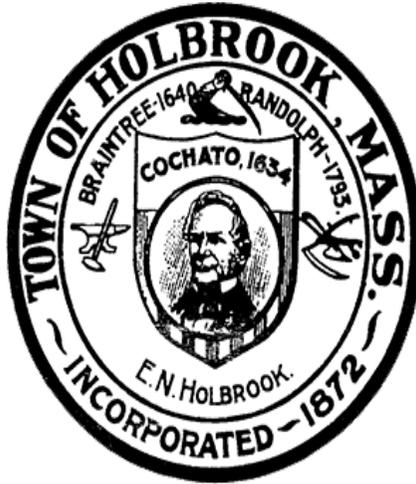


TOWN OF HOLBROOK
2020



Special Town Meeting

Wednesday, November 18, and Thursday, November 19, 2020

REMOTE via ZOOM WEBINAR

WARRANT

COMMONWEALTH OF MASSACHUSETTS
TOWN OF HOLBROOK
WARRANT FOR THE NOVEMBER 2020 SPECIAL TOWN MEETING

NORFOLK, SS.

GREETING

To any Constable of the Town of Holbrook, in said County:

You are hereby directed and required to notify and warn the inhabitants of the Town of Holbrook, qualified to vote in town affairs, to meet via a Zoom webinar on:

Wednesday, November 18, 2020

at 7:15 p.m. in the evening, then and there to act on the articles contained within:

MODERATORS REQUEST for a REMOTE TOWN MEETING

October 27, 2020

To: Daniel Lee, Chairman Town of Holbrook Board of Selectman and members

Dear Board of Selectmen,

In accordance with Section 8 of Massachusetts Session Law Acts of 2020 Chapter 92 entitled "AN ACT RELATIVE TO MUNICIPAL GOVERNANCE DURING THE COVID-19 EMERGENCY" I determine that at this time it is not possible to safely assemble the Town Meeting Members and interested members of the public in a common location while complying with any applicable state or local orders, directives or guidance concerning public assemblies for the purpose of conducting a Town Meeting and I request that the Board of Selectman call for a representative town meeting to be held through remote participation.

I certify to the best of my ability that I have tested the proposed remote system - Zoom Webinar by Zoom Video Communications, Inc. - and find that the platform satisfactorily enables the Town Meeting to be conducted in substantially the same manner as if the meeting occurred in person at a physical location and in accordance with the operational and functional requirements set forth in Chapter 92 Section 8.

I confirm that I have consulted with Jim O'Mara, Interim Town Administrator/ADA coordinator for federal Americans with Disabilities Act compliance. Requests for accommodations may be made to the Town Administrator's office.

Sincerely,

James Curran – Moderator Town of Holbrook

cc.

Jim O'Mara – Interim Town Administrator
Emily Martin – Assistant to the Town Administrator
Jeanmarie Tarara – Town Clerk
David Deluca – Town Counsel

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To Town Meeting Members, Town Officials, Resident Voters, and other interested persons,

Once again it is time for Town Meeting to convene. Recognizing the continued difficulty of conducting a traditional Town Meeting in the Covid-19 pandemic, other options were explored. These included how to safely conduct an indoor meeting at the school or other facility, holding an outdoor meeting (similar to June but very different weather), holding a “drive-in” meeting, and holding a “Virtual” meeting via remote communications technology. All of these choices have merit but each also had difficulties nevertheless a choice needed to be made. At the request of the Moderator and with the approval by vote of the Board of Selectmen on October 28, 2020 the decision was made to conduct the meeting by remote virtual technology. The Remote Virtual meeting is felt to be the safest and most responsible option at this point in the pandemic. As a backup plan in the event that the Town Meeting does not vote to agree to conduct the meeting virtually that evening, the Board of Selectmen has voted to hold a “drive-In” meeting on Saturday, November 21, 2020 at 11:00 a.m. at the Holbrook Middle High School Parking lot at 245 S Franklin Street. It is realized that some technical challenges will need to be met and that the flow of the meeting may not be as smooth as desired but with your patience, help, and understanding I expect that this will be an extremely successful session.

The Remote Virtual meeting will be held at 7:15 PM on November 18, 2020 by means of the Zoom Webinar internet video conferencing system. Members and Participants can join by computer or other device but must create a free Zoom account and register for the meeting in advance. This is needed to verify eligible Town Meeting Members, to enable them to securely vote, and to identify non-voting participants such as town officials and residents.

Elected Town Meeting Members and non-voting Town Officials may begin registration by visiting <https://forms.gle/RkngtJRbVUgzmzKZD6>, or sending an email to selectmen@holbrookmassachusetts.us. Please include your name, address, precinct number, phone number, and the email address that your Zoom account is (or will be) related to. The Town Administrator’s office will verify eligibility and respond via email with instructions, registration links, and how-to documentation. Several live practice sessions are planned. Information for these will be provided at a later date.

If you are not a Town Meeting member you may view the meeting live on Holbrook Community Access and Media cable channels Comcast channel 9 and Verizon channel 39 and on the web at www.hacmtv.org

Registered voters residing in the town wishing to participate in a remote town meeting conducted pursuant to this section shall submit a request to participate to the town clerk not less than 48 hours in advance of the town meeting. Upon receipt of the request and verification of the requester’s voter registration status, the clerk shall provide to the requester instructions for participating in the remote town meeting.

If you are a person with a disability who requires special accommodation to attend or participate in this meeting you are entitled, at no-cost to you, the provision of certain assistance. Please contact the Town Administrator/Americans with Disability Act coordinator at 781-767-4312.

Jim Curran – Town Moderator

Town of Holbrook Virtual Town Meeting Questions and Answers

Is it legal to hold a Virtual Town Meeting? Will the meeting votes be legitimate?

Yes. The Massachusetts Acts of 2020 Chapter 92 allow for this method. You can read the full detail here <https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter92>

What do I need to do in order to attend Virtual Town Meeting?

In order to attend as a Town Meeting Member, you need to:

- Create a Zoom account (if you do not already have one with the same email provided below) at www.zoom.us
- Download the Zoom app at www.zoom.us/download
- Register through the portal at <https://forms.gle/RkngtJRbVUgmzKZD6>, or send an email from the same email address used to create the Zoom account to selectmen@holbrookmassachusetts.us containing your first and last name, address, phone number, and precinct number. After validation you will be sent registration and meeting information.

How will members be validated?

Town Meeting Members will register ahead of time for the Town Meeting on Zoom. Registration requires first and last name, address, and precinct number. The Town Clerk or Administrator will verify each member's registration and the member will receive a confirmation email with a link to the Meeting. In order to join the meeting, members must log in with their registered email address. This process prevents non-members from joining the meeting, even if they have the meeting link.

How do I register?

The Town Clerk or Administrator's email address will send a response to your request to participate email (above section) with a link to register for Town Meeting. If you have a Zoom account, you can click the link in the email to register for Town Meeting. You may again be asked for some information, including your address and precinct number. If you do not have a Zoom account, clicking the link will prompt you to create a Zoom account. Create your account with the same email you have registered with the Town. You will then be able to register for Town Meeting.

How can I attend one of the planned training/practice sessions?

You will receive an invitation from info@hcantv.org to attend.

How will members receive meeting materials?

The Town Meeting Warrant is delivered to Town Meeting Members by mail at least two weeks before the meeting. Other materials will be available on the Town Website and at Town Hall prior to the meeting.

Why will Town Meeting members not appear on video?

Technical limitations of Zoom prevent us from showing all Town Meeting Members on video while also allowing them to vote. Showing fewer people on video also puts less strain on users' Internet connection.

I have another member of my household who is a Town Meeting Member. Can we register and participate together?

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No. You must register and participate on your own device so that Town Meeting administrators can confirm your participation and your vote.

How can members of the public participate or watch the meeting?

Members of the public can watch the meeting on Cable Channels Verizon 39 or Comcast 9 live streaming on www.hcamtv.org. Members of the public who wish to participate or speak must contact the Town Clerk/Administrator in advance.

How do I...

Get technical support BEFORE the meeting?

Email info@hcamtv.org or call HCAM at 781-767-7487

Get technical support DURING the meeting?

Call HCAM at 781-767-7487, technical support will be on hand to help with any issues.

Speak about an article?

After the moderator asks: "Is there anyone who wishes to speak to the article?" Use the Raise Hand action. This is the equivalent of approaching the microphone in a typical Town Meeting. The Moderator will recognize hands in the order in which they are raised.

Make a point of order?

Use the QA function and enter "**point of order**". The QA is monitored and your request will be relayed to the moderator.

Make a motion to amend?

Holbrook Town By-Laws requires that a Motion to amend an article (other than simple or procedural motions) must be submitted in writing. To comply with this bylaw for the purposes of the Remote Virtual Town Meeting please submit your motion(s) to amend an article at least 2 days before Town Meeting in writing to townmoderator@holbrookmassachusetts.us During the Virtual Town Meeting the Moderator will recognize you after he introduces the article you wish to amend.

Second a motion?

Use the QA function and enter "**seconded**". The QA is monitored and this will be noted by the moderator.

Vote?

Use the Poll on Zoom. The Moderator will call for a vote and a poll will display on your screen. You will have 30 seconds to vote and click the Submit button to submit your vote.

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ARTICLE 1: Unpaid Bills from Prior Fiscal Years

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or otherwise provide a sum or sums of money, to be expended by the departments indicated, in order to pay for unpaid bills from Fiscal Years 2019 and 2020, or take any other action thereon.

Department	Vendor	Amount	Description	FY20 Funding Source Account No.
Selectmen	American Arbitration Association	\$325.00	Legal Bills, May 2020	Legal Prof/Tech Services 01-151-5200-5301
Schools	Kristina Anderson	\$1,818.00	Tuition Reimbursement, Fall 2019 & Spring 2020	Tuition Reimbursement Teachers 01-3-2357-9-400-00-1
Assessors	WB Mason	\$686.19	Furniture, February 2020	Assessors General Expense 01-141-5200-5400
Public Works	National Grid	\$384.30	School Energy Bill, May-June 2020	DPW General Account 01-400-5200-5530
Public Works	Nicole Lynch	\$514.00	Plumbing & Drain Service	Sewer 65-440-5200-5200
Fire Department	Corvel Corp. Brockton Hospital, Signature Med Grp	\$39.68	Prior Year OJI Bills	Medical Payments/Physicals 01-220-5200-5304
Treasurer	Commonwealth Unemployment Office	\$6,489.00	Unemployment	Unemployment Insurance 01-913-5200-5172
Conservation & Planning	Nancy Stone	\$519.31	Consulting Services	Inspectional Services General Expense 01-240-5200-5400

Submitted by the Departments Listed

ARTICLE 2: Supplemental Appropriations

That the town raise and appropriate or transfer from available funds the following sums, said sums to be added to the amounts already appropriated for the fiscal year ending on June 30, 2020 under the following schedule:

Account #	Account Description	Supplemental Amount	Funding Source
01-132-5200-5790	Reserve Fund	TBA – Waiting on free cash certification / FinCom proposal	Free Cash

Submitted by the Board of Selectmen

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ARTICLE 3: Reduce the Fiscal Year 2021 Tax Levy

To see if the Town will vote to transfer a certain sum of money from FY20's Certified Free Cash, said sum to be applied to the reduction of the Fiscal Year 2021 tax levy, or take any other action thereon.

Submitted by the Board of Selectmen

ARTICLE 4: Water Retained Earnings Usage

To see if the Town will vote to transfer \$179,000 from FY20's Certified Water Retained Earnings, said sum to be applied to the Water Enterprise Fund to fund FY21 appropriations, or take any other action thereon.

Submitted by the Board of Selectmen

ARTICLE 5: Transfer Balances in Closed-Out Capital Projects to Capital Stabilization

That the Town transfer the following remaining balances in closed out capital projects, said sum to be added to Capital Stabilization in order to be utilized for future projects.

Project	Balance to Close
Various – Under \$1	\$5.98
Air Compressor	\$4,644.90
Chromebooks	\$126.44
Total to Capital Stabilization	\$4,777.32

ARTICLE 6: Appropriate from Receipts Reserved for Appropriation for General Road Maintenance

That the Town appropriate the sum of \$4,889.30 from Receipts Reserved for Appropriation 26-400-2680-5961, said amount allocated by the Commonwealth Transportation Infrastructure Fund, to be used for General Road Maintenance in the General Fund.

Submitted by the Department of Public Works

ARTICLE 7: Rescind Vote to Adopt Sewer Bank

That the Town rescind the vote taken under Article 3 of the Annual Town Meeting held on June 19, 2006, which provided for the creation of a Sewer Bank.

Submitted by the Department of Public Works

ARTICLE 8: Authorize Borrowing for Improvements at the Public Safety Building - Exterior

To see if the Town will appropriate \$396,000, or any other amount, to pay additional costs of making extraordinary repairs to the exterior of the Public Safety Building, including, but not limited to, replacing the exterior siding, trim and downspouts, which amount shall be expended in addition to the \$543,000 previously appropriated for this project by vote of the Town under Article 12 of the Warrant at the Annual Town Meeting held on May 7, 2019, and to determine whether this appropriation shall be raised by taxation, transfer from available funds, borrowing, or otherwise provided; or to take any other action relative thereto.

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Submitted by the Fire Chief

ARTICLE 9: Authorize Borrowing for Improvements at the Public Safety Building - Interior

To see if the Town will appropriate \$100,000, or any other amount, to pay costs of remodeling and making extraordinary repairs to the interior of the Public Safety Building, and to determine whether this appropriation shall be raised by taxation, transfer from available funds, borrowing, or otherwise provided; or to take any other action relative thereto.

Submitted by the Fire Chief

ARTICLE 10: Assistance to Firefighters Grant (AFG) – Town’s Share

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or otherwise provide the sum of Six Thousand One Hundred and Sixty Dollars and five cents (\$6,160.05), said sum to be used toward the Applicant’s Share of the Town of Holbrook’s 2019 Federal Fiscal Year Assistance to Firefighters Grant Award for the procurement of Hydraulic Rescue Equipment and Firefighter Safety and Survival Training, or take any other action thereon.

Submitted by the Fire Chief

ARTICLE 11: Rescind the following outstanding debt

Original Auth	Project	Amount to be rescinded	Reason
5/1/1995	Landfill	\$585,000	No longer needed for purpose voted
5/9/2003	Water Projects	\$257,572	No longer needed for purpose voted

Submitted by the Board of Selectmen

ARTICLE 12: Personnel Board Wage and Salary Adjustments

To see if the Town will vote to amend the Town By-Laws, Section 10, Salary Administration Plan, Article III, Section 10.5(g), Schedule B, or take any other action thereon.

Submitted by the Board of Selectmen/Personnel Board

ARTICLE 13: Fund Amendments to the Wage and Salary Plan

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or otherwise provide a certain sum of money to provide pay raises, pay adjustments, new positions, and any other benefits resulting from amendments to the Salary Administration Plan, and to authorize the Town Accountant to allocate such payments and the transfer of any portion of said sum to any department budget where it may be required for payment of the aforesaid, or take any other action thereon.

Submitted by the Board of Selectmen

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ARTICLE 14: Salary Increase for the Town Clerk

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or otherwise provide the sum of One Thousand Five Hundred Thirty-Five Dollars and thirty cents (\$1,535.00) in order to provide the elected Town Clerk with a 2% pay raise for the fiscal year ending on June 30, 2021, said funds to be added to the departmental budget under Town Clerk Salary 01-161-5100-5112, or take any other action thereon.

Submitted by the Town Clerk

ARTICLE 15: Salary Increase – Treasurer Collector

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or otherwise provide the sum of Three Thousand Eight Hundred Thirty-Seven Dollars (\$3,837.00) in order to provide the elected Town Treasurer/Collector with a 5% pay raise for the fiscal year ending on June 30, 2021, said funds to be added to the departmental budget under Treasurer/Collector Salary 01-145-5100-5112 an amount of Three Thousand Eight Hundred Thirty-Seven Dollars (\$3,837.00), or take any other action thereon.

Submitted by the Treasurer/Collector

ARTICLE 16: Capital Improvements

That the Town transfer the sum of \$69,000 from the Capital Stabilization Fund, 20-123-2020-5963, to be deposited into the town capital fund for the purpose of funding the ‘PSB Building Renovation – Interior Project’ as recommended in the FY21 Amended Capital Improvement Planning Committee Schedule.

Submitted by the Board of Selectmen

ARTICLE 17: Stabilization & Capital Stabilization Funds

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or otherwise provide a certain sum of money, said sums to be added to the funds as noted below, as established in accordance with the provisions of Massachusetts General Laws Chapter 40, Section 5B, or take any other action thereon.

AMOUNT	FUND
TBA	Stabilization
TBA	Capital Stabilization

Submitted by the Board of Selectmen

ARTICLE 18: Other Post-Employment Benefits Liability Trust Fund (OPEB)

To see if the Town will vote to raise and appropriate, transfer from available funds and/or otherwise provide a certain sum of money to be added to the Other Post-Employment Benefits (OPEB) Liability Trust Fund, as established in accordance with the provisions of Massachusetts General Laws, Chapter 32B, Section 20, said sum to provide a funding source for the unfunded actuarial liability of retirees’ health care and life insurance benefits, or take any other action thereon.

Submitted by the Board of Selectmen

ARTICLE 19: Compensated Absences Fund

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or otherwise provide a certain sum of money to be added to the Reserve Fund for Future Compensated Absences, as established in accordance with the

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provisions of Massachusetts General Laws Chapter 40, Section 13D, as amended, said sum to provide for the future payment of accrued liabilities for compensated absences due any employee or full-time officer of the Town upon the termination of the employee's or full-time officer's employment, or take any other action thereon.

Submitted by the Board of Selectmen

ARTICLE 20: Police Department Appropriation

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or otherwise provide an additional appropriation of \$103,000.00 to account 01-210-5100-5115, police patrolmen salaries, for the purpose of hiring (4) four new Officers to bring the total department staffing to 26. This will bring the current staffing from (3) three Officers to (4) four on a shift.

Submitted by the Police Chief

ARTICLE 21: Field Committee Report

To see if the town will hear reports of the Field Committee pertaining to a project as funded at the May 2018 Annual Town Meeting to review future potential improvements and needs to the town's athletic fields and open space pertaining thereto., or take any other action.

Submitted by the Field Committee

ARTICLE 22: Establish Formal "Field Construction Committee"

To see if the town will establish a Permanent Field Construction Committee, said committee to be made up of 11 voting members and 2 non-voting members. Eleven voting members shall be:

- One member from Finance Committee appointed by the Finance Committee, ex-officio;
- One member from the School Committee or their designee appointed by the School Committee,
- One member from the Conservation Commission or their designee appointed by the Conservation Commission.
- One member of Capital Planning Comm appointed by the Capital Planning Committee.
- One member of the Board of Selectpersons or their designee appointed by the Board.
- Two members appointed by the Board of selectpersons to represent 2 distinct non-profit youth sports organizations in Holbrook.
- Four additional at-large members appointed by the Holbrook Board of Selectpersons, the Board shall appoint it's at large members last to ensure a well-rounded board membership, and take into consideration the other appointees when making selection to ensure the committee has a broad knowledge and expertise as it relates to construction, open space, conservation, or any other aspect the Board may so determine would benefit the Committee.
- Two non-voting members shall be the Holbrook Director of Public Works; and the Holbrook Public Schools Director of Facilities, or equivalent appointment by the superintendent of Schools if no position exists.

Submitted by the Field Committee

ARTICLE 23: Amend General By-Laws, Section 13-11 – Noise Ordinance

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To see if the Town will vote to amend the Town of Holbrook General By-Laws, Section 13-11, Town of Holbrook, Massachusetts Noise Ordinance, by striking the words as indicated below, and inserting the words shown in **bold**, or take any other action thereon:

Town of Holbrook, Massachusetts Noise Ordinance
Section 13-11
Massachusetts Noise Ordinance

(A.) General Prohibition and Definitions

No person shall make or cause to be made any unreasonable or excessive noise in the Town of Holbrook, by whatever means or from whatever means or from whatever source. As used herein, the following terms shall have the following meanings:

- (a.) dBA shall mean A- weighted sound level in decibels, as measured by a general-purpose sound level meter complying with the provisions of the American National Standard Institute, “Specifications for Sound Level Meter (ANSI SIR 19711)”, properly calibrated, and operated on the “A” weighting network
- (b.) Loud amplification device or similar equipment shall mean a radio, television, stereo, tape player, cassette player, compact disc player, MP3 player, loud speaker, sound amplifier, electronic device, or any other similar apparatus or equipment operated in such a manner that it creates excessive noise.
- (c.) **Leq measurement shall be defined as the equivalent sound level in decibels equivalent to the total sound energy measured over a stated period of time.**
- (d.) **Plainly audible shall mean any sound that can be detected by a person using his or her unaided hearing facilities.**
- (e.) **Normal hearing shall be defined as a range of decibel levels from 0 dBHL (decibel hearing level) to 20 dBHL.**
- (f.) Unreasonable or excessive noise shall mean:
 - 1. ~~Noise~~ **Broadband level** measured in excess of 50 dBA between the hours of 9:00 p.m. and 7:00 a.m., or in excess of 70 dBA at all other hours from the nearest property line **of the source measured in Leq for a sample of 10 minutes;** or
 - 2. **Increases of the broadband sound level by more than 10 dB (A) above ambient sound level at property line of the source, and/or**
 - 3. **Produces a “pure tone” condition at the property line of the source- when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more, and/or**

4. In the absence of an applicable noise level standard or regulation of the Air Pollution control commission or in the absence of a noise measuring device, any noise plainly audible at a distance of three hundred (300) feet or, in the case of loud amplification devices of similar equipment, noise plainly audible at a distance of one hundred (100) feet from ~~its source~~ **the nearest property line of the source** by a person of normal hearing.

(g.) Noise

1. Noise is defined as “sound sufficient intensity and/or duration as to cause a condition of air pollution”

(h.) Air Pollution

1. Air pollution means “the presence in the ambient air space of one or more air contaminants or combinations thereof (including sound) in such concentrations and of such durations as to:

- a. Cause a nuisance**
- b. Be injurious, or be on the basis of current information, potentially injurious to human health or animal life, to vegetation, or to property**
- c. Unreasonably interfere with the comfortable enjoyment of life and property or the conduct of business**

(f.) Nuisance

a. Harm, injury, or affecting well-being

(B.) Disturbing the peace

It shall be unlawful for any person or persons in a residential area within the Town of Holbrook to disturb the Peace by causing or allowing to be made any unreasonable or excessive noise, including but not limited to such noise resulting from the operation of any loud amplification device, or from the playing of any band or orchestra, or from the use of any device to amplify the aforesaid noise, or from the making of excessive outcries, exclamations, or loud singing or any other excessive noise by a person or group of persons, or from the use of any device to amplify such noise provided, however, that any performance, concert, establishment, band, group or person who has received and maintains a valid license or permit from any department, board or commission of the Town of Holbrook authorized to issue such license or permit shall be exempt from the provisions of this section. At no time shall it be allowed in the Town of Holbrook that a person or persons broadcast any loud amplification device from a private residence for the sole purpose of attracting attention of the passing public or as part of a decorative theme no matter the dBa level. It shall be unlawful for any person in any area of the Town of Holbrook to operate a loud amplification device or similar equipment in or on a motor vehicle, which is moving, standing or stationary in, on or upon a public way. The fact that the noise exceeds the sound level standards as specified herein shall be deemed to be a violation of the provisions of this ordinance. The police or health agent, in response to each

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complaint, shall verify by use of the sounds level meter described herein that the noise complained of does exceed the limit described herein and if so, may thereupon issue the appropriate fines ~~and or~~ ~~seize the device of which the noise emanates.~~

(C.) Dogs

It shall be unlawful for any person or persons in a residential area within the Town of Holbrook to allow unreasonable barking from a dog(s) in excess of **fifteen minutes**. ~~thirty minutes on their property. In the case of multiple dogs on said property, unreasonable barking shall be limited to twenty minutes. If the owner of the dog or dogs in violation of this ordinance does not attempt to silence the dog or dogs, a fine shall be given at that time. This shall be enforced by the animal control officer or the police department.~~

(D.) Motorcycles and all other vehicles

It shall be unlawful for any person or persons in a residential area within Town of Holbrook to leave a motorcycle, dirt bike, ATV or any other vehicle that is considered to be a recreational off-road vehicle in the idle position **for more than five minutes** between the hours of 10:00 p.m. and 6:00 a.m.

(E.) Construction

It shall be unlawful for any person or persons in a residential area within the Town of Holbrook to operate machinery or create any noise associated with construction, demolition, alteration, repair, maintenance or upkeep of any residential property between the hours of 7:00 p.m. and 7:00 a.m. Monday thru Saturday, and 7:00 p.m. and 8:00 a.m. on Sundays. ~~Exceptions shall be in an emergency situation or for the purpose of snow removal.~~

(F.) Exemptions

This ordinance shall not apply to:

1. Any public utility company, Police Department, authorized police emergency vehicles, Fire Department, authorized fire emergency vehicles, any Public Works Department, or any agency or department of the Town of Holbrook or the Commonwealth of Massachusetts **whom are on duty. Exceptions shall be in an emergency situation or for the purpose of snow removal.**
2. Any alarm, siren, or mechanism used for the purpose of alerting persons to the existence of an emergency, or attempted crime.
3. Any lawfully permitted parade, including any spectators and participants on the parade route during said lawful parade.
4. Any patrons and participants using cannons and gunfire during historical battle reenactments for which a pyrotechnics permit is required and obtained by the State Fire Marshal or Fire Chief.

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5. Any town-sanctioned fireworks display.
6. Any lawful outdoor event, race, festival, fiesta, carnival, sporting event, entertainment or concert that is in full compliance with a permit issued by the Town of Holbrook, provided that the noise created is limited to the days and hours set forth in terms of such Permit.
7. Sound produced by ~~church bells or church chimes~~ **religious activities** when used as part of religious observances or service during daytime hours.
8. Sound produced by activities conducted on public parks, public playgrounds, and public or private schools, including but not limited to, school athletic, band and school entertainment practice or events.

9. Any activity which has been specifically licensed or permitted by a Town of Holbrook department or board provided that the noise created is limited to the days, hours, and type set forth in such license or permit.

(G.) Fines and Penalties

Any person violating the provisions of this ordinance shall be punished by fine of fifty (\$50) dollars for the first offense, (\$100) dollars for the second offense occurring within twenty-four (24) hours of the first offense, and a fine of one hundred and fifty (\$150) dollars for the third offense and any subsequent offense thereafter occurring within twenty four (24) hours of the first offense. Any violation of the provisions of this ordinance occurring more than twenty-four (24) hours after the first offense shall constitute a new and separate offense. The enforcing person, health agent or police officer shall make a record of the complaint, such record to include the following information (to the extent that it is available), name and address of person violation; name and address of landlord, if applicable; date; time; motor vehicle registration number, if applicable; and location of the violation. If the violator refuses to give the above-noted information or if any information proves false, said person shall be punished by a fine of an additional twenty-five (\$25) dollars. As an alternative, a violation of this ordinance may, in the discretion of the enforcing person, be enforced by non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D. The issuance of a fine shall not preclude the town from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this ordinance, including but not limited to preliminary and/or permanent injunction(s).

Submitted by the Board of Health

ARTICLE 24: Petition the General Court – Land Swap

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation in substantially the following form, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition.

AN ACT authorizing the Town of Holbrook to convey and acquire certain property

SECTION 1. Notwithstanding the provisions of Chapter 30B, section 16 (c), (d), (e) and (f) of the General Laws, Chapter 132A, Section 11 of the General Laws, or any other general or special law to the contrary, the Board of Selectmen, on behalf of the Town of Holbrook, is authorized to convey to George R. Andrews, Jr. or his designee approximately 240,398 square feet of land from a 77.33+/- acre parcel owned by the Town of Holbrook recorded with the Norfolk Registry of Deeds at Book 4163, Page 522 and known as 245

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ANNUAL TOWN MEETING WARRANT
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South Franklin Street in the Town of Holbrook shown on a site plan filed with the Norfolk Registry of Deeds Book 229, Page 681 recorded May 20, 1971. and shown on Assessor's Map/Parcel 27-028-01-0 reserving to the Town of Holbrook and its successors in interest an easement shown as a Proposed Roadway consisting of approximately 36,477 square feet shown on "Proposed Conceptual Subdivision 175-183 Plymouth Street, Holbrook, MA", prepared by Hardy Design Group, dated December 18, 2019 for all purposes for which streets are commonly used in the Town of Holbrook.

and

SECTION 2. Notwithstanding the provisions of Chapter 30B, Sections 16 (c), (d), (e) and (f) of the General Laws, or any other general or special law to the contrary, the Board of Selectmen, on behalf of the Town of Holbrook, in consideration for the conveyance authorized in Section 1 above is authorized to accept a conveyance from George R. Andrews, Jr. of two (2) parcels of land located off Plymouth Street in the Town of Holbrook. Said parcels of land are a portion of 2 parcels of land shown as lots 6 and 7 conveyed to George R. Andrews by deed of Catherine Mavilia dated December 29, 1997 recorded with the Norfolk Registry of Deeds at Book 12176, Page 402, and shown on Holbrook Assessor's Map/Parcel 22-218-02-0 and 22-218-01-0, containing approximately 114,642 square feet square feet as shown on "Proposed Conceptual Subdivision 175-183 Plymouth Street Holbrook, MA" , prepared by Hardy Design Group 1285 Washington Street Weymouth, MA. dated December 18, 2019. Said conveyance shall include an access easement to the Town of Holbrook and its successors in interest over and under the portion of parcels 22-217-02-0 and 22-217-01-0 retained by Andrews shown as a 36,500 sq. ft. Access Easement from Plymouth Street to the aforementioned 2 parcels of land to be acquired by the Town of Holbrook as shown on the Hardy Design Group Plan dated December 19, 2019.

SECTION 3 This act shall take effect upon its passage

Submitted by the Board of Selectmen

ARTICLE 25: Amend Zoning Bylaws – Section 2.3 and 9.0

To see if the Town will vote to amend the Zoning By-Laws as follows:

Amend Section 2.3 by adding "Townhouse Overlay District THOD".

Amend Section 9.0 Special Districts by adding the following new section 9.7:

9.7 TOWNHOUSE OVERLAY DISTRICT (THOD)

9.7.1 Purpose. The purpose of the Townhouse Overlay District (THOD) is to promote a diversity of housing types in the Town, including smaller dwelling units for seniors and those starting a family.

9.7.2 Establishment. The TCOD is an overlay district having a land area of approximately 60 +/- acres, being Assessor's Map 09, Lots 47, 82 and 86; Map 10, Lots 001 and 004; and Map 16, Lot 077.

9.7.3 Overlay District. The THOD is an overlay district superimposed on the underlying zoning district(s). Except as limited herein, the underlying zoning shall remain in full force and effect. When the first building permit is issued for any Townhouse Development in accordance with the regulations of the THOD, the provisions of the district(s) underlying the particular THOD shall terminate and shall no longer be applicable to any land in the particular THOD.

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9.7.4 Definitions. The following definitions shall apply in the THOD:

"Contiguous open space" shall mean open space suitable, in the opinion of the Planning Board, for the purposes set forth in Section 9.5.12, herein. Such open space may be separated by the road(s) constructed within the Townhouse Development. Contiguous open space shall not include required yards.

"Townhouse Development" shall mean a development awarded a special permit as set forth in this Section.

"Open Space" shall mean all areas not within the "Contiguous open space" area that are not covered by either buildings or pavement, such as required yards and common areas.

9.7.5 Parcel Minimum Size. In order to be eligible for inclusion in the THOD by Town Meeting, a parcel or set of contiguous parcels held in common ownership shall have at least 30 acres, and be located entirely within the Town.

9.7.6 Procedures. A Townhouse Development may be authorized upon the issuance of a special permit by the Planning Board. Applicants for a Townhouse Development shall file with the Planning Board seven (7) copies of the following:

1. A development plan conforming to the requirements for a preliminary plan as set forth in the Subdivision Rules and Regulations of the Planning Board.
2. Where wetland delineation is in doubt or dispute, the Planning Board may require appropriate documentation.
3. Data on proposed wastewater disposal, which shall be referred to a consulting engineer for review and recommendation.
4. A Traffic Impact and Access Study or report approved as to form by the Planning Board.
5. If the Development is to be phased, a phasing plan explaining the proposed sequence of construction, including infrastructure installation capable of serving the phase(s) as completed and available for occupancy.
6. The Planning Board may also require as part of the development plan any additional information necessary to make the determinations and assessments cited herein.

9.7.7 Lot Requirements. A Townhouse Development may be developed as a condominiums on a single lot. No dwellings shall be located less than 100 feet from neighboring dwellings.

9.7.8 Maximum Number of Dwelling Units. The Maximum Number of Dwelling Units allowed in a Townhouse Development shall not exceed one unit per 10,000 square feet of lot area.

9.7.9 Types of Buildings. The Townhouse Development shall consist of multifamily residential structures. A multifamily structure shall not contain more than four dwelling units. The Planning Board may waive this requirement to allow up to twelve (12) units per residential structure upon a determination that such design is appropriate for the neighborhood. The architecture of all multifamily buildings shall be residential in character, particularly providing gabled roofs, predominantly wood siding, an articulated footprint and varied facades. Residential structures shall be oriented toward the street serving the premises and not the required parking area.

9.7.10 Roads and Utilities. The principal roadway(s) serving the site shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by a condominium association.

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Minimum travel width of principal roads shall be twenty four (24') feet. All electric, gas, telephone, cable, and water distribution lines shall be placed underground.

9.7.11 Parking. Each dwelling unit shall be served by two (2) off-street parking spaces. Parking spaces in front of garages may count in this computation.

9.7.12 Contiguous Open Space. A minimum of thirty percent (30%) of the parcel shown on the development plan shall be contiguous open space. Any proposed contiguous open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes. Underground utilities to serve the Townhouse Development site may be located within the contiguous open space.

9.7.13 Ownership of the Contiguous Open Space. The contiguous open space shall, at the Planning Board's election, be conveyed to

1. the Town or its Conservation Commission;
2. a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;
3. a corporation or trust owned jointly or in common by the owners of lots within the Townhouse Development or a condominium association composed of the unit owners. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust or condominium which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation or condominium shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation or condominium fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation or condominium shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

9.7.14 Buffer Areas. A buffer area of fifty feet (50') shall be provided at the perimeter of the property where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the site. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. The Planning Board may waive the buffer requirement (i) where the land abutting the site is the subject of a permanent restriction for conservation or recreation so long as a buffer is established of at least twenty-five feet (25') in depth which may include such restricted land area within such buffer area calculation; or (ii) where the land abutting the site is held by the Town for conservation or recreation purposes; or (iii) the Planning Board determines that a smaller buffer will suffice to accomplish the objectives set forth herein.

9.7.15 Stormwater Management. Stormwater management shall be consistent with the requirements for subdivisions set forth in the Rules and Regulations of the Planning Board and the DEP's Stormwater Management Policy.

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9.7.16 Decision. The Planning Board may approve, approve with conditions, or deny an application for a Townhouse Development after determining whether the Development has been designed in conformance with this Section, and application of the criteria set forth in Section 10.5. The Planning Board may waive any substantive requirement contained herein, except for the minimum lot area requirement, as part of the issuance of a special permit.

9.7.17 Relation to Other Requirements. The submittals and permits of this Section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning By-Law.

OR WHAT IT WILL DO IN RELATION THERETO.

Submitted by the Planning Board

And you are hereby directed to serve this warrant by posting attested copies thereof at three (3) public places in said Town, at least fourteen (14) days prior to the day of the actual meeting.

Hereof fail not, and have you there this warrant with your doings thereon.

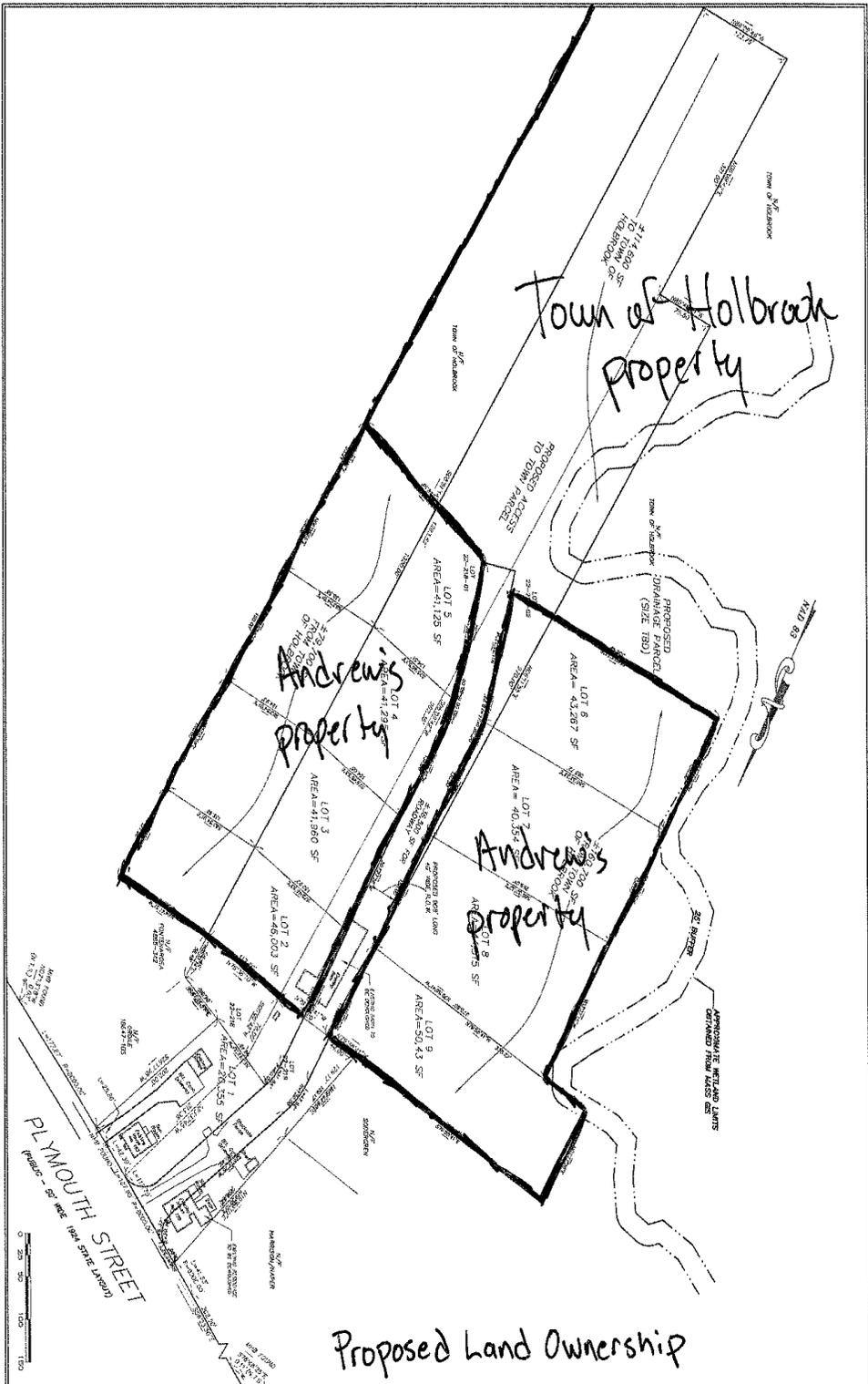
Given under our hands this 28th day of October in the year 2020.

Holbrook Board of Selectmen

Daniel R. Lee, Chairman
Joshua Reilly, Vice-Chairman
Lindsay Vayda, Clerk
Pamela Campanella, Associate
Richard B. McGaughey, Associate

Pursuant to the foregoing warrant, I the undersigned, one of the Constables of the Town of Holbrook, have notified and warned the inhabitants of the Town qualified to vote in Town affairs, to meet at the time and place for the purpose of aforesaid by posting attested copies thereof at three public places in said Town seven days at least before the day of said meeting.

Ralph J. Colarusso
Constable



Proposed Land Ownership

<p>REVISIONS:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">NO.</th> <th style="width: 60%;">COMMENTS</th> <th style="width: 30%;">DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	COMMENTS	DATE					<p style="text-align: center;">PROPOSED CONCEPTUAL SUBDIVISION 176 - 183 PLYMOUTH STREET HOLBROOK, MA</p> <p style="text-align: center;">GEORGE ANDREWS III</p>	<p style="text-align: center;">SHEET</p> <p style="text-align: center;">1 OF 1</p>
NO.	COMMENTS	DATE							
<p>DRAWN BY: SPH DESIGNED BY: SPH CHECKED BY: SPH</p>	<p>DATE: DECEMBER 18, 2019 LATEST REVISION: SCALE: AS SHOWN</p>								

Town of Holbrook
50 North Franklin Street
Holbrook, MA 02343

Town Meeting will be held on
Wednesday, November 18, 2020 and
Thursday, November 19, 2020 (if the body votes to continue)
Beginning at 7:15 p.m. remotely via Zoom Webinar

If the body votes to not vote to hold a virtual meeting,
it will meet on Saturday, November 21, 2020 at 11:00 a.m.
in the Holbrook Middle High School parking lot