

# TOWN OF TOPSFIELD MASSACHUSETTS



Annual and Special Town Meeting Warrants

Finance Committee Fiscal 2013  
Budget Report and Recommendations

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MAY 1, 2012

TOWN MEETING

“FRAMING OUR BLUEPRINT”

April 2, 2012

Citizens of Topsfield  
Topsfield, Massachusetts 01983

**RE: Town of Topsfield Fiscal Year 2013 Revenue and Expense Plan  
Finance Committee Overview and Recommendations**

Dear Fellow Citizens:

In accordance with the bylaws of the Town of Topsfield, we the members of the Finance Committee reviewed and prepared recommendations regarding the Town's Operating Budget for fiscal year 2013 (FY 013) and for other Warrant Articles to be voted upon at the Annual Town Meeting scheduled to be held at 7 P.M. on May 1, 2012. The proposed budgets were prepared by departments with reference to guidelines established by the Finance Committee. Given the current economic environment, these guidelines requested the submission of department budgets with a 2.0% increase to the salary and wage grid for non-represented personnel, and a 2.0% in "other," which is non-salary and wage accounts. Once again, the guidelines stated no new government or new programs. Departments were asked to focus on services that are essential to the Town. Articles were placed on the Warrant by the Board of Selectmen on their own behalf, on behalf of other Town Boards or by Citizen Petition. This letter outlines some of the significant issues and facts that our Committee has considered. You may find these helpful to your decision-making process.

The Finance Committee has recommended a FY 2013 budget of a nearly level-funded General Operating Budget (Article Third) and a Masconomet Regional School assessment of **\$6,173,071** as certified by the Masconomet Regional School Committee. The FY013 budget recommended by the Finance Committee includes an estimated total amount to be raised of **\$24,116,274** representing an increase of **2.81%** over the FY012 actual. After making adjustments for state aid and other revenues such as local receipts and assessments, the resulting total expected to be raised through real estate taxes will be **\$18,424,229**, an increase of **3.49%** over the current year actual. Additionally, the Warrant offers for your consideration the lease of a truck/sander and wing plow for the Highway; purchase of a 4x4 police vehicle, a police cruiser, a fire department rapid-response vehicle and voting booths; rebanding of the public safety communication system; maintenance work on the exterior of the library and a comprehensive assessment of Town facilities.

The budget reflects signed employee contracts, an agreement reached under collective bargaining negotiations with union employees by the Selectmen, and two percent salary wage increases for non-represented personnel. Funds are also reserved for general collective bargaining settlement purposes.

Included among the contributing factors requiring the recommended funding levels for the proposed budget(s) are the following:

- Public Safety –The Public Safety Base Budget has increased by **\$23,947** or **1.16%** relative to FY012. This change is consistent with the recommended Finance Committee guidelines.

- Elementary Schools – The Elementary School Budget for FY012 has increased by **\$119,490** or **2.00%** over the previous year, consistent with the recommended Finance Committee guidelines. Passage of Article Twenty-Ninth will also provide **\$95,903** for a technology infrastructure upgrade.
- Public Works and Facilities – This budget has increased by **\$9,756** or **1.34%** over FY012.
- Masconomet Regional School – The certified Topsfield assessment for the Masconomet Regional School budget for FY013 has increased by **\$51,663** or **0.84%** over FY012. The Topsfield assessment is based on the total assessed cost of **\$21,613,540** for the entire district of Topsfield, Boxford and Middleton.

The FY013 recommended budget includes a limited amount of capital expenditures. While our recommendation represents a relatively small number of the numerous justifiable requests, in concert with the Selectmen, we believe the proposed expenditures to be financially prudent. We encourage you to review the Warrant for our specific recommendations. The Finance Committee supports these capital expenditures and believes them to be important to the operation of our Town.

The Topsfield Town Finance Committee believes its recommendations are consistent with the ideals of our community while staying responsive to the needs of the taxpayers. We have taken advantage of available cost savings and revenue sources in order to propose a base Budget that remains within Proposition 2 1/2 guidelines. While we believe that the quality and level of Town services and education consistent with the values historically embraced in Topsfield have been maintained, ***no Articles requiring either a Proposition 2 1/2 override or exclusion*** will be offered for your consideration. We encourage you to participate in the Annual Town Meeting and to give careful consideration to both the immediate and long-term implications of all the important decisions before you.

Additional detail for each budget addressed in this Warrant, is available on the Topsfield website: <http://www.topsfield-ma.gov/>.

Respectfully submitted by the Topsfield Finance Committee,

Mark B. Lyons, Chairman

Heidi L. Bond

Paul E. Dierze

Karen A. Dow

Kathryn S. Hartmann

J. Stephen Lais

Daniel Shugrue

# TOWN OF TOPSFIELD



## WARRANT FOR THE 2012 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 first day of May, 2012, 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 \$150,000 for the Reserve Fund, and to meet said appropriation that the Town transfer the sum of \$100,000 from Free Cash; and transfer the sum of \$50,000 from Article 2 of the May 2011 Annual Town Meeting.**

*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 \$14,987,746 for 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 as stated in attachment A; and to meet said appropriation, raise and assess the sum of \$14,785,118; transfer the sum of \$34,637 from the Police Insurance and Restitution Injured Officer Revolving Account; transfer the sum of \$66,000 from the Gould Trust Fund Part B; transfer the sum of \$1,722 from the Fund Balance Reserved for Reduction Future Excludable Debt Account; transfer the sum of \$6,000 from the Conservation Revolving Fund; transfer the sum of \$47,000 from Article 3 Town Insurance of the May 2011 Annual Town Meeting; transfer the sum of \$9,295 from Article 3 Medical Insurance of the May 2011 Annual Town Meeting; transfer the sum of \$307 from Article 6 of the May 2011 Annual Town Meeting; transfer the sum of \$838 from Article 7 of the May 2011 Annual Town Meeting; transfer the sum of \$1,715 from Article 3 Pensions of the May 2011 Annual Town Meeting; and transfer the sum of \$35,114 from Article 3 Unemployment Insurance of the May 2011 Annual Town Meeting.

*This article approves the Fiscal Year 2013 General Operating Budget for the Town for general government purposes and the elementary schools.*

*Refer to Attachment A for the detailed Fiscal Year 2013 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 2013 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 \$773,081.00 as detailed herein, and to meet said appropriation \$773,081.00 to come from Water Revenue, to operate the Water Department from July 1, 2012, through June 30, 2013, and to approve the sum of \$110,116.00 of indirect costs appropriated in the General Fund under Article Third above, to be funded from Water Revenue.**

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

*This article approves the Fiscal Year 2013 Operating Budget for the Water Department.*

**ARTICLE FIFTH:**

**MASCONOMET REGIONAL SCHOOL DISTRICT ASSESSMENT**

To see if the Town will vote to approve the 2013 Fiscal Year Gross Budget of the Masconomet Regional School District in the amount of \$28,596,962 and raise and assess or transfer from available funds, and appropriate a sum of money for the Town's share of the assessment, \$6,173,071 of same, or take any other action relative thereto.

**Recommended that the Town vote to approve the 2013 Fiscal Year Gross Operating Budget of the Masconomet Regional School District in the amount of \$28,596,962 and appropriate the sum of \$6,173,071 to fund the Town's share of the Fiscal Year 2013 Masconomet Regional School District Assessment of which the sum of \$5,871,969 supports the Maintenance & Operating Budget, and the sum of \$301,102 supports the Masconomet Building Debt Service; and to meet said appropriation raise and assess the sum of \$6,173,071.**

*This article would approve the Fiscal Year 2013 Assessment for maintenance and operation as well as debt service of the Masconomet Regional School District. Topsfield's certified assessment of \$6,173,070 has been rounded up to \$6,173,071 for purposes of appropriation.*

**ARTICLE SIXTH:**

**NORTH SHORE VOCATIONAL SCHOOL DISTRICT ASSESSMENT**

To see if the Town will vote to approve the 2013 Fiscal Year Gross Operating Budget of the North Shore Regional Vocational School District in the amount of \$11,775,091 and raise 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 2013 Fiscal Year Gross Operating Budget of the North Shore Regional Vocational School District in the amount of \$11,775,091 and raise, assess, and appropriate the sum of \$65,469 for the Town's share of the assessment of same.**

*This article approves the Fiscal Year 2013 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, with the advice of the Park and Cemetery Commission, and under such terms as it deems advisable, to enter into a lease with the Congregational Church of Topsfield for certain property in Topsfield commonly known as Emerson Field, and to 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 with the advice of the Park and Cemetery Commission, and under such terms as it deems advisable, to enter into a lease with the Congregational Church of Topsfield for certain property in Topsfield commonly known as Emerson Field, and to transfer from Free Cash and appropriate the sum of \$1,250 for said lease.**

*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 DEPARTMENT OF TRANSPORTATION CONTRACTS**

To see if the Town will vote to authorize the Board of Selectmen to enter into contracts with the Massachusetts Department of Transportation 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 Department of Transportation for the ensuing year.**

*This annual article allows the Board of Selectmen 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 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 \$40,000 in the ensuing year.**

*This annual article would approve the establishment of the Park Revolving Fund and would also approve a spending limit in the amount of \$40,000 for Fiscal Year 2013. 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 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 Year 2013. 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, part-time wages and other operating expenses as authorized by Massachusetts General Law Chapter 40, § 8C; (2) receipts of the Conservation Commission of fees paid under the Topsfield General Wetlands Bylaw and Regulations will be deposited in said fund unless otherwise provided for by law; (3) said funds may be expended by majority vote of the Conservation Commissioners; (4) expenditures 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 Year 2013. 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 THIRTEENTH:**

**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 2013 annual professional engineering and monitoring services 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 \$36,700 from the Solid Waste Fund to be expended by the Board of Selectmen to fund the Fiscal Year 2013**



**annual professional engineering and monitoring services related to the capping and closure of the Town's sanitary landfill.**

*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 FOURTEENTH:**

##### **FISCAL YEAR 2013 ADDITIONAL REAL ESTATE EXEMPTION**

To see if the Town will vote an exemption for Fiscal Year 2013 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 2013 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 Massachusetts General Law 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 Massachusetts General Law 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:**

##### **CONTRACT FOR RE-CERTIFICATION OF RESIDENTIAL PROPERTY**

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 measure and list of residential real property for fiscal 2016, or take any other action relative thereto.

**Recommended that the Town vote to appropriate the sum of \$80,000 to be expended by the Board of Selectmen, with the advice of the Board of Assessors, to contract for the measure and list of residential real property for fiscal 2016; and to meet said appropriation, transfer the sum of \$6,500 from Article 34 of the May 2010 Annual Town Meeting; and transfer the sum of \$73,500 from Free Cash.**

*Each year, in accordance with DOR guidelines, Massachusetts cities and towns are required by law to update all property assessments to reflect changes in market conditions. Municipalities are responsible for developing a realistic program, which includes a review and analysis of existing property values and recent sales as well as verification of existing property record information, to achieve fair and equitable valuations for all properties.*

*Every nine years, in accordance with DOR guidelines, all properties must be re-inspected to ensure that the data used to establish valuations is accurate. This article would fund this re-inspection for all residential properties. The inspections would be conducted over a three year period beginning fiscal 2013 to be completed for fiscal 2016 certification.*

## **ARTICLE SIXTEENTH:**

### **FUND TOWN EMPLOYEE EMPLOYMENT SEPARATION**

To see if the Town will vote to raise and assess or transfer from available funds and appropriate a sum of money to cover the cost of employment separation benefits for unused sick and vacation leave, or other benefits as may be required by law, the Personnel Bylaw, rules, regulations, policies or applicable contracts or collective bargaining agreements, or take any other action relative thereto.

**Recommended that the Town vote to appropriate and transfer from Article 3 Medical Insurance of the May 2011 Annual Town Meeting the sum of \$32,198 to cover the cost of employment separation benefits for employees for time owed for unused sick and vacation leave or other benefits as may be required by law, the Personnel Bylaw, rules, regulations, policies or applicable contracts or collective bargaining agreements.**

*This article would allow the Town to specifically appropriate funds to a separate account for obligations to employees who retire, or who otherwise leave the service of the Town for unused sick and vacation leave or other benefits earned and accrued while employed by the Town and which are owed pursuant to law, the Personnel Bylaw, rules, regulations, policies or applicable contract or collective bargaining agreement.*

## **ARTICLE SEVENTEENTH**

### **FUND POST-EMPLOYMENT BENEFITS – GENERAL**

To see if the Town will vote to raise and assess or transfer from available funds and appropriate a sum of money for the, “Other Post Employment Benefits Liability Trust Fund”, or take any other action relative thereto.

**Recommended that the Town appropriate \$100,000 and to meet said appropriation transfer the sum of \$100,000 from Article 3 (Medical Insurance) of the May 2011 Annual Town Meeting for the “Other Post Employment Benefits Liability Trust Fund”.**

*The town accepted Massachusetts general law chapter 32b, section 20 establishing the Other Post-employment Benefits Liability Trust Fund at the May 2010 annual town meeting within article 24. This article would allow the town to begin to fund its OPEB liability by depositing funds in the Trust.*

## **ARTICLE EIGHTEENTH:**

### **FUND POST-EMPLOYMENT BENEFITS – WATER**

To see if the Town will vote to raise and assess or transfer from available funds and appropriate a sum of money for the, “Other Post Employment Benefits Liability Trust Fund”, or take any other action relative thereto.

**Recommended that the Town appropriate and transfer the sum of \$30,000 from the Water Enterprise Retained Earnings for the, “Other Post Employment Benefits Liability Trust Fund”.**

*This article would allow the town's water enterprise to begin to fund its OPEB liability by depositing funds in the Trust.*

**ARTICLE NINETEENTH:**

**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 as a grant to fund certain activities of the Tri-Town Council, or take any other action relative thereto.

**Recommended that the Town vote to appropriate the sum of \$18,319 as a grant to fund certain activities of the Tri-Town Council and to meet said appropriation to transfer the sum of \$18,319 from Free Cash.**

*This article appropriates funds for a grant that would support 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 TWENTIETH:**

**WATER MAIN PROJECT**

To see if the Town will vote to raise and assess or transfer from available funds a sum of money to be expended by the Board of Selectmen, with the advice of the Water Commissioners, for the replacement of water mains on Central Street, from Summer Street to Main Street, and on Main Street, from Washington Street to Ipswich Road, and for the installation of a water main on Bare Hill Road, from Haverhill Road to Parsonage Lane, or take any other action relative thereto.

**Recommended that the Town vote to appropriate a sum of \$800,000 and to meet said appropriation, transfer the sum of \$25,172 from Article 32 of the May 2005 Annual Town Meeting, transfer \$30,000 from Article 25 of the May 2006 Annual Town Meeting, transfer \$11,797 from Article 20 of the May 2010 Annual Town Meeting, transfer \$16,771 from Article 21 of the May 2010 Annual Town Meeting, transfer \$175,000 from Article 23 of the May 2011 Annual Town Meeting, and transfer \$541,260 from Retained Earnings; to be expended by the Board of Selectmen, with the advice of the Water Commissioners, for the replacement of the water mains on Central Street, from Summer Street to Main Street, and on Main Street, from Washington Street to Ipswich Road, and for the installation of a water main on Bare Hill Road, from Haverhill Road to Parsonage Lane.**

*This article would allow the Water Department to: replace the water main on Central Street, from Summer Street to Main Street; replace the water main on Main Street, from Washington Street to Ipswich Road; and install a water main on Bare Hill Road, from Parsonage Lane to Haverhill Road. The new eight (8) inch main on Central Street would replace the existing six (6) inch main, and the new twelve (12) inch main on Main Street would replace the existing eight (8) inch main. Both water mains were originally installed about 1950. The water main on Bare Hill Road would eliminate dead end pipes at the end of Parsonage Lane and at the end of Haverhill Road at Coventry Lane.*

**ARTICLE TWENTY-FIRST:**

**LEASE OF HIGHWAY DUMP/PLOW/SANDER/WING TRUCK**

To see if the Town will authorize the Board of Selectmen with the advice of the Board of Road Commissioners to enter into a six year lease-to-purchase agreement to procure and equip a Dump/Plow/Sander/Wing Truck, and trade in or sell the 1994 International Dump/Sander/Wing Truck; and to meet said appropriation raise and assess or transfer from available funds a sum of money, or take any other action relative thereto.

**Recommended that the Town vote to transfer from Free Cash, and appropriate the sum of \$27,500 to be expended by the Board of Selectmen, with the advice of the Board of Road Commissioners, to enter into a six year lease-to-purchase agreement to procure and equip a Dump/Plow/Sander/Wing Truck, and trade in or sell the 1994 International Dump/Plow/Sander/Wing Truck.**

*This article would approve the lease/purchase of a new Dump/Plow/Sander/Wing Truck to replace the 18 year old International Dump/Plow/Sander/Wing Truck that is currently owned by the Town. This expenditure reflects the first year's cost of the total six year cost of \$165,000. This lease is a municipal lease-to-purchase agreement resulting in the Town's ownership of the Dump/Plow/Sander/Wing Truck at the end of the six year lease period.*

#### **ARTICLE TWENTY-SECOND:**

##### **PURCHASE OF 4X4 POLICE VEHICLE**

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 4x4 SUV Police vehicle, and trade in or sell a 2001 Chevrolet Tahoe, or take any other action relative thereto.

***Recommended that the Town vote to appropriate the sum of \$40,983 and to meet said appropriation transfer \$40,983 from Free Cash to be expended by the Board of Selectmen with the advice of the Police Chief to purchase and equip a new 4x4 SUV Police vehicle and trade in or sell a 2001 Chevrolet Tahoe***

*The new 4x4 vehicle would replace an 11 year old 4x4 Chevrolet Tahoe. This would be the department's one 4x4, front line vehicle which is used especially during weather related responses. The existing vehicle, with over 135,000 miles, continues to experience downtime and incur high repair costs.*

#### **ARTICLE TWENTY-THIRD:**

##### **PURCHASE OF 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 2008 Ford Crown Victoria, or take any other action relative thereto.

**Recommended that the Town vote to appropriate the sum of \$36,014 to be expended by the Board of Selectmen with the advice of the Police Chief to purchase and equip a new cruiser and trade in or sell a 2008 Ford Crown Victoria and to meet said appropriation that the Town transfer the sum of \$34,442 from Free Cash and transfer the sum of \$1,572 from Article 24 of the May 2011 Annual Town Meeting.**

*The new cruiser would replace a four year old Ford Crown Victoria cruiser with over 160,000 miles.*

#### **ARTICLE TWENTY-FOURTH:**

##### **PURCHASE OF A FIRE DEPARTMENT RAPID RESPONSE VEHICLE**

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 Fire Chief to purchase and equip a new Rapid Response Vehicle, and trade in or sell a 1980 Pierce Mini-pumper and a 2001 Chevrolet Tahoe, or take any other action relative thereto.

**Recommended that the Town vote to appropriate the sum of \$50,000 to be expended by the Board of Selectmen with the advice of the Fire Chief to purchase and equip a new Rapid Response Vehicle and trade in or sell a 1980 Pierce Mini-pumper and a 2001 Chevrolet Tahoe and to meet said appropriation that the Town transfer the sum of \$50,000 from Free Cash.**

*The new truck would replace both the current T1 Rapid Response Vehicle (the 2001 Tahoe) with 125,000 miles and Squad 1 (1980 Pierce Mini-pumper). The T1 is essential for rapid deployment of command staff to emergencies and is used for routine patrol and inspections. It would also be outfitted to allow transport of water and provide pumping.*

#### **ARTICLE TWENTY-FIFTH:**

##### **PURCHASE OF VOTING BOOTHS**

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 Town Clerk for the purchase of new voting booths, or take any other action relative thereto.

**Recommended that the Town vote to transfer from Free Cash, and appropriate the sum of \$2,860 to be expended by the Board of Selectmen with the advice of the Town Clerk for the purchase of new voting booths.**

*This article would allow the Town to purchase new voting booths that would be safer than the existing booths and that would be easier to transport and store. The current booths are deteriorated and unsafe.*

#### **ARTICLE TWENTY-SIXTH:**

##### **REBAND PUBLIC SAFETY COMMUNICATION SYSTEM**

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 Emergency Management Director, to procure services and equipment to reband the Town's two-way radio system which is used by the fire, police, highway, park & cemetery and water departments, or take any other action relative thereto.

**Recommended that the Town vote to transfer \$23,000 from Free Cash to be expended by the Board of Selectmen, with the advice of the Emergency Management Director, to procure services and equipment to reband the Town's two-way radio system.**

*By January 1, 2013, in accordance with FCC regulations, all public safety land mobile radio systems operating in the 150-174 MHz and the 421-512 MHz frequency spectrums must reduce channel bandwidth to 12.5kHz. Since the town's existing communications equipment operates at a channel bandwidth of 25kHz, the town's equipment must be modified (that is "narrowbanded") to 12.5kHz, and in some cases replaced, to achieve a system that operates at a 12.5kHz channel bandwidth. Of the town's radios, it is estimated that 117 would be modified and 15, that cannot be modified, would be replaced.*

#### **ARTICLE TWENTY-SEVENTH**

##### **LIBRARY EXTERIOR MAINTENANCE**

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 Library Trustees, for the repair, replacement and painting of wood on the exterior of the Town Library, or take any other action relative thereto.

**Recommended that the Town vote to transfer from Free Cash, and appropriate the sum of \$8,000 to be expended by the Board of Selectmen, with the advice of the Board of Library Trustees, for the repair, replacement and painting of wood on the exterior of the Town Library.**

*This article would allow the Library Trustees to take corrective action to repair and maintain areas of the exterior of the Town Library including the architectural molding on the northwest side of the building.*

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

##### **TOWN BUILDINGS ASSESSMENT**

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 to retain the services of a consultant to prepare a comprehensive assessment of Town facilities and create a master plan for improvements based on relative need and cost effectiveness, or take any other action relative thereto.

**Recommended that the Town vote to transfer from Free Cash and appropriate \$55,000 to be expended by the Board of Selectmen to retain the services of a consultant to prepare a comprehensive assessment of Town facilities and create a master plan for improvements based on relative need and cost effectiveness.**

*The study would evaluate the existing condition of the Town's municipal and school buildings. Through the study the consultant would determine deficiencies in each building and develop a master plan for recommended long term improvements taking into consideration relative need and cost effectiveness. The report would result in a five to ten year capital plan.*

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

##### **UPGRADE ELEMENTARY SCHOOL TECHNOLOGY INFRASTRUCTURE**

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 Topsfield Elementary School Committee to upgrade the technology infrastructure and install wireless capabilities at the Steward and Proctor Elementary Schools, or to take any other action relative thereto.

**Recommended that the Town vote to appropriate a sum of \$95,903 to be expended by the Topsfield Elementary School Committee to upgrade the technology infrastructure and install wireless capabilities at the Steward and Proctor Elementary Schools; and to meet said appropriation raise and assess the sum of \$35,125; and transfer the sum of \$60,778 from Free Cash.**

*This will be the first major technology infrastructure upgrade in either elementary school since 1999 and begins a much-needed reinvestment in our now outlived technology. Installing wireless equipment will provide the technology foundation the teachers need to increase the efficiency of how they prepare and teach. With the addition of private fundraising, already underway in Topsfield, we will then be able to add hardware and software on top of this foundation to improve the effectiveness of the education we are able to provide to our children.*

#### **ARTICLE THIRTIETH:**

##### **AMEND CANINE CONTROL BYLAW – DOG REGISTRATION FEE**

To see if the Town will vote to amend a portion of Section 23-2.3 Fees Established, of the Topsfield Town Code, Chapter XXIII, Canine Control Bylaw as set forth below:

change from:

“All Dogs (male or female)                      Ten (\$10.00) dollars, per registered dog”

to:

“All Dogs (male or female)                      Fifteen dollars (\$15.00), per registered dog”

, or take any other action relative thereto.

**Recommended that the Town vote to amend a portion of Section 23-2.3 Fees Established, of the Topsfield Town Code, Chapter XXIII, Canine Control Bylaw as set forth above.**

*This article would increase annual dog license fees from ten dollars (\$10) per dog to fifteen dollars (\$15) per dog.*

## **ARTICLE THIRTY-FIRST:**

### **AMEND CHAPTER LI, STORM WATER AND EROSION CONTROL BYLAW**

To see if the Town will vote to amend certain sections of the Town Code, Chapter LI, Stormwater Management And Erosion Control By-law as follows, with the provisions to be deleted shown in strikethrough and the provisions to be added shown in bold italics:

In section 51-2 DEFINITIONS:

Insert the following new definition for Poorly Drained Soils:

***“POORLY DRAINED SOILS: Poorly drained soils shall have the meaning as contained in the list of definitions set forth in the glossary under the heading of “drainage class” in the Soil Survey of Essex County, Massachusetts - Northern Part prepared by the US Department of Agriculture, Soil Conservation Service – Donald Fuller, editor, first printed 1981 and following editions. Poorly drained soils shall include all such soils listed as “moderately poorly drained, poorly drained, and very poorly drained” as well as soils that contain a fragipan layer in the section entitled Soil Series and Morphology beginning on page 75 and ending on page 101 of the Soil Survey of Essex County, Massachusetts-Northern Part”; and***

Amend the definition of HOTSPOT as follows:

“Land uses or activities with higher potential pollutant loadings, ~~such as~~ ***inclusive of***”; and

Amend the definition of REDEVELOPMENT as follows:

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

Amend the ordering of definitions as follows:

Move the definition POST-DEVELOPMENT after PRE-DEVELOPMENT.

In section 51-3 AUTHORITY:

Insert the following at the end of the section:

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

In section 51-5 APPLICABILITY:

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

Replace 51-5a in its entirety as follows:

***“a. Applicability***

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

Amend 51-5b as follows:

***“b. Exemptions***

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

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

Amend 51-5 b.1 as follows:

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

Amend 51-5 b.2 as follows:

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

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

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



Amend section 51-7 ENFORCEMENT as follows:

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

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

or take any other action relative thereto.

**Recommended that the Town vote to amend the Storm Water And Erosion Control Bylaw as set forth above.**

*These amendments to the Stormwater and Erosion Control Bylaw result from the collaboration of the Town boards, commissions and departments represented on the Stormwater Management Committee that includes the Planning Board, the Conservation Commission, the Board of Health, the Highway Department, the Water Department, and the Inspectional Services Department. The amendments add definitions and clarify portions of the bylaw that have been confusing. In addition, they integrate certain existing rules, regulations and procedures of various boards into a single bylaw.*

#### **ARTICLE THIRTY-SECOND:**

##### **AMEND ARTICLE VI, FLOOD PLAIN DISTRICT**

To see if the Town will vote to amend the Topsfield Zoning Bylaw by deleting Article VI, Flood Plain District in its entirety and replacing it with a new Article VI, Floodplain District as set forth in Attachment B to this warrant, entitled “Article VI, Floodplain District”, or take any other action relative thereto.

**Recommended that the Town vote to amend the Topsfield Zoning Bylaw by deleting Article VI, Flood Plain District in its entirety and replacing with a new Article VI, Floodplain District as set forth in Attachment B to this warrant, entitled “Article VI, Floodplain District”.**

*This amendment reformats the current Flood Plain District bylaw by the addition of categories designating purpose, description and uses in the district. Further, it amends the date of the Topsfield Flood Insurance Study referenced in Section 6.02 of this Zoning Bylaw to July 2, 2012 which is the new, official date of the latest federal flood elevation determination for the Town of Topsfield as approved by the Federal Emergency Management Agency and as shown on the Flood Insurance Rate Map (FIRM) panels and incorporated herein. Other required revisions have also been incorporated within Article VI as a condition of continued eligibility in the National Flood Insurance Program (NFIP). Lastly, it changes the words, “Flood Plain” to the single word, “Floodplain” throughout the article.*

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

##### **AMEND ZONING BYLAW - DESCRIPTION OF DISTRICTS**

To see if the Town will vote to amend the following sections of Article II of the Topsfield Zoning Bylaw as follows, with the provisions to be deleted shown in strikethrough and the provisions to be added shown in bold italics:

##### **“2.01 Classes of Districts.**

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

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

**I. Scenic Overlay Zone**

**J. Groundwater Protection Overlay District**

**K. Floodplain District”**

“2.05 Central Residential District.

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

2.06 Outlying Residential and Agricultural District.

The Outlying Residential and Agricultural District shall comprise:

- a. All area ~~in Topsfield~~ south and east of the Ipswich River;
- b. An area ~~in Topsfield~~ east and north of line starting at the junction of the Ipswich River and Howlett Brook following Howlett Brook to a point 300 feet south of Ipswich Road on a perpendicular to said road, thence westerly on a line south of a parallel to Ipswich Road and then Campmeeting Road to a point ~~200 feet east of Boston Street~~ **250 feet east of the center line of Boston Street**; thence northerly along a line parallel to and ~~200 feet east of Boston Street~~ **250 feet east of the centerline of Boston Street to the northerly line of land now or formerly of Arthur Gaklis (for description, see deed from Margaret N. Lewis to Arthur Gaklis, dated December 30, 1974 and recorded in the Essex South District Registry of Deeds at Book 5287, page 222, also being shown as Block 7, Map 7, on the Topsfield Assessors' plat dated 2011) then turning northwest along referenced north boundary and continuing in the same direction to the centerline of Boston Street then turning north and following the centerline of Boston Street to the** ~~to the~~ Town boundary with ~~the~~ Town of Ipswich;

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

#### 2.07 Inner Residential and Agricultural District.

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

#### 2.08 Zoning Map

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

#### 2.09 Business Park District.

The Business Park District shall comprise an area bounded by a line perpendicular to Boston Street beginning at the center line of Boston Street and 200 feet southerly of intersection of Boston Street and Campmeeting Road; thence westerly along said perpendicular to North Street; thence northwesterly along North Street to Town boundary (with Town of Ipswich); thence northeasterly along Town boundary to intersection of center line of Boston Street; thence southerly along center line of Boston Street to a point opposite the northwesterly corner of land now or formerly of Arthur Gaklis (which is located on the easterly side of said Boston Street) (for description, see deed from Margaret N. Lewis to Arthur Gaklis, dated December 30, 1974 and recorded in the Essex South District Registry of Deeds at Book 5287, page 222, also being shown as ~~Plot 461C, Map 2, Lot 11 on the Topsfield Assessors' Map~~ *Block 7, Map 7, on the Topsfield Assessors' plat dated 2011*) thence southeasterly along the northerly line of property of said Gaklis to a point 250 feet easterly of Boston Street; thence along a line parallel to Boston Street and 250 feet east of Boston Street to a line perpendicular to Boston Street and 200 feet south of

the intersection of Boston Street and Campmeeting Road *then turning west to the point of the beginning.*”,

and further to insert the following new sections:

**“2.12 Scenic Overlay Zone**

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

**2.13 Groundwater Protection Overlay District**

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

**2.14 Floodplain District**

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

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

<i>Scenic Overlay Zone</i>	<i>See Article XIV for delineation and permitted uses.</i>
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, or take any other action relative thereto.

**Recommended that the Town vote to amend certain sections of Article II, and further, amend Article III, Use Regulations, Table of Use Regulations Overlay Districts of the Topsfield Zoning Bylaw as set forth above.**

*In Article II, this amendment corrects the legal description of previously approved zoning districts specifically the Central Residential District (CR), the Outlying Residential and Agricultural District (ORA) and the Business Park District (BP). In addition, three previously approved overlay zoning districts are added to the Classes of Districts, and the legal descriptions for these districts are inserted within the article. Further, the Zoning Map’s approval date is amended to May 1, 2012 based on town meeting approval of revisions to district descriptions as amended by this article.*

*In Article III, the previously approved Scenic Overlay Zone is inserted into the Table of Use Regulations Overlay District category.*

**ARTICLE THIRTY-FOURTH:**

**CITIZEN PETITION – REDUCE AMOUNT OF TAXES**

To see if the Town will vote to reduce the amount of real estate and personal property taxes to be assessed for the fiscal year beginning July first, two thousand and eleven by an amount equal to \$118,178.

**Recommended that no action be taken.**

*This article was requested by a Citizen Petition. The article asks for a reduction to the current fiscal year’s assessed taxes. The current year’s tax assessments, however, which were authorized at last year’s Annual Town Meeting, have already been assessed and collected to fund appropriations that were approved at last year’s Meeting.*

## **ARTICLE THIRTY-FIFTH:**

### **ALFALFA FARM WINERY – ALCOHOL LICENSE**

To see if the Town will vote to authorize the Board of Selectmen to file a petition with the General Court for special legislation authorizing the Board of Selectmen to issue to Alfalfa Farm Winery a license for the retail sale of wine at 267 Rowley Bridge Road, as set forth below; provided however, that the General Court may make clerical and editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the public purposes of the petition, or take any other action relative thereto.

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

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

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

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

**Recommended that the Town vote to authorize the Board of Selectmen to file a petition with the General Court for special legislation authorizing the Board of Selectmen to issue to Alfalfa Farm Winery a license for the retail sale of wine at 267 Rowley Bridge Road, as set forth above.**

*If enacted by the State legislature, this act would allow the Board of Selectmen to issue to Alfalfa Farm Winery a license for the retail sale of its wine as indicated above.*

## **ARTICLE THIRTY-SIXTH:**

### **RESERVE FOR WAGES**

To see if the Town will vote to raise and assess or transfer from available funds and appropriate a sum of money for funding general collective bargaining settlement purposes in fiscal year 2013, or take any action relative thereto.

**Recommended that the Town vote to appropriate the sum of \$25,000 for general collective bargaining settlement purposes in fiscal year 2013, and to meet said appropriation that the Town transfer the sum of \$25,000 from Free Cash.**

*This article establishes a "reserve for transfer" fund for use in the settlement of collective bargaining agreements.*

**ARTICLE THIRTY-SEVENTH:**

**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 \$50,000 for the Stabilization Fund.**

**ARTICLE THIRTY-EIGHTH:**

**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 2013, or take any other action relative thereto.

**Recommendation pending.**

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 third day of May, 2012, 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	Water Commissioner	(3 years)
ONE	Park & Cemetery Commissioner	(3 years)
ONE	Road Commissioner	(3 years)
ONE	Housing Authority	(5 years)
ONE	Elementary School Committee	(3 years)
TWO	Library Trustees	(3 years)
ONE	Planning Board	(3 years)
ONE	Constable	(2 years)

**PROPOSITION 2 ½ REFERENDUM BALLOT QUESTIONS  
NONE**

**NON-BINDING REFERENDUM QUESTIONS  
NONE**

\*\*\*\*\*

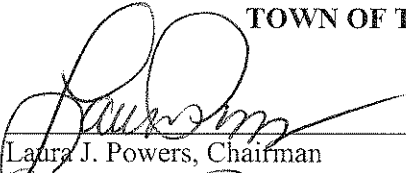
The polls shall be open from **7:00 AM UNTIL 8:00 PM**, and you are directed to serve this Warrant by posting attested copies thereof, one at the Post Office, one at the Town Hall, and one

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 twelve.


**TOWN OF TOPSFIELD BOARD OF SELECTMEN**

  
Laura J. Powers, Chairman

  
Eldon D. Goodhue, Clerk

  
Martha A. Morrison, Member

  
A. Richard Gandt, Member

  
Kenneth G. Vogel, 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

Karen A. Dow

Kathryn S. Hartmann

J. Stephen Lais

Daniel Shugrue

## TOWN OF TOPSFIELD



### WARRANT FOR THE 2012 SPECIAL 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 first day of May, 2012, at thirty minutes after seven o'clock in the afternoon (7:30 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:** **PRIOR YEAR BILLS**

To see if the Town will vote to transfer from available funds and appropriate a sum of money to pay outstanding bills contracted prior to July 1, 2011.

**Recommendation pending further review.**

#### **ARTICLE THIRD:** **TRANSFER OF FUNDS**

To see if the Town will vote to transfer from the unexpended balance of certain accounts, and/or from available funds, and appropriate said funds to certain other accounts to pay certain expenses for the 2012 fiscal year, or take any other action relative thereto.

**Recommendation pending further review.**

#### **ARTICLE FOURTH:** **TOWN HALL TECHNOLOGY**

To see if the Town will vote to transfer from available funds and appropriate a sum of money to be expended by the Board of Selectmen for the purchase and installation of a computer rack, and computer server and related hardware, software, and services to update the assessor's Vision Appraisal system, or take any other action relative thereto.



**Recommended that the Town vote to transfer from Fiscal 2012 Additional State Aid Supplemental Cherry Sheet and appropriate the sum of \$7,825 to be expended by the Board of Selectmen for the purchase and installation of a computer rack, and computer server and related hardware, software, and services to update the assessor's Vision Appraisal system.**

*This article would fund an update of the assessor's Vision Appraisal system including replacement of the system's computer server and migration of the system's data files. The existing server is seven years old. This article would also fund a rack to mount equipment. There are currently two rack mounted servers along with shelf mounted servers and other equipment in the computer room. The new rack would consolidate equipment to alleviate congestion in the computer room and improve equipment serviceability.*

## **ARTICLE FIFTH:**

### **PERMITTING SOFTWARE**

To see if the Town will vote to transfer from available funds and appropriate a sum of money to be expended by the Board of Selectmen to license and install a permitting application for use by Town departments which would include software acquisition, setup of data and codes, training and first year maintenance costs, or take any other action relative thereto.

**Recommended that the town vote to transfer from Fiscal 2012 Additional State Aid Supplemental Cherry Sheet and appropriate the sum of \$23,750 to be expended by the Board of Selectmen to license and install a permitting application for use by Town departments which would include software acquisition, setup of data and codes, training and first year maintenance costs.**

*This article would fund the acquisition and installation of an integrated software application to manage town permits, for example building permits. The application would allow Town departments to enter, track and update permit status, restrictions and conditions, inspections, fees, and outstanding taxes. The application would improve communications between departments and with applicants, reduce the potential of delays and errors, and increase the overall efficiency of the town's permitting process.*

## **ARTICLE SIXTH:**

### **PURCHASE LIBRARY EJECTOR PUMP**

To see if the Town will vote to 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 Library Trustees for the purchase and installation of a groundwater ejector pump for the Library, or take any other action relative thereto.

**Recommended that the town vote to transfer from Fiscal 2012 Additional State Aid Supplemental Cherry Sheet and appropriate the sum of \$3,600 to be expended by the Board of Selectmen with the advice of the Board of Library Trustees for the purchase and installation of a groundwater ejector pump for the Library.**

*This article would fund the purchase and installation of a groundwater ejector pump to replace one of the Library's two ejector pumps. These pumps prevent the basement from flooding due to high groundwater especially following significant rain events. Recently the other pump failed and was replaced in an emergency.*

## **ARTICLE SEVENTH**

### **REPAIR LANDFILL FLARES**

To see if the Town will vote to transfer from available funds and appropriate a sum of money to be expended by the Board of Selectmen with the advice of the Park & Cemetery Commissioners for solar flare piping maintenance repairs at the Topsfield Sanitary Landfill at Pye Brook Community Park, or take any other action relative thereto.

**Recommended that the Town vote to appropriate the sum of \$12,000 to be expended by the Board of Selectmen with the advice of the Park & Cemetery Commissioners for solar flare piping maintenance repairs at the Topsfield Sanitary Landfill at Pye Brook Community Park; and to meet said appropriation, transfer the sum of \$2,337 from Fiscal 2012 Additional State Aid Supplemental**

Cherry Sheet; transfer the sum of \$3,192 from Article 3 Pensions of the May 2011 Annual Town Meeting; and transfer the sum of \$6,471 from the Fund Balance Reserved for 25 Year Borrowing.

*This article would fund the repairs to two solar flare standpipes which require the replacement of the inner sleeve that consists of 30 feet of cast iron pipe along with bolts, other appurtenances, and excavation by hand to prevent rupture of the landfill liner.*

**ARTICLE EIGHTH:**

**TOWN ADMINISTRATOR SEARCH**

To see if the Town will vote to transfer from available funds and appropriate a sum of money to be expended by the Board of Selectmen for costs associated with hiring a Town Administrator, or take any other action relative thereto.

**Recommended that the Town vote to transfer from Article 3 Pensions from the May 2011 Annual Town Meeting and appropriate the sum of \$10,000 to be expended by the Board of Selectmen for costs associated with hiring a Town Administrator.**


*This article would provide funding for hiring a new Town Administrator including procuring a consultant to assist in the search, advertising, and other expenses. The present Town Administrator, whose contract ends December 31 of this year, plans on retiring from public service.*

Hereof, fail not, and make due return of the 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 twelve.

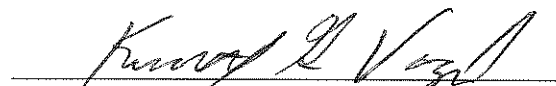
**TOWN OF TOPSFIELD BOARD OF SELECTMEN**

  
Laura J. Powers, Chairman

  
Eldon D. Goodhue, Clerk

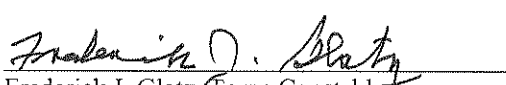
  
Martha A. Morrison, Member

  
A. Richard Gandt, Member

  
Kenneth G. Vogel, Member

A true copy

ATTEST:

  
Frederick J. Glatz, Town Constable

# ATTACHMENT A

Approved Appropriation Fiscal Year 2012	FISCAL YEAR 2013 GENERAL OPERATING BUDGET May 1, 2012 ANNUAL TOWN MEETING	Recommended Appropriation Fiscal Year 2013
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## ELECTED OFFICERS

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

## GENERAL GOVERNMENT

	Moderator:	
1.00	Salary	50.00
<b>1.00</b>	<b>TOTAL: Moderator</b>	<b>50.00</b>
	Selectmen:	
165,905.00	Salaries	176,323.00
41,197.00	Wages	43,160.00
28,890.00	Other	33,315.00
<b>235,992.00</b>	<b>TOTAL: Selectmen</b>	<b>252,798.00</b>
	Selectmen's Special:	
68,050.00	Other	68,200.00
<b>68,050.00</b>	<b>TOTAL: Selectmen Special</b>	<b>68,200.00</b>
	Parking Clerk:	
-	Other	-
-	<b>TOTAL: Parking Clerk</b>	-
	Finance Committee:	
1,158.00	Wages	1,179.00
360.00	Other	367.00
<b>1,518.00</b>	<b>TOTAL: Finance Committee</b>	<b>1,546.00</b>

	Town Website/Cable Advisory:	
-	Wages	1,630.00
-	Other	1,238.00
-	<b>Total: Town Website/Cable Advisory</b>	<b>2,868.00</b>
	Town Accountant:	
64,272.00	Salary	65,557.00
33,043.00	Wages	35,573.00
20,788.00	Other	21,530.00
<b>118,103.00</b>	<b>TOTAL: Town Accountant</b>	<b>122,660.00</b>
	Board of Assessors	
69,772.00	Salaries	71,807.00
33,331.00	Wages	35,028.00
17,833.00	Other	18,190.00
<b>120,936.00</b>	<b>TOTAL: Assessors</b>	<b>125,025.00</b>
	Town Treasurer and Collector:	
64,922.00	Salary	66,307.00
64,132.00	Wages	69,094.00
39,500.00	Other	31,620.00
<b>168,554.00</b>	<b>TOTAL: Town Treasurer &amp; Coll.</b>	<b>167,021.00</b>
	Town Hall:	
300.00	Wages	-
139,969.00	Other	141,902.00
<b>140,269.00</b>	<b>TOTAL: Town Hall</b>	<b>141,902.00</b>
	School Street Building	
500.00	Other	500.00
<b>500.00</b>	<b>TOTAL: School Street Building</b>	<b>500.00</b>
	Town Clerk:	
50,842.00	Salary	54,451.00
19,714.00	Wages	20,165.00
10,056.00	Other	12,528.00
<b>80,612.00</b>	<b>TOTAL: Town Clerk</b>	<b>87,144.00</b>
	Trust Fund Clerk:	
-	Salary	-
100.00	Other	100.00
<b>100.00</b>	<b>TOTAL: Trust Fund Clerk</b>	<b>100.00</b>
	Conservation Commission:	
54,760.00	Salary	61,390.00
14,127.00	Wages	13,707.00
<b>68,887.00</b>	<b>TOTAL: Conservation Commission</b>	<b>75,097.00</b>
	Planning Board:	
5.00	Salaries	5.00
1,754.00	Other	1,754.00
<b>1,759.00</b>	<b>TOTAL: Planning Board</b>	<b>1,759.00</b>
	Zoning Board of Appeals:	
724.00	Other	724.00
<b>724.00</b>	<b>TOTAL: Zoning Board of Appeals</b>	<b>724.00</b>
<b>1,006,005.00</b>	<b>SUB-TOTAL: GENERAL GOVERNMENT</b>	<b>1,047,394.00</b>

## PUBLIC SAFETY

	Police Department:	
145,113.00	Salaries	148,671.00
1,098,522.00	Wages	1,109,378.00
113,372.00	Other	116,080.00
	Capital Equipment	-
<b>1,357,007.00</b>	<b>TOTAL: Police Department</b>	<b>1,374,129.00</b>
	Fire Department:	
101,316.00	Salaries	101,316.00
401,785.00	Wages	402,683.00
85,366.00	Other	87,073.00
<b>588,467.00</b>	<b>TOTAL: Fire Department</b>	<b>591,072.00</b>
	Ambulance Services:	
-	Other	-
-	<b>TOTAL: Ambulance Service</b>	-
	Inspectional Services:	
74,450.00	Salaries	76,776.00
18,807.00	Wages	20,243.00
5,519.00	Other	5,631.00
<b>98,776.00</b>	<b>TOTAL: Inspectional Services</b>	<b>102,650.00</b>
	Scaler Weights & Measure	
1,500.00	Salary	1,530.00
-	Other	-
<b>1,500.00</b>	<b>TOTAL: Sealers Weights &amp; Measure</b>	<b>1,530.00</b>
	Animal Control Officer:	
8,904.00	Salary	9,082.00
549.00	Other	549.00
<b>9,453.00</b>	<b>TOTAL: Animal Control Officer</b>	<b>9,631.00</b>
	Animal Inspector:	
6,882.00	Salary	7,020.00
1,840.00	Other	1,840.00
<b>8,722.00</b>	<b>TOTAL: Animal Inspector</b>	<b>8,860.00</b>
<b>2,063,925.00</b>	<b>SUB-TOTAL: PUBLIC SAFETY</b>	<b>2,087,872.00</b>

## EDUCATION ELEMENTARY SCHOOL

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

## PUBLIC WORKS AND FACILITIES

	General Highway:	
75,983.00	Salary	77,983.00
191,069.00	Wages	191,410.00
198,805.00	Other	202,565.00
-	Capital Equipment	-
<b>465,857.00</b>	<b>TOTAL: General Highway</b>	<b>471,958.00</b>
	Snow and Ice:	
78,581.00	Wages	78,581.00
164,285.00	Other	167,565.00
<b>242,866.00</b>	<b>TOTAL: Snow and Ice</b>	<b>246,146.00</b>
	Street Lights	
18,900.00	Other	19,275.00
<b>18,900.00</b>	<b>TOTAL: Street Lights</b>	<b>19,275.00</b>
<b>727,623.00</b>	<b>SUB-TOTAL: PUBLIC WORKS</b>	<b>737,379.00</b>

## HUMAN SERVICES

	Board of Health:	
64,272.00	Salary	65,557.00
12,182.00	Wages	13,518.00
16,730.00	Other	16,815.00
<b>93,184.00</b>	<b>TOTAL: Board of Health</b>	<b>95,890.00</b>
	MSW Collection, HHW & Recycling	
387,560.00	Services	406,713.00
<b>387,560.00</b>	<b>TOTAL: MSW Collection, HHW &amp; Recycling</b>	<b>406,713.00</b>
	Recycling:	
3,850.00	Other	4,100.00
<b>3,850.00</b>	<b>TOTAL: Recycling</b>	<b>4,100.00</b>
	Council On Aging:	
41,865.00	Salary	39,101.00
35,476.00	Wages	42,622.00
2,582.00	Other	2,633.00
<b>79,923.00</b>	<b>TOTAL: Council On Aging</b>	<b>84,356.00</b>
	Veterans' Benefits:	
6,350.00	Other	6,500.00
<b>6,350.00</b>	<b>TOTAL: Veterans' Benefits</b>	<b>6,500.00</b>
	Soldiers & Sailors Graves:	
800.00	Other	800.00
<b>800.00</b>	<b>TOTAL: Soldiers &amp; Sailors Graves</b>	<b>800.00</b>
<b>571,667.00</b>	<b>SUB-TOTAL: HUMAN SERVICES</b>	<b>598,359.00</b>

## CULTURE & RECREATION

	Library:	
182,383.00	Salaries	191,954.00
150,813.00	Wages	149,920.00
131,140.00	Other	133,756.00
<b>464,336.00</b>	<b>TOTAL: Library</b>	<b>475,630.00</b>

	Park and Cemetery Department:	
65,272.00	Salary	67,307.00
121,557.00	Wages	122,408.00
45,176.00	Other	47,640.00
<b>232,005.00</b>	<b>TOTAL: Park &amp; Cemetery Dept.</b>	<b>237,355.00</b>

	Tree Department:	
2,916.00	Salary	2,975.00
3,137.00	Wages	3,200.00
7,650.00	Other	7,805.00
<b>13,703.00</b>	<b>TOTAL: Tree Department</b>	<b>13,980.00</b>

	Memorial Day/Veteran's Day:	
3,600.00	Other	3,600.00
<b>3,600.00</b>	<b>TOTAL: Memorial Day/Veteran's Day</b>	<b>3,600.00</b>

	Historical Commission:	
450.00	Other	450.00
<b>450.00</b>	<b>TOTAL: Historical Commission</b>	<b>450.00</b>

<b>714,094.00</b>	<b>SUB TOTAL: CULTURE &amp; RECREATION</b>	<b>731,015.00</b>
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## DEBT SERVICE

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

<b>1,187,483.00</b>	<b>SUB TOTAL: DEBT SERVICE</b>	<b>670,221.00</b>
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## OTHER EXPENDITURES

	Pensions:	
733,580.00	Essex Retirement	756,064.00
<b>733,580.00</b>	<b>TOTAL: Pensions</b>	<b>756,064.00</b>

	Insurance:	
352,941.00	Liability/Accident/Workmen's Compensation	388,235.00
1,726,577.00	Life/Medical/Medicare	1,802,236.00
100,000.00	Unemployment	75,000.00
<b>2,179,518.00</b>	<b>TOTAL: Insurance</b>	<b>2,265,471.00</b>

<b>2,913,098.00</b>	<b>SUB-TOTAL OTHER EXPENDITURES</b>	<b>3,021,535.00</b>
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<b>15,158,376.00</b>	<b>***TOTAL BUDGET RECOMMENDATION***</b>	<b>14,987,746.00</b>
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Fiscal Year 2012: July 1, 2011 through June 30, 2012

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

## **ATTACHMENT B**

### **ARTICLE VI**

#### **FLOODPLAIN DISTRICT**

##### **6.01 Purpose**

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

##### **6.02 Description of District**

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

##### **6.03 Uses in the Floodplain District.**

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

1. Farming, including forestry, nursery and truck gardening and the pasturing of livestock, but not the erection of permanent structures for use in connection with the above.
2. Conservation of water, plants, and wildlife, including the raising and management of wildlife.
3. Taking of water for irrigation, farming or agriculture.
4. Recreation, including play areas, nature study, golf, boating, fishing, and hunting, where legally permitted in the underlying basic District.
5. With the written approval of the Board of Appeals, which shall have found that the proposed use is not contrary to the purpose of this District.
6. The removal or deposit of earth products, as part of a flood control or other conservation program or in connection with the building of a driveway, or road provided that the Board of Appeals find such driveway or road does not interfere with natural drainage or result in any increase in flood levels during the 100-year flood in so far as such removal is in compliance with the Topsfield Soil Removal By-Law Chapter XLIX.
7. The discharge of stormwater run-off into a stream.
8. Shelters in connection with wildlife conservation and management or agriculture.
9. Boathouses and docks not accessory to a dwelling and having the same area requirements as the underlying basic District. (Art. 48, 5/9/78; Art. 6, 5/6/80; Art. 20, 5/4/93)



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

1. Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
2. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
3. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
4. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);
5. Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations;
6. Topsfield Town Code, Chapter LXII - General Wetlands Bylaw, and associated regulations.

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

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

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

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

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

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

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

#### 6.04 Prohibited Uses in the Floodplain District

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

#### 6.05 Removal of Earth Products

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

#### 6.06 Notification of Watercourse Alteration

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

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

OFFICE OF THE BOARD OF SELECTMEN  
8 WEST COMMON STREET  
TOPSFIELD, MA 01983



TO ALL REGISTERED VOTERS:

RESIDENT

TOPSFIELD, MA 01983

ANNUAL AND SPECIAL TOWN MEETING

Proctor School, Woodbury Auditorium

TUESDAY, MAY 1, 2012 at 7:00PM

And if needed, continued on Wednesday, May 2, 2012

ANNUAL TOWN ELECTION

THURSDAY, MAY 3, 2012

7:00 AM to 8:00 PM

ST. ROSE CHURCH HALL

12 Park Street, Topsfield

U.S. POSTAGE  
PAID  
PERMIT 51  
TOPSFIELD, MA