

**TOWN WARRANT
FOR THE ANNUAL TOWN MEETING
2017
THE COMMONWEALTH OF MASSACHUSETTS**

FRANKLIN SS.

To either of the Constables of the Town of Shelburne in the County of Franklin

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at the **Town Hall, 51 Bridge Street** in said **Shelburne on Tuesday, May 2, 2017 at 7:00 o'clock in the afternoon**, then and there to act on the following articles:

ARTICLE 1. To hear the annual reports of the officers of the Town and to act thereon.

ARTICLE 2. To see if the Town will vote to set the salaries of the Elected Officials within the Town in accordance with MGL. Chapter 41, Section 108 as follows, or take any other action relative thereto.

| | | | |
|------------------------------|----------|------------------|----------|
| Moderator | \$ 162 | Town Clerk | \$21,632 |
| Chairman, Board of Selectmen | \$ 2,856 | Town Collector | \$28,896 |
| Selectmen | \$ 2,550 | Tree Warden | \$ 861 |
| Selectmen | \$ 2,550 | School Committee | \$ 368 |
| Chairman, Board of Assessors | \$ 2,720 | School Committee | \$ 368 |
| Assessor | \$ 2,303 | | |
| Assessor | \$ 2,303 | | |

ARTICLE 3. To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2017, in accordance with the provisions of the Massachusetts General Laws Chapter 44, Section 4, and to issue a note or notes therefore, 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 Massachusetts General Laws Chapter 44, Section 17, or take any other action relative thereto.

ARTICLE 4. To see if the Town will vote to authorize the Board of Selectmen to apply for, execute contracts and expend Massachusetts Small Cities Program grants or monies, or any Federal or State grants or monies, received as set forth in the appropriate application, or take any action relative thereto.

ARTICLE 5. To see if the Town will vote to accept and appropriate any and all funds provided to the Town by the State under Chapter 90 and such other funds as the Commonwealth of Massachusetts Department of Transportation may provide, and to authorize the Board of Selectmen to enter into contracts with Commonwealth of Massachusetts Department of Transportation for Chapter 90 monies allocated to the Town by the State, or take any action relative thereto.

ARTICLE 6. To see if the Town will vote to appropriate sums of money for the following purposes and to raise the required amounts by taxation, or otherwise provide, or take any other action relative thereto.

| 3/23/2017 | 2017 | 2017 | 2017 | 2018 | 2018 | Increase |
|--|----------------|---------------|----------------|----------------|----------------|-------------|
| | Request | Adjust | Final | Request | Final | Decrease |
| GENERAL GOVERNMENT | 686,890 | 26,901 | 707,256 | 717,314 | 716,489 | 1.3% |
| 114 5100 Moderator's Salary | 158 | | 158 | 162 | 162 | 2.5% |
| 122 5100 Selectmen's Salaries | 7,762 | | 7,762 | 7,956 | 7,956 | 2.5% |
| 122 5110 General Government Salaries | 114,281 | | 114,281 | 114,981 | 114,981 | 0.6% |
| 122 5400 Selectmen's Expense | 2,130 | | 2,130 | 2,130 | 2,130 | 0.0% |
| 131 5400 Finance Committee Expense | 130 | | 130 | 130 | 130 | 0.0% |
| 132 5400 Reserve Account | 2,700 | | 2,700 | 2,700 | 2,700 | 0.0% |
| 135 5400 Accounting Services | 20,310 | | 20,310 | 20,760 | 20,760 | 2.2% |
| 135 5420 Audit Town Records | 14,500 | | 14,500 | 14,500 | 14,500 | 0.0% |
| 141 5110 Assessor's Salary | 7,148 | | 7,148 | 7,326 | 7,326 | 2.5% |
| 141 5400 Assessor's Expense | 4,980 | 3,965 | 8,945 | 6,875 | 6,875 | -23.1% |
| 141 5420 Assessor's Contracted Services | 9,000 | | 9,000 | 5,000 | 5,000 | -44.4% |
| 145 5400 Treasurer's Expense | 2,005 | 2,900 | 4,905 | 4,289 | 4,289 | -12.6% |
| 145 5420 Payroll Expense | 3,200 | | 3,200 | 3,800 | 3,800 | 18.8% |
| 145 5410 Tax Title | 1,000 | | 1,000 | 1,000 | 1,000 | 0.0% |
| 146 5100 Town Collector's Salary | 28,191 | | 28,191 | 28,896 | 28,896 | 2.5% |
| 146 5110 Collector/Treasurer Certification | 2,000 | | 2,000 | 2,000 | 2,000 | 0.0% |
| 146 5400 Town Collector's Expense | 5,758 | 1,018 | 6,776 | 5,902 | 5,902 | -12.9% |
| 146 5410 Town Collection Software Maint. | 5,346 | | 5,346 | 5,346 | 5,346 | 0.0% |
| 151 5400 Legal Expense | 9,500 | | 9,500 | 9,500 | 9,500 | 0.0% |
| 161 5100 Town Clerk's Salary | 21,104 | | 21,104 | 21,632 | 21,632 | 2.5% |
| 161 5400 Town Clerk's Expense | 1,400 | | 1,400 | 1,400 | 1,400 | 0.0% |
| 161 5420 Town Reports | 1,100 | | 1,100 | 1,100 | 1,100 | 0.0% |
| 161 5430 Preservation of Town Records | 2,000 | | 2,000 | 2,000 | 2,000 | 0.0% |
| 162 5400 Election Expense | 10,550 | | 10,550 | 10,550 | 10,550 | 0.0% |
| 162 5410 Registrars | 1,800 | | 1,800 | 1,800 | 1,800 | 0.0% |
| 171 5400 Conservation Commission | 2,538 | | 2,538 | 3,230 | 3,230 | 27.3% |
| 175 5400 Planning Board | 4,408 | | 4,408 | 6,408 | 5,583 | 26.7% |
| 176 5400 Zoning Board Expense | 1,905 | | 1,905 | 1,905 | 1,905 | 0.0% |
| 182 5400 S.F. Village Partnership | 7,000 | | 7,000 | 7,000 | 7,000 | 0.0% |
| 192 5400 Town Office Expense | 6,500 | | 6,500 | 8,270 | 8,270 | 27.2% |
| 192 5410 Computer Account | 2,400 | 5,500 | 7,900 | 11,230 | 11,230 | 42.2% |
| 192 5420 Town Web Site | 2,600 | | 2,600 | 2,600 | 2,600 | 0.0% |
| 192 5430 Memorial Hall Expense | 15,370 | 6,983 | 22,353 | 15,370 | 15,370 | -31.2% |
| 192 5450 Memorial Hall Internet Access | 2,220 | | 2,220 | 2,220 | 2,220 | 0.0% |
| 192 5460 Elevator Maintenance Account | 8,000 | | 8,000 | 8,000 | 8,000 | 0.0% |
| 192 5470 Town-Wide Notification Sys. | 2,463 | | 2,463 | 2,463 | 2,463 | 0.0% |
| 193 5400 Property & Liability Insurance | 38,979 | -6,535 | 32,444 | 35,000 | 35,000 | 7.9% |
| 193 5410 Officers Bonding | 1,000 | | 1,000 | 1,000 | 1,000 | 0.0% |
| 199 5400 Longevity Pay | 2,500 | | 2,500 | 3,000 | 3,000 | 20.0% |
| 691 5400 Historic Commission | 0 | | 0 | 0 | 0 | 0.0% |
| 691 5410 APR Local Match | 1,250 | | 1,250 | 1,250 | 1,250 | 0.0% |
| 691 5420 Land Preservation | 1,250 | | 1,250 | 1,250 | 1,250 | 0.0% |

| | 2017 | 2017 | 2017 | 2018 | 2018 | Increase |
|---------------------------------------|------------------|--------------|------------------|------------------|------------------|--------------|
| | Request | Adjust | Final | Request | Final | Decrease |
| GENERAL GOVERNMENT (cont); | 308,454 | 6,535 | 314,989 | 325,383 | 325,383 | 3.3% |
| 752 5900 Interest Expense | 1,250 | | 1,250 | 1,250 | 1,250 | 0.0% |
| 830 5310 FRCOG - Core | 15,410 | | 15,410 | 15,760 | 15,760 | 2.3% |
| 830 5340 FRCOG - Highway | 2,310 | | 2,310 | 2,310 | 2,310 | 0.0% |
| 830 5350 FRCOG - Reg. Health Services | 4,733 | | 4,733 | 6,800 | 6,800 | 43.7% |
| 911 5400 County Retirement | 88,804 | | 88,804 | 92,195 | 92,195 | 3.8% |
| 912 5400 Worker's Compensation | 23,985 | 6,535 | 30,520 | 30,520 | 30,520 | 0.0% |
| 913 5400 Un-Employment Insurance | 965 | | 965 | 965 | 965 | 0.0% |
| 914 5400 Health Insurance | 159,164 | | 159,164 | 163,200 | 163,200 | 2.5% |
| 914 5410 Life Insurance | 850 | | 850 | 850 | 850 | 0.0% |
| 916 5400 Medicare | 10,983 | | 10,983 | 11,533 | 11,533 | 5.0% |
| PUBLIC SAFETY | 296,653 | 0 | 296,653 | 295,996 | 295,996 | -0.2% |
| 210 5110 Police Department Salaries | 231,087 | | 231,087 | 229,108 | 229,108 | -0.9% |
| 210 5400 Police Department Expense | 35,743 | | 35,743 | 36,139 | 36,139 | 1.1% |
| 210 5130 Constable | 63 | | 63 | 64 | 64 | 2% |
| 220 5110 Fire Marshall | 54 | | 54 | 55 | 55 | 2% |
| 220 5400 Forest Fires | 50 | | 50 | 50 | 50 | 0.0% |
| 291 5100 Emergency Management Dir. | 294 | | 294 | 302 | 302 | 2.7% |
| 291 5400 Emergency Mgmt Expense | 1,000 | | 1,000 | 1,675 | 1,675 | 67.5% |
| 292 5100 Animal Control Officer | 3,710 | | 3,710 | 3,803 | 3,803 | 2.5% |
| 292 5400 Animal Control Expense | 800 | | 800 | 800 | 800 | 0.0% |
| 294 5110 Tree Warden | 861 | | 861 | 883 | 883 | 2.6% |
| 294 5400 Shade Tree Maintenance | 6,763 | | 6,763 | 6,888 | 6,888 | 1.8% |
| 294 5410 Shade Tree Replacement | 624 | | 624 | 625 | 625 | 0.2% |
| 424 5400 Street Lights | 15,604 | | 15,604 | 15,604 | 15,604 | 0.0% |
| EDUCATION | 2,259,702 | 0 | 2,259,702 | 2,336,529 | 2,336,529 | 3.4% |
| 310 5100 School Committee Stipends | 1,077 | | 1,077 | 1,104 | 1,104 | 2.5% |
| 310 5400 Mohawk Trail Reg. School | 2,154,912 | | 2,154,912 | 2,256,869 | 2,256,869 | 4.7% |
| 320 5410 Vocation Tuition | 0 | | 0 | 27,500 | 27,500 | 0.0% |
| 320 5400 Franklin County Tech School | 103,713 | | 103,713 | 51,056 | 51,056 | -50.8% |
| HIGHWAYS | 436,860 | 0 | 436,860 | 449,103 | 449,103 | 2.8% |
| 422 5400 Maintenance | 308,300 | | 308,300 | 320,543 | 320,543 | 4.0% |
| 423 5400 Snow & Ice Removal | 110,160 | | 110,160 | 110,160 | 110,160 | 0.0% |
| 422 5410 Buildings & Grounds | 18,400 | | 18,400 | 18,400 | 18,400 | 0.0% |
| HEALTH-SANITATION | 96,215 | 0 | 96,215 | 105,214 | 99,006 | 2.9% |
| 241 5400 Building Inspection Program | 7,500 | | 7,500 | 7,500 | 7,500 | 0.0% |
| 293 5400 Animal Inspector | 620 | | 620 | 635 | 635 | 2.4% |
| 439 5420 Solid Waste Management Dist. | 6,352 | | 6,352 | 6,418 | 6,418 | 1.0% |
| 433 5400 Refuse Collection | 71,000 | | 71,000 | 73,000 | 73,000 | 2.8% |
| 439 5400 Hazardous Waste Day | 1,500 | | 1,500 | 1,500 | 1,500 | 0.0% |
| 440 5100 Sewer Commissioner Salaries | 851 | | 851 | 872 | 872 | 2.5% |
| 512 5100 Board of Health Salaries | 2,832 | | 2,832 | 7,888 | 3,132 | 10.6% |
| 512 5400 Board of Health Expense | 3,766 | | 3,766 | 5,607 | 4,155 | 10.3% |
| 512 5420 Housing Inspection Program | 1,794 | | 1,794 | 1,794 | 1,794 | 0.0% |

| | 2017 | 2017 | 2017 | 2018 | 2018 | Increase |
|--|----------------|----------|----------------|----------------|----------------|-------------|
| | Request | Adjust | Final | Request | Final | Decrease |
| RECREATION | 23,884 | 0 | 23,884 | 23,936 | 23,936 | 0.2% |
| 630 5400 Recreation | 1,703 | | 1,703 | 1,746 | 1,746 | 2.5% |
| 630 5410 Cowell Gym Maintenance | 20,750 | | 20,750 | 20,750 | 20,750 | 0.0% |
| 692 5430 Bridge of Flowers | 331 | | 331 | 340 | 340 | 2.7% |
| 692 5410 Military Band | 1,100 | | 1,100 | 1,100 | 1,100 | 0.0% |
| HUMAN SERVICES | 189,448 | 0 | 189,448 | 197,048 | 195,891 | 3.4% |
| 491 5400 Care of Hill Cemetery | 4,831 | | 4,831 | 8,120 | 8,120 | 68.1% |
| 543 5410 Care of Veteran's Graves | 825 | | 825 | 825 | 825 | 0.0% |
| 543 5400 Veteran's Benefits | 44,000 | | 44,000 | 44,000 | 44,000 | 0.0% |
| 543 5420 Veteran's Center | 2,959 | | 2,959 | 3,557 | 3,557 | 20.2% |
| 541 5400 Council on Aging | 73,315 | | 73,315 | 71,331 | 71,331 | -2.7% |
| 541 5420 Senior Center Lease | 2,700 | | 2,700 | 2,700 | 2,700 | 0.0% |
| 610 5400 Shelburne Free Public Library | 29,033 | | 29,033 | 33,521 | 32,364 | 11.5% |
| 610 5410 Arms Library | 30,235 | | 30,235 | 31,444 | 31,444 | 4.0% |
| 610 5420 Pratt Building Maintenance | 700 | | 700 | 700 | 700 | 0.0% |
| 692 5400 Memorial Day | 850 | | 850 | 850 | 850 | 0.0% |

| | 2017 | 2017 | 2017 | 2018 | 2018 | Increase |
|--------------------------------|------------------|---------------|------------------|------------------|------------------|--------------|
| | Request | Adjust | Final | Request | Final | Decrease |
| BUDGET SUMMARY | 3,989,652 | 26,901 | 4,010,018 | 4,125,140 | 4,116,950 | 2.7% |
| Totals: | | | | | | |
| General Government | 686,890 | 26,901 | 707,256 | 717,314 | 716,489 | 1.3% |
| Public Safety | 296,653 | 0 | 296,653 | 295,996 | 295,996 | -0.2% |
| Education | 2,259,702 | 0 | 2,259,702 | 2,336,529 | 2,336,529 | 3.4% |
| Highways | 436,860 | 0 | 436,860 | 449,103 | 449,103 | 2.8% |
| Health & Sanitation | 96,215 | 0 | 96,215 | 105,214 | 99,006 | 2.9% |
| Recreation | 23,884 | 0 | 23,884 | 23,936 | 23,936 | 0.2% |
| Human Services | 189,448 | 0 | 189,448 | 197,048 | 195,891 | 3.4% |

ARTICLE 7. To see if the Town will vote to appropriate the sum of \$71,334 to be used to fund the Mohawk Trail Regional School District capital budget for fiscal year 2018; to meet this obligation transfer \$500 from the Quintus Allen Trust Fund and raise and appropriate the balance of \$70,834 or take any other action relative thereto.

ARTICLE 8. To see if the Town will vote to appropriate \$35 from the Ozro Miller Trust Fund Account, said sum to be transferred to the Memorial Day Expense Account # 001-692-5400, or take any other action relative thereto.

ARTICLE 9. To see if the Town will vote to transfer the sum of \$1,169 from the Cowell Gym User Fee Account #245-630-5400; said sum to be added to the Recreation Account #001-630-5400 and shall be used to supplement the Cowell Gym Director's Salary, or take any other action relative thereto.

ARTICLE 10. To see if the Town will vote to transfer \$5,000 from the Stabilization Account #830-919-5400, said sum to be added to the town's special purpose stabilization account entitled: Roof Replacement/Repair Stabilization Account # 831-919-5400 for future repair and/or replacement of town-owned roofs, or take any other action relative thereto.

ARTICLE 11. To see if the Town will vote to **transfer \$35,000 from the Stabilization Account #830-919-5400**, said sum to be added to the town's special purpose stabilization account entitled: **Municipal Vehicle Stabilization Replacement Account # 832-919-5400** to be used for **replacement of town-owned vehicles**, or take any other action relative thereto.

ARTICLE 12. To see if the Town will vote to **transfer \$25,000** from the **Stabilization Account #830-919-5400**, said sum to be used for **the Pratt Memorial Library Building – Renovation Project** or take any other action relative thereto.

(Funds will be used towards the purchase and installation of new insulated, energy efficient replacement windows for the first floor stacks).

ARTICLE 13. To see if the Town will vote to **transfer from the Stabilization Account #830-919-5400**, the sum of **\$15,000**, said sum to be placed in a dedicated **Senior Center Capital Fund Account** held by the Town of Shelburne and expended in accordance with the Senior Center Consortium Agreement. The purpose of this fund would be **to cover costs incurred in the research and exploration of possible sites, the renovation of an existing building or new construction of a suitable Senior Center or any other related costs**, or take any other action relative thereto.

ARTICLE 14. To see if the Town will vote to **transfer from the Stabilization Account #830-919-5400** the sum of **\$6,000**, said sum to be **transferred to Account # 001-692-5450** for Shelburne's **250th Celebration in 2018**, or take any other action relative thereto.

ARTICLE 15. To see if the Town will vote to **raise and appropriate or otherwise provide the sum of \$117,000**, said sum is the **Town of Shelburne's share of the cost of Operation and Maintenance of the Shelburne Falls Wastewater Treatment Facility** which will be raised by anticipated revenue from the **Shelburne User Assessment**, or take any other action relative thereto.

ARTICLE 16. To see if the Town will vote to **raise and appropriate or otherwise provide the sum of \$13,500**, said sum is the **Town of Shelburne's cost of Operation and Maintenance of the Shelburne Pumping Station** which will be raised by anticipated revenue from the **Shelburne User Assessment**, or take any other action relative thereto.

ARTICLE 17. To see if the town will vote to **amend Article 2 of the Shelburne Town By-laws, by adding section 8 to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, § 53E½, or take any other action relative thereto.**

DEPARTMENTAL REVOLVING FUNDS

1. Purpose:

This by-law establishes and authorizes revolving funds for use by town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

2. Expenditure Limitations:

A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law/ordinance without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund [, except for those employed as school bus drivers2].

- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting/town/city council on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the selectboard and finance committee/mayor and city council.

3. Interest:

Interest earned on monies credited to a revolving fund established by this bylaw/ordinance shall be credited to the general fund.

4. Procedures and Reports:

Except as provided in General Laws Chapter 44, § 53E½ and this by-law/ordinance, the laws, charter provisions, by-laws/ordinances, rules, regulations, policies or procedures that govern the receipt and custody of town/city monies and the expenditure and payment of town/city funds shall apply to the use of a revolving fund established and authorized by this by-law/ordinance. The town accountant/city auditor shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant/city auditor provides the department, board, committee, agency or officer on appropriations made for its use.

5. Authorized Revolving Funds:

| Revolving Fund | Department, Board, Committee Authorized to Spend Fund | Fees, Charges or Other Receipts Credited to Fund | Program or Activity Expenses Payable From Fund | Fiscal Years |
|-------------------------|---|---|---|--------------|
| Police Department | Police Chief | Firearms Licensing, Permit Fees and fees to the Commonwealth | Activities Associated with Firearm Licensing and Other Permits | 2019 Onward |
| Town Clerk | Town Clerk | Dog Licensing Fees, Fines and Donations | Dog Licensing and Animal Care | 2019 Onward |
| Board of Health | Board of Health | Inspection Fees and Fines | Inspection related Activities | 2019 Onward |
| Zoning Board of Appeals | Zoning Board of Appeals | Advertising, Hearing Application Fees, and Consulting Fees | Fees Associated with Special Permits, Variances and Specialized Consultants | 2019 Onward |
| Recreation Committee | Recreation Committee | User Fees and Donations | Recreational Related Activities and Supplies | 2019 Onward |
| Open Space Committee | Open Space Committee | Monies generated by activities of the Open Space Committee including events and sales of brochures | Activities, Events, and Publications Relating to Open Space and Land Preservation | 2019 Onward |
| Agricultural Commission | Agricultural Commission | Monies generated by activities of the Agricultural Commission including events and sales of brochures | Activities, Events and Publications Relating to Agriculture | 2019 Onward |

ARTICLE 18. To see if the Town will vote to **authorize pursuant to the provisions of M.G.L. Chapter 44, section 53E ½ the following revolving funds for the fiscal year beginning July 1, 2017**, or take any other action relative thereto.

Police Department: to receive firearms license and permit fees, authorizing the Police Chief to expend up to **\$3,000** without further appropriation from such fund to pay the Commonwealth its' share of such fees and to use the remaining balance for firearms licensing related expenditures;

Town Clerk: to receive dog licensing fees, fines and/or donations, authorizing the Town Clerk to expend up to **\$2,500** without further appropriation from such fund to pay for various expenses in relation to the licensing and care of dogs;

Board of Health: to receive Inspection Fees and fines, and to authorize the Board to expend money up to **\$3,000** without further appropriation from such fund for the purpose of paying costs associated with said inspections;

Zoning Board of Appeals: to receive Advertising and Hearing Application Fees, and to authorize the Board to expend up to **\$1,000** without further appropriation from such fund for the purpose of paying costs associated with said hearings;

Recreation Committee: to receive Cowell Gym user fees; and to authorize the Committee to expend up to **\$1,500** without further appropriation from such fund for recreational related programs and supplies;

Open Space Committee: to receive monies generated by activities of the Shelburne Open Space Committee including sales of brochures, and authorize the Shelburne Open Space Committee to expend up to **\$500** without further authorization from such funds to further activities and publications of the Open Space Committee;

Agricultural Commission: to receive monies generated by activities of the Shelburne Agricultural Commission including sales of brochures, and authorize the Shelburne Agricultural Commission to expend up to **\$500** without further authorization from such funds to further activities and publications of the Shelburne Agricultural Commission.

Conservation Commission: to receive Advertising and Hearing Application Fees, and to authorize the Commission to expend up to **\$1,000** without further appropriation from such fund for the purpose of paying costs associated with said hearings.

ARTICLE 19. To see if the Town will **vote to re-accept the provisions of M.G.L. c. 32B, section 20, entitled Other Postemployment Benefits Trust Fund, said re-acceptance will allow the Town to take advantage of the changes to the statute made by the Municipal Modernization Law** and further, **raise and appropriate the sum of \$35,000 for the purpose of funding future financial obligations of the Town for health insurance and other post-employment benefits for retirees and for said fund,** or take any other action relative thereto.

ARTICLE 20. To see if the Town will **vote to transfer the sum of \$2,000 from the Stabilization Account # 830 919 5400 and transfer said sum to the "Elections Equipment" Stabilization Account #837-162-4540** , or take any other action relative thereto.

This is the second year of appropriating funds to this account. The town's electronic ballot box, although still very functional, is becoming obsolete and will no longer be serviceable in the future.

ARTICLE 21. To see if the Town will appropriate the sum of **\$12,000 for the purchase and installation of a paper compactor at the town's transfer station** and to meet this obligation **transfer the sum of \$3,000 from the Recycling Dividends Special Revenue Account and \$9,000 from the Stabilization Account # 830 919 5400,** or take any other action relative thereto.

The town received \$7,500 from the Department of Environmental Protection towards the purchase. Estimated savings in hauling costs per year: \$3,000.

ARTICLE 22. To see if the Town will vote to appropriate the sum of **\$90,000** for a **full reconstruction of the Cowell Gym tennis courts** and to meet this obligation, **transfer \$28,000 from the Special Revenue Account entitled: Cowell Fees Reserved for Appropriation; \$12,000 from the Cowell Gym Donation Account; and transfer \$50,000 from the Stabilization Account # 830 919 5400**, or take any other action relative thereto. *The Recreation Committee was awarded \$50,000 in Parkland Acquisitions and Renovations for Communities (PARC) grant funding which will reimburse the town's Stabilization Account once the project is complete.*

ARTICLE 23. To see if the Town will vote to **authorize the Shelburne Free Public Library Trustees to gift to Mount Holyoke College the Fidelia Fiske Collection**, or take any other action relative thereto.

ARTICLE 24. To see if the Town will vote to transfer the sum of **\$8,000 from the Stabilization Account # 830 919 5400** for the purchase of a **sickle bar mower for the Highway Department's New Holland Tractor**, or take any other action relative thereto.

Article 25. To see if the Town will vote to transfer the sum of **\$63,000 from the Stabilization Account # 830 919 5400** for the purchase of a **One Ton Truck with Dump Body and Snow Plow**, or take any other action relative thereto.

The purchase price does not include trade-in or resale value of 2006 truck.

Article 26. To see if the Town will vote to transfer the sum of **\$55,000 from the Stabilization Account # 830 919 5400** for the purchase of a **¾ Ton Pickup with Snow Plow**, or take any other action relative thereto.

The purchase price does not includes trade-in or resale value of 2004 Toyota Truck.

Article 27. To see if the Town will vote to transfer the sum of **\$12,000 from the Stabilization Account # 830 919 5400** for the purchase of **Six Tires for the Grader**, or take any other action relative thereto.

Article 28. To see if the Town will vote to **authorize the use of \$200,000 in Chapter 90 Funds, for the purchase of a new Dump Truck**, or take any other action relative thereto.

The purchase price does not include trade-in or resale value of 2001 Dump Truck.

Article 29. To see if the Town will vote to **transfer the sum of \$15,000 from the Stabilization Account # 830 919 5400** for the purchase of a **snow plow and wing plow**, or take any other action relative thereto.

Article 30. To see if the Town will vote to **transfer the sum of \$10,000 from the Stabilization Account # 830 919 5400**, said sum to be used to **conduct a feasibility study for proposed renovations of the Memorial Hall Theater**, or take any other action relative there.

Article 31. To see if the Town will vote to **grant a five-year Tax Increment Financing (TIF) agreement to Sweetheart Realty, LLC, 42 Maple Street, Shelburne, MA (Lots 7 & 9 of Assessor's Map 15)**. Terms of said Agreement were negotiated by members of the Selectboard and Finance Committee and are contingent upon receipt of certified Economic Development Incentive Program Application by the Commonwealth of Massachusetts, and is subject to Town meeting approval. Said tax relief will begin in FY'20, or take any other vote or votes relative thereto.

| FY | Municipal Tax Rate Per Thousand | Incremental Assessed Value | Projected Annual RE Property Tax Bill for Incremental Assessed Value | TIF/STA Yearly Exemption % | Exempted Annual RE Property Taxes | Personal Property Taxes Exempted | Total Yearly Value of Local Tax Incentives |
|------|---------------------------------|----------------------------|--|----------------------------|-----------------------------------|----------------------------------|--|
| 2020 | \$14.45 | \$700,000.00 | \$10,115.00 | 100% | \$8,092.00 | \$0.00 | \$8,092.00 |
| 2021 | \$14.45 | \$700,000.00 | \$10,115.00 | 90% | \$8,092.00 | \$0.00 | \$8,092.00 |
| 2022 | \$14.45 | \$700,000.00 | \$10,115.00 | 80% | \$8,092.00 | \$0.00 | \$8,092.00 |
| 2023 | \$14.45 | \$700,000.00 | \$10,115.00 | 60% | \$7,080.50 | \$0.00 | \$7,080.50 |
| 2024 | \$14.45 | \$700,000.00 | \$10,115.00 | 50 % | \$7,080.50 | \$0.00 | \$7,080.50 |
| | | | | | | | |
| | | | \$50,750.00 | | \$38,437.00 | | \$38,437.00 |

Article 32. To see if the Town will **vote to petition the Massachusetts Department of Transportation to revise their listing of road names in Shelburne to reflect the following change to ensure accuracy in mapping and emergency response**, or take any other action relative thereto.

MASS DOT LISTING:

Jim Barnard Road

PROPOSED CHANGE:

Barnard Road

Article #33. To see if the Town will **vote to authorize the Board of Selectboard to seek a Green Communities Designation for Shelburne**, or take any other action relative thereto.

Becoming designated as a Green Community provides grant funding to a municipality to support all or a portion of the cost of studying, designing, construction and implementing energy efficiency activities including but not limited to, energy efficiency measures and projects; procuring energy management services; adopting energy policies; and siting activities related to and construction of renewable energy generating facilities on municipally-owned property. In order to receive said Designation, the Town must meet the following criteria:

1. **As-Of-Right Siting:** municipality must provide zoning in a designated location for one of the following:
 - a. renewable or alternative energy generating facilities,
 - b. renewable or alternative energy research and development facilities,
 - c. renewable or alternative energy manufacturing facilities
2. **Expedited Permitting:** municipality must adopt an expedited application and permitting process under which criteria 1 facilities may be sited within the municipality, and permitting process shall not exceed one (1) year from the date of initial application to the date of final approval.
3. **Energy Baseline / 20 Percent Energy Reduction Plan:** municipality must establish an energy use baseline inventory for all municipal buildings. The municipality must also adopt a comprehensive five-year Energy Reduction Plan designed to reduce that baseline by 20 percent after completion of a full five-years of implementing its ERP.
4. **Purchase Only Fuel-Efficient Vehicles:** All departments in the municipality must purchase only fuel-efficient vehicles for municipal use whenever such vehicles are commercially available and practicable.
5. **Minimize Life-Cycle Costs:** A municipality must require all new residential construction over 3,000 square feet and all new commercial and industrial real estate construction to minimize, to the extent feasible, the life cycle cost of facilities/buildings by utilizing energy efficiency, water conservation and other

renewable or alternative energy technologies. In order to meet this requirement, towns must adopt the Board of Building Regulations and Standards (BBRS) Stretch Code (780 CMR 115.AA)

Article #34. To see if the Town will **vote to adopt the following changes to “Section 2.0 Definitions” of the Town of Shelburne Zoning By-laws and allow for the appropriate renumbering of that section to maintain the definitions being presented in alphabetical order,** or take any action relative thereto.

(I.) Modify the existing definitions to read as follows – changes are in bold typeface:

Accessory Apartment: an additional dwelling unit consisting of no more than four rooms and no more than 800 square feet of living area in a pre-existing single-family home **or on the same lot.** An Accessory Apartment may also be located in a **pre-existing conforming or non-conforming** accessory structure such as a garage or barn provided there is no expansion of square footage of the accessory structure. The Accessory Apartment shall be occupied by no more than two people. The owner of the property shall permanently occupy the principal or accessory residence. Adequate off-street parking shall be provided **in accordance with Section 11** and parking shall be to the side or rear of the principal structure to the maximum extent possible.

Dwelling, Multiple-Family: a principal building designed for or converted for occupancy by **up to four (4) ~~three to nine (9)~~** families living in separate dwelling units separated by vertical walls or horizontal floors. Historic Industrial or Commercial Structures converted for Multiple-Family Residential Use may have more than **four ~~nine~~** dwelling units. Also see Section 11.0 Parking Requirements.

(II.) Substitute the following language for existing definitions:

Bed & Breakfast: An accessory use to an owner-occupied dwelling unit consisting of transient overnight lodging with breakfast, not to exceed 5 bedrooms and subject to Section 11 “Parking Requirements”. No meals other than a breakfast shall be served, and no breakfast shall be served nor any retail or consumer services shall be provided to any member of the public not lodged as an overnight guest.

[Former definition: Bed & Breakfast: nightly accommodations for transients within an owner-occupied house, not to exceed five bedrooms rented to guests where breakfast is included. The building must be inspected by the appropriate fire district Chief or his designee and must comply with applicable State Building Codes and Board of Fire Prevention regulations and State Board of Health regulations.]

Family: Shall mean a number of individuals living and cooking together on the premises as a single unit.

[Former definition: Family: any number of individuals legally related by adoption, blood or marriage, or not more than four (4) persons not so related, living and cooking together in a single dwelling unit.]

Hotel: A building containing rooms used or designed to be used for sleeping purposes by transient guests which may also provide a restaurant to lodgers and the public within the building or in an accessory building.

[Former definition: Hotel: a building containing rooms without cooking facilities used or designed to be used for overnight lodging by transient guests. A restaurant for lodgers and the public may be provided.]

Historic: any building or structure built before 1950.

[Former Definition: Any building 50 years or older in age.]

Inn: An “historic” structure used or designed for overnight lodging for transient guests, and which may also provide a restaurant to lodgers and the public.

[Former Definition: Inn: A structure used or designed for overnight lodging for transient guests, and which may also provide a restaurant to lodgers and the public. A guest(s) may not stay at an Inn for more than 90 days in any six-month period.]

Lodging House: A building where lodgings are let with separate rental agreements, to four or more persons, on either a transient or a permanent basis, with or without meals, but which may have separate cooking facilities for individual occupants, and that are licensed or required to be licensed under M.G.L. Section twenty-three (23) of Chapter one hundred and forty (140).

[Former Definition: Lodging House: Buildings in which separate sleeping rooms are rented providing sleeping accommodations for persons on either a transient or a permanent basis, with or without meals, but which may have separate cooking facilities for individual occupants.]

(III). Insert the following new definitions:

Congregate Housing: A building or buildings, or a portion thereof, arranged or used for lodging by up to 12 elderly and/or handicapped residents; with private bedrooms with en suite handicapped accessible bathrooms; 24 hour on-site assistance; in compliance with the Massachusetts nursing home or congregate housing regulations or guidelines and subject to Section 11 of this bylaw; and wherein meals may be served in one or more group dining facilities.

Major Street: A street which, in the opinion of the Planning Board, is likely to carry substantial volumes of through traffic or one abutting a significant commercial or industrial development.

Minor Street: A street that provides vehicular access to and from a public street to which: (a) is no longer than 750 feet; (b) serves up to five lots which would otherwise be required to have their own access and frontage; (c) is jointly owned in fee or as an easement as specified on the deeds of the owners of the properties to which it provides access; (d) the maintenance of which is arranged between the joint owners as specified in deeded covenants; and/or lies entirely within the lots being served and/or the Open Space within an Open Space Development.

Secondary Street: A street that carries traffic equivalent to that generated by ten (10) or fewer dwelling units and having no abutting commercial or industrial property and which is not capable of extension.

Short-Term Vacation Rental: A furnished dwelling unit that is rented by the owner to another party for a period of not more than 30 consecutive days.

Small-Scale Industrial Solar Energy Generating Facility: A solar electric system designed for industrial/commercial use that generates up to 250kW.

Studio Apartment: an apartment consisting of one main room, a kitchen or kitchenette, and a bathroom.

Tourist Home: An owner-occupied or primary lease holder occupied single-family dwelling which may rent up to a maximum of three rooming units with no meals provided for transient occupancy, not to exceed a maximum of six renters per day, without individual kitchen facilities and with an individual or shared bath/toilet facility, with at least one toilet, one bath/shower and one wash basin. The use of that portion of the dwelling devoted to transient occupancy shall be accessory to the use of the dwelling as a single-family residence and shall not change the character thereof.

Article 35. To see if the Town will vote to amend **Section 4.2 TABLE OF USE CODES** of the **Town of Shelburne Zoning Bylaws** as follows, or take any action relative thereto.

Add the following to the end of Section 4.2.4: "...and the use must still comply with all other relevant sections of these and other bylaws not specifically covered by Section 19 (e.g., Section 11), provisions of MGL 40A, and other regulating authorities including, but not necessarily limited to, the Board of Health, Conservation Commission, Fire Chief, and Building Inspector." The complete Section 4.2.4 will then read as follows:

4.2.4 OSD = Yes, the use is permitted by right in that zoning district; however, the use must comply with the provisions of Section 19, Open Space Development, and the Shelburne Subdivision Regulations including Section 2.8 and the use must still comply with all other relevant sections of these and other bylaws not specifically covered by Section 19 (e.g., Section 11), provisions of MGL 40A, and other regulating authorities including, but not necessarily limited to, the Board of Health, Conservation Commission, Fire Chief, and Building Inspector.

Article 36. To see if the Town will vote to amend **Section 4.3 TABLE OF USE REGULATIONS** of the **Town of Shelburne Zoning Bylaws** as follows, or take any action relative thereto.

Under Section 4.3 "Community Services" – insert "Congregate Housing" allowed in all Zoning Districts except the Industrial Zone.

| | | | | | |
|----------------------------------|------------------|------------------|------------------|-----------------|-----------------|
| <u>Community Services</u> | <u>RA</u> | <u>VR</u> | <u>VC</u> | <u>C</u> | <u>I</u> |
| Congregate Housing | Y | Y | Y | Y | N |

Under Section 4.3 "Commercial/Business Uses" – insert "Short-term Vacation rentals, tourist homes" allowed by right in every district.

| | | | | | |
|--|------------------|------------------|------------------|-----------------|-----------------|
| <u>Commercial/Business Uses</u> | <u>RA</u> | <u>VR</u> | <u>VC</u> | <u>C</u> | <u>I</u> |
| Short-term Vacation Rental, Tourist Home | Y | Y | Y | Y | Y |

Under Section 4.3 "Energy Generation Uses" – insert "Small-Scale Industrial Solar Energy Generating Facility" allowed by right in the Industrial Zone and by Special Permit in all other zoning districts.

| | | | | | |
|---|------------------|------------------|------------------|-----------------|-----------------|
| <u>Energy Generation Uses</u> | <u>RA</u> | <u>VR</u> | <u>VC</u> | <u>C</u> | <u>I</u> |
| Small-Scale Industrial Solar Energy Generating Facility | SP | SP | SP | SP | Y |

Article 37. To see if the Town will vote to amend the **Town of Shelburne, Massachusetts, Open Space Development Bylaw Section 19.3.3** of the **Town of Shelburne Zoning By-laws** as follows, or take any action relative thereto.

Add the following to the end of Section 19.3.3: "..., provided that no OSD may contain more than one multi-family structure nor more than one congregate housing unit without a waiver from the Planning Board." The complete Section 19.3.3 will then read as follows,

19.3.3 Single family homes, two-family homes, multi-family structures with up to four dwelling units, and, for senior housing only, dwelling units designed as some form of congregate housing for 6-12 seniors may be located in an OSD. Each such congregare housing unit shall be considered one dwelling unit for purposes of this OSD Bylaw, provided that no OSD may contain more than one multi-family structure nor more than one congregare housing unit without a waiver from the Planning Board.

Article 38. To see if the Town will **vote to amend the Town of Shelburne, Massachusetts Zoning By-laws, Section 9 Sign Regulations** as follows, or take any action relative thereto.

Section 9.3.1 is hereby amended as follows: ~~A Temporary Signs political in nature erected on private property which meets all of the following conditions: (a) no more than six (6) square feet in area on a side, (b) located at least five (5) feet from the front property line, (c) no more than five (5) feet above ground level, (d) not illuminated, and (e) in place no more than thirty days prior and fourteen (14) days after the relevant election, Town Meeting, or other vote or decision~~ work, or event.

The revision Section 9.3.1 will read:

“9.3.1 The following *Signs* are permitted as of right by this Bylaw:

“9.3.1.1 Temporary signs on private property which meet all of the following conditions: (a) no more than six (6) square feet in area on a side, (b) located at least five (5) feet from the front property line, (c) no more than five (5) feet above ground level, (d) not-illuminated, and (e) in place no more than thirty days after the relevant election, Town Meeting, work, or event.”

2. Delete the existing Sections 9.3.1.2 through 9.3.1.5 as follows:

~~9.3.1.1 A Temporary Sign political in nature erected on private property which meets all of the following conditions: (a) no more than six (6) square feet in area on a side, (b) located at least five (5) feet from the front property line, (c) no more than five (5) feet above ground level, (d) not illuminated, and (e) in place no more than thirty days prior and fourteen (14) days after the relevant election, Town Meeting, or other vote or decision.~~

~~9.3.1.2 A Temporary Sign erected on a lot by a contractor which meets all of the following conditions: (a) no more than six (6) square feet in area on a side, (b) located at least five (5) feet from the front property line, (c) no more than five (5) feet above ground level, (d) not illuminated, (e) in place while the contractor is actually performing work on that lot, and (f) in place no more than fourteen days prior to the start and fourteen (14) days after completion of the project.~~

~~9.3.1.3 A Temporary Sign erected by a real estate agent or rental agent advertising sale or rental of the premises on the lot upon which the Sign is located which meets all of the following conditions: (a) no more than six (6) square feet, (b) located at least five (5) feet from the front property line, (c) no more than five (5) feet above ground level, (d) not illuminated, and (e) in place no more than fourteen (14) days after the rental or sale of the premises.~~

~~9.3.1.4 A Temporary Sign advertising a Special Event being conducted within the Town of Shelburne which meets all of the following conditions: (a) no more than twenty one (21) square feet in area on a side, (b) located at least five (5) feet from the front property line, (c) no more than five (5) feet above ground level, (d) not illuminated, (e) located on private property, (f) one of no more than 5 such Signs in the Town of Shelburne sited as reasonably necessary to direct participants to the event location, and (g) in place no more than twenty one (21) days prior and fourteen (14) days after the Special Event being advertised.~~

~~9.3.1.5 A Temporary Sign advertising a Special Event being conducted within the Towns of Ashfield, Buckland, Charlemont, Colrain, Conway, Hawley, Heath, or Rowe, which meets all of the following conditions: (a) no more than twenty one (21) square feet in area on a side, (b) located at least five (5) feet from the front property line, (c) no more than five (5) feet above ground level, (d) not illuminated, (e) located on private property on a road leading to the town in which the event is being conducted, (f) one of no more than two (2) such Signs per~~

~~numbered state route located in the Town of Shelburne which are separated by at least .5 miles of distance, (g) the only such sign on a lot, and (h) in place no more than twenty-one (21) days prior and fourteen (14) days after the *Special Event* being advertised.~~

1. Section 9.3.16-9.3.1.12 are renumbered as follows:

9.3.1.6 ~~2~~ A *Temporary Sign* in the form of a banner strung across Bridge Street in the Village Commercial Zone advertising a *Special Event* being conducted within the Town of Shelburne, which meets all of the following conditions: (a) no more than two and a half (2 ½) feet wide and twenty-five (25) feet long, (b) approved for installation by a vote of the Board of Selectmen, or by a non-profit organization designated by the Board of Selectmen to make such determinations, (c) not-illuminated, (d) installed in a manner and location which has been approved by the Board of Selectmen, and (e) in place no more than twenty-one (21) days prior and fourteen (14) days after the *Special Event* being advertised.

9.3.1.7 ~~3~~ Legal notices, identification, informational, warning, or directional *Signs* created or required by governmental bodies and road *Signs* identifying the name of private roads.

9.3.1.8 ~~4~~ A plaque, tablet, or inscription indicating the name of a building, date of erection, or other commemorative information, which meets all of the following conditions: (a) no more than thirty (30) square feet in area, (b) an integral part of the building structure or attached flat to the face of the building, and (c) not directly illuminated.

9.3.1.9 ~~5~~ The flags of the United States of America, Military Memorial, Commonwealth of Massachusetts, and/or the Town of Shelburne. Non-commercial flags that are not illuminated.

9.3.1.10 ~~6~~ A *Sign* on residential property indicating the address and/or the name of the person(s) or family residing in the premises and/or pertaining to an accessory use (other than a home-based business) permitted under the Town of Shelburne Zoning Bylaw which meets all of the following conditions: (a) no more than two (2) square feet in area on one side, (b) located at least five (5) feet from the front property line, (c) no more than five (5) feet above ground level, (d) not-illuminated, and (d) the only such *Sign* on the lot.

9.3.1.11 ~~7~~ A *Sign* pertaining to a home-based business operating on the premises which business is permitted under the Town of Shelburne Zoning Bylaw which meets all of the following conditions: (a) no more than twelve (12) square feet in area on a side, (b) located at least five (5) feet from the front property line, (c) no more than eight (8) feet above ground level, (d) not-illuminated, and (e) the only such *Sign* on the lot.

9.3.1.12 ~~8~~ A *Sign* advertising the name of the business or organization which maintains the landscaping on a Town-owned or Commonwealth of Massachusetts-owned public space for free or for a reduced fee which *Sign* meets all of the following conditions: (a) no more than one (1) square foot in area on a side, (c) no more than two (2) feet above ground level, and (d) not-illuminated.

2. Section 9.4.1 is amended by deleting the word “in” as follows:

9.4.1 *Temporary Signs, Signs* on residential property, and plaques, tablets, or inscriptions on buildings ~~in~~ which do not meet the requirements set forth in Section 9.3, above, are not permitted.

3. Section 9.4.17 is amended by inserting the word “not” as follows:

9.4.17 The General Regulations set forth in this Section 9.4 shall **not** apply to (a) a historic site marker or plaque, (b) a gravestone, and (c) a *Sign* directing and guiding traffic, pedestrians, and/or parking on the premises where the *Sign* is located if it bears no advertising matter (including business name or products), is no more than two (2) square feet in area on a side and is not illuminated.

4. Section 9.5.1 is amended by inserting the words “the sidewalk at” as follows:

9.5.1 A *business establishment* located in the Village Commercial (VC) district may have one *Portable Sign* which shall be placed on the sidewalk in front of the business establishment if it is located on a public way, or if the establishment is not located directly on a public way, at a location on **the sidewalk at** the nearest public way.

5. Section 9.5.4 is amended by deleting the word “an” as follows:

9.5.4 An *Agricultural Business Establishment* that is located in the Town of Shelburne but not on the Mohawk Trail may place one (1) ~~an~~ off-premises *Portable Sign* which is also an *Agricultural Sign* in a location on private property on the Mohawk Trail at the closest intersection to the *Agricultural Business Establishment* during its sales season with the written permission of the landowner on which the *Sign* is placed.

Article 39. To see if the Town **will vote to amend the Town of Shelburne, Massachusetts, Zoning Bylaws Section 11 Parking Requirements** as follows, or take any action relative thereto.

- 1) Delete the existing Section which reads as follows:

~~Existing SECTION 11.0 PARKING REQUIREMENTS~~

~~11.1 All parking demand created by new structures or uses, additions to existing structures or uses and change of use in existing structures shall be accommodated on the premises entirely off street. Normally this will require two (2) parking spaces per dwelling unit plus one (1) parking space per motel guest unit plus one (1) space per employee plus one (1) space per one hundred fifty (150) square feet of retail floor space. The ZBA may waive or modify this requirement, in part or in its entirety, if it is determined that to do so is in the public interest and does not substantially derogate from the intent or purpose of this by-law.~~

~~11.2 No off street parking area shall be maintained within ten (10) feet of a street line. For parking areas of six (6) cars or more the following shall apply:~~

~~11.2.1 their use shall not require backing onto a public way;~~

~~11.2.2 there shall not be more than one (1) entrance and one (1) exit from such lots per three hundred (300) feet of street frontage or fraction thereof. If necessary to meet this requirement, user shall arrange for shared egress;~~

~~11.2.3 such lots shall be screened from any abutting residential use by densely planted shrubs;~~

~~11.2.4 egress likely to be used more than five hundred (500) times per day (serving more than one hundred fifty (150) dwelling units or two hundred (200) employees or one hundred (100) restaurant seats or two (2) gas pumps) shall provide three hundred (300) feet visibility in each travel direction on a minor or collector street, six hundred (600) feet visibility on an arterial street. Minor streets shall include, but not limited to, Water Street, Severance Street, Church Street, Barnard Road and Anderson Road. Arterial streets shall include, but not limited to, Main Street, Bridge Street, Bardwells Ferry Road, South Maple Street and Little Mohawk Road.~~

- 2) Insert new Section 11 as follows:

SECTION 11.0 PARKING REQUIREMENTS

11.1. Preamble

One of Shelburne's greatest assets is the physical character of the commercial and residential sections of the village of Shelburne Falls as well as the rural, small town character of the remainder of the Town. The intent of these parking regulations is to create a set of guidelines which will allow the Zoning Board of Appeals to work with those seeking to develop or redevelop land and buildings in the Town to find the best balance between (a) maintaining the character of the Town and (b) allowing the redevelopment of existing, deteriorating, or destroyed buildings or the development of new buildings.

11.2 General Policy Goals

11.2.1 Village Commercial District

It shall be the policy of the Town to preserve the existing mix of commercial and residential style buildings in the Village Commercial District to the extent reasonably possible to maintain the existing diversity of residential, retail, and commercial uses in the District.

11.2.2 Village Residential District

It shall be the policy of the Town to preserve the existing character of the Village Residential District to the extent reasonably possible by maintaining the existing types of residential structures in the District while increasing the number of residential dwelling units.

11.2.3 Rural Residential/Agricultural, Commercial, and Industrial Districts

It shall be the goal of the Town to preserve the existing character of the Residential Agricultural, Commercial and Industrial Districts to the extent reasonably possible by maintaining the existing types of residential and other structures in the Districts while increasing the number of residential dwelling units and encouraging economic development in the Town.

11.3. New parking demand

11.3.1 All parking demand created by new structures or uses, including the redevelopment, renovation or reconstruction of deteriorating or destroyed buildings, additions to existing structures or uses and change of use in existing structures shall be accommodated on the premises entirely off street (even if the proposed changes are permitted as of right under other sections of this Zoning Bylaw). Normally this will require:

11.3.1.1 Residential: two (2) parking spaces per each new dwelling unit which contains two (2) or more separate bedrooms and one (1) parking space for each new dwelling unit which contains only one bedroom or is a "studio apartment"; provided, however, that this paragraph shall not apply to congregate housing as defined in Section 2 of these Zoning Bylaws.

11.3.1.2 Bed & Breakfasts, Hotels, Inns, Lodging Houses, and Motels: one (1) parking space for each new guest unit, three (3) spaces for each new two hundred (200) square feet of floor area available for meetings and functions, and one (1) space for each four (4) employees on the largest shift.

11.3.1.3 Commercial, Industrial, and Retail: One space for each new three hundred (300) square feet of floor area up to fifty thousand (50,000) square feet plus one (1) space for each new six

hundred (600) square feet thereafter; provided, however, the no additional parking shall be required with respect to new structures or uses, additions to existing structures or uses, change of use in existing structures, or the redevelopment of existing, deteriorating, or destroyed buildings, in the Village Commercial district.

11.3.1.4 Congregate Housing: One (1) space per new residential bedroom and one (1) space for each employee on the largest shift.

11.4 Exceptions to Normal Parking Requirements:

11.4.1 The Zoning Board of Appeals (“ZBA”) shall have the authority to modify the normal parking requirements as appropriate to facilitate and implement the general policies set forth in Sections 11.1 and 11.2, above, while providing for the parking requirements of each District as they evolve over time.

11.4.2 The ZBA may, based on a written application, waive or modify the requirements of this Section 11, in part or in its entirety, even to the point of requiring no new parking, if it is determined that to do so is in the public interest because it best implements the general policies set forth in Section 11.3.1. and does not substantially derogate from the intent or purpose of this by-law. This decision may be based on one or more of the following factors:

11.4.2.1 The proximity to available public or private, on or off street, parking areas for separate uses having peak demands occurring at different times;

11.4.2.2 The characteristics of occupants which reduce their automobile usage;

11.4.2.3 The peculiarities of the new use or structure which make usual measures of parking demand invalid;

11.4.2.4 The amount of onsite parking which existed on the lot prior to the creation of the new structures or uses, additions to existing structures or uses and change of use in existing structures;

11.4.2.5 No other land is available as a practical matter for parking purposes on the site.

11.4.2.6 Public safety will not be compromised.

11.4.2.7 Reasonable alternative designs which might meet the intent of the normal requirements have been examined and found unacceptable.

11.4.2.8 Adverse impacts on the abutters or the character of the neighborhood have been mitigated to the extent reasonably possible.

11.4.2.9 Any existing parking spaces may not be eliminated without replacement on the same site.

11.5 General Requirements for Parking Areas

11.5.1 No off-street parking area shall be maintained within a sidewalk or, if there is no sidewalk within five (5) feet of a street line.

11.5.2 For parking areas of six (6) cars or more the following shall apply:

11.5.2.1 their use shall not require backing onto a public way

11.5.2.2 there shall not be more than one (1) entrance and one (1) exit from such lots per three hundred (300) feet of street frontage or fraction thereof. If necessary to meet this requirement, user shall arrange for shared egress;

11.5.2.3 such lots shall be screened from any abutting residential use by densely planted shrubs; and

11.5.2.3 egress likely to be used more than five hundred (500) times per day (serving more than one hundred fifty (150) dwelling units or two hundred (200) employees or one hundred (100) restaurant seats or two (2) gas pumps) shall provide three hundred (300) feet visibility in each travel direction on a secondary or minor street and six hundred (600) feet visibility on an major street, as defined in Section 2 of this Zoning Bylaw.

Article 40. To see if the Town will **vote to amend the Town's Zoning Bylaw by adding a new Section 22, TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**, that would provide as follows, or take any action relative thereto.

Section 22 Temporary Moratorium Recreational Marijuana Establishments

22.1 Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating, the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as-amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined, in G:L. c. 94G §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town of Shelburne needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State's regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana. Shelburne intends to adopt a temporary moratorium on the use of land and structures in Shelburne for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in Shelburne and to enact bylaws in a consistent manner.

22.2 Definition

"Recreational Marijuana Establishment" shall mean a "marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

22.3 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, Shelburne hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through June 30, 2018 or until such time as Shelburne adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in Shelburne, and to consider the Cannabis Control Commission's regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

Article #41 To see if the Town will **vote to adopt the following new “Section 21.0 Siting Large Scale Industrial & Commercial Facilities” and amend “Section 4.3 Table of Use Regulations”** as follows, or take any action relative thereto:

21.1.0 PURPOSE

The purpose of this Bylaw is to provide for the public health, welfare, and safety of the residents of the Town of Shelburne (the “Town”) through implementation of regulations and performance standards for noise, earth removal, and other related disturbances associated with the construction or operation of large scale industrial and commercial facilities including natural gas transmission pipelines and appurtenant facilities (e.g. compressor, metering and venting stations), wind facilities, mining operations and other large scale manufacturing or commercial facilities. This bylaw is adopted pursuant to the authority granted to towns pursuant to M.G.L Chapter 40; Section 21 and large scale industrial or commercial facilities also subject to all the requirements of the Town's Bylaws to the maximum extent permitted by law. The purpose of the Bylaw is to:

- a. Reduce adverse environmental impacts from the construction and operations of large scale industrial and commercial facilities;
- b. Minimize noise, earth removal and related disturbance impacts to surrounding residential properties, businesses, and municipal and institutional facilities;
- c. Preserve the pre-existing character of neighborhoods, especially in rural areas and on agricultural lands adjacent to large scale industrial and commercial facilities;
- d. Avoid exposing residents and public and private property to risk of injury or damage;
- e. Minimize accidental damage to facilities due to man-made events or natural forces such as severe weather events; and
- f. Ensure the construction and operations are in compliance with local, State and Federal requirements.

Application and study requirements required by this Bylaw are in addition to and should be coordinated with any requirements of the local Town Bylaws or Subdivision regulations.

21.2.0 DEFINITIONS

Large Scale Industrial and Commercial Facility (LSICF)-- A large-scale industrial or commercial facility is defined as any facility, including any associated facilities, which is subject to the Massachusetts Environmental Policy Act (MEPA) and/or require the preparation of a Federal Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (N EPA).

Appurtenant Facilities (ASEF) – Any structure, equipment, or other facilities (e.g. parking, access roads or staging areas) associated with the construction, operation or maintenance of the LSICF.

Applicant -- Owner and/or Operator of the LSICF and/or ASEFs.

Special Permit Granting Authority – The SPGA shall be responsible for issuing a Special Permit to construct or operate a LSICF and/or ASEF if it determines that such facility is in compliance with this Bylaw. The SPGA for a LSICF or ASEF will be the Zoning Board of Appeals.

High on-site populations -- retirement housing; assisted living facilities; congregate living facilities; convalescent services; parks, detention facilities; day care services (commercial); hospitals; medical offices exceeding 5,000 sq. ft. of gross floor area; and educational facilities (public or private) that pose a public safety concern due to the characteristics of the occupants, development, or site that would make evacuation difficult in the event of an emergency.

21.3.0 APPLICABILITY

21.3.1 This article applies to all LSICF and ASEFs that are proposed to be permitted or constructed after the effective date of the article, and to any project that would:

- a. directly alter 50 or more acres of land unless such project is consistent with an approved conservation farm plan or forest cutting plan or other generally accepted agricultural or forestry practice;
- b. Create 10 or more acres of impervious surface.

21.3.2 All existing LSICF and ASEFs constructed prior to the adoption of this article shall not be required to meet the requirements of this article, provided that any modification to an existing LSICF or ASEF that occurs after the effective date of this article and materially alters the size, type, location, or operation of the LSICF or ASEF shall require compliance with this Bylaw, as determined by the ZBA

21.3.3 If any part or provision of this Bylaw or the application thereof to any person or business is adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision of this Bylaw judged invalid and shall not affect or impair the validity of the remainder of this Bylaw, or the application thereof to other persons, businesses or circumstances.

21.3.4 An applicant for a proposed LSICF must seek a Special Permit from the SPGA as described in Section 6 and Section 21.6 of this bylaw. The ZBA will identify any deficiencies or insufficient information needed to determine compliance. Applicant may not proceed with the construction or operation of the LSICF or ASEFs until compliance with the all requirements of this Bylaw has been achieved and a Special Permit has been issued by the ZBA.

21.3.5 No LSICF or ASEF facility shall be constructed, installed or modified as provided in this section without first obtaining a building permit and paying any required fees.

21.3.6 Each application for a Special Permit shall be filed by the applicant with the Town Clerk pursuant to Section 9 of Chapter 40A of the Massachusetts General Law and in accordance with the “Town of Shelburne: Special Permit or Variance or other Zoning Relief Overview and Instruction for Filing.” A complete Special Permit application to the ZBA is required. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

21.4.0 COMPLIANCE WITH BYLAW

21.4.1 LSICF and ASEF facilities may only be constructed within industrial zones as defined by the Zoning Bylaws of the Town of Shelburne. No LSICF or ASEFs shall be constructed or operated within the Town unless such facilities can meet all the requirements of this Bylaw and the requirements of the Town Bylaws of the Town of Shelburne. Compliance with this Bylaw shall be determined by SPGA, based upon an application and any independent studies the SPGA may require. In order to determine compliance, the ZBA may require independent noise or engineering studies, air and water quality testing, or other tests or studies to be paid for by the Applicant in accordance with this Bylaw.

21.4.2 The application for a LSICF and ASEFs shall be accompanied by a fee as established by ZBA.

21.4.3 Any modification to an existing LSICF or ASEFs that materially alters its size, type, location, or operation shall require a new Application and must meet all requirements of this Bylaw. Like-kind replacements shall not require a new Application if so determined by the ZBA.

21.4.4 If the ZBA finds the applicant is in conformance with this Bylaw, they may issue a Special Permit to allow the applicant to proceed with construction. Such Special Permit expires 2 (two) years from date of issue.

21.4.5 Once construction is complete, if the ZBA finds the applicant is in conformance with this Bylaw, they may issue a Certificate of Compliance for Operation. Such Certificate of Compliance to Operate a LSICF or ASEF shall have a term of two years, at which time it must be renewed if the applicant wishes to continue operations.

21.5.0 PRE-APPLICATION CONFERENCES

21.5.1 The Applicant (“Owner/Operator”) is strongly encouraged to meet with the staff or municipal officials of the Town to determine the requirements of and the procedural steps and requirements of the Application. The intent of this process is for the Applicant to obtain necessary information and guidance before entering into any commitments or incurring substantial expenses with regard to the site and Application.

21.5.2 The pre-application conference is intended for the benefit of the Applicant in order to address the required submittals and is advisory only and shall not bind the Town/Municipality.

21.6.0 APPLICATION

Any application for a LSICF or ASEFs shall contain all items listed in the ZBA regulations and the following:

21.6.1 A narrative describing an overview of the project, including the number of acres to be involved and the location, number and description of the planned facilities, including staging and storage areas and other locations needed during the construction, operation or maintenance of the LSICF and ASEFs.

21.6.2 GIS mapping, in paper and digital versions, at an appropriate scale of the proposed location of the LSICF and ASEFs for the purpose of identifying properties that may be impacted by noise, earth removal or other related disturbances and to inform the Fire Chief, Police Chief, Emergency Management Director, Highway Superintendent and other emergency responders. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation of personnel and/or development and use of the site. Such location shall be configured to allow the normal flow of traffic on public streets to be undisturbed.

21.6.3 The contact information of the Applicant (Owner/Operator) and if different the organization and individuals responsible for the construction, operation and maintenance of the LSICF and ASEFs shall be provided to the ZBA and all emergency responders. Such information shall include a phone number where such individual or individuals can be contacted 24 hours per day, 365 days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the ZBA and all emergency providers.

21.6.4 A certification or evidence satisfactory to the municipality that, prior to the commencement of any activity related to the LSICF or ASEFs, the Applicant (Owner/Operator) shall have accepted and complied with any applicable bonding or permitting requirements. Bonding shall be required to ensure repair by the applicant of any damage to municipal property including but not limited to roads, culverts, bridges, water or sewer facilities, cemeteries, buildings and to any private property including damage to

residential or business structures, private roads, private water wells, septic systems, and landscaping caused by the construction, operation or maintenance of the LSICF and ASEFs.

21.6.5 A description of and commitment to maintain safeguards that shall be taken by the Applicant (Owner/Operator) and its agents to ensure that the municipality's streets and property utilized by the Applicant (Owner/Operator) shall remain free of dirt, mud and debris resulting from construction, operation or maintenance activities and the Applicant's assurance that such streets or property will be promptly repaired, swept or cleaned if damage, dirt, mud and debris occur as a result of Applicant's (Owner's/Operator's) usage, with guaranties that meet the requirements of §13.0 of this article.

21.6.6 Verification that a copy of the applicant's (Owner/Operator's) "Operation's Preparedness, Prevention and Contingency Plan" for public health and safety has been provided to the ZBA, Select Board and all emergency responders, including a statement that the Applicant/Owner, upon changes occurring to the Operation's Preparedness, Prevention and Contingency Plan, will provide to the municipality and all emergency responders a revised copy marked with the revision date.

21.6.7 Assurance that, at least 30 days prior to the commencement of any construction activities, the applicant (Owner/Operator) shall provide an appropriate site orientation and training course of the Operation's Preparedness, Prevention and Contingency Plan for all emergency responders. The cost and expense of the orientation and training shall be the sole responsibility of the applicant. The Applicant or Owner/Operator shall be required to hold at least one site orientation and training course every six months under this section unless such requirement is waived by the ZBA in their sole discretion.

21.6.8 A copy of the documents submitted to the Massachusetts Department of Environmental Protection (MassDEP) and a Community and Environmental Impact Analysis meeting the requirements set forth in §7.0 of this article.

21.6.9 A copy of all permits and plans from appropriate Federal, State, and/or local regulatory agencies or authorities issued in accordance with all environmental requirements and regulations.

21.6.10 A copy of all permits and plans from the appropriate Federal, State, and/or local regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.

21.6.11 A traffic impact study and roadway maintenance and repair agreement meeting the requirements set forth in §21.10.0 of this Bylaw.

21.6.12 Assurance that before the commencement of any construction, operation, maintenance or emergency activities that potentially pose a nuisance or public health or safety concern to residents and businesses, information shall be provided to residents and businesses per the requirements in §21.9.0 of this Bylaw.

21.6.13 Certification that private freshwater well testing will be completed in compliance with §21.11.0 of this article.

21.6.14 Submission of a Water Withdrawal and Discharge Plan identifying the source of the water, how many gallons will be used and withdrawn each day, the origination of the water, proposed truck routes, and all permits issued by the Commonwealth or any other governmental body. The method for the treatment and disposal of the water shall also be identified, including proposed treatment, gallons per day, disposal methods and site.

21.6.15 Submission of a Hazardous Materials Management Plan that includes a complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use. For those activities using or storing such hazardous materials, a Hazardous Materials Management Plan shall be prepared and filed with the Fire Chief, Police Chief, Emergency Management Director and the Board of Health. The Plan shall include: provisions to protect against the discharge of hazardous materials or wastes to the environment due

to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures; provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces; evidence of compliance with the Massachusetts Hazardous Waste Management Act 310 CMR 30, including obtaining an EPA identification number from the Massachusetts Department of Environmental Protection; and proposed down-gradient location(s) for groundwater monitoring well(s), should the ZBA or Board of Health deem the activity a potential groundwater threat.

21.6.16 Submission of a Storm water Management, Erosion and Restoration Plan to the ZBA and Conservation Commission prior to the commencement of any construction, operation or maintenance activities. The clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the LSICF and ASEFs.

Revegetation shall be provided for restoration areas required for construction but not necessary for ongoing maintenance or operations. Only native species typically found in the facility's environment may be used for restoration. Storm water management shall meet all MDEP requirements and shall follow MDEP's Best Management Practices.

21.7.0 COMMUNITY AND ENVIRONMENTAL IMPACT ANALYSIS

21.7.1 A Community and Environmental Impact Analysis Statement shall be submitted to the ZBA to determine compliance with the requirements of this Bylaw and shall be drafted by a qualified environmental engineering consultant selected by the ZBA and whose fee is paid by the applicant. The purpose of the statement is to determine the impact of the project on the environment of the existing site and the resultant changes the proposal will have on the site and surrounding area. This information will assist the Town/Municipality to determine if the LSICF and ASEFs can meet the requirements of this Bylaw. At a minimum, the statement shall provide the following information:

- a. A description of the proposed development, its purpose, a schedule of construction and length of operation. This information and technical data must be sufficient to allow a thorough assessment of the proposed LSICF and ASEFs impacts on municipal services, environmental resources and public health and safety during construction and operation.
- b. A comprehensive description of baseline environmental conditions including but not limited ambient noise levels, air and water quality, storm water and drainage patterns before any activities associated with the development occur.

21.7.2 A description of the environmental impacts of the proposed development both during and after complete build out of the proposed development. This description should focus on the environmental resources most likely to be affected by the development proposal and on the broader regional aspects of the environment impacts, including ecological inter-relationships. These impacts shall be defined as direct or indirect changes in the existing environment and as either beneficial or detrimental. Whenever possible, these impacts should be quantified. This discussion should include the impact not only upon the natural environment but upon land use as well.

21.7.3 Provide a separate analysis of all potential hazard impacts and hazard areas that could be caused by man-made accidents and natural hazards (flooding, hurricanes, earthquakes, tornadoes, snow/ice storms) and their probabilities and risks, with supporting statistics developed by an analysis of similar LSICF and SEF's in comparable locations.

21.7.4 A discussion of measures which are required by federal, state or local regulations to protect or mitigate impacts upon the environment, including any associated research or monitoring. Include sufficient documentation and supporting material to demonstrate that the proposed measures will function as expected.

21.7.5 A discussion of the unavoidable adverse impacts described in Subsections 7.2 and 7.3 — both the short-term impacts (i.e., those occurring during build out of the LSICF and SEF's), the long-term impacts, and the cumulative impacts to the environment. Particular attention should be paid to the LSICF and SEF's relationship to trends of other LSICF or SEF's developments (i.e., cumulative noise or air quality degradation posed by other industrial or commercial development).

21.7.6 Hydrologic analysis and information, including, but not limited to, a description, inventory, analysis and evaluation of the existing groundwater conditions and mapping of surficial geology. This analysis must be focused in terms of both surface water and groundwater quality and quantity; a discussion of likely and possible changes to these resources; and a discussion of measures to reduce or mitigate the identified impacts. Included in the analysis should be an analysis of potential impacts on residents and businesses that rely on private well water within 750 feet of the proposed LSICF and ASEFs (see Section §21.11.0).

21.7.7 Odor, vapors or particulate matter produced by construction or operation of the LSICF or ASEF's shall not exceed federal or state air quality standards. Applicant shall identify all hazardous pollutants that will be emitted that affect air quality that are regulated by MassDEP or the EPA. Applicant shall provide assurance that air quality testing will be conducted on a daily, weekly or more frequent basis at any LSICF or ASEF emission location including Compressor Stations, Metering Stations or Venting Stations located in the Town during the construction or operation of the facility to protect public health and safety. An ambient air quality monitoring station(s) shall be installed at least a year prior to the construction and operation of the LSICF or SEF's in order to establish baseline conditions. Such monitoring stations shall be installed on site and within one-half mile down wind of the site in the direction of the prevailing wind. Air quality reports should be provided to Town and State officials at minimum on a monthly basis during construction and operation.

21.7.8 The express standards and conditions referenced herein shall be addressed by the Applicant (Owner/Operator) and submitted with the Application. An escrow account for the review by professional consultants pursuant to M.G.L. Chapter 44, Sec. 53G shall be established by the Applicant (Owner/Operator) in the initial amount of \$100,000 or such other amount as the ZBA may determine. The escrow account shall be maintained following final approval of the Application to provide for inspections in accordance with §8.0 herein.

21.8.0 PROFESSIONAL CONSULTANTS

The ZBA may employ a professional consultant or consultants of its choice to conduct peer reviews of the proposal in accordance with M.G.L. Chapter 44, Sec. 53G, at the expense of the Applicant (Owner/Operator).

21.8.1 The function of the peer review consultant(s) shall be to advise, counsel, represent and/or aid the ZBA in ensuring compliance with this Bylaw and any other applicable municipal codes on such matters relating to the construction or operations of LSICF and ASEFs.

21.8.2 During the construction, operation, maintenance, decommissioning or reclamation activities associated with the LSICF and ASEFs, the ZBA shall require, at the expense of the applicant (Owner/Operator), the services of an independent on-site inspector chosen by the ZBA with proven background and experience in the type of LSICF and ASEFs proposed to be constructed, whose role will include but not be limited to the following:

- a. Review of all applications for construction or operation of the LSICF and ASEF.
- b. Inspection of site during key phases of development and ongoing operation.
- c. Inspection of LSICF or ASEFs upon receipt of a complaint.
- d. Communication with appropriate municipal personnel if the inspector believes the Applicant,

owner/operator or contractor is violating a municipal code addressed in this Bylaw or another bylaw of the municipality or any other State or Federal law or regulation.

- e. Authority to request and receive any records, logs, reports relating to the status or condition of the LSICF and ASEFs needed to determine compliance with this Bylaw.
- f. In the event a professional peer review consultant or on-site independent inspector is employed for the purpose of advising, counseling or representing the ZBA relative to ensuring compliance with this Bylaw, the cost for such services of the professional consultant shall be assessed against and paid for by the Applicant or Owner/Operator of the LSICF or ASEF in addition to any other consulting fees or charges assessed pursuant to this Bylaw.

21.9.0 INFORMATION PROVIDED TO RESIDENTS AND MUNICIPAL OFFICIALS

21.9.1 A GIS map of the location of the LSICF and ASEFs and a copy of the plans prepared by a professional engineer or land surveyor licensed in the Commonwealth of Massachusetts showing the proposed location of all construction activity including equipment and structures and all permanent improvements for the LSICF or ASEFs including any post-construction surface disturbance in relation to natural resources and public or private property in the surrounding area. Following the construction of the LSICF and ASEFs, "as-built" drawings based on surveys completed by a professional surveyor and stamped by a Professional Engineer shall be provided to the ZBA, Select Board, Fire Chief, Police Chief, Emergency Management Director and Highway Superintendent. Both large scale paper copies and digital versions shall be provided at an appropriate scale.

21.9.2 A general description of the planned operations at the LSICF and ASEFs.

21.9.3 The contact information for the construction manager and/or owner/operator of the LSICF and ASEFs including contact information for a 24 hour/7 day a week emergency contact.

21.9.4 The availability of the construction manager and/or owner/operator to hold a meeting with residents and municipal officials to allow for questions and answers. The meeting(s) shall be held at least three months prior to the start of construction.

21.9.5 Applicant (Owner/Operator) will identify any aspect of construction or operations of the LSICF or ASEFs that will cause a disturbance such as noise, vibration, air or water pollution, erosion, etc. Applicant (Owner/Operator) will certify that it will provide notice of any planned blasting, venting of gas or release of other hazardous materials at least 2 weeks in advance. Any venting of gas or release of other hazardous materials, erosion, or other disturbance created as a result of an emergency shall be reported immediately through phone calls to the appropriate town officials: ZBA, Board of Selectmen, Board of Health, Emergency Management Director, Fire Chief, and Chief of Police.

21.10. ROAD USE AND CONSTRUCTION SITE ACCESS

The applicant, owner/operator shall provide a traffic impact study or description of the plan for transportation and delivery of equipment, machinery, water, chemicals, products, materials, water products and other items that may be utilized or produced in the siting, construction, completion, alteration or operation of the LSICF and ASEFs and maintenance after construction is completed. Such description shall include the following:

21.10.1 A map showing the planned vehicular access route to the development, indicating all private access roads, all state, county and local roads, bridges and other transportation infrastructure that may be used, and the type, weight, size, number of trucks, and delivery schedule necessary to support each phase of the development and operation.

21.10.2 A list of all trucking contractors or employees of the Applicant (Owner/Operator) who will travel to and from the development site with evidence of required registrations, licenses and insurance coverage.

21.10.3 The proposed routes must be designed to ensure adequate capacity for existing and projected traffic volumes, allow for efficient movement of traffic, including appropriate turning radii and transition grade, and minimize hazards to users of public roads as well as adjacent property and human activity.

21.10.4 To the maximum extent feasible, vehicle access to any construction or staging area should be an arterial or collector street.

21.10.5 Use of streets serving exclusively residential neighborhoods is prohibited.

a. The use of roads designated by the Town as “scenic roads” shall be prohibited.

21.10.6 The ZBA reserves the right to designate alternate routes in the event the Applicant's proposed routes are deemed inadequate, unsafe or overly disruptive to normal vehicular traffic by a Massachusetts registered professional engineer working on behalf of the ZBA.

21.10.7 The ZBA also reserves the right to reduce speed limits on areas of roads that may present public safety hazards for trucks hauling construction materials.

21.10.8 The Applicant and owner/ operator of the LSICF and SEF’s shall execute a roadway maintenance and repair agreement with the Town and post a bond in a form acceptable to the ZBA and its Town Counsel prior to beginning any work on the LSICF or ASEFs (see §21.13.0 of this Bylaw).

21.10.9 The roadway maintenance and repair agreement shall require the applicant and owner/ operator to conduct an inventory, analysis and evaluation of existing conditions on Town roads, culverts and bridges along the proposed transportation route, including photography, video and core boring prior to use. The roadway maintenance and repair agreement will identify the responsibilities of the Applicant and Owner/Operator to prepare, maintain or repair Town roads, culverts or bridges before, during and immediately after construction and during operation of the LSICF and ASEF. The operator shall take all necessary corrective action and measures as directed by the ZBA pursuant to the agreement.

21.10.10 Beginning with its intersection with a public street, any access road for the LSICF or ASEFs shall be improved in accordance with ZBA or Conservation Commission requirements to prevent water pollution, soil erosion, introduction of invasive species in fill or damage to roads. No water, sediment or debris shall be carried off-site onto any public or private property. If any substantial amount of mud, dirt or other debris is carried onto public or private property from the development site of the LSICF or ASEFs, the applicant, owner/operator shall immediately stop work, clean the mud, dirt or debris and implement a remedial plan as directed by the ZBA to manage storm water and prevent runoff of mud, dirt or other debris onto public or private property including roads, wetlands and surface waters.

21.10.11 All-weather access roads suitable to handle emergency equipment shall be provided and maintained in accordance with the directions of the ZBA in consultation with the Fire Chief, Police Chief, Emergency Management Director and the Conservation Commission.

21.10.12 The applicant, owner/operator shall take necessary safeguards to ensure appropriate dust control measures are in place.

21.10.13 All applicable permits or approvals must be obtained, including access or driveway permits, to State, county or local roads, construction permits within state, county or local roads, and permits for overweight or oversize loads. Access directly to State roads shall require MassDOT highway occupancy permits for overweight vehicles. The ZBA shall be provided a copy of this and all other applicable permits or approvals.

21.10.14 A suitable off-street area within the development site for vehicles to stand while gaining access to and from the LSICF and ASEF development site shall be provided so that the normal flow of traffic on public or private streets is undisturbed. Vehicles shall not stand idle with engine running on-site or in queue more than 10 minutes. Ingress and egress points to the development site from any public road shall be located and improved in order to meet the requirements of the 2006 MassDOT Project Development and Design Guide.* Private roads, easements, and driveways may not be used for access to the LSICF and ASEF development site unless written permission from the property owner is obtained and provided to the ZBA prior to construction. (*See:

<https://www.massdot.state.ma.us/highway/DoingBusinessWithUs/ManualsPublicationsForms/ProjectDevelopmentDesignGuide.aspx>)

21.10.15 The applicant owner/ operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associated with the development, the operator will provide flagmen to ensure the public safety and shall include adequate signs and/or other warning measures for truck traffic and vehicular traffic.

21.11.0 PRIVATE FRESH WATER WELL TESTING

The Applicant and Owner/Operator of a LSICF and/or ASEFs shall provide the ZBA and Board of Health with the results of a pre-construction and post-construction water analysis and flow rate for each existing freshwater well within 750 feet of the LSICF and/or ASEFs ne. (MADEP Interim Wellhead Protection Area default radius for non-community sources for non-transient wells (NTNC).) If surficial geology warrants a greater testing area, the Board of Health can direct the Applicant and Owner/Operator to conduct testing for additional wells within the larger area. The tests shall conform to the following requirements:

21.11.1 Water samples must be collected and analyzed utilizing proper sampling and laboratory protocol from an independent MassDEP certified water testing laboratory.

21.11.2 Well samples shall be analyzed and flow rates (gpm) determined prior to any construction activity to document baseline water quality data and flow rates of the well especially before any planned blasting.

21.11.3 A post-construction sample analysis shall be submitted for water quality testing by the applicant, owner/operator within three months after construction is completed for wells within 750 feet. Wells within 300 feet of the facility or associated structures shall be tested on an annual basis throughout the life of the facility with the results provided to the property owner with a copy to the local Board of Health. If surficial geology warrants a greater testing area, the Board of Health can direct the Applicant and Operator to conduct testing for additional wells within the larger area on an annual basis.

21.11.4 Parameters to be tested for include, but are not limited to, methane, chloride, sodium, TDS, pH, arsenic, barium and strontium, and a subgroup of the volatile organic chemicals (VOCs) called BTEX (benzene, toluene, etc.).

21.11.5 If it is found that a freshwater well is no longer in use and without possibility of future use or if the freshwater well owner objects to having the well water tested, the owner of the freshwater well may waive the right to have the applicant, owner/operator test the water. In such instance, the well owner shall execute an agreement releasing and holding harmless the Town, its officers and its employees from any damages.

21.11.6 If the results of the pre-construction and post-construction sample analyses indicate that well water contamination has occurred or flow rates have been reduced, the owner of the well shall have the right to file a complaint against the Applicant, Owner/Operator with the regional MassDEP office with a copy to the Town Board of Health. The Applicant, Owner and Operator shall be required to conduct

clean-up activities or repair or replace the well affected. If clean-up activities are conducted, the well shall be tested monthly for the contaminants listed in §21.11.4 for a 24-month period to ensure that the clean-up has been properly completed. The well(s) shall be tested annually thereafter.

21.12.0 DESIGN AND INSTALLATION

21.12.1 Access.

- a. Unless permission is granted by the ZBA, no LSICF or ASEF construction or operations site shall have access solely through a local street. To the maximum extent feasible, access to the LSICF and ASEFs shall be from an arterial or collector street.
- b. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.

21.12.2 Structure height.

- a. Permanent structures including transmission and air quality monitoring towers associated with the LSICF and ASEFs shall comply with the height regulations for the zoning district in which the LSICF or ASEF is located.
- b. There shall be an exemption to the height restrictions contained in this section for the temporary placement of construction equipment necessary for the construction of a LSICF or ASEFs. The duration of such exemption shall not exceed the actual time period of construction or reconstruction of the LSICF or ASEF.
 - 1) The time period of such construction and exemption shall not exceed six months.
 - 2) The applicant, owner/operator shall give the ZBA prior written notice of at least 30 days before the beginning date for its exercise of the exemption.

21.12.3 Setbacks. Surface land uses affiliated with the LSICF or ASEF and all supporting equipment and structures shall be setback a minimum of seven hundred and fifty (750) feet from residential buildings and all commercial, industrial and institutional uses or a minimum of five hundred (500) feet from the nearest lot line, whichever is greater. Setbacks in areas of "High On-site Populations" shall be increased to ¼ mile (1,320 feet). The ZBA shall determine whether setbacks should be increased beyond ¼ mile if the area that could be impacted in the event of an accident at the LSICF or ASEF, is greater than ¼ mile. High On-site Populations⁴ are defined in the footnote below. Property owners of existing or proposed residential or commercial development that cannot comply with the setback requirements may request a waiver from the ZBA for this requirement.

21.12.4 Screening and fencing. The applicant, owner/operator shall provide a plan prepared by a registered Landscape Architect licensed in Massachusetts showing landscaping proposed to be installed to screen and buffer surface land uses affiliated with the LSICF and ASEFs. The landscape plan shall incorporate the use of native vegetation, including evergreens, shrubbery and trees, which shall be of sufficient density to screen the facility. Security gates and fencing as appropriate to ensure public safety shall be installed after consultation with the SPGA, Select Board, Fire Chief, Police Chief and Emergency Management Director with openings no less than 12 feet wide. Any fence installed shall be surrounded by native vegetation to provide screening. Existing vegetation in proximity to LSICF and ASEFs shall be preserved to the greatest extent possible.

21.12.5 Lighting. No LSICF and ASEFs shall be artificially lighted except as required for emergency night time access. Any such lights shall be full-cutoff down lighting and shall be shielded so as to prevent intrusion upon nearby properties.

21.12.6 Noise. The Applicant and Owner/Operator shall take the following steps to minimize, to the extent possible, noise resulting from construction or operation of the LSICF and ASEFs:

- a. Prior to the construction or operation of a LSICF and ASEFs, the Applicant, Owner/Operator shall identify ambient noise levels at the nearest property line of a residence and any public building, school, medical, emergency or other High On-site Population location or at 300 feet from the nearest residence or public building, medical, emergency or other High On-site Population location, whichever point is closer to the LSICF or ASEF. For linear facilities such as pipelines ambient noise level shall be measure at a minimum every ¼ mile along the proposed route. “Ambient” is defined as the background -weighted sound level that is exceeded 90% of the time measured during the quietest part of the day or night. All testing required by this Bylaw shall be done by a qualified licensed professional acoustical engineer selected by the ZBA and paid for by the Applicant, Owner/Operator. All testing shall be done in accordance with the professional standards of the appropriate accrediting agencies and the sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and associated recording and analyzing equipment. The ZBA may have the results of the noise testing “peer reviewed” in accordance with §8.0 of this Bylaw.
- b. The Applicant, Owner/Operator shall provide the ZBA and Board of Health documentation of the established ambient noise level prior to starting construction of a LSICF or ASEF.
- c. The noise generated during the LSICF or ASEF construction or operation shall comply with the provisions of the Massachusetts Department of Environmental Protection’s, Division of Air Quality Noise Regulations (310 CMR 7.10), as amended, and shall not exceed the average ambient noise level by more than 5 (five) dB(A).
- d. A source of sound will be considered in violation of this Bylaw if the source:
 - 1) increases the broadband sound level by more than 5 dB(A) above ambient pre-construction noise levels during construction activities and subsequent operations or increases the broadband sound level by more than 5dB(C) above the pre-construction ambient noise level during construction activities and subsequent operations; or
 - 2) produces a “pure tone” condition, when an octave band center frequency sound pressure level exceeds the two (2) adjacent center frequency sound pressure levels by three (3) decibels or more; or
 - 3) results in sound or noise levels greater than 40 dB(A) during the day or 30 dB(A) at night (typical range 30-40 dB(A) for rural or quiet residential areas); or
 - 4) results in excessive low frequency noise or vibrations
 - 5) Need standards on ground vibration and electromagnetic emanations
- e. Exemption from the standards established in this subsection may be granted by the ZBA during the construction stages of a LSICF or ASEF development for cause shown and upon written agreement between the applicant and the ZBA. However, any such exceedances of the noise standards shall not be allowed between 7:00 p.m. and 7:00 a.m.
- f. Complaints received by the Town shall be addressed by the Applicant and Owner/Operator of the LSICF or ASEF within 24 hours following receipt of notification by continuously monitoring for a period of 48 hours at the nearest property line to the complainant's residential or public building or 100 feet from the complainant's residential or public building, school, medical, emergency or other High On-site Population location public facilities, whichever is closer. The Applicant and Owner/Operator shall report the findings to the ZBA and Board of Health and shall mitigate the problem to the allowable level if the noise level exceeds the allowable standard.
- g. LSICF and ASEFs shall be constructed and operated to mitigate sound levels and shall install devices or use other equipment to mitigate sound levels to ensure that the noise level standards at residential or public buildings, medical, emergency or High On-site Population locations are not exceeded.

21.12.7 Hours of operation. Except for emergency operations, hours of construction activities or operation at a LSICF or ASEFs are limited to Monday through Friday, 7:00 a.m. to 7:00 p.m. and not permitted on weekends or legal holidays. Truck traffic related to the construction or operations of the LSICF or ASEFs shall be allowed only during these hours of operation. Exemption from the standards established in this subsection may be granted by the ZBA for cause shown and upon written agreement between the Applicant, Owner/Operator and the Town.

21.12.8 Reclamation/restoration of all disturbed areas.

- a. Reclamation shall be initiated as soon as weather and ground conditions permit after construction or re-construction of a LSICF or ASEFs, and reclamation shall be completed no more than six months after this point.
- b. Reclamation shall be carried out on all disturbed areas and achieve the following objectives:
 - 1) Final soil profiles shall be designed to equal or reduce soil erosion potentials over stable pre-operation conditions, and final land forms shall be stable;
 - 2) Preexisting visual character of site shall be restored or enhanced through planting of local or adaptive vegetation. Invasive species as defined by the Massachusetts Department of Environmental Engineering shall not be considered acceptable; and
 - 3) Disturbance of soil cover shall be minimized.
 - 4) Soil or fill used for site construction or reclamation shall be free of any invasive species

21.12.9 Prohibitions.

1. No LSICF or ASEF shall be allowed to be constructed or operated in the 100-year floodway designated as such in the Flood Insurance Study (FIS) and shown on the Federal Emergency Management Agency (FEMA) maps.
2. Construction or operation of a LSICF or ASEFs in the one-hundred-year floodplain is prohibited but may be permitted by the ZBA in its discretion if the following provisions are met:
 - (a) The Applicant, Owner/Operator must provide conclusive documentation that no other location is more appropriate for location of the LSICF or ASEF other than a location within the floodplain.
 - (b) An adequate emergency evacuation plan shall have been produced by the applicant, owner/operator and filed with the Town.
 - (c) No storage of chemicals shall be permitted within the 100-year floodplain. An exemption from this requirement may be granted by the ZBA, in consultation with the Board of Health, if the Applicant and Owner/Operator can show that such storage will not potentially cause any harm to property, persons or the environment in the case of a one-hundred-year flood, and further provides security to the Town ensuring the Applicant's and Owner/Operator's ability to remedy any damage or injury that may occur.
 - (d) Only necessary and needed structures will be permitted within the floodplain.
 - (e) All structures within the flood zone shall be designed to withstand a one-hundred year storm event.
 - (f) An engineer registered in Massachusetts and qualified to present such documentation that the LSICF or ASEF will not cause additional flooding on adjacent, upstream and/or downstream properties shall provide such documentation to the Town.

21.12.10 Emergency responders. Emergency responders shall be given means to access all LSICF and ASEFs in case of an emergency. Warning signs shall be placed on the security gates or fencing associated with the LSICF or ASEFs, providing notice of the potential dangers and the contact information in case of an emergency.

21.13.0 PERFORMANCE BOND, INSURANCE AND INDEMNITY

21.13.1 Performance Bond or Escrow Account. Prior to the ZBA issuance of a “Certificate of Compliance for Construction,” the Applicant, Owner/Operator shall submit to the Town a Performance Bond from a surety authorized to do business in the state to cover any damage to public or private property that occurs as a result of the construction of the LSICF and any SEF’s in an amount and for a term (e.g. construction period plus 2-3 years) determined by a professional engineer and acceptable to the Town. In addition, the Applicant, Owner/Operator shall provide a bond or establish an escrow account that will ensure that all testing and maintenance provisions required during the life of the LSCIF or ASEF facility are completed in accordance with this bylaw and any agreement with the ZBA related to the LSCIF and/or ASEF.

The bonds shall provide, but not be limited to, the following condition: there shall be recoverable by the Town, jointly and severally from the principal and surety, any and all damages, loss or costs suffered by the Town in connection with the Applicant's, Owner/Operator’s geophysical operations within the Town. The rights reserved to the Town with respect to the bond are in addition to all other rights of the Town, and no action, proceeding or exercise of a right with respect to such bond shall affect any other rights of the Town.

21.13.2 Insurance. Prior to conducting any operations hereunder, the Applicant, Owner/Operator and/or its contractors shall furnish a certificate of insurance to the ZBA showing the Town as an additional insured with respect to operations conducted within the Town and showing liability insurance covering commercial, personal injury, and general liability in amounts not less than \$10,000,000 per person, \$100,000,000 per occurrence, and \$100,000,000 property damage. The Applicant and/or Owner/Operator shall also provide-ZBA a certificate of insurance to the ZBA showing the Town as an additional insured under umbrella insurance with a minimum amount of \$500,000,000.

21.13.3 Indemnity. The applicant, owner/operator shall protect, indemnify, defend and hold the Town its officers, employees, agents and representatives harmless from and against all claims, demands and causes of action of every kind and character for injury to, or death of, any person or persons, damages, liabilities, losses and/or expenses, occurring or in any way incidental to, arising out of, or in connection with the Applicant, owner/operator or its contractors', agents', or representatives' construction or operation of the LSICF or ASEF, including attorneys' fees and any other costs and expenses incurred by the Town in defending against any such claims, demands and causes of action. Within 30 days of receipt of same, the Applicant and/or Owner/Operator shall notify the Town in writing, of each claim for injuries to or death of persons, or damages or losses to property occurring or in any way incidental to, arising out of, or in connection with the applicant’s or its contractors', agents', or representatives' operations conducted or associated with the LSICF or ASEFs. At the Town’s discretion, the Town may conduct an independent investigation, monitor, and review the processing of any such claim, to ensure that such claim is handled as required herein.

21.13.4 Notwithstanding anything contained herein to the contrary, construction and/or operation of the LSICF or ASEF is not allowed until a copy of all Bonds, Insurance Certificates, Agreements or Studies required by this Bylaw have been completed and provided to the ZBA and its Town Counsel. The Performance Bond and the Certificates of Insurance must also be filed with the Town Clerk and with the Franklin County Registry of Deeds.

21.14.0 REMOVAL REQUIREMENTS AND ABANDONMENT

21.14.1 Removal and Abandonment. Any LSICF or ASEF which has reached the end of its useful life or has been abandoned consistent with all provisions in Section 14.0 of this bylaw shall be removed. The Applicant, Owner and/or Operator shall physically remove the installation no more than 180 days after the date of discontinued operations. The Owner or Operator shall notify the ZBA by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- a. Physical removal of all LSICF or ASEF structures, equipment, security barriers and transmission lines from the site.
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The ZBA may allow the Applicant, Owner/Operator to leave landscaping or designated below-grade foundations or structures in order to minimize erosion and disruption to vegetation.
- d. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the LSICF or ASEF shall be considered abandoned when it fails to operate for more than one year without the written consent of the ZBA. If the owner or operator of the LSICF or ASEF fails to remove the installation in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning, the Town retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous or decommissioned LSICF or ASEF. The Applicant and Owner/Operator shall agree to allow entry to remove an abandoned or decommissioned installation. The Town's cost for the removal may be charged to the property owner in accordance with the provisions of M.G.L. 139.
- e. The Applicant, Owner/Operator of a LSICF or ASEF shall provide a form of surety, either through an escrow account, bond or other form of surety approved by the ZBA to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the ZBA, in consultation with a Professional Engineer and Town Counsel, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the Applicant and the Town. Such surety will not be required for municipal or state-owned facilities. The Applicant, Owner/Operator shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

21.15.0 ADMINISTRATION AND ENFORCEMENT

21.15.1 This bylaw shall be administered and enforced by the Building Inspector or other official as designated. The Building Inspector may enter any property for which a building permit has been issued under this bylaw to conduct an inspection to determine whether the conditions stated in the permit have been met. If the permit holder is found not to be in compliance, the Building Inspector may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the LSICF should they occur. The Building Inspector may request submittal of a mitigation plan outlining measures to address unforeseen adverse impacts. The LSICF shall cease to operate if found to not be in compliance with the requirements of the special permit, until such time as the Building Inspector has determined compliance.

21.15.2 Any applicant, owner/ operator or other person who violates or permits a violation of this Bylaw shall pay to the Town a fine of \$300 per violation per day plus all court costs, including, but not limited to, reasonable attorney's fees, incurred by the Town on account of such violation. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Town are hereby authorized to issue a cease and desist notice and/or to seek equitable relief, including injunction, to enforce compliance herewith.

21.15.3 The ZBA may waive strict compliance with the requirements set forth in this Section of the Bylaw when in its judgment the application for said waiver meets all of the following criteria 1) in the public interest, 2) not inconsistent with the intent of Section 21 of the Zoning Bylaw, and 3) is justified due to unusual circumstances relating to the lot, land, or the LSICF or ASEF. Any waiver request must be made in writing at the time of application with supporting documentation.

21.15.4 The provisions of this bylaw are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the bylaw.

Section 4.3 Table of Use Regulations:

Under “Industrial Uses” – insert “Large Scale Industrial & Commercial Facilities” allowed as follows:

| | | | | | |
|---|------------------|------------------|------------------|-----------------|-----------------|
| <u>Industrial Uses</u> | <u>RA</u> | <u>VR</u> | <u>VC</u> | <u>C</u> | <u>I</u> |
| Large Scale Industrial and Commercial Facilities and ASEF | N | N | N | N | SP |

Article 42. (Petition Article) To see if the Town of Shelburne **will petition the Massachusetts General Court for permission to amend Article 1 of the Shelburne Town By-Laws to include a definition of a “qualified voter” with the following language or something similar in content:**

Section 16. Any citizen sixteen years of age or older, so long as they are a resident of Shelburne at the time they register to vote and are otherwise eligible under all provisions beside age set for for voters in M.G.L. Chapter 51, Section 1, is a qualified voter of the town and is entitled to vote in all Town elections, participate and vote in all Town Meetings, participate in Town Caucus and sign all nominating, warrant and other petitions authorized by Town by-laws. Persons wishing to serve in elected positions must be registered voters of at least 18 years of age.

Article 43. To see if the Town **will vote to accept the addition of the Town of Rowe as a 7-12 member of the District effective July 1, 2018 by making the following amendments to the Mohawk Trail Regional Agreement (note: the amendments below are to be effective July 1, 2018):**

Strike the following language in the Preamble:

The agreement entered into pursuant to Chapter 71 of the General Laws, as amended, and as supplemented by Chapter 371 of the Acts of 1993, among the Towns of Ashfield, Buckland, Charlemont, Colrain, Hawley, Heath, Plainfield, and Shelburne, hereinafter sometimes referred to as member towns, is hereby further amended in its entirety to read as hereinafter set forth.

and replace said language with the following:

The Agreement entered into pursuant to Chapter 71 of the General Laws, as amended, and as supplemented by Chapter 371 of the Acts of 1993, among the Towns of Ashfield, Buckland, Charlemont, Colrain, Hawley, Heath, Plainfield, Shelburne, and Rowe (hereinafter sometimes referred to as member towns, is hereby further amended in its entirety to read as hereinafter set forth.

Strike the following language in Section I(A):

The powers and duties of the regional school district shall be vested in and exercised by a regional district school committee, hereafter sometimes referred to as the Committee. The Committee shall consist of sixteen (16) elected members, two (2) from each town. A member appointed by the Rowe School Committee would serve as a non-voting member of the Committee as described in Section IX (G) of this Agreement. Members shall serve until their respective successor members are elected and qualified.

And replace said language with the following:

The powers and duties of the regional school district shall be vested in and exercised by a regional district school committee, hereafter sometimes referred to as the Committee. The Committee shall consist of eighteen (18) elected members, two (2) from each town. Members shall serve until their respective successor members are elected and qualified.

Strike the following language in Section I(B):

At the annual town elections in 1994, in addition to any term of office of an elected member whose term is expired, the following shall also be elected: the Town of Hawley shall elect one member for a three-year term, and one member for two-year term; the Town of Heath shall elect one member for a three-year term and one member for a one-year term; the Town of Plainfield shall elect one member for a two-year term and one member for a one-year term.

2004 Election Year – Terms of all currently elected committee members with the exception of Heath, Hawley and Plainfield, will expire as of the annual town elections in 2004. At the 2004 annual town elections two school committee members will be elected from the Towns of Ashfield, Buckland, Charlemont, Colrain, and Shelburne. The school committee member who receives the largest number of votes from his/her town will serve a term of three years. The school committee member who receives the second largest number of votes will serve a term of two years.

Thereafter, in every year in which the term of office of an elected member expires, each member town involved shall, at its annual town election, select one member to serve on the Committee for a term of three years.

and replace said language with the following:

In every year in which the term of office of an elected member expires, each member town involved shall, at its annual town election, select one member to serve on the Committee for a term of three years.

At the 2018 annual town elections in the Town of Rowe, two school committee members will be elected. The school committee member who receives the largest number of votes will serve a term of three years, and the school committee member who receives the second largest number of votes will serve a term of two years. Upon the expiration of the initial term of office, each member shall serve on the Committee for a term of three years as stated above.

Each elected member commencing with the organization of the Committee following the 2004 town elections, shall have a weighted vote to be determined by the member town's population as it relates to the total population of all member towns divided by the number of representatives to the Committee from said member town. Each weighted vote shall be determined to the nearest one-tenth and be adjusted every ten (10) years using the population figures as reported in the most recent federal decennial census.

Strike the following language in Section I(F):

The District shall have one Committee composed of representatives from each member town as set forth above. Members of the Committee from the Towns of Hawley and Charlemont will not vote on any matters that the Committee determines to concern the operation of grades kindergarten through six, exclusively.

and replace said language with the following:

The District shall have one Committee composed of representatives from each member town as set forth above. Members of the Committee from the Towns of Hawley, Charlemont, and Rowe will not vote on any matters that the Committee determines to concern the operation of grades kindergarten through six, exclusively.

Strike the following language in Section I(G):

The initial weighted votes of the Committee members established in 1994 from each member town are as follows:

| Member Towns | Number of Members | Weighted Vote of each Member |
|--------------|-------------------|------------------------------|
| Ashfield | 3 | 5.6% |
| Buckland | 3 | 6.3% |
| Charlemont | 3 | 4.1% |
| Colrain | 3 | 5.7% |
| Hawley | 2 | 1.5% |
| Heath | 2 | 3.5% |
| Plainfield | 2 | 2.8% |
| Shelburne | 3 | 6.5% |

The weighted votes of the Committee have been adjusted using the population figures as reported in the most recent federal decennial census and are as follows:

| <u>Member Towns</u> | <u>Number of Members</u> | <u>Weighted vote of each Member</u> |
|---------------------|--------------------------|-------------------------------------|
| Ashfield | 3 | 5.7% |
| Buckland | 3 | 6.3% |
| Charlemont | 3 | 4.3% |
| Colrain | 3 | 5.7% |
| Hawley 2 | 1.5% | |
| Heath | 2 | 3.5% |
| Plainfield | 2 | 2.5% |
| Shelburne | 3 | 6.3% |

The above weighted votes of the Committee members shall remain in effect until the new school committee of sixteen (16) members is reconstituted after the 2004 town election for school committee members consistent with Section I, Paragraphs A and B of the District Agreement. After the reconstitution of the committee in 2004 the weighted votes of the Committee members from each town shall be as follows:

| <u>Member Towns</u> | <u>Number of Members</u> | <u>Weighted vote of each Member</u> |
|---------------------|--------------------------|-------------------------------------|
| Ashfield | 2 | 8.5% |
| Buckland | 2 | 9.5% |
| Charlemont | 2 | 6.5% |
| Colrain | 2 | 8.5% |
| Hawley 2 | 1.5% | |
| Heath | 2 | 3.5% |

| | | |
|------------|---|------|
| Plainfield | 2 | 2.5% |
| Shelburne | 2 | 9.5% |

and replace said language with the following:

The weighted votes of the Committee members from each town shall be as follows:

| Member Towns | Number of Members | Weighted vote of each Member |
|---------------------|--------------------------|-------------------------------------|
| Ashfield | 2 | 8.5% |
| Buckland | 2 | 9.4% |
| Charlemont | 2 | 6.2% |
| Colrain | 2 | 8.2% |
| Hawley 2 | 1.7% | |
| Heath | 2 | 3.5% |
| Plainfield | 2 | 3.2% |
| Shelburne | 2 | 9.3% |

The above weighted votes of the Committee members shall remain in effect until the new school committee of eighteen (18) members is reconstituted after the Town of Rowe becomes a 7-12 member of the District. After the reconstitution of the Committee, the weighted votes of the Committee members from each town shall be as follows until the next federal decennial census as provided above.

| Member Towns | Number of Members | Weighted vote of each Member |
|---------------------|--------------------------|-------------------------------------|
| Ashfield | 2 | 8.2% |
| Buckland | 2 | 9.0% |
| Charlemont | 2 | 6.0% |
| Colrain | 2 | 7.9% |
| Hawley 2 | 1.6% | |
| Heath | 2 | 3.3% |
| Plainfield | 2 | 3.1% |
| Rowe | 2 | 1.9% |
| Shelburne | 2 | 9.0% |

Strike the following language in Section III(A):

Residents of the member towns and all residents of the Town of Rowe in grades seven through twelve will be eligible to attend school at the Mohawk Trail Regional High School, located on Route 112 in Buckland, Massachusetts.

and replace said language with the following:

Residents of the member towns will be eligible to attend school at the Mohawk Trail Regional High School, located on Route 112 in Buckland, Massachusetts.

Strike the following language in Section III(F):

The Committee shall accept for enrollment in the District High School, pupils from the Town of Rowe on a tuition basis and upon such terms as are set forth in Section IX of this Agreement. The Committee may accept for enrollment in the regional district schools pupils from towns other than the member towns and the Town of Rowe on a tuition basis and upon such terms as it may determine. In either case, income

received by the District from tuition pupils shall be deducted from the total operating costs in the next annual budget to be prepared after the receipt thereof, prior to apportionment under Section IV of this Agreement to the member towns.

and replace said language with the following:

The Committee may accept for enrollment in the regional district schools pupils from towns on a tuition basis and upon such terms as it may determine. In either case, income received by the District from tuition pupils shall be deducted from the total operating costs in the next annual budget to be prepared after the receipt thereof, prior to apportionment under Section IV of this Agreement to the member towns.

Strike the following language in Section IV(H):

Third: The Committee shall apportion costs of grades seven through twelve, inclusive, to the Towns of Hawley and Charlemont in direct proportion to each town’s five-year average share of student enrollment in grades seven through twelve, inclusive.

Fourth: The total budget, less the shares allocated to the Towns of Hawley and Charlemont, shall be apportioned among the district’s six remaining member towns on the basis of each member town’s five-year average student enrollment share. For purposes of this calculation, average enrollment share, for each of the K-12 Member Towns shall be based on its five year average proportionate share of total student enrollment in the district schools.

and replace said language with the following:

Third: The Committee shall apportion costs of grades seven through twelve, inclusive, to the Towns of Hawley, Charlemont, and Rowe in direct proportion to each town’s five-year average share of student enrollment in grades seven through twelve, inclusive.

Fourth: The total budget, less the shares allocated to the Towns of Hawley, Charlemont, and Rowe shall be apportioned among the district’s six remaining member towns on the basis of each member town’s five-year average student enrollment share. For purposes of this calculation, average enrollment share, for each of the K-12 Member Towns shall be based on its five year average proportionate share of total student enrollment in the district schools (note: pre-K enrollment will be included in the calculation beginning in FY18 and will include the data from October 1, 2015 and October 1, 2016).

Strike the following language in Section VI(C):

For purposes of voting on the annual budget by the member towns, the approval of the District’s annual budget by the town meetings of each K-12 Member Town shall constitute two “units” towards approval or disapproval of the annual district budget, while Hawley and Charlemont shall have one “unit” each, with a total of ten units needed to approve the annual budget.

and replace said language with the following:

(D) Vote on the Annual Budget

For purposes of voting on the annual budget by the member towns, the approval of the District’s annual budget by the town meetings of each K-12 Member Town shall constitute two “units” towards approval or

disapproval of the annual district budget, while 7-12 member towns shall have one “unit” each, with a total of ten units needed to approve the annual budget.

Strike the entirety of Section IX as follows, and renumber the remaining Sections:

SECTION IX

EDUCATION OF PUPILS FROM THE TOWN OF ROWE

(A) Special Education Pupils from the Town of Rowe

The Committee shall provide for the education of all pupils from the Town of Rowe in grades seven through twelve who are entitled to attend the District High School irrespective of the specific and particular educational needs of any pupil from said Town of Rowe, and irrespective of whether such education for any pupil from said Town of Rowe is provided at the District High School or at any other school as may be approved by said Committee.

(B) Transportation of Pupils from the Town of Rowe

The Committee shall provide for the transportation of pupils from the Town of Rowe who are entitled to attend the District High School, to and from said District High School to the extent that such transportation is provided for pupils from member towns who are entitled to attend said District High School. The Committee shall provided for the transportation of pupils from the Town of Rowe who are entitled to attend the District High School, to and from any other school as may be approved by said Committee to the extent that such transportation is provided for pupils from member towns who are entitled to attend said District High School, to and from any other school as may be approved by said Committee.

The Town of Rowe shall bear the cost of transportation for elementary pupils attending the Rowe elementary school.

(C) Tuition Basis for Pupils Grades 7-12 from the Town of Rowe

The cost of tuition to the District High School for each pupil in grades seven through twelve who attends the District High School or any other school as may be approved by the Committee, and who resides in the Town of Rowe shall be paid by said Town of Rowe to the District during the fiscal year when each such pupil is actually in attendance. The basis of the cost of tuition to the District High School or any other school as may be approved by said Committee for each fiscal year shall be established as follows: The total Maintenance and Operating Budget for said District High School as defined in Subsection VI(D) of this Agreement, for that fiscal year, reduced by the anticipated amounts of receipts from the Commonwealth of Massachusetts to be used by the Committee to defray such budgeted maintenance and operating charges for that fiscal year, and further reduced by the anticipated amounts of surplus revenue from the District treasury to be used by the Committee to defray such budgeted maintenance and operating charges for that fiscal year, and further reduced by the amounts received from towns paying tuition to the district, consistent with the terms of Subsection III(F) of this Agreement; the balance (viz. the net operating and maintenance budget for said fiscal year) to be divided by the total enrollment of pupils in the District High School from member towns as of October 1 of the previous fiscal year and the resulting balance further divided by one and one-tenth (1.1); the final balance to equal the cost of tuition for one pupil for one complete school year.

(D) Reduction of the Cost of Tuition for Pupils Resident in the Town of Rowe

In the event the Committee reduces the net operating and maintenance costs assessed to the member towns for any fiscal year, by reduction of the Operating and Maintenance Budget for said fiscal year or by the application of additional amounts of revenue, irrespective of the source thereof, to reduce the net

operating and maintenance costs assessed to said member towns for that fiscal year, the cost of tuition to the Town of Rowe for the education of its pupils during said fiscal year shall be likewise reduced in accordance with the provisions of Subsection IX(D).

(E) Schedule of Payment of Tuition Costs by the Town of Rowe

The Town of Rowe shall pay for the tuition of its pupils to the District High School, or any other school as may be approved by the Committee, such amounts as are in accordance with the provisions of Subsection IX (D), and shall make such payments twice each fiscal year at the following time: 1) not later than January 31 of each fiscal year; 2) not later than June 30 of each fiscal year.

(F) Payment of Capital Costs by the Town of Rowe

The Town of Rowe shall have the opportunity to pay a portion of capital costs as defined in Subsection IV (B) for capital projects at District High School. The Committee shall negotiate the rate of a voluntary contribution with the Rowe School Committee at the time of each capital project.

(G) Representation on the Committee

The School Committee of the Town of Rowe may appoint one of its members to represent the Town of Rowe at meetings of the Committee. The Committee shall allow such representative all powers of discussion, debate and deliberation including, but not limited to, participation in such meetings of the Committee while in executive session, but such representative shall not have the power to vote on any matter which comes before the Committee.

(H) Administrative Support Services for Rowe Pupils Grade K-6

The Town of Rowe shall have the opportunity to utilize the services of the Superintendent of Schools and central administration, and Director of Pupil Services who also directs special education, for administration of the Rowe Elementary School and bear the costs thereof.

(I) Distribution of Assets in the Event of Dissolution of the District

In the event of the dissolution of the District, its assets shall be distributed to the member towns and the Town of Rowe on the basis of each town's respective aggregate payment of capital cost to the District.

Add the following to Section XIV as a new subsection (C):

(C) Commissioner of Elementary and Secondary Education

Any amendment to the Agreement must be approved by the Commissioner of Elementary and Secondary Education.

Add the following to Section XV:

Pursuant to 603 CMR 41.03(2), all approvals, including but not limited to approval by the Commissioner of Elementary and Secondary Education, must be in place prior to December 31 for the agreement to be effective on the following July 1.

Add the following to the last paragraph of Section XVI(A):

Pursuant to 603 CMR 41.03(2), all approvals, including but not limited to approval by the Commissioner of Elementary and Secondary Education, must be in place prior to December 31 for the agreement to be effective on the following July 1.

Article 44. To see if the Town will vote to amend the MOHAWK TRAIL REGIONAL SCHOOL DISTRICT – REGIONAL DISTRICT AGREEMENT by striking the following language contained in Section III(B):

Subject to the provisions of this section, it is intended that elementary students residing in the member towns of Ashfield, Buckland, Colrain, Heath, Plainfield and Shelburne (the “pre-K-12 Member Towns”) will receive their education in facilities located in the District and will be assigned as follows: Ashfield and Plainfield residents to Sanderson Academy; Colrain residents to Colrain Central School; Buckland and Shelburne residents to Buckland Shelburne Elementary School; and Heath residents to Heath Elementary School. Notwithstanding the above, students may be educated in a District school other than as assigned above upon (i) a majority vote of the School Committee, and (ii) an affirmative vote by both (a) the member town or towns whose students are so assigned, and (b) the member town or towns served by the District school to which such students will be assigned, acceptance by each town to be a majority vote at an annual or special town meeting.

However, it is also the intent of this Agreement that the closure of a District elementary school building and the reassignment of all students being educated in that building may not be accomplished under this section. Rather such action requires an amendment to this Agreement, the process for which is contained in Section XII.

and replacing said language with the following:

The pre-K-12 Member Towns are defined as Ashfield, Buckland, Colrain, Plainfield, Heath, and Shelburne. Subject to the provisions of this section, it is intended that elementary students residing in the member towns of Ashfield, Buckland, Colrain, Plainfield and Shelburne will receive their education in facilities located in the District and will be assigned as follows: Ashfield and Plainfield residents to Sanderson Academy; Colrain residents to Colrain Central School; and Buckland and Shelburne residents to Buckland Shelburne Elementary School. Elementary students residing in Heath will receive their education in the Hawlemont Regional School District pursuant to a tuition agreement between the Mohawk Trail Regional School District and the Hawlemont Regional School District through no longer than June 30, 2023. During the period of such tuition agreement, the Town of Heath shall seek in good faith to negotiate with the Hawlemont Regional School District regarding joinder of the Town of Heath into the Hawlemont Regional School District for elementary education. The tuition agreement shall constitute a binding financial obligation of the Mohawk Trail Regional School District pursuant to the provisions of G.L. c. 40, § 4A and/or any other enabling legislation. Heath may withdraw from the Mohawk Trail Regional School District for grades PK-6 in accordance with the “Withdrawal” section of this Agreement. Heath shall remain responsible for its outstanding indebtedness, if any, including but not limited to OPEB, to the Mohawk Trail Regional School District despite such withdrawal in accordance with the terms of the Regional Agreement.

If, upon the expiration of such tuition agreement, as may be extended, Heath and the Hawlemont Regional School District have failed to reach agreement as to the joinder of Heath into the Hawlemont Regional School District, elementary students residing in Heath will receive their education in facilities located in the Mohawk Trail Regional School District, the specific location(s) to be decided as provided herein. The Mohawk Trail Regional School Committee will offer at least two (2) facilities located in the District as options for educating the elementary students of Heath and the Heath members of the Committee will determine which one (1) facility to recommend to the Committee for the placement of all Heath resident elementary students. No facility will be approved by the Committee without the affirmative votes of both Heath Committee representatives, provided however that in the event of a tie vote between such Heath representatives, or in the event that there are vacancies in the positions of Heath representatives, a

majority vote of the Committee will prevail. The determination must occur no later than November 1st of the school year prior to the change.

Notwithstanding the above, students may be educated in a District school other than as assigned above upon (i) a majority vote of the School Committee, and (ii) an affirmative vote by both (a) the member town or towns whose students are so assigned, and (b) the member town or towns served by the District school to which such students will be assigned, acceptance by each town to be a majority vote at an annual or special town meeting. However, it is also the intent of this Agreement that the closure of a District elementary school building (other than the Heath Elementary School which was closed as of June 30, 2017) and the reassignment of all students being educated in that building may not be accomplished under this section. Rather such action requires an amendment to this Agreement, the process for which is contained in Section XII.

Article 45. To see if the Town will vote to amend the MOHAWK TRAIL REGIONAL SCHOOL DISTRICT – REGIONAL DISTRICT AGREEMENT by striking the following language contained in Section IV(E)(3):

(3) Capital costs incurred by the Committee and associated with grades pre-Kindergarten to six, inclusive, of any District school or schools which may be constructed by the Committee to serve pupils from the Town of Heath shall, after deducting any receipts from the Commonwealth or other revenue source relating thereto, be assessed to the Town of Heath. Capital costs representing payments of principal and interest on bonds, notes or other obligations as issued by the Mohawk Trail Regional School District or the Committee to finance expenses in the nature of capital outlay for the purpose of construction at the site of, or reconstruction to, the Heath Elementary School or upon any Premises as may be purchased by the Mohawk Trail Regional School District for the purpose of providing facilities primarily for the education of Heath pupils only shall be borne by the Town of Heath.

and replacing said language with the following:

(3) The Heath Elementary School Building shall be returned to the Town of Heath on July 1, 2017, and the Lease between the parties shall terminate as of said date. In exchange for termination of the lease, the District shall pay to the Town of Heath a total sum of \$240,000.00, such payment to be made in no fewer than three (3) annual installments. The amounts and timing of such installments shall be as agreed upon in writing by the School Committee and the Town of Heath, provided however that the final installment shall be due no later than June 30, 2020. Any outstanding debt payments associated with the Heath Elementary School shall remain the responsibility of the Town of Heath, and the Town of Heath shall continue to be assessed for said debt in accordance with the terms of this Agreement.

Article 46. To see if the Town will vote to amend the MOHAWK TRAIL REGIONAL SCHOOL DISTRICT – REGIONAL DISTRICT AGREEMENT by striking the following language contained in Section XI(A)(2):

2. The inhabitants of Heath shall lease the Heath School to the District for the sum of \$1.00 annually, for an initial term of twenty years, with an option for an extension of an additional twenty years, and upon such further terms as the parties thereto shall later specify.

Article 47. To see if the Town will vote to authorize the Board of Selectmen to acquire the following land parcels and or rights in land parcels for the purpose of obtaining a secure and public right of way. This will allow for the construction and roadway safety improvements on Bardwells Ferry Road over Dragon Brook

| PARCEL NO. | PLAN SHEET NO. | TITLEHOLDER | DEED BOOK | PAGE NO. | TYPE | AREA SQ. FEET | DESCRIPTION OF WORK |
|------------|----------------|--------------------------------|-----------|----------|------|---------------|---|
| PE-1 | 7 | Susan Bourgeois | 5013 | 221 | Perm | 795 | Wingwall |
| PUE-1 | 7 | Susan Bourgeois | 5013 | 221 | Perm | 50 | Utility Pole Relocation |
| PE-1 | 7 | Susan Bourgeois | 5013 | 221 | Perm | 370 | Access for Riprap Replacement |
| PE-2 | 7 | Bardwell Farm, LLC | 5280 | 237 | Perm | 202 | Wingwall, Utilities, Tree Trimming |
| TE-2 | 7 | Bardwell Farm, LLC | 5280 | 237 | Temp | 279 | Construction Access & Tree Trimming |
| TE-3 | 7 | Bardwell Farm, LLC | 5280 | 237 | Temp | 360 | Construction Access & Tree Trimming |
| TE-4 | 7 | Bardwell Farm, LLC | 5280 | 237 | Temp | 130 | Construction Access & Tree Trimming |
| PE-3 | 7 | Donald S. & Dorothy Richardson | 1562 | 93 | Perm | 2,830 | Roadway Widening, Excavation |
| PUE-2 | 7 | Rebecca C. Ashenden | 4160 | 134 | Perm | 50 | Utility Pole, Guy Wires & Tree Trimming |
| TE-5 | 7 | Rebecca C. Ashenden | 4160 | 134 | Temp | 272 | Construction Access & Tree Trimming |
| TE-6 | 7 | Rebecca C. Ashenden | 4160 | 134 | Temp | 327 | Construction Access & Tree Trimming |

| | Total # Parcel | Area (Square Feet) |
|----------------------------|----------------|--------------------|
| Permanent Easements | 6 | 3,927 |
| Temporary Easements | 5 | 1,738 |

Further, that the Selectmen may acquire these parcels, or modifications of these parcels or other required parcels through all legal means. This includes donations, purchase, or eminent domain. The subject parcels are currently identified on plans drafted by the Massachusetts Department of Transportation.

Dated : April 12, 2017 Titled: Bardwells Ferry Road over Dragon Brook.

Further, appropriate an amount of \$50,000 in Chapter 90 funds to defray any associated right of way expenses connected with this project, or take any other action relative thereto.

And you are directed to serve this Warrant, by posting up attested copies thereof at two public places in said Town, seven (7) days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this 20th day of April in the year of our Lord two thousand and seventeen.

Selectmen of Shelburne

A true copy. Attest:

Constable

Posted: April __, 2017