

**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 seventh day of May 2015 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 3-0-1
Select Board recommends 4-0-0

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 recommends 3-0-1
Select Board recommends 4-0-0

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, 2015 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 3-0-1
Select Board recommends 4-0-0

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, 2015:

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY 2016 Spending Limit	Surplus Cap
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
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 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
TOTAL SPENDING				\$77,000.00	

And further to see if the Town will vote to accept the provisions of M.G.L. Chapter 60, Section 15B, establishing a revolving fund for tax titles.

And further to see if the Town will vote to raise and appropriate **\$1,800.00** to provide startup money for the tax title revolving fund.

Or take any action relative thereto.

Finance Committee recommends 3-0-1

Select Board recommends 4-0-0

Article 5

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 2016 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 recommends 4-0-0

Article 6

To see if the Town will vote to transfer from the FY 2015 Russell School Revolving Fund Account **\$106,446.00** to a special stabilization account for the purpose of renovating the Russell School, or take any action relative thereto.

Finance Committee recommends 3-0-1

Select Board recommends 5-0-0

Article 7

To see if the Town will vote to transfer from Free Cash, take from funds available, or otherwise provide **\$91,109.00** to cover FY 2015 expenses as follows:

	FROM	TO
210 Police Expenses	\$933,027	\$938,097
210 Police Salaries	\$790,502	\$810,502
423 Snow and Ice Expense	\$99,649	\$141,949
914 Health Insurance	\$1,073,500	\$1,088,500
916 Medicare	\$108,236	\$116,975

And further, to see if the Town will vote to transfer **\$9,939.00** from (Account# 423-5130) Snow and Ice Overtime to (Account # 423-5533) Snow Supplies and Ice Snow Supplies,

And further, to see if the Town will vote to adjust the FY 2015 Omnibus Budget by transferring from Water Reserves to the Water Operating Budget **\$11,257.00** (reimbursement from the Town of Sunderland),

Or take any action relative thereto.

Finance Committee recommend 3-0-1

Select Board recommends 5-0-0

Article 8

To see if the Town will vote to transfer from Sewer Reserves, take from funds available, or otherwise provide **\$275,000.00** to cover FY 2015 expenses associated with emergency sewer line replacement and associated costs on Laurana Lane, or take any action relative thereto.

Capital Planning Committee recommends 4-0-0

Finance Committee recommends 3-0-1

Select Board recommends 4-0-0

Article 9

To see if the Town will vote to transfer from Free Cash, take from funds available, transfer from Capital Stabilization, or otherwise provide **\$55,500.00** to cover FY 2015 expenses associated with emergency boiler replacement at the Public Safety Complex, or take any action relative thereto.

Capital Planning Committee recommends 4-0-0

Finance Committee recommends 3-0-1

Select Board recommends 4-0-0

Article 10

To see if the Town will vote to transfer **\$10,000.00** from Water Reserves to the Water Plant Filtration Stabilization fund for the purpose of repairing and replacing water plant filtration membranes and associated expenses, or take any action relative thereto.

Finance Committee recommends 3-0-1

Select Board recommends 4-0-0

Article 11

To see if the Town will vote to transfer from Capital Stabilization **\$93,000.00** for capital expenses associated with capital equipment for town departments:

Capital Purchase	Department	Cost	Funding Source
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Command Vehicle	Fire	\$50,000	Capital Stab.
Vision 7.0 Software and Computer	Assessors	\$8,000	Capital Stab.

Computers	Town Hall	\$25,000	Capital Stab.
Ammunition	Police	\$10,000	Capital Stab.

		\$93,000	

Or take any action relative thereto.

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

Article 12

To see if the Town will vote to authorize the Treasurer to borrow **\$107,000.00** for capital expenses associated with capital projects for town departments:

Capital Purchase	Department	Cost	Funding Source
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School Bus	School	\$65,000	Borrow
Police Cruisers	Police	\$42,000	Borrow

	TOTAL:	\$107,000	

Or take any action in relation thereto.

Capital Planning Committee recommends 4-0-0
Finance Committee recommends 3-0-1
Select Board recommends 5-0-0

Article 13

To see if the Town will vote to raise and appropriate, transfer from Capital Stabilization, or otherwise provide a sum of money, **\$9,950.00** to survey professionally the following municipal buildings:

1. Town Hall 100 Middle Street
2. DPW 230 Middle Street
3. Russell School 135 Russell Street
4. Senior Center 46 Middle Street

Or take any action relative thereto.

Capital Planning Committee recommends 4-0-0
Finance Committee recommends 3-0-1
Select Board recommends 5-0-0

Article 14

To see if the Town will vote to raise and appropriate, transfer from Free Cash, transfer from Capital Stabilization, or otherwise provide a sum of money, **\$65,000.00**, to pay for additional expenses related to the asbestos removal within the Town hall building, or take any action relative thereto. An approval to remove the Town Hall asbestos was voted at the October 3, 2014 special fall town meeting and was later authorized by a favorable Proposition 2 ½ vote

Capital Planning Committee recommendation pending
Finance Committee recommends 3-0-1
Select Board recommends 5-0-0

Article 15 – Submitted by Petition

We the undersigned, registered voters of Hadley, Massachusetts, petition the Selectmen to submit this petition in the form of an Article for the May 7, 2015 Annual Town Meeting.

We the undersigned, petition to purchase the property owned by Theodore M. Johnson and D. Alden Johnson located at 319 and 321 River Drive consisting of 31.29 acres: 17.01 acres of land in APR and 14.28 acres consisting of buildings and buildable land. Thus, we petition to appropriate the sum of three million dollars for the purchase and renovations of its existing facilities for Fire Dept., DPW, and other municipal uses or take any action thereto.

Capital Planning Committee recommends 4-0-0
Finance Committee recommendation pending
Select Board makes no recommendation 4-1-0

Article 16 – Submitted by Petition

We the undersigned, registered voters of Hadley, Massachusetts, petition the Selectmen to submit this petition in the form of an Article for the May 7, 2015 Annual Town Meeting.

We the undersigned, petition to purchase the property owned by Theodore M. Johnson and D. Alden Johnson located at 319 and 321 River Drive consisting of 31.29 acres: 17.01 acres of land in APR and 14.28 acres consisting of buildings and buildable land. Thus, we petition to appropriate the sum of three million dollars for the purchase and renovations of its existing facilities for Fire Dept., DPW, and other municipal uses, provided however, that the vote hereunder shall be expressly contingent upon approval by the voters to exclude this amount from the provisions of proposition 2 ½ capital expenditure exclusion and to authorize the Treasurer to borrow such amount or take any action thereto.

Capital Planning Committee recommends to pass over
Finance Committee recommendation pending
Select Board recommends to pass over

Article 17

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 SolarCity Corporation, or its successors, 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 4-0-0

Article 18

To see if the Town will vote to transfer **\$15,000.00** from funds available to provide start-up money for a grant program administered by the Hopkins Academy 350th Anniversary Committee, or take any action in relation thereto.

Finance Committee recommends 3-0-1

Select Board recommends 5-0-0

Article 19

To see if the Town will vote to adopt the provisions of MGL Chapter 41, Section 97A, relating to the powers and duties of the Chief of Police, or take any action in relation thereto.

Select Board recommends 4-0-0

Article 20

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2016 budget and to reserve for later appropriation the following sums of money from the Community Preservation Fund FY 2016 estimated annual revenues:

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

and appropriate the sum of **\$5,000.00** from the Community Preservation Fund FY 2016 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 to be placed in the FY 2016 budgeted reserve 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 (2 absences)

Finance Committee recommends 3-0-1
Select Board recommends 4-0-0

Article 21

To see if the Town will vote to extend Kestrel Trust and Friends of Lake Warner's request to extend fundraising deadline from 1 May 2015 to 1 May 2016, or take any action relative thereto.

State funding was not allowed in Governor's budget. A total of \$46,261 still to be raised by requesters.

Community Preservation Act Committee recommends 7-0-0 (2
absences)
Finance Committee recommendation pending
Select Board recommends 4-0-0

Article 22

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, located along Route 47 scenic byway, near Callahan Well site (portion within Callahan Well Zone II), containing approximately 17 acres in the aggregate, both located off Lawrence Plain Road, and shown on Assessors Map 3 as Parcels 67 and 69 (partial), and, further, to appropriate **\$5,000.00** from the Community Preservation Act general funds for a portion of the foregoing acquisition and costs related thereto, with the remaining purchase price to be paid by the Department of Agriculture (\$156,750) and from TDR account (\$3,250), and authorize the Select Board to apply for, accept and expend any funds which may be provided by the Commonwealth or other sources to defray all or a portion of the costs of acquiring said parcel, and enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing purposes; or take any action relative thereto.

Community Preservation Act Committee recommends 7-0-0 (2
absences)
Finance Committee recommends 3-0-1
Select Board recommends 4-0-0

Article 23

To see if the Town will vote to transfer **\$3,250.00** from the Transfer Development Right account for an agricultural preservation restriction on approximately 17 acres of land located off Lawrence Plain Road and shown on Assessors Map 3 as Parcels 67 and 69 (partial), or take any other action in relation thereto.

Finance Committee recommends 3-0-1
Select Board recommends 4-0-0

Article 24

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 four parcels of land containing a total of approximately 93 acres, located off Rocky Hill Road and Spruce Hill Road, and shown on Assessors Map 5G as Parcel 19, Assessors Map 10A as Parcels 37 and 48, Assessors Map 10C as Parcel 3, and, further, to appropriate **\$45,625.00** from the Community Preservation Act open space set aside funds for a portion of the foregoing acquisition and costs related thereto, with the remaining funds to be paid -- Department of Agriculture \$(1,073,750), and to authorize the Select Board to apply for, accept and expend any funds which may be provided by the Commonwealth or other sources to defray all or a portion of the costs of acquiring said parcel, and enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing purposes; or take any action in relation thereto.

Community Preservation Act Committee recommends 7-0-0 (2 absences)

Finance Committee recommends 3-0-1

Select Board recommends 4-0-0

Article 25

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

SECTION XIII FLOOD OVERLAY DISTRICT

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 Flood Overlay District is herein established as an Overlay District and includes all special flood hazard areas designated as Zone A, A1-30 on the Hadley Flood Insurance

Rate Maps, dated June 1, 1978, on file with the Town Clerk, Planning Board and Building Inspector. These maps as well as the accompanying Hadley Flood Insurance Study are incorporated herein by reference.

The boundaries of the Flood Overlay District shall be determined by the intersection of the BFE (Base Flood Elevation) and the actual ground elevations. When interpretation is needed as to the exact location of the boundaries of a District, the Building Inspector shall make the necessary interpretation.

13.3 DEFINITIONS

13.3.1 **AREA OF SPECIAL FLOOD HAZARD** is the land in the floodplain within a community subject to one percent or greater change of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

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

13.3.3 **DEVELOPMENT** means any manmade 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.

13.3.4 **DISTRICT** means Flood Overlay District.

13.3.5 **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.

13.3.6 **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 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

13.3.7 **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.

13.3.8 **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.

13.3.9 **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.

13.3.10 **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.

13.3.11 **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 non-elevation design requirements of NFIP Regulations 60.3.

13.3.12 **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.

13.3.13 **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.

13.3.14 **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.

13.3.15 **ONE-HUNDRED-YEAR FLOOD** – see **BASE FLOOD**.

13.3.16 **REGULATORY FLOODWAY** – see **FLOODWAY**

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

13.3.18 **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.

13.3.19 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 percent of the market value of the structure before the damage occurred.

13.3.20 SUBSTANTIAL IMPROVEMENT means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent 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.

13.3.21 ZONE A means the 100-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.

13.3.22 ZONE A1-30 and ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

13.3.23 ZONE AH and ZONE AO means the 100-year floodplain with flood depths of 1 to 3 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.

13.3.24 ZONE A99 means areas to be protected from the 100-year flood by federal flood protection system under construction. Base flood elevations have not been determined.

13.3.25 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.

13.4 BASE FLOOD ELEVATION AND FLOODWAY DATA

13.4.1 Floodway Data. 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.

13.4.2 Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

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 600-700
Boston, MA 02114-2104

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

13.6 USE REGULATIONS

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 non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

13.6.1.1 Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard 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 Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00); (e communities only)

13.6.1.5 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 OTHER USE REGULATIONS

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

13.6.2.2 In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Hadley 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.

13.6.2.3 All subdivision proposals must be designed to assure that:

13.6.2.3.1 such proposals minimize flood damage;

13.6.2.3.2 all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

13.6.2.3.3 adequate drainage is provided to reduce exposure to flood hazards.

13.6.2.3.4 Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

13.6.3 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:

13.6.3.1 Agricultural uses such as farming, grazing, truck farming, horticulture, etc.

13.6.3.2 Forestry and nursery uses.

13.6.3.3 Outdoor recreational uses, including fishing, boating, play areas, etc.

13.6.3.4 Conservation of water, plants, wildlife.

13.6.3.5 Wildlife management areas, foot, bicycle, and/or horse paths.

13.6.3.6 Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.

13.6.3.7 Buildings lawfully existing prior to the adoption of these provisions.

13.7 DEVELOPMENT REGULATIONS

13.7.1 In the floodway, designated on the Flood Boundary and Floodway Map, the following provisions shall apply:

13.7.1.1 Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided by the applicant demonstrating that the encroachments shall not result in any increase in flood levels during the occurrence of the 100-year flood.

13.7.1.2 In the floodway, prohibit the placement of mobile homes except by special permit as defined below.

13.7.2 Mobile Residential Uses (Amended October 14, 1993; Amended May 2, 1996)

13.7.2.1 Purpose.

13.7.2.1.1 To provide that lands in the Town of Hadley subject to seasonal or periodic flooding as described hereinafter shall not be used for residence or other purposes in such a manner as to endanger the health or safety of the occupant thereof.

13.7.2.1.2 To assure the continuation of the natural flow patterns of the water courses within the Town of Hadley in order to provide adequate and safe flood water storage capacity to protect persons and property against the hazards of flood inundation.

13.7.2.2 Definitions. (For this section only)

13.7.2.2.1 “Mobile Residential Unit” (for the sole purpose of the special permit) means a vehicle (including but not limited to vehicles known as mobile homes, house trailers, campers, camper trailers, or recreational vehicles) which is:

13.7.2.2.1.1 built on a single chassis;

13.7.2.2.1.2 400 square feet or less when measured at the largest horizontal projection;

13.7.2.2.1.3 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);

13.7.2.2.1.4 designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use; and,

13.7.2.2.1.5 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).

13.7.2.2.2 “special permit granting authority” shall be the Zoning Board of Appeals.

13.7.2.3 Notwithstanding any language in this bylaw to the contrary, mobile residential units are permitted in the flood plain and flood way only for not more than 179 consecutive days between May 1 and October 31 of each year, by Special Permit from the Special Permit granting authority. All mobile residential units are prohibited at other times.

13.7.2.4 The application to the Special Permit granting authority must satisfy the following conditions as shown by a site plan prepared by a registered professional surveyor, and must be renewed annually:

13.7.2.4.1 One mobile residential unit 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 Section IV.A. for dwellings in the Aquifer Protection district shall apply.

13.7.2.4.2 There shall be no danger of pollution to public or on-site water supply facilities due to the location or elevation of the mobile residential unit, filling of the area, infiltration of flood waters, or for other reasons.

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

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

- 13.7.2.4.5 The applicant must submit a written plan for removal of the mobile residential unit in the event of flood danger, and post bond for any damages resulting from failure to remove the mobile residential unit. Also, the Applicant shall submit a notarized letter to the Town giving the Town the authority to remove the mobile unit, in case of a flood, without liability to the Town.
- 13.7.2.4.6 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 Massachusetts.

13.8 BOARD OF APPEALS

The Board of Appeals may consider a special permit to the regulations set forth in the Flood Overlay District of the Zoning By-Law. A special permit may be granted for the new construction or expansion of a business that due to its nature must be located adjacent to a river. This in no way implies that other pertaining bylaw requirements such as lot acreage, frontage, and zoning regions need not be met. Construction under this special permit must comply with all provisions of this Flood Overlay District By-Law.

Or take any action relative thereto.

Article 26

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

SECTION XIX- VILLAGE CENTER OVERLAY DISTRICT BYLAW (Adopted May 3, 2001)

§ 19.1 PURPOSE

The purpose of the Village Center Overlay District is to foster well-planned, compact development in the village center in the Town of Hadley. The purpose is to further develop consistency and continuity within this District in keeping with the existing character of traditional New England villages and the Town of Hadley in order to create a place with a unique and positive local identity, and still provide opportunities for development to expand the town's economic diversity and vitality.

Development within this district should provide commercial, civic, residential uses and public open space within easy, safe walking distance of each other. Vehicular circulation should be safe and well organized, with the use and visual impact of cars minimized. There should be tree lined streets, sidewalks, well-designed appropriate architecture which complements each other and preferably of a colonial style. Property developers are encouraged to provide amenities such as

protected open space, increased landscaping, street furniture, public spaces, and greater integration of mixed uses.

The Design Guidelines for the Hadley Village Center Overlay District, provides a detailed listing and guide on what elements and features are recommended and suggested by the Town and adopted by the Planning Board for this District to enhance an overall colonial appearance and be consistent with historical traditions.

The overall intents of this bylaw are to encourage vital, innovative, development projects and uses in the village center that:

- 19.1.1 Provide for the location of residential and/or a mix of low or moderate-intensity uses permitted within the Village Center Overlay District. (The commercial uses serve village residents and those in the vicinity, thus commercial and institutional development is directed to this district, so that the more rural areas of the Town's environment and the natural resources are protected and preserved); and
- 19.1.2 Exhibit the design features of traditional colonial villages and small towns in New England; and
- 19.1.3 Facilitate more efficient provision and maintenance of public services and infrastructure; and
- 19.1.4 Blend well with the existing landscape and help preserve sensitive environmental features; and
- 19.1.5 Provide an activity center for the town where residents and others can gather, work, shop, entertain and reside; and
- 19.1.6 Preserve and restore the overall character of the village center, which fosters a "New England-colonial appearance" and maintains consistency and similarity within the Village Center Overlay District.

Overall this bylaw's purpose is to sustain this District's distinctive character and community identity through careful planned development. Every effort should be made to meet the design standards detailed in the DESIGN GUIDELINES to ensure that new development is compatible with the unique characteristics and sense of place within the District. The scale and density of new development should conform to the character of the traditional New England village.

§ 19.2 DESIGN STANDARDS AND OVERALL APPEARANCE

- 19.2.1 New development and redevelopment should use traditional New England village development as a guide when determining the height, setbacks, bulk, and form of proposed structures within the Mixed Use Village Center Overlay District.
- 19.2.2 Every effort should be made to meet the Design Guidelines adopted by the Planning Board to ensure that new development is compatible with the unique traditional and colonial characteristics of this Village Center Overlay District within the Town.
- 19.2.3 New development should be designed and built to reflect existing neighborhood characteristics such as shape, height, massing, roof shapes, and door and window placement and proportions.

- 19.2.4 Buildings should be oriented such that the principal face of the building faces the most dominant adjacent street.
- 19.2.5 The overall form of proposed buildings, such as height, front and side yard setbacks, roof pitch, and length of building frontage should be similar to the surrounding buildings in order to maintain a consistent pattern and texture in the built environment.
- 19.2.6 All exterior facades shall have one or more of the following exterior appearances; the method and materials of construction are not specified provided the façade appearance is in compliance with the following definition:
- Horizontal siding appearance
 - Brick appearance
 - Textured stone appearance
 - Prohibited exterior appearances are vertical siding appearance, stucco appearance, plain or painted block appearance, and flat siding appearance.
- 19.2.7 All roofs shall be pitched; minimum pitch shall be three-inch vertical rise per twelve-inch horizontal run. Roof coverings shall provide the exterior appearance of a shingle appearance; methods and materials are not specified, and no roofline shall exceed 75 feet continuous run without a break, change in elevation or intercepting roofline. Prohibited roof appearances are flat roof appearance, roofs with less than specified above pitch, and roofs which do not provide the appearance of a shingle.
- 19.2.8 All windows shall provide the appearance of double-hung style, with mullion appearance when possible. Prohibited window appearance is plain glass without appearance of significant interruptions. No portion of this bylaw shall overrule or negate any part of the Massachusetts Building Code.
- 19.2.9 All new or significantly modified business structures in the Village Center Overlay District shall comply with the following:
- 19.2.9.1 All new business structures constructed or significantly modified (significantly modified shall be defined as: modifications exceeding 33% of the current assessed property valuation) in this overlay district shall comply with “colonial style exterior, roof, and window appearances as defined in this section above.
 - 19.2.9.2 No new business structure shall exceed a foot print of 12,500 (twelve thousand five hundred) square feet.
 - 19.2.9.3 Multiple Structures with a foot print of up to 12,500 square feet shall be permitted to allow a parcel to achieve per cent coverage (see Section IV) according to this bylaw.
 - 19.2.9.4 All other aspects of this Zoning Bylaw shall remain unchanged in this district.

Or take any action in relation thereto.

And you are hereby directed to serve this warrant by posting attested copies in the usual places: one at the Town Hall, one at the Hadley Post Office, 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 _____ day of _____ 2015

Guilford B. Mooring, II, Chair

John C. Waskiewicz, II

Molly A. Keegan

Joyce A. Chunglo

Gerald T. Devine

HADLEY SELECT BOARD

A true copy attest:

Constable of Hadley

Date:_____