

**WARRANT AND MINUTES
SPECIAL TOWN MEETING, THURSDAY, FEBRUARY 15, 2007**

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 Thursday, February 15, 2007, at 7:00 PM, then and there to act on all business on the Special Town Meeting Warrant.

MEETING OPENED AT 7:04 P.M.

ARTICLE#1: To see if the Town will vote to amend the vote taken at the Annual Town Meeting for certain salary and expense accounts as follows, or act anything thereto.:

The Executive Secretary line item

The Tantasqua Assessment line item per the vote of the Tantasqua Regional School Committee

The Tantasqua Regional Transportation Assessment per vote of the Tantasqua Regional School Committee,

ARTICLE #1 WAS APPROVED WITH THE FOLLOWING AMOUNTS:

The Executive Secretary line item **\$18,810.00**

The Tantasqua Assessment line item per the vote of the Tantasqua Regional School Committee **\$1,182,662.00**

The Tantasqua Regional Transportation Assessment per vote of the Tantasqua Regional School Committee, **\$18,084.00**

ARTICLE #1 PASSED UNANIMOUSLY.

ARTICLE #2: To see if the Town will vote to amend the FY2007 budget by a sum of \$__4,436.00_____ to increase the interest for capital borrowing for the following line items, or act anything thereto:

Re-Valuation loan

2006 Fire truck loan

Highway truck loan

Senior Center loan

ARTICLE #2 WAS APPROVED WITH THE FOLLOWING AMOUNTS:

Re-Valuation loan **\$1540.00**

2006 Fire truck loan **\$1456.00**

Highway truck loan **\$1088.00**

Senior Center loan **\$352.00**

ARTICLE #2 PASSED UNANIMOUSLY.

ARTICLE # 3: To see if the Town will vote to transfer a sum of money from FY2006 free cash to balance the budget for FY2007, or act anything thereto.

ARTICLE #3 WAS APPROVED WITH THE SUM OF MONEY BEING \$43,576.00. THE VOTE WAS UNANIMOUS.

ARTICLE # 4: To see if the Town will vote to transfer \$107,027.00 from FY 2005 free cash to balance the budget for FY 2007, or act anything thereto.

ARTICLE #4 WAS PASSED UNANIMOUSLY.

ARTICLE # 5: To see if the Town will vote to pay the \$114.03 outstanding Verizon bill from FY 2007 Town Hall Expense, or act anything thereto.

ARTICLE #5 PASSED UNANIMOUSLY.

ARTICLE # 6: To see if the Town will vote to transfer \$100.00 from the Outreach Worker Wages account to the Coordinator Salary account, or act anything thereto.

ARTICLE #6 PASSED UNANIMOUSLY.

ARTICLE #7: To see if the Town will vote to transfer \$4,000.00 from the Outreach Worker Payroll fund t the COA Expense fund, or act anything thereto.

ARTICLE #7 PASSED UNANIMOUSLY.

ARTICLE # 8: To see if the Town will vote to transfer from available funds \$3000.00 to the Fire Department Expense line item, or act anything thereto.

ARTICLE #8 MOTION : TO TRANSFER \$3,000.00 FROM 2006 FIRE TRUCK CAPITAL TO FIRE DEPARTMENT EXPENSE. PASSED UNANIMOUSLY.

ARTICLE #9: To see if the Town will vote to raise, appropriate or borrow a sum of money not to exceed \$6,325.00 to complete work not covered by the block grant funds for the new Senior Center, or act anything thereto.

ARTICLE #9 MOTION: TO INCREASE SENIOR CENTER PERMANENT BORROWING BY \$6,325.00. PASSED UNANIMOUSLY.

ARTICLE # 10: To see if the Town will vote in accordance with M.G.L. c40 sS4A to authorize the Holland Board of Selectmen and the Board of Health to enter into an inter municipal agreement with one or more other governmental units to provide public health, public works, and general government administration services which the Board of Health, Department of Public Works, and other administrative bodies in town are authorized to perform, in accordance with an Inter Municipal Mutual Aid Agreement to be entered between the Town and various governmental units, or act anything thereto.

ARTICLE #10 PASSED UNANIMOUSLY.

ARTICLE #11: To see if the Town will vote to revise the following personnel bylaw, or act anything thereto:

Retiree: An employee who meets the following qualifications

- (1) has attained the age of 55
- (2) whose last government employment was for the Town of Holland
- (3) who worked at least 10 years for the Town of Holland full time, as defined above, or worked in a position classified as meeting the criteria for qualifying for benefits
- (4) who either qualified for a County or Mass Teachers' pension through the Town of Holland, or as an elected official, including Town Clerk, Tax Collector, Treasurer, and Highway Surveyor, would have qualified for a County pension through the Town of Holland.

ARTICLE #11 PASSED UNANIMOUSLY.

ARTICLE #12: To see if the Town will vote to accept, for all boards, committees or commissions holding adjudicatory hearings in the Town, the provisions of G.L. c39, p23D, which provide that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions are met, or take any other action relative thereto.

ARTICLE #12 PASSED.

ARTICLE #13: To see if the Town will vote to accept the following changes in the General Bylaws, Chapter XI, Hamilton Dock Regulations, or act anything thereto:

Chapter II Hamilton Reservoir Dock Regulations

SECTION 1 | DEFINITIONS (AS USED IN THIS DOCUMENT)

1. "Waterfront lot" shall mean any lot of real property abutting the waters of Hamilton Reservoir.
 2. "High water line" of any waterfront lot shall mean the water's edge of such lot at a time when the reservoir water level is at the spillway level.
 3. The "waterfront area" of any waterfront lot shall mean an area of reservoir surface bounded as follows:
 - a. by the lot's high water line
 - b. by two extended side lines beginning at points at which the side lot lines of the waterfront lot intersect the high water line and extending on the same bearing as the side lot lined a distance of fifty feet from the high water line or 1/3 the distance to the opposite shore, whichever is less and
 - c. by a line connecting the offshore ends of the extended side lines and parallel to the shoreline.
 4. "Dock" shall mean a walkway extending from the high water line into the waterfront suitable as a mooring place for boats and supported by a rigid framework, by a floating device, or by a combination of the two.
 5. A "Mooring" shall mean the location of a boat or other floating object while tied to a dock or while secured by an anchor.
 6. Docks, moorings, and other moored objects on or off of rights of way (easements to cross) shall abide by these bylaws.
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SECTION 2. LOCATION OF DOCKS AND MOORING

1. No dock shall be installed or maintained in the waterfront area of any waterfront lot in such a location or in such a manner as to impinge upon or obstruct the waterfront area of an adjoining lot. No dock shall extend any longer than needed to safely moor a boat but shall not exceed fifty feet from the high water line or one-third of the distance to the opposite shore, which ever is less without the express written permission from the landowner being impinged upon.
2. No boat, float, raft, or other floating object shall be moored or anchored in the waterfront area of any lot in such a location or manner as to impinge upon or obstruct the waterfront area of an adjoining lot.

3. The strict application of the regulations in subsections 3a and 3b of this chapter may be waived by the board of selectmen on the application of the owner of a waterfront lot or his representative if the board finds:

- a. that the strict enforcement of such regulations would unreasonably restrict the applicant in the use and enjoyment of his property and its waterfront area, and
- b. that the requested waiver will not unreasonably detract from the use and enjoyment of adjoining waterfront lots and waterfront areas.

4. In ruling upon applications for waivers the selectmen may take into account the following factors:

- a. the depth of water and the bottom gradient in the waterfront area.
- b. the divergence or convergence of the extended lot lines defining the waterfront area pursuant to the definition thereof in section 1C of this chapter.
- c. the fact that a particular installation not strictly complying with these regulations may have existed without objection before the enactment of this bylaw.
- d. the fact that rights to the use of the waterfront in question are shared by two or more property owners pursuant to deeded rights of access.

5. An application of a waiver may be heard at any scheduled meeting of the board of selectmen. At least fourteen (14) days before the scheduled meeting at which the application is to be heard the applicant shall file with the selectmen a written application stating the nature of the waiver requested and shall notify the owners of adjoining waterfront lots by certified mail of the substance of the request and the date, time and place of the hearing. The Selectmen's ruling and the reasons therefore shall be entered in the minutes of the meeting.

6. Every dock or other moored object shall be removed from the waterfront area during the period from October 31 of each year to the following April 1st

- a. Those docks existing PRIOR TO 1995 that are built in a permanent fashion are grandfathered. These docks are considered Grandfathered Docks and are excluded from section 2 #6 until they are replaced at which time they must comply with all the bylaws pertaining to docks. All new structures that comply with Section 4 are excluded from Section 2 #6.
- b. The fine for non removal of every dock and every boat or other moored object will be \$100.00 per day per dock, or other moored object beginning on November 1st and each day thereafter during which each such violation continues shall constitute a separate violation of this bylaw.

7. Docks, Floats, rafts or moored objects need to be labeled with the Holland property address of the owner in a permanent method readily visible from the lake...

*** (AMENDED TO ADD "A MINIMUM OF 3" HEIGHT) SEE MINUTES**

8. Boats may be temporarily anchored outside any waterfront area while occupied by persons for fishing or other recreational activities but shall not be left unattended.

SECTION 3 | CONSTRUCTION IN WATERFRONT AREAS

No person shall install a dock, a pier, retaining wall, boat ramp, platform, building foundation or similar structure designed as a permanent installation in the waterfront area or along the high water line of any lot without having first filed with the conservation commission a notice of intent and obtained an order of condition from said commission permitting such installation and then must comply with all conditions and limitations of such order. This includes replacement of a dock which was previously grandfathered.

SECTION 4 ENFORCEMENT

1. The police department is authorized by the Board of Selectmen to notify the owner or occupant of any waterfront lot, or the owner of any watercraft or other moored object of any observed violation of the provisions of this chapter excluding Section 2 .Item 6A Said owner or occupant has seven days after written notification has been received, to correct the violations(s), after which the police department may issue a non-criminal assessment of one hundred dollars (\$100.00) each day thereafter during which such violation continues shall constitute a separate violation of this bylaw starting on the eighth day after notification, They may also demand removal of said structure at the owners expense due to non-compliance.

2. The Conservation Commission and/or Building Inspector is authorized to notify the owner or occupant of any waterfront lot of any observed violation of the provisions of section 4 of this chapter. Said owner or occupant has seven days after written notification has been received, to correct the violations(s), If such a violation is not removed within seven days from the date of such notification , each day during which such violation continues shall constitute a separate violation of this bylaw The Conservation Commission may issue a non-criminal complaint pursuant to the provisions of section 21D of Chapter 40 of the General Laws and shall impose a non-criminal assessment of one hundred dollars (\$100.00) beginning on day eight for each such violation.

3. Any individual abutter encroached upon can enforce these bylaws by bringing civil action for violation of these bylaws.

Changes

1. Removed duplicate statements
2. Moved text to appropriate section.
3. Renumbered as a result of changes in text
4. Updated fines
5. Added requirement to label docks into Section 2 #7
6. For clarification
 - a. Added Section 1 #6
 - b. Added Section 4 #3
 - c. Removed first paragraph on Section 2 to eliminate confusion

ARTICLE #13 WAS AMENDED TO ADD THE PHRASE “ A MINIMUM OF 3” HEIGHT” DIRECTLY AFTER SECTION 2, PARAGRAPH 7. AMENDED ARTICLE PASSED.

ARTICLE #14: To see if the Town will vote to accept the following changes in the Zoning Bylaws, Section V, Dimensional Requirements, or act anything thereto:

Proposed By-Law Changes

Words/numbers/letters to be omitted are in italics and words/numbers to be added are in bold.

1) Changes to Table of Dimensional Requirements on p. 15:

- Remove (c) at “Max. Height of Buildings” and replace with (d)
- Add (b) to “Frontage in ft.”
- For B, RB, C and SC districts, change (d) in “side in ft.” to (e)
- For B, RB, C and SC districts, change (e) in “rear in ft.” to (f)
- Add to Footnotes to the Preceding Table on page 16: (g) Side and rear yard dimensions will be (50) feet when adjacent to Agricultural-Residential District.
- For C and SC districts, add (g)

2) Add to the Table of Dimensional Requirements on p. 15:

Commercial (30,000) (200) (40) (20)(e) (20)(f)(g) (2.5) (35) (20)

SECTION V. DIMENSIONAL REQUIREMENTS

A building or structure hereafter erected in any district shall be located on a lot having not less than the minimum requirements set forth in Table 2 below. Except in Garden Apartments and Special Conservancy Districts, no more than one principal building shall be built upon any such lot. No existing lot shall be changed as to size or shape so as to result in the violation of the requirements set forth in Table 2 below.

TABLE 2

Table of Dimensional Requirements

<u>District</u>	<u>Minimum</u>	<u>Minimum</u>	<u>Max. Height</u>				<u>Max. % coverage</u>	
	<u>Dimension</u>	<u>Yard Dimension</u>	<u>of Buildings (c) (d)</u>				<u>lots-including</u>	<u>accessory buildings</u>
	<u>Area in</u>	<u>Frontage</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>No. of</u>	<u>Ft.</u>	
	<u>sq. ft.</u>	<u>in ft.</u>	<u>in ft.</u>	<u>in ft.</u>	<u>in ft.</u>	<u>Stories</u>		
	(a)	(a) (b)	(b) (c)					
Residential	2 acre	(200)	(25)	(20)	(30)	(2.5)	(35)	(30)
Residential (non residential uses)	2 acre	(200)	(25)	(20)	(30)	(2.5)	(35)	(30)
Agricultural-Residential	3 acre	(300)	(40)	(40)	(40)	(2.5)	(35)	(20)
Agricultural-Residential (non residential uses)	3 acre	(300)	(40)	(40)	(40)	(2.5)	(35)	(20)
Assisted Living	REFER TO DETAILS IN SECTION							6.4
Garden Apartments (single family residential uses)	2 acres	(200)	(25)	(20)	(30)	(2.5)	(35)	(30)
Garden Apartments (Garden Apartment uses)	REFER TO DETAILS IN SECTION							6.1
Business (Residential Uses)	1 acre	(200)	(25)	(10)(d)	(e) (20)(e)(f)	(2.5)	(35)	(40)
Business (Non-Residential Uses)	(8,000)	(50)	(15)(20)(d)	(e) (20)(e)(f)	(3)		(40)	(60)
Rural-Business (Residential Uses)	2 acres	(200)	(40)(40)(d)(e)	(40) (e)(f)	(2.5)		(35)	(20)
Rural-Business (Non-Residential Uses)	(30,000)	(200)	(40)(40)(d)(e)	(40) (e)(f)	(2.5)		(35)	(20)
Commercial	(30,000)	(200)	(40) (40)(e)	(40)(f)(g)	(2.5)		(35)	(20)
Special Conservancy (Residential Uses)	2 acres	(200)	(100)(40)(d)(e)	(40)(e)(f)(g)	(3.0)		(50)	(20)
Special Conservancy** (Non-Residential uses)	2 acres	(200)	(100)(40)(d)(e)	(40)(e)(f)(g)	(3.0)		(50)	(20)
Open Space Community	REFER TO DETAILS IN SECTION 6.02							

3) Change The Use Table P. 14 Item 24:

24. *Storage facilities* **Self-service storage facility** N N N SP SP N

4) Add to Section 2.0 Definitions on page 8:

Self-service storage facility. a building where storage units are rented and pick up and deposit of property shall be allowed. No flammable liquids or explosive or hazardous materials shall be stored. No servicing or repair of any engines of any type is allowed. No storage of motor vehicles, boats or similar equipment is allowed.

5) Change Section 7.81 Common Driveway Purpose on p. 44:

The purpose of this ordinance is to:

Enhance the safety and welfare of residents of common driveways and

Clarify the rights and responsibilities of builders and residents common driveways, and of the Town of Holland, and to

Provide access to no more than *six (6)* **three (3)** lots over a common driveway, rather than by individual driveways on each lot, in order to...

6) Change Section 7.82 Common Driveway Definition on page 44:

Common Driveway-Vehicular access, which is not a street, but extending from a street, serving as a common vehicular access to more than one (1) but not more than *six (6)* *residential, industrial or commercial lots* **three (3)** lots **in any district** built in accordance with standards set forth in this bylaw and allowed by Special Permit. The driveway will lie entirely within the lots being served.

7) Change Section 7.83. Prohibition on page 44:

A common driveway which would serve more than *six (6)* **three (3)** residential lots is prohibited.

8) Change Section 7.85 Common Driveway Standards

The Planning Board may authorize the use of common driveways to provide access to no more than *six (6)* **three (3)** individual lots of land through issuance of a Special Permit.

ARTICLE #14 –MOTION TO TABLE THE SECTION ADDING DIMENSIONAL REQUIREMENTS FOR THE COMMERCIAL DISTRICT INTO THE DIMENSIONAL TABLE PASSED-MOTION TO TABLE SECTIONS 5+6 (COMMON DRIVEWAYS) FAILED. ARTICLE #14 AS AMENDED PASSED WITH 27 VOTING IN FAVOR AND 13 OPPOSED.

MEETING ADJOURNED AT 8:50PM

And you are hereby directed to serve this warrant, by posting up attested copies thereof at five (5) conspicuous places in said town, at least seven days (7) before the time of holding said meeting.

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 31st day of January in the year of our Lord Two Thousand and Seven.

James Wettlaufer, Chairman

Constable

Christian Petersen, Clerk

A True Copy, Attest:

Earl A. Johnson, Selectman

