

WARRANT

For

Annual Town Meeting

May 5, 2008

7:30 p.m.

Hamilton Wenham Regional High School
Auditorium

Annual Town Election

May 15, 2008

7:00 a.m. – 8:00 p.m.

Winthrop School
Cafeteria

April 2, 2008

Please note: *The appendices are available at the Town Hall, Public Safety Building, on-line @ www.hamiltonma.gov and at the meeting. They were omitted from the warrant mailing to save in printing and postage costs.*

Please recycle this warrant after the Town meeting.

Town By-Laws

CHAPTER II

RULES AND PROCEDURE OF TOWN MEETINGS

SECTION 1. All articles in the warrant shall be taken up in the order of their arrangement, unless otherwise decided by a two-thirds vote.

SECTION 2. In case of motions to amend, or to fill out blanks, the one expressing the largest sum of the longest time shall be put first, and an affirmative vote thereon shall be a negative vote on any smaller sum or shorter time.

SECTION 3. The report of a committee shall be deemed properly before a meeting if a request for its acceptance is included in an article of the warrant and a copy is published in the Annual Report or is filed with the Town Clerk fifteen days prior to the meeting. A vote to accept a final report shall discharge the committee but shall not be equivalent to a vote to carry out its recommendations. A vote on recommendations included in a committee report shall only be in order under an article to that effect in the warrant. A vote to accept a report of progress shall continue the committee under its original authority unless otherwise specified.

SECTION 4. If an article of the Warrant has once been acted upon and disposed of, it shall not be again considered at the meeting except by a two-thirds vote.

SECTION 5. No money shall be appropriated from the Stabilization Fund except by a 2/3 vote at a Town Meeting.

SECTION 6. Only registered voters of the Town shall be admitted and entitled to vote at any annual or special meeting provided that upon prior request the Moderator may admit to the meeting persons who are not registered voters and in his discretion may permit them to speak on a subject. Any person so permitted to speak at a meeting shall announce his full name and address to the meeting.

SECTION 7. Motions at Town Meeting shall be made orally, but the Moderator may require any motion also to be submitted in writing. Unless otherwise directed thereby the Moderator shall appoint all committees created by the vote of the Town.

SECTION 8. The conduct of all Town Meetings not prescribed by law or by the foregoing rules shall be determined by the rules of practice contained in Town Meeting Time, A Handbook of Parliamentary Law, Second Edition.

SECTION 9. On matters requiring a two-thirds vote, either by statute or these By-Laws, a count need not be taken and the vote need not be recorded unless the vote declared is immediately questioned by seven or more voters as provided in General Laws, Chapter 39, Section 15.

ANNUAL TOWN MEETING
MAY 5, 2008
ANNUAL TOWN ELECTION
MAY 15, 2008

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Please note: *The appendices are available at the Town Hall, Public Safety Building, on-line @ www.hamiltonma.gov and at the meeting. They were omitted from the warrant mailing to save in printing and postage costs.*



ANNUAL TOWN MEETING

May 5, 2008

ESSEX, SS

TO THE CONSTABLE OF THE TOWN OF HAMILTON:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Hamilton qualified to vote in election and town affairs, to meet at the Hamilton-Wenham Regional High School in said town, on Monday, the fifth day of May, in the year Two Thousand Eight (May 5, 2008) at seven thirty o'clock in the evening (7:30 p.m.), then and there to act on the following articles, and to elect Town Officers and vote on ballot questions at the Annual Town Election on Thursday, May 15, 2008 at the Winthrop School in said town between the hours of 7:00 a.m. and 8:00 p.m.

SECTION 1: ELECTIONS, REPORTS, PROCEDURES

<p>ARTICLE 2008/5 1-1 <i>Election of Officers and Ballot Questions</i></p>	<p>To elect the following Town Officers and to vote for the ballot questions shown as Appendix A of the 2008 Appendix Book at the Annual Town Election on Thursday, May 15, 2008 from 7:00 a.m. to 8:00 p.m. at the Winthrop School.</p> <ul style="list-style-type: none"> • Town Moderator for one year • Town Clerk for three years • One Selectman for three years • One Assessor for three years • Two members of the Planning Board for five years • One member of Hamilton Wenham Public Library Trustees for three years • Three members of the Hamilton-Wenham School Committee for three years <p><u>Moderator:</u> The vote on Article 1-1 is by ballot on Thursday, the 15th of May, 2008 at the Winthrop School. The polls will be opened at 7:00 a.m. and will close at 8:00 p.m.</p>
<p>ARTICLE 2008/5 1-2 <i>Reports</i></p>	<p>To hear reports of Town Officers and selected committees and to take action thereon or relative thereto. Reports will appear in the Calendar Year 2007 Town Report.</p>

TOWN OF HAMILTON – WARRANT – MAY 5, 2008

SECTION 2: FINANCIAL ACTIONS

<p>ARTICLE 2008/5 2-1</p> <p><i>Compensation/ Classification Table</i></p>	<p>To see if the Town will amend the Personnel By-law, as recommended by the Personnel Board, by adopting changes to the classification and compensation table, or take any other action thereon, or relative thereto. [The Proposed Compensation/Classification Table appears as Appendix B to the 2008 Appendix Book.]</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2008/5 2-2</p> <p><i>General Town Appropriations</i></p>	<p>To see if the Town will raise and appropriate money for schools and all other Town expenses and determine the manner of expending same, or take any action thereon, or relative thereto. [The proposed budget appears as Appendix C to the 2008 Appendix Book.]</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2008/5 2-3</p> <p><i>Water Enterprise Budget</i></p>	<p>To see if the Town will approve the Water Enterprise Budget or take any other action thereon, or relative thereto. [The proposed budget appears as Appendix D to the 2008 Appendix Book.]</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2008/5 2-4</p> <p><i>Water Enterprise Retained Earnings for Expenses</i></p>	<p>To see if the Town will authorize the transfer of a sum of money from the Water Retained Earnings to the Water Emergency Fund for FY 09 expenses, or take any other action thereon or relative thereto.</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2008/5 2-5</p> <p><i>Waste Reduction Enterprise Budget</i></p>	<p>To see if the Town will approve the Waste Reduction Enterprise Budget or take any other action thereon, or relative thereto. [The proposed budget appears as Appendix E to the 2008 Appendix Book.]</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2008/5 2-6</p> <p><i>Waste Reduction Enterprise Fund Expenses</i></p>	<p>To see if the Town will authorize the transfer of a sum of money from the General Fund to the Waste Reduction Enterprise Fund for FY 09 expenses, or take any other action thereon or relative thereto. (Expected request \$285,300)</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>

TOWN OF HAMILTON – WARRANT – MAY 5, 2008

<p>ARTICLE 2008/5 2-7 <i>North Shore Regional Vocational School District Budget</i></p>	<p>To see if the Town will approve the FY 09 gross operating and maintenance budget of the North Shore Regional Vocational School District and raise and appropriate a sum of money for the Town’s assessed portion thereof, or take any other action thereon, or relative thereto. (Expected request is for \$145,850).</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2008/5 2-8 <i>Town Operating Budget Override</i> Question 1</p>	<p>To see if the Town will appropriate money, said sum to be raised contingent on the passage of a referendum question pursuant to G.L. c.59, Sec. 21C (g), for FY 09 operating expenses of the Town, or take any other action thereon or relative thereto, such referendum question to be voted upon by ballot at the Annual Town Election to be held on May 15, 2008 at the Winthrop School from 7 a.m. to 8 p.m. The ballot question text is set forth below:</p> <p><u>Question 1: Town Operating Levy Limit Override, G.L. Ch. 59, Sec. 21C (g)</u></p> <p>“Shall the Town of Hamilton be allowed to assess an additional \$ 177,444 in real estate and personal property taxes for the purpose of funding the Town’s net operating budget for the fiscal year beginning July 1, 2008?”</p> <p>The Board of Selectmen and the Finance and Advisory Committee will make a recommendation at the Town Meeting.</p>
<p>ARTICLE 2008/5 2-9 <i>School Operating Budget Override</i> Question 2</p>	<p>To see if the Town will appropriate money, said sum to be raised contingent upon the passage of a referendum question pursuant to G.L. c. 59, Sec. 21C (g), and also contingent upon the Town of Wenham appropriating its proportionate share, for Hamilton’s share of the FY 09 operating budget of the Hamilton-Wenham Regional School District, as voted by the School Committee, or take any other action thereon, or relative thereto. A referendum question is included in the ballot for the Annual Town Election to be held on May 15, 2008 at the Winthrop School from 7 a.m. to 8 p.m. The ballot question text is set forth below:</p> <p><u>Question 2: School Operating Levy Limit Override, G.L. Ch. 59, Sec. 21C (g)</u></p> <p>“Shall the Town of Hamilton be allowed to assess an additional \$ 1,288,322 in real estate and personal property taxes for the purpose of funding Hamilton’s apportioned share of the net operating cost of the Hamilton-Wenham Regional School District for the fiscal year beginning July 1, 2008?”</p> <p>[The proposed budget appears as Appendix F to the 2008 Appendix Book.]</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>

TOWN OF HAMILTON – WARRANT – MAY 5, 2008

<p>ARTICLE 2008/5 2-10</p> <p><i>Community Preservation Committee Budget</i></p>	<p>To see if the Town will act on the Report of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation Budget and appropriate or reserve for later appropriation monies from community preservation fund annual revenues or other available funds for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of community preservation projects and all other necessary and proper expenses for the year, or take other action thereon or relative thereto.</p> <p>[The Budget appears as Appendix G of the 2008 Appendix Book.]</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2008/5 2-11</p> <p><i>Annual Financial Actions</i></p>	<p>To see if the Town will authorize the following financial actions, or take any other action thereon, or relative thereto.</p> <p>A. To transfer a sum of money from the Cemetery Sale of Lots and Graves Account to be used for cemetery purposes (expected request \$2,000);</p> <p>B. To transfer a sum of money from the Cemetery Perpetual Care Account to be used for cemetery purposes (expected request \$10,000);</p> <p>C. To transfer a sum of money from the Clark Property Account to the Conservation Fund (expected request \$ 10,494.03).</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2008/5 2-12</p> <p><i>Prior Year Bills</i></p>	<p>To see if the Town will raise and appropriate or transfer from available funds a sum of money to pay legal bills incurred in FY 08, or take any action thereon or relative thereto.</p> <p>The Board of Selectmen and the Finance and Advisory Committee will make a recommendation at the Town Meeting.</p>
<p>ARTICLE 2008/5 2-13</p> <p><i>Appropriation Excess Transfer</i></p>	<p>To see if the Town will authorize the transfer of a sum of money from the FY'08 appropriation for the FICA/Medicare account to the Finance Committee Reserve Fund, or take any other action thereon or relative thereto. (Expected request is for \$ 13,600).</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2008/5 2-14</p> <p><i>Authorization of Recreation and Parks Revolving Account</i></p>	<p>To see if the Town, pursuant to M.G.L. Chapter 44, Section 53E ½, will establish a revolving fund for the Recreation Department for the specific purpose outlined below for the fiscal year beginning July 1, 2008 and ending June 30, 2009, or take any other action thereon or relative thereto.</p> <p>Recreation – Programs: Fees received for recreation programs to be expended for the purpose of program operations, maintenance and the hiring of necessary personnel and consulting services, said expenditures to be approved by the Recreation Board; and not to exceed one hundred and ninety eight thousand (\$198,000) dollars during the FY 09.</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>

TOWN OF HAMILTON – WARRANT – MAY 5, 2008

SECTION 3: PLANNING /ZONING ACTIONS

<p>ARTICLE 2008/5 3-1 <i>Senior Housing By-Law</i></p>	<p>To see if the Town will delete the Elder Housing Special District provisions of the Zoning By-law, Section V-E, and replace it with a new Senior Housing By-Law, or take any other action thereon or relative thereto. [The proposed language appears as Appendix H of the 2008 Appendix Book.].</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2008/5 3-2 <i>Amendments to Senior Housing By-Law</i></p>	<p>To see if the Town will amend other sections of the Zoning By-Law, as amendments in conformity with the adoption of the Senior Housing Section of the Zoning By-Law, or take any other action thereon or relative thereto. [The proposed language appears as Appendix I to the 2008 Appendix Book.]</p> <p>The Board of Selectmen recommends favorable action. The Finance and Advisory Committee will make a recommendation at the Town Meeting.</p>
<p>ARTICLE 2008/5 3-3 <i>Zoning By-Law Site Plan Review and Violations and Penalty</i></p>	<p>To see if the Town will amend the Zoning By-Law by adopting one or more of the following amendments relating to fee structures and other provisions, or take any other action thereon or relative thereto.</p> <ol style="list-style-type: none"> 1. Section VI. H. Site Plan Review, Amend provisions of Site Plan Review [The proposed language appears as Appendix J to the 2008 Appendix Book.] 2. Section VIII. G – Violations and Penalty, to add to the current language provisions for the non-criminal disposition of fines. [The proposed language appears as Appendix K to the 2008 Appendix Book.] <p>The Board of Selectmen recommends favorable action. The Finance and Advisory Committee will make a recommendation at the Town Meeting.</p>
<p>ARTICLE 2008/5 3-4 <i>Amendments to Zoning By-Laws</i></p>	<p>To see if the Town will Amend the Zoning By-Law by adopting one or more of the following amendments, or take any other action thereon or relative thereto:</p> <ol style="list-style-type: none"> 1. Section V. A. 11. (e) 4. Accessory Apartment, amend provisions of Accessory Apartments. [The proposed language appears as Appendix L to the 2008 Appendix Book.] 2. Section V. A. 11. f. Roadside Stand, by deleting requirements [The proposed language appears as Appendix M to the 2008 Appendix Book.] 3. Section V. F. 4. Flood Plain District, amend provisions of Use Regulations, by updating the reference to the Massachusetts State Building Code. [The proposed language appears as Appendix N to the 2008 Appendix Book.] <p>The Board of Selectmen recommends favorable action. The Finance and Advisory Committee will make a recommendation at the Town Meeting.</p>

SECTION 4: TOWN ACTION UNDER STATUTE

<p>ARTICLE 2008/5 4-1 <i>Funeral Expenses for Police Officers /Firefighters Killed in the Line of Duty.</i></p>	<p>To see if the Town will accept the provisions of General Laws G.L. c. 41, sec. 100G1/4, which allows the town to provide for funeral or burial expenses of a firefighter/police officer killed in line of duty or take any other action thereon or relative thereto.</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
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TOWN OF HAMILTON – WARRANT – MAY 5, 2008

<p>ARTICLE 2008/5 4-2</p> <p><i>Uniforms for Police Officers and Firefighters</i></p>	<p>To see if the Town will accept the provisions of General Laws G.L. c. 40, sec. 6B, which allows the town to provide for uniforms for Police Officers and Firefighters worn in the line of duty or take any other action thereon or relative thereto.</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2008/5 4-3</p> <p><i>Purchase of Stormy Weather Work Clothes</i></p>	<p>To see if the Town will accept the provisions of General Laws G.L. c. 40, sec. 6J, and sec. 6L which allows the town to provide for the <i>purchase</i> and <i>rental</i> of “stormy weather work clothes” for any designated employee or take any other action thereon or relative thereto.</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2008/ 5 4-4</p> <p><i>Trench Regulation</i></p>	<p>To see if the Town will authorize the Board of Selectmen to designate a Town Official pursuant to G.L. c. 82A, §2, as the Town’s officer to issue permits for the purpose of creating a trench as that term is defined in G.L. c. 82A, § 4 and 540 C.M.R. 14.00 and further to authorize the Town’s officer to adopt regulations consistent with that statute and regulations or take any other action thereon or relative thereto.</p> <p>The Board of Selectmen recommends favorable action. The Finance and Advisory Committee will make a recommendation at the Town Meeting.</p>

SECTION 5: OTHER ACTIONS

<p>ARTICLE 2008/5 5-1</p> <p><i>Chebacco Woods Land Swap No. 1</i></p>	<p>To see if the Town will vote to transfer from the Conservation Commission for conservation purposes to the Board of Selectmen for purposes of sale, the parcel shown as Parcel B on a plan entitled “Plan of Land in Hamilton, MA” dated March 17, 2004 prepared by Hancock Associates for Nancy L. Peterson, said conveyance to be at no cost to the Town and upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, including a sale for nominal consideration:</p> <p>and further authorize the Board of Selectmen to petition the Massachusetts General Court to approve the deeds to Nancy L. Peterson for the purpose of curing inadvertent encroachments onto Chebacco Woods pursuant to the provisions of Article 97 of the amendments to Constitution of the Commonwealth of Massachusetts;</p> <p>and further authorize the Board of Selectmen to acquire from Nancy L. Peterson the parcel identified as parcel A on a plan entitled “ Plan of Land in Hamilton, MA”, dated March 17, 2004, prepared by Hancock Associates for Nancy L. Peterson, for incorporation into Chebacco Woods conservation land under the joint ownership of Manchester-by-the-Sea, and Hamilton, Massachusetts;</p> <p>And further to authorize the Board of Selectmen and Conservation Commission to amend the conservation restrictions that are affected by these changes to reflect the new boundaries, and to take any other action relative thereto. [The proposed plan is on file with the Town Clerk.]</p> <p>The Board of Selectmen recommends favorable action based on the advice of the Conservation Commission. The Finance and Advisory Committee will make a recommendation at the Town Meeting.</p>
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TOWN OF HAMILTON – WARRANT – MAY 5, 2008

<p>ARTICLE 2008/5 5-2</p> <p><i>Chebacco Woods Land Swap No. 2</i></p>	<p>To see if the Town will vote to transfer from the Conservation Commission for conservation purposes to the Board of Selectmen for purposes of sale the parcel shown as Parcel B containing 20,008 s. f. more or less on a plan entitled “ Plan of Land in Hamilton and Wenham, MA”, dated March 17, 2004, prepared by Hancock Associates for Patrick A. Daly and Kathleen O’Brien, said conveyance to be at no cost to the Town and upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, including a sale for nominal consideration:</p> <p>and further authorize the Board of Selectmen to petition the Massachusetts General Court to approve the deed to Patrick A. Daly & Kathleen B. O’Brien, for the purpose of curing inadvertent encroachments onto Chebacco Woods pursuant to the provisions of Article 97 of the amendments to Constitution of the Commonwealth of Massachusetts;</p> <p>and further to authorize the Board of Selectmen to acquire from Patrick A. Daly and Kathleen B. O’Brien, the parcel identified as parcel A on a plan entitled “ Plan of Land in Hamilton, MA”, dated March 17, 2004, prepared by Hancock Associates for Patrick A. Daly & Kathleen O’Brien, for incorporation into Chebacco Woods conservation land under the joint ownership of Manchester-by-the-Sea, and Hamilton, Massachusetts;</p> <p>and further authorize the Board of Selectmen and Conservation Commission to amend the conservation restrictions that are affected by these changes to reflect the new boundaries, and to take any other action relative thereto. [The proposed plan is on file with the Town Clerk.]</p> <p>The Board of Selectmen recommends favorable action based on the advice of the Conservation Commission. The Finance and Advisory Committee will make a recommendation at the Town Meeting.</p>
<p>ARTICLE 2008/5 5-3</p> <p><i>Citizen’s Petition - Asbury Street – Sidewalk</i></p>	<p>To see if the Town will appropriate money to fund the construction of a sidewalk along Asbury Street from 470 Asbury Street to Highland Street, said sum to be raised by taxation, transfer from available funds, appropriation from the Stabilization Fund, or otherwise, or take any other action thereon, or relative thereto.</p> <p>The Board of Selectmen and the Finance and Advisory Committee will make a recommendation at the Town Meeting.</p>
<p>ARTICLE 2008/5 5-4</p> <p><i>Inter-municipal Agreements</i></p>	<p>To see if the Town will authorize the Selectmen to enter into inter-municipal agreements with one or more municipalities to permit the member municipalities to lease municipal equipment or vehicles from one another, to acquire jointly, by lease, purchase, or otherwise, equipment or vehicles, or to share operational costs of such equipment or vehicles, all on terms satisfactory to the Board of Selectmen, or take any other action thereon or relative thereto.</p> <p>The Board of Selectmen recommends favorable action. The Finance and Advisory Committee will make a recommendation at the Town Meeting.</p>

TOWN OF HAMILTON – WARRANT – MAY 5, 2008

<p>ARTICLE 2008/ 5-5 <i>Conveyance of Tax-title Foreclosure Parcels to the Audubon Society</i></p>	<p>To see if the Town will (a) declare seven parcels of land acquired by the Town through tax foreclosure (Map 44, Lots 1 and 2; Map 45, Lot 2; and Map 54, Lots 21, 22, 24, and 25) as available for disposition, and (b) authorize the Selectmen to convey these parcels of land to the Massachusetts Audubon Society without additional consideration, consistent with the real estate disposition rules of G.L. Ch. 30B, Sec. 16, for the public purpose of satisfying the terms of the November 1994 eminent domain settlement agreement with the Audubon Society relative to the taking of Audubon land for public water supply, subject to such restrictions and limitations as the Selectmen shall determine will best meet these objectives; or take any other action thereon or relative thereto. [The proposed plan appears as Appendix O of the 2008 Appendix Book.]</p> <p>The Board of Selectmen recommends favorable action. The Finance and Advisory Committee will make a recommendation at the Town Meeting.</p>
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SECTION 6: CLOSING FINANCIAL ACTIONS

<p>ARTICLE 2008/5 6-1 <i>Free Cash Application</i></p>	<p>To see if the Town will reserve, appropriate and authorize the Assessors to use available certified free cash to reduce the tax rate for the Fiscal Year beginning July 1, 2008, or take any action thereon, or relative thereto.</p> <p>The Board of Selectmen and the Finance and Advisory Committee will make a recommendation at the Town Meeting.</p>
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ADJOURNMENT

Given under our hands _____, 2008

HAMILTON BOARD OF SELECTMEN

William F. Bowler

Richard A. Low

David S. Carey

Hamilton, Massachusetts
_____, 2008

I have this day served this warrant as directed by Chapter 1, Section 1b of the Town By-laws.

Constable

**BULK RATE
U.S. POSTAGE PAID
PERMIT #24
HAMILTON, MA 01936**

POSTAL PATRON

Please join us

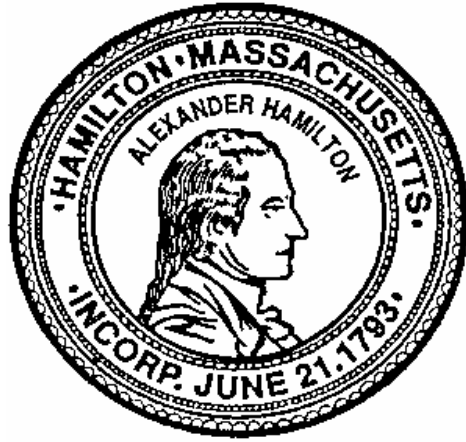
Monday, May 5, 2008

ANNUAL TOWN MEETING

**Hamilton Wenham Regional High School
Auditorium
7:30 p.m.**

DEMOCRACY IS NOT A SPECTATOR'S SPORT

Please bring this warrant with you to the Town Meeting. Thank you.



APPENDICES

For

Annual Town Meeting Warrant

May 5, 2008

7:30 p.m.

Hamilton Wenham Regional High School
Auditorium

Annual Town Election

May 15, 2008

April 1, 2008

ANNUAL TOWN MEETING
MAY 5, 2008
ANNUAL TOWN ELECTION
MAY 15, 2008

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Please note: *The warrant is available at the Town Hall, Public Safety Building, on-line @ www.hamiltonma.gov and at the meeting. The appendices were omitted from the warrant mailing to save in printing and postage costs.*

APPENDIX A

BALLOT QUESTIONS FOR HAMILTON ELECTION

May 15, 2008

Question 1: Town Operating Levy Limit Override, G.L. Ch. 59, Sec. 21C (g)

“Shall the Town of Hamilton be allowed to assess an additional \$ 177,444 in real estate and personal property taxes for the purpose of funding the Town’s net operating budget for the fiscal year beginning July 1, 2008?”

Question 2: School Operating Levy Limit Override, G.L. Ch. 59, Sec. 21C (g)

“Shall the Town of Hamilton be allowed to assess an additional \$ 1,288,322 in real estate and personal property taxes for the purpose of funding Hamilton’s apportioned share of the net operating cost of the Hamilton-Wenham Regional School District for the fiscal year beginning July 1, 2008?”

APPENDIX B

**COMPENSATION / CLASSIFICATION TABLE
FISCAL YEAR 2009**

GENERAL GOVERNMENT

(#) = See footnote - end of Comp. Table

Salaried Positions - 52.2 weeks

	Steps	I	II	III	IV	V	VI	VII
		Start	6 months	18 months	30 months	42 months	54 months	66 months
	Town Administrator	72,516	75,416	78,433	81,570	84,833	88,226	91,755
	Director of Finance/Accountant	72,516	75,416	78,433	81,570	84,833	88,226	91,755
(1)	Treasurer-Collector	52,846	54,960	57,158	59,444	61,822	64,295	66,867
	Director of Assessors	52,846	54,960	57,158	59,444	61,822	64,295	66,867
	Town Accountant <i>(vacant)</i>	44,781	46,572	48,435	50,373	52,388	54,483	56,663
	Recreation Director	44,781	46,572	48,435	50,373	52,388	54,483	56,663
	Building/Zoning Inspector	37,963	39,481	41,061	42,703	44,411	46,188	48,035
(3)	Conservation Coordinator	37,963	39,481	41,061	42,703	44,411	46,188	48,035
(3/11)	CPA/Planning Coordinator	37,963	39,481	41,061	42,703	44,411	46,188	48,035
(3)	Planning Coordinator	37,963	39,481	41,061	42,703	44,411	46,188	48,035

Hourly Positions

	Steps	I	II	III	IV	V	VI	VII
		Start	6 months	18 months	30 months	42 months	54 months	66 months
	Asst. to the Town Administrator	18.34	19.07	19.83	20.62	21.44	22.30	23.19
	Assistant Town Accountant	19.77	20.56	21.38	22.24	23.13	24.06	25.02
	Assistant Treasurer/Collector	19.77	20.56	21.38	22.24	23.13	24.06	25.02
	Facilities Repair & Maintenance	18.09	18.81	19.56	20.34	21.15	22.00	22.88
	Administrative Assistant	15.69	16.32	16.97	17.65			
	Custodian	15.32	15.93	16.57	17.23			
	Clerk/Typist	14.66	15.25	15.86	16.49			

Town Hall Union - Hourly Compensation table established by Union Contract. Rates shown for informational purposes only.

	Steps	I	II	III	IV	V	VI	VII
		Start	6 months	18 months	30 months	42 months	54 months	66 months
	Admin. Assistants - Grade I	16.10	16.74	17.41	18.11	18.83	19.58	20.36
	Admin. Assistants - Grade II	17.22	17.91	18.63	19.38	20.16	20.97	21.81

PUBLIC WORKS

Salaried Positions - 52.2 weeks

	Steps	I	II	III	IV	V	VI	VII
		Start	6 months	18 months	30 months	42 months	54 months	66 months
	Director of Public Works	72,516	75,416	78,433	81,570	84,833	88,226	91,755

DPW Union - Hourly Compensation table established by Union Contract. Rates shown for informational purposes only.

	Steps	I	II	III	IV	V		
		Start	9 months	21 months	33 months	45 months		
	Foreman	20.65	21.47	22.33	23.22	24.15		
	Mechanic	20.65	21.47	22.33	23.22	24.15		
	Plant Operator - Primary	20.65	21.47	22.33	23.22	24.15		
	Foreman 2	18.85	19.61	20.39	21.21	22.05		
	Plant Operator - Secondary	18.53	19.28	20.05	20.85	21.68		
	Heavy Equipment Operator	17.91	18.62	19.37	20.14	20.95		
	Truck Driver/Laborer	16.68	17.34	18.05	18.77	19.52		

APPENDIX B

**COMPENSATION / CLASSIFICATION TABLE
FISCAL YEAR 2009**

PUBLIC SAFETY

(#) = See footnote - end of Comp. Table

Salaried Positions - 52.2 weeks

	Steps	I	II	III	IV	V	VI	VII
		Start	6 months	18 months	30 months	42 months	54 months	66 months
(9)	Chief of Police	72,516	75,416	78,433	81,570	84,833	88,226	91,755
	Chief of Fire	72,516	75,416	78,433	81,570	84,833	88,226	91,755
(2)	Health Agent	52,846	54,960	57,158	59,444	61,822	64,295	66,867
(1)	Emergency Center Supervisor	44,781	46,572	48,435	50,373	52,388	54,483	56,663
	Fire Inspector	44,781	46,572	48,435	50,373	52,388	54,483	56,663

Police Union - Weekly Compensation table established by Union Contract. Negotiations in Process

	Base Wage Steps	I	II	III				
		Start	12 months	24 months				
(7)	Patrolman (weekly rates)	728.68	817.31	905.15				
	Sergeant (weekly rates)	837.98	939.91	1,040.92				
	Lieutenant (weekly rates)	910.85	1,021.64	1,131.44				
	EMT Stipend (weekly rates)	65.75						

Emergency Center Union - Weekly Compensation table established by Union Contract. Negotiation in Process

	Steps	I	II	III	IV	V	VI	VII
		Start	6 months	18 months	36 months	48 months	60 months	72 months
(6)	Dispatcher (weekly rates)	598.19	634.08	672.12	712.45	740.95	770.59	801.41
(4)	EMD Stipend (weekly rate)	25.00						

Hourly Positions

	Steps	I	II	III	IV	V	VI	VII
		Start	6 months	18 months	30 months	42 months	54 months	66 months
(5)	Asst. Fire Inspector/Firefighter	16.70	17.37	18.06	18.78	19.53	20.31	21.12
	Firefighter/Operator	16.70	17.37	18.06	18.78	19.53	20.31	21.12

	Steps	I	II	III	IV			
		Start	6 months	18 months	36 months			
(7)	Fire Equipment Mechanic	19.17	19.94	20.74	21.57			
	Reserve Patrolman	16.63	17.63	18.69	19.81			
	Matron	16.63	17.63	18.69	19.81			
(6)	Emergency Center Dispatcher (P/T)	15.33	16.25	17.23	18.26			
(10)	Animal Control Officer (vacant)	14.47	15.05	15.65	16.28			
	Fire EMT Stipend (weekly rate)	50.00						

Call Firefighters

	Rank	Hourly Wage						
	Deputy Chief	24.59						
	Captain	22.78						
	Lieutenant	20.95						
	Inspector; Electrical/Building	20.95						
(8)	State Cert. Firefighter - Level I	19.13						
	Firefighter w/ CPR 1st. Responder	18.21						
	Probationary Firefighter	15.48						

APPENDIX B

**COMPENSATION / CLASSIFICATION TABLE
FISCAL YEAR 2009**

OTHER

Elected/Appointed Positions (MGL 41 s.108 & 108A)	Annual Pay
Town Clerk	56,663
Selectmen/Chairman	3,225
Board of Assessors/Chairman	2,878
Selectmen/Members	2,852
Board of Assessors/Members	2,150
Board of Appeals/Chairman	1,648
Board of Health/Chairman	856
Board of Health/Members	485

Professional Stipends	Annual Rate
Animal Control Officer/Wildlife	2,400
Dog Officer	2,400
Deputy Fire Chief	1,500
Certification EMD	1,300
Harbormaster	1,200
Certification Treasurer/Collector	1,000
Fire Dept. Captains	750
Fire Dept. Training Officer	500

Inspectional Services	Annual Pay
Building/Zoning Inspector	26,000
Plumbing/Gas Inspector	13,147
Electrical Inspector	13,147
Animal Inspector	3,999
Sealer of Weights & Measures	1,845
Asst. Plumbing/Gas Inspector	809
Asst. Electrical Inspector	809
Asst. Building Inspector	809

Contract Rates - Part-time	Contract Rate
MIS Systems Analyst <i>(annually)</i>	30,013
Valuation Consultant <i>(annually)</i>	24,735
Food Service Inspector	41.00
Health Agent <i>(hourly)</i>	56.01
Website Manager <i>(hourly)</i>	18.45

Occasional Help	Range of Compensation	
Registrar of Voters <i>(annually)</i>	298	
General Clerical <i>(hourly)</i>	7.39	10.88
Laborer: Light Work <i>(hourly)</i>	7.39	11.96
Seasonal Recreation Help <i>(hourly)</i>	7.12	16.31

Legend:

- (1) Position also receives Professional Stipends
- (2) Currently under a contract which differs from the salary table. See Contract Rate Section
- (3) Less than full-time. Hourly wage is based on annual salary from table calculated on a 37.5 hr. work week
- (4) Dispatchers who hold Emergency Medical Dispatch Certification
- (5) Firefighter/Operator holding officer position in Call Force will receive 5% differential
- (6) The base pay differential for evening (3p.m. to 11p.m.) is 3% and nights (11p.m. to 7a.m.) is 5%
- (7) The base pay differential for evening (4p.m. to 12a.m.) is 3% and nights (12a.m. to 8a.m.) is 5%
- (8) State Certified Firefighters receive an additional 5% at any rank
- (9) Contract includes additional compensation as of a regular police officer of senior rank
- (10) FY'09 compensation paid by stipend. See Stipend Table
- (11) Funded by Community Preservation Act -Administration
- (12) To Be Determined

APPENDIX C

GENERAL TOWN APPROPRIATIONS

	FY 2003 Actual		FY 2006 Actual		FY2007 Actual		FY2008 Budget		FY2009 Proposed
<u>GENERAL GOVERNMENT</u>									
<u>SELECTMEN</u>									
Salaries	\$ 11,707	\$	\$ 14,861	\$	\$ 20,075	\$	\$ 22,266	\$	\$ 20,974
Expenses	\$ 16,833	\$	\$ 12,819	\$	\$ 14,304	\$	\$ 13,950	\$	\$ 11,250
Total	\$ 28,540	\$	\$ 27,680	\$	\$ 34,379	\$	\$ 36,216	\$	\$ 32,224
<u>TOWN ADMINISTRATOR</u>									
Salaries	\$ 103,126	\$	\$ 113,722	\$	\$ 119,435	\$	\$ 127,776	\$	\$ 132,519
Expenses	\$ 6,789	\$	\$ 8,885	\$	\$ 13,003	\$	\$ 9,270	\$	\$ 9,270
Total	\$ 109,915	\$	\$ 122,607	\$	\$ 132,438	\$	\$ 137,046	\$	\$ 141,789
<u>FINANCE & ADVISORY COMMITTEE</u>									
Expenses	\$ 145	\$	\$ 160	\$	\$ 165	\$	\$ 350	\$	\$ 250
Reserve Fund	\$ 82,705	\$	\$ 85,624	\$	\$ 105,966	\$	\$ 113,000	\$	\$ 120,000
Total	\$ 82,850	\$	\$ 85,784	\$	\$ 106,131	\$	\$ 113,350	\$	\$ 120,250
<u>FINANCE DEPT</u>									
Salaries	\$ 72,191	\$	\$ 83,402	\$	\$ 83,119	\$	\$ 108,913	\$	\$ 114,798
Expenses	\$ 2,416	\$	\$ 2,056	\$	\$ 12,554	\$	\$ 4,000	\$	\$ 9,000
Computer Expense	\$ 51,588	\$	\$ 59,385	\$	\$ 59,025	\$	\$ 70,679	\$	\$ 76,300
Total	\$ 126,195	\$	\$ 144,843	\$	\$ 154,698	\$	\$ 183,592	\$	\$ 200,098
<u>ASSESSORS</u>									
Salaries	\$ 107,439	\$	\$ 124,160	\$	\$ 130,071	\$	\$ 131,400	\$	\$ 136,852
Expenses	\$ 8,912	\$	\$ 7,216	\$	\$ 7,352	\$	\$ 18,000	\$	\$ 13,750
Capital	\$ -	\$	\$ 8,000	\$	\$ 8,000	\$		\$	
Total	\$ 116,351	\$	\$ 139,376	\$	\$ 145,423	\$	\$ 149,400	\$	\$ 150,602
<u>TREASURER & COLLECTOR</u>									
Salaries	\$ 110,413	\$	\$ 127,913	\$	\$ 134,203	\$	\$ 142,034	\$	\$ 140,727
Expenses	\$ 53,997	\$	\$ 50,609	\$	\$ 58,359	\$	\$ 52,000	\$	\$ 52,000
Total	\$ 164,410	\$	\$ 178,522	\$	\$ 192,562	\$	\$ 194,034	\$	\$ 192,727

APPENDIX C

GENERAL TOWN APPROPRIATIONS

	FY 2003 Actual		FY 2006 Actual		FY2007 Actual		FY2008 Budget		FY2009 Proposed
<u>TOWN COUNSEL</u>									
Salaries	\$ 10,125	\$	20,250	\$	20,250	\$	21,000	\$	21,000
Expenses	\$ 24,493	\$	70,000	\$	51,674	\$	20,000	\$	50,000
Total	\$ 34,618	\$	90,250	\$	71,924	\$	41,000	\$	71,000
<u>PUBLIC BLDG & MAINT</u>									
Salaries	\$ 26,812	\$	30,058	\$	31,928	\$	34,920	\$	33,228
Expenses	\$ 49,283	\$	78,467	\$	71,708	\$	79,000	\$	79,000
Total	\$ 76,095	\$	108,525	\$	103,636	\$	113,920	\$	112,228
<u>TOWN CLERK</u>									
Salaries	\$ 85,190	\$	82,034	\$	88,173	\$	84,782	\$	93,700
Expenses	\$ 5,954	\$	4,182	\$	4,484	\$	4,500	\$	4,500
Total	\$ 91,144	\$	86,216	\$	92,657	\$	89,282	\$	98,200
<u>ELECTIONS & REGISTRATION</u>									
Salaries						\$	1,977	\$	2,262
Expenses	\$ 21,018	\$	13,956	\$	16,312	\$	20,363	\$	29,234
Total	\$ 21,018	\$	13,956	\$	16,312	\$	22,340	\$	31,496
<u>PLANNING BOARD</u>									
Salaries	\$ 20,727	\$	31,179	\$	32,995	\$	35,183	\$	35,218
Expenses	\$ 2,091	\$	2,350	\$	2,782	\$	2,850	\$	2,400
Total	\$ 22,818	\$	33,529	\$	35,777	\$	38,033	\$	37,618
<u>CONSERVATION COMMISSION</u>									
Salaries	\$ 20,238	\$	23,469	\$	24,170	\$	24,994	\$	25,620
Expenses	\$ 3,425	\$	1,933	\$	1,754	\$	2,000	\$	1,400
Total	\$ 23,663	\$	25,402	\$	25,924	\$	26,994	\$	27,020
<u>CHEBACCO WOODS</u>									
Expenses	\$ 1,666	\$	1,272	\$	1,600	\$	1,600	\$	1,600
Total	\$ 1,666	\$	1,272	\$	1,600	\$	1,600	\$	1,600

APPENDIX C

GENERAL TOWN APPROPRIATIONS

	FY 2003 Actual		FY 2006 Actual		FY2007 Actual		FY2008 Budget		FY2009 Proposed
<u>PERSONNEL BOARD</u>									
Expenses	\$ 120	\$	\$ 120	\$	\$ 120	\$	\$ 20,350	\$	\$ 350
<u>TOTAL GENERAL GOVERNMENT</u>									
	\$ 899,403	\$	\$ 1,058,082	\$	\$ 1,113,581	\$	\$ 1,167,157	\$	\$ 1,217,202
<u>PROTECTION OF PERSONS & PROP</u>									
<u>POLICE</u>									
Salaries	\$ 963,900	\$	\$ 1,098,473	\$	\$ 1,238,125	\$	\$ 1,310,910	\$	\$ 1,319,457
Expenses	\$ 148,288	\$	\$ 63,180	\$	\$ 64,837	\$	\$ 65,225	\$	\$ 68,517
Capital	\$ 27,500	\$	\$ -	\$	\$ -	\$		\$	
Shared Lease								\$	\$ 9,667
Total	\$ 1,139,688	\$	\$ 1,161,653	\$	\$ 1,302,962	\$	\$ 1,376,135	\$	\$ 1,397,641
<u>AMBULANCE SERVICE</u>									
Expenses	\$ -	\$	\$ 35,000	\$	\$ 45,451	\$	\$ 35,000	\$	\$ 35,000
<u>PUBLIC SAFETY BUILDING</u>									
Salaries						\$	\$ 12,653	\$	\$ 14,390
Expenses	\$ 38,805	\$	\$ 37,263	\$	\$ 46,336	\$	\$ 41,600	\$	\$ 70,000
Total	\$ 38,805	\$	\$ 37,263	\$	\$ 46,336	\$	\$ 54,253	\$	\$ 84,390
<u>EMERGENCY MANAGEMENT</u>									
Expenses	\$ 3,121	\$	\$ 3,226	\$	\$ 2,973	\$	\$ 3,250	\$	\$ 3,250
<u>ANIMAL CONTROL</u>									
Salaries								\$	\$ 8,400
Expenses	\$ 4,928	\$	\$ 4,795	\$	\$ 1,189	\$	\$ 3,000	\$	\$ 3,000
Total	\$ 4,928	\$	\$ 4,795	\$	\$ 1,189	\$	\$ 3,000	\$	\$ 11,400
<u>FIRE</u>									
Salaries	\$ 317,477	\$	\$ 400,448	\$	\$ 406,343	\$	\$ 433,441	\$	\$ 459,063
Expenses	\$ 73,757	\$	\$ 49,992	\$	\$ 51,993	\$	\$ 50,000	\$	\$ 50,000
Capital	\$ -	\$	\$ 39,934	\$	\$ 40,000	\$	\$ 40,000	\$	\$ 40,000
Shared Lease								\$	\$ 9,667
Total	\$ 391,234	\$	\$ 490,374	\$	\$ 498,336	\$	\$ 523,441	\$	\$ 558,730

APPENDIX C

GENERAL TOWN APPROPRIATIONS

	FY 2003 Actual		FY 2006 Actual		FY2007 Actual		FY2008 Budget		FY2009 Proposed
<u>INSPECTIONAL SERVICES</u>									
Salaries	\$ 81,288	\$	\$ 88,764	\$	\$ 93,520	\$	\$ 97,929	\$	\$ 101,810
Expenses	\$ 10,830	\$	\$ 10,584	\$	\$ 9,963	\$	\$ 10,650	\$	\$ 10,000
Total	\$ 92,118	\$	\$ 99,348	\$	\$ 103,483	\$	\$ 108,579	\$	\$ 111,810
<u>EMERGENCY REPORT CENTER</u>									
Salaries	\$ 213,771	\$	\$ 264,303	\$	\$ 292,165	\$	\$ 296,976	\$	\$ 301,773
Expenses	\$ 36,861	\$	\$ 31,716	\$	\$ 29,317	\$	\$ 32,722	\$	\$ 32,722
Capital	\$ -	\$	\$ 6,494	\$	\$ -	\$		\$	
Total	\$ 250,632	\$	\$ 302,513	\$	\$ 321,482	\$	\$ 329,698	\$	\$ 334,495
TOTAL PROTECT OF PERSONS	\$ 1,920,526	\$	\$ 2,134,172	\$	\$ 2,322,212	\$	\$ 2,433,356	\$	\$ 2,536,716
<u>SCHOOLS</u>									
<u>HW REGIONAL SCHOOL DISTRICT</u>									
Expenses	\$ 10,140,578	\$	\$ 12,306,049	\$	\$ 12,992,660	\$	\$ 13,699,602	\$	\$ 15,116,019
<u>NORTH SHORE REG. VOCATIONAL</u>	\$ 46,691	\$	\$ 160,664	\$	\$ 197,204	\$	\$ 144,617	\$	\$ 145,850
TOTAL SCHOOLS	\$ 10,187,269	\$	\$ 12,466,713	\$	\$ 13,189,864	\$	\$ 13,844,219	\$	\$ 15,261,869

HIGHWAY

HIGHWAY/DPW DEPARTMENT

Salaries	\$ 352,366	\$	\$ 403,838	\$	\$ 413,811	\$	\$ 402,581	\$	\$ 460,374
Expenses Highway	\$ 75,500	\$	\$ 117,503	\$	\$ 106,059	\$	\$ 166,500	\$	\$ 160,000
Expenses DPW	\$ 66,099	\$	\$ 71,826	\$	\$ 69,759	\$	\$ 101,200	\$	\$ 110,450
Shared Lease	\$ 92,263	\$	\$ -	\$	\$ -	\$		\$	\$ 9,666
Total	\$ 586,228	\$	\$ 593,167	\$	\$ 589,629	\$	\$ 670,281	\$	\$ 740,490

APPENDIX C

GENERAL TOWN APPROPRIATIONS

	FY 2003 Actual		FY 2006 Actual		FY2007 Actual		FY2008 Budget		FY2009 Proposed
<u>SNOW REMOVAL</u>									
Salaries	\$ 45,776	\$	\$ 35,746	\$	\$ 25,000	\$	\$ 46,600	\$	\$ 46,600
Expenses	\$ 71,784	\$	\$ 102,915	\$	\$ 63,500	\$	\$ 62,500	\$	\$ 62,500
Total	\$ 117,560	\$	\$ 138,661	\$	\$ 88,500	\$	\$ 109,100	\$	\$ 109,100
<u>PARK DEPARTMENT</u>									
Salaries	\$ 47,430	\$	\$ 45,992	\$	\$ 54,121	\$	\$ 53,829	\$	\$ 53,930
Expenses	\$ 13,814	\$	\$ 13,246	\$	\$ 111,703	\$	\$ 14,000	\$	\$ 14,000
Capital	\$ -	\$	\$ -	\$		\$		\$	
Total	\$ 61,244	\$	\$ 59,238	\$	\$ 165,824	\$	\$ 67,829	\$	\$ 67,930
TOTAL HIGHWAY	\$ 765,032	\$	\$ 791,066	\$	\$ 843,953	\$	\$ 847,210	\$	\$ 917,520
<u>HEALTH & HUMAN SERVICES</u>									
<u>SANITATION COLLECTION & DISPOSAL</u>									
Expenses	\$ 486,999	\$	\$ 471,818	\$	\$ 460,791	\$	\$ 480,077	\$	\$ 96,550
<u>CEMETERY</u>									
Salaries	\$ 37,579	\$	\$ 48,794	\$	\$ 54,665	\$	\$ 54,669	\$	\$ 56,030
Expenses	\$ 7,956	\$	\$ 9,925	\$	\$ 9,991	\$	\$ 9,100	\$	\$ 9,100
Total	\$ 45,535	\$	\$ 58,719	\$	\$ 64,656	\$	\$ 63,769	\$	\$ 65,130
<u>BOARD OF HEALTH</u>									
Salaries	\$ 66,290	\$	\$ 85,469	\$	\$ 51,274	\$	\$ 85,201	\$	\$ 88,491
Expenses	\$ 11,944	\$	\$ 10,039	\$	\$ 45,241	\$	\$ 11,900	\$	\$ 8,700
Total	\$ 78,234	\$	\$ 95,508	\$	\$ 96,515	\$	\$ 97,101	\$	\$ 97,191
<u>COUNCIL ON AGING</u>									
Expenses	\$ 10,093	\$	\$ 10,230	\$	\$ 10,374	\$	\$ 10,380	\$	\$ 10,380

APPENDIX C

GENERAL TOWN APPROPRIATIONS

	FY 2003 Actual		FY 2006 Actual		FY2007 Actual		FY2008 Budget		FY2009 Proposed
<u>VETERAN BENEFITS</u>									
Expenses	\$ 21,274	\$	22,989	\$	24,846	\$	25,863	\$	27,156
Regional District Assessment	\$ -	\$	1,000	\$	6,265	\$	1,000	\$	1,000
Total	\$ 21,274	\$	23,989	\$	31,111	\$	26,863	\$	28,156
TOTAL HEALTH & HUMAN SERVICES	\$ 642,135	\$	660,264	\$	663,447	\$	678,190	\$	297,407
<u>JOINT PROGRAMS</u>									
<u>LIBRARY</u>									
Joint Expenses	\$ 470,991	\$	453,216	\$	481,357	\$	531,401	\$	542,360
Joint Admin Fees		\$	41,801	\$	44,755	\$	49,019	\$	50,425
TOTAL LIBRARY	\$ 470,991	\$	495,017	\$	526,112	\$	580,420	\$	592,785
<u>ELDER VAN PROGRAM</u>									
Joint Elder Van Admin Fees	\$ -	\$	3,374	\$	3,524	\$	3,208	\$	3,300
Joint Elder Van Expense	\$ -	\$	34,749	\$	36,076	\$	32,836	\$	33,000
Capital	\$ -	\$	-	\$	-	\$	-	\$	-
TOTAL ELDER VAN	\$ -	\$	38,123	\$	39,600	\$	36,044	\$	36,300
<u>RECREATION</u>									
<u>RECREATION</u>									
Salaries	\$ 72,047	\$	80,352	\$	84,035	\$	88,460	\$	83,196
Expenses	\$ 15,792	\$	20,884	\$	19,568	\$	22,050	\$	-
TOTAL RECREATION	\$ 87,839	\$	101,236	\$	103,603	\$	110,510	\$	83,196

APPENDIX C

GENERAL TOWN APPROPRIATIONS

	FY 2003 Actual		FY 2006 Actual		FY2007 Actual		FY2008 Budget		FY2009 Proposed
<u>UNCLASSIFIED</u>									
<u>MEMORIAL DAY CELEBRATIONS</u>									
Expenses	\$ 1,838	\$	1,874	\$	2,000	\$	2,000	\$	2,000
<u>ESSEX COUNTY RETIREMENT</u>									
General Pensions	\$ 343,387	\$	408,466	\$	458,124	\$	487,991	\$	505,612
<u>EMPLOYEE GROUP INSURANCE</u>									
Expenses	\$ 394,668	\$	586,282	\$	604,392	\$	619,199	\$	697,229
<u>FICA/MEDICARE/UNEMPLOYMENT</u>									
Expenses	\$ 57,358	\$	60,384	\$	62,666	\$	81,206	\$	44,100
<u>GENERAL INSURANCE</u>									
Expenses	\$ 115,452	\$	127,395	\$	138,693	\$	151,000	\$	162,325
<u>STREET LIGHTING</u>									
Expenses	\$ 40,975	\$	43,000	\$	35,925	\$	33,500	\$	46,000
<u>MUNICIPAL AUDIT</u>									
Expenses	\$ 12,000	\$	21,500	\$	21,500	\$	25,000	\$	26,500
TOTAL UNCLASSIFIED	\$ 965,678	\$	1,248,901	\$	1,323,300	\$	1,399,896	\$	1,483,766

APPENDIX C

GENERAL TOWN APPROPRIATIONS

	FY 2003 Actual		FY 2006 Actual		FY2007 Actual		FY2008 Budget		FY2009 Proposed
<u>DEBT - PRINCIPAL & INTEREST</u>									
<u>INTEREST</u>									
Interest - Joint Library	\$ 97,878	\$	78,398	\$	73,598	\$	68,798	\$	63,998
Interest - Moulton St. Bridge	\$ -	\$	2,400	\$	-	\$		\$	
Interest - Water Filtration	\$ 94,376	\$	74,846	\$	69,986	\$	65,125	\$	60,265
Interest - Police Fire Station		\$	119,429	\$	231,258	\$	230,658	\$	217,358
Total	\$ 192,254	\$	275,072	\$	374,842	\$	364,581	\$	341,621
<u>PRINCIPAL</u>									
Principal - Joint Library	\$ 120,000	\$	120,000	\$	120,000	\$	120,000	\$	115,000
Principal - Moulton St. Bridge	\$ 65,000	\$	60,000	\$	-	\$		\$	
Principal - Water Filtration	\$ 90,000	\$	90,000	\$	90,000	\$	90,000	\$	87,500
Principal - Police Fire Station		\$		\$	304,000	\$	325,000	\$	325,000
Total	\$ 275,000	\$	270,000	\$	514,000	\$	535,000	\$	527,500
<u>SCHOOL DEBT</u>									
Principal & Interest - 1988 School Add/Repr	\$ 78,337	\$	133,513	\$	127,840	\$	131,659	\$	128,942
Principal & Interest - 1997 Middle School	\$ 428,448	\$	416,894	\$	421,792	\$	514,208	\$	513,952
Principal & Interest - 2002 Boiler	\$ 106,742	\$	111,760	\$	108,647	\$	105,447	\$	101,708
Total	\$ 613,527	\$	662,167	\$	658,279	\$	751,314	\$	744,602
TOTAL DEBT - PRINCIPAL & INTEREST	\$ 1,080,781	\$	1,207,239	\$	1,547,121	\$	1,650,895	\$	1,613,723
TOTAL GENERAL FUND	\$ 17,019,654	\$	20,200,813	\$	21,672,793	\$	22,747,897	\$	24,040,484

APPENDIX D

WATER ENTERPRISE BUDGET

WATER ENTERPRISE FUND	FY 2005 Actual	FY 2006 Actual	FY 2007 Actual	FY 2008 Budget	FY2009 Proposed
INCOME					
USER REVENUE	\$ 746,520	\$ 815,322	\$ 813,571	\$ 825,526	\$ 825,526
LIEN REVENUE	\$ 17,806	\$ 15,278	\$ 26,349	\$ 20,000	\$ 20,000
MISCELLANEOUS INCOME			\$ 26,566		\$ 14,816
INTEREST INCOME	\$ 326	\$ 373	\$ 325	\$ 373	\$ 373
BAN PREMIUM					
TOTAL	\$ 764,652	\$ 830,973	\$ 866,811	\$ 845,899	\$ 860,715
EXPENSES					
WAGES	\$ 135,977	\$ 199,180	\$ 213,870	\$ 252,731	\$ 194,220
ADMINISTRATIVE ASSISTANT	\$ 35,020	\$ -	\$ -		
LONGEVITY-ALL ELIGIBLE EMPL.	\$ 2,700	\$ -	\$ -		
OVERTIME	\$ 32,164	\$ 33,733	\$ 35,117	\$ 27,000	\$ 35,935
CLERICAL OVERTIME	\$ -	\$ -	\$ -		
CONTRACT SERVICES	\$ -	\$ 9,064	\$ 14,476	\$ 20,000	\$ 20,000
UTILITIES	\$ 59,993	\$ 66,752	\$ 50,000	\$ 47,000	\$ 62,000
FUEL/VEHICLE R & M	\$ 7,542	\$ 11,448	\$ 8,652	\$ 7,000	\$ 13,000
WELL MAINTENANCE	\$ 15,597	\$ 18,482	\$ 14,433	\$ 15,000	\$ 15,000
FEMA EXPENSE			\$ 5,156		
EXPENSES	\$ 18,000	\$ 15,879	\$ 17,854	\$ 18,000	\$ 18,000
WATER TREATMENT OPERATING	\$ 39,775	\$ 49,689	\$ 48,303	\$ 60,000	\$ 60,000
WATER EMERGENCY FUND	\$ -			\$ 30,000	\$ 41,000
SYSTEM MAINTENANCE	\$ 35,358	\$ 34,990	\$ 32,747	\$ 35,000	\$ 35,000
METERS	\$ 4,854	\$ 22,494	\$ -		\$ 3,600
DEBT SVC/BORROW COSTS FILTRATIC	\$ 169,706	\$ 164,846	\$ 159,986	\$ 155,125	\$ 148,000
GENERAL FUND TRANSFERS	\$ 119,335	\$ 119,335	\$ 119,335	\$ 140,000	\$ 153,198
WATER LITIGATION	\$ 83,315	\$ 17,093	\$ 50,643	\$ 13,000	\$ 39,000
WATER ENT CAPITAL PROJ	\$ -	\$ -	\$ 90,000	\$ 15,000	\$ 22,200
TOTAL	\$ 759,335	\$ 762,986	\$ 860,572	\$ 834,856	\$ 860,153
NET OPERATING SURPLUS (DEFICIT)	\$ 5,316	\$ 67,988	\$ 6,239	\$ 11,043	\$ 562
RETAINED EARNING TRANSFER		\$ 166,000	\$ 94,000	\$ 30,000	\$ 6,000
WATER ENTERPRISE FUND as 7/1	\$ 53,889	\$ 103,465	\$ 36,221		
ARTICLE 2008/5 2-4 will increase the Emergency Fund to \$47,000					

APPENDIX E

WASTE REDUCTION ENTERPRISE BUDGET

Waste Reduction Enterprise Fund		
<i>Solid Waste Collection & Disposal</i>		
	FY 2008 Projected	FY 2009 Proposed
Income		
Bag Revenue	\$ 10,500	\$ 42,500
Grant Revenue	\$ 10,520	\$ -
General Fund Transfer		\$ 285,300
Total	\$ 21,020	\$ 327,800
Expenses		
Bag Production	\$ 9,308	
Stickers & Bins	\$ 1,350	
Advertising	\$ 880	
Hauling and Collection		\$ 163,500
Tipping and Disposal		\$ 160,000
Fuel Adjustment		\$ 4,300
Total	\$ 11,538	\$ 327,800
Retained Earnings	\$ 9,482	\$ -

APPENDIX F

**Hamilton-Wenham Regional School District
FY09 SCHOOL COMMITTEE APPROVED BUDGET
March 31, 2008**

Category	07-08 Budget	Change	% Chng	08-09 Budget	Change	% Chng
Salaries-Other than SPED	\$12,658,551	\$207,675	1.7%	\$12,967,904	\$309,353	2.4%
SPED Salaries/Tuition/Contr. Serv/Trans	\$5,653,111	\$167,606	3.1%	\$6,819,628	\$1,166,517	20.6%
Insurance/Pension & Taxes	\$3,139,694	\$414,065	15.2%	\$3,652,431	\$512,737	16.3%
Transportation-Regular Education	\$614,160	\$34,217	5.9%	\$628,832	\$14,672	2.4%
Maintenance Expense & Utilities	\$1,321,822	\$172,518	15.0%	\$1,525,587	\$203,765	15.4%
Expenses (Other)	\$1,238,272	-\$35,359	-2.8%	\$1,437,185	\$198,913	16.1%
Total Gross Budget	\$24,625,610	\$960,722	4.1%	\$27,031,567	\$2,405,957	9.8%
Revenue Source						
Revenue Source	07-08 Budget	Change	% Chng	08-09 Budget	Change	% Chng
State Aid: Chapter 70	\$3,370,393	\$101,050	3.1%	\$3,506,180	\$135,787	4.0%
State Aid: Transportation	\$331,284	\$0	0.0%	\$400,943	\$69,659	21.0%
School Choice	\$580,000	\$150,000	34.9%	\$581,566	\$1,566	0.3%
Early Childhood Tuition	\$58,647	\$0	0.0%	\$40,000	-\$18,647	-31.8%
Special Needs Tuition	\$28,000	\$0	0.0%	\$28,000	\$0	0.0%
Circuit Breaker	\$220,000	\$60,000	37.5%	\$220,000	\$0	0.0%
Medicaid	\$60,300	\$40,300	201.5%	\$40,000	-\$20,300	-33.7%
Interest Income(+ \$504,558 Reserve Fy07 only)	\$40,000	-\$484,558	-92.4%	\$40,000	\$0	0.0%
Parking Fees	\$30,000	\$0	0.0%	\$30,000	\$0	0.0%
Rental Income	\$4,000	\$0	0.0%	\$4,000	\$0	0.0%
Total Revenues	\$4,722,624	-\$133,208	-2.7%	\$4,890,689	\$168,065	3.6%
Net Budget Total	\$19,902,986	\$1,093,930	5.8%	\$22,140,878	\$2,237,892	11.2%
Town Appropriations						
Town Appropriations	07-08 Budget	\$\$ Change	% Chng	08-09 Budget	\$\$ Change	% Chng
Hamilton Operational Share (by enrollment .6818/FY09)	\$13,677,333	\$706,709	5.54%	\$15,095,651	\$1,418,318	10.37%
Wenham Operational Share (by enrollment .3182/FY09)	\$6,225,654	\$417,324	7.18%	\$7,045,227	\$819,573	13.16%
Hamilton Debt Offset	\$22,269			\$20,368		
Wenham Debt Offset	-\$22,269			-\$20,368		
Hamilton Total Assessment	\$13,699,601	\$707,941	5.54%	\$15,116,019	\$1,416,418	10.34%
Wenham Total Assessment	\$6,203,385	\$416,092	7.19%	\$7,024,859	\$821,474	13.24%

Note: In Fy08, category reconciliation between the school District and the DOE chart of accounts was undertaken. This process resulted in a number of expenses being moved from one category to another. This was an accounting change only.

APPENDIX G

COMMUNITY PRESERVATION COMMITTEE BUDGET FY 09

No.	PURPOSE
	<u>Historic Preservation</u>
1.	To appropriate \$9,000 from Community Preservation Fund Historic Resources Reserves to replace the flooring at the Senior Center/Old Library.
2.	To appropriate \$35,000 from FY 09 Community Preservation Fund Revenues to fund a portion of the restoration of the 113-year old tabernacle located at Asbury Grove, which has been determined eligible for listing and has an application pending to be placed on the National Register of Historic Places.
3.	To appropriate \$11,000 from Community Preservation Fund Historic Resources Reserves to fund renovations of the historic bell at the First Congregational Church of Hamilton to allow the bell to ring at time intervals synchronized with the Town Clock.
4.	To appropriate \$120,000 from FY 09 Community Preservation Fund Revenues to fund the renovation of the Hamilton Wenham Community House portico, a prime feature of this architecturally significant building. Final amount will be determined by the Town of Wenham's contribution, and will not exceed two times that amount consistent with the two-town apportionment formula for jointly funded projects.
	<u>Recreation</u>
5.	To appropriate \$2,500 from FY 09 Community Preservation Fund Revenues to preserve and restore Weaver Pond at Patton Park as a public recreational resource.
	<u>Open Space</u>
6.	To appropriate \$70,000 of FY 09 Community Preservation Fund Revenues for the required set-aside for future Open Space projects.
	<u>Community Housing</u>
7.	To appropriate \$70,000 of FY 09 Community Preservation Fund Revenues for the required set-aside for future Community Housing projects.
	<u>Administration</u>
8.	To appropriate \$35,000, of FY 09 Community Preservation Fund Revenues for administration costs including, but not limited to, Annual Community Preservation Coalition membership Fees and salary for part-time Community Preservation Committee Coordinator position.

The balance of FY 09 Community Preservation Funds will be allocated to the General Reserve Fund.

Anticipated CPA Revenues of \$ 700,000 (including estimated state match of \$275,000)

Summary of recommendations by Category		%
Community Housing	\$ 70,000	10.00 %
Open Space	\$ 70,000	10.00 %
Historic Preservation	\$ 175,000	25.00 %
Recreation	\$ 2,500	0.36 %
Administration	\$ 35,000	5.00 %
Undedicated Reserve	\$ 347,500	49.64 %
Total	\$ 700,000	100.00 %

APPENDIX H

SENIOR HOUSING BY-LAW

Delete **Section V.E.**, *Elder Housing Special District*, and replace it with the new *Senior Housing By-law* language below.

1. Purpose and Intent

The purpose and intent of this Bylaw are to:

- permit the development of moderately priced, affordable, and market rate housing for individuals aged fifty-five and over, by allowing for a greater variety of building types at a higher density than would normally be allowed,
- allow greater flexibility in land use planning in order to improve site layouts, protect natural features and environmental values and utilize land in harmony with neighboring properties; and to encourage the implementation of “smart growth” techniques to reduce land consumption and sprawl, provide for open space preservation, expand housing options, and encourage re-use of existing structures,
- allow a type of development which has positive fiscal benefits to the Town,
- protect Hamilton’s rural New England character by permitting development of residential housing in clusters and villages, in a manner which is in harmony with Hamilton’s historic development patterns and is less demanding on its natural resources.

To effectuate this intent, a Senior Housing Special Permit may be granted for any lot(s) in the R-1a, R-1b, RA or B districts that meet the requirements of this by-law section and other applicable provisions of the zoning by-law.

2. Administration

The Planning Board shall be the Special Permit Granting Authority for this Bylaw section. An Applicant may file an application with the Planning Board in conformance with M.G.L. Chapter 40A, (the Zoning Act) Sections 9 and 11, this Bylaw section, and Planning Board Rules and Regulations.

3. Planning Board Rules & Regulations

The Planning Board shall adopt and from time to time may amend Senior Housing Special Permit Rules and Regulations to implement this Bylaw section. Such regulations shall include but will not be limited to Submission Requirements, Fees, Plan Requirements, such as size, form, number and contents; Development Standards, Site Standards, and Standards for Building Placement and Design. Such rules and regulations are required and authorized under M.G.L. Ch. 40A, s. 9, and shall be adopted after proper notice, posting, public hearing and vote by the Planning Board.

4. Occupancy

Each unit in a senior housing development shall be owned and occupied by at least one person age fifty-five (55) or older. All other residents must be over the age of eighteen (18) years.

5. Limitations on Senior Housing Development

The following criteria shall apply:

- A. A maximum of 100 senior dwelling units may be permitted town-wide under this Bylaw section.
- B. The maximum number of dwelling units permitted per year shall be 50. For the purpose of this bylaw section, a “year” shall mean a calendar year. Any partial year will be pro-rated.

- 1) Units shall be counted in the calendar year in which the special permit is granted, not the year in which the application was filed.
 - 2) If fewer than the maximum number of dwelling units is permitted in a year, the balance shall be carried forward to the next year, however, Section 5. B. will remain in effect, and the maximum number of dwelling units permitted per year will remain at 50.
- C. In the event that substantial use or construction of a Special Permit issued has not commenced within two years of approval (Section 27.) and no extensions have been granted, the number of dwelling units shall be added back into the number of unpermitted units, and available to be permitted under Section 5.B.2.
- D. Project Size Cap: A maximum of 50 dwelling units per project shall be allowed
- E. Parcels in existence as of May 5, 2008, may not be assembled to create a larger parcel for senior housing development.
- F. Once any Senior Housing project has been permitted under this bylaw, further expansion of the project shall not be permitted, and no subdivision of the property or change in property lines shall be allowed. A notation to this effect shall be written on the plan.

6. Expiration of Bylaw

The Senior Housing By-Law shall expire on May 6, 2013. It may be extended by a vote of Town Meeting in accordance with the provisions of M.G.L. Chapter 40A, Section 5. Any applications filed and/or under review by the Planning Board at that time will be exempt from this section.

7. Permitted Uses

A Senior Housing development may include the following uses:

- A. Single-family detached dwellings
- B. Townhouse dwellings
- C. Multi-family buildings
- D. Open space and conservation areas
- E. Passive recreation
- F. Agricultural, equestrian, and horticultural uses
- G. Accessory uses, such as a tennis court, pool, community building, and other amenities, in the developed area, for the benefit of the development.
- H. Recreational fields
- I. In the Business District, a mixture of residential and business uses.

8. Developable Acres

“Developable Acres” is defined as the area of the tract of land, exclusive of the area of land lying in the Conservancy District and the area in wetlands subject to M.G.L. Ch. 131, Sec. 40, as mapped by the Applicant’s consultant and approved by the Hamilton Conservation Commission. In addition, land subject to a pre-existing Conservation Restriction, except for land area in a defined “building envelope”, shall be excluded from the total acreage. This net land area shall constitute “Developable Acres”.

9. Base Senior Housing Density

The Base Density per developable acre for a Senior Housing Special Permit shall be: four (4) dwelling units in the Business District; three (3) dwelling units in the R1-a, District, two (2) dwelling units in the R1-b district, and one (1) dwelling unit in the RA district.

10. Incentives to Increase Base Senior Housing Density

See the following matrix for incentives which may be utilized to increase the Base Senior Housing Density:

Senior Housing Density Matrix

	A	B	C D E F G					H	I	J
	Zoning District	Base Senior Housing Density (BSHD) per Dev. Acre	Incentives to Increase Base Senior Housing Density for:					Subtotal of Base Senior Housing Density Incentives (C+D+E+F+G)	Incremental Density Per Developable Acre Rewardable by PB for Trails, Fields, Environmental, energy, water conservation, building green, & other public benefits	Maximum Density Per Dev. Acre
			Mix of Smaller Units (50% units under 1300 sq. ft.)	On or Off Site Construction of Inclusionary Housing Obligation (Affordable Housing)	Smart Growth, per Comm. of Mass. criteria (PB Rules & Regs)	Additional 25% of Property as Open Space	Voluntary Cap on Appreciation of Units			
1	B	4	25%	25%	25%	N/A	25%	100%	1.0	6.00
2	R-1a	3	25%	25%	25%	25%	25%	125%	1.0	4.00
3	R-1b	2	25%	25%	25%	25%	25%	125%	1.0	4.00
4	RA	1	25%	25%	25%	50%	25%	150%	2.0	4.00

NOTES ON HOW TO READ THE MATRIX: The **Incentives to Increase Base Senior Housing Density** may be selected and utilized by an Applicant to increase the *Base Senior Housing Density* shown in Column B. The percentage shown in Columns C, D, E, F and G, and Column I would, if selected, increase the number of dwelling units per developable acre in Column B, up to the amount shown in Column J, *Maximum Density per Developable Acre*.

EXPLANATION OF COLUMNS:

Column A: The existing Zoning Districts in Hamilton.

Column B: The Base Senior Housing Density (BSHD) per Developable Acre. This is the base acreage that one may apply for in a Senior Housing Special Permit, without utilizing any of the Incentives in Columns C, D, E, F, G, and/or I.

Column C: Encourages the construction of smaller-sized dwelling units. For meeting this requirement, an Applicant earns 25% more dwelling units than what is shown in Column B.

Column D: Encourages construction of affordable dwelling units. Section VI.G. of the Hamilton Zoning Bylaw, *Inclusionary Housing*, requires an affordable housing component for projects of 10 or more dwelling units. This column requires that the housing be constructed on-or off-site, rather than meeting Inclusionary Housing methods by other authorized methods. An Applicant earns 25% more dwelling units than what is shown on Column B if he fulfills this provision.

Column E: Encourages the utilization of “Smart Growth” or “Sustainable Development Principles”, some of which are listed in part in Section 1, *Purpose and Intent*, of this Bylaw section. See Planning Board Rules and Regulations for Smart Growth Principles issued by Commonwealth of Massachusetts, Office for Commonwealth Development. An Applicant who incorporates Smart Growth Principles into design of a plan earns 25% more dwelling units than what is shown in Column B.

Column F: Encourages the preservation of Open Space above what is required by the Bylaw section. If an additional 25% of the Open Space of a parcel is preserved, then an Applicant earns 25% more dwelling units than what is shown in Column B. See Sections 14 and 22 for Open Space requirements.

Column G: Encourages resale prices which will become more affordable for subsequent purchasers of the senior housing dwelling units due to a voluntary cap on the allowable rate of appreciation on sales in future years. A deed restriction, (also to be included in association documents), imposed by the Applicant, places a cap on appreciation of the resale price of dwelling units. An Applicant earns 25% more dwelling units than what is shown in Column B if he fulfills this provision.

Column H: Represents a sub-total of the incentives in Columns C-G.

Column I: Encourages other initiatives which provide a public benefit to the Town such as, but not limited to, preservation and enhancement of trails; creation of playing fields; environmental, energy, water conservation, green building design, and other public benefits. For one or a combination of these initiatives, an Applicant may earn one additional dwelling unit per developable acre in the Business, R1-a, and R1-b Districts, and up to two additional units per developable acre in the RA District.

Column J: Indicates the Maximum Density per Developable Acre which one may earn by using a variety of the incentives allowed. Incentives shall be allowed at the discretion of the Planning Board.

The final number shall be rounded to the nearest whole number.

11. Minimum Distance Between Projects

A. In order to mitigate the impact of multiple developments on surrounding neighborhoods, a proposed project must be located at least the distance established in the *Minimum Distance Between Projects* table below from any other existing or approved Senior Housing project, any existing or approved project including multi-unit residential buildings under M.G.L. Chapter 40B, or any existing or approved project including multi-unit residential buildings under any other provision or by-law. Excluded from this calculation and this Bylaw section are any existing multi-family project approved prior to January 1, 2003, and apartments under Section V.A.11.e, *Apartment Options*.

B. The Minimum Distance Between Projects shall be calculated using the following table:

Combined Total Units in Proposed Project and in Existing or Approved Projects	Minimum Distance Between Projects
Up to and including Fifty (50) Total Units	One-third (1/3) Mile
Exceed Fifty (50) Total Units	Two-thirds (2/3) Mile
Exceed Seventy-five (75) Total Units	One (1) Mile

C. The distance between projects shall be measured from the closest property boundary. Parcels in existence on May 5, 2008 may not be subdivided to avoid application of this provision.

D. A project shall be deemed to be existing or approved if it has been constructed or if a special or comprehensive permit, or a site plan approval, has been granted; or if a special or overlay zoning district which allows multi-family housing has been approved.

E. The determination of the required separation between projects shall be made at the time the Special Permit is issued under this by-law, in order to assess the most up to date existing project status.

F. If a 40B housing proposal is filed and approved while an application for Senior Housing Special Permit has been filed and is under review by the Planning Board, that Senior Housing project shall be exempt from the distance requirement of this Bylaw section.

G. Senior Housing proposals in the Business District shall be exempt from the provisions of this Section 11 and developments wholly within the Business District shall not be considered as existing or approved projects for purposes of establishing required project separation in any other district.

12. General Requirements

- A. **General Compliance:** A proposal must comply with all other applicable Town Bylaws, and the applicable rules, regulations, and requirements of all departments, boards, and commissions, including the special sensitivities of the Historic District and the Groundwater Protection Overlay District.
- B. **Extension or Alteration of Pre-Existing Non-Conforming Use:** To the extent that such a finding is required, that approval shall be granted before applying for a Senior Housing Special Permit.
- C. **Inclusionary Housing:** There shall be compliance with Sec. VI.G of this bylaw, *Inclusionary Housing*. The Town of Hamilton Local Preference Policy shall apply to affordable dwelling units created.
- D. **Local Preference:** The Applicant is encouraged to provide a local preference program for fair market rate units, for an initial limited duration, for the purchase of dwellings by those eligible under the Local Preference Policy.
- E. **Low Impact Development:** The use of low-impact development techniques is required, where applicable. The Applicant shall employ meaningful low impact techniques which will result in less impervious area, direction of roof runoff toward rain gardens and swales, and plantings indigenous to the area. The use of recycled or recaptured rainwater is encouraged. (A Low Impact Development Handbook and other references are available from the Planning Board Office.)
- F. **Minimizing Disturbance:** The Applicant is encouraged to maintain as much of the site as possible in its natural state. The Applicant is urged to incorporate horticultural and landscape design that reduces the need for supplemental irrigation and chemical fertilization, e.g. minimizing lawn area.
- G. **Location of Wastewater Treatment:** All wastewater shall be treated and discharged on-site. Off-site wastewater treatment is not allowed. An exception to this is for parcels located in the Business District, where wastewater treatment may be located off-site.
- H. **Paths and Trails:** Shall be connected, preserved, and increased when possible.
- I. **Conversion to Apartments:** Dwellings constructed by Special Permit under this section shall not be eligible for subsequent conversion to add apartments under Section V.11.e.1, 2, 3 or 4 of this Bylaw
- J. **Reuse of Existing Buildings:** Existing buildings and dwelling units may be reused and rehabilitated for the purposes of this Bylaw section, provided all standards and requirements are met.
- K. **Homeowners Association and/or Condominium Documents:** Prior to submitting an application to the Building Inspector and prior to construction of infrastructure, the Applicant shall submit to the Planning Board and receive approval of all Homeowners Association and/or Condominium Documents. The Planning Board or legal counsel shall review and approve the documents to ensure that the intent of the Bylaw section and the relevant sections of the Decision of the Planning Board are incorporated into the documents.

13. Exemptions

A proposal for a Senior Housing Special Permit shall be exempt from Section V.12, *Open Space and Farmland Preservation Development*, and Section VI.H., *Site Plan Review*.

14. Dimensional Standards

The following dimensional and other standards shall supersede all dimensional standards in the underlying zoning district and shall be applied to any Senior Housing development:

TABLE OF DIMENSIONAL REQUIREMENTS

	A	B	C	D	E	F	G	H	H
	Zoning District	Underlying Zoning District Requirement (s.f.)	Minimum Parcel Size (sq. ft.) to be eligible for development	Min. Parcel Frontage Req'd. (feet) to be eligible for development	Front Setback (feet) from perimeter property line	Side & Rear Setbacks (feet) from perimeter property line	Vegetated Buffer (feet) around perimeter of parcel	Min. Open Space Req'd of total acreage	Max. Lot Coverage of entire parcel
1	Bus. District		None	site specific	0	0 ¹	0 ¹	0	site specific
2	R-1a	20,000	80,000	125	25	25 ²	20	0	25%
3	R-1b	40,000	80,000	175	25	25 ²	20	15%	25%
4	RA	80,000	80,000	175	50	25 ²	20	25%	25%

¹ The Planning Board shall require a setback and a vegetated buffer where the parcel abuts a residential zone.

² Minimum of twenty-five (25') feet or the height of the building, whichever is greater.

15. Building and Design Standards

In order to achieve a development that reflects the residential character of the neighborhood in which it is located, the following minimum building and design standards shall be applied to all structures constructed in a Senior Housing development:

- A. Dwelling units shall not contain more than 2 bedrooms.
- B. Buildings shall be designed to be consistent with the residential character of the Town and shall be complementary in exterior design with each other and, where applicable, with the existing neighborhood in which the development is located.
- C. A mixture of small, medium, and large dwelling units is encouraged, in order to create a range of selling price levels, and to address the needs of various members of the population.
- D. A minimum of twenty-five foot (25') separation between buildings shall be provided and shall be landscaped.
- E. Accessory structures shall comply with all setback requirements and shall be designed with architectural detailing of similar nature to the principal buildings located thereon.
- F. Other Building and Design Standards in applicable Planning Board Rules and Regulations shall apply.

16. Lighting

All lighting fixtures shall be integrated into the architectural style of the development. All exterior structural and site lighting (not including access road lighting) shall be localized and of full cut-off design, with light which shall be retained on site and shall not create a nuisance to abutting properties and streets. All exterior light sources shall be appropriately shielded from off-premise viewing. Access road lighting shall be designed to prevent nuisance to abutting properties by reason of light and glare.

17. Signs

The need for an identifying sign is very site dependent. Accordingly, the Planning Board shall determine if a sign is needed based on the size, location, and visibility of a project. If the Board determines that a sign is needed, one sign to identify the property, no greater than three square feet (3 sq. ft.) in size, and mounted on posts with total height of sign not more than four feet (4') above the ground, shall be allowed at the intersection of the project's access road or driveway with the abutting public way. Signage may be illuminated with targeted lighting that minimizes light spill-over, but it shall not be backlit or internally illuminated.

18. Site Access, Roadway Design and Management

- A. All structures located within a Senior Housing development shall be accessed by (i) an existing driveway or an existing private way, subject to Planning Board determination as to adequacy of the access, and/or (ii) by a new driveway or a new private way.
- B. If access to a proposed development is derived from a private way, then the Applicant shall submit a legal opinion, acceptable to Town Counsel, establishing the right of access from the private way to the development as proposed.
- C. All access roadways and associated infrastructure improvements shall be considered private, under the ownership of the property owner and/or a homeowners association established pursuant to M.G.L. Chapter 183A, and shall not be owned or maintained by the Town of Hamilton.
- D. The Planning Board shall pay special attention to the suitability of the location of the site access road relative to abutting properties when evaluating the Special Permit.

19. Stormwater Management & Erosion Control

- A. The peak rate of storm water runoff from a Senior Housing Development shall comply with Department of Environmental Protection Stormwater Management Policy, and the provisions General Bylaw XXIX, *Stormwater Management Bylaw*.
- B. General soil erosion of the proposed development site shall be minimized by integrating the development into the existing terrain and by reasonably retaining natural grades and soil cover. During grading and construction of all improvements, including all structures and infrastructure improvements, erosion of soil shall be minimized using best management practices.

20. Parking

- A. All Senior Housing developments shall provide for adequate off-street parking which will protect the health, safety and welfare of the residents and guests.
- B. A minimum of two off-street parking spaces shall be provided per unit. Each garage unit shall be counted as a parking space. Visitor Parking Spaces shall be provided at a rate of .2 per required parking spaces, and shall be clearly marked.
- C. A minimum of two parking spaces shall be provided for postal delivery accessory structures, if provided.
- D. In all parking areas, the use of low impact development techniques is required, as appropriate, in order to reduce impervious area and runoff.

- E. No parking spaces or parking lots shall be located within the required minimum yard setback requirements for principal structures from access roads and property lines except as allowed by the following sentence: The parking of vehicles shall be allowed within driveway areas providing access to a principal structure, as long as the driveway is designed at a proper width for parking.
- F. No parking areas, parking lots or access drives shall be located within the minimum twenty-five foot (25') separation area between structures.

21. Setbacks and Landscape Buffers

- A. Building setbacks shall remain vegetated and undisturbed to the extent possible in order to maintain the existing natural features. The Planning Board may require designated “No Cut Zones” in order to minimize disturbance and impacts to abutting properties. Buffering from the street and abutting properties in order to minimize visibility is desirable.
- B. See Section 14 for the Vegetated Buffer requirement for each zone. A landscaped buffer shall be provided along the perimeter of the property. For said landscaped buffer, natural vegetation shall be supplemented with the planting of evergreen trees and shrubs. A Landscape Plan will be required.

22. Open Space and Natural Resources

- A. See Section 14 for the minimum Open Space requirement for each zone, which shall be set aside as common open space. A Senior Housing development which includes an open space component must provide that land area as permanently protected, usable, common open space that is functional for purposes intended by this Bylaw section. The common open space shall have no structures, parking, private yards, patios, or gardens that are restricted for the exclusive or principal use by residents of individual dwelling units.

The following standards apply to the common open space in a Senior Housing development:

- B. Ownership of the Common Open Space. Any common open space within a Senior Housing development shall be **a.** conveyed to the Town and accepted for park or open space use, **b.** and/or shall be conveyed to a non-profit organization, the principal purpose of which is the conservation of open space, **c.** and/or shall be conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the plan, as provided by M.G.L. c. 40A, Section 9. In any case where the common open space is not conveyed to the Town, a perpetual restriction enforceable by the Town or the Conservation Commission shall be recorded providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadway.
- C. Use, Shape, Location of Common Open Space.
 - 1) To the maximum extent feasible, the common open space shall be undisturbed, unaltered and left in its natural condition or existing condition. It shall be appropriate in size, shape, dimension, location, and character to assure its use as a conservation area, or where appropriate, a recreational area, and serve as a visual and natural amenity for the development and the Town.
 - 2) The common open space shall be contiguous and linked as a unit, to the maximum extent possible.
 - 3) Common open space shall be functional for wildlife habitat, passive recreation, resource preservation, agriculture, or equestrian uses.
 - 4) The location(s) and configuration of the common open space shall be subject to approval by the Planning Board.

- 5) Each parcel of common open space shall be accessible to residents of the Senior Housing development.
- 6) Land used for common or shared septic systems and required reserve area may not be counted toward the minimum common open space requirement unless authorized by the Planning Board.
- 7) Not more than 50% of the common open space in a Senior Housing development shall consist of areas subject to the Wetlands Protection Act, M.G.L. Ch.131, Section 40, for reasons other than being subject to flooding, or the Conservancy District as defined by Section V.C. of this Bylaw.
- 8) Existing utility easements may not be counted as common open space.
- 9) Up to five percent (5%) of the minimum required open space may be used for gravel roadways, pavement or structures accessory to the dedicated use or uses of the common open space. Principal or accessory structures and access roads essential to an agricultural use are exempt from this requirement, except for indoor/covered riding rings.

23. Senior Housing Special Permit Application Process

- A. For applications which do not contain an Open Space element, an application may be filed with the Planning Board, in conformity with applicable Planning Board Rules and Regulations and this Bylaw section.
- B. If an application contains an Open Space element, then the requirements of Section V.A.12 of this Bylaw, *Open Space and Farmland Preservation Development (OSFPD) Sections 5. Pre-Application Conference*, and *7. OSFPD Special Permit Design Process*, shall apply. Following the conclusion of this procedure, an application may be filed as in Subsection E. below.

In either case,

- C. If a Definitive Subdivision is proposed, a Definitive Subdivision Plan shall be filed in conformity with M.G.L. Chapter 41, Sections 81A-81GG, and the Town of Hamilton Subdivision Regulations, along with an Application for a Senior Housing Special Permit. To the extent possible, hearings will be held concurrently.
- D. If a Definitive Subdivision is not proposed, an application shall be filed which includes a Senior Housing Design Plan, which shall conform to Planning Board regulations. A Senior Housing Design Plan shall be considered neither a subdivision plan under the Subdivision Control Law nor a site plan subject to the provisions of Section VI.H, *Site Plan Review*, of this Bylaw. Such plan shall comply with applicable Stormwater Management regulations.
- E. Application Process:
 - 1) The Applicant shall furnish a copy of the application to the Town Clerk, which shall be time stamped as the official submittal.
 - 2) The Applicant shall furnish sufficient copies of the Special Permit Application to the Planning Board to distribute for review to the Board of Health, Board of Selectmen, Building Inspector, Conservation Commission and Open Space Committee, Department of Public Works, Fire Chief, Police Chief, Historic District Commission, Office on Disability, and Zoning Board of Appeals. The size, quantity, form, and content of plans shall comply with Planning Board Rules and Regulations.

- 3) Reports from the above-named boards and officials are not mandatory, and if officials wish to comment, reports shall be submitted to the Planning Board within thirty (30) days of receipt by the reviewing party. In the event that the public hearing by the Planning Board is held prior to the expiration of the 30-day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that 30-day period
 - 4) Planning Board members shall conduct a site visit with the applicant prior to or during the public hearing.
 - 5) A Senior Housing Special Permit may be issued only following a public hearing held within 65 days after filing an application with the Planning Board.
 - 6) The Planning Board shall conduct a hearing and render a decision in conformity with M.G.L. Chapter 40A, Sections 9 and 11, and applicable rules and regulations.
- F. Once a Senior Housing Special Permit application has been submitted, the following activities are prohibited on any part of the site until the application has been reviewed and decided as provided by this Bylaw section: tree removal, utility installation, ditching, grading or construction of roads, grading of land or lots, excavation, except for purposes of soil testing, dredging or filling, and construction of buildings or structures.

24. Conditions of Approval

The Planning Board may impose conditions, safeguards, requirements, and other standards as part of its approval.

25. Employment of Outside Consultants

The Planning Board may employ outside consultants, at the Applicant's expense, under the terms of M.G.L. Ch. 44 Section 53G, and Planning Board Rules and Regulations Governing Special Permits, to assist in its permit decision, including but not limited to plan review, drainage and stormwater analysis; to determine conformance with this Bylaw section and other requirements; and for construction inspection, etc.

26. Planning Board Findings

In making its decision the Planning Board must make written findings on the following mandatory standards requiring that the proposed use, buildings and structures for a Senior Housing development will:

- A. Be compatible with adjacent land uses and with the character of the neighborhood in which it is located.
- B. Mitigate impact to abutting land and natural resources by reason of air or water pollution, noise, dust, vibration, or stormwater runoff.
- C. Provide safe and convenient access to the site from existing or proposed roads, and to proposed structures thereon, with particular reference to pedestrian and vehicular safety, traffic flow and control, and access in case of fire or emergency.
- D. Provide for adequate capacity for public services, facilities, and utilities to service the proposed development such as water pressure and sewer capacity.
- E. Provide for visual and noise buffering of the development to minimize impact to abutting properties.
- F. Provide for the perpetual preservation and maintenance of open space, trails, and recreation areas.
- G. Demonstrate compliance with the intent of *Open Space and Farmland Preservation Development*, Section. V.A.12.7. *OSFPD Special Permit Design Process*, in order to encourage cluster development.

27. Duration of Special Permit

A Senior Housing Special Permit is granted for a period of two years from the date of its approval and shall lapse if substantial use or construction has not commenced by such date, except for good cause shown.

28. Annual Reporting

The organization of homeowners established for the management of the development, or if none, the owners individually, shall annually file a written report with the Building Inspector listing the residents of each occupied unit. The format for the annual report shall be obtained from the Building Inspector. Said annual report shall include the names and ages of the owners and each person residing in each unit as of January 1st of each year, and any other information necessary to ensure compliance with and enforce any required conditions of special permit. The annual report shall be filed with the Building Inspector January 15th of each year.

APPENDIX I

AMENDMENTS IN CONFORMITY SENIOR HOUSING BY-LAW

Amendments in Conformity with Senior Housing By-law

- 1. Delete the following line from **Section II., ESTABLISHMENT OF DISTRICTS**, Section A:

“EH Elder Housing Special District Sec. V-E”

and,

- 2. Delete the following paragraph:

“The EH District is not shown on the Zoning Map, but shall be located on a case by case basis by 2/3 vote of Town Meeting, as set forth in M.G.L., Ch 40A. Sec. 5, following approval of a specific Elder Housing proposal under Sec. V.E. and Sec. VII of this By-law.”

Amend **Section VII. DEFINITIONS**, to delete

- 3. the definition of Elder Housing.

APPENDIX J

SITE PLAN REVIEW BY-LAW

Amend Section VI. H., Site Plan Review, as follows: (revisions in bold)

Amend Section VI. H. 3. a. 1. Regular Site Plan Review as follows:

1. Except for those proposals eligible for Abbreviated Site Plan Review (2.b above), the applicant shall file 21 copies of all Site Plan Review materials as specified below, **accompanied by a fee of \$75 plus \$50 for each 1000 square feet of new floor area created, and documentation as required by the Zoning Board of Appeals Instruction Sheet...**(end of excerpt)

Amend Section VI. H. 3. b. 1. Abbreviated Site Plan Review as follows:

1. If the proposed construction and/or change of use is eligible for Abbreviated Site Plan Review under Sec. 2.b above, the Applicant shall file 8 copies of the limited materials as required in 4) below with the Town Clerk, along with an Application fee of ~~\$75~~ **and accompanying documents as required by the Zoning Board of Appeals Instruction Sheet.** The application will not be considered legally submitted until it is complete. The Town Clerk shall forward 5 copies to the Board of Appeals, and one copy to the Building Inspector and Planning Board, retaining one copy for the Town Clerk file. The commenting boards shall transmit their comments to the Board of Appeals within 35 days of the date of application. **A NO Public Hearing, abutter notification, and all other provisions as outlined in Section VI.H. 3.a.2, are is required and apply to Abbreviated Site Plan Review. The Bd. of Appeals shall make a decision within 65 days of the date of application, and failure to decide within this time period shall constitute approval of the Site Plan unless the time period is specifically extended by the applicant in writing.**

APPENDIX K

VIOLATIONS AND PENALTY BY-LAW

Amend Section VIII. G., Violations and Penalty, to add the following: (in bold)

Whoever violates any provision of this By law may be punished by a fine not exceeding one hundred dollars for each offense. Each day or portion thereof that such violation continues shall constitute a separate offense.

Pursuant to M.G.L. Ch. 40, Sec. 21D, the zoning by-laws may also be enforced by the Building Inspector by non-criminal complaint. Each day or portion thereof that such violation continues shall constitute a separate offense. The penalty for violation of any provision of these by-laws shall be \$25.00 for the first offense; \$50.00 for the second offense; \$100.00 for the third offense; and \$200.00 for the fourth offense and each subsequent offense.

APPENDIX L

AMENDMENTS TO ACCESSORY APARTMENT BY-LAW

Amend Section V.A.11.(e).4 Accessory Apartment, as follows: (revisions in bold)

1. Purposes. The purposes of the Accessory Apartment Bylaw are to provide for a variety of housing choices in Hamilton, ~~and to encourage a more efficient use of existing buildings~~ without substantially altering the appearance and character of residential neighborhoods or the Town.

AND, amend Subsection 2.h.

- h. To the maximum extent practical, the accessory apartment shall be designed so that the exterior appearance of the building remains unchanged. Any building addition for accessory apartment space shall not exceed 15% of the Gross Floor Area existing in the single-family dwelling or accessory structure, as applicable, at the time of the application. Unless otherwise required by the Massachusetts State Building Code, any new exterior stairs needed to provide primary or secondary means of egress for the accessory dwelling shall ~~be located on the side or rear of the building,~~ **and shall be enclosed not be located on a side of the building facing the street.**

APPENDIX M

ROADSIDE STAND BY-LAW

Delete Section V. A. 11. f

NOTE: Section V. A. 11 begins as follows: Subject to a Special Permit by the Board of Appeals as provided in Section IX-D below, the following:

- ~~f. Roadside Stand for sale of farm produce raised in the Town, set back at least thirty (30) feet from the street line and provided that space for customers' cars is available off the right-of-way of the street and so arranged as not to permit backing of automobiles onto any public or traveled way. This use requires Site Plan Review; see section VI.H.~~

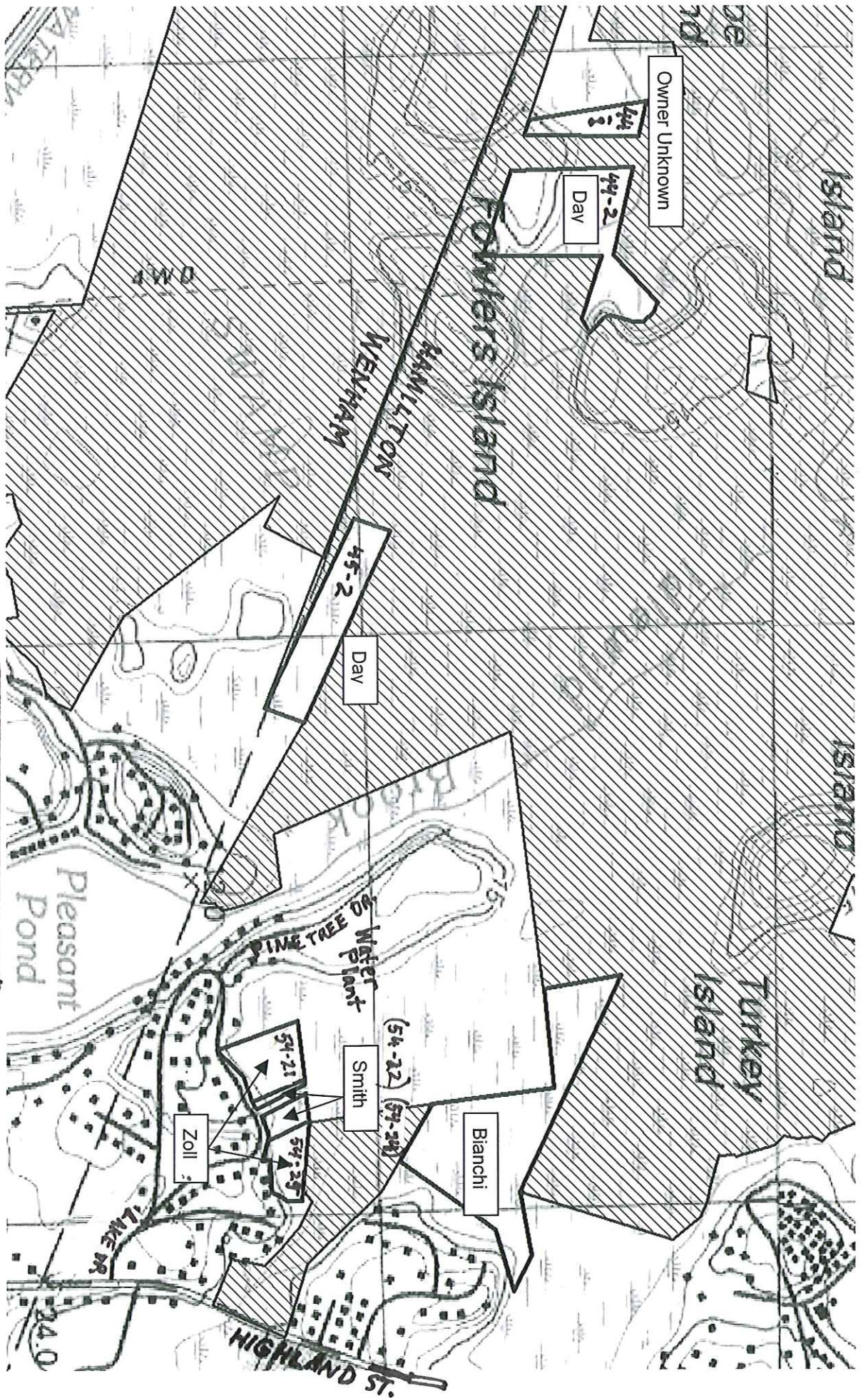
APPENDIX N

FLOOD PLAIN DISTRICT BY-LAW

Amend Section V. F. 4. Flood Plain District: (revisions in bold)

4. Use Regulations. The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Law and with the following:

- a. Section of the Massachusetts State Building Code which addresses floodplain areas, ~~(currently 780 CMR 2102.0, "Flood Resistant Construction")~~; **(currently 780 CMR §5323 "Flood Resistant Construction", or the most recent revision of the State Building Code).**



Parcels involved in settlement discussions with Town of Hamilton

MAP-LOT	Owner
44-1	Unknown Owner
44-2	Day Estate
45-2	Day Estate
54-21	Zoll
54-22	Smith
54-24	Smith
54-25	Zoll