

SPECIAL TOWN MEETING WARRANT

Hampshire, ss.

To the Constable of the Town of Hadley in the County of Hampshire:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town qualified to vote in Elections and Town affairs to meet in Hopkins Academy on Thursday, the twenty-fifth day of October 2012 at 7:00 p.m. to act on the following articles:

Article 1

To see if the Town will vote to amend the Fiscal Year 2013 Budget by amending the vote on Article 6 of the Warrant of the Annual Town Meeting held on May 3, 2012 by amending line items to be presented at town meeting, or take any action relative thereto.

Select Board recommends 4-0-1
Finance Committee recommendation pending

Article 2

To see if the Town will vote raise and appropriate, transfer from Free Cash, transfer from funds available, take from Water Reserve, or otherwise provide **\$244,000.00** to be placed in the Capital Stabilization Account, or take any action relative thereto.

Select Board recommends 4-0-1
Finance Committee recommendation pending
Capital Panning Committee recommendation pending

Article 3

To see if the Town will vote to raise and appropriate, transfer from Free Cash, transfer from funds available **\$6,000.00** for expenses associated with an update to the 2007 Open Space and Recreation Plan, or take any action relative thereto.

Select Board recommends 4-0-1
Finance Committee recommendation pending
Capital Panning Committee recommends 4-0-0

Article 4

To see if the Town will vote to raise and appropriate, transfer from Free Cash, or transfer from the Capital Stabilization Account **\$30,000.00** for a facilities plan for Town-owned buildings, or take any action relative thereto.

Select Board recommends 4-0-1

Finance Committee recommendation pending
Capital Panning Committee recommends 4-0-0

Article 5

To see if the Town will vote to raise and appropriate, transfer from Free Cash, transfer from funds available, authorize the Treasurer to borrow **\$75,000.00** to purchase a school wheel chair van for the School Department, or take any action relative thereto.

Select Board recommends 4-0-1

Finance Committee recommendation pending

Capital Panning Committee recommendation pending

Article 6

To see if the Town will vote to transfer from Water Reserves **\$35,000.00** to purchase and install new remote read water meters, or take any action relative thereto.

Select Board recommends 4-0-1

Finance Committee recommendation pending

Capital Panning Committee recommendation pending

Article 7

To see if the Town will vote to raise and appropriate, transfer from Free Cash, transfer from funds available, authorize the Treasurer to borrow, or otherwise provide **\$55,000.00** to purchase a John Deere tractor for the Department of Public Works, and further to vote to trade or sell the 1985 Ford 1510 tractor and the 1984 Ford 1710 tractor, or take any action relative thereto.

Select Board recommends 4-0-1

Finance Committee recommendation pending

Capital Panning Committee recommendation pending

Article 8

To see if the Town will vote to transfer from Water Reserves **\$60,000.00** to purchase a new Ford 350 vehicle for the Water Division of the Department of Public Works, or take any action relative thereto.

Select Board recommends 4-0-1

Finance Committee recommendation pending

Capital Panning Committee recommendation pending

Article 9

To see if the Town will vote to transfer from the Select Board for public way purposes to the Select Board for the purpose of conveyance, the care, custody and control of a parcel of land containing 3.7 acres, described in a deed recorded with the Hampden Registry of Deeds in Book 1760, Page 181, and described more particularly described as:

Beginning at the intersection of the southerly side of Rocky Hill Road the northeasterly end of the Proposed Road; thence westerly and southerly by a curve to the left which has a radius of 50.0', with a central angle of 90° 00' along other land of said Aronson an arc distance of 78.54' to a point; thence S. 7° 12' 50" W. along other land of said Aronson a distance of 100.0' to a point; thence southerly by a curve to the right which has a radius of 3639.65' with a central angle of 7° 56' 25" along other land of said Aronson an arc distance of 504.40' to a point; thence southerly by a curve to the left which has a radius of 3597.19' with a central angle of 9° 58' 44" along other land of said Aronson an arc distance of 626.50' to a point; thence S. 5° 10' 31" W. along land of said Aronson a distance of 824.31' to land now or formerly of Abner Rosenberg; thence S. 82° 35' 37" W. along land of said Rosenberg a distance of 76.84' to other land of said Aronson; thence N. 5° 10' 31" E. along land of said Aronson a distance of 841.05' to a point; thence northerly by a curve to the right which has a radius of 3672.19' with a central angle of 9° 58' 44" along other land of said Aronson an arc distance of 639.56' to a point; thence northerly by a curve to the left which has a radius of 3564.65' with a central angle of 7° 56' 25" along other land of said Aronson an arc distance of 494.00' to a point; thence N. 7° 12' 50" E. along other land of said Aronson a distance of 89.93' to a point; thence northerly and westerly by a curve to the left which has a radius of 50.0' with a central angle of 96° 25' 20" along other land of said Aronson an arc distance of 84.14' to the southerly side of Rocky Hill Road; thence S. 89° 12' 30" E. along the southerly side of Rocky Hill Road a distance of 93.69' to a point; thence S. 82° 47' 10" E. along the southerly side of Rocky Hill Road a distance of 87.50' to the point of the beginning;

And, further to authorize the Select Board to convey all or a portion of said land to James Aronson, Jonathan Aronson, and Selva Aronson, on such terms and conditions as the Board of Selectmen deems appropriate and, as consideration therefor, to acquire from said persons all or a portion of the parcel of land known as Selva's Swamp and shown on Assessors Map 11B as Parcel 24, to be managed by the Conservation Commission, as set forth more particularly in the vote taken under Article 14 of the November 3, 2011 Special Town Meeting; or take any action relative thereto.

Select Board recommends 4-0-1
Finance Committee recommendation pending
Capital Planning Committee recommendation pending

Article 10

To see if the Town will vote to raise and appropriate, take from Free Cash, or otherwise provide **\$22,000.00** for unemployment expenses, or take any action relative thereto.

Select Board recommends 4-0-1
Finance Committee recommendation pending

Article 11

To see if the Town will vote to raise and appropriate, transfer from Free Cash, transfer from funds available, or otherwise provide **\$5,198.00** raised by the 350th Town

Anniversary Committee to be used by the 350th Hopkins Academy Anniversary Committee, or take any action relative thereto.

Select Board recommends 4-0-1

Finance Committee recommendation pending

Article 12

To see if the Town will vote to rescind the excess borrowing authorization for the landfill capping and to rescind the borrowing authorization for the Route 9 water line project, or take any action relative thereto.

Select Board recommends 4-0-1

Finance Committee recommendation pending

Article 13

To see if the Town will vote to transfer the care, custody, management and control of the following described parcels of land from the board or officer for the purpose for which said parcels are being held to the Select Board for the purpose of conveyance, and authorize the Select Board to sell, in compliance with G.L. c. 30B, if applicable, and on such terms and conditions as the Select Board deems appropriate, two parcels of land at the intersection of Breckenridge Road and Huntington Road, which parcels are identified as follows:

Parcel 1: (Assessors Map 11A, Lot 1) consisting of approximately two acres,

Parcel 2: (Assessors Map 11A, Lot 2) consisting of approximately four acres.

Declaration: Be it known to all that the intent of this article is to sell the aforementioned parcels via a bid process, and set aside the net proceeds in a special account that is specific to the sole purpose of a subsequent purchase of a parcel for a park and/or recreational area in the Town of Hadley at a location to be determined and in accordance with law.

Or take any action relative thereto.

Finance Committee recommendation pending

Capital Planning Committee recommendation pending

Select Board does not recommend 0-4-1

Article 14

To see if the Town will vote to transfer from Community Preservation Act funds **\$51,000.00** for the preservation of open space, to acquire an agricultural preservation restriction on agricultural land, containing 70.5 acres, more or less, and located on Route 47 in the vicinity of the Sunderland border and currently owned by S and J Realty Trust, and further to authorize the Select Board to acquire said restriction by purchase, gift

and/or eminent domain on such terms and conditions as the Select Board deems appropriate or take any action relative thereto.

Community Preservation Act Committee recommends 6-0-1
Finance Committee recommendation pending
Select Board recommends 4-0-1

Article 15

To see if the Town will vote to transfer from Community Preservation Act funds **\$2,500.00** for the purchase or manufacture of a display case for historical Native American artifacts to be donated to the Town of Hadley by the Frank Beretska Family, or take any action relative thereto.

Community Preservation Act Committee recommends 6-0-1
Finance Committee recommendation pending
Select Board recommends 4-0-1

Article 16

To see if the Town will vote to transfer from Community Preservation Act funds **\$20,000.00** to acquire and install a furnace at the Goodwin Memorial Library and acquire and install insulation for the second floor ceiling.

And further to see if the Town will vote to transfer from Free Cash **\$10,000.00** to remove the chimney and associated roof repairs of the Goodwin Memorial Library, or take any action relative thereto.

Community Preservation Act Committee recommends 6-0-1
Capital Planning Committee recommendation pending.
Finance Committee recommendation pending
Select Board recommends 4-0-1

Article 17

To see if the Town will vote to amend the Solar Bylaw section 28.5.2.1 by placing this sentence at the end of this section, “The Planning Board may waive any part of the Administrative Review it judges to be unnecessary to the review of a particular plan.”

Or take any action relative thereto.

Select Board recommends 4-0-1

Article 18

To see if the Town will vote to amend the Solar Bylaw Section 28.7.2.1 by replacing § 3.8.2 with §28.7.2, or take any action relative thereto.

Select Board recommends 4-0-1

Article 19

To see if the Town will vote to adopt the following zoning bylaw:

OPEN SPACE PRESERVATION (OSP) BYLAW TOWN OF HADLEY

SECTION XXIX. OPEN SPACE PRESERVATION AND FARMER’S SUPPORT

29.1 Purpose

The purpose of this Open Space Preservation (OSP) bylaw is to maintain the natural resources of Hadley and support farmers by preserving tillable agricultural land and forest land, as well as to protect aquifer recharge areas, environmentally sensitive areas, and other significant natural features while allowing residential development that is consistent with the goals and objectives of the Town’s Long Range Comprehensive Plan. This type of development will give farmers and landowners an alternative, but not a requirement, to the minimum 30,000 or 40,000sq ft lots (which is still their option). It is a way to preserve open space if APR is unavailable or unattractive. An OSP development will not allow any more homes to be built on a parcel than can be built under existing non-OSP zoning and subdivision regulations.

29.2 Open Space Preservation Developments Allowed By Right

An Open Space Preservation (OSP) development is a residential development that allows detached one-family dwellings to be built on smaller lots than permitted by Section IV of the Zoning Bylaw along with permanently preserved open space.

- 29.2.1 OSP developments shall be permitted by right in the sewerred portions of Residential, Agricultural-Residential, Limited Business and Local Business Districts subject to the criteria in this Section XXIX and subject to subdivision review and any required subdivision approval. OSP developments shall not be permitted in the Flood District Overlay as defined in Section XXIII of the Zoning Bylaw.
- 29.2.2 OSP developments shall be permitted only on parcels of land with access to public sewer and water. Access to public sewer and water is defined as having frontage on approved and accepted roads where both town sewer and town water infrastructure are available within three hundred (300) feet of the parcel proposed for development at the time of adoption of this bylaw.
- 29.2.3 OSP developments shall require a minimum of five (5) acres of land which shall be “upland” as defined in § 5.6 of the Zoning Bylaw and a minimum of fifty (50) contiguous feet of frontage on a Town road existing at the time of adoption of this bylaw.

29.3 Permitted and Prohibited Uses

- 29.3.1 Permitted Uses in Developed Areas of an OSP Development
 - 29.3.1.1 Detached one-family dwelling.
 - 29.3.1.2 Accessory use customarily incidental to a permitted main use on the same premises (e.g., shed, garage, etc.).
- 29.3.2 Permitted Uses in Open Space Areas of an OSP Development
 - 29.3.2.1 Cooperative or individual gardening.
 - 29.3.2.2 Seasonal farm stand.
 - 29.3.2.3 Horse stables and farms.

- 29.3.2.4 Woodlots, arboreta, and other similar uses.
 - 29.3.2.5 Preservation of existing forested land or woodlots.
 - 29.3.2.6 Accessory uses customarily incidental to any permitted use, including unpaved parking areas as defined in § 29.7.1.3 of this bylaw.
 - 29.3.2.7 All other agricultural uses as referenced in MGL c. 128 § 1A as amended except those prohibited by § 29.3.3 of this bylaw.
 - 29.3.2.8 Easements for underground utilities or municipal drinking water supply wells.
- 29.3.3 Prohibited Uses in all areas of an OSP Development
- 29.3.3.1 Manufactured homes, as defined in § 13.2.12 of the Zoning Bylaw.
 - 29.3.3.2 Camper trailers, campgrounds or any type of overnight recreation. Camper trailers are defined as a vehicular type portable structure without permanent foundation, which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use and including but not limited to travel trailers, recreational vehicles, truck campers, camping trailers, and self-propelled motor homes.
 - 29.3.3.3 Accessory apartments as defined in Section XXVI of the Zoning Bylaw.
 - 29.3.3.4 Bed and breakfast establishments as defined in Section XXII of the Zoning Bylaw.
 - 29.3.3.5 Commercial dog kennels, defined as a business establishment where four or more dogs, cats or other household pets over three months of age are kept, raised, sold, boarded, bred, shown, treated or groomed.

29.4 Allowable Residential Development

29.4.1 Frontage Requirements in OSP Developments

The minimum frontage required for individual lots within an OSP development shall be one-hundred (100) contiguous feet. For each lot developed along a public street existing at the time of the application, the minimum frontage, minimum lot size and all other dimensional controls may conform with either the dimensional controls of the underlying zoning district or the dimensional controls for an OSP development shown in Table 29-A.

29.4.2 Flexible Area and Dimensional Requirements in OSP Developments

- 29.4.2.1 The total number of building lots which can be created from any parcel shall be determined by the dimensional requirements in Table 29-A. Additional building lots shall not be added after subdivision approval.
- 29.4.2.2 Individual lots shall be no smaller than the minimum lot sizes shown in Table 29-A.
- 29.4.2.3 All land not used for building lots, roads, or accessory uses shall be placed in permanent open space protection in accordance with § 29.7 of this bylaw; such open space shall not be less than 50% of the total parcel area.
- 29.4.2.4 All lots within an OSP development shall meet the front, rear and side yard requirements specified in Table 29-A.
- 29.4.2.5 Each lot must have a minimum width such that a square area measuring 100 feet by 100 feet must be able to fit into the lot, and at least one point of the square must lie on the frontage line. At no point, between the front lot line and the rear of the principal structure (said rear being the furthest point of the structure from the front lot line) located on the lot, shall the lot have a width less than the minimum lot width required, except that the

Planning Board may (but is not required to) issue a Special Permit as provided in § 6.2.2. to permit lot width of no less than 75% of the minimum lot width required when, in its judgment, such action is in the public interest and not inconsistent with the intent of this Zoning Bylaw.

29.4.3 Number of Building Lots Permitted

The maximum number of building lots permitted in an OSP development shall be determined by the submission and Planning Board review of Preliminary Plans for both a non-OSP Development using Table 1 in Section IV of the Zoning Bylaw and for OSP Development using Table 29-A. The Preliminary Plans shall conform to the requirements of Hadley Subdivision Regulations. In no case shall the number of building lots in an OSP development exceed the number of building lots that would be allowed under a non-OSP subdivision as shown in the Preliminary Plans.

29.5 Site Design Standards for OSP Developments

The following standards shall be met.

- 29.5.1 The Open Space that is preserved shall be the land on the site that is most suitable for agricultural, horticultural, vitacultural, or silvacultural use, reference MGL c. 128 § 1A as amended.
- 29.5.2 All structures, roads and driveways should, to the maximum practical extent, be located away from, and be laid out to minimize impacts on lands and soils most suitable for agricultural use, “prime farmlands” or forested areas. Prime farmlands shall be determined based on current agricultural land use and on Natural Resources Conservation Service (NRCS) classifications for prime farmland soils and soils of state and local importance.
- 29.5.3 Structures should be placed at edges of fields or wooded areas, avoiding placement in the middle of open fields or forests. Each structure should be integrated into the landscape so as to minimize its visual impact. Vegetative and structural screening, landscaping, grading and/or placement of structures on the lot may be used to minimize visual impacts.
- 29.5.4 Streets should be designed and located in such a manner as to: maintain and preserve natural topography and significant landmarks and trees; minimize cut and fill; and preserve and enhance views and vistas on or off the subject parcel.
- 29.5.5 Lots shall be laid out and designed, to the greatest extent feasible, to preserve and protect contiguous open space, historic and archaeological sites, farmland, wooded stream corridors, forested areas and large trees, and scenic views, particularly as seen from public roads, ridgelines and hilltops. All resources of these types that are identified in the most recent version of Hadley’s Open Space and Recreation Plan shall also be identified on the OSP plan.
- 29.5.6 The OSP development shall be consistent with the objectives and policy recommendations of the Hadley Open Space and Recreation Plan and the Hadley Master Plan.
- 29.5.7 A permanent access strip of 25 feet in width from the subdivision street or nearest town road to access the contiguous open space shall be delineated on the plans and maintained in a condition open for vehicular access.

29.6 Utility Requirements for OSP Developments

- 29.6.1 All lots shall have access to public sewer and water, and town standards for sewer and water hookups shall apply.
- 29.6.2 Stormwater management systems serving the OSP development may be located within the required common open space. Land occupied by surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space requirement.

29.7 Common Open Space for OSP Developments

29.7.1 Protected Open Space Requirements

- 29.7.1.1 All land not devoted to structures, building lots and roads shall be permanently protected as open space for uses listed in § 29.3.2.
- 29.7.1.2 A minimum of 50% of the total parcel must be permanently protected as open space under MGL c.184 § 31-33. As much of the protected open space as possible should be contiguous. At least 70% of the protected open space shall be contiguous unless otherwise approved by the Planning Board. This approval may be granted during the subdivision review process.
- 29.7.1.3 The Planning Board may permit up to 5% or 5 acres of the open space area, whichever is the lesser, to be improved as travel ways, unpaved parking areas or built upon for structures accessory to the dedicated use of open space (e.g., pedestrian walks, bicycle paths, playgrounds, agriculture-related structures).
- 29.7.1.4 All recreational facilities and designated common areas shall be accessible to all residents of the development.
- 29.7.1.5 Further subdivision of protected open space is prohibited.

29.7.2 Ownership and Maintenance of Open Space

- 29.7.2.1 The open space shall be conveyed or protected pursuant to one of the options described under MGL c. 40A § 9.
- 29.7.2.2 In the case of ownership of the open space by a homeowners association comprised of the lot owners within the OSP development, maintenance of the open space and facilities in use for any of the agricultural uses as listed in § 29.3.2.1 of this bylaw shall be permanently guaranteed by such homeowners association, which shall provide for mandatory assessments for maintenance expenses to each lot. Each homeowner shall be deemed to have assented to allow the Town of Hadley or its agents to perform maintenance of the open space and facilities in agricultural use and if the homeowners association fails to provide adequate maintenance, the homeowners shall be deemed to have given the Town of Hadley a limited license and easement for access to enter thereon for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the homeowners association as to the inadequate maintenance, and, if the homeowners association fails to complete such maintenance, the town may perform it. The owner of each lot shall be deemed to have assented to the Town of Hadley performing such work, the Town shall bill the owner of each lot in the development the full cost of such maintenance plus a ten percent (10%) administrative and collection fee, which costs shall be released upon payment to the town of same. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating any such homeowners association shall be prepared by a licensed attorney and shall be submitted to the Planning Board and Town Counsel for

approval. The Planning Board may commission further legal review of any documents submitted, the cost of which shall be borne by the applicant. Upon approval, the documents shall thereafter be recorded in the Hampshire County Registry of Deeds.

29.8 Subdivision Approval Procedure

Applicants for OSP developments and non-OSP subdivisions subject to this Section XXIX shall follow all procedures specified in the Subdivision Control Law, MGL c.41 § 81K-81GG, and the Hadley Planning Board's Subdivision Rules and Regulations.

29.9 Conflict with Other laws

The provisions of this bylaw shall be considered supplemental to the existing provisions of the Zoning Bylaw. To the extent that a conflict exists between this bylaw and other zoning bylaw provisions, the more restrictive bylaw, or provisions therein, shall apply.

29.10 Severability

The provisions of this Section XXIX are severable and, in the event that any provision of this Section XXIX is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.

29.11 Rules and Regulations

The Planning Board may adopt rules and regulations, including subdivision rules and regulations, for the orderly administration of this bylaw.

Table 29-A: Dimensional Requirements for Open Space Preservation (OSP) Development

Zone	Min. Lot Area for Non-OSP Sub-division (sq. ft.)	OSP Min. Lot Area (sq. ft.)	OSP Min. Common Open Space (percent)	Min. Frontage for Non-OSP Sub-division (ft.)	OSP Min. Contiguous Frontage for Individual Lots (ft.)	OSP Min. Front Setback (ft.)	OSP Min. Rear Setback (ft.)	OSP Min. Side Setback (ft.)	OSP Min. Distance Between Buildings (ft.)	OSP Maximum Impervious Surface Coverage of Buildable Land (percent)
Residential; Agricultural-Residential	30,000	15,000	50%	175	100	30	60	15	30	25%
Limited Business District; Local Business District	30,000	15,000	50%	175	100	30	60	15	30	25%
Aquifer Protection	40,000	20,000	50%	200	100	30	60	15	30	25%

Or take any action relative thereto.

Select Board recommends 4-0-1

And you are hereby directed to serve this warrant by posting attested copies in the usual places: one at the Town Hall, one at the Hadley Post Office, and one at the North Hadley Village Hall, and in said Town, fourteen days at least, not including the day of posting, before the time of holding said meeting.

Given under your hands this 10th day of October, 2012

Gloria T. DiFulvio, Chair

David S. Moskin

Daniel J. Dudkiewicz

Joyce A. Chunglo

Brian C. West
HADLEY SELECT BOARD

A true copy attest:

Constable of Hadley

Date: _____