

TOWN CLERK'S  
RETURN

**TOWN OF HADLEY**  
**SPECIAL TOWN MEETING WARRANT**  
**November 7, 2019**

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 seventh day of November 2019 at 7:00 p.m. to act on the following articles:

**Article 1**

To see if the Town will vote to amend the Fiscal Year 2020 Budget by amending the vote on Article 8 of the Warrant of the Annual Town Meeting held on May 2, 2019 as follows:

A. GENERAL FUND BUDGET					
Dept.	Department	Account	FY19 Allocations	FY'20 Annual Town Meeting Voted	FY'20 Finance STM Recommended
122	Select Board	Select Board Salaries	\$ -	\$ -	\$ -
		Other Salaries	\$ 52,058	\$ 48,017	\$ 42,955
		Expenses	\$ 18,483	\$ 18,688	\$ 19,688
			\$ 70,541	\$ 66,705	\$ 62,643
141	Assessors	Assessors' Salaries	\$ -	\$ -	\$ -
		Other Salaries	\$ 67,631	\$ 69,247	\$ 69,266
		Expenses	\$ 21,922	\$ 26,222	\$ 26,222
			\$ 89,553	\$ 95,469	\$ 95,488
146	Tax Collector	Collector Salary	\$ 62,155	\$ 63,192	\$ 63,192
		Other Salaries	\$ 39,570	\$ 50,199	\$ 45,116
		Expenses	\$ 13,967	\$ 12,726	\$ 12,726
			\$ 115,692	\$ 126,117	\$ 121,034
152	Human Resources	Salaries	\$ -	\$ 118,124	\$ 121,562
		Expenses	\$ -	\$ 1,900	\$ 1,900
			\$ -	\$ 120,024	\$ 123,462
161	Town Clerk	Clerk Salary	\$ 60,090	\$ 61,291	\$ 61,291
		Other Salaries	\$ 15,534	\$ 15,594	\$ 21,028
		Expenses	\$ 8,000	\$ 7,650	\$ 7,650
			\$ 83,624	\$ 84,535	\$ 89,969
192	Town Buildings	Senior Center	\$ 34,000	\$ 34,900	\$ 34,900
196		Town Hall	\$ 65,025	\$ 62,950	\$ 67,750
198		No. Hadley Hall	\$ 4,800	\$ -	\$ -
199		Russell School	\$ 1,950	\$ 1,600	\$ 1,600
			\$ 105,775	\$ 99,450	\$ 104,250
220	Fire	Salaries	\$ 469,175	\$ 496,167	\$ 527,695
		Expenses	\$ 144,700	\$ 180,195	\$ 180,195
			\$ 613,875	\$ 676,362	\$ 707,890
241	Building Inspections (Bldng, Gas, Elec, Plumbing)	Salaries	\$ 92,359	\$ 116,337	\$ 138,683
		Expenses	\$ 5,042	\$ 8,420	\$ 8,420
			\$ 97,401	\$ 124,757	\$ 147,103
422	Highway Construction /Maintenance	Salaries	\$ 440,436	\$ 453,022	\$ 456,332
		Expense	\$ 315,110	\$ 338,100	\$ 338,000
			\$ 755,546	\$ 791,122	\$ 794,332
424	Street Lighting	Expenses	\$ 21,885	\$ 22,979	\$ 22,479
			\$ 21,885	\$ 22,979	\$ 22,479
490	Highway Building Maint.	Salaries	\$ 26,490	\$ 27,020	\$ 28,855
		Expenses	\$ 119,250	\$ 117,250	\$ 117,250
			\$ 145,740	\$ 144,270	\$ 146,105
491	Cemetery	Salaries	\$ 5,505	\$ 5,505	\$ 13,150
		Expenses	\$ 12,830	\$ 12,830	\$ 12,830
			\$ 18,335	\$ 18,335	\$ 25,980
510	Board of Health	Salary - Chair	\$ 1,850	\$ 1,850	\$ 1,850
		Salary - Clerk	\$ 1,650	\$ 1,650	\$ 1,650
		Member	\$ 1,450	\$ 1,450	\$ 1,450
		Other Salaries	\$ 11,100	\$ 11,100	\$ 16,534
		Expenses	\$ 20,385	\$ 20,385	\$ 20,385
			\$ 36,435	\$ 36,435	\$ 41,869
541	Council on Aging	Salaries	\$ 90,227	\$ 99,672	\$ 112,905
		Expenses	\$ 4,960	\$ 4,669	\$ 4,669
			\$ 95,187	\$ 104,341	\$ 117,574
630	Park Commission	Commissioners Salaries	\$ -	\$ -	\$ -
		Other Salaries	\$ 36,566	\$ 37,298	\$ 46,984
		Expenses	\$ 14,245	\$ 14,245	\$ 14,245
			\$ 50,811	\$ 51,543	\$ 61,229
710	Long Term Debt	Principal	\$ 1,167,252	\$ 1,082,650	\$ 1,134,628
750		Interest	\$ 103,428	\$ 302,619	\$ 250,631
			\$ 1,270,680	\$ 1,385,269	\$ 1,385,259
A. TOTAL GENERAL FUND OPERATING BUDGET:			\$ 3,571,080	\$ 3,571,080	\$ 3,571,080

And further that the Town amend the appropriation as follows:

Table A.1	FY 2019 Revenue	FY 2020 Revenue
Revenue:		
Raise and Appropriate	\$ 15,312,846	\$ 16,555,780
Interfund Enterprise Receipts	\$ 432,738	\$ 424,704
Free Cash	\$ 439,564	\$ 575,000
Stabilization	\$ 263,838	\$ -
MSBA Debt Fund Reserve	\$ 2,444	\$ 2,444
November 2014 Premium Balance	\$ 928	\$ 928
<b>TOTAL REVENUE</b>	<b>\$ 16,452,358</b>	<b>\$ 17,558,856</b>

That \$ 17,558,856 be appropriated as set forth in individual budget appropriations listed under the column "FY'20 Finance Recommended", as described in Table A General Fund Budget in the handout entitled "Finance Committee Budget FY2020 Special Town Meeting 2019" as presented at the Special Town Meeting and incorporated by reference herein, and as funding therefor; to transfer for local revenue, funds raised via taxation, and any other available funds; to raise and appropriate and transfer from available funds the total sum of \$ 17,558,856, as estimated in Table A.1 of the Special Town Meeting warrant, each item considered to be a separate appropriation.

Or take any action relative thereto.

Select Board recommendation pending  
Finance Committee recommends 3-0-0

## Article 2

To see if the Town will vote to amend the Fiscal Year 2020 Budget by amending the vote on Article 9 of the Warrant of the Annual Town Meeting held on May 2, 2019 and raise and appropriate or transfer from available funds, a sum of money, for the salaries, expenses, and debt, and to provide a reserve fund, for the Wastewater Division Enterprise Fund, the Water Division Enterprise Fund, and the Hadley Media Enterprise Fund for the ensuing fiscal year, such sums of money to be offset by revenues of the Sewer Division Enterprise Fund, the Water Division Enterprise Fund, and the Hadley Media Enterprise Fund received during fiscal year 2020 as follows:

### B. ENTERPRISE FUNDS OPERATING BUDGET & EXPENSES

Dept. Department	Account	FY19 Allocations		FY'20 Annual Town Meeting Voted		FY'20 Finance STM Recommended	
440 Wastewater Division	Salaries	\$ 313,608		\$ 332,655		\$ 337,790	
	Reserve Fund	\$ 10,000		\$ 10,000		\$ 10,000	
	LT Debt - Princ & Int.	\$ 126,305		\$ 130,555		\$ 130,555	
	Other Expenses	\$ 474,550		\$ 476,650		\$ 472,850	
	Total Budget Appropriation	\$ 924,463	\$ 924,463	\$ 949,860	\$ 949,860	\$ 951,195	\$ 951,195
	Deductions from Gross Revenue		\$ 212,381		\$ 209,481		\$ 209,481
	Total Division Expense		\$ 1,136,844		\$ 1,159,341		\$ 1,160,676
450 Water Division	Salaries	\$ 362,314		\$ 379,440		\$ 405,825	
	Reserve Fund	\$ 10,000		\$ 10,000		\$ 10,000	
	LT Debt - Princ & Int.	\$ 170,360		\$ 188,344		\$ 188,344	
	Other Expenses	\$ 509,535		\$ 510,369		\$ 504,919	
	Total Budget Appropriation	\$ 1,052,209	\$ 1,052,209	\$ 1,088,153	\$ 1,088,153	\$ 1,109,088	\$ 1,109,088
	Deductions from Gross Revenue		\$ 205,467		\$ 193,205		\$ 193,205
	Total Division Expense		\$ 1,257,676		\$ 1,281,358		\$ 1,302,293
599 Cable TV/Public Access	Salaries	\$ 17,340		\$ 17,767		\$ 17,767	
	Reserve Fund	\$ 20,000		\$ 4,825		\$ 4,825	
	Expenses	\$ 40,371		\$ 46,230		\$ 47,630	
	Total Budget Appropriation	\$ 77,711	\$ 77,711	\$ 68,822	\$ 68,822	\$ 70,222	\$ 70,222
	Deductions from Gross Revenue		\$ 14,890		\$ 22,018		\$ 22,018
Total Division Expense		\$ 92,601		\$ 90,840		\$ 92,240	
B-1 TOTAL ENTERPRISE FUNDS OPERATING BUDGET:		\$ 2,054,383		\$ 2,106,835		\$ 2,130,505	
B-2 TOTAL ENTERPRISE FUNDS DIVISION EXPENSES:		\$ 2,487,121		\$ 2,531,539		\$ 2,555,209	

Or take any action relative thereto.

Select Board recommendation pending  
Finance Committee recommends 3-0-0

**Article 3**

To see if the Town will vote to transfer the following balances from prior town meeting articles:

Meeting	Description	Account Number	Unused Balance	Transfer To
STM 2012	Open Space Plan	02-171-5300-S03	\$313.60	Free Cash
STM 2017	Public Works F550	02-422-5851-S59	\$75.02	Capital Stab.
STM 2016	Sewer Manhole Mapping	60-440-5890-S38	\$2,012.64	Sewer Reserves
STM 2016	Sewer Clarifier Upgrades	60-440-5860-S39	\$1,498.84	Sewer Impact Fund

And further to see if the Town will vote to adjust borrowing authorizations as follows:

Meeting	Description	Account Number	Original Authorized Borrowing Amount	Amended Authorized Borrowing Amount
STM 2018	Town Hall Car	30-241-5851-301001	\$30,000	\$29,625.75
STM 2018	COA Van	30-541-5870-301007	\$80,000	\$74,180.50
ATM 2014	Public Safety Radios	30-210-5871-A12	\$179,500	\$170,778.56
ATM 2018	School HVAC	30-300-5825-30200	\$170,000	\$168,124.95
STM 2018	School Cafeteria Equipment	30-300-5870-30100	\$55,400	\$54,351.47

Or take any action relative thereto.

Select Board recommends 5-0-0  
 Finance Committee recommends 3-0-0

**Article 4**

To see if the Town will vote to transfer a sum of money into the Capital Stabilization Fund, or take any action relative thereto.

Select Board recommendation pending  
 Finance Committee recommends 3-0-0

**Article 5**

To see if the Town will vote to raise and appropriate, transfer from Capital Stabilization, authorize the Treasurer to borrow, transfer from Water Reserves, transfer from Sewer Reserves, transfer from Sewer Impact Fees, transfer from HPAT reserves, transfer from funds available, or otherwise provide **\$934,418.00** for expenses associated with the following projects:

Description	Amount	Funding Source
Fire/Water Hydrant Markers	\$11,500	Water Reserves.
DPW Mount Warner Well Field Assessment	\$60,000	Water Reserves.
Hadley Media Equipment	\$15,000	Hadley Media Reserves.
Select Board Computers	\$5,750	Borrowing within the levy.
Police Cruiser	\$58,000	Borrowing within the levy
Police Cruiser Cameras	\$36,000	Borrowing within the levy.
Police Parts,	\$12,000	Borrowing within the levy.

Ammunition, Training		
Fire OSHA Equipment	\$25,000	Borrowing within the levy.
DPW Gas Pump Repairs	\$30,000	Borrowing within the levy.
DPW Locks at Town Hall	\$20,668	Borrowing within the levy.
School Parking Lot	\$11,000	Borrowing within the levy.
Board of Health IT	\$5,000	Borrowing within the levy.
Town Hall Counters	\$7,000	Borrowing within the levy.
Town Hall Basement Conditioned Room	\$17,500	Borrowing within the levy.
Fire Emergency Generator	\$105,000	Debt excluded borrowing.
Fire Hurst Vehicle Extrication Equipment	\$35,000	Debt excluded borrowing.
DPW Double Drum Compactor	\$60,000	Debt excluded borrowing.
DPW Mower for the Common	\$30,000	Debt excluded borrowing.
School Bus	\$120,000	Debt exclusion borrowing.
School IT Technology	\$100,000	Debt excluded borrowing.
DPW Expansion of Sewer Plant Capacity Study	\$50,000	Borrow from sewer receipts.
DPW Seal Coat Sewer Plant Road Surfaces	\$30,000	Borrow from sewer receipts.
DPW Water Ford F-350	\$90,000	Borrow from water receipts.

Or take any action relative thereto.

Select Board recommends 5-0-0

Finance Committee recommends 3-0-0, except that on the DPW Double Drum Roller, the Finance Committee makes no recommendation

Capital Planning Committee recommends 5-0-0

## Article 6

To see if the Town will vote to authorize the Select Board to petition the General Court to release land protected under Article 97 of the Amendments of the Constitution of the Commonwealth of Massachusetts, said land located at 239 River Drive adjacent to North Hadley Village Hall and acquired by the Town pursuant to a February 7, 1916 vote of Hadley Town Meeting,

And further, to see if the Town will vote to designate Zatyрка Park, located at the intersection of Huntington Road and Breckenridge Road, as recreational land, or take any action relative thereto.

Select Board recommends 5-0-0

## Article 7

To see if the Town will vote to authorize the Select Board to grant a conservation restriction on certain land, and to authorize the Select Board to petition the General Court for legislation pursuant to Amendment Article 97 of the Massachusetts Constitution to authorize the grant of a conservation restriction on said land, being three parcels of land located southerly of Bay Road and consisting of a total of 336 acres more or less, or take any action relative thereto.

Select Board recommends 3-1-1

**Article 8**

To see if the Town will vote to raise and appropriate, transfer from funds available, transfer from Free Cash or otherwise provide **\$23,450.00** to fund health insurance premium mitigation, or take any action relative thereto.

Select Board recommends 5-0-0

Finance Committee recommends 3-0-0

**Article 9**

To see if the Town will vote to accept funds from the nonprofit Hadley Kids, Inc. pursuant to MGL Chapter 44, Section 53A, for an after-school program administered by the Hadley Public Schools, or take any action relative thereto.

Select Board recommends 5-0-0

Finance Committee recommends 3-0-0

**Article 10**

To see if the Town will vote to transfer **\$25,000.00** from Community Preservation Historic set-aside funds to the Hadley Cemetery Committee for the preservation and restoration of historic gravestones in Plainville Cemetery, and further if the funds are not expended by Annual Town Meeting 2021, any unused balances shall be returned to the Community Preservation Fund.

Or take any action relative thereto.

Select Board recommends 5-0-0

Finance Committee recommends 2-1-0

Community Preservation Act Committee recommends 6-0-0

**Article 11**

To see if the Town will vote to transfer **\$82,000.00** from Community Preservation Historic set-aside funds to the Hadley Cemetery Committee for the preservation and restoration of historic gravestones in Old Hadley Cemetery, and further if the funds are not expended by Annual Town Meeting 2021, any unused balances shall be returned to the Community Preservation Fund.

Or take any action relative thereto.

Select Board recommends 5-0-0

Finance Committee recommends 2-1-0

Community Preservation Act Committee recommends 6-0-0

**Article 12**

To see if the Town will vote to transfer **\$4,600.00** from Community Preservation general funds and **\$400.00** from the Historical set-aside funds Hadley Cemetery Committee for a study to preserve and restore the historic stone fence at Hockanum Cemetery, and further if the funds are not expended by Annual Town Meeting 2021, any unused balances shall be returned to the Community Preservation Fund.

Or take any action relative thereto.

Select Board recommends 5-0-0

Finance Committee recommends 2-1-0

Community Preservation Act Committee recommends 6-0-0

**Article 13**

To see if the Town will vote to transfer **\$8,000.00** from Community Preservation historic set-aside funds to the Hadley Building Committee for emergency repairs to preserve and restore the historic Russell School roof, and further if the funds are not expended by Annual Town Meeting 2021, any unused balances shall be returned to the Community Preservation Fund.

Or take any action relative thereto.

Select Board recommends 5-0-0

Finance Committee recommends 3-0-0

Community Preservation Act Committee recommends 5-1-0

#### **Article 14**

To see if the Town will vote to amend Chapter 425 of the Water Division Regulations in the Code of the Town of Hadley by inserting a new sentence in Section 425-14, subsection H, and by inserting a new sentence at end of Section 425-15 subsection A relating to requiring radio-read water meters. The regulations shall read as follows with proposed changes underlined:

#### **§ 425-14 Charges.**

- A.** Date of consumer's liability to pay. A minimum charge will be assessed for water service from the date the water is turned on, whether the water is used or not (see § 425-19).
- B.** Collections of miscellaneous water charges. All bills for labor or material on consumers' property and charges for shutting off or turning on water will be subject to the same conditions as bills for water.
- C.** Request for duplicate bills. Any consumer or other party who wishes to receive duplicates of bills may do so after paying such charges as necessary to defray the cost of printing or copying, handling and postage.
- D.** Bills are a public record. Water and sewer bills are a public record and as such are subject to disclosure. Any consumer who can show cause to the Select Board why a bill should not be disclosed to the public may have their bill withheld from public viewing, subject to concurrence by the District Attorney.
- E.** Charge for turning on or turning off water. Charges will be made for turning on or shutting off water (see § 425-19).
- F.** Discontinued service for nonpayment of bills. Any consumer who fails to pay his bill within the period due is subject to a discontinuation of water service, and service will not be reestablished until all service charges, penalties and charges for turnoff and turn-on are paid in full or arrangements are made to pay the full amount. Prior to discontinuation of service, notice will be sent by certified mail to the consumer at the address billed. Failure of the consumer to receive the notice shall not relieve the Town of the right to discontinue service.
- G.** Claims for adjustments on bills. All claims for adjustments of water bills must be made within 60 days in the case of semiannual bills and within 30 days on quarterly bills. Any undisputed portion of a bill must be paid by the due date or a late charge will be assessed.
- H.** When meter is out of order. If a meter becomes out of order or fails to register, the consumer will be charged at the average daily consumption as shown by the meter when in working condition for the corresponding period of two preceding years, or for the period the meter has been in service if less than two years. . If the property owner fails to respond to correspondence to inspect and repair the failed meter within 45 days, a fee of

\$50 will be assessed on all subsequent billings until such time as the Water Division is contacted and allowed access to repair the meter.

**I.** No right to furnish water to other premises. A consumer or customer of water may use it for any and all purposes on his own premises but will not be permitted to supply water to the premises occupied by another person, except in special emergencies, and then only with the approval of the Water Division. A consumer may not sell water without express written approval of the Water Commissioners. There will be no commercial bottling of water from the Hadley system.

**J.** Water from nonmetered source (hydrants, standpipes, etc.). All water supplied by the Water Division for any purpose will be measured by a meter as provided for in these regulations.

**§ 425-15 Meters.**

**A.** Installation. Only meters and accouterments, including outside meter readers, approved by the Water Superintendent will be installed. An inventory of meters by serial number and where each is located will be kept current at all times by the Collector's office, 584-4246. All water meters shall meet water division specifications to enable remote readings by Feb. 1, 2020. All current property owners who are currently not in compliance shall have 60 days after DPW notification to schedule the upgrade with the Water Division. Property owners who do not comply will be assessed a meter reading fee of \$50 at each billing period.

**B.** Valves and locking devices. A shutoff valve at meter inlet will be the first fitting inside a service building and will be a flared or compression-type connection. An approved stop valve will be installed near the outlet of the meter by the consumer, at his expense, to permit removal of the meter without backflow from the building pipes. All meters will have locking devices.

**C.** Consumers to pay for meter repairs. Costs of repairs or damages to meters due to negligence on the part of the consumer, such as from freezing, hot water, or external causes, will be charged to the consumer and, if unpaid, become a lien against the premises.

**D.** Meter size. The size, type and kind of water meter required for any given service will be approved by the Water Division.

**E.** Meters not to be removed. All meters will be installed and maintained by the customer/consumer under Water Division supervision and will not be removed except with written approval of the Water Superintendent. Any customer/consumer removing, bypassing, or tampering with a water meter, including removal of meter head, will be charged three times the estimated water usage for the period of time of the current billing cycle that the meter was tampered with. Any unmetered line will also be charged three times the estimated water use for the period of time that this service was unmetered.

**F.** Payment for meter pits. Installation of meter pits will be done by private contractor at the consumer's expense.

**G.** Town's right to change meters. If, in the opinion of the Water Superintendent, a meter does not comply with the conditions of the service installation, the Water Division

has the right to change or replace such meter. Such change shall be made in accordance with current regulations and will be paid for by the consumer.

**H. Check valve.** If, in the opinion of the Water Superintendent, the installation of an approved check valve on the property side of a meter of any consumer is considered necessary for the safety of the water system, such approved check valve will be immediately installed at the expense of the consumer after due notice in writing has been given to the consumer by said Water Division.

**I. Auxiliary meters.** Where the supply of water through a service is covered by a single meter, the Division will read and maintain this meter. If additional or auxiliary meters are wanted for showing subdivisions of such supply, they may be furnished and installed by the consumer, at the expense of the consumer, who must assume all responsibility of reading and maintaining the same unless other arrangements are approved in advance by the Water Superintendent.

**J. Repairing meters.** The Water Division will have the right to remove, repair, or replace any meter at any time it sees fit. All meter installations on services which cannot be shut off for meter repairs will be equipped with a metered bypass at the expense of the consumer.

**K. Access to the meter and outside reader.** It will be the duty of all consumers to see that meters and outside readers on service connections wherever located are readily accessible at all times to the Water Division. Failure to remove any obstruction which prevents access to the meter or reader within three days after being notified by the Water Division will result in shutoff of water to the premises, after proper notification. Water will not be turned on until all obstructions are removed and all regulations complied with and all charges for shutting off and turning on the water are paid.

**L. Testing meters by request.** The accuracy of the meter on any premises will be tested by the Water Division upon written request of the owner, who will pay in advance a fee (see § 425-19) to cover the cost of the test. If in such a test the meter is found to register over 2% more water than actually passes through it, the meter will be repaired or replaced and the fee will be refunded and the water bill for the current period will be adjusted in accordance with the result of the test. If, however, it appears that the person was charged or has paid for less water than he should have been charged or should have paid for, he will be charged with the proper additional amount and must pay the same, together with the expense of the examination and test, to the Town. The Water Superintendent may waive the fee and costs for the first meter calibration check during any two-year period.

Or take any action in relation thereto.

Select Board recommends 5-0-0

## **Article 15**

To see if the Town will vote to add a new article to the Hadley General Bylaws:  
Section 195 Article III: as follows:

### **Stormwater Management and Erosion and Sediment Control**

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**Article III Stormwater Management and Erosion and Sediment Control**

**§ 195-17 Purpose**

- A. The purpose of this bylaw is to better manage land development in order to protect, maintain, and enhance the public health, safety, and general welfare of the citizens of Hadley by establishing minimum requirements and procedures to control the adverse impacts associated with stormwater runoff from new development and redevelopment.
- B. The proper management of stormwater runoff will meet the following objectives:
1. Establish requirements for land development activities that preserve the health of water resources by reducing the adverse water quality impacts of stormwater discharges to rivers, lakes, wetlands, reservoirs and streams in order to attain federal water quality standards.
  2. Prevent the discharge of pollutants, including hazardous chemicals, into stormwater runoff.
  3. Minimize the volume and rate of stormwater which is discharged to rivers, streams, reservoirs, lakes and the municipal storm drain system that flows from any site during and following development.
  4. Prevent erosion and sedimentation from land development and reduce stream channel erosion caused by increased runoff.
  5. Provide for the recharge of groundwater aquifers and maintain the base flow of streams.
  6. Provide stormwater facilities that are attractive, maintain the natural integrity of the environment, and are designed to protect public safety.
  7. Require that development and redevelopment projects limit stormwater runoff volume and treat for water quality in order to reduce flooding, stream erosion, pollution, property damage, and harm to aquatic life.
  8. Promote the use of LID practices such as reducing impervious cover, treating and infiltrating stormwater at the source, utilizing environmentally sensitive design, and the preservation of open space and natural areas, to the maximum extent practicable.
  9. Ensure that these management controls are properly maintained to function as designed.
  10. Establish procedures for the Town’s review of stormwater management plans, and for the Town’s inspection of approved stormwater controls.
  11. Comply with state and federal statutes and regulations relating to stormwater discharges.

**§ 195-18 Definitions**

The following definitions describe the meaning of the terms used in this bylaw:

**ADVERSE IMPACT:** Any deleterious effects on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses, which are or may potentially be harmful or injurious to human health, welfare, safety or property or to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

**AGRICULTURAL ACTIVITY** - producing or raising one or more of the following agricultural commodities for commercial purposes:

1. animals, including but not limited to livestock, poultry, and bees;
2. fruits, vegetables, berries, nuts, maple sap, and other foods for human consumption; and
3. feed, seed, forage, tobacco, flowers, sod, nursery or greenhouse products, and ornamental plants or shrubs.

and as further defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

**ALTER:** Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Alter may be similarly represented as “alteration of drainage characteristics,” and “conducting land disturbance activities.”

**DISTURBANCE:** Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

**EROSION:** The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and subsequent detachment and transportation of soil particles.

**EROSION AND SEDIMENT CONTROL PLAN:** A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a certified professional in erosion and sedimentation control (CPESC) which includes best management practices or equivalent measures designed to control surface runoff, erosion and sedimentation during construction and construction-related land disturbance activities.

**FLOODING:** A local and temporary inundation or a rise in the surface of a body of water, such that it covers land not usually under water.

**GRADING:** Changing the level or shape of the ground surface.

**GROUNDWATER:** All water beneath any land surface including water in the soil and bedrock beneath water bodies, but not including water in manmade structures.

**IMPERVIOUS SURFACE:** Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved parking lots, rooftops, driveways, patios, and paved roads.

**LOW IMPACT DEVELOPMENT:** A development strategy that seeks to mimic (or in the case of redevelopment, restore/recreate) a site's predevelopment hydrology through protection of on-site natural features and environmentally sensitive site design that limits impervious areas, preserves open space, and uses decentralized small scale facilities to capture and manage rainfall (or snowmelt) close to where it falls. These small scale facilities serve to slow, absorb, and treat flow and include bioretention areas, grass swales, porous pavements, cisterns, and green roofs and walls.

**MAXIMUM EXTENT PRACTICABLE:** Refers to the extent of efforts to comply with local post-construction stormwater management requirements. Elements of MEP indicate serious intent to comply and include selecting and implementing design elements to address site restrictions. MEP is defined as the following:

1. Proponents of development/redevelopment projects have made all reasonable efforts to meet the applicable Massachusetts Stormwater Management Standards;
2. They have made a complete evaluation of possible stormwater management measures, including environmentally sensitive site design that minimizes land disturbance and impervious surfaces, low impact development strategies and stormwater BMPs; and,
3. If not in full compliance with the applicable Standards, they are implementing the highest practicable level of stormwater management.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM:** The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Hadley.

**NEW DEVELOPMENT:** Any construction activities or land alteration resulting in total earth disturbances equal to or greater than 40,000 square feet of area (or activities that are part of a larger common plan of development disturbing greater than 40,000 square feet of area) on an area that has not previously been developed to include impervious cover.

**NONPOINT SOURCE POLLUTION:** Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

**OWNER:** A person with a legal or equitable interest in a property.

**PERSON:** Any individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

**POINT SOURCE:** Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container, from which pollutants are or may be discharged.

**POLLUTANT:** Any element of property or sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the commonwealth.

Pollutants shall include:

1. Paints, varnishes and solvents;
2. Oil and other automotive fluids;
3. Nonhazardous liquid and solid wastes and yard wastes;
4. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, Bylaws, accumulations and floatables;
5. Pesticides, herbicides and fertilizers;
6. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
7. Dissolved and particulate metals;
8. Animal wastes and residues;
9. Rock, sand, salt and soils;
10. Construction wastes and residues;
11. Noxious or offense matter of any kind.

**RECHARGE:** The replenishment of underground water reserves.

**REDEVELOPMENT:** Any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances equal to or greater than 40,000 square feet of area (or activities that are part of a larger common plan of development disturbing greater than 40,000 square feet of area) that does not meet the definition of new development (see above). Roadway widening or improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width shall meet the requirements for redevelopment activities.

**RESOURCE AREA:** Any area protected under including without limitation: the Massachusetts Wetlands Protection Act, Massachusetts Rivers Act, or Town of Hadley Wetland Bylaw. Specifically, these areas are banks, bordering vegetated wetlands, ephemeral pools, land under waterbodies and waterways, land subject to flooding and riverfront areas.

**RETENTION:** The holding of runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.

**RUNOFF:** Rainfall, snowmelt, or irrigation water flowing over the ground surface.

**SEDIMENT:** Mineral or organic soil material that is transported by wind or water from its origin to another location, the product of erosion processes.

**SEDIMENTATION:** A process of depositing material that has been suspended and transported in water.

**SITE:** The area extent of construction activities, including but not limited to the creation of new impervious cover and improvement of existing impervious cover (excluding redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways as described under “Redevelopment” definition above).

**STORMWATER:** Any stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

**STORMWATER AUTHORITY:** The Stormwater Authority administers, implements, and enforces this Bylaw. **See Section 4** below for more information on which entity serves as Stormwater Authority.

**STORMWATER MANAGEMENT:** The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

**STORMWATER MANAGEMENT PERMIT:** A permit issued by the Stormwater Authority, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the Town from the adverse effects of uncontrolled and untreated stormwater runoff.

**STORMWATER MANAGEMENT PLAN:** A Plan to be submitted with the application for a Stormwater Management Permit, which shall include current and proposed site conditions, proposed improvements, proposed stormwater control measures, development schedules, and such other matters as may be required by the Stormwater Authority.

**TSS:** Total suspended solids. Matter suspended in water or stormwater when water is filtered for laboratory analysis, TSS are retained by the filter and dissolved solids pass through.

**SWALE:** A natural depression or wide shallow ditch used to temporarily store, route, or filter runoff.

**WETLANDS:** See "Resource Area" above.

#### **§ 195-19 Applicability**

A. Applicability. The bylaw shall apply throughout the entire Town of Hadley. Prior to the issuance of any site plan approval, special permit, subdivision approval or development permit for any proposed development listed below, a stormwater management permit, or a waiver of the requirement for a stormwater management permit, must be approved by the Stormwater Authority. No person shall, on or after the effective date of the bylaw, initiate any land clearing, land grading, earthmoving or development activities without first complying with this bylaw. The following uses and activities shall be required to submit stormwater management plans, including drainage reports, construction drawings, specifications and as-built information in conformance with the requirements of this bylaw and associated regulations:

1. Multifamily residential developments involving four or more units.
2. Any new business, commercial, industrial, and institutional structures on the same property and/or under common ownership with at least 5,000 square feet of gross floor area or at least 10,000 square feet of impervious surface.
3. Redevelopment or additions to existing commercial, industrial, and institutional uses which result in an additional impervious surface area or gross floor area of greater than 5,000 square feet or greater than 10,000 square feet of impervious surface.
4. Subdivisions and construction activities of any kind disturbing greater than or equal to an 40,000 square feet of area.
5. Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development that all together disturbs 40,000 square feet of area or more.

The requirement for an erosion and sediment control plan may not be applicable to all projects and will be determined in consultation with the Stormwater Authority based on project size and potential impacts.

B. Exemptions. To prevent the adverse impacts of stormwater runoff, the stormwater performance standards in the accompanying regulations must be met at new and redevelopment sites. These standards apply to construction activities as described in the accompanying regulations. The following activities are exempt from the requirements for submittal and approval of a stormwater management plan:

1. Any agricultural activity which is consistent with an approved soil conservation plan prepared or approved by the Natural Resources Conservation Service;
2. Any logging which is consistent with a timber management plan approved under the Forest Cutting Practices Act by the Massachusetts Department of Conservation and Recreation;
3. Additions or modifications to existing single-family structures that do not disturb more than an 40,000 square feet of area of land;
4. Developments that do not disturb more than an 40,000 square feet of area of land, provided that they are not part of a larger common development plan, except for those mentioned above;
5. Repairs to any stormwater treatment system deemed necessary by the Hadley Stormwater Authority;
6. Any emergency activity that is immediately necessary for the protection of life, property or the environment, as determined by the Stormwater Authority;
7. Single-family residential uses disturbing less than an 40,000 square feet of area, unless part of a larger common plan of development that will disturb more than 40,000 square feet of area of land;
8. Utility construction and fencing, other than drainage, which will not alter drainage patterns;

9. Activities that are exclusively limited to maintenance and improvement of existing roadways (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects) combined. Roadway widening and/or activities involving associated improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width are subject to the requirements of this bylaw.
10. Maintenance of lawns, gardens and landscaping, less than 40,000 square feet of area, associated with a single-family dwelling; and
11. As authorized in the Phase II Small MS4 General Permit for Massachusetts, stormwater discharges resulting from the activities identified in Section 3A that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Standards as reflected in an order of conditions issued by the Conservation Commission are exempt from compliance with this bylaw.

**§ 195-20 Administration**

- A. The Planning Board will serve as the Stormwater Authority, administering, implementing, and enforcing this Bylaw. The Planning Board may at any time appoint an agent to act on its behalf.
- B. The Planning Board will review all applications for a stormwater permit under this Bylaw. Other Town boards will review applications within their respective expertise and make recommendations to the Planning Board.
- C. The Stormwater Authority may adopt and periodically amend rules and regulations relating to the procedures and administration of this Stormwater Management Bylaw, by majority vote of the Planning Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing date shall be advertised in a newspaper of general local circulation at least seven days prior to the hearing date.
- D. The Stormwater Authority may waive strict compliance with this Bylaw if such action is allowed by Federal, State, and local statutes, bylaws, and/or regulations; is in the public interest; and is consistent with the purposes of this Bylaw.
- E. The Stormwater Authority's action, rendered in writing, may consist of any of the following as a result of an application for a Stormwater Management Permit: Approval; Approval subject to conditions; Disapproval.
- F. This Bylaw is intended to integrate with other parts of the Town's land use regulations and not replace requirements, particularly of the Town of Hadley's Wetlands Protection Bylaw, or any other bylaw that may be adopted by the Town of Hadley. Any activity subject to the provisions of the above-cited bylaws must comply with the specifications of each.

**§ 195-21 Enforcement and Penalties**

- A. Violations. Any development activity that has commenced or is conducted contrary to this bylaw may be restrained by injunction or otherwise abated in a manner provided by law.
- B. Notice of violation. When the Building Inspector determines that an activity is not being carried out in accordance with the requirements of this bylaw, he shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:
  1. The name and address of the owner applicant.
  2. The address when available or the description of the building, structure, or land upon which the violation is occurring.
  3. A statement specifying the nature of the violation.
  4. A description of the remedial measures necessary to bring the development activity into compliance with this bylaw and a time schedule for the completion of such remedial action.
  5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.
  6. A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within 30 days of service of notice of violation pursuant to MGL c. 40A, § 15.
- C. Stop-work orders. Persons receiving a notice of violations will be required to halt all construction activities. This stop-work order will be in effect until the Building Inspector

confirms that the development activity is in compliance and the violation has been satisfactorily addressed; the Building Inspector may utilize the services of a Massachusetts registered engineer to verify compliance. Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this bylaw.

- D. Criminal and civil penalties. Any person who violates any provision of this bylaw, valid regulation, or the terms or conditions in any permit or order prescribed or issued thereunder shall be subject to a fine not to exceed \$300 for each day such violation occurs or continues or subject to a civil penalty, which may be assessed in an action brought on behalf of the Town in any court of competent jurisdiction.
- E. Noncriminal disposition. As an alternative to criminal prosecution or civil action, the Town of Hadley may elect to utilize the noncriminal disposition procedure set forth in the §1-5(G) of the General Bylaw. The Building Inspector shall be the enforcing entity. The penalty for the first violation shall be \$100. The penalty for the second violation shall be \$200. The penalty for the third and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Stormwater Authority may take necessary corrective action, the cost of which shall become a lien upon the property until paid.
- G. Holds on certificate of occupancy. Certificates of occupancy will not be granted until corrections to all stormwater practices have been made and accepted by the Stormwater Authority.

#### **§ 195-22 Severability**

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

Or take any action relative thereto.

#### **Article 16**

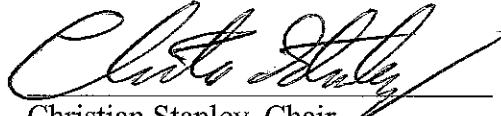
To see if the Town will vote to amend the Zoning Bylaw by deleting Section XXIV, titled: "Erosion and Sediment Control for Stormwater Management", in its entirety, and by deleting in the Table of Contents the text in Section XXIV and replacing it with "Reserved", or take any action relative thereto.

#### **Article 17 (Petition)**

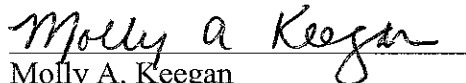
To see if the Town will vote to amend the Zoning Map to extend the Senior Housing Overlay District to include Assessor's Map 5G Parcel 37, an approximately 9.5 acre parcel on the easterly side of Middle Street, as depicted on a map filed with the Town Clerk, or take any action relative thereto.

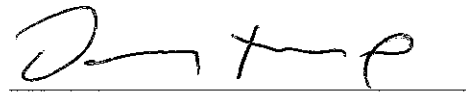
And you are hereby directed to serve this warrant by posting attested copies in the usual places: one at the Town Hall, one at the Hadley Post Office, one in the North Hadley Sugar Shack, and in said Town, fourteen days at least, not including the day of posting, before the time of holding said meeting.

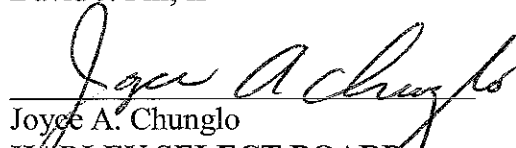
Given under your hands this 16th day of October 2019

  
Christian Stanley, Chair

  
John C. Waskiewicz, II

  
Molly A. Keegan

  
David J. Fill, II

  
Joyce A. Chunglo  
**HADLEY SELECT BOARD**

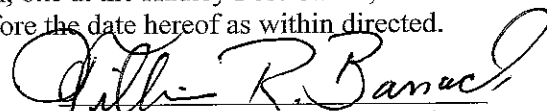
  
Constable of Hadley

Date: 10-23-19

CONSTABLE'S RETURN

November 7, 2019

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Hadley, Massachusetts, qualified to vote in Town elections and Town affairs, by posting up attested copies of the same, at the usual places: one at the Town Hall, one at the Hadley Post Office, one at the North Hadley Sugar Shack, all in said town fourteen days before the date hereof as within directed.

  
Constable of Hadley, Massachusetts