

*Minutes of the
Special Town Meeting
of the
Town of Essex*

The November 16, 2015 Special Fall Town Meeting of The Town of Essex held at the Essex Elementary School Cafetorium was called to order at 7:33 pm by Moderator Rolf P. Madsen. A quorum over 180 voters was present at the time.

The Moderator called for the Pledge of Allegiance and a moment of silence for Rosemarie Carr, Martha Pistemma and Daniel Boutchie, town officials and volunteers who had passed since the last meeting. The Moderator also called for a moment of silence to pause upon the recent terrorist attacks in Paris, France.

The following people were appointed as tellers: Jane Adams, Suzanne Lynch, Sally Rich and Betsy Ridge Madsen.

There were no objections to the tellers appointed.

Moderator Rolf P. Madsen, duly seconded, moved that the reading of the Warrant be omitted as copies were available to the attendance upon check in.

Voted unanimously.

ARTICLE 1 – ESTABLISHMENT AND CONFIRMATION OF BOUNDARY LINE

Motion made by Lisa O'Donnell, duly seconded, that the Town vote to take the following actions to establish and confirm the common boundary line between the Town-owned land at Conomo Point known as Robbins Island, which is shown on Assessors Map 108 as Lots 6, 7, 9, 10, 11, 12, 13, and 19 and Assessors Map 110 as Lot 2, and the privately-owned land located at 36A Robbins Island Road, which is shown on Assessors Map 108 as Lot 8, as shown on the handout plan entitled "Plan of Common Boundary Between Property of Hsia and Property of the Town of Essex," dated November 12, 2015, prepared by Horsley Witten Group, Inc., and, in connection with establishing said boundary line: **(1)** to transfer such portion of the Town-owned property located on the northerly/westerly side of the boundary line as shown on the aforesaid plan from the Selectmen, in their capacity as Conomo Point Commissioners, said property currently held for the purposes of lease, to the Selectmen, in their capacity as Conomo Point Commissioners, for the purposes of conveyance, and to authorize the Selectmen, in their capacity as Conomo Point Commissioners, to convey, exchange and/or release the aforesaid property to the owners of the privately-owned abutting property; **(2)** to authorize the Selectmen, in their capacity as Conomo Point Commissioners, to accept that portion of the privately-owned property located on the southerly/easterly side of the boundary line as shown on the aforesaid plan, said property to be held for the purpose of lease; and **(3)** to authorize the Selectmen, in their capacity as Conomo Point Commissioners, to execute a boundary line agreement, and such other instruments and documents necessary to confirm the newly established boundary line between the Town-owned property and the privately-owned property; **(4)** to authorize the Selectmen, in their capacity as Conomo Point Commissioners, to convey a non-exclusive access easement over a parcel of land shown as "Easement – 25 Wide" on said Plan and a non-exclusive access easement over the roads within Conomo Point known as Robbins Island Road, Conomo Point Road and Harlow Street to the

owners of said privately-owned property; and (5) to authorize the Selectmen, in their capacity as Conomo Point Commissioners, to execute all documents and take all actions necessary to effectuate the purposes of this vote, on such terms and conditions as deemed appropriate and in the best interests of the Town.

Voted unanimously.

ARTICLE 2 – MANAGEMENT OF PROPERTY AT CONOMO POINT

Motion made by Susan Gould Coviello, duly seconded, that the Town vote to transfer from Free Cash the sum of \$50,000 for the management of property at Conomo Point including but not limited to renovation, demolition, and contents management of structures and maintenance of all outdoor areas.

Voted by the Majority.

ARTICLE 3 – ZONING BYLAW CHANGE - SIGNS

Motion made by Westley Burnham, duly seconded, that the Town vote to amend Section 6-7 of the Town of Essex Zoning Bylaws, by deleting said section in its entirety and by replacing it with the language shown in Article 3 of the Warrant.

Declared 2/3rds Vote.

Text of Article 3 as shown in the Warrant:

ARTICLE 3

To see if the Town will vote to amend Section 6-7 of the Town of Essex Zoning Bylaws, by deleting said section (which presently reads as follows), in its entirety:

6-7 Signs

6-7.1 Signs and Billboards.

6-7.1.1. Billboards. Billboards shall not be permitted in the town of Essex.

6-7.1.2. Public Safety Provisions. In the interest of public safety, the following signs and devices are not permitted;

- a. Signs with moving parts or flashing lights which suggest motion.
- b. Flashing illuminated signs.
- c. Noisemaking signs.
- d. Signs so located or colored or illuminated in any manner to attract attention from or obscure a traffic light or sign or to reduce in anyway its visibility and effect.
- e. Signs within view of a public street or highway so placed in such manner as to obstruct clear vision in any direction.
- f. Any device illuminating a sign which directs light toward a public way in such a manner as to cast its beams into the eyes of the oncoming motorist or pedestrians.

6-7.1.3. Nonconforming Signs.

- a. All signs in violation of this chapter, except as to size and number limitations, shall be removed or made conforming within one year from June 7, 1972.
- b. Any change of use or ownership shall required conformity to all sign regulations in this chapter within 30 days.
- c. Signs required for public safety shall not be included in the total sign area.

6-7.1.4. Measurement.

1. Area limitations refer to the total sign area.
2. In computing area only one side of a double-faced sign is to be included. Signs within a building are not included.
3. Signs shall comply with the following dimensional requirements for each land use:
Type of Use Sign Dimensions
Residential (1 to 2 family) Maximum 6 square feet in area.
Residential (multi-family / apartment) Maximum 6 square feet in area.
Non-residential Maximum total area of 32 square feet.
Internally illuminated signs shall not exceed 20 square feet.

And by replacing said Section with the following:

6-7 SIGNS

The purpose of this bylaw is to provide for a wide range of signage by right; to encourage safe, effective, informative signage; to protect property values, and to minimize the visual impact of signage.

6-7.1 APPLICATION

A. For purposes of this bylaw, the term "SIGN" shall mean any two or three dimensional fabrication, or assembly, including its supporting structure, consisting of any letter, figure, character, symbol, emblem, mark, design, pictorial representation, stripe, line, trademark, reading matter or illuminating device, constructed, attached, erected, fastened, or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, business, public performance, article, machine or merchandise whatsoever, and displayed in any manner for recognized identification or advertising purposes.

B. All permanent signs shall require a building permit and shall comply with the Massachusetts State Building Code, as amended.

C. Any sign, permanent or temporary, to be placed on the property of another, including signs on Town or State-owned property, will require the prior written approval of the property owner or the owner's representative in control thereof.

D. Signs associated with properties requiring special permit or site plan review approval shall also require approval by the Planning Board.

E. Exemptions:

1. Flags and temporary signs for any non-commercial purpose, including but not limited to political or charitable purposes, for public organizations, for states and political subdivisions thereof, and international and national flags are exempt from all provisions of this bylaw, except sections 6-7.4 (Public Safety Provisions) and 6-7.5 (Maintenance of Signs).
2. Signs displaying the street number and name or names of the occupants of the premises, not exceeding two (2) square feet in area.
3. Traffic and directional signs owned and installed by a government agency.

6-7.2 REGULATION OF PERMANENT SIGNS:

A. AREA OF SIGN:

1. The area, including all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, the frame around the sign, and any "cut outs" or extensions, but not including any supporting structure or bracing. Calculation of sign areas shall use the following formulae:

- a. For two-dimensional signs affixed to or fabricated from a mounting background or signboard: the area shall consist of the smallest rectangular plane that wholly contains the sign.
- b. For two-dimensional signs consisting of individual letters or symbols affixed directly to the building wall, window, or awning: the area shall consist of the smallest area enclosed by a series of straight lines connected at right angles which encompasses all of the letters and symbols.
- c. For two-dimensional double-faced signs less than four (4) inches thick: use the area of one face.
- d. For three-dimensional signs, double-faced signs greater than four (4) inches thick, objects used as signs, and "V" shaped signs: the area shall be determined by the largest of either the front or side projected view of the sign.

B. ILLUMINATION:

The act of supplying or brightening a sign with light. Lighted signs shall be illuminated only by a steady, stationary light without causing harmful glare for motorists, pedestrians or neighboring premises and/or internal lighting; but all flashing, changing, or intermittent illumination is prohibited, except for time/temperature signs, public safety signs and holiday decorations.

C. LINEAL FRONTAGE:

The length in feet of a building or storefront which abuts a street or public right-of-way at its first floor or entrance level.

D. PERMANENT SIGNS SHALL BE DIVIDED INTO THE FOLLOWING CATEGORIES:

- 1. Awning Sign: Any sign painted, sewn or attached onto an awning. The area of an awning sign(s) shall not exceed one-half (1 /2) square foot per foot of lineal frontage of the storefront or building upon which the awning is attached. Awnings shall conform to the Massachusetts State Building Code.
- 2. Banner Sign: Any sign constructed of fabric or flexible material and intended for permanent attachment to a structure. Banner signs may also be used as temporary signs as set forth in section 6-7.7. A permanent banner sign shall not exceed fifteen (15) square feet in area.
- 3. Directory Sign: Any sign which contains listings of two or more commercial uses or users and/or the name and address of a commercial or residential development. A directory sign shall be designed and constructed with provisions for changes of listing without reconstruction of the entire sign. Maximum area for header area shall not exceed twelve (12) square feet. Listings shall not be larger than eight (8) inches by thirty (30) inches.
- 4. Free-standing Sign: Any sign structurally separate from the building, being supported on itself, on a standard, or on legs. Free-standing signs shall be non-moveable and permanently anchored.
- 5. Hanging Sign: Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure, including an arcade or marquee sign.
- 6. Wall Sign: Any sign painted on or affixed to a building wall is a wall sign. Wall signs consist of two basic categories:
 - a. Directly applied: painted or three-dimensional letters applied directly to a building surface.
 - b. Independent Wall Sign: painted, incised or three-dimensional letters affixed to a sign board which is then attached to a building surface.

7. Window sign: Any permanent sign affixed to the surface of the glass of any part of any building (See also Poster-type sign). Window sign(s) shall not occupy, in total, more than fifty percent (50%) of the glass area and may not be attached to the exterior surface of the glass. Any interior sign which is within three (3) feet of the window glass and which is visible from the outside of the building shall be considered a window sign even though it may not be affixed directly to the glass. Window displays of actual products or merchandise for sale or rent on the business premises shall not be considered window signs.

6-7.3 BILLBOARDS.

A. A Billboard is any permanent sign which advertises or otherwise directs attention to a product, service, activity, event, institution, or other business which occurs or is generally conducted, sold, manufactured, produced or offered elsewhere than on the premises where such sign is located.

B. Billboards shall not be permitted in the town of Essex.

6-7.4 PUBLIC SAFETY PROVISIONS.

A. In the interest of public safety, the following signs and devices are not permitted:

1. Signs with moving parts or flashing lights which suggest motion.
2. Flashing illuminated signs.
3. Noisemaking signs.
4. Signs so located or colored or illuminated in any manner to attract attention from or obscure a traffic light or sign or to reduce in anyway its visibility and effect.
5. Signs within view of a public street or highway so placed in such manner as to obstruct clear vision in any direction.
6. Any device illuminating a sign which directs light toward a public way in such a manner as to cast its beams into the eyes of the oncoming motorist or pedestrians.
7. Signs shall not project above the roof or front parapet of a building.
8. All signs shall comply with all public safety requirements imposed by the Board of Public Works, public utilities, and/or the police and fire departments.

6-7.5 MAINTENANCE OF SIGNS.

All signs must be kept clean, neatly painted and free from all hazards, such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe conditions so as not to be detrimental to the public health or safety; or constitute a distraction or obstruction that may contribute to traffic accidents

6-7.6 MEASUREMENT.

A. Area limitations refer to the total sign area associated with each lot.

Special Town Meeting Warrant, November 16, 2015 – page 6 of 12

B. In computing area only one side of a double-faced sign is to be included. Signs within a building are not included.

C. Signs shall comply with the following dimensional requirements for each land use:

Type of Use Sign Dimensions:

1. Residential (1 to 2 family): One (1) sign not exceeding six (6) square feet in area.
2. Residential (multi-family/apartment): One (1) sign not exceeding six (6) square feet in area per dwelling unit and one directory sign for the development not to exceed twenty (20) square feet in area.

3. Non-residential (single use): Maximum permanent sign total area of thirty-two (32) square feet.

4. Non-residential (multiple uses on a common lot): shall be limited to twenty (20) square feet total area per individual use, not including a directory sign area.

D. Internally illuminated signs shall not be permitted.

E. Signs required for public safety shall not be included in the total sign area.

6-7.7 REGULATION OF TEMPORARY SIGNS:

A. A sign which is intended for a limited period of display. A temporary sign may be erected for a period not to exceed thirty (30) days in a calendar year, unless a more specific time frame is set forth below.

B. A temporary sign that does not meet the criteria in Section 6-7-7 shall be subject to the same requirements as for permanent signs.

C. All temporary signs shall comply with the provisions of Sections 6-7.4 (Public Safety Provisions) and 6-7.5 (Maintenance of Signs) of this bylaw.

D. Temporary signs shall not be counted toward the maximum sign areas allowed for permanent signs.

E. Poster-type signs, construction signs, real estate signs and banner signs are considered temporary signs provided they meet the following criteria:

1. Poster-type sign:

a. May not occupy more than 50 percent (50%) of the window area and may not be attached to the exterior surface of the window. Any interior sign which is within three (3) feet of the window glass and which is visible from the outside of the building shall be considered a window sign even though it may not be affixed directly to the glass.

Window displays of actual or sample products or merchandise offered for sale or rent on the business premises shall not be considered window/ poster signs.

b. Shall be related to use conducted or goods available on the premises.

c. May not be used for more than twenty-one (21) consecutive calendar days.

2. Construction sign:

a. Identifies parties involved in construction on the same premises only

b. Shall not be utilized for more than one (1) year, or for the duration of work on the lot, whichever is longer

c. Shall be removed promptly by contractor within fourteen (14) calendar days of the completion of work.

3. Real Estate sign:

a. Shall be related to sale, rental, or lease of same lot;

b. Shall be removed within fourteen (14) calendar days after sale, rental, or lease.

4. Banner sign:

a. Shall be considered a temporary sign provided it meets the following criteria:

i. A banner sign intended to advertise a business establishment prior to permanent signing.

ii. To be erected without a building permit for a maximum of thirty (30) days in a calendar year.

iii. Shall comply with the dimensional requirements of 6-7.6.

iv. Shall be attached to the building.

b. A banner sign intended to advertise a special event:

i. Shall be no greater than seventy-five (75) square feet in area.

- ii. May be erected without a building permit for a maximum of sixty (60) days in a calendar year, and
 - iii. Shall be removed within seven (7) calendar days after the event is over.
5. Sandwich board sign:
- a. A sign structurally separate from a building and being supported on itself, usually on legs; a sandwich board sign shall be moveable and without permanent anchoring. Said sign shall have no more than six (6) square feet in area on each side of a two-dimensional double-faced sign, shall be constructed of materials intended for outdoor use and shall not impair visibility or ability to use any public way or public area, and must be removed every day.
 - b. Sandwich Board signs may be left in place for a maximum of thirty (30) days in a calendar year without a building permit.
6. Flags:
- a. An advertising device constructed of fabric or flexible material intended to wave in the wind.
 - b. A total of three (3) flags will be permitted including one (1) "OPEN" flag and up to two (2) additional targeted message flags.
 - c. Total square area shall not exceed thirty (30) square feet and shall comply with the provisions of 6-7.4 and 6-7.5.
 - d. All flags shall be removed at the end of each business day.

ARTICLE 4 – LIMITING TIMING OF TARGET / SKEET SHOOTING

Motion made by David Doane, duly seconded, that Article 4 be indefinitely postponed.

Voted by the Majority.

ARTICLE 5 – AMENDMENT OF THE COMMUNITY PRESERVATION ACT

Motion made by Kimberly Drake, duly seconded, that the Town vote to amend its acceptance of the Community Preservation Act, Massachusetts General Laws, Chapter 44B, sections 3-7, as approved by the voters at the May 14, 2007 Annual Town Election, by increasing the surcharge from 0.5% to 1.5%, to be implemented beginning in Fiscal Year 2017; provided, however, that before such surcharge increase may take effect, the change must be approved by the voters at the 2016 Annual Town Election to be held in the Town of Essex on May 9, 2016.

Voted by the Majority.

ARTICLE 6 – CORRECTION OF 2012 ANNUAL REPORT

Motion made by Susan Gould Coviello, duly seconded, that Article 6 be indefinitely postponed.

Voted Unanimously.

ARTICLE 7 – BYLAW CORRECTION: BOARD OF APPEALS MGL REFERENCE

Motion made by Lisa O'Donnell, duly seconded, that the Town vote to amend Section 2-8.4 BOARD OF APPEALS of the Town of Essex Bylaws by correcting a reference to the General Laws as shown in Article 7 of the Warrant.

Voted Unanimously.

Text of Article 7 as shown in the Warrant:

ARTICLE 7

To see if the Town will vote to amend Section 2-8.4 BOARD OF APPEALS of the Town of Essex Bylaws, which currently reads:

2-8.4 *BOARD OF APPEALS*. The town shall establish a board of appeals for the planning board consisting of three members with powers as provided in Chapter 41, Section 81R of the General Laws. The board of appeals shall be appointed for terms of such length, and so assigned that the terms of one member shall expire each year. Three associate members shall likewise be appointed with powers as provided in Chapter 41 of the General Laws.;

by correcting the reference to the Massachusetts General Laws in the second line, so that it reads: “Chapter 41, Section 81Z”; or take any other action relating thereto.

ARTICLE 8 – BYLAW CORRECTION: UPDATE DUPLICATE OR MISSING SECTION NUMBERS IN CHAPTER II

Motion made by David Doane, duly seconded, that the Town vote to make numbering changes to the Town of Essex Bylaws as shown in Article 8 of the Warrant.

Voted Unanimously.

Text of Article 8 as shown in the Warrant:

ARTICLE 8

To see if the Town will vote to assign a section number, 2-25, to the Essex bylaw section entitled “Water Restriction Bylaw” and to change the section number for the Essex bylaw section entitled “Stretch Energy Code” from 2-23 to 2-24, to avoid a conflict with another section; or take any other action relating thereto.

ARTICLE 9 – TRANSFER TO ASSISTANT TOWN CLERK WAGE LINE ITEM

Motion made by Susan Gould Coviello, duly seconded, that the Town vote to transfer from Free Cash the sum of \$3,500 to be added to the Assistant Town Clerk’s wage line item in the fiscal year 2016 budget.

Voted Unanimously.

ARTICLE 10 – IMPROVEMENTS TO THE SENIOR CENTER

Motion made by Keith Symmes, duly seconded, that the Town vote to transfer from Free Cash the sum of \$2,000 for the completion of improvements to the Essex Senior Center.

Voted by the Majority.

ARTICLE 11 – FUNDING THE TOWN’S OPEB TRUST FUND

Motion made by Justin Bourgette, duly seconded, that the Town vote to transfer from Free Cash the sum of \$200,000 to be added to the Town’s Other Post-Employment Benefits (OPEB) Trust Fund.

Voted Unanimously.

ARTICLE 12 – FUNDING PROJECTS WITH COMMUNITY PRESERVATION FUNDS

Motion made Kimberly Drake, duly seconded, move that the Town appropriate from available Community Preservation funds the amounts recommended by the Community Preservation Committee for specific projects, all as specified on the Community Preservation Act Town Meeting Handout.

Voted Unanimously.

ARTICLE 13 – TRANSFER FUNDS TO WATER ENTERPRISE MAINTENANCE LINE ITEM

Motion made Paul Rullo, duly seconded, that the Town transfer from Water Enterprise Free Cash the sum of \$58,000 to be added to the Water Enterprise Fund maintenance line item for fiscal year 2016.

Voted Unanimously.

ARTICLE 14 – TRANSFER FUNDS TO SEWER ENTERPRISE MAINTENANCE LINE ITEM

Motion made by Paul Rullo, duly seconded, that the Town transfer from Sewer Enterprise Free Cash the sum of \$35,000 to be added to the Sewer Enterprise Fund maintenance line item for fiscal year 2016.

Voted Unanimously.

ARTICLE 15 – PURCHASING LIGHTING FOR THE CAUSEWAY

Motion made by David Doane, duly seconded, that Article 15 be indefinitely postponed.

Voted Unanimously.

ARTICLE 16 – MAINTENANCE ON THE FOLSOM PAVILION

Motion made by Lisa O’Donnell, duly seconded, that the Town vote to transfer from Free Cash the sum of \$20,000 for materials and labor necessary to repair and/or alter and/or replace the Folsom Pavilion at the Centennial Grove.

Voted by the Majority.

ARTICLE 17 – REMOVAL AND PURCHASE OF TREES AT 30 MARTIN STREET

Motion made by Susan Gould Coviello, duly seconded, that the Town vote to transfer from Free Cash the sum of \$3,000 for the removal of trees and the purchase and planting of a tree or trees on the grounds of the Town Hall/Library property at 30 Martin Street.

Voted by the Majority.

ARTICLE 18 – BICENTENNIAL CELEBRATION FUND

Motion made by Dawn Burnham, duly seconded, that the Town vote to transfer from Free Cash the sum of \$5,000 to be added to the Essex Bicentennial Celebration Fund.

Voted by the Majority.

ARTICLE 19 – CAPITAL IMPROVEMENT FUNDS

Motion made by Justin Bourgette, duly seconded, that the Town vote to transfer from Free Cash the sum of \$15,000 to be added to each of the following funds: building capital improvements fund,

recreational capital improvements fund, and purchase of vehicles and major equipment that qualify as capital purchases fund, for a total appropriation of \$45,000.

Voted Unanimously.

ARTICLE 20 – RESERVE FUND

Motion made by Justin Bourgette, duly seconded, that the Town vote to transfer from Free Cash, the sum of \$70,000 to replenish the Finance Committee’s Reserve Fund for fiscal year 2016.

Voted by the Majority.

ARTICLE 21 – UNPAID BILLS FROM PAST FISCAL YEARS

Motion made by Justin Bourgette, duly seconded, that Article 21 be indefinitely postponed.

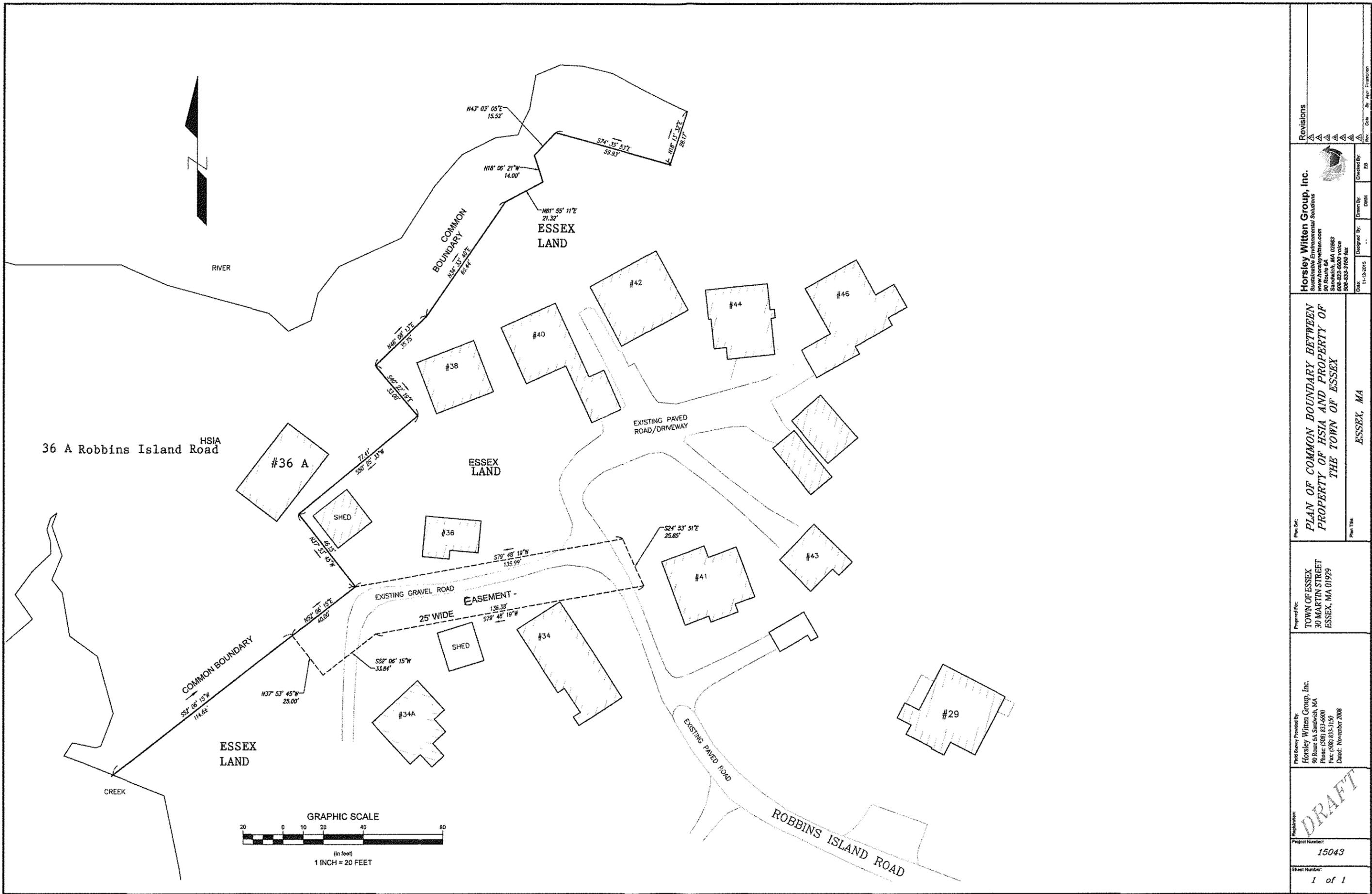
Voted Unanimously.

Moderator Rolf P. Madsen, duly seconded, moved to dissolve the meeting at 8:37 p.m.

Voted Unanimously.

A true copy.

Attest: _____
Christina J. St.Pierre, Town Clerk



Revisions	Rev	Date	By	Appr

Horsley Witten Group, Inc.
 Sustainable Environmental Solutions
 www.horsleywitten.com
 90 Route 6A Sandwich, MA 01979
 Phone: (508) 833-6600
 Fax: (508) 833-1150
 508-833-8600 voice
 508-833-3169 fax

Date: 11-15-2015
 Designed By: ...
 Drawn By: DWL
 Checked By: EB

Plan Set:
PLAN OF COMMON BOUNDARY BETWEEN PROPERTY OF HSIA AND PROPERTY OF THE TOWN OF ESSEX
 ESSEX, MA

Prepared For:
TOWN OF ESSEX
 30 MARTIN STREET
 ESSEX, MA 01929

Field Survey Provided By:
Horsley Witten Group, Inc.
 90 Route 6A Sandwich, MA
 Phone: (508) 833-6600
 Fax: (508) 833-1150
 Date: November 2008

Registration:
DRAFT

Project Number:
15043

Sheet Number:
1 of 1