

Town Clerk
Return

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

Amend §23.2 by deleting §23.2.1 thru §23.2.2.6 and renumber §23.2.3 to §23.2.1, and add: “Also see §1.2” after §23.2.1

Amend §25.2 by deleting: “Affordable Housing Trust Fund; Affordable Housing Unit; Median Income; and Qualified Affordable Housing Unit Purchaser or Tenant”; and add “Also see § 1.2” after §25.2.2.2

Amend §27.13 by deleting everything after “Definitions” and add: “See §1.2” after Definitions

Amend §28.3 by deleting everything after “Definitions” and add: “See §1.2” after Definitions

Amend §29.2 by deleting §29.2.1 and §29.2.2; and add: “See §1.2” after Definitions

Amend §30.2 by deleting everything after the end of the first sentence ending with “...their plain language” and add: “Also see §1.2” after “..with their plain language”

Section 1.2 Definitions

For purposes of this Bylaw and unless the context of usage clearly indicates another meaning, the following terms shall have the meanings indicated herein. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word “includes” or “including” shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The word "shall" is always mandatory and not merely directory.

Terms and words not defined herein but defined in the State Building Code shall have meanings given therein unless a contrary intention clearly appears in this Bylaw. Words not defined in either place shall have the meaning given in the most recent edition of Webster's Unabridged Dictionary.

ACCESSORY STRUCTURE: A structure located on the same lot with the main building, detached or attached, and customarily incidental and subordinate to the use of the main building.

ACCESSORY USE: A use that is customarily incidental and subordinate to that of the main building or use of land and that is located on the same lot and under the same ownership in all respects.

ADULT USES. The following terms are associated with Adult Uses. Refer to Section XXIII.

ADULT ENTERTAINMENT USES SHALL INCLUDE THE FOLLOWING USES:

ADULT BOOKSTORE: An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, periodicals, pictures and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement.

ADULT CABARET: A nightclub, bar, restaurant, tavern, dance hall, or similar commercial establishment which features:

- (1) Persons who appear in a state of nudity; or
- (2) 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; or
- (3) Motion pictures, films, video cassettes, cable television, slides, DVDs or other photographic reproductions which are characterized by the depiction or description of anatomical areas, specified as above, or relating to sexual conduct or sexual excitement.

ADULT MOTION-PICTURE THEATER: An enclosed building or outdoor venue used for public uses, for presenting substantial or significant portion of material (motion pictures, films, cassettes, cable television, slides, DVDs or any other such visual or electronic media) distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement.

ADULT PARAPHERNALIA STORE: An establishment having as a substantial or significant portion of its stock in devices, objects, tools, toys, or electronic media which are distinguished or characterized by their association with sexual activity, including sexual intercourse, sexual conduct or sexual excitement.

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 NUDDITY 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

service, if any, is incidental; excluding storage of abandoned motor vehicles on the premises. May include the sale of propane or kerosene as accessory uses.

AUTOMOBILE SALES, NEW: A franchised retail automobile dealership that is primarily housed in a structure and characterized by a mixture of secondary supporting uses; however, the principal use of the site shall be the marketing and display of new automobiles, whether by sale, rental, lease or other commercial or financial means. Secondary supporting uses may include an inventory of vehicles for sale or lease either on-site or at a nearby location of new or used automobiles in operating condition, and on-site facilities for the repair and service of automobiles previously sold, rented, or leased by the dealership as defined under "Automobile Repair" and "Automobile Service". No abandoned vehicles shall be stored on the premises.

AUTOMOBILE SALES, USED: A retail business which sells operable, used automobiles that pass state vehicle inspection requirements upon display in the open for sale or trade. Secondary supporting uses may include the service of automobiles previously sold or traded as defined under "Automobile Service". No "Automobile Repair" or "Scrap Operation" activities may occur on-site and no abandoned vehicles shall be stored on the premises.

BUILDING-RELATED TERMS. The following terms relate to buildings.

BUILDING: A combination of any materials, whether portable or fixed, having a roof, to form a structure for shelter of persons, animals or property. For this definition, "roof" shall include an awning or any similar covering whether or not permanent in nature. The word "building" shall be construed where the context requires as though followed by the words "or part or parts, thereof".

BUILDING AREA: The ground area enclosed by the walls of a building together with the area of all covered porches and other roofed portions.

BUILDING HEIGHT: The vertical distance measured from the established grade in business or industry districts, or from the natural grade in residence districts if higher than the established grade or if no grade has been established, to the level of the highest point of the roof beams in the case of flat roofs or roofs inclining not more than one inch to the foot, and to the highest ridge in the case of other roofs. Where the lot faces on two or more streets the "established grade" is the average level of the grade on that street frontage where the average grade is highest. Where the lot has faces one street of varying grades, the average of the grades on the street frontage shall be the "established grade".

STORY: A "story" is that portion of a building between a floor and the ceiling next above it.

STORY, HALF: the space used for residence purposes above the highest full story provided the roof plate is not higher than four (4) feet above the floor. An "attic" is the space between the top story and a pitched roof.

BED-AND-BREAKFAST-RELATED TERMS. Refer to Section XXII.

BED-AND-BREAKFAST FACILITY: a private owner-occupied and owner-operated house which is either a bed-and-breakfast establishment or a bed-and-breakfast home and which is not a hotel, a lodging house, or a motel as defined herein.

BED-AND-BREAKFAST ESTABLISHMENT: a private owner-occupied and owner-operated house where four to six bed-and-breakfast units are let and a breakfast is included in the rent and all accommodations are reserved in advance.

BED-AND-BREAKFAST HOME: a private owner-occupied and owner-operated house where three or fewer bed-and-breakfast units are let and a breakfast is included in the rent and all accommodations are reserved in advance.

BED-AND-BREAKFAST UNIT: a rental guest unit in a bed-and-breakfast home or bed-and-breakfast establishment consisting of one bedroom (and an adjoining

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.

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.

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 HAZARD BOUNDARY MAP (FHBM) means an official map of a community issued by FEMA where boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

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 elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, "new construction" means structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD — see Base Flood.

REGULATORY FLOODWAY — see Floodway.

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

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.

MEDIAN INCOME: The household income determined annually by the US Department of Housing and Urban Development and the Mass Dept of Housing and Community Development for Hadley or the region that includes Hadley.

QUALIFIED AFFORDABLE HOUSING UNIT PURCHASER OR TENANT: An individual or family with household incomes that do not exceed 80% of the median income, with adjustments for household size, as reported by the United States Department of Housing and Urban Development (HUD) and the Commonwealth's Local Initiative Program.

LOT-RELATED TERMS. The following terms apply to the regulation of lots. Also see Section 4.3.

LOT: A single tract of land held in single ownership throughout and which is bounded by streets, ponds, waterways, or by land of other owners.

LOT DEPTH: The mean distance from a street line of the lot to its opposite rear line, measured in the mean general direction of the side lines of the lot.

LOT FRONTAGE: The continuous portion of the line separating a lot from a street to which the owner of the lot can provide the physical access to a principal building on the lot, in compliance with applicable bylaws, regulations or laws, for motor vehicles to reach required off-street parking spaces or loading bays, and for emergency services such as fire protection or ambulance service, and for other vehicles to gain access to the principal building for deliveries, such as mail.

LOT LINE, REAR: The lot line opposite to the street line or in the case of a corner lot the rear lot line may be elected by the owner.

LOT, CORNER: A lot at the junction of and fronting on two or more intersecting streets 20 feet or more in width.

YARD, FRONT: A space across the full width of the lot and extending from the street line of such lot to that point on the building nearest to such street line.

YARD, REAR: A space across the full width of the lot and extending from the rear lot line to that point on the building nearest to such rear lot line. In the case of a triangular lot with only one side fronting on a street, the rear yard shall be the open unoccupied space between the rear wall of the building and a line half-way between such rear wall and the point of intersection of the side lines of the lot.

YARD, SIDE: A space extending from the front yard to the rear yard between a building and the adjacent side line of the lot on which the building is located.

Marijuana Related Terms. The following terms apply to the regulation of marijuana. Refer to Sections XXIX and XXX.

CANNABIS OR MARIJUANA OR MARIHUANA: All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin, including tetrahydrocannabinol as defined in MGL c. 94G, § 1; provided that cannabis shall not include:

(a) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; or

(b) Hemp; or

(c) The weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

CANNABIS OR MARIJUANA PRODUCTS. Cannabis or marijuana and its products unless otherwise indicated. These include products have been manufactured and contain cannabis or marijuana or an extract from cannabis or marijuana, including concentrated forms of marijuana and products composed of

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

is a marijuana product manufacturer may purchase no more than 2,000 pounds of marijuana per year from other marijuana establishments.

MARIJUANA PROCESS OR PROCESSING: To harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in 935 CMR 500.002.

MARIJUANA PRODUCT MANUFACTURER: An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other marijuana establishments, but not to consumers.

MARIJUANA RESEARCH FACILITY: An entity licensed to engage in research projects by the Commission.

MARIJUANA RETAILER: An entity licensed to purchase and transport cannabis or marijuana product from marijuana establishments and to sell or otherwise transfer this product to marijuana establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a marijuana establishment.

MARIJUANA TRANSPORTER: An entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to marijuana establishments, but not to consumers. Marijuana transporters may be an existing licensee transporter or third party transporter.

MEDICAL MARIJUANA TREATMENT CENTER: A registered marijuana dispensary (RMD) and off-site medical marijuana dispensary (OMMD) as defined in Section XXIX of this bylaw.

OFF-SITE MEDICAL MARIJUANA DISPENSARY (OMMD): A registered marijuana dispensary that is located off site from the cultivation/processing facility (and controlled and operated by the same registered and approved not-for-profit entity which operates an affiliated RMD) but which serves only to dispense the processed marijuana, related supplies and educational materials to registered qualifying patients or their personal caregivers in accordance with the provisions of 105 CMR 725.00.

REGISTERED MARIJUANA DISPENSARY (RMD): A use operated by a not-for-profit entity registered and approved by the MA Department of Public Health on accordance with 105 CMR 725.000, and pursuant to all other applicable state laws and regulations, also to be known as a "medical marijuana treatment center," that acquires, cultivates, possesses, processes (including development of related products such as food tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. A RMD shall explicitly include facilities which cultivate and process medical marijuana, and which may also dispense and deliver medical marijuana and related products. The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not agriculturally exempt from zoning.

NONCONFORMING USE OR STRUCTURE: A lawfully existing use or structure which does not conform to the provisions of this Bylaw.

OPEN SPACE: See §5.5.

PROFESSIONAL OR BUSINESS OFFICE: A building or part thereof for the transaction of business or the provision of services exclusive of the receipt, sale, storage, or processing of merchandise, including, but not limited to, offices of banks and financial institutions, medical offices, medical clinics, and others.

RESTAURANT: A place where the primary function is the serving of food and beverages.

SENIOR HOUSING RELATED TERMS. The following terms apply to the regulation of senior housing. Refer to Section XXVII.

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.

SIGN AREA ALLOWANCE: The maximum area of total signage allowed for an establishment. Sign area allowance may be apportioned as desired among and up to the maximum allowed signs for an establishment.

SIGN, GROUND: A sign erected on or affixed to the land, including any exterior sign not attached to a building.

SIGN, INTERNALLY LIT: Any sign that uses a light source inside or behind the surface area or any other part of the sign in order to illuminate the sign or parts of the sign. This includes, but is not limited to, signs with light sources behind semi-translucent material or layered signs with light sources behind text characters. Any internally lit sign is considered a light-emitting sign.

SIGN, LANDMARK: A sign that designates a property, building, or site as historic, as defined by the Town's Historic Commission.

SIGN, LIGHT-EMITTING: A sign which produces and projects light from the surface area or any other part of the sign using a bulb or array of bulbs or any other light source, including internally lit signs, in order to direct light towards viewers.

SIGN, SURFACE AREA OF: The area of a sign shall be considered to include all the lettering, wording and accompanying signs and symbols, together with the background on which they are displayed, any frame around the sign and any cutout or extensions. It shall not include the structural members, which are used solely for supporting or bracing the portion comprising the sign area. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window shall be considered to be that of the smallest quadrangle or triangle which encompasses all of the letters and symbols. The area of a sign consisting of or containing a three-dimensional object shall be considered to be the area of the largest vertical cross-section. In computing the area of signs, only one side of back-to-back signs, shall be counted.

SIGN, TEMPORARY: Any sign intended to be maintained for a continuous period of not more than 60 days.

SOLAR ENERGY RELATED TERMS. The following terms apply to the regulation of senior housing. Refer to Section XXVIII.

AGRICULTURE: "Farming" or "agriculture" shall be defined as stated in MGL Chapter 128, § 1A, as amended.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A solar energy system shall be considered to be building integrated if it is designed to be permanently mounted on a building or other inhabitable structure. This definition applies to solar energy systems of any capacity that are designed to be operated in direct contact with a building.

CONTACT INFORMATION: Any and all up-to-date information necessary to make contact under both normal and emergency conditions. This information includes, but may not be limited to, names, addresses, telephone and fax numbers, as well as e-mail addresses.

DEMONSTRATED PEAK ENERGY DEMAND: The highest electric load measured on any day during the twenty-four-month time period prior to submission of solar energy system permit application.

FOOTPRINT: The area of the smallest quadrangle or triangle that encompasses all of the solar panels.

IMPERVIOUS SURFACES: Any surface that restricts natural rainwater penetration and/or natural groundwater recharge. This includes pavement of any type, concrete, asphalt, bituminous concrete (any type), so called TRG, gravel, stone (any type or size), brick, or any other surface that restricts or is designed to restrict natural rainwater penetration.

LARGE-SCALE, GROUND-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system that has its solar panels structurally mounted on the ground and occupies a footprint equal to or greater than one acre but no more than 10 acres.

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.

WIRELESS COMMUNICATIONS FACILITY shall mean devices (other than a wireless communications tower) which are mounted on top of an existing building or structure (roof mounted), mounted adjacent to the side or rear of an existing building or structure (side mounted), or mounted to the facade of an existing building or structure (facade mounted) and designed to facilitate the following types of services: cellular telephone service, personal communications service and enhanced specialized mobile radio service.

ZONING ENFORCEMENT OFFICER: The Building Inspector unless otherwise designated by the Select Board.

ARTICLE

Article 4 Hadley Zoning Bylaw Amendment: Fees-In-Lieu of Affordable Housing Unit Provision

To see if the Town will vote to amend the Hadley Zone Bylaw, as detailed below, a copy of which is on file in the office of the Town Clerk, provided further that the town Clerk may make formatting and numbering changes as necessary to preserve consistency of the bylaws:

-Add new subsection 25.4.3 as follows:

25.4.3 An equivalent fees-in-lieu of payment may be made (see § 25.7).

-Add new subsection 25.7 as follows:

§ 25.7 FEES-IN-LIEU OF AFFORDABLE HOUSING UNIT PROVISION:

As an alternative to the requirements of §25.5 or §25.6, and to the extent permitted by law, an applicant may contribute to the Hadley Affordable Housing Trust Fund to be used for the development of affordable housing in lieu of constructing and offering affordable units within the locus of the proposed development or at an off-site locus.

25.7.1 Calculation of fee-in-lieu-of units. The applicant for development subject to this bylaw may pay fees-in-lieu of the construction of affordable units. For the purposes of this bylaw the fee-in-lieu of the construction or provision of affordable units will be determined as a per-unit cost as calculated from regional construction and sales reports, and prorata site purchase and development. The Planning Board shall make the final determination of acceptable value, in accordance with regulations it may from time to time adopt and amend.

25.7.2 Schedule of fees-in-lieu-of-units payments. Fees-in-lieu-of-units payments shall be made according to the schedule set forth in §25.5.3.

25.7.3 Creation of Affordable Units. Cash contributions and donations of land and/or buildings made to the Hadley Affordable Housing trust Fund in accordance with § 25.7 shall be used according to the rules and regulations of said Trust.

-Add new subsection 27.4 as follows:

§ 27.4 Conversion of existing structures to Senior Housing: see § 3 Notes 7

Or take any action in relative thereto.

ARTICLE

Article 5 Adoption of Stretch Energy Building Code – Green Communities

To see if the Town will vote to amend the Town of Hadley General Bylaws, by inserting Chapter 220 entitled “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments, or modifications thereto, with an effective date of July 1, 2021 as presented below

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 7 (Chapter 90)

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

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

This article is included in the Consent Agenda.

ARTICLE

Article 8 (Short-Term Borrowing)

To see if the Town will vote to authorize the Treasurer, with the approval of the Select Board, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2021 in accordance with the provisions of the Massachusetts General Laws, Chapter 44, Section 4 and to issue a note or notes therefor, payable within one year, and to renew any note or notes as may be given for a period of less than one year, in accordance with Massachusetts General Laws, Chapter 44, Section 17, or take any action relative thereto.

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

This article is included in the Consent Agenda.

ARTICLE

Article 9 Fund Balance Transfer

To see if the Town will vote to transfer the following balances:

Meeting	Description	Account Number	Balance Returned	Fund Replenished
STM 19	School Parking Lot	30-300-5845-302015	\$11,000	Borrowing

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 10 Water Treatment Plant Filtration Membrane Reserve

To see if the Town will vote to transfer \$26,000.00 from Water Reserves to the Water Plant Filtration Stabilization fund as per the provisions of Massachusetts General Law Chapter 40, Section 5B, for the purpose of repairing and replacing water plant filtration membranes and associated expenses, including any incidental or related costs, 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 an 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

		associated with controlling dogs	fees, and reimbursements associated with dog control, but excluding dog license fees	
Russell School	Select Board	Expenses associated with repairs and operations of the Russell School	Rental income from use of the Russell School	\$35,000
Sealer of Weights and Measures	Select Board	Sealer of Weights and Measures services	Fees and fines for weights and measurers	\$29,000
Park and Recreation	Park and Recreation Commission	Wages and expenses associated with Park and Recreation programs	Program fees	\$50,000
Lost Books	Trustees of the Library	Replace lost or damaged library materials	Fines and fees associated with lost or damaged library materials	\$1,000
Tax Liens	Treasurer	Underwrite legal expenses associated with collecting tax liens	Fines and fees associated with collecting tax liens	\$7,500
Conservation Administration	Conservation Commission	Support operations of the Conservation Commission	Fees associated with plan review	\$1,000
After School Program	Park and Recreation Commission	Support of children's recreational programs and personnel associated with program enrollment	Fees associated with hosting and administrating children's recreational programs	\$45,000
Council on Aging Van	Council on Aging	Underwrite expenses associated with operating the COA van	Fees collected from riders.	\$3,000
Inspections Permit Software Fees	Building Inspections	Payment of permit software fees for permits issued by the Building Inspector, Electrical Inspector, and Plumbing and Gas Inspector	Surcharge received per permit issued	\$10,000

And further to delete the following revolving fund accounts: Electrical Inspection, Russell School, and After School Program; and to return any remaining balances in said revolving fund accounts to the General Fund.

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 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 16 Budget – Sewer, Water, and Hadley Media Enterprise Funds

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum or sums 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 2022, or take any action relative thereto.

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

ARTICLE

Article 17 Water and Sewer line replacement on Route 9

To see if the Town will vote to raise and appropriate, transfer from available funds, transfer from Free Cash, authorize the Treasurer to borrow, or otherwise provide **\$925,000** for the following capital projects:

Department	Project	Expense	Source
DPW Water Division	Replace Water Lines under Route 9	\$805,000	Borrow with Water Revenue
DPW Sewer Division	Replace Sewer Lines under Route 9	\$120,000	Borrow with Sewer Revenue

Or take any action relative thereto.

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

ARTICLE

Article 18 Purchase of Used Ambulance

To see if the Town will vote to raise and appropriate, transfer from capital stabilization, authorize the treasurer to borrow, or otherwise provide **\$20,000** for the purchase and equipping of the City of Northampton's A2-2009 Chevrolet C4500 PL Custom Ambulance to be placed in service following certification and training as a Basic Life Support Ambulance as Hadley Med 2, including any incidental and related expenses, or take any action relative thereto.

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

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

ARTICLE

Article 22 Gralinski APR (Conservation)

To see if the Town will vote to appropriate **\$5,500.00** from the Conservation Commission's TDR 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, or take any action relative thereto.

Conservation Committee recommends 7-0-0
Finance Committee recommendation 5-0-0
Select Board recommendation 5-0-0

ARTICLE

Article 23 Handrich APR (Conservation)

To see if the Town will vote to appropriate **\$13,000** from the Conservation Commission's TDR 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, or take any action relative thereto.

Conservation Committee recommends 7-0-0
Finance Committee recommendation 5-0-0
Select Board recommendation 5-0-0

ARTICLE

Article 24 Steeple Clock

To see if the Town will vote to appropriate **\$13,500.00** from the Community Preservation Act General Fund to The First Congregational Church for the purpose of repair and restoration of the 1909 Seth Thomas clock located in the historic center of Hadley, and to enter into an agreement or agreements as necessary, 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 General 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 25 Planning Board River ByLaws

To see if the Town will vote to amend Section XIII of the Zoning Bylaws, entitled Flood Overlay District, by deleting the current section in its entirety and replacing it with a new Section XIII, as follows, provided that the Town Clerk may make formatting and numerical changes so as to ensure consistency with the rest of the Zoning Bylaws:

[Added May 1987; amended 10-14-1993; 5-2-1996; 5-7-2009 ATM by Art. 33; 5-5-2011 ATM by Art. 18; 5-7-2015 ATM by Art. 25]

§ 13.1. Statement of purpose.

The purposes of the Flood Overlay District are to:

- (1) Ensure public safety through reducing the threats to life and personal injury;
- (2) Eliminate new hazards to emergency response officials;

- (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 &

Floodway Map encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

13.4.1.3 In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

13.4.1.4 Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

13.4.2. Base flood elevation data for subdivision proposals. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

§ 13.5. Notification of watercourse alteration.

13.5.1. In a riverine situation, the Building Official shall notify the following of any alteration or relocation of a watercourse:

13.5.1.1. Adjacent communities.

13.5.1.2. Bordering states (optional).

13.5.1.3. NFIP State Coordinator.

Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 800
Boston, MA 02114-2104

13.5.1.4. NFIP Program Specialist.

Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

13.5.2. Requirement to submit new technical data

If the Town/City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town/City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation
251 Causeway Street
Boston, MA 02114

§ 13.6. Use regulations and variances

13.6.1. Reference to existing regulations. The Flood Overlay District is established as an overlay district to all other districts. All development in the district, including

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.

- 13.6.5.4. Conservation of water, plants, wildlife.
- 13.6.5.5. Wildlife management areas, foot, bicycle, and/or horse paths.
- 13.6.5.6. Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- 13.6.5.7. Buildings lawfully existing prior to the adoption of these provisions.

§ 13.7. Seasonal Uses

13.7.1. Recreational Vehicles

In A1-30, AH, AE Zones, fully licensed and highway ready recreational vehicles may be placed on a site for not more than 179 consecutive days between May 1 and October 31 of each year.

13.7.2. Notwithstanding any language in this bylaw to the contrary,

13.7.2.1. recreational vehicle are permitted in the floodplain on lots with Connecticut River Frontage with the approval of the COMMUNITY FLOODPLAIN ADMINISTRATOR (“CFA”), subject to the requirements of §13.7.3. and such other policies and procedures and requirements established by the CFA.

13.7.3. The application to the CFA must satisfy the following conditions, and be supported by such documentation as the CFA may require:

13.7.3.1. One recreational vehicles may be placed on any lot meeting the minimum lot size and set back specifications for dwellings in the underlying district; where there are no such specifications for the underlying district, the intensity regulations as set forth in § 4.1 for dwellings in the Aquifer Protection District shall apply.

13.7. 3.2. More than one recreational vehicle may be placed on any lot meeting the minimum lot size and set back specifications for dwellings in the underlying district, provided the lot allows for

- a) minimum spacing of 25’ between recreational vehicles on the lot,
- b) if at all possible minimum spacing of 25’ from recreational vehicles on abutting lots, and
- c) a minimum 2,500 square feet of area for each recreational vehicle.

13.7.3.2.1 If three or more recreational vehicles are proposed, the applicant shall additionally demonstrate compliance with 105 CMR 440.000: MINIMUM STANDARDS FOR DEVELOPED FAMILY TYPE CAMP GROUNDS (STATE SANITARY CODE, CHAPTER VI)

13.7.3.3. There shall be no danger of pollution to public or on-site water supply facilities due to the location or elevation of the recreational vehicle, filling, infiltration of floodwaters, or for other reasons.

13.7.3.4. Utilities shall be so located and constructed as to minimize or eliminate flood damage.

13.7.3.5. Adequate methods shall be provided for the periodic disposal of sewage, refuse and other waste resulting from the uses permitted on the site.

13.7.3.6. The applicant is not excused from complying with other applicable laws, including wetlands protection laws under the jurisdiction of the Conservation Commission and any other rules and regulations governing use of water front property in the Commonwealth of Massachus

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

elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of NFIP Regulations 60.3.

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.

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.

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

Or take any action relative thereto.

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

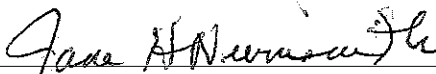
To see if the Town will vote to amend the General Bylaws of the Town by adding to Section 420-18 a Winter Parking Ban, which shall state that no parking is allowed at any time on any Hadley street from December 1 to April 1, which shall include areas immediately adjacent to on-street parking, which would 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.

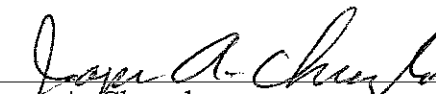
Select Board recommendation 5-0-0

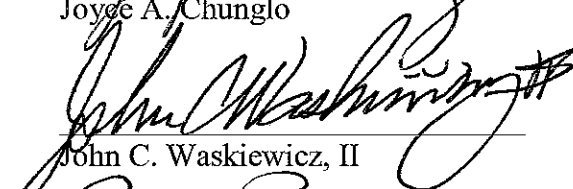
And you are hereby directed to serve this warrant by posting attested copies in the usual places: one at the Town Hall, one at the Hadley Post Office, one in the Public Safety Complex, and in said Town, seven days at least, not including the day of posting, before the time of holding said meeting.

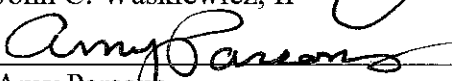
Given under your hands this 12th day of May 2021


David J. Fill, II, Chair

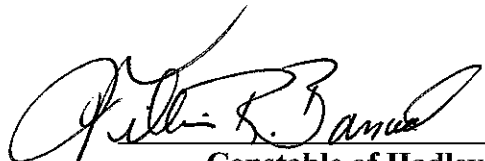

Jane H. Nevinsmith, Clerk


Joyce A. Chunglo


John C. Waskiewicz, II


Amy Parsons

HADLEY SELECT BOARD

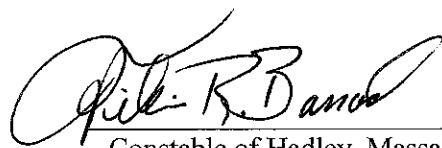

Constable of Hadley

Date: 5-14-2021

CONSTABLE'S RETURN

May 22, 2021

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 Public Safety Complex, all in said town seven days before the date hereof as within directed.


Constable of Hadley, Massachusetts