

TOWN OF TOPSFIELD



2012 ANNUAL TOWN MEETING

PROCTOR SCHOOL
WOODBURY AUDITORIUM

May 1, 2012 @ 7 P.M.

Minutes

The Moderator reported that we had a quorum and that the Town Meeting would come to order. He asked for assistance and cooperation in maintaining a quorum.

When he asked if there were any WWII veterans present, Mr. Robert Bellemare came forward to lead those gathered in reciting the Pledge of Allegiance. Mr. Bellemare closed with an emphatic "Alleluia"!

The Moderator noted that the Warrant for the 2012 Annual Town Meeting had been duly served and posted according to law and that the Constable's Return of Service was certified as complete and proper by the Town Clerk. "This, the **362nd Annual Town Meeting**, notice of which was duly posted and advertised, is lawful and will now proceed."

The Moderator continued with the following announcements:

1. Topsfield Cable is taping our meeting for future broadcast. I thank Bill Whiting and his crew...for their dedication and thank them for their yearlong extraordinary service.
2. Microphones have been provided in this auditorium for your convenience. Please use them when addressing the meeting. Audio services are provided by Essex Radio - thank you, gentlemen.
3. Whoever desires to address the meeting must first be recognized by the Moderator. If recognized, then that person must state his or her name and street address prior to discussion. All discussion is addressed to the Moderator and not to various individuals or to the Selectmen. All discussion will be timed for duration, which will generally be limited to two minutes each.
4. By longstanding tradition in the town, a recommendation of the Finance Committee amounts to a motion, made and seconded and lawfully before the town for debate.
5. If anyone wishes to offer an amendment to a finance committee recommendation or to any other motion, I will require submittal of a written Motion to Amend for review by myself and Town Counsel prior to any action on it.

As the Finance Committee recommendation is the motion on which a vote is to be taken, Mr. Kinhan entertained a motion to allow the Moderator to waive the reading of each and every Article in its entirety, substituting instead a brief synopsis to aid in the orderly progression of the meeting. After a motion was requested and a seconded, there being no discussion, the motion carried unanimously at 7:07 P.M.

The Moderator then introduced the people involved in preparing for and executing this year's Town Meeting. He started with Paula Burke, the new Town Clerk, thanking her for the arrangements for the Town Meeting and for her professional service to the community. When introducing Assistant Town Clerk, Mary Elizabeth "Beth" Willis, who would be tracking time, he asked for assent to allow the non-resident to sit on stage during the meeting. The motion was made, seconded and passed unanimously at 7:08 P.M. Mr. Kinhan recognized, also, Sean and Mark and the other members of the Proctor School custodial staff who made us all comfortable.

The Moderator then introduced the Board of Selectmen:

Laura Powers, Chairman
Martha Morrison, Member
Richard Gandt, Member
Kenneth Vogel, Member
Eldon Goodhue, Clerk

along with Virginia Wilder, Town Administrator, and Lauren Goldberg, our Town Counsel from Kopelman & Paige and the Finance Committee:

Mark Lyons, Chairman
Karen Dow
Paul Dierze
Kathryn Hartmann
Daniel Shugrue
Heidi Bond
Steve Lais

Mr. Kinhan noted how these folks committed many hours of their time to labor and wrestle with the many complexities and challenges of the budget and the budget process and that the proposed budget is, once again, a model of fiscal prudence.

The Moderator introduced the members of the Town's Financial Team who were seated in the audience, Pam Wood, Town Accountant, Barbara Michalowski, Town Treasurer, and Roberta Knight, Purchasing and Community Development Coordinator, as well as Assessor Nina Evans who was absent. He recognized our dedicated Town Constable, Fred Glatz, and welcomed our distinguished educators Dr. Darrell Lockwood, Superintendent of Masconomet Regional High School, and Dr. Bernie Creeden, Superintendent of our elementary schools.

When the Moderator asked for assent to permit non-residents Greg Krom, Superintendent of the Water Department, and Susan Givens, Masconomet's Chief Financial Officer, to sit among the residents, the Town voted unanimously in favor of the motion at 7:11 P.M.

The Moderator acknowledged those serving as tellers for the Town Meeting: Ruth Lucy, Darcy Fulton, Dottie Wass, Elizabeth Collins, Elizabeth Dorn and Mary Connor.

Award Presentations

SELECTMEN'S CERTIFICATES OF APPRECIATION:

The Moderator called upon Chairperson of the Board of Selectman Laura Powers to present the 2012 Appreciation Awards.

Mrs. Powers noted, "It is my privilege and my honor to recognize many of our citizens who have served with such distinction and who have given so much time for the benefit of our community. Thank you for your service."

The award recipients were announced alphabetically and those present proceeded to be recognized in front of the audience:

Jack Armitage	Assistant Town Clerk
Jennifer Baker	Library Trustee
John Beck	Open Space Committee
Dana Berenson	Cable Advisory Committee
Barbara Bodengraven	Library Trustee
Robert Cahill	Police Department (FT)
Dave Comeau	Veterans Day Memorial Day Committee
Elizabeth "Betty" Cullinan	Board of Water Commissioners
Jeffrey Evaul	Elementary School Committee
Ray Gerry	Police Department (FT)
Evelyn Hammond	Cable/Web Coordinator
Jeanne Kinhan	Web Site Committee
John Kinhan	Moderator
Jay MacDougall	Cable Advisory Committee
Darrell Moore	Fire Department
Kristin Palace	Zoning Board of Appeals
Kim Philpot	Web Site Committee
Jeanne Pickering	Historical Commission
Judd Pratt	Conservation Commission
Charles Southard	Park & Cemetery Commissioner
Kenneth Vogel	Masconomet Regional School Committee
William Wood	Cable Advisory Committee

After making some general announcements about upcoming town events, the Moderator opened up the Warrant for the Annual Town Meeting on May 1st, 2012, which had been duly posted and was open for discussion and for legislative action. He paused to remind those gathered that tonight they were serving as a legislative body. He repeated that a quorum was present and that we would, therefore, proceed to the articles in the Warrant.

ARTICLE FIRST:

REPORTS

To hear all reports that may legally come before the meeting.

When the Moderator asked if there were any reports from the Board of Selectmen, Chairperson Laura Powers stood and gave the following report:

"Thank you all for coming out on this rainy night to take care of the important business before us tonight. This warrant we present tonight for your consideration is the culmination of months of careful and thoughtful planning. The Board of Selectmen has worked diligently with our Town Boards, Committees, employees and citizens to move forward a plan that aims to maintain the

quality of the essential services we provide our residents in a responsible, balanced and prudent manner.

As the State's economy starts to show some signs of a modest recovery, we begin to see a more stable and positive outlook trickling through our budget and warrant this year. State Aid is stable and slightly better than last year; consequently, this year's Finance Committee guideline is a little more relaxed than it has been for the past three years, allowing us to consider making some modest but important investments in infrastructure and long-range planning. This year, the warrant articles which we present for your consideration propose to move our town forward, reinvest in itself and look to the future. And we propose to do this affordably within Prop 2 1/2, and within the Finance Committee's guideline.

So I respectfully ask for your support and positive action on the business that's before us tonight."

When the Moderator asked if there were any reports from the Finance Committee, Chairperson Mark Lyons stood to give the following report:

"Good evening, Topsfield.

In preparing for tonight's Town Meeting, reflecting on the importance of many of the Warrant Articles that will come before you, including the Finance Committee recommendation for the upgrade of your Elementary Schools' essential technology infrastructure, it came to my attention that our Town Meeting's dedication to the quality of education actually had quite a rocky start.

According to *George Francis Dow's History of (Topsfield Massachusetts)* our town:

While the town had apparently selected a schoolmaster for thirty years, it had not fully complied with the law requiring every town with one hundred families or more to establish a grammar school. At a town meeting much like this evening held Dec. 15, 1723, Deacon John Howlett and Mr. Nathaniel Porter were chosen agents of the town to appear at the Court in Salem to answer to the town's presentment for not being provided with a grammar schoolmaster...

In 1732 the town was again presented at Court and this time fined for want of a schoolmaster. This resulted in the election of a school committee-so some good came out of it-three in number, who hired William Howlett to teach for five months. From this time until 1790 a committee of three was elected annually at town meeting to supply a schoolmaster....

The inhabitants saw the need of a schoolhouse as early as 1703, for when Samuel Stanley was re-elected schoolmaster that year it was left to the selectmen at the time to provide a schoolhouse as soon as they could do so conveniently. While the people realized the need of a schoolhouse in Topsfield at this time, it took nearly a century before any buildings were erected at the expense of the town.

I am optimistic this Town Meeting will, however, once again confirm how far our commitment to the Topsfield schools has come since these meager beginnings.

Continuing with the spirit of recent Town Budgets, and acknowledging current relevant economic factors, your Finance Committee continued our "No New Government, No New Programs" approach, once again, targeting the maintenance of essential Town services. In General Government, these guidelines called for Salary & Wage budget categories to be based on collective bargaining and contractual obligations, and an increase of 2% to the salary and wage grid for non-represented personnel. The "Other" expense category was set at 2% of an increase. Ongoing Financial Programs, such as automobile leasing were to be reviewed on a case-by-case basis. Fuel and Electricity budget requests were based upon FY 2011 actual and FY 2012 projections. Elementary Schools were set at a 2 % increase. While the Capital items budget remained limited, it was increased from \$100,000 to \$250,000 town wide. Even with this modest increase, we remain deeply concerned with the inadequacy of this funding level for capital Town needs going forward.

A Masconomet guideline was deferred pending further discussions with both the Boxford and Middleton Finance Committees. As a three Town joint guideline did not materialize, and given the regional nature of the Masconomet school district, a Topsfield guideline was not issued. Finance Committee Members did continue vigorous efforts with Boxford, Middleton and

Masconomet officials throughout the budget process, advocating for the certification of a fiscally responsible FY 13 Masconomet budget.

We entertained requests of additional support by departments only if specific Essential Services remained unfunded at Guideline levels. This year's Finance Committee Guidelines are established to initiate the annual Town Budget process in a consistent and reasonable manner. Based upon information that is preliminary at best, they generally target a balanced budget without overrides, given the economic nature and involved fiscal policies of the year. They are not a guarantee of Finance Committee recommendation of funding at any specific level, as a balanced budget must be brought to Town Meeting.

This year's guidelines were formulated with the goal of constructing a Town Budget capable of maintaining the provision of essential services to our residents without dependence on Proposition 2 ½ Overrides. This has indeed been accomplished. You will find NO Proposition 2 ½ overrides or exclusions of any nature in your Town Meeting Warrants this year.

The Finance Committee has recommended a FY 2013 total Town budget that includes a slightly decreasing (-1.13%) General Operating Budget (that's your Article Third) and a Masconomet Regional School assessment of \$6,173,071, (six million, one hundred seventy three thousand, seventy one dollars) as certified by the Masconomet Regional School Committee. The 13 total Town budget recommended by the Finance Committee includes an estimated total amount to be raised from various sources, of \$24,150,389 (twenty four million, one hundred fifty thousand, three hundred eighty nine dollars) representing an increase of 2.95% over FY12. After making adjustments for state aid and other revenues such as local receipts and assessments, the resulting total expected amount to be raised through real estate taxes based on information at that point in time, will be \$18,424,229 (eighteen million four hundred twenty four thousand, two hundred twenty nine dollars), an increase of 3.49%. Any further increase in local aid will decrease that amount. In addition to the Operating Budget, the Warrant offers for your consideration the acquisition of a truck/sander and wing plow for the Highway Department; purchase of a 4x4 police vehicle, a police cruiser, a fire department rapid-response vehicle and voting booths; rebanding of the public safety communication system; maintenance work on the exterior of the library; a comprehensive assessment of Town facilities; and as I mentioned an upgrading of the elementary school technology infrastructure.

Once again, in cooperation with your Selectmen, Town Administrator, Town Hall Financial Team, consisting of your Principal Assessor, Accountant, Treasurer and Purchasing Officer, your Finance Committee liaisons and the Committee as a whole have worked diligently and cooperatively with Department Heads, Committees, Boards and School Administrators throughout the year. As we do annually, we have reviewed budgets in detail and in depth.

We seek your support for our continuing efforts to preserve the essential character and nature of our Town, and to begin the process of addressing significant items that have not been adequately funded while we survived the harsh impact of recent economic times.

Thank you to all who have participated throughout this process for your dedication and cooperation.

The Moderator asked the Town Clerk to receive those reports and place them in the record.

ARTICLE SECOND:

RESERVE FUND

Mr. Mark Lyons, on behalf of the Finance Committee, recommended and at 7:27 PM the Town voted nearly unanimously, to appropriate the sum of \$150,000 for the Reserve Fund, and to meet said appropriation that the Town transfer the sum of \$100,000 from Free Cash; \$50,000 from Article 2 of the May 2011 Annual Town Meeting. Prior to asking if there was any discussion on Article Second, the Moderator reminded residents that a motion made by the Finance Committee is a motion made and seconded and that the motion is properly before the floor for discussion.

Noting that the hour of 7:30 P.M., the designated start time for the May 1, 2012 Special Town Meeting was approaching, Mr. Kinhan entertained a motion to adjourn or recess the Annual Town Meeting until such time as the business of the Special Town Meeting has been concluded and that meeting dissolved. A motion was made and seconded and the Town voted unanimously to adjourn. There was no discussion. At 7:29 PM, the motion passed unanimously and the Annual Town Meeting was adjourned.

2012 SPECIAL TOWN MEETING

Mr. Kinhan read the Warrant that was given under the hand of the Board of Selectmen on the 2nd day of April and duly served by the Town Constable and noted that the Town Meeting had been duly posted and timely advertised according to law and that the quorum was holding as sufficient. The Moderator then declared, "We are, therefore, legally going into Special Town Meeting."

ARTICLE FIRST:

REPORTS

There were no reports.

ARTICLE SECOND:

PRIOR YEAR BILLS AND WAGES

Mr. Mark Lyons, on behalf of the Finance Committee, recommended and at 7:30 P.M. the Town voted unanimously, exceeding the nine-tenths requirement, to transfer from available funds and appropriate the sum of \$500 from the Police Longevity Account to pay outstanding wages contracted prior to July 1, 2011.

ARTICLE THIRD:

TRANSFER OF FUNDS

Mr. Mark Lyons, on behalf of the Finance Committee, recommended and at 7:32 P.M. the Town voted unanimously to transfer from the unexpended balance of certain accounts, and/or from available funds, and appropriate said funds to certain other accounts to pay certain expenses for the 2012 fiscal year as follows:

\$1,515	From Selectmen Special Legal Account to Planning Board Advertising Account
\$10,000	From Snow & Ice Equipment Rental Account to Highway Other Gasoline Account
\$3,000	From Snow & Ice Wage Overtime Account to Highway Wage Account
\$6,500	From A17/09ATM Steward School Door Account to Steward Computer Equipment Account
\$9,100	From A16/09ATM Proctor School Door Account to Proctor Computer Equipment Account
\$3,500	From Council On Aging Salary Account to Council On Aging Wage Account

ARTICLE FOURTH:

TOWN HALL TECHNOLOGY

Mr. Stephen Lais, on behalf of the Finance Committee, recommended and at 7:33 P.M. the Town voted unanimously to transfer from Fiscal 2012 Additional State Aid Supplemental Cherry Sheet and appropriate the sum of \$7,825 to be expended by the Board of Selectmen for the purchase and installation of a computer rack, and computer server and related hardware, software, and services to update the Assessor's Vision Appraisal system.

ARTICLE FIFTH:

PERMITTING SOFTWARE

Mr. Paul Dierze, on behalf of the Finance Committee, recommended and at 7:34 P.M. the Town voted unanimously to transfer from Fiscal 2012 Additional State Aid Supplemental Cherry Sheet and appropriate the sum of \$23,750 to be expended by the Board of Selectmen to license and install a permitting application for use by Town departments which would include software acquisition, setup of data and codes, training and first year maintenance costs.

ARTICLE SIXTH:

PURCHASE LIBRARY EJECTOR PUMP

Mrs. Karen Dow, on behalf of the Finance Committee, recommended and at 7:35 P.M. the Town voted unanimously to transfer from Fiscal 2012 Additional State Aid Supplemental Cherry Sheet and appropriate the sum of \$3,600 to be expended by the Board of Selectmen with the advice of the Board of Library Trustees for the purchase and installation of a groundwater ejector pump for the Library.

ARTICLE SEVENTH

REPAIR LANDFILL FLARES

Mr. Stephen Lais, on behalf of the Finance Committee, recommended and at 7:37 P.M. the Town voted unanimously to appropriate the sum of \$12,000 to be expended by the Board of Selectmen with the advice of the Park & Cemetery Commissioners for solar flare piping maintenance repairs at the Topsfield Sanitary Landfill at Pye Brook Community Park; and to meet said appropriation, transfer the sum of \$2,337 from Fiscal 2012 Additional State Aid Supplemental Cherry Sheet; transfer the sum of \$3,192 from Article 3 Pensions of the May 2011 Annual Town Meeting; and transfer the sum of \$6,471 from the Fund Balance Reserved for 25 Year Borrowing.

ARTICLE EIGHTH:

TOWN ADMINISTRATOR SEARCH

Mr. Mark Lyons, on behalf of the Finance Committee, regretfully recommended and at 7:38 P.M. the Town voted unanimously to transfer from Article 3 Pensions from the May 2011 Annual Town Meeting and appropriate the sum of \$10,000 to be expended by the Board of Selectmen for costs associated with hiring a new Town Administrator, which would include procuring a consultant, to replace the current Town Administrator whose contract ends on December 31st of this year and who plans on retiring from public service.

RECOMMENDATIONS AS VOTED BY THE TOPSFIELD FINANCE COMMITTEE:

Mark B. Lyons, Chairperson

Heidi L. Bond
Karen A. Dow
J. Stephen Lais

Paul E. Dierze
Kathryn S. Hartmann
Daniel Shugrue

With the business of this “special meeting” concluded, Mr. Kinhan entertained a motion to dissolve the “special meeting”. A motion was made and seconded. The unanimous vote to dissolve the Special Town Meeting was taken at 7:39 P.M.

2012 ANNUAL TOWN MEETING continued

The 2012 Annual Town Meeting reconvened at 7:40 P.M. with Article Third.

ARTICLE THIRD:

GENERAL OPERATING BUDGET

Mrs. Karen Dow, on behalf of the Finance Committee recommended, that the Town vote to appropriate the sum of \$14,987,746 for schools, highways, and other Town expenses, and fix the annual salary and compensation of all elected officers from July 1st and determine the manner of expending the same as stated in attachment A; and to meet said appropriation, raise and assess the sum of \$14,785,118; transfer the sum of \$34,637 from the Police Insurance and Restitution Injured Officer Revolving Account; transfer the sum of \$66,000 from the Gould Trust Fund Part B; transfer the sum of \$1,722 from the Fund Balance Reserved for Reduction Future Excludable Debt Account; transfer the sum of \$6,000 from the Conservation Revolving Fund; transfer the sum of \$47,000 from Article 3 Town Insurance of the 2011 Annual Town Meeting; transfer the sum of \$9,295 from Article 3 Medical Insurance of the 2011 Annual Town Meeting; transfer the sum of \$307 from Article 6 of the May 2011 Annual Town Meeting; transfer \$838 from Article 7 of the May 2011 Annual Town Meeting; transfer \$1,715 from Article 3 Pensions of the May 2011 Annual Town Meeting; transfer \$35,114 from Article 3 Unemployment Insurance of the May 2011 Annual Town Meeting.

The voters were asked to refer to Attachment A in the back of the 2012 Annual Town Meeting Warrant for the detailed Fiscal Year 2013 General Operating Budget.

Mrs. Dow stated, "As allowed by the Moderator, to save time I will read only the elected officers and the budget subtotal lines, and skip saying 'dollars' each time. The Fiscal Year 2013 General Operating Budget is as follows:

Elected officers:

Moderator 50

Selectmen:	Chairman	1
	Clerk	1
	Member	1
	Member	1
	Member	1
Assessors:	Chairman	1,500
	Clerk	1,500
	Member	1,500
Town Clerk:		54,451
Planning Board:	Chairman	1
	Clerk	1
	Member	1
	Member	1
	Member	1

Subtotal General Government: 1,047,394

Subtotal Public Safety: 2,087,872

Subtotal Elementary Schools: 6,093,971

Subtotal Public Works: 737,379

Subtotal Human Services: 598,359

Subtotal Culture & Recreation: 731,015

Subtotal Debt Service: 670,221

Subtotal Other Expenditures: 3,021,535

Total Budget Recommendation: 14,987,746

This article approves the Fiscal Year 2013 General Operating budget for the Town for general government purposes and the elementary schools. The budget assessment for Masconomet will be addressed in Article 5 later this evening.

Each department budget before you was prepared by department managers with reference to guidelines established by the Finance Committee last fall. These guidelines recognized a slight improvement in the economic environment, requesting department budgets with a 2% increase to the salary and wage grid for non-represented personnel, longevity bonuses where applicable, contractual obligations and a 2% increase in the “other” category. Once again the guidelines stated no new government or programs, and requested departments to focus on essential Town services.

Each Finance Committee liaison worked diligently with their departments to understand the essential services, other funding sources such as grants and revolving funds, and where essential services might require a department budget beyond the guidelines. By and large, the department budgets before you comply with the guidelines. Overall, department operating budgets have increased by \$238,195 or 2.15% over last year, which is actually this current fiscal year, while pensions, insurance and debt costs decreased by \$408,825 or 9.97% compared to the current fiscal year. This decrease is due to refinancing some debt at a more favorable interest rate and the state paying off its share of the elementary schools’ renovation and expansion cost. The net result is the proposed General Operating budget before you has decreased by \$170,629 or 1.13% compared to last spring’s Article 3 approval.

In the proposed department budgets before you, deviations from the guidelines are in general small and have been deemed essential. These include the costs associated with hiring a new Town Administrator, the cost to hold a Presidential Election, support for the Town website, restoration of town funding for Friday van service by the Council on Aging, purchase of spare parts for the flares at Pye Brook Park due to a new maintenance agreement, and coverage of a portion of the Conservation Commission Administrator’s salary as the revolving account which had been providing funding has been depleted.

The proposed General Operating budget before you is a result of a collaborative effort between department managers, town boards, the Town Administrator, Town Hall Financial Team, Finance Committee and Selectmen. The Finance Committee believes its recommendation is responsive to the needs of the citizens, both in terms of services and costs.”

During the discussion that followed, Mrs. Kim Sherwood first asked how the guidelines for paying staff are calculated; in other words, “Are we going out to market?” Selectmen Laura Powers explained that the Personnel Advisory Committee, appointed by Town

Administrator and Chief Personnel Officer Virginia Wilder and chaired by Al Wallace, on a routine basis examines what applicable employees are being paid in neighboring communities. The salary grid that is used considers experience and years of service, etc. Mrs. Sherwood further asked if comparisons were made only with government salaries. Selectman Dick Gandt responded that comparisons with the private sector are not made and that databases such as those generated by the Massachusetts Municipal Association are consulted. Finally, Mrs. Sherwood asked what is driving the 10%, or \$35,000, increase in Liability/Accident/Workmen’s Compensation Insurance. Town Administrator Virginia Wilder explained that the rates are supplied by our insurer and may change during the course of the year. Following the brief discussion, at 7:54 P.M., the Town voted unanimously to approve Article Third, the General Operating Budget for FY 13, as written in Attachment A of the 2012 Annual Town Meeting Warrant.

ARTICLE FOURTH:

WATER DEPARTMENT OPERATING BUDGET

Mr. Stephen Lais, on behalf of the Finance Committee recommended, that the Town vote to appropriate the sum of \$773,081.00 as detailed herein, and to meet said appropriation \$773,081.00 to come from Water Revenue, to operate the Water Department from July 1, 2012 through June 30, 2013, and to approve the sum of \$110,116.00 of indirect costs appropriated in the General Fund under Article Third above, to be funded from Water Revenue. When the Moderator asked if a Selectman would recommend positive action as has been done historically, Dick Gandt recommended positive action on behalf of the Board of Selectmen. Town Counsel, Lauren Goldberg, explained to the Moderator that the article should be restated in “longer fashion” so that there is no confusion. Mr. Lais proceeded to read the amounts listed in the column under “Proposed Appropriation Fiscal Year 2013” from the Water Department Operating Budget chart included in the 2012 Annual Town Meeting Warrant:

Appropriated Fiscal Year 2012		Proposed Appropriation Fiscal Year 2013
	WATER DEPARTMENT OPERATING BUDGET	
\$ 67,371.00	Salary	\$ 73,092.00
146,234.00	Wages	148,082.00
232,130.00	Other	265,330.00
83,300.00	Long-Term Debt Principal	83,500.00
36,576.00	Long-Term Debt Interest	34,077.00
-	Short-Term Debt Interest	-
-	Debt Issue Costs	-
-	Short Term Debt Principal Paydown	-
88,000.00	Water Reserve Fund	94,000.00
75,000.00	Unanticipated Emergency	75,000.00
728,611.00	SUB-TOTAL – DIRECT COSTS	773,081.00
106,564.00	Indirect Costs	110,116.00
835,175.00	TOTAL: WATER DEPARTMENT	883,197.00

At 7:58 P.M., the article passed unanimously.

ARTICLE FIFTH:

MASCONOMET REGIONAL SCHOOL DISTRICT ASSESSMENT

Mrs. Heidi Bond, on behalf of the Finance Committee, recommended that the Town vote to approve the 2013 Fiscal Year Gross Operating Budget of the Masconomet Regional School District in the amount of \$28,596,962 and appropriate the sum of \$6,173,071 to fund the Town's share of the Fiscal Year 2013 Masconomet Regional School District Assessment of which the sum of \$5,871,969 supports the Maintenance & Operating Budget, and the sum of \$301,102 supports the Masconomet Building Debt Service; and to meet said appropriation raise and assess the sum of \$6,173,071. Mrs. Bond noted that the Finance Committees from Topsfield, Boxford, and Middleton work each year with the Masconomet School Committee and the Masconomet Administration during the budget process. Each year Masconomet develops their budget striving to maintain a high quality education for their students while being mindful of our challenging fiscal times. Each year Masconomet makes efforts to reduce costs where possible, this year concentrating on vendor contracts, utilities and insurance costs. This article would approve the Fiscal Year 2013 Assessment for maintenance and operation as well as debt service for the Masconomet Regional School District. Topsfield's certified assessment of \$6,173,070 has been rounded up to \$6,173,071 for purposes of appropriation. The Masconomet budget represents a 2.2% increase in the General Fund Budget, but a 3.5% increase in total for the 3 community's contributions due to declining state aid (primarily transportation reimbursement). Topsfield's certified assessment of \$6,173,071 represents a .84% or \$51,663 due to our declining enrollment of 36 students. Although this budget increase is favorable for Topsfield this year, the Finance Committee continues to monitor carefully salary increases, pension and insurance costs all which reside in Masco's budget. There was no discussion. At 8:02 P.M. the Town voted unanimously in favor of the article.

ARTICLE SIXTH:

NORTH SHORE VOCATIONAL SCHOOL DISTRICT ASSESSMENT

Mrs. Heidi Bond, on behalf of the Finance Committee, recommended that the Town vote to approve the 2013 Fiscal Year Gross Operating Budget of the North Shore Regional Vocational School District in the amount of \$11,775,091 and raise, assess, and appropriate the sum of \$65,469 for the Town's share of the assessment of same. Mrs. Bond explained that this article approves the Fiscal Year 2013 Assessment for the North Shore Regional Vocational School District. This assessment represents Topsfield's share of a required minimum of five students. Three Topsfield students are currently enrolled. At 8:03 P.M. the Town voted unanimously to approve the article.

ARTICLE SEVENTH:

LEASE OF EMERSON FIELD

Mr. Stephen Lais, on behalf of the Finance Committee, recommended and at 8:05 P.M. the Town voted unanimously to authorize the Board of Selectmen with the advice of the Park and Cemetery Commission, and under such terms as it deems advisable, to enter into a lease with the Congregational Church of Topsfield for certain property in Topsfield commonly known as Emerson Field, and to transfer from Free Cash and appropriate the sum of \$1,250 for said lease.

ARTICLE EIGHTH:

GRANT AUTHORIZATION FOR TOWN PROJECTS

Mr. Paul Dierze, on behalf of the Finance Committee, recommended and at 8:05 P.M. the Town voted unanimously to authorize the Board of Selectmen to apply for, accept, and expend without further appropriation any private, state, or federal grants or loans for Town projects.

ARTICLE NINTH:

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION CONTRACTS

Mr. Paul Dierze, on behalf of the Finance Committee, describing this as an annual article that allows the Selectmen to accept Chapter 90 funds for road maintenance and reconstruction, recommended and at 8:06 P.M. the Town voted unanimously to authorize the Board of Selectmen to enter into contracts with the Massachusetts Department of Transportation for the ensuing year.

ARTICLE TENTH:

PARK REVOLVING FUND

Mr. Stephen Lais, on behalf of the Finance Committee, recommended and at 8:08 P.M. the Town voted unanimously to establish the Park Revolving Fund for the Park & Cemetery Department pursuant to Massachusetts General Law Chapter 44, § 53E1/2: (1) to pay for part-time, seasonal and temporary wages, equipment, supplies and other operating expenses; (2) receipts of the Park & Cemetery Department's recreation programs shall be deposited in said fund unless otherwise provided by law; (3) said funds may be expended by majority vote of the Park & Cemetery Commissioners; (4) expenditures to be limited to \$40,000 in the ensuing year.

ARTICLE ELEVENTH:

CEMETERY REVOLVING FUND

Mr. Stephen Lais, on behalf of the Finance Committee, recommended and at 8:09 P.M. the Town voted unanimously to establish the Cemetery Revolving Fund for the Park & Cemetery Department pursuant to Massachusetts General Law Chapter 44, § 53E1/2: (1) to pay for part-time, temporary and seasonal wages, equipment, supplies and other operating expenses; (2) cemetery related receipts of the Park & Cemetery Department shall be deposited in said fund unless otherwise provided for by law; (3) said funds may be expended by majority vote of the Park & Cemetery Commissioners; (4) expenditures to be limited to \$25,000 in the ensuing year.

ARTICLE TWELFTH:

CONSERVATION COMMISSION REVOLVING FUND

Mr. Paul Dierze, on behalf of the Finance Committee, recommended and at 8:11 P.M. the Town voted unanimously to establish the Conservation Revolving Fund for the Conservation Commission pursuant to Massachusetts General Law Chapter 44, § 53E1/2: (1) to expend for services, supplies, and part-time wages and other operating expenses as authorized by Massachusetts General Law Chapter 40, § 8C; (2) receipts of the Conservation Commission of fees paid under the Topsfield General Wetlands Bylaw and Regulations will be deposited in said fund unless otherwise provided for by law; (3) said

funds may be expended by majority vote of the Conservation Commissioners; (4) expenditures are limited to \$10,000 for the ensuing year.

ARTICLE THIRTEENTH:

ANNUAL ENGINEERING & LANDFILL MONITORING

Mr. Stephen Lais, on behalf of the Finance Committee, recommended and at 8:12 P.M. the Town voted unanimously to transfer and appropriate the sum of \$36,700 from the Solid Waste Fund to be expended by the Board of Selectmen to fund the Fiscal Year 2013 annual professional engineering and monitoring services related to the capping and closure of the Town's sanitary landfill.

ARTICLE FOURTEENTH:

FISCAL YEAR 2013 ADDITIONAL REAL ESTATE EXEMPTION

Mr. Stephen Lais, on behalf of the Finance Committee, recommended and at 8:14 P.M. the Town voted unanimously under the provisions of Section 4 of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988, an exemption increase of one hundred percent (100%) for Fiscal Year 2013 for all taxpayers qualifying for a personal exemption.

ARTICLE FIFTEENTH:

CONTRACT FOR RE-CERTIFICATION OF RESIDENTIAL PROPERTY

Mr. Stephen Lais, on behalf of the Finance Committee, recommended that the Town vote to appropriate the sum of \$80,000 to be expended by the Board of Selectmen, with the advice of the Board of Assessors, to contract for the measure and list of residential real property for fiscal 2016; and to meet said appropriation, transfer the sum of \$6,500 from Article 34th of the May 2010 Annual Town Meeting; and transfer the sum of \$73,500 from Free Cash. Mr. Lais explained that this article would fund the reinspection of all residential properties over the next three years in anticipation of the 2016 recertification. At 8:16 P.M. the Town voted unanimously to pass the article.

ARTICLE SIXTEENTH:

FUND TOWN EMPLOYEE EMPLOYMENT SEPARATION

Mr. Daniel Shugrue, on behalf of the Finance Committee for the first time, recommended and at 8:17 P.M. the Town voted unanimously to appropriate and transfer from Article 3 Medical Insurance of the May 2011 Annual Town Meeting the sum of \$32,198 to cover the cost of employment separation benefits for employees for time owed for unused sick and vacation leave or other benefits as may be required by law, the Personnel Bylaw, rules, regulations, policies or applicable contracts or collective bargaining agreements.

ARTICLE SEVENTEENTH

FUND POST-EMPLOYMENT BENEFITS – GENERAL

Mr. Daniel Shugrue, on behalf of the Finance Committee, recommended and at 8:18 P.M. the Town voted unanimously to appropriate \$100,000 and to meet said appropriation transfer the sum of \$100,000 from Article 3 (Medical Insurance) of the May 2011 Annual Town Meeting for the "Other Post Employment Benefits Liability Trust Fund".

ARTICLE EIGHTEENTH:

FUND POST-EMPLOYMENT BENEFITS – WATER

Mr. Daniel Shugrue, on behalf of the Finance Committee, recommended and at 8:19 P.M. the Town voted unanimously to appropriate and transfer the sum of \$30,000 from the Water Enterprise Retained Earnings for the “Other Post Employment Benefits Liability Trust Fund”.

ARTICLE NINETEENTH:

TRI-TOWN COUNCIL ON YOUTH AND FAMILY SERVICES

Mrs. Kathryn Hartmann, on behalf of the Finance Committee, recommended and at 8:20 P.M. the Town voted unanimously to appropriate the sum of \$18,319 as a grant to fund certain activities of the Tri-Town Council and to meet said appropriation to transfer the sum of \$18,319 from Free Cash.

ARTICLE TWENTIETH:

WATER MAIN PROJECT

Mr. Stephen Lais, on behalf of the Finance Committee, recommended that the Town vote to transfer and appropriate a sum of \$800,000 and to meet said appropriation, transfer the sum of \$25,172 from Article 32nd of the May 2005 Annual Town Meeting, transfer \$30,000 from Article 25th of the May 2006 Annual Town Meeting, transfer \$11,797 from Article 20th of the May 2010 Annual Town Meeting, transfer \$16,771 from Article 21st of the May 2010 Annual Town Meeting, transfer \$175,000 from Article 23rd of the May 2011 Annual Town Meeting, and transfer \$541,260 from Retained Earnings; to be expended by the Board of Selectmen, with the advice of the Water Commissioners for the replacement of the water mains on Central Street, from Summer Street to Main Street, and on Main Street, from Washington Street to Ipswich Road, and for the installation of a water main on Bare Hill Road, from Haverhill Road to Parsonage Lane. Mr. Lais explained that last year the Town voted to appropriate \$175,000 for the Central Street water main replacement project and that, since that time, there have been numerous water main breaks on the Main Street section. He further stated that any water commissioner would recommend looping the pipes, which is the reason for the Bare Hill Road expansion. At 8:23 P.M., the Town voted unanimously in favor of the article.

ARTICLE TWENTY-FIRST:

LEASE OF HIGHWAY DUMP/PLOW/SANDER/WING TRUCK

Mr. Paul Dierze, on behalf of the Finance Committee, explained that new numbers would be inserted into Article Twenty-first. Specifically, the amount requested would increase from \$27,500 to \$29,335 and the total six year cost would increase from \$165,000 that is shown in the summary to \$176,010. Mr. Paul Dierze, on behalf of the Finance Committee, recommended that the Town vote to transfer from Free Cash, and appropriate the sum of \$29,335 to be expended by the Board of Selectmen, with the advice of the Board of Road Commissioners, and to authorize the Board of Selectmen to enter into a six year lease-to-purchase agreement to procure and equip a Dump/Plow/Sander/Wing Truck, and trade-in or sell the 1994 International Dump/Plow/Sander/Wing Truck. To respond to residents' questions, Town Employees and Officials further explained the lease-to-purchase agreement and the reasoning behind it. Town Accountant, Pam Wood, assured the attendees that, although \$29,335 would be embedded in Article Third over the next six years, the cost would remain a capital expense. Selectman Dick Gandt explained that the

Finance Committee approved leasing the vehicle because an outright purchase would have prevented the Town from coming in under the \$250,000 guideline that had been issued by the Finance Committee for capital expenditures in FY 2013. He clarified that the Town would pay about \$16,000 in interest in order to enter into the lease-to-purchase agreement for the Dump/Plow/Sander/Wing Truck. At 8:31 P.M. the Town voted by a clear majority to carry the motion.

ARTICLE TWENTY-SECOND:

PURCHASE OF 4X4 POLICE VEHICLE

Mrs. Heidi Bond, on behalf of the Finance Committee, recommended that the Town vote to raise, assess and appropriate the sum of \$40,983 and to meet said appropriation transfer \$40,983 from Free Cash to be expended by the Board of Selectmen with the advice of the Police Chief to purchase and equip a new 4x4 SUV police vehicle and trade-in or sell a 2001 Chevrolet Tahoe. Mrs. Bond explained that the new 4x4 vehicle would replace an 11 year old 4x4 Chevrolet Tahoe, which has logged more than 135,000 and continues to experience downtime and incur high repair costs. This would be the department's ONE 4x4, front line vehicle which is used especially during weather related responses. At 8:34 P.M., the Town voted by a clear majority to pass the article.

ARTICLE TWENTY-THIRD:

PURCHASE OF POLICE CRUISER

Mrs. Heidi Bond, on behalf of the Finance Committee, recommended that the Town vote to appropriate the sum of \$36,014 to be expended by the Board of Selectmen with the advice of the Police Chief to purchase and equip a new cruiser and trade-in or sell a 2008 Ford Crown Victoria and to meet said appropriation that the Town transfer the sum of \$34,442 from Free Cash and transfer the sum of \$1,572 from Article 24 of the May 2011 Annual Town Meeting. Mrs. Bond stated that the new cruiser would replace a four year old Ford Crown Victoria cruiser with now over 165,000 miles. This replacement would continue the ongoing efforts to replace one cruiser yearly to maintain reliability among our front-line cruisers. At 8:35 P.M., the Town voted unanimously to pass the article.

ARTICLE TWENTY-FOURTH:

PURCHASE OF A FIRE DEPARTMENT RAPID RESPONSE VEHICLE

Mr. Daniel Shugrue, on behalf of the Finance Committee, recommended that the Town vote to appropriate the sum of \$50,000 to be expended by the Board of Selectmen with the advice of the Fire Chief to purchase and equip a new Rapid Response Vehicle and trade-in or sell a 1980 Pierce Mini-pumper and a 2001 Chevrolet Tahoe and to meet said appropriation that the Town transfer the sum of \$50,000 from Free Cash. Mr. Shugrue explained that the new truck would replace both the current T1 Rapid Response Vehicle, the 2001 Tahoe with 125,000 miles, and Squad 1, the 1980 Pierce Mini-pumper. The T1, which is essential for rapid deployment of command staff to emergencies and is used for routine patrol and inspections, would also be outfitted to allow transport of water and provide pumping. At 8:36 P.M., the Town voted nearly unanimously to pass the article.

ARTICLE TWENTY-FIFTH:

PURCHASE OF VOTING BOOTHS

Mrs. Karen Dow, on behalf of the Finance Committee recommended that the Town vote to transfer from Free Cash, and appropriate the sum of \$2,860 to be expended by the Board of

Selectmen with the advice of the Town Clerk for the purchase of new voting booths. Mrs. Dow explained that the existing voting booths are deteriorated and unsafe. Some of the new booths, which fold up compactly and are easy to transport, were purchased with reserve funds to see us through the imminent election. The remaining quantity required to hold a Presidential Election given Topsfield's number of registered voters, and also to serve for many future elections, would be purchased with approval of this article. At 8:38 P.M., the Town voted unanimously to pass the article.

ARTICLE TWENTY-SIXTH:

REBAND PUBLIC SAFETY COMMUNICATION SYSTEM

Mr. Daniel Shugrue, on behalf of the Finance Committee, recommended that the Town vote to transfer \$23,000 from Free Cash to be expended by the Board of Selectmen, with the advice of the Emergency Management Director, to procure services and equipment to reband the Town's two-way radio system. Mr. Shugrue explained that by January 1, 2013, in accordance with FCC regulations, all public safety land mobile radio systems operating in the 150-174 MHz and the 421-512 MHz frequency spectrums must reduce channel bandwidth to 12.5 kHz. Since the town's existing communications equipment operates at a channel bandwidth of 25 kHz, the town's equipment must be modified, that is "narrowbanded", to 12.5 kHz, and in some cases replaced, to achieve a system that operates at a 12.5 kHz channel bandwidth. Of the town's radios, it is estimated that 117 would be modified and 15 that cannot be modified would be replaced. At 8:40 P.M., the Town voted unanimously to pass the article.

ARTICLE TWENTY-SEVENTH

LIBRARY EXTERIOR MAINTENANCE

Mrs. Karen Dow, on behalf of the Finance Committee, recommended that the Town vote to transfer from Free Cash, and appropriate the sum of \$8,000 to be expended by the Board of Selectmen, with the advice of the Board of Library Trustees, for the repair, replacement and painting of wood, including architectural molding on the original library building, on the exterior of the Town Library. When the Moderator asked the Town for assent to allow (interim) Library Director Becky Rowlands to sit among the residents on the Town Meeting floor, the Town voted unanimously in favor of the motion. At 8:42 P.M., the Town voted unanimously to pass Article Twenty-seventh.

ARTICLE TWENTY-EIGHTH

TOWN BUILDINGS ASSESSMENT

Mr. Mark Lyons, on behalf of the Finance Committee, recommended that the Town vote to transfer from Free Cash and appropriate \$55,000 to be expended by the Board of Selectmen to retain the services of a consultant to prepare a comprehensive assessment of Town facilities and create a master plan for improvements based on relative need and cost effectiveness. Mr. Lyons elaborated that the study would evaluate the existing condition of the Town's municipal and school buildings. Through the study the consultant would determine deficiencies in each building and develop a master plan for recommended long-term improvements taking into consideration relative need and cost-effectiveness. The report would result in a five to ten year capital plan. At 8:43 P.M., the Town voted by a clear majority to pass the article.

“REDEVELOPMENT: Any construction, alteration, or improvement *of land that exceeding land disturbance of 7500 square feet, where the existing land* has been subject to previous development.”; and

Amend the ordering of definitions as follows:

Move the definition POST-DEVELOPMENT after PRE-DEVELOPMENT.

In section 51-3 AUTHORITY:

Insert the following at the end of the section:

“and as amended at the May 1, 2012 Annual Town Meeting.”

In section 51-5 APPLICABILITY:

Replace the title “~~APPLICABILITY~~” with the new title, “**STORMWATER MANAGEMENT PERMIT REQUIREMENT**”; and

Replace 51-5a in its entirety as follows:

“a. Applicability

No person shall alter land within the Town of Topsfield including without limitations any new development or redevelopment, or other activity that will alter the drainage characteristics of a parcel of land without obtaining a Stormwater Management Permit, unless exempt pursuant to Section 51-5(b) of this Bylaw. In addition, any alteration or redevelopment of a hotspot, or conversion of land to a hotspot, shall require a Stormwater Management Permit and shall not be subject to the exemptions set forth in Section 51-5(b) of the Bylaw.”

Amend 51-5b as follows:

“b. Exemptions

~~No person shall alter land within the Town of Topsfield without having obtained a Storm water Management Permit (SMP) for the property with the following exceptions:~~

The following activities shall be exempt from the requirement to obtain a Stormwater Management Permit. The exemptions in b.1 and 2 below shall not be applied to projects entirely or in any part on poorly drained soils, or for projects consisting of the installation of any drain system designed to transport stormwater or groundwater beyond the boundaries of the property on which it is located. ”

Amend 51-5 b.1 as follows:

- “1. Any activity that will alter an area less than of 7500 square feet or less of land where the on existing or proposed slopes are less than 15 %; or less than 25% of contiguous property on existing or proposed slopes less than 15%, whichever is less. This exception may not be applied for contiguous properties held in common ownership at the time of adoption of this Bylaw that may have been previously subdivided and/or attributed to multiple separate owners.”*

Amend 51-5 b.2 as follows:

~~“2. Any activity that will alter an area of 4000 square feet or less *of land where the* existing or proposed slopes *are between 15% and 25%, inclusive*; steeper than 15%. This exception may not be applied for contiguous properties held in common ownership at the time of adoption of this Bylaw that may have been previously subdivided and/or attributed to multiple separate owners.”~~

Delete 51-5 b.11. in its entirety:

~~“11. Redevelopment projects are presumed to meet the specified stormwater management requirements described in the Stormwater Regulations of the Town of Topsfield if the total impervious cover is reduced by 40 % from existing conditions. Where site conditions prevent the reduction in impervious cover, stormwater management practices shall be implemented to provide stormwater controls for at least 40 % of the site's impervious area. When a combination of impervious area reduction and stormwater management practice implementation is used for redevelopment projects, the combination of impervious area reduction and the area controlled by a stormwater management practice shall equal or exceed 40 %.”~~

Amend section 51-7 ENFORCEMENT as follows:

“The *Stormwater Coordinator*, Planning Board or an ...” [remainder of section not changed].

And in the title of and throughout the Bylaw, amend the words “Storm Water” to read “Stormwater” [one word],

Mr. Paul Dierze, on behalf of the Finance Committee, recommended and at 8:52 P.M. the Town voted unanimously to amend the Storm Water and Erosion Control Bylaw as indicated in the 2012 Annual Town Meeting Warrant.

ARTICLE THIRTY-SECOND:

AMEND ARTICLE VI, FLOOD PLAIN DISTRICT

Mr. Paul Dierze, on behalf of the Finance Committee, recommended that the Town vote to amend the Topsfield Zoning Bylaw by deleting Article VI, Flood Plain District in its entirety and replacing with a new Article VI, Flood Plan District as set forth in Attachment B to the 2012 Annual Town Meeting Warrant, entitled “Article VI, Flood Plain District”. The Moderator introduced Mr. Gregor Smith to speak on behalf of the Planning Board about this zoning amendment. Mr. Smith explained that the intent of this article is to update our current Floodplain Bylaw and that although this is a total replacement there are actually only modest changes in terms of language. The intent is to enhance clarity and to ensure consistency and compliance with the new national flood insurance program administered by FEMA. This includes the addition of specific language meeting state guidelines and the inclusion of updated references to the new flood insurance rate maps. It remains an overlay district and as such the underlying zoning rules still apply. Mr. Smith stated that the Planning Board recommended positive action. At 8:55 P.M. the Town voted unanimously, exceeding the 2/3 requirement, in favor of passing the article, thereby carrying the motion.

ARTICLE THIRTY-THIRD:

AMEND ZONING BYLAW - DESCRIPTION OF DISTRICTS

“2.01 Classes of Districts.

The Town of Topsfield is hereby divided into ~~eight (8)~~ *seven (7)* Districts *and four (4) overlay districts:*

- A. Business District Highway (~~B-H~~) (*BH*)
- B. Business District Village (~~B-V~~) (*BV*)
- C. Central Residential District (~~C-R~~) (*CR*)
- D. Inner Residential and Agricultural District (~~I-R-A~~) (*IRA*)
- E. Outlying Residential and Agricultural District (~~O-R-A~~) (*ORA*)
- F. Business Park District (~~B-P~~) (*BP*)
- G. Elderly Housing District (EHD)
- H. Business District Highway North (~~B-H-N~~) (*BHN*)
- I. Scenic Overlay Zone*
- J. Groundwater Protection Overlay District*
- K. Floodplain District ”*

“2.05 Central Residential District.

The Central Residential District shall comprise, except for the business districts included therein, the area bounded by a line beginning at the junction of *South* Main Street and Maple Street, thence to a point on Prospect Street, 1,000 feet southwesterly from South Main Street; thence to a point on Washington Street, at the westerly boundary of land ~~formerly owned by Hosmer Eldridge at 71 Washington Street and shown as Block 13 on Map 32 of the Assessor's plats dated 2011,~~ northeasterly to the end of Colrain Road as presently accepted, thence to the southwest corner of Pine Grove Cemetery; along the southern border of said cemetery to Haverhill Road, thence northerly on Haverhill Road to a point 200 feet north of Pine Street; thence easterly parallel to Pine Street to a point on Ipswich Road, thence to a point on Boston Street 400 feet north of High Street; thence parallel to High Street across Perkins Row to a point where it meets a perpendicular to High Street and its junction with the center line; of the railroad, thence following said perpendicular to said center line; thence up the center line of the railroad northwesterly to a point 200 feet southeasterly of Maple Street; thence westerly parallel to Maple Street to Boston Street, thence southerly on Boston Street to South Main Street, thence northwesterly parallel to South Main Street to the junction of South Main Street and Maple Street, the point of beginning.

2.06 Outlying Residential and Agricultural District.

The Outlying Residential and Agricultural District shall comprise:

- a. All area ~~in Topsfield~~ south and east of the Ipswich River;
- b. An area ~~in Topsfield~~ east and north of line starting at the junction of the Ipswich River and Howlett Brook following Howlett Brook to a point 300 feet south of Ipswich Road on a perpendicular to said road, thence westerly on a line south of a parallel to Ipswich Road and then Campmeeting Road to a point ~~200 feet east of Boston Street~~ *250 feet east of the center line of Boston Street*; thence northerly along a line parallel to and ~~200 feet east of Boston Street~~ *250 feet east of the centerline of Boston Street to the northerly line of land now or formerly of Arthur Gaklis (for description, see deed from Margaret N. Lewis to Arthur Gaklis, dated December 30, 1974 and recorded in the Essex South District Registry of Deeds at Book 5287, page 222, also being shown as Block 7, Map 7,*

on the Topsfield Assessors' plat dated 2011) then turning northwest along referenced north boundary and continuing in the same direction to the centerline of Boston Street then turning north and following the centerline of Boston Street to the Town boundary with the Town of Ipswich;

- c. An area ~~in Topsfield~~ that is west of North Street and north of Howlett and Pye Brooks;
- d. An area comprising the ~~existing~~ land located *on Assessor's Map 5, Block 2* and located west of Pye Brook and east of the New England Power Company right-of-way;
- e. An area *located on Assessor's Map 51, Block 21 and Map 35, Block 6* ~~consisting of all existing land in Topsfield owned by the Massachusetts Audubon Society;~~
- f. An area consisting of land bounded by a line beginning at the intersection of *the centerline of* Boston Street and *the centerline of* Howlett Street; thence westerly along *the centerline of* Howlett Street to a point where boundary of Central Residential District crosses Howlett Street; thence northwesterly along said boundary to *the southern edge of the* Ipswich Road *layout*, thence easterly along *the southern edge of the* Ipswich Road *layout* to westerly property line of lot *at 79 Ipswich Road and shown as Block 47 on Map 25 of the Assessor's plats dated 2011*, thence southerly along said property line to southern boundary of line of said lot, then easterly along southern boundary lines of lots *with addresses of* 79, 83, 85L, 87, **91**, 101 and 107 *Ipswich Road* to center line of Boston Street; thence southerly on Boston Street to point of beginning.

2.07 Inner Residential and Agricultural District.

The Inner Residential and Agricultural District shall comprise all the land remaining outside the Business District Highway, Business District Village, ~~Business District Highway~~, Business District Highway North, Business Park District, and Central Residential and Outlying Residential and Agricultural Districts.

2.08 Zoning Map

The location and boundaries of the Zoning Districts are hereby established as shown on a map titled "Zoning Map of the Town of Topsfield, Essex County Massachusetts" and drawn to a scale of 1 inch to 1200 feet which accompanies and is hereby declared to be a part of the By-Law. The authenticity of the Zoning Map shall be identified by the signature of the Town Clerk and the imprinted seal of the Town under the following words: "This is to certify that this is the Zoning Map referred to in Article II of the Zoning By-law of the Town of Topsfield, Massachusetts, which was approved by the Town Meeting on ~~May 7, 1996~~ **May 1, 2012**."

2.09 Business Park District.

The Business Park District shall comprise an area bounded by a line perpendicular to Boston Street beginning at the center line of Boston Street and 200 feet southerly of intersection of Boston Street and Campmeeting Road; thence westerly along said perpendicular to North Street; thence northwesterly along North Street to Town boundary (with Town of Ipswich); thence northeasterly along Town boundary to intersection of center line of Boston Street; thence southerly along center line of Boston Street to a point opposite the northwesterly corner of land now or formerly of Arthur Gaklis (which is located on the easterly side of said Boston Street) (for description, see deed from Margaret N. Lewis to Arthur Gaklis, dated December 30, 1974 and recorded in the Essex South District Registry of Deeds at Book 5287, page 222, also being shown

as Plot 461C, Map 2, Lot 11 on the Topsfield Assessors' Map *Block 7, Map 7, on the Topsfield Assessors' plat dated 2011*) thence southeasterly along the northerly line of property of said Gaklis to a point 250 feet easterly of Boston Street; thence along a line parallel to Boston Street and 250 feet east of Boston Street to a line perpendicular to Boston Street and 200 feet south of the intersection of Boston Street and Campmeeting Road *then turning west to the point of the beginning.*”

and further to insert the following new sections:

“2.12 Scenic Overlay Zone

The Scenic Overlay Zone description is as referenced in Article XIV Scenic Overlay Zone.

2.13 Groundwater Protection Overlay District

The Ground Water Protection District description is as referenced in Article XI Groundwater Protection District.

2.14 Floodplain District

The Floodplain District description is as referenced in Article VI District.”

and further to amend Article III, Use Regulations, Table of Use Regulations Overlay Districts by inserting the following:

<i>Scenic Overlay Zone</i>	<i>See Article XIV for delineation and permitted uses.</i>
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Mr. Paul Dierze, on behalf of the Finance Committee, recommended that the Town vote to amend certain sections of Article II, and further, amend Article III, Use Regulations, Table of Use Regulations Overlay Districts of the Topsfield Zoning Bylaw as set forth in the 2012 Annual Town Meeting Warrant. Article II corrects legal descriptions of previously approved zoning districts and Article III the previously approved Scenic Overlay Zone is inserted into the Table of Use Regulations Overlay District category. The Moderator introduced Mr. de Buy Wenniger to speak on behalf of the Planning Board about this zoning amendment. Mr. de Buy Wenniger explained that this article makes certain clean-up changes to various provisions of the zoning bylaw. First, it updates the descriptions of zoning districts to correct errors and to remove outdated references. Second, it adds descriptions of three Overlay Districts that Town Meeting had previously approved. Third, it updates the date of the zoning map to today’s date and finally it adds the Scenic Overlay Zone to the Table of Uses in the Overlay District category. Explaining that none of these changes is substantive in nature, Mr. de Buy Wenniger, on behalf of the Planning Board, recommended positive action. At 8:57 P.M. the Town voted unanimously, exceeding the 2/3 requirement, in favor of passing the article.

ARTICLE THIRTY-FOURTH:
CITIZEN PETITION – REDUCE AMOUNT OF TAXES

Moderator Kinhan noted that Article Thirty-fourth was a Citizens’ Petition and read it verbatim to the Town Meeting. “To see if the Town will vote to reduce the amount of real estate and personal property taxes to be assessed for the fiscal year beginning July first, two thousand and eleven by an amount equal to \$118,178.” Mrs. Karen Dow, on behalf of the Finance Committee, recommended that no action be taken. She explained that this article

was placed on the warrant by Citizens' Petition and "It seeks to reduce the taxes assessed in the current fiscal year, which ends this June 30th. The tax rate for this fiscal year was set last fall based on appropriations voted at last year's Annual Town Meeting by you the taxpayers, and other assessments at the amounts known at the time the tax rate was set. Based on that rate, taxes have already been assessed and collected for this current fiscal year, and used to fund this year's approved expenditures. The funds collected match the approved expenditures."

Mrs. Kim Sherwood, the resident who submitted the petition, was recognized and she explained her reasoning while emphasizing the fact that the citizens who signed the petition are concerned that \$118,178 remains on the levy limit as a result of action taken at the 2011 Annual Town Meeting and at the Town Election on May 5, 2011, when the Masconomet Override ballot question passed by only seven votes. In response to a request by a resident, Moderator Kinhan clarified that a "yes" vote on the article would support the Finance Committee recommendation of no action and the article would be defeated while a "no" vote would defeat the Finance Committee's motion and leave the matter unresolved. Mrs. Karen Dow further explained to residents that they were not taxed on \$118,178 this year and that you can only be taxed on what you appropriate at Town Meeting. Moderator Kinhan asked Town Counsel Mrs. Lauren Goldberg to explain what this "roll back" article means to us. She explained that there is no action that can "roll back" back your taxes or reduce your current taxes. She noted that Article Thirty-fourth has no legal effect. Moreover, there is no action that can be taken under it that is consistent with law. At 9:04 P.M. the Town voted by a clear majority to take no action on Article Thirty-fourth, a Citizens' Petition.

ARTICLE THIRTY-FIFTH:

ALFALFA FARM WINERY – ALCOHOL LICENSE

"An Act Authorizing the Issuance of a Certain License for the Retail Sale of Bottled Wine in the Town of Topsfield

Section 1. Notwithstanding the provisions of sections 11, 15, 15F, 17 and 19B of chapter 138 of the general laws, or of any other general or special law to the contrary, the licensing authority of the town of Topsfield is authorized to grant to the Alfalfa Farm Winery at 267 Rowley Bridge Road, Topsfield, a license for the sale at retail not to be drunk on the premises of bottled wine produced by or for said winery and sold under the winery brand name, provided that said owner meets all the other requirements for the issuance of the license and holds a farmer-winery license issued by the Commonwealth under section 19B of said chapter 138. The issuance of such license shall not be construed to grant permission to said winery to sell wine at a farmer's market under section 15F of said chapter 138 or to sell glasses of wine on the premises under section 12 of said chapter 138. The license shall be subject to all of said chapter 138 except as set forth herein. The licensing authority shall not approve the transfer of the license to any other applicant or to any other location.

Section 2. Such licensing authority may authorize the licensee to provide, with or without charge, on premises sample tastings for prospective customers of wine available for sale on such premises; provided, however, that: (1) all such samples shall be served by an agent, representative, or solicitor of the licensee to individuals who are at least 21 years of age and consumed in the presence of such agent, representative or solicitor; (2) no sample shall exceed 1 ounce of wine; and (3) no more than 5 samples shall be served to an individual prospective customer. The licensing authority may impose such additional reasonable conditions on its authorization to conduct tastings as it deems appropriate, including but not limited to the complimentary provision of food in conjunction with provision of samples, the hours and length

of time during which samples may be provided, and the number of times per week or month that samples or advertised tastings may be provided.

Section 3. This act shall take effect upon its passage.”

Mrs. Heidi, on behalf of the Finance Committee, recommended that the Town vote to authorize the Board of Selectmen to file a petition with the General Court for special legislation authorizing the Board of Selectmen to issue to Alfalfa Farm Winery a license for the retail sale of wine at 267 Rowley Bridge Road, as set in Article Thirty-fifth of the 2012 Annual Town Meeting Warrant. Mrs. Bond explained that, if enacted by the State legislature, this act would allow the Board of Selectmen to issue a license to Alfalfa Farm Winery for the retail sale of wine to be consumed off premises and to provide for wine tastings. “Currently there is no authority for Alfalfa Farm to sell wine at retail on the premises. This proposed legislation seeks to remedy this situation.” There was no discussion. At 9:07 P.M. the Town voted by a clear majority to pass the motion.

ARTICLE THIRTY-SIXTH:
RESERVE FOR WAGES

Mr. Mark Lyons, on behalf of the Finance Committee, recommended and at 9:08 P.M. the Town voted unanimously to appropriate the sum of \$25,000 for general collective bargaining settlement purposes in fiscal year 2013, and to meet said appropriation that the Town transfer the sum of \$25,000 from Free Cash.

ARTICLE THIRTY-SEVENTH:
STABILIZATION FUND

Mr. Mark Lyons, on behalf of the Finance Committee recommended and at 9:09 P.M. the Town voted unanimously, exceeding the 2/3 requirement, to appropriate and transfer from Free Cash the sum of \$50,000 for the Stabilization Fund.

ARTICLE THIRTY-EIGHTH:
FREE CASH

Mr. Mark Lyons, on behalf of the Finance Committee, after noting that this would be Moderator Kinhan’s last warrant article recommended that since Free Cash had been used been throughout the Warrant to fund specific warrant articles, there was no need for action to be taken on Article Thirty-eighth so the Finance Committee’s recommendation was that no action be taken and at 9:10 P.M. the Town voted unanimously to take no action on Article Thirty-eighth, which had asked the Town to authorize and direct the Board of Assessors to transfer and appropriate a sum of money from Free Cash to reduce the tax levy for the Fiscal Year 2013, or take any other action relative thereto.

The Moderator entertained a motion to adjourn the meeting to the polling site at 7 A.M. on Thursday, May 3rd and at the close of the polls to dissolve the Annual Town Meeting. The motion was seconded and the Town voted “Amen”. Three hundred nine (309) registered voters signed in to the 2012 Annual Town Meeting.

RECOMMENDATIONS AS VOTED BY THE TOPSFIELD FINANCE COMMITTEE:

Mark B. Lyons, Chairperson

Heidi L. Bond
Karen A. Dow
J. Stephen Lais

Paul E. Dierze
Kathryn S. Hartmann
Daniel Shugrue

ANNUAL TOWN ELECTION
ST. ROSE CHURCH HALL 12 PARK STREET
May 3, 2012
7:00 a.m. – 8:00 p.m.

The Town Clerk announced the polls open at 7:00 a.m. The poll workers were sworn prior to the opening of the polls.

Jack Armitage, Warden
Mary Connor, Deputy Warden
Fred Glatz, Poll Constable

Ballot Clerks and Tellers:

Jane Bonanno, Betty Booye, Sally Cabral, Susanne Caples, Chris Cotti, Jan Englehardt, Jolene Guerra, Florence Lear, Eileen Reichardt, Dottie Roberts

The polls were closed at 8:00 p.m. The Town Clerk announced at 9:00 P.M. that **599** out of 4283 registered voters had cast their ballots as follows:

<u>ASSESSOR</u>		<u>PARK & CEMETERY</u>	
Eldon D. Goodhue	497	Steven Mscisz	498
Others	0	Others	0
Blanks	102	Blanks	101
 <u>COMMISSIONER OF TRUST FUNDS</u>		 <u>PLANNING BOARD</u>	
David G. Strachan, Jr.	484	Ian de Buy Wenniger	477
Others	0	Others	0
Blanks	115	Blanks	122
 <u>CONSTABLE</u>		 <u>ROAD COMMISSIONER</u>	
Frederick J. Glatz	513	Joseph K. Gibbons	484
Others	0	Others	1
Blanks	86	Blanks	114
 <u>HOUSING AUTHORITY</u>		 <u>SCHOOL COMMITTEE</u>	
George D. Anderson	487	Rosemarie A. Lucey	484
Others	0	Others	0
Blanks	112	Blanks	115
 <u>LIBRARY TRUSTEE</u>		 <u>SELECTMAN</u>	
Philip Madell	426	A. Richard Gandt	466
Kathleen R. Hoffman	424	Laura J. Powers	402
Others	1	Kim Sherwood	161
Blanks	347	Others	2
 <u>MODERATOR</u>		 <u>WATER COMMISSIONER</u>	
George A. Hall, Jr.	492	Mark F. Gallagher	478
Others	4	Others	0
Blanks	103	Blanks	121

ATTACHMENT A

FISCAL YEAR 2013

Approved	GENERAL OPERATING BUDGET	Recommended
Appropriation	May 1, 2012	Appropriation
Fiscal Year 2012	ANNUAL TOWN MEETING	Fiscal Year
		2013

ELECTED OFFICERS

1.00	MODERATOR:	50.00
	SELECTMEN:	
1.00	Chairman	1.00
1.00	Clerk	1.00
1.00	Member	1.00
1.00	Member	1.00
1.00	Member	1.00
	ASSESSORS:	
1,500.00	Chairman	1,500.00
1,500.00	Clerk	1,500.00
1,500.00	Member	1,500.00
50,842.00	TOWN CLERK:	54,451.00
	PLANNING BOARD:	
1.00	Chairman	1.00
1.00	Clerk	1.00
1.00	Member	1.00
1.00	Member	1.00
1.00	Member	1.00

GENERAL GOVERNMENT

	Moderator:	
1.00	Salary	50.00
	TOTAL: Moderator	

1.00		50.00
	Selectmen:	
165,905.00	Salaries	176,323.00
41,197.00	Wages	43,160.00
28,890.00	Other	33,315.00
235,992.00	TOTAL: Selectmen	252,798.00
	Selectmen's Special:	
68,050.00	Other	68,200.00
68,050.00	TOTAL: Selectmen Special	68,200.00
	Parking Clerk:	
-	Other	-
-	TOTAL: Parking Clerk	-
	Finance Committee:	
1,158.00	Wages	1,179.00
360.00	Other	367.00
1,518.00	TOTAL: Finance Committee	1,546.00
	Town Website/Cable Advisory:	
-	Wages	1,630.00
-	Other	1,238.00
-	Total: Town Website/Cable Advisory	2,868.00
	Town Accountant:	
64,272.00	Salary	65,557.00
33,043.00	Wages	35,573.00
20,788.00	Other	21,530.00
118,103.00	TOTAL: Town Accountant	122,660.00
	Board of Assessors	
69,772.00	Salaries	71,807.00
33,331.00	Wages	35,028.00
17,833.00	Other	18,190.00
	TOTAL: Assessors	

120,936.00		125,025.00
	Town Treasurer and Collector:	
64,922.00	Salary	66,307.00
64,132.00	Wages	69,094.00
39,500.00	Other	31,620.00
168,554.00	TOTAL: Town Treasurer & Coll.	167,021.00
	Town Hall:	
300.00	Wages	-
139,969.00	Other	141,902.00
140,269.00	TOTAL: Town Hall	141,902.00
	School Street Building	
500.00	Other	500.00
500.00	TOTAL: School Street Building	500.00
	Town Clerk:	
50,842.00	Salary	54,451.00
19,714.00	Wages	20,165.00
10,056.00	Other	12,528.00
80,612.00	TOTAL: Town Clerk	87,144.00
	Trust Fund Clerk:	
-	Salary	-
100.00	Other	100.00
100.00	TOTAL: Trust Fund Clerk	100.00
	Conservation Commission:	
54,760.00	Salary	61,390.00
14,127.00	Wages	13,707.00
68,887.00	TOTAL: Conservation Commission	75,097.00
	Planning Board:	
5.00	Salaries	5.00
1,754.00	Other	1,754.00
	TOTAL: Planning Board	

1,759.00		1,759.00
	Zoning Board of Appeals:	
724.00	Other	724.00
724.00	TOTAL: Zoning Board of Appeals	724.00
1,006,005.00	SUB-TOTAL: GENERAL GOVERNMENT	1,047,394.00

PUBLIC SAFETY

	Police Department:	
145,113.00	Salaries	148,671.00
1,098,522.00	Wages	1,109,378.00
113,372.00	Other	116,080.00
	Capital Equipment	-
1,357,007.00	TOTAL: Police Department	1,374,129.00

	Fire Department:	
101,316.00	Salaries	101,316.00
401,785.00	Wages	402,683.00
85,366.00	Other	87,073.00
588,467.00	TOTAL: Fire Department	591,072.00

	Ambulance Services:	
-	Other	-
-	TOTAL: Ambulance Service	-

	Inspectional Services:	
74,450.00	Salaries	76,776.00
18,807.00	Wages	20,243.00
5,519.00	Other	5,631.00
98,776.00	TOTAL: Inspectional Services	102,650.00

	Sealer Weights & Measure	
1,500.00	Salary	1,530.00
-	Other	-
	TOTAL: Sealers Weights & Measure	

1,500.00		1,530.00
	Animal Control Officer:	
8,904.00	Salary	9,082.00
549.00	Other	549.00
9,453.00	TOTAL: Animal Control Officer	9,631.00
	Animal Inspector:	
6,882.00	Salary	7,020.00
1,840.00	Other	1,840.00
8,722.00	TOTAL: Animal Inspector	8,860.00
2,063,925.00	SUB-TOTAL: PUBLIC SAFETY	2,087,872.00

EDUCATION ELEMENTARY SCHOOL

4,619,452.00	Total Salaries	4,736,919.00
188,835.00	Total Supplies/Materials/Textbooks	166,991.00
43,624.00	Total Equipment	42,896.00
59,477.00	Total Prof Dev (Mem./Work./Conf.)	85,862.00
439,447.00	Total Special Education (Tuitions & Services)	446,360.00
285,530.00	Total Transportation	279,632.00
213,288.00	Utilities	189,254.00
124,828.00	Facilities	146,057.00
5,974,481.00	TOTAL: Elementary Schools	6,093,971.00
5,974,481.00	SUB-TOTAL - ELEMENTARY SCHOOLS	6,093,971.00

PUBLIC WORKS AND FACILITIES

	General Highway:	
75,983.00	Salary	77,983.00
191,069.00	Wages	191,410.00
198,805.00	Other	202,565.00
-	Capital Equipment	-
	TOTAL: General Highway	

465,857.00		471,958.00
	Snow and Ice:	
78,581.00	Wages	78,581.00
164,285.00	Other	167,565.00
242,866.00	TOTAL: Snow and Ice	246,146.00
	Street Lights	
18,900.00	Other	19,275.00
18,900.00	TOTAL: Street Lights	19,275.00
727,623.00	SUB-TOTAL: PUBLIC WORKS	737,379.00

HUMAN SERVICES

	Board of Health:	
64,272.00	Salary	65,557.00
12,182.00	Wages	13,518.00
16,730.00	Other	16,815.00
93,184.00	TOTAL: Board of Health	95,890.00
	MSW Collection, HHW & Recycling	
387,560.00	Services	406,713.00
387,560.00	TOTAL: MSW Collection, HHW & Recycling	406,713.00
	Recycling:	
3,850.00	Other	4,100.00
3,850.00	TOTAL: Recycling	4,100.00
	Council On Aging:	
41,865.00	Salary	39,101.00
35,476.00	Wages	42,622.00
2,582.00	Other	2,633.00
79,923.00	TOTAL: Council On Aging	84,356.00
	Veterans' Benefits:	
6,350.00	Other	6,500.00

6,350.00	TOTAL: Veterans' Benefits	6,500.00
	Soldiers & Sailors Graves:	
800.00	Other	800.00
800.00	TOTAL: Soldiers & Sailors Graves	800.00
571,667.00	SUB-TOTAL: HUMAN SERVICES	598,359.00

CULTURE & RECREATION

	Library:	
182,383.00	Salaries	191,954.00
150,813.00	Wages	149,920.00
131,140.00	Other	133,756.00
464,336.00	TOTAL: Library	475,630.00
	Park and Cemetery Department:	
65,272.00	Salary	67,307.00
121,557.00	Wages	122,408.00
45,176.00	Other	47,640.00
232,005.00	TOTAL: Park & Cemetery Dept.	237,355.00
	Tree Department:	
2,916.00	Salary	2,975.00
3,137.00	Wages	3,200.00
7,650.00	Other	7,805.00
13,703.00	TOTAL: Tree Department	13,980.00
	Memorial Day/Veteran's Day:	
3,600.00	Other	3,600.00
3,600.00	TOTAL: Memorial Day/Veteran's Day	3,600.00
	Historical Commission:	
450.00	Other	450.00
450.00	TOTAL: Historical Commission	450.00
714,094.00	SUB TOTAL: CULTURE & RECREATION	731,015.00

DEBT SERVICE

796,700.00	Long-Term Debt Principal	537,500.00
388,283.00	Long -Term Debt Interest	130,221.00
0.00	Interest for Temporary Loans	-
2,500.00	Issue Cost	2,500.00
1,187,483.00	TOTAL: DEBT SERVICE	670,221.00
1,187,483.00	SUB TOTAL: DEBT SERVICE	670,221.00

OTHER EXPENDITURES

Pensions:

733,580.00	Essex Retirement	756,064.00
733,580.00	TOTAL: Pensions	756,064.00

Insurance:

352,941.00	Liability/Accident/Workmen's Compensation	388,235.00
1,726,577.00	Life/Medical/Medicare	1,802,236.00
100,000.00	Unemployment	75,000.00
2,179,518.00	TOTAL: Insurance	2,265,471.00
2,913,098.00	SUB-TOTAL OTHER EXPENDITURES	3,021,535.00

15,158,376.00	***TOTAL BUDGET RECOMMENDATION***	14,987,746.00
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Fiscal Year 2012: July 1, 2011 through June 30, 2012

Fiscal Year 2013: July 1, 2012 through June 30, 2013

ATTACHMENT B

ARTICLE VI

FLOODPLAIN DISTRICT

6.01 Purpose

The land located in the Floodplain District as hereinafter described and defined is deemed to be subject to seasonal or periodic flooding. The purposes of the Floodplain District are to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics, and the flood storage capacity of the floodplain.

6.02 Description of District

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Topsfield designated as Zone A or AE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the Town of Topsfield are panel numbers 25009C0261F, 25009C0262F, 25009C0263F, 25009C0264F, 25009C0266F, 25009C0267F, 25009C0268F, 25009C0269F, 25009C0401F, 25009C0402F, and 25009C0406F dated July 3, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 3, 2012. The FIRM and FIS report are incorporated herein by reference into the Town's Zoning Map approved by the Town Meeting on May 1, 2012 and are on file with the Town Clerk.

6.03 Uses in the Floodplain District.

A. The following uses only are permitted in the Floodplain District:

1. Farming, including forestry, nursery and truck gardening and the pasturing of livestock, but not the erection of permanent structures for use in connection with the above.
2. Conservation of water, plants, and wildlife, including the raising and management of wildlife.
3. Taking of water for irrigation, farming or agriculture.
4. Recreation, including play areas, nature study, golf, boating, fishing, and hunting, where legally permitted in the underlying basic District.
5. With the written approval of the Board of Appeals, which shall have found that the proposed use is not contrary to the purpose of this District.
6. The removal or deposit of earth products, as part of a flood control or other conservation program or in connection with the building of a driveway, or road provided that the Board of Appeals find such driveway or road does not interfere with natural drainage or result in any increase in flood levels during the 100-year flood in so far as such removal is in compliance with the Topsfield Soil Removal By-Law Chapter XLIX.
7. The discharge of stormwater run-off into a stream.

8. Shelters in connection with wildlife conservation and management or agriculture.
9. Boathouses and docks not accessory to a dwelling and having the same area requirements as the underlying basic District. (Art. 48, 5/9/78; Art. 6, 5/6/80; Art. 20, 5/4/93)

B. The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance all relevant Federal, State and Topsfield laws and regulations without limit with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

1. Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
2. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
3. Topsfield General Wetlands Bylaw, Ch. 62 and Regulations;
4. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);
5. Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

C. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

D. In Zone AE, along watercourses within the Town of Topsfield that have a regulatory floodway designated on the Essex County FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

E. All subdivision proposals must be designed to assure that: a) such proposals minimize flood damage; b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and c) adequate drainage is provided to reduce exposure to flood hazards.

F. The boundaries of the Floodplain District and the one hundred (100) year base flood elevations shall be provided with all proposals for development of land located within a Zone AE or Zone A which are submitted to the Board of Appeals in support of an application for a permit. The actual Floodplain District boundaries shall reflect the approved base flood elevations and the actual topography of the site.

G. If for any reason the restrictions or requirements contained in this Article VI shall be or become invalid or inoperative as to any land in the Floodplain District, then such land shall be subject to the Zoning uses and requirements of the basic underlying District in which such land is located.

H. If any land in the Floodplain District is proven to the satisfaction of the Board of Appeals as being in fact not subject to flooding or not unsuitable because of drainage conditions for uses permitted in the underlying basic district as described in this By-Law, and that such land use will not increase the danger to the health or safety of the occupants thereof, the Board of Appeals may grant a special permit for such uses of said land as are permitted in the underlying basic district. The underlying basic districts are the districts described in Article II of the Topsfield Zoning By-Law and any amendments thereto.

I. Density and Dimension Requirements (Required Lot Area, Width, Yards, Coverage, Height) shall be as defined in the underlying basic district. Land within the Floodplain District and in the same ownership as an adjoining lot in the underlying basic District may be counted as part of such lot when determining the area, width, yards or coverage of such lot provided that no structure except one permitted in this section, is erected in the Floodplain District nor is any sewage disposal area constructed in the Floodplain District.

6.04 Prohibited Uses in the Floodplain District

In the Floodplain District, no building structure for human habitation or for any occupation, except as expressly permitted by other provisions of Section 6.03, shall hereafter be erected, altered, enlarged or moved.

6.05 Removal of Earth Products

In the Floodplain District, no earth products shall be removed or deposited except under the provisions of Section 6.03.

6.06 Notification of Watercourse Alteration

In a riverine situation, the Conservation Commission Administrator shall notify the following of any alteration or relocation of a watercourse:

1. Adjacent Communities
2. NFIP Program Specialist
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
3. NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110