

**WARRANT and PROCEEDINGS**  
For the ANNUAL TOWN MEETING  
held on May 11<sup>th</sup>, 12<sup>th</sup>, 14<sup>th</sup> and 20<sup>th</sup>, 1998

To either of the Constables of the Town of Boxborough, Greetings.

In the name of the Commonwealth of Massachusetts, you are hereby required to notify all residents of the Town of Boxborough, who shall be qualified to vote in accord with the provisions of G.L. Chapter 51, Section 1, to meet at the Blanchard Memorial School, Massachusetts Avenue, Boxborough, MA on Monday, May 11th, 1998 at 7:30p.m. to act on Articles 1 through 41 of this Annual Town Meeting Warrant.

You are also required to notify all such residents of Boxborough to come to their polling place at Blanchard Memorial School at 7:00 a.m. on Monday, the 18th day of May, 1998 for the Election of Town Officers pursuant to Article 1 of this Warrant. The polls will be open continuously until 8:00 p.m. when they shall be closed.

**ARTICLE 1.**

One Moderator for one year;  
One Town Clerk for one year;  
One Selectmen Member for three years;  
One Member of the Board of Health for three years;  
One Member of the Local and of the Regional School Committee for three years;  
One Member of the Local School Committee for three years;  
Two Members of the Planning Board for Three years;  
One Member of the Planning Board for a two year unexpired term;  
Two Library Trustees for three years;  
Two Constables for three years;

As well as other Town Officers as may be necessary.

And to vote on Question 1.

**QUESTION 1.**

Shall the Town of Boxborough be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to purchase all or a portion of the Stuart land located on Flagg Hill Road identified as Assessors' Map 10, Block 4, Lot 294?

YES 661      NO 105      BLANKS 5

**ACTION ON ARTICLE 1**, May 18, 1998. Specimen Ballots and Cards of Instruction were posted as required by law. The Ballot Box was examined and found to be empty and in order, and the keys were delivered to the Police Officer on duty. The Election Officials--all duly worn in before beginning their duties--were Warden, David Birt; Clerk, Virginia B. Richardson; Tellers, Marguerite Hugel, Mary Larson, Jacqueline Cumming, Patricia Fallon, Diane Machamer, Ellen Landry, Ann Canfield and Elaine Garabedian. Counters; Charlene Golden, Sally Graves, Nancy Howe, Robert MacEwan, Joan Rudenko, Patricia White, Barry Harsip, Richard Golden, Rita McCarthy and Mary Anne Vogel. In the absence of the Moderator, Virginia Richardson opened the polls at 7:00 a.m. and closed the polls at 8:00 p.m. Both check lists indicated that 771 persons had voted and 771 ballots were taken from the Ballot Box (this included 8 absentee ballots). There were 2530 registered voters. The count was completed at 11 p.m. The results of the election were as follows:

**MODERATOR**, One Year

Reginald C. Brown	666
Jeanne Garrison	2
Deborah Gray	2
Blanks	101

**TOWN CLERK**, One Year

Virginia B. Richardson	690
John Fallon	1
Blanks	80

**SELECTMEN**, Three Years

Frank W. Gordon	199
Donald R. Wheeler	461
Blanks	111

**SCHOOL COMMITTEE**, Three Years  
Local and Regional

John G. Fallon	54
John R. Davis	1
Michele Goodnow	1
Blanks	715

**SCHOOL COMMITTEE, Three Years**  
Local

John R. Davis	283
Donna A. Madden	362
Blanks	126

**LIBRARY TRUSTEE, Three Years**

Robert W. McNeece	588
Sandra W. Haber	586
Blanks	358

**PLANNING BOARD, Three Years**

Richard I. Scarlet	619
John M. Markiewicz	588
Blanks	335

**PLANNING BOARD, Two Years**  
(Unexpired Term)

Christopher Trainor	609
Blanks	162

**BOARD OF HEALTH, Three Years**

Bryan F. Lynch	614
Blanks	157

**CONSTABLE, Three Years**

David L. Birt	597
Randolph T. White	577
Blanks	368

The Annual Town Meeting was called to order at 7:45 after most of the voters were seated. There were 406 voters in attendance. A motion was made to adjourn the ATM and act on the articles of the Special Town Meeting. This motion carried.

Mr. Brown recognized Sue Elenbaas, who gave the Town many years as a Selectman and a member of the Finance Committee; Debra Turner who served on the Recreation Commission, and was also the Chairman for many years; Eleanor Smith who has been our Treasurer since 1967; Mary Anne Vogel who has served on the Regional School Committee and Janet Glidden who has served on the Local School Committee, each for a number of years.

Ms. Canfield made a motion that the subsequent sessions of this Town Meeting would be held on Tuesday, May 12, Thursday, May 14, and Wednesday, May 20. This motion carried unanimously.

Mr. Brown made a procedural motion that all matters to come before this Annual Town Meeting requiring a two-thirds vote by statute, a count need not be taken unless the vote so declared by the Moderator is immediately questioned by seven or more registered voters. This motion carried.

The ATM was reconvened at 9:40 p.m.

Mr. Brown made a motion that we advance the action on Article 26. This motion carried.

**ARTICLE 26.** To see if the Town will vote to appropriate the sum of Seven Thousand Five Hundred (\$7,500) dollars more or less, which money will be used to purchase an Acc-Vote ES2000 advanced optical scan vote tabulating system and to pay for the first year set-up costs; and to determine whether the funds will be raised by taxation, transferred from available funds, or borrowed under the provisions of Chapter 44 of the General Laws or otherwise; or take any other action relative thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** To increase the accuracy and efficiency of the Town Clerk's election procedures, the Finance Committee recommends the purchase of the scanner for counting election ballots. This equipment purchase has a pay back period of approximately three years.

**ACTION ON ARTICLE 26,** May 11, 1998. On Ms. Canfield's motion, the Town did vote that the sum of \$7,500 be raised and appropriated to purchase a voting machine and to pay for the first year setup costs.

**ARTICLE 2.** To hear the reports of the Selectmen and other Town Officers, Agents and Committees; or take any other action in relation thereto.

**ACTION ON ARTICLE 2,** May 11, 1998. On Mr. White's motion, the Town did vote, unanimously, to hear the reports of the Selectmen and other Town Officers, Agents and Committees.

**ARTICLE 3.** To see if the Town will vote to fix the salaries and compensation of various officials for the year beginning July 1, 1998 as follows:

Selectmen	\$ 400.00 each member/year
Board of Health	166.67 each member/year
Tax Collector	35,104.00 year
Town Clerk	22,948.00 year
Moderator	25.00 each meeting
Constables	3.00 each copy/warrant posted
Planning Board Members	109.00 each member/year

**THE FINANCE COMMITTEE RECOMMENDS.**

**ACTION ON ARTICLE 3,** May 11, 1998. On Ms. Canfield's motion, the Town did vote to fix the salaries and compensation of various elected officials for year beginning July 1, 1998 as printed in the warrant under Article 3.

Mr. Schricker made a motion to take Articles 36 through 40 out of order and to act on said Articles in their respective order immediately following action on Article 3. This motion carried.

**THE FOLLOWING ARTICLES ARE SUBMITTED BY PETITION AND PRINTED EXACTLY AS SUBMITTED.**

**ARTICLE 36.** To hear the final report of the Town Government Study Committee or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS THAT WE HEAR THE REPORT.**

**ACTION ON ARTICLE 36,** May 11, 1998. This article merely accepts the report; it does not mean that we vote the individual articles. On Mr. Hilberg's motion, the Town did vote to hear the final report of the Town Government Study Committee.

**ARTICLE 37.** To see if the Town will vote to amend the Personnel Administration Plan, Schedules A and B, by creating the new position of Town Administrator and by reclassifying the position of Executive Administrator to Administrative Assistant, in accordance with the revised schedules on file in the office of the Town Clerk, or to take any other action relative thereto.

**THE FINANCE COMMITTEE RECOMMENDS BY A VOTE OF 5 TO 4.**

**Majority Opinion:** The Town Government Study Committee has recommended in its report that the rapid growth of the town necessitates that the role of the senior town administrator be redefined and that additional resources are required to support the town committees and boards. Passage of this article will require additional action by Town Meeting to amend the Personnel Plan (Article 4) and the line items for General Government salaries (Article 5).

**Minority Opinion:** A substantial minority of the Finance Committee believes that the creation and/or modification of any position, including the proposed Town Administrator, should follow the normal administrative procedure, namely:

1. Discussion and definition of the position by the supervisor (Selectmen), Personnel Board, and Selection Committee, (if such is warranted)
2. Creation of a job description and compensation schedule commensurate with the defined position roles and responsibilities, and
3. Presentation of the proposed position and modification of Schedules A & B to Town Meeting for approval.

Furthermore, we believe that the proposed definition of a compensation schedule for a new Town Administrator in advance of a well-defined position description represents poor financial and personnel administration practice.

**ACTION ON ARTICLE 37,** May 11, 1998. It was thought that the present position has been unsupervised in day to day procedures. Mr. Gorman stated that he didn't think that this position was necessary with today's technology. Others thought that it would strengthen the Town. Ms Lyons made a motion to move the question. This motion carried. On Mr. Steele's motion, the Town did vote to amend the Personnel Administration Plan, Schedules A and B, by creating the new position of Town Administrator and by reclassifying the position of Executive Administrator to Administrative Assistant, in accordance with the revised schedules on file in the office of the Town Clerk. Article 37 carried by about 150 in favor; 30 opposed.

The revised schedule is shown under Article 4 of this Warrant.

The first session of this meeting adjourned at 11:00 p.m. and reconvened at 7:30 p.m. on Tuesday, May 12th, 1998.

**ARTICLE 38.** To see if the town will vote to authorize and instruct the Board of Selectmen to establish a Search Committee for the purpose of soliciting, receiving, evaluating and making recommendations to the Board of Selectmen with regard to applications for the position of Town Administrator. Such Search Committee to be appointed not more than 30 days after the adoption of this article.

The Search Committee shall consist of five voters who shall be chosen as follows: The Board of Selectmen, the Finance Committee, and the School Committee shall each designate one representative to sit on the committee along with the Moderator. These four members shall then select a fifth member from the Town's registered voters. This fifth member shall not be serving in any elected office or employed by the town at the time of his /her appointment.

Further, that the Board of Selectmen shall direct the Search Committee to follow, to the extent reasonably practical, the procedures outlined in the handout to this article, such handout being hereby incorporated by reference in its entirety, or to take any other action relative thereto.

**THE FINANCE COMMITTEE RECOMMENDS BY A VOTE OF 5 TO 4.**

**Majority opinion:** Utilization of a committee in the search process to fill key positions in town government is an effective way of operation. While the final decision is still the responsibility of the hiring Board, the use of a broader based committee to screen and narrow down applicants to a final candidate list can result in better decisions.

**Minority opinion:** A substantial minority of the Finance Committee believes that the proposed Search Committee authorization is inappropriate due to the effective circumvention of established administrative procedures employed in proposing the new Town Administrator position. Our objection to this particular committee authorization in no way diminishes our general agreement that a Search Committee can be extremely helpful in defining new and/or modified positions within town government.

**ACTION ON ARTICLE 38,** May 12, 1998. There was a lot of discussion on whether this article would tie the hands of the Selectmen; but this would be an advisory Committee and the Selectmen would still retain control. On Mr. Steele's motion, the Town did vote to authorize and instruct the Board of Selectmen to establish a search committee for the purpose of soliciting, receiving, evaluating and making recommendations to the Board of Selectmen with regard to applications for the position of Town Administrator as printed in the warrant under Article 38.

After some discussion on Article 39, Mr. Neville made a motion to table this article until the end of the Town Meeting to see how many voters were still present to carry on the business of the meeting. This motion carried.

**ARTICLE 40.** To see if the Town will vote to authorize and direct the Board of Selectmen to file a home rule petition with the General Court to read substantially as follows:

AN ACT providing for recall election in the town of Boxborough.

*Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, as follows:*

SECTION 1. Any holder of an elected office in the town of Boxborough may be recalled therefrom by the registered voters of said town as herein provided.

SECTION 2. Any one hundred registered voters of the town may file with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for such recall. Upon certification of the required signatures, the town clerk shall thereupon deliver to the first named voter on the affidavit copies of petition blanks addressed to the selectmen demanding such recall, copies of which printed forms he shall keep available. Said blanks shall be issued by the town clerk with his signature and official seal attached thereto. They shall be dated, shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought and the grounds of recall as stated in the affidavit and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the

office of the town clerk. The recall petition shall be returned and filed with the town clerk within thirty days after the filing of the affidavit and shall have been signed by at least fifteen percent of the registered voters of the town as of the date such affidavit was filed with the town clerk. To every signature shall be added the place of residence of the signer, giving the street and number, if any. The town clerk shall, within seventy-two hours of receipt thereof, submit the petition to the registrars of voters in the town, and said registrars shall forthwith certify thereon the number of signatures which are names of registered voters of the town.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with his certificate to the selectmen without delay and the selectmen shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled. If such officer does not resign within five days thereafter, the selectmen shall order an election to be held on a date fixed by them not less than sixty-four days nor more than ninety days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is scheduled to occur within one hundred days after the date of the certificate, the selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4. Any officer sought to be removed may be a candidate to succeed himself and, unless he requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the same shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If he is not recalled, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in section seven. If he is recalled, he shall be deemed removed upon the qualifications of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

SECTION 6. Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (x), may vote for either of said propositions. Under the proposition shall appear the word "Candidates" and the directions to voters required by section forty-two of chapter fifty-four of the General Laws and, beneath this, the names of candidates nominated as hereinbefore provided. If a majority of the votes cast upon the question of recall is in the affirmative then the candidate receiving the highest number of votes shall be declared elected. If a majority of votes cast on the question is in the negative, then the ballots for candidates need not be counted. If fewer than twenty-five percent of the registered voters of the Town participate in the election, no votes need be counted and the election shall be deemed to have determined that the incumbent should not be recalled.

SECTION 7. No recall petition shall be filed against an officer within six months after he takes office, nor in the last six months of his term, nor in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters of the town has elapsed.

SECTION 8. No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him shall be appointed to any town office within two years after such recall or resignation.

SECTION 9. This act shall take effect upon passage, or to take any other action relative thereto.

**THE FINANCE COMMITTEE DOES NOT RECOMMEND** passage of this article as written. While there is agreement on the intent of this article, the Committee is concerned that the thresholds established are not stringent enough to protect from the misuse of this process.

**ACTION ON ARTICLE 40**, May 12, 1998. The Finance Committee was split 4-4 on this article. The tellers were Cheryl Levine, William Ray, Janet Glidden and Keshava Srivastava. Jim Gorman made a motion that the wording of Article 40 (Recall Election) be changed in the following particulars, with the balance of the article remaining identically as presented in the Town Meeting Warrant:

SECTION 2.

In the first line, change "one hundred registered voters" to 'two hundred registered voters"

In the thirteenth line, change "fifteen percent of the registered voters' to "twenty-five percent of the registered voters"

## SECTION 6.

In the ninth line, change "If a majority of votes cast" to "If a two-thirds majority of votes cast"

In the eleventh line, change "If a majority of votes cast" to "if more than one-third of the votes cast"

In the twelfth line, change "If fewer than twenty-five percent of the registered voters" to "if fewer than fifty percent of the registered voters"

Timmi Rudolph made a motion to amend Mr. Gorman's motion by changing the ninth line and the eleventh line of Section 6 back to the original wording and to amend the twelfth line of Section 6 to read, "If fewer than thirty percent of the registered voters". This motion carried. On Mr. Rudolph's motion, as amended, the Town did vote to authorize and direct the Board of Selectmen to file a Home Rule Petition with the General Court establishing a recall procedure in the Town of Boxborough as printed in the warrant under Article 40, provided that the Legislature may reasonable vary the form and substance of the requested legislation within the scope of the general objectives of this petition. The vote on this article was 142 in favor; 34 opposed. The Home Rule petition as voted is as follows:

### HOME RULE PETITION AN ACT providing for recall election in the town of Boxborough.

*Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, as follows:*

SECTION I. Any holder of an elected office in the town of Boxborough may be recalled therefrom by the registered voters of said town as herein provided.

SECTION 2. Any two hundred registered voters of the town may file with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for such recall. Upon certification of the required signatures the town clerk shall thereupon deliver to the first named voter on the affidavit copies of petition blanks addressed to the selectmen demanding such recall, copies of which printed forms he shall keep available. Said blanks shall be issued by the town clerk with his signature and official seal attached thereto. They shall be dated, shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought and the grounds of recall as stated in the affidavit and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within thirty days after the filing of the affidavit and shall have been signed by at least twenty-five percent of the registered voters of the town as of the date such affidavit was filed with the town clerk. To every signature shall be added the place of residence of the signer, giving the street and number, if any. The town clerk shall, within seventy-two hours of receipt thereof, submit the petition to the registrars of voters in the town, and said registrars shall forthwith certify thereon the number of signatures which are names of registered voters of the town.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with his certificate to the selectmen without delay and the selectmen shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled. If such officer does not resign within five days thereafter, the selectmen shall order an election to be held on a date fixed by them not less than sixty-four days nor more than ninety days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is scheduled to occur within one hundred days after the date of the certificate, the selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4, Any officer sought to be removed may be a candidate to succeed himself and, unless he requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the same shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If he is not recalled, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in section seven. If he is recalled, he shall be deemed removed upon the qualifications of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

SECTION 6. Ballots used in a recall election shall submit the following propositions in the order indicated:  
For the recall of (name of officer)

Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (x), may vote for either of said propositions. Under the proposition shall appear the word "Candidates" and the directions to voters required by section forty-two of chapter fifty-four of the General Laws and, beneath this, the names of candidates nominated as herein before provided. If a majority of the votes cast upon the question of recall is in the affirmative then the candidate receiving the highest number of votes shall be declared elected. If a majority of votes cast on the question is in the negative then the ballots for candidates need not be counted. If fewer than thirty percent of the registered voters of the Town participate in the election, no votes need be counted and the election shall be deemed to have determined that the incumbent should not be recalled.

SECTION 7. No recall petition shall be filed against an officer within six months after he takes office, nor in the last six months of his term, nor in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters of the town has elapsed.

SECTION 8. No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him shall be appointed to any town office within two years after such recall or resignation.

SECTION 9. This act shall take effect upon passage,

**ARTICLE 4.** To see if the Town will vote to amend the Town of Boxborough Personnel Administration Plan as follows:

1. Amending Classifications of Positions Schedule A as printed in the handout by:
  - Adding the position of Town Treasurer Full-time
  - Adding the Position of Assistant Dog Officer Intermittent
  - Adding the Position of Enforcement Agent Part-time
  - Re-classifying the Position of Council on Aging Coordinator from Intermittent to Part-time; and by
2. Amending Compensation of Positions Schedule B as printed in the handout by:
  - Adding Compensation of Town Treasurer
  - Adding Compensation of Assistant Dog Officer
  - Adding Compensation of Enforcement Agent
  - Amending Compensation of Council on Aging Coordinator
  - Adjusting steps for an across the Board 2.5% percentage increase; or take any other action in relation thereto.

**ACTION ON ARTICLE 4**, May 12, 1998. On Ms. Canfield's motion, the Town did vote, unanimously, to amend the Town of Boxborough Personnel Administration Plan as printed in the warrant under Article 4 and as shown in the handout. The following is a copy of the handout available at Town Meeting:

The position of Enforcement Officer is shown on Schedule B as intermittent and the compensation for Code Enforcement agent is funded for \$2,000.00 Annual

Schedule A was amended to read as follows by vote of Article 37:

## REGULAR FULL-TIME SCHEDULE

## Town Administrator Annual Report

## Administrative Assistant Annual Report

Schedule B was amended to read as follows by vote of Article 37:

Position Title	Step A	Step B	Step C	Step D	Step E	Step F
Regular Full-time Schedule						
Town Administrator	55,000.00	55,925.00	58,917.38	60,979.48	63,113.77	65,322.75
Administrative Assistant	25,000.00	25,875.00	26,780.63	27,717.95	28,688.08	29,692.16

It is printed exactly as submitted.

**ARTICLE 5.** To see what sums of money the Town will appropriate and raise by taxation or otherwise for the operations and expenses of the Town, or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** The salaries are reflected in the line item budgets under Article 5.

**ACTION ON ARTICLE 5**, May 12, 1998. The Finance recommends this article. Ms. Gray made a motion that the Town vote to amend Line Item 22 by decreasing it by \$1,200 from \$7,459 to \$6,259. This amendment carried.

Mr. Schricker made a motion to amend Article 5 line 4 entitled Selectmen Salaries by deleting the amount of \$57,667 recommended for FY99 as printed in the warrant and replacing it with the amount of \$122,990.00. This amendment carried.

Ms. Gray made a motion to amend Line Item 14 by increasing it by \$5,000 from \$9,000 to \$14,000. This motion carried unanimously.

Mr. Scarlet made a motion to amend Line Item 24 by increasing it by \$400 from \$6,079 to \$6,479. This motion carried.

Ms. Gray made a motion that we amend Article 5 by adding a new Line Item 91A "Flagg Hill Interest, \$70,000". This motion carried unanimously.

Ms. Gray's motion that the Town vote to appropriate \$9,691,487.00 for the purposes set forth in line items 1 through 93 as printed in the fifth column of Article 5 of the warrant, headed "Recommended FY-99, except for:

Line22---decrease of	\$ 1,200.00
Line 4---increase of	65,323.00
Line 14---increase of	5,000.00
Line 24---increase of	400.00
Line 91A-increase of	70,000.00

total change--increase of \$139,523

and to meet this appropriation that:

\$8,775,573.96 be raised by taxation, including estimated cherry sheet aid of

\$ 569,000.00 that

\$ 150,000.00 be transferred from Free Cash to reduce the tax rate; and that

\$ 196,913.04 be transferred from other available funds as follows:

To line 6, Clerical Wages from Overlay Surplus	\$140,000.00
To line 34, Fire Dept. Sal & Wages from Overlay Surplus	50,000.00
To line 40, Code Enforcement Wages from the Wetlands protection fund	1,000.00

To line 6, Clerical Wages  
from the Wetland protection Fund 1,000.00

To line 54, Highway Department Expense  
from the Peter F. Whitcomb Fund 774.11

To line 65, Library Expense  
from int./AW Wetherbee Library Fund 5.88  
from Library Fines 488.00  
from Dog Tax Refunds 1,997.94

To line 69, Cemetery Salaries & Wages  
from int/Cemetery Perpetual Care Fund 1,647.11

carried unanimously.

There was a motion to take Article 6 up tonight as there were representatives from the Regional School to answer any questions. This motion carried, unanimously.

**ARTICLE 6.** To see if the Town will vote to accept a proposal that the Agreement for the Regional School District for the Towns of Acton and Boxborough be amended in accordance with G.L.c. 71, s14. The Agreement will be amended by deleting Section 1, paragraph B and substituting in its place the following: "On all matters coming before the Committee, each member from Boxborough shall cast one vote and each member from Acton shall cast a number of votes determined by dividing the population (as determined by the most recent town census) of Acton by twice the population of Boxborough and rounding the result to the nearest one tenth." Or take any other action in relation thereto.

## SUMMARY

The Present apportionment of membership on the committee could be held by a court to be in violation of the one person-one vote requirements of the United States Constitution, enunciated by the United States Supreme Court.

The Committee presently is composed of nine members, six from the Town of Acton and three from the Town of Boxborough. The six members from Acton are elected by the Town of Acton to the Acton School Committee and serve ex officio as members of the Committee. Three of the five members of the Boxborough School Committee are elected by the Town of Boxborough to serve on both the Boxborough School Committee and the Acton -Boxborough Regional School Committee. The other two persons elected by Boxborough serve solely as members of the Boxborough School Committee.

According to figures published by each Town in their annual reports, the 1996 (most recent census available for both towns) population of Acton is 18,883 and the 1996 population of Boxborough is 4,493. Using rough calculations, Acton's population is 4.2 times that of Boxborough. Thus, in order to provide approximately equal representation of the Regional School Committee, Acton should have 4.2 times the voting strength on the Committee as Boxborough. Presently, Acton has two times the Boxborough vote.

The proposed method of voting is therefore to give each of the three Boxborough members one vote and each of the six Acton members 2.1 votes, or Acton four times the Boxborough vote. This weighted voting retains the current composition of the Committee while ensuring constitutionality.

**THE FINANCE COMMITTEE RECOMMENDS.** Passage of this article will have no financial impact on the town. The presence of three voting Boxborough members on the regional board is more beneficial than the value of the votes.

**ACTION ON ARTICLE 6,** May 12, 1998. On Ms. Levine 's motion, the Town did vote to accept a proposal that the Agreement for the Regional School District for the Towns of Acton and Boxborough be amended in accordance with General Laws Chapter 71, Section 14 by deleting Section 1, Paragraph B and substituting in its place the following:

"On all matters coming before the Committee, each member from Boxborough shall cast one vote and each member from Acton shall cast a number of votes determined by dividing the population (as determined by the most recent town census) of Acton by twice the population of Boxborough and rounding the result to the nearest one tenth." The vote on this motion was 106 in favor; 3 opposed.

This session of the Town Meeting adjourned at 11:15 p.m. and reconvened on Thursday, May 14th at 7:30 p.m. with 137 voters in attendance.

**ARTICLE 7.** To see if the Town will vote to appropriate the sum of Forty Nine Thousand Five Hundred Sixty Seven (\$49,567) dollars more or less, for purposes of purchasing computers, printers, software, a 36" mobile display monitor, and computer furniture for the Blanchard Memorial School; and to determine whether the monies will be raised by taxation, transferred from available funds, or borrowed under the provisions of Chapter 44 of the General Laws or otherwise; or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** This article will allow the Blanchard School Committee to fund this year's portion of its 5-year technology plan.

**ACTION ON ARTICLE 7**, May 14, 1998. It was pointed out that Boxborough has a very advanced computer laboratory, and that we are getting a 58% reimbursement over twenty years. This is the third year of our upgrade. Mrs. Morse stated that she didn't like to see us get away from productive schoolwork and she thought that we should teach the students to write. James Goodwin made a motion to move the question. This motion carried. On Mr. Ray's motion, the Town did vote that the sum of \$49,567 be raised and appropriated to purchase computers, printers, software, a 36" mobile display monitor, and computer furniture for the Blanchard Memorial School.

**ARTICLE 8.** To see if the Town will vote to appropriate the sum of One Thousand (\$1,000) dollars, for cultural activities and programming in the Boxborough community sponsored by the Acton/Boxborough Cultural Council (ABCC). This will augment funds received by the state through the Massachusetts Cultural Council and will help address the cultural needs of the community; and to determine whether the monies will be raised by taxation, transferred from available funds, or borrowed under the provisions of Chapter 44 of the General Laws or otherwise; or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** If this article passes, funds for the Acton/Boxborough Cultural Council to use exclusively in Boxborough will become a regular line item in the budget beginning in FY00. These funds will promote the development of cultural events accessible to all Boxborough residents.

**ACTION ON ARTICLE 8**, May 14, 1998. Ms. Ginty-Geist stated that if this article carries it will appear as a line item in the budget next year. On Ms. Canfield's motion, the Town did vote that the sum of \$1,000 be raised and appropriated for cultural activities and programming in the Boxborough community sponsored by the Acton/Boxborough Cultural Council (ABCC).

**ARTICLE 9.** To see if the Town will vote pursuant to the provisions of M.G.L. Chapter 44 sec. 53E1/2 to reauthorize a revolving fund for purposes of receiving fees and paying the Plumbing/Gas Inspector for inspections conducted by him up to Fifteen Thousand (\$15,000) dollars; and further to provide that the monies remaining in the fund at the end of fiscal year 1998 be carried over into fiscal year 1999 to pay for inspections for permits not yet completed; or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** This article is required to re-authorize the revolving fund to pay inspectors from fees collected for that purpose. It is funded at the same level authorized last year and has no financial impact on the town.

**ACTION ON ARTICLE 9**, May 14, 1998. On Mr. White's motion, the Town did vote to reauthorize a revolving fund for the Plumbing/Gas Inspector as set forth in the warrant under Article 9.

**ARTICLE 10.** To see if the Town will vote pursuant to the provisions of M.G.L. Chapter 44 sec. 53E1/2 to reauthorize a revolving fund for purposes of receiving fees and paying the Electrical Inspector for inspections conducted by him up to Twenty Five Thousand (\$25,000) dollars; and further to provide that the monies remaining in the fund at the end of fiscal year 1998 be carried over into fiscal year 1999 to pay for inspections for permits not yet completed; or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** This article is required to re-authorize the revolving fund to pay inspectors from fees collected for that purpose. It is funded at the same level authorized last year and has no financial impact on the town.

**ACTION ON ARTICLE 10**, May 14, 1998. On Mr. White's motion, the Town did vote, unanimously, to reauthorize a revolving fund for the Electrical Inspector as set forth in the warrant under Article 10.

**ARTICLE 11.** To see if the Town will vote to appropriate Eighteen Thousand (\$18,000) dollars more or less, to be used to purchase a vehicle for the Inspector of Buildings; and to determine whether the monies will be raised by taxation, transferred from available funds, or borrowed under the provisions of Chapter 44 of the General Laws or otherwise; or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** The vehicle currently used by the Inspector of Buildings is at the end of its life. It is a former Police vehicle, has been driven over 109,000 hard miles, last year failed the safety inspection, has substantial body rust and a failing transmission. No "new" cruisers will be available from the Police Department this year. The vehicle is expected to last well in excess of 10 years due to the low mileage it will experience.

**ACTION ON ARTICLE 11,** May 14, 1998. On Ms. Canfield's motion, the Town did vote, unanimously, that the sum of \$18,000.00 be raised and appropriated to purchase a vehicle for the Inspector of Buildings.

**ARTICLE 12.** To see if the Town will vote to appropriate the sum of Eight Thousand (\$8,000) dollars more or less, which sum shall be used to purchase and for installation of (1) new Packetcluster Mobile Data Terminal in one of the Police Department's cruisers; and to determine whether the monies will be raised by taxation, transferred from available funds, or borrowed under the provisions of Chapter 44 of the General Laws or otherwise; or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** The Police Department has three cruisers. Two of the cruisers are presently equipped with this mobile information system. To assure the continued, maximum safety for our officers, the third car needs this technology.

**ACTION ON ARTICLE 12,** May 14, 1998. On Mr. White's motion, the Town did vote, unanimously, that the sum of \$8,000.00 be raised and appropriated to purchase and install one new Packetcluster Mobile Data Terminal in one of the Police Department's cruisers.

**ARTICLE 13.** To see if the Town will vote to appropriate the sum of Three Thousand (\$3,000) dollars more or less, which sum shall be used to purchase one (1) copy machine for the Police Department; and to determine whether the monies will be raised by taxation, transferred from available funds, or borrowed under the provisions of Chapter 44 of the General Laws or otherwise; or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** The Police Department presently has an extremely old machine that makes poor copies. To produce good documents, the department must use the town hall machine. In order to increase the efficiency of the department, they must have a functioning copier.

**ACTION ON ARTICLE 13,** May 14, 1998. On Mr. White's motion, the Town did vote, unanimously, that the sum of \$3,000.00 be raised and appropriated to purchase one copy machine for the Police Department.

**ARTICLE 14.** To see if the Town will vote to appropriate Thirty Five Thousand (\$35,000) dollars more or less, to purchase a forestry truck for the Fire Department, to include associated equipment; and to determine whether the monies will be raised by taxation, transferred from available funds or borrowed under the provisions of Chapter 44 of the General Laws or otherwise; or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** Engine 61 is a 1986 Ford F250 4-wheel drive pickup truck with over 100,000 miles. It responds to 40-50 alarm calls per year, many of these being brush fires which require carrying a skid with pump, hose and water tank. The current truck is heavily rusted, unreliable, and cannot safely carry the brushfire skid. An all-wheel drive vehicle is essential to answer many brushfire calls as the conventional engines cannot reach off-road locations. The proposed vehicle is a 1-ton capacity 4WD Ford F350 with a current bid price of slightly less than \$35,000.

**ACTION ON ARTICLE 14,** May 14, 1998. On Ms. Canfield's motion, the Town did vote, unanimously, that the sum of \$35,000.00 be raised and appropriated to purchase a forestry truck for the Fire Department, and to include associated equipment.

**ARTICLE 15.** To see if the Town will vote to accept the provisions of MGL Chapter 140, section 147A as it relates to the licensing of dogs; and furthermore, to amend the Town of Boxborough Dog Licensing Bylaw as printed below:

## DOG LICENSING BYLAW

Section 1. All dogs shall be licensed by the Town Clerk beginning January 1st and not later than March 10th of each calendar year.

Section 2. Fees for dog licenses are:

Neutered	\$	6.00
Un-neutered		10.00
Kennel up to 4 dogs		25.00
Kennel 5 to 10 dogs		50.00
Kennel 11 dogs and over		75.00

Section 3. Any person who is the owner or keeper of a dog in the Town of Boxborough and who fails to license said dog within the time prescribed by law in any year, shall be subject to a penalty of five (\$5.00) dollars to be payable to the Town Clerk upon demand by the Dog Officer in addition to the license fee; and said penalty is to be paid to the Dog Officer as compensation by the Town.

Section 4. Any person who fails to license a dog which is owned or kept in the Town of Boxborough within ten (10) days after demand made by the Dog Officer shall be subject to a penalty of twenty-five (\$25.00) dollars to be collected as provided for by this by- law. Or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** This article is necessary so that the Town may enforce dog licensing through its own By-law now that the Middlesex County Government Agency which was formerly responsible, has been abolished.

**ACTION ON ARTICLE 15.** May 14, 1998. On Ms. Canfield's motion, the Town did vote, unanimously, to accept the provisions of Massachusetts General Laws Chapter 140, Section 147A as it relates to the licensing of dogs; and furthermore to amend the Town of Boxborough dog licensing general by-law as printed in the warrant under Article 15.

**ARTICLE 16.** To see if the Town will vote pursuant to the provisions of M.G.L. Chapter 44 section 53E1/2 to establish a revolving fund for the purpose of receiving dog licensing fees and that all licensing fees and penalties be deposited in said fund to pay for costs up to a maximum of four thousand dollars annually relating to licensing, damage to livestock and fowl, and penalties paid to the Dog Officer; or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** This article establishes a fund for the receipt of dog licensing fees and penalties, and the payment of related fees and expenses.

**ACTION ON ARTICLE 16,** May 14, 1998. On Ms. Canfield's motion, the Town did vote, unanimously, to establish a. revolving fund for dog licensing fees as set forth in the warrant under Article 16.

**ARTICLE 17.** To see if the Town will vote to amend the Zoning By-Law as follows:

a) Change the entry in section 2231 for single-family dwelling in the Town Center District from "Y" to "SP"; and

b) Add a new section 2260 Single-family Dwellings in the Town Center District as follows:

2260. Single-family Dwellings in the Town Center District.

2261. Purpose. In order to promote mixed uses in Town Center District and to discourage the conversion of a majority of undeveloped Town Center land to residential uses, single-family dwellings shall only be permitted by special permit in conjunction with commercial development in a Mixed Use Development.

2262. Applicability. The Planning Board shall be the special permit granting authority for single-family dwellings in the Town Center. Single-family dwellings in existence prior to the effective date of this By-Law shall not be subject to this By-Law nor shall any extension or alteration to any existing single-family dwelling or a single-family dwelling previously approved under this By-Law,

provided that such extension or alteration complies with the applicable dimensional requirements of the Zoning By-Law. Building permits for new single-family dwellings may be withheld unless such single-family dwelling complies with the provisions of the By-Law and any special permit rendered hereunder.

New single-family dwellings may only be permitted as part of a Mixed Use Development. Mixed Use Developments may include any use permitted as of right in the Town Center District, or any use for which a special permit has been granted by the Board of Appeals, as well as single-family dwellings.

**2263. Criteria.** Prior to the issuance of a special permit for single-family dwellings in a Mixed Use Development, the Planning shall find the following:

- The proposal is consistent with the Master Plan;
- The proposal meets all the applicable dimensional requirements of the Zoning By-law;
- The proposed commercial uses are compatible with single-family residential uses;
- No more than 30 percent of the Gross Floor Area of the Mixed Use development may be used for single-family purposes;
- The commercial development will be constructed at the same or greater pace than the residential development on a square footage basis;
- Each single-family dwelling is located on its own lot;
- Buildings meet the architectural standards in Section 5469 for the Town Center District.

or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** This article will preserve the mixed use and light commercial component originally envisioned for the Town Center District.

**ACTION ON ARTICLE 17,** May 14, 1998. Mr. Taylor read the "Report of the Planning Board", as follows:

**Single-family dwellings by Special Permit in the Town Center District.**

In accordance with MGL ch 40A, sec. 5, the Planning Board conducted a public hearing on March 24, 1998 to review this Article.

The proposed article changes the use schedule in the Town Center District so that new single-family dwellings would only be allowed by special permit as part of a mixed use development. The article includes criteria for the issuance of a special permit for mixed use developments. The purpose of the article is to encourage mixed uses in the Town Center and to discourage the conversion of the undeveloped land in the Town Center to single-family residential uses. Currently, single-family dwellings are allowed by right in the Town Center.

This article evolved from the Master Plan work the Board has conducted over the past year. The Board identified adding requirements for mixed uses as zoning change priority. The proposal is consistent with the intent and purpose of the Town Center District which is to create a mixed-use, pedestrian oriented town center.

Therefore, the Planning Board recommends approval of Article 17.

**THE BOXBOROUGH PLANNING BOARD:**

---

Richard Scarlet, Chairman

---

Bruce Taylor, Clerk

---

John Markiewicz, Member

---

Anthony D'Agostino, Member

---

Christopher Trainor, Member

On Mr. Taylor's motion, the Town did vote, unanimously, to amend sections 2231 and 2260 of the Zoning By-Laws as printed in the warrant under Article 17.

**ARTICLE 18.** To see if the Town will vote to amend the Zoning By-Law and Zoning Map by rezoning the Agricultural-Residential portion of Lot 166.1 and the entire Lot 166.2B on Map 6, Group 4 from Agricultural-Residential to Business.

or take any other action in relation thereto.

**THE FINANCE COMMITTEE DEFERS ITS RECOMMENDATION UNTIL TOWN MEETING.**

**ACTION ON ARTICLE 18,** May 14, 1998. The Finance Committee recommends passage of this article. Mr. Taylor read the "Report of the Planning Board", as follows:

**Rezone land on Stow Road from Agricultural-Residential to Business.**

In accordance with MGL ch 40A, sec. 5, the Planning Board conducted a public hearing on March 24, 1998 to review this Article.

The proposed article rezones one parcel and a portion of another parcel on Stow Road from Agricultural-Residential to Business. The rezoning will allow a through road connection from the Town Center to the Business District without having to cross residentially zoned land.

Therefore, the Planning Board recommends approval of Article 18.

**THE BOXBOROUGH PLANNING BOARD:**

---

Richard Scarlet, Chairman

---

Bruce Taylor, Clerk

---

John Markiewicz, Member

---

Anthony D'Agostino, Member

---

Christopher Trainor, Member

On Mr. Taylor's motion, the Town did vote, unanimously, to amend the Zoning By-Laws and zoning map by rezoning the Agricultural-Residential portions of Lot 166.1 and the entire Lot 166.2B on Map 6, Group 4 from Agricultural-Residential to Business.

**ARTICLE 19.** To see if the Town will vote to amend the Zoning By-Law by adding the following sentence to Section 4720. after the first sentence:

"Where a tract of land proposed to be developed as an Open Space Commercial Development is owned in common with contiguous, residentially zoned land, the buildable area of such residentially zoned land may be included within the Open Space Commercial Development for the purposes of calculating the total square footage of commercial development which may be constructed under Section 4750, and for the purposes of meeting area, open space and FAR requirements, provided that no part of the commercial development may be located on the residentially zoned portion of the tract, and further provided that such residentially zoned land shall be permanently protected as open space pursuant to Section 4742."

or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** This article will have the double benefit of encouraging commercial development while simultaneously preserving open space.

**ACTION ON ARTICLE 19,** May 14, 1998. Mr. Scarlet read the "Report of the Planning Board", as follows:

**Amendment to Open Space Commercial Development By-Law.**

In accordance with MGL ch 40A, sec. 5, the Planning Board conducted a public hearing on March 24, 1998 to review this Article.

The proposed amendment would allow residentially zoned land to be included in determining the density of an Open Space Commercial Development provided that the residentially zoned land is permanently protected as open space. Currently, only land zoned industrial-commercial, office park or business may be counted in an open space commercial development.

Therefore, the Planning Board recommends approval of Article 19.

**THE BOXBOROUGH PLANNING BOARD:**

---

Richard Scarlet, Chairman

---

Bruce Taylor, Clerk

---

John Markiewicz, Member

---

Anthony D'Agostino, Member

---

Christopher Trainor, Member

This open space should be protected forever with a deed restriction, because the Town holds an interest in the land and can enforce it. When Mr. Scarlet stated that the open space wasn't necessarily open to the public, Mr. Hilberg stated that all the permits issued to Towermarc have been granted for a public golf course. On Mr. Scarlet's motion, the Town did vote, unanimously, to amend section 4720 of the Zoning By-Law as printed in the warrant under Article 19.

**ARTICLE 20.** To see if the Town will vote to amend Section 2300. Dimensional Requirements of the Zoning By-Law as follows:

- a) Add a new entry entitled: Minimum Lot Width Around the Septic System 8 F.N. 8 to read: "A circle with a 200 foot minimum diameter shall be drawn around the proposed septic system without intersecting any lot lines and no part of the proposed primary or expansion leach fields shall be closer than 25 feet to any lot line. This provision shall only apply to lots created after May 11, 1998.
- b) Set the minimum lot width around the septic system in the AR District to 200 feet.
- c) Add a new Section 2370. Lots with Less Than 200 Feet Around the Septic System.

**2370. Lots with Less Than 200 Feet Around the Septic System.**

The Planning Board may permit construction on a lot containing less than 200 feet around the septic system provided that construction on the lot meets all other applicable dimensional requirements of Section 2310, pursuant to a special permit in accordance with Section 5300 of this By-Law; such special permit shall be granted only if the Planning Board is in receipt of evidence that the Board of Health has made a determination that the following criteria will be met:

2371. The wastewater disposal system and all associated fill or grading changes shall be outside of the wetlands buffer zone defined by Chapter 131 of the General Laws of the Commonwealth of Massachusetts and the Wetlands and Watershed Protection Zone as defined by the Town of Boxborough Zoning By-Law.

2372. Grading changes on the lot for any purpose except for a driveway shall be a minimum of 20 feet from the property boundary lines proposed for the lot.

2373. Private Water Supply wells shall be 100 feet from the building sewer and all other Wastewater Disposal System components.

2374. The Wastewater Disposal System shall be designed without variances to Boxborough Board of Health or 310 CMR 15.000 (Title 5) regulations.

2375. The Wastewater Disposal System shall not be designed to require retaining walls or other retaining structures to meet these lot frontage reduction requirements.

2376. The Wastewater Disposal System shall be designed for a minimum of a four bedroom system including the required reserve area.

2377. The Wastewater Disposal System design shall be approved by the Boxborough Board of Health prior to submission of a special permit application.

or take any other action in relation thereto.

**THE FINANCE COMMITTEE DEFERS ITS RECOMMENDATION UNTIL TOWN MEETING.**

**ACTION ON ARTICLE 20**, May 14, 1998. On Mr. Scarlet's motion, the Town did vote, unanimously, to pass over Article 20.

**ARTICLE 21.** To see if the Town will vote to amend the definition of Lot Area in Section 6200 of the Zoning By-Law as follows:

Lot Area shall mean the horizontal area of the lot exclusive of any area in a street, way, road, or in a surface drainage easement. The surface drainage easement exclusion shall only apply to lots created after May 11, 1998.

or take any other relation thereto.

**THE FINANCE COMMITTEE DEFERS ITS RECOMMENDATION UNTIL TOWN MEETING.**

**ACTION ON ARTICLE 21**, May 14, 1998. Mr. Scarlet read the "Report of the Planning Board", as follows:

**Definition of Lot Area.**

In accordance with MGL ch 40A, sec. 5, the Planning Board conducted a public hearing on March 24, 1998 to review this Article.

The proposed article removes the area within surface drainage easements from the minimum lot size requirements. This exclusion would apply to lots created after May 11, 1998.

Therefore, the Planning Board recommends approval of Article 21.

**THE BOXBOROUGH PLANNING BOARD:**

---

Richard Scarlet, Chairman

---

Bruce Taylor, Clerk

---

John Markiewicz, Member

---

Anthony D'Agostino, Member

---

Christopher Trainor, Member

The Finance Committee recommends passage of this article. Larry White said that this was going to make lots more expensive and we were not going to have lots to give to our kids. Duncan Brown asked if this counted the area where a pipe goes into an easement. Mr. Scarlet stated that underground pipes don't count. Mr. Neville stated that he was against this change. Mr. Hilberg made a motion to move the question. This motion carried. On Mr. Scarlet's motion, the Town did vote, by an uncounted two-thirds vote, to amend the definition of Lot Area in Section 6200 of the Zoning By-Law as printed in the warrant under Article 21.

**ARTICLE 22.** To see if the Town will vote to appropriate Twenty Seven Thousand (\$27,000) dollars more or less; which sum shall be used to purchase a  $\frac{3}{4}$  ton four wheel drive pick-up truck snow plow package with strobe light for the Highway Department; and to determine whether the monies will be raised by taxation, transferred from available funds, or borrowed under the

provisions of Chapter 44 of the General Laws or otherwise; or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** The vehicle to be replaced is a 1984 Chevy 4x4 pickup truck with over 100,000 miles on it. This vehicle is no longer reliable and cannot be used safely for plowing or other roadwork. The proposed vehicle is a new Chevy 5x4 with plowing capability.

**ACTION ON ARTICLE 22,** May 14, 1998. On Mr. White's motion, the Town did vote, unanimously, that the sum of \$27,000 be raised and appropriated to purchase a 3/4 ton four-wheel drive pickup truck/snowplow package with strobe lights for the highway Department.

**ARTICLE 23.** To see if the Town will vote to appropriate the sum of Twenty Thousand (\$20,000) dollars more or less, which sum will be used to purchase computers, printers, a network server, and software associated with said purchase of hardware for the Town Hall; and to determine whether the monies will be raised by taxation, transferred from available funds, or borrowed under the provisions of Chapter 44 of the General Laws or otherwise; or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** This article represents the culmination of extensive efforts by members of the FinCom, Selectmen, Computer Study Committee and Town Hall employees to determine a cost-effective solution to the computer needs of the Town Hall. The details of current Town Hall computer systems, the proposed acquisitions, and the recommended updated configuration are shown in the handout associated with this article. Voters will note that only five new computers are to be purchased, with several existing machines re-allocated to functions requiring lesser performance. This acquisition of hardware and software furthers the aims of the previous Town Hall networking Warrant Article and guarantees an internal network configuration, effective file sharing between offices, a server for printing, tax collection and assessor software, and basic Internet access. The FinCom believes that these purchases and the corresponding Town Hall network installation are essential to improve the productivity and accessibility of key government functions. The FinCom further expects that the process of computerizing Town Hall functions will proceed beyond this Warrant Article in future Town Meetings with hardware, software, and networking upgrades. We support, for example, the selection by a new assessor of updated CAMA software to be acquired on a schedule consistent with the FY 2000 revaluation.

**ACTION ON ARTICLE 23,** May 14, 1998. On Mr. White's motion, the Town did vote, unanimously, that the sum of \$20,000.00 be raised and appropriated to purchase computers, printers, and network server, and software associated with said purchase of hardware for the Town Hall.

**ARTICLE 24.** To see if the Town will vote to reauthorize the revolving fund for the Steele Farm Advisory Committee established under the provisions of M.G.L. Chapter 44 section 53E1/2; and that the Steele Farm Committee with approval of the Board of Selectmen be authorized to expend the proceeds of previous Christmas Tree sales up to \$10,000., for expenses related to the upkeep of said property; and to provide that the funds already established in said account be carried over from fiscal year 1998 to fiscal year 1999; or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** This article has no financial impact on the town; it must be re-voted each year. It allows the Steele Farm Committee to use up to \$10,000 from the accumulation of annual Christmas tree sales for the upkeep of the property, professional consultation, printing and mailings.

**ACTION ON ARTICLE 24,** May 14, 1998. On Mr. White's motion, the Town did vote, unarnmouslly, to reauthorize the revolving fund for the Steele Farm Advisory Committee as set forth in the warrant under Article 24.

**ARTICLE 25.** To see if the Town will authorize the Steele Farm Advisory Committee, with guidance and oversight from the Board of Selectmen, to make minimal internal improvements to the barn located on the Steele property, and to accept bids pursuant to the Town Purchasing By-law for said improvements including the pouring of a new concrete floor, power washing and refinishing interior, and other necessary improvements to make the barn usable on a three-season

basis for community events, and that all said improvements be paid for out of the Steele Farm Advisory Committee's revolving fund; or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** This article has no financial impact on the town. It provides for the upkeep improvement and increased community use of a town building.

**ACTION ON ARTICLE 25**, May 14, 1998. One Mr. White's motion the Town did vote, unanimously, that the Steele Farm Advisory Committee, with guidance and oversight from the Board of Selectmen, to make minimal internal improvements to the barn located on the Steele property, and to accept bids pursuant to the Town Purchasing By-law for said improvements including the pouring of a new concrete floor, power washing and refinishing interior, and other necessary improvements to make the barn usable on a three-season basis for community events, and that all said improvements be paid for out of the Steele Farm Advisory Committee's revolving fund.

The action on Article 26 can be found before Article 2.

**ARTICLE 27.** To see if the town will vote to change the provisions of the original vote from 1979, which restricts the 5 acres of Active Recreation land at Flerra Meadows to "no more than two playing fields", to allow for additional active recreation facilities within the 5 acres set aside for that purpose; or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** This article gives the Recreation Commission greater flexibility in using the five acres of Flerra Meadows designated for active recreation.

**ACTION ON ARTICLE 27**, May 14 and May 20, 1998. Mr. Apgar gave a "Thank You" to Debbie Turner for all the thankless hours that she has given this committee. Mr. Apgar made a motion to change the provisions of the original vote from 1979, which restricts the five acres of active recreational land at Flerra Meadows to "no more than two playing fields", to allow for additional active recreation facilities within the five acres set aside for that purpose. Mr. Scarlet made a motion to table this article as there were some problems to be worked out with this wording. This motion carried.

This session of the Town Meeting was adjourned at 10:40 p.m. and reconvened at 7:30 p.m. on Wednesday, May 20 with 137 voters in attendance.

There was a motion to take Article 27 off the table. This motion carried. Mr. Apgar made a motion to amend the motion under Article 27 by substituting the following for the main motion: "I move to change the provisions of the original vote under Article 3 of the November 13, 1979 special town meeting, last paragraph, which currently reads as follows:

Provided that the Conservation Commission should designate an area of no more than five acres within said parcel of land, which shall be suitable for and available to the public for active recreation, including no more than two playing fields;"

To be changed to read as follows:

"Provided that the Conservation Commission shall designate an area of no more than five acres within said parcel of land, which shall be suitable for and available to the public for active recreation, including no more than two playing fields, and a playground, tetherball and volleyball net."

A motion to amend this motion carried unanimously. Mr. Apgar's motion, as amended, carried.

**ARTICLE 28.** To see if the Town will vote to amend the Zoning By-Law by regulating telecommunication towers as follows:

- a) Amend Section 2340 to read, "Height restrictions for tall structures and roof attached structures, except as covered under Section 4800. Wireless Communication Facilities.
- b) Add the following definition in alphabetical order to Section 6200. Definitions:

Wireless Communication Facility shall mean a facility for the reception and transmission of personal wireless communication signals including towers, antennas, panels and appurtenant structures designed to facilitate the following types of services: cellular telephone services, personal communication systems, and enhanced specialized mobile radio service.

c) Add the following to Section 2230 the Use Schedule after "Public Utility":

Wireless Communication Facility	17	AR	R1	B	B1	OP	TC	IC	SP
		N		N	N	N	SP	N	SP

F.N. 17. See Section 4800. Wireless Communication Facilities.

d) Add a new Section 4800. as follows:

#### 4800. Wireless Communication Facilities.

4810. Purpose. The purposes of this By-Law are as follows:

- to minimize adverse impacts of wireless communication facilities on residential neighborhoods and the community;
- to encourage the shared use of facilities to reduce the need for new facilities; and
- to limit the overall number and height of facilities to what is necessary to serve the public.

4820. Applicability. This section shall apply to reception and transmission facilities for the purpose of personal wireless communication services. This by-law shall not apply to towers or antennas installed for use by a federally licensed amateur radio operator.

4830. General Requirements. Wireless Communication facilities shall only be allowed after the issuance of a special permit in accordance with the provisions of MGL Ch 40A s. 9, this By-Law and any rules and regulations adopted hereunder. The Board of Appeals shall be the Special Permit Granting Authority for Wireless Communication Facilities.

4831. Lattice style towers and similar facilities requiring more than one leg or guy wires for support are prohibited.

4832. All structures associated with wireless communication facilities shall be removed within one year of cessation of use.

4833. The tower height shall not exceed 100 feet measured from the base of the tower to the highest point of the tower including anything on it.

4834. All towers shall be set back from lot lines a minimum of the height of the tower except where the tower abuts the right of way of Route I-495 and Route 2 where the setbacks shall be the minimum permitted by the Commonwealth of Massachusetts.

4835. No tower shall be located within two miles of another such tower.

4836. Any utilities servicing a tower shall be located underground.

4837. Lighting of wireless communication facilities shall be limited to low level security lighting installed at or near ground level, except for lighting required by the Federal Aviation Administration (FAA).

4838. Fencing shall be provided to control unauthorized access to the tower.

4839. The facility shall contain one sign no greater than one square foot that provides the telephone number where the operator in charge can be reached on a 24-hour basis.

4840. Criteria. A special permit for a wireless communication facility shall not be issued unless the Special Permit Granting Authority finds the following:

4841. Existing or approved facilities cannot accommodate the applicant's proposal.

4842. The facility has been designed to accommodate the maximum number of providers but in no case less than three (3).

4843. The applicant has agreed to allow other service providers to co-locate on the tower, now, or at anytime in the future.

4844. The facility has been designed to minimize adverse visual impacts on the abutters and the community as demonstrated by illustrations and by a balloon test performed in accordance with any requirements adopted by the Board of Appeals.

4845. The facility is sited in such a manner that it is screened, to the maximum extent possible, from public view.

4850. Conditions. Before approving any special permit under this Section, the Special Permit Granting Authority may impose conditions, safeguards and limitations to assure that the proposal is in harmony with the general purpose and intent of this By-Law.

4860. Bonding. Prior to the issuance of a building permit the Special Permit Granting Authority may require a performance guarantee to ensure compliance with the plan and conditions set forth in their decision.

or take any action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** This article provides for development of needed infrastructure in a manner consistent with the character of the town.

**ACTION ON ARTICLE 28**, May 20, 1998. Mr. Taylor read the "Report of the Planning Board", as follows:

### **Wireless Communication Facilities.**

In accordance with MGL ch 40A, sec. 5, the Planning Board conducted a public hearing on March 24, 1998 to review this Article.

The proposed article regulates new wireless communication facilities. Cellular towers and other such communication facilities would no longer be reviewed under the "Tall Structures" by-law. Wireless Communication Facilities would require a special permit from the Board of Appeals. The by-law includes specific criteria that must be met in order to obtain the special permit. Adoption of this by-law would control the overall number of new towers by requiring co-location and regulating the distance between towers.

Therefore, the Planning Board recommends approval of Article 28.

### **THE BOXBOROUGH PLANNING BOARD:**

---

Richard Scarlet, Chairman

---

Bruce Taylor, Clerk

---

John Markiewicz, Member

---

Anthony D'Agostino, Member

---

Christopher Trainor, Member

Mr. Taylor stated that we could regulate towers within Boxborough, and could modify the by-law later if more height was needed. Mr. Hilberg thought that four towers in Town were enough; but Mr. Neville said that with 3 1/2 miles of Rt. 495 in Boxborough, with new technology, towers spaced two miles apart may be too restrictive. Mr. Stewart made a motion to move the question. This motion carried. Mr. Taylor's motion that the Town vote to amend section 2340, 6200 and 2230, and by adding a new section 4800, of the Zoning By-Law by regulating telecommunication towers as printed in the warrant under Article 28. This motion carried by an uncounted 2/3rds vote.

**ARTICLE 29.** To see if the Town will vote to amend the Zoning By-Law as follows:

a) Amend Sections 3440 and 3445 Private/Common Driveways to read as follows:

3440. Private/Common Driveways in the Agricultural-Residential (AR) Districts.

Private/Common Driveways in the AR District shall be allowed only by special permit by the Planning Board. Such Private/Common Driveways shall comply with the Boxborough Driveway Approach By-Law as adopted June 29, 1964, and as subsequently amended.

b) Add the words "in the AR District" after the word "Driveways" in Section 3445;

c) Add a new Section 3450 as follows:

3450. Private/Common Driveways in the Business, Business 1, Office Park, Town Center and Industrial-Commercial Districts. Private/Common Driveways may also be

allowed in the B, B1, OP, TC and IC Zoning Districts by special permit by the Planning Board after the Board finds that: 1.) the use of a Private/Common Driveway improves safety, convenience, and traffic flow on any road in Boxborough; 2.) the Private/Common Driveway is in conformance with the purpose and intent of the Zoning By-Law; and 3.) the Private/Common Driveway is consistent with the Master Plan.

3451. The Private/Common Driveway shall comply with the Boxborough Driveway Approach By-Law as adopted June 29, 1964, and as subsequently amended.

3452. Frontage requirements for each lot served by the Private/Common Driveway shall be along a town, county, state or approved subdivision road. The Private/Common Driveway shall in no way be used to satisfy frontage requirements as specified in the Zoning By-Law.

3453. Copies of all easements, covenants and agreements which shall be recorded with the Registry of Deeds, shall be submitted to the Planning Board for review and approval prior to recording. These easements covenants and agreements shall indicate that the Town of Boxborough, under no circumstances, shall now or in the future, be held responsible for construction, reconstruction, maintenance, repairs or snow removal on these Private/Common Driveways.

3454. Private/Common Driveways in the B, B1, OP, TC and IC Districts shall meet the following construction standards:

- a. All topsoil shall be removed from the Private/Common Driveway.
- b. Private/Common Driveways shall be subgraded 15" below finished grade and inspected at this stage by the Director of Public Works or his designated agent.
- c. Private/Common Driveways shall have 12" or more of gravel and shall have 3 1/2" of hot top (2" binder and 1 1/2" top course).
- d. Private/Common Driveways shall be constructed to a minimum of a 20 foot width.
- e. Private/Common Driveways shall have a minimum of a 3 foot shoulder on each side of the paved surface.
- f. Private/Common Driveways shall have drainage structures where deemed necessary by the Planning Board.
- g. Private/Common Driveways shall not exceed a slope greater than 8%.
- h. Adequate provisions for fire fighting equipment shall be made.

or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** This article encourages less obtrusive commercial development. Costs are decreased, making such development more likely while at the same time reducing the number of road cuts required.

**ACTION ON ARTICLE 29,** May 20, 1998. Mr. Scarlet read the "Report of the Planning Board", as follows:

**Private/Common Driveways in the Commercial Districts.**

In accordance with MGL ch 40A, sec. 5, the Planning Board conducted a public hearing on March 24, 1998 to review this Article.

This article is a result of the Master Plan work performed on the topic of land use and development along Massachusetts Avenue. Currently, private/common driveways are only allowed in the Agricultural-Residential District. This article would allow private/common driveways by special permit in the Industrial-Commercial, Business, Business 1, Town Center and Office Park Districts.

Allowing private/common driveways will promote public safety by reducing the overall number of curb cuts on public roads.

Therefore, the Planning Board recommends approval of Article 29.

**THE BOXBOROUGH PLANNING BOARD:**

---

Richard Scarlet, Chairman

---

Bruce Taylor, Clerk

---

John Markiewicz, Member

---

Anthony D'Agostino, Member

---

Christopher Trainor, Member

On Mr. Scarlet's motion, the Town did vote, unanimously, to amend section 3440 and 3445 Private/Common Driveways of the Zoning By-Law and by adding a new section 3450 as printed in the warrant under Article 29.

**ARTICLE 30.** To see if the Town will vote to amend the Zoning By-Law by adding a new Section 3312 as follows:

3312. Exceptions. In the Business, Town Center, Office Park or Industrial-Commercial Districts, parking may be located within the side and/or rear yard without any setback along the shared boundary in those instances where a private/common driveway is used for access to a shared common parking area as provided in Section 3130, in which the parking located within the side and/or rear yard of one lot shares a common lot boundary with the parking located in the side and/or rear yard of the adjacent lot.

or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** This article promotes more compact commercial development by permitting shared parking areas. In conjunction with the previous article, commercial development is encouraged by further decreasing associated costs.

**ACTION ON ARTICLE 30,** May 20, 1998. Mr. Scarlet read the "Report of the Planning Board", as follows:

**Setback Requirements for Shared Parking Areas.**

In accordance with MGL ch 40A, sec. 5, the Planning Board conducted a public hearing on March 24, 1998 to review this Article.

This article exempts shared parking areas from lot setback requirements along the shared boundary.

Therefore, the Planning Board recommends approval of Article 30.

**THE BOXBOROUGH PLANNING BOARD:**

---

Richard Scarlet, Chairman

---

Bruce Taylor, Clerk

---

John Markiewicz, Member

---

Anthony D'Agostino, Member

---

Christopher Trainor, Member

On Mr. Scarlet's motion, the Town did vote, unanimously, to amend section 3312 of the Zoning By-Law by adding a new Section 3312 as printed in the warrant under Article 30.

**ARTICLE 31.** To see if the Town will vote to amend the Zoning By-Law as follows:

a) Revise the entry for Car Sales to read:

	AR	R1	B	B1	OP	TC	IC
Car Sales	N	N	SP	SP	SP	N	SP

b) and add a new Section 2270 as follows:

2270. Special Permit for Car Sales. In making its determination with respect to a special permit for "car sales" in the Business, Business 1, Office Park or Industrial-Commercial District, the Special Permit Granting Authority shall, in addition to other requirements specified in Section 5340 of this By-Law find the following:

- 2271. No more than 20 vehicles will be stored or for sale on the site;
- 2272. No cars will be parked in the front yard setback area;
- 2273. Only passenger vehicles or light trucks will be for sale on the site;
- 2274. No large trucks or campers will be for sale on the site;
- 2275. Outdoor display areas contain adequate landscape buffers.

or take any other action in relation thereto.

**THE FINANCE COMMITTEE DOES NOT RECOMMEND.** The Zoning By-law currently prohibits this use in all districts. It is difficult to determine whether any potential benefit of attracting additional car sales business to the town outweighs the costs traditionally associated with this type of business.

**ACTION ON ARTICLE 31,** May 20, 1998. Mr. Taylor read the "Report of the Planning Board", as follows:

**Special Permit for Car Sales.**

In accordance with MGL ch 40A, sec. 5, the Planning Board conducted a public hearing on March 24, 1998 to review this Article.

At the last Town Meeting a zoning article to allow car sales by right in the Business Districts and by special permit in the Office Park and Industrial-Commercial District was amended on Town Meeting floor to prohibit such uses throughout the Town of Boxborough. This article would allow car sales in the Business, Industrial-Commercial, and Office Park Districts by special permit in accordance with the restrictions established in the by-law.

Therefore, the Planning Board recommends approval of Article 31.

## THE BOXBOROUGH PLANNING BOARD:

---

Richard Scarlet, Chairman

---

Bruce Taylor, Clerk

---

John Markiewicz, Member

---

Anthony D'Agostino, Member

---

Christopher Trainor, Member

Many voters did not want to see used car lots in Town; others thought that it would benefit the Town, that we need the tax base and also that there are many controls. Mr. Apgar made a motion to move the question. This motion carried. Mr. Taylor's motion to amend the Zoning By-Law by revising the car sales entry in the table of uses and by adding a new Section 2270 as printed in the warrant under Article 31 carried by a vote of 70 in favor; 34 opposed.

**ARTICLE 32.** To see if the Town will vote to accept the laying out and establishment as a Town Way, a way known as Fifers Lane, together with the right to install, maintain, replace and repair all drainage structures constructed in the way and in appurtenant drainage easements located on Lot 9 and to discharge surface and subsurface drain water in the appurtenant drainage easements, with the boundaries and measurements of the way shown on the plans entitled: "Definitive Plan, Fifers Grove, Boxborough, Mass.," Developer Habitech, Inc., 11 Darrell Drive, North Reading, MA 01864, Engineer: Hayes Engineering, Inc., 603 Salem Street, Wakefield, Mass., Date: September 29, 1992, as revised, recorded with Middlesex South District Registry of Deeds as Plan No. 71 of 1993, in Book 22860, Page 305, and to which plan reference may be had for a more particular description of said Fifers Lane; and "As Built Plan and Profile in Boxborough, Mass. for Habitech, Inc." prepared by Bill Boston Survey, Inc., dated February 4, 1997.

And to authorize the Selectmen to acquire by purchase, eminent domain, gift or otherwise for highway purposes the fee or any lesser interests as well as easements for drainage or otherwise in any of the lands that may be necessary for such Town Way; and to determine whether the Town will appropriate money therefor; to be provided by taxation, by appropriation from available general fund, by borrowing under the provisions of Chapter 44 of the General Laws or otherwise.

Or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** All inspections have been completed, easements given, and no taxes are unpaid by the developer.

**ACTION ON ARTICLE 32,** May 20, 1998. Mr. Taylor read the "Report of the Planning Board", as follows:

### PLANNING BOARD ROAD ACCEPTANCE REPORT.

Fifers Lane was approved by the Planning Board on January 19, 1993. The roadway and the drainage design were reviewed and approved by the Planning Board's consulting engineer, Richard Westcott of Westcott Site Services. The subdivision road inspections were performed at regular intervals in accordance with the Subdivision Rules and Regulations. Inspection reports are available in the Planning Board Office.

The subdivision road was constructed in accordance with the approved plans and regulations. The roadway surface has weathered at least one winter as required by the Rules and Regulations. The drainage system has been inspected and has been deemed to be working properly. The road sign, "as built" plans, and road monuments have all been completed. An updated roadway inspection was recently completed on April 24, 1998. Westcott Site Services verified that the roadway surface is of sound quality.

Therefore, the Planning Board recommends that Fifers Lane be accepted as a public way.

## THE BOXBOROUGH PLANNING BOARD:

---

Richard Scarlet, Chairman

---

Bruce Taylor, Clerk

---

John Markiewicz, Member

Anthony D'Agostino, Member

---

Christopher Trainor, Member

On Mr. White's motion, the Town did vote, unanimously, to accept the laying out and establishment as a Town Way, a way known as Fifer's Lane as printed in the warrant under Article 32.

**ARTICLE 33.** To see if the Town will vote to accept the laying out and establishment as a Town Way, a way known as Coolidge Farm Road and a portion of Pierce Lane together with the right to install, maintain, replace and repair all drainage structures constructed in the way and in appurtenant drainage easements located on Lots 10, 11, & 19 and to discharge surface and subsurface drain water in the appurtenant drainage easements, with the boundaries and measurements of the way shown on the plan entitled: "Flerra Estates 2" Definitive Subdivision Record Plan 2 of 2 of Land in Boxborough, MA," Applicant Northwest Structures, P.O Box 657, Acton MA 01720, Engineer: Lancewood Engineering, Inc., Dated: November 15, 1994, last revised August 10, 1995, and registered as Land Court Plan No. 33480D with the Land Registration Office for said Registry District of the Land Court, and to which plan reference may be had for a more particular description of said Coolidge Farm Road and Pierce Lane;

And to authorize the Selectmen to acquire by purchase, eminent domain, gift or otherwise for highway purposes the fee or any lesser interests as well as easements for drainage or otherwise in any of the lands that may be necessary for such Town Way; and to determine whether the Town will appropriate money therefor; to be provided by taxation, by appropriation from available general fund, by borrowing under the provisions of Chapter 44 of the General Laws or otherwise.

Or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** All inspections have been completed, easements given, and no taxes are unpaid by the developer.

**ACTION ON ARTICLE 33,** May 20, 1998. Mr. Scarlet read the "Report of the Planning Board", as follows:

**PLANNING BOARD ROAD ACCEPTANCE REPORT.**

Coolidge Farm Road and a portion of Pierce Lane was approved by the Planning Board on July 25, 1995. The roadway and the drainage design were reviewed and approved by the Planning Board's consulting engineer, Richard Westcott of Westcott Site Services. The subdivision road inspections were performed at regular intervals in accordance with the Subdivision Rules and Regulations. Inspection reports are available in the Planning Board Office.

The subdivision road was constructed in accordance with the approved plans and regulations. The roadway surface has weathered at least one winter as required by the Rules and Regulations. The drainage system has been inspected and has been deemed to be working properly. The road sign, "as built" plans, and road monuments have all been completed. An updated roadway inspection was recently completed.. Westcott Site Services verified that the roadway surface is of sound quality.

Therefore, the Planning Board recommends that Coolidge Farm Road and the portion of Pierce Lane shown on the subdivision plan be accepted as public ways.

**THE BOXBOROUGH PLANNING BOARD:**

---

Richard Scarlet, Chairman

---

Bruce Taylor, Clerk

---

John Markiewicz, Member

---

Anthony D'Agostino, Member

Christopher Trainor, Member

On Mr. Scarlet's motion, the Town did vote, unanimously, to accept the laying out and establishment as a Town Way, a way known as Coolidge Farm Road and a portion of Pierce Lane as printed in the warrant under Article 33.

**ARTICLE 34.** To see if the Town will vote to accept a gift for conservation purposes pursuant to M.G.L. ch. 40, s. 8C, of a certain parcel of land situated in Boxborough, Middlesex County, Massachusetts, being Lot 10A on a plan entitled: "Plan of land in Boxborough, Mass. (Middlesex County)" for Deck House, Inc. by Stamski and McNary dated February 3, 1988, Scale: 1"=40', and recorded in Middlesex South District Registry of Deeds in Book 19222, Page 21. Lot 10A contains 42,545 square feet of land, more or less, according to said plan,

or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** This acceptance is the culmination of discussions begun during the subdivision process.

**ACTION ON ARTICLE 34,** May 20, 1998. The Finance Committee withdrew its recommendation of the rewritten motion. On Mr. Taylor's motion, the Town did vote that it be the sense-of-this-meeting that the parcel of land described in Article 34 of the Warrant as printed is a desirable piece of property for the Town to acquire, and that the Town should pursue the acquisition of the land by gift, even if the acquisition entails litigation and associated legal fees.

**ARTICLE 35.** To see if the Town will vote to accept a gift for conservation purposes pursuant to M.G.L. ch. 40, s. 8C, of a certain parcel of land situated in Boxborough, Middlesex County, Massachusetts, being Lot 6 on a plan entitled: "FLERRA ESTATES' PLAN OF LAND IN BOXBOROUGH, MA" dated March 15, 1995, revised August 10, 1995 by Lancewood Engineering, Inc. and registered as Land Court Plan No. 33480-C with the Land Registration Office for the Middlesex South Registry District of the Land Court. Lot 6 contains 20.49 acres of land, more or less, according to said plan,

or take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** The tax revenues from this parcel are minimal.

**ACTION ON ARTICLE 35,** May 20, 1998. Mr Scarlet read the "Report of the Planning Board", as follows:

#### **Flerra Estates 2 Land Gift.**

The Planning Board recommends that this land be accepted as a gift for conservation purposes. The parcel abuts two existing conservation pieces: Heath Hen Meadows Parcel B; and Mayfair Drive Parcel E. The land contains a portion of Heath Hen Meadow Brook and has over 800 feet of frontage along a designated scenic road.

The acquisition of this land is consistent with the goals and objectives and five-year action plan in the 1997 Open Space and Recreation Plan.

#### **THE BOXBOROUGH PLANNING BOARD:**

---

Richard Scarlet, Chairman

---

Bruce Taylor, Clerk

---

John Markiewicz, Member

---

Anthony D'Agostino, Member

---

Christopher Trainor, Member

On Mr. Scarlet's motion, the Town did vote, unanimously, to accept a gift for conservation purposes the land described in Article 35.

**This article was submitted by petition after the time in which the appropriate boards and committees had time before printing of the warrant to review the article. All reviews will be completed and presented at town meeting.**

**It is printed exactly as submitted.**

**ARTICLE 41.** To see if the Town will vote to authorize the Selectmen to acquire by purchase, taking or gift, or otherwise, for conservation purposes pursuant to G.L. ch. 40, s.8C, certain parcels of land situated in Boxborough, Middlesex County, Massachusetts, more fully described as follows:

“Parcel D1” on a plan entitled, “Plan of Land if Boxborough, Mass, for Habitech, Inc.” 148 Park Street, No. Reading, MA 01864, Scale: 1” =40’. February 04, 1998, Bill Boston Survey, Inc., P.O. Box 384, West Groton, Mass. 01472, recorded with Middlesex South District Registry of Deeds as Plan No. 311 of 1998, and to which plan reference may be had for a more particular description of said easement. Parcel D1 contains 249,959 square feet or 5.74 acres of land, more or less, according to said plan.

The conveyance of Parcel D1 is subject to a perpetual, exclusive drainage easement over, upon and under the area shown on the aforesaid plan as “Drainage Easement A” (containing 39,308 sq. ft., according to said plan) to drain and store surface and subsurface water and, in connection therewith, to construct, reconstruct and maintain any and all structures, facilities and appurtenances necessary or desirable to fully accomplish same and to enter upon said Easement Area as may be necessary to accomplish the foregoing purposes. The foregoing easement was granted to Landwest, Inc. in a deed dated March 24, 1998, recorded with Middlesex South District Registry of Deeds as Instrument No. 824 of March 25, 1998.

“Parcel C”, “Parcel E” and “Parcel F” on a plan entitled, “Definitive Subdivision Plan of Land in Boxborough, Mass. For Habitech, Inc.”, 148 Park Street, No. Reading MA 01864, Scale: 1”= 40’, August 02, 1996, revised 04/07/97, Bill Boston Survey, Inc., P.O. Box 384, West Groton, Mass. 01472, recorded with said Deeds as Plan No. 310 of 1998, and to which plan reference may be had for a more particular description. Parcel C contains 4,504 square feet or 0.10 acres of land, more or less, according to said plan; Parcel E contains 6,089 square feet of land, more or less, according to said plan; and Parcel F contains 14,936 square feet of land, more or less, according to said plan.

Said premises are further conveyed subject to and together with any and all rights, restrictions, agreements and easements of record, if any there be, insofar as the same are now in force and applicable.

or take any other action in relation thereto.

**ACTION ON ARTICLE 41**, May 20 1998. The Finance Committee had no quorum in order to make a recommendation on this article. Mr. Delano spoke about his and his late wife's desire to give this piece of land to the Town. He also stated that he would like the Conservation Commission to name it after his late wife, Lydia D. Delano. On Ms. Canfield's motion, the Town did vote, unanimously, to accept for conservation purposes the parcels of land described in the warrant under Article 41.

Mr. Wheeler made a motion to take Article 39 off the table. This motion carried.

**ARTICLE 39.** To see if the Town will vote to adopt a general by-law establishing a quorum for annual and special town meetings to read as follows:

One hundred registered voters shall constitute a quorum sufficient to conduct business at any annual or special town meeting,  
or to take any other action in relation thereto.

**THE FINANCE COMMITTEE RECOMMENDS.** While the presence of 100 voters may seem like a high threshold and could result in problems if interest in Town Meeting is not sufficient, the potential for passage of articles which could have significant impact by only a few voters is much more dangerous.

**ACTION ON ARTICLE 39**, May 20, 1998. Mr. Brown suggested that a motion for "separate consideration" might expedite discussion under Article 39; that we should first decide if we want to establish a quorum and only if that motion carries should we discuss the number of voters to

constitute a quorum. Mr. Hilberg made a motion to establish a quorum. Ms. Garrison pointed out that this had been discussed at two different by-law study committees and voted down each time. Ms. Golden made a motion to move the question. This motion carried. Mr. Hilberg's motion to establish a quorum did not carry. Since this motion did not carry, the original motion made by Ms. Madden that would also establish the number of voters to constitute a quorum was mote.

This session of the Town Meeting adjourned at 10:03 p.m.

You are required to serve this Annual Town Meeting Warrant by posting copies thereof, attested by you, at the Town Hall, at the Library, at the Police Station, at the Fire Station, and at the Blanchard Memorial School, Fourteen days at least, before the time appointed for such meeting.

Hereof, fail not deliver these warrants with your return of service thereon to the Town Clerk on or before April 27, 1998.

---

Anne K. Canfield, Acting Chairman

---

Mark R. White, Acting Clerk  
Board of Selectmen

POSTED: April 27, 1998  
BY: David L. Birt  
Constable

**ARTICLE 4:**

**Windermere Estates Land Acquisition**

The Planning Board recommends that the proposed land be acquired by the Town. The Board feels that the acquisition is in the best interests of the Town so long as part of the land is set aside for municipal and recreation and part preserved for conservation purposes. The acquisition is in accordance with the goals and objectives and five year action plan set out in the 1997 Open Space and Recreation Plan.

**THE BOXBOROUGH PLANNING BOARD:**

---

Richard Scarlet, Chairman

Bruce Taylor, Clerk

---

John Markiewicz, Member

Anthony D'Agostino, Member

---

Christopher Trainor, Member

