

## **Annual Town Meeting – Town of Townsend – May 4, 2010**

While waiting for a quorum Shirley Coit, our TEMA director, spoke to the residents affected by flooding this Spring explaining to them the necessity of doing the paperwork. She went over the Statewide medical help number 211 that anyone may use, and told people to pick up information regarding traveling abroad information located on the tables outside the auditorium.

At 7:10pm, having reached a quorum Town Moderator, Gene Rauhala began by having the return of the Annual Warrant read by the Town Clerk, Susan Funaiole.

During the meeting the Moderator appointed John Barrett as our Deputy Moderator for the ensuing fiscal year and the floor concurred unanimously.

### **ARTICLE 1:**

I move that the Town vote to authorize the Board of Selectmen to appoint all Town Officers unless other provisions are made by M.G.L., by Town Charter, or by vote of the Town.

Submitted by: Town Clerk  
Read By: Susan A. Funaiole  
Vote: Passed Unanimous

### **ARTICLE 2:**

I move that the Town vote to hear reports of any Committees, Boards, Commissions, and other Town Officials

Submitted by: Board of Selectmen  
Read by: Nicholas Thalheimer  
Vote: Pass Unanimous

William Hackler of the Townsend Housing Authority asked the floor to take home and complete a survey that would be given out to residents of Townsend concerning what the residents would like to see in the Town for growth.

At 7:20pm we adjourned to the Special Town Meeting and returned to the following Article at 7:28pm having dissolved the Special Town Meeting.

### **ARTICLE 3:**

I move that the Town vote to appropriate and transfer from the Comcast Government Access Account the sum of **\$21,800.00** to supplement the FY 11 Management Information Systems (Computer) Expense Account.

Submitted by: Board of Selectmen  
Read by: Robert Plamondon  
Vote: Pass Unanimous

### **ARTICLE 4:**

I move that the Town vote to appropriate and transfer from the Ambulance Receipts Reserved for Appropriation Account the sum of \$300,000.00 to supplement the FY 11 Fire/EMS Department operating budget, or take any other action in relation thereto.

Submitted by: Fire/EMS Department  
Read by: Chief Donald Klein  
Vote: Ayes have it, Pass

**ARTICLE 5:**

I move that the Town vote to appropriate and transfer from the West Townsend Reading Room Receipts Reserved for Appropriation Account the sum of \$4,900.00 to supplement the FY2011 West Townsend Reading Room Expense Account.

Submitted by: West Townsend Reading Room Committee

Read by: Sue Lisio

Vote: Ayes Have it, Pass

**ARTICLE 6:**

I move that the Town vote to continue the Board of Health Revolving Account in accordance with M.G.L. Chapter 44, Section 53E½, to which will be credited revenues collected from recyclable items, which shall be expended for general operating cost and capital expenditures for the FY2011 Recycling Center operating budget, FY2011 Landfill operating budget, and the FY2011 Curbside Pickup & Disposal operating budget to be authorized by the Board of Health, of which expenditures shall not exceed \$18,000.00.

Submitted by: Board of Health

Read by: Robert Plamondon

Vote: Pass

**ARTICLE 7:**

I move that the Town vote to continue the Recreation Revolving Account in accordance with M.G.L. Chapter 44, Section 53E½, to which will be credited revenues collected from recreation programs, which shall be expended for general operating cost and capital expenditures for recreation programs to be authorized by the Recreation Commission, of which expenditures shall not exceed \$52,000.00 in FY 2011.

Submitted by: Recreation Commissioners

Read by: Sharon Whittier

Vote: Unanimous

**ARTICLE 8:**

I move that the Town vote to appropriate and transfer from the Cemetery Sale of Lot Fund the amount of \$11,610.00 into the Cemetery Improvement Fund Account.

Submitted by: Board of Selectmen

Read by: Nicholas Thalheimer

Vote: Ayes have it, Unanimous

**ARTICLE 9:**

I move that the Town vote to continue the Cemetery Cost of Internment Revolving Account in accordance with M.G.L. Chapter 44, Section 53E½, to which will be credited revenues collected from burials, which shall be used for general operating cost and capital expenditures for the Cemetery Department to be authorized by the Cemetery and Parks Commissioners, of which expenditures shall not exceed \$30,000.00 in FY11

Submitted by: Board of Selectmen

Read by: Robert Plamondon

Vote: Unanimous

**ARTICLE 10:**

I move that the Town vote to choose a committee of three (3) West Townsend Village residents, Robert L. Remelius, Kenneth Gerken, and Pamela B. Haman, to serve as members of the James H. Tucker Fund in accordance with the bequest, for the sole purpose to keep the curbing, grave stones, and monuments in good order, including installation/maintenance of fencing as necessary.

Submitted by: Cemetery & Parks Commissioners

Read by: Sue Lisio

Vote: Unanimous

**ARTICLE 11:**

I move that the Town vote to appropriate and transfer \$27,769.00 from the Title V FB Receipts Reserved for Appropriation Account to the Massachusetts Water Pollution Abatement Trust (MWPAT) Debt Service Account for the purpose of paying back the Massachusetts Water Pollution Abatement Trust Septic Loan.

Submitted by: Treasurer

Read by: Robert Plamondon

Vote: Unanimous

**ARTICLE 12:**

I move that the Town vote to transfer from surplus revenue the sum of \$4,000.00 for the purpose of funding the Assessors' Periodic Inspection and Property Verification Program as mandated by the Department of Revenue, Bureau of Local Assessments.

Submitted by: Board of Assessors

Read by: Niles Busler

Vote: Unanimous

**ARTICLE 13:**

I move that the Town will vote to transfer from surplus revenue the sum of \$416,212.00, equal to amount received in FY 2009 as part of a MTBE legal settlement, as follows: \$324,000.00 to pay off the remaining balance of the Bond Anticipation Note taken out to cover the cost of purchasing the Witch's Brook Water Company and \$92,212.00 to pay off part of the remaining balance on the Dudley Road Water Main portion of a General Obligation Bond.

Submitted by: Water Department, Board of Selectmen, & Finance Committee

Read by: Paul Concemi

Vote: Unanimous

**ARTICLE 14:**

I move that the Town will vote to raise and appropriate the sum the sum of \$1500.00 to implement collective bargaining agreements entered into between the Town and the American Federation of State, County, and Municipal Employees Council 93, Local 1703, Highway Union.

Submitted by: Board of Selectmen

Read by: Nicholas Thalheimer

Vote: Unanimous

**ARTICLE 15:**

I move that the Town will vote to raise and appropriate the sum of \$15,939,368.00, and 15,785 from free cash for the purpose of defraying the caharges and expenses of the Town for the ensuing fiscal year pursuant to a detailed budget totaling 15,955,153.00.

Submitted by: Board of Selectmen & Finance Committee

Read by Robert Plamondon

Vote: Ayes have it, pass

**ARTICLE 16:**

I move that the Town vote to appropriate the sum of \$798,719.00 to operate the Water Department for the ensuing fiscal year and that \$646,219.00 of this sum come from enterprise revenues and, in order to fund the cost of intermunicipal expenses, that \$152,500.00 of this sum be appropriated in the general fund and funded from enterprise revenues.

Submitted by: Water Department & Finance Committee

Read by: Paul Rafuse

Vote: Passed

**ARTICLE 17:**

I move that the Town vote to fix the salaries and compensation of all elected Officers of the Town as provided by M.G.L. Chapter 41, Section 108, as amended, and as appropriated in this warrant.

Submitted by:: Board of Selectmen & Finance Committee

Read by: Sue Lisio

Vote: Passed

**ARTICLE 18:**

I move that the Town vote to transfer from surplus revenues the sum of \$7200.00 for the purpose of purchasing a new multi-function copier, printer, scanner, and fax machine for the Fire-EMS Department Headquarters.

Submitted by: Fire/EMS Department

Read by: Chief Donald Klein

Vote: Passed

**ARTICLE 19:**

I move that the Town vote to amend the General Bylaws of the Town of Townsend by deleting Chapter 6, Automatic Sprinklers.

Submitted by: Fire/EMS Department

Read by: Chief Donald Klein

Vote: Passed Unanimous

**ARTICLE 20:**

I move that the Town vote to amend the General Bylaws of the Town of Townsend by adding thereto the following new section:

**Chapter 6**

**AUTOMATIC FIRE ALARM SYSTEMS**

**SECTION 1 – AUTOMATIC FIRE ALARM SYSTEMS:**

The Town of Townsend By-laws are hereby amended by adding the following By-law to be entitled “Automatic Fire Alarm Systems.”

SECTION 2 – DEFINITIONS:

When used in this By-law, unless a contrary intention clearly appears, the following words shall have the following meanings:

- A. “Automatic Fire Alarm System”: an electronically activated, heat activated, smoke activated, flame-energy-activated, or other such automatic device capable of transmitting an alarm signal to the Townsend Fire-EMS Department (TFED) by way of municipal master fire alarm box for the purpose of providing a fire alarm signal to the TFED.
- B. “Alarm System Malfunction”: The transmittal of an alarm signal to the TFED by way of a municipal master fire alarm box, through a central operating system, or by other automatic means, which alarm signal is caused by improper installation of an alarm system, a mechanically defective alarm system, lack of maintenance or some other reason that causes a fire alarm to sound even though there is no actual fire or situation that could reasonably evolve into a fire.
- C. “Alarm System Owner”: An individual or entity who owns a property interest in a building or structure in which an automatic fire alarm system is installed.
- D. “Fire Chief”: The Fire Chief of the TFED.
- E. “Municipal Master Fire Alarm Box” (Master Box): Control, equipment or device which enables an automatic alarm system to send a signal directly to the TFED.

SECTION 3 – CONNECTION OF THE ALARM SYSTEMS TO THE MUNICIPAL DEPARTMENT SYSTEM:

- A. Every alarm system owner whose alarm system is connected to the TFED by means of a master box prior to the effective date of this By-law shall pay the following fees:

Annual Fee: One Hundred (\$100.00) Dollars, payable July 1st of every calendar year.

- B. An alarm system owner whose alarm system is connected after the effective date of this By-law to the TFED by way of a master box shall pay the following fees:

Connection Fee: One Hundred (\$100.00) Dollars, payable at time of connection

Annual Fee: One Hundred (\$100.00) Dollars, payable July 1st of every calendar year.

NOTE: New connections annual fee will be prorated the first year based on what month in the calendar year connection is made.

- C. The Town of Townsend shall not be subject to the fees and/or fines set forth in this Bylaw.
- D. Before any alarm system is connected to the TFED, the alarm system owner shall provide the Fire Chief or his/her designee with the following information:

- (1) The name, addresses, and home and work telephone numbers of the alarm system owner;

- (2) The street address where the alarm system and master box is located and the name and address of the building owner;
- (3) The names, addresses, and telephone numbers of the persons or businesses to be protected by the alarm system connected to the master box;
- (4) The names, addresses, home and work telephone numbers of at least two (2) persons other than the alarm system owner who can be contacted twenty-four (24) hours a day, who are authorized by the alarm system owner to respond to an alarm signal and to have access to the premises in which the system is located; and
- (5) Such other information as the Fire Chief or his/her designee may require.

If at the passage of this By-law an alarm system has already been connected to the TFED by way of a master box, the alarm system owner shall comply with the requirements of this section within sixty (60) days after the TFED has sent notice by first class mail of the requirements of this section.

If an alarm system owner fails to comply with this section, the Fire Chief or his/her designee may assess a fine of fifty (50.00) dollars for each day of non-compliance.

Private alarm systems connected to the TFED by means other than the master box or through a central operating system, such as a company equipped to receive an alarm signal for each of its customers which then transmits to the TFED the location of such alarm, shall not be subject to the provisions of this section, but shall be subject to all other sections of this by-law.

#### SECTION 4 – UPDATING INFORMATION:

Every alarm system owner shall be responsible for updating the information herein required to be provided to the Fire Chief. If the information provided should change, the alarm system owner shall provide the TFED with the updated information within thirty (30) days of such change and shall pay the fee, if any, required by this By-law.

If the alarm system owner fails to comply with this section, the Fire Chief or his/her designee may assess a fine of fifty (\$50.00) dollars. Each day of noncompliance shall be considered a separate violation.

#### SECTION 5 – ALARM SYSTEM MALFUNCTIONS – FINES:

If there is an alarm system malfunction, as defined herein, the Fire Chief or his/her designee may assess a fine against the building owner for each malfunction according to the following schedule.

A. The first (1st) through the third (3d) malfunction: no charge. Upon the recording of the third (3d) malfunction by the TFED, the Fire Chief or his/her designee shall notify the owner of the building, in writing and by certified mail, of such fact, and at this time inform the owner of the TFED's policy with regard to charging for malfunctions.

The fourth (4th) malfunction: Fifty (\$50.00) dollars.

The fifth (5th) and any subsequent malfunction: One Hundred (\$100.00) dollars.

B. Any malfunction which is the result of the failure of the alarm system owner, building owner, occupant or their authorized agents to notify the TFED of the repair, maintenance or testing of the internal alarm system within the protected premises, shall cause a penalty to be assessed in accordance with subparagraph A of this section.

C. For the purpose of this By-law, a malfunction shall be defined as follows:

- (1) The action by an alarm system owner or an owner, employee, agent, or occupant of the protected premises, causing an accidental activation of the internal fire alarm system.
- (2) The operation of a faulty alarm system (including but not limited to faulty control panel or associated equipment), an accidental operation of an automatic sprinkler system or water pressure surge in automatic sprinkler equipment.

D. Upon the conclusion of any appeals of fines pursuant to Article II, Section 1.1 of the Bylaw and G.L. c.40, §21D, if the TFED is notified that a alarm system owner has failed to pay said fines, the TFED may, within its discretion, send written notice that failure to pay the fines within thirty (30) days of mailing or delivery of the notice shall result in disconnection from the master box.

#### SECTION 6 - RESTRICTIONS ON TAPE DIALERS AND SIMILAR AUTOMATIC TELEPHONE DEVICES:

A. **Mandatory Use of the Fire Alarm Cable for Automatic Systems:** No alarm system shall be equipped with a tape dialer, similar automatic telephone system or audible only system which may or may not transmit an alarm message to any telephone lines of the TFED, if the fire alarm cable currently runs in the way on which the building has frontage.

B. **Existing Systems:** If, upon enactment of the passage of this By-law, an alarm system in a building fronting on a way in which the fire alarm cable runs is equipped with such a tape dialer or similar automatic telephone device, or an audible system, the alarm system owner shall have sixty (60) days from the passage of this By-law to disconnect such tape dialer or similar automatic telephone device and connect to the fire alarm cable.

C. **Extension of the Fire Alarm Cable:** In the event the fire alarm cable is extended so as to run in the way on which a building has frontage and the building utilizes a tape dialer or similar automatic telephone system, or an audible only system, the alarm system owner shall be required to connect to the fire alarm cable with-in sixty (60) of notice from the TFED that the fire alarm cable has been extended. The alarm system owner shall also terminate use of the tape dialer or similar automatic telephone system within the sixty (60) days of notice from the TFED of the extension of the fire alarm cable.

D. **Violations:** If an alarm system owner fails to comply with this section, the Fire Chief or his/her designee may assess a fine of fifty (\$50.00) dollars.

**SECTION 7: APPEAL PROCEDURE:**

Any alarm system owner or building owner who is aggrieved by an action taken by the Fire Chief under this By-law may, within ten (10) days from such action, file an appeal, in writing, to the Board of Selectmen of the Town of Townsend. After notice, the Board shall hold a hearing, after which it shall issue a decision in which it affirms, annuls or modifies the action taken by the Fire Chief giving its reasons therefore.

The Board shall send its decision to the owner by first class mail within ten (10) days after the hearing. The decision of the Board shall be a final administrative decision.

**SECTION 8: REGULATIONS AND ENFORCEMENT:**

The Fire Chief may promulgate such regulations as may be necessary to implement this By-law. The Fire Chief is authorized to pursue such legal action as may be necessary to enforce this By-law.

**SECTION 9 – DEPOSIT:**

All annual and connection fees herein shall be payable to the TFED for deposit in the Fire Alarm Maintenance Account.

**SECTION 10 – SEVERABILITY/LIABILITY:**

The provisions of this By-law shall be deemed to be severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not effect or impair any of the remaining provisions.

The Town of Townsend shall be under no duty or obligation to maintain any specialized equipment or communication system for the monitoring of fire alarm systems. The installation and maintenance of automatic fire alarm systems permitted by this By-law shall be made at no cost to the Town of Townsend.

No liability whatsoever is assumed by the Town of Townsend for the failure of such fire alarm system or monitoring facilities or for failure to respond to fire alarms, or for any other act or omission in connection with such fire alarm systems. Each fire alarm system owner shall be deemed to hold and save harmless the Town of Townsend, its departments, officers, agents and employees for liability in connection with the owner’s fire alarm system.

Submitted by: Fire/EMS Department  
Read by: Chief Donald Klein  
Vote: Passed Unanimous

**ARTICLE 21:**

I move that the Town vote to amend Article II, Section 1.1 of the General By-laws of the Town of Townsend by adding a new section, I. Automatic Fire Alarm Bylaw, as follows:

I. Automatic Fire Alarm System Bylaw

- (1) Enforcing Officer: Fire Chief or Municipal Hearing Officer
- (2) Malfunctions
  - (a) First Offense No charge.
  - (b) Second Offense No charge.
  - (c) Third Offense Written Warning.
  - (d) Fourth Offense \$50.00.
  - (e) Fifth Offense \$100.00.
  - (f) All Subsequent Offenses \$100.00
- (3) Other Violations
  - (a) First Offense \$50.00
  - (b) All Subsequent Offenses \$50.00

Submitted by:: Fire/EMS Department  
 Read by: Chief Donald Klein  
 Vote: Passed Unanimous

**ARTICLE 22:**

I move that the Town vote to establish a Fire Alarm Maintenance Revolving Account in accordance with M.G.L. Chapter 44, Section 53E1/2, to which will be credited yearly revenue collected from annual fire alarm maintenance fees, connect fees, and fine assessments, which shall be used for the operating cost and capital expenditures for the Town’s portion of the fire alarm system to be authorized by the Chief of the Fire-EMS Department, of which expenditures shall not exceed \$3,000.00.

Submitted by:: Fire/EMS Department  
 Read by: Chief Donald Klein  
 Vote: Passed Unanimous

**ARTICLE 23:**

I move that the Town vote to renumber the Facilities Maintenance Department Bylaw, and its subsections as appropriate, from Chapter 43 to Chapter 44 of the General Bylaws of the Town of Townsend.

Submitted by:: Board of Selectmen  
 Read by: Nicholas Thalheimer  
 Vote: Passed Unanimous

**ARTICLE 24:**

I move that the Town will vote amend the Sex Offender Bylaw of the General Bylaws of the Town of Townsend by adding the italicized text underlined and deleting the text shown as stricken:

Section 1 (4) “Day care center” means an establishment, whether public or private, which provides care for children and is registered with and licensed pursuant to the laws of the Commonwealth of Massachusetts. ~~by the Office of Child Care Services.~~

Section 1(12) “Establishing a residence” means to set up or bring into being a dwelling place or an abode where a person sleeps, which may include more than one location and may be mobile or transitory, or by means of purchasing real property or entering into a lease or rental agreement for real property ~~(including a renewal or extension of a prior agreement whether through written execution or automatic renewal).~~

Section 2(3) Notice to move. Any currently classified level 2 or 3 sex offender who establishes a permanent residence within one thousand (1,000) feet of the Town Library or any school, day care center, park, elderly housing facility or place of worship shall be in violation of this section and shall within thirty (30) days of receipt of written notice of the sex offender's noncompliance with this ~~chapter~~ *bylaw*, move from said location to a new location, but said location may not be within one thousand (1,000) feet of the Town Library or any school, day care center, park, elderly housing facility or place of worship. It shall constitute a separate violation for each day beyond the thirty (30) days the sex offender continues to reside within one thousand (1,000) feet of the Town Library or any school, day care center, park, elderly housing facility or place of worship. Furthermore it shall be a separate violation each day that a sex offender shall move from one location in the Town of Townsend to another that is within one thousand (1,000) feet of the Town Library or any school, day care center, park, elderly housing facility or place of worship. Submitted by: Police Chief/Board of Selectmen  
Read by: Chief Erving Marshall, Jr.  
Vote: Passed

**ARTICLE 25:**

I move that the Town vote to amend Article III, §145-54 of the Zoning Bylaws of the Town of Townsend by adding the italicized text underlined and deleting the text shown as stricken:

**Article IX**

**§145-54 Groundwater Protection District.**

**B.**

Scope of authority. The Groundwater Protection District is an overlay district superimposed on the zoning districts. The Groundwater Protection District shall be defined as the recharge areas ~~Zone I, identified as Zone II, and Zone III,~~ as delineated on a map entitled "Groundwater Protection Overlay Map," dated April 1998; ~~and in addition, the recharge areas Zone I, Zone II, Zone III as delineated on a map entitled "Zone II Delineation, Witches Brook Wells," dated June 1999;~~ and a map entitled "Harbor Trace Well, Townsend, Massachusetts," dated November 2004 and endorsed by the Department of Environmental Protection on March 31, 2006. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses as set forth in Subsection F. Applicable activities or uses in a portion of one of the underlying zoning districts which fall within the Groundwater Protection District must additionally comply with the requirements of this district. Uses that are prohibited in the underlying zoning districts shall not be allowed in the Groundwater Protection District.

Submitted by: Water Department & Planning Board  
Read by: Paul Rafuse  
Voted: Passed Unanimous

**ARTICLE 26:**

I move that the Town will vote to amend Article III, §145-7 and Article IX, §145-45 of the Zoning Bylaws of the Town of Townsend by adding the italicized text underlined and deleting the text shown as stricken:

**Article III. Establishment of Zoning Districts**

**§145-7. Location of Districts.**

Except for Wetlands and Floodplain Districts, the location and boundaries of these districts are hereby established as shown on maps entitled "Townsend Zoning Bylaw Maps #1 - 12," dated January 1989, and as subsequently amended with the approval of Town Meeting, ~~and bear the signatures of the members of the Planning Board.~~ The Floodplain District is shown on maps entitled "*Middlesex County Flood Insurance Rate Maps*", dated June 4, 2010. ~~"Flood Insurance Rate Maps and Flood Boundary and Floodway Maps," dated August 2, 1982.~~ All maps are on file in the office of the Town Clerk. These maps with all explanatory matter thereon are declared to be a part of the Zoning Bylaw of the Town of Townsend, Mass.

C. The commercial and industrial districts as shown on Maps #2 - 12 are based on the "Assessor Maps." ~~revised December 31, 1986.~~

## **Article IX. Special Provision.**

### **§145-45. Floodplain District.**

E.

(5) In Zone AE, along watercourses within the Town of Townsend that have a regulatory floodway, as ~~In the floodway,~~ designated on the *Middlesex County Flood Insurance Rate Maps, dated June 4, 2010,* ~~Town of Townsend Flood Boundary and Floodway Map, , 25017C0035E, 25017C0042E, 25017C0061E, 25017C0062E, 25017C0064E and 25017C0068E dated June 4, 2010,~~ all encroachments, including fill, new construction, substantial improvements to existing structures and other development, are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels within the community during the occurrence of the one-hundred-year flood.

H. ~~The Floodplain District is described on a map entitled "Zoning Map of Townsend, Massachusetts," dated May 25, 1982 subtitled "Flood Insurance Rate Maps and Flood Boundary and Floodway Maps," dated August 2, 1982, in the numbered sheets 13 through 34 of the Zoning Maps of the Town of Townsend. The Floodplain District includes all flood hazard areas designated as Zone A, A1-30 on the Townsend Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, dated August 2, 1982. herein established as an overlay district. The District includes all special flood hazard areas within the Town of Townsend designated as Zone A and AE, on the Middlesex 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 Middlesex County FIRM that are wholly or partially within the Town of Townsend are panel numbers 25017C0035E, 25017C0042E, 25017C0045E, 25017C0055E, 25017C0060E, 25017C0061E, 25017C0062E, 25017C0063E, 25017C0064E, 25017C0068E, 25017C0070E, 25017C0177E and 25017C0181E dated June 4, 2010. The boundaries of the District are defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.~~

J. ~~Within~~ In Zone A areas within ~~on the~~ Town of Townsend on the Middlesex County Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, dated June 4, 2010, where the base flood elevation is not provided, the applicant shall use the best available Federal, State, local or other floodway data 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. ~~obtain any existing base flood elevation data and~~ Base flood elevation data is required for all subdivision proposals or other developments greater than 50 lots, or greater than 5 acres, within

unnumbered A zones. This data shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation of flood proofing requirements, as appropriate, of the State Building Code.

K. In a riverine situation, the Building Inspector shall notify the following of any alteration or relocation of a watercourse:

1. Adjacent communities.
2. Bordering states.
3. NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 600-700  
Boston, MA 02114-2104
4. NFIP Program Specialist  
Federal Emergency Management Agency, Region 1  
99 High Street, 6<sup>th</sup> Floor  
Boston, MA 02110

L. All development in the Floodplain 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 and with the following:

1. The section of the Massachusetts State Building Code which addresses floodplain hazard zones (780 CMR 120.G).
2. Wetlands Protection Regulations, Department of Environmental Protection (310 CMR 10.00).
3. Inland Wetlands Restriction, Department of Environmental Protection (310 CMR 13.00).
4. Minimum requirements for the Subsurface Disposal of Sanitary Sewage, Department of Environmental Protection (310 CMR 15, Title 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.

Submitted by: Conservation Commission

Read by; Karen Chapman

Vote; Passed Unanimous

#### **ARTICLE 27:**

I move that the Town will vote to support the passage by the General Court of legislation enabling municipalities to more easily establish municipal lighting plants.

Submitted by: Board of Selectmen

Read by: Robert Plamondon

Vote: Passed

#### **ARTICLE 28:**

I move that the Town vote to accept Massachusetts General Laws, Chapter 60A, Section 1, as amended by St. 2008, c.182, section 16 and section 117, which provides that the motor vehicle excise imposed by this chapter shall not apply to a motor vehicle owned and registered by a resident who is in active and full-time military service for at least 45 days of the excise calendar year.

Submitted by: Board of Assessors

Read by: Niles Busler  
Vote: Passed

**ARTICLE 29:**

I move that the Town vote to amend the Town Zoning Map to Enlarge the Outlying Commercial District Zone from 27 Main St. (Map 33 Block 58 Lot 0) to include Adjacent Properties located (29 Main St. (Map 33, Block 58-1 Lot 0,) 35 Main St. (Map 33, Block 56 Lot 0) and 37 Main St. (Map 33 Block 54 Lot 0 as shown on an attached copy of assessors Map 33 or take any other action in relation thereto.

Submitted by: Petition  
Read by: Arthur Dauphinais  
Vote: Failed

**ARTICLE 30:**

I move that the Town will vote to amend the Town Zoning Map to Enlarge the Outlying Commercial District Zone from 27 Main St. (Map 33 Block 58 Lot 0) to include Adjacent Properties located (29 Main St. (Map 33, Block 58-1 Lot 0,) 35 Main St. (Map 33, Block 56 Lot 0) 37 Main St. (Map 33 Block 54 Lot 0 and 2 Pepperell Rd.(Map 33 Block 57, Lot 1) as shown on an attached copy of assessors Map 33 or take any other action in relation thereto.

Submitted by: Petition  
Read by: Niles Busler  
Vote: Take no action

**ARTICLE 31:**

I move that the Town will vote to amend the OSPD minimum requirements as set out in Section 145-39 C (1) of the Town of Townsend Zoning Bylaw as follows:

145-39 C

(1) Any parcel of land located within a zone permitting OSPD which would accommodate at least 3 dwelling units under the provisions of the underlying zoning district may be considered for an OSPD subject to a special permit issued by the Planning Board.

Submitted by: Petition  
Read by: William Cadogen  
Vote: Failed

**ARTICLE 32:**

I move that the Town will vote to amend the OSPD Open Space requirements as set out in Section 145-39 F (2) of the Town of Townsend Zoning Bylaw as follows:

145-39 F (2). Within an OSPD, no less than 30% of the total land area shall be devoted to open space, whether delineated as a separate parcel, or (in a project of 4 lots or fewer,) as areas of the lots formally designated by the developer under the “conservation restriction” process as outlined in MGL Ch 184 sections 31-33. The open space shall not include land set aside for roads and/or parking uses. No more than 50% of the open space shall contain wetlands as defined by MGL Ch 131, section 40. If the open space requirement is satisfied through the conservation restriction approach, the open space ownership, taxation, and maintenance provisions of this bylaw are moot, since the open space belongs to the lot owner. This approach will simplify the tax picture for the town.

Submitted by: Petition  
Read by: John Whittemore  
Vote: Take No Action

**ARTICLE 33:**

I move that the Town vote to amend Town bylaw Chapter 112-16 Alcoholic Beverages to read "No person shall sell, serve or drink any alcoholic beverages as defined in MGL Chapter 138. Section 1, while on, in or upon any public way or upon any way to which the public has a right of access, or in any Town owned buildings, any common, park or playground, or any place to which members of the public have access as invitees or licensees, or any public land or place, without consent of the owner or person of such private only land or place. All alcoholic beverages being used in violation of this bylaw shall be seized and safely held until find adjudication of the charge against the person or persons arrested or summoned before the court at which time they shall be returned to the person entitled to lawful possession. Whoever violates this bylaw shall be punished by a fine of not more than \$50.00.

Submitted by:       Petition  
Read by:             Jane Jackson  
Vote:                 Take No Action

The Annual Town Meeting was dissolved at 10:50pm May 4, 2010.