

**TOWN OF HADLEY
ANNUAL TOWN MEETING WARRANT**

Hampshire, ss.

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

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town qualified to vote in Elections and Town affairs to meet in Hopkins Academy on Thursday, the second day of May 2013 at 7:00 p.m. to act on the following articles:

Article 1

To see if the Town will vote to authorize the Select Board to apply for 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.

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

Article 2

To see if the Town will vote to appropriate funds provided to the Town by the State under Chapter 90 Type money and such other funds as the Commonwealth of Massachusetts Highway Division may provide, and to authorize the Select Board to enter into contracts with Commonwealth of Massachusetts Highway Division for Chapter 90 Type money allocated to the Town by the State, or take any action relative thereto.

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

Article 3

To see if the Town will vote to authorize the Treasurer with the approval of the Select Board, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2013 in accordance with the provisions of the Massachusetts General Laws, Chapter 44, Section 4 and to issue a note or notes therefor, 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 action relative thereto.

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

Article 4

To see if the Town will vote to authorize the following revolving funds for certain town departments under MGL Chapter 44, Section 53 E½ for the fiscal year beginning July 1, 2013:

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY 2013 Spending Limit	Surplus Cap
Burial	Cemetery Committee or Public Works Department	Interment fees	Salaries and expenses of interment specialists and Department of Public Works expenses associated with services related to burials.	\$7,000.00	\$2,000.00
Electrical Inspection	Electrical Inspectors	90% of electrical inspection fees	Salaries of inspectors or contractual services related to electrical inspections and services.	\$20,000.00	\$1,000.00
Russell School Building	Select Board	Russell School Building rental income.	Designs, upgrades and maintenance of the Russell School Building and grounds.	\$50,000.00	\$100,000.00
Recyclables	Select Board	State recycling payments	Contracted recycling vendors costs	\$15,000.00	\$7,000.00
Dog Control	Dog Officer	50% of fines, fees, and reimbursements associated with dog control, but excluding dog license fees.	Expenses associated with controlling vicious dogs.	\$2,000.00	\$500.00
North Hadley Hall Rental	Park and Recreation Commission	Rental fees for North Hadley Hall	Park and Recreation Programs	\$3,000.00	\$500.00
TOTAL SPENDING				\$97,000.00	

Or take any action relative thereto.

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

Article 5

To see if the Town will raise and appropriate or transfer from available funds, a sum of money, for the maintenance and operation of the town in fiscal year 2014 as recommended by the Finance Committee, including debt and interest, and to fix the salary of all elected officials, including, if appropriate, Select Board, Town Clerk, Town Collector, Town Treasurer, Town Assessors, Town Constables, Board of Health, Elector under the Oliver Smith Will, Planning Board and Park and Recreation Commission, and to provide a reserve fund, or take any action relative thereto.

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

Article 6

To see if the Town will vote to transfer **\$10,000.00** from Water Reserves to the Water Plant Filtration Stabilization fund as per the provisions of MGL Chapter 40, Section 5B, for the purpose of repairing and replacing water plant filtration membranes and associated expenses, or take any votes in relation thereto.

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

Article 7

To see if the Town will vote to transfer **\$10,000.00** from Water Reserves to the Water Meter Stabilization fund as per the provisions of MGL Chapter 40, Section 5B, for the purpose of replacing water meters and associated expenses, or take any votes in relation thereto.

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

Article 8

To see if the Town will vote to transfer from Capital Stabilization **\$141,900.00** for capital expenses associated with capital equipment for the Fire Department, and capital repairs and equipment for the School Department:

School Department Doors:	\$40,000
Fire Department Thermal Imager:	\$6,400
Fire Department Breathing Apparatus:	\$69,000
Fire Department Emergency Management Trailer:	\$26,500

Or take any action in relation thereto.

Capital Planning Committee recommends 4-0-0, except
that for the trailer, the Committee recommends 3-1-0
Finance Committee recommendation pending
Select Board recommends 3-0-1

Article 9

To see if the Town will raise and appropriate, authorize the Treasurer to borrow, take from funds available, or otherwise provide **\$150,000.00** for technology equipment, software, and associated costs, including installation, for the School Department to be used in the Elementary School, or take any action in relation thereto.

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

Article 10

To see if the Town will vote to transfer from Sewer Impact Fees, authorize the Treasurer to borrow, take from Sewer Reserves, or otherwise provide **\$136,000.00** for engineering, permitting, and associated costs to rehabilitate Wastewater Pump Stations 1 and 4, or take any action in relation thereto.

Capital Planning Committee recommends 4-0-0
Finance Committee recommendation pending
Select Board recommends 3-0-1

Article 11

To see if the Town will vote to raise and appropriate, transfer from Free Cash, transfer from funds available, or otherwise provide **\$3,000.00** to perform soil testing, including soil borings, at Zatyryka Park, or take any action in relation thereto.

Capital Planning Committee recommends against at this
time 4-0-0
Finance Committee recommendation pending
Select Board recommends 4-0-0

Article 12

To see if the Town will vote to raise and appropriate, transfer from Free Cash, take from funds available, transfer from Overlay Surplus, or otherwise provide **\$9,908.00** to refund the interest charges arising from an Appellate Tax Board ruling for Verizon NE, Inc., or take any action in relation thereto.

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

Article 13

To see if the Town will vote to adopt MGL Chapter 48, Section 42A for the administration of the Fire Department, or take any action relative thereto.

Finance Committee recommendation pending
Select Board recommends 2-0-2

Article 14

To see if the Town will vote to authorize and approve an agreement for Payment-in-Lieu-of-Taxes (PILOT) pursuant to the provisions of MGL Chapter 59, Section 38H(b), and any other enabling legislation, between the Town and NexAmp for a solar facility to be installed, owned, and operated by NexAmp on land located on Mill Valley Road; and further to authorize the Select Board to take such action as may be necessary to carry out the vote taken hereunder, or take any action in relation thereto.

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

Article 15

To see if the Town will vote to act on the report of the Community Preservation Committee on the fiscal year 2014 budget and to reserve for later appropriation the following sums of money from the Community Preservation Fund estimated annual revenues:

Open Space Preservation	\$30,000.00
Historic Preservation	\$30,000.00
Housing	\$30,000.00

and appropriate the sum of **\$5,000.00** from the Community Preservation Fund estimated annual revenues for all necessary and proper expenses of the Community Preservation Committee for the year, and further to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation projects or purposes as may be recommended by the Community Preservation Committee, or take any action relative thereto.

Community Preservation Act Committee (9 yes; 0 no)
Finance Committee recommendation pending
Select Board recommends 4-0-0

Article 16

To see if the Town will vote, in accordance with MGL Chapter 41, Section 110A, to authorize the Town Clerk’s office to remain closed on all Saturdays and to treat

Saturdays as a legal holiday for purposes of calculating the time frame for filing matters in that office, or take any action in relation thereto.

Select Board recommends 4-0-0

Article 17

To see if the Town will vote to designate the Building Inspector to be the enforcement officer for violations of operating a business without a business certificate as required under MGL Chapter 110, Section 5, or take any action in relation thereto.

Select Board recommends 4-0-0

Article 18

To see if the Town will vote to amend Chapter 247 of the Code of the Town of Hadley relating to vehicles and traffic by deleting Section 247-4 in its entirety and substituting in its place the following section:

Section 247-4. Violations and penalties.

The penalty for violation of this bylaw shall be as follows: for the first offense, \$100; for the second and subsequent offenses, \$300.

Or take any action in relation thereto.

Select Board recommends 2-2-0

Article 19

To see if the Town will vote to authorize the Select Board to enter into renewable energy purchase and/or net metering credit purchase agreements, including solar energy and related net metering credits, for terms of more than three years, and to take all actions necessary to implement and administer such agreements, or take any action in relation thereto.

Finance Committee recommendation pending

Select Board recommends 4-0-0

Article 20

To see if the Town will vote to amend Section II and Section III of the Hadley Zoning Bylaw by replacing these entirely with the following:

SECTION II. Establishment of Districts

§ 2.1. Types of Districts

[Amended 5-7-1987; 8-28-2000; 5-3-2001; 10-22-2009 STM by Art. 12; 5-5-2011 ATM by Art. 18]

For purposes of the bylaw, the Town of Hadley is hereby divided into the following types of use districts:

DISTRICT NAME	PURPOSE
Agricultural-Residential - AR	To accommodate agriculture, horticulture or floriculture as well as single family detached dwellings at lower densities, while providing protection for environmentally sensitive areas, agricultural resources, and other similar lands. These are areas where a full range of municipal facilities and services are not generally available.
Residential - R	To accommodate moderate-density, Single-Family residential development and complementary land uses.
Limited Business - LiB	To accommodate very-low intensity and limited commercial and office development and other complementary land uses that serve and are generally appropriate near residential neighborhoods.
Local Business - LoB	To accommodate smaller business activity which is located at the edge of residential areas but which serves a larger trade area than the immediately surrounding residential neighborhoods.
Business – B	To accommodate a wide range of retail uses and services and commercial activities in appropriate locations along primary roads within the Town and provide for the appropriate development and special requirements for the major business concentrations, which serve an area larger than the immediate neighborhood.
Industrial - I	To accommodate a wide range of manufacturing, industrial, commercial, institution of higher learning and complementary land uses.
<p>OVERLAY DISTRICTS</p> <p>Because of their unique characteristics, the requirements in the Overlay Districts supercede the requirements of the underlying districts. To this end the number and types of uses allowed are restricted.</p>	
Aquifer Protection	To promote the health, safety and welfare of the community by protecting and preserving the surface and ground water resources of the Town from any use of land or buildings which may reduce the quality and quantity of its water resources.
Flood	Consisting of those geographical areas which by virtue of their relationship to components of the natural hydrology of the Town of Hadley have substantial importance to the protection of life and property against the hazards of floods, erosion, and pollution and in general are essential to the public health, safety, and welfare.
Wireless Communications Services	To establish a district in which wireless communications services may be provided with minimal harm to the public health, safety and general welfare by protecting the general public from impacts associated with wireless communications towers and minimizing visual impacts from wireless communications towers on Districts within Hadley.
Farmland Preservation & Receiving Districts	To permanently protect farmland and agricultural soils, to protect farmland property values and provide a fair economic return to owners of property restricted from further development, to foster compact commercial and industrial development in central areas served by public infrastructure in the Town of Hadley.

Municipal	To protect the health, safety, convenience and welfare of the public by facilitating the siting of municipal uses and facilities required for the safe and efficient operation of Town government.
Village Center	A mixed use commercial area within and adjacent to the town center promoting development in scale with the existing character of the village and encouraging new construction to be compatible with the scale of existing structures.
Senior Housing	To provide a variety of housing choices for persons who are 55 years of age and older; To provide well designed, affordable homes for residents who wish to remain in the community; To recognize the importance of diversity and variety in the design of senior housing developments; To provide types of housing which reduce residents' burdens of building and yard maintenance and which reduce demands on municipal services; To promote flexibility in land use planning in order to strengthen neighborhoods, improve site layouts, and protect natural features and environmental values; To provide for a greater variety of uses and building types at a higher density than would normally be allowed, and allowing greater flexibility in site planning so as to promote affordable housing and the preservation of open space and historic resources within the development; and To provide for the review of all such proposals prior to construction, to ensure compliance with the above intent and objectives and to assure that the proposal will not result in or contribute to incompatible use of the land, pollution of the soil or groundwater, traffic congestion or inappropriate site development.

§ 2.2. Location of Districts.

Said districts are located and bound as shown on a map titled "Zoning Map of Hadley, Massachusetts," dated September 26, 1978, and on file in the office of the Town Clerk. The Zoning Map, with all explanatory matter hereon, is hereby made a part of this bylaw.

SECTION III. USE REGULATIONS

§ 3.1. Table of Use Regulations

Except as provided in § 5.1 hereof, no building, structure or land, or part thereof, shall be used for any purpose or in any manner other than for one or more of the uses hereinafter set forth in the following Table of Uses as permitted in the district in which such building, structure or land is located or set forth as permissible by special permit in said district and so authorized. In the Table of Uses the following use designations shall apply:

N	Use is not permitted
P	Use is permitted as a matter of right
SZBA	Use permitted by Special Permit issued By Zoning Board of Appeals
SPB	Use permitted by Special Permit issued By Planning Board

Overlay Districts

Because of their unique characteristics, the requirements in the Overlay Districts supercede the requirements of the underlying districts. To this end the number and types of uses allowed are restricted.

<i>District</i>	<i>See Section</i>
Aquifer Protection	XII
Flood	XIII
Wireless Communications Services	XIV
Farmland Preservation & Receiving Districts	XVII
Municipal	XVIII
Village Center	XIX
Senior Housing	XXVII

<u>TABLE OF USES</u>							
USES	DISTRICTS						STANDARDS & CONDITIONS
AGRICULTURAL	R	AR	LoB	LiB	B	I	
Agriculture/horticulture/floriculture	P	P	P	P	P	P	See Note 8. Below
Farm or nursery, including the display and sale of natural products raised in the Town and the raising of stock	N	P	P	P	P	P	Except as limited by uses permitted by SZBA. See Note 8. Below
Farm stand for the display and sale of natural product, including those not raised in the Town	N	N	N	P	P	P	
RESIDENTIAL	R	AR	LoB	LiB	B	I	STANDARDS & CONDITIONS
Detached one-family dwelling.	P	P	P	P	P	N	See Note 8. Below
Renting of rooms/furnishing of board for periods exceeding 14 days in duration for not more than four persons in a dwelling regularly occupied for residential purposes and which is not a bed and-breakfast facility.	P	P	P	P	P	N	See Notes 3., 8. below
Accessory use customarily incidental to a permitted main use on the same premises.	P	P	P	P	P	N	Including but not limited to the following: (1) Use of a room or rooms in a dwelling for customary home occupations, such as dressmaking, candy making or for the practice, by a resident, of a recognized profession. (2) Use of premises or building

							thereon in connection with his trade by a resident carpenter, electrician, painter, plumber, or other artisan, provided that no manufacturing or business requiring substantially continuous employment is carried on. See Note 8. below.
Conversion of a one-family dwelling into a two-family dwelling.	SZBA	SZBA	SZBA	SZBA	SZBA	N	One-family dwelling must have existed at the time of adoption of the bylaw (February 18, 1961). See Note 8. below.
Trailers or mobile homes	N	N	N	N	SZBA	N	Each unit must conform to the minimum dimensional lot size requirements for a building or a structure erected in a Business District under § 4.1, Table No. 1. See Note 3. below
Common Driveway	SPB	SPB	SPB	SPB	SPB	N	See Sect. 5.7 See Note 8. below.
New Residential Construction above 350' elevation	SPB	SPB	SPB	SPB	SPB	N	See Sect. 5.8 See Note 8. below.
Senior Housing – conversion of existing structure	SPB	SPB	SPB	SPB	SPB	SPB	See Notes 1., 3., 7., 8. , 9. below.
Senior Housing – new construction	SPB	SPB	SPB	SPB	SPB	SPB	Requires Senior Housing Overlay District - See Sect. XXVII. See Notes 1., 3. , 8., 9. Below.
Home Occupation <ul style="list-style-type: none"> • Home office • Home business 	P SPB	P SPB	P SPB	P SPB	P SPB	P SPB	See Sect. XX See Note 8. below
Bed and Breakfast Facility <ul style="list-style-type: none"> • Bed and Breakfast Home • Bread and Breakfast Establishment 	SPB N	SPB SPB	N N	SPB SPB	SPB SPB	SPB SPB	See Sect. XXII
Accessory Apartments	SPB	SPB	SPB	SPB	SPB	SPB	See Section XXVI

							See Notes 8. below
INSTITUTIONAL/ GOVERNMENTAL	R	AR	LoB	LiB	B	I	STANDARDS & CONDITIONS
Religious and educational use.	P	P	P	P	P	P	See Notes 3., 8., 9. below
Municipal use	SZBA	SZBA	SZBA	SZBA	P	P	See Notes 1., 3., 8., 9. below
Hospital, sanitarium, convalescent/nursing home	SZBA	SZBA	SZBA	SZBA	P	P	See Notes 1., 3., 8., 9. below
COMMERCIAL/RETAIL	R	AR	LoB	LiB	B	I	STANDARDS & CONDITIONS
Aviation field, golf course, boat livery, riding stable and ski tow.	N	SZBA	SZBA	SZBA	P	P	See Notes 1., 2., 3., 8., 9. below
Private club not conducted for profit.	N	SZBA	SZBA	SZBA	P	P	See Notes 1., 2., 3., 8., 9. below
Place of amusement or assembly, club conducted for profit	N	N	N	N	SZBA	P	See Notes 1., 2., 3. below.
Open air movie theater	N	SZBA	SZBA	SZBA	P	P	See Notes 1., 2., 3., 8., 9. below.
Business uses in existence and in operation in the Local Business District on the date of passage of this amendment.	N	N	P	N	N	N	Pre-existing business uses shall be limited to the lot upon which they exist on the date of passage of this amendment. See Notes 1., 5., 6., 8., 9. below.
Customary accessory uses, including those allowed in the Residential and Agricultural- Residential Districts.	P	P	P	P	P	P	See Notes 3., 8. below
Nursery or child-care facility.	N	N	SPB	SPB	P	P	See Notes 1., 2., 3., 4., 8., 9. below
Repair shop, such as shoe, appliance, electronic or jewelry repair.	N	N	SPB	SPB	P	P	See Notes 1., 2., 3., 4., 6., 8., 9. Below
Adult Entertainment	N	N	N	N	N	SZBA	See Notes 1., 3., 5., 6. Below See Sect. XXIII
Service shop	N	N	SPB	SPB	P	P	See Notes 1., 2., 3., 4., 6., 8., 9. below
Service shop, repair shop, craft shop or barber-beauty shop located within	N	N	P	P	P	P	See Notes 1., 3., 6., 8., 9. below

a house, garage or accessory building provided the premises are occupied by the owner.							
Craft shop or on-premises manufacturer of products to be sold on premises, such as jewelry, leather goods, clothes or food.	N	N	SPB	SPB	P	P	See Notes 1., 2., 3., 4., 5., 6., 8., 9. below
Retail business.	N	N	SPB	SPB	P	P	In LiB the Board shall favor businesses compatible with agricultural use, such as a garden center or farm implement store. See Notes 1., 2., 3., 4., 5., 6., 8., 9. below.
Bank, business or professional offices.	N	N	SPB	SPB	P	P	See Notes 1., 2., 3., 4., 8., 9. below
Newspaper or job printing establishment	N	N	N	N	P	P	See Notes 1., 3. below
Hotel, motel or restaurant	N	N	N	N	P	P	See Notes 1., 3. below
Any wholesale or retail business, service or public utility not involving manufacture on the premises except of products the major portion of which is sold on the premises by the producer to the consumer.	N	N	N	N	P	P	See Notes 1., 3., 5., 6. Below
Automobile service station, cleaning, repair shop, storage garage or sales room	N	N	N	N	P	P	See Notes 1., 3., 6. Below
Bars, taverns, or establishments focused on primarily serving liquor and/or entertainment.	N	N	N	N			
Undertaking establishments	N	N	N	N			
INDUSTRIAL/ MANUFACTURING	R	AR	LoB	LiB	B	I	STANDARDS & CONDITIONS

Research laboratory	N	N	N	N	SPB	N	See Notes 1., 3. Below
Manufacturing or industrial use, including processing, fabrication and assembly, shall not be detrimental or offensive or tend to reduce property values in the same or adjoining districts by reasons of dirt, odor, fumes, gas, sewage, refuse, noise, excessive vibration or danger of explosion or fire.	N	N	N	N	N	P	See Notes 1., 3. Below
Manufacturing or industrial use, including processing, fabrication and assembly, shall not be detrimental or offensive or tend to reduce property values in the same or adjoining districts by reasons of dirt, odor, fumes, gas, sewage, refuse, noise, excessive vibration or danger of explosion or fire.	N	N	N	N	N	SPB	See Notes 1., 3. Below
Accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research and scientific development or related production, whether or not on the same parcel as activities permitted as a matter of right,	SZBA	SZBA	SZBA	SZBA	SZBA	SZBA	Provided the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good. See Note 8. below
Removal of Earth Products: <ul style="list-style-type: none"> When Building Inspector determines it's incidental to and in conjunction with the construction of a building or other activity authorized by this bylaw. Other 	P SPB	P SPB	P SPB	P SPB	P SPB	P SPB	See Sect. IX See Notes 1., 8., 9. below
Wireless Communications services, towers and facilities	SPB	SPB	SPB	SPB	SPB	SPB	Requires Wireless Communications Services District. See Sect. XIV

							See Notes 1., 8., 9. below
The collection, treatment, storage, burial, incineration, or disposal of radioactive waste, including but not limited to wastes classified as low-level radioactive waste	N	N	N	N	N	N	See Sect. X
Automobile Dismantling or used parts yard	N	N	N	N	N	N	
Junkyard	N	N	N	N	N	N	
OTHER	R	AR	LoB	LiB	B	I	STANDARDS & CONDITIONS
Transfer of Development Rights							Requires Farmland Preservation District – See Sect. XVII
• Farmland Preservation District	N	SPB	N	N	N	N	
• Farmland Receiving District	N	N	N	N	SPB	SPB	
Stormwater Management Permit	SPB	SPB	SPB	SPB	SPB	SPB	See Sect. XXIV for procedures and exemptions
NOTES							
1. Also requires Commercial Site Plan Approval (see Section VIII)							
2. In LiB Districts, total business use on any one lot shall not exceed 2,500 square feet of gross floor area.							
3. In B and I Districts, any otherwise permitted use involving new construction or change in the outside appearance or a change of use of a building or buildings or premises of more than 75,000 cumulative square feet total gross floor area after such construction or exterior alteration or change in use, on the same parcel of land or on land which has been in common or affiliated ownership within the three years prior to application filing date, will also require a special permit under the Farmland Preservation Bylaw with purchase of development rights as specified in Section XVII for all floor area over 75,000 square feet. This does not apply to the construction or enlargement of any single-family or two-family dwelling or building accessory to such dwelling or any building used exclusively for agriculture, horticulture or floriculture uses.							
4. In LiB Districts, business buildings shall resemble, as far as practicable, residential and agricultural buildings in style, materials and landscaping and that parking, lighting, fencing, and signs are unobtrusive and in conformity with the historic, scenic and agricultural-residential nature of the district. The regulations shall also set out procedures for the review of plans.							
5. in all zoning districts any proposed new structure or expansion of an existing structure for retail use, excluding the reuse or reconstruction of an existing structure, with a total floor area exceeding 75,000 square feet is prohibited							
6. in all zoning districts a group of adjacent stores, shops and similar retail commercial establishments with a combined total footprint of							

all buildings in the group exceeding 60,000 square feet is prohibited.

7. Conversion of existing structures to senior housing. The purpose is to permit existing buildings in all zoning districts to be converted to senior housing dwelling units compatible with such districts, to create new housing involving little new construction, to preserve existing buildings and neighborhoods, and protect open space.

- Requirements. Properties meeting the following requirements shall be eligible for consideration for a special permit, in accordance with Section VI of the Hadley Zoning Bylaw:

- Parcels with one or more existing buildings in all districts with not less than 50 feet of frontage on an approved Town way, with access to Town water and sewer.
- Any structure older than 25 years prior to the adoption of Section XXVII of the Hadley Zoning Bylaw may be converted to senior housing dwelling units.
- The exterior design of the structure shall not be substantially altered and shall maintain the aesthetic and character of older buildings in Hadley.
- The total number of senior housing dwelling units that can be created under a senior housing conversion special permit is the same as the standards set forth in § Section 27.5 of this bylaw.
- No building (including both buildings converted to senior housing dwelling units and accessory buildings not converted to senior housing dwelling units) shall be externally enlarged except with the approval of the Planning Board, and in no event shall such an enlargement add to any one building more floor area than a number equal to 25% of the above-grade floor area of such building, the floor area of porches and decks to be included in the calculations of the floor area.
- No new building for dwelling purposes may be built on the parcel. New accessory structures, such as swimming pools, fences, small sheds, garages, and other accessory structures for accessory purposes, shall be subject to the approval of the Planning Board as to the number, design, location, uses and sizes.

- An application for special permit for such conversion shall be made and processed in accordance with the provisions of Section VI of the Hadley Zoning Bylaw. In addition to those items required for plan submission for special permit, the following items shall also be required to be shown on the plan: proposed renovation/rehabilitation plan for the exterior of buildings, including facade treatments and elevations, proposed site improvements, existing and proposed buildings and their proposed uses and densities.

8. In LoB Districts:

- Buildable area. The area available for the construction of buildings shall be defined as in Tables 1 and 2 of Section IV, Intensity Regulations, and § 5.4, Parking requirements.
- For the purposes of meeting the requirements of Section IV, the dimensions for each lot in this district shall be calculated only by using the boundaries of each lot as the lot existed on the date of passage of this amendment.
- The maximum height and associated setbacks shall comply with Section IV, Intensity Regulations, Tables 1 and 2.

9. All permitted uses in LoB Districts which are subject to Section VIII, Commercial Site Plan Approval, shall be subject to the following:

- Noise-generating activity (e.g., shipping, receiving) shall be regulated by hours of operation to assure the peace and quiet of neighbors.

- Lighting shall comply with all provisions of § 8.8.9.
- Signage shall comply with all provisions of § 7.7.
- The architecture guidelines of Section XIX, Village Center Overlay District, shall apply, except vertical siding with a wood texture/appearance is permitted.

Or take any action relative thereto.

Select Board recommends 4-0-0

Article 21

To see if the Town will vote to amend Section 6 of the Hadley Zoning Bylaw by adding the following to sections 6.3 and 6.4:

- 6.3.1 This Zoning Bylaw and Zoning Map may be amended from time to time in accordance with M.G.L. Chapter 40A, Section 6.
- 6.4.1 The invalidity, unconstitutionality, or illegality of any provision of this Zoning Bylaw or boundary shown on the Zoning Map shall not have any effect upon the validity, constitutionality, or legality of any other provision or boundary.
- 6.4.2 If any provision of this Zoning Bylaw or Zoning Map is found to be invalid by a court of competent jurisdiction, the remainder of the Zoning Bylaw and Zoning Map shall remain in full force. The invalidity of any provision of this Zoning Bylaw or Zoning Map shall not affect the validity of the remainder of the town's Zoning Bylaw or Zoning Map.
- 6.4.3 The provisions of this Zoning Bylaw and Zoning Map are severable and, in the event that any provision of this Zoning Bylaw or Zoning Map are determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.

Or take any action relative thereto.

Select Board recommends 4-0-0

Article 22

To see if the Town will vote to amend the Town's Zoning Bylaw, Article V, by adding a new Section 11, **TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS**, that would provide as follows, and further to amend the Table of Contents to add Section 11, "Temporary Moratorium on Medical Marijuana Treatment Centers" under Article V:

A. PURPOSE

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town and any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the

regulation of Medical Marijuana Treatment Centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of medical marijuana treatment centers and other uses related to medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

B. DEFINITION

“Medical Marijuana Treatment Center” shall mean a “not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

C. TEMPORARY MORATORIUM

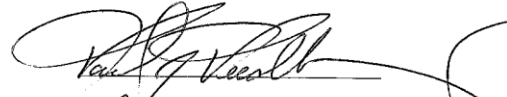
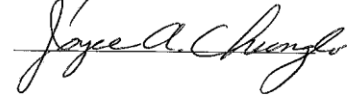
For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through June 30, 2014. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations regarding Medical Marijuana Treatment Centers and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

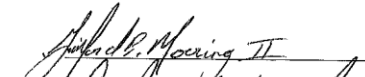
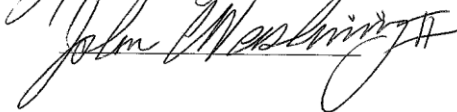
Or take any action relative thereto.

Select Board recommends 2-2-0

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

Given under your hands this 17th day of April, 2013


Paul J. Veal

Joyce A. Chung


Arthur D. Hoising II

John Washington II

HADLEY SELECT BOARD

A true copy attest:

Constable of Hadley

Date: _____