

May 7st 2007 Town Meeting Warrant

TOWN OF SAUGUS

Essex, ss.

To the Constable of the Town of Saugus

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Saugus, qualified to vote in Town affairs for the Annual Town Meeting at the Saugus Town Hall located at 298 Central Street on Monday, May 7, 2007 at 7:30 PM to hear and act on the following articles: viz;

Article 1. To hear and act on reports of Committees.

Article 2. To see what sums of money the Town will vote to raise and appropriate for Town charges for the ensuing fiscal year 2008. (Town Manager)

Article 3. To see if the Town will vote to make supplementary appropriations to be used in conjunction with money appropriated under Article 2 of the 2006 Annual Town Meeting during the current Fiscal Year, and determine whether the money shall be provided by transfer from available funds; or to see whatever other action the Town wishes to take in the matter. (Town Manager)

Article 4. To see if the Town will vote to authorize the Treasurer with the approval of the Board of Selectmen, to borrow up to \$902,907.00 at 0% interest from the MWRA Local Pipeline Assistance Program for the purpose of designing and constructing improvements to water pipelines. (Town Manager)

Article 5. To see what sums of money the Town will vote to raise and appropriate for the Water Enterprise Fund for the ensuing fiscal year 2008. (Town Manager)

Article 6. To see what sums of money the Town will vote to raise and appropriate for the Sewer Enterprise Fund for the ensuing fiscal year 2008. (Town Manager)

Article 7. To see what sums of money the Town will vote to raise and appropriate for the Kasabuski Arena for the ensuing fiscal year 2008. (Town Manager)

Article 8. To see if the Town will vote to reauthorize a revolving fund for the purpose of supporting recreational programs for the community. Established fees will be used for the operating expenses in connection with maintaining these programs. (Town Manager)

Article 9. To see if the Town will vote to re-authorize a revolving fund for the Wetland Protection Act filing fees whereby the established fees for Fiscal Year 2008 will be used for operating expenses in connection with the enforcement of the Wetland Protection Act. (Town Manager)

Article 10. To see if the Town will vote to re-authorize a revolving fund for the purpose of supporting the water system cross-connection program. Established fees will be used for the operating expenses in connection with maintaining the program as mandated by the Department of Environmental Protection. (Town Manager)

Article 11. To see if the Town will vote to re-authorize a revolving fund for the purpose of supporting programs and activities at the Senior Center. Established fees will be used for the operating expenses in connection with maintaining these programs. (Town Manager)

Article 12. To see if the Town will vote to re-authorize a revolving fund for the purpose of supporting the Senior Lunch Program at the Senior Center. Established fees will be used for the operating expenses in connection with maintaining this program. (Town Manager)

Article 13. To see if the Town will vote to re-authorize a revolving fund for the Riverside Cemetery whereby the established

fees will be used for the operating expenses in connection with maintaining the facility. (Town Manager)

Article 14. To see if the Town will vote to increase water rates with all receipts to be held within the Water Enterprise Fund to be used exclusively for water expenses, water maintenance, and water improvement programs, or take any other action relating thereto. (Town Manager)

Article 15. To see if the Town will vote to raise and appropriate the sum of \$450,000.00 to pay for design and engineering to install a new water line in partnership with the MWRA from the Lynnfield town line to the Lynn Fells Parkway on the southbound side of Rte 1; to determine whether this appropriation shall be raised by borrowing or otherwise, or to take any other action relative thereto. (Town Manager.)

Article 16. To see if the Town will vote to have the Moderator appoint a Committee to investigate the feasibility of utilizing wind power facilities in the Town of Saugus. (Town Manager, as a courtesy to John W. Truesdale)

Article 17. To see if the Town will vote to raise and appropriate a sum of money for the development of a master drainage plan for the entire Town, to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto. (Town Manager)

Article 18. To see if the Town will vote to raise and appropriate a sum of money for the purpose of participation in Help for Abused Women and Their Children, Inc. (HAWC) or take any other action relative thereto. (Town Manager as a courtesy to HAWC)

Article 19. To see if the Town will vote to amend the Town Bylaws, which would allow the implementation of an equitable flat fee for residential trash/recycling collection pursuant to section 601.02 (D) of the Town of Saugus Bylaws to read as follows:

515.00 Board of Health – Solid Waste Management Plan

Section 1 Preamble

The evolution of solid waste management is tied to two important movements: the protection of public health and the protection of the environment. Presently, the technology of solid waste disposal and the increasing science of environmental protection are challenging communities economically. The continuance of an efficient solid waste management program must incorporate economic considerations in establishing a foundation of best practice in the solid waste field.

Section 2 Purpose

In order to secure funding for an effective solid waste management program, to promote recycling for the protection of the environment and be in compliance with the Massachusetts mandated waste bans; the Town of Saugus hereby establishes a Bylaw to implement a residential flat fee to fund the cost of the rubbish/recycling collection program.

Section 3 Authority

This section is adopted pursuant to the Saugus Town Bylaw section 601.02 (D) and the Massachusetts General Laws Chapter 111 section 31B.

Section 4 Applicability

The following regulations shall apply to residential home owners defined under section 5 of this Bylaw.

Section 5 Definitions

Barrel – Shall mean a covered 32 gallon refuse receptacle.

Board of Health – means the appropriate and legally designated health authority of the Town having the usual powers and duties of the Board of Health of the Town or his or its authorized agent.

Dwelling – means every building used or intended for human habitation.

Dwelling Unit – means the room or group of rooms within a dwelling used or intended to use by one family or household for living, sleeping, cooking and eating.

Massachusetts Mandated Waste Ban – means restriction on the disposal and transfer for disposal of certain hazardous and recyclable items at solid waste facilities in Massachusetts.

Residential Home Owner – means every person who alone or severally with others: 1) has legal title to any dwelling. 2) has care, charge or control of any dwelling in any capacity including but not limited to agent, executor, administrator, trustee or guardian of the estate of the holder of legal title; or 3) is a mortgagee in possession of any such property; or 4) is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property.

Recyclable Material – means any type of refuse designated by the State of Massachusetts pursuant to the Code of Massachusetts Regulations 310 CMR 19.017.

Pay As You Throw (PAYT) Town Issued Trash Bag – A trash bag issued by the Town of Saugus.

Single Family Home – means a single dwelling unit as assessed by the Saugus Board of Assessors.

Sunset Clause – shall mean the flat fee portion of this regulation will be terminated or repealed as the funding for rubbish/recycling collection is sustained by means of a Pay-As-You-Throw program.

Two-family Home – means a dwelling with two dwelling units as assessed by the Saugus Board of Assessors.

Three-family Home - means a dwelling with three dwelling units as assessed by the Saugus Board of Assessors.

Section 6 Solid Waste Management Plan

This Bylaw establishes the flat fee of two dollars (\$2.00) per week per dwelling unit for the trash collection and disposal.

- A. Weekly collection of unlimited recyclable items.
- B. Weekly trash collection of one 32 gallon barrel per dwelling unit.
- C. An additional four bags per dwelling unit may be disposed of weekly with the purchase of a pay as you throw (PAYT) Town issued bag at a cost of \$1.50 per bag.
- D. All Residential Home Owners will have the option of opting out of this fee by submitting a written statement to the Department of Inspectional Services.
- E. All Residential Home Owners meeting the requirements of the Massachusetts Statutory Exemptions as established by the Saugus Board of Assessors are exempt from this fee.
- F. The annual fee will be collected in bi-annual statements billed on the same cycle as the subject property's water and sewer bill cycle.
- G. Any fee not paid within thirty (30) days of the demand shall become, upon application of the Collector of the Town of Saugus a lien upon the property.

Section 7 Severability

Each of the paragraphs within this Bylaw shall be construed as separate to the end that if any sentence, clause or phrase thereof shall be held invalid for any reason the remainder of that paragraph and all other paragraphs of the Bylaw shall continue in force.

Section 8 Solid Waste Committee

The Saugus Board of Health recognizes to achieve specific waste management objectives and goals; the evolving development and success of this endeavor must be consistent with a program that experiences increased recycling, composting, source reduction and reuse. To maximize these goals and objectives, a Solid Waste Committee will be formed. The committee will

be appointed by the Town Manager and be comprised of two Town Meeting Members, two Board of Health Members, an employee of the Department of Public Works, the Solid Waste Coordinator and the Director of Public Health. The role of the Solid Waste Committee will be to monitor and evaluate the equitability of this plan, and make recommendations regarding the repeal of the flat fee structure as it pertains to the objective and fulfillment of the sunset clause endeavor. An expenditure/revenue guideline will be submitted as a performance status report to Town Meeting Members prior to the Annual Town Meeting.

Section 9 Amendments of the Bylaw

Amendments to this Bylaw will require the vote of Town Meeting.

Section 10 Effective Date

This Bylaw shall be effective on July 1, 2007.
(Town Manager and the Board of Health)

Article 20. To see if the Town will vote to raise and appropriate a sum of money for capital improvements to the Town's sanitary sewer system, including all costs thereof as defined in Section 1, of Chapter 29C of the Massachusetts General Laws, as amended; to determine whether this appropriation shall be raised by borrowing from Massachusetts Water Pollution Abatement Trust or otherwise; and to take any other action relative thereto. (Town Manager)

Article 21. To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 40, Section 8G which provides for mutual police aid programs and agreements. (Town Manager as a courtesy to the Police Chief)

Article 22. To see if the Town will vote to transfer funds previously appropriated by Town Meeting vote from the following articles:

1999 Articles:	National Registry of Hist. Bldg	\$ 6,000.00
2000 Articles:	Saugus Riverwalk	\$ 15,000.00
	New Sidewalk Vine to Adams	\$ 7,850.00
2001 Articles:	Establish Skateboard Park	<u>\$ 5,000.00</u>
	TOTAL:	\$ 33,850.00

Said funds are to be transferred to the Medical Trust Fund appropriation #8520.0000.945.000000.5735. (Town Manager)

Article 23. To see if the Town will vote to raise and appropriate or transfer from available funds the amount of \$460,200.00 for the repair and replacement of various components at the Blacksmith Way, Laurel Street, Lincoln Avenue and Park Street sewer pumping stations according to the report of March 19, 2007 prepared by the engineering firm of Weston and Sampson; to determine whether this appropriation shall be raised by borrowing or to take any other action relative thereto. (Town Manager)

Article 24. To see if the Town will vote to raise and appropriate the amount of \$65,000.00 for the repair, replacement and or installation of storm drains at Western Avenue and Wamesit Avenue and to determine whether this appropriation shall be raised by borrowing or to take any other action relative thereto. (Town Manager)

Article 25. To see if the Town will vote to raise and appropriate a sum of money for the installation of a storm drainage system on Bristow Street as recommended by the engineering firm of Camp Dresser and McKee Inc and to determine whether this appropriation shall be raised by borrowing or to take any other action relative thereto. (Town Manager)

Article 26. To see if the Town will vote to accept Massachusetts General Laws Chapter 39, Section 23D, which would permit Town board members who miss a single session of an adjudicatory hearing before their board to be able to vote on the matter, provided they review the evidence submitted at the missed hearing, which evidence shall include an audio or video recording of the missed session, or a transcript thereof, and they file a certificate of said effect. Said provisions will be applicable for all types of Town board, committee, or commission adjudicatory hearing. (Town Counsel, as a courtesy to Town boards)

Article 27. To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 32B, Section 9D, which provides as follows:

“Shall the Town pay one-half of the premium costs payable by the surviving spouse of an employee or retired employee for group general or blanket hospital surgical medical, dental or other health insurance?” (Town Manager as a courtesy to Retirement Board)

Article 28. To see if the Town will vote to accept the provisions of General Laws Chapter 44 Section 55C establishing a trust to be known as the Town of Saugus Affordable Housing Trust Fund whose purpose shall be to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households, and in implementation thereof will vote to amend the General Bylaws of the Town by adding the following as section 515.00:

Section 1. Name of the Trust

The Trust shall be called the “Town of Saugus Affordable Housing Trust Fund”.

Section 2. Purpose

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Saugus for the benefit of low and moderate income households. In furtherance of this purpose, the Trustees are hereby authorized in accordance with the procedures set forth herein, to acquire by gift, purchase or otherwise real estate and personal property, both tangible and intangible, of every sort and description; to use such property, both real and personal, in such manner as the Trustees shall deem most appropriate to carry out such purpose, provided however, that all property held by the Trust and the net earnings thereof shall be used exclusively for the preservation and creation in the Town of Saugus of affordable housing for the purposes for which this Trust was formed.

Section 3. Tenure of Trustees

There shall be a Board of Trustees consisting of not less than 9 Trustees who shall be appointed by the Board of Selectmen.

One of the Trustees shall be the Town Manager. Only persons who are residence of the Town of Saugus shall be eligible to hold the office of Trustee. Trustees shall serve for a term of two years, except that four of the initial trustee appointments shall be for a term of one year, and may be re-appointed at the discretion of the Board of Selectmen. Any trustee who ceases to be a resident of the Town of Saugus shall cease to be a Trustee hereunder and shall promptly provide a written notification of the change in residence to the Board and to the Town Clerk. Any trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to be a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Board of Selectmen to fill such vacancy provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk. Upon the appointment of any succeeding Trustee and the filing of such appointment the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder.

Section 4. Meeting of the Trust

The Trust shall meet at least quarterly at such time and at such place, as the Trustees shall determine. Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open meeting Law, G.L. Chapter 39, Sections 23A, 23B and 23C. A quorum at any meeting shall be a majority of the Trustees qualified and present in person.

Section 5. Powers of Trustees

The Board of Trustees shall have the following powers which shall be carried out in accordance with and in furtherance of the provisions of G.L. Chapter 44, Section 55C.

- 1) With the approval of the Board of Selectmen, to accept and receive real property, personal property or money, by gift, grant, contributions, devise, or transfer from any person, firm corporation or other public or private entity, including but not limited to money, grants or funds or other property tendered to the trust in connection with provisions of any ordinance or Bylaw or any General Law or special act of the Commonwealth or any other source including money from Chapter 44B of the General laws;

- 2) With the approval of the Board of Selectmen, to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- 3) With the approval of the Board of Selectmen and Town Meeting, to sell, lease, exchange, transfer or convey any real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertakings relative to trust real property as the Trustees deem advisable notwithstanding the length of any such lease or contract;
- 4) With the approval of the Board of Selectmen, to sell, lease, exchange, transfer, or convey any personal property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertakings relative to trust personal property notwithstanding the length of any such lease or contract;
- 5) To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;
- 6) To employ advisors and agents, such as accountants, appraisers and lawyers as the trustees deem necessary;
- 7) To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the trustees deem advisable;
- 8) To apportion receipts and charges between income and principal as the trustees deem advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation, depletion or otherwise;
- 9) With the approval of the Board of Selectmen, to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution, to vote any securities or certificates of interest, and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- 10) With the approval of the Board of Selectmen, to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the trustees may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board, with the approval of the Board of Selectmen, may deem necessary and appropriate;
- 11) To carry property for accounting purposes other than acquisition date values;
- 12) With the approval of the Board of Selectmen and the approval of Town Meeting by a two thirds majority vote, to incur debt, to borrow money on such terms and conditions and from such sources as the trustees deem advisable, and to mortgage and pledge trust assets as collateral;
- 13) With the approval of the Board of Selectmen, to disburse trust funds for the purpose of making loans or grants in furtherance of the creation or preservation of affordable housing in Saugus, upon such terms as the Trustees shall deem most appropriate to carry out such purposes;
- 14) To make distributions or divisions of principal in kind;
- 15) To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of G.L. Chapter 44, Section 55C, to continue to hold the same for such period of time as the board may deem appropriate;
- 16) To manage or improve real property and, with the approval of the Board of Selectmen and Town Meeting, to abandon any property which the trustees determine not to be worth retaining;
- 17) To hold all or part of the trust property uninvested for such purposes and for such time as the trustees may deem appropriate; and
- 18) To extend the time for payment of any obligation to the trust.

Section 6. Funds Paid to the Trust

Notwithstanding any general or special law to the contrary, all moneys paid to the trust in accordance with any zoning by-law, exaction fee, or private contribution shall be paid directly into the trust and need to be appropriated or accepted and approved into the trust. General revenues appropriated into the trust become trust property and these funds need not be further appropriated to be expended. All moneys remaining in the trust at the end of any fiscal year, whether or not expended by the board within one year of the date they were appropriated into the trust, remain trust property.

Section 7. Acts of Trustees

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

Section 8. Liability

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town, except in the manner specifically authorized herein. The Trust is a public employer and the Trustees are public employees for the purposes of G.L. Chapter 268A. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of G.L. 268A.

Section 9. Taxes

The Trust is exempt from G.L. Chapter 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any subdivision thereto.

Section 10. Custodian of Funds

The Town Treasurer shall be the custodian of funds of the Trust. The books and records of the Trust shall be audited annually by an independent auditor, in accordance with accepted accounting practices for municipalities and a copy of said audit shall be sent to the Board of Selectmen. The Trust fiscal year shall run from July 1st through June 30th.

Section 11. Governmental Body

The Trust is a governmental body for purposes of Section 23A, 23B and 23C of G.L. Chapter 39.

Section 12. Board of the Town

The Trust is a board of the Town for the purposes of G.L. Chapter 30B and Section 15A of G.L. Chapter 40; but agreements and conveyances between the trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the town shall be exempt from said Chapter 30B.

Section 13. Duration of the Trust

This Trust shall be indefinite duration, until terminated in accordance with applicable law. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Board of Selectmen for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Board of Selectmen, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

Section 14. The Board of Selectmen may authorize the Trustees to execute, deliver, and record with the Registry of Deeds any documents required for any conveyance authorized hereunder.

Section 15. Titles

The titles to the various Sections herein are for convenience only and are not to be considered part of said Sections nor shall they affect the meaning or the language of any such section.

Or to take any other action relative thereto. (Affordable Housing Committee)

Article 29. To see if the Town will vote to amend Section 303.02 of the Town of Saugus Bylaws by inserting the words The Town of Saugus Affordable Housing Trust in line 3 after the words "The Playground Commission" so that the section now reads "that no parcel be offered for sale which does not have the previous approval of the Conservation Commission, the Planning Board, the Playground Commission, and the Town of Saugus Affordable Housing Trust or to take any action relative thereto." (Affordable Housing Committee)

Article 30. To see if the Town will vote to amend Section 303.03 of the Town of Saugus Bylaws, by inserting the words The Town of Saugus Affordable Housing Trust in line 2 after the words "The Playground Commission" and by inserting the words affordable housing in line 3 after the words "public buildings" so that the section now reads "that the decision by majority vote by the Conservation Commission, the Planning Board, the Playground Commission, and The Town of Saugus Affordable Housing Trust shall take into account the future land needs of the Town for public buildings, affordable housing, parks or recreation as well as the desirability of setting aside land for open space or other conservation purposes or to take any action relative thereto. (Affordable Housing Committee.)

Article 31. To see if the Town will vote to add the following Bylaw as Section 902: Shade Tree Bylaw.

SECTION 1. Intent and Purpose.

a. It is the intent of this Bylaw to sustain environmental health, enhance the economic well-being and maintain the quality of life for the citizens of the Town of Saugus. Shade trees make an important contribution to the character and heritage of Saugus's neighborhoods. This Bylaw establishes policy and guidelines for ensuring the health and longevity of the Town's community forest.

b. It is the policy of the Town of Saugus to encourage new tree plantings on public and private property to cultivate a healthy

flourishing community forest and increase its value as a whole.

c. It is also the intent of this Bylaw to form and implement a community forest plan to benefit same. A goal of this community forest plan will be to obtain and maintain eligibility for annual recertification as a recognized "Tree City, USA."

SECTION 2. Definitions.

Whenever the following words or terms are used in this Bylaw, they shall have these meanings:

"Shade Tree" - All trees within a public way or on the boundaries thereof shall be public shade trees; and when it appears in any proceeding in which the ownership of or rights in a tree are material to the issue, that, from length of time or otherwise, the boundaries of the highway cannot be made certain by records or monuments, and that for that reason it is doubtful whether the tree is within the highway, it shall be taken to be within the highway and to be public property until the contrary is shown.

Public shade trees shall also include those planted in public ways, or if deemed expedient by the Tree Warden, upon adjoining land at a distance not exceeding 20 feet in accordance with MGL Chapter 87, Section 7.

"Person" - Any person, firm association or corporation.

"Town" - The Town of Saugus and any of its departments and/or employees.

"Tree Warden" - The specific individual appointed by the Town Manager or Board of Selectmen to fill this position. Such person shall be qualified in accordance with MGL Chapter 87.

"DCR" - Massachusetts Department of Conservation and Recreation.

"Heritage Tree" - A public shade tree specifically designated by the DCR. Urban Forestry Program, upon recommendation by the Town Tree Warden to be a heritage tree. Heritage trees may qualify for state funds for maintenance under this program. A tree may qualify as a heritage tree if it meets one or more of the following criteria:

- a. Old Age - 100 years or greater; Size - 32 inches diameter or greater;
- b. Species rarity;
- c. Association with specific Historical Event or Person;
- d. Outstanding Scenic Enhancement; e.g., trees at parks etc.
- e. Notable Wildlife Value.

"Public Areas" and "Public Property" - Includes all public parks and other lands owned, controlled, or leased by the Town except DCR and Mass Highway controlled property.

"Public Nuisance" - Any tree or shrub or part thereof which by reason of its condition prohibits the use of any public areas, is infected with a plant disease, is infested with injurious insects or pests, significantly threatens existing public improvements, or immediately endangers the life, health, safety, or welfare of persons or property.

"Shrubs" - Any woody plant, normally having multiple stems and bearing foliage from the ground up.

"Tree" - Any woody plant greater than or equal to 1-1/2" diameter 12" from the ground.

"Topping" - The practice of cutting back large diameter branches of a mature tree to stubs. Topping is prohibited.

"Community Forest" - The sum total of all trees and other vegetation growing within the boundaries of a community.

"Community Forest Plan" - a document that describes the goals and objectives related to the management of a community forest.

"Green Industry" - Any and all businesses associated with landscaping, arboriculture, etc.

"ANSI" - American National Standards Institute.

"Major Alterations" - The following terms describe major alterations, to a shade tree, requiring a permit;

-Crown cleaning is the selective removal of one or more of the following items: dead, dying, or diseased branches, weak branches and waterspouts.
-Crown thinning is selective removal of branches to increase light penetration and air movement or reduce weight.
-Crown raising is the removal of the lower branches of a tree to provide clearance.
-Crown reduction, also called crown shaping, decreases the height and/or spread of a tree.
-Vista pruning is selective trimming of framework limbs or specific areas of the crown to allow a view of an object from a predetermined point.
-Crown restoration pruning should improve the structure, form and appearance of trees, which have been severely topped, vandalized, or storm damaged.

SECTION 3. Authorization of the Tree Committee regarding public shade trees.

- a. The Tree Committee will work with and advise the Tree Warden on matters pertaining to tree and landscape planning and maintenance of shade and other public trees in the Town of Saugus. The board will review the Annual Work plan for tree maintenance, planting, and removal prior to its implementation. The board members shall consist of Saugus residents, appointed by the Town Manager or the Board of Selectmen. The Tree Warden shall be an ex-officio non-voting member.
- b. Board members will be responsible for establishing rules and regulations (upon approval by the Board of Selectmen) that are required for the implementation of this by-law. The board shall meet on a periodic basis as determined by its membership.
- c. The Tree Warden is hereby tasked to develop an Annual Work Plan for tree maintenance and replacement and removal for each fiscal year. The plan shall include locations of work and designated work to be accomplished. Such plan will be reviewed by the Board. Any public hearings required for implementation of the Annual Work Plan will be conducted in accordance with MGL Chapter 87 (Shade Tree) and Chapter 40 (Scenic Road).
- d. The Board shall also be responsible for fostering educational programs regarding continued care of Shade Trees and their importance to the Town, shall publicize and foster participation in grants and tree planting programs of the State and/or private corporations/foundations.
- e. The Board shall support and help stimulate interest in Arbor Day and Arbor Week programs in schools, conservation organizations, and private companies and families within the Town of Saugus.
- f. The Board shall plan for and maintain the Saugus Tree Farm for the purpose of planting public shade trees on public property.

SECTION 4. Authorization of the Tree Warden. The Tree Warden and the Public Shade Tree Committee shall carry out the provisions of this Bylaw. As per Massachusetts Law Chapter 87 and Chapter 41, the Town of Saugus must appoint a Tree Warden. This individual shall be qualified by demonstrated training and experience in the field of arboriculture. It is recommended that this person be a Massachusetts certified arborist and possess a Massachusetts pesticide license. The Tree Warden shall be appointed by the Town Administrator or the Board of Selectmen.

SECTION 5. Responsibilities and Authority of the Tree Warden.

- a. The Tree Warden and the Shade Tree Committee shall be responsible for the creation and implementation of a Community Forest Plan to be incorporated into the Town Open Space and Recreation Plan.
- b. The Tree Warden shall be responsible for the periodic inspection of public shade trees to ensure they are free from disease or other conditions that may endanger tree health, or are a clear and immediate safety hazard to the public. The Tree Warden shall make every effort to repair and maintain shade trees prior to their removal in accordance with ANSI Standard A300 most current edition.
- c. The Tree Warden is responsible for conducting public shade tree hearings in accordance with MGL Chapter 87, Section 3. All public tree hearings shall be held at a convenient time and location to the public (e.g., at 6:00 p.m., Mondays at the Town Hall) at the discretion of the Tree Warden. He shall conduct joint hearings with the Planning Board when required under the Scenic Roads Law, MGL Chapter 40, Section 15c.
- d. The Tree Warden or the Shade Tree Committee shall be responsible for the location, selection, and identification of any trees, which may qualify as "heritage trees" and shall forward such recommendation to the DCR, Urban Forestry Program for consideration for future preservation. Any person may submit a petition recommending a tree, which they believe, qualifies as a heritage tree. Heritage trees so designated shall be marked by the Tree Warden and located on engineering plans used by the Town.
- e. The Tree Warden shall be responsible for the marking of all public shade trees on scenic roads prior to the issuance of any driveway permit or building permit to prevent the inadvertent removal or damage to public shade trees on these roads. He shall mark any public shade tree so requested by any citizen.
- f. The Tree Warden or Shade Tree Committee shall review all proposed subdivision plans for tree locations and measures taken to protect existing trees during construction and shall recommend to the Planning Board conditions required as part of their approval process.
- g. The Tree Warden shall keep complete and accurate records on the condition of all public shade trees and all work

completed on public shade trees to include all attempts at restoration or treatment of same prior to their removal.

h. The Tree Warden, in accordance with MGL Chapter 87, is hereby given authority, control, and supervision of all trees which now or which may hereafter exist upon any public property (except DCR or Mass highway property), street or highway belonging to the Town of Saugus, and over all trees which exist upon any private property in the Town of Saugus, when such trees are in such a hazardous condition as to immediately endanger public health, safety, and welfare. This power includes, but is not limited to, the power to enforce the rules, regulations, and specifications concerning the trimming, spraying, removal, planting, pruning, and protection of trees, shrubs, vines, hedges, and other plants upon the right of way of any street, alley, sidewalk, park, or other public place in the Town in accordance with this Bylaw and MGL Chapter 87. In addition, pursuant to MGL chapter 87, Section 2, The Tree Warden has the additional right to make regulations for the care and preservation of public shade trees and establish fines and forfeitures of not more than that specified in MGL Chapter 87, Section 2 in any one case for violation thereof; which, when posted in one or more public places, and, in towns, when approved by the Board of Selectmen, shall have the effect of town Bylaws.

i. The Tree Warden has the authority to supervise all work done by permit as described in this Bylaw, and to affix reasonable conditions to the granting of permits.

SECTION 6. Permit for Maintenance and Removal of Tree and Shrubs.

a. Permit Required – No person, except on order of the Town Warden, shall remove or do major alterations specified herein and as determined by the Tree Warden on a tree or shrub in the public right of way, park areas, and other Town owned lands, or cause such act to be done by others without a permit for such work from the Tree Warden as herein provided. This includes all persons engaged in the business of cutting or removing trees or shrubs. Any person may apply for and obtain a permit, but all work must be accomplished or supervised by a certified arborist. The hearing and notice process required by MGL Chapter 87, Section 3 must be complied with.

b. Permit Required and Conditions – When a permit is requested, the Tree Warden must decide that the proposed work is necessary and in accord with the purposes of this chapter. The Tree Warden must take into account safety, health, and welfare, location of utilities, public sidewalks, driveways, and streetlights.

c. Exemption – In cases of emergency situations such as hurricanes, snow/ice storms, or other acts of God where immediate removal is required of downed trees or limbs, work necessary to restore safe conditions is allowed. No permit shall be required to cultivate, fertilize, or water trees and shrubs on Town property.

d. Permit Form, Expiration, Inspection – Permits shall be logged by the Tree Warden on a standard form and include a description of the work to be done and shall specify the location. Any work done under such permit must be performed in strict accordance with this chapter and ANSI Standard A300 (most current edition). Permits issued under this section shall expire three months after date of issuance. There is no charge for permits.

SECTION 7. Permits for Planting Trees and Shrubs.

a. Planting – All trees and shrubs planted on all public property within the Town of Saugus become the property of the Town of Saugus. Watering of newly planted trees by citizens is encouraged to insure the survival and health of the trees.

1) The planting of the following species is prohibited on any Town of Saugus property, except with the express written approval of the Tree Warden:

- a) Ailanthus altissimo (Tree of Heaven)
- b) Catalpa Bignoniaceae (Catalpa species)
- c) Acer platanoides (Norway Maple)

2) There is no charge for the permit. The permit shall be on a standard form. Permits logged under this section shall expire 6 months after date of issuance.

3) No person shall plant any tree, shrub, or other vegetation in the public right-of-way, park areas, and other town owned lands without first obtaining a permit for such work from the Tree Warden. The request for such permit shall specify the size; species and variety of tree, shrub, or other vegetation to be planted shall be submitted to the Tree Warden for approval before planting. Approved tree and shrub lists as well as guidance on planting procedures are available at the Tree Warden Office.

4) Planting locations and minimum distances will be based on the mature size and landscape variables of the plants. Proper distances and planting locations shall be determined by the Tree Warden based on the recommendation contained in the Community Forest Plan.

b. No person shall plant on any public or private premises situated at the intersection of two or more streets or alleys in the town, any hedge, tree, shrub, or other vegetation device that may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.

c. Only small maturing trees or shrubs are authorized for planting under any overhead utility wires or cables. No trees should be planted over underground utilities systems unless approved by the Tree Warden.

d. In new subdivisions or when the development of commercial property occurs, the Tree Warden or the Shade Tree

Committee shall review landscaping plans and may suggest locations of street trees to be planted in any of the streets, and other public places henceforth developed. Tree species and sizes are to be recommended by the Tree Warden. Landscaping shall conform to the Saugus subdivision regulations unless otherwise waived by the Planning Board.

SECTION 8. Licensing. All work performed on Town owned trees is to be done by or supervised by the Tree Warden or a Massachusetts certified arborist or ISA certified arborist.

Section 9. Trimming.

- a. To ensure high quality shade trees, shaped for maximum aesthetic appreciation and to prevent interference with traffic and utility wires, all newly planted trees in public lands shall be trimmed and shaped as necessary for five years after planting.
- b. Trimming (pruning) of all trees in public areas shall be done according to current technical specifications of the American National Standard for Tree, Shrub and other Woody Plant Maintenance-Standard Practices (ANSI A300). The current safety specifications of the American National Standard for Tree Care operations (ANSI Z133) apply. All specifications and procedures are available from the Tree Warden.
- c. Trimming of trees or bushes upon private property may be accomplished, upon order of the Board of Selectmen, where the same obstructs, endangers, hinders or incommodes persons traveling on streets or sidewalks.
- d. Trees shall not be topped.

SECTION 10. Removal of Trees and Stumps.

- a. Dangerous, Obstructive, and Infected Trees – Any dead public tree or part thereof that the Tree Warden shall find to be infected, immediately hazardous so as to endanger the public or other trees, plants, shrubs grown in the Town, or to be significantly injurious to sewers, sidewalks, or other public improvements may be removed by the Town in accordance with the procedures set forth in MGL Chapter 87. All wood must be removed from the street prior to the end of each working day, and all holes shall be filled to normal grade level with topsoil as soon as practical.
- b. Any public shade tree that has been removed, except those removed as a visibility hazard, shall be replaced with one or more trees at a location to be determined by the Tree Warden. Size and species shall also be determined by the Tree Warden.

SECTION 11. Obstructions.

- a. Mature trees and shrubs standing in or upon any Town land or upon any private premises adjacent to any public right of way or public areas shall be kept trimmed so that the lowest branches projecting over the public street provide a clearance of not less than fourteen feet. The Tree Warden may waive the provision of this section for newly planted trees if determined that they do not interfere with public travel or endanger public safety. The Town shall have the right to trim any tree or shrub in the Town when it interferes with the safe use of streets or sidewalks or with visibility of any traffic control and it is so ordered by the Board of Selectmen.
- b. Clearance from sidewalk to lower branches shall not be less than seven feet. All trees standing upon private property in the Town, the branches of which extend over the line of the sidewalk shall be trimmed (pruned) so that no branches shall grow or hang over the line of the sidewalk lower than seven feet above the level of the sidewalk.

SECTION 12. Prohibited Acts.

- a. Damage to Public Trees – No person shall, without the consent of the owners in the case of a private tree or shrub or without written permits from the Tree Warden in case of public trees, do or cause to be done by others any of the following acts:
 1. Secure, fasten, or run any rope, wire, sign, unprotected electrical installation, or other devices or material to, around, or through a tree or shrub except to secure leaning or newly planted trees.
 2. Break, injure, mutilate, deface, kill or destroy any tree or shrub.
 3. Remove any guard, stake, or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space above the base of a public tree or shrub designed to permit access of air, water, and fertilizer.
 4. Attach any sign, poster, notice, or other object on any tree, or fasten any guy wire, cable, rope, nails, screws, or other devices to any tree, except that the Town may authorize tying temporary signs to trees when necessary.
 5. Cause or encourage any fire or burning near or around any public tree.
- b. Excavation – All trees on any Town owned land near excavation or construction of any building, structure, landscape, or street or utility work, shall be sufficiently guarded and protected by those responsible for such work as to prevent injury to said

trees. No person shall excavate any ditches, tunnels, or trenches, or install pavement within a radius of ten feet from any public tree without a permit from the Tree Warden.

SECTION 13. Requirements and Penalties.

- a. Any person who violates any provision of this by-law or who fails to comply with notices issued pursuant to provisions of this Bylaw shall be subject to fines of up to \$300 for each separate offense. Any builder, contractor or agent who intentionally assisted in the commission of any such violation shall be liable for each separate violation. All such violations which are of a continuing nature shall constitute a separate offense for each day of such continuance, and each tree removed shall constitute a separate offense. Any tree removed in violation of this Bylaw shall also be replaced by the violator on an inch-for-inch basis.
- b. Fines shall be assessed and collected under MGL Chapter 21D adopted as part of this Bylaw. The Tree Warden shall have the requisite police power established under MGL chapter 21D.
- c. Appeal – Any person who receives any order under this Bylaw from the Tree Warden and objects to all or any part thereof shall have the right to appeal such order. The Board of Selectmen shall hear such appeal within 30 days of receipt of written notice of the appeal. The Board of Selectmen shall, by letter, notify the party appealing the order of its decision within ten days after the hearing closes and file written decision with the Town Clerk.

SECTION 14. Evaluation and Future Update of Bylaw. A successful implemented management strategy must be monitored to ensure that progress is being made and standards are being met. Evaluation provides the feedback necessary to determine whether the management strategy is working. Periodic evaluation also provides an opportunity to reassess the needs and goals of the community. The management strategy may need to be adjusted to reflect new or altered goals. By providing for regular evaluation as part of the management process, the need for change can be identified before a crisis develops. Evaluation methods include surveys and record keeping as well as public opinion heard through polls or hearings.

The Tree Warden and the Tree Committee shall conduct periodic evaluations of this Bylaw and implementing instructions and policies.

SECTION 15. Severability. In the event that any part or provision of this Bylaw are found or determined to be illegal or unenforceable by the Massachusetts Attorney General or any of the Massachusetts Court of competent Jurisdiction, than the illegality or unenforceability of any such provision shall not affect the validity of any other provision of this Bylaw which provisions will remain in full force and effect. (Timothy Hawkes)

Article 32. To see if the Town will vote to amend the Town's Zoning Bylaw by striking the current language of General Requirements – All Signs 7.31, which currently reads:

MOVEMENT. No signs shall contain any visible moving or moveable parts, except such portions of a sign as consists solely of indicators of time and/or temperature and except further that individual letters and/or numerals that make up the message of sign that are normally and routinely removed and replaced on a regular basis shall not be considered moveable parts. No sign shall be portable except when used as temporary signs pursuant to this Sign Bylaw.

And replacing that language with:

MOVEMENT. No sign shall contain any mechanical moving parts other than clocks. All electronic displays (both fixed and changing) shall be allowed except as set out herein. Continuous flashing is prohibited except for "Amber Alert". No unit shall play full motion videos. Electronic displays shall be allowed only in red, amber or full color (colors to be subject to the approval of the fire department and police departments). No electronic displays shall be allowed within two hundred (200') of operating traffic lights (full function red, yellow and green lights). (Saugus Chamber of Commerce)

Article 33. To see if the Town will vote to amend the Town's Zoning Map and Zoning Bylaw by rezoning Lot 9 Assessor's Plan 2035, Lot 45 Assessor's Plan 3022 and Lot 55 Assessor's Plan 3022 from their current zoning of I-1 (Light Industrial) to R-4 (multi-density): (property addresses: Rear Bristow Street, 2 Winston Street and Bristow Street, respectively commonly known as the Alco Food property at 2 Winston Street, Saugus, MA 01906) (Nelson C. Chang)

Article 34. To see if the Town will vote to amend the Town's Zoning Map and Zoning Bylaw by rezoning Lt 261 on Assessors plan 1043 from Business (B-2) to Residential (R-3). The property is located at 14 Walden Pond Avenue, owned by: John Mundy and Patrician Gullion-Mundy. (John Mundy)