

**WARRANT FOR THE ANNUAL TOWN MEETING
MAY 16, 2016
SALISBURY ELEMENTARY SCHOOL**

To: Steven Sforza, of the Salisbury Police Department

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the Town of Salisbury who are legally qualified to vote in Town affairs, to meet in the Hilton Senior Center/Council on Aging on Lafayette Road on the 10th of May, 2016, from 10:00 AM until 8:00 PM to act on Article One of this Warrant, and also to meet in the Salisbury Elementary School, 100 Lafayette Road, Salisbury, Massachusetts, on Monday, May 16, 2016, at 7:30 PM., to then and there act on the remaining Articles in this Warrant.

ARTICLE ONE

Election of Officers – Tuesday, May 10, 2016
Two Selectmen for Three-Year Terms

One Moderator for a Three-Year Term

Three Triton Regional School Committee Members (Three-year terms, one member from each town)

One Triton Regional School Committee Member from Newbury (Two-year term)

ARTICLE TWO

To hear reports of the Boards, Committees and Commissions as may be presented.

ARTICLE THREE

To hear the report of the Warrant Advisory Committee and to raise and appropriate \$23,782,025.00 to fund the FY2017 annual operating budget of the Town, which includes \$10,510,569.00 to pay the Town's anticipated share of the Triton Regional School District's operating budget for FY2017, calculated in accordance with Mass. General Law Chapter 70, Section 6, and in accordance with the attached departmental breakdown of the budget; to appropriate \$2,206,175.00 to fund the FY2017 Sewer Enterprise Fund budget; to appropriate \$2,604,000.00 to fund the FY2017 Water Enterprise Fund budget; to transfer the sums of \$404,547.00 from the FY2017 Sewer Enterprise Fund budget and \$156,966.00 from the FY2017 Water Enterprise Fund budget to the General Fund; and to transfer the sums of \$14,130 from the Municipal Waterways Improvement and Maintenance fund and \$44,000.00 from the Waterways Permit Fees Fund to the General Fund; or to take any other action relative thereto.

ARTICLE FOUR

To see if the Town will vote to transfer any balance remaining as of June 30, 2016 in the Planning Board Revolving Fund created pursuant to Chapter 44, Section 53E ½ of the Massachusetts General Laws for the purpose of accepting fees for outside consultants to an account established pursuant to Chapter 44, Section 53G for the purpose of paying outside consultants; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE FIVE

To see if the Town will vote to re-authorize a revolving fund for the Conservation Commission as described in Chapter 44, Section 53E ½ of the Massachusetts General Laws, for FY2017. This revolving fund would be to accept receipts from filing fees paid pursuant to the Wetlands Protection Act. The receipts would be expended, not to exceed \$100,000 in FY2017, by the Conservation Commission for the payment of consultant fees, expenses of, and a portion of the salary and benefits of the Town's Conservation Agent for administration and enforcement of the Wetlands Protection Act; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE SIX

To see if the Town will vote to re-authorize a revolving fund for the Parks and Recreation Commission as described in Chapter 44, Section 53E1/2 of the Massachusetts General Laws, for FY2017. The revolving fund would be to accept receipts from fund raising, grants, donations, and charges for activities. The receipts would be expended, not to exceed \$25,000.00 in FY2017 by the Parks and Recreation Commission for activities sponsored by the Parks and Recreation Commission; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE SEVEN

To see if the Town will vote to re-authorize a revolving fund for the Building Inspector's Department as described in Chapter 44, Section 53 E1/2 of the Mass. General Laws for FY2017. This revolving fund would be to accept receipts from fees charged by the Department for electrical, plumbing and gas inspections. The receipts would be expended, not to exceed \$50,000 in FY2017, by the Building Inspector's Department to pay for the services of the Town's electrical, plumbing and gas inspectors; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE EIGHT

To see if the Town will vote to re-authorize a revolving fund for the Earth Filling Bylaw as described in Chapter 44, Section 53 E1/2 of the Mass. General Laws for FY2017.

This revolving fund would be to accept payments made by applicants under the Town's Earth Filling Bylaw for borings and test pits, inspections, monitoring, certifications, reports and tests that are required by the permit granting authority while considering an application for an earth filling permit and/or as a condition of issuing a permit and/or to monitor performance under a permit and/or to establish compliance with the conditions of a permit and the bylaw. The receipts would be expended, not to exceed \$50,000 in FY2017, by the Board of Selectmen and/or the Town Manager for such services as either of them as a permit granting authority deems to be needed to evaluate an application and/or to monitor performance under a permit and/or to establish compliance with the conditions of a permit and the bylaw; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE NINE

To see if the Town will vote to re-authorize a revolving fund for the Council on Aging as described in Chapter 44, Section 53 E1/2 of the Mass. General Laws, for FY2017. This revolving fund would be to accept donations to the Council on Aging from individuals, businesses, corporations or non-profit agencies. The receipts would be expended, not to exceed \$50,000 in FY2017, by the Director of the Council on Aging, with the approval of the Board of Directors of the Council on Aging, to pay for general improvements to the Hilton Center and other expenses consistent with the mission of the Council on Aging; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE TEN

To see if the Town will vote to re-authorize a revolving fund for the Planning Board as described in Chapter 44, Section 53E ½ of the Massachusetts General Laws, for FY2017. The revolving fund would be to accept receipts from developers, landowners and other applicants seeking subdivision or site plan approval from the Planning Board, except for those receipts specifically to pay outside consultants. The receipts would be expended, not to exceed \$40,000.00 in FY2017, by the Planning Board, in conjunction with the Town's Department of Public Works for: design, engineering and construction costs of sidewalks required pursuant to the Town's subdivision control bylaw; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE ELEVEN

To see if the Town will vote to re-authorize a revolving fund for the Harbor Commission, as described in Chapter 44, Section 53E ½ of the Mass. General Laws, for FY2017. This revolving fund would be to accept receipts from: mooring fees, waterways permit fees, dinghy fees, and sewerage pump-out fees. The receipts would be expended, not to exceed \$75,000.00 in FY2017, by the Harbor Commission for: maintenance and development of riverfront recreational activities, equipment maintenance or

replacement, Harbormaster's operating expense, water safety, education and expenses of complying with the Clean Waters Act; or to take any other action relative thereto.
ON PETITION OF THE TOWN MANAGER

ARTICLE TWELVE

To see if the Town will vote to re-authorize a revolving fund for the Health Department as described in Chapter 44, Section 53E ½ of the Massachusetts General Laws, for FY2017. This revolving fund would be to accept receipts from fees charged to property owners and/or other applicants for inspections by the Town's Department of Health. The receipts would be expended, not to exceed \$100,000 in FY2017, by the Director of Public Health, with the approval of the Town Manager, to pay for the services of qualified individuals to conduct health inspections, including but not limited to inspections of restaurant and food establishments, housing, septic systems and Title 5, as required by law, bylaw or Board of Health regulation, and the enforcement thereof, at the direction of the Director of Public Health; or to take any other action relative thereto.
ON PETITION OF THE TOWN MANAGER

ARTICLE THIRTEEN

To see if the Town will vote to re-authorize a revolving fund for the Department of Public Works as described in Chapter 44, Section 53E ½ of the Massachusetts General Laws, for FY2017. This revolving fund would be to accept receipts from rental and other fees charged to tenants of the former Memorial School. The receipts would be expended, not to exceed \$75,000 in FY2017, by the Director of Public Works, to pay for capital repairs and improvements to the former Memorial School; or to take any other action relative thereto.
ON PETITION OF THE TOWN MANAGER

ARTICLE FOURTEEN

To see if the Town will vote to authorize a revolving fund for the Tax Collector as described in Chapter 44, Section 53 ½ of the Massachusetts General Laws, for FY2017. This revolving fund would be to accept receipts from fees paid to record documents at the Registry of Deeds. The receipts would be expended, not to exceed \$20,000 in FY2017, by the Tax Collector, to pay for recording fees charged by the Registry of Deeds; or to take any other action relative thereto.
ON PETITION OF THE TOWN MANAGER

ARTICLE FIFTEEN

To see if the Town will vote to authorize a revolving fund for the Planning Department as described in Chapter 44, Section 53E ½ of the Massachusetts General Laws, for FY2017. This revolving fund would be to accept receipts from vendors, donations and grants related to the Town's annual Art Stroll, and lease/license fees from users of the Town's community gardens. The receipts would be expended, not to exceed

\$30,000.00 in FY2017, by the Planning Director, in conjunction with the Town Manager, for costs and expenses associated with promoting and administering these programs, and the payment of utility charges at the Town's community gardens; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE SIXTEEN

To see if the Town will vote to amend the vote taken under Article Twenty-Five of the Warrant at the May 20, 2013 Annual Town Meeting, which appropriated \$7,500,000 to pay costs of designing, constructing, originally equipping and furnishing a new library building on the Town Common and authorized the borrowing of such funds less any amounts received on account of a grant from the State Board of Library Commissioners and private donations for the project, to provide, in its entirety, as follows:

That \$7,500,000 is hereby appropriated and the Treasurer with the approval of the Board of Selectmen is authorized to borrow the sum of \$7,500,000 in accordance with General Laws chapter 44, Section 7, or any other enabling authority, for the purpose of designing, constructing, equipping and furnishing a new library building on the Town Common, including the payment of costs incidental or related thereto; provided however, that the borrowing authority authorized hereunder shall be reduced by the \$3,856,187, the amount of the grant awarded to the Town on October 4, 2012 by vote of the State Board of Library Commissioners and by the sum of \$443,813 received by the Town as gifts for the project;

or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE SEVENTEEN

To see if the Town will vote to authorize the Town Manager, as the Town's Chief Procurement Officer, to enter into a contract for the lease/purchase of a pumper truck for the Fire Department for a period not to exceed ten (10) years, subject to annual appropriation of the required lease payments; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE EIGHTEEN

To see if the Town will vote, pursuant to G.L. c. 82, Sec 21 to discontinue as a public way Old Locust Street, a portion of which originates at Main Street, runs between parcels of land shown on Assessors Map 19 as Lot 217 and on Map 12 as Lots 53 and 54, and terminates at the I-95 off ramp that turns into Toll Road, which portion is shown as "Locust Street" on a plan of land entitled "Plan of Land in Salisbury, MA" prepared for Enon Enterprises, Inc., Port Engineering Associates, Inc., September 9, 1996, recorded at the Essex South Registry of Deeds in Plan Book 310, Plan 91 and on file with the

Town Clerk, and the remaining portion of Old Locust Street is shown on Assessors Map 12 as Lot 88; and to transfer the care, custody, control and management of said discontinued Old Locust Street from the Board of Selectmen for public way purposes to the Board of Selectmen for general municipal purposes and/or for the purpose of conveyance, and further to authorize the Board of Selectmen to convey all the Town's right, title and interest in said discontinued Old Locust Street on such terms and conditions, and for such consideration, as the Board of Selectmen in their discretion may deem proper; or to take any other action relative thereto.
ON PETITION OF THE TOWN MANAGER

ARTICLE NINETEEN

To see if the Town will vote to amend the Zoning Bylaw of the Town of Salisbury by amending the Official Zoning Map of the Town of Salisbury by modifying the boundary of the Commercial (C) District in the area of Main Street, as shown on a map entitled "Proposed Commercial District Zoning", dated April, 2016, which is on file with the Town Clerk and is hereby declared to be part of the Zoning Bylaw; or to take any other action relative thereto.

Copies of the proposed Zoning Bylaw amendment and map are available for review in the office of the Town Clerk.
ON PETITION OF THE TOWN MANAGER

ARTICLE TWENTY

To see if the Town will vote to amend the Zoning Bylaw by amending Article XXIV, Lafayette-Main Commercial District §300-164, Off-Street Parking and Loading, Subsection B(4) – Minimum Off-Street Parking Requirements-Restaurant, be deleting the word "four" from "Restaurant: one space per four three seats or one space per 50 sq. ft." to now read "Restaurant: one space per three seats or one space per 50 sq. ft."; or to take any other action relative thereto
ON PETITION OF THE TOWN MANAGER

ARTICLE TWENTY-ONE

To see if the Town will vote to transfer the care, custody and control of the parcels of land shown on Town Assessors Map No. 27 as Lot 26 and on Map 12 as Lot 38 from the tax custodian for tax title purposes to the Board of Selectmen for the purpose of conveyance, and authorize the Board of Selectmen to convey the fee to or any lesser interest in the foregoing lots on such terms and conditions, and for such consideration as the Board of Selectmen deems appropriate; or to take any other action relative thereto.
ON PETITION OF THE TOWN MANAGER

ARTICLE TWENTY-TWO

To see if the Town will vote to amend the Town of Salisbury General Bylaws by adding a new Chapter, entitled "Stretch Energy Code," for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of January 1, 2017, a copy of which is on file with the Town Clerk; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE TWENTY-THREE

To see if the Town will vote to adjust the exemption authorized by G.L. c. 59, §5N and Chapter 108, Section 8A of the Acts of 2012, by allowing an approved representative, for persons physically unable, to provide veteran real property tax work-off abatement services to the Town of Salisbury, in accordance with the guidelines for the administration of this program adopted by the Board of Selectmen on January 13, 2014; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE TWENTY-FOUR

To see if the Town will vote to authorize the Board of Selectmen to grant to the Massachusetts Electric Company an easement to install, construct, maintain, operate, repair, replace and/or reconstruct conduits, lines, and related appurtenances for the transmission of high and low voltage electric current as part of an Underground Electric Distribution System in, through, under, over, across and upon a parcel of the Town-owned land located on the northerly side of Beach Board, being more particularly shown on Town Assessors Map 28 as Lot 5; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE TWENTY-FIVE

To see if the Town will vote to approve the Whittier Regional Vocational Technical District Committee's vote on February 10, 2016, to establish a Stabilization Fund, pursuant to Section 16G ½ of Chapter 71 of the Massachusetts General Laws, said Stabilization Fund to be invested and to retain its own interest earnings as provided by law, and further to set up an operational line item to be created to transfer available monies into said Stabilization Fund; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE TWENTY-SIX

To see if the Town will vote to amend the Town's Zoning Bylaw in accordance with the changes attached hereto with regard to Ch. 300, Article XII, Salisbury Beach Overlay District, and Ch. 300, Article XIII, Inclusionary Housing Requirements:

S 300-62. Boundaries; Subdistricts.

A (1) Beach Center Development Subdistrict: add "Oceanfront South."

(3) Oceanfront South Revitalization Subdistrict: delete in its entirety.

B. Overlay District Map and Lot Listing: Delete "and the Oceanfront South Revitalization Subdistrict".

S 300-63. Existing Zoning: Add:

C. **Inclusionary Housing Requirements:** For any project proposed under the Salisbury Beach Overlay District, **Article XIII of Ch. 300, Inclusionary Housing Requirements**, shall not apply.

S 300-64. Definitions:

Height: Delete the last sentence.

Parking Space: Delete in its entirety, replace with the following: An on-site, or off-site, space having an area of not less than 162 square feet, with minimum dimensions of nine feet wide by 18 feet long measured from center to center. An on-site parking space is one which is located within the physical confines of the subject parcel. An off-site parking space is one which is physically located within 1,000 feet of the development, entrance to entrance, over public ways.

S 300-67. Dimensional Regulations:

A. **Maximum Height Allowed:** Replace "65" feet with "89" feet; Last sentence, replace "five" floors with "seven" floors; delete remainder of sentence "nor shall the floor of the highest occupied floor exceed a height of 49 feet."

C. **Mixed-Use Development:**

1. Beach Center Development Subdistrict:

b. Delete in its entirety

c. Delete in its entirety.

d. Replace with "Residential units of 2 or more bedrooms require 2 parking spaces one of which may be off-site. Units of 1 bedroom shall have a minimum of 1 on-site parking space".

2. Broadway Revitalization Subdistrict:

- b. Delete in its entirety
 - c. Delete in its entirety. Replace with: All ground floor uses fronting on Broadway shall be commercial, parking shall not be an allowed commercial use nor shall onsite parking be visible from Broadway.
 - d. Delete in its entirety and replace with "Residential units of 2 or more bedrooms require 2 parking spaces one of which may be off-site. Units of 1 bedroom shall have a minimum of 1 on-site parking space".
3. Oceanfront South Revitalization District: Delete in its entirety.
- E. Delete in its entirety. Replace with: Upper floor setbacks. A building over three stories in height have an upper floor minimum setback in the front façade of at least five feet commencing above the first floor but no higher than the ceiling of the third story with the exception of access elements (stairways or elevator shafts) and architectural features not to exceed 25% of the front façade area, in aggregate.

S 300-70 DESIGN REVIEW COMMITTEE

Replace: "Design Review Committee" with "Design Review Consultant" throughout. Replace all references to the "Committee" with "Consultant" throughout.

- B. Composition. Delete in its entirety, replace with the following: The Design Review Consultant shall be appointed by the Town Manager in consultation with the Planning Board and applicant. The applicant shall pay the reasonable cost of the Design Review Consultant who shall not be involved in the project in any other capacity during permitting or construction.

S 300-71. Design Guidelines:

- R. Delete "and the Oceanfront South Revitalization Subdistrict".
- S. Delete in its entirety.

or to take any other action relative thereto.
ON PETITION OF WAYNE CAPOLUPO ET AL.

ARTICLE TWENTY-SEVEN

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, as set forth below, authorizing the assessment of the cost of sewer projects by means of betterment assessments and privilege fees; provided, however, that the General Court may make clerical or editorial changes of form only to

the bill unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, and to authorize the Board of Selectmen to approve such amendments; or to take any other action relative thereto.

AN ACT AUTHORIZING ASSESSMENT OF SEWER BETTERMENTS AND PRIVILEGE FEES IN THE TOWN OF SALISBURY

SECTION 1. The sewer commissioners of the town of Salisbury, which in this act shall mean the Board of Selectmen or any other board or officer having charge of the repair and maintenance of sewers in the town of Salisbury, shall utilize the assessment methods set forth herein to assess 100 percent of the cost to the town of sewer projects upon the properties that benefit from each project, unless town meeting votes a different percentage with respect to particular projects.

SECTION 2. Notwithstanding chapter 83 of the General Laws or any other general or special law to the contrary, the Sewer Commissioners of the town of Salisbury may assess the cost of sewer projects by means of betterment assessments by the so-called uniform unit method under section 15 of chapter 83, or by means of privilege fees under sections 17 and 20 of said chapter 83 also by the uniform unit method, and may determine what portion of the cost for each project shall be assessed as a betterment or as a privilege fee. Potential units for undeveloped land shall be calculated on the basis of zoning then in effect and for developed land shall be calculated on the basis of existing use or zoning then in effect.

SECTION 3. Said Sewer Commissioners may assess privilege fees upon properties that were not subject to betterment assessment with respect to a particular project if the properties later receive a benefit from the project by being allowed to connect to the project, and may also assess privilege fees upon properties that were previously assessed a betterment assessment or a privilege fee, if, after such assessment, due to construction of a new structure or reconstruction, enlargement, alteration or renovation of a structure existing at the time of the betterment or privilege fee assessment, or change of a then-existing use, the sewer commissioners determine that the maximum sewage flow from the improvements upon the property or the change of use would increase above the maximum sewage flow previously calculated for that property under the uniform unit method, provided that the total of such section 15 and 17 assessments shall not exceed the whole cost of laying out and constructing the system of sewerage disposal of which such common sewer is a part for which the assessments are made.

SECTION 4. Notwithstanding section 15A of chapter 83 of the General Laws or any general or special law to the contrary, the town of Salisbury, at a town meeting, as to a particular sewer project, may from time to time, until actual assessments have been billed and added to a tax, re-determine whether to use a uniform unit method provided for under section 15 of said chapter 83, or any special law, or whether to use a special assessment under chapter 83, section 17, or whether to use two or more of the

methods provided in said sections and special acts, notwithstanding that a different method may have been used previously in assessing estimated sewer assessments.

SECTION 5. This act shall take effect upon its passage.
ON PETITION OF THE TOWN MANAGER

ARTICLE TWENTY-EIGHT

To see if the Town will vote to authorize the Treasurer to borrow the sum of \$675,000.00, in accordance with General Laws Chapter 44, Section 7, or any other borrowing authority, for the purpose of funding the final engineering design and permitting for the potential expansion of Town sewer service, including any costs incidental or related thereto, to the streets listed in a document entitled "Scope of Work Summary & Fee Schedule, Final Design & Permitting, Phases 2 & 3," dated April 25, 2016, a copy of which is on file in the office of the Town Clerk; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE TWENTY-NINE

To take any other action that may be lawfully taken at this meeting.

And you are hereby directed to serve this Warrant by posting attested copies in at least ten (10) public places in Town over two consecutive Sundays before the time of said meeting.

Hereof fail not and make due return of this Warrant with your doings thereon, to the Town Clerk at the time and place of said meeting.

Given under our hands this 29 day of April, 2016.

BOARD OF SELECTMEN

TOWN OF SALISBURY, MASSACHUSETTS

Freeman J. Condon
Freeman Condon, Chairman

Ed Hunt
Ed Hunt

Henry Richenburg
Henry Richenburg

Wilma McDonald, Vice Chairperson

Chuck Takesian
Chuck Takesian

Pursuant to this Warrant so directed by the Honorable Board of Selectmen of the Town of Salisbury, in and for, to me, Steven Sforza, of the Town of Salisbury Police Department, in and for have on this date, the 29 day of April, 2016, posted a copy of this notice in the ten (10) following places:

- | | |
|--------------------------------|--------------------------------|
| 1. Town Hall | 2. Marie's Restaurant |
| 3. Public Library | 4. Salisbury Housing Authority |
| 5. US Post Office | 6. William Hilton Center |
| 7. Salisbury Elementary School | 8. Police Station |
| 9. Center Fire Station | 10. Municipal Center |

I hereby warn the inhabitants of the Town of Salisbury who are qualified legally to vote in Town affairs, to meet at the time and place mentioned in the said Warrant for the purpose therein expressed.

Sgt. A. Sforza #174
Steven Sforza, of the Salisbury Police Department
Town of Salisbury, Massachusetts