

TOWN WARRANT
COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, S.S.

TO THE TOWN CLERK OF BRIMFIELD, GREETING:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of Brimfield qualified to vote in Town affairs to meet at the Town Hall Great Meeting Hall in said Brimfield on **MONDAY, the fourth day of JUNE, 2012 at TWELVE (12) O’CLOCK NOON** to act on the following:

To give their votes to the election of officers on one ballot for the following Town Officers: Moderator for one year; one Selectman for three years; Treasurer for three years; Town Collector for three years; Town Clerk for three years; one Assessor for three years; two Board of Health members for three years; two Elementary School members for three years; one Planning Board member for five years; one Planning Board member partial term to 2015; five Constables for three years; one Cemetery Commission for three years; one Tree Warden for one year; two Library Trustees for three years; one Harding Fund Trustee for three years; one Lincoln Fund Trustee for three years; Highway Surveyor for three years and to bring in their votes on the following questions;

1. Shall the Town of Brimfield be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to purchase and equip a fire truck?
2. Shall the Town of Brimfield be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to purchase a parcel of land located at Palmer Road, Brimfield, shown on Assessors’ Map 11, Block A, Lot 9, for general municipal purposes?
3. Shall the Town of Brimfield be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to make extraordinary repairs to the Town Hall Annex building located at 23 Main Street, Brimfield, including the hiring of a structural engineer, preparation of construction documents and plans, and all other costs incidental and related thereto?

4.

The polls will open at TWELVE (12) O’CLOCK NOON and will close at EIGHT (8) O’CLOCK in the evening. All business of said meeting except the election of such officers, and the determination of such matters as by law are required to be elected or

determined by ballot shall be considered at the **OPENING SESSION** after **SEVEN (7) O'CLOCK in the evening on MONDAY, the twenty-first of MAY, 2012** at the **Town Hall Great Meeting Hall**, then and there to act on Articles #1 to #58: .

The Finance Committee may, at its discretion, make a single consent motion for approval of these routine authorizations (Articles: 8, 9, 11, 12, 13)

ARTICLE 1: To hear reports of the officers and agents heretofore chosen by the Town and take any other action thereon. (Selectmen)

ARTICLE 2: To see if the Town will vote to establish the following revolving funds under MGL Chapter 44, Section 53E ½, (Chart of Accounts in Appendix), or, take any other action thereon. (Various Boards and Departments)

SEE APPENDIX #1 ATTACHED AT THE END OF THE WARRANT

ARTICLE 3: To see if the Town will vote to raise and appropriate \$ for various elected town officers for the ensuing fiscal year July 1, 2012 to June 30, 2013; or, take any other action thereon. (Board of Selectmen)

ARTICLE 4: To see if the Town will vote to raise and appropriate \$ for various departments and activities of the Town, payment of debts and defraying of expenses of the ensuing fiscal year, July 1, 2012 to June 30, 2013, and direct how the same shall be expended; or, take any other action thereon. (Board of Selectmen)

ARTICLE 5: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, a sum of money to pay unpaid bills or overdrawn accounts for FY2012; or, take any other action thereon. (Board of Selectmen)

ARTICLE 6: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, a sum of money to pay unpaid bills or overdrawn accounts for any fiscal year prior to FY2012; or, take any other action thereon. (Board of Selectmen)

ARTICLE 7: To see if the Town will vote, pursuant to Chapter 420 of the Acts of 2010, to limit expenditures from the Brimfield Flea Market Fund for administrative, operating, maintenance and emergency services to an amount not in excess of \$150,000 for Fiscal Year 2013 and provided further, that any funds remaining in said account over \$50,000 for FY13 shall close to the general fund; or, take any other action thereon. (Board of Selectmen)

***ARTICLE 8:** To see if the Town will vote to accept as available funds, the sum of \$250,000, or any other amount, to be made available to the Town by the Massachusetts Department of Transportation Highway Division, and, to use the funds for qualifying on

state approved roads and Chapter 90 projects in the Town of Brimfield according to State contract; or, take any other action thereon. (Highway Surveyor)

***ARTICLE 9:** To see if the Town will vote to authorize the Highway Surveyor to enter into contracts for the usual and customary operations of public works including the care and upkeep of town ways and bridges; or, take any other action thereon. (Highway Surveyor)

ARTICLE 10: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, the sum of \$ to be used in conjunction with and in addition to any funds allotted by the Commonwealth for the construction, reconstruction and improvement of town roads; or, take any other action thereon. (Highway Surveyor)

***ARTICLE 11:** To see if the Town will vote to authorize the Treasurer with the approval of the Selectmen to borrow money in anticipation of reimbursements from allotments by the state and county for highways, including bridges; or, take any other action thereon. (Board of Selectmen)

***ARTICLE 12:** To see if the Town will vote to authorize the Treasurer with the approval of the Selectmen to borrow money, from time to time, in anticipation of revenue, grants and reimbursements from state and federal agencies in the fiscal year beginning July 1, 2012 in accordance with the provisions of the General Laws, chapter 44, section 4 and to issue a note or notes payable within one year and to renew any note or notes as may be given for a period of less than one year, in accordance with M.G.L. chapter 44, section 57; or, take any other action thereon. (Board of Selectmen)

***ARTICLE 13:** To see if the Town will authorize the Board of Selectmen, as required by Town Bylaw Article V, Section 2, to enter into contracts for general insurance, workers' compensation insurance, medical benefit insurance and ambulance services within the scope and requirements defined by M.G.L. chapter 30B as amended; or, take any other action thereon. (Board of Selectmen)

ARTICLE 14: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, the sum of \$500 to be added to the Conservation Fund as authorized by M.G.L. chapter 40, section 8C; or, take any other action thereon. (Conservation Committee)

ARTICLE 15: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, the sum of \$30,000 to the Highway Department for the

purpose of oiling and Type-I work and other related materials on various roads, to be expended by the Highway Department subject to applicable public bidding laws; or, take any other action thereon. (Highway Surveyor)

ARTICLE 16: To see if the Town will vote to amend Section 6.11.2 of the Personnel Policy, covering Sick Leave of Town Employees, by striking the phrase “twenty (20) days” and replacing it with the phrase “thirty (30) days” or, take any other action thereon. (Board of Selectmen)

ARTICLE 17: To see if the Town will vote to accept Massachusetts General Laws, chapter 138, section 33B, to allow the Board of Selectmen to authorize Brimfield pouring license holders to serve alcoholic beverages between the hours of 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and on Christmas day or on the date following when said day occurs on Sunday; or, take any other action thereon. (Board of Selectmen)

ARTICLE 18: To see if the Town will vote to charge for each written demand issued by the Tax Collector, a fee of \$20.00 to be added to and collected as part of the tax, as authorized by Massachusetts General Laws, chapter 60, section 15, effective July 1, 2012; or, take any other action thereon. (Tax Collector and Board of Selectmen)

ARTICLE 19: To see if the Town will vote to insert a new section numbered 3.1.1 in Chapter One: General Government, Section 3.0 Town Meetings, of the Brimfield General Bylaws, to allow the Board of Selectmen, pursuant to Massachusetts General Laws, chapter 39, section 9, as follows:

When the Board of Selectmen determines by separate vote that it is necessary or appropriate, the Town may hold annual or special town meetings outside the geographic boundaries of the Town at the Tantasqua Regional High School in Fiskdale, MA or other appropriate location. Reasons for holding a town meeting outside of the Town shall include, but not be limited to, anticipated voter turnout; emergencies relating to commonly used Town Meeting locations or handicapped accessibility; or, take any other action thereon. (Board of Selectmen)

ARTICLE 20: To see if the Town will vote to approve the following change in the Tantasqua Regional School District bylaws:

Current Regional Agreement Language for Filling Vacancies:

d. Vacancies – How Filled

Vacancies occurring in the Regional District School Committee shall be filled as follows: in the case of members appointed by the School Committee of a Participating Town, by such School Committee; in the case of those elected at an annual town election, by the Selectmen to serve until the next annual town election.

Change to:

“Vacancies occurring in the Regional District School Committee shall be filled as follows: in the case of members appointed by the School Committee of a Participating town, by such School Committee; in the case of those elected at an annual town election, by the Selectmen and the remaining Committee members from the town concerned to serve until the next annual town election, at which election a successor shall be elected to serve for the balance of the unexpired term, if any” or, take any other action thereon. (Superintendent of Schools)

ARTICLE 21: To see if the Town will vote to allow the Fire Chief, in conjunction with the Board of Selectmen, to issue and place restrictions as deemed necessary on cannon firing permits; or, take any other action thereon. (Board of Selectmen and Fire Chief)

ARTICLE 22: To see if the Town will vote to amend Brimfield General Bylaws, Section 2.3 Flea Markets, subsection 2.3.10.2 Calendar Dates by deleting the current text and inserting in place thereof the following:

Effective May, 2014, the legal period shall begin on the second Tuesday in May, the second Tuesday in July and the second Tuesday after the Labor Day holiday in September except when religious holidays dictate otherwise.

Prior to May 2014, the legal period shall begin on the second Tuesday in May, the second Tuesday in July and the first Tuesday after the Labor Day holiday in September except when religious holidays dictate otherwise; or, take any other action thereon. (Board of Selectmen)

ARTICLE 23: To see if the Town will vote to transfer the remaining funds, in the sum of \$ _____ from the Town Hall Repairs ATM 5/10, Account #01-0195-6220, for the purpose of retaining the services of a licensed design professional and to undertake repairs to the Town Hall Annex building including services of a licensed design professional and all other costs incidental and related thereto, to be expended by

the Board of Selectmen in accordance with Massachusetts General Laws, chapter 30B; or, take any other action thereon. (Board of Selectmen)

ARTICLE 24: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds or borrow a sum of money, (\$305,000), for the purchase and equipping of a new fire truck; and, to authorize the Treasurer, with the approval of the Board of Selectmen to borrow said sum pursuant to Massachusetts General Laws, chapter 44, section 7, or any other enabling authority and issue bonds and notes therefor; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters of the Town of a Proposition 2 ½, so-called, debt exclusion question in accordance with the provisions of Massachusetts General Laws, chapter 59, section 21C(k); or, take any other action thereon. (Board of Selectmen and Fire Chief)

ARTICLE 25: To see if the Town will vote to transfer from the Capital Purchase Stabilization Fund, or otherwise fund, the sum of \$ _____ to pay principal and/or interest due in FY13 on the Fire Truck purchase authorized under Article 24 of the May, 2012 Annual Town Meeting; provided, however, that this appropriation shall be contingent upon the approval of the voters of the Town of a Proposition 2 1/2, so called, debt exclusion question in accordance with the provisions of Massachusetts General Laws, chapter 59, section 21C(k) for such fire truck; or, take any other action thereon. (Finance Committee)

ARTICLE 26: To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, upon such conditions as the Selectmen deem acceptable, a parcel of land located at Palmer Road, Brimfield, shown on Assessors Map 11, Block A, Lot 9, for general municipal purposes; and, as funding therefor, to raise and appropriate or otherwise transfer from available funds or borrow a sum of money (\$ _____) for such purposes; and further, to authorize the Treasurer with the approval of the Board of Selectmen to borrow said sum pursuant to Massachusetts General Laws, chapter 44, section 7(3), or any other enabling authority and issue bonds and notes therefor; provided, however, that the vote taken hereunder shall be expressly contingent upon approval of the voters of the Town of a Proposition 2 ½, so-called, debt exclusion question in accordance with the provisions of Massachusetts General Laws, chapter 59, section 21C(k); or take any other action thereon. (Board of Selectmen)

ARTICLE 27: To see if the Town will vote to transfer from the Capital Purchase Stabilization Fund, or otherwise fund, the sum of \$ _____ to pay principal and/or interest due in FY13 on the land purchase authorized under Article 26 of the May, 2012 Annual Town Meeting; provided, however, that this appropriation shall be contingent

upon approval by the voters of the Town of a Proposition 2 ½, so, called, debt exclusion question in accordance with the provisions of Massachusetts General Laws, chapter 59, section 21C(k) for such purchase of land, or, take any other action thereon. (Finance Committee)

ARTICLE 28: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds or borrow a sum of money (\$ _____) for the demolition of and/or making of extraordinary repairs to and/or new construction of the Town Hall Annex building located at 23 Main Street, Brimfield, including the hiring of a structural engineer, preparation of construction documents and plans, and all other costs incidental and related thereto; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters of the Town of a Proposition 2 ½, so-called, debt exclusion or capital outlay exclusion question in accordance with the provisions of Massachusetts General Laws, chapter 59, section 21C(k) or (i ½); or, take any other action thereon. (Board of Selectmen)

SEE APPENDIX #2 ATTACHED AT THE END OF THE WARRANT

ARTICLE 29: To see if the Town will vote to transfer from the Capital Purchase Stabilization Fund, or otherwise fund, the sum of \$ _____ to pay principal and/or interest due in FY13 on the Town Hall Annex repairs so authorized under Article 28 of the May, 2012 annual town meeting; provided, however, that this appropriation shall be contingent upon approval by the voters of the Town of a Proposition 2 1/2 , so called, debt exclusion question in accordance with the provisions of Massachusetts General Laws, chapter 59, section 21C(k) for such repairs, or, take any other action thereon. (Finance Committee)

ARTICLE 30: To see if the Town will vote to raise and appropriate or otherwise transfer from available funds or borrow sum of money (\$ _____) for _____; provided, however, that the appropriation made hereunder shall be expressly contingent upon approval by the voters of the Town of a Proposition 2 ½, so-called, override question in accordance with the provisions of G.L. c.59, s.21C(k); or, take any other action thereon. (Board of Selectmen)

ARTICLE 31: To see if the Town will vote to amend Brimfield Zoning Bylaws, Section 1: General Provisions: Section 1.2 (Definitions) by adding the following definition as shown below:

PET RESCUE SHELTER – a building or structure used for the purpose of housing dogs and cats received by the shelter as rescue animals and not for breeding or sale, with

the exception of an adoption fee which may be charged by the Shelter.; or, take any other action thereon. (Petition)

ARTICLE 32: To see if the Town will vote to amend Brimfield Zoning Bylaws, Section 3: District Use Regulations; Section 3.6 Business District – Permitted Uses; by adding the following as shown below:

Section 3.6.5 PET RESCUE SHELTER – the first building of which is to be located on a minimum lot size of five (5) acres with each additional building requiring one (1) additional acre.

All buildings used for said PET RESCUE SHELTER purposes, shall be located a minimum of forty (40) feet from all front yard, side yard and rear yard lot lines.

Each PET RESCUE SHELTER shall require a minimum of twenty (20) square feet of housing space for each dog and five (5) square feet of housing space for each cat.

Said permitted use in the Business District shall also be permitted to extend no greater than 500 feet into the Agricultural-Residential District and/or Flood Plain District provided said extension is from property which extends from the Business District for a single parcel.

Or, take any other action thereon. (Petition)

ARTICLE 33: To see if the Town will vote to amend Section 1.2 of the Zoning Bylaws (Definitions) to revise the definition of the term “Frontage” to read as follows (with strikethrough text being deleted by this amendment):

- 1.2 Definitions All terms and words not otherwise defined in this bylaw shall have the meaning ~~defined in the 1972 Planners Handbook published by the Massachusetts Federation of Planning Boards. Words not defined in this bylaw or in the Handbook shall have the meaning given in Webster's Unabridged Dictionary (latest edition).~~

Or take any other action relative thereto. (Planning Board)

ARTICLE 34: To see if the Town will vote to amend Section 1.2 of the Zoning Bylaws (Definitions) to revise the definition of the term “Frontage” to read as follows (with underlined test being added by this amendment):

Frontage - Frontage, as used in this bylaw, means that portion of a property that is located within the Town of Brimfield and borders upon one of the following types of

way: (a) a public way, or (b) a way shown on a plan approved in accordance with the Subdivision Control Law and constructed in accordance with such plan and approval, or, (c) a way in existence when the Subdivision Control Law became effective in the Town of Brimfield, having discretionary opinion of the Planning Board, adequate width, grades and construction for the proposed use and for the provision of municipal services therefor.

Or, take any other action thereon. (Planning Board)

ARTICLE 35: To see if the Town will vote to amend Section 2.2 of the Zoning Bylaws (Location of Districts) to read as follows (with underlined text being added and strikethrough text being deleted by this amendment):

2.2 Location of Districts

Said districts are located and bounded as shown on a map entitled "Zoning Map of Brimfield, Massachusetts." The Zoning Map, ~~which~~ with all explanatory matter thereon, and as it may hereafter be amended from time to time, is hereby made a part of this bylaw, accepted by the Town Meeting of May 8, 1978, under Article 23 and filed with the Town Clerk on the same date.

Or, take any other action thereon. (Planning Board)

ARTICLE 36: To see if the Town will vote to amend Section 4.0 of the Zoning Bylaws (Intensity Regulations) to read as follows (with underlined text being added and strikethrough text being deleted by this amendment):

4.0 Intensity Regulations

A dwelling, building or structure erected in any district shall be located on a lot having not less than the minimum requirements set forth in the table below. No existing lot shall be changed as to size or shape so as to result in

~~the~~ a new or increased violation of the requirements set forth below, and no more than one primary structure shall be located on each lot.

Or, take any other action thereon. (Planning Board)

ARTICLE 37: To see if the Town will vote to amend Section 5.1.1 of the Zoning Bylaws (Non-conforming Uses) to read as follows (with underlined text being added by this amendment):

5.1.1 The lawful use of any structure or land existing at the time of the enactment or subsequent amendment of this bylaw may be continued although such structure or use does not conform with provisions of the bylaw. This provision is not intended to afford protections for preexisting structures or lots broader than those set forth in Chapter 40A, Section 6 of the General Laws.

Or, take any other action thereon. (Planning Board)

ARTICLE 38: To see if the Town will vote to amend Section 5.1.3 of the Zoning Bylaws (Non-conforming Uses) to read as follows (with underlined text being added by this amendment):

5.1.3 Abandonment. A non-conforming use which has been abandoned or discontinued for two (2) years or more shall not be re-established and any future use shall conform with this bylaw.

Or, take any other action thereon. (Planning Board)

ARTICLE 39: To see if the Town will vote to amend Section 7.1 of the Zoning Bylaws (Site Plan Approval-Purpose) to read as follows (with underlined text being added by this amendment):

7.1 Purpose

The purpose of site plan approval is to further the purposes of this bylaw and to ensure that new development is designed in a manner which reasonably protects visual and environmental qualities and property values of the town, and to assure adequate drainage of surface water and safe vehicular and non-vehicular access.

Or, take any other action thereon. (Planning Board)

ARTICLE 40: To see if the Town will vote to amend Section 7.2 of the Zoning Bylaws (Site Plan Approval-Projects Requiring Site Plan Approval) to read as follows (with strikethrough text being deleted by this amendment):

7.2 Projects Requiring Site Plan Approval

The construction or exterior alteration of or change of use of:

- A non-residential/agricultural structure or use
- A commercial or business structure or use
- An industrial structure or use
- Any other use specified in this zoning bylaw which indicates Site Plan Approval is required

No building permit, ~~special permit or other municipal permit~~ shall be issued and no application for such permits shall be accepted for any of the above uses unless a site plan has been endorsed by the Planning Board after consultation with other boards, including but not limited to the following: Building Inspector, Board of Health, Board of Selectmen, Conservation Commission, Highway Department, Fire Department and Police Department. The Planning Board may waive any or all requirements of site plan review for external enlargements of less than 25% of the existing floor area.

Or, take any other action thereon. (Planning Board)

ARTICLE 41: To see if the Town will vote to amend Section 7.3.2 of the Zoning Bylaws (Site Plan Approval-Application for Site Plan Approval) to read as follows (with underlined text being added and strikethrough text being deleted by this amendment):

7.3.2 Pursuant to Chapter 44, Section 53G of the General Laws, the Planning Board shall obtain with each submission, a deposit sufficient to cover any expenses connected with a public hearing and review of plans, including but not limited to the costs of any engineering, legal or planning consultant services necessary for review purposes. In the event such initial deposit is inadequate to satisfy the Planning Board's expenses, the Planning Board may require a further deposit during the course of the public hearing and/or as a condition of approval of the site plan.

Or, take any other action thereon. (Planning Board)

ARTICLE 42: To see if the Town will vote to amend Section 7.4.8 of the Zoning Bylaws (Site Plan Approval-Required Site Plan Contents) to read as follows (with underlined text being added by this amendment):

7.4.8 The location and a description of proposed open space or recreation areas. The Planning Board may waive any information requirements it judges to be unnecessary to the review of a particular plan. The Planning Board may require such additional information as it may

deem necessary to review a particular plan.

Or, take any other action thereon. (Planning Board)

ARTICLE 43: To see if the Town will vote to amend Section 7.6 of the Zoning Bylaws (Site Plan Approval-Special Permit Review) to read as follows (with underlined text being added and strikethrough text being deleted by this amendment):

7.6 Special Permit Review

The period of review for a special permit requiring site plan approval shall be the same as any other special permit and shall conform to the requirements of Chapter 40A, Sec. 9, "Special Permits." ~~Specifically, a~~ A joint public hearing to address the Special Permit application and Site Plan Approval application ~~shall~~ may be held ~~within sixty five (65) days of the filing of a special permit application with~~ at the discretion of the Planning Board and Board of Appeals. ~~The Planning Board shall then have 90 days following the public hearing in which to act.~~

Or, take any other action thereon. (Planning Board)

ARTICLE 44: To see if the Town will vote to amend Section 7.9.1 of the Zoning Bylaws (Site Plan Approval-Enforcement) to read as follows (with underlined text being added by this amendment):

7.9.1 The Planning Board may require the posting of a bond or other suitable security to assure compliance with the plan and conditions and may suspend any permit or license when work is not performed as required.

Or, take any other action thereon. (Planning Board)

ARTICLE 45: To see if the Town will vote to amend Section 11.1 of the Zoning Bylaws (Administration-Enforcement by Zoning Officer) to read as follows (with underlined text being added by this amendment):

11.1 Enforcement by Zoning Officer

The Board of Selectmen shall appoint a Zoning Officer for a term of one (1) year who is charged with enforcing this bylaw. No building shall be built or altered and no use of land or building shall be begun or changed without a permit. No building shall be occupied until a certificate of occupancy has been issued.

The provisions of this bylaw, the conditions of a permit granted under this bylaw, or any decisions rendered by the Zoning Board of Appeals or Planning Board under this Bylaw, may, without limitation of any other enforcement mechanisms, be enforced by the Zoning Officer by non-criminal complaint pursuant to the provisions of General Laws, Chapter 40, Section 21D. The fine for any violation disposed of through this procedure shall be one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense, and three

hundred dollars (\$300.00) for the third and subsequent offense.

Each day of a violation is considered a separate offense.

Or, take any other action thereon. (Planning Board)

ARTICLE 46: To see if the Town will vote to amend Section 11.2 of the Zoning Bylaws (Administration-Duties of Board of Appeals) to read as follows (with underlined text being added by this amendment):

11.2 Duties of Board of Appeals

There is hereby established a Board of Appeals of three (3) members and two (2) associate members to be appointed by the Selectmen, as provided in Chapter 40A of the General Laws, which shall act on all matters within its jurisdiction under this bylaw and Chapter 40A of the General Laws. The Board of Appeals shall have the following powers.

In exercising these powers, pursuant to Chapter 44, Section 53G of the General Laws, the Board of Appeals shall obtain with each submission, a deposit sufficient to cover any expenses connected with a public hearing and review of plans, including but not limited to the costs of any engineering, legal or planning consultant services necessary for review purposes. In the event such initial deposit is inadequate to satisfy such expenses, the Board of Appeals may require a further deposit during the course of the public hearing and/or as a condition of approval of the site plan.

Or, take any other action thereon. (Planning Board)

ARTICLE 47: To see if the Town will vote to amend Section 11.2.2 of the Zoning Bylaws (Administration-Duties of Board of Appeals-Special Permits) to read as follows (with strikethrough text being deleted by this amendment):

11.2.2 Special Permits

To grant a special permit ~~for an exception~~ as provided by sections of this bylaw when it shall have found after a detailed study, duly advertised public hearing, held within sixty-five (65) days after filing of an application with the Board of Appeals, a copy of which shall forthwith be given to the Town Clerk by the applicant, and the concurring vote of all members of the Board of Appeals, that the use involved will not be detrimental to the established or future character of the neighborhood and town and subject to appropriate conditions or safeguards if deemed necessary. Special permits shall lapse if construction or use has not begun within two (2) years of issuance, in accordance with the provisions of Chapter 40A, Section 9 of the General Laws of the Commonwealth.

Or, take any other action thereon. (Planning Board)

ARTICLE 48: To see if the Town will vote to amend Section 3.6.3 of the Zoning Bylaws (District Use Regulations-Business District-Permitted Uses) to read as follows (with underlined text being added by this amendment):

3.6.3 Hotel, motel or restaurant not to exceed 5000 square feet of usable building space.

Or, take any other action thereon. (Zoning Board of Appeals)

ARTICLE 49: To see if the Town will vote to amend Section 3.6.4 of the Zoning Bylaws (District Use Regulations-Business District-Permitted Uses) to read as follows (with underlined text being added by this amendment):

3.6.4 Any wholesale or retail business, research laboratory, service of public utility not involving manufacture on the premises except of products the major portion of which is sold on the premises by the producer to the consumer not to exceed 5000 square feet of usable building space.

Or, take any other action thereon. (Zoning Board of Appeals)

ARTICLE 50: To see if the Town will vote to amend Section 3.7 of the Zoning Bylaws (Business District-May be Permitted by the Board of Appeals) by adding the following new section:

3.7.4 Hotel, motel or restaurant exceeding 5000 square feet of usable building space.

Or, take any other action thereon. (Zoning Board of Appeals)

ARTICLE 51: To see if the Town will vote to amend Section 3.7 of the Zoning Bylaws (Business District-May Be Permitted by the Board of Appeals) by adding the following new section:

3.7.5 Any wholesale or retail business, research laboratory, service of public utility not involving manufacture on the premises except which the major portion of which is sold on the premises by the producer to the consumer exceeding 5000 square feet of usable building space.

Or, take any other action thereon. (Zoning Board of Appeals)

ARTICLE 52: To see if the Town will vote to transfer the sum of \$ _____ from Free Cash to be added to the Capital Purchase Stabilization Fund; or, take any other action thereon. (Finance Committee)

ARTICLE 53: To see if the Town will vote to transfer from the Capital Purchase Stabilization Fund, or otherwise fund, the sum of \$ _____ to pay the interest and principal due in FY2013 on the Town Hall engineering and repairs authorized by May, 2009 town meeting; or, take any other action thereon. (Finance Committee)

ARTICLE 54: To see if the Town will vote to transfer from the Capital Purchase Stabilization Fund, or otherwise fund, the sum of \$ to pay the interest and principal due in FY2013 on the Capital Purchase Debt authorized in FY2005; or, take any other action thereon. (Finance Committee)

ARTICLE 55: To see if the Town will vote to transfer \$ from Free Cash and \$30,000 from the Assessor's Overlay Surplus and any other available funds to reduce the tax rate in FY2013 or for any other purpose; or, take any other action thereon. (Finance Committee)

ARTICLE 56: To see if the Town will vote to transfer a sum of money from Stabilization to balance the FY13 budget; or, take any other action thereon. (Finance Committee)

ARTICLE 57: To see if the Town will vote to support a resort casino development, accessible from the Massachusetts Turnpike, and located in the secluded northwest corner of the Town (north of the Turnpike), which will generate millions of dollars annually in tax revenues for the Town of Brimfield; this article is non-binding. (Petition)

ARTICLE 58: To see if the Town will not support a resort casino development to be built within the boundaries of the Town. (Petition)

And, you are hereby directed to serve this Warrant by posting attested copies thereof in at least five public places in the Town, seven days at least before the time of holding said meeting.

Hereof, fail not and make due return of this Warrant with your doings thereon at the times and place of meeting and election aforesaid.

Given under our hand this 13th day of April, 2012

BOARD OF SELECTMEN

_____ Diane M. Panaccione, Chairman

_____ Stephen R. Fleshman, Selectman

_____ Thomas C. Marino, Selectman

A true copy, ATTEST:

_____ Pamela Beall, Town Clerk

Posted this day of , 2012.

_____ Constable