

TOWN OF TOPSFIELD



WARRANT FOR THE 2009 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 fifth day of May, 2009, 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 \$74,202 from Free Cash and the sum of \$50,798 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.

Recommended that the Town vote to raise, assess, and appropriate the sum of \$14,272,584 for schools, highways, and other Town expenses, and fix the annual salary and compensation of all elected officers from July 1st and determine the manner of expending the same; and to meet said appropriation, raise and assess the sum of \$14,106,496; transfer

the sum of \$34,088 from the Police Insurance and Restitution Injured Officer Revolving Account; transfer the sum of \$66,000 from the Gould Trust Fund Part B; transfer the sum of \$25,000 from the Conservation Revolving Fund; transfer the sum \$21,000 from the Cemetery Revolving Fund; transfer the sum of \$15,000 from Article 17 of the May 2006 Annual Town Meeting and transfer the sum of \$5,000 from Article 22 of the May 2007 Annual Town Meeting; and further, that the Town vote to raise, assess, and appropriate the additional sum of \$130,059 for such matters, provided, however, that such additional appropriation shall be contingent upon the passage of a Proposition 2 1/2 general override referendum under General Laws Chapter 59, § 21C (g).

This article approves the Fiscal Year 2010 General Operating Budget for the Town for general government purposes and the elementary schools. Additionally, the article provides for supplemental funding for general government purposes and the elementary schools for Fiscal Year 2010, and makes the supplemental funding subject to a general override ballot question.

Refer to Attachment A for the detailed Fiscal Year 2010 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 2010 and determine the manner of expending the same, or take any other action relative thereto.

Recommended that the Town vote to appropriate \$792,976.00 as detailed herein, to operate the Water Department from July 1, 2009, through June 30, 2010, of which \$691,916.00 to come from Water Revenue and \$101,060.00 of indirect costs appropriated in the General Fund under Article Third above to be funded from Water Revenue.

Appropriated Fiscal Year 2009		Proposed Appropriation Fiscal Year 2010
	WATER DEPARTMENT OPERATING BUDGET	
\$ 63,333.00	Salary	\$ 67,371.00
155,121.00	Wages	159,639.00
224,143.00	Other	221,284.00
6,500.00	Long-Term Debt Principal	7,000.00
4,882.00	Long-Term Debt Interest	4,622.00
19,000.00	Short-Term Debt Interest	40,000.00
2,000.00	Debt Issue Costs	2,000.00
15,000.00	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
664,979.00	SUB-TOTAL	691,916.00
86,388.00	Indirect Costs	101,060.00
751,367.00	TOTAL: Water Department	792,976.00

This article approves the Fiscal Year 2010 Operating Budget for the Water Department.

ARTICLE FIFTH:

MASCONOMET REGIONAL SCHOOL DISTRICT ASSESSMENT

To see if the Town will vote to approve the 2010 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, \$5,870,454 of same, or take any other action relative thereto.

Recommended that the Town vote to approve the 2010 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 \$5,870,454 to fund the Town's share of the Fiscal Year 2010 Masconomet Regional School District Assessment of which the sum of \$5,542,369 supports the Maintenance & Operating Budget, and the sum of \$328,085 supports the Masconomet Building Debt Service.

This article approves the Fiscal Year 2010 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 2010 Fiscal Year Gross Operating Budget of the North Shore Regional Vocational School District in the amount of \$10,097,615 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 2010 Fiscal Year Gross Operating Budget of the North Shore Regional Vocational School District in the amount of \$10,097,615 and raise, assess, and appropriate the sum of \$47,579 for the Town's share of the assessment of same.

This article approves the Fiscal Year 2010 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 to transfer from free cash 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:

SMALL TOWN ROAD ASSISTANCE PROGRAM

To see if the Town will vote to authorize the Board of Selectmen to file a grant application with the Massachusetts Highway Department under the Small Town Road Assistance Program (STRAP) to fund the design, engineering, and subsequent repairs to or replacement of the Salem Road Bridge over the Ipswich River, or take any other action relative thereto.

Recommended that the Town vote to authorize the Board of Selectmen to file a grant application with the Massachusetts Highway Department under the Small Town Road Assistance Program (STRAP) to fund the design, engineering, and subsequent repairs to or replacement of the Salem Road Bridge over the Ipswich River.

The Town recently became eligible to participate in the Small Town Road Assistance Program (STRAP) which allows towns with populations of fewer than 7,500 to apply for a grant of up to \$500,000 from MassHighway for a specific project. As part of the grant application request, the program requires town meeting approval for each project. This article would fulfill that requirement for the Salem Road Bridge project.

ARTICLE ELEVENTH:

PARK REVOLVING FUND

To see if the Town will vote to establish a park 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 2010. 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 TWELFTH:

CEMETERY REVOLVING FUND

To see if the Town will vote to establish a cemetery 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 2010. 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 THIRTEENTH:

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 2010. 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 Wetlands Bylaw.

ARTICLE FOURTEENTH:

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 2010 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 2010 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 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 2010 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 \$37,000 from the Solid Waste Fund to be expended by the Board of Selectmen to fund the fiscal year 2010 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:

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 \$9,100 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.

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

ARTICLE SEVENTEENTH:

STEWARD 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 Steward School, or take any other action relative thereto.

Recommended that the Town vote to transfer from Free Cash, and appropriate the sum of \$6,500 to be expended by the Board of Selectmen with the advice of the School Committee for the replacement of exterior doors at the Steward School.

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

ARTICLE EIGHTEENTH:

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 2004 cruiser, or take any other action relative thereto.

Recommended that the Town vote to appropriate the sum of \$32,561 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 2004 Ford Crown Victoria; and to meet said appropriation to transfer from Free Cash the sum of \$29,017 and to transfer the sum of \$3,544 from Article 19 of the May 2008 Annual Town Meeting.

This article would allow the Police Department to replace the 2004 cruiser with a new cruiser.

ARTICLE NINETEENTH:

PURCHASE OF FIRE DEPARTMENT PUMPER

To see if the Town will vote to appropriate the sum of \$500,000 to be expended by the Board of Selectmen with the advice of the Fire Chief to purchase and equip a 1500 GPM Triple Combination Pumper, including all related costs, and to trade in or sell the existing 1994 Laverne Pumper; or take any other action relative thereto.

Recommended that the Town vote to appropriate the sum of \$500,000 to be expended by the Board of Selectmen with the advice of the Fire Chief to purchase and equip a 1500 GPM Triple Combination Pumper, including all related costs, and to trade in or sell the existing 1994 Laverne Pumper; and that to meet said appropriation transfer the sum of \$200,000 from the Town's stabilization fund, transfer the sum of \$50,000 from Free Crash, and the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of \$250,000 under M.G.L. Chapter 44, §7.

This article would allow for the replacement of Engine Three with a new pumper.

ARTICLE TWENTIETH:

PURCHASE OF A WATER DEPARTMENT TRUCK

To see if the Town will vote to transfer and appropriate a sum of money from the Water Enterprise Retained Earnings to be expended by the Board of Selectmen, with the advice of the Board of Water Commissioners, to purchase a compact pickup truck with extended cab and 4 wheel drive, and trade in or sell a 2000 Ford Ranger, or take any other action relative thereto.

Recommended that the Town vote to transfer and appropriate the sum of \$22,000 from the Water Enterprise Retained Earnings to be expended by the Board of Selectmen, with the advice of the Board of Water Commissioners, to purchase a compact pickup truck with extended cab and 4 wheel drive and trade in or sell a 2000 Ford Ranger.

This will allow the Water Department to replace its 2000 Ford Range with a new pick-up truck.

ARTICLE TWENTY-FIRST:

PERKINS ROW TEST WELLS

To see if the Town will vote to appropriate a sum of money to be expended by the Board of Selectmen, with the advice of the Board of Water Commissioners, to fund the drilling of test wells at the Perkins Row Wellfield and other project related expenses for the Perkins Row Wellfield Replacement Project, or take any other action relative thereto.

Recommended that the Town vote to appropriate the sum of \$60,000 from the Water Enterprise Retained Earnings for the drilling of test wells at the Perkins Row Wellfield and other project related expenses for the Perkins Row Wellfield Replacement Project; and the Board of Selectmen with the advice of the Board of Water Commissioners is authorized to take any other action necessary to carry out this project.

This article would approve the funding for the drilling of test wells and related expenses at the Perkins Row Wellfield to evaluate the total project cost of upgrading the Wellfield. The total project would replace the existing vacuum wells at the Perkins Row Wellfield with higher capacity gravel packed wells with submersible pumps. This upgrade would eliminate the risk of contamination through leaks in the vacuum system and increase the Wellfield's capacity to that of the North Street Wellfield, thereby providing a redundant water source.

ARTICLE TWENTY- SECOND:

**REGIONAL EMERGENCY COMMUNICATIONS CENTER
INTERGOVERNMENTAL AGREEMENT**

To see if the Town will vote to authorize the Board of Selectmen to enter into an intergovernmental agreement for a period of up to ten years to provide emergency and non-emergency police, fire and medical dispatch services with other municipalities in Essex County, or take any other action relative thereto.

Recommended that the Town vote to authorize the Board of Selectmen to enter into an intergovernmental agreement for a period of up to ten years to provide emergency and non-emergency police, fire and medical dispatch services with other municipalities in Essex County.

This article would allow the Board of Selectmen to enter into a ten-year intergovernmental agreement to participate in a regional dispatch center with other communities in Essex County.

ARTICLE TWENTY-THIRD:

ACCEPTANCE OF M.G.L. CHAPTER 41, SECTION 81U PROVISION

To see if the Town will vote to adopt the following paragraph as set forth below under the provisions of M.G.L. Chapter 41, Section 81U (new language in bold italics):

“In any town which accepts the provisions of this paragraph, the proceeds of any such bond or deposit shall be made available to the town for expenditure to meet the cost and expenses of the municipality in completing the work as specified in the approved plan. If such proceeds do not exceed one hundred thousand dollars, the expenditure may be made without specific appropriation under section fifty-three of chapter forty-four; provided, however, that such expenditure is approved by the Board of Selectmen. The provisions of this paragraph shall not apply to cities or to towns having town councils.”, or take any other action relative thereto.

Recommended that the Town vote to adopt the paragraph as set forth above under the provisions of M.G.L. Chapter 41, Section 81U.

This article would accept the provisions of a specific paragraph in M.G.L. Chapter 41, § 81U that allows the Planning Board, without appropriation, to apply the amounts of a surety bond, deposit, or other security to complete the work in a subdivision in accordance with the approved plans and conditions in the event a developer fails to do so.

ARTICLE TWENTY-FOURTH:

AMEND ZONING BYLAW, ARTICLE 1, DEFINITIONS

To see if the Town will vote to amend the Topsfield Zoning Bylaw, Article 1, Definitions, as set forth below (new language in bold italics; deletions with strikethrough):

In the last sentence of first paragraph of the article, after the words, “defined by”, insert the phrase, ***“the most recent edition of”***, and delete ~~“2002”~~.

Insert,

“1.11 Building Area.

The footprint of all buildings including covered portions of porches and decks.”,
and renumber accordingly the paragraphs that follow.

Insert,

“ 1.16 Catering.

An establishment, which may include food preparation facilities, primarily engaged in providing event-based food services, that prepares and/or supplies food in large quantities for commercial purposes to be delivered and consumed off premises.”,

and renumber accordingly the paragraphs that follow.

Amend definition of the term, “Drive-in/Drive-through Eating Establishment” as follows: “Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages **to customers** in ~~vehicles~~ automobiles including those establishments where customer may serve themselves and may eat food or drink refreshments in automobiles and including establishments intended for large volume or fast service with on or off premises consumption, which because of the nature of sales, operation, or market serviced, cause a large volume or frequent turnover of vehicular traffic.”

Amend definition of the term, “Drive-in/Drive-through Establishment” as follows: “A business establishment **such as a bank, cleaners, and the like**, wherein ~~patrons~~ customers may be served while seated in parked vehicles in the same lot, such as banks, cleaners, and the like.”

Amend definition for “Restaurant” by deleting: “An establishment offering food and beverages for consumption on the premises and for take-out services” and inserting the following sub-categories after “1.84 Restaurant”:

“A. Restaurant, Full Service: An establishment at which the principal activity is the preparation, service, and sale of food and beverages for consumption on the premises, where food is ordered and served at tables rather than at a counter, and where customers generally pay after eating.

B. Restaurant, Limited Service: An establishment at which the principle activity is the preparation and sale of food and beverages to be consumed on or off the premises, where food is primarily ordered at a counter, and where the food is: (a) primarily intended for immediate consumption; (b) available upon a short waiting time; and (c) generally paid for before customers eat it.

C. Restaurant, Formula Fast Food: An establishment meeting the criteria of “Restaurant, Limited Service,” which relies on the sale of large volumes of food, and which is required by contractual or other arrangements to offer two or more of the following standardized elements: menus, ingredients, food preparation, internal décor, external facade, or uniforms.

D. Restaurant, Snack and Non-Alcoholic Beverage: An establishment specializing in the preparation and sale of a limited menu with a specific type or class of foods or combination thereof, such as, but not limited to, baked goods, coffee, tea, cheese, delicatessen meats, candies or ice cream. Preparation and sale of food and beverages may be intended for consumption on or off the premises and the food is: (a) primarily intended for immediate consumption; (b) available upon a short waiting time; and (c) generally paid for before customers eat it.

E. Retail Specialty Foods: An establishment where the preparation and sale of a limited menu of food items is secondary to a primary business, permitted in the district, such as a grocery store, gourmet shop or farmer’s market. Preparation and sale of food and beverages may be intended for consumption on or off the premises, where food is

ordered at a counter and the food is: (a) primarily intended for immediate consumption; (b) available upon a short waiting time; and (c) generally paid for before customers eat it. Such establishment may include indoor seating for no more than 8 persons.”, or take any other action relative thereto.

Recommendation pending Public Hearing.

This amendment updates existing definitions and adds new definitions in Article I to define the terms used in the Table of Uses and elsewhere in the Zoning Bylaw. It specifically amends the reference to the North American Industrial Classification System (NAICS) that is used as Topsfield’s standard reference manual to denote the “most recent edition”; adds new definitions for “Building Area” and “Catering”; amends definitions for “Drive-in/Drive-through Eating Establishment” and “Drive-in/Drive-through Establishment”; and amends the definition of “Restaurant” from one general type into five specific types of restaurants.

ARTICLE TWENTY-FIFTH:

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 (new language in bold italics; deletions with strikethrough):

1. By deleting Commercial Kennels and Veterinary Hospital from Section 3.9; adding new Section 4.35 Commercial Kennels and new Section 4.36 Veterinary Hospital with the insertion of the following uses as amended for all districts as set forth in the Table below; by adding note “5” in Section 3.9, Commercial Stables, for the CR, BV, BH, BHN, BP districts; and by adding to the Footnotes at the end of the table: “⁵**Limited to lots of more than five acres**”,

Permitted Uses		ORA	IRA	CR	BV	BH	BHN	BP
3.	Agriculture							
3.9	Commercial kennels, stables or veterinary hospital	S P	NP P	NP P ⁵	NP P ⁵	P P ⁵	S P ⁵	P P ⁵
4.	Retail and Service							
4.35	Commercial kennels	NP	NP	NP	NP	S	NP	S
4.36	Veterinary Hospital	S	NP	NP	NP	P	S	P

2. By deleting 4.12 Restaurant and adding new 4.12 A Restaurant, Full Service; 4.12B Restaurant Limited Service; 4.12C Restaurant, Formula Fast Food; 4.12D Restaurant, Snack and Non-Alcoholic Beverage; and 4.12E Retail Specialty Foods with the insertion of the following uses as set forth below:

Permitted Uses		ORA	IRA	CR	BV	BH	BHN	BP
4.	Retail and Service							
4.12	Restaurant	NP	NP	NP	S	S	S	S
4.12A	Restaurant, Full Service	NP	NP	NP	S	S	S	S
4.12B	Restaurant, Limited Service	NP	NP	NP	S	S	S	S
4.12C	Restaurant, Formula Fast Food	NP	NP	NP	NP	NP	NP	NP
4.12D	Restaurant, Snack & Non-Alcoholic Beverage	NP	NP	NP	S	S	S	S
4.12E	Retail Specialty Foods	NP	NP	NP	S	S	S	S

, or take any other action relative thereto.

Recommendation pending Public Hearing.

This amendment is designed to clarify uses by district. It amends Section 3 Agriculture in order to be in compliance with state law concerning commercial stables and by the addition of note "5" stating, "limited to lots of more than five acres"; and further, places commercial kennels and veterinary hospitals under more appropriately described Section 4 Retail And Service. The article also amends Section 4 by deleting sub-section 4.12 Restaurant and adding new restaurant sub-section categories 4.12 A thru E.

ARTICLE TWENTY-SIXTH:

AMEND ZONING BYLAW, ARTICLE IV, SECTION 4.12, PARKING REQUIREMENTS

To see if the Town will vote to amend the Topsfield Zoning Bylaw Article IV, Section 4.12 C. 5 as set forth below (new language in bold italics; deletions with strikethrough):

"C. Minimum Parking Requirements:

5. Restaurants: ~~1 space per 3 seats and 1 space per employee during the busiest shift. Restaurants with more than 50% take out business must have 1 space per 3 seats and 1 space per employee during the busiest shift with a minimum of 20 spaces.~~

a. Restaurant, Full Service:

i. 1 space per 5 seats with a minimum of 12 spaces in the Business District Village

ii. 1 space per 3 seats with a minimum of 20 spaces in the Business District Highway, Business District Highway North and the Business Park District

b. Restaurant, Limited Service:

i. 1 space per 100 square feet of gross floor area with a minimum of 8 spaces in the Business District Village

ii. 1 space per 100 square feet of gross floor area with a minimum of 20 spaces in the Business District Highway, Business District Highway North and the Business Park District

c. Restaurant, Snack and Non-Alcoholic Beverage:

i. 1 space per 100 square feet of gross floor area with a minimum of 8 spaces in the Business District Village

ii. 1 space per 100 square feet of gross floor area with a minimum of 20 spaces in the Business District Highway, Business District Highway North and the Business Park District”,

or take any other action relative thereto.

Recommendation pending Public Hearing.

This amendment addresses the parking regulations for restaurants and makes provisions for parking for the five new restaurant categories introduced in previous articles in this warrant. Parking requirements would become less restrictive in the Business District Village where public parking is available. In other business districts the majority of the lots are located on Route 1 where public parking is not available and parking must be provided within the respective lot areas. Consequently, parking requirements would be more restrictive in said districts.

ARTICLE TWENTY-SEVENTH:

AMEND ZONING BYLAW, ARTICLE V, SECTION 5.02B, ASSOCIATE MEMBER

To see if the Town will vote to amend the Topsfield Zoning Bylaw, Article V, Administration and Enforcement, Section 5.02 B, by adding the following as a new sub-section 3 (new language in bold italics):

“3. The Board of Selectmen may appoint one town resident as an associate member of the Planning Board for a one year term, who shall be eligible to participate solely in matters in which the Planning Board is acting as the Special Permit Granting Authority, in accordance with M.G.L. Chapter 40A, § 9. The Chairman of the Planning Board, or the Acting Chairman, in the event of the absence of the Chairman, may designate the associate member to sit on the Planning Board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the Planning Board.”, or take any other action relative thereto.

Recommendation pending Public Hearing.

This article would allow the appointment of one associate member to the Planning Board in accordance with the provisions of M.G.L. Chapter 40A, § 9.

ARTICLE TWENTY-EIGHTH:

AMEND ZONING BYLAW, ARTICLE IX, SECTION 9.05 SITE PLAN REVIEW

To see if the Town will vote to amend the Topsfield Zoning Bylaw, Article IX, Site Plan Review, Sections 9.05 a. and 9.05 b. by making deletions and additions as follows (deletions with strikethrough; new language in bold italics):

“9.05 Procedure.

~~—a. An applicant for Site Plan Review under this section shall file with the Town Clerk seventeen (17) copies each of the site plan documents. A copy of the site plan shall be kept on file by the Town Clerk and the remaining copies shall be disbursed immediately to the following: (the “Boards”)~~

Granting Authority	5 copies
Conservation Commission	1 copy
Town Engineer	1 copy
Highway Surveyor	1 copy
Board of Health	1 copy
Historical Commission	1 copy
Building Inspector	1 copy
Water Department	1 copy
Fire Department	1 copy
Police Department	1 copy
Tree Warden	1 copy
Whichever of the Planning Board or Board of Appeals is not the Granting Authority	1 copy

~~b. The Granting Authority shall obtain with each submission a deposit sufficient to cover any of its anticipated expenses connected with the public hearing and review of the plans. The Granting Authority is authorized to retain a registered professional surveyor, engineer, architect, or landscape architect, or other professional consultant to advise the Granting Authority on any or all aspects of the site plan. The cost of this advice shall be borne by the applicant.~~

a. An Applicant for Site Plan Review under this section shall file with the Town Clerk copies of the site plan documents in accordance with Section 4.11 Submittal Distribution Requirements and Formats for a Definitive Plan in the Rules and Regulations Governing the Subdivisions of Land in the Town of Topsfield. The Clerk’s copy of the site plan application shall be kept on file by the Town Clerk.

b. The Granting Authority is authorized to retain a registered professional surveyor, engineer, architect, landscape architect, or other professional consultant such as an attorney to advise the Granting Authority on any or all aspects of the site plan. The cost of this advice shall be borne by the Applicant. The Applicant shall furnish a deposit to the Granting Authority, within ten days after the execution of an outside consultant agreement in accordance with M.G.L. Chapter 41, Section 53G, sufficient to cover all of the Granting Authority’s anticipated expenses connected with the public hearing and review of the plans.”, or take any other action relative thereto.

Recommendation pending Public Hearing.

This article would amend the administrative document filing procedure for Site Plan Review to be in accordance with the provisions of the submittal distribution requirements and formats under Section 4.11 for a Definitive Plan in the Planning Board Rules and Regulations; and further, would amend the schedule for the deposit of funds by an applicant which funds are to be used by a granting authority to retain a consultant in accordance with the provisions of M.G.L. Chapter 41, §53G.

ARTICLE TWENTY-NINTH:

AMEND VARIOUS SECTIONS OF THE ZONING BYLAW

To see if the Town will vote to amend the Topsfield Zoning Bylaw in the following sections as set forth below (new language in bold italics; deletions with strikethrough):

Section 3.16 D Procedure: In the first sentence strike the words “~~the original and five (5)~~” and the words “~~with the Planning Board and~~” and insert the following at the end of the sentence: “***in accordance with submittal requirements for a Definitive Plan in the Rules and Regulations Governing the Subdivision of Land in the Town of Topsfield.***”

Section 5.01: At the end of the second paragraph delete last sentence as follows, “~~Where non-criminal disposition is used as a method of enforcement the penalty shall be one hundred (\$100.00) dollars for each offense~~”, and insert after the words “... by General Laws Chapter 40, Section 21D” the phrase “***in accordance with Section 5.06B.***”

Section 5.04 A.1.: Change “~~four (4)~~” to “***eight (8)***” copies on forms provided by the Authorities.

Section 5.04 A.2.: Change the second “~~application~~” to “***Applicant***”.

Section 6.01G.: Add to the end of the sentence the following: “***in so far as such removal is in compliance with the Topsfield Soil Removal Bylaw.***”

Section 7.02: At the end of the second sentence, add the following: “***shall be in compliance with the Topsfield Soil Removal Bylaw.***”

Section 14.5 B.6.: Change the reference within the paragraph description from “~~B.6~~” to “***B.5***”, or take any other action relative thereto.

Recommendation pending Public Hearing.

This housekeeping article would amend various sections of the Zoning Bylaw with the addition of clarifying and administrative language, as well as referencing other sections of the Bylaw, the Soil Removal Bylaw and the Planning Board Rules and Regulations.

ARTICLE THIRTIETH:

DEMAND CHARGES FOR DELINQUENT TAXES

To see if the Town of Topsfield will vote to charge for each demand for delinquent municipal taxes issued by the Collector a fee of \$10.00, effective as of July 1, 2009, to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15, or take any other action relative thereto.

Recommended that the Town of Topsfield vote to charge for each demand for delinquent municipal taxes issued by the Collector a fee of \$10.00, effective as of July 1, 2009, to be

added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15.

This would increase the town's fee for delinquent municipal taxes from \$5 to \$10. The collection costs imposed on delinquent taxpayers are found in MGL c. 60, § 15. These charges are added to the outstanding tax by law, not at the discretion of the local Collector.

ARTICLE THIRTY-FIRST:

LITTER BYLAW

To see if the Town will vote to amend the Town Code by adding a new section as follows:

"Chapter LII

Litter Bylaw

No person shall throw, discard, deposit, or abandon upon any public way or other property owned by the Town or on the property of another any litter, except in a designated waste receptacle or as may otherwise be directed by the Town or the property owner. For purposes of this bylaw, the term "litter" shall include but is not limited to: paper wrappers; paper bags; paper towels or napkins; paper or plastic cups; cup lids; plastic bags; plastic or glass bottles; beverage cans; cigarette butts; cigarette packs; gum packs; tissues; fruit skins and containers; and any other items that would be considered trash.

Enforcement:

The provisions of this bylaw may be enforced by any Police Officer of the Town of Topsfield, by any available means in law or equity, including but not limited to enforcement by non-criminal disposition pursuant to MG.L. c. 40 § 21D. Each day a violation exists shall constitute a separate offense. For the purposes of non-criminal disposition, the following fine schedule shall apply:

First Offense: \$ 50

Second and each subsequent offense: \$ 100.”,

or take any other action relative thereto.

Recommended that the Town vote to amend the Town Code by adding a new section Chapter LII, Litter Bylaw as described above.

This article would institute a bylaw to prohibit littering within the Town of Topsfield.

ARTICLE THIRTY-SECOND:

TRI-TOWN COUNCIL ON YOUTH AND FAMILY SERVICES

To see if the Town will vote to raise and assess or transfer from available funds and appropriate a sum of money to fund certain activities of the Tri-Town Council.

Recommended that the Town raise and assess and appropriate the sum of \$18,319 to fund certain activities of the Tri-Town Council.

This article appropriates funds for the operation of the activities of the Tri-Town Council, a non-profit organization serving Topsfield, Boxford, and Middleton. The Council's mission is to reduce and prevent at-risk behavior and to strengthen the social and emotional well-being of Tri-Town youth.

ARTICLE THIRTY-THIRD:

HEALING ABUSE WORKING FOR CHANGE

To see if the Town will vote to raise and assess or transfer from available funds and appropriate a sum of money to fund certain activities of Healing Abuse Working for Change (HAWC), formerly known as Help for Abused Women and their Children.

Recommended that the Town raise and assess and transfer the sum of \$900 to fund certain activities of Healing Abuse Working for Change (HAWC).

This article appropriates funds for the operation of Healing Abuse Working for Change. HAWC, as it is commonly referred to, is a non-profit organization that provides services and support to victims of domestic violence residing in 23 cities and towns on Massachusetts North Shore.

ARTICLE THIRTY-FOURTH

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 \$0 for the Stabilization Fund.

ARTICLE THIRTY-FIFTH

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 2010, 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 \$468,128 from Free Cash to reduce the tax levy for the fiscal year 2010.

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 seventh day of May, 2009, 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)
ONE	Commissioner of Trust Funds	(3 years)
ONE	Commissioner of Trust Funds	(1 year)
ONE	Water Commissioner	(3 years)
ONE	Park & Cemetery Commissioner	(3 years)
ONE	Road Commissioner	(3 years)
ONE	Housing Authority	(5 years)
ONE	Housing Authority	(3 years)
ONE	Elementary School Committee	(3 years)
ONE	Masconomet Regional District School Committee	(3 years)
TWO	Library Trustees	(3 years)
ONE	Planning Board	(3 years)

BALLOT QUESTIONS

QUESTION ONE: Shall the Town of Topsfield be allowed to assess an addition \$130,059 in real estate and personal property taxes for the purpose of funding the general operating budget for general government purposes and for elementary schools for the fiscal year beginning July first two thousand and nine?

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 first day of April in the year two thousand and nine.

TOWN OF TOPSFIELD BOARD OF SELECTMEN

Boyd R. Jackson, Chairman

A. Richard Gandt, Clerk

Martha A. Morrison, Member

Nancy J. Luther, Member

Karen A. Dow, 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