

**TOWN OF HADLEY  
ANNUAL TOWN MEETING WARRANT**

**Hampshire, ss.**

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

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town qualified to vote in Elections and Town affairs to meet in Hopkins Academy on Thursday, the first day of May 2014 at 7:00 p.m. to act on the following articles:

**Article 1**

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

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

**Article 2**

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

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

**Article 3**

To see if the Town will vote to authorize the Treasurer with the approval of the Select Board, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2014 in accordance with the provisions of the Massachusetts General Laws, Chapter 44, Section 4 and to issue a note or notes therefor, payable within one year, and to renew any note or notes as may be given for a period of less than one year, in accordance with Massachusetts General Laws, Chapter 44, Section 17, or take any action relative thereto.

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

#### Article 4

To see if the Town will vote to authorize the following revolving funds for certain town departments under MGL Chapter 44, Section 53 E½ for the fiscal year beginning July 1, 2014:

<b>Revolving Fund</b>	<b>Authorized to Spend Fund</b>	<b>Revenue Source</b>	<b>Use of Fund</b>	<b>FY 2015 Spending Limit</b>	<b>Surplus Cap</b>
Burial	Cemetery Committee or Public Works Department	Interment fees	Salaries and expenses of interment specialists and Department of Public Works expenses associated with services related to burials.	\$7,000.00	\$2,000.00
Electrical Inspection	Electrical Inspectors	90% of electrical inspection fees	Salaries of inspectors or contractual services related to electrical inspections and services.	\$20,000.00	\$6,000.00
Russell School Building	Select Board	Russell School Building rental income.	Designs, upgrades and maintenance of the Russell School Building and grounds.	\$90,000.00	\$100,000.00
Recyclables	Select Board	State recycling payments	Contracted recycling vendors costs	\$15,000.00	\$7,000.00
Dog Control	Dog Officer	50% of fines, fees, and reimbursements associated with dog control, but excluding dog license fees.	Expenses associated with controlling dogs.	\$2,000.00	\$500.00
North Hadley Hall Rental	Park and Recreation Commission	Rental fees for North Hadley Hall	Park and Recreation Programs	\$3,000.00	\$500.00
Sealer of Weights and Measures	Select Board	Fees and fines for weights and measures.	Sealer of Weights and Measures services.	\$20,000.00	\$1,000.00
<b>TOTAL SPENDING</b>				<b>\$157,000.00</b>	

Or take any action relative thereto.

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

## **Article 5**

To see if the Town will vote to transfer from Free Cash, take from funds available, or otherwise provide **\$43,000.00** to cover unemployment expenses.

And further,

Transfer \$19,250.00 from (Accountant # 423-5130) Snow and Ice Overtime to (Account # 423-5533) Snow Supplies and Ice expenses,

Or take any action relative thereto.

Finance Committee recommendation pending  
Select Board recommends 4-0-1

## **Article 6**

To see if the Town will vote to amend the vote taken under Article 3 of the October 24, 2013 Special Town Meeting, by inserting the phrase “and the University of Massachusetts project” so that the entire vote shall read:

“Moved that the Town transfer from Free Cash \$6,000.00 for expenses and wages associated with electrical inspections associated with the Mill Valley Road solar installation and the University of Massachusetts project.”

Or take any action relative thereto

Select Board recommends 5-0-0

## **Article 7**

To see if the Town will vote to transfer from Stabilization **\$84,668.00** to pay the Estate of Dennis Hukowicz for contractual buyout of accrued leave, or take any action relative thereto.

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

## **Article 8**

To see if the Town will raise and appropriate or transfer from available funds, a sum of money, for the maintenance and operation of the town in fiscal year 2015 as recommended by the Finance Committee, including debt and interest, and to fix the salary of all elected officials, including, if appropriate, Select Board, Town Clerk, Town Collector, Town Treasurer, Town Assessors, Town Constables, Board of Health, Elector

under the Oliver Smith Will, Planning Board and Park and Recreation Commission, and to provide a reserve fund, or take any action relative thereto.

Finance Committee recommendation pending

Select Board recommendation pending

## Article 9

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

Finance Committee recommendation pending

Select Board recommends 5-0-0

## Article 10

To see if the Town will vote to transfer from Capital Stabilization **\$404,359.00** and further to transfer **\$45,000.00** from Wastewater Reserves and to transfer **\$87,000.00** from Water Reserves for capital expenses associated with capital equipment for town departments:

Capital Purchase -----	Department -----	Cost -----	Funding Source -----
Master Plan update	Select Board	\$40,000	Capital Stab.
Computer upgrades	Public Safety	\$25,000	Capital Stab.
Heating System upgrade	Public Safety	\$38,160	Capital Stab.
Fire Arms Equipment	Police	\$7,700	Capital Stab.
Ballistic Vests	Police	\$17,600	Capital Stab.
Furniture	Public Safety	\$13,800	Capital Stab.
Two Cruisers	Police	\$69,499	Capital Stab.
Air Packs	Fire	\$5,100	Capital Stab.
Carpeting and Painting	Public Safety	\$32,000	Capital Stab.
John Deere Loader	DPW	\$60,000	Capital Stab.
Staff vehicle	DPW	\$6,000	Capital Stab.
Road Paving	DPW	\$10,000	Capital Stab.
Levee Free Board Survey	DPW	\$30,500	Capital Stab.
Interior Painting	Library	\$9,000	Capital Stab.
Shelving/Archival Storage	Library	\$20,000	Capital Stab.
Information Technology	Library	\$10,000	Capital Stab.
West Library Steps	Library	\$10,000	Capital Stab.
Vehicle	Wastewater	\$45,000	Reserves
Water Master Plan Update	Water	\$54,500	Reserves
Valve replacement Program	Water	\$32,500	Reserves
		-----	
		\$536,359	

Or take any action in relation thereto.

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

## Article 11

To see if the Town will vote to authorize the Treasurer to borrow **\$715,000.00**, and to transfer from the Sewer Improvement Fee Account **\$225,000.00** for capital expenses associated with capital projects for town departments within the Wastewater and Water Enterprise funds:

Capital Purchase -----	Department -----	Cost -----	Funding Source -----
Sewer Pump Stations 1 and 4	Wastewater	\$880,000	Borrow + Sewer Impact Fees
Water Tank Altitude Valve	Water	60,000	Borrow
		----- \$940,000	

Or take any action in relation thereto.

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

## Article 12

To see if the Town will vote to authorize the Treasurer to borrow **\$1,243,750.00** for capital expenses associated with capital projects for town departments:

Capital Purchase -----	Department -----	Cost -----	Funding Source -----
Heavy Rescue/Pumper	Fire	\$761,250	Borrow
Radio Equipment Upgrade	Public Safety	179,500	Borrow
Emergency Generators	Schools	135,000	Borrow
F 550 Dump Truck #1	DPW	83,000	Borrow
F 550 Dump Truck #2	DPW	85,000	Borrow
		----- \$1,243,750	

Or take any action in relation thereto.

Capital Planning Committee recommends 3-0-0

Finance Committee recommendation pending  
Select Board recommends 4-0-1

### **Article 13**

To see if the Town will vote to transfer the Holyoke Range property from the Select Board, in its capacity as the Board of Water Commissioners, for water supply purposes to the Select Board, in such capacity and for such purposes and also for the purpose of leasing said property for telecommunications purposes, and to authorize the Select Board, in its capacity as the Board of Water Commissioners, to enter into a long-term lease agreement to place telecommunication facilities to be placed on the water tank thereon, and to grant such access, utility and related easements on said property as may be necessary or convenient to serve said telecommunications facilities, or take any action relative thereto.

Capital Planning Committee recommends 3-0-0  
Finance Committee recommendation pending  
Select Board recommends 5-0-0

### **Article 14**

To see if the Town will vote to raise and appropriate, transfer from Free Cash, take from funds available, transfer from Overlay Surplus, or otherwise provide **\$9,908.00** to pay assessments mandated by the Massachusetts Division of Insurance to MEGA Property & Casualty Group, Inc., or take any action in relation thereto.

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

### **Article 15**

To see if the Town will vote to authorize and approve an agreement for Payment-in-Lieu-of-Taxes (PILOT) pursuant to the provisions of MGL Chapter 59, Section 38H(b), and any other enabling legislation, between the Town and Blue Wave Capital for solar facilities to be installed and operated in the Town of Hadley; and further to authorize the Select Board to take such action as may be necessary to carry out the vote taken hereunder, or take any action in relation thereto.

Finance Committee recommendation pending  
Select Board recommends 4-0-1

### **Article 16**

To see if the Town will vote to act on the report of the Community Preservation Committee on the fiscal year 2015 budget and to reserve for later appropriation the following sums of money from the Community Preservation Fund FY 2015 estimated annual revenues:

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

and appropriate the sum of **\$5,000.00** from the Community Preservation Fund FY 2015 estimated annual revenues for all necessary and proper expenses of the Community Preservation Committee for the year, and further to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation projects or purposes as may be recommended by the Community Preservation Committee, or take any action relative thereto.

Community Preservation Act Committee recommends (6 yes, 0 no, 0 abstain, and 3 absences)

Finance Committee recommendation pending

Select Board recommends 5-0-0

## Article 17

To see if the Town will vote to authorize the Select Board to acquire, by purchase, gift, and/or eminent domain, on such terms and conditions as the Board deems appropriate, an agricultural preservation restriction on all or portions of two parcels of land, one containing approximately 4.9 acres, located at West Street, and shown on Assessors Map 4D as Parcel 28, and the other containing 4.7 acres, located on Honey Pot Road, and shown on Assessors Map 1 as Parcel 38, which parcels are described in a deed recorded with the Hampshire County Registry of Deeds in Book 10831, Page 285, and, further, to appropriate **\$33,800.00** from the Community Preservation Act general funds for the foregoing acquisition and costs related thereto, or take any action relative thereto.

Community Preservation Act Committee recommends (6 yes, 0 no, 0 abstain, and 3 absences)

Finance Committee recommendation pending

Select Board recommends 5-0-0

## Article 18

To see if the Town will vote to authorize the Select Board to acquire, by purchase, gift, and/or eminent domain, on such terms and conditions as the Board deems appropriate, an agricultural preservation restriction on all or portions of three parcels of land, containing a total of approximately 8.4 acres, located off Cemetery Road, shown on Assessors Map 4G as Parcels 22,36, and 48, and described in deeds recorded with the Hampshire County Registry of Deeds in Book 2379, Page 68, and Book 2256, Page 102, and, further, to appropriate **\$14,300.00** from the Community Preservation Act general funds for the foregoing acquisition and costs related thereto, or take any action relative thereto.

Community Preservation Act Committee recommends (6 yes, 0 no, 0 abstain, and 3 absences)

Finance Committee recommendation pending

Select Board recommends 5-0-0

## Article 19

To see if the Town will vote to authorize the Select Board to acquire, by purchase, gift, and/or eminent domain, on such terms and conditions as the Board deems appropriate, an agricultural preservation restriction on all or portions of the parcels of land, containing approximately 135 acres in total, located off Mill Valley Road and South Maple Street, shown on Assessors Map 10A as Parcels 2-2 through 2-11 inclusive, and 2-19 through 2-71 inclusive, and associated roadways, which land is described in a deed recorded with the Hampshire County Registry of Deeds in Book 948, Page 507 and shown on Plan Book 225, Page 32, and, further, to appropriate **\$230,000.00** from the Community Preservation Act general funds for the foregoing acquisition and costs related thereto, or take any action relative thereto.

Community Preservation Act Committee recommends (7 yes, 0 no, 0 abstain, and 2 absences)

Finance Committee recommendation pending

Select Board recommends 5-0-0

## Article 20

To see if the Town will vote to authorize the Trustees of Goodwin Memorial Library to apply for, accept, and expend any state grants which may be available for a feasibility study for the current and future needs of Goodwin Memorial Library and to further vote to appropriate **\$25,000.00** from Community Preservation Act general funds for the preservation and/or rehabilitation of the historic Goodwin Memorial Library, specifically, to fund a feasibility study thereof, such funds to be granted to the Trustees of the Goodwin Memorial Library pursuant to a grant agreement entered into with the Select Board, the grant of such funds enabling the Trustees to apply for matching state grant funds for a Library Planning and Design Grant, or take any action relative thereto.

Community Preservation Act Committee recommends (7 yes, 0 no, 0 abstain, and 2 absences)

Finance Committee recommendation pending

Select Board recommends 5-0-0

## Article 21

To see if the Town will vote to appropriate **\$85,000.00** from Community Preservation Act general fund for the preservation and/or rehabilitation of the historic Goodwin Memorial Library, specifically to fund the lighting and electrical work and ceiling restoration, which funds are to be granted to the Trustees of the Goodwin Memorial Library pursuant to a grant agreement between the Select Board and said Trustees, or take any action relative thereto.

Community Preservation Act Committee recommends (7 yes, 0 no, 0 abstain, and 2 absences)

Finance Committee recommendation pending

Select Board recommends 5-0-0



## **Article 22**

To see if the Town will vote to appropriate and transfer **\$25,000** from Community Preservation Act Historical Set Aside Funds for the preservation and/or rehabilitation of the historic North Hadley Village Hall, as recommended by the Historical Buildings Preservation Plan, and the historic Russell School Building, as recommended by the Hadley Historical Buildings Preservation Plan, or take any action relative thereto.

Community Preservation Act Committee recommends (7 yes, 0 no, 0 abstain, and 2 absences)

Finance Committee recommendation pending

Select Board recommends 5-0-0

## **Article 23**

To see if the Town will vote to appropriate and transfer **\$5,000.00** from Community Preservation Act Historical Set Aside Funds to retain a consultant to assist and guide town officials in acquiring historic preservation restrictions to protect historic properties preserved and/or rehabilitated with the use of Community Preservation Act funds, or take any action relative thereto.

Community Preservation Act Committee recommends (7 yes, 0 no, 0 abstain, and 2 absences)

Finance Committee recommendation pending

Select Board recommends against 3-1-1

## **Article 24**

To see if the Town will vote to appropriate **\$100,000.00** from Community Preservation Act general funds to preserve and/or restore the historic Lake Warner Dam, said funds to be granted pursuant to a grant agreement entered into by the Select Board, and further, to authorize the Select Board and/or the Historic Commission to accept a historic preservation restriction on said dam, or take any action relative thereto.

Community Preservation Act Committee recommends (6 yes, 0 no, 1 abstain, and 2 absences)

Finance Committee recommendation pending

Select Board recommends against 2-3-0

## **Article 25**

To see if the Town will vote to pursuant MGL C. 40, Section 58 to authorize the imposition of liens on real property for unpaid sewer improvement fees as authorized pursuant to C. 9 of the Acts of 2008, An Act Establishing A Sewer System Capital Improvement Fund For The Town Of Hadley, or take any action relative thereto.

Finance Committee recommendation pending

Select Board recommends 3-1-1

## Article 26

To see if the Town will vote to authorize the Select Board to enter into an easement agreement to maintain certain Town-owned improvements and structures on the property located at 107 Middle Street (Assessors Map 4I, Lot 3), which easement was donated to the Town and is recorded at the Hampshire Registry of Deeds in Book 11539, Page 45, or take any action relative thereto.

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

## Article 27

To see if the Town will vote to amend Section 17.15 of the Hadley Zoning Bylaw by deleting it in its entirety, or take any action relative thereto.

Select Board recommends 5-0-0

## Article 28

To see if the Town will vote to amend the Hadley Zoning Bylaw by adding a new Section XXIX as follows:

### **Section XXIX      Registered Marijuana Dispensary (RMD) and Off-Site Medical Marijuana Dispensary (OMMD)**

#### **§29.1 Purpose.**

It is recognized that the nature of the substance cultivated, processed, and/or sold by medical marijuana treatment centers and off-site medical marijuana dispensaries may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the public as well as patients seeking treatment. The specific and separate regulation of Registered Marijuana Dispensaries (hereafter referred to as a RMD) as Medical Marijuana Treatment Centers and Off-site Medical Marijuana Dispensary (hereafter referred to as an OMMD) facilities is necessary to advance these purposes and ensure that such facilities are not located within close proximity of minors and do not become concentrated in any one area within the Town of Hadley.

Subject to the provisions of this Zoning Bylaw, § 40A of the Massachusetts General Laws, and 105 CMR 725.000, Registered Marijuana Dispensaries and Off-site Medical Marijuana Dispensaries will be permitted to provide medical support, security, and physician oversight that meet or exceed state regulations as established by the Massachusetts Department of Health (hereafter referred to as MDPH).

#### **§29.2 Definitions**

29.2.1 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.

- 29.2.2 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.

### **§29.3 Additional Requirements/Conditions**

In addition to the standard requirements for uses permitted By-right or requiring a Special Permit or Site Plan Approval, the following shall also apply to all Registered Marijuana Dispensaries and Off-Site Medical Marijuana Dispensaries:

#### **29.3.1 Use:**

- 29.3.1.1 RMD and OMMD facilities may only be involved in the uses permitted by its definition and may not include other businesses or services.
- 29.3.1.2 No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.
- 29.3.1.3 The hours of operation shall be set by the Special Permit Granting Authority, but in no event shall an RMD or OMMD facility be open to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m.
- 29.3.1.4 RMD facilities that can demonstrate that they comply with the agricultural exemption under M.G.L. Chapter 40A, Section 3 must still apply for Site Plan Approval.

#### **29.3.2 Physical Requirements:**

- 29.3.2.1 All aspects of the use/facility relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the business.
- 29.3.2.2 No outside storage is permitted.
- 29.3.2.3 No OMMD Facility shall have a gross floor area in excess of 2,500 square feet.
- 29.3.2.4 Ventilation – all RMD and OMMD facilities shall be ventilated in such a manner that no:
  - 29.3.2.4.1 Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and
  - 29.3.2.4.1 No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the medical marijuana business or at any adjoining use or property.

#### **29.3.3 Signage**

- 29.3.3.1 Signage shall be displayed on the exterior of the RMD and OMMD facility's entrance in plain sight of clients stating that "Registration Card issued by the MA Department of Public Health required" in text two inches in height.
- 29.3.3.2 All signage must conform to the requirements of Section VII of these bylaws.
- 29.3.3.3 In addition, all signage must conform to the requirements of 105 CMR 725.105(L.) as amended.

29.3.4 Location:

- 29.3.4.1 No RMD and OMMD facility shall be located on a parcel which is within five hundred (500) feet (to be measured in a straight line from the nearest points of each property line) of parcel occupied by:
  - 29.3.4.1.1 a public or private elementary, junior high, middle, vocational or high school, college, junior college, university or child care facility or any other use in which children commonly congregate in an organized ongoing formal basis, or
  - 29.3.4.1.2 another RMD or OMMD facility, except that this limitation shall not apply in Industrial zones
- 29.3.4.1 No RMD or OMMD facility shall be located on a lot which abuts a residential use (including commercial residential uses such as hotels, motels, lodging houses, etc.) or residential zoning district.
- 29.3.4.2 No RMD or OMMD facility shall be located inside a building containing residential units, including transient housing such as motels and dormitories.

29.3.5 Reporting Requirements.

- 29.3.5.1 All Special Permit and Site Plan Approval holders for an RMD or OMMD facility shall provide the Police Department, Fire Department, Building Commissioner/Inspector and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.
- 29.3.5.2 The local Building Commissioner/Inspector, Board of Health, Police Department, Fire Department and Special Permit Granting Authority (in cases where a Special permit or Site Plan Approval was granted) shall be notified in writing by an RMD or OMMD facility owner/operator/ manager:
  - 29.3.5.2.1 A minimum of 30 days prior to any change in ownership or management of that facility
  - 29.3.5.2.2 A minimum of 12 hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the RMD or OMMD.
- 29.3.5.3 Permitted RMD and OMMD facilities shall file an annual report to and appear before the Special Permit Granting Authority no later than January 31<sup>st</sup>, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.
- 29.3.5.4 The owner or manager is required to respond by phone or email within twenty-four hours of contact by a city official concerning their RMD or OMMD at the

phone number or email address provided to the City as the contact for the business.

29.3.6 Issuance/Transfer/Discontinuance of Use

- 29.3.6.1 Special Permits/Site Plan Approvals shall be issued to the RMD Operator
- 29.3.6.2 Special Permits/Site Plan Approvals shall be issued for a specific site/parcel
- 29.3.6.3 Special Permits/Site Plan Approvals shall be non-transferable to either another RMD Operator or site/parcel
- 29.3.6.4 Special Permits/Site plan Approvals shall have a term limited to the duration of the applicant's ownership/control of the premises as a RMD or OMMD, and shall lapse:
  - 29.3.6.4.1 If the permit holder ceases operation of the RMD, and/or
  - 29.3.6.4.2 The permit holder's registration by MDPH expires or is terminated
- 29.3.6.5 The permit holder shall notify the Zoning Enforcement Officer and Special Permit Granting Authority in writing within 48 hours of such lapse, cessation, discontinuance or expiration.
- 29.3.6.6 An RMD or OMMD facility shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state Registration or ceasing its operation.
  - 29.3.6.6.1 Prior to the issuance of a Building Permit for a RMD or OMMD the applicant is required to post with the Town Treasurer a bond or other form of financial security acceptable to said Treasurer in an amount set by the Planning Board. The amount shall be sufficient to cover the costs of the town removing all materials, plants, equipment and other paraphernalia if the applicant fails to do so. The Building Inspector shall give the applicant 45 days' written notice in advance of taking such action. Should the applicant remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Building Inspector prior to the expiration of the 45 days written notice, said bond shall be returned to the applicant.

**§29.4 Application Requirements**

In addition to the standard application requirements for Special Permits and Site Plan Approvals, such applications for an RMD or OMMD facility shall include the following:

- 29.4.1 The name and address of each owner of the RMD or OMMD facility/operation;
- 29.4.2 A copy of its registration as an RMD from the Massachusetts Department of Public Health or documentation that demonstrates that said RMD or OMMD facility, and its owner/operators, qualify and are eligible to receive a Certificate of Registration and meet all of the requirements of a RMD in accordance with 105 CMR 725.000 of the Massachusetts Department of Public Health.
- 29.4.3 Evidence that the Applicant has site control and right to use the site for a RMD or OMMD facility in the form of a deed or valid purchase and sales agreement or, in the case of a lease a notarized statement from the property owner and a copy of the lease agreement;
- 29.4.4 A notarized statement signed by the RMD or OMMD organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, or other similarly-situated

individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons;

- 29.4.5 In addition to what is normally required in a Site Plan, details showing all exterior proposed security measures for the RMD or OMMD including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.
- 29.4.6 A detailed floor plan identifying the areas available and functional uses (including square footage)
- 29.4.7 All signage being proposed for the facility.
- 29.4.8 A traffic study to establish the RMD or OMMD impacts at peak demand times.
- 29.4.9 A Management Plan including a description of all activities to occur on site, including all provisions for the delivery of medical marijuana and related products to OMMDs or off-site direct delivery to patients.

## **§29.5 Findings**

In addition to the standard Findings for a Special Permit or Site Plan Approval the Special Permit Granting Authority must also find all the following:

- 29.5.1 That the RMD or OMMD facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest.;
- 29.5.2 That the RMD or OMMD facility demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and
- 29.5.3 That the applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Bylaw/Ordinance;
- 29.5.4 That the RMD or OMMD project meets a demonstrated need
- 29.5.5 That the RMD or OMMD facility provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured.
- 29.5.6 That the RMD or OMMD facility adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and it impact on neighboring uses.

Or take any action relative thereto.

Select Board recommends against 2-3-0

## **Article 29**

To see if the Town will vote to amend Section 5.7 of the Hadley Zoning Bylaw by replacing it with the following:

(for clarity only; new is in **bold**, other changes are renumbering)

### **5.7 Vehicular Egress/Access to a Lot and Common Driveways**

Vehicular egress/access to a lot must be across the front lot line of the lot meeting the minimum frontage requirements, except that the Planning Board may (but is not required to) issue a special permit as provided in § 6.2.2 to permit vehicular egress/access to a lot over a front lot line having less than the required minimum frontage or over any side lot line or rear lot line when, in its judgment, such action is in the public interest and not inconsistent with the intent of this Zoning Bylaw.

In addition to and in conjunction with this, the Planning Board may issue a special permit permitting a common driveway (a single curb cut and driveway providing vehicular egress/access to more than one lot) when, in its judgment, such action is in the public interest and not inconsistent with the intent of this Zoning Bylaw, provided:

- 5.7.1 Said common driveway shall not service more than three residential lots. **In the case of commercial/retail and industrial/manufacturing uses in Business and Industrial zoned Districts a common driveway may serve more than three lots, but the total shall be set by the Planning Board in the issuance of their Special Permit.**
- 5.7.2 Said common driveway shall provide the only vehicular egress/access to the lots being serviced by it, and this shall be so stated in the deeds to the subject lots.\
- 5.7.3 Said common driveway shall not be eligible for maintenance by the Town or for acceptance by Town Meeting as a street, and this also shall be so stated in the deeds to the subject lots.
- 5.7.4 The grade, length and location of the common driveway shall be of suitable construction, in the opinion of the Planning Board, for the access and turnaround of the number and types of vehicles, including moving vans, ambulances, fire and police, which will be utilizing such driveway.
- 5.7.5 **For common driveways servicing commercial/retail and industrial/manufacturing uses in Business and Industrial zoned Districts, the design and construction standards of said common driveway shall be set by the Planning Board in the issuance of their Special permit.**
- 5.7.6 Common driveways **servicing residential properties** shall comply with all of the following:
  - 5.7.6.1 Shall have a length of no more than 500 feet; and
  - 5.7.6.2 Shall have a width of at least 15 feet; and
  - 5.7.6.3 Shall have passing turnouts providing a total width of at least 20 feet along a distance of at least 25 feet, spaced with no more than 300 feet between turnouts, and with the first such passing turnout being located at the driveway connection to the street; and
- 5.7.7 All Common Driveways must:
  - 5.7.7.1 meet the prior approval of the Highway Division and the Fire Department; and
  - 5.7.7.1 conform to all other driveway requirements of the Zoning Bylaw.
- 5.7.8 Where applicable, easements and easement plans must be submitted with the special permit application.

Or take any action relative thereto.

Select Board recommends 5-0-0

## Article 30

To see if the Town will vote to amend the Section III Use Regulations of the Hadley Zoning Bylaw by replacing it in its entirety with the following:  
(for clarity only: new is in **bold**)

# SECTION III USE REGULATIONS

### § 3.1. Table of Use Regulations

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

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

### Overlay Districts

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

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



## **TABLE OF USES**

<b>USES</b>	<b>DISTRICTS</b>						<b>STANDARDS &amp; CONDITIONS</b>
<b>AGRICULTURAL</b>	<b>R</b>	<b>AR</b>	<b>LoB</b>	<b>LiB</b>	<b>B</b>	<b>I</b>	
Agriculture/horticulture/floriculture	P	P	P	P	P	P	See Note 8. Below
Farm or nursery, including the display and sale of natural products raised in the Town and the raising of stock	N	P	P	P	P	P	Except as limited by uses permitted by SZBA. See Note 8. Below
Farm stand for the display and sale of natural products not raised in the Town	N	<b>SPB</b>	<b>P</b>	P	P	P	
<b>Commercial Agriculture, Horticulture, Floriculture, Viticulture, Aquaculture uses exempt under M.G.L. Chapter 40A Section 3, as amended, including:</b> a. Commercial livestock, Dairy, poultry farm b. Farm business, Commercial Greenhouse c. Farm stand	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>Please refer to M.G.L. Chapter 40A, Section 3 for agriculturally exempt uses.</b> <b>Such uses shall be subject to the yard sizes, lot area, setbacks, open space, parking and building coverage requirements of the underlying District.</b>
<b>Commercial Agriculture, Horticulture, Floriculture, Viticulture, Aquaculture uses which are not exempt under M.G.L. Chapter 40A Section 3, as amended, except for the following uses:</b> a. Commercial livestock, Dairy, poultry farm b. Commercial raising of swine and fur bearing animals	<b>N</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>Please refer to M.G.L. Chapter 40A, Section 3 for agriculturally exempt uses.</b> <b>See Notes 1., 3., 4., 8., 9. below</b>

c. Riding Stable d. Nursery, Truck Gardening, Green- houses, Maple Sugar Production e. Farmstand							
Non-commercial Raising and Keeping farm animals on less than 5 acres	N	P	P	P	P	P	Please refer to M.G.L. Chapter 40A, Section 3 for agriculturally exempt uses.
<b>RESIDENTIAL</b>	<b>R</b>	<b>AR</b>	<b>LoB</b>	<b>LiB</b>	<b>B</b>	<b>I</b>	<b>STANDARDS &amp; CONDITIONS</b>
Detached one-family dwelling.	P	P	P	P	P	N	See Note 8. Below
Renting of rooms/furnishing of board for periods exceeding 14 days in duration for not more than four persons in a dwelling regularly occupied for residential purposes and which is not a bed and-breakfast facility.	P	P	P	P	P	N	See Notes 3., 8. below
Accessory use customarily incidental to a permitted main use on the same premises.	P	P	P	P	P	N	Including but not limited to the following: (1) Use of a room or rooms in a dwelling for customary home occupations, such as dressmaking, candy making or for the practice, by a resident, of a recognized profession. (2) Use of premises or building thereon in connection with his trade by a resident carpenter, electrician, painter, plumber, or other artisan, provided that no manufacturing or business requiring substantially continuous employment is carried on. See Note 8. below.
Conversion of a one-family	SZBA	SZBA	SZBA	SZBA	SZBA	N	One-family dwelling must have

dwelling into a two-family dwelling.							existed at the time of adoption of the bylaw (February 18, 1961). See Note 8. below.
Trailers or mobile homes	N	N	N	N	SZBA	N	Each unit must conform to the minimum dimensional lot size requirements for a building or a structure erected in a Business District under § 4.1, Table No. 1. See Note 3. below
New Residential Construction above 350' elevation	SPB	SPB	SPB	SPB	SPB	N	See Sect. 5.8 See Note 8. below.
Senior Housing – conversion of existing structure	SPB	SPB	SPB	SPB	SPB	N	See Notes 1., 3., 7., 8., 9. below.
Senior Housing – new construction	SPB	SPB	SPB	SPB	SPB	N	Requires Senior Housing Overlay District - See Sect. XXVII. See Notes 1., 3., 8., 9. Below.
Home Occupation							See Sect. XX See Note 8. below
• Home office	P	P	P	P	P	N	
• Home business	SPB	SPB	P	P	P	N	
Bed and Breakfast Facility							See Sect. XXII
• Bed and Breakfast Home	SPB	SPB	N	SPB	SPB	N	
• Bread and Breakfast Establishment	N	SPB	N	SPB	SPB	N	
Accessory Apartments	SPB	SPB	SPB	SPB	SPB	N	See Section XXVI See Notes 8. below
<b>INSTITUTIONAL/ GOVERNMENTAL</b>	<b>R</b>	<b>AR</b>	<b>LoB</b>	<b>LiB</b>	<b>B</b>	<b>I</b>	<b>STANDARDS &amp; CONDITIONS</b>
<b>Religious and educational uses exempt under M.G.L. Chapter 40A, Section 3.</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>Please refer to M.G.L. Chapter 40A, Section 3 for religious and educational exempt uses. Such uses shall be subject to the bulk, height, yard sizes, lot area, setbacks, open space, parking and building coverage requirements of the underlying District</b>

							See Notes 3., 8., 9. below
<b>Religious and educational uses not exempt under M.G.L. Chapter 40A, Section 3.</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>P</b>	<b>P</b>	See Notes 1., 3., 8., 9. Below
Municipal use	SZBA	SZBA	SZBA	SZBA	P	P	See Notes 1., 3., 8., 9. below
Hospital, sanitarium, convalescent/nursing home	N	N	N	N	P	P	See Notes 1., 3., 8., 9. below
<b>Cemetery</b>	<b>N</b>	<b>SZBA</b>	<b>SZBA</b>	<b>SZBA</b>	<b>SZBA</b>	<b>SZBA</b>	See Notes 1., 3., 8., 9. below
<b>Library or Museum</b>	<b>N</b>	<b>SPB</b>	<b>SPB</b>	<b>SPB</b>	<b>P</b>	<b>P</b>	See Notes 1., 3., 8., 9. below
<b>Essential services</b>	<b>SZBA</b>	<b>SZBA</b>	<b>SZBA</b>	<b>SZBA</b>	<b>P</b>	<b>P</b>	See Notes 1., 3., 8., 9., 10. below
<b>Public Utilities</b>	<b>N</b>	<b>SZBA</b>	<b>SZBA</b>	<b>SZBA</b>	<b>P</b>	<b>P</b>	See Notes 1., 3., 8., 9. below
<b>COMMERCIAL/RETAIL</b>	<b>R</b>	<b>AR</b>	<b>LoB</b>	<b>LiB</b>	<b>B</b>	<b>I</b>	<b>STANDARDS &amp; CONDITIONS</b>
Aviation field, golf course, boat livery, riding stable and ski tow.	N	SZBA	SZBA	SZBA	P	P	See Notes 1., 2., 3., 8., 9. below
Private club not conducted for profit.	N	SZBA	SZBA	SZBA	P	P	See Notes 1., 2., 3., 8., 9. below
Place of amusement or assembly, club conducted for profit	N	N	N	N	SZBA	P	See Notes 1., 2., 3. below.
Open air movie theater	N	SZBA	SZBA	SZBA	P	P	See Notes 1., 2., 3., 8., 9. below.
Business uses in existence and in operation in the Local Business District on the date of passage of this amendment.	N	N	P	N	N	N	Pre-existing business uses shall be limited to the lot upon which they exist on the date of passage of this amendment. See Notes 1., 5., 6., 8., 9. below.
Customary accessory uses, including those allowed in the Residential and Agricultural-Residential Districts.	P	P	P	P	P	P	See Notes 3., 8. Below
Nursery or child-care facility.	N	N	SPB	SPB	P	P	See Notes 1., 2., 3., 4., 8., 9. below
<b>Child care facility/center</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>Please refer to M.G.L. Chapter 40A, Section 3 and Chapter 15D, Section 1A for child care facility/center exempt uses. Such uses shall be subject to the bulk, height, yard sizes, lot area,</b>

							<b>setbacks, open space, parking and building coverage requirements of the underlying District</b> <b>See Notes 1., 2., 3., 4., 8., 9. below</b>
<b>Family child care home</b>	<b>SZBA</b>	<b>SZBA</b>	<b>SZBA</b>	<b>SZBA</b>	<b>SZBA</b>	<b>N</b>	<b>See Notes 1., 2., 3., 4., 8., 9. below</b>
<b>Large family child care home</b>	<b>SZBA</b>	<b>SZBA</b>	<b>SZBA</b>	<b>SZBA</b>	<b>SZBA</b>	<b>N</b>	<b>See Notes 1., 2., 3., 4., 8., 9. below</b>
<b>Elder care home</b>	<b>SZBA</b>	<b>SZBA</b>	<b>SZBA</b>	<b>SZBA</b>	<b>SZBA</b>	<b>N</b>	<b>See Notes 1., 2., 3., 4., 8., 9., 10. Below</b>
Adult Entertainment	N	N	N	N	N	SZBA	See Notes 1., 3., 5., 6. Below See Sect. XXIII
Craft shop or on-premises manufacturer of products to be sold on premises, such as jewelry, leather goods, clothes or food.	N	N	SPB	SPB	P	P	See Notes 1., 2., 3., 4., 5., 6., 8., 9. Below
Retail business.	N	N	SPB	SPB	P	P	In LiB the Board shall favor businesses compatible with agricultural use, such as a garden center or farm implement store. See Notes 1., 2., 3., 4., 5., 6., 8., 9. below.
Bank, business or professional offices.	N	N	SPB	SPB	P	P	See Notes 1., 2., 3., 4., 8., 9. below
<b>Personal and consumer service establishment</b>	<b>N</b>	<b>N</b>	<b>SPB</b>	<b>SPB</b>	<b>P</b>	<b>P</b>	<b>See Notes 1., 2., 3., 4., 8., 9. below</b>
Hotel, motel or restaurant	N	N	N	N	P	P	See Notes 1., 3. below
Any wholesale or retail business, service or public utility, not involving manufacture on the premises except of products the major portion of which is sold on the premises by the producer to the consumer.	N	N	N	N	P	P	See Notes 1., 3., 5., 6. Below
Automobile service station, cleaning, repair shop, storage garage or sales room	N	N	N	N	P	P	See Notes 1., 3., 6. Below
Gasoline sales, motor vehicle repair	N	N	N	N	P	P	See Notes 1., 3., 6. Below

and servicing							
<b>New motor vehicle sales</b>	N	N	N	N	SPB	SPB	See Notes 1., 3., 6. Below
<b>Used motor vehicle sales</b>	N	N	N	N	SPB	SPB	See Notes 1., 3., 6. Below
<b>Car wash</b>	N	N	N	N	P	P	See Notes 1., 3., 6. Below
<b>Commercial parking facility</b>	N	N	N	N	SPB	P	See Notes 1., 3., 6. Below
Bars, taverns or establishments focused on primarily serving liquor and/or entertaining	N	N	N	N	SPB	SPB	See Notes 1., 3., 6. Below
<b>Undertaking Establishments</b>	N	N	N	N	P	P	See Notes 1., 3., 6. Below
<b>Laundry, dry cleaning</b>	N	N	N	N	P	P	See Notes 1., 2., 3., 4., 5. below
<b>Kennel or veterinary hospital</b>	N	SZBA	N	N	P	P	See Notes 1., 2., 3., 4., 5. below
<b>INDUSTRIAL/ MANUFACTURING</b>	R	AR	LoB	LiB	B	I	STANDARDS & CONDITIONS
Research and Development	N	N	N	N	SPB	SPB	See Notes 1., 3., 10. Below
Manufacturing or industrial use, including processing, fabrication and assembly, shall not be detrimental or offensive or tend to reduce property values in the same or adjoining districts by reasons of dirt, odor, fumes, gas, sewage, refuse, noise, excessive vibration or danger of explosion or fire.	N	N	N	N	N	P	See Notes 1., 3. Below
<b>Warehousing, wholesale trade and distribution</b>	N	N	N	N	N	P	See Notes 1., 3. Below
<b>Freight, trucking or bus terminal or other transportation service</b>	N	N	N	N	N	SPB	See Notes 1., 3. Below
Accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research and scientific development or related production, whether or not on the same parcel as activities permitted as a matter of right.	N	N	N	N	SPB	SPB	Provided the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good. See Note 1., 3. below

Removal of Earth Products: <ul style="list-style-type: none"> <li>When Building Inspector / <b>Zoning Enforcement Officer</b> determines its incidental to and in conjunction with the construction of a building or other activity authorized by this bylaw.</li> <li>Other</li> </ul>	P	P	P	P	P	P	See Sect. IX See Notes 1., 8., 9. below
	SPB	SPB	SPB	SPB	SPB	SPB	
Wireless Communications services, towers and facilities	SPB	SPB	SPB	SPB	SPB	SPB	Requires Wireless Communications Services District. See Sect. XIV See Notes 1., 8., 9. below
The collection, treatment, storage, burial, incineration, or disposal of radioactive waste, including but not limited to wastes classified as low-level radioactive waste.	N	N	N	N	N	N	See Sect. X
Automobile Dismantling or used parts yard	N	N	N	N	N	N	
Junkyard	N	N	N	N	N	N	
<b>Small scale ground mounted energy systems</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>See Section XXVIII Solar Energy Systems.</b>
<b>Large scale ground mounted energy systems</b>	N	<b>SPB</b>	N	N	N	<b>SPB</b>	<b>See Section XXVIII Solar Energy Systems. See Note 1. Below</b>
<b>Registered Marijuana Dispensary (RMD)</b>	N	N	N	N	N	<b>SPB</b>	<b>See Section XXIX See Notes 1., 3., 5. 6. Below</b>
<b>Off-Site Medical Marijuana Dispensary (OMMD)</b>	N	N	N	N	<b>SPB</b>	<b>SPB</b>	<b>See Section XXIX OMMDs are not permitted in the Village Center Overlay District. See Notes 1., 3., 5. 6. Below</b>
<b>OTHER</b>	<b>R</b>	<b>AR</b>	<b>LoB</b>	<b>LiB</b>	<b>B</b>	<b>I</b>	<b>STANDARDS &amp; CONDITIONS</b>
<b>Transfer of Development Rights</b> <ul style="list-style-type: none"> <li><b>Farmland Preservation</b></li> </ul>	N	SPB	N	N	N	N	<b>Requires Farmland Preservation District – See Sect. XVII</b>

<b>District</b> • <b>Farmland Receiving District</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>SPB</b>	<b>SPB</b>	
<b>Stormwater Management Permit</b>	<b>SPB</b>	<b>SPB</b>	<b>SPB</b>	<b>SPB</b>	<b>SPB</b>	<b>SPB</b>	<b>See Sect. XXIV for procedures and exemptions</b>
<b>NOTES</b>							
1. Also requires Commercial Site Plan Approval (see Section VIII)							
2. In LiB Districts, total business use on any one lot shall not exceed 2,500 square feet of gross floor area.							
3. In B and I Districts, any otherwise permitted use involving new construction or change in the outside appearance or a change of use of a building or buildings or premises of more than 75,000 cumulative square feet total gross floor area after such construction or exterior alteration or change in use, on the same parcel of land or on land which has been in common or affiliated ownership within the three years prior to application filing date, will also require a special permit under the Farmland Preservation Bylaw with purchase of development rights as specified in Section XVII for all floor area over 75,000 square feet. This does not apply to the construction or enlargement of any single-family or two-family dwelling or building accessory to such dwelling or any building used exclusively for agriculture, horticulture or floriculture uses.							
4. In LiB Districts, business buildings shall resemble, as far as practicable, residential and agricultural buildings in style, materials and landscaping and that parking, lighting, fencing, and signs are unobtrusive and in conformity with the historic, scenic and agricultural-residential nature of the district. The regulations shall also set out procedures for the review of plans.							
5. In all zoning districts any proposed new structure or expansion of an existing structure for retail use, excluding the reuse or reconstruction of an existing structure, with a total floor area exceeding 75,000 square feet is prohibited							
6. In all zoning districts a group of adjacent stores, shops and similar retail commercial establishments with a combined total footprint of all buildings in the group exceeding 60,000 square feet is prohibited.							
7. Conversion of existing structures to senior housing. The purpose is to permit existing buildings in all zoning districts to be converted to senior housing dwelling units compatible with such districts, to create new housing involving little new construction, to preserve existing buildings and neighborhoods, and protect open space. <ul style="list-style-type: none"> <li>• Requirements. Properties meeting the following requirements shall be eligible for consideration for a special permit, in accordance with Section VI of the Hadley Zoning Bylaw: <ul style="list-style-type: none"> <li>○ Parcels with one or more existing buildings in all districts with not less than 50 feet of frontage on an approved Town way, with access to Town water and sewer.</li> <li>○ Any structure older than 25 years prior to the adoption of Section XXVII of the Hadley Zoning Bylaw may be converted to senior housing dwelling units.</li> <li>○ The exterior design of the structure shall not be substantially altered and shall maintain the aesthetic and character of older buildings in Hadley.</li> <li>○ The total number of senior housing dwelling units that can be created under a senior housing conversion special permit is the same as the standards set forth in § Section 27.5 of this bylaw.</li> <li>○ No building (including both buildings converted to senior housing dwelling units and accessory buildings not converted</li> </ul> </li> </ul>							



<p>to senior housing dwelling units) shall be externally enlarged except with the approval of the Planning Board, and in no event shall such an enlargement add to any one building more floor area than a number equal to 25% of the above-grade floor area of such building, the floor area of porches and decks to be included in the calculations of the floor area.</p> <ul style="list-style-type: none"> <li>○ No new building for dwelling purposes may be built on the parcel. New accessory structures, such as swimming pools, fences, small sheds, garages, and other accessory structures for accessory purposes, shall be subject to the approval of the Planning Board as to the number, design, location, uses and sizes.</li> <li>• An application for special permit for such conversion shall be made and processed in accordance with the provisions of Section VI of the Hadley Zoning Bylaw. In addition to those items required for plan submission for special permit, the following items shall also be required to be shown on the plan: proposed renovation/rehabilitation plan for the exterior of buildings, including facade treatments and elevations, proposed site improvements, existing and proposed buildings and their proposed uses and densities.</li> </ul>
<p>8. In LoB Districts:</p> <ul style="list-style-type: none"> <li>• Buildable area. The area available for the construction of buildings shall be defined as in Tables 1 and 2 of Section IV, Intensity Regulations, and § 5.4, Parking requirements.</li> <li>• For the purposes of meeting the requirements of Section IV, the dimensions for each lot in this district shall be calculated only by using the boundaries of each lot as the lot existed on the date of passage of this amendment.</li> <li>• The maximum height and associated setbacks shall comply with Section IV, Intensity Regulations, Tables 1 and 2.</li> </ul>
<p>9. All permitted uses in LoB Districts which are subject to Section VIII, Commercial Site Plan Approval, shall be subject to the following:</p> <ul style="list-style-type: none"> <li>• Noise-generating activity (e.g., shipping, receiving) shall be regulated by hours of operation to mitigate impacts on neighbors.</li> <li>• Lighting shall comply with all provisions of § 8.8.9.</li> <li>• Signage shall comply with all provisions of § 7.7.</li> <li>• The architecture guidelines of Section XIX, Village Center Overlay District, shall apply, except vertical siding with a wood texture/appearance is permitted.</li> </ul>
<p>10. Definitions:</p> <ul style="list-style-type: none"> <li>• <u>Elder Care Home</u> - A private residence where care protection and supervision are provided for a fee at least twice a week to no more than 6 adults over the age of 60 at one time including participating elder adults living in the residence.</li> <li>• <u>Essential Services</u> - Services and appurtenant equipment and installations provided by public utility or governmental agencies through underground or overhead gas, electrical, telephone, sewerage, drainage, refuse, water, traffic, fire and police systems. Specifically excluded from this definition are buildings or overhead transmission towers.</li> <li>• <u>Limited manufacturing</u> - any manufacturing activity related to research uses which are subject to the issuance of a Special Permit and where; (1) no manufacturing activity customarily occurs within 50 feet of a residential district; and (2) substantially all manufacturing activity customarily occurs inside of buildings with any manufacturing activities customarily occurring outside of buildings subject to conditions imposed in the special permit.</li> <li>• <u>Research and development uses</u> - any 1 or more of investigation, development, laboratory and similar research uses and any</li> </ul>

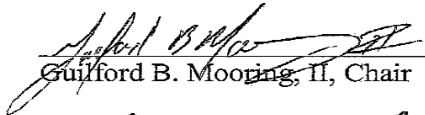
related office and, subject to the following limitations, limited manufacturing uses and uses accessory to any of the foregoing.

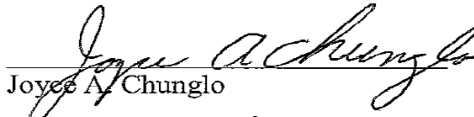
Or take any action relative thereto.

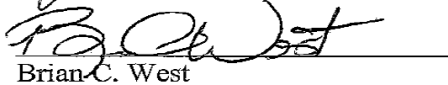
Select Board recommends 5-0-0

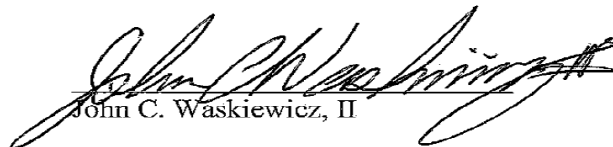
And you are hereby directed to serve this warrant by posting attested copies in the usual places: one at the Town Hall, one at the Hadley Post Office, and one at the North Hadley Village Hall, and in said Town, seven days at least, not including the day of posting, before the time of holding said meeting.

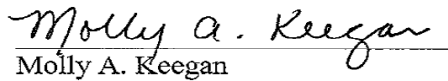
Given under your hands this 23<sup>rd</sup> day of APRIL 2014

  
Guilford B. Mooring, II, Chair

  
Joyce A. Chunglo

  
Brian C. West

  
John C. Waskiewicz, II

  
Molly A. Keegan

**HADLEY SELECT BOARD**

**A true copy attest:**

\_\_\_\_\_  
**Constable of Hadley**

**Date:** \_\_\_\_\_