

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 at Hopkins Academy, located at 131 Russell Street, on Saturday, the 22nd of May 2021 at 1:00 pm, or if the weather does not permit the meeting to be held on that date, then on Sunday, the 23rd day of May, 2021 at 1:00 p.m. to act on the following articles:

ARTICLE

Article 1 (CPA – Emergency Rental Assistance for COVID-19)

To see if the Town will vote to appropriate and transfer **\$100,000.00** from the Community Preservation Act Housing Fund to be granted to the Hadley Housing and Economic Development Committee for the purpose of supporting community housing through an Emergency Rental Assistance COVID-19 program, and to authorize the Select Board to enter into a grant agreement, setting forth the terms of said grant with the added conditions that 1) no funds will be dispersed prior to the signing, by both parties, of a letter of agreement between the Select Board and the qualifying organization administrating the program on behalf of the Hadley Housing and Economic Development Committee addressing eligibility, administration, and oversight, and 2) if the funds are not expended under the Emergency Rental Assistance Program by Special Town Meeting 2022, any unused balances or remaining funds shall be returned to the Community Preservation Housing Fund, , or take any action relative thereto.

Select Board recommends 5-0-0

Finance Committee recommends 5-0-0

Community Preservation Act Committee recommends 6-0-1

ARTICLE

Article 2 CPA – North Hadley Cemetery, Russellville Cemetery, and Hockanum Cemetery

To see if the Town will vote to appropriate and transfer **\$60,000.00** from Community Preservation Act Historic Set-Aside Fund to the Hadley Cemetery Committee for the purpose of preserving and restoring of historic gravestones at North Hadley Cemetery, and further to vote to appropriate and transfer **\$8,000.00** from Community Preservation Act Historic Set-Aside Fund and **\$22,000.00** from Community Preservation General Fund to the Hadley Cemetery Committee for the purpose of preservation and restoration of historic gravestones at Russellville Cemetery, and further to vote to appropriate and transfer **\$65,000.00** from Community Preservation Act General Fund to the Hadley Cemetery Committee for the purpose of replacing the stone fence at the historic Hockanum Cemetery, and further, to authorize the Select Board, in consultation with the Community Preservation Committee, to enter into a grant agreement or agreements, as necessary, setting forth the terms of said grant with the added conditions that, if the funds are not expended by Special Town Meeting 2022, any unused balances shall be returned to the Community Preservation General Fund.

Select Board recommends 5-0-0

Finance Committee recommends 5-0-0

Community Preservation Act Committee recommends 7-0-0

ARTICLE

Article 3 Planning Board – Zoning Bylaw Definitions

To see if the Town will vote to amend the Hadley Zone Bylaw by adding a new subsection: Section 1.2 as detailed below; and to further amend the following sections as described herein:

Amend §4.3 by adding: “See §1.2” before the words “In addition ...

Amend §7.2 by deleting everything after “Definitions” and add: “See §1.2” after Definitions

Amend §13.2 by deleting §13.3.1 thru §13.3.25; and add: “See §1.2” after Definitions

Amend §14.2 by deleting everything after Definitions and add: “See §1.2” after Definitions

Amend §22.2 by deleting §22.2.1 thru §22.2.7 and add: “See §1.2” after Definitions

ADULT VIDEO STORE: An establishment having a substantial or significant portion of its stock-in-trade (for sale or rent) motion pictures, films, video cassettes, DVDs and other film material or similar audio/visual and electronic media which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement.

ESTABLISHMENT WHICH DISPLAYS LIVE NUDITY FOR ITS PATRONS: An establishment which provides live entertainment for its patrons that includes persons in the state of nudity or live performances which are characterized by an emphasis on depicting anatomical areas, specified as less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, and human genitals in a state of sexual arousal, or relating to sexual conduct or sexual excitement.

SUBSTANTIAL OR SIGNIFICANT PORTION OF STOCK For purposes herein, "substantial or significant portion of stock" shall mean an amount of stock-in-trade or sales of books, magazines, videos, peep show booths or other visual or audio material which is greater than 10% of the entire stock or sales.

AQUIFER PROTECTION. The following terms are associated with Aquifer Protection. Refer to Section XII.

AQUIFER: Geologic formations composed of rock or sand and gravel that contain significant amounts of potentially recoverable potable water.

AQUIFER PROTECTION DISTRICT: This shall be the area referred to as the "Original Callahan Aquifer District," the "Expanded Callahan Aquifer District," and the "Original Mt. Warner Aquifer District" as defined by the Zone II delineations for the Mt. Warner wells (01,02) and the Callahan wells (03,04). The Aquifer Protection District is delineated as an overlay district on the Town of Hadley Zoning Map.

GROUNDWATER: All the water found beneath the surface of the ground.

HAZARDOUS WASTE: A waste which is hazardous to human health or the environment. Hazardous wastes have been designated by the U.S. Environmental Protection Agency under 40 CFR 250 and the regulations of the Massachusetts Hazardous Waste Management Act, MGL c. 21C.

IMPERVIOUS SURFACES: Materials or structures on or above the ground that do not allow precipitation to infiltrate the underlying soil.

LEACHABLE WASTES: Waste materials, including solid wastes, sludge and pesticide and fertilizer wastes, capable of releasing waterborne contaminants to the environment.

PRIMARY AQUIFER RECHARGE AREA: Areas which are underlain by surficial geologic deposits, including glaciofluvial or lacustrine stratified drift deposits or alluvium or swamp deposits, and in which the prevailing direction of groundwater flow is toward the area of influence of water supply wells.

AUTO-RELATED USES. The following terms relate to automobile services and sales.

AUTOMOBILE REPAIR SHOP: An establishment, garage or work areas enclosed within a building for the servicing and repair of motor vehicles, but not including (1) installing new parts or accessories that are not replacements for existing parts or accessories (e.g., customizing), or (2) towing or storing a motor vehicle, or (3) storage of vehicles for the cannibalization of vehicle parts, or (4) fuel sales, or (5) indoor or outdoor sale and rental of motor vehicles, box truck, cargo van, motorcycle, trailer, all-terrain vehicle, snowmobile, boat or personal water craft.

AUTOMOBILE SERVICE STATION: Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, where repair

bathroom, if available) providing sleeping facilities for up to two adults (and one related child under the age of 18).

HOTEL: A building intended and designed primarily for overnight occupancy, divided into separate units within the same building, with or without public dining facilities, with access to units primarily from interior lobbies, courts, or halls. (See also, MOTEL)

LODGING HOUSE: A house where lodgings are let to four or more persons not within the second degree of kindred to the person conducting it, licensed or required to be licensed under MGL c. 140, § 23.

MOTEL: A building intended and designed primarily for overnight occupancy, divided into separate units within the same building, with or without public dining facilities, and characterized by direct access to every unit from an automobile, parking spaces or facility. (See also, HOTEL.)

BUILDING INSPECTOR: The administrative chief of the building department, meeting the minimum qualifications in G.L. c. 143, § 3 and certified in accordance with 780 CMR R7, with responsibility for administering and enforcing 780 CMR in the Town of Hadley.

BUILDING PERMIT: A building permit is a required approval of a project by the Town's Building Inspector that is consistent with the local, state and federal building codes. In addition, the permit must meet the criteria set forth in this bylaw.

CHILD-CARE FACILITY: As defined in G.L. c. 15D, s. 1A.

CLUB: An association of persons which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, fraternal, religious, political, or athletic purpose, whose activities are confined to the members and guests and are not generally extended to the general public and includes the establishment so operated.

DEVELOPABLE FARMLAND: See §17.2.

DWELLING- AND RESIDENCE-RELATED TERMS. The following terms relate to dwellings and types of dwellings. (See also, SENIOR HOUSING.)

DWELLING, MULTIFAMILY: A building designed or intended or used as the residence of three or more families, each occupying a separate dwelling unit and living independently of each other, and who may have a common right in halls and stairways; with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, DETACHED ONE-FAMILY: A dwelling other than a mobile home, singly and apart from any other building, designed or intended or used exclusively as the residence of one family.

DWELLING, TWO-FAMILY: A detached residential building designed or intended or used exclusively as the residence of two families. A two-family dwelling shall not include a detached single-family dwelling with an accessory apartment.

FARM: Any parcel of land which is used primarily for the raising of agricultural products, livestock, poultry and dairy products. It includes farm structures within the prescribed limits, and the storage of equipment used.

Flood Overlay-Related Terms. The following terms relate to Flood Overlay Zoning Regulations. Refer to Section XIII.

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to one-percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, VI-30, VE, or V.

BASE FLOOD means the flood having a one-percent chance of being equaled or exceeded in any given year.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. "Structure," for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the one-hundred-year floodplain area where the base flood elevation (BFE) has been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE A1-30 and ZONE AE (for new and revised maps) means the one-hundred-year floodplain where the base flood elevation has been determined.

ZONE AH and ZONE AO means the one-hundred-year floodplain with flood depths of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ZONE A99 means areas to be protected from the one-hundred-year flood by federal flood protection system under construction. Base flood elevations have not been determined.

ZONES B, C, and X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

FLOOR AREA, GROSS: See §20.2.

HOME OCCUPATION TERMS. This section is related to Home Occupation zoning regulations. Refer to Section XX.

HOME BUSINESS: See §20.2.2.

HOME OFFICE: See §20.2.1.

INCLUSIONARY ZONING TERMS. This section is related to Inclusionary Zoning regulations. Refer to Section XXV.

AFFORDABILITY DEED RESTRICTION: See §25.1

AFFORDABLE HOUSING TRUST FUND: A fund created to receive fees-in-lieu-of- when developers opt to provide equivalent units in cash or land instead of actual construction. Such trust funds are authorized by MGL c. 44 § 55C, Municipal Affordable Housing Trust Fund.

AFFORDABLE HOUSING UNIT: A dwelling unit with an affordability deed restriction available at a cost of no more than 30% of gross household income of households at or below 80% of the area median income as reported by the U.S. Department of Housing and Urban Development, including units listed under MGL c. 40B § 20-24 and the Commonwealth's Local Initiative Program.

marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

CEASES TO OPERATE: marijuana retailer closes and does not transact business for a period greater than 60 days with no substantial action taken to reopen.

COMMISSION: The Massachusetts Cannabis Control Commission established by MGL c. 10, § 76, or its designee.

CRAFT MARIJUANA COOPERATIVE: A marijuana cultivator comprised of residents of the commonwealth and organized as a limited-liability company, limited-liability partnership, or cooperative corporation under the laws of the commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to marijuana establishments, but not to consumers.

HEMP: The plant of the genus *Cannabis* or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus *Cannabis*, or per volume or weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus *Cannabis* regardless of moisture content.

HOST COMMUNITY AGREEMENT: An agreement, pursuant to MGL c. 94G, § 3(d), between a marijuana establishment and a municipality.

LICENSEE: A person or entity licensed by the Commission to operate a marijuana establishment under 935 CMR 500.000.

MANUFACTURE: To compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.

MARIJUANA CULTIVATION: The use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media and promoting the growth of marijuana by an adult use marijuana cannabis cultivator, micro-business, research facility, craft marijuana cultivator cooperative, or other entity licensed by the Cannabis Control Commission for marijuana cultivation.

MARIJUANA CULTIVATOR: An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other marijuana establishments, but not to consumers. A craft marijuana cooperative is a type of marijuana cultivator.

MARIJUANA ESTABLISHMENT: A marijuana cultivator, craft marijuana cooperative, marijuana product manufacturer, marijuana retailer, marijuana microbusiness, marijuana independent testing laboratory, marijuana research facility, marijuana transporter, or any other type of licensed marijuana-related business, except a registered marijuana dispensary or off-site medical marijuana dispensary.

MARIJUANA INDEPENDENT TESTING LABORATORY: A laboratory that is licensed by the Commission and is:

- (a) Accredited by the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission; and
- (b) Independent financially from any medical marijuana treatment center (RMD), marijuana establishment or licensee for which it conducts a test; and
- (c) Qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and MGL c. 94C, § 34.

MARIJUANA MICROBUSINESS: A co-located marijuana establishment that can be either a Tier 1 marijuana cultivator or product manufacturer or both, in compliance with the operating procedures for each license. A microbusiness that

AFFORDABILITY DEED RESTRICTION: A deed rider, covenant, mortgage, easement, condominium document and/or other similar document that ensures that affordable housing remains on the land for at least 99 years (affordable senior units shall, by deed restriction, remain affordable in perpetuity) and is binding and enforceable against any person with an interest in the property meeting the following standards: [Amended 5-3-2018 ATM by Art. 21]

ASSISTED LIVING FACILITY: Units for persons 55 years of age and older where rooms, meals, personal care and supervision of self-administered medication are provided. Other services may be provided as an accessory use only such as recreational activities, financial services and transportation.

CONDOMINIUM: A legal form of ownership of real property, usually individual ownership of a dwelling unit in a multi-unit development, where some rights are held in common by the residents of that development.

CONGREGATE CARE FACILITY: Units for persons 55 years of age and older where communal dining facilities and services such as housekeeping, organized social and recreational activities, transportation services, and other support services appropriate for the residents are provided.

HOMEOWNERS' ASSOCIATION: A private nonprofit organization (corporation, association, or other legal entity) established by the developer to manage, maintain, support, and finance the common area and facilities and open space of a senior housing development and to enforce certain covenants and restrictions.

SENIOR HOUSING OPEN SPACE: Undeveloped land set aside for common or individual ownership as a result of a senior community development, with conservation easements and other deeded restrictions to ensure that the land will remain permanently open and undeveloped. A condition of senior housing development approval is that open space may not be further subdivided.

SENIOR: An individual who is 55 years of age or older.

SENIOR HOUSING DEVELOPMENT: A master-planned development of land as a unified, self-contained, residential community that provides for a range of living arrangements from single-family housing, senior housing apartments, congregate care housing, to assisted living units, constructed expressly for use and residence by persons who have achieved a minimum age requirement for residency of 55 years or older, in accordance with MGL c. 151B, § 4, Subsection 6, and also incorporating the preservation of natural open space areas as an integral element of the development. A senior housing development shall be permitted only within the Senior Housing Overlay District and only upon the granting of a special permit by the Planning Board.

SIGN-RELATED TERMS. The following terms apply to the regulation of signs. Refer to Section VII.

ESTABLISHMENT: Any nonresidential entity such as an institutional, nonprofit or business that is located in its own premises or a permanently divided portion of larger premises, which portion maintains a separate entrance and egress.

PUBLIC WAY: A way as defined under MGL Chapter 90, § 1.

SIGN: Any permanent or temporary structure, device, letter, word, model, banner, pennant, insignia, trade flag, or representation used as, or which is in the nature of an advertisement, announcement, or direction, or is designed to attract the eye by means including intermittent or repeated motion or illumination.

SIGN, ACCESSORY: Any sign that advertises or indicates the person occupying the premises on which the sign is erected or maintained, or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

OFF-GRID SOLAR ENERGY SYSTEM: A solar energy system that is designed to produce power only at that site of generation and is not connected to an electric power utility.

OFF-SITE SOLAR ENERGY SYSTEM: A solar energy system that is sized primarily to produce electricity to be consumed at a location separated from the site of generation through a connection to an electric power utility.

ON-SITE SOLAR ENERGY SYSTEM: A solar energy system that is sized primarily to produce electricity to be consumed at that site of generation, up to 1.5 times the demonstrated peak energy demand. On-site solar energy systems may or may not be connected to an electric power utility.

RATED NAMEPLATE CAPACITY: The maximum rated output of electric power produced by energy-generating equipment.

SMALL-SCALE, GROUND-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system that has its solar panels structurally mounted on the ground and occupies a footprint of less than one acre.

SOLAR ENERGY SYSTEM: All equipment, machinery and structures utilized in connection with the conversion of light to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads.

SOLAR PANELS: A component or series of components, which are part of a solar energy system that converts sunlight into electricity or concentrates heat for human use.

STREET, ROAD OR WAY: An area of land dedicated, approved by the Planning Board, or legally open for public travel under at least one of the following classifications: A public way duly laid out by the Town of Hadley, the Hampshire County Commissioners, the Commonwealth of Massachusetts, or a way which the Hadley Town Clerk certifies is maintained by public authority and used as a public way excluding, however, limited access highway; or A way shown on a definitive plan approved and endorsed in accordance with the Subdivision Control Laws; or A way in existence prior to said Subdivision Control Law having become effective in the Town of Hadley (1961), having in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the building erected or to be erected thereon.

STRUCTURE: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, mast for radio antenna or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part or parts thereof".

USE: The purpose for which land or building is occupied, or maintained, arranged, designed or intended.

WIRELESS COMMUNICATIONS-RELATED TERMS. The following terms apply to the regulation of senior housing. Refer to Section XIV.

WIRELESS COMMUNICATIONS SERVICES shall mean the provision of the following types of services: cellular telephone service, personal communications and enhanced specialized mobile radio service. Such services, it is anticipated, will be provided via wireless communications towers, including antennas and accessory structures, if any.

WIRELESS COMMUNICATIONS TOWER shall mean a structure (with antennas, if any) designed to facilitate the following types of services: cellular telephone service, personal communications service and enhanced specialized mobile radio service.

and a copy of which is on file with the Town Clerk, provided, however, that the Town Clerk may make formatting and numbering changes as necessary to preserve consistency of the bylaws:

Chapter 220
STRETCH ENERGY CODE
[Adopted 5-22-2021 ATM by Art.5]

§ 220-1 Definitions

§ 220-2 Purpose

§ 220-3 Applicability

§ 220-4 Stretch Code

§ 220-1 Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

§ 220-2 Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

§ 220-3 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

§ 220-4 Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Hadley General Bylaws, Chapter 220.

The Stretch Code is enforceable by the inspector of buildings or building commissioner and effective as of July 1, 2021.

Or take any other action relative thereto.

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

ARTICLE

Article 6 Grants

To see if the Town will vote to authorize the Select Board to apply for and expend any 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 5-0-0
Select Board recommendation 5-0-0

This article is included in the Consent Agenda.

ARTICLE

Article 11 Community Preservation Act Committee

To see if the Town will vote to act on the report of the Community Preservation Committee on the fiscal year 2022 budget and to reserve for later appropriation the following sums of money from the Community Preservation Fund estimated annual revenues:

Open Space Preservation	\$45,000.00
Historic Preservation	\$45,000.00
Housing	\$45,000.00

and appropriate the sum of **\$3,000.00** from the Community Preservation Fund estimated FY2022 annual revenues for all necessary and proper expenses of the Community Preservation Committee for the year, including any administrative expenses, 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 recommends 7-0-0
Finance Committee recommendation 5-0-0
Select Board recommendation 5-0-0

This article is included in the Consent Agenda.

ARTICLE

Article 12 Revolving Funds

To see if the Town will vote to amend the General Bylaws of the Town of Hadley by enacting Section 86-9 of Chapter 86, to establish Annual Expenses Allowed for existing revolving funds pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 53E½ as follows:

Description	Responsible Department	Purpose	Source of Funds	Annual Expenses Allowed
Burial	Cemetery Committee or Public Works Department	Wages and expenses of interment specialists and Department of Public Works expenses associated with services related to burials.	Interment fees	\$7,000
Electrical Inspection	Electrical Inspectors	Wages of inspectors or contractual services related to electrical inspections and services	90% of electrical inspection fees	\$20,000
Tax Title	Collector and Treasurer	Expenses associated with initiating and managing tax title processes	Tax title fees and charges	\$10,000
Recyclables	Select Board	Contracted recycling vendor costs	State recycling payments	\$15,000
Dog Control	Dog Officer	Expenses	50% of fines,	\$2,000

ARTICLE

Article 13 DPW Projects

To see if the Town will vote to raise and appropriate, authorize the Treasurer to borrow, transfer from Water Reserves, transfer from Sewer Reserves, transfer from Sewer Impact Fees, transfer from funds available, or otherwise provide **\$160,000, more or less**, for expenses associated with the following projects:

Description/project	Department	Expense	Source
Mt Warner Tree removal for access to Water Tank	DPW	\$20,000	Water Reserves
Mt Holyoke Electrical alarm system	DPW	\$100,000	Water Reserves
Knighly Road Culvert Headwall repair	DPW	\$ 40,000	Borrow

Or take any action relative thereto.

Finance Committee recommendation 5-0-0
Select Board recommendation 5-0-0
Capital Planning recommendation 4-0-0

ARTICLE

Article 14 Levee Assessment Study Phase II

To see if the Town will vote to raise and appropriate, transfer from funds available, authorize the Treasurer to borrow, or otherwise provide **\$150,000** to fund Phase II of the Levee Assessment; or take any action relative thereto.

Finance Committee recommendation 5-0-0
Select Board recommendation 5-0-0
Capital Planning recommendation 4-0-0

ARTICLE

Article 15 Omnibus Budget – General Fund

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum or sums of money, for the maintenance and operation of the Town in fiscal year 2022 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 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.

Finance Committee recommendation 5-0-0
Select Board recommendation 5-0-0

ARTICLE

Article 19 CPA Extensions

To see if the Town will vote to extend the deadline by one year for the following projects funded by the Community Preservation Act funds:

Meeting	Description	Account Number	Deadline Extension
STM 19	Russell School roof	21-490-5825-S82000	one year
STM 19	Plainville Cem restoration	21-491-5800-S79000	one year
STM 19	Old Hadley Cem restoration	21-491-5800-S8000	one year
ATM 19	Niedbala Farm APR	21-122-5303-S74000	one year

Or take any action relative thereto.

Community Preservation Act Committee recommends 7-0-0
Finance Committee recommendation 5-0-0
Select Board recommendation 5-0-0

ARTICLE

Article 20 Gralinski APR (CPA)

To see if the Town will vote to appropriate **\$5,500.00** from the Community Preservation Act Open Space Fund for the purpose of acquiring an agricultural preservation restriction (APR) on all or a portion of the parcel of the property known as the Gralinski Farm located off River Road (Assessors Map 6B, Parcel 1 & 2), and to authorize the Select Board to enter into such agreements on behalf of the Town as may be necessary for the Town to be a co-holder of said APR, with such conditions to include that the applicant would have 2 years from the date of approval to spend the funding, and if not spent, any remaining funds would revert back to Community Preservation Act Open Space Fund, or take any action relative thereto.

Community Preservation Act Committee recommends 7-0-0
Finance Committee recommendation 5-0-0
Select Board recommendation 5-0-0

ARTICLE

Article 21 Handrich APR (CPA)

To see if the Town will vote to appropriate **\$13,000.00** from the Community Preservation Act Open Space Fund for the purpose of acquiring an agricultural preservation restriction (APR) on all or a portion of the parcel of the property known as the Handrich Trust located off Moody Bridge Road (Assessors Map 9, Parcel 21 and portion of 21A), and to authorize the Select Board to enter into such agreements on behalf of the Town as may be necessary for the Town to be a co-holder of said APR, with such conditions to include that the applicant would have 2 years from the date of approval to spend the funding, and if not spent, any remaining funds would revert back to Community Preservation Act Open Space Fund, or take any action relative thereto.

Community Preservation Act Committee recommends 7-0-0
Finance Committee recommendation 5-0-0
Select Board recommendation 5-0-0

- (3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- (4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- (5) Eliminate costs associated with the response and cleanup of flooding conditions;
- (6) Reduce damage to public and private property resulting from flooding waters.

§ 13.2. Establishment of districts and flood hazard areas.

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the Town of Hadley's Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program, dated June 1, 1978 and on the Flood Boundary & Floodway Map dated June 1, 1978. These maps indicate the 1%-chance regulatory floodplain. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Flood Insurance Study (FIS) report dated December 1, 1977. The effective FIRM, FBFM, and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, and Building Inspector.

§ 13.3. Administration requirements

- 13.3.1. The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.
- 13.3.2. Disclaimer of liability. The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.
- 13.3.3. Severability. If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.
- 13.3.4. Designation of Community Floodplain Administrator. The Town of Hadley hereby designates the position of Building Commissioner to be the official floodplain administrator for the Town.
- 13.3.5. Permits are required for all proposed development in the Floodplain Overlay District. The Town of Hadley requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.
- 13.3.6. Assure that all necessary permits are obtained. Hadley's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.

§ 13.4. Base flood elevation and floodway data.

13.4.1. Floodway data.

- 13.4.1.1. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 13.4.1.2. In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM or Flood Boundary &

structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with MGL c. 131, § 40 and with the following:

- 13.6.1.1. Section of the Massachusetts State Building Code which addresses floodplain areas (currently 780 CMR 3107, "Flood Resistant Construction");
- 13.6.1.2. Wetlands protection regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- 13.6.1.3. Inland wetlands restriction, DEP (currently 310 CMR 13.00);
- 13.6.1.4. Minimum requirements for the subsurface disposal of sanitary sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

13.6.2. Variances to building code floodplain standards

- 13.6.2.1. The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.
- 13.6.2.2. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.
- 13.6.2.3. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

13.6.3. Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if:

- 13.6.3.1 Good and sufficient cause and exceptional non-financial hardship exist;
- 13.6.3.2 the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
- 13.6.3.3 the variance is the minimum action necessary to afford relief.

13.6.4. Other use regulations.

13.6.4.1. All subdivision proposals must be designed to assure that:

- 13.6.4.1.1. Such proposals minimize flood damage;
- 13.6.4.1.2. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- 13.6.4.1.3. Adequate drainage is provided to reduce exposure to flood hazards.
- 13.6.4.1.4. Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

13.6.5. Permitted uses (b, c, d, e communities). The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

- 13.6.5.1. Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- 13.6.5.2. Forestry and nursery uses.
- 13.6.5.3. Outdoor recreational uses, including fishing, boating, play areas, etc.

TO AMEND SECTION 1.2 BY ADDING NEW DEFINITIONS AS FOLLOWS:
Delete the current definitions under the heading: *Flood Overlay-Related Terms. The following terms relate to Flood Overlay Zoning Regulations. Refer to Section XIII.*

And replace those definitions with the following:

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to one-percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, VI-30, VE, or V.

BASE FLOOD means the flood having a one-percent chance of being equaled or exceeded in any given year.

COMMUNITY FLOODPLAIN ADMINISTRATOR is authorized and directed to administer and enforce the provisions of Hadley's Flood Overlay District and Floodplain Zoning Bylaw. The Community Floodplain Administrator shall have the authority to render interpretations of this bylaw consistent with the intent and purpose of this bylaw and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this bylaw without the granting of a variance pursuant to Section 13.6.2 of this bylaw.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DISTRICT means Flood Overlay District.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the one-hundred-year and five-hundred-year floods and the one-hundred-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement.

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck (being a truck of not more than 8,500 pounds gross vehicle weight);
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [US Code of Federal Regulations, Title 44, Part 59]; and
- (e) Fully licensed, and ready for highway use (by being on its wheels or jacking system, by being attached to the site only by quick-disconnect-type utilities and security devices, and by not having any permanently attached additions).

REGULATORY FLOODWAY — see Floodway.

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on a FIRM as Zone A, AO, AI-30, AE, A99, AH, V, VI-30, VE.

START OF CONSTRUCTION means the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

ARTICLE

Article 26 Annual Town Election Date

To see if the Town will vote to amend Section 68-3 of the Town's General Bylaws establishing the Annual Town Election by changing the official date of the second Tuesday of April each year, before Annual Town Meeting, to the third Tuesday in May of each year, after Town Meeting, and further, to authorize the Town Clerk to make any formatting and numerical changes to ensure consistency with the rest of the General Bylaws, or take any action relative there to.

Finance Committee recommendation 5-0-0
Select Board recommendation 4-1-0

ARTICLE

Article 27 Moderator Term

To see if the Town will vote to increase the Town Moderator's term from one year to three years, or take any action relative thereto.

Select Board recommendation 5-0-0

ARTICLE

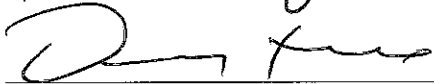
Article 28 Parking Ban

To see if the Town will vote to amend the General Bylaws of the Town by adding to Section 420-18 a Winter Parking Ban, which shall state that no parking is allowed at any time on any Hadley street from December 1 to April 1, which shall include areas immediately adjacent to on-street parking, which would otherwise impede snow removal operations, or other emergency service functions, a copy of which is on file in the office of the Town Clerk, provided further that the Town Clerk may make any formatting and numerical changes so as to ensure consistency with the remainder of the bylaws; or take any action relative thereto.


Select Board recommendation 5-0-0

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, one in the Public Safety Complex, 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 12th day of May 2021



David J. Fill, II, Chair



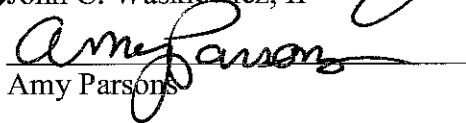
Jane H. Nevinsmith, Clerk



Joyce A. Chunglo



John C. Waskiewicz, II



Amy Parsons

HADLEY SELECT BOARD

Constable of Hadley

Date: _____