

ANNUAL/SPECIAL TOWN MEETINGS

PROCTOR SCHOOL – WOODBURY AUDITORIUM

Tuesday, May 6th, 2008

The several articles in the Warrant for the Meeting and the action of the Town thereto. The Moderator called the Annual Town Meeting to order at 7:02 p.m., stating a quorum was present. The meeting opened with the Pledge of Allegiance lead by Topsfield resident Matthew Boyle, USMC retired. The Moderator followed with the reading of the Warrant and the Return of the Constable noting the meeting had been duly posted and advertised as required by law. He continued with the following announcements:

1. Comcast is taping our meeting for future broadcast. We thank Bill Whiting and his staff for this service. We also thank Essex TV & Radio for providing audio for this Meeting.
2. Microphones have been provided in the auditorium and cafeteria for your convenience. We ask that you use them when addressing the meeting.
3. We also request that anyone desiring to address the meeting, state his or her name and street address after being recognized by the Moderator.
4. By long standing tradition in the Town, a recommendation of the Finance Committee amounts to a motion, made and seconded and before the town for debate.
5. If the Finance Committee recommends “no action” on a particular article, and a voter desires positive action on the article or an amended article, the voter may and should, during discussion of the Finance Committee recommendation, state his or her intention to move for positive action on the article or an amended article if the Finance Committee’s “no action” recommendation is voted down, but the vote will be taken on the Finance Committee’s recommendation of “no action” before a motion for positive action is in order.
6. Finally, if a voter desires to move an amendment to a Finance Committee recommendation or to any other motion, I will require a written proposed motion to amend for review by myself and Town Counsel prior to any action on it. We have printed forms for these motions and will be happy to help anyone who needs assistance in making it out.
7. Since the Finance Committee recommendation is the motion on which the vote is to be taken, I will now entertain a motion to allow your Moderator to waive the reading of each and every Article in its entirety, substituting instead a brief synopsis, thus aiding an orderly progression of the meeting.

The motion to waive the reading of each and every article in its entirety, substituting instead a brief synopsis was then duly made and seconded. There being no discussion, the vote was taken. The motion passed unanimously.

The Moderator moved to his introductions. First, he introduced Beverly Guarino, the Town Clerk thanking her for the arrangements made for town meeting. He extended his personal thanks to the Proctor School custodial staff for setting up the Auditorium, and continued with introductions of the Board of Selectmen, Finance Committee, Town Administrator, Town Accountant, Town Treasurer, Town Counsel, Town Constable, Police Chief, Town Meeting Tellers, and the Regional District School Superintendent. He followed these announcements with a request that the town meeting allow Erica Clay, Secretary to the Finance Committee, a non-resident, be seated with the Finance Committee. The Town Meeting allowed Ms. Clay to remain on the voting floor by unanimous vote. The Moderator recognized Board of Selectmen

Chairman John J. Mc Ardle, who proceeded to announce the recipients of the 2008 Appreciation Awards, as follows:

- Robert Boeri – Library Trustee
- Steve Clark – Board of Selectmen
- Cynthia Deal – Library Trustee
- Dale Johnson – Park & Cemetery Commissioner & Insurance Commission
- Martha Morrison – Planning Board
- Anthony Penta - Alcohol Licensing Advisory Committee
- Marjorie Rouisse – Trust Fund Commissioner
- Jayne Schraffa – Cable TV/Town Website Coordinator
- Alice Sheridan – Council on Aging
- Joel Uchenick (Posthumously) – Finance Committee
- Herb Wass - Trust Fund Commissioner

ARTICLE FIRST: REPORTS

The Selectmen did not give a report. Finance Committee Chairman Mark Lyons gave a succinct presentation of the current fiscal state of the Town. He noted future overrides were inevitable to maintain current town services given the state of anticipated funding sources.

ARTICLE SECOND: **RESERVE FUND**

The Finance Committee recommended the Town appropriate the sum of \$125,000 for the Reserve Fund, and to meet said appropriation that the Town transfer the sum of \$86,000 from Free Cash and the sum of \$39,000 from the Overlay Surplus Reserve, and the Town so voted unanimously.

ARTICLE THIRD: **GENERAL OPERATING BUDGET**

The Finance Committee recommended the Town vote to appropriate the sum of \$14,704,371 for the 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; and to meet said appropriation, raise and assess the sum of \$14,538,180; transfer the sum of \$33,191 from the Police Insurance and Restitution Revolving Account; transfer the sum of \$66,000 from the Gould Trust Fund Part B; and transfer the sum of \$67,000 from the Conservation Revolving Fund. Board of Selectmen Chairman John Mc Ardle 19 Towne Lane immediately moved to amend the operating budget as follows: “I move to amend the Police Department Wage Account by \$7,836 to be funded from free cash.” The motion was duly moved and seconded. Police Chief Haglund spoke in support of the amendment. A vote of the amendment was taken upon completion of the discussion. The amendment passed on a majority voice vote. The Moderator then took the vote on the amended Fiscal Year 2009 General Operating Budget. The Town Meeting voted unanimously in favor of the amended Fiscal Year 2009 Operating Budget of \$14,712,207. Please refer to Appendix A for the approved amended Fiscal Year 2009 General Operating Budget detail. Appendix A may be found at the close of this document.

The Moderator, having concluded Town Meeting action on Article Third, stated “I will now entertain a motion to adjourn the Annual Town Meeting until such time as the business of the Special Town Meeting has been concluded and the Special Town Meeting is dissolved.” The motion was made and seconded. The Moderator called the Special Town Meeting to order at 7:35 p.m. and read the warrant. He then moved to Article First of the May 6, 2008 Special Town Meeting.

ARTICLE FIRST:
REPORTS

There were no reports.

ARTICLE SECOND:
PRIOR YEAR BILLS AND WAGES

The Finance Committee recommended the Town transfer from available funds and appropriate the sum of:
\$101.46 from Police Other Account for Verizon internet access bill
\$53.59 from Fire Other Account for reimbursement for replacement of eyeglass frame
\$488.62 from Zoning Board Other Account for legal notice advertisement
to pay outstanding bills contracted prior to July 1, 2007, and the Town so voted unanimously.

ARTICLE THIRD:
TRANSFER OF FUNDS

The Finance Committee recommended the Town 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 2008 fiscal year, and the Town so voted unanimously as follows:

\$1,000 from the Finance Committee Other Account to the Selectmen Other Account
\$5,842 from the Selectmen Special Other Account to the Selectmen Other Account
\$65,000 from the Town Health Insurance Account to the Highway Snow & Ice Other Account
\$4,502 from the Police Salary Account to the Police Wage Account
\$10,000 from Selectmen Special Other Account to the Liability Insurance Account
\$2,500 from the Recycling Other Account to the Town Hall Other Account
\$4,500 from the Town Treasurer & Collector Other Account to the Town Hall Other Account
\$4,158 from the Selectmen Special Other Account to the Town Hall Other Account
\$1,051 from the MSW Collection & Recycling Services Account to the Town Hall Other Account

ARTICLE FOURTH:
TOWN HALL COMPUTER SYSTEM

The Finance Committee recommended the Town appropriate the sum of \$21,000 to be expended by the Board of Selectmen for associated costs related to the purchase of a server together with any related hardware, software, installation and migration costs; and to meet said appropriation transfer:

\$1,699 from A17/03 ATM;
\$4,904 from A5/05 STM;
\$8,364 from A16/06 ATM;
\$850 from A23/07 ATM;
\$5,183 from A17/06 ATM;

and the Town so voted unanimously.

ARTICLE FIFTH:
PYE BROOK POST MONITORING REVISION STUDY

The Finance Committee recommended the Town transfer and appropriate the sum of \$4,990 from the Solid Waste Fund to be expended by the Board of Selectmen to fund a Pye Brooke Post Monitoring Revision Study, and the Town so voted unanimously.

ARTICLE SIXTH:
LIBRARY FUND TRANSFER

The Finance Committee recommended the Town transfer the sum of \$46,500 from the Library Insurance and Restitution Account to the Library Repair 2018 Loan Subsidy Revolving Account, and the Town so voted unanimously.

The Moderator stated the business of the Special Town Meeting was concluded. He would now entertain a motion to dissolve the Special Town Meeting of May 6, 2008. The motion was duly made, seconded and voted unanimously. The Special Town Meeting dissolved at 7:45 p.m. The Annual Town Meeting resumed with Article Fourth.

ARTICLE FOURTH:
WATER DEPARTMENT OPERATING BUDGET

The Finance Committee recommended the Town appropriate \$751,367, as detailed below, to operate the Water Department from July 1, 2008, through June 30, 2009, of which \$664,979 to come from Water Revenue and \$86,388 of indirect costs appropriated in the General Fund under Article Third to be funded from Water Revenue, and the Town so voted unanimously.

Appropriated Fiscal Year 2008		Appropriated Fiscal Year 2009
	WATER DEPARTMENT OPERATING BUDGET	
\$ 61,687.00	Salary	\$ 63,333.00
151,255.00	Wages	155,121.00
219,720.00	Other	224,143.00
6,000.00	Long-Term Debt Principal	6,500.00
5,122.00	Long-Term Debt Interest	4,882.00
25,000.00	Short-Term Debt Interest	19,000.00
2,000.00	Debt Issue Costs	2,000.00
0	Short Term Debt Principle Paydown	15,000.00
100,000.00	Water Reserve Fund	100,000.00
75,000.00	Unanticipated Emergency	75,000.00
645,784.00	SUB-TOTAL	664,979.00
79,238.00	Indirect Costs	86,388.00
725,022.00	TOTAL: Water Department	751,367.00

ARTICLE FIFTH:
MASCONOMET REGIONAL SCHOOL DISTRICT ASSESSMENT

The Finance Committee recommended the Town approve the 2009 Fiscal Year Gross Operating Budget of the Masconomet Regional School District in the amount of \$24,805,341 and raise, assess, and appropriate the

sum of \$5,735,134 to fund the Town's share of the Fiscal Year 2009 Masconomet Regional School District Assessment of which the sum of \$5,400,305 supports the Maintenance & Operating Budget, and the sum of \$334,829 supports the Masconomet Building Debt Service, and the Town so voted unanimously.

ARTICLE SIXTH:

NORTH SHORE VOCATIONAL SCHOOL DISTRICT ASSESSMENT

The Finance Committee recommended the Town approve the 2009 Fiscal Year Gross Operating Budget of the North Shore Regional Vocational School District in the amount of \$9,997,639 and raise, assess, and appropriate the sum of \$44,922 for the Town's share of the assessment of same, and the Town so voted unanimously.

ARTICLE SEVENTH:

LEASE OF EMERSON FIELD

The Finance Committee recommended the Town authorize the Board of Selectmen, 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 raise and assess, and appropriate the sum of \$1,250 for said lease, and the Town so voted unanimously.

ARTICLE EIGHTH:

GRANT AUTHORIZATION FOR TOWN PROJECTS

The Finance Committee recommended the Town 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, and the Town so voted unanimously.

ARTICLE NINTH:

MASSACHUSETTS HIGHWAY DEPARTMENT CONTRACT

The Finance Committee recommended the Town authorize the Board of Selectmen to enter into contracts with the Massachusetts Highway Department for the ensuing year, and the Town so voted unanimously.

ARTICLE TENTH:

PARK REVOLVING FUND

The Finance Committee recommended the Town 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 for by law; (3) said funds may be expended by majority vote of the Park & Cemetery Commissioners; (4) expenditures to be limited to \$35,000 in the ensuing year, and the Town so voted unanimously.

ARTICLE ELEVENTH:

CEMETERY REVOLVING FUND

The Finance Committee recommended the Town 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, and the Town so voted unanimously.

ARTICLE TWELFTH:

CONSERVATION COMMISSION REVOLVING FUND

The Finance Committee recommended the Town establish the Conservation Revolving Fund for the Conservation Commission pursuant to Massachusetts General Law Chapter 44, § 53E1/2: (1) to be expended for services, supplies 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 Wetlands General 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 to be limited to \$10,000 in the ensuing year, and the Town so voted unanimously.

ARTICLE THIRTEENTH:

FISCAL 2009 ADDITIONAL REAL ESTATE EXEMPTION FOR THOSE QUALIFIED UNDER SECTION 5 OF M. G. L. CHAPTER 59

The Finance Committee recommended the Town 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 per cent (100%) for fiscal year 2009 for all taxpayers qualifying for a personal exemption, and the Town so voted unanimously.

ARTICLE FOURTEENTH:

CONTRACT FOR TRIENNIAL RE-CERTIFICATION UPDATE

The Finance Committee recommended the Town transfer from Free Cash, and appropriate the sum of \$25,000 to be expended by the Board of Selectmen, with the advice of the Board of Assessors to contract for the State required re-certification update of real property values for commercial and industrial real estate, and the Town so voted unanimously.

ARTICLE FIFTEENTH:

ANNUAL ENGINEERING & LANDFILL MONITORING

The Finance Committee recommended the Town transfer and appropriate the sum of \$44,540 from the Solid Waste Fund to be expended by the Board of Selectmen to fund the fiscal year 2009 annual professional engineering and monitoring services, and flare maintenance related to the capping and closure of the Town's sanitary landfill, and the Town so voted unanimously.

ARTICLE SIXTEENTH:

RAIL TRAIL CONSTRUCTION AND USE (PETITION)

The Finance Committee recommended the Town vote to take no action on the citizens' petition regarding the rail trail construction and use. Resolute discussion ensued. The vote was taken when discourse terminated. The Finance Committee recommendation of no action passed on a standing vote of: 194 aye to 125 no. The citizens' petition failed.

ARTICLE SEVENTEENTH:
PROCTOR SCHOOL DOORS

The Finance Committee recommended the Town transfer from Free Cash, and appropriate the sum of \$10,945 to be expended by the Board of Selectmen with the advice of the School Committee for the replacement of exterior doors at the Proctor School, and the Town so voted unanimously.

ARTICLE EIGHTEENTH:
PURCHASE OF A PARK & CEMETERY PICK-UP TRUCK

The Finance Committee recommended the Town appropriate the sum of \$28,000 to be expended by the Board of Selectmen with the advice of the Board of Park & Cemetery Commissioners to purchase and equip a pick-up truck, and trade in or sell a 1995 Ford 350 Dump Truck; and to meet said appropriation transfer \$14,000 from Free Cash and transfer the sum of \$14,000 from the Cemetery Perpetual Care Fund, and the Town so voted unanimously.

ARTICLE NINETEENTH:
PURCHASE OF A POLICE CRUISER

The Finance Committee recommended the Town transfer from Free Cash, and appropriate the sum of \$26,700 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 1999 Chevy Blazer, and the Town so voted unanimously.

ARTICLE TWENTIETH:
PURCHASE OF BACKHOE LOADER

The Finance Committee recommended the Town appropriate the sum of \$ 65,000 to be expended by the Board of Selectmen with the advice of the Road Commissioners and Water Commissioners to purchase and equip one backhoe loader and trade or sell a 1997 JBC Backhoe Loader; and to meet said appropriation, transfer the sum of \$13,167 from Free Cash, transfer the sum of \$19,333 from the fiscal year 2008 Article Third Highway Other account, and transfer the sum of \$32,500 from the Water Enterprise Reserve Fund, and the Town so voted unanimously.

ARTICLE TWENTY-FIRST:
TOWN HALL ROOF REPAIRS

The Finance Committee recommended the Town transfer from Free Cash, and appropriate the sum of \$20,000 to be expended by the Board of Selectmen for repairs to the Town Hall roof, and the Town so voted unanimously.

ARTICLE TWENTY-SECOND:
POLICE STATION GARAGE DRAIN TIGHT TANK

The Finance Committee recommended the Town transfer from Free Cash, and appropriate the sum of \$10,000 to be expended by the Board of Selectmen for repairs to the Police Station garage drainage system, and the Town so voted unanimously.

ARTICLE TWENTY-THIRD:
POLICE STATION ELEVATOR

The Finance Committee recommended the Town transfer from Free Cash, and appropriate the sum of \$7,000 to be expended by the Board of Selectmen for a feasibility study of ADA compliance at the Police Station, and the Town so voted unanimously.

ARTICLE TWENTY-FOURTH:
OPEN-AIR PARKING LOT LICENSE

The Finance Committee recommended the Town vote to take no action to accept Massachusetts General Laws Chapter 148, Section 56, and the Town so voted in the 'super' majority following abbreviated discussion.

ARTICLE TWENTY-FIFTH:
CANINE CONTROL PICK UP FEE

The Finance Committee recommended the Town amend the Town Code, Chapter XXIII, Canine Control By-Law, Section 23-3.10 Pick Up Fees by deleting "a ten (\$10.00) dollar fee" and inserting in place thereof "a twenty-five (\$25.00) dollar fee.", and the Town so voted 'nearly' unanimously. The General By-Law amendment, as presented, passed on an overwhelming majority.

ARTICLE TWENTY-SIXTH:
CANINES AT LARGE

The Finance Committee recommended that the Town vote to take no action on the proposed 'leash law', and the Town so voted in the majority, upon conclusion of marked discussion.

ARTICLE TWENTY-SEVENTH:
NON-CRIMINAL DISPOSITION

The Finance Committee recommended the Town vote to amend the Town Code, Chapter XXX, Non-Criminal Disposition Enforcement By-Law by deleting in its entirety Article 1 which authorized criminal non-disposition of a single regulation of the Board of Health and insert in place thereof the following:

"The provisions of the Topsfield Code of By-Laws or any rule or regulation of any Town board, officer, commission, or committee, may be enforced by the Board of Selectmen, any Police Officer of the Town of Topsfield, or other enforcing authority specifically authorized by by-law, rule or regulation, by any available means in law or equity, including but not limited to enforcement by non-criminal disposition pursuant to M.G.L. Chapter 40, §21D. Each day a violation exists shall constitute a separate violation. When enforced through non-criminal disposition, unless otherwise specifically provided for by by-law, rule or regulation, the penalties shall be as follows:

First violation:	Warning
Second violation:	\$ 75.00
Third and subsequent violations:	\$150.00".

The vote was taken at the conclusion of lengthy and intense discussion. The Finance Committee recommendation to amend the Non-Criminal Disposition Enforcement By-Law failed by a clear majority. The Finance Committee recommendation to amend the by-law was defeated.

ARTICLE TWENTY-EIGHTH:
AMEND WATER USE RESTRICTION BY-LAW

The Finance Committee recommended the Town vote to amend the Town Code, Chapter LVIII, Water Supply Bylaws, Section 58-2, Water Use Restriction By-Law, by making certain deletions and insertions, all as set forth in Amendment B to this warrant, entitled "Water Use Restriction By-Law Amendment,". The amendment as set forth in Amendment B of the May 6, 2008 Town warrant appears below:

“(Note: insertions shown in **bold**, deletions shown in ~~striketrough~~)

58-2 WATER USE RESTRICTION BY-LAW

58-2.1 AUTHORITY.

This Bylaw is adopted by the Town under its police powers to protect public health and welfare and its powers under M.G.L. c.40, §21 ~~et seq~~ **as amended from time to time** and implements the Town’s authority to regulate water use pursuant to M.G.L. c. 41, §69B. This Bylaw also implements the Town’s authority under M.G.L. c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection. (Art. 43, 5/2/2000)

58-2.2 PURPOSE.

The purpose of this Bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency providing for enforcement of any duly imposed restrictions, requirement, provisions or conditions imposed by the Town or by the Department of Environmental Protection **and to comply with Water Management Act requirements as administered by the Department of Environmental Protection.**

58-2.3 DEFINITIONS.

Conservation Measures shall mean restrictions on water use as defined in Section 58-2.5

DEP shall mean the Massachusetts Department of Environmental Protection.

Essential Use shall include uses of water that have a health or safety impact, are required by regulation or are needed to meet the core functions of a business or other organization. All other uses shall be considered “nonessential”.

Nonessential Use shall include uses of water that are not essential uses.

Off-Peak Hours shall be between 5 P.M. and 9 A.M. the following day.

Outdoor Watering shall include watering of lawns, shrubbery, bushes or other outdoor vegetation.

Outdoor Water Use shall include but is not limited to outdoor watering, filling of swimming pools and the washing of automobiles, boats or other vehicles.

Peak Hours shall be between 9 A.M. and 5 P.M. each day.

Person shall mean any Individual, Corporation Trust, Partnership or Association, or other entity.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to Section 58-2.4 of this Bylaw.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c. 21G, §15-17.

Water Customers shall mean all users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular location.

~~Water Users or Water Consumers shall mean all persons, regardless of their geographic location, using water withdrawn from water sources located within the Town of Topsfield, public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular location.~~

WMA shall mean the Water Management Act, M.G.L. c. 21G and any requirement or special condition imposed upon the Town under said act.

58-2.4 DECLARATION OF A STATE OF WATER SUPPLY CONSERVATION.

The Town, through ~~its~~ Board of Water Commissioners, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that **one or more of the following conditions exist:**

- a) **A shortage of water exists. When a shortage exists, conservation measures will be imposed on water customers to ensure an adequate supply of water for all customers. A shortage of water may be caused by drought, loss of water storage, or other condition that impairs the Town's ability to meet water demand for its customers.** ~~and conservation measures are appropriate to ensure an adequate supply of water to all water consumers.~~
- b) **Water use may exceed permitted limits. When the water system's use may exceed that which is permitted through the WMA, conservation measures will be imposed on water customers in order to comply with WMA limits.**
- c) **Ipswich River streamflow is low. When Ipswich River streamflow falls below limits specified through the WMA requiring the implementation of the conservation measure specified as Outdoor Water Use Peak Hours Ban, an Outdoor Water Use Peak Hours Ban will be imposed on all water users in order to comply with the WMA requirements.**
- d) **Ipswich River streamflow is very low. When Ipswich River streamflow falls below limits specified through the WMA requiring the implementation of the conservation measure specified as Outdoor Water Use Restriction, an Outdoor Water Use Restriction will be imposed on all water users in order to comply with the WMA requirements.**

Public Notice of a State of Water Supply Conservation shall be given under Section 58-2.6 of this Bylaw before it can be enforced.

58-2.5 CONSERVATION MEASURES RESTRICTED WATER USES.

A declaration of a State of Water Supply Conservation shall ~~specify include~~ **specify include** one or more of the following **conservation measures and shall specify whether the measure(s) are voluntary or mandatory and whether the measure(s) apply to water customers only or to all water users.** ~~restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The Board of Water Commissioners may include other restrictions, conditions, or requirements as they see fit.~~ The applicable restrictions, conditions, or requirements shall be included in the Public Notice required under Section 58-2.6 **and shall not apply to essential uses.**

- a) **Outdoor Watering Odd / Even Day Restriction** ~~Outdoor Watering:~~ **Outdoor watering by water users with at** odd numbered addresses is restricted to odd numbered days;

~~Outdoor outdoor watering by water users with at even numbered addresses is limited~~
restricted to even numbered days.

b) Outdoor Water Use Peak Hours Ban: Outdoor water use is prohibited during peak hours.

c) Outdoor Water Use Restriction: Outdoor water use is prohibited during peak hours and outdoor water use during off-peak hours is limited to hand held hoses, buckets or watering cans.

~~bd) Total Outdoor Watering Water Use Ban: Outdoor watering water use is prohibited.~~

~~e) Outdoor Watering Hours: Outdoor watering is permitted only during periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and Public Notice thereof.~~

~~d) Filling of Swimming Pools: the filling of swimming pools is prohibited.~~

~~e) Automatic Lawn Sprinkler Systems: the use and operation of automatic lawn sprinkler is prohibited.~~

58-2.6 PUBLIC NOTIFICATION OF A STATE OF WATER SUPPLY CONSERVATION.

Notification of any provision, restriction, or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under Section 58-2.5 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation may also be simultaneously provided to the Massachusetts Department of Environmental Protection.

58-2.7 TERMINATION OF A STATE OF WATER SUPPLY CONSERVATION.

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners, upon a determination that **the conditions requiring the State of Water Supply Conservation** ~~the water supply shortage~~ no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by Section 58-2.6.

All water usage restrictions issued by the Board pursuant to the Bylaw shall be superseded by water usage restrictions issued by the DEP under its declaration.

58-2.8 STATE OF WATER SUPPLY EMERGENCY.

~~Compliance with DEP Orders~~

Upon notification to the Public that a declaration of a State of Water Supply Emergency has been issued by the ~~DEP Department of Environmental Protection~~, no person shall violate any provision, restriction, requirement, or condition of any order approved or issued by the ~~DEP Department~~ intended to bring about an end to the State of Emergency.

58-2.9 PENALTIES.

Any person violating any Section of this Bylaw shall be liable to the Town in the amount listed below:

- a) First Violation: Warning
- b) Second Violation: \$50.00
- c) Third Violation: \$100.00
- d) Fourth and subsequent Violations: \$300.00

The fines and charges shall inure to the Town. Fines shall be recovered by indictment or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of Chapter 40 of the General Laws. For purposes of non-criminal disposition, the enforcing person shall be any Police Officer of the Town or the Water Superintendent. Each day of violation **within a declared State of Water Supply Conservation or State of Water Supply Emergency** shall constitute a separate offense.

58-2.10 RIGHT OF ENTRY.

Entrance to any Building, Dwelling or Business Property shall be restricted as follows:

- a) Public Buildings ~~entrance~~ may only be **entered** ~~made~~ during normal business hours and in areas normally available to the general public, or upon the order of a Court of Law having jurisdiction.
- b) Private property may be entered only with the advice and consent of the owner, or upon the order of a Court of Law having jurisdiction.

58-2.11 SEVERABILITY.

If any portion or provision of this bylaw is deemed invalid, the remaining portions and provisions shall remain binding. (Art. 43, 5/2/2000)”

Marked discussion followed. Charles Wilkinson of 48 Pemberton Road moved to ‘lay on the table’ the Finance Committee’s motion for positive action. The motion was seconded and the vote taken. The motion ‘to lay on the table’ was defeated, and discussion continued. The vote was taken when debate ended. The Finance Committee recommendation for positive action passed on a majority voice vote. The “Water Use Restriction By-Law Amendment” was adopted.

ARTICLE TWENTY-NINTH:

AMEND ZONING BY-LAW, ARTICLE III, SECTION 3.16 ELDERLY HOUSING DISTRICT FOR CONDOMINIUM OWNERSHIP

The Finance Committee recommended the Town vote to amend the Topsfield Zoning By-Law, Article III, Section 3.16 Elderly Housing District as described below: (New language inserted in bold)

By inserting at the end of Section 3.16 A. 1. the following language “or under a declaration for a condominium organized pursuant to Massachusetts General Laws, Chapter 183A” to read as follows:

“To provide, upon the grant by the Planning Board of a Special Permit and the approval of Site Plan, Multifamily residences for the Elderly, such housing to be owned and controlled only by a non-profit organization or by the Town or jointly as permitted by law; or after said grant and an approved Site Plan, by a Cooperative Housing Corporation organized pursuant to Massachusetts General Laws, Chapter 157B, jointly with the Town or otherwise, **or under a declaration for a condominium organized pursuant to Massachusetts General Laws, Chapter 183A.**” By inserting at the end of Section 3.16 C. 1. c. the following language “or under a declaration for a condominium organized pursuant to Massachusetts General Laws, Chapter 183A” to read as follows: “All elderly housing shall be owned and controlled by a non-profit organization or by the Town or jointly so far as permitted by law; or by a Cooperative Housing Corporation organized pursuant to Massachusetts General Laws Chapter 157B, jointly with the Town or otherwise, **or under a declaration for a condominium organized pursuant to Massachusetts General Laws, Chapter 183A.**”.

Bob Winship, Topsfield Planning Board member, spoke in support. The vote was taken, after limited discussion ended. The Finance Committee recommendation, as presented, prevailed on a declared ‘greater than’ 2/3rds majority voice vote.

ARTICLE THIRTIETH:

AMEND ZONING BY-LAW, ARTICLE III, SECTION 3.16F ELDERLY HOUSING DISTRICT FOR EXPIRATION OF DISTRICT

The Finance Committee recommended the Town vote to amend the Topsfield Zoning Bylaw, Article III, Section 3.16 F by adding a new sub-section 3.16 F 3., as denoted below.

“An application for a special permit and site plan review for any elderly housing development within the Elderly Housing District must be filed within two years of the date that the Town Meeting votes to place the land where the development is proposed to be located within the Elderly Housing District”.

Bob Winship, Topsfield Planning Board member, spoke in support. The vote was taken, after brief discussion. The Finance Committee recommendation, as presented, prevailed on a declared ‘greater than’ 2/3rds majority voice vote.

ARTICLE THIRTY-FIRST:

AMEND ZONING BY-LAW, ARTICLE II, SECTION 2.10 ELDERLY HOUSING DISTRICT

The Finance Committee recommended the Town vote to amend the Topsfield Zoning By-Law, Article II, Section 2.10 Elderly Housing District by the insertion of, “A. Great Hill” before the legal description for said Elderly Housing District as described in Section 2.10 as adopted under Article 15 of the 1993 Annual Town Meeting. Bob Winship, Topsfield Planning Board member, spoke in support. The vote was taken absent discussion. The Finance Committee recommendation to amend the Zoning By-Law, as presented, prevailed on a declared ‘greater than’ 2/3rds majority voice vote.

ARTICLE THIRTY-SECOND:

AMEND ZONING BY-LAW, ARTICLE II, SECTION 2.10 CREATION OF “ENGLISH COMMONS AT TOPSFIELD” ELDERLY HOUSING DISTRICT

The Finance Committee recommended the Town vote to amend the Topsfield Zoning By-Law, Article II, Section 2.10 to include property located at 12 Boston Street, known as the “Page Estate”, as an Elderly Housing District to be known as “English Commons at Topsfield” by the insertion of “B. English Commons at Topsfield” with legal description as set forth in Attachment C to this warrant, entitled “2008 Zoning Amendments”, and further to amend the Zoning Map of the Town of Topsfield accordingly. The text of this amendment as set forth in Attachment C of the May 6, 2008 Town warrant appears below.

Creation Of “English Commons of Topsfield” Elderly Housing District “It being determined to be consistent with the purposes of the Zoning Bylaw, as amended, and the Master Plan for the Town, the property as described hereafter, being approximately sixty-eight and 83/100 (68.83) acres (less 14,979 square feet, as is described below), known as “English Commons at Topsfield”, formerly called “Page Estate”, and being shown as parcel 1 on Topsfield Assessors’ Map 81 (revised to January 1, 1998) and being bounded on the East by Boston Street (Newburyport Turnpike, U.S. Route 1) and on the West by Rowley Bridge Road, is rezoned as an Elderly Housing District, and the Zoning Map of the Town of Topsfield, Massachusetts, is so amended.

The legal description of the property referred to above is comprised of that area of land situated in the Town of Topsfield, bounded and described as follows:

That certain parcel of land situated on the easterly side of Rowley Bridge Road in Topsfield, Massachusetts, bounded and described as follows:

Beginning at a point on a stone wall on the easterly sideline of Rowley Bridge Road, said point being located N 09° 44’ 13” W a distance of One Hundred Seventy One and 57/100 (171.57) feet from a MASS Highway Bound, and also being located S 09° 44’ 13” E a distance of Two Hundred Thirteen and 83/100 (213.83) feet

from a second MASS Highway Bound;

Thence running N 85° 02' 49" E for a distance of Five Hundred Eighty Six and 68/100 (586.68) feet to a point;

Thence turning and running S 32° 42' 18" E for a distance of Three Hundred Ninety Seven and 53/100 (397.53) feet to a point on the Topsfield / Danvers Town Line;

Thence turning and running along said Town Line N 65° 13' 14" E for a distance of Seven Hundred Sixty One and 44/100 (761.44) feet to a point on the sideline of US Route 1, Newbury Port Turnpike;

Thence turning and running along said Newbury Port Turnpike N 33° 09' 20" E for a distance of Five Hundred Fifty Two and 07/100 (552.07) feet to a MASS Highway Bound;

Thence running along said Newbury Port Turnpike N 33° 09' 20" E for a distance of Four Hundred Ninety Eight and 47/100 (498.47) feet to a point;

Thence turning and running N 16° 09' 10" W for a distance of Ten and 48/100 (10.48) feet to an iron pipe;

Thence running N 16° 09' 10" W for a distance of Three Hundred Eighty One and 52/100 (381.52) feet to a drill hole at a stonewall corner;

Thence running along said stonewall N 11° 19' 50" W for a distance of One Hundred Seventy Seven and 63/100 (177.63) feet to a drill hole in said stonewall;

Thence running along said stonewall N 11° 19' 50" W for a distance of Seventy Nine and 45/100 (79.45) feet to a point at the end of said stonewall;

Thence turning and running N 45° 28' 14" W for a distance of Thirty One and 44/100 (31.44) feet to a stone bound with drill hole;

Thence running N 37° 04' 27" W for a distance of Two Hundred Eighty Six and 61/100 (286.61) feet to a stone bound with drill hole;

Thence running N 21° 44' 01" W for a distance of Five Hundred Ninety and 89/100 (590.89) feet to a stone bound with drill hole;

Thence running N 40° 44' 32" W for a distance of Four Hundred Eleven and 49/100 (411.49) feet to a stone bound with drill hole;

Thence turning and running S 48° 59' 35" W along a stonewall for a distance of One Hundred Fifty One and 01/100 (151.01) feet to a drill hole in said stonewall;

Thence running S 51° 19' 04" W along said stonewall for a distance of Three Hundred Sixty Seven and 56/100 (367.56) feet to a drill hole in said stonewall;

Thence running S 52° 26' 04" W along said stonewall for a distance of One Hundred and 95/100 (100.95) feet to a drill hole in said stonewall;

Thence running S 64° 40' 36" W along said stonewall for a distance of One Hundred Ninety Five and 58/100 (195.58) feet to a drill hole in said stonewall;

Thence running S 61° 06' 10" W along said stonewall for a distance of One Hundred Forty Eight and 31/100 (148.31) feet to a drill hole a stonewall corner;

Thence turning and running S 05° 24' 43" W for a distance of Two Hundred Sixty Six and 47/100 (266.47) feet to a point;

Thence turning and running S 84° 35' 17" E for a distance of Two Hundred Ninety Six and 35/100 (296.35) feet to a point;

Thence running S 81° 40' 32" E for a distance of One Hundred Twenty Eight and 12/100 (128.12) feet to a point;

Thence turning and running S 12° 03' 54" E for a distance of Six Hundred Ninety Four and 80/100 (694.80) feet to a point;

Thence turning and running S 71° 43' 07" W for a distance of One Hundred Seventeen and 95/100 (117.95) feet to a point;

Thence turning and running S 02° 19' 17" E for a distance of Three Hundred Seventy and 30/100 (370.30) feet to a point;

Thence turning and running S 64° 26' 24" W for a distance of One Hundred Twenty Seven and 48/100 (127.48) feet to a point;

Thence running S 72° 03' 06" W for a distance of Six Hundred Thirty Two and 80/100 (632.80) feet to a point;

Thence running S 52° 07' 20" W for a distance of Two Hundred Eighty Four and 91/100 (284.91) feet to a point at the sideline of said Rowley Bridge Road;

Thence turning and running along said Rowley Bridge Road S 18° 34' 40" E for a distance of Seventy Nine and 31/100 (79.31) feet to a before referenced MASS Highway bound;

Thence running along said Rowley Bridge Road S 09° 44' 13" E for a distance of Two Hundred Thirteen and 83/100 (213.83) feet to the point of beginning.

Meaning and intending to describe land with the buildings thereon as described in Deed Book 15761, Page 128, consisting of 68.83 acres (minus 14,979 square feet) to the Trustees of Boston College dated 22 June 1999.

Shown on a plan entitled "Plan of Land in Topsfield, MASS, owned by B.J.P Realty Trust, George W. Page, Trustees, Scale 1" equals 100' dated November 3, 1981, made by Hayes Engineering, Inc., Civil Engineers and Land Surveyors" and recorded with Essex South District Registry of Deeds in Plan Book 171, Plan 38, containing 68.83 acres of land all as set forth on said plan to which the plan reference is made. Excepting from the aforementioned plan Lot 21B as shown on a plan of land entitled "Plan of Land in Topsfield, Mass., Scale 1" equals 100', August 21, 1984, Hayes Engineering Inc." and recorded with said Registry of Deeds in Plan Book 190, Plan 75, containing 14,979 square feet of land all as set forth on said plan. Said exception shown as an undefined triangle in the northwest corner of the first referenced plan".

Gregor Smith, Topsfield Planning Board member spoke in support. Limited discussion preceded the vote. The Finance Committee recommendation to amend the Zoning By-Law, as presented, prevailed on a declared 'greater than' 2/3rds majority voice vote.

NORTHWESTERLY by the way leading from said Turnpike to the house now or formerly of Perkins; and

EASTERLY by other land now or formerly of Perkins”,

Shown on a plan entitled “Plan of Land located in Topsfield, Mass., Prepared by Eastern Land Survey

Associates, Inc., Christopher R. Mello, PLS, 104 Lowell St., Peabody, MA. 01986, Scale: 1” = 100’,

March 1, 2007 Prepared For New Meadows Enterprises LLC”.

Bob Winship, Topsfield Planning Board member, spoke in support. The vote was taken, after brief discussion. The Finance Committee recommendation to amend the Zoning By-Law, as presented, prevailed on a declared 2/3rds majority voice vote.

ARTICLE THIRTY-FOURTH:

AMEND ZONING BY-LAW, ARTICLE II, SECTION 2.11 TO CREATE BUSINESS DISTRICT HIGHWAY NORTH

The Finance Committee recommended that the Town vote to amend the Topsfield Zoning Bylaw, Article II by adding Section 2.11 Business District Highway North as described below and further amend the Zoning Map of the Town of Topsfield accordingly. “The Business District Highway North shall be comprised of the following lots or portions thereof, and shall be referred to by the lot number and the Assessor’s map number. Starting in the District’s southeast corner and proceeding north: lot #60, map 26, lot #15, map 26, lot #14, map 26 except that the easterly bound of the Business District Highway North shall lie 230 feet east of the center line of Boston Street, and ending with lot #13, map 26. On the westerly side of Boston Street: lot #1, map 19, lot #12, map 26, lot #11, map 26, and south of Ipswich Road and west of Boston Street: Lot #1, map 26.”

Martha Morrison, Chairman Topsfield Planning Board, spoke in support. Scant discussion followed. The vote was taken. The Town voted unanimously in favor of the Zoning By-Law amendment, as presented.

ARTICLE THIRTY-FIFTH:

AMEND ZONING BYLAW, ARTICLE III, SECTION 3.11 USES IN THE BUSINESS DISTRICT HIGHWAY NORTH

The Finance Committee recommended the Town vote to amend the Topsfield Zoning Bylaw, Article III, Section 3.11 by deleting the title “Signs in Business District” and replacing with “Uses in the Business District Highway North”, and inserting as set forth in Attachment C to this warrant, entitled “2008 Zoning Amendments.” The amendment as set forth in Attachment C of the May 6, 2008 Town warrant appears below.

“ 3.11 Uses in the Business District Highway North

A. Purpose and intent

The Business District Highway North, located at the intersection of Route 1 and Ipswich Road, is a small scale, mixed-use, retail, commercial and residential zone. Development in this zone shall reflect the rural and historic nature of Topsfield and shall reflect the character of surrounding residential neighborhoods relative to uses, the scale of development, and traffic patterns. Further, the impact of development in this zone on surrounding residential areas shall be minimized relative to light, noise, fumes and congestion.

- B. Principal Uses shall be as permitted in the Table of Use Regulations.
- C. Mixed uses shall be allowed in structures in the Business District Highway North provided that each principal use is separately allowed, by right or by special permit, in the Table of Uses for the Business District Highway North.
- D. Pedestrian walkways should be included to accommodate pedestrian access within a lot and to accommodate pedestrian access to adjacent lots within the district.
- E. Buffer Strips shall be required for lots in the Business District Highway North. Such buffer strips shall be installed and maintained to conform to the following standards.
1. Between lots used for commercial purposes the buffer strip shall be at least ten (10) feet wide and planted with grass, groundcover, shrubbery or trees.
 2. Between lots in the Business District Highway North and lots either zoned or used residentially, the buffer strips shall conform to the provisions of Article IV, Section 4.05.
 3. For lots with residential use, the buffer strip shall contain a dense screen of evergreens no less than six (6) feet in height, or it shall contain a dense man-made screen, or a combination of these two (2) screens. Where man-made screens are erected, these shall be designed to present an attractive façade which shall reflect the general architectural style of the premises. Whichever screen or screens are proposed, they shall be so located on the buffer strip and be of such dimensions as to effectively protect the premises from exterior lights, auto headlights, noise, scattered refuse, dust, fumes, and smoke.
 4. Vehicular access across buffer strips may be approved by the Special Permit Granting Authority to enable better vehicular movement, safety, and access between lots.
 5. Pedestrian walkways may be included within buffer strips.
- F. Parking requirements shall conform to the provisions of Article IV, Section 4.12, except for Section 4.12D, and shall be calculated according to the separate uses within mixed use structures.
- G. Development in the Business District Highway North shall be subject to Site Plan Review under Article IX of the Topsfield Zoning By-Laws.
- H. Development in the Business District Highway North shall conform to the density and dimensional standards of Article IV of the Topsfield Zoning By-Laws with the following additional requirement:
1. The footprint of any individual building shall not exceed 3500 sq. ft.
- I. Uses may be in one building, or groupings of buildings. Uses may be in one building, or groupings of buildings. The Special Permit Granting Authority may approve a special permit that includes uses in buildings, groupings of buildings, or portions of buildings that are owned by different entities where such uses are consistent with the safety of the occupants and the public and which are consistent with the overall intent of this section.
- J. Conditions in the Business District Highway North.
1. The building or buildings on any lot shall be served by common parking areas and by a common exit and entrance.
 2. The building(s) on any lot shall have common design features through the use of building materials, architectural style, and color. The design of the buildings shall be consistent with Topsfield's architectural heritage.
 3. All trash containers, dumpsters, and utility features must be screened from view by the building or by fencing and landscaping. All roof top mechanicals units shall be located so as not to be visible from street level or from public areas from ground level.
 4. All non-residential uses shall provide off-street loading facilities. These facilities shall be located and designed to minimize traffic flow disruptions of entering and exiting vehicles and so that delivery vehicles can be parked completely out of the right-of-way.

5. Lighting of sites shall be designed to prevent off-site disturbance, nuisance or hazard. All outdoor light sources shall be designed, directed and/or shielded such that the nighttime lighting is primarily contained on the site, shielding to the extent necessary abutting properties and roads. No light source shall be permitted if that light causes glare or other safety problems on an adjacent street.

K. No trailers, temporary or portable structures, vehicles or containers used for storage or warehousing of goods or material shall be allowed, except for such temporary structures, vehicles or containers associated with construction on the lot.”

Martha Morrison, Topsfield Planning Board Chairman, spoke in support. The vote was taken absent discussion. The Town voted unanimously in favor of the Zoning By-Law amendment, as presented.

ARTICLE THIRTY-SIXTH:

AMEND ZONING BYLAW, ARTICLE IV, SECTION 4.02 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS

The Finance Committee recommended the Town vote to amend the Topsfield Zoning Bylaw, Article IV, Dimensional And Density Regulations with the insertions of the Business District Highway North as described below.

	Minimum Lot Area	Minimum Lot Frontage	Minimum Lot Depth	Minimum Yards			Maximum Height	Maximum Stories	Maximum Building Area	Minimum Open Space
				Front	Side	Rear				
	Sq. Feet	Feet	Feet	Feet	Feet	Feet	Feet	Number	%	%
BHN	20,000	100	100	40	30 ⁽²⁾	30 ⁽²⁾	35	2 ½	40	30

Martha Morrison, Topsfield Planning Board Chairman, spoke in support. The vote was taken absent discussion. The Town voted unanimously in favor of the Zoning By-Law amendment, as presented.

ARTICLE THIRTY-SEVENTH:

AMEND ZONING BYLAW, ARTICLE III, SECTION 3.02 TABLE OF USE REGULATIONS

The Finance Committee recommended the Town vote to amend the Topsfield Zoning Bylaw, Article III, Use Regulations and Table of Use Regulations, all as set forth in Attachment C to this warrant, entitled “2008 Zoning Amendments.” The text of this amendment as set forth in Attachment C of the May 6, 2008 Town warrant appears below.

Amend Section 3.02 Table of Use Regulations: (*changes in bold italics*)

1. Amend Abbreviations with the insertion of ***“P*”*** for Mixed Use
2. Amend Section 2.1 by deleting the word “ Church” and replacing with ***“Houses of Worship”***
3. Add the Business District Highway North with the zone designation of “Mixed Use”; and further, insert categories of uses for said district within the Table of Use Regulations

P* = Permitted only within Mixed Use

		BHN
<i>1. Residential</i>		

1.1	Single Family Dwelling		P
1.2	Two Family Dwelling		<i>P*</i>
1.3	Multi-Family Dwelling		<i>P*</i>
1.4	Multi-Family Residence for the Elderly	See Elderly Housing District	
1.5	Lodging and Boarding houses		<i>NP</i>
1.6	Temporary Accessory Apartments		<i>P</i>
	2. Community Facilities		
2.1	House of Worship		<i>P</i>
2.2	Non-Profit School		<i>P</i>
2.3	For Profit School		<i>S</i>
2.4	Town building except Public Works Garage & Fire Station		<i>P</i>
2.5	Town Public Works Garage & Fire Station		<i>NP</i>
2.6	Publicly-owned recreational facilities		<i>P</i>
2.7	Privately-owned recreational facilities		NP
2.8	Library or Museum		<i>P</i>
2.9	Cemetery		<i>NP</i>
2.10	Day Camp for Children		<i>NP</i>
2.11	Public Utilities		<i>S</i>
2.12	Civic and Social Organizations		<i>S</i>
2.13	Communications and telephone towers	See Article XII for restrictions and regulations.	
2.14	Hospital		<i>S</i>
2.15	Nursing and Community Care Facilities		<i>S</i>
2.16	Conference and Event Facility		<i>S</i>
	3. Agriculture		
3.1	Agricultural, horticultural, viticultural and floricultural production		P
3.2	Non-commercial forestry		P
3.3	Commercial forestry (excluding milling)		<i>S</i>
3.4	Farm Stand (on property of less than 5 acres)		<i>S</i>
3.5	Farm Stand (on property of more than 5 acres)		<i>P</i>
3.6	Farmers Markets		P
3.7	Home farm products stand		<i>P</i>
3.8	Raising of livestock for commercial use		<i>NP</i>
3.9	Commercial kennels, stables or veterinary hospital		<i>P</i>
	4. Retail and Service		
4.01	Retail establishment selling principally convenience goods		<i>NP</i>
4.02	Retail establishment selling merchandise		<i>S</i>

4.03	Hardware store		<i>S</i>
4.04	Retail establishment selling foods		<i>S</i>
4.05	Retail establishment selling sporting goods		<i>S</i>
4.06	Pharmacy		<i>S</i>
4.07	Optical Goods Store		<i>S</i>
4.08	Cosmetics, beauty supply and perfume store		<i>S</i>
4.09	Retail establishment selling hand-crafts		<i>S</i>
4.10	Retail establishment selling motor vehicles		NP
4.11	Dry-cleaning and laundry establishment (except coin operated)		<i>S</i>
4.12	Restaurant		S
4.13	Guest House and Bed and Breakfast		<i>S</i>
4.14	Drive-in and drive-through eating establishment		<i>NP</i>
4.15	Funeral Establishment		S
4.16	Bank (full service)		<i>S</i>
4.17	Exterior Automatic Teller Machines		S
4.18	Interior Automatic Teller Machines		<i>P</i>
4.19	Drive-in and drive-through establishment		<i>NP</i>
4.20	Automotive repair or service		<i>NP</i>
4.21	Professional, technical, scientific and business offices		<i>P</i>
4.22	Other business repair services		P
4.23	Art Gallery		<i>P</i>
4.24	Fitness and recreational sports facilities		<i>S</i>
4.25	Barber Shops		<i>S</i>
4.26	Beauty Salons		<i>S</i>
4.27	Skin and Nail Care Salons		<i>S</i>
4.28	Medical and Dental Offices		<i>P</i>
4.29	Chiropractors. Offices		<i>P</i>
4.30	Amusement or recreation services		<i>NP</i>
4.31	Commercial parking lot		<i>NP</i>
4.32	Installation of WECS		<i>P</i>
	5. Trades, Wholesale, Transportation and Industrial		
5.01	Manufacturing		<i>NP</i>
5.02	Construction industry and supplies		<i>NP</i>
5.03	Transportation services		<i>NP</i>
5.04	Commercial earth and stone removal		<i>NP</i>
5.05	Processing and/or storage of earth products		<i>NP</i>
5.06	Warehouses		<i>NP</i>
5.07	Distribution centers		NP

5.08	Storage Facilities		<i>NP</i>
5.09	Wholesale automobile sales		<i>NP</i>
5.10	Research office and development facilities		<i>S</i>
	6. Accessory Uses		
6.01	Home Occupation		<i>P</i>
6.02	Accessory building or other structure subject to provisions of Article VI		<i>NP</i>
6.03	Accessory uses normally incidental to residential uses including keeping of domestic animals and agricultural and horticultural uses		<i>P</i>
6.04	Accessory private garage for not more than three commercial vehicles except on farm		<i>NP</i>
6.05	Storage of one unregistered motor vehicle, trailer, boat or motorized home in the open not within any required setback		NP
6.06	Accessory outside storage necessary for operation of principal use		<i>NP</i>
6.07	Accessory Signs		P
6.08	Accessory parking and loading spaces		<i>P</i>
6.09	Swimming pools, tennis courts and similar uses accessory to a residence.		<i>P</i>

Martha Morrison, Topsfield Planning Board Chairman, spoke in support. The vote was taken absent discussion. The Town voted unanimously in favor of the Zoning By-Law amendment, as present.

ARTICLE THIRTY-EIGHTH:

AMEND ZONING BYLAW, ARTICLE II, SECTION 2.01

The Finance Committee recommended the Town vote to amend the Topsfield Zoning By-Law, Article II, Section 2.01 by deleting the word “seven (7)” in the sentence reading “The Town of Topsfield is hereby divided into seven (7) Districts, and substituting in place thereof the word “eight (8).” Jan Ablon, Topsfield Planning Board member, spoke in support. The vote was taken absent discussion. The Town voted unanimously in favor of the Zoning By-Law amendment, as presented.

ARTICLE THIRTY-NINTH:

AMEND ZONING BYLAW, VARIOUS SECTIONS WITH INSERTION OF BUSINESS HIGHWAY DISTRICTS

The Finance Committee recommended the Town vote to amend the Topsfield Zoning By-Law by the insertion of “Business District Highway North” and /or “Business District Highway” in the following sections as set forth below:

2.01 Classes of District: add “H. Business District Highway North”

2.07 Inner Residential and Agricultural District: change “Business District” – Highway to “Business District Highway” and insert “Business District Highway North” after Business District Highway

3.14 Parking of Automobiles: insert “Business District Highway North” after Business District Highway

3.15 Additional Accessory Uses: insert “Business District Highway North” after Business District Highway

4.06 Accessory Buildings: insert “Business District Highway North (B-H-N)” after Business District Highway (B-H)

4.07 Other General Dimensional and Density Provisions: in B. insert “Business District Highway and Business District Highway North” after Business Park District

13.5B Business Districts: insert “Business District Highway North (BHN)” after Business District Highway (BH) and also insert “Business District Highway North (BHN)” after Business District Highway in related Table of Dimensional Regulations and Maximum Dimensions.

Martha Morrison, Topsfield Planning Board Chairman spoke in support. The vote was taken absent discussion. The Town voted unanimously in favor of the Zoning By-Law amendment, as presented.

ARTICLE FORTIETH:

AMEND ZONING BYLAW, ARTICLE III, SECTION 3.12 USES IN THE BUSINESS DISTRICT HIGHWAY

The Finance Committee recommended that the Town vote to amend the Topsfield Zoning Bylaw Article III, Section 3.12 by deleting the title “Signs in the Residential District” and replacing with “Uses in the Business District Highway”, and inserting as set forth in Attachment C to this warrant, entitled “2008 Zoning Amendments.” The text of this amendment, as set forth in Attachment C of the May 6, 2008 Town warrant appears below.

“3.12 Uses in the Business District Highway

A. Purpose and intent

The Business District Highway located on Route 1 is a mixed-use retail, commercial and residential zone. Connected to the Business District Village by three streets, the Business Highway Zone is designed to serve as an attractive gateway to Topsfield’s central commercial area. Development in this zone shall reflect the rural and historic nature of Topsfield.

B. Principal Uses shall be as permitted in the Table of Use Regulations.

C. Mixed uses shall be allowed in structures in the Business District Highway provided that each principal use is separately allowed, by right or by special permit, in the Table of Uses for the Business District Highway.

D. Pedestrian walkways should be included to accommodate pedestrian access within a lot and to accommodate pedestrian access to adjacent lots within the district.

E. Buffer Strips shall be required for lots in the Business District Highway. Such buffer strips shall be installed and maintained to conform to the following standards.

1. Between lots used for commercial purposes the buffer strip shall be at least ten (10) feet wide and planted with grass, groundcover, shrubbery or trees.
2. Between lots in the Business District Highway and lots either zoned or used residentially, the buffer strips shall conform to the provisions of Article IV, Section 4.05.
3. For lots with residential use, the buffer strip shall contain a dense screen of evergreens no less than six (6) feet in height, or it shall contain a dense man-made screen, or a combination of these two (2) screens. Where man-made screens are erected, these shall be designed to present an attractive façade which shall reflect the general architectural style of the premises. Whichever screen or screens are proposed, they shall be so located on the buffer strip and be of such dimensions as to effectively protect the premises from exterior lights, auto headlights, noise, scattered refuse, dust, fumes, and smoke.
4. Vehicular access across buffer strips may be approved by the Special Permit Granting Authority to enable better vehicular movement, safety, and access between lots.
5. Pedestrian walkways may be included within buffer strips.

F. Parking requirements shall conform to the provisions of Article IV, Section 4.12, except for Section 4.12D, and shall be calculated according to the separate uses within mixed use structures.

G. Development in the Business District Highway shall be subject to Site Plan Review under Article IX of the Topsfield Zoning By-laws.

H. Development in the Business District Highway shall conform to the density and dimensional standards of Article IV of the Topsfield Zoning By-Laws.

I. Uses may be in one building, or groupings of buildings. Uses may be in one building, or groupings of buildings. The Special Permit Granting Authority may approve a special permit that includes uses in buildings, groupings of buildings, or portions of buildings that are owned by different entities where such uses are consistent with the safety of the occupants and the public and which are consistent with the overall intent of this section.

J. Conditions in the Business District Highway

1. The building or buildings on any lot shall be served by common parking areas and by a common exit and entrance.
2. The building(s) on any lot shall have common design features through the use of building materials, architectural style, and color. The design of the buildings shall be consistent with Topsfield's architectural heritage.
3. All trash containers, dumpsters, and utility features must be screened from view by the building or by fencing and landscaping. All roof top mechanicals units shall be located so as not to be visible from street level or from public areas from ground level.
4. All non-residential uses shall provide off-street loading facilities. These facilities shall be located and designed to minimize traffic flow disruptions of entering and exiting vehicles and so that delivery vehicles can be parked completely out of the right-of-way.
5. Lighting of sites shall be designed to prevent off-site disturbance, nuisance or hazard. All outdoor light sources shall be designed, directed and/or shielded such that the nighttime lighting is primarily contained on the site, shielding to the extent necessary abutting properties and roads. No light source shall be permitted if that light causes glare or other safety problems on an adjacent street.

K. No trailers, temporary or portable structures, vehicles or containers used for storage or warehousing of goods or material shall be allowed, except for such temporary structures, vehicles or containers associated with construction on the lot.”

Jan Ablon, Topsfield Planning Board member, spoke in support. The vote was taken absent discussion. The Town voted unanimously in favor of the Zoning By-Law amendment, as presented.

ARTICLE FORTY-FIRST:

AMEND ZONING BYLAW, ARTICLE III, SECTION 3.02 TABLE OF USE REGULATIONS

The Finance Committee recommended that the Town vote to amend the Topsfield Zoning Bylaw, Article III, Use Regulations and Table of Use Regulations, as set forth in Attachment C to this warrant, entitled “2008 Zoning Amendments.” The text of this amendment, as set forth, in Attachment C of the May 6, 2008 Town warrant appears below.

“Amend Section 3.02 Table of Use Regulations: (*changes in bold italics*)

1. Amend the following uses in the Business District Highway as described below; and further, amend the Business District Highway zone designation from “ Commercial” to “Mixed Use”

P* = Permitted only within Mixed Use

		BH
1. Residential		
1.1	Single Family Dwelling	NP P
1.2	Two Family Dwelling	NP P*
1.3	Multi-Family Dwelling	NP P*
1.6	Temporary Accessory Apartments	NA P
3. Agriculture		
3.7	Home farm products stand	NP P
4. Retail and Service		
4.03	Hardware store	NP S
4.04	Retail establishment selling foods	NP S
4.05	Retail establishment selling sporting goods	NP S
4.06	Pharmacy	NP S
4.07	Optical Goods Store	NP S
4.08	Cosmetics, beauty supply and perfume store	NP S
4.09	Retail establishment selling hand-crafts	NP S
4.11	Dry-cleaning and laundry establishment (except coin operated)	NP S
4.12	Restaurant	NP S
4.19	Drive-in and drive-through establishment	S NP
4.23	Art Gallery	NP P
4.25	Barber Shops	NP S
4.26	Beauty Salons	NP S
4.27	Skin and Nail Care Salons	NP S
4.28	Medical and Dental Offices	S P
4.29	Chiropractors. Offices	S P
6. Accessory Uses		
6.01	Home Occupation	NA P
6.03	Accessory uses normally incidental to residential uses including keeping of domestic animals and agricultural and horticultural uses	NA P

2. Add Section 4.33 Florist and Section 4.34 Catering with the insertions of the following uses within the Table of Use Regulations

Permitted Uses		ORA	IRA	CR	BV	BH	BH N	BP
4.	Retail and Service							
4.33	Florist	NP	NP	NP	P	P	P	P
4.34	Catering	NP	NP	NP	S	S	S	S''

Jan Ablon, Topsfield Planning Board member, spoke in support. The vote was taken absent discussion. The Town voted unanimously in favor of the Zoning By-Law amendment, as presented.

ARTICLE FORTY-SECOND:

AMEND ZONING BYLAW, SECTION 3.05 NONCONFORMING USES

The Finance Committee recommended the Town vote to amend the Topsfield Zoning By-Law, Section 3.05 Nonconforming Uses by making certain deletions and insertions as set forth below. New language is in bold.

“Any lawful building or use of a building or premises or part thereof existing at the time this By-Law or any amendment thereto is adopted, may be continued although such building or use does not conform to the provisions thereof. No nonconforming use shall be changed, moved, or extended in ~~time or~~ space and no nonconforming building or structure shall be structurally or substantially altered, or enlarged or replaced by a new building unless, upon application to **and a finding by** the Permit Granting Authority, it can be shown that such change, if carried out, would not be more detrimental or objectionable to the neighborhood. **Any such finding by the Permit Granting Authority pursuant to this section shall lapse one (1) year from the date of issuance (excluding the period of any appeal of such finding) if a substantial exercise of the rights permitted by the finding has not sooner commenced. Findings may be extended for successive periods of one year upon application to the Permit Granting Authority prior to the end of each one (1) year period and a showing of good cause.** No nonconforming use can be changed, moved or re-established where such use has been discontinued for a period of two (2) years or more.”

Ian De Buy Wenniger, Topsfield Planning Board member and Kristen Palace, Zoning Board of Appeals member spoke in support. The vote was taken absent discussion. The Town voted unanimously in favor of the Zoning By-Law amendment, as presented.

ARTICLE FORTY-THIRD:

AMEND ZONING BYLAW, ARTICLE XIII, SIGN REGULATIONS, SECTION 13.5B REVERSAL OF ORDER

The Finance Committee recommended the Town amend the Topsfield Zoning Bylaw, Article XIII, Section 13.5B by reversing the numbering order of and moving to the appropriate place the following subsections as follows: existing subsection 13.5 B 2 is renumbered to read subsection 13.5 B 3; and existing subsection 13.5 B 3 is renumbered to read subsection 13.5 B 2. Ian De Buy Wenniger, Topsfield Planning Board member and Kristen Palace, Zoning Board of Appeals member spoke in support. The vote was taken absent discussion. The Town voted unanimously in favor of the Zoning By-Law amendment, as presented.

ARTICLE FORTY-FOURTH:

FOX RUN ROAD EXTENSION ACCEPTANCE

The Finance Committee recommended the Town accept “Fox Run Road Extension” as a public way, in accordance with the locations, boundaries and measurements of said Fox Run Road Extension as laid out, altered or relocated by the Board of Selectmen, all as shown on a plan entitled: “As-Built Plan of Fox Run Road Extension located in Topsfield, MA dated September 24, 2007 prepared by Eastern Land Survey Associates, Inc., Christopher R. Mello, PLS, 104 Lowell Street, Peabody, MA 01960, Scale: 1” = 20’; recorded in Book 27541, Page 541 in the Essex Southern District Registry of Deeds in Salem, MA”, and to authorize the Board of Selectmen to accept a gratuitous conveyance of any necessary easement for said way and name it “Fox Run Road” , and the Town so voted unanimously.

ARTICLE FORTY-FIFTH:
SENIOR TAX WORK-OFF PROGRAM

The Finance Committee recommended the Town accept M.G.L. Chapter 59, Section 5K as amended, and to authorize the Board of Selectmen to establish a tax work-off program for senior citizen volunteers in the Town of Topsfield, to be effective July 1, 2008, and the Town so voted unanimously.

ARTICLE FORTY-SIXTH:
COUNCIL ON AGING REVOLVING FUND

The Finance Committee recommended the Town vote to take no action in establishing a Council on Aging revolving fund, and the Town so voted by a significant majority.

ARTICLE FORTY-SEVENTH:
PURCHASE OF PROPERTY (PETITION)

The Finance Committee recommended the Town vote to take no action on the purchase of the 59 Main Street property, and the Town so voted unanimously.

ARTICLE FORTY-EIGHTH:
LITTER BYLAW (PETITION)

The Finance Committee recommended the Town refer the litter matter to the Board of Selectmen for further action, and the Town so voted unanimously.

ARTICLE FORTY-NINTH:
STABILIZATION FUND

The Finance Committee recommended the Town appropriate and transfer from Free Cash the sum of \$10,000 for the Stabilization Fund, and the Town so voted unanimously.

ARTICLE-FIFTIETH:
FREE CASH

The Finance Committee recommended the Town authorize and direct the Board of Assessors to transfer and appropriate the sum of \$656,590 from Free Cash to reduce the tax levy for the fiscal year 2009, and the Town so voted unanimously.

The Moderator stated he would entertain a motion to adjourn the Annual Town Meeting to the polling site, St. Rose Church Hall located at 12 Park Street on Thursday, May 8, 2008 at 7:00 a.m. and at the close of the polls at 8:00 p.m. to dissolve the 2008 Annual Town Meeting. The motion was duly made, seconded and voted unanimously. The meeting adjourned at 11:18 p.m. There were 372 registered voters in attendance.

ANNUAL TOWN ELECTION

ST. ROSE CHURCH HALL

12 PARK STREET

MAY 8, 2008

7:00 A.M. – 8:00 P.M.

The Town Clerk opened the polls at 7:00 a.m. The election workers had been sworn as follows:

Joan Glatz, Warden
Dottie Roberts, Deputy Warden
Fred Glatz, Poll Constable

Ballot Clerks and Tellers:

Kathy Brown, Sally Cabral, Jan Englehardt, Sue Caples, Gayle Casey, Chris Cotti, Maxine Crocker, Mary Gillen, Florence Lear, Ruth Lucy, Alice Liston, and Jackie Scudder. The polls were closed at 8:00 p.m. The Town Clerk announced at 8:58 p.m. that 1423 registered voters had cast their ballots with the following results:

Moderator (One Year)

John P. Kinhan	1141
Others	10
Blanks	272

Selectman (Three Years)

John J. Mc Ardle	451
Heidi April Fox	462
Nancy J. Luther	674
Martha A. Morrisson	919
Robert Morgan	8
Raymond Eric Gutowski	5
Others	3
Blanks	324

Assessor (Three Years)

John W. Minnehan	1051
Others	3
Blanks	369

School Committee (Three Years)

Jeffrey C. Evaul	799
Susan Archer	746
Pamala S. Jefferys	479
Others	0
Blanks	822

Regional District School Committee (Three Years)

John K. Spencer	935
Kenneth G. Vogel	931
Others	4
Blanks	976

Commissioner of Trust Funds (Three Years)

Richard Walsh	1031
Others	1
Blanks	391

Library Trustee (Three Years)

Sheila R. Becker	1015
Dorothea M. De Luca	854
Others	3
Blanks	974

Library Trustee (One Year)

Jennifer I. Baker	1038
Others	3
Blanks	382

Housing Authority (Five Years)

John W. Minnehan	1000
Others	1
Blanks	422

Park & Cemetery Commissioner (Three Years)

Michael T. Smerczynski	1032
Others	4
Blanks	387

Planning Board (Three Years)

Robert L. Winship	1042
Jonathan Young	51
Other	11
Blank	1742

Road Commissioner (Three Years)

Richard J. Cullinan	1003
Others	2
Blanks	418

Water Commissioners (Three Years)

Philip G. Knowles	1037
Others	9
Blanks	377

Constable (Three Years)

Frederick J. Glatz	1058
Other	2
Blanks	363

Note: Those elected to office are in bold.

BALLOT QUESTION

QUESTION ONE: This Question is not binding.

Should the Town of Topsfield create a "Rail Trail" for recreational use along the former railroad corridor that extends from Wenham to Boxford?

Yes	863
No	515
Blanks	45

Question One passed by a clear majority. The vote, however, is not binding.

Attest:

Beverly Ann Guarino

Beverly Ann Guarino, CMC/MMCA/CMMC
Town Clerk