

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008

Voters for the Town of Boxford met at the Masconomet Regional District High School on Tuesday, May 13, 2008 and Wednesday, May 14, 2008.

Moderator Gerald Johnston made the announcement that **Enid Thuermer** will be receiving the **Unsung Heroines of Massachusetts Award** for the Town of Boxford for the Year 2008. **Congratulations and Thank You.**

The articles of the warrant were deposited 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 **\$35,000** for Fiscal Year 2009 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 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 2009

**TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008**

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 2009 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 **\$65,000** for Fiscal Year 2009 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 2009 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 2009 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 and Supported by the Board of Selectmen
Finance Committee recommends adoption of this article

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008

*Upon a motion made and duly seconded, it was **VOTED** by **unanimous voice vote** to authorize the establishment of the following **revolving accounts** as listed in Article 2 of this warrant and 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 2009, as submitted by the Personnel Board under Chapter 23 of the Town Code; said Classification Plan and Compensation Plan as printed on page 16 of this warrant; or take any other action thereon.

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

*Upon a motion made and duly seconded, it was **VOTED** by **unanimous voice vote** to adopt the **Classification Plan and Compensation Plan** for FY 2009, as submitted by the Personnel Board under Chapter 23 of the Town Code; said Classification Plan and Compensation Plan as printed on page 16 of this warrant.*

ARTICLE 4. To see if the Town will vote to amend its Personnel Bylaw by inserting the new words as shown in bold and deleting the words shown with a ~~strike through~~ in § 23-6 (I):

I. **During each fiscal year, each** ~~All~~ full-time employees and **each** management employees shall be eligible for ~~32 hours of~~ personal leave **in an amount equal to four times the number of hours in his/her regularly scheduled work day** ~~during each fiscal year.~~ No time may be carried over into a subsequent fiscal year.

or take any other action thereon.

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008

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

*Upon a motion made and duly seconded, it was **VOTED** by unanimous voice vote to amend the Personnel Bylaw by amending § 23-6 (I) to now read as follows:*

- I. During each fiscal year, each full-time employee and each management employee shall be eligible for personal leave in an amount equal to four times the number of hours in his/her regularly scheduled work day. No personal leave time may be carried over into a subsequent fiscal year.*

ARTICLE 5. 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 2009, to wit: General Government, Financial Administration, Public Safety, Education, Public Works, Human Services, Culture & Recreation, Employee Benefits, Debt Service, 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 and Supported by the Finance Committee
Estimate: \$ 25,692,890
The proposed budget is printed on pages 14 and 15 of this warrant.

A motion was made and duly seconded, to move the Article5.

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008

Amendment to Article 5 was VOTED by majority voice vote to raise and appropriate \$25,706,342 and transfer \$13,571 from the "Receipts Reserved for Appropriation – Septic Loan Program," for a total appropriation of \$25,719,913, for the use of several departments for Fiscal Year 2009, to wit: General Government, Financial Administration, Public Safety, Education, Public Works, Human Services, Culture & Recreation, Employee Benefits, Debt Service, and all other necessary proper expenses during said fiscal year as printed in the warrant on pages 14 and 15 and as they may have been amended by vote of this town meeting; and authorize expenditure of these funds under the direction of the appropriate listed department.

ARTICLE 6. To act on the list of proposed capital purchases for FY 2009 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 2009, and authorize expenditure of these funds under the direction of the appropriate listed department; or take any other action thereon.

Sponsored and Supported by the Board of Selectmen
Estimate: \$ 391,421
Finance Committee recommends adoption of this article
Capital Budget Committee Recommendations as noted

The proposed capital budget is printed on page 17 of this warrant.

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to transfer \$381,993 from Free Cash, and transfer \$9,428 from the Overlay Released by the Assessors, for a total appropriation of \$391,421 to fund the list of proposed capital purchases for FY 2009 as shown on page 17 of this warrant, for the use of several departments for fiscal year 2009, and authorize expenditure of these funds under the direction of the appropriate listed department.

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008

ARTICLE 7. 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

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

ARTICLE 8. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$25,000 to supplement the FY 2009 Department of Public Works – All Other budget for the purpose of increasing funds for tree trimming and removal**, said funds to be expended under the direction of the Board of Selectmen, or to take any other action thereon.

Sponsored and Supported 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 raise and appropriate the sum of \$25,000 to supplement the FY 2009 Department of Public Works – All Other budget for the purpose of increasing funds for tree trimming and removal, said funds to be expended under the direction of the Board of Selectmen.*

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008

ARTICLE 9. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$140,000 to fund professional engineering costs, construction expenses, and other costs incidental and related to the project, its design, permitting, and ultimate construction, for the repair and re-construction of the Parker River culvert on Willow Road**, said funds to be expended under the direction of the Board of Selectmen; and to authorize the Board of Selectmen to accept and acquire by purchase, gift, eminent domain or otherwise permanent and temporary construction easements as shown as a plan entitled, "Temporary Construction Easement on Busby Property", said plan and proposed easement on file with the Town Clerk; or take any other action thereon.

Sponsored and supported by the Board of Selectmen
Finance Committee recommends adoption of this article
Capital Budget Committee Recommendation: "A" Essential

*Upon a motion made and duly seconded, it was **VOTED** by unanimous voice vote to transfer from the Overlay Released by the Assessors the sum of \$140,000 to fund professional engineering costs, construction expenses, and other costs incidental and related to the project, its design, permitting, and ultimate construction, for the repair and re-construction of the Parker River culvert on Willow Road, said funds to be expended under the direction of the Board of Selectmen; and to authorize the Board of Selectmen to accept and acquire by purchase, gift, eminent domain or otherwise permanent and temporary construction easements as shown as a plan entitled, "Temporary Construction Easement on Busby Property", said plan and proposed easement on file with the Town Clerk.*

**TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008**

ARTICLE 10. To see if the Town will vote to appropriate \$20,000 in debt acquisition and legal costs, \$750,000 in land purchase expense, for a total appropriation of **\$770,000 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, a parcel of land on Lake Shore Road, West Boxford, Essex County, Massachusetts, known as Haverhill Conservation Land**, parcel identified in records of the Assessors as Map 3, Block 1, Lot 5, 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 **\$770,000 as authorized by the vote approved under Article #37 of the Boxford Annual Town Meeting held May 14, 1997**; and further, to aid in the funding of the purchase of said parcel to authorize the Conservation Commission and the Board of Selectmen to seek, receive and accept grants, donations or reimbursements for this purpose, including the authority to submit applications and seek and receive grants from the Commonwealth of Massachusetts under the Self Help Act (M.G.L. Chapter 132A § 11) and/or any others in any way connected with the scope of this Article, **and that this appropriation be fully contingent upon the Town of Boxford receiving an award of grant, or other donation or reimbursement for this purpose in an amount no less than \$375,000 on or before December 1, 2008**, 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 and supported by the Board of Selectmen, Land Committee,
and Conservation Commission

Finance Committee **does not** recommend adoption of this article

Capital Budgeting Committee Recommendation: "C" Low Priority

*Amendment #1 to Article 10 was Defeated by a show of hands to
add the words (with the understanding and restriction that use of*

*pesticides and herbicides on said land or any part thereof by the
Town of Boxford or any other entity shall be prohibited)*

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008

Amendment #2 to Article 10 was Passed by a greater than 2/3 voted hand count of 165 Yes to 128 No; to add the words(conditioned upon the transfer of all appurtenant water rights, without limitation, including but not limited to public recreation, boating, public bathing, to the extent permitted by law)

*Upon a motion made and duly seconded, it was **VOTED** by greater than 2/3 hand count of 227 Yes to 85 No that the sum of \$770,000 is hereby appropriated to pay costs of acquiring the Haverhill Conservation Land as more fully described below, of which amount, \$20,000 shall be expended solely to pay debt acquisition and legal costs associated with said acquisition; that the Town of Boxford is hereby authorized to acquire for Open Space and Conservation purposes, and to accept the deed to the Town of fee simple interest or less, a parcel of land on Lake Shore Road, West Boxford, Essex County, Massachusetts, known as Haverhill Conservation Land, **conditioned upon the transfer of all appurtenant water rights, without limitation, including but not limited to public recreation boating, public bathing to the extent permitted by law** said parcel is identified in records of the Assessors as Map 3, Block 1, Lot 5, 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; or any other appropriate authority, said land to be managed and controlled by the Boxford Conservation Commission; and that to meet this appropriation,*

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008

the Treasurer, with the approval of the Selectmen, is authorized to borrow \$770,000 which was previously authorized by vote of the Town adopted under Article#37 of the Warrant at the Boxford Annual Town Meeting held May 14, 1997; and further, to aid in meeting the costs of this purchase, the Conservation Commission and the Board of Selectmen are authorized and directed to seek, receive and accept grants, donations or reimbursements that may be available for this purpose, and such officials are authorized to submit applications and seek and receive grants from The Commonwealth of Massachusetts under the Self Help Act (M.G.L. Chapter 132A§ 11) and/or any other programs in any way connected with the scope of this Article, and that that the Conservation Commission and the Board of Selectmen are authorized to enter into all agreements and execute all instruments as may be necessary to carry out the purposes of this vote. The amount authorized to be borrowed by this vote shall be reduced to the extent of any grants or gifts received by the Town for the purposes of this vote. No funds shall be borrowed or expended for this project until the Town shall have received an award of grant, or other donations or reimbursements for this purpose in an amount no less than \$375,000 on or before December 1, 2008.

ARTICLE 11. To see if the town will vote to support the siting of a new, not to exceed 15,000 square foot library in a central location on town-owned land off Spofford Road, or to take any other action thereon.

Sponsored by the Board of Library Trustees
Board of Selectmen recommends adoption of this article

**TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008**

Amendment #1 to Article 11 to PASSOVER was Defeated by majority voice vote.

Amendment #2 to Article 11 was Defeated by majority voice vote reads as follows: To see if the Town will vote to support the siting of a new library, that conforms with the \$2.7 million Library Grant requirements awarded to Boxford by the Commonwealth, on the land of the current town library at 10 Elm Street, or take any other action thereon.

*Upon a motion made and duly seconded, it was **VOTED** by hand count of 172 YES to 96 NO to vote to support the siting of a new, not to exceed 15,000 square foot library in a central location on town-owned land off Spofford Road.*

ARTICLE 12. To see if the town will vote to support the siting of a new, not to exceed 15,000 square foot library on the land of the current town library at 10 Elm Street, or take any other action thereon.

Sponsored by the Board of Library Trustees

*Upon motion made and duly seconded, it was **VOTED** by hand count 139 YES to 134 NO to vote to support the siting of a new, not to exceed 15,000 square foot library on the land of the **current** town library at 10 Elm Street.*

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008

ARTICLE 13. To see if the town will vote to raise and appropriate or transfer from available funds the sum of **\$50,000** to fund consultant services to assist the Board of Selectman and the Permanent Non-School Building Committee to **develop a conceptual site plan for potentially siting town buildings on town owned land located off Spofford Road**; said conceptual site plan to incorporate estimated building sizes and preliminary schematic layouts; to also include review of various options including building combinations, sharing of facilities, parking, site amenities, etc.; recommendations of said conceptual site plan to be reported back to a subsequent town meeting for consideration of further action including possible design and construction appropriations, said funds to be expended under the direction of the Board of Selectmen, or to take any other action thereon.

Sponsored by the Board of Selectmen

Finance Committee recommends adoption of this article

Capital Budget Committee recommends as "B" High Priority

Upon a motion made and duly seconded, it was VOTED by majority show of hands to transfer from the Overlay Released by the Assessors the sum of \$50,000 to fund consultant services to assist the Board of Selectman and the Permanent Non-School Building Committee to develop a conceptual site plan for potentially siting town buildings on town owned land located off Spofford Road; said conceptual site plan to incorporate estimated building sizes and preliminary schematic layouts; to also include review of various options including building combinations, sharing of facilities, parking, site amenities, etc.; recommendations of said conceptual site plan to be reported back to a subsequent town meeting for consideration of further action including possible design and construction appropriations, said funds to be expended under the direction of the Board of Selectmen.

**TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008**

*A motion was made and duly seconded, it was **VOTED** majority voice vote to adjourn Annual Town Meeting to a time certain, namely, Wednesday May 14, 2008 @ 7:30 p.m., to be held at the Masconomet Regional High Auditorium, 20 Endicott Road, Boxford, MA.*

Night two of Annual Town Meeting (Wednesday, May 14, 2008) was called to order at 7:30p.m. by Moderator, Jerry Johnston.

ARTICLE 14. To see if the Town will vote to **transfer \$5,000** from the unspent portion of the appropriation approved by the vote under Article #8 of the May 8, 2007 Annual Town Meeting originally appropriated to fund replacement DPW Garage heating units **to now fund the construction of an enclosed walkway between the DPW Garage and the adjacent DPW Office Trailer**; said funds to be expended under the direction of the Board of Selectmen, or take any other action thereon.

Sponsored and supported 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 \$5,000 from the unspent portion of the appropriation approved by the vote under Article #8 of the May 8, 2007 Annual Town Meeting originally appropriated to fund DPW Exhaust Fan Unit to now fund the construction of an enclosed walkway between the DPW Garage and the adjacent*

**TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008**

DPW Office Trailer; said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 15. 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 2009, with each item to be considered a separate appropriation:

Appropriations:

From FY 2009 estimated revenues for Sawyer-Richardson Open Space Bond expense	\$252,156
From FY 2009 estimated revenues for Lincoln Hall Historic Renovation Bond expense	\$ 64,250
From FY 2009 estimated revenues for Haynes Land Purchase Bond expense	\$185,500
From FY 2009 estimated revenues for Committee Administrative Expenses	\$ 43,000

Reserves:

From FY 2009 estimated revenues for Historic Resources Reserve	\$ 21,750
From FY 2009 estimated revenues for Community Housing Reserve	\$ 86,000
From FY 2009 estimated revenues for Budgeted Reserve	\$205,000

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 unanimous 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 2009, with each item to be considered a separate appropriation:*

Appropriations:

*From FY 2009 estimated revenues for Sawyer-Richardson Open Space Bond expense \$252,156
From FY 2009 estimated revenues for Lincoln Hall Historic Renovation Bond expense \$64,250*

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008

From FY 2009 estimated revenues for Haynes Land Purchase Bond expense **\$185,500**

From FY 2009 estimated revenues for Committee Administrative Expense **\$ 43,000**

Reserves:

From FY 2009 estimated revenues for Historic Resources Reserve **\$ 21,750**

From FY 2009 estimated revenues for Community Housing Reserve **\$ 86,000**

From FY 2009 estimated revenues for Budgeted Reserve **\$205,000**

ARTICLE 16. To see if the Town will vote to appropriate \$222 from the Historic Resources Reserve of the Community Preservation Fund and transfer \$4,398 from the unspent portion of the appropriation approved under Article #16 of the May 8, 2007 Annual Town Meeting originally appropriated from CPC Historic Reserves to fund Phase II of the Town Clerk's document restoration and preservation project, for a combined **total of \$4,620 to now fund Phase III of the Boxford Town Clerk's project for document restoration and preservation project for the preservation of historic town 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

Board of Selectmen recommends adoption of this article

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to appropriate \$222 from the Historic Resources Reserve of the Community Preservation Fund and transfer \$4,398 from the unspent portion of the appropriation approved under Article #16 of the May 8, 2007 Annual Town Meeting originally appropriated from CPC Historic Reserves to fund Phase II of the Town Clerk's document restoration and

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008

preservation project, for a combined total of \$4,620 to now fund Phase III of the Boxford Town Clerk's project for document restoration and preservation project for the preservation of historic town records, said funds to be expended under the direction of the Community Preservation Committee.

ARTICLE 17. To see if the Town will vote to appropriate **\$35,000 from the Community Preservation Committee Undesignated Fund to fund** engineering, field studies, soil analysis and other consultant and committee expenses to assist **the Haynes Land Advisory Committee in their preparation of a report of recommendations for the use of the Haynes Land**, as directed by Article #13 of the October 23, 2007 Special 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

Board of Selectmen recommends adoption of this article

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to appropriate \$35,000 from the Community Preservation Committee Undesignated Fund to fund engineering, field studies, soil analysis and other consultant and committee expenses to assist the Haynes Land Advisory Committee in their preparation of a report of recommendations for the use of the Haynes Land, as directed by Article #13 of the October 23, 2007 Special Town Meeting; said funds to be expended under the direction of the Community Preservation Committee.

**TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008**

ARTICLE 18. To see if the Town will vote to amend the Wetlands Protection Bylaw, Town Code, Chapter 192 by inserting the following language in section 192-5(A) (proposed language in bold and underlined):

Any person filing a permit application (notice of intent), request for determination of applicability or request for amendment to order of conditions with the Commission at the same time shall give written notice thereof by certified mail (return receipt requested), **first class mail, if evidenced by certificates of mailing,** or hand delivery to all abutters at their mailing addresses shown on the most recent applicable tax list of the Assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 500 feet of the property line of the application, including any in another municipality or across a body of water. In case of property that has frontage on a pond, abutters will include all those properties with frontage on the pond or pond association if in existence.

or take any other action thereon.

Sponsored by the Conservation Commission

*Upon motion made and duly seconded, it was **VOTED by unanimous voice vote to amend the Wetlands Protection Bylaw, Town Code, Chapter 192 by inserting language in section 192-5(A) as shown in article 18 of these minutes (proposed language in bold and underlined).***

ARTICLE 19. To see if the Town will vote to amend its Zoning Bylaw and create new section: §196-29 Driveways to read:

§196-29. Driveways

It shall be unlawful to install, construct, reconstruct or relocate any driveway without first obtaining a driveway permit from the Planning Board. Normal maintenance such as repairs and repaving shall be exempt provided repairs and repaving do not increase water runoff onto the public way or abutting lots.

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008

- A. Driveways for detached single-family houses shall comply with the following:**
1. Layouts and configurations shall avoid excessive curves, switchbacks, and slopes to provide optimal safety for access to and from the dwelling site.
 2. To the extent possible, the driveway apron shall be aligned at ninety degrees (90°) to the road and have curved flare radii of six feet (6') between the road and drive.
 3. No person or persons shall cut or destroy any tree on Town property (right-of-way along side of the road), without first obtaining the approval of the Boxford Planning Board and the Boxford Tree Warden. No person or persons shall remove, alter, or destroy any stone wall on or bordering Town property (right-of-way along side of the road) without first obtaining the approval of the Boxford Planning Board in accordance with the Scenic Road bylaw.
- B. Single driveways shall meet the following standards.**
1. All single driveways shall have a finished width no less than nine feet (9').
 2. The first twenty five feet (25') in from the paved portion of the public way shall have a maximum slope of three percent (3%); the maximum driveway slope along the centerline shall be twelve percent (12%); any slopes over eight percent (8%) shall be paved. To preserve the stability of the existing natural topography, no cut or fill in excess of eight feet (8') of the natural topography shall be allowed within the limits of the driveway cross section.
 3. The slope grade shall allow rapid emergency access during normal weather conditions. No physical barrier shall be located on the inside of the curves that could impede fire truck or emergency vehicle access.
 4. The rate of runoff during construction and post-development shall not exceed the rate of pre-development runoff.
 5. After driveway completion, water runoff from the new driveway shall not be allowed to enter onto the public right-of-way and abutting property at any time.
 6. The Planning Board may impose conditions on the construction, re-construction or relocation of a driveway at their discretion to ensure safe access onto public roads and to prevent any damage or dangerous situation(s) due to drainage, icing, or other hazards. The conditions may incorporate recommendations made by the Fire Chief, Police Chief and Superintendent of Public Works.
 7. The Superintendent of Public Works and Fire Chief and may impose other conditions at their discretion to ensure safe access and to prevent any damage or dangerous situation(s) because of drainage, icing, etc. onto public roads.
 8. Sight distance entering the public way, shall be fifty feet (50') in either direction to the best extent possible.

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008

9. During construction, no debris shall be left on the road or shoulder; nor shall drainage structures, culverts, or ditches be blocked or impeded at any time.
10. All driveways longer than five hundred feet (500') shall have a turn-around location within twenty five feet (25') of the dwelling for large vehicle turnaround or as appropriate to be determined by the Planning Board.
11. Driveways shall conform to all other rules and regulations of the Town of Boxford.

C. Shared Driveways shall conform to all the regulations as set forth in Subsection B and §196-13B (11)(m) of the Zoning Bylaw, plus the following:

1. The shared driveway shall not enter the roadway at a point separated by less than one hundred feet (100') (centerline to centerline) from any other driveway or intersection.
2. The shared portion of the driveway shall have a finished width no less than twelve feet (12') plus a one foot (1') level shoulder on either side.

D. Application

1. The driveway location, layout, slopes, drainage, and associated improvements, shall be shown on a plan prepared by a professional architect, engineer, or landscape architect. The Planning Board at its sole discretion may waive the requirements for a driveway site plan.
2. Four copies of the plan shall be submitted to the Planning Board for review. The Planning Board may circulate the copies to the Fire Chief, Police Chief, and the Superintendent of Public Works.
3. The Fire Chief, Police Chief and the Superintendent of Public Works may return recommendations within 14 days to the Planning Board. If no recommendations are received within 14 days, the official failing to submit a report shall be deemed to have approved the proposed work on the driveway.

or take any other action thereon.

Sponsored and supported by the Planning Board
Board of Selectmen recommends adoption of this article

*A motion was made and duly seconded, to allow John Dold,
DPW Supervisor non-voter, to address Town Meeting on Article
19.*

**TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008**

Amendments 2 & 3 to Article 19 were Defeated by majority voice vote. Amendment #1 to Article 19 was PASSED by a majority voice vote to add the following words in paragraph one (Normal maintenance, repair and repaving shall be exempt)

Upon a motion made and duly seconded, it was VOTED by a greater than 2/3 hand count of 186 YES and 26 NO to amend the town's Zoning Bylaw and create new section: §196-29 Driveways as printed in article #19 of this warrant with an amendment in paragraph one Driveways 196-29 to read as follows:

§196-29. Driveways

It shall be unlawful to install, construct, or relocate any driveway without first obtaining a driveway permit from the Planning Board. **Normal maintenance, repair and repaving shall be exempt.**

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

1. Layouts and configurations shall avoid excessive curves, switchbacks, and slopes to provide optimal safety for access to and from the dwelling site.
2. To the extent possible, the driveway apron shall be aligned at ninety degrees (90°) to the road and have curved flare radii of six feet (6') between the road and drive.
3. No person or persons shall cut or destroy any tree on Town property (right-of-way along side of the road), without first obtaining the approval of the Boxford Planning Board and the Boxford Tree Warden. No person or persons shall remove, alter, or destroy any stone wall on or bordering Town property (right-of-way along side of the road) without first obtaining the approval of the Boxford Planning Board in accordance with the Scenic Road bylaw.

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008

B. Single driveways shall meet the following standards.

1. All single driveways shall have a finished width no less than nine feet (9').
2. The first twenty five feet (25') in from the paved portion of the public way shall have a maximum slope of three percent (3%); the maximum driveway slope along the centerline shall be twelve percent (12%); any slopes over eight percent (8%) shall be paved. To preserve the stability of the existing natural topography, no cut or fill in excess of eight feet (8') of the natural topography shall be allowed within the limits of the driveway cross section.
3. The slope grade shall allow rapid emergency access during normal weather conditions. No physical barrier shall be located on the inside of the curves that could impede fire truck or emergency vehicle access.
4. The rate of runoff during construction and post-development shall not exceed the rate of pre-development runoff.
5. After driveway completion, water runoff from the new driveway shall not be allowed to enter onto the public right-of-way and abutting property at any time.
6. The Planning Board may impose conditions on the construction, re-construction or relocation of a driveway at their discretion to ensure safe access onto public roads and to prevent any damage or dangerous situation(s) due to drainage, icing, or other hazards. The conditions may incorporate recommendations made by the Fire Chief, Police Chief and Superintendent of Public Works.
7. The Superintendent of Public Works and Fire Chief and may impose other conditions at their discretion to ensure safe access and to prevent any damage or dangerous situation(s) because of drainage, icing, etc. onto public roads.
8. Sight distance entering the public way, shall be fifty feet (50') in either direction to the best extent possible.
9. During construction, no debris shall be left on the road or shoulder; nor shall drainage structures, culverts, or ditches be blocked or impeded at any time.
10. All driveways longer than five hundred feet (500') shall have a turn-around location within twenty five feet (25') of the dwelling for large vehicle turnaround or as appropriate to be determined by the Planning Board.
11. Driveways shall conform to all other rules and regulations of the Town of Boxford.

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008

C. Shared Driveways shall conform to all the regulations as set forth in Subsection B and §196-13B (11)(m) of the Zoning Bylaw, plus the following:

1. The shared driveway shall not enter the roadway at a point separated by less than one hundred feet (100') (centerline to centerline) from any other driveway or intersection.
2. The shared portion of the driveway shall have a finished width no less than twelve feet (12') plus a one foot (1') level shoulder on either side.

D. Application

1. The driveway location, layout, slopes, drainage, and associated improvements, shall be shown on a plan prepared by a professional architect, engineer, or landscape architect. The Planning Board at its sole discretion may waive the requirements for a driveway site plan.

2. Four copies of the plan shall be submitted to the Planning Board for review. The Planning Board may circulate the copies to the Fire Chief, Police Chief, and the Superintendent of Public Works.

3. The Fire Chief, Police Chief and the Superintendent of Public Works may return recommendations within 14 days to the Planning Board. If no recommendations are received within 14 days, the official failing to submit a report shall be deemed to have approved the proposed work on the driveway.

ARTICLE 20. To see if the Town will vote to amend its Zoning Bylaw by deleting subsection 196-13.B(11)(a), renumbering subsections 196-13.B(11)(b)-(m) to make them subsections 196-13.B(11)(a)-(l), and inserting the text below as a new subsection 196-13.D:

D. Farm Stand Activities

1. The purpose of this by-law is to help protect increasingly scarce farmland in the Town, to enhance the economic viability of farming activities and related farm stand operations in the Town and to promote the public's understanding, knowledge and appreciation of the importance of local farms to the Town's rural character and environment.
2. The following uses are permitted, on farms having five (5) acres or greater, pursuant to the Agricultural Site Plan Review, as described in Section D.3 below, only in conjunction with a farm stand which qualifies for protection under G.L. c.40A §3:
 - a. farm festivals during the harvest season of the subject farm;
 - b. agritourism activities, including but not limited to:
 - (1) hayrides;
 - (2) petting zoos;
 - (3) play areas;

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008

- (4) retail sale of food products and crafts, farm products, garden supplies, or other agriculture-related products (whether or not such products are produced on the farm);
 - c. customary food service, including seating and tables;
 - d. other activities accessory to and customarily performed on farms.
 - 3. Agricultural Site Plan Review for Farm Stand Activities
 - a. In support of agricultural site plan review under this section, an applicant shall file with the Planning Board a plan designating:
 - (1) the areas on the subject property on which all proposed activities will take place;
 - (2) parking facilities; and
 - (3) anticipated pedestrian and vehicular traffic flows for all events held on the farm.
 - b. An Assessors' Map showing the information required by Section D.3.a shall be deemed adequate for this purpose.
 - c. The Planning Board may impose reasonable conditions on the time and manner of such activities to mitigate their anticipated effect upon the neighborhood adjacent to the subject property.
 - d. Agricultural Site Plan approval shall be valid for five years, unless the approved activities change in intensity, in which case the property owner or applicant shall return to the Board to amend their Site Plan.
 - 4. An appeal of an Agricultural Site Plan Review decision by the Board shall be pursuant to the provisions of G.L. c. 40A § 17.

or take any other action thereon.

Sponsored and supported by the Planning Board
and the Agricultural Commission

Board of Selectmen recommends adoption of this article

*A motion to call for a vote on Article 20 was **PASSED** by a greater than 2/3 voice vote.*

*Upon a motion made and duly seconded, it **VOTED** by hand count of 210 YES to 24 NO greater than 2/3 vote to amend the town's Zoning Bylaw by deleting subsection 196-13.B(11)(a), renumbering subsections 196-13.B(11)(b)-(m) to make them subsections 196-13.B(11)(a)-(l), and inserting new text as a new subsection 196-13.D as printed in article 20 of this warrant. To read as follows:*

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008

196-13.B11

- a. Maintenance of commercial dog kennels, provided that no structure or operations are involved which are not in keeping with the residential character of the Town, all structures and operations are substantially screened from view with evergreen trees, shrubs, similar vegetation, fences or other means and no offensive noise, odors unsightliness or unsafe condition is produced.
(Amended 5-18-1988 ATM, Art. 50)*
- b. Signs and displays concerning the products and goods raised or processed on the premises and not exceeding 12 square feet in total area.*
- c. Dump operated by the Town for the exclusive use of the inhabitants of the Town subject to Board of Health regulations.*
- d. The taking of more than four lodgers.*
- e. Private school, cemetery, hospital, clinic, sanitarium nursing home, camps of an educational or charitable institution.*
- f. Use of land for a public utility.*
- g. Community club or golf club conducted for profit.*
- h. Garage space for more than three automobiles.*
- i. Recreation and amusement enterprises, including rental of saddle horses or boats, sale of bait, ski-tow and similar activities.*
- j. Earth excavation, as provided in Article VII.*
- k. Certain accessory uses related to permitted scientific research or development, provided that the granting authority also finds that the proposed accessory use does not substantially derogate from the public good.*
- l. A shared driveway that serves up to three lots and shall only be located on one or more of the lots being served. Every such shared driveway must be regulated by a recorded maintenance agreement running in perpetuity with the land and satisfactory to Town Counsel. The*

**TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008**

Board of Appeals shall impose such conditions, to be made part of the special permit, as are necessary to provide adequate access, including conditions that assign responsibility for maintenance and snow removal. (Added 5-12-1980 ATM, Art. 38; amended 5-18-1981 ATM, Art. 33; 5-11-2004 ATM, Art. 29)

D.Farm Stand Activities

5. The purpose of this by-law is to help protect increasingly scarce farmland in the Town, to enhance the economic viability of farming activities and related farm stand operations in the Town and to promote the public's understanding, knowledge and appreciation of the importance of local farms to the Town's rural character and environment.
6. The following uses are permitted, on farms having five (5) acres or greater, pursuant to the Agricultural Site Plan Review, as described in Section D.3 below, only in conjunction with a farm stand which qualifies for protection under G.L. c.40A §3:
 - a. farm festivals during the harvest season of the subject farm;
 - b. agritourism activities, including but not limited to:
 - (1) hayrides;
 - (2) petting zoos;
 - (3) play areas;
 - (4) retail sale of food products and crafts, farm products, garden supplies, or other agriculture-related products (whether or not such products are produced on the farm);
 - c. customary food service, including seating and tables;
 - d. other activities accessory to and customarily performed on farms.
7. Agricultural Site Plan Review for Farm Stand Activities
 - a. In support of agricultural site plan review under this section, an applicant shall file with the Planning Board a plan designating:
 - (1) the areas on the subject property on which all proposed activities will take place;
 - (2) parking facilities; and
 - (3) anticipated pedestrian and vehicular traffic flows for all events held on the farm.
 - b. An Assessors' Map showing the information required by Section D.3.a shall be deemed adequate for this purpose.
 - c. The Planning Board may impose reasonable conditions on the time and manner of such activities to mitigate their anticipated effect upon the neighborhood adjacent to the subject property.

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008

- d. Agricultural Site Plan approval shall be valid for five years, unless the approved activities change in intensity, in which case the property owner or applicant shall return to the Board to amend their Site Plan.
- 8. An appeal of an Agricultural Site Plan Review decision by the Board shall be pursuant to the provisions of G.L. c. 40A § 17.

ARTICLE 21. To see if the Town will vote to:

Amend Chapter 196, ZONING/ ARTICLE V, Use Regulations / § 196-13. B. Section (3) to read as follows:

(3) Raising and keeping of farm animals and poultry for use of residents on the property and primarily not for profit, with barns, stables, chicken houses and similar buildings; on parcels of five acres or more, commercial greenhouses, the raising or keeping of horses, cattle, pigs, rabbits, fur-bearing animals or poultry for profit or other than for the use of the occupants of the residence provided that:

a. A maximum of three (3) hooved animals shall be allowed on lots two (2) Acres (87,120 square feet) and smaller. 1/2 acre (21,870 square feet) for each additional hooved animal is required. For lots of five (5) acres or more, this requirement may be reduced upon the issuance of a special permit by the Board of Appeals upon its finding that all other conditions of this by-law are met; that under the particular circumstances the proposed reduction will not be detrimental to the neighborhood; and that the Board of Health approves the keeping of the number of animals proposed. Farms qualifying under MGL Ch. 40A, S. 3 will not be required to obtain a special permit under this subsection (a).

b. Properties exceeding these limits at the time of adoption of this amendment may continue the nonconforming use for the existing animals on the property. No new or replacement animals shall be brought to the property until the total number of animals is reduced to comply with the new regulation.

or to take **any other action in relation thereto.**

Sponsored by Initiative Petition

Board of Selectmen **does not** recommend adoption of this article

Planning Board **does not** recommend adoption of this article

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008

*Upon a motion made and duly seconded, Article 21 was **DEFEATED** for a lack of 2/3 vote.*

ARTICLE 22. To See if the Town, pursuant to M.G.L. ch. 44B § 16, will vote to revoke the provisions of M.G.L. ch. 44B §§ 3-7, commonly known as the Community Preservation Act, (CPA) enacted by the Town by vote of Town Meeting on February 6, 2001, (adopting the CPA) and by vote of Town Meeting on May 8, 2001 (establishing the Community Preservation Committee) as ratified by the voters of the Town through town wide vote on May 15, 2001, or take any other action thereon.

Sponsored by Initiative Petition

Finance Committee **does not** recommend adoption of this article

Board of Selectmen **does not** recommend adoption of this article

*A motion to call a vote on Article 22 was **PASSED** by majority voice vote.*

*Upon a motion made and duly seconded, Article 22 was **DEFEATED** by show of hands.*

ARTICLE 23. To transact any other business that may legally come before said meeting.

*Upon a motion made and duly seconded, it was **VOTED** to dissolve this Annual Town Meeting @ 10:35 pm. Voters present for Annual Town Meeting Night 1 were 361 and Night 2 253.*

A True Record:



Patricia Shields, Town Clerk

**TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008**

RAISE AND APPROPRIATE:

<i>Article 5 Town Budget FY 09</i>	<i>\$25,706,342.00</i>
<i>Article 8 Tree Trimming</i>	<i>\$ 25,000.00</i>
	<i>\$25,731,324.00</i>

REVOLVING ACCOUNTS:

<i>Article 2 Recycling, Printing, Library Photocopy, Conservation, Highway Safety, & Council on Aging.</i>	<i>\$ 135,000.00</i>
--	-----------------------------

OTHER AVAILABLE FUNDS:

<i>Article 5 Septic Loan Program</i>	<i>\$ 13,571.00</i>
<i>Article 6 Assessors Overlay Release</i>	<i>\$ 9,428.00</i>
<i>Article 9 Assessors Overlay Release</i>	<i>\$ 140,000.00</i>
<i>Article 13 Assessors Overlay Release</i>	<i>\$ 50,000.00</i>
<i>Article 14 (Art. 8 ATM5/8/2007)</i>	<i>\$ 5,000.00</i>
	<i>\$217,999.00</i>

FREE CASH:

<i>Article 6 Capital Expenditures</i>	<i>\$ 381,993.00</i>
---------------------------------------	-----------------------------

**TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES MAY 13, 2008**

BORROWING:

Article 10 Haverhill Conservation Land **\$770,000.00**

COMMUNITY PRESERVATION FUNDS:

Article 15 Appropriations/Reserves **\$857,656.00**

Article 16 Town Clerk's Phase III **\$ 4,620.00**

Article 17 Haynes Property **\$ 35,000.00**

(Art. 13 STM 10/23/2007) **\$897,276.00**