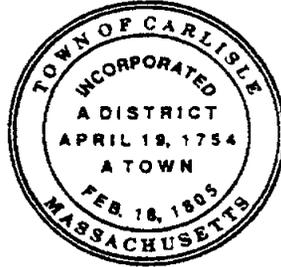


Town of Carlisle



2010 ANNUAL TOWN MEETING MOTIONS

INCLUDING CONSENT CALENDAR

Annual Town Meeting
Monday, May 10, 2010
Corey Auditorium, 7:00 p.m.

Town Elections
Tuesday, May 18, 2010
Town Hall
Polls Open 7:00 a.m. to 8:00 p.m.

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MOTIONS
ANNUAL TOWN MEETING – MAY 10, 2010

ARTICLE 1 - Town Reports

Tim Hult

I move that the reports of the Town Officers, Boards, Committees, Commissioners and Trustees as published in the Town Report for the Year 2009 be accepted and placed in the permanent records of the Town, it being understood that such acceptance does not constitute a ratification of the contents of those reports.

MAJORITY VOTE

ARTICLE 2 – Consent Agenda

Tim Hult

I move that the Town vote to approve the motions for Articles 3 through 9, as printed in the Motions Handout at Town Meeting, and as indicated by a double asterisk (**), and recommended by the Finance Committee.

Board of Selectmen Recommendation: The Selectmen have voted unanimously to support Article 2, the Consent Calendar procedure, inclusive of Articles 3 through 9.

Finance Committee Recommendation: The Finance Committee recommends approval of Article 3 through 9.

MAJORITY VOTE

ARTICLE 3 - Salaries of Elected Officials **

I move that the compensation of the following elective officers of the Town be fixed as provided by Chapter 41, Section 108 of the General Laws, as amended, for the fiscal year 2011, effective July 1, 2010, as follows:

Moderator	\$50
Town Clerk	\$53,640
Assessors- Chairman	\$100
Second Member	\$100
Third Member	\$100

MAJORITY VOTE

ARTICLE 4 – Revaluation **

I move that Five Thousand Dollars (\$5,000) be raised and appropriated from the FY 2011 tax levy and other general revenues of the Town to be spent by the Board of Assessors for the purpose of professional services in connection with revaluation of real estate and personal property in the Town.

MAJORITY VOTE

ARTICLE 5 – Actuarial Valuation of Post-Employment Benefits**

I move that Four Thousand Dollars (\$4,000) be raised and appropriated from the FY 2011 tax levy and other general revenues of the Town to be spent by the Board of Selectmen for the purpose of professional services in connection with GASB 45 actuarial valuation of post employment benefits obligations for the Town.

MAJORITY VOTE

ARTICLE 6 - Department Revolving Funds Authorization**

I move that the revolving funds for School Buses, Board of Health Inspections, Hazardous Wastes, Trails Committee, Conservation Wetlands, Conservation Foss Farm, Conservation Building Maintenance, Historical Commission, Youth Commission, Building Inspector, and Council on Aging be authorized or reauthorized, as the case may be, for FY 2011 pursuant to Chapter 44, Section 53 E1/2 with the revenue source, authority to spend, use of fund, and spending limit as designated below with the understanding that such Revolving Funds be credited with the balance remaining in such Revolving Fund at the end of FY 2010 as follows:

Revenue Funds	Revenue Source	Authority to Spend	Use of Fund	Spending Limit
School Buses	User Fees Collected by School	Carlisle School Committee	To provide transportation for 7 th and 8 th grade students	\$60,000
Board of Health Inspections	Board of Health Fees	Board of Health	Specific expert engineering and consulting services to review septic and well installations and repairs, sanitary inspections and other appropriate reimbursable expenses.	\$50,000
Hazardous Wastes	Transfer Station User Fees & Grants Received	Board of Selectmen	Collection and disposal of household hazardous waste.	\$40,000
Trails Committee	Sale of Trails in Carlisle Book	Board of Selectmen	Building, maintaining and enhancing recreation trails.	\$5,000
Conservation Wetlands	Fees from Carlisle Wetland Protection Bylaw	Conservation Commission	Specific expert engineering and consulting services to review Wetland Bylaw filings and other appropriate reimbursable expenses.	\$30,000
Conservation Foss Farm	User Fees	Conservation Commission	Activities and maintenance associated with Foss Farm.	\$2,500
Conservation Building Maintenance	Fees and/or Rent	Conservation Commission	Maintenance and repairs associated with the Buildings located on Conservation Commission Lands	\$30,000
Historical Commission	Fees	Historical Commission	Reasonable expenses related to filings/applications.	\$3,000
Youth Commission	Event Admission Fees	Board of Selectmen	To provide for dances and other events sponsored by the Youth Commission.	\$10,000
Building Inspector	User Fees	Board of Selectmen	To cover inspectional services and administrative expenses.	\$75,000
Council on Aging	User Fees	Council on Aging	To provide for events sponsored by the Council on Aging	\$10,000

MAJORITY VOTE

ARTICLE 7 – Real Estate Tax Exemption **

I move that G.L. Chapter 59, Section 5 (clause 41C) be hereby accepted to grant an additional real estate tax exemptions of up to one hundred (100%) percent.

MAJORITY VOTE

ARTICLE 8 - Fiscal Year 2011 Reserve for Debt Services – MSBA Transfer **

I move that \$24, 071 be hereby transferred from Reserve for Debt Services – MSBA to add to the line item entitled “Long Term Debt” as it may be voted in the motion pursuant to Article 11 of this Warrant, which sum so transferred to be used to pay for principal and interest on a portion of the debt service of the town.

MAJORITY VOTE

ARTICLE 9 - FY 2011 Chapter 90 Authorization **

I move that the Treasurer of the Town, with the approval of the Selectmen, be authorized to borrow Two Hundred Two Thousand Six Hundred Fifty-Five Dollars (\$202,655) to be expended by the Board of Selectmen for the reconstruction and improvement of public ways in the town as provided for pursuant to the provisions of Section 34(2)(a) of Chapter 90 of the General Laws, such borrowing to be in anticipation of reimbursement by the Commonwealth pursuant to said Chapter 90.

TWO-THIRDS VOTE

ARTICLE 10 – Fiscal Year 2010 Budget Transfers

John Williams

I move that no action be taken regarding the subject matter of Article 10.

MAJORITY VOTE

ARTICLE 11 - Operating Budget:**David Guarino**

I move that Twenty Three Million One Hundred Forty Four Thousand Five Hundred Forty Dollars (\$23,144,540) be raised and appropriated from the FY 2011 tax levy and other general revenues of the town to defray departmental and incidental expenses of the Town for FY 2011 as set forth in column entitled “Article 11 & 24” of the chart accompanying this motion.

MAJORITY VOTE

Article 11

	FY 2010 Budget	ARTICLES 11&24 FY 2011 Levy Limit Budget	ARTICLES 8 & 22 FY 2011 Transfers Budget
General Government	1,088,758	977,359	977,359
Protection of Persons & Property	1,832,926	1,872,035	1,872,035
Board of Health	77,491	72,440	72,440
Public Works	1,024,611	1,035,921	1,035,921
Public Assistance	118,152	119,879	119,879
Education	14,654,232	15,508,679	15,508,679
Library	497,110	511,586	511,586
Recreation	116,462	112,635	112,635
Insurance & Benefits	1,224,765	1,316,000	1,316,000
Unclassified	151,632	151,632	151,632
Retirement & Tax Title	569,130	594,740	594,740
Long Term Debt	1,002,678	871,634	910,653
Total	22,357,947	23,144,540	23,183,559

Finance Committee Recommendation: *The Finance Committee recommends approval of Article 11.*

Selectmen Recommendation: *The Selectmen unanimously recommend approval of Article 11.*

ARTICLE 12 – Capital Equipment:

Don Rober

I move that Two Hundred Eighteen Thousand Six Hundred Eighty Dollars (\$218,680), be raised and appropriated from the FY 2011 tax levy and other general revenues of the town, to be spent by the Board of Selectmen, except for the items for the Carlisle Public Schools which sums are to be spent by the Carlisle School Committee, for the following capital purposes:

**Long Term Capital Requirements
FY'11**

Energy Task Force	Energy Efficiency projects	14,680
Carlisle Public Schools	Annual Maintenance Projects	25,000
DPW	One Ton Truck	47,000
Library	Computer replacement	8,000
Police	Cruiser	32,000
Police/Fire/Municipal	Communications Cable	45,000
Fire	SCBA Air Bottles	<u>47,000</u>
		218,680

MAJORITY VOTE

Finance Committee Recommendation: The Finance Committee recommends approval of Article 12.

Selectmen Recommendation: The Selectmen unanimously recommend approval of Article 12.

ARTICLE 13 – Capital Expenditure – Cisterns

Don Rober

I move that Twenty Thousand (\$20,000) be appropriated for the Board of Selectmen to expend to purchase and install cisterns for the Fire Department and to meet this appropriation Twenty Thousand (\$20,000) be transferred from Free Cash (Undesignated Fund Balance) in the Treasury of the Town.

MAJORITY VOTE

Finance Committee Recommendation: The Finance Committee recommends approval of Article 13.

Selectmen Recommendation: The Selectmen unanimously recommend approval of Article 13.

ARTICLE 14 – Borrowing Authorization – Engine 6 Replacement: Doug Stevenson

I move that Four Hundred and Ten Thousand Dollars (\$410,000) be hereby appropriated, to be expended by the Board of Selectmen to replace Carlisle Fire Department Engine 6, and to further authorize the Board of Selectmen to sell, trade-in, or otherwise dispose of the existing Engine 6, and to meet said appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority;, and it is further provided that the appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2 ½).

TWO-THIRDS VOTE

Finance Committee Recommendation: The Finance Committee recommends approval of Article 14.

Selectmen Recommendation: The Selectmen unanimously recommend approval of Article 14.

ARTICLE 15 – CCRSD Technology Stabilization Fund

Louis Salemy

I move that the establishment by the Concord-Carlisle Regional School District Treasurer of a Stabilization Fund, for the purpose of reserving funds to lower future tax levy impacts of operating budgets for Concord-Carlisle Regional School District technology equipment replacements and networking service upgrades, be hereby approved pursuant to Section 16G1/2 of Chapter 71 of the Massachusetts General Laws, said Stabilization Fund to be invested and to retain its own interest earnings as provided by law; and further, that the sum of Five Thousand

Eight Hundred (\$5,800) be transferred from the available year end balance reserved at June 30, 2009 and transferred into said Stabilization Fund effective July 1, 2010.

MAJORITY VOTE

Finance Committee Recommendation: The Finance Committee recommends approval of Article 15.

Selectmen Recommendation: The Selectmen unanimously recommend approval of Article 15.

ARTICLE 16 – CCRSD Feasibility Study

Louis Salemy

I move that the Town vote to approve the sum of \$1,300,000 of debt authorized by the Concord-Carlisle Regional School Committee to be expended, as advised and recommended by the Regional School Building Committee, and as approved by the Concord-Carlisle Regional School District's appointed Chief Procurement Officer, for the CCHS Feasibility Study and Schematic Design, Concord-Carlisle High School, 500 Walden Street, Concord, MA., provided that the amounts required to pay the Town's assessable share of the bonds to be issued by the Concord-Carlisle Regional School District are voted by the Town to be exempt from the limitation of taxes imposed by Massachusetts General laws Chapter 59, s.21C, Clause (k) (Proposition 2 ½); the Concord-Carlisle Regional School District may be eligible for a grant from the Massachusetts School Building Authority (MSBA); the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Concord-Carlisle Regional School District incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Concord-Carlisle Regional School District, and that the total amount of the borrowing authorized by this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.

MAJORITY VOTE

Finance Committee Recommendation: The Finance Committee recommends approval of Article 16.

Selectmen Recommendation: The Selectmen unanimously recommend approval of Article 16.

**ARTICLE 17 – Borrowing Authorization – Minuteman Regional HS Feasibility Study
Mariellen Perugini**

I move that Seven Hundred Twenty Five Thousand Dollars (\$725,000) of debt to be issued by the Minuteman Regional Vocational Technical School District be hereby approved in order to pay the costs of a feasibility study to consider options for making improvements to the District's high school building located at 758 Marrett Road, Lexington, Massachusetts, which options shall include, but not be limited to renovating, reconstructing, expanding, remodeling and adding to the District's high school, or any combination of the foregoing, said sum to be expended, as advised and recommended by the Regional School Building Committee, and as approved by the Minuteman Regional School District's appointed Chief Procurement Officer, provided however that this vote shall not take effect unless the amounts required to pay the Town of Carlisle's assessable share of the bonds to be issued by the Minuteman Regional Vocational Technical Regional School District are voted by the town by ballot to be exempt from the limitation of taxes imposed by G. L. chapter 59, s. 21C, Clause (k); provided further that if said ballot question fails to pass, this vote shall be deemed to be disapproval of the borrowing within the meaning of Chapter 71, Section 16 (d) of the General Laws; and further provided, however, that no sums shall be borrowed or expended hereunder unless a majority of the member towns of the District shall have expressed their approvals of the debt authorized by the District for this purpose by June 30, 2010. The Minuteman Regional Vocational Technical Regional School District may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"); the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs of the Project that the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District, and that the total amount of the borrowing authorized by this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.

MAJORITY VOTE

Finance Committee Recommendation: The Finance Committee recommends approval of Article 17.

Selectmen Recommendation: The Selectmen unanimously recommend approval of Article 17.

ARTICLE 18 – Professional Services - Council on Aging John Williams

I move that Three Thousand Five Hundred Dollars (\$3,500) be raised and appropriated from the FY 2011 tax levy and other general revenues of the town to be spent by the Board of Selectmen upon the recommendation of the Council on Aging for the purpose of professional services for social service counseling.

MAJORITY VOTE

Finance Committee Recommendation: The Finance Committee recommends approval of Article 18.

Selectmen Recommendation: The Selectmen unanimously recommend approval of Article 18.

ARTICLE 19 – Professional Services - Planning Board Bill Tice

I move that Five Thousand Dollars (\$5,000) be raised and appropriated from the FY 2011 tax levy and other general revenues of the town to be spent by the Planning Board in consultation with the Board of Selectmen for the purpose of professional planning and engineering services.

MAJORITY VOTE

Finance Committee Recommendation: The Finance Committee recommends approval of Article 19.

Selectmen Recommendation: The Selectmen unanimously recommend approval of Article 19.

**ARTICLE 20 – Reduction/Rescission of Community Preservation Act surcharge
Tim Hult**

I move that the Board of Selectmen be asked to place an article on a subsequent Town Meeting warrant to either reduce the surcharge, or rescind the acceptance by the Town, of the Community Preservation Act, Sections 3 to 7 of Chapter 44B of Massachusetts General Laws, and further the Board is asked to place such rescission or reduction if approved by the Town Meeting on the ballot for acceptance by the voters of the Town of Carlisle at the next qualifying Town or State election.

MAJORITY VOTE

Selectmen Recommendation: *The Selectmen voted 4-1 to recommend approval of Article 20.*

ARTICLE 21 – CPA Annual Authorization

Kelly Guarino

I move that the Community Preservation Committee recommendations for transfers and expenditures for Fiscal Years 2010 and 2011 be approved as follows:

Motion 1:

That the following amounts be appropriated from the Fiscal Year 2011 Community Preservation Fund estimated revenues to the Community Preservation Fund accounts as follows:

- a. Forty Six Thousand Three Hundred Forty Six Dollars (\$46,346) be appropriated to the Community Housing Reserve Fund.
- b. One Hundred Sixty Five Thousand Dollars (\$165,000) be appropriated to the Historic Reserve Fund.
- c. One Hundred Seventy Four Thousand Dollars (\$174,000) be appropriated for Debt Service Principal Payment on Open Space Borrowings comprised of Forty Six Thousand Three Hundred Forty Six (\$46,346), which is the 10% designated to the Community Preservation Open Space Reserve Fund for Fiscal Year 2011, and One Hundred Twenty Seven Thousand Six Hundred Fifty Four (\$127,654) from unreserved Fiscal Year 2011 estimated revenues.
- d. Twenty Two Thousand Three Hundred Seventy Dollars (\$22,370) be appropriated for Debt Service Interest Expense.
- e. Two Thousand Dollars (\$2,000) be appropriated for Administrative Expenses
- f. Fifty Three Thousand Seven Hundred Forty Four Dollars (\$53,744) be appropriated to the fiscal year 2011 Community Preservation Budget Reserve account.

Motion 2:

That One Hundred Sixty Five Thousand Dollars (\$165,000) be appropriated for the Conservation Commission with the approval of the Board of Selectmen to expend for the preservation and restoration of the Cranberry Bog House located at 750-752 Curve Street, on the Cranberry Bog Conservation Land, by installing, upgrading, repairing, or replacing structural and other components of the building, including, but not limited to, support posts, beams, joists, floors, sills, exits, roof, windows and shingles, effective July 1, 2010 (Fiscal Year 2011), and to meet this appropriation that One Hundred Sixty Five Thousand (\$165,000) be transferred from the Community Preservation Historic Reserve Fund balance, and further that after June 30, 2013, any residual unexpended funds be returned to the Community Preservation Historic Reserve Fund balance.

Motion 3:

That Fifty Thousand Dollars (\$50,000) be appropriated for the Carlisle Housing Authority with the approval of the Board of Selectmen to expend for the support of community housing by funding the compensation of the Community Housing Coordinator, for up to 28

hours per week, for Fiscal Year 2011, effective July 1, 2010, and to meet this appropriation that Fifty Thousand Dollars (\$50,000) be transferred from the Community Preservation Community Housing Reserve Fund balance in FY 2011, and further that after meeting all financial obligations for Fiscal Year 2011, any residual unexpended funds be returned to the Community Preservation Community Housing Reserve Fund balance.

Motion 4:

That Fifteen Thousand Dollars (\$15,000) be appropriated for the Carlisle Trails Committee with the approval of the Board of Selectmen to expend for the creation and preservation of open space and land for recreational use through the planning and construction of new boardwalks, bridges, kiosks and signs constructed by the Carlisle Trails Committee on public lands in Carlisle, effective July 1, 2010 (Fiscal Year 2011), and to meeting this appropriation that Fifteen Thousand Dollars (\$15,000) be transferred from the Community Preservation Undesignated Fund balance, and further that after June 30, 2015, any residual unexpended funds be returned to the Community Preservation Undesignated Fund balance.

Motion 5:

That Motion 2 of Article 26, approved at the Annual Town Meeting of May 1, 2006 be amended as follows:

1. By increasing the appropriation by Five Thousand Dollars (\$5,000), from Twenty Thousand Dollars (\$20,000) to Twenty Five Thousand Dollars (\$25,000), for the Board of Selectmen to expend for design of the Bruce Freeman Rail Trail, and to meet the additional appropriation, Five Thousand Dollars (\$5,000) be transferred from the Community Preservation Undesignated Fund balance as of July 1, 2010; and
2. Add at the end of the last sentence of said Motion 2 the following: “and further that after June 30, 2013, any residual unexpended funds be returned to the Community Preservation Undesignated Fund balance”.

Motion 6:

That Motion 4 of Article 22, approved at the Annual Town Meeting of May 4, 2009, regarding the appropriation of funds to expend for the preservation of open space through the preparation, mapping, compilation and printing of the Open Space and Recreation Plan, be amended by removing the words “after June 30, 2012” and replacing them with the words “after June 30, 2014.”

MAJORITY VOTE

Finance Committee Recommendation: The Finance Committee recommends approval of Article 21.

Selectmen Recommendation: The Selectmen unanimously recommend approval of Article 21.

**ARTICLE 22 - Fiscal Year 2011 Stabilization Fund Transfer for Debt Service
Doug Stevenson**

I move that Fourteen Thousand Nine Hundred Forty Eight Dollars (\$14,948) be transferred from the Stabilization Fund to add to the line item as voted in the motion pursuant to Article 11 of this Warrant titled “Long Term Debt”, thereby increasing the FY 2011 Long Term Debt line item as voted pursuant to Article 11 to a new total of \$910,653, which sum so transferred is to be used to pay for principal and interest on a portion of the debt service in the town, so that the resulting FY 2011 budget, for informational purposes only, would be as set forth in the column entitled “Articles 8 & 22” of the chart accompanying this motion.

TWO-THIRDS VOTE

	FY 2010 Budget	ARTICLES 11&24 FY 2011 Levy Limit Budget	ARTICLES 8 & 22 FY 2011 Transfers Budget
Long Term Debt	1,002,678	871,634	910,653

* The new amount \$910,653 assumes both Article 8 and Article 22 pass.

Finance Committee Recommendation: The Finance Committee recommends approval of Article 22.

Selectmen Recommendation: The Selectmen unanimously recommend approval of Article 22.

**ARTICLE 23 – Fiscal Year 2011 Free Cash Transfer to Stabilization Fund
Peter Scavongelli**

I move that Seventy Five Thousand Dollars (\$75,000) be transferred from Free Cash (Surplus Revenue) in the treasury of the Town to increase the Stabilization Fund.

TWO-THIRDS VOTE

Finance Committee Recommendation: The Finance Committee recommends approval of Article 23.

Selectmen Recommendation: The Selectmen unanimously recommend approval of Article 23.

**ARTICLE 24 – Fiscal Year 2011 Free Cash Transfer to Support Operating Budget
David Guarino**

I move that Two Hundred Nineteen Thousand Eight Hundred Twenty Eight Dollars (\$219,828) be appropriated to meet the appropriations for the FY 2011 budget and to meet this appropriation, that Two Hundred Nineteen Thousand Eight Hundred Twenty Eight Dollars (\$219,828) be transferred from Free Cash (Surplus Revenue) in the treasury of the town.

MAJORITY VOTE

Finance Committee Recommendation: The Finance Committee recommends approval of Article 24.

Selectmen Recommendation: The Selectmen unanimously recommend approval of Article 24.

**ARTICLE 25 – Wetland/Flood Hazard District Zoning Bylaw amendment
John Williams**

I move that Section 5.2 of the Town of Carlisle Zoning Bylaws entitled “Wetland/Flood Hazard District” be amended as follows:

By adding a new section 5.2.1.4 as follows:

5.2.1.4 FEMA Regulations

“FEMA Regulations” shall mean the provisions of 44 C.F.R. Ch. I, §§ 59 and 60 issued by the Federal Emergency Management Agency (FEMA), including but not limited to §§ 60.3(b), (c) and (d), related to emergency and flood plain management criteria for flood-prone areas.

By amending the title of section 5.2.4 to “Permitted and Prohibited Uses” and inserting a new Section 5.2.4.5 as follows:

5.2.4.5 In Zones AE, as defined by the FEMA Regulations, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels during the occurrence of the base flood discharge along watercourses that have a regulatory floodway designated on the Middlesex County FIRM.

By adding a new Section 5.2.7 as follows:

5.2.7 Base Flood Elevation and Floodway Data

5.2.7.1 In Zones A and AE, as defined by the FEMA Regulations, along watercourses that have not had a regulatory floodway designated, encroachments are prohibited in regulatory floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

5.2.7.2 Base flood elevation data is required for all new subdivision proposals and other new proposed developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

By adding a new Section 5.2.8 as follows:

5.2.8 Subdivision Proposals and Developments in Flood-Prone Areas

All subdivision proposals wholly or partially in Zones A and AE shall be designed to assure that:

- (i) such proposals minimize flood damage;
- (ii) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- (iii) adequate drainage is provided to reduce exposure to flood hazards.

By adding the following new Section 5.2.9:

5.2.9 Notification of Watercourse Alteration

In a riverine (meaning relating to, formed by, or resembling a river, tributary, stream or brook) situation, the Town Administrator or his agent shall notify adjacent communities and the NFIP State Coordinator and NFIP Program Specialist at the following addresses of any alteration or relocation of a watercourse.

- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

By adding the following new Section 5.2.10:

5.2.10 FEMA Regulations

Notwithstanding any provision in this Section # 5.2 to the contrary, if any provisions of this Section #5.2 are inconsistent with the FEMA Regulations, then to the extent they are inconsistent the provisions of the FEMA Regulations shall govern; except, however, to the extent the Town, acting through its applicable permit granting authority, determines that such provisions of this Section 5.2 inconsistent with the FEMA Regulations are more stringent than the FEMA Regulations, then the provisions of this Section # 5.2 shall govern.

Prior to any new (i) construction, (ii) substantial improvements, or (iii) other developments being undertaken or implemented wholly or partially within the Wetland/Flood Hazard District, all persons undertaking or implementing such construction, improvements, or developments shall ensure that the same comply with the FEMA Regulations, and any permit, special permit, variance, order, license or other approval issued pursuant to the Town's Zoning Bylaws and related to new (i) construction, (ii) substantial improvements, or (iii) other developments undertaken or implemented wholly or partially within the Wetland/Flood Hazard District, may, in addition to other conditions and requirements, include a condition requiring compliance with the FEMA Regulations (but shall not be necessary to be included to require such compliance).

TWO-THIRDS VOTE

Planning Board Recommendation: *The Planning Board recommends approval of Article 25.*

Selectmen Recommendation: *The Selectmen unanimously recommend approval of Article 25.*

**ARTICLE 26 –Location of Districts Zoning Bylaw amendment
John Williams**

Moved that Section 2.2 of the Town of Carlisle Zoning Bylaws be amended by deleting the third sentence of Section 2.2 and adding the following new paragraph.:

The Wetland/Flood Hazard District is shown on a map entitled “Property Maps, Carlisle, Massachusetts,” consisting of an index map and 36 sheets together with all amendments thereto subsequently adopted by the Town on file with the Town Clerk, the District being depicted as “Wetland/Flood Hazard Zoning District, adopted March 31, 1980,” amended on May 3, 1988, and further amended as required to be consistent with the Middlesex County Flood Insurance Rate Map (FIRM) dated June 4, 2010 and issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that show flood zones located wholly or partially within the Town include map panel numbers 25017C0242E, 25017C0244E, 25017C0253E, 25017C0254E, 25017C0261E, 25017C0262E, 25017C0263E, 25017C0264E, 25017C0266E and 25017C0268E dated June 4, 2010. The exact boundaries of the flood hazard areas within the Wetland/Flood Hazard District are defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are hereby made a part of the Zoning District Map of the Town of Carlisle.

TWO-THIRDS VOTE

***Planning Board Recommendation:** The Planning Board recommends approval of Article 26.*

***Selectmen Recommendation:** The Selectmen unanimously recommend approval of Article 26.*

ARTICLE 27– Site Plan Review Zoning Bylaw amendment

Tim Hult

I move that Section 7.6, Site Plan Review, of the Town of Carlisle Zoning Bylaws be hereby amended by making deletions and insertions/additions (deletions shown by ~~striketrough~~ and insertions/additions shown by **bold**) as follows:

7.6 Site Plan Review

7.6.1 For the purpose of administering the provisions of the bylaw relating to non-residential **[and certain other]** uses in all districts, not including **[a senior residential open space community as allowed under Section 5.7 of these bylaws,]** personal wireless communication facilities as allowed under Section 5.9 of these bylaws, accessory apartments as allowed under Section 5.6 of these bylaws and accessory uses permitted in General Residence Districts under Section 3.2.1.11 of these bylaws, and to ensure the most advantageous use of all properties within the same district and for the reasonable protection of the legitimate interests of adjoining property owners, site plan approval shall be required prior to the:

7.6.1.1 Construction of a new building or structure, the principal use of which is non-residential;

7.6.1.2 Construction of an addition to or alteration of any existing building, the principal use of which is non-residential;

7.6.1.3 Establishment of a principal non-residential use in an existing building not theretofore used for such purposes;

7.6.1.4 Establishment of a more intensive non-residential use on the site of a previous non-residential use, including, but not limited to, the establishment of or alteration to any parking, loading or vehicular access, or the increase in number of employees at the site or proposed pedestrian traffic to and from the site;

7.6.1.5 Construction of a new building or structure, or an addition or alteration of any existing building or structure, for use as multifamily housing; or

7.6.1.6 Construction or alteration of a municipal parking, cultural, recreational, water supply or protective use

pursuant to this Section 7.6 in addition to any special permits or other approvals required under these bylaws.

7.6.2 No building permit shall be issued for the purposes described in Section 7.6.1.1 through 7.6.1.6 unless a site plan ~~[prepared by a professional architect, engineer or land surveyor]~~ has been submitted and approved by the Board of Selectmen as provided in this Section 7.6.

Any person desiring approval of a site plan shall submit [~~said plan~~][**an application for such containing the information set forth herein or in the Rules and Regulations governing Site Plan Review (“Rules and Regulations”)**] to the Board of Selectmen and to the Planning Board. The Board of Selectmen shall not take final action on such plan until it has held a public hearing thereon in accordance with the provisions of Chapter 40A of the General Laws and has received a report and recommendations from the Planning Board or until the Planning Board has allowed [~~thirty-five (35)~~][**forty-five (45)**] days to elapse from the date on which the site plan and all accompanying materials [**required herein or in the Rules and Regulations**] have been submitted to the Planning Board without submission of a report [, **unless such timeframe is extended by the Chair of the Board of Selectmen. The Rules and Regulations shall, among other things, provide that the Planning Board will seek input from other Town boards, committees and departments concerning the application.**] The Board of Selectmen may also request a report and recommendations from the Board of Appeals, Fire Department, Police Department, Department of Public Works, Conservation Commission, Board of Health and any other Town [~~Board or Committee~~][**board or committee**].

Failure of the Board of Selectmen to take final action on such [~~plan~~][**site plan review application**] within sixty (60) days following the [~~close of the~~] public hearing [**held by the Board of Selectmen**] shall be deemed to be an approval thereof[;] [**and**] it shall forthwith make an endorsement to this effect on such plan, and on its failure to do so the Town Clerk shall issue a certificate to the same effect.

- 7.6.3 In considering a site plan the Board of Selectmen shall assure to a degree consistent with a reasonable use of the site for the purpose permitted either by the regulations of the district in which it is located or by special permit:
- 7.6.3.1 Compliance with all provisions of the zoning bylaw;
 - 7.6.3.2 Protection of adjoining premises against detrimental or offensive use of the site;
 - 7.6.3.3 Convenience and safety of vehicular and pedestrian movement on the site and in relation to adjacent streets, property or improvements and for the location of driveway openings in relation to street traffic;
 - 7.6.3.4 Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed uses of the premises;
 - 7.6.3.5 Adequacy as to the arrangement of proposed buildings, structures, free-standing signs, siting, screening and landscaping;
 - 7.6.3.6 Adequacy of the methods on the site for sewage, refuse and other waste disposal, and for surface and sub-surface drainage;
 - 7.6.3.7 Protection of the Town’s resources, including the effect on public or private water supply and groundwater resources;

[7.6.3.8 Protection of the public health and safety, and maintenance of ways against extraordinary wear or damage that may be caused by construction operations, as well as minimization of the impact of construction operations on the quality of daily life in the Town;]

and may impose such appropriate conditions, limitations and requirements as will insure compliance with the terms of the Board's approval.

7.6.4 ~~[Site Plans shall indicate all boundaries, existing and proposed topography at a two-foot contour interval, use of adjacent land and buildings thereon, all existing and proposed structures, parking and loading spaces, driveways and driveway openings, service areas and other open areas, and all facilities for lighting, for sewage, refuse and other waste disposal, for surface and sub surface drainage, for screening and other landscape features. The Board of Selectmen any promulgate or amend Rules and Regulations which pertain to the site plan approval process so long as the Rules and Regulations conform to this Section 7.6 of the Zoning Bylaw.]~~**[The Board of Selectmen shall promulgate or amend Rules and Regulations which pertain to the contents of the site plan review application and the site plan approval process, which Rules and Regulations shall be consistent with this Section 7.6 of the Zoning Bylaw.]**

7.6.5 Any ~~[application]~~ **[applicant]** seeking site plan approval shall submit an Application pursuant to this Section **[and the Rules and Regulations]** and pay such fees as shall be determined by the Board of Selectmen to cover any expenses connected with a public hearing and review of ~~[plans]~~ **[the application]**, including, but not limited to, the costs of any engineering or planning consulting services necessary for review purposes, as set forth in the Board's Rules and Regulations pertaining thereto.

7.6.6 In applications for which a special permit pursuant to Section 7.2 must be obtained in addition to site plan approval, the applicant must obtain and file such special permit with the application for site plan review pursuant to this Section 7.6.

7.6.7 ~~[Within fifteen (15) days after the approval of said site plan a]~~ **[A]** copy ~~[thereof]~~ **[of the decision]** bearing the approval of the Board of Selectmen shall be filed in the office of the Town Clerk~~;~~ ~~and the plan as approved shall be carried into effect and completed by the Applicant for such site plan approval or his assigns]~~ within ~~[one (1) years]~~ **[fifteen (15) days]** after the ~~[date of]~~ approval **[of said site plan]**.

7.6.8 The Board of Selectmen shall have power to modify or amend its approval of a site plan on petition of the ~~[Applicant]~~ **[applicant]** or his assigns, or upon its own motion if such power is reserved by the Board in its original approval. All of the provisions of this Section 7.6 applicable to approval shall, where appropriate, be applicable to such modification or amendment.

7.6.9 ~~[Term of Approval]~~

Site plan approval shall lapse if construction **[or, in the case of a change or intensification in use, the substantial use thereof,]** is not commenced within two (2) years from the date of approval. An extension may be granted ~~[for up to six (6) months]~~ by the Board of Selectmen **[for good cause. The Board of Selectmen may**

include as a condition of approval an outside date for substantial completion of construction.]

7.6.10 [Appeal]

Any appeal of an approval or condition of approval of a site plan by the Board of Selectmen shall be made in accordance with Section 7.4 of these bylaws [**and M.G.L., Ch. 40A, S. 17**].

TWO-THIRDS VOTE

Planning Board Recommendation: The Planning Board recommends approval of Article 27.

Selectmen Recommendation: The Selectmen unanimously recommend approval of Article 27.

ARTICLE 28 – Adoption of Stretch Code

Tim Hult

I move that the Town of Carlisle General Bylaws be amended by inserting a new Article 4.8, entitled “Stretch Energy Code”, for the purpose of adopting Appendix 120.AA of the Massachusetts State Building Code, 780 CMR, the so-called “Stretch Energy Code”, regulating the design and construction of buildings for the effective use of energy, including amendments or modifications thereto, as follows:

4.8 Stretch Energy Code

4.8.1 Definitions

International Energy Conservation Code (IECC) 2009 - a building code created by the International Code Council as a model code, which has been adopted by many state and municipal governments in the United States, for the establishment of minimum design and construction requirements for energy efficiency.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120.AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained therein.

4.8.2 Purpose

The purpose of the Stretch Energy Code is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the Massachusetts State Building Code for both new construction and existing buildings.

4.8.3 Applicability

The Stretch Energy Code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

4.8.4 Authority

The Town hereby adopts the Stretch Energy Code pursuant to 780 C.M.R. Appendix 120.AA, Section 101.3.

4.8.5 Incorporation of Stretch Energy Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120.AA, including any amendments or modifications, is herein incorporated by reference into the Town of Carlisle General Bylaws, Chapter IV.

4.8.6 Enforcement

The Stretch Energy Code is enforceable by the Building Commissioner and Deputy Inspector of Buildings, including without limitation enforcement by means set forth in Section 1.4 of these Bylaws and in 780 C.M.R. 118 and 119.

MAJORITY VOTE

Selectmen Recommendation: The Selectmen have voted 4-1 to recommend that Article 28 motion not be adopted.

ARTICLE 29 – Acquisition of Hanover Hill Pathway Easements Peter Scavongelli

I move that the Board of Selectmen be authorized to acquire by gift, purchase or eminent domain, pursuant to G.L. chapters 40 and 79 and other applicable laws, easements for the construction, installation, inspection, repair, renewal, replacement, operation and maintenance of public pathways, and other title interests, easements and rights of way over land situated on the northerly side of Westford Street, Carlisle, being those portions of Lot 1 shown as “Pathway Easement E” and of Lot 28 shown as “Pathway Easement F” on the plan of land entitled “Easement Plan of Land in Carlisle, Massachusetts (Middlesex County), For: Wilkins Hill Realty, LLC Scale: 1” = 40’, June 5, 2009” prepared by Stamski and McNary, Inc., 80 Harris Street, Acton, Massachusetts, which plan is recorded at the Middlesex North District Registry of Deeds in Plan Book 230 as Plan No. 21 and being those portions of Lot B shown as “Pathway Easement H” and of Lot 29 shown as “Pathway Easement G” on the plan of land entitled: “Easement Plan of Land in Carlisle, Massachusetts (Middlesex County), For: Wilkins Hill Realty, LLC Scale: 1” = 40’ September 1, 2009” prepared by Stamski and McNary, Inc., 80 Harris Street, Acton, Massachusetts, which plan is recorded at said Registry in Plan Book 230 as Plan No. 20.

TWO-THIRDS VOTE

Selectmen Recommendation: The Selectmen unanimously recommend approval of Article 2

ARTICLE 30 - Acquisition of Bruce Freeman Rail Trail Easements
Peter Scavongelli

I move that the Board of Selectmen, for the purposes of establishing, constructing, operating and maintaining a multi-use rail trail/bicycle path for non-motorized transportation, open space and recreation purposes and for all other purposes for which rail trails are now or hereafter may be used in the Commonwealth, be authorized to acquire by purchase, gift, eminent domain or otherwise fee, easement, leasehold, license and/or other real property interests in, on, over, across, under and along (a) all or any portion of the land, premises, easements, rights-of-way and other rights in Carlisle comprising the former Lowell Secondary Track railroad right-of-way acquired by the Commonwealth of Massachusetts (acting through its former Executive Office of Transportation and Construction) by deeds dated April 28 and November 29, 1982, and recorded in the Middlesex South District Registry of Deeds at Book 14609, Pages 302-317 and Book 14836, Pages 507-512, and (b) abutting and underlying properties as necessary for clearing title to said railroad right-of-way, laying out a rail trail/bicycle path in that right of way and within associated easements, and providing access to the rail trail area for construction, maintenance and repair purposes, on such terms and conditions as the Selectmen may determine.

TWO-THIRDS VOTE

Selectmen Recommendation: The Selectmen unanimously recommend approval of Article 30.