

**ANNUAL TOWN MEETING  
ARTICLES OF WARRANT  
MAY 18, 2009**

**The meeting was called to order by the Moderator Lucia Casey at 7:52 p.m.**

Article 1: To choose all Town Officers as required by law, to be chosen by ballot.  
**This article has been taken care of in the election of May 11, 2009.**

Article 2: To hear the report of the Town Officers and act thereon.

Article 3: To see if the Town will vote to authorize the Collector of Taxes to use the same means which a Treasurer may use when acting as Collector.

Article 4: To hear and act on the report of any Committee and choose any Committee the Town may think proper.

Article 5: To see if the Town will vote to authorize the Board of Selectmen to accept and enter into contracts for the expenditure of any funds allocated or to be allocated by the Commonwealth and/or the County for the construction, reconstruction and improvement of Town roads, pursuant to the terms of said funding.

**Motion made and seconded to accept articles 1 through 5 as written and recommended. Voted unanimous in the affirmative.**

**Motion made and seconded to take Article 33 out of order. Voted by majority as declared by the moderator to move Article 33.**

Article 33: To see if the Town will vote to adopt the following amendment to the Somerset Zoning By-law by adding a new By-law section 9.4

*(a) By adding the following as a new by-law section 9.4:*

**9.4 Mixed Use Overlay District**

**9.4.1 Purpose:**

The purposes of this Mixed Use Development Overlay District (MUDOD) By-law are: to encourage a mix of commercial and residential uses in Business Districts as shown on the Official Zoning Map Town Somerset Massachusetts, adopted May 19, 2008; to encourage redevelopment and infill development in the areas zoned for business in a manner that establishes controls that will facilitate development while protecting the public interest; to protect and enhance the value of land and buildings and provide for a variety of business and residential uses; and, toward these ends, to allow greater utilization of commercial developments.

**9.4.2 Overlay District:**

The Mixed Use Development Overlay District is hereby established as an overlay district. As such, all rules of the underlying district shall remain in full force and effect, except where the requirements of the MUDOD vary uses or dimensional requirements otherwise set forth in the Zoning By-Law, the terms and conditions of the MUDOD shall control.

**9.4.3 Approving Authority:**

A. The Planning Board shall act as the Special Permit Granting Authority for applications submitted under this By-law and may adopt and from time to time amend reasonable regulations for the administration of this By-law. The regulations shall contain detailed requirements governing applications for review, which shall include, but need not be limited to, the following:

1. The content of plans;
2. The designation of proposed building locations;
3. Location and design characteristics of proposed roads, driveways, and parking area;
4. Existing and proposed site grades;
5. Identification of wetlands affected by or adjoining the proposed project;
6. Utility service to the proposed project and drainage plans and calculations;
7. Traffic studies relating to the proposed project;
8. Screening plans for the proposed project; and,
9. Performance and Design Guidelines.

B. The Planning Board shall act on a special permit application according to the procedures set forth in M.G.L. Chapter 40A, section 11, and the provisions of section 7.5 (Special Permits) of this By-law.

#### 9.4.4 Definitions.

The following definitions are for use with this section of the By-law:

**Floor Area, Net:** The usable or leasable floor area of a building, excluding halls, stairways, vents, elevator shafts, mechanical equipment rooms, inner courts, attached garages, porches, balconies, basement or attic storage areas, and other common space or uninhabitable space.

**Infill Development:** The development of existing vacant lots or lots produced by resubdivision, or the addition of secondary uses.

**Mixed Use Development:** The development of a tract of land, building, or structure with two (2) or more different uses such as, but not limited to, residential, office, retail, institutional, or entertainment, in a compact village form with vehicular access to an accepted public way.

**Mixed Use Infill Development:** The development of existing vacant lots or lots produced by resubdivision, or the addition of secondary uses or buildings, for two (2) or more different uses such as, but not limited to, residential, office, retail, institutional, or entertainment, in a compact village form. The proposed Mixed Use Infill Development shall demonstrate that the project shall be served by town water and sewer service upon completion of the proposed development.

**Mixed-Use Development, Vertical:** A single building in which the ground floor facing the street is used primarily for retail/commercial or service uses, and other ground floor and upper floor space is used for residential or office uses.

**Mixed-Use Development, Horizontal:** Two or more principal uses in separate structures on one lot, which provide retail/commercial or service uses in building(s) facing the street and residential or office uses above the ground floor or in separate building(s) behind or to the side.

**Open Space:** The portion of a lot that is not covered with structures, access roads or driveways, sidewalks, patios, off-street parking, or any other material placed on or above the earth which substantially reduces or prevents the natural percolation of water. The open space shall be suitably landscaped with noninvasive, drought-resistant plantings, which may include trees, flowers, shrubs, succulents or ornamental or other grasses.

#### 9.4.5 Use Regulations:

The Mixed Use Development Overlay District is an overlay district superimposed over the underlying Business Districts set forth in this Zoning By-law. Within the Mixed Use Development Overlay District, the requirements of the underlying Business District continue to apply, except in uses as follows:

##### A. Permitted Uses.

The following are uses allowed in Mixed Use Development and Mixed Use Infill Development with a Mixed Use Development Special Permit:

1. Vertical and Horizontal mixed-use development, each use complying with the standards below:
  - a. Residential uses with a minimum of 350 square feet per dwelling unit and an additional 100 square feet for each additional bedroom over one and at least 2 parking spaces for each dwelling unit:
    - i. Single family;
    - ii. Townhouse/Rowhouse with a maximum of 3 dwelling units per acre; Multi-family.
  - b. Commercial uses. A building or buildings containing one or more of the following uses:
    - i. Retail store for the sale of food, drug and proprietary goods, up to a maximum of 7,500 square feet of net floor area for an individual retail establishment;
    - ii. Restaurant or other place serving food, where food service is located entirely within the building or on a patio or outdoor seating area operated in connection with an indoor-service restaurant, up to a maximum of 3,500 square feet of net floor area for an individual restaurant establishment where there is no drive-through or window service;
    - iii. Bakery, deli, coffee shop, ice cream shop, sandwich shop, or similar establishment in which all or a majority of the food service is food to be consumed off the premises, but not including drive-through food service;
    - iv. Business or professional office;
    - v. Post office;
    - vi. Governmental services;
    - vii. Personal service, such as a beauty salon or barbershop, which includes the sale of related goods; or dressmaking, dry-cleaning and pressing or tailor shop where no work is done on the premises for retail outlets elsewhere;
    - viii. Laundromat;
    - ix. Inn or bed-and-breakfast facility;
    - x. Bank, including manned or automated drive-up facilities that are attached to the rear or side of a full-service banking office with no vehicles queuing on the street;

- xi. Automated teller machine (ATM), not attached to a full-service banking office, provided that public access is available only from within a building and is operated in connection with other uses in the same building;
  - xii. Printing or copying shop;
  - xiii. Repair shop, such as shoe repair, appliance or electronic repair, jewelry repair, with a maximum gross floor area of 2,000 square feet;
  - xiv. Artist studios and galleries.
2. Accessory uses incidental to a permitted use.
  3. Uses exempt under M.G.L. c. 40A, sec. 3.
  4. Remodeling an existing commercial structure to accommodate one (1) or more dwelling units, provided that:
    - a) The building was in existence on or before May 18, 2009;
    - b) The lot is in compliance with Section 5.0 (Dimensional Regulations) of this By-law;
    - c) No more than forty-five percent (45%) of the lot area is covered by structures;
    - d) There are at least two (2) off-street parking space for each dwelling unit contained in the structure;
    - e) Outside storage areas shall be screened by fencing or landscaping;
    - f) The principal structure to be converted shall contain at least six hundred square feet (600 s.f.) on the ground level;
    - g) No dwelling unit shall have a gross floor area of less than three hundred fifty square feet (350 s.f.) plus one hundred square feet (100 s.f.) for each bedroom in excess of one (1);
    - h) If the secondary unit is in an accessory building, approval of the Planning Board shall be obtained in accordance with Section 81-O of Chapter 41 of the General Laws and with the Planning Board Subdivision Regulations;
    - i) If the dwelling unit is discontinued and integrated into the original structure design, the owner shall notify the Inspector of Buildings in writing;
    - j) If there is an existing drive-through facility, the Planning Board may deem it necessary to limit the hours of operation.
  5. New drive-through service for a commercial establishment, such as a pharmacy, located in the rear or side of the building, but not a drive-through bakery or food service establishment. Commercial establishments shall not provide drive-through service if there is a residential use in the same structure.

**B. Prohibited Uses.**

Any uses not specifically permitted herein are prohibited, including any adult entertainment uses.

**9.4.6 Density and Dimensional Regulations.**

Where a Mixed Use Development project involves an entire parcel or multiple contiguous parcels, densities shall be calculated on the development of the area as a whole.

To promote increased density where utility and transportation infrastructure already exist and to better accommodate future growth and the clustering of buildings and mixing of uses in exchange for some portion of land to be set aside as public area or green space, the following shall guide the design of a development:

**A. Densities**

Mixed-use developments within this District shall provide dwelling units as follows:

Minimum: 1 dwelling units per acre

Maximum: 3 dwelling units per acre

**B. Dimensional Regulations**

To produce variety and visual interest in site planning, developers are encouraged to provide a range of lot sizes, frontage widths, setbacks, and heights, within these parameters:

Minimum Lot Area:           New Construction: 20,000 sq.ft.  
   Addition to Existing Structure:  
   existing as long as there is the  
   capacity to accommodate  
   required parking for each use.

Minimum Lot Frontage:   Any

Building Height:  
   Minimum                   All Uses: 1.5 stories (18 ft.)  
   Maximum                   All Uses: 3 stories (35 ft.)

Minimum Setbacks:  
   Front Yard                25 ft.

Side Yard	All Uses: None, except 20 ft. next to Residence District.
Rear Yard	All Uses: 25 ft.
Maximum Setbacks:	
Front Yard	All Uses: 20 ft.
Distance Between Buildings:	Attached; or if unattached structures: 12 ft.
Maximum Lot Coverage:	45%

**C. Provisions:**

1. The maximum coverage of the lot by buildings and structures shall be forty-five percent (45%) of the total lot area and the minimum landscaped area shall not be less than twenty-five percent (25%) of the lot area.
2. There shall be provided a permanent off-street parking area sufficient in size to allow two (2) parking spaces for each dwelling unit to be accommodated, and parking spaces for the commercial uses as required per section 6.7.
3. Elevations and floor plans shall be submitted in addition to all other requirements for a site plan.
4. Not more than fifty per cent (50%) of the total gross square footage of all buildings and structures can be in residential use as part of a mixed-use building.

**9.4.7 Application Plans**

The applicant for a special permit shall submit an application plan prepared by a registered professional engineer or land surveyor, oriented to true north, showing the boundaries of the overall site, the lot lines of individual building sites, and showing the location of all proposed structures, parking areas, means of access, roadways, buffer yards, landscaped areas, common open areas, and recreation areas. The application plan shall also include a locus map and a photometric plan showing illumination levels as required per lighting illumination requirements.

The application plan shall demonstrate compliance with the density and dimensional requirements and the performance and development standards of this bylaw and detailed in the Planning Board’s Rules and Regulations for Mixed Use Development Special Permits.

**9.4.8 Performance and Development Standards**

Standards for the enhancement and improvement of existing properties and/or structures relative to Access and Traffic Impacts, Noise, Vibration, Smoke, Heat, Glare and Odor, Lighting, Storage, Waste Disposal, Loading/Unloading, Walkways, Signs, Landscaping, and Appearance/Architectural Design shall be incorporated in the development or re-use proposals within a Mixed Use Development.

No use shall be permitted that causes or results in dissemination of dust, smoke, gas or fumes odor, noise, vibration or excessive light under standards set forth in the performance criteria in the Rules and Regulations for Mixed Use Development Special Permits. Any other applicable performance standards of the town shall apply to the Mixed Use Development in addition to these standards.

**9.4.9 Decision**

The Planning Board shall approve, approve with conditions, or deny an application after considering whether the Project meets the criteria below in addition to the criteria of Somerset Zoning Bylaw sections 7.5 and 7.6:

- A. Minimize the volume of cut and fill, the number of removed trees 6” caliper or larger, the replacement of trees 6” caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;
- B. Maximize pedestrian and vehicular safety both on the site and egressing from it;
- C. Minimize obstruction of scenic views from publicly accessible locations;
- D. Minimize visual intrusion by controlling the visibility of parking, storage, HVAC or other outdoor service areas viewed from public ways or premises residentially used or zoned;
- E. Minimize glare from headlights and lighting intrusion and light overspill into the night sky;
- F. Provide adequate access to each structure for fire and other emergency service equipment;
- G. Provide adequate stormwater management and drainage design consistent with the functional design standards as specified in the Somerset Planning Board’s Rules and Regulations as Special Permits Granting Authority and the Somerset Planning Board’s Rules and Regulations for Mixed Use Development Special Permits;
- H. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places; and,
- I. Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances.

**9.4.10 Issuance of Occupancy Permits.**

The Building Inspector may not issue an occupancy permit to an applicant without prior receipt of a copy of the special permit decision and proof of recording at the Bristol County Registry of Deeds.

**9.4.11 Relation to Other Requirements.**

The submittals and permits of this section shall be in addition to any other applicable requirements of the Subdivision Control Law or any other provisions of this Zoning By-law.

**9.4.12 Appeals.**

Any person aggrieved by a decision of the Planning Board under this bylaw may appeal said decision in accordance with M.G.L. Chapter 40A, Section 17.

**(b) By adding the following symbol to section 4.2 (“Table of Use Regulations”):**

SP1 - a use authorized by special permit through the Planning Board.

**(c) By adding the following subsection to section 4.2.4 (“Business Uses”):**

r. Vertical mixed use that includes commercial use on first floor with residential and/or office use on second story above

**and inserting under the vertical columns next to it the following:**

*Residential: No; Business: SP1; Limited Business: No; Open Recreational: No; Industrial: No; Light Industrial: No*

**(d) By amending section 6.9 (“Certain Uses Specifically Prohibited”) by inserting the following at the end of the first section:**

“..., or upon issuance of a Mixed Use Development Special Permit”

**As a result, that section will now read in its entirety as follows:**

No building, structure or lot used for dwelling purposes shall also be used for business or industrial purposes, except that customary home occupations and professional offices may be combined with dwelling use, subject to the restrictions set forth elsewhere in this bylaw, **or upon the issuance of a Mixed Use Development Special Permit.** No loudspeaking, broadcasting or other sound-producing equipment shall be operated in any building or on any lot so as to produce noise or sound which is normally perceptible without instruments beyond the bounds of the lot on which it is located, except that this provision shall not apply to any religious or educational institution.

**(e) By adding the following to (“Section 7.6 Specific Uses by Special Permit”) in the proper alphabetical order:**

“Mixed Use Development SPGA: Planning Board  
District: Business  
Conditions: See Special Permit Granting Authority Rules & Regulations for Mix Use Development Special Permits.

**Motion made and seconded to waive the reading of Article 33. Voted unanimous in the affirmative.**

**Motion made and seconded to accept Article 33 as written and recommended. Motion made to amend Article 33 so that the words “Horizontal mixed use or” are added to the beginning of the sentence in section (c) of the Article which consists of new section 4.2.4.r to be added to the Zoning By-law. Voted unanimous in the affirmative to amend Article 33.**

**Motion made and seconded to accept Article 33 as amended. Discussion. Motion made to move the question. Voted unanimous in the affirmative.**

**Vote to accept Article 33 as amended by standing count as declared by the moderator.**

**Vote: 155 affirmative  
50 negative**

**Motion carried**

Article 6: To see if the Town will vote to amend the Table II Compensation Plan as set forth in the Consolidated Personnel Bylaw adopted under Article 3 of the Warrant of the Annual Town Meeting of May 19, 1986, and amendments thereto, by substituting and adopting the following, or take any action relative thereto:

**TABLE II  
FY 2010 COMPENSATION PLAN**

GRADES	STEPS						
	1	2	3	4	5	6	7
M1	422.04	438.90	457.03	474.64	493.63	513.49	533.96
M2	460.02	478.38	497.53	517.41	538.11	559.62	581.98
M3	501.41	521.42	542.29	563.97	587.16	609.97	633.35
M4	546.53	568.38	591.09	614.71	639.30	664.88	691.48
M5	595.69	619.49	644.25	670.00	696.74	724.65	753.59
M6	649.28	675.28	702.21	730.25	759.50	789.86	821.45
M7	707.65	736.06	765.48	796.10	827.93	860.98	895.40
M8	771.41	802.05	834.32	867.70	902.39	938.47	975.58
M9	840.89	874.53	909.45	945.86	983.65	1023.00	1063.92
M10	916.54	953.23	991.28	1030.88	1072.11	1114.98	1159.60
M11	999.07	1039.00	1080.48	1123.72	1168.65	1215.42	1263.98
M12	1088.90	1132.48	1177.70	1224.84	1273.82	1324.76	1377.69
M13	1186.97	1230.01	1283.79	1335.10	1388.48	1444.01	1501.75
M14	1293.77	1345.50	1399.28	1455.25	1513.35	1573.93	1636.90
M15	1410.24	1466.61	1525.26	1586.21	1649.67	1715.60	1784.17
M16	1537.14	1598.59	1662.53	1729.01	1798.14	1870.07	1944.78

**Motion made and seconded that the Town vote to accept Article 6 as written and recommended.  
Motion made and seconded that the Town vote to amend Article 6 by deleting the Table II Fiscal Year 2010 Compensation Plan as shown in Article 6 of the Warrant and replacing it with the Revised Table II Fiscal Year 2010 Compensation Plan, dated May 18, 2009 as distributed. (see below)**

**RE: Article 6  
Delete Table II Fiscal Year 2010 Compensation Plan as shown in Article 6 of the May 18, 2009, Annual Town Meeting Warrant and replace it with the following:**

**REVISED TABLE II  
FISCAL 2010 COMPENSATION PLAN**

GRADES	STEPS						
	1	2	3	4	5	6	7
M1	428.37	445.48	463.89	481.76	501.03	521.19	541.97
M2	466.92	485.56	504.99	525.17	546.18	568.01	590.71
M3	508.93	529.24	550.42	572.43	595.97	619.12	642.85
M4	554.73	576.91	599.96	623.93	648.89	674.85	701.85
M5	604.63	628.78	653.91	680.05	707.19	735.52	764.89
M6	659.02	685.41	712.74	741.20	770.89	801.71	833.77
M7	718.26	747.10	776.96	808.04	840.35	873.89	908.83
M8	782.98	814.08	846.83	880.72	915.93	952.55	990.21
M9	853.50	887.65	923.09	960.05	998.40	1038.35	1079.88
M10	930.29	967.53	1006.15	1046.34	1088.19	1131.70	1176.99
M11	1014.06	1054.59	1096.69	1140.58	1186.18	1233.65	1282.94
M12	1105.23	1149.47	1195.37	1243.21	1292.93	1344.63	1398.36
M13	1204.77	1248.46	1303.05	1355.13	1409.31	1465.67	1524.28
M14	1279.87	1331.06	1384.31	1439.68	1497.27	1557.15	1619.44
M15	1431.39	1488.61	1548.14	1610.00	1674.42	1741.33	1810.93
M16	1560.20	1622.57	1687.47	1754.95	1825.11	1898.12	1973.95

**Voted to accept Article 6 as amended. Voted unanimous in the affirmative.**

Article 7: To see if the Town will vote to establish the salaries of its elected officers commencing July 1, 2009, as follows:

Town Moderator	\$400.00
Board of Selectmen, Chairman	\$6,000.00
Board of Selectmen, (2 members-each)	\$3,000.00
Board of Selectmen, Clerk	\$2,500.00
Board of Health, Chairman	\$2,500.00
Assessors, Chairman	\$3,950.00
Assessors, (2 members-each)	\$3,450.00
Treasurer	\$53,723.00
Tax Collector	\$49,861.00
Town Clerk	\$49,861.00
Planning Board, (5 members-each)	\$500.00
Planning Board, Chairman	\$275.00
Planning Board, Clerk	\$275.00
Library Trustees, (6 members-each)	\$400.00
Library Trustee, Chairman	\$275.00
Library Trustee, Secretary	\$225.00
Playground & Recreation Commissioners, (5 members-each)	\$400.00
Playground & Recreation Commission, Chairman	\$275.00
Playground & Recreation Commission, Clerk	\$275.00
School Committee (5 members-each)	\$3,450.00
Water & Sewer Commissioners, Chairman	\$4,000.00
Water & Sewer Commissioners, (2 members-each)	\$3,500.00

**Motion made and seconded that the Town vote to adopt Article 7 as written and recommended. Voted unanimous in the affirmative.**

Article 8: To see if the Town will vote to raise, appropriate, and/or transfer from available funds such sums of money as may be considered necessary to defray the Town’s expenses for the ensuing 12 month period beginning July 1, 2009, as follows:

**A. GENERAL BUDGET**

APPROPRIATION	PERSONAL SERVICES	EXPENSES	TOTAL APPROPRIATION
113 Town Meeting	\$400.00	\$3,300.00	\$3,700.00
114 Town Moderator	\$400.00	\$0.00	\$400.00
122 Selectmen	\$126,600.00	\$3,000.00	\$129,600.00
123 Town Administrator	\$105,053.00	\$1,326.00	\$106,379.00
124 Contingent	\$0.00	\$6,035.00	\$6,035.00
131 A & F Committee	\$3,350.00	\$450.00	\$3,800.00
134 Centrex	\$0.00	\$32,000.00	\$32,000.00
135 Town Accountant	\$160,698.00	\$3,800.00	\$164,498.00
136 Annual Audit	\$0.00	\$39,500.00	\$39,500.00
137 Computer	\$0.00	\$61,050.00	\$61,050.00
141 Assessors	\$105,943.00	\$9,975.00	\$115,918.00
143 Tax Foreclosure	\$0.00	\$3,200.00	\$3,200.00
145 Town Treasurer	\$142,450.00	\$45,595.00	\$188,045.00
146 Tax Collector	\$93,819.00	\$19,675.00	\$113,494.00
151 Law Department	\$0.00	\$115,750.00	\$115,750.00
161 Town Clerk	\$95,241.00	\$2,100.00	\$97,341.00
162 Elec. & Regr.	\$3,700.00	\$19,300.00	\$23,000.00
171 Conservation Comm	\$27,485.00	\$1,585.00	\$29,070.00
175 Planning Board	\$6,550.00	\$1,150.00	\$7,700.00
176 Zoning Board of Appeals	\$3,025.00	\$4,950.00	\$7,975.00
181 Economic Dev. Comm.	\$0.00	\$750.00	\$750.00
184 Cable Advisory	\$1,650.00	\$859.00	\$2,509.00
192 Town Office	\$112,283.00	\$49,175.00	\$161,458.00
193 Town Hall	\$0.00	\$5,350.00	\$5,350.00
195 Town Reports	\$0.00	\$4,000.00	\$4,000.00
199 FICA	\$0.00	\$350,000.00	\$350,000.00
205 Fire/Police Station	\$34,827.00	\$104,906.00	\$139,733.00
210 Police Department	\$2,377,505.00	\$175,216.00	\$2,552,721.00
215 E-911 Dispatch	\$355,037.00	\$6,508.00	\$361,545.00
220 Fire Department	\$1,560,526.00	\$89,025.00	\$1,649,551.00
241 Bldg. Insp./Zoning Agent	\$61,390.00	\$1,725.00	\$63,115.00
242 Gas & Plumbing	\$22,500.00	\$1,525.00	\$24,025.00
244 Sealer of Standards	\$3,300.00	\$450.00	\$3,750.00

245 Wiring Inspector	\$15,000.00	\$1,110.00	\$16,110.00
291 Emergency Mgmt.	\$0.00	13,327.00	\$13,327.00
292 Dog Officer	\$0.00	\$53,600.00	\$53,600.00
294 Tree Warden	\$500.00	\$11,065.00	\$11,565.00
295 Harbor Master	\$5,000.00	\$2,400.00	\$7,400.00
296 Insect Pest Control	\$400.00	\$1,500.00	\$1,900.00
299 Insp. of Animals/ Removal Dead Animals	\$0.00	\$8,420.00	\$8,420.00
410 Engineering	\$0.00	\$1,550.00	\$1,550.00
420 Highway Department	\$761,390.00	\$43,080.00	\$804,470.00
423 Snow Removal	\$42,000.00	\$52,800.00	\$94,800.00
424 Street Lights	\$0.00	\$215,000.00	\$215,000.00
425 Traffic Signal Maint.	\$0.00	\$500.00	\$500.00
431 Landfill	\$0.00	\$21,000.00	\$21,000.00
440 Water Pollution Control	\$842,507.00	\$805,950.00	\$1,648,457.00
480 Vehicle Maint. Facility	\$107,061.00	\$342,570.00	\$449,631.00
510 Board of Health	\$48,215.00	\$1,750.00	\$49,965.00
522 Town Nurse	56,079.00	\$850.00	\$56,929.00
541 Council on Aging	\$82,856.00	\$6,595.00	\$89,451.00
542 Youth Organizations	\$1,000.00	\$0.00	\$1,000.00
543 Veterans Benefits	\$17,061.00	\$126,460.00	\$143,521.00
544 Graves Registration	\$425.00	\$1,500.00	\$1,925.00
610 Libraries	\$445,159.00	\$142,760.00	\$587,919.00
630 Playground & Rec.	\$61,662.00	\$5,775.00	\$67,437.00
633 Public Outdoor Facilities	\$0.00	\$32,374.00	\$32,374.00
691 Historical Comm.	\$0.00	\$100.00	\$100.00
692 Public Celebrations	\$0.00	\$4,800.00	\$4,800.00
693 AmVets	\$0.00	\$2,500.00	\$2,500.00
694 American Legion	\$0.00	\$2,500.00	\$2,500.00
695 VFW	\$0.00	\$2,500.00	\$2,500.00
696 Mun & Hist Bldgs.	\$0.00	\$62,902.00	\$62,902.00
<b>TOTAL GENERAL GOVT.</b>	<b>\$7,890,047.00</b>	<b>\$3,130,468.00</b>	<b>\$11,020,515.00</b>

**FIXED EXPENSES:**

APPROPRIATION	PERSONAL SERVICES	EXPENSES	TOTAL APPROPRIATION
198 Insurance	\$0.00	\$7,728,053.00	\$7,728,053.00
710 Maturing Debt	\$0.00	\$1,093,116.00	\$1,093,116.00
753 Interest Appropriation	\$0.00	\$475,614.00	\$475,614.00
832 Contributory Retirement	\$0.00	\$2,096,226.00	\$2,096,226.00
<b>TOTAL FIXED EXPENSES:</b>	<b>\$0.00</b>	<b>\$11,393,009.00</b>	<b>\$11,393,009.00</b>
<b>GRAND TOTAL:</b>	<b>\$7,890,047.00</b>	<b>\$14,523,477.00</b>	<b>\$22,413,524.00</b>

	APPROVED FY 2009	PROPOSED FY 2010	INCREASE/ DECREASE
Personal Services:	\$7,640,632.00	\$7,890,047.00	\$249,415.00
Operating Expenses:	\$3,181,105.00	\$3,130,468.00	(\$50,637.00)
Fixed Expenses:	\$11,116,814.00	\$11,393,009.00	\$276,195.00
<b>TOTALS:</b>	<b>\$21,938,551.00</b>	<b>\$22,413,524.00</b>	<b>\$474,973.00</b>

**Motion made and seconded that the Town vote to appropriate the sum of \$22,413,524.00 for the Fiscal Year July 1, 2009, to June 30, 2010, for the purposes of the General Budget as designated, and that the sum be transferred and raised as follows: by transferring \$7,400.00 from the Municipal Waterways Improvement Account, \$130,350.00 from the Pension Reserve Fund, \$140,300.00 from the Stabilization Fund, \$1,150,561.00 from Undesignated Surplus, and \$187,213.00 from Enterprise Fund Retained Earnings; and by raising \$20,797,700.00 from Taxation. Voted unanimous in the affirmative**

APPROPRIATION	PERSONAL SERVICES	EXPENSES	TOTAL APPROPRIATION
<b>8B. SCHOOL DEPARTMENT</b>	<b>\$19,814,630.00</b>	<b>\$6,123,055.00</b>	<b>\$25,937,685.00</b>

**Motion made and seconded that the Town vote to appropriate the sum of \$25,676,542.00 for the Fiscal Year 2010 for the purposes of the School Department Budget, as recommended, and that said sum be raised from Taxation. Voted unanimous in the affirmative.**

APPROPRIATION	PERSONAL SERVICES	EXPENSES	TOTAL APPROPRIATION
8C. WATER DEPARTMENT	\$864,745.00	\$2,227,847.00	\$3,092,592.00

**Motion made and seconded that the Town vote to appropriate the sum of \$3,092,592.00 for the Fiscal Year July 1, 2009, to June 30, 2010, for the purposes of the Water Department Budget as written and recommended, and that the sum of \$2,940,592.00 be raised from the Water Enterprise Fund Receipts, and that the sum of \$152,000.00 be transferred from the Water Enterprise Fund Retained Earnings. Voted unanimous in the affirmative.**

Article 9: To see if the Town will vote to raise, appropriate, and/or transfer a sum of money for the Reserve Fund.

**Motion made and seconded that the Town vote to appropriate the sum of \$100,000.00 for the purpose of this article as written and recommended, and that said sum be raised from Taxation. Voted unanimous in the affirmative.**

Article 10: To see if the Town will vote to raise, appropriate, and/or transfer a sum of money for the Unused Sick Leave Account as provided in the Consolidated Personnel Bylaw, Article II, Employee Benefits, Section I, Sick Leave.

**Motion made and seconded that the Town vote to appropriate the sum of \$8,100.00 for the purposes of this article as written and recommended and that said sum be raised from Taxation. Voted unanimous in the affirmative.**

Article 11: To see if the Town will vote to transfer a sum of money from Undesignated Surplus to the Land Acquisition Fund, said amount to equal the interest earned on said Fund in Fiscal Year 2008.

**Motion made and seconded to indefinitely postpone Article 11. Voted nearly unanimous in the affirmative.**

Article 12: To see if the Town will vote to raise, appropriate, and/or transfer a sum of money for the purpose of paying the Town's share of the operating expenses of the Greater Fall River Vocational Technical High School District as provided for by section 6 of chapter 697 of the Acts of 1962, said amount having been assessed to the Treasurer of the Town of Somerset.

**Motion made and seconded that the Town vote to appropriate the sum of \$1,172,423.00 for the purposes of this article, and that said sum be raised from Taxation. Voted unanimous in the affirmative.**

Article 13: To see if the Town will vote to raise, appropriate, and/or transfer a sum of money for the purpose of paying the Town's share of the operating expenses of the Bristol County Agricultural School as provided for by section 82 of chapter 6 of the Acts of 1991.

**Motion made and seconded that the Town vote to appropriate the sum of \$14,533.00 for the purposes of this article and that said sum be raised from Taxation. Voted unanimous in the affirmative.**

Article 14: To see if the Town will vote to accept funds from the Commonwealth Sewer Rate Relief Fund, authorized pursuant to General Laws chapter 29, section 2Z, said funds to be used to offset in part the Fiscal Year 2010 Sewer Debt Service authorized pursuant to chapter 44, section 7(1), of the General Laws and appropriated under Article 8A of this meeting, items number 710 (Maturing Debt) and 753 (Interest Appropriation), or take any other action relative thereto.

**Motion made and seconded that the Town vote to accept Article 14 as written and recommended. Voted unanimous in the affirmative.**

Article 15: To see if the Town will vote pursuant to M.G.L. chapter 44, section 53E, to specify that the appropriation for the annual ordinary operating costs of the Fire Department's Emergency Medical Services be offset, in part, by the estimated receipts from the fees charged to users of the services provided by said Department.

**Motion made and seconded that the Town vote to appropriate the sum of \$600,000.00 for the purposes of this article, and that said sum be raised from the Fire Department's Emergency Medical Services Offset Receipts. Voted unanimous in the affirmative.**

Article 16: To see if the Town will vote pursuant to M.G.L. chapter 44, section 53E, to specify that the appropriation for the expense of collecting and disposing of mixed solid waste and recyclables be offset, in part or in the aggregate, by the estimated receipts from the fees charged for rubbish bags as approved at the February 8, 1993, Special Town Meeting, Article 10, and from funds raised by taxation or available funds in the Treasury.

**Motion made and seconded that the Town appropriate the sum of \$1,220,000.00 for the purposes of this article and that the sum of \$665,000.00 be raised from 'offset receipts', pursuant to M.G.L. chapter 44, section 53E, and the sum of \$555,000.00 be raised from taxation as recommended. Voted unanimous in the affirmative.**

Article 17: To see if the Town will vote to authorize the Board of Health, pursuant to M.G.L. chapter 44, section 53E1/2, to continue the revolving fund for the **Somerset Town Nursing Program**, such fund to be used to collect and disperse funds in connection with conducting flu clinics, rabies clinics or other departmental programs, to provide further that all fees and charges paid in connection therewith shall be deposited into said revolving fund, and to provide that without further appropriation, the Board of Health may authorize disbursements from said fund during Fiscal Year 2010 not to exceed \$35,000.00 to be used for the cost of purchasing medical supplies in conjunction with conducting flu clinics, rabies clinics and other departmental programs, and for any purposes incidental thereto.

**Motion made and seconded that the Town vote to accept Article 17 as written and recommended. Voted unanimous in the affirmative.**

Article 18: To see if the Town will vote to authorize the Board of Selectmen, pursuant to M.G.L. chapter 44, section 53E1/2, to continue the revolving fund for the **Somerset Police Department**, such fund to be used to collect and disburse funds in connection with the conducting of employment examinations, to provide further that all fees and charges paid in connection with the examinations shall be deposited into said revolving fund, and to provide that without further appropriation, the Board of Selectmen may authorize disbursements from said fund during Fiscal Year 2010 not to exceed \$10,000.00 to be used for the costs of purchasing and conducting said examinations, and for any purposes incidental thereto.

**Motion made and seconded that the Town vote to accept Article 18 as written and recommended. Voted unanimous in the affirmative.**

Article 19: To see if the Town will vote to authorize the Board of Library Trustees, pursuant to M.G.L. chapter 44, section 53E1/2, to continue the revolving fund for the Library's **Lost and/or Damaged Library Materials Program**, such fund to be used to collect and disburse funds in connection with the replacement of lost and/or damaged library materials, to provide further that all fees and charges paid in connection therewith shall be deposited into said revolving fund, and to provide that without further appropriation, the Board of Library Trustees may authorize disbursements from said fund during Fiscal Year 2010 not to exceed \$2,000.00 to be used for the costs of replacing lost/or damaged library materials, and for any purposes incidental thereto.

**Motion made and seconded that the Town vote to accept Article 19 as written and recommended. Voted unanimous in the affirmative.**

Article 20: To see if the Town will vote to authorize the School Department, pursuant to M.G.L. chapter 44, section 53E1/2, to continue a revolving fund for the Public School's **Early Childhood Program**, such fund to be used to collect and disburse funds for the nurturing, care, and education of young children enrolled in such program, and to further provide that all receipts, tuition, and enrollment fees received by the School Department for participation in the **Early Childhood Program** shall be deposited in the **Early Childhood Program Revolving Fund** under the jurisdiction of the School Committee, and to provide that the School Committee may authorize disbursements from such revolving fund during the upcoming fiscal year not to exceed an aggregate total of \$70,000.00, pass any vote, or take any action relative thereto.

**Motion made and seconded that the Town vote to accept Article 20 as written and recommended. Voted unanimous in the affirmative.**

Article 21: To see if the Town will vote to authorize the School Department, pursuant to M.G.L. chapter 44, section 53E1/2, to continue a revolving fund for the Public School's **Creative Arts Program**, such fund to be used to collect and disburse funds for the nurturing, care, and education of young children enrolled in such program, and to provide further that all receipts, tuition, and enrollment fees received by the School Department for participation in the **Creative Arts Program** shall be deposited in the **Creative Arts Program Revolving Fund** under the jurisdiction of the School Committee, and to provide that the School Committee may authorize disbursements from such revolving fund during the upcoming fiscal year not to exceed an aggregate total of \$20,000.00, pass any vote, or take any action relative thereto.

**Motion made and seconded that the Town vote to accept Article 21 as written and recommended. Voted unanimous in the affirmative.**

Article 22: To see if the Town will vote to authorize the School Department, pursuant to M.G.L. chapter 44, section 53E1/2, to continue a revolving fund for the receipt of **P.T.O. Grants**, such fund to be used to collect and disburse funds for the nurturing, care, and education of students enrolled in the Somerset Public Schools, and to provide further that all receipts received by the School Department as **P.T.O. Grants** shall be deposited in said **P.T.O. Revolving Account** under the jurisdiction of the School Committee, and to provide that the School Committee may authorize disbursements from such revolving fund during the upcoming fiscal year not to exceed an aggregate total of \$50,000.00, pass any vote, or take any action relative thereto.

**Motion made and seconded that the Town vote to accept Article 22 as written and recommended. Vote unanimous in the affirmative.**

Article 23: To see if the Town will vote to accept chapter 73, section 4 of the Acts of 1986, as amended by chapter 126 of the Acts of 1988, to allow an additional exemption which shall be uniform for a Surviving Spouse (Clause 17), for Veterans (Clause 22), and for the Blind (Clause 37), and none of which shall exceed twenty-five (25%) per cent of said exemptions for which they qualify for Fiscal Year 2010, or take any other action relative thereto.

**Motion made and seconded that the Town vote to accept Article 23. Motion made and seconded to amend the motion by inserting in Article 23 after the words "Blind (Clause 37)" and before the word "and" the following words: "and for the Elderly (Clause 41C)". Voted unanimous to amend the motion. Voted unanimous in the affirmative to accept Article 23 as amended.**

Article 24: To see if the Town will vote to raise, appropriate, and/or transfer a sum of money for the purpose of continuing data collection regarding residential and personal property in the Town of Somerset for cyclical inspections, as required to satisfy the Commonwealth of Massachusetts Department of Revenue re-certification requirements, and for any purposes incidental thereto.

**Motion made and seconded that the Town vote to appropriate the sum of \$5,000.00 for the purpose of this article, and that said sum be raised from Taxation. Voted unanimous in the affirmative.**

Article 25: To see if the Town will vote to raise, appropriate and/or transfer a sum of money for the purpose of hiring qualified consulting, expert and legal services to assist the Town on issues relating to valuation of electric generating and transmission facilities.

**Motion made and seconded that the Town vote to appropriate the sum of \$50,000.00 for the purposes of this article, and that said sum be raised from Taxation. Voted unanimous in the affirmative.**

Article 26: To see if the Town will vote to raise, appropriate, and/or transfer a sum of money for the purpose of reconstructing or making extraordinary repairs and improvements to the roof at the Somerset Highway Department facility, including any expenses incidental thereto, or take any other action relative thereto.

**Motion made and seconded that the Town vote to appropriate the sum of \$400,000.00 for the purposes of this article, and that \$53,642.92 be transferred from the remaining amount appropriated under Article 1 of the August 11, 2003, Special Town Meeting and that \$346,357.08 be transferred from the Land Acquisition Fund. Voted unanimous in the affirmative.**

Article 27: To see if the Town will vote to appropriate the sum of \$1,500 for the purpose of purchasing and installing safety improvements at the Ashton Field Sports Complex.

**Motion made and seconded that the Town vote to appropriate the sum of \$1,500.00 for the purposes of this article, and that said sum be raised from Taxation. Voted unanimous in the affirmative.**

Article 28: To see if the Town will vote to accept the provisions of Massachusetts General Laws chapter 40, section 22F, which provides in pertinent part as follows:

Any municipal board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons, may, from time to time, fix reasonable fees for all such licenses, permits, or certificates issued pursuant to statutes or regulations wherein the entire proceeds of the fee remain with such issuing town, and may fix reasonable charges to be paid for any services rendered or work performed by the town or any department thereof, for any person or class of persons; provided, however, that in the case of a board or officer appointed by an elected board, the fixing of such fee shall be subject to review and approval of such elected board.

A fee or charge imposed pursuant to this section shall supersede fees or charges already in effect, or any limitations on amounts placed thereon for the same service, work, license, permit or certificate; provided, however, that this section shall not supersede the provisions of sections 31 to 77, inclusive, of chapter 6A, chapter 80, chapter 83, chapter 138, sections 121 to 131N, inclusive, of chapter 140 or section 10A of chapter 148. The provisions of this section shall not apply to any certificate, service or work required by chapters fifty to fifty-six, inclusive, or by chapter sixty-six. The fee or charge being collected immediately prior to acceptance of this section for any license, permit, certificate, service or work will be utilized until a new fee or charge is fixed under this section.

The provisions of this section may be accepted in a town by vote of the town meeting, or by vote of the town counsel in towns with no town meeting.

**Motion made and seconded to waive the reading of Article 28. Voted unanimous in the affirmative. Motion made and seconded to accept Article 28 as written and recommended. Voted unanimous in the affirmative.**

Article 29: To see if the Town will vote pursuant to Massachusetts General Law chapter 262, section 34, to increase certain fees charged by the Town Clerk's office as follows:

Certified Copies of Vital Statistics (Birth/Marriage/Death)--	From 2.00 to \$5.00;
Correction to Vital Statistics Records (Birth/Marriage/Death)--	From No Charge to \$10.00;
Filing of Marriage Intention--	From \$20.00 to \$25.00;
Business Certificate--	From \$1.00 to \$10.00;
Withdrawal of Business Certificate--	From \$1.00 to \$5.00.

**Motion made and seconded that the Town vote to accept Article 29. Voted nearly unanimous in the affirmative.**

Article 30: To see if the Town will vote to accept the following-described drainage easement from Peter M. Chlebek and Shelly M. Chlebek:

Being a portion of the premises shown as Lot 473 on Somerset Assessor's Map C-7, being bounded and described as follows:

Beginning at a the northeasterly corner of the lot to be described in the southerly line of Susie Street; Thence, running N 63°21'-40" W along the southerly side of Susie Street and the southerly side of Shand-Court Circle for a distance of One Hundred Twenty-seven and 94/100 (127.94') feet to a point;

Thence, turning and running S 26<sup>0</sup>-30'-53" W along other property of the Grantors for a distance of Eight-five and 81/100 (85.81) feet to a point;  
Thence, turning and running S 63<sup>0</sup>-21'-40" E for a distance of One Hundred Twenty-seven and 94/100 (127.94) feet to a point;  
Thence, turning and running N 26<sup>0</sup>-30'-53" E for a distance of eighty-five and 81/100 (85.81) feet to the point and place of beginning; containing Ten thousand Nine Hundred Ninety-eight and 00/100 (10,998) square feet of land, more or less.

Being a portion of the land conveyed to these Grantors by deed of Kathleen A. Raposa, Trustee of the Amen Realty Trust, recorded with the Bristol County Fall River Division Registry of Deeds on September 19, 2002, at Book 4518, Pages 20-22, and being an easement area shown on the plan of land entitled "Definitive Subdivision 'Candlelight Terrace'", last revised on July 13, 1999, and recorded with the Bristol County Fall River District Registry of Deeds in Plan Book 177, at Page 19.

**Motion made and seconded that the Town vote to accept the drainage easement described in Article 30. Voted unanimous in the affirmative.**

Article 31: To see if the Town will vote to accept Shand-Court Circle as a town street, if and as laid out by the Board of Selectmen.

**Motion made and seconded that the Town vote to accept Article 31 as written and recommended. Voted unanimous in the affirmative.**

Article 32: To see if the Town will vote to adopt the following amendments to the Somerset Zoning By-law provisions regarding the Flood Plain District:

**(a) By adding the following definitions to the By-law's definition section (Section 2.0) in appropriate alphabetical order:**

COASTAL HIGH HAZARD AREA: An area of special flood hazard extending from off-shore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a Flood Insurance Rate Map as Zone V or Zone VE (formerly Zone V1-30).

FLOOD INSURANCE RATE MAP ("FIRM"): An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY ("FIS"): An examination, evaluation, and determination of flood hazard and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of flood-related erosion hazards.

ZONE A: The 100-year floodplain area where the base flood elevation ("BFE") has not been determined. To determine the BFE, one must use the best available federal, state, local, or other data.

ZONE AE: The 100-year floodplain area where the base flood elevations have been determined. (Formerly Zone A1-30)

ZONE VE: A special flood hazard area along a coast subject to inundation by the 100-year flood with additional hazards due to velocity (wave action), where flood elevations have been determined. (Formerly Zone V1-30)

**(b) By deleting the existing language in section 3.2.4 and inserting the following to reference new map panels and a new effective date:**

3.2.4 The Floodplain District includes all special flood hazard areas designated as Zones A, AE (formerly A1-30), and VE (formerly V1-30) on the Bristol County Flood Insurance Rate Maps (FIRM) dated July 7, 2009, as amended, on file with the Town Clerk, Planning Board, and Building Inspector. These maps as well as the accompanying Bristol County Flood Insurance Study dated July 7, 2009, are incorporated herein by reference.

**(c) By deleting the existing language in section 9.3.1 ("District Map") and inserting the following:**

9.3.1 District Map

The Floodplain District is herein established as an overlay district. The underlying permitted uses are allowed, provided they meet the following additional requirements, as well as those of the Massachusetts State Building Code dealing with construction in flood plains and coastal high hazard areas. The District includes all special flood hazard areas within the Town of Somerset designated as A, AE (formerly A1-30), or VE (formerly V1-30) on the Bristol County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Bristol County FIRM that are wholly or partially within the Town of Somerset are panel numbers 25005C0242F, 25005C0244F, 25005C0261F, 25005C0263F, 25005C0327F, 25005C0329F, 25005C0331F, 25005C0332F, 25005C0333F,

25005C0337F, dated July 7, 2009. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Bristol County Flood Insurance Study (FIS) report dated July 7, 2009. The FIRM and FIS are incorporated herein by reference and are on file with the Town Clerk, Planning Board and Building Inspector.

**(d) By adding the following new sub-section to section 9.3.2:**

2. Man-made alterations of sand dunes within Zones V and VE (formerly V1-30) which would increase potential flood damage are prohibited.

**Motion made and seconded that the Town vote to waive the reading of Article 32. Voted unanimous in the affirmative. Motion made and seconded to accept Article 32 as written and recommended.**

Article 34: To see if the Town will vote amend the Somerset Zoning By-law by adding the following as a new column in section 5.2 ("Table of Dimensional Requirements"):

DISTRICT OR USE: Non-Exempt Governmental Use in any District

DIMENSION CONTROL:

Minimum Lot Area in Square Feet: Any

Minimum Frontage in Feet: Any

Minimum Front Yard in Feet: 25

Minimum Side Yard in Feet: None, except 12 next to a Residential District

Minimum Rear Yard in Feet: 15 (See Note 1)

Distance Between Buildings in Feet: None

Maximum Percent Lot Coverage: 35

Maximum Building Height in Feet: 35, except any in an Industrial or Light Industrial District

Maximum Building Height in Stories: 2 ½, except any in an Industrial or Light Industrial District

Maximum Height Towers, Water Tanks, Antennae, Spires, Chimneys in Feet: Any

**Motion made and seconded to waive the reading of Article 34 as written & recommended. Voted unanimous in the affirmative.**

**Motion made and seconded that the Town vote to accept Article 34 as written and recommended. Voted unanimous in the affirmative.**

**Motion made and seconded to dissolve the Annual Town Meeting of May 18, 2009, at 9:31 p.m. Voted unanimous in the affirmative.**

**Attendance: 287**

**A True Copy Attest:**

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**Dolores Berge, Town Clerk**