

SPECIAL TOWN MEETING, Wednesday, November 20, 2013

HAMPDEN, ss

To any and all constables in the Town of Holland, County of Hampden

GREETINGS

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Holland qualified to vote in elections and in Town affairs, to meet at the Holland Elementary School Auditorium in said Town on Wednesday, November 20, 2013 at 7:00 PM, then and there to act on all business on the Special Town Meeting Warrant.

ARTICLE #1: To see if the Town will raise and appropriate, borrow or transfer the sum of \$ 4000 to re-establish and fund up to ten (10) hours a week for the Administrative Agent position, or take any action relative thereto.

ARTICLE #1-MOTION: TO RAISE AND APPROPRIATE \$4,000.00-ARTICLE PASSED.

ARTICLE #2: To see if the Town will raise and appropriate, borrow or transfer the sum of \$ _____ to fund paving the Senior/Community Center parking lot, or take any action relative thereto.

ARTICLE #2-MOTION TO AMEND TO READ “ TO SEE IF THE TOWN WILL VOTE TO TRANSFER \$25,000 FROM THE TOWN MEETING ARTICLE FOR THE GENERATOR TO FUND PAVING THE COMMUNITY CENTER PARKING LOT.” AMENDED ARTICLE PASSED.

ARTICLE #3 To see if the Town will vote pursuant to M.G.L. c.60, §15, to charge for each written demand issued by the Tax Collector a fee of twenty dollars (\$20.00) to be added to and collected as part of the tax, effective July 1, 2014, or take any action relative thereto.

ARTICLE# 3- TABLED.

ARTICLE #4: To see if the Town will vote to accept the following changes to the General Bylaws, c.II, §3 under Finance Board as follows:

(a) There shall be a Finance Committee consisting of three (3) to ~~six~~ **five (5)** legal voters of the Town, who shall be appointed by the Moderator as hereinafter provided. ***A quorum shall be a majority of the members serving on the Committee.*** A member of the Finance Committee shall be allowed to serve on other Town committees if said committees do not have a budget reviewed by the Finance Board.

(b) ~~The Moderator of the town meeting when this bylaw is adopted shall within thirty days after such bylaw becomes effective, appoint 2 members of said committee for a term of one year, 2 members of said committee for a term of two years, and 2 members for a term of three years. At each annual town meeting thereafter the Moderator thereof shall appoint new members of said committee for a period of three years. The terms of office of said members shall commence immediately upon qualification and shall expire at the close of final adjournment of the annual town meeting at which time successors are appointed.~~

The Moderator shall constitute the Committee on the basis of three (3) year, staggered terms. These terms shall expire at the end of a fiscal year. The three (3) year term of office for a new or reappointed member shall commence at the start of a fiscal year, with the Moderator having determined that the individual is or remains well qualified for the position. Said Committee shall choose its own officers and shall serve without pay, and it shall cause to be kept a true record of its proceedings

(c) ~~The said committee shall fill any vacancy which may occur in its membership by vote, attested copy of which shall be sent by the secretary to the Town Clerk~~ ***The Chairman of said Committee shall notify the Moderator and Town Clerk in writing of any vacancy in its membership. In the***

event of a vacancy, the Moderator has the discretion to fill the vacancy with a qualified candidate as soon as possible or at a later time, if the minimum Board membership is satisfied.

The term of office of any person so chosen to fill a vacancy shall expire at the final adjournment of the next succeeding annual town meeting, and the Moderator thereof shall appoint his successor *shall be the unexpired term of the member in whose office the vacancy originally occurred.* to complete the unexpired term of the member in whose office such vacancy originally occurred. If any member is absent from five consecutive meetings of said committee, *except* in the case of illness his position shall be deemed to be vacant and shall be filled as herein provided. *may*, on vote of said Board, be deemed vacant and filled as provided above

(d) ~~All articles in any warrant for a town meeting~~ *All department budgets, transfer requests and warrant articles* shall be referred by the *Board of Selectmen* to the Finance Committee for its consideration. ~~The Selectmen, after drawing any such warrant, shall transmit immediately a copy thereof to each member the chairman of said committee.~~ Said committee shall, after due consideration of the subject matter of such articles, report thereon to the Town Meeting, in writing, such recommendations as it deems best for the interests of the town and its citizens.

(e) It shall be the duty of the Finance Board annually to consider the expenditures in previous years and the estimated requirements for the ensuing year of the several boards, officers, and committees of the *Town*, as prepared by them or by the Town Accountant and incorporated in a balanced draft budget and reviewed in such form and detail as may be prescribed by said committee. ~~Said committee shall~~ *The Committee shall, after due consideration of the draft balanced budget submitted by the Select board, as noted in Chapter II, Section 1 of these Bylaws,* add to such statement of expenditures and estimates another column, ~~giving the~~ *provide the voters another column* with the amounts which, in its opinion, should be appropriated for the ensuing year, and shall further add thereto such explanations and suggestions relating to the proposed appropriations as it may deem expedient, and report thereon as provided in subsection (d).

(f) In the discharge of its duty, said committee shall have free access to all books of record and accounts, bills and vouchers on which money has been or may be paid from the town treasury. Officers, boards, ~~and~~ committees *and the accountant of the Town* shall, upon request, *attend Board meetings and* furnish said committee with facts, figures and other information pertaining to their several activities.

(g) It shall be the duty of the Finance Board to make an annual report of its doings, with recommendations relative to financial matters and the conduct of town business, to be contained in the Annual Town Report.

(h) It shall be the duty of the Finance Board to hold a public hearing on the proposed budget no later than ~~April 21 of each year~~ *fifteen (15) days prior to each Annual Town Meeting.*

or take any other action relative thereto.

ARTICLE #4-MOTION TO CHANGE THE WORD “COMMITTEE” TO BOARD WHEREVER IT APPEARS IN ARTICLE. AMENDED ARTICLE PASSED.

ARTICLE #5: To see whether the Town will vote, as authorized by M.G.L. c.101, §1-34, to create the following General Bylaw as Chapter ___ of the General Bylaws entitled _____ to establish rules and regulations for registration, as well as specific operating requirements, for person(s) intending to engage in hawking, peddling, vending and door-to-door solicitation, with-in the Town of Holland, and further to require the applicants for the aforementioned licenses to submit a full set of fingerprints and provided for in M.G.L c. 6, § 172 B 1/2, enabling the Police Department to conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses and further allow non-substantive changes to the letter and numbering of the General Bylaws of the Town of Holland to be consistent with the following amendments:

Section 1. Hawker, Peddler, Solicitor, Vendor Registration and Criminal History Checks

I. General Guidelines:

- a) The purpose of this section is to establish regulations for registration as well as specific operating requirements for person(s) intending to engage in hawking, peddling, vending and door-to-door solicitation with-in the Town of Holland. This section is intended to protect citizens from the perpetration of fraud or other crimes, while allowing for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or non-commercial messages.
- b) No person, firm, co-partnership, corporation, company, association, organization, committee or other such entity shall engage in solicitation or canvassing in or upon any public or private premises with-in the Town of Holland, without first registering with the Holland Police Department not less than (10) days prior to commencing such solicitation or canvassing.
- c) No person, firm, co-partnership, corporation, company, association, organization, committee or other such entity shall engage in hawking, peddling or vending in or upon any public or private premises with-in the Town of Holland, without first registering with the Board of Selectmen not less than (10) days prior to commencing such hawking, peddling or vending.
- d) With-in the scope of their legal authority, it shall be the responsibility of the police department and authorized police employees to identify those who fail to comply with the regulations outlined in this section.

II. Definitions:

- a) "Hawker/Peddler" shall mean any person, either principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefore, any goods, wares or merchandise, either on foot, or from any animal or vehicle.
- b) "Person" shall mean any individual, firm, co-partnership, corporation, company, association, organization, committee or other such entity.
- c) "Residential Premises" includes each individual dwelling unit without limitation.
- d) "Solicitor" shall mean those person(s) who are seeking to sell or to obtain orders for the purchase of goods, wares, merchandise, or services of any kind, character or description, or seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type of publication.
- e) "Solicitation"/"Canvassing" shall mean traveling by foot, motor vehicle or any type of conveyance, from place to place, from house to house, or from street to street, whether for salary, commission or other remuneration, whether on behalf of oneself or another person, business, firm, corporation, organization or other entity, and selling, leasing or taking orders for the sale of any goods, wares, merchandise or services whatsoever, including, but not limited to, books, periodicals, food, and home improvement services, or attempting to so sell, lease or take orders, whether or not advance payment on such sales is collected; or seeking or requesting donations of money, goods or services for any for-profit entity or nonprofit entity.
- f) "Transient vendor" shall mean a person, either principal or agent, who engages in a temporary or transient business in the Commonwealth selling goods, wares or merchandise, either in 1 locality or in traveling from place to place; provided, however, that this shall not include a person operating under a written agreement with a licensed promoter.

III. Requirements/Prohibitions:

- a) Each person intending to engage in hawking, peddling, vending, soliciting or canvassing with-in the Town of Holland must complete and submit a registration application, (form 8.31), not less than (10) days prior to commencing such activity.
- b) Persons engaged in hawking, peddling, vending, soliciting or canvassing shall display in plain view the certificate of registration while so engaged, and shall produce such certificate upon request.
- c) Immediately upon encountering an occupant of any residential premises, a person engaged in solicitation or canvassing shall present such certificate of registration for inspection and inform the occupant of the nature and purpose of their business, and if they are representing an organization, firm, or other entity.
- d) Persons engaged in solicitation or canvassing in or upon any residential premises shall immediately and peacefully leave such premises upon the request of the occupant.

- e) No person shall engage in hawking, peddling, vending, solicitation or canvassing in or upon any premises which displays a sign or other written notice which prohibits trespassing, solicitation or canvassing, unless invited to do so by the rightful owner of said premises.
- f) No person engaging in hawking, peddling, vending, solicitation or canvassing shall misrepresent in any way their true objective, status or mission, or that of any organization on behalf of which they are so engaged.
- g) No person engaging in hawking, peddling, vending, solicitation or canvassing shall utilize any plan, scheme or ruse to misrepresent the true status or mission of any person conducting the activity in order to gain admission to the home, office or other establishment of any person in the town.
- h) No person engaging in hawking, peddling, vending, solicitation or canvassing shall engage in the conduct of business in such a manner as to obstruct or interfere with the flow of traffic, the maintenance of ways or the removal of snow.
- i) No person engaging in hawking, peddling, vending, solicitation or canvassing shall, while in the conduct of business, cause unreasonable noise or emit odors in such a manner as to injure or disturb the health and peace of the public.
- j) Persons engaging in hawking, peddling, vending, solicitation and canvassing shall comply with all federal, state and local laws, including, but not limited to, consumer protection laws such as M.G.L. c. 93, 93A and 255D, as well as the provisions outlined with-in M.G.L. c. 101, s. 1-34, as amended.

IV. Registration:

- a) Persons intending to engage in hawking, peddling or vending pursuant to this section shall file a registration application, (form 8.31), with the Board of Selectmen either in person or by mail. The application must be completed and received not less than (10) days prior to the commencement of the requested activity date. All statements made on the application or in connection therewith shall be made under the penalties of perjury.
- b) Persons intending to engage in solicitation or canvassing pursuant to this section shall file a registration application, (form 8.31), with the police department either in person or by mail. The application must be completed and received by the police department not less than (10) days prior to the commencement of the requested activity date. All statements made on the application or in connection therewith shall be made under the penalties of perjury.
- c) The application shall contain:
 - 1. The applicants name, home address, telephone number, social security number and date of birth;
 - 2. The name, address, telephone number, and state or federal tax identification of the applicant's business, firm, corporation, organization, or other entity represented (if applicable);
 - 3. The year, make, model, color, registration number, state of registration, and owner's name of any vehicle that the applicant will be operating or transported by (if applicable).
 - 4. A description of the nature of the business and the goods or services to be sold or the purpose(s) for which donations are to be requested;
 - 5. The length of time for which applicant seeks to conduct business in the town;
- d) The applicant must also provide:
 - 1. The applicants driver's license to be copied (if applicable);
 - 2. A recent passport sized photograph of the applicant;
 - 3. Whether the applicant has been convicted in any state or federal court of the United States of burglary, breaking and entering, larceny, robbery, receiving stolen property, assault, fraud, sexual misconduct, unlawfully carrying weapons, or any other felony with-in the past seven years;
 - 4. Consent by the applicant authorizing a criminal history check to be conducted by the chief of police or designee;
- e) A person licensed by the Commonwealth of Massachusetts as a hawker or peddler under the provisions of M.G.L. c. 101, s. 22 shall, before making any sale of goods, wares or merchandise within the limits

of the town, register with the Board of Selectmen. Such registration shall be subject to reasonable rules and regulations as may from time to time be made by the board.

- f) No person shall hawk or peddle goods, wares or merchandise within the limits of the town, except as otherwise authorized by law, without first registering with the Board of Selectmen. Such registration shall be subject to reasonable rules and regulations and to fees as established by the board in accordance with the provisions of M.G.L. c. 101, s. 17.
- g) A person licensed by the Commonwealth of Massachusetts as a transient vendor under the provisions of M.G.L. c. 101, s. 3 shall, before making any sales of goods, wares or merchandise within the limits of the town, register with the Board of Selectmen. Such registration shall be subject to reasonable rules and regulations as may from time to time be made by the board and to the payment of a fee in accordance with the provisions of M.G.L. c. 101, s. 5.

V. Certificate of Registration:

- a) All persons engaging in hawking, peddling, vending, solicitation or canvassing pursuant to this section shall be confined to conduct their business during the hours of 9:00AM until 8:00PM, unless otherwise indicated on the certificate of registration. No person having received a certificate of registration shall represent to the public that the same constitutes an endorsement or approval by the Town of Holland or its officials.
- b) The police department shall keep a record of all applications and certificates of registration for solicitation for (6) years after the application is filed. All certificates will expire (90) days after the date of issue, unless otherwise indicated on the certificate of registration.
- c) Each certificate for hawking, peddling, vending and solicitation shall contain:
 - 1. The name, address and photograph of the holder of the certificate;
 - 2. The name and address of the business, firm, corporation, organization, or other entity represented (if applicable);
 - 3. The date of issue and expiration date of the certificate;
 - 4. The signature of the licensing authority;
- d) Any certificate of registration may be revoked by the licensing authority for good cause, including a violation of any of the provisions of this section or for false statement(s) made in the application. Immediately upon such revocation, the licensing authority shall provide written notice to the holder of the certificate in person or by certified mail addressed to the address submitted in the application.
- e) Immediately upon the giving of such notice of revocation, the certificate of registration shall become null and void. No certificate of registration may be transferred to any other person or entity.
- f) Upon a determination that the holder of a certificate of registration has been convicted of fraud or found by the Attorney General's Office to have violated any consumer protection law or regulation, the certificate of registration shall be revoked.
- g) Should any person who has been issued a certificate of registration be arrested or charged with a crime that is alleged to have occurred in the course of conducting business under the certificate, the certificate shall be automatically suspended. Such suspension shall last until the resolution of the criminal proceedings. Should the person be found guilty of the offense, the certificate shall be revoked and no subsequent certificate shall be issued.
- h) Any revoked certificate of registration shall be turned in to the police department within three (3) days of notice. Failure to do so shall constitute a violation of this section and each day the certificate is not turned in shall constitute a separate offense.
- i) The licensing authority may decline to issue a certificate of registration for any application which is determined to be incomplete, contains fraudulent statements or for any organization which has been charged with fraud, deceptive or misleading advertising, or is under investigation by the Attorney General's Consumer Fraud Prevention Division, until such charge or investigation is disposed of and the organization found not culpable.
- j) The licensing authority may also decline to issue a certificate of registration to any person who has ever been convicted of a felony, convicted of any crimes listed on the application or to any person who has violated any provision outlined with-in this section.

- k) Any person or organization that is denied a certificate of registration or whose certificate has been revoked may appeal the decision by petitioning the Town of Holland Board of Selectmen in writing. Such appeal must be filed with-in (5) days after receipt of the notice of denial or revocation and the Board of Selectmen shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal. The Board of Selectmen shall issue a decision with-in twenty-one (21) days of the filing of the appeal.

VI. Authorization to conduct criminal history checks:

- a) As authorized by M.G.L. c. 6, s. 172 B 1/2, the police department shall conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses:
 - 1. Hawking and Peddling (BOS);
 - 2. Door to Door Salespeople/Solicitors (Police);
 - 3. Manager of Alcoholic Beverage License (BOS);
 - 4. Owner or Operator of Public Conveyance (BOS);
 - 5. Dealer of Secondhand Articles (BOS);
 - 6. Pawn Dealers (BOS);
 - 7. Hackney Drivers (BOS);
 - 8. Ice Cream Truck Vendors (BOS);
- b) At the time of fingerprinting, the police department shall notify the individual fingerprinted that the fingerprints will be utilized to check the individual's criminal history records.
- c) Upon receipt of the fingerprints and the appropriate fee, the police department shall transmit the fingerprints it has obtained pursuant to this section to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), and/or the Federal Bureau of Investigation (FBI) or the successors of such agencies as may be necessary for the purpose of conducting fingerprint based state and national criminal records background checks of license applicants specified in this section.
- d) The town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint based state and national criminal record background checks, including FBI records, consistent with this section. The town authorizes the police department to receive and utilize State and FBI records in connection with such background checks, consistent with this section. The State and FBI criminal history will not be disseminated to unauthorized entities.
- e) Upon receipt of a report from the FBI or other appropriate criminal justice agency, a record subject may request and receive a copy of his/her criminal history record from the police department. Should the record subject seek to amend or correct his/her record, he/she must take appropriate action to correct said record, which action currently includes contacting the Massachusetts Department of Criminal Justice Information Services (DCJIS) for a state record or the FBI for records from other jurisdictions maintained in its file. An applicant that wishes to challenge the accuracy or completeness of the record shall be advised that the procedures to change, correct, or update the record are set forth in Title 28CFR 16.34.
- f) The police department shall not utilize and/or transmit the results of the fingerprint based criminal record background check to any licensing authority pursuant to this section until it has taken the steps detailed in this section.
- g) Municipal officials should not deny an applicant the license based on information in the record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so.
- h) The police department shall communicate the results of fingerprint based criminal record background checks to the appropriate governmental licensing authority within the town as listed. The police department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex related offense.
- i) Licensing authorities of the town shall utilize the results of fingerprint based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in

connection with the license applications specified in this section. A town licensing authority may deny an application for a license on the basis of the results of a fingerprint based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and town policies bearing on an applicant's suitability in making this determination. The town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application for, including renewals transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this section.

- j) The fee charged by the police department for the purpose of conducting fingerprint based criminal record background checks shall be one hundred dollars (\$100). The Town Treasurer shall periodically consult with Town Counsel and the Department of Revenue, Division of Local Services regarding the proper municipal accounting of those fees. A portion of the fee, as specified in M.G.L. c. 6, s. 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee maybe retained by the town to be expended by the police department to help offset costs associated with the administration of the fingerprinting system.
- k) The Chief of Police or his/her designee shall periodically check with the Executive Office of Public Safety and Security (EOPSS) to see if there have been any updates to ensure the town remains in compliance.

VII. Exemptions:

- a) The provisions of this section shall not apply to officers or employees of town, county, state, or federal government, or any subdivision thereof, when conducting official business. To person soliciting solely for religious, charitable or political purposes. To persons selling or soliciting for the purpose of funding non-profit entities, such as but not limited to, persons affiliated with local recreation, youth activities, school activities and parent-teacher associations. To youth and students who sell lemonade or similar items, solicit for the shoveling of snow or cutting of lawns or similar services.
- b) The provisions of this section shall not apply to organizations registered with the Attorney General's Office in accordance with M.G.L. c. 68, s. 19. To those who are exempt without the promulgation of rules and regulations by the municipality or to those who are exempt pursuant to M.G.L. c. 101, M.G.L. c. 149, s. 69, M.G.L. c. 180, s. 4, or any other M.G.L.
- c) The provisions of this section shall not be construed to prevent route salespersons or other persons having established customers from conducting business with those whom they make periodic deliveries, including, but not limited to, news carriers.
- d) The requirement of registration and certification outlined in this section shall not apply to those persons who provide the services of snow plowing, snow removal or the treatment or removal of ice or other debris when the activity is conducted in preparation of an impending severe weather event, during a severe weather event or as a result of a severe weather event; however, the provisions of this section related to requirements and prohibitions are not exempt.
- e) Licensing authorities shall be authorized to amend and/or suspend portions of the rules and regulations contained here-in, at any time, without notice, in preparation of an impending emergency, during an existing emergency, or in the event of extraordinary circumstances, such as but not limited to, severe weather events, provided there is reasonable justification for such action.

VIII. Fees and Fines:

- a) A registration for certification application shall be filed by utilizing the appropriate form provided by the municipality, (form 8.31), and shall be submitted with a non-refundable application fee of (\$20.00) by way of check or money order made out to the Town of Holland.
- b) Violation by a solicitor or canvasser of any provision of this section shall be punishable by a fine of not less than one hundred dollars (\$100.00) for each and every violation; however, violation of M.G.L. c. 101, s. 34, shall be punishable by a fine of not more than (\$500.00) or imprisonment of not more than six months, as provided therein.
- c) Provisions for the non-criminal disposition of violations of the regulations outlined in this section shall be conduct in accordance with M.G.L. c. 40 s. 21D.

Or take any other action relative thereto.

ARTICLE #5 PASSED.

ARTICLE # 6 To see if the Town will vote, as authorized by M.G.L. c. 85, s. 2; as well as The Manual on Uniform Traffic Control Devices (MUTCD), Article III, section 3-2, 3-4 and 3-5, 2003, to create rules to regulate traffic signs, signals and devices within the Town of Holland, and to adopt appropriate policies and procedures to effectuate the purposes of this bylaw, by amending c. IX, §2 of Chapter IX of the General Bylaws as follows and further allow non-substantive changes to the letter and :

~~Section 2. Parking Regulations~~

- ~~(a) From November 15 through March 31 all vehicles in the town of Holland must be parked off the streets and roads to allow snow plowing and sanding operations to be carried out. Any such violation may be disposed of as civil violation pursuant to section 21D of Chapter 40 of the General Laws worth a civil assessment of \$25.00.~~

Approved as amended February 3, 1994 and January 3, 1995

- ~~(b) No vehicle shall be parked at any time in a posted "No Parking" area.~~

Approved May 19, 1993

- ~~(c) No person shall park any vehicle or shall place any object on a Town Road or on a Private Way in such manner as to obstruct the use of such Town Road by the public or the use of such private way by persons having legal right thereto.~~

Approved as amended June 14, 1994

And replace with the language contained here-in:

Section 2. Parking Regulations and Regulations of Traffic Signs, Signals and Devices

IX. General Guidelines:

- a) The guidelines in this Bylaw shall be consistent with the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways of Massachusetts, which have been correlated with and conforms, as closely as Massachusetts laws and conditions will allow, to the standards adopted by the Federal Highway Administrator as a national standard for application on all classes of highways. Modifications that were deemed necessary to cover local requirements have been made and are presented as amendments and addenda in the manual as the official standards of Mass Highway. (M.G.L. c. 85, s. 2; MUTCD 2003).
- b) It shall be the responsibility of the Police Department and authorized police employees to enforce the parking regulations of the municipality with reasonableness and impartiality. (M.G.L. c. 90, s. 20A, P&P Number 5.05).
- c) For the purposes of this bylaw the term (parking) shall be defined as; the standing of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of and while actually engaged in loading or unloading, in obedience to an officer or traffic signs or signals, or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle.
- d) For the purposes of this bylaw the term (way) shall be defined as; any public highway, private way laid out under authority of statute, way dedicated to public use, or way under the control of park commissioners or body having like powers. (M.G.L. c. 90, s. 1).
- e) No person shall park any vehicle or trailer, or place any object, on any way or portion thereof, in such manner as to obstruct the use of such way by the public, or the use of such way by persons having a legal right thereto.

X. Traffic Signs and Signals:

- a) The Highway Surveyor is hereby authorized, and as to those signs and signals required, it shall be his/her duty, to place and maintain or cause to be placed and maintained all official traffic signs, signals, markings and safety zones. All signs, signals, markings and safety zones shall conform to the standards as prescribed by the Highway Department of the Commonwealth of Massachusetts. (M.G.L. c. 85, c. 2; MUTCD 2003 Article III Section 3-4).
- b) No person shall willfully deface, injure, move, alter, obstruct or interfere with any official traffic or parking sign, signal, device or marking. (MUTCD 2003 Article III Section 3-2).
- c) No person shall place, maintain or display upon or in view of any way, any unofficial sign, signal, device, marking or other object, which hides from view, any official traffic or parking sign, signal, device or marking.
- d) No person shall place, maintain or display upon or in view of any way, any unofficial sign, signal, device or marking, which purports to be, or is an imitation of, or resembles, an official traffic sign, signal, device or marking. (MUTCD 2003 Article III Section 3-5).
- e) No person shall place, maintain or display upon or in view of any way, any unofficial sign, signal, device or marking, which attempts to direct, alter or monitor the movement or speed of traffic, or the parking of vehicles.
- f) The Chief of Police is empowered and directed to remove or cause to be removed every such prohibited sign, signal, device or marking without notice, and violators may be liable to a penalty for each and every violation of the restrictions outlined in this section. (MUTCD 2003 Article III Section 3-5).

XI. Vehicles Parked in Violation; Removal Authority:

- a) The Police Department has the authority and the responsibility to ensure the safe and efficient flow of vehicular traffic, which may necessitate towing of immobile or seemingly abandoned vehicles from ways. The towing of vehicles shall be completed in accordance with Massachusetts General Laws, Codes of Massachusetts Regulations (C.M.R.'s), local ordinances & Police Department policies. (P&P Number 5.05, 5.06).
- b) The Chief of Police, or other officers within the Police Department as he/she may from time to time designate, is hereby authorized to remove to some convenient place through the agency of a person or persons in the employ of the Police Department, or by an independent contractor, any vehicle parked in or standing on any portion of any way in such a manner as to obstruct or impede in any way the removal or plowing of snow or ice or in violation of any rule or regulation which prohibits the parking or standing of all vehicles on such ways or portions thereof at such time. (M.G.L. c. 40, s. 22D).
- c) The Chief of Police, or other officers within the Police Department as he/she may from time to time designate, is hereby authorized to remove to some convenient place through the agency of a person or persons in the employ of the Police Department, or by an independent contractor, any vehicle parked or standing on any part of any way under the control of the municipality in such a manner as to obstruct any curb ramp designed for use by handicapped persons as means of egress to a street or public way, or to occupy or obstruct any parking space reserved for a vehicle used by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate, or displays the special parking identification plate authorized by section two of chapter ninety, or bears the official identification of a handicapped person issued by any other state, or any Canadian Province. (M.G.L. c. 40, s. 22D).
- d) Neither the removal nor storage of any vehicle under the provisions of this section shall be deemed to be services rendered or work performed by the Town and/or Police Department. The contractor shall be liable to the owner of such vehicle for any damage caused to it arising out of negligence in the course of such removal and storage. Liability shall be imposed for the cost of such removal, and for the storage charges, if any, resulting there from, upon the owner of such vehicle. (M.G.L. c. 40, s. 22D).
- e) Vehicles owned by the commonwealth or a political subdivision thereof or by the United States or any instrumentality thereof or registered by a member of a foreign diplomatic corps or by a foreign consular officer who is not a citizen of the United States and bearing a distinctive number plate or otherwise conspicuously marked as so owned or registered, shall not, however, be subject to such removal. (M.G.L. c. 40, s. 22D).

XII. Restrictions:

- a) No person shall park any vehicle or trailer, or place any object, on any way or portion thereof, in such manner as to obstruct the use of such way by the public, or the use of such way by persons having a legal right thereto.
- b) No vehicle, trailer or vessel shall be parked on any property within the town in a manner which obstructs the view of vehicles traveling on or entering onto any way.
- c) No vehicle trailer or vessel which is abandoned or junked (as defined in section III of Holland Police Department policy number 5.06) or unregistered, dismantled, unserviceable or for sale, shall be parked on any way or any portion thereof.
- d) No vehicle or trailer shall be parked in any area which violates the restriction of any sign, signal, device or marking, which has been officially posted for any way, or for any property under the control of the town, including but not limited to, those parking areas located at 23, 27 and 28 Sturbridge Road, as well as those areas under control of the town which are contiguous to Hitchcock Field.
- e) With the exception of vehicles, trailers and vessels utilized by public safety personnel in the course of their duties, no vehicle trailer or vessel shall be parked and left unattended on any portion of parcel identification number R02-A-30/31, (boat ramp and contiguous land located off Shore Drive, which is under the control of the town).
- f) No vehicle or trailer shall be parked in any area which has been officially designated as fire lane.
- g) No vehicle shall be parked in a handicapped designated zone unless such vehicle is, owned and driven by a disabled veteran or handicapped person whose vehicle bears the distinctive number plates authorized by section two of chapter ninety, is transporting a handicapped person and displaying the special parking identification plate authorized by section two of chapter ninety, or is bearing the official identification of a handicapped person issued by any other state, or any Canadian Province. No vehicle shall park or stand on any part of any way under the control of the municipality in such a manner as to obstruct any curb ramp designed for use by handicapped persons as means of egress to a street or public way or obstruct any parking space reserved for such purpose. Vehicles in violation of this section may be removed as outlined in section (III) of this Bylaw. (M.G.L. c. 40, s. 22A; 22D).
- h) No vehicle shall be parked in any area which has been officially designated as a bus stop.
- i) With the exception of vehicles, trailers and vessels utilized by public safety personnel in the course of their duties, no vehicle trailer or vessel shall be parked in any area which violates the restriction of any sign, signal, or marking that has been officially posted at the Fisherman's Landing boat ramp, or in violation of the provisions outlined within the Codes of Massachusetts Regulations 320 CMR 2.00, as amended. The Police Department shall have the authority to enforce these regulations pursuant to the land management agreement entered on the (4th day of February, 1994) between the Commonwealth of Massachusetts and the Town of Holland. (M.G.L. 320 CMR 2.00).
- j) Violators may be liable to a penalty for each and every violation outlined in this section.

XIII. Temporary Restrictions:

- a) In order to eliminate the impediment of the operation of the removal or plowing of snow or ice, from the dates of November 1st through March 31st, no vehicle shall be parked on any way or any portion thereof. Vehicles in violation of this section may be removed as outlined in section (III) of this Bylaw. (M.G.L. c. 40 s. 22D)
- b) The Chief of Police or other officers within the Police Department as he/she may from time to time designate, shall be authorized to close temporarily, without notice, any portion of any way, or any portion of any property under the control of the town, and/or prohibit temporarily, without notice, the parking of any vehicle or trailer on any portion of any way, or on any portion of any property under the control of the town, in preparation of an impending emergency, during an existing emergency, for lawful assemblage, demonstration or procession, or in the event of extraordinary circumstances, such as but not limited to, severe weather events, provided there is reasonable justification for such restriction. (MUTCD 2003 Article II Section 2-2; 2-3).
- c) Violators may be liable to a penalty for each and every violation outlined in this section.

XIV. Compliance with Traffic Direction:

- a) It shall be the duty of officers designated by the Chief of Police to enforce the provisions of these rules. Such officers are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of these rules provided that in the event of a fire or other emergency, to expedite traffic or safeguard pedestrians. Officers of the Police or Fire Department may direct traffic as conditions may require, notwithstanding the provisions of these rules. (MUTCD 2003 Article II Section 2-1).
- b) The operator of any vehicle or bicycle shall obey the instructions of any official traffic control sign, signal, device, marking or legend, unless otherwise directed by a police officer. (MUTCD 2003 Article III Section 3-3).

XV. Exemptions:

- a) The provisions of these rules and orders shall not apply to public safety personnel and other select municipal employees engaged in the performance of their duties, operators engaged in work upon any way closed to travel or under construction or repair, and contactors performing work, provided they have approval from the Chief of Police or his/her designee, and the appropriate work zone safety measures have been taken. When the nature of these functions necessitates a departure from any part of these rules and orders, these exemptions shall not, however, protect these individuals from the consequences of any disregard of the safety of others. (MUTCD 2003 Article II Section 2-4).

XVI. Parking Clerk / Hearing Officer:

- a) The board of selectmen shall designate or appoint a parking clerk, who may also perform other municipal functions except police functions. The parking clerk shall be directly responsible to the board of selectmen and shall supervise and coordinate the processing of parking notices in the town. The parking clerk shall have the authority, subject to the approval of board of selectmen, to hire or designate such personnel and organize such divisions as he/she may deem necessary or contract, by competitive bidding, for such services subject to appropriation to carry out the provisions. (M.G.L. c. 90, s. 20A).
- b) The parking clerk or hearing officer shall, within twenty-one days of receipt of any material received by any person who challenges the validity of a parking violation, review the material and dismiss or uphold the violation and notify, by mail, the alleged violator of the disposition of the hearing. If the outcome of the hearing is against the alleged violator, the parking clerk or hearing officer shall explain the reasons for the outcome on the notice. Such review and disposition handled by mail shall be informal, the rules of evidence shall not apply, and the decision of the parking clerk shall be final subject to judicial review as provided by section fourteen of chapter thirty A of the General Laws of Massachusetts. (M.G.L. c. 90, s. 20A).

XVII. Penalties:

- a) Provisions for the non-criminal disposition of violations of the regulations outlined in section II of this Bylaw. (M.G.L. c. 40, s. 21D; MUTCD 2003 Article III Section 3-2; 3-5).

<u>Section</u>	<u>Sub-Section</u>	<u>Description of Violation</u>	<u>Fine Amount</u>
II	b	Interfering with Traffic Device	\$20.00
II	c	Obstruction of Traffic Device	\$20.00
II	d, e	Display of Unofficial Traffic Device	\$20.00

- b) Provisions for the disposition of violations of the parking regulations outlined in this document.

<u>Section</u>	<u>Sub-Section</u>	<u>Description of Violation</u>	<u>Fine Amount</u>
IV	a, b	Obstruction of a Way	\$25.00

IV	c, d	Abandoned Vehicle or Trailer	\$25.00
IV	e, f, g	Parking Zone Restriction	\$25.00
IV	h	Handicapped Zone Restriction	\$300.00
IV	i	Bus Stop Zone Restriction	\$100.00
IV	j	Fisherman's Landing Restriction	\$100.00

XVIII. Disposition and Adjudication of Fines:

- a) The schedule of fines for the violation of parking regulations shall be uniform for the same offense committed in the same zone or district, if any, and shall not exceed \$25.00 if paid within (21) days, \$35.00 if paid thereafter but before the parking clerk reports to the registrar as provided, and \$50.00 if paid thereafter, however, the penalty for the violation of parking a motor vehicle within a posted bus stop shall be \$100.00. (M.G.L. c. 90, s. 20A).
- c) The penalty for the violation of a handicapped zone restriction shall contain a penalty of not less than \$100.00, or more than \$300.00. (M.G.L. c. 40, s. 22A).
- d) The penalty for the violation of the restrictions of the regulations of Fisherman's Landing boat ramp shall be \$100.00. (M.G.L. 320 CMR 2.00).
- e) The authorized notice affixed to a motor vehicle as provided in this section shall be deemed a sufficient notice, and a certificate of the officer affixing such notice that it has been affixed thereto, in accordance with this section, shall be deemed prima facie evidence thereof and shall be admissible in any judicial or administrative proceeding as to the facts contained therein. (M.G.L. c. 90, c. 20A).
- f) Any person notified to appear before the parking clerk may appear before such parking clerk or his/her designee and confess the offense charged, either personally or through an agent duly authorized in writing or by mailing to such parking clerk the notice and the fine provided herein. (M.G.L. c. 90, s. 20A).
- g) Any person notified to appear before the parking clerk without waiving his/her right to a hearing before the parking clerk or hearing officer and also without waiving judicial review as provided by §14 of c. 30A of General Laws of Massachusetts, may challenge the validity of the parking violation notice and receive a review and disposition of the violation from the parking clerk or a hearing officer by mail. The alleged parking violator may, upon receipt of the notice to appear, send a signed statement explaining his/her objections to the violation notice as well as signed statements from witnesses, police officers, government officials and any other relevant parties. Photographs, diagrams, maps and other documents may also be sent with the statements. Any such statements or materials sent to the parking clerk for review shall have attached the persons' name and address as well as the ticket number and the date of the violation. (M.G.L. c. 90, s. 20A).
- h) Failure to properly dispose of violations in accordance with law may result in notification from the parking clerk to the registrar of motor vehicles, who shall place the matter on record, which may result in the non-renewal of the license to drive and the certificate of registration of the registered owner. (M.G.L. c. 90, s. 20A).
- i) All fine payments shall only be made by postal note, money order or check made out to the Parking Clerk. All payments submitted or appeal documents as outlined in section (f) of this Bylaw shall be mailed to:

Office of the Parking Clerk
Town of Holland
27 Sturbridge Road
Holland, MA 01521

References for the regulations outlined in this chapter, as amended:

- M.G.L. c. 40, s. 21D
- M.G.L. c. 40, s. 22A
- M.G.L. c. 40, s. 22D
- M.G.L. c. 85, s. 2
- M.G.L. c. 90, s. 1

- M.G.L. c. 90, s. 20A
- M.G.L. 320 CMR 2.00
- Sample Traffic Control Agreement, Part 13, of the Massachusetts Amendments to the Manual on Uniform Traffic Control Devices 2003 Edition and the Standard Municipal Traffic Code, October 2006 (MUTCD 2003)
- Holland Police Department Policy & Procedure Number(s) 5.05; 5.06

Or take any action relative thereto.

ARTICLE #6 PASSED.

ARTICLE #7 To see if the Town will vote to delete Section XIV of the General Bylaws of the Town of Holland entitled “Control of Dogs” in its entirety and replace it with the following General Bylaw to be entitled “Control of Domestic Animals” and further allow non-substantive changes to the letter and numbering of the General Bylaws of the Town of Holland to be consistent with the following amendments:

CHAPTER XIV

Section 1. Control of Domestic Animals

XIX. General Guidelines:

- e) The rules and regulations contained here-in are intended to guide those persons who own or keep domestic animals with-in the Town of Holland in their role as responsible pet owners.
- f) The Town of Holland hereby accepts the provisions of M.G.L c. 140 s. 147A, in order to enact by-laws and ordinances relative to the regulation of dogs. Such by-laws and ordinances may relate to, but not be limited to, dog & kennel licensing, the establishment of fees, the appointments Animal Control Officers, establishing regulations for the confinement and restraining of dogs and establishing penalties for a breach thereof.
- g) Enforcement of violations of the regulations contained here-in shall be issued by the Animal Control Officer(s) or any Police Officer, by way of issuing a warning, a monetary fine, or by filing a criminal complaint at the District Court when applicable. (M.G.L. c. 40 s. 21D)

XX. Definitions:

- a) "Animal control officer", an appointed officer, authorized to enforce M.G.L c. 140 s. 136A to 174E, inclusive, and as outlined in Holland Police Department job description number 1.02B. (M.G.L. c. 140 s. 136A)
- b) "Attack", aggressive physical contact initiated by an animal. (M.G.L. c. 140 s. 136A)
- c) "Dangerous dog", a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal. (M.G.L. c. 140 s. 136A)
- d) "Domestic animal", an animal designated as domestic by regulations promulgated by the department of fish and game in accordance with 321 CMR 9.02. (M.G.L. c. 140 s. 136A)
- e) "Hearing authority", the select board of the Town of Holland. (M.G.L. c. 140 s. 136A)
- f) "Keeper", a person, business, corporation, entity or society, other than the owner, having possession of a dog. (M.G.L. c. 140 s. 136A)

- g) "Kennel", a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel. (M.G.L. c. 140 s. 136A)
- h) "License period", the period of time for which a municipal licensing authority prescribes the validity of a dog license, including the date of issuance of the license through the date on which the license expires, inclusive. (M.G.L. c. 140 s. 136A)
- i) "Licensing authority", the clerk of the Town of Holland. (M.G.L. c. 140 s. 136A)
- j) "Nuisance dog", a dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances. (M.G.L. c. 140 s. 136A)
- k) "Personal kennel", a pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit. (M.G.L. c. 140 s. 136A)

XXI. Requirements/Prohibitions:

- a) The owner or keeper of a dog, cat or ferret that is (6) months of age or older, which is kept in the Town of Holland, shall cause such dog, cat or ferret to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine, and shall cause such dog, cat or ferret to be revaccinated at intervals recommended by the manufacturer. Unvaccinated dogs, cats or ferrets acquired or moved into the commonwealth shall be vaccinated with-in (30) days after the acquisition or arrival of such animal into the commonwealth, or upon reaching the age of 6 months, whichever last occurs. (M.G.L. c. 140 s. 145B)
- b) The owner or keeper of a dog over the age of (6) months, which is kept in the Town of Holland, shall obtain a license for such dog. The license shall be granted upon the condition that the dog shall be controlled and restrained from killing, chasing or harassing livestock or fowl. Such license shall be processed in the Office of The Town Clerk and shall contain an effective license period from July 1st – June 30th. (M.G.L. c. 140 s. 137)
- c) The licensing authority shall not grant a license for a dog unless the owner of the dog provides the licensing authority with a veterinarian's certification that the dog has been vaccinated, certification that such dog is exempt from the vaccination, or a notarized letter from a veterinarian that either of these certifications was issued relative to such dog. (M.G.L. c. 140 s. 137)
- d) The owner or keeper of a licensed dog shall keep affixed around the dog's neck or body, a collar or harness of leather or other suitable material, to which the dog license tag issued by the clerk shall be securely attached. The tag shall have inscribed upon it the dog's license number, the name of the city or town issuing the license and the year of issue. If the tag becomes lost, the owner or keeper of the dog shall immediately secure a substitute tag from the licensing authority at a cost to be determined, and the fee for the substitute shall, if received by the town clerk, be retained by the clerk unless

otherwise provided by law. This section shall not apply to a person to whom a valid kennel license has been issued. (M.G.L. c. 140 s. 137)

- e) No person owning or keeping a domestic animal in the Town of Holland shall allow such domestic animal to move freely outside the confines of the property owner or another person with the knowledge and consent of such owner.
- f) Any dog, whether licensed or unlicensed, shall be effectively restrained by a leash or other suitable device and accompanied by a suitable person, when in or upon, any way, public street or property with-in the Town of Holland.
- g) Any person may file a complaint that a dog owned or kept in the Town of Holland is a nuisance or dangerous; provided that the reason for such complaint is in accordance with the parameters outlined with-in the laws of the Commonwealth. Such complaint shall be filed in writing to the hearing authority and the hearing authority shall investigate or cause the investigation of the complaint, to include an examination under oath of the complainant at a public hearing to determine whether the dog is a nuisance or dangerous. (M.G.L. c. 140 s. 157)
- h) Any dog which habitually barks or howls in a manner that is disturbing to citizens between the hours of 11:00 PM to 7:00 AM shall be declared as a nuisance dog.
- i) A person maintaining a kennel shall obtain a kennel license. An owner or keeper of less than 4 dogs, 3 months old or older, who does not maintain a kennel may elect to secure a kennel license in lieu of licensing the dogs under section 137 and shall be subject to this section, sections 137B and 137C and so much of section 141 as it relates to violations of this section to the same extent as though the owner or keeper were maintaining a kennel. In the case of an applicant for initial licensure and in the case of an applicant for license renewal, a licensing authority shall not issue a kennel license until a kennel has passed inspection by an Animal Control Officer. Such license shall be processed in the Office of The Town Clerk and shall contain an effective license period from July 1st – June 30th. (M.G.L. c 140 s. 137A)
- j) Any domestic animal found to be moving freely in violation of section III, sub-section (e) as outlined above, may be caught and confined by an Animal Control Officer or other officer authorized to do so, or returned to the owner or keeper of record forthwith. The Animal Control Officer, or authorized agent, shall attempt to notify the owner or keeper if such person is known. The owner or keeper shall have a period of time, not to exceed (7) days, with-in which to recover said animal. Return of the animal to the owner/keeper shall be dependent upon admission of ownership or the keeping of said animal, and assumption of responsibility by the owner or keeper. If a confined dog is unlicensed, a current license shall be obtained prior to release of such dog. All impound fees shall be paid prior to release of any confined dog or other domestic animal.

XXII. Exemptions:

- a) This section shall not be construed to limit or prohibit the use of hunting dogs during the hunting season or the conducting of field trials for hunting dogs, provided that such dog has the legal right to engage in such activity at the location the activity is being conducted, or to the training or use of police canine dogs.

XXIII. Fee's and Fines:

- a) The fee for a dog license as outlined in section III, sub-section (b) of this Bylaw shall be \$10.00 for each dog which is spayed or neutered and \$20.00 for each dog which is not spayed or neutered, with the exception of a license issued for a service animal as defined by the Americans with Disabilities Act or regulations promulgated there-under, or for a dog owned by a person aged 70 years or over, in which no fee shall be charged. (M.G.L. c. 140 s. 139)

- b) The fee for a kennel license as outlined in section III, sub-section (i) of this Bylaw shall be not less than \$40.00, with the exception of a license issued to a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse or for the relief of suffering, in which no fee shall be charged. (M.G.L. c. 140 s. 137A)
- c) Violators of M.G.L. c. 140 s. 137, 137A, 137B and 138 shall be assessed a penalty of \$50.00. (M.G.L. c. 140 s. 141)
- d) Violators of M.G.L. c 140 s. 145B shall be assessed a penalty of up to \$100.00.
- e) In addition to fees charged for medical or other care costs for properly licenses dogs or any other domestic animals that are confined, there shall be an impound fee of \$25.00, plus an additional boarding fee of \$25.00 for each day that the animal is confined. The owner/keeper of any dog which is unlicensed at time of impound shall be charged an impound fee of \$35.00, plus an additional boarding fee of \$35.00 for each day that the animal is confined.
- f) Payment for all fees and fines shall be submitted by way of cash, or check or money order made out to the Town of Holland.
- g) The licensing fees outlined in sub-section (a) and (b) contained here-in shall become effective for those licenses which are issued for the Fiscal Year 2015.

or take any other action relative thereto.

ARTICLE #7 PASSED.

ARTICLE #8: To see if the Town will vote to accept the following changes in the Zoning Bylaws, §7.064 General Regulations Applicable to All Zoning Districts as follows and further allow non-substantive changes to the letter and numbering of the Zoning Bylaws of the Town of Holland to be consistent with the following amendments:

A *special permit variance* shall be obtained from the Zoning Board of Appeals to address the issue of non-conformity. If the *special permit variance* is granted, then all of the following conditions shall be met in order for the conversion to be approved:

or take any action relative thereto.

ARTICLE #8 PASSED.

ARTICLE #9: To see if the Town will vote to accept the following changes in the Zoning Bylaws, §7.04 under Pre-existing Nonconforming Uses and Structures as follows and further allow non-substantive changes to the letter and numbering of the Zoning Bylaws of the Town of Holland to be consistent with the following amendments:

A nonconforming use which has been ~~abandoned~~ *discontinued or not used for a period in excess of two (2) or more years* shall not be reestablished. ~~and~~ Any future use shall conform with this bylaw *at the time of establishment of the new use.*

or take any action relative thereto.

ARTICLE #9 PASSED.

ARTICLE #10: To see if the Town will vote to accept the following addition which replaces the existing Medical Marijuana Moratorium in the Zoning Bylaws as follows and further allow non-substantive changes to the letter and numbering of the Zoning Bylaws of the Town of Holland to be consistent with the following amendments:

MEDICAL MARIJUANA BYLAW

(10-1-13)

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

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

DEFINITIONS

Registered Marijuana Dispensary (RMD): A use operated by a not-for-profit entity registered and approved by the MA Department of Public Health on accordance with 105 CMR 725.000, and pursuant to all other applicable state laws and regulations, also to be known as a Medical Marijuana Treatment Center, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. An RMD shall explicitly include facilities which cultivate and process medical marijuana, and which may also dispense and deliver medical marijuana and related products.

The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not agriculturally exempt from zoning.

Off-Site Medical Marijuana Dispensary (OMMD) – A Registered Marijuana Dispensary that is located off-site from the cultivation/processing facility (and controlled and operated by the same registered and approved not-for-profit entity which operates an affiliated RMD) but which serves only to dispense the processed marijuana, related supplies and educational materials to registered Qualifying Patients or their personal caregivers in accordance with the provisions of 105CMR 725.00.

PERMITTED DISTRICTS

Medical Marijuana Treatment Center/Registered Marijuana Dispensary:

- Special Permit/Site Plan Approval in Commercial District only

Off-Site Medical Marijuana Dispensary:

- Commercial District with Special Permit/Site Plan Approval

ADDITIONAL REQUIREMENTS/CONDITIONS

1) Use:

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

- 2) Physical Requirements:
 - a) All aspects of the use/facility relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the business.
 - b) No outside storage is permitted.
 - c) No OMMD Facility shall have a gross floor area in excess of 2,500 square feet.
 - d) Ventilation – all RMD and OMMD facilities shall be ventilated in such a manner that no:
 - i) pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and
 - ii) no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the medical marijuana business or at any adjoining use or property.
 - e) Signage shall be displayed on the exterior of the RMD and OMMD facility’s entrance in plain sight of clients stating that “Registration Card issued by the MA Department of Public Health required” in text two inches in height.
- 3) Location:
 - a) No RMD and OMMD facility shall be located on a parcel which is within three hundred (300) feet (to be measured in a straight line from the nearest points of each property line) of parcel occupied by:
 - i) a public or private elementary, junior high, middle, vocational or high school, college, junior college, university or child care facility or any other use in which children commonly congregate in an organized ongoing formal basis, or
 - ii) another RMD or OMMD facility
 - b) An RMD or OMMD facility shall not be located in buildings that contain any pharmacy, medical doctor offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana. An exception shall be that the Special Permit Granting Authority may grant permission for palliative and therapeutic care uses, which are separate facilities from a RMD or OMMD facilities, in the same building;
 - c) No RMD or OMMD facility shall be located within 500ft of a lot which has a residential use .No RMD or OMMD facility shall be located inside a building containing residential units, including transient housing such as motels and dormitories.
- 4) Reporting Requirements
 - a) All Special Permit and Site Plan Approval holders for an RMD or OMMD facility shall provide the Police Department, Fire Department, Building Commissioner/Inspector and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.
 - b) The local Building Commissioner/Inspector, Board of Health, Police Department, Fire Department, and Special Permit Granting Authority (in cases where a Special permit or Site Plan Approval was granted) shall be notified in writing by an RMD or OMMD facility owner/operator/manager:
 - i) A minimum of 30 days prior to any change in ownership or management of that facility
 - ii) A minimum of 12 hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the RMD or OMMD.
 - c) Permitted RMD and OMMD facilities shall file an annual report to and appear before the Special Permit Granting Authority no later than January 31st, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.
 - d) The owner or manager is required to respond by phone or email within twenty-four hours of contact by a town official concerning their RMD or OMMD at the phone number or email address provided to the town as the contact for the business.

- 5) Issuance/Transfer/Discontinuance of Use
 - a) Special Permits/Site Plan Approvals shall be issued to the RMD Operator
 - b) Special Permits/Site Plan Approvals shall be issued for a specific site/parcel
 - c) Special Permits/Site Plan Approvals shall be non-transferable to either another RMD Operator or site/parcel
 - d) Special Permits/Site plan Approvals shall have a term limited to the duration of the applicant's ownership/control of the premises as a RMD or OMMD, and shall lapse:
 - i) if the permit holder ceases operation of the RMD, and/or
 - ii) the permit holder's registration by DPH expires or is terminated
 - iii) The permit holder shall notify the Zoning Enforcement Officer and Special Permit Granting Authority in writing within 48 hours of such lapse, cessation, discontinuance or expiration.
 - e) An RMD or OMMD facility shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state Registration or ceasing its operation.

APPLICATION REQUIREMENTS

- 1) In addition to the standard application requirements for Special Permits and Site Plan Approvals, such applications for an RMD or OMMD facility shall include the following:
 - a) the name and address of each owner of the RMD or OMMD facility/operation;
 - b) documentation that demonstrates that said RMD or OMMD facility, and its owner/operators, qualify and are eligible to receive a Certificate of Registration and meet all of the requirements of a RMD in accordance with 105 CMR 725.000 of the Massachusetts Department of Public Health.
 - c) evidence that the Applicant has site control and right to use the site for a RMD or OMMD facility in the form of a deed or valid purchase and sales agreement or, in the case of a lease a notarized statement from the property owner and a copy of the lease agreement;
 - d) A notarized statement signed by the RMD or OMMD organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons;
 - e) In addition to what is normally required in a Site Plan, details showing all exterior proposed security measures for the RMD or OMMD including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.
 - f) A detailed floor plan identifying the areas available and functional uses (including square footage)
 - g) All signage
 - h) A traffic study to establish the RMD or OMMD impacts at peak demand times.
 - i) A Management Plan including a description of all activities to occur on site, including all provisions for the delivery of medical marijuana and related products to OMMDs or off-site direct delivery to patients.

FINDINGS

- 1) In addition to the standard Findings for a Special Permit or Site Plan Approval the Special Permit Granting Authority must also find all the following:
 - a) That the RMD or OMMD facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest
 - b) That the RMD or OMMD facility demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and
 - c) That the applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Bylaw;
 - d) That the RMD or OMMD project meets a demonstrated need
 - e) That the RMD or OMMD facility provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured.
 - f) That the RMD or OMMD facility adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.

Or take any other action relative thereto.

ARTICLE #10 PASSED

ARTICLE #11: To see if the Town will vote to amend §II Definitions of the Zoning Bylaws as follows and further allow non-substantive changes to the letter and numbering of the Zoning Bylaws of the Town of Holland to be consistent with the following amendments:

SECTION II DEFINITIONS

2.0 DEFINITIONS

- 2.01 For the purpose of this bylaw, certain terms or words used herein shall be interpreted and defined as follows: The present tense includes the future, the singular includes the plural. The word "used" or "occupied" shall be construed to include "intended", "arranged", or "designed to be used or occupied", the word "structure" shall include the word "building". The term "shall" is always mandatory.
- 2.02 In this bylaw the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

Animals, Companion: are defined as small breed mammals, rodents, birds and reptiles that have a special and close relationship with humans; are partially or totally dependent on people; live inside a residence in close proximity with humans; form bonds with people; and interact with their human companion. Common examples include: dogs, cats, gerbils, and some birds. Companion animals are permitted in all zoning districts.*

Animals, Farm or Livestock: are defined as breeds of animals primarily raised for commercial purposes on agricultural property, in outbuildings or open spaces separate from residences. Common examples include: horses, cows, goats, sheep, pigs, poultry and alpacas*.

Animals, Exotic: include breeds of animals that are uncommonly found as either Companion Animals or Livestock. These breeds are often not indigenous, are undomesticated, unusual in appearance, poisonous, and can be potentially dangerous if they escape into the wild. Examples include; monkeys, apes, chimps, most snakes and reptiles, large birds, spiders and other insects*.

****Animals mentioned in these categories are for illustrative purposes only. Determination of the classification will be based on how the animals are actually used.***

Child Care Facility: Any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, or preschool, or known under any other name which receives children not of common parentage under seven years of age, or sixteen years of age if such children have special needs, for nonresidential custody and care during part or all of the day separate from their parents. Day Care Center shall not include: any part of a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to kindergarten, nursery or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care; an informal; cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefore.

Community Facilities: Land and buildings owned, maintained and operated by a governmental or other chartered nonprofit organization, such as school, hospital, or church, but not including a membership club or public utility.

Congregate Housing for-Elderly-and Handicapped Persons: A structure or structures arranged or used for the residence of persons primarily age fifty-five (55) or older, or for handicapped persons, as defined in Chapter 151B of the M.G.L. with some shared facilities and services.

Drive-in Eating Establishment: A commercial establishment wherein food is usually served to or consumed by patrons while they are seated in parked cars.

Elder Care Home: A private residence where care, protection and supervision are provided for a fee at least twice a week to no more than 6 adults over the age of 60 at one time including participating elder adults living in the residence.

Essential Services: Services and appurtenant equipment and installations provided by public utility or governmental agencies through underground or overhead gas, electrical, telephone, cable, internet, sewerage, drainage, refuse, water, traffic, fire and police systems. Specifically excluded from this definition are buildings or overhead transmission towers.

Farm Stand: Stand established for the display or sale of farm products. During the months of June, July, August, and September fifty percent (50%) by volume of products sold, which must have been raised or produced on the premises or elsewhere in the Commonwealth of Massachusetts.

Housing for the Elderly/Senior Apartments: Multifamily dwelling units occupied by persons primarily 55 years or older. In the case of double occupancy of a unit, only 1 resident is required to be at least 55 years of age. The housing must be self-contained and physically accessible to elderly citizens.

Life Care Facility: A facility for the transitional residency of elderly and/or disabled persons progressing from independent living in single-family units to congregate apartment living where residents share common meals and culminating in a full health and continuing care nursing home facility.

Professional Office: The office of a recognized profession maintained for the conduct of that profession. A Profession being something that requires specific training and is regulated by certain standards.

Public Recreation Use: A recreation use or facility operated by a government agency and open to the general public.

Research Offices: A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory,

Restaurant: A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state in individual servings or in nondisposable containers and where the customer consumes these foods while seated at tables or counters located within the building.

Restaurant - Fast-food: An establishment that offers quick food service which is accomplished through a limited menu of items already prepared and held for service or prepared, fried, or grilled quickly or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.

Or take any action relative thereto.

ARTICLE # 11 PASSED.

ARTICLE #12: To see if the Town will vote to make amend §III Establishment of Districts in the Zoning Bylaws as follows and further allow non-substantive changes to the letter and numbering of the Zoning Bylaws of the Town of Holland to be consistent with the following amendments:

SECTION III ESTABLISHMENT OF DISTRICTS

3.0 TYPES OF DISTRICTS

For purposes of this bylaw the town of Holland, Mass., is hereby divided into the following types of use districts:

SHORT NAME	FULL NAME
AR	Agricultural - Residential
R	Residential
GA	Garden Apartment
B	Business
RB	Rural Business
C	Commercial
FP	Flood Plain

District Purposes

Agricultural/Residential -To accommodate agriculture, horticulture, or floriculture as well as single family dwellings at lower densities while providing protection for environmentally sensitive areas, agricultural resources and other similar lands

Residential - To provide for residential neighborhoods of medium to higher density in areas both near the Town Center and around the Hamilton Reservoir

Garden Apartment - Each "project area" as herein after defined, in a Garden Apartment District, shall be used exclusively for the erection and maintenance of apartment dwellings which shall be subject to the provisions of this Section 6.1 to the end that pleasant, open, safe, healthy, and presentable multi family dwelling units of moderate and attractive landscaping may be available for residential use.

Business - To accommodate a wide range of retail uses and services and commercial activities in appropriate locations along primary roads within the Town and provide for the appropriate development and special requirements for the major business concentrations which serve an area larger than the immediate neighborhood.

Rural Business - To accommodate very low intensity retail, office, and light industrial land uses.

Commercial - A general commercial zone which provides for the sale of commodities or performance of services including repair facilities, offices, small wholesale stores or distributors and limited processing and packaging.

Flood Plain-- Flood Plain is an overlay district which supersedes the requirements of the underlying districts (see Section 6.3). It consists of those geographical areas which by virtue of their relationship to components of the natural hydrology of the Town of Holland have substantial importance to the protection of life and property against the hazards of floods, erosion, and pollution and in general are essential to public health, safety, and welfare. To this end the number and types of uses allowed are restricted.

TABLE 1 – TABLE OF USES (changes/additions in gray highlight)

PRINCIPLE USE	STANDARDS & CONDITIONS	AR	R	GA	B	RB	C
AGRICULTURAL							
Agriculture, Horticulture, Floriculture, Viticulture, Aquaculture uses on parcels of land 5 acres or more, including: a. Commercial livestock, Dairy, poultry farm b. Farm business, Commercial Greenhouse c. Farm stand d. Commercial Riding Stable e. Tree Farm, Nursery EXCEPT FOR: f. Raising of Swine and Fur Bearing Animals	b. See definition of farm business. c. For the sale and display of farm products, 50% of farm products must have been raised on the premises or elsewhere in the Town.	Y	Y	Y	Y	Y	Y
		PA	PA	PA	PA	PA	PA
Agriculture, Horticulture, Floriculture, Viticulture, Aquaculture uses on parcels of land less than 5 acres, except for: a. Commercial livestock, Dairy, poultry farm b. Farm business, Commercial Greenhouse c. Farm stand d. Commercial Riding Stable e. Tree Farm, Nursery f. Raising of Swine and Fur Bearing Animals	b. See Definition of farm business, See Section VIII for Special Permit standards c. For the sale and display of farm products, 50% of farm products must have been raised on the premises or elsewhere in the Commonwealth of Massachusetts. d. See Section VIII for Special Permit standards e. See Section VIII for Special Permit standards	SP	SP	N	SP	Y	Y
		SP	N	N	N	N	N
		SP	N	N	Y	Y	Y
		SP	N	N	SP	SP	SP
		SP	SP	N	SP	Y	Y
		N	N	N	N	N	N
Raising and Keeping Horses which: a. comply with all of the Standards & Conditions b. does not comply with all of the Standards & Conditions	<ul style="list-style-type: none"> A minimum of 2000sf of fenced riding/keeping area (exclusive of any stable/housing area) for one horse, plus 500sf for each additional horse is required. Said area shall have a minimum setback of 15’ from any lot line. Horses shall be restricted from areas containing wells and septic systems (including leaching area). Stable/housing areas and manure piles must be kept at least 100’ away from any well. 	Y	Y	Y	Y	Y	Y
		SP	SP	SP	SP	SP	SP

Commercial or Noncommercial Kennels, or Veterinary Hospital	Parcel must be 5 acres or more in size. All animals must be completely enclosed in pens or other structures at least 25 feet from any residential lot lines.	SP	N	N	N	SP	SP
PRINCIPLE USE	STANDARDS & CONDITIONS	AR	R	GA	B	RB	C
RESIDENTIAL							
One-Family Detached Dwelling		Y	Y	Y	Y	Y	N
Two-Family Dwelling		SP	Y	Y	Y	Y	N
Accessory Dwelling Unit	See Section 6.7	SP	SP	SP	SP	SP	N
Multifamily Dwelling/Garden Apt.	See Section 6.1 for Special Permit standards	N	N	SP	N	N	N
Open Space Community	See Section 6.02 for Special Permit standards	SP	SP	N	N	N	N
Assisted Living	See Section 6.4	SP	N	N	N	N	N
PRINCIPLE USE	STANDARDS & CONDITIONS	AR	R	GA	B	RB	C
COMMUNITY FACILITIES							
Church or Other Religious Purpose		Y	Y	Y	Y	Y	Y
Educational Institution		Y	Y	Y	Y	Y	Y
Child Care Facility	See definitions. See also Section 5.83	N	N	N	SP	SP	SP
Nonprofit Recreational Facilities Including Country, Tennis and Hunting Club		SP	N	N	N	N	N
Camp for Children		SP	N	N	N	N	N
Cemetery		SP	N	N	N	N	N
Hospital or Nursing Home		N	N	N	SP	SP	N
Public Utilities	Not involving manufacturing, except products which are sold on a retail basis directly from the producer to the consumer	N	N	N	SP	SP	SP
Place of Amusement or assembly		N	N	N	Y	Y	Y
PRINCIPLE USE	STANDARDS & CONDITIONS	AR	R	GA	B	RB	C
RETAIL AND SERVICES							
Retail Establishment Selling Principally Convenience Goods		N	N	N	SP	SP	SP
Retail Establishment Selling General Merchandise	All display and sales to be Conducted within the building	N	N	N	SP	SP	SP
Eating and Drinking Places							
a. Restaurant		N	N	N	Y	Y	SP
b. Drive-In Restaurant	See definition of drive-in restaurant	N	N	N	Y	Y	SP
c. Fast-food Restaurant	See definition of fast-food restaurant	N	N	N	Y	Y	SP
Establishments Selling Motor Vehicles and/or Accessories		N	N	N	SP	SP	SP
Hotels and Motels		N	N	N	Y	Y	SP
Bed and Breakfast Establishment	See Section 6.8	SP	SP	SP	SP	SP	SP
Bank or Other Personal and Consumer Service Establishment		N	N	N	SP	SP	SP
Lumber Yards		N	N	N	SP	SP	SP
Outdoor Garden Center		N	N	N	SP	SP	SP

Professional and Business Offices and Services:							
a. under 5,000 sf		N	N	N	Y	Y	Y
b. 5,000 sf or more		N	N	N	Y	Y	Y
Membership Club							
a. not conducted for profit		SP	SP	SP	SP	SP	SP
b. conducted for profit		SP	SP	SP	SP	SP	SP
Health or Fitness Facility	May include overnight and boarding accommodations, employee/staff dwelling facilities (single or multi family dwelling) for employees, staff (both professional and non-professional), directors and administrators of such health or fitness facilities limited to not more than one permanent dwelling per ten acres, and all uses customarily ancillary or appurtenant thereto. "Permanent dwelling unit" shall mean any detached single family dwelling unit or multiple family dwelling units containing, within such unit, kitchen and toilet facilities and at least 300 square feet of living space.	N	N	N	Y	Y	Y
Automotive or other Business Repair Services		N	N	N	SP	SP	SP
Gasoline Sales and Related Services		N	N	N	SP	SP	SP
Self-Service Storage Facility		N	N	N	SP	SP	SP
Marina		SP	N	N	N	N	N
Ski Tow		N	N	N	SP	SP	SP
Golf Course		SP	N	N	N	SP	SP
Conference Center		N	N	N	Y	Y	Y
RMD		N	N	N	N	N	SP
OMMD		N	N	N	N	N	SP
PRINCIPLE USE	STANDARDS & CONDITIONS	AR	R	GA	B	RB	C
WHOLESALE, INDUSTRIAL & TRANSPORTATION							
Processing Earth Products	See Section 7.5	SP	N	N	N	SP	SP
Manufacturing	All operations shall confine smoke, fumes, dust and noise to the premises, and no operations shall be hazardous by reasons of potential fire, explosion or radiation.	N	N	N	SP	SP	SP
Freight or Trucking Terminal	All operations shall confine disturbing smoke, fumes, dust and noise to the premises, and no operations shall be hazardous by reasons of potential fire, explosion or radiation.	N	N	N	SP	N	SP
Wholesale Trade and Distribution	All operations shall confine disturbing smoke, fumes, dust and noise to the premises, and no operations shall be hazardous by reasons of potential fire, explosion or radiation.	N	N	N	SP	SP	SP

Research Office or Establishments devoted to research and development of renewable or alternative energy		N	N	N	SP	SP	PA
Large Scale Solar Power Generation	See Section 6.9.1	N	N	N	N	N	PA
Wireless Communication Facility	See Section 6.5	Y	N	Y	Y	Y	Y
Adult Entertainment	See Section 6.6	N	N	N	SP	N	SP
PRINCIPLE USE	STANDARDS & CONDITIONS	AR	R	GA	B	RB	C
ACCESSORY USES							
Non-Commercial Earth Removal a. Less than 300 cy b. 300 cy or more	See Section 7.5	Y SP	Y SP	Y SP	Y SP	Y SP	Y SP
Home Occupation: a. No non-resident employees b. One non-resident employee c. More than one non-resident employee	See Section 6.0	Y Y SP	Y Y SP	Y N N	Y Y SP	Y Y SP	N N N
Accessory Building, Swimming Pool, tool shed, greenhouse, playhouse, gazebo, cabana, boat house, or other similar structure for domestic use	See Section 7.3	Y	Y	Y	Y	Y	Y
Family Day Care - homes having no more than two non-resident employees	Provided it shall occupy less than 40 percent of gross floor area and have a minimum of 75 square feet of outside play area for each enrolled child	Y	Y	Y	Y	Y	N
Family Day Care - homes having more than two non-resident employees	Provided it shall occupy less than 40 percent of gross floor area and have a minimum of 75 square feet of outside play area for each enrolled child	SP	SP	SP	SP	SP	N
Shelter for small animals commonly kept as pets	Animals shall be pets of residents of the property	Y	Y	Y	Y	Y	Y
Fallout Shelter		Y	Y	Y	Y	Y	Y
Parking Lot		N	N	N	Y	Y	Y
Accessory Private Garage/Carport for not more than three vehicles,	One of which may a commercial vehicle not exceeding 2 tons rated gross weight. Garages for exclusively agricultural use are exempt	Y	Y	Y	Y	Y	Y
Garage	For more than 1 commercial vehicle or for any commercial vehicle exceeding 2 tons rated gross weight	N	N	N	Y	N	Y
Private swimming pool		Y	Y	Y	Y	Y	Y
Fences located in the front yard portion of any lot which do not exceed four feet in height	See Section 7.21	Y	Y	Y	Y	Y	Y

Fences located in the side yard or rear yard portion of any lot which do not exceed six feet in height	See Section 7.21	Y	Y	Y	Y	Y	Y
Party line fences	See Section 7.21	Y	Y	Y	Y	Y	Y
Renting of rooms, lodging units with no cooking facilities in an existing dwelling	No more than four tenants/boarders in a dwelling regularly occupied for residential purposes	Y	Y	Y	Y	Y	N
Accessory uses to a Principal use permitted by right which is necessary in connection with the scientific research or scientific development or related products		N	N	N	SP	SP	PA
PRINCIPLE USE	STANDARDS & CONDITIONS	AR	R	GA	B	RB	C
PRE-EXISTING NON-CONFORMING USES OR STRUCTURES							
Alteration, reconstruction and/or change in use or structures	See Section 7.02	ZB Z	ZB A	ZBA	ZB A	ZB A	ZB A
Conversion of Seasonal homes to year-round use	See Section 7.02	Y	Y	Y	Y	Y	Y

Or take any action relative thereto.

ARTICLE #12 PASSED.

(NOTE-THERE WAS NO ARTICLE #13 ON WARRANT)

ARTICLE #14: To see if the Town with will vote to accept the following addition in the Zoning Bylaws, under Signs and further allow non-substantive changes to the letter and numbering of the Zoning Bylaws of the Town of Holland to be consistent with the following amendments:

§7.14 Municipalities shall follow business bylaws.

Or take any action relative thereto.

ARTICLE #14 PASSED.

Hereof fail not, and make due return of this warrant, with your doings thereon, to the Town Clerk, at a said time and place meeting, as fore said.

Given under this day of November sixth in the year of our Lord Two Thousand and Thirteen.

James Wettlaufer, Chairman

Constable

Lynn Arnold, Clerk

A True Copy, Attest:

Michael Kennedy

Kristin LaPlante
Town Clerk