TOWN OF HADLEY
ANNUAL TOWN MEETING WARRANT

May 5, 2016

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 fifth day of May 2016 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 recommends 3-0-0
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 Commonwealth of Massachusetts Department of Transportation may provide, and to authorize the Select Board to enter into contracts with Commonwealth of Massachusetts Highway Division for Chapter 90 Type money allocated to the Town by the State, or take any action relative thereto.

Finance Committee recommends 3-0-0
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, 2016 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 recommends 3-0-0
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, 2016:

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY 2017 Spending Limit	Surplus Cap
Burial	Cemetery Committee or Public Works Department	Interment fees	Wages 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	Wages of inspectors or contractual services related to electrical inspections and services.	$20,000.00	$1,000.00
Tax Title	Collector and Treasurer	Tax Title fees and charges	Expenses associated with initiating and managing tax title processes.	$10,000.00	$2,000.00
Recyclables	Select Board	State recycling payments	Contracted recycling vendors costs	$15,000.00	$7,000.00
Dog Control	Dog Officer	50% of fines, fees, and reimbursements associated with dog control, but excluding dog license fees.	Expenses associated with controlling vicious dogs.	$2,000.00	$500.00
Russell School	Select Board	Rental income from use of Russell School	Expenses associated with repairs and operations of the Russell School	35,000.00	$1,000.00
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
Park and Recreation	Park and Recreation Commission	Program Fees	Wages and expenses associated with Park and Recreation programs	$50,000.00	$20,000.00
TOTAL SPENDING				$159,000.00	

Or take any action relative thereto.

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

Article 5

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, 2015:

Revolving Fund	**Authorized to Spend Fund**	**Revenue Source**	**Use of Fund**	**FY 2016 Spending Limit**	**Surplus Cap**
Public Safety	Select Board	University of Massachusetts partnership payments	Capital expenses associated with Public Safety	$14,000	$0

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

Article 6

To see if the Town will vote to amend the FY 2016 Select Board budget as follows:

	FROM	TO
122 Salary – Chair	$1,400	$1,400
122 Salary – Members	$4,800	$4,800
122 Select Board Other Salaries	$47,420	$0
122 Select Board Salaries & Expenses	$13,675	$61,095

Or take any other action relative thereto.

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

Article 7

To see if the Town will vote to raise and appropriate, transfer from Free Cash, transfer from funds available, transfer from Sewer Reserves, transfer from Water Reserves, transfer from Stabilization, or otherwise provide **$41,045.00** to cover costs associated with the FY 2016 budget:

	FROM	TO
210 Police Salaries	$878,986	$903,986
222 Communication Salaries	229,304	232,104
422 Highway Construction Salaries	445,930	448,783

440 Wastewater Salaries	283,131	285,354
450 Water Salaries	358,342	360,311
Non union personnel longevity	0	6,200

Or take any action relative thereto.

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

Article 8

To see if the Town will vote to accept the provisions of MGL Chapter 44, Section 53F½ to establish an Enterprise Fund for the Hadley Public Access Television Department to provide public, educational, and governmental television programming and services, and further vote to transfer a sum of money from the Cable Access Receipts account to said fund effective July 1, 2016, or take any action relative thereto.

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

Article 9

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 2017 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 10

To see if the Town will vote to transfer **$20,000.00** 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 recommends 5-0-0
Select Board recommends 4-0-1

Article 11

To see if the Town will vote to authorize the Treasurer to borrow, transfer from available funds **$350,000.00** for capital expenses:

Owners Project Manager for municipal buildings development program with priority for the development of a future senior center. Expense is $50,000.

Land purchase for future buildings. Expense is $300,000 (estimate to be determined by bid).

Or take any action in relation thereto.

Capital Planning Committee recommends Owners Project Manager 4-0-0
Capital Planning Committee recommendation pending on land
Finance Committee recommends Owners Project Manager 5-0-0
Finance Committee recommendation pending on land
Select Board recommends Owners Project Manager 5-0-0
Select Board recommending pending on land

Article 12

To see if the Town will vote to authorize the Treasurer to borrow, transfer from Water Reserves, transfer from Sewer Reserves, transfer from Capital Stabilization account, transfer from available funds, or otherwise provide **$230,800.00** for the following capital expenses:

Project	Expense	Department	Source of Funding
Grease Trap Replacement	$30,000	School	Sewer Reserves
SCADA system upgrade	$25,000	DPW (Water)	Water Reserves
IT Upgrade	$6,300	Public Safety	Capital Stabilization
Vehicles from UMass surplus	$3,000	Police	Capital Stabilization
Vehicle Upgrades	$16,500	Fire	Capital Stabilization
Backhoe	$150,000	DPW	Water Reserves = $25,000 Sewer Reserves = $25,00 Borrowing = $100,000
TOTAL:	$230,800		

Or take any action in relation thereto.

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

Article 13

To see if the Town will vote to amend the Annual Town Budget as follows:

FROM:		TO:	
490	Highway Building Maintenance	490	Municipal Building Maintenance
	$66,950		$142,150

And further to see if the Town will vote to transfer from funds available, raise and appropriate, or otherwise provide $75,200.00 to meet this appropriation, or take any action relative thereto.

Capital Planning Committee recommendation pending
Select Board recommends PASS OVER
Finance Committee recommendation pending

Article 14

To see if the Town will vote to raise and appropriate, transfer from Free Cash, transfer from funds available, authorize the Treasurer to borrow, or otherwise provide **$115,000.00** for the following capital projects:

Project	Expense	Department	Source of Funds
Public Safety Complex Roof	$55,000	Public Safety	Borrow
Town Hall Parking Lot	$60,000	General Government	Borrow
TOTAL	$115,000		

Or take any action relative thereto.

Capital Planning Committee recommendation pending
Select Board recommendation pending
Finance Committee recommendation pending

Article 15

To see if the Town will vote to authorize the Treasurer to borrow **$550,000.00** to purchase property in North Hadley, or take any action relative thereto.

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

Article 16

To see if the Town will vote to transfer and repurpose the following fund balance:

FROM	TO
Highway Garage Insulation $3,500	Highway Garage Exterior Window Replacements $3,500

Or take any action relative thereto.

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

Article 17

To see if the Town will vote to authorize the use of the site of the current Hooker School located on the westerly half of the existing 2.763 acre lot owned by the Town of Hadley (Hampshire County Registry of Deeds Book 766 Page 411) for demolition of the existing structure and construction of a proposed new library building, contingent upon the receipt of a Library Construction Grant from the Massachusetts Board of Library Commissioners and appropriation of local funding of the balance of project costs, or take any action relative thereto.

Select Board recommends 3-2-0
Finance Committee recommends against 5-0-0
Capital Planning Committee recommendation pending

Article 18

To see if the Town will vote to accept the preliminary design for the Hadley Library as presented by architects, Johnson Roberts Associates and approved by the Goodwin Memorial Library Board of Trustees, and further vote to authorize the Trustees of the Hadley Library to apply for any state funds which might be available to defray all or part of the cost of the design, construction and equipping of the library project and to authorize the Library Building Committee and/or Select Board and/or Library Trustees to accept and expend any such funds when received without further appropriation, or take any action in relation thereto.

Select Board recommends 3-2-0
Finance Committee recommends against 5-0-0
Capital Planning Committee recommendation pending

Article 19

To see if the Town will vote to authorize the Select Board to negotiate and enter into an agreement for Payment-in-Lieu-of-Taxes (PILOT) pursuant to the provisions of MGL Chapter 59, Section 38H(b), and Chapter 164, Section 1, or any other enabling authority, between the Town and Brightergy, or its successors or assigns, for real and

personal property attributable to solar photovoltaic facilities to be installed and operated in the Town of Hadley on land located at the University of Massachusetts and as shown on Assessors' Map 11B, Parcel 11C for a term of 20 years on such terms, and on such other terms and conditions and for such consideration as the Select Board deems appropriate; 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 recommends 5-0-0
Select Board recommends 5-0-0

Article 20

To see if the Town will vote to amend Chapter 17 of the Code of the Town of Hadley by inserting the following bylaw:

ARTICLE III

Unlawful Transportation Or Possession Of Alcohol

§17-10 Prohibited acts.

No person, being under twenty-one years of age and not accompanied by a parent or legal guardian, shall knowingly possess, transport, or carry on his person, any alcohol or alcoholic beverages. This section shall not apply to a person between the ages of eighteen and twenty-one who knowingly possesses, transports or carries on his person, alcohol or alcoholic beverages in the course of his employment.

§17-11 Violations and penalties.

This bylaw shall be enforced by a noncriminal disposition pursuant to MGL c. 40, § 21D by any police officer. The fine for a violation of this bylaw shall be $300 for the first offense and subsequent offenses.

Or take any action in relation thereto.

Finance Committee recommends 5-0-0
Select Board recommends 4-0-0

Article 21

To see if the Town will vote to amend Chapter 68, Section 68-2 of the Code of the Town of Hadley by deleting the phrase "A quorum of 100 voters shall be required for carrying on any business at an Annual and Special Town Meeting…." and replacing it with "A quorum of 50 voters shall be required for carrying on any business at an Annual and Special Town Meeting….", or take any action relative thereto.

Select Board recommends against (4-1-0)

Article 22

To see if the Town will vote to amend Chapter 68, Section 68-3 of the Code of the Town of Hadley by deleting the sentence "The Annual Town Meeting for the transaction of other Town business shall be held on the first Thursday evening in May at 7:00 p.m." and replacing it with "The Annual Town Meeting for the transaction of other Town business shall be held on the first Saturday in May at 10:00 a.m.", or take any action relative thereto.

Select Board recommends (3-2-0)

Article 23

To see if the Town will vote to act on the report of the Community Preservation Committee on the fiscal year 2017 budget and to reserve for later appropriation the following sums of money from the Community Preservation Fund estimated annual revenues:

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

and appropriate the sum of **$10,000.00** from the Community Preservation Fund estimated FY17 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 (7 yes; 0 no; 1 abstain)
Finance Committee recommends 5-0-0

Article 24

To see if the Town will vote to transfer **$88,000.00** from the Community Preservation Act General Fund for recreational purposes to restore and rehabilitate the property known as Zatyrka Park (Assessors Map 11A, Lots 1 and 2), or take any action relative thereto.

Community Preservation Act Committee recommends 7-0-1
Finance Committee recommends 5-0-0

Article 25

To see if the Town will vote to transfer **$20,000.00** from the George Edwards Fund to renovate the property known as Zatyrka Park (Assessors Map 11A, Lots 1 and 2), or take any action relative thereto.

Community Preservation Act Committee recommends 7-0-1

Capital Planning Committee recommends 4-0-0
Finance Committee recommends 5-0-0

Article 26

To see if the Town will vote to transfer **$9,600.00** from Community Preservation Act General Funds for recreational purposes to monitor water quality at Lake Warner and Mill River in order to improve and preserve recreational use of the waterways and associated properties, or take any action relative thereto.

Community Preservation Act Committee recommends 7-0-1
Finance Committee recommends 5-0-0

Article 27

To see if the Town will vote to amend Table 4.1 and Table 4.2 of the Zoning Bylaws by inserting "Per the underlying District" to replace the words and or numbers under the following columns for Aquifer Protection:

Side in ft.

No. of Stories

Maximum Height of Building Ft

Such that they read as follows:

TABLE 1

DISTRICTS	**MINIMUM LOT DIMENSIONS**				**MINIMUM YARD DIMENSIONS**			**MAX HEIGHT OF BUILDINGS**		**MAX % COVERAGE OF BUILDING INCLUDING ACCESSORY BUILDINGS**
	Area in sq. ft.	Frontage in ft.	Depth in ft.	Width in ft.	Front in ft.	Side in ft.	Rear in ft.	No. of stories	Ft.	
Residential	22,500	150	150	150	50	15	40	2 1/2	35	30%
Agricultural –Residential	30,000	175	150	150	50	15	40	2 1/2	35	20%
Limited Business and Local Business	30,000	175	150	150	50	15	40	2 1/2	35	30%
Business	30,000	175	150	150	50	15	40	3	42	20%
Aquifer Protection (amended 10/23/03)	40,000	200	150	150	50	15	40	Per the underlying District		
Industrial – Flood Plain	(new residential construction not permitted)									

TABLE 2

DISTRICTS	MINIMUM LOT DIMENSIONS				MINIMUM YARD DIMENSIONS			MAX HEIGHT OF BUILDINGS		MAX % COVERAGE OF BUILDING INCLUDING ACCESSORY BUILDINGS
	Area in sq. ft.	Frontage in ft.	Depth in ft.	Width in ft.	Front in ft.	Side in ft.	Rear in ft.	No. of stories	Ft.	
Limited Business and Local Business	30,000	175	150	150	50	15	40	2 1/2	35	30%
Business	30,000	175	150	150	50	15	40	3	42	30%
Aquifer Protection (amended 10/23/03)	40,000	200	150	150	50	15	40	Per the underlying District		
Industrial – Flood Plain	62,500	250	250	250	50	40	40	40	50	20%

Or take any other action in relation thereto.

Article 28

To see if the Town will vote to amend Sections 4.1 and 4.2 of the Hadley Zoning Bylaw by replacing it with the following:

Revise **Section 4.1** Intensity Regulations) by deleting it in its entirety and replacing it with the following:

- A dwelling or building or structure hereafter erected in any district shall be located on a lot having not less than the minimum requirements set forth in the table in Section 4.2 and not more than one dwelling shall be built upon any such lot. No existing lot shall be changed as to size or shape so as to result in the violation of the requirements set forth in Section 4.2.

Revise **Section 4.2** (Intensity Regulations) by deleting it in its entirety and replacing it with the following:

TABLE OF DIMENSIONAL AND DENSITY REGULATIONS

TABLE 4.11 DIMENSIONAL AND DENSITY REGULATIONS

It should be noted that additional dimensional and density regulations may apply as required in other applicable Overlay District, Special Permit and/or General Regulation sections of these Bylaws.

District/Use	Minimum Lot Dimensions				Minimum Yard Dimensions			Maximum Building Height		Max. Building Coverage	Maximum Cumulative Gross Floor Area
	Area (square feet)	Frontage (feet)	Depth (feet)	Width (feet)	Front (feet)	Side (feet)	Rear (feet)	Number of Stories	Feet	(%)	(square feet)
RESIDENTIAL											
All Uses	22,500	150	150	150	50	15	40	2 1/2	35	30	NA
AGRICULTURAL RESIDENTIAL											
All Uses	30,000	175	150	150	50	15	40	2 1/2	35	20	NA
LOCAL											

BUSINESS											
All Uses	30,000	175	150	150	50	15	40	2 1/2	35	30	NA
LIMITED BUSINESS											
Residential Uses	30,000	175	150	150	50	15	40	2 1/2	35	30	NA
All Business Uses	30,000	175	150	150	50	15	40	2 1/2	35	30	2,500
All Other Uses	30,000	175	150	150	50	15	40	2 1/2	35	20	NA
BUSINESS											
Agricultural, Single-Family, Two-Family Conversions	30,000	175	150	150	50	15 (50 when abutting an AR District)	40 (50 when abutting an AR District)	3	42	30	NA
All Other Uses	30,000	175	150	150	50	15 (50 when abutting an AR District)	40 (50 when abutting an AR District)	3	42	30	* 75,000 for retail use
INDUSTRIAL											
All Uses	62,500	250	250	250	50	40 (50' when abutting an AR District)	40 (50' when abutting an AR District)	4	50	30	*75,000 for retail use
OVERLAY DISTRICTS											
AQUIFER PROTECTION (see Sect. XII)	40,000	200	150	150	50	15	40	Same as Underlying District	Same as Underlying District	20	Same as Underlying District
FLOOD PLAIN DISTRICT – All Uses (See Sect. 5.3)	62,500	250	250	250	50	40	40	4	50	30	Same as Underlying District
FLOOD DISTRICT OVERLAY– All Uses (See Sect. XIII)	Same as Underlying District										
WIRELESS COMMUNICATIONS SERVICE – Tower (see Sect. XIV)	Same as Underlying District				Tower – Equal to 2X Tower Height Acc. Bldgs. __ Same as Underlying District			1	Tower – 55 (Acc. Bldg – 15)	Same as Underlying District	Ac. Bldgs. - 400
FARMLAND PRESERVATION – All Uses (see Sect. XVII)	See Section XVII										
MUNICIPAL OVERLAY – All Uses (See Sect. XVIII)	Same as Underlying District										
VILLAGE CENTER – All Uses (See Sect. XIX)	Same as Underlying District										12,500 per Building
SENIOR HOUSING – All Uses (See Sect. XXVII)	58,080	50	NA	NA	Applies to protect boundaries. Internal lot line setbacks determined by Special permit 75	50	50	2 1/2	35	15	1,500 – Acc. Retail Uses

Revise Section 5.3 (Flood Plain Restrictions) by replacing it with the following language in bold and deleting language shown as strikethrough text:

5.3 ~~Flood Plain Restrictions –~~ In a Flood Plain District uses otherwise permitted as set forth in Section III, may be authorized after finding by the Board of Appeals, after a hearing with due notice given, that said use will not endanger the health or safety of the occupants thereof. **New residential uses are not permitted.**

Revise Section 27.5.6.2. (Senior Housing Overlay District, Dimensional Regulations) by replacing it with the following language in bold and deleting the language shown as strikethrough text:

~~27.5.6.2.~~ The lot or combination of lots upon which a senior housing development is located shall meet the ~~following dimensional requirements:~~

~~Front yard: 75 feet~~

~~Side yard: 50 feet~~

~~Rear yard: 50 feet~~ **dimensional requirements in Section 4.2.** The Planning Board way waive any or all of the dimensional requirements when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Senior Housing Overlay Bylaw.

Delete the following Sections and reserve for future use:

~~4.3.4.~~ ~~(Intensity Regulations, Other Intensity Regulations) Side yard dimensions in a Business or Industrial District will be 50 feet when adjacent to an Agricultural-Residential District.~~

~~4.3.5.~~ ~~(Intensity Regulations, Other Intensity Regulations) Rear yard dimensions in a Business or Industrial District will be 50 feet when adjacent to an Agricultural-Residential District.~~

~~27.5.5.3.~~ ~~(Senior Housing Overlay District, Dimensional Regulations) Maximum height. No building shall exceed 35 feet in height.~~

And to amend in the Zone Bylaw where there is any reference to the phrase "Table 4.1" or "Table 4.2" appears to replace it with the phrase "Table 4.2."

Or take any action relative thereto.

Article 29 (Submitted by Petition)

Chapter ZB. Zoning ByLaw

SECTION XXVI. ACCESSORY Apartments and Backyard Cottages

An accessory apartment, or in-law apartment, is a self-contained housing unit incorporated within a single-family dwelling that is a subordinate part of the single-family dwelling. A backyard cottage is a self-contained housing unit that is detached from a single-family dwelling that is a subordinate part of the single-family property. Accessory apartments and backyard cottages must comply with the criteria below:

§26.1. Purpose.

The intent of permitting accessory apartments is to:

26.1.1.
Provide older homeowners with a means of obtaining rental income, companionship, security and services and thereby to enable them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave.

26.1.2.
Add to the variety of rental housing available to serve households which might otherwise have difficulty finding housing.

26.1.3.
Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their lifecycle.

26.1.4.
Protect stability, property values, and the single-family residential character of a neighborhood by ensuring that all accessory apartments are installed only in owner occupied houses and that all backyard cottages are installed on owner occupied properties.

26.1.5.
To provide housing units for persons with disabilities.

§ 26.2. Use restrictions.

The installation of an accessory apartment or a backyard cottage shall require a special permit only when all of the following conditions are satisfied. The Planning Board shall be the special permit granting authority for installation of an accessory apartment within an existing or new owner-occupied, single-family. The Planning Board shall be the special permit granting authority for installing a backyard cottage to an existing single-family property.

26.2.1.
The Board of Health has approved compliance with Title 5 of the State Environmental Code, 310 CMR 15, and all other issues within its jurisdiction.
[Amended 5-5-2011 ATM by Art. 18]

26.2.2.
The apartment or backyard cottage will be a complete, separate housekeeping unit containing both kitchen and bath.

26.2.3.
Only one accessory apartment or backyard cottage may be created within a single-family property. A single-family home may not have both an accessory apartment and a backyard cottage.

26.2.4.
The special permit is automatically revoked if an owner no longer lives on the premises. "Owner" is taken to mean the individual or individuals whose name(s) appear(s) on the deed as owner and one or more of whom reside on the premises.

26.2.5.
An accessory apartment or backyard cottage is allowed under a special permit issued by the Planning Board. The permit will expire after one year and every three years thereafter. The Planning Board may reissue the permit if all conditions continue to be met.:

a) For accessory apartments: A site plan which shows all interior and exterior changes to the building.
b) For backyard cottages: A site plan which shows all interior and exterior features, and appropriate setbacks.

26.2.6.
Site plan approval conforms to the Zoning Bylaw, including but not limited to Section VIII, §§ 8.1.3, 8.5.1.1 through 8.5.1.8, 8.5.1.12 and 8.5.1.14.

26.2.7.
The gross floor area of an accessory apartment (including any additions) shall not be greater than 900 square feet. The gross floor area of a backyard cottage shall not be greater than 410 square feet and must comply with Massachusetts building, plumbing, health, and electrical codes.

26.2.8.
Once an accessory apartment has been added to a single-family residence, the accessory apartment shall ever be enlarged beyond the 900 square feet allowed by this bylaw. Once a backyard cottage has been added to a single family property, the Planning Board must review and grant permission for any proposed alterations in size or footprint.

26.2.9.
An accessory apartment may not be occupied by more than two adults plus related children. Any guests of the occupants may not stay longer than 14 days in any three-month period. If the owner lives in the smaller apartment, the main residence may not be occupied by more than two adults and related children. A backyard cottage may not be occupied by more than two people.

26.2.10.
An accessory apartment or backyard cottage may not be sublet. An accessory apartment or backyard cottage cannot be occupied except under lease that includes a provision against excessive noise or disturbance of the neighborhood. The lease shall also state the apartment or backyard cottage cannot be sublet.

26.2.11.u
Sufficient parking must be available for use by the owner-occupant(s) and tenants to avoid on-street parking.

26.2.12.
The design and room sizes of the apartment must conform to all applicable standards in the Massachusetts health, building and other codes.

26.2.13.
Special permits issued under this section shall specify that the owner must occupy one of the dwelling units. Special permit and the notarized letters required in §§ 26.2.14 and 26.2.15 below must be recorded in the Hampshire County Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Building Inspector prior to the occupancy of the accessory apartment or backyard cottage.

26.2.14.
Prior to issuance of a permit, the owner(s) must send a notarized letter to the Building Inspector stating that the owner will occupy one of the dwelling units on the premises as the owner's permanent/primary residence, except for bona fide temporary absences not to exceed three months.

26.2.15.
When a structure which has received a permit for an accessory apartment or backyard cottage is sold, the new owner(s) in order to continue to exercise the permit, must, within 30 days of the sale, submit a notarized letter to the Building Inspector stating that he (they) will occupy one of the dwelling units on the premises as his (their) primary residence. This statement shall be listed as a condition on any permits which are issued under this section.

26.2.16.
The Planning Board may adopt regulations necessary to fulfill the intent of this bylaw.

26.2.17.

Backyard cottages must be a permanent structure or as defined in this section:

a) Comply with all zoning setbacks for the underlying district.
b) Be installed with a foundation.
c) Be one story tall with a maximum footprint of 410 square feet.
d) Is designed and built to look like a conventional building structure.

§ 26.3. Enforcement and penalties.

26.3.1.
Notice of violation. When the Zoning Enforcement officer determines that an activity is not being carried out in accordance with the requirements of this bylaw, the officer shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

26.3.1.1.
The name and address of the owner applicant.

26.3.1.2.
The address or description of the building, structure, or land upon which the violation is occurring.

26.3.1.3.
A statement specifying the nature of the violation.

26.3.2.
Noncriminal disposition. Any person who violates any provision of this bylaw, or the terms or conditions in any permit or order prescribed or issued thereunder, shall be subject to the Town of Hadley noncriminal disposition procedure set forth in the § 6.1 of the Zoning Bylaw. The Building Inspector shall be the enforcing entity. The penalty for the violation shall be $100 per day for days one through 30, $200 per day for days 31 through 60, and $300 per day for days 61 and over. Each day or part thereof that such violation occurs or continues shall constitute a separate offence.

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

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 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 _____ day of _____ 2016

_____
Molly A. Keegan, Chair

_____
Joyce A. Chunglo

_____
Gerald T. Devine

_____
John C. Waskiewicz, II

_____
Donald J. Pipczynski

HADLEY SELECT BOARD

A true copy attest:

_____
Constable of Hadley

Date:_____