motion made and duly seconded, it was VOTED by majority voice vote to appropriate \$35,000 from the Undesignated Community Preservation Fund balance to complete the funding of the Recreation Committee's creation of two new public tennis courts in place of the old ones at the Police Station, and the creation of a new ball field in place of the old at Spofford Pond School, including the installation of an irrigation system to preserve said field as authorized by Article 20 of the May 10, 2005 Annual Town Meeting; said funds to be expended under the direction of the Community Preservation Committee.

ARTICLE 22. To see if the Town will vote to appropriate \$27,500 from the Undesignated Community Preservation Fund balance **to fund Phase I of the Recreation Committee's Borders to Boston/North Recreational Trail study for the purpose of performing due diligence in the form of title investigation, review and other developmental activities associated with the Boxford section of the former Newburyport Branch right of way;** said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

**Sponsored by the Community Preservation Committee
Finance Committee recommends adoption of this article**

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*Upon a motion made and duly seconded it was **VOTED** by majority voice vote to appropriate \$27,500 from the Undesignated Community Preservation Fund balance to fund Phase I of the Recreation Committee's Borders to Boston/North Recreational Trail study for the purpose of performing due diligence in the form of title investigation, review and other developmental activities associated with the Boxford section of the former Newburyport Branch right of way; said funds to be expended under the direction of the Community Preservation Committee.*

Moderator Gerald Johnston adjourned the first night of Annual Town Meeting till Wednesday May 10, 2006 at 7:00 pm. **The count of register voters attending were 326.**

On **Wednesday May 10, 2006** at 7:17 pm **Moderator Gerald Johnston** called Annual Town Meeting in session.

ARTICLE 23. To see if the Town will vote to appropriate **\$32,000** from the Historic Resources Reserve of the Community Preservation Fund to fund the **Council on Aging's rehabilitation projects at the historic Boxford Community Center including architectural and other developmental activities for ADA compliance and to complete funding for the rehabilitation of the air conditioning, ventilation and electrical systems as authorized by Article 19 of the May 10, 2005 Annual Town Meeting;** said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

**Sponsored by the Community Preservation Committee
Finance Committee recommends adoption of this article
Capital Budget Committee Recommendation: "B" High Priority**

*Upon a motion made and duly seconded, it was **VOTED** by unanimous voice vote to appropriate \$32,000 from the Historic Resources Reserve of the Community Preservation Fund to fund the Council on Aging's rehabilitation projects at the historic Boxford Community Center including architectural and other developmental activities for ADA compliance and to complete funding for the rehabilitation of the air conditioning, ventilation and electrical systems as authorized by Article 19 of the May 10, 2005 Annual Town Meeting; said funds to be expended under the direction of the Community Preservation Committee.*

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ARTICLE 24. To see if the Town will vote to appropriate \$9,430 from the Historic Resources Reserve of the Community Preservation Fund **to fund the Boxford Historic Document Center's preservation of historic records by the purchase of a new microfilm reader/printer for public access to said historic records;** said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

**Sponsored by the Community Preservation Committee
Finance Committee recommends adoption of this article**

Upon a motion made and duly seconded it was VOTED by majority voice vote to appropriate \$9,430 from the Historic Resources Reserve of the Community Preservation Fund to fund the Boxford Historic Document Center's preservation of historic records by the purchase of a new microfilm reader/printer for public access to said historic records; said funds to be expended under the direction of the Community Preservation Committee.

ARTICLE 25. To see if the Town will vote to appropriate \$6,295 from the Historic Resources Reserve of the Community Preservation Fund **to partially fund the Boxford Elementary School Committee's project to preserve the historic Aaron Wood School building by replacing the steam boiler;** said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

**Sponsored by the Community Preservation Committee
Finance Committee recommends adoption of this article
Capital Budgeting Committee Recommendation: "A" Essential**

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*Upon a motion made and duly seconded it was **VOTED** by majority voice vote to appropriate \$6,295 from the Historic Resources Reserve of the Community Preservation Fund to partially fund the **Boxford Elementary School Committee's project to preserve the historic Aaron Wood School building by replacing the steam boiler; said funds to be expended under the direction of the Community Preservation Committee.***

ARTICLE 26. To see if the Town will vote to appropriate \$53,500 from the Historic Resources Reserve of the Community Preservation Fund to fund Phase I of the **Boxford Town Clerk's project for preservation of historic town records by restoring, preserving and microfilming said town records, including a computerized document management system; said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.**

**Sponsored by the Community Preservation Committee
Finance Committee recommends adoption of this article
Capital Budgeting Committee Recommendation: "A" Essential**

*Upon a motion made and duly seconded it was **VOTED** by unanimous voice vote to appropriate \$53,500 from the Historic Resources Reserve of the Community Preservation Fund to fund Phase I of the **Boxford Town Clerk's project for preservation of historic town records by restoring, preserving and microfilming said town records, including a computerized document management system; said funds to be expended under the direction of the Community Preservation Committee.***

ARTICLE 27: To see if the Town will vote to appropriate \$35,000 in debt acquisition and legal costs, \$3,000,000 in land purchase expense, for a total appropriation of \$3,035,000 to enable the Town of Boxford to acquire for Open Space and Conservation purposes, and to accept the deed to the town of fee simple interest or less, two parcels of land on Main Street, West Boxford, Essex County, Massachusetts, being a portion of the property known as Anvil Farm, the first parcel identified as "Lot A" on a plan of land prepared for Facella Realty & Investments Company, Inc., Scale: 1" = 40', dated July 16, 2004 prepared by Neve-Morin Group, Inc., Engineers & Surveyors, 447 Old Boston Road, Topsfield, MA, consisting of 2.00

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acres, as recorded with the Essex South District Registry of Deeds at Plan Book 379, Plan 87. See also deed recorded with said registry dated August 19, 2004 and recorded at Book 23298, Page 492; and the second parcel identified as a certain parcel of land located in West Boxford, Essex County, Massachusetts comprised of twenty-six (26) acres, more or less, of undeveloped land located on Main Street, Boxford, Massachusetts, as described in deed dated October 13, 2005 and recorded with the Essex South District Registry of Deeds at Book 24964, Page 361, on file with the Town Clerk together with all flowage rights and easements and subject to all well rights and easements; that said land be conveyed to the Town of Boxford under the provisions of Massachusetts General Laws, Chapter 44B and Massachusetts General Laws, Chapter 40 § 8C, as they may hereafter be amended; said land to be managed and controlled by the Boxford Conservation Commission; and that to fund said purchase, the treasurer, with the approval of the Selectmen, be authorized to issue debt in the amount of **\$950,000 to be authorized under Article #37 of the Boxford Annual Town Meeting held May 14, 1997;** and for **\$485,000 to be authorized under the Community Preservation Program** for open space land acquisition and transferred from the Undesignated Community Preservation Fund balance, pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority; and further, to aid in the funding of the purchase of said parcel, **\$1,600,000 to be donated** to and received by the town in a gift fund established for that purpose; said appropriation contingent upon receipt of said donated funds on or before June 30, 2006; and to authorize the Conservation Commission and the Board of Selectmen to receive and accept grants, donations or reimbursements for this purpose, and/or any others in any way connected with the scope of this Article, and that the Town and Conservation Commission and Board of Selectmen be authorized to grant a perpetual agricultural preservation restriction or a perpetual conservation restriction to be held by the Massachusetts Farm Bureau (or another similar group as agreed by the parties), 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 Board of Selectmen, Land Committee, Conservation
Commission and Community Preservation Committee
Finance Committee recommends adoption of this article
Capital Budgeting Committee Recommendation: "B" High Priority**

Note: The total purchase price for these approximately 28 acres is \$3 million of which the Town of Boxford's share is \$1.4 million (private donations and grants to fund the rest).

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*Amendment to Article 27 to add the words in the fifth line after (Open Space) **Sustainable Agriculture or** and add the words in the twenty-sixth line after the words **Boxford Conservation Commission with guidance from the Boxford Agricultural Commission;** was passed by majority voice vote.*

*Upon a motion made and duly seconded it was **VOTED by greater than 2/3 hand count (270 in favor and 19 opposed)** to appropriate \$35,000 in debt acquisition and legal costs, \$3,000,000 in land purchase expense, for a total appropriation of **\$3,035,000** to enable the Town of Boxford to acquire for Open Space **Sustainable Agriculture or Conservation purposes, and to accept the deed to the town of fee simple interest or less, two parcels of land on Main Street, West Boxford, Essex County, Massachusetts, being a portion of the property known as Anvil Farm, the first parcel identified as "Lot A" on a plan of land prepared for Facella Realty & Investments Company, Inc., Scale: 1" = 40', dated July 16, 2004 prepared by Neve-Morin Group, Inc., Engineers & Surveyors, 447 Old Boston Road, Topsfield, MA, consisting of 2.00 acres, as recorded with the Essex South District Registry of Deeds at Plan Book 379, Plan 87. See also deed recorded with said registry dated August 19, 2004 and recorded at Book 23298, Page 492; and the second parcel identified as a certain parcel of land located in West Boxford, Essex County, Massachusetts comprised of twenty-six (26) acres, more or less, of undeveloped land located on Main Street, Boxford, Massachusetts, as described in deed dated October 13, 2005 and recorded with the Essex South District Registry of Deeds at Book 24964, Page 361, on file with the Town Clerk together with all flowage rights and easements and subject to all well rights and easements; that said land be conveyed to the Town of Boxford under the provisions of Massachusetts General Laws, Chapter 44B and Massachusetts General Laws, Chapter 40 § 8C, as they may hereafter be amended; said land to be managed and controlled by the Boxford Conservation Commission with guidance from the Boxford Agricultural Commission;** and that to fund said purchase, the treasurer, with the approval of the Selectmen, be authorized to issue debt in the amount of **\$950,000 to be authorized under Article #37 of the Boxford Annual Town Meeting held May 14, 1997;** and for **\$485,000 to be authorized under the Community Preservation Program** for open space land acquisition and transferred from the Undesignated Community Preservation Fund balance, pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority; and further, to aid in the funding of the purchase of said parcel, **\$1,600,000 to be donated** to and received by the town in a gift fund established for that purpose; said appropriation contingent upon receipt of said donated funds on or before June 30, 2006; and to authorize the Conservation Commission and the*

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Board of Selectmen to receive and accept grants, donations or reimbursements for this purpose, and/or any others in any way connected with the scope of this Article, and that the Town and Conservation Commission and Board of Selectmen be authorized to grant a perpetual agricultural preservation restriction or a perpetual conservation restriction to be held by the Massachusetts Farm Bureau (or another similar group as agreed by the parties), 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.

ARTICLE 28: To see if the Town will vote to **amend its Bylaws and adopt the following notification bylaw that the Town of Boxford is supportive of farming (“Right-to-Farm” Bylaw) as follows:**

Preservation of Open Space and Rural Charm.

The Agricultural Commission Disclosure Notification caused to be published in the Town of Boxford Website, Annual Report, or Town Census.

“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities may occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by recreational and commercial agricultural operations including the ability to access water services for such property under certain circumstances.”

“Buyers or occupants should also note that the Town of Boxford owns extensive parcels of land that may be used for recreational and agricultural purpose. In addition, an extensive trail network on public and private lands exists and connects to most of these Town owned parcels.”

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“The Town of Boxford is supportive of farming, dedicated to the preservation of open space, and ardent in preserving its rural charm for future generations.”

or take any other action thereon.

Sponsored by the Agricultural Commission

Note: The above proposed bylaw was developed in accordance with Town Code § 7-44 which reads, “The [Agricultural] Commission, once appointed, shall develop a work plan and bylaws to guide its activities. Such activities include, but are not limited to...establish[ing] a notification bylaw that the Town of Boxford is supportive of farming...”

*Amendment to Article 28 to add the words in the second paragraph, second line after land (**promotion of sustainable agriculture inclusive of**) passed by majority voice vote.*

*Upon a motion made and duly seconded it was **VOTED** by majority voice vote to amend the Town Bylaws, by inserting a new section, Article XVI § 7-45, and adopt the notification bylaw that the Town of Boxford is supportive of farming (“Right-to-Farm” Bylaw) as follows:*

Preservation of Open Space and Rural Charm.

The Agricultural Commission Disclosure Notification caused to be published in the Town of Boxford Website, Annual Report, or Town Census.

*“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land **promotion of sustainable agriculture inclusive of** the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities may occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by recreational and commercial agricultural operations including the ability to access water services for such property under certain circumstances.”*

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“Buyers or occupants should also note that the Town of Boxford owns extensive parcels of land that may be used for recreational and agricultural purpose. In addition, an extensive trail network on public and private lands exists and connects to most of these Town owned parcels.”

“The Town of Boxford is supportive of farming, dedicated to the preservation of open space, and ardent in preserving its rural charm for future generations.”

Note: The above proposed bylaw was developed in accordance with Town Code § 7-44 which reads, “The [Agricultural] Commission, once appointed, shall develop a work plan and bylaws to guide its activities. Such activities include, but are not limited to...establish[ing] a notification bylaw that the Town of Boxford is supportive of farming...”

ARTICLE 29. To see if the Town will vote to amend its bylaws and insert the following new section in Chapter 132 Peddling and Soliciting; Article I Solicitors as follows:

§ 132-3. Homeowner Right to Privacy

Door to door solicitors shall not approach homes or businesses with posted “no solicitation” signs, and/or those who have pre-registered with the Town of Boxford on a “Do-Not Solicit” address list maintained by the Town for that purpose and distributed to solicitors when permits are obtained in accordance with section 132-1 above. The provisions of this paragraph shall apply only to commercial activities and organizations seeking the solicitation of funds or take any other action thereon.

Sponsored by the Board of Selectmen

A motion was made to call for a vote of Article 29 and was passed by majority voice vote.

Upon a motion made and duly seconded it was VOTED to PASS OVER Article 29 to amend the Town Bylaws and insert a new section in Chapter 132 Peddling and Soliciting; Article I Solicitors as printed in Article #29 of the Warrant.

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ARTICLE 30. To see if the Town will vote to **diminish the number of elected Trustees of the Boxford Town Library from nine members to six members**, said diminution to be implemented over three years as follows: one fewer position open for election in May 2007, one fewer position open for election in May 2008; and one fewer position open for election in May 2009; and to amend the Town bylaws as follows:

ARTICLE V, Board of Library Trustees § 7-7. Election; terms. A Board of Trustees the Boxford Town Library, of nine members, shall be elected from the town at large for three-year overlapping terms of office. Effective May, 2007, the positions open for election shall be diminished by one each year until the membership shall have been diminished to six members.

or take any other action thereon.

Sponsored by the Board of Trustees the Boxford Town Library

Upon a motion made and duly seconded it was VOTED by majority voice vote to diminish the number of elected Trustees of the Boxford Town Library from nine members to six members, said diminution to be implemented over three years as follows: one fewer position open for election in May 2007, one fewer position open for election in May 2008; and one fewer position open for election in May 2009; and to amend the Town bylaws as printed in Article #30 of the Warrant.

ARTICLE 31. To see if the Town will vote to amend its bylaws and insert the following new section:

STORMWATER MANAGEMENT BYLAW

IT IS HEREBY DETERMINED THAT:

Construction Site stormwater runoff and post-construction stormwater discharges may permanently alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, which in turn may increase flooding, stream channel erosion, non-point source pollution, and sediment transport and deposition, and decrease groundwater recharge;

Construction Site stormwater runoff and post-construction stormwater discharges can adversely affect public safety, public and private property, surface water, groundwater resources, drinking water supplies, recreation, aquatic habitats, fish and other aquatic life, property values and other uses of land and water;

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It is in the public interest to regulate Construction Site stormwater runoff and post-construction stormwater discharges in order to minimize the impacts identified above.

PURPOSES

- A) The purpose of this Bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of Construction Site stormwater runoff and post-construction stormwater discharges. This Bylaw seeks to meet these purposes through the following objectives:
1. Establish decision-making processes surrounding Construction Site activities that protect the integrity of the watershed and preserve the health of water resources;
 2. Require that Construction Site activities maintain the post-construction runoff characteristics as equal to or less than the pre-construction runoff characteristics;
 3. Establish minimum Construction Site and post-construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
 4. Encourage the use of nonstructural stormwater management practices or “low-impact development practices”.
 5. Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety;
 6. Establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this Bylaw; and,
 7. Establish administrative procedures and fees for the submission, review, approval or disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.
- B) Nothing in this Bylaw is intended to replace the requirements of the Town of Boxford Wetlands Protection Bylaw or any other Bylaw that may be adopted by the Town of Boxford, or any State or Federal requirement, law, regulation, or policy. Any activity subject to the provisions of this Bylaw must comply with any other applicable Town, State or Federal requirement.

DEFINITIONS

The following definitions shall apply in the interpretation and implementation of this Bylaw. Additional definitions may be adopted by separate regulation:

ALTERATION: Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Examples include but are

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not limited to earthmoving, paving, and modification of existing vegetation.

CONSTRUCTION SITE: Any site where activity is proposed or occurs that involves the alteration of an area of one acre (43,560 square feet) or more during or post-construction, or that will alter less than once acre of land but is part of a larger, common plan of development or sale that will ultimately disturb one acre or more of land. A project with a "limit of disturbance" shown on a plan encompassing an acre or more is a Construction Site.

HOTSPOT: Land uses or activities, without regard to square footage, that have the potential for high stormwater runoff pollutant loadings, including but not limited to auto fueling facilities, fleet storage yards, municipal and commercial parking lots, road salt storage areas and designated snow disposal areas, long-term staging areas for construction or landscaping operations, and commercial outdoor maintenance, storage or loading areas.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56.

NPDES PHASE II REGULATED AREA: The area within Boxford identified by the U.S. Environmental Protection Agency as "Designated MS4 Area" under the National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Program.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

AUTHORITY

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34, and as authorized by the residents of the Town of Boxford at Town Meeting, dated May 9, 2006.

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ADMINISTRATION

- A) The Conservation Commission, shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Conservation Commission may be delegated in writing by the Conservation Commission to its employees or agents.
- B) The Conservation Commission may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), application requirements, procedures and administration of this Stormwater Management Bylaw by majority vote of the Conservation Commission, after conducting a public hearing to receive comments on any proposed rules and regulations, or revisions thereto. Such hearing dates shall be advertised in a newspaper of general local circulation, at least fourteen (14) days prior to the hearing date. Failure by the Conservation Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.
- C) The Conservation Commission may take any of the following actions as a result of an application for a Stormwater Management Permit: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.
- D) A decision by the Conservation Commission made under this Bylaw shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L. Ch 49 § 4.

APPLICABILITY

- A) No person shall perform any activity that alters a Construction Site or Hotspot except as authorized by the Conservation Commission in a Stormwater Management Permit or as otherwise provided in this Bylaw.
- B) The following exemptions apply to the alteration of a Construction Site or Hotspot:
 - 1) Alteration, regardless of square footage, all of which is located outside of the NPDES Phase II Regulated Area and which does not drain to the Boxford municipal separate storm sewer system;
 - 2) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and MGL Chapter 40A Section 3;
 - 3) Stormwater discharges that are authorized under an Order of Conditions issued by the Boxford Conservation Commission pursuant to the Wetlands Protection Act, M.G.L. Ch. 131, s. 40, and where the Order includes findings by the Commission that the discharge complies with the Massachusetts Stormwater Management Policy.
 - 4) Emergency activities necessary to protect public health or safety, so long as all necessary emergency permits or emergency certifications have been or will be obtained; and,

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- 5) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this Bylaw.

ENFORCEMENT

- A) Any person who violates any provision of this Bylaw, Regulation, Order or Permit issued there under, shall be punished by a fine or not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate violation.
- B) As an alternative to criminal prosecution or civil action, the Conservation Commission or its Agent may issue citations under the non-criminal disposition procedures set forth in M.G.L. c. 40, s. 21D, as set forth in Chapter 1 of the General Bylaws of the Town of Boxford. The penalty for the first violation shall be \$100, the penalty for the second violation shall be \$200, and the penalty for the third and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate violation.

SEVERABILITY

The invalidity of any section, provision, paragraph, sentence, or clause of this Bylaw shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued. or take any other action thereon.

Sponsored by Conservation Commission

*Upon motion made and duly seconded it was **VOTED** by unanimous voice vote to allow Conservation Director Ross Povenmire address residents at at this Annual Town Meeting.*

*Upon a motion made and duly seconded the vote to **Passover Article 31** was **DEFEATED** by majority voice vote.*

*Upon a motion made and duly seconded it was **VOTED** by majority voice vote to amend the town bylaws and insert a new Stormwater Management Bylaw as new Chapter 160 in the Code of Boxford, as printed in Article #31 of the Warrant, with the exceptions as follows: in the section entitled **APPLICABILITY**, paragraph B) 1. to insert at the end of that paragraph the words "within the NPDES Phase II regulated area" and in the section **APPLICABILITY**, paragraph B) 2, at the end of that paragraph to strike the words "and MGL Chapter 40A, Section 3."*

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STORMWATER MANAGEMENT BYLAW

IT IS HEREBY DETERMINED THAT:

Construction Site stormwater runoff and post-construction stormwater discharges may permanently alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, which in turn may increase flooding, stream channel erosion, non-point source pollution, and sediment transport and deposition, and decrease groundwater recharge;

Construction Site stormwater runoff and post-construction stormwater discharges can adversely affect public safety, public and private property, surface water, groundwater resources, drinking water supplies, recreation, aquatic habitats, fish and other aquatic life, property values and other uses of land and water;

It is in the public interest to regulate Construction Site stormwater runoff and post-construction stormwater discharges in order to minimize the impacts identified above.

PURPOSES

- A) The purpose of this Bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of Construction Site stormwater runoff and post-construction stormwater discharges. This Bylaw seeks to meet these purposes through the following objectives:
1. Establish decision-making processes surrounding Construction Site activities that protect the integrity of the watershed and preserve the health of water resources;
 2. Require that Construction Site activities maintain the post-construction runoff characteristics as equal to or less than the pre-construction runoff characteristics;
 3. Establish minimum Construction Site and post-construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
 4. Encourage the use of nonstructural stormwater management practices or "low-impact development practices".
 5. Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety;

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6. Establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this Bylaw; and,
 7. Establish administrative procedures and fees for the submission, review, approval or disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.
- B) Nothing in this Bylaw is intended to replace the requirements of the Town of Boxford Wetlands Protection Bylaw or any other Bylaw that may be adopted by the Town of Boxford, or any State or Federal requirement, law, regulation, or policy. Any activity subject to the provisions of this Bylaw must comply with any other applicable Town, State or Federal requirement.

DEFINITIONS

The following definitions shall apply in the interpretation and implementation of this Bylaw. Additional definitions may be adopted by separate regulation:

ALTERATION: Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Examples include but are not limited to earthmoving, paving, and modification of existing vegetation.

CONSTRUCTION SITE: Any site where activity is proposed or occurs that involves the alteration of an area of one acre (43,560 square feet) or more during or post-construction, or that will alter less than once acre of land but is part of a larger, common plan of development or sale that will ultimately disturb one acre or more of land. A project with a "limit of disturbance" shown on a plan encompassing an acre or more is a Construction Site.

HOTSPOT: Land uses or activities, without regard to square footage, that have the potential for high stormwater runoff pollutant loadings, including but not limited to auto fueling facilities, fleet storage yards, municipal and commercial parking lots, road salt storage areas and designated snow disposal areas, long-term staging areas for construction or landscaping operations, and commercial outdoor maintenance, storage or loading areas.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56.

NPDES PHASE II REGULATED AREA: The area within Boxford identified by the U.S. Environmental Protection Agency as "Designated MS4 Area" under the National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Program.

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PERSON: An individual , partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

AUTHORITY

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34, and as authorized by the residents of the Town of Boxford at Town Meeting, dated May 9, 2006.

ADMINISTRATION

- A) The Conservation Commission, shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Conservation Commission may be delegated in writing by the Conservation Commission to its employees or agents.
- B) The Conservation Commission may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), application requirements, procedures and administration of this Stormwater Management Bylaw by majority vote of the Conservation Commission, after conducting a public hearing to receive comments on any proposed rules and regulations, or revisions thereto. Such hearing dates shall be advertised in a newspaper of general local circulation, at least fourteen (14) days prior to the hearing date. Failure by the Conservation Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.
- C) The Conservation Commission may take any of the following actions as a result of an application for a Stormwater Management Permit: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.
- D) A decision by the Conservation Commission made under this Bylaw shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L. Ch 49 § 4.

APPLICABILITY

- A) No person shall perform any activity that alters a Construction Site or Hotspot except as authorized by the Conservation Commission in a Stormwater Management Permit or as otherwise provided in this Bylaw.
- B) The following exemptions apply to the alteration of a Construction Site or Hotspot:

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- 1) Alteration, regardless of square footage, all of which is located outside of the NPDES Phase II Regulated Area and which does not drain to the Boxford municipal separate storm sewer system within the “**NPDES Phase II regulated area**”.
- 2) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04.
- 3) Stormwater discharges that are authorized under an Order of Conditions issued by the Boxford Conservation Commission pursuant to the Wetlands Protection Act, M.G.L. Ch. 131, s. 40, and where the Order includes findings by the Commission that the discharge complies with the Massachusetts Stormwater Management Policy.
- 4) Emergency activities necessary to protect public health or safety, so long as all necessary emergency permits or emergency certifications have been or will be obtained; and,
- 5) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this Bylaw.

ENFORCEMENT

- A) Any person who violates any provision of this Bylaw, Regulation, Order or Permit issued there under, shall be punished by a fine or not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate violation.
- B) As an alternative to criminal prosecution or civil action, the Conservation Commission or its Agent may issue citations under the non-criminal disposition procedures set forth in M.G.L. c. 40, s. 21D, as set forth in Chapter 1 of the General Bylaws of the Town of Boxford. The penalty for the first violation shall be \$100, the penalty for the second violation shall be \$200, and the penalty for the third and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate violation.

SEVERABILITY

The invalidity of any section, provision, paragraph, sentence, or clause of this Bylaw shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

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ARTICLE 32. To see if the Town will vote to **accept the following roads** described below, as public ways, including any appurtenant easements and to authorize the Board of Selectmen to acquire any necessary easements by gift; said plans on file with the Town Clerk:

Meadowood Road in its entirety, from Station 0+00 to 6+36.74 as shown on a plan entitled, "As-Built Plan of Meadowood Road in Boxford, MA", prepared for Kurt B. Kaiser, dated July 27, 2001 by Hancock Survey Associates, Inc. to be recorded in Essex South Registry of Deeds;

Bayns Hill Road in its entirety, from Station 0+00 to 14+21.15 as shown on a plan entitled, "As Built Plan Bayns Hill Road in Boxford, Massachusetts", prepared for Cormier Andover Construction Corp., dated April 15, 2003 by Hancock Survey Associates, Inc. to be recorded in Essex South Registry of Deeds;

Dana Road from Station 101+00 to 107+95.79 as shown on a plan entitled, "As Built Plan Dana Road, Christmas Tree Farms, Boxford, Massachusetts", prepared by Donohoe and Parkhurst, Inc. dated September 16, 2003; to be recorded in Essex South Registry of Deeds;

or take any other action thereon.

Sponsored by the Planning Board

*Upon a motion made and duly seconded it was **VOTED by majority voice vote to accept the roads** described in Article 32 of the Warrant, as public ways, including any appurtenant easements and to authorize the Board of Selectmen to acquire any necessary easements by gift; said plans on file with the Town Clerk.*

***Meadowood Road** in its entirety, from Station 0+00 to 6+36.74 as shown on a plan entitled, "As-Built Plan of Meadowood Road in Boxford, MA", prepared for Kurt B. Kaiser, dated July 27, 2001 by Hancock Survey Associates, Inc. to be recorded in Essex South Registry of Deeds;*

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Bayns Hill Road in its entirety, from Station 0+00 to 14+21.15 as shown on a plan entitled, "As Built Plan Bayns Hill Road in Boxford, Massachusetts", prepared for Cormier Andover Construction Corp., dated April 15, 2003 by Hancock Survey Associates, Inc. to be recorded in Essex South Registry of Deeds;

Dana Road from Station 101+00 to 107+95.79 as shown on a plan entitled, "As Built Plan Dana Road, Christmas Tree Farms, Boxford, Massachusetts", prepared by Donohoe and Parkhurst, Inc. dated September 16, 2003; to be recorded in Essex South Registry of Deeds;

ARTICLE 33. To see if the Town will vote to **amend the Zoning Bylaw Section §196-32 E Phased Growth**, by deleting the phrase: "This section shall be effective until May 1, 2007" and insert therein the phrase: "This section shall be effective until May 1, 2014. This section shall be necessary to permit and facilitate orderly development and predicted growth."; or to take any other action thereon.

Sponsored by the Planning Board

*Upon a motion made and duly seconded it was **VOTED by a greater than 2/3 voice vote to amend the Zoning Bylaw Section §196-32 E Phased Growth**, by deleting the phrase: "This section shall be effective until May 1, 2007" and insert therein the phrase: "This section shall be effective until May 1, 2014. This section shall be necessary to permit and facilitate orderly development and predicted growth."*

ARTICLE 34. To see if the Town will vote to amend Zoning Bylaw § 196-13C Accessory Apartments, by adding after "... properties in the Town of Boxford", the following, "subject to the granting of a Special Permit by the Board of Appeals as provided in Article X."; or to take any other action thereon.

Sponsored by the Zoning Board of Appeals

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Upon a motion made and duly seconded it was VOTED by a greater than 2/3 voice vote to amend Zoning Bylaw § 196-13C Accessory Apartments, by adding after "... properties in the Town of Boxford", the Following, "subject to the granting of a Special Permit by the Board of Appeals as provided in Article X."

ARTICLE 35. To see if the Town will vote to amend Zoning Bylaw § 196-22. **Wireless Communications Services** to delete the word "District" from this entire section; and delete paragraphs **A** and **B** in their entirety and replace them with "Wireless Communications Services and the construction of towers shall be located according to the special permit provisions of the Zoning Bylaw."; and modify: **C. Use restrictions.** By deleting the phrase: "... in a Wireless Communications Service District." or to take any other action thereon.

Sponsored by the Planning Board

Upon a motion made and duly seconded it was VOTED by a greater than 2/3 voice vote to amend Zoning Bylaw § 196-22. Wireless Communications Services to delete the word "District" from this entire section; and delete paragraphs A and B in their entirety and replace them with "Wireless Communications Services and the construction of towers shall be located according to the special permit provisions of the Zoning Bylaw."; and modify: C. Use restrictions. By deleting the phrase: "... in a Wireless Communications Service District."

ARTICLE 36. To see if the Town will vote to **amend the Zoning Bylaw Section §196-6 Change, extension or alteration. [Amended 5-14-1986 ATM, Art.37]**
Alteration, Reconstruction, Extension or Change.

- ~~A. If the Inspect of Buildings finds that the proposed change may have an adverse effect upon an abutter, he may require a special permit.~~
- A. Alteration, Reconstruction, Extension or Structural Change to a nonconforming single-family¹ dwelling shall be permitted so long as the alteration, reconstruction, extension or structural changes does not increase the nonconforming nature of the dwelling or result in an increase in footprint, height, or square footage.

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B. Alteration, reconstruction (including a voluntary demolition), extension or structural change to a nonconforming single-family¹ dwelling results in an increase in the nonconformity or an increase in footprint, height or square footage, said alteration, reconstruction, extension or structural change may be permitted on special permit from the Board of Appeals in accordance with the provisions of Article X if the Board of Appeals finds that such extension, alteration or change will not be substantially more detrimental to the neighborhood than the existing nonconforming use.

~~B-C.~~ Other nonconforming structures or uses may be extended, altered or changed in use on special permit from the Board of Appeals in accordance with the provisions of Article X if the Board of Appeals finds that such extension, alteration or change will not be substantially more detrimental to the neighborhood than the existing nonconforming use.

~~C-D.~~ Once changed to a conforming use; no structure or use shall be permitted to revert to nonconformity.

¹ G.L.c.40A,s.6 allows for the alteration, reconstruction, extension or structural changes to non-conforming single or two-family dwellings, however, Boxford Zoning By-Law has no provisions for two-family dwellings. To the extent that a two-family dwelling is pre-existing, non-conforming, this by-law shall be applicable to said alteration, reconstruction, extension or structural change.

or to take any other action thereon

Sponsored by the Zoning Board of Appeals

*Upon a motion made and duly seconded Article 36 was **DEFEATED** by a greater than 2/3 hand count of (106 favored and 127 opposed) to amend and re-title Zoning by-law Section 196-6 to now be entitled: Alteration, Reconstruction, Extension or Change;*

to delete existing section "A" and "B" and replace with new sections "A", "B" and "C" as printed on the handout entitled "Proposed Zoning Bylaw Amendment for Article #36", copied for the clerk and shown on the overhead; and,

to change existing "C" to become section "D"; and

to add new footnote #1 also as printed on the handout entitled "Proposed Zoning Bylaw Amendment for Article #36".

TOWN OF BOXFORD
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ARTICLE 37: To see if the Town will vote to **authorize the Selectmen** in the name of the Town to **lease for a period of up to 50 years** on such terms as the Selectmen determine, **up to 5 acres of Town-owned land, said land to be located on the town owned parcel at Spofford and Ipswich Roads** and being a portion of the 47 acre parcel as shown on Assessors' Map 19, Block 3, Lot 28; and to authorize the Selectmen to file a petition with the General Court for permission to enter into such a Lease for the same term; **said portion of land being leased for the purpose of constructing and operating a privately funded arts and recreation facility on a non-profit basis**, or take any other action thereon.

Sponsored by the Board of Selectmen

Explanation: The intent of this article is to authorize the Selectmen to lease up to 5 acres of land located in the vicinity of Town Hall and Spofford Pond School to the Boxford Arts & Recreation Center Foundation or "BARC", a private non-profit corporation, for the purpose of constructing and operating a privately financed arts and recreation center. No Boxford Tax revenue will be used for construction or operation of the facility. The BARC Foundation plans to build a facility that includes indoor swimming pools, an exercise and fitness room, a multi-sport gymnasium with indoor walking track and stage, a senior center, and dedicated multipurpose rooms for performing arts, exercise and youth activities. Private and corporate donations will pay for construction of the facility and operations will be funded through membership and events fees, donations and grants. BARC's preferred location for the facility is at the Chadwick soccer fields, however the field space would only be used after additional soccer field space has been developed elsewhere in Boxford and the locations of new municipal facilities to be located at the Spofford site have been considered. Information about the proposed facility is available at www.boxfordarc.com.

*Upon a motion made and duly seconded the motion to **PASSOVER** Article 37 **FAILED** by hand count of (122 opposed and 113 in favor).*

*Upon a motion made and duly seconded it was **VOTED** by majority voice vote to strike the phrase "**said land to be located on the town owned parcel at Spofford & Ipswich Roads and being a portion of the 47 acre parcel as shown on Assessors' map 19, Block 3, Lot 28.**"*

*Upon a motion made and duly seconded it was **VOTED** by hand count of (151 in favor and 80 opposed) to add the following words in line three of Article 37 after Town to(**enter into negotiations to**) and add a new paragraph one (1) to read;*

Said lease and any proposed environmental investigations or testing on said Parcel of land shall be approved at a future Town Meeting and renumber the existing paragraphs 2) & 3).

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES, MAY 9, 2006

*Upon a motion made and duly seconded it was **VOTED** by a majority hand count of (148 in favor & 97 opposed) to authorize the Selectmen in the name of the Town to (enter into negotiations to) lease for a period of up to 50 years on such terms as the Selectmen determine, up to 5 acres of Town-owned land, and to authorize the Selectmen to file a petition with the General Court for permission to enter into such a Lease for the same term; said portion of land being leased for the purpose of constructing and operating a privately funded arts and recreation facility on a non-profit basis; said authorization is contingent upon compliance with the following conditions:*

- 1) Said lease and any proposed environmental investigations or testing on said parcel of land shall be approved at a future Town Meeting and,*
- 2) Construction shall not commence until site and building plans for the proposed facility are approved by applicable regulatory boards and are thereafter accepted at a future Town Meeting, and*
- 3) If it is determined Chadwick Fields is the mutually agreeable site to construct the facility, then the following conditions shall become part of the lease:*
 - a) That no activities, except as authorized by 3(b) below, shall be carried out at or on the site that shall interrupt the current use pattern of any Chadwick Field;*
 - b) That no permanent impairment of any Chadwick Field shall occur before a replacement field of like size constructed and ready for regular use;*
 - c) That there shall be no fees assessed against the Boxford Athletic Association for the use of any Chadwick Field arising out of a lease by the town of said land to a third party; and*
 - d) That Chadwick Fields shall continue to be maintained by the Town until such time as construction begins.*

ARTICLE 38. To see if the Town will vote to **authorize the Selectmen to sell or otherwise dispose of a portion of surplus land located on Washington Street**, identified as approximately 11,843 square feet, plus or minus, of town owned land adjacent to the frontage of 151 Washington Street, upon such terms and conditions as the Board of Selectmen may deem appropriate, including, but not limited to, the acquisition of alternate land in payment thereof and authorize the Selectmen to accept the deed of any such land offered to the town, and upon such terms and condition as the Board of Selectmen deem appropriate, or take any other action thereon.

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES, MAY 9, 2006

Sponsored by the Land Committee

Upon a motion made and duly seconded it was VOTED by a greater than 2/3 voice vote to authorize the Selectmen to sell or otherwise dispose of a portion of surplus land located on Washington Street, identified as approximately 11,843 square feet, plus or minus, of town owned land adjacent to the frontage of 151 Washington Street, upon such terms and conditions as the Board of Selectmen may deem appropriate, including, but not limited to, the acquisition of alternate land in payment thereof and authorize the Selectmen to accept the deed of any such land offered to the town, and upon such terms and condition as the Board of Selectmen deem appropriate.

ARTICLE 39: To see if the Town will vote pursuant to M.G.L. c30B §12 to **authorize the Superintendent of Schools for all school department energy and transportation contracts and the Chief Procurement Officer for all non-school energy and transportation contracts to solicit and award contracts for terms exceeding three years up to five years**, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by vote of the Board of Selectmen with respect to non school contracts or the School Committee with respect to school department contracts, or take any other action thereon.

Sponsored by the School Committee and Board of Selectmen

Upon a motion made and duly seconded it was VOTED by majority voice vote that pursuant to M.G.L. c30B §12 to authorize the Superintendent of Schools for all school department energy and transportation contracts and the Chief Procurement Officer for all non-school energy and transportation contracts to solicit and award contracts for terms exceeding three years up to five years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by vote of the Board of Selectmen with respect to non school contracts or the School Committee with respect to school department contracts.

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES, MAY 9, 2006

ARTICLE 40. To see if the Town will vote to **accept the provisions of Massachusetts General Laws Chapter 44, Section 55C establishing a trust to be known as the Boxford Affordable Housing Trust Fund** whose purpose shall be to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households, and in the implementation thereof will vote to authorize the Selectmen to execute a Declaration of Trust and Certificate of Trust for the Boxford Affordable Housing Trust and to amend the Town Bylaws by inserting the following new section: Chapter 7, Article XVI, Trustees of Affordable Housing Trust Fund:

§ 7-40 There shall be a Board of Trustees of the Boxford Affordable Housing Trust established by the vote under Article 40 of the May 9, 2006 Annual Town Meeting which shall consist of five (5) trustees appointed by the Board of Selectmen, at least one of which shall be member of the Board of Selectmen, for terms of two years to expire on June 30, except that initially terms shall be selected by the Selectmen, so that two trustees so appointed shall have initial terms not to exceed one year and three trustees so appointed shall have terms not to exceed two years.

§ 7-41 The powers of the board, all of which shall be carried on in furtherance of the purposes set forth in Massachusetts General Laws Chapter 44, Section 55C, shall be as set forth in said statute.”

or take any other action thereon

Sponsored by the Housing Partnership Committee

*Upon a motion made and duly seconded the motion to **PASS OVER Article 40** was **DEFEATED** by a majority voice vote.*

*Upon a motion made and duly seconded **Article 40** was **DEFEATED** by a show of hand count.*

ARTICLE 41. To see if the Town of Boxford will, in accordance with M.G.L. c40§4A, **authorize the Board of Health to enter into an intermunicipal agreement** with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an InterMunicipal Mutual Aid Agreement to be entered into between the Town and various governmental units, or take any other action thereon.

Sponsored by the Board of Health

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES, MAY 9, 2006

*Upon a motion made and duly seconded it was **VOTED** by majority voice vote in accordance with M.G.L. c40§4A, to **authorize the Board of Health to enter into an inter-municipal agreement** with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an InterMunicipal Mutual Aid Agreement to be entered into between the Town and various governmental units.*

ARTICLE 42. To transact any other business that may legally come before said meeting.

*Upon a motion made and duly seconded it was **VOTED** by majority voice vote to dissolve the Boxford's Annual Town Meeting at 12:34 am.*

*The count of register voters attending second night of **Boxford's Annual Town Meeting** were 339. Counters and checkers for the meeting were appointed by Town Clerk Patricia Shields.*

A True record:

ATTEST: 
Patricia Shields

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES, MAY 9, 2006

TRANSFERS:

Article #6	Capital Purchases FY 2007	\$198,500
Article #7	Computers for Library	\$ 9,530
Article #10	Stabilization Fund	\$ 20,000
Article #11	Town Insurance Fund	\$ 10,000
Article #12	Town Compensated Absence Fund	\$ 10,000
Article #13	Finance Reserve Fund	\$ 75,000
Article #14	HAWC Program	\$ 2,000
Article #15	Tri-Town Council	\$ 26,542
Article #16	Legal Fees (Jeffrey Walker)	\$ 25,000
Article #17	Town's Unemployment Fund	\$ 10,000
Article #18	Boxford's Cultural Arts Council	\$ <u>3,000</u>

Total to be transferred from Free Cash \$389,572

OFFSET RECEIPTS APPROPRIATIONS:

Article #4	Receipts Reserved for Appropriation/ Septic Loan Program	\$ 13,571
Article #27	Purchase of Anvil Farm	\$1,600,000

Total From offset receipts \$ 1,613,571.00

BORROWING:

Article #27	From ATM 5/14/97 Article #37	\$ 950,000
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REVOLVING ACCOUNTS:

Article #2	Recycling, Printing, Library, Conservation, Highway & COA Revolving Accounts	\$ 110,000
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TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES, MAY 9, 2006

RAISE AND APPROPRIATE:

Article #4	FY 2007 Town Budget	\$23,790,232
Article #5	Proposition 2 ½ (Elementary School)	\$ <u>66,480</u>
	Total Raise and Appropriate	\$23,856,712

COMMUNITY PRESERVATION FUNDS:

Article #19	Community Preservation Funds	\$485,156
Article #20	Conservation Commission	\$ 58,000
Article #21	Recreation Committee	\$ 35,000
Article #22	Recreation Committee/Trails	\$ 27,500
Article #23	Council on Aging Center	\$ 32,000
Article #24	Historic Document Center Reader	\$ 9,430
Article #25	Aaron Wood School Preservation	\$ 6,295
Article #26	Town Clerk's Preservation Project	\$ 53,500
Article #27	Anvil Farm purchase	<u>\$485,000</u>
	Total Appropriation/Reserve	\$1,191,881.00

TOWN OF BOXFORD
 CERTIFICATION OF APPROPRIATIONS - FY 07
 ANNUAL TOWN MEETING
 MAY 9, 2006

ART	SUBJECT	TOTAL APPROPRIATION	RAISE & APPROPRIATE TAX LEVY	FREE CASH	AVAILABLE FUNDS	OFFSET RECEIPTS ENTERPR FUNDS	REVOLVING FUNDS	BORROWING
1	Filing of Town Reports							
2	Chptr. 44 sec 53 1/2 MGL Recycling Revolving Acct Printing Revolving Acct Library Photocopy Revolving Acct Conservation Revolving Acct Highway Safety Revolving Acct Council on Aging Transportation							
3	Classification Plan/Compen. FY2007	Passed					\$110,000	
4	Grand Budget Town FY2006	\$ 23,803,803.00	\$ 23,790,232.00		\$ 13,571.00			
* 5	FY 2006 Elementary School Budg	\$66,480	\$ 66,480.00					
6	Capital Purchases FY 2007	\$198,500		\$198,500				
7	Library Replace Computers	\$9,530		\$9,530				
8	Set Trash Fee @ \$2.50 per bag	Passed						
9	Re-join Essex County Mosquito Control							
10	Stabilization Fund	\$20,000.00		20,000				
11	Town Insurance Fund	\$10,000.00		10,000.00				
12	Town Compensated Absence Fund	\$10,000.00		10,000.00				
13	Finance Committee Reserve Fund	\$75,000.00		75,000.00				
14	HAWC Program	\$2,000.00		2,000.00				
15	Tri-Town Council	\$26,542.00		26,542.00				
16	Legal Fees Jeffrey A. Walker	\$25,000.00		25,000.00				
17	Town's Unemployment Fund	\$10,000.00		10,000.00				
18	Boxford Cultural Arts Council	\$3,000.00		3,000.00				
19	Community Preservation Fund	\$485,156.00				\$485,156.00		
20	CPF Conservation Commission	\$58,000.00				\$58,000.00		
21	CPF Recreation Committee	\$35,000.00				\$35,000.00		
22	CPF Recreation Committee Trails	\$27,500.00				\$27,500.00		
23	CPF Council on Aging Ctr Rehab.	\$32,000.00				\$32,000.00		
24	CPF Historic Document Ctr. Reader	\$9,430.00				\$9,430.00		
25	CPF Aaron Wood School Preservation	\$6,295.00				\$6,295.00		

TOWN OF BOXFORD
 CERTIFICATION OF APPROPRIATIONS - FY 07
 ANNUAL TOWN MEETING
 MAY 9, 2006

ART	SUBJECT	TOTAL APPROPRIATION	RAISE & APPROPRIATE	FREE CASH	AVAILABLE	OFFSET RECEIPTS	REVOLVING	BORROWING	
26	CPF Town Clerk's Restoration Project	\$ 53,500.00				\$ 53,500.00			
27	Purchase of Anvil Farm	\$ 2,085,000.00			\$ 1,600,000.00	\$ 485,000.00		\$ 950,000.00	
28	By Law "Right to Farm"	Passed							
29	By Law Peddling & Soliciting	Passed Over							
30	By Law Reduce Number of Lib. Trustees	Passed							
31	By Law Stormwater Management	Passed							
32	Accept the following Roads: Meadowood Road Bayns Hill Road Dana Road	Passed							
33	Zoning bylaw 196-32E Phased Growth	Passed							
34	Zoning bylaw 196-13C Accessory Appt.	Passed							
35	Zoning bylaw 196-22 Wireless Comm.	Passed							
36	Zoning bylaw 196-6 Alteration	Defeated							
37	Lease Town Owned Land	Passed							
38	Dispose of Surplus Land WashingtonSt	Passed							
39	MGL c30B Energy/Transportation Contr	Passed							
40	Boxford Affordable Housing Trust Fund	Defeated							
41	Bd of Health Intermunicipal Agreement	Passed							
42	Close of Town Meeting								
* Contingent vote both annual town meeting and annual town election									
TOTAL		\$ 27,051,736.00	\$ 23,856,712.00	\$ 389,572	\$ 1,613,571.00	\$ 1,191,881.00	\$ 110,000.00	\$ 950,000.00	

I hereby certify that the foregoing appropriations and the provisions for meeting the same were VOTED at Annual Town Meeting of May 9, 2006.

Valerie Shively