

**TOWN OF TOPSFIELD**



**WARRANT FOR THE 2008 ANNUAL TOWN MEETING**

Essex, ss.

To the Constable of the Town of Topsfield, in said County,

In the name of the Commonwealth of Massachusetts, you are directed to notify the inhabitants of the Town of Topsfield, qualified to vote in elections and in Town affairs, to meet at the

**PROCTOR SCHOOL  
WOODBURY AUDITORIUM**

in said Topsfield, on Tuesday, the sixth day of May, 2008, at seven o'clock in the afternoon (7:00 PM), then and there to act on the following articles:

**ARTICLE FIRST:**

**REPORTS**

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

**ARTICLE SECOND:**

**RESERVE FUND**

To see if the Town will vote to raise and assess or transfer from available funds and appropriate a sum of money for the Reserve Fund, or take any other action relative thereto.

**Recommended that the Town vote to 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.**

*This article funds the Finance Committee's Reserve Fund that is the amount annually set aside within the Town's Budget to provide a funding source for extraordinary and unforeseen expenditures.*

**ARTICLE THIRD:**

**GENERAL OPERATING BUDGET**

To see if the Town will vote to fix the annual salary and compensation of all elected officers, and raise and assess or transfer from available funds, and appropriate money for schools, highways, and other Town expenses, from July 1st and determine the manner of expending the same, or take any other action relative thereto.

**Recommended that 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 1<sup>st</sup> 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.**

*This article approves the Fiscal Year 2009 General Operating Budget for the Town for general government purposes and the elementary schools.*

*Refer to Attachment A for the detailed Fiscal Year 2009 General Operating Budget.*

#### **ARTICLE FOURTH:**

##### **WATER DEPARTMENT OPERATING BUDGET**

To see if the Town will vote to raise and assess or transfer from available funds, and appropriate funds for the Water Department for fiscal year 2009 and determine the manner of expending the same, or take any other action relative thereto.

**Recommended that the Town vote to appropriate \$751,367 as detailed herein, 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 above to be funded from Water Revenue.**

Appropriated Fiscal Year 2008		Proposed Appropriation Fiscal Year 2009
	<b>WATER DEPARTMENT OPERATING BUDGET</b>	
\$ 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
<b>645,784.00</b>	<b>SUB-TOTAL</b>	<b>664,979.00</b>
79,238.00	Indirect Costs	86,388.00
<b>725,022.00</b>	<b>TOTAL: Water Department</b>	<b>751,367.00</b>

*This article approves the Fiscal Year 2009 Operating Budget for the Water Department.*

#### **ARTICLE FIFTH:**

##### **MASCONOMET REGIONAL SCHOOL DISTRICT ASSESSMENT**

To see if the Town will vote to approve the 2009 Fiscal Year Gross Budget of the Masconomet Regional School District in the amount of \$24,805,341 and raise and assess or transfer from available funds, and appropriate a sum of money for the Town's share of the assessment, \$5,735,134 of same, or take any other action relative thereto.

**Recommended that the Town vote to 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.**

*This article approves the Fiscal Year 2009 Assessment for the Masconomet Regional School District.*

**ARTICLE SIXTH:**

**NORTH SHORE VOCATIONAL SCHOOL DISTRICT ASSESSMENT**

To see if the Town will vote to 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 and assess or transfer from available funds, and appropriate a sum of money for the Town's share of the assessment of same, or take any other action relative thereto.

**Recommended that the Town vote to 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.**

*This article approves the Fiscal Year 2009 Assessment for the North Shore Regional Vocational School District.*

**ARTICLE SEVENTH:**

**LEASE OF EMERSON FIELD**

To see if the Town will vote to 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 to see if the Town will vote to raise and assess or transfer from available funds, and appropriate a sum of money for this lease, or take any other action relative thereto.

**Recommended that the Town vote to 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.**

*This article allows the Town to enter into an annual agreement with the Congregational Church to lease Emerson Field for recreational purposes.*

**ARTICLE EIGHTH:**

**GRANT AUTHORIZATION FOR TOWN PROJECTS**

To see if the Town will vote 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, or take any other action relative thereto.

**Recommended that the Town vote 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.**

*This annual article allows the Board of Selectmen to apply for, accept and expend any private, state, or federal grants and loans for Town projects.*

**ARTICLE NINTH:**

**MASSACHUSETTS HIGHWAY DEPARTMENT CONTRACT**

To see if the Town will vote to authorize the Board of Selectmen to enter into contracts with the Massachusetts Highway Department for the ensuing year, or take any other action relative thereto.

**Recommended that the Town vote to authorize the Board of Selectmen to enter into contracts with the Massachusetts Highway Department for the ensuing year.**

*This annual article allows the Town to enter into contracts with the State for highway purposes and to accept state funds such as Chapter 90 funds for road maintenance and reconstruction.*

**ARTICLE TENTH:**

**PARK REVOLVING FUND**

To see if the Town will vote to establish a revolving fund for the Park & Cemetery Department pursuant to Massachusetts General Law Chapter 44, § 53E1/2, or take any other action relative thereto.

**Recommended that the Town vote 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 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.**

*This annual article would approve the establishment of the Park & Recreation Revolving Fund, and would also approve a spending limit in the amount of \$35,000 for fiscal 2009. This fund would be used to support the recreation programs established by the Recreation Committee under the statutory authority of the Park & Cemetery Commission. The recreation programs would include non-competitive activities for all age groups in Town. Fees charged to the participants in the recreation programs would be deposited in this fund to pay for various operating expenses.*

**ARTICLE ELEVENTH:**

**CEMETERY REVOLVING FUND**

To see if the Town will vote to establish a revolving fund for the Park & Cemetery Department pursuant to Massachusetts General Law Chapter 44, § 53E1/2, or take any other action relative thereto.

**Recommended that the Town vote 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.**

*This annual article would approve the establishment of the Cemetery Revolving Fund, and would also approve a spending limit in the amount of \$25,000 for fiscal 2009. Grave opening fees are the main source of revenue deposited into the revolving fund which is used by the Department for major infrastructure improvements to the Pine Grove Cemetery inclusive of road paving and reconstruction, land clearing for new areas, and the purchase of capital equipment.*

## **ARTICLE TWELFTH:**

### **CONSERVATION COMMISSION REVOLVING FUND**

To see if the Town will vote to establish a revolving fund for the Conservation Commission pursuant to Massachusetts General Law Chapter 44, § 53E1/2; or take any other action relative thereto.

**Recommended that the Town vote to 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.**

*This annual article would approve the establishment of the Conservation Revolving Fund, and would also approve a spending limit in the amount of \$10,000 for fiscal 2009. This revolving fund would support the funding of portions of the Conservation Commission's operating budget. It may also support required services and other expenditures relative to the enforcement of the Town's local Wetland's Bylaw.*

## **ARTICLE THIRTEENTH:**

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

To see if the Town will vote an exemption for fiscal year 2009 under the provisions of Section 4 of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988, or take any other action relative thereto.

**Recommended that the Town vote 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.**

*This local option provision allows the Town to grant an exemption increase above the statutory amount granted by Chapter 59, § 5, to qualified applicants including the elderly, blind, surviving spouses and minor children, and veterans. This was first accepted at the May 2001 Town Meeting and requires an annual Town Meeting approval. The amount voted shall not exceed twice the statutory amount of the Chapter 59 exemption for which the taxpayer qualifies; further this additional amount shall not result in a taxpayer paying less taxes than in the preceding year. The percentage amount voted shall be uniform for all classes.*

## **ARTICLE FOURTEENTH:**

### **CONTRACT FOR TRIENNIAL RE-CERTIFICATION UPDATE**

To see if the Town will vote to raise and assess or transfer from available funds, and appropriate a sum of money 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, or take any other action relative thereto.

**Recommended that the Town vote to 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.**

*This article provides funding for the update of all commercial and industrial real property valuations as part of the State mandated triennial certification process.*

**ARTICLE FIFTEENTH:**

**ANNUAL ENGINEERING & LANDFILL MONITORING**

To see if the Town will vote to transfer and appropriate a sum of money 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, or take any other action relative thereto.

**Recommended that the Town vote to 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.**

*This annual article would allow the Town to contract for the engineering and monitoring services that are required as part of the Administrative Consent Order issued by the Department of Environmental Protection (DEP) for the capping and closure of the sanitary landfill, and that are also required by the Post Closure Use Permit which allows recreational use.*

**ARTICLE SIXTEENTH:**

**RAIL TRAIL CONSTRUCTION AND USE (PETITION)**

To see if the Town will vote the following:

No construction will be performed on the Rail Trail until the initial (25%) design is completed and voted on by the Town Meeting in whatever year the design is completed. Furthermore the design must address the issues of:

Safety for children and Town residents, particularly at the major street crossings and the passage through the school and preschool playgrounds.

The estimate of costs to the town for the planning and construction of the trail.

The estimate of annual maintenance, Police, and Emergency Response costs.

The estimate of what effect these costs will have on property tax rates. Property Rights, since some of the properties involved may not be owned or leased by the town.

The effects on the abutters including the costs of mitigating adverse effects.

The effects on the rural character of Topsfield and the effects on the environment and wetlands, including a description of how adverse environmental effects will be mitigated.

Finally, the design must meet all Town regulations (including Conservation Commission regulations) that residents of Topsfield must satisfy.

**Recommended that the Town vote to take no action.**

**ARTICLE SEVENTEENTH:**

**PROCTOR SCHOOL DOORS**

To see if the Town will vote to raise and assess or transfer from available funds and appropriate a sum of money 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, or take any other action relative thereto.

**Recommended that the Town vote to 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, or take any other action relative thereto.**

*This article would allow the School Department to replace exterior doors at the Proctor School.*

**ARTICLE EIGHTEENTH:**

**PURCHASE OF A PARK & CEMETERY PICK-UP TRUCK**

To see if the Town will vote to raise and assess or transfer from available funds including the Cemetery Perpetual Care Fund, and appropriate a sum of money 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, or take any other action relative thereto.

**Recommended that the Town vote to 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.**

*This article would fund the purchase of a new pick-up truck for use by the Park & Cemetery Department.*

**ARTICLE NINETEENTH:**

**PURCHASE OF A POLICE CRUISER**

To see if the Town will vote to raise and assess or transfer from available funds and appropriate a sum of money 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 or take any other action relative thereto.

**Recommended that the Town vote to 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.**

*This article would allow the Police Department to replace the 1999 Chevy Blazer with a new cruiser.*

**ARTICLE TWENTIETH:**

**PURCHASE OF BACKHOE LOADER**

To see if the Town will vote to raise and assess or transfer from available funds including the Water Enterprise Reserve Fund, and appropriate a sum of money to be expended by the Board of Selectmen with the advice of the Road Commissioners and Water Commissioners to purchase and equip a backhoe loader and trade in or sell a 1997 JBC Backhoe Loader, or take any other action relative thereto.

**Recommended that the Town vote to 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.**

*This article would allow for the replacement of a 1997 backhoe loader with a new backhoe loader to be shared between the Highway Department and Water Department.*

**ARTICLE TWENTY-FIRST:**

**TOWN HALL ROOF REPAIRS**

To see if the Town will vote to raise and assess or transfer from available funds, and appropriate a sum of money to be expended by the Board of Selectmen for repairs to the Town Hall roof, or take any other action relative thereto.

**Recommended that the Town vote to 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.**

*This will allow for needed repairs to the Town Hall roof as specified in a condition report prepared by Russo Barr Associates in the fall of 2007.*

**ARTICLE TWENTY-SECOND:**

**POLICE STATION GARAGE DRAIN TIGHT TANK**

To see if the Town will vote to raise and assess or transfer from available funds, and appropriate a sum of money to be expended by the Board of Selectmen for repairs to the Police Station garage drainage system, or take any other action relative thereto.

**Recommended that the Town vote to 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.**

*This article would allow for the installation of a tight tank to collect water run off from the Police Station garage drains.*

**ARTICLE TWENTY-THIRD:**

**POLICE STATION ELEVATOR**

To see if the Town will vote to raise and assess or transfer from available funds, and appropriate a sum of money to be expended by the Board of Selectmen for a feasibility study of ADA compliance at the Police Station, or take any other action relative thereto.

**Recommended that the Town vote to 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.**

*This article would allow the Board of Selectmen to fund a feasibility study for bringing the Police Station into ADA compliance.*

**ARTICLE TWENTY-FOURTH:**

**OPEN-AIR PARKING LOT LICENSE**

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 148, Section 56 allowing the Town to grant licenses to and establish rules and regulations including fees as to parking space businesses or take any other action relative thereto.

**Recommended that the Town vote to take no action.**



**ARTICLE TWENTY-FIFTH:**

**CANINE CONTROL PICK UP FEE**

To see if the Town will vote to amend the Town Code, Chapter XXIII, Canine Control Bylaw, 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,” or take any other action relative thereto.

**Recommended that the Town vote to amend the Town Code, Chapter XXIII, Canine Control Bylaw, 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.”**

*This article would raise the fee, from \$10 to \$25, that is charged to the owner of a dog picked up as a stray.*

**ARTICLE TWENTY-SIXTH:**

**CANINES AT LARGE**

To see if the Town will vote to amend the Town Code, Chapter XXIII, Canine Control Bylaw, Section 23-3.1 Definition of Nuisance by inserting, at the conclusion of said section, the following: “, and dogs running unrestrained at large. A dog shall be deemed at large when it is both off the premises of the owner or such person with custody or control of said dog, and is not on a leash.” Or take any other action relative thereto.

**Recommended that the Town vote to take no action.**

**ARTICLE TWENTY-SEVENTH:**

**NON-CRIMINAL DISPOSITION**

To see if the Town will 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 Bylaws 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”,

or take any other action relative thereto.”

**Recommended that 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 all as described above.**

*This article would allow the Town to enforce Town bylaws through a process referred to as non-criminal disposition. Non-criminal disposition enables a town to enforce its bylaws without having to bring a court*

*action to do so. Under MGL c 40 § 21D, a town, through a designated enforcing person may issue a violation notice ("ticket") which provides for a specific sum of money to be paid as a penalty for a violation of a local bylaw. An offender must pay the penalty, or request in writing, within 21 days of the ticket, a district court hearing to appeal the ticket.*

#### **ARTICLE TWENTY-EIGHTH:**

##### **AMEND WATER USE RESTRICTION BYLAW**

To see if the Town will vote to amend the Town Code, Chapter LVIII, Water Supply Bylaws, Section 58-2, Water Use Restriction Bylaw, by making certain deletions and insertions, all as set forth in Amendment B to this warrant, entitled "Water Use Restriction Bylaw Amendment," or take any other action relative thereto.

**Recommended the Town vote to amend the Town Code, Chapter LVIII, Water Supply Bylaws, Section 58-2, Water Use Restriction Bylaw, by making certain deletions and insertions, all as set forth in Amendment B to this warrant, entitled "Water Use Restriction Bylaw Amendment," or take any other action relative thereto.**

*The Board of Water Commissioners recommends that the Town's Water Use Restriction By-Law be amended to reflect changes made to the Town's water withdrawal permit by the Department of Environmental Protection. The proposed changes include new definitions, specific conditions needed to declare a State of Water Supply Conservation and to whom the restrictions apply, an updated list of conservation measures and other language changes aimed at clarifying the bylaw.*

#### **ARTICLE TWENTY-NINTH:**

##### **AMEND ZONING BYLAW, ARTICLE III, SECTION 3.16 ELDERLY HOUSING DISTRICT FOR CONDOMINIUM OWNERSHIP**

To see if the Town will vote to amend the Topsfield Zoning Bylaw, Article III, Section 3.16 Elderly Housing District: (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.**",

or take any other action relative thereto.

**Recommended that the Town vote to amend the Topsfield Zoning Bylaw, Article III, Section 3.16 Elderly Housing District with insertions as described above.**

*This amendment inserts language in sections 3.16 A.1 and 3.16 C.1.c. that allows for condominium ownership within an elderly housing development in the Elderly Housing District.*

**ARTICLE THIRTIETH:**

**AMEND ZONING BYLAW, ARTICLE III, SECTION 3.16F ELDERLY HOUSING DISTRICT FOR EXPIRATION OF DISTRICT**

To see if the Town will 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”, or take any other action relative thereto.

**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 above.**

*This new sub-section requires that any elderly housing development application within the Elderly Housing District must be filed within two (2) years of the date of approval by Town Meeting for inclusion in the district.*

**ARTICLE THIRTY-FIRST:**

**AMEND ZONING BYLAW, ARTICLE II, SECTION 2.10 ELDERLY HOUSING DISTRICT**

To see if the Town will vote to amend the Topsfield Zoning Bylaw, 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, or take any other action relative thereto.

**Recommended that the Town vote to amend the Topsfield Zoning Bylaw, Article III, Section 3.16 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.**

*This is a perfecting amendment that inserts, “A. Great Hill” before the current legal description of the Elderly Housing District for said property approved at the May 1993 Annual Town Meeting.*

**ARTICLE THIRTY-SECOND:**

**AMEND ZONING BYLAW, ARTICLE II, CREATION OF “ENGLISH COMMONS AT TOPSFIELD” ELDERLY HOUSING DISTRICT**

To see if the Town will vote to amend the Topsfield Zoning Bylaw, 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, or take any other action relative thereto.

**Recommended that the Town vote to amend the Topsfield Zoning Bylaw, 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.**

*This article amends Section 2.10 with the insertion of “B. English Commons at Topsfield” and subsequent legal description of the property located at 12 Boston Street, commonly known as the “Page Estate”. Approval of this article would expand the Elderly Housing District to include the property at 12 Boston Street, and further would amend the Zoning Map accordingly.*

#### **ARTICLE THIRTY-THIRD:**

##### **AMEND ZONING BYLAW, ARTICLE II, CREATION OF NEW MEADOWS GOLF COURSE ELDERLY HOUSING DISTRICT**

To see if the Town will vote to amend the Topsfield Zoning Bylaw, Article II, Section 2.10 to include property located at 16 and 30 Wildes Road, known as New Meadows Golf Course, as an Elderly Housing District and said development to be known as “The Meadows” within the New Meadows Golf Course by the insertion of “C. New Meadows Golf Course” 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, or take any other action relative thereto.

**Recommended that the Town vote to amend the Topsfield Zoning Bylaw, Article II, Section 2.10 to include property located at 16 and 30 Wildes Road, known as New Meadows Golf Course, as an Elderly Housing District and said development to be known as “The Meadows” within the New Meadows Golf Course by the insertion of “C. New Meadows Golf Course” 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.**

*This article amends Section 2.10 with the insertion of “C. New Meadows Golf Course” and subsequent legal description of the property located at 16 and 30 Wildes Road known as the New Meadows Golf Course. Approval of this article would expand the Elderly Housing District to include the property at 16 and 30 Wildes Road, and further would amend the Zoning Map accordingly.*

#### **ARTICLE THIRTY-FOURTH:**

##### **AMEND ZONING BYLAW, ARTICLE II, SECTION 2.11 TO CREATE BUSINESS DISTRICT HIGHWAY NORTH**

To see if the Town will 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 137 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,”

or take any other action relative thereto.

**Recommended that the Town vote to amend the Topsfield Zoning Bylaw, Article II by adding Section 2.11 Business District Highway North as described above and further amend the Zoning Map of the Town of Topsfield accordingly.**

*This new section establishes by legal description above a new mixed use zone designated as the “Business District Highway North”, and further amends the Zoning Map accordingly.*

**ARTICLE THIRTY-FIFTH:**

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

To see if the Town will 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,” or take any other action relative thereto.

**Recommended that 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.”**

*This amendment renames an existing unused section of the Zoning Bylaw and establishes a purpose and intent, uses and conditions for the Business District Highway North.*

**ARTICLE THIRTY-SIXTH:**

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

To see if the Town will 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, or take any other action relative thereto.

	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 <sup>(2)</sup>	30 <sup>(2)</sup>	35	2 ½	40	30

**Recommended that 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 above.**

*This article amends the Table of Density and Dimensional Regulations to include density and dimensional requirements for the new Business District Highway North. The acceptance of these regulations will bring the majority of the current non-conforming lots into conformity with the Zoning Bylaw. (Note: “(2)” in the above Table refers to footnote two in the Zoning Bylaw Table of Dimensional and Density Regulations.)*

**ARTICLE THIRTY-SEVENTH:**

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

To see if the Town will 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,” or take any other action relative thereto.

**Recommended that 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.”**

*This amendment to the Table of Use Regulations adds the new Business District Highway North with the zone designation of “Mixed Use” and describes the categories of uses for the new district. Further, it amends the abbreviation section of the Table to include the mixed use designation of “P\*” and amends Section 2.1 by deleting the word “Church” and replacing with “Houses of Worship” for all districts.*

**ARTICLE THIRTY-EIGHTH:**

**AMEND ZONING BYLAW, ARTICLE II, SECTION 2.01**

To see if the Town will vote to amend the Topsfield Zoning Bylaw, 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)”, or take any other action relative thereto.

**Recommended that the Town vote to amend the Topsfield Zoning Bylaw, 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).”**

*This article is a perfecting amendment that recognizes the establishment of the Business District Highway North as the newly created “eighth district” such that the Town would now be comprised of eight zoning districts.*

**ARTICLE THIRTY-NINTH:**

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

To see if the Town will vote to amend the Topsfield Zoning Bylaw 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

or take any other action relative thereto.

**Recommended that the Town vote to amend the Topsfield Zoning Bylaw by the insertion of “Business District Highway North” and /or “Business District Highway” in the sections as set forth above.**

*This article is a perfecting amendment that inserts the notation of the Business District Highway and/or the Business District Highway North into various denoted sections of the Bylaw.*

**ARTICLE FORTIETH:**

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

To see if the Town will 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,” or take any other action relative thereto.

**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.”**

*This amendment renames an existing unused section of the Zoning Bylaw and establishes for the first time a purpose and intent, uses and conditions for the Business District Highway.*

**ARTICLE FORTY-FIRST:**

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

To see if the Town will 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,” or take any other action relative thereto.

**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.”**

*This amendment to the Table of Use Regulations amends specific categories of uses in the Business District Highway and also amends the Business District Highway’s designation from “Commercial” to Mixed Use.” Further, it amends Use Section 4 by adding sub-sections 4.33 Florist and 4.34 Catering uses for all districts.*

**ARTICLE FORTY-SECOND:**

**AMEND ZONING BYLAW, SECTION 3.05 NONCONFORMING USES**

To see if the Town will vote to amend the Topsfield Zoning Bylaw, Section 3.05 Nonconforming Uses by making certain deletions and insertions as set forth below: (New Language 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”, or take any other action relative thereto.

**Recommended that the Town vote to amend the Topsfield Zoning Bylaw, Section 3.05 Nonconforming Uses by making certain deletions and insertions as set forth above.**

*This article amends the nonconforming uses section by deleting “time or” and inserts language for a finding that establishes a one year time frame for the “substantial exercise of the rights permitted by the finding” such that the finding would expire, if not extended by the Permit Granting Authority.*

**ARTICLE FORTY-THIRD:**

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

To see if the Town will vote to 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 renumber to read Subsection 13. 5 B 3; and

Existing Subsection 13.5 B 3 is renumbered to read Subsection 13. 5 B 2,

or take any other action relative thereto.

**Recommended that the Town vote to 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 described above.**

*This article is a perfecting amendment that reverses and renumbers the order of the two sub-sections (B2 & B3).*



**ARTICLE FORTY-FOURTH:**

**FOX RUN ROAD EXTENSION ACCEPTANCE**

To see if the Town will vote to 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", or take any other action relative thereto.

**Recommended the Town vote to 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 described above 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."**

*This article would make Fox Run Road Extension a public way.*

**ARTICLE FORTY-FIFTH:**

**SENIOR TAX WORK-OFF PROGRAM**

To see if the Town will vote to 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, or take any other action relative thereto.

**Recommended that the Town vote to 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.**

*This article would allow the Board of Selectmen to establish a senior work-off program and to adopt any rules and regulations relative to the qualifications for participation in the program. The Council on Aging would administer the program.*

**ARTICLE FORTY-SIXTH:**

**COUNCIL ON AGING REVOLVING FUND**

To see if the Town will vote to establish a revolving fund for the Council on Aging pursuant to Massachusetts General Law Chapter 44, § 53E1/2 to be used solely for the purpose of paying costs associated with additional transportation personnel, or take any other action relative thereto.

**Recommended that the Town vote to take no action.**

**ARTICLE FORTY-SEVENTH:**

**PURCHASE OF PROPERTY (PETITION)**

To see if the Town will vote to consider purchasing the property at 59 Main Street (Dr. Lois Roger's house).

**Recommended that the Town vote to take no action.**

**ARTICLE FORTY-EIGHTH:**

**LITTER BYLAW (PETITION)**

Littering within the Town of Topsfield is prohibited. Any person or business caught disposing of any type of waste on public or private property will be subject to a fine. Each item of waste disposed of shall constitute a separate violation.

The fine shall be first offense: \$100, second offense: \$200, third and each successive offense: \$300. Each day on which a violation exists after notice shall be deemed a separate violation of this section.

The provisions of this Bylaw may be enforced by any Police Officer of the Town of Topsfield, or other enforcing authority specifically authorized by law, rule or regulation, including but not limited to enforcement by non-criminal disposition pursuant to M.G.L. Chapter 40 §21D.

**Recommended that the Town vote to table this article and refer the matter to the Selectmen for further action.**

**ARTICLE FORTY-NINTH:**

**STABILIZATION FUND**

To see if the Town will vote to raise and assess or transfer from available funds and appropriate a sum of money for the Stabilization Fund, or take any other action relative thereto.

**Recommended that the Town appropriate and transfer from Free Cash the sum of \$10,000 for the Stabilization Fund.**

**ARTICLE-FIFTIETH:**

**FREE CASH**

To see if the Town will vote 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 2009, or take any other action relative thereto.

**Recommended that the Town vote to 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 you are also directed to notify said inhabitants, qualified to vote in the election of Town Officers, to meet at the St. Rose Church Hall, 12 Park Street, the eighth day of May, 2008, at seven o'clock in the morning to bring in their votes on one ballot for the following offices:

ONE	Moderator	(1 year)
TWO	Selectmen	(3 years)
ONE	Assessor	(3 years)
TWO	Planning Board	(3 years)

TWO	Library Trustees	(3 years)
ONE	Library Trustee	(1 years)
TWO	School Committee	(3 years)
TWO	Regional District School Committee	(3 years)
ONE	Park & Cemetery Commissioner	(3 years)
ONE	Commissioner of Trust Funds	(3 years)
ONE	Road Commissioner	(3 years)
ONE	Water Commissioner	(3 years)
ONE	Constable	(3 years)
ONE	Housing Authority	(5 years)

### **NON-BINDING REFERENDUM BALLOT QUESTIONS**

**QUESTION ONE:** Should the Town of Topsfield create a “Rail Trail” for recreational use along the former railroad corridor that extends from Wenham to Boxford?

The polls shall be open from **7:00 AM UNTIL 8:00 PM**, and you are directed to serve this Warrant by posting attested copies thereof, one at the Post Office, one at the Town Hall, and one at each of the Public Meeting Houses in said Town, seven days at least before time for holding said meeting.

**Hereof fail not, and make due return of this Warrant, with your doing thereon, to the Town Clerk, at the time and place of meeting as aforesaid.**

**Given under our hands this second day of April in the year two thousand and eight.**

### **TOWN OF TOPSFIELD BOARD OF SELECTMEN**

\_\_\_\_\_  
John J. McArdle, Chairman

\_\_\_\_\_  
A. Richard Gandt, Clerk

\_\_\_\_\_  
Boyd R. Jackson, Member

\_\_\_\_\_  
Stephen S. Clark, Member

\_\_\_\_\_  
Richard N. Carlson, Member

**A true copy**

**ATTEST:**

\_\_\_\_\_  
Frederick J. Glatz, Town Constable

**RECOMMENDATIONS AS VOTED BY THE TOPSFIELD FINANCE COMMITTEE**

Mark B. Lyons, Chairman  
Heidi L. Bond  
Paul E. Dierze  
Kathryn S. Hartmann  
J. Stephen Lais  
Holger M. Luther  
Trudi I. Perry