



WARRANT

For

Special Town Meeting

November 7, 2015

9:00 a.m.

Winthrop School

Auditorium

Please note: This Warrant should be brought to Town Meeting. The appendices to the Warrant are available at Town Hall, on-line at www.hamiltonma.gov, and will be available at Town Meeting.

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, except that unanimous consent shall be required for inclusion of an Article in a "Consent Motion" group of Articles that will be taken up by the meeting for voting on the group.

SECTION 2. In case of motions to amend, or to fill out blanks, the one expressing the largest sum or 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 Special 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 to or 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.

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Please note: The warrant and appendices are also available at the Town Hall, on-line @ www.hamiltonma.gov and at the meeting.

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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 Winthrop School in said town, on Saturday, the seventh day of November, in the year Two Thousand Fifteen (November 7, 2015) at nine o'clock in the morning (9:00 am.), then and there to act on the following articles.

SECTION 1: REPORTS AND PROCEDURES

<p>ARTICLE 2015/10 1-1 <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 Town Report for Calendar Year 2015.</p>
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SECTION 2: FINANCIAL ACTIONS

<p>ARTICLE 2015/11 2-1 <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 utility, supplies, and services bills incurred in FY 15, or take any action thereon or relative thereto. (<i>Expected amount \$4,729.97</i>)</p> <p>The Board of Selectmen recommends favorable action. The Finance and Advisory Committee recommends favorable action.</p>
<p>ARTICLE 2015/11 2-2 <i>Pool Revolving Fund</i></p>	<p>To see if the Town, pursuant to M.G.L. c. 44, § 53E ½, will authorize a revolving fund for the Patton Park pool for FY '16, or take any action thereon, or relative thereto. [The proposed budget and details of expenditure appear as Appendix A to the Fall 2015 Warrant Book.]</p> <p>The Board of Selectmen recommends favorable action. The Finance and Advisory Committee recommends favorable action.</p>

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<p>ARTICLE 2015/11 2-3</p> <p align="center"><i>Community Preservation Committee Projects</i></p>	<p>To see if the Town will act on the recommendations of the Community Preservation Committee for the Fiscal Year 2016 specified projects and appropriate or reserve for later appropriation monies from Community Preservation Fund annual revenues, specific reserves or other available funds for undertaking of community preservation projects and all other necessary and proper expenses for the year, or take any action thereon or relative thereto. <i>(Expected amount \$87,980.00)</i></p> <p>[The proposed budget is set forth in Appendix B of the Fall 2015 Warrant Book.]</p> <p>The Board of Selectmen recommends favorable action. The Finance and Advisory Committee will make a recommendation at town meeting.</p>
<p>ARTICLE 2015/11 2-4</p> <p align="center"><i>Conservation Restriction on Sagamore Hill</i></p>	<p>To see if the Town of Hamilton will approve the making of a grant to the Essex County Greenbelt Association, as part of its \$5.1 million purchase of conservation land; that the Town be authorized to accept the gift of a conservation restriction from the Essex County Greenbelt Association on a portion of the land to be acquired by the Essex County Greenbelt Association located in the Town of Hamilton, of approximately 170 +/- acres owned now or formerly by Donovan Conservation, LLC as described on Assessors Map 34, Parcel 2; Map 26, Parcels 1, 2, and 4; and Map 25, Lot 1, to be held by the Conservation Commission of the Town of Hamilton in accordance with Chapter 40, Section 8C for conservation and passive recreation purposes; that a sum of money be appropriated to make this grant; that to meet this appropriation, money be transferred from the undesignated fund balance or specified reserves of the Community Preservation Fund, and the Treasurer, with the approval of the Selectmen, be authorized to borrow money under and pursuant to Chapter 44B of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that the Town Manager be authorized to file on behalf of the Town of Hamilton any and all applications deemed necessary under the Landscape Partnership Grant Program or any other applications for funds in any way connected with the scope of this acquisition, and, further, that the Town Manager, the Board of Selectmen, the Conservation Commission, and other boards or committees be each authorized, as they deem appropriate or as required by law, to enter into all agreements and execute any and all instruments, as may be necessary on behalf of the Town of Hamilton to effectuate the purposes of this article, or take any action thereon or relative thereto. <i>(Expected amount \$1,750,000)</i></p> <p>The Board of Selectmen recommends favorable action. The Finance and Advisory Committee recommends favorable action.</p>

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SECTION 3: PLANNING /ZONING ACTIONS

<p>ARTICLE 2015/11 3-1 <i>Mixed Use Zoning By-law Amendment</i></p>	<p>To see if the Town will amend Zoning By-law Section V. Use Regulations, B. <u>Permitted Uses</u> 1. by adding to the current language (at the end of the current text) with the language set forth in Appendix C, or take any action thereon of relative thereto.</p> <p>[The current and proposed by-laws are set forth in Appendix C of the 2015 Fall Warrant Book.]</p> <p>The Board of Selectmen recommends favorable action. The Finance and Advisory Committee recommends favorable action.</p>
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SECTION 4: TOWN BY-LAW AMENDMENTS

<p>ARTICLE 2015/11 4-1 <i>Amendment to Noise By-law</i></p>	<p>To see if the Town will amend Section 13 of the Town By-law Ch. XI – Noise by-law by deleting the current language of the by-law and replacing it with the language set forth in Appendix D, or take any action thereon or relative thereto.</p> <p>[The current and proposed by-laws are set forth in Appendix D of the 2015 Fall Warrant Book.]</p> <p>The Board of Selectmen recommends favorable action. The Finance and Advisory Committee recommends favorable action.</p>
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SECTION 5: OTHER APPROPRIATIONS AND ACTIONS

<p align="center">None</p>	
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SECTION 6: CLOSING FINANCIAL ACTIONS

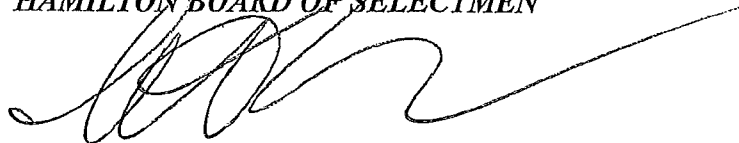
<p align="center">None</p>	
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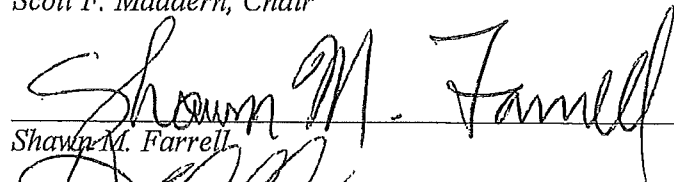
ADJOURNMENT

Given under our hands October 19, 2015

HAMILTON BOARD OF SELECTMEN



Scott F. Maddern, Chair



Shawn M. Farrell



Jeffrey M. Hubbard

Marc I. Johnson



William W. Wilson

Hamilton, Massachusetts

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

Constable



Appendices

for

Special Town Meeting Warrant

November 7, 2015

9 a.m.

Winthrop School

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APPENDIX A

DEPARTMENTAL REVOLVING FUNDS

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY16 Spending Limit
Pool Fund <i>(authorization)</i>	Town Manager	Receipts from pool passes and pool programs	Salaries, expenses, supplies, contractual services, and related capital expenses to operate and maintain the pool	\$223,739

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APPENDIX B

COMMUNITY PRESERVATION COMMITTEE

- | | |
|------------|--|
| <u>No.</u> | <u>Purpose</u> |
| | <u>Historic Resources-projects</u> |
| 1. | To appropriate \$9,980.00 from the Community Preservation Fund Historic Resources Reserve to fund the third and final phase of the Preserve Our Pictures project. |
| 2. | To appropriate \$65,000 from the Community Preservation Fund Historic Resources Reserve to fund basement window replacement and upgrade electrical service at Post 194 American Legion Building. |
| | <u>Community Housing-project</u> |
| 3. | To appropriate \$13,000 from the Community Preservation Fund Community Housing Reserve to fund roof repair at a Hamilton Housing Authority property located at 31 Union Street. |

Summary of Recommendations

Reserve Fund Balance Category	Reserve Fund Balance as of 7/1/2015	Total of Requests	Projected Specified Reserve Balance
Historic Resources	\$91,296	\$74,980	\$16,316
Community Housing	\$162,912	\$13,000	\$149,912
Total	\$254,208	\$87,980	\$166,228

Notes

Reserve Fund Balance Category is the reserve fund specified for either Historic Resources, Community Housing, or Open Space.

Reserve Balance as of 7/1/2015 are unaudited results for the category presented.

Total of Requests is the sum of approved projects for this article.

Projected Balance for Specified Reserves after appropriation is approximate, unaudited FY16 results.

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APPENDIX C

MIXED-USE ZONING BY-LAW

Proposed Change

SECTION V. USE REGULATIONS, B. Permitted Uses 1. - Amend by adding to the existing text (at the end of the current language) the following:

“Mixed Use, defined as two or more uses on a single parcel as a part of a single development plan. This use requires Site Plan Review; see section VI.H.”

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APPENDIX D

NOISE BY-LAW, TOWN BY-LAW CH. XI

Section 13 Noise By-Law

A. Definitions. As used by this by-law, the following terms shall have the meanings indicated:

“Noise”- a sound that is plainly audible at a distance of 150 feet from its source and which disturbs the reasonable quiet, comfort, repose, or health of others.

“Plainly Audible” - Any sound from a source regulated by this by-law that can be detected above routine or normal ambient background sound by unaided human hearing.

“Sound Amplification System” - Any fixed or portable system to operate or amplify sound, including, but not limited to, phonograph, radio, television, stereo, record player, tape player, cassette player, compact disk player, digital music player, "boom box," or loud speaker.

B. It shall be unlawful for any person or persons to cause or allow any Noise that emanates from any building, boat, structure, vehicle, premises, or any Sound Amplification System, which is plainly audible at a distance of 150 feet from its source. The fact that the Noise is plainly audible at a distance of 150 feet from the building, structure, vehicle, boat, premises or Sound Amplification System in which or from which it originates shall constitute prima facie evidence of a violation of this by-law.

C. Sounding horns excessively. It shall be unlawful to sound or use automobile, truck or other motor vehicle horns or similar signaling devices upon the public streets, parking lots, or thoroughfares of the Town in excess of those signals necessary for the preservation of safety.

D. For the purposes of this by-law, Noise shall include loading or unloading activities, use of power tools and equipment, use of lawn or landscaping equipment, loud outcries, and other loud or boisterous sounds which are not specifically exempted by subsection F and which occur outside of 7:00 a.m. and 9:00 p.m.

E. Penalties for violation. Whoever violates this by-law shall be subject to enforcement action by non-criminal disposition as provided in M.G.L. c. 40, Sec. 21D and Chapter XIII of the Town By-laws. The first violation of this by-law may be punished by a verbal warning or a fine of one hundred dollars (\$100.00). The second violation of this by-law within 12 months after the first violation shall be punished by a fine of two hundred dollars (\$200.00). Further violations within 12 months after the last violation shall be punished by a fine of three hundred dollars (\$300.00). Each such act, which either continues or is repeated more than one-half (1/2) hour after issuance of a verbal warning or fine for violation of this by-law, shall be a separate offense and shall be prosecuted as a separate offense.

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This By-law shall be enforced by the Hamilton Police Department. Any person aggrieved by the imposition of a fine under this by-law may, within twenty (20) days of the imposition of the fine, request a hearing before the Town Manager, who may set aside the fine.

(1) If the person or persons responsible for violation(s) of this by-law cannot be determined, then the person in lawful custody and/or control of the premises where the violation(s) occurred, including but not limited to the owner, lessee, manager, or occupant of the property, may be held responsible for the violation(s).

F. Exemptions. The following uses and activities shall be exempt from this by-law:

- (1) Any Public Safety motor vehicle using any communication or signaling device necessary in the performance of its operator's duties.
- (2) Any highway maintenance, water department, or public utilities activities and/or vehicles, while engaged in necessary emergency business.
- (3) Announcing systems at sanctioned sporting or other authorized public events between the hours of 7:00 a.m. and 9:00 p.m.
- (4) Noises of safety signals, warning devices and emergency pressure relief valves.
- (5) Noises resulting from activities of a temporary duration permitted by law and/or for which a license or permit has been granted by the Town.
- (6) Parades, music festivals, public gatherings, and events for which the Selectmen have issued a permit.
- (7) Bells, chimes, carillons, or other call to prayer, or amplified, recorded, or other electronic substitution while being used for religious purposes, in conjunction with religious services, between 7:00 a.m. and 9:00 p.m.
- (8) Snow removal/road sanding from private parking lots, drives, roadways, and other vehicle- or pedestrian-traveled surfaces.
- (9) Noises for which the Board of Selectmen has granted a special permit pursuant to section G, below.
- (10) Noise resulting from activities of any agricultural operation between the hours of 7:00 a.m. and 9:00 p.m.
- (11) Noise generated by animals.
- (12) Noise resulting from the operation of boats for recreation.

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G. Application for permit for relief.

- (1) Application for a permit for relief from this by-law on the basis of undue hardship may be made to the Board of Selectmen.
- (2) Any permit granted by the Selectmen shall set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement.
- (3) The holders of licenses to provide alcoholic beverages and/or entertainment shall comply with any noise allowances and/or restrictions imposed upon such licenses, and in the case of a conflict between individual license allowances or restrictions and this by-law, the terms of the license shall apply, and a violation of any such allowances or restrictions shall also constitute a violation of this by-law.

H. Severability clause. If any part of this by-law is deemed to be contrary to state or federal law, that part can be severed without affecting any other part of this by-law.