



Action taken at the Annual Town Meeting held May 9, 2016 at the Belchertown High School Veterans' Auditorium  
FY17

Moderator – Frances J. South

Meeting called to order 7:32PM

Registered voters present – 249 (Quorum requires 75)

The Clerk read the Warrant

Raymond J. Janke, III, Veterans' Agent led the group in the Pledge of Allegiance and the National Anthem was performed by Thomas Stockton

Selectman William R. Barnett presented the Citizen of the Year Award to James Natle.

Selectman Nicholas O'Connor presented the Volunteer of the Year Award to BARC (Belchertown Animal Relief Committee) Jennifer Franz accepted on behalf of the committee.

Selectman Ronald Aponte presented the Employee of the Year Award to Bruce Jenks.

**Article 1** Voted to elect Paul Anziano and Ellen Lachance as Almoners of the Whiting Street and Mrs. Susan M.D. Bridgman Funds, each for one year; and Nicole Dunham for a one year term and Mary Olberding for a three year term as Trustees of the Calvin Bridgman Fund.

(Vote – Unanimous Yes)

**Article 2** Voted to accept the reports of the officers of the Town with the exception of the Finance Committee.

(Vote – Unanimous Yes)

**Article 3** Voted to authorize the Assessors and the Board of Health members to appoint themselves to work in their various departments for the ensuing fiscal year, at the following hourly rates:

➤ Assessors \$17.50

➤ Board of Health Members \$ 7.25

(Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Majority Yes)

**Article 4** Voted to raise and appropriate the sum of \$100.00 to be used by the Assessors for legal counsel in resolving tax cases. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

**Article 5** Voted to raise and appropriate the sum of \$30,000.00 to the Reserve Fund for use by the Finance Committee. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

**Article 6** Voted to authorize the Board of Selectmen to apply for and accept funds from the Commonwealth of Massachusetts Highway Improvement Program or any other state grant program for use on approved town ways. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

**Article 7** Voted to appropriate from the Sale of Cemetery Lots Account the sum of \$3,000.00 to the Cemetery Lot Development Account. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

**Article 8** Voted to authorize the Board of Selectmen to apply for Massachusetts Small Cities Program or other Federal or State monies and to expend any monies received as set forth in the application following a public hearing. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

**Article 9**

Voted to fix the salaries and compensation of all elected officers of the Town, as provided for by Section 108 of Chapter 41 of the Massachusetts General Laws, as amended; to raise and appropriate or appropriate from available funds in the Treasury for departmental and incidental expenses of the Town for the ensuing fiscal year; and that the various major categories of the budget as contained in the Finance Committee's report be considered separately and acted upon; and further that these sums of money granted and appropriated for the several specific purposes therein designated, be expended only for those purposes as specifically designated and under the direction of the respective officers, boards and committees of the Town.  
(Endorsed by Finance Committee 5-0-0 Yes)  
(Vote – Majority Yes)

I move the Town raise and appropriate the sum of \$1,876,921, and appropriate from Wetlands Hearings Fees Account the sum of \$2,000 to the Conservation Commission Salary Account, for a total appropriation of \$1,878,921 for General Government, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)

***A motion was made to amend the article and passed by a majority.***

Voted to raise and appropriate the sum of \$1,876,921, and appropriate from the Wetlands Hearings Fees Account the sum of \$10,862 to the Conservation Commission Salary Account, and further, that the town appropriate from the Health Insurance Account the sum of \$9,667 to the Planning Board Salary Account, for a total appropriation of 1,897,450. Motion was made by William R, Barnett. After much discussion on this amendment, a vote was taken on the amended motion.  
(Vote to accept the motion as amended - Majority Yes)

Voted to raise and appropriate the sum of \$3,117,623 and appropriate the sum of \$725,000 from the Ambulance Receipts Reserved for Appropriation Account, for a total appropriation of \$3,842,623 for Public Safety, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote – Unanimous Yes)

Voted to raise and appropriate the sum of \$27,594,024 and appropriate from free cash in the Treasury the sum of \$191,497, for a total appropriation of \$27,785,521 for the Town School Department, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote – Majority Yes)

Voted to raise and appropriate the sum of \$1,323,957 for the Pathfinder Regional Vocational Technical High School District, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 3-2-0 Yes)  
(Vote – Majority Yes)

Voted to raise and appropriate the sum of \$1,734,733 for the DPW-Highways, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote – Unanimous Yes)

Voted to appropriate from Landfill receipts the sum of \$277,700 and appropriate from Landfill Enterprise free cash in the Treasury the sum of \$13,608, for a total appropriation of \$291,308 to the Landfill Enterprise Fund, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote – Unanimous Yes)

Voted to raise and appropriate the sum of \$116,828, appropriate from Sewer Enterprise free cash in the Treasury the sum of \$188,460, and appropriate from Sewer receipts the sum of \$1,543,300, for a total appropriation of \$1,848,588, to the Sewer Enterprise Fund, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote – Unanimous Yes)

Voted to raise and appropriate the sum of \$879,033 for the Human Services Departments, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote – Unanimous Yes)

Voted to raise and appropriate the sum of \$746,744 for Culture and Recreation Departments, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote – Unanimous Yes)

Voted to raise and appropriate the sum of \$775,255 for DPW Buildings and Grounds Departments, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote – Unanimous Yes)

I move the Town raise and appropriate the sum of \$3,445,647, and appropriate from the Stabilization Fund the sum of \$550,000, for a total appropriation of \$3,995,647 to the Pensions and Insurance Accounts, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0)

***A motion was made to amend.***

Voted to raise and appropriate and appropriate the sum of \$3,435,980, and appropriate from the Stabilization Fund the sum of \$550,000, for a total appropriation of \$3,985.980 to the Pensions and insurance Accounts, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting.

(Vote to accept the amendment – Majority Yes)

(Vote to accept the motion as amended – 2/3 Required – Passed by 2/3)

Voted to raise and appropriate the sum of \$56,123 to the Unclassified Accounts, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote – Majority Yes)

Voted to raise and appropriate the sum of \$2,503,801 for the Interest and Debt Accounts, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote – Unanimous Yes)

Voted to raise and appropriate the sum of \$3,750 for Hampshire Council of Governments, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote – Majority Yes)

**Article 10** Voted to authorized by the provisions of MGL, Chapter 44, Section 53E ½, reauthorizing the use of revolving funds as printed in Article 10 of the Warrant.

Fund	Revenue Source	Authority to Spend Funds	Use of Funds	Spending Limit	Restrictions /Comments
Senior Center Transportation Program	Receipts from said Transportation Program	Director of the Senior Center	Operation of Senior Center Transportation Program	\$25,000	None
Council on Aging Programs	Receipts from said Programs	Council on Aging	Operation of Council on Aging Programs	\$10,000	None
Firefighters' Protective Clothing & Equipment Purchase	Receipts from Open Air Burning Permit Fees	Fire Chief	Firefighters' Protective Clothing & Equipment Purchase & Maintenance	\$10,000	None
Town Beach Concession	Receipts from said Concession	Recreation Director	Operating Town Beach Concession	\$15,000	None
Operating Town Beach	Receipts from Daily & Seasonal Entrance Fees	Recreation Director	Operating Town Beach	\$50,000	None
Pool Programs	Receipts from said Programs	Recreation Director	Pool Programs	\$130,000	None
Tween and up Programs	Receipts from said Programs	Recreation Director	Tween and up programs	\$25,000	None
Witnessing and Documenting Percolation Tests	Receipts from said Witnessing and Documenting tests	Board of Health	Witnessing & Documenting Percolation Tests	\$15,000	None
Police Department Technology Fund	Receipts from Firearms License & FID Card Fees	Police Chief or his designee	Police Department Technology, Firearms Licensing & FID Card Fees	\$15,000	None
Transportation of pupils in Grades 7-12	Receipts from said Transportation	School Committee	Transportation of pupils in Grades 7-12	\$150,000	None

(Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

**Article 11** Voted to amend the Code of Belchertown, Chapter 91, Personnel, as previously amended, in the following prescribed manner:

In § 91-6. Employee benefits, B. Benefits, (3) (a) Holidays, **add:** ½ day on New Year's Eve.

In 91 Attachment 1, Appendix A, Town Classification-Compensation Plan:

➤ **Replace** Management, Administrative or Professional Exempt chart as follows:

**Effective July 1, 2016 through June 30, 2017**

Director of Public Works	\$85,946-09,715
Fire Chief	\$85,946-109,715
Director of Information Technology	\$71,622 - 91,429
Town Planner	\$71,622 - 91,429
Town Treasurer-Collector	\$68,211 - 87,076
Town Accountant	\$68,211 - 87,076
Building Commissioner	\$68,211 - 87,076
Director of Assessments	\$68,211 - 87,076
Conservation Administrator	\$65,587 - 83,727
Council on Aging Executive Director	\$65,587 - 83,727
Director of Parks & Recreation	\$65,587 - 83,727
Veterans' Agent	\$63,065 - 80,506

➤ **Under Part-Time Hourly Schedule:**

**Amend the following:**

- Library Page **from** \$6.00-\$8.00/hour **to** \$7.25-\$9.00/hour
- Gym Monitor **from** \$6.75-\$10.00/hour **to** \$9.00-\$15.00/hour
- Parks and Recreation Seasonal Employee **from** \$6.75-\$12.00 **to** \$9.00-\$15.00/hour
- Lifeguards (Pool) **from** \$6.75-\$10.00 **to** \$9.00-\$15.00/hour
- Lifeguards (Beach) **from** \$6.75-\$10.00/hour **to** \$9.10-\$15.10/hour
- Public Works/Maintenance Seasonal Employee **from** \$6.75-\$12.00 **to** \$7.25-\$12.00/hour
- Swim Team Aide **from** \$7.00-\$9.00 **to** \$9.00-\$15.00/hour
- Water Safety Instructor Aide **from** \$7.00-\$9.00/hour **to** \$11.00-\$16.00/hour
- Meals on Wheels Driver **from** \$7.00-\$9.25 **to** \$7.25-\$9.25/hour
- Computer/Printer Technician **from** \$7.00-\$10.00 **to** \$7.25-\$10.00/hour
- Swim Team Assistant Coach **from** \$7.75-\$10.00 **to** \$9.00-\$15.00/hour
- Water Safety Instructor **from** \$8.00-\$9.50 **to** \$9.00-\$13.00/hour
- Program Instructors (Aquatic, Lifeguard, etc.) **from** \$10.00-\$14.00 **to** \$11.00-\$18.00/hour
- Swim Team Coach **from** \$10.00-\$16.00 **to** \$12.00-\$17.00/hour

**Add the following:**

- Beach Supervisor: \$11.00-\$16.00/hour
- Beach Shift Supervisor: \$10.00-\$15.00/hour
- Sports Official: \$15.00-\$40.00/game

**Remove the following:**

- Head Lifeguard (Pool) \$7.75-\$12.00/hour
- Head Lifeguard (Beach) \$7.75-\$12.00/hour

In 91 Attachment 1, Appendix B – Weekly Salary Schedule for Classified Employees:

- **Remove** the compensation chart effective July 1, 2015 through June 30, 2016, and insert the following chart:

**Effective July 1, 2016 to end June 30, 2017**

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
1	11.19	11.50	11.80	12.12	12.45	12.81	13.16	13.52	13.89	14.27
2	14.54	14.93	15.35	15.77	16.21	16.65	17.11	17.57	18.06	18.56
3	16.72	17.18	17.65	18.14	18.64	19.15	19.68	20.22	20.77	21.34
4	19.22	19.75	20.29	20.85	21.42	22.02	22.63	23.25	23.89	24.53
5	21.15	21.73	22.33	22.94	23.56	24.23	24.89	25.56	26.29	27.00
6	23.27	23.90	24.55	25.25	25.93	26.63	27.38	28.12	28.90	29.69
7	25.58	26.30	27.01	27.75	28.52	29.29	30.11	30.93	31.78	32.67
8	26.61	27.35	28.09	28.86	29.66	30.48	31.31	32.18	33.06	33.97
9	27.67	28.45	29.21	30.03	30.84	31.70	32.57	33.46	34.38	35.33
10	29.61	30.42	31.26	32.13	33.00	33.92	34.85	35.80	36.79	37.80

(Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Majority Yes)

**Article 12** Voted to accept as a public way the roadway known as Crestview Drive, as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled “As-Built Plan” dated September 24, 2013, prepared by Ronald Huot, Land Surveyor recorded with the Hampshire County Registry of Deeds in Plan Book 231, Page 22 and on file with the Town Clerk, and authorize the Board of Selectmen to acquire, by gift, purchase, and/or eminent domain, the fee to and/or easements in Crestview Drive for all purposes for which public ways are used in the Town of Belchertown and any drainage, utility, access and/or other easements related thereto, as shown on said plan. (Endorsed by Planning Board – Unanimous Yes)  
(Vote – Unanimous Yes)

**Article 13** Voted to accept as a public way the roadway known as Oasis Drive at Stonegate Farms, Inc., as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled “As-Built Plan-Oasis Drive at Stonegate Farms dated, June 30, 2014 with a recording date of October 1, 2015 and prepared by Smith Associates Surveyors, Inc. and recorded with the Hampshire County Registry of Deeds in Northampton, Plan Book 235, Page 51 and on file with the Town Clerk, and authorize the Board of Selectmen to acquire, by gift, purchase, and/or eminent domain, the fee to and/or easements in Oasis Drive at Stonegate Farms, Inc. for all purposes for which public ways are used in the Town of Belchertown and any drainage, utility, access and/or other easements related thereto, as shown on said plan. (Endorsed by Planning Board – Unanimous Yes)  
(Vote – Unanimous Yes)

**Article 14** Voted to accept as a public way the roadway known as Old Sawmill Road, Hunters Ridge Phase I & II, as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled “Street Acceptance Plan of Land, Old Sawmill Road-Hunters Ridge Phase I & II”, dated January 13, 2015 prepared by Lewis & Cook Surveyors, Richard A. Lewis, Professional Engineer, recorded with the Hampshire County Registry of Deeds in Plan Book 234, Page 15 and on file with the Town Clerk, and authorize the Board of Selectmen to acquire, by gift, purchase, and/or eminent domain, the fee to and/or easements in Old Sawmill Road-Hunters Ridge Phase I & II, for all purposes for which public ways are used in the Town of Belchertown and any drainage, utility, access and/or other easements related thereto, as shown on said plan. (Endorsed by Planning Board – Unanimous Yes)  
(Vote – Unanimous Yes)

**Article 15** Voted to amend the Code of Belchertown, Chapter 51 “Historic District” as follows:

§51-4. Historic District Commission established.

- A. There is hereby established under MGL c. 40C an Historic District Commission consisting of ~~five~~ seven members appointed by the Board of Selectmen, including, when possible, one member selected from two nominees submitted by the Belchertown Historic Association; one member selected from two nominees submitted by the local Board of Realtors; one member who is a registered architect in the Commonwealth of Massachusetts, selected from two nominees submitted by the local chapter of the American Institute of Architects; one member who is a resident and property owner in the district; and ~~three~~ one members who ~~are~~ is a residents of the town at large. Nominations shall be solicited and received pursuant to MGL c. 40C, § 4.
- B. ~~When the Commission is first established, two members shall be appointed for one year, two members shall be appointed for two years and one member shall be appointed for three years. Successors shall each~~ Members of the Historic District Commission shall be appointed for a terms of three years so arranged that the term of at least one member, including but not limited to one of the members appointed from the residents of the town at large, expires each year. Vacancies shall be filled within 60 days by the Board of Selectmen by appointment for the unexpired term. All members shall serve without compensation. The Commission shall elect annually a Chairman and Vice Chairman from its own number and shall appoint a Secretary from within or without its own number. ~~Three~~ Four members of the Commission shall constitute a quorum.

(2/3 Required – Vote - Unanimous Yes)

**Article 16** Voted to amend the Code of Belchertown, Chapter 51 “Historic District” authorizing the Historic District Commission to also be known as the Historic District By-Law Commission, as follows:

- A. There is hereby established under MGL c. 40C an Historic District Commission, which Commission may also be referred to as the Historic District Bylaw Commission, consisting of....”  
(2/3 Required – Vote – Unanimous Yes)

**Article 17** Voted to appropriate from the Stabilization Fund the sum of \$10,000 to the Other Post Employment Benefits (OPEB) Liability Trust Fund, each item and amount recommended in the Finance Committee’s report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
2/3 Required – Vote – Unanimous Yes)

**Article 18** “*Take no Action*” To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sum of money to acquire by gift, purchase or eminent domain the parcel of land located at 47 State Street, Belchertown, MA, commonly known as the John Patrick Center and further identified as Belchertown Assessors Map 250, Parcel 11, and for all costs incidental or related thereto, and further, to authorize the Board of Selectmen to acquire said property and to execute instruments and take such other action as may be needed to effectuate the purposes of this article,  
*Motion was made to Take No Action on this Article.*  
(Vote – Take no Action - Majority Yes)

**Article 19** “*Take no Action*” To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury a sum of money to the Council on Aging Expense Account for the completion of the Council on Aging Needs Assessment, and for all incidental and related costs,  
*A motion was made to Take no Action on this Article.*  
(Vote – Take no Action – Unanimous Yes)

**Article 20** Voted to raise and appropriate the sum of \$9,000 to establish a timber marketing plan, prepare bid specifications and provide for an oversee timber harvest on Town owned land, and for all incidentals and related costs. (Endorsed by Finance Committee 4-1-0 Yes)  
(Vote – Majority Yes)

**Article 21** Voted to amend the Code of Belchertown, as previously amended, Chapter 20 “Boats and Boating”, Section 20-4(A)(8),  
**Delete:** Motorboats are not allowed to operate on Lake Arcadia at a speed in excess of 10 miles per hour.  
**Insert:** Motorboats with trolling motors shall be permitted on Lake Arcadia.  
Motorboats with internal combustion engines shall be prohibited.  
(Endorsed by Lake Committee)  
(Vote – Majority Yes)

**Article 22** Voted to appropriate from the Community Preservation Fund estimated annual revenues the sum of \$2,000 for the administrative expenses of the Committee in FY 2017; and that the Town reserve for future appropriation from the Community Preservation Fund estimated annual revenues the amounts recommended by the Community Preservation Committee, with each item to be considered a separate reserve:

- \$27,397 from FY 2017 Community Preservation Fund revenues for Open Space
- \$27,397 from FY 2017 Community Preservation Fund revenues for Historic Resources
- \$27,397 from FY 2017 Community Preservation Fund revenues for Community Housing,

And to appropriate and transfer \$35,375 from the Community Preservation Fund Balance to pay the debt service on the bonds issued under Article 29 of the May 14, 2012 Annual Town Meeting,

And further to appropriate and transfer \$39,400 from the Community Preservation Fund Balance to pay the debt service on the bonds issued under Article 33 of the May 14, 2012 Annual Town Meeting.

(Vote – Majority Yes)

**Article 23** Voted to appropriate \$310,000 to pay costs of preserving and/or rehabilitating the Lawrence Parsons Memorial Field (also known as “Parsons Field”), including, without limitation, repairing stone walls on Jabish Street and Jensen Street, demolition, tree work, building and repairing retaining walls, repointing retaining and stone walls, and, further, making such changes as required to bring Parsons Field into compliance with the Americans with Disabilities Act, including all incidental and related costs, such funds to be expended by the Department of Public Works, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow this amount in accordance with M.G.L. c.44B (also known as the Community Preservation Act), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor

(Vote – 2/3 Required – 2/3 Yes)

**Article 24** Voted to appropriate and transfer \$9,000 from the Community Preservation Fund Balance for the preservation and/or rehabilitation of the Chestnut Hill Community School basketball court, including all incidental and related costs, such funds to be expended under the direction of the Recreation Department. (Endorsed by Community Preservation Commission 8-0-0 Yes)

(Vote Majority Yes)

**Article 25** Voted to amend the vote adopted under Article 2 of the February 22, 2016 Special Town Meeting, which vote authorized the acquisition, for conservation and passive recreation purposes, of those certain parcels of land known as Holland Glen and shown on Assessors Maps 218, Lot #72.00 and Map 215, Lot #25.00, and as described more fully therein, by reducing by \$70,000 the amount authorized to be borrowed for that purpose, and replacing such amount with a transfer of \$70,000 from the Community Preservation Fund, with \$43,000 being appropriated and transferred from the Community Preservation Fund Balance and the remaining \$27,000 appropriated and transferred from the Community Preservation Fund Open Space Reserve. (Endorsed by Finance Committee 8-0-0 Yes)

(Vote – Majority Yes)

**Article 26** Voted to appropriate and transfer \$5,000 from the Community Preservation Fund Historic Reserve for the grave stone preservation and restoration project at the historic Mt. Hope/South/Rural Cemetery, with such funds to be expended under the direction of the Veterans Graves Officer of the Town of Belchertown. (Endorsed by Community Preservation Commission 8-0-0 Yes)

(Vote – Unanimous Yes)

**Article 27** Voted to appropriate and transfer \$16,500 from the Community Preservation Fund Historic Reserve as a grant for the preservation and rehabilitation of the historic Clapp Memorial Library, on which the Town holds a historic preservation restriction, including, without limitation, repairing and rehabilitating the south stained-glass window that is showing signs of stress due to structural issues and exposure to the elements; and to authorize the Board of Selectmen, in consultation with the Historic District Commission and the Community Preservation Committee, to enter into a grant agreement with the Trustees of the Clapp Memorial Library to set forth the terms and conditions on which such funds may be expended. (Endorsed by Community Preservation Commission 8-0-0 Yes)

(Vote – Majority Yes)

**Article 28** Voted to appropriate \$98,000 as a grant to the Belchertown Housing Authority for the preservation and support of community housing, including, without limitation, for the replacement of the windows at the 48 apartment units that are no longer weather tight and expose the buildings to the elements, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is



authorized to borrow said sum pursuant to M.G.L. c. 44B, pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and, further, authorize the Board of Selectmen to enter into a grant agreement with the Belchertown Housing Authority to set forth the terms and conditions upon which such funds may be expended. (Endorsed by Community Preservation Commission 8-0-0 Yes)

(Vote - 2/3 Required – 2/3 Yes)

**Article 29** Voted to supplement the appropriation made under Article 27 of the May 11, 2015 Annual Town Meeting, pursuant to which the Town appropriated \$218,000 for the purpose of acquiring an affordable housing restriction on 43 of the 83 units in the assisted living facility to be constructed on the site of the former Belchertown State School campus, known as Christopher Heights, which 43 units shall be occupied by persons having incomes not in excess of 80% of the area median income, to now appropriate and transfer \$20,000 from the Community Preservation Fund Community Housing Reserve for the foregoing purposes, and to authorize the Board of Selectmen to enter into any agreements and execute any instruments as may be needed, including a grant agreement with The Grantham Group/Christopher Heights of Belchertown setting forth the terms and conditions on which the funds may be expended and to accept said affordable housing restriction on such terms and conditions as the Board deems appropriate, which restriction shall be enforceable by the Town for a period of no less than 80 years. (Endorsed by Community Preservation Commission 8-0-0 Yes)  
(Vote – Majority Yes)

**Article 30** *“Take no Action”* To see if the Town will vote to raise and appropriate or transfer from available fund in the Treasury a sum of money to be used by the School Department for the removal and replacement of an underground storage tank at the Chestnut Hill Community, including all incidental and related costs.  
*Motion made to take no action on this article.*  
(Vote – Take No Action – Majority Yes)

**Article 31** Voted to amend the Zoning By-Law, as previously amended, by adding a chapter entitled “Small Wind Energy Systems” as printed below and to authorize the Town Clerk to assign a chapter number and internal number consistent with the Code.

#### **§145-28.1 Small Wind Energy Systems**

##### **A. Purpose and Intent**

This bylaw is to promote safe, effective and efficient use of small wind energy systems for individual property owners to reduce on-site consumption of utility-supplied electricity, while avoiding undue negative effects on surrounding properties.

##### **B. Applicability**

1. Small wind energy systems, as defined herein, shall be allowed by special permit issued in accordance with this bylaw in all zoning districts in the town.
2. The Planning Board is the special permit granting authority for small wind energy systems.
3. This section applies to small wind systems no greater than 100 kiloWatts of rated nameplate capacity proposed to be constructed after the effective date of this section.
4. Towers are limited to one tower per parcel.
5. Small wind energy systems mounted on buildings shall extend or protrude no more than five feet higher than the highest point of the building.
6. Small wind energy systems that are used primarily for agriculture, as defined in §145-2 of this chapter, also pursuant to MGL c. 40A §3 are exempt from this bylaw.

##### **C. Definitions**

Small Wind Energy System: A wind energy conversion system consisting of a wind turbine and associated control or conversion electronics that has a rated capacity of not more than 100 kW and which is intended to provide power primarily for on-site uses, although excess generation may be supplied to the commercial power grid. The distinction between this small wind energy system and

a commercial system is that this is intended to provide an alternative to the public utility grid, whereas a commercial system is intended to provide to the public utility grid for pay.

**Height:** The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height. This measure is also commonly referred to as the maximum tip height (MTH).

**Off-grid:** A stand-alone generating system not connected to or in any way dependent on the public utility grid.

**Rated Nameplate Capacity:** The maximum rated output of electric power specified by an equipment manufacturer on the nameplate of a piece of equipment or wind turbine system.

**Tower:** A free-standing structure on which the wind turbine is mounted.

**Wind Monitoring or Meteorological Tower:** A temporary tower used to gather wind data necessary for site evaluation and development of a wind energy project. In addition a Meteorological tower may be equipped to record temperature, solar radiation and air pressure if necessary, but is not used for the purpose of generating electricity.

**Wind turbine:** A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

#### **D. Submission Requirements**

The applicant shall provide ten copies of each of the following to the Planning Board as part of the special permit application:

1. A completed application form with a review fee.
2. Existing Conditions site plan drawn to scale and in sufficient detail to show the following:
  - a. Property lines, dimensions and area, subject property's owners, and abutters within three hundred feet of the subject property.
  - b. Location and dimensions of all existing buildings, accessory structures and uses, public and private roads, driveways, easements, stone walls, and fence lines within three hundred feet of the system.
  - c. Height of any structures over thirty-five feet, and the location and average height of trees on the subject property and adjacent properties, within three hundred feet of the proposed small wind turbine.
3. Proposed Conditions site plan drawn to scale and in sufficient detail to show the following:
  - a. The location of the proposed tower and any appurtenances and equipment. Indicate property boundaries and distances to the base of the wind tower and to the nearest corners of each of the appurtenant structures and equipment.
  - b. Limits of areas where vegetation is to be cleared or altered and justification for any such clearing or alteration.
  - c. Plans to control erosion and sedimentation both during construction and as a permanent measure.
  - d. Plans indicating locations and specifics of proposed screening, landscaping, ground cover, fencing, exterior lighting or signs.
  - e. Plans of proposed access driveway at the subject site, whether temporary or permanent; include grading, drainage, and traveled width. Include a cross section of the access drive indicating the width, depth of gravel, paving or surface material.
  - f. Location of access easements or rights-of-way, if any, needed for access to the wind tower from a street.
4. Standard drawings of the structural components of the small wind energy system, including structures, tower, base and footings. Drawings and any necessary calculations shall be certified

by a registered engineer. The system must comply with the Massachusetts building and electrical codes.

5. A technical report from a qualified individual that the site is feasible for wind power, that documents wind speed at the proposed site, that anticipates energy that will be created from the small wind energy system, and that estimates the amount of energy necessary to serve the on-site uses.
6. Post-construction simulation views of the site from at least four locations where the tower and blades would be visible as through means of sketches or computer simulations.
7. A proposed maintenance schedule for the small wind energy system and related equipment.
8. Emergency Services: The applicant shall provide a copy of the project summary and electrical schematic. All means of disconnecting the small wind energy system shall be clearly marked. This shall be forwarded to the fire department for review and approval.

#### **E. Design and Siting Requirements**

1. Unauthorized Access: Small wind energy systems shall be designed to prevent unauthorized access.
2. Land Clearing, Soil Erosion and Wildlife Habitat: Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and is otherwise prescribed by applicable laws, regulations, and bylaws.
3. Setbacks: A wind turbine tower may not be sited within:
  - a) a distance equal to one and one-half (1.5) times the maximum tip height (MTH) of the wind turbine from buildings, the nearest property line, critical infrastructure—including critical electric infrastructure and above-ground natural gas distribution infrastructure—or private or public ways that are not part of the wind energy facility;
  - b) a distance equal to three (3.0) times the maximum tip height (MTH) from the nearest occupied residential or commercial structure.
4. Height: The small wind energy system's maximum tip height shall not exceed 120' in height, and must comply with Federal Aviation Administration (FAA) Regulations.
5. Noise: The wind facility and associated equipment shall conform with the provisions of the Department of Environmental Protection's Division of Air Quality Noise Regulations (310 CMR 7.10), unless the Department and the planning board agree that those provisions shall not be applicable. A source of sound will be considered to be violating these regulations if the source:
  - a) Increases the broadband sound level by more than 10 dB(A) above ambient sound, or
  - b) Produces a pure tone condition when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

These criteria are measured both at the property line and at the nearest inhabited structure. Ambient sound is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours. The ambient sound may also be established by other means with consent from DEP. An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards, if required by the planning board. The planning board, in consultation with the Department, shall determine whether such violations shall be measured at the property line or at the nearest inhabited residence.

6. Lighting: Small wind energy systems shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the small wind energy system, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.
7. Signage and Advertising: Signs shall be restricted to reasonable identification of the manufacturer or operator of the small wind energy facility and shall defer to the requirements of the Town of Belchertown sign regulations. No advertising shall be allowed.

8. Visibility: The wind generation equipment shall have a non-reflective finish of an unobtrusive color.
  - a. Electromagnetic Interference: The small wind energy system shall cause no electromagnetic interference. If it is determined that the system causes interference, the operator shall take the necessary corrective action to eliminate this interference, subject to the approval of the Building Commissioner.

**F. Approval**

The Planning Board shall proceed in accordance with the procedures and timelines for special permits in Chapter 40A Section 9 of MGL and §145-69 of this bylaw. The Planning Board may hire professional consultants at the expense of the applicant to assist it in evaluating the proposed small wind turbine and the impacts on the community.

The special permit will run with the property and shall not be specific to a particular owner unless otherwise noted.

**G. Maintenance Requirements**

1. The Building Commissioner reserves the right to inspect the small wind energy system and its appurtenances at any time.
2. At all times the applicant and/or successive owners shall maintain the small wind turbine and related equipment in good working condition and perform regular maintenance in accordance with the approved maintenance schedule. A record shall be kept of all maintenance performed, and said record must be provided to the Building Commissioner whenever requested to verify maintenance.
3. The owner's contact information and the manufacturer's contact information must be on file with the Building Commissioner and Fire Department in cases of emergencies.
4. Should the turbine fall into disrepair and/or experience a situation where it is producing unusual noise or other emissions, the system owner shall have no more than 24 hours to implement actions to correct the situation.
5. Failure to properly maintain the small wind turbine or correct other issues may result in revocation of the special permit.
6. The town retains the right, after the receipt of an appropriate court order to enter and remove an abandoned or hazardous small wind turbine, and its related equipment, that is not removed by the property owner within 90 days from the date the Building Commissioner issues written determination that the system is abandoned or hazardous. All associated costs of removal and securing the site for an abandoned or hazardous small wind turbine and related equipment will be charged to the property owner in accordance with the provisions of M.G.L. 139, Section 3A as a tax lien on the property.

**H. Term Of Special Permit For A Small Wind Energy System**

A special permit issued for the construction or operation of any small wind energy system shall be valid for twenty-five years, unless extended or renewed. Upon request, the Planning Board may extend the time period or renew the special permit, if there has been satisfactory operation of the facility. Any special permit issued under this bylaw shall lapse within one (1) year from the grant thereof if construction has not sooner commenced except for good cause. In such a case, a new application process must be undertaken before the small wind energy system can proceed. Upon expiration or termination of the special permit, the small wind energy system shall be removed by the applicant.

**I. Change Of Owner**

Once a special permit for a residential small wind energy system has been approved, the applicant shall duly record a copy of the special permit with the Hampshire Registry of Deeds. All conditions under which the special permit was originally granted shall be binding on all successive owners of the property.

**J. Removal Requirements**

1. A small wind energy system that is not used for 180 days shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the small wind energy system owner. Removal of the system shall include the structure, foundation, transmission equipment, fencing and other appurtenances. The site shall be re-vegetated to prevent erosion.

2. Any small wind energy system which has reached the end of its useful life or has been abandoned shall be removed. The owner/operator shall physically remove the small wind energy system no more than 90 days after the date of discontinued operations. "Physically remove" shall include, but not be limited to:
  - a. Removal of all wind turbines, structures, shelters, machinery, equipment, fencing, security barriers, transmission lines and other appurtenances from the site;
  - b. Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations; and
  - c. Restoration of the location of the small wind energy system to its natural condition.

**K. Waiver Provisions**

The board may waive strict compliance with any provision of this bylaw if it deems it in the public interest and determines that the intent of the bylaw has been maintained. Such waivers must be referenced in the written site plan approval decision, including the reasons for them.

(Endorsed by Planning Board 5-0-0 Yes)

(Vote – 2/3 Required – Passed by 2/3)

**Article 32** Voted to amend the Zoning Bylaw, Chapter 145 of the Code of The Town Belchertown, Article XII, Wireless Communications Facilities, §145-62, Use Restrictions, as follows:

- Amend the existing Section B(5) by deleting the strikethrough language and inserting the italicized language, as follows:

~~The base of a tower shall be a distance of at least equal to the tower's height from any property line or existing structure.~~

*The base of a tower shall be a distance of at least equal to two times the tower's height from the property line or existing dwelling unit;*

(Endorsed by Planning Board 3-2-0 Yes)

(Vote – 2/3 Required – Passed by 2/3)

**Article 33** Voted to amend the Zoning Map, incorporated within the Zoning Bylaw as Section 145-5, to rezone certain portions of Lots 19 and 19.01 on Town Assessors' Map 262 from MDR (Multiple Dwelling Residential) to Ag-A (Primary Agricultural, and from Ag-A to MDR, all as shown on a plan entitled: *Plan of Land in Belchertown, MA prepared for Quianlong (US Boston) LLC, Zone Line Revision Plan, Chauncey Walker Street, " dated 04/01/2016, prepared by Sherman and Frydryk LLC.* (Endorsed by Planning Board 5-0-0 Yes)

(Vote – Unanimous Yes)

**Article 34** Voted to authorize the Board of Selectmen to negotiate and enter into agreement with Nexamp or its affiliates, successors and/or assigns, for Payment-in-Lieu-of-Taxes (PILOT) pursuant to MGL Chapter 59, Section s38H(b), and Chapter 164, Section 1, or any other enabling authority, for a term of up to 20 years and on such other terms and conditions as the Board of Selectmen deems to be in the best interest of the Town, for real property and/or personal property associated with privately owned and operated solar energy facilities located or to be located at Franklin Street and North Liberty Street, as shown on Assessors Map 269, Parcel 13 and Assessors Map 269, Parcel 110, and to authorize said Board to take such other action as may be necessary to effectuate the vote taken hereunder.

(Vote – Unanimous Yes)

Meeting Adjourned at 10:25PM.

Attest:

Colleen K. Toothill-Berte  
Town Clerk