

WARRANT

SPECIAL TOWN MEETING November 15, 2023

WARRANT - Special Town Meeting, Wednesday, November 15, 2023 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 Holland Elementary School on Wednesday, November 15, 2023 at 7:00pm, then and there to act on all business on the Special Town Meeting Warrant

Meeting called to order at 7:00pm by Town Moderator William Hardy

ARTICLE #1 – To hear the reports of Town officers and outstanding committees, or take any action relative thereto

I move article 1 as printed in warrant. PASSED

ARTICLE #2: To see if the Town will vote to renumber and recaption the General Bylaws of the Town by (a) assigning a chapter/article number to each of the General Bylaws; (b) renumbering each section of each bylaw accordingly; (c) inserting chapter, article, section and subsection titles; and (d) updating internal references to reflect the new numbering system, all as set forth in the Final Draft of the Code of the Town of Holland, dated July 2023, on file with the Town Clerk, or take any other action relative thereto

Bylaw Committee Chair E. Fancy moved to accept Article 2 as printed in the warrant. PASSED

ARTICLE #3: To see if the Town will vote to adopt the following changes to the General Bylaws as set forth in the Final Draft of the Code of the Town of Holland, dated July 2023, on file with the Town Clerk, or take any other action relative thereto.

General Revisions:

- Proper nouns are capitalized; other nouns are lowercase. The word "Town" is capitalized throughout when referring to the Town of Holland.
- Numbers one through nine are written out; numbers 10 and above, fractions, decimals, and dates appear in numeric format. ☐ Unit modifiers are hyphenated.
- Whole dollar amounts do not include the "cents" places.
- Incorrect grammar and missing punctuation are made consistent. ☐ References to the Massachusetts General Laws are standardized to the following format: MGL c. __, § __.
- Throughout the General Bylaws, the terms "Board of Selectmen" and "Selectmen" are amended to read "Select Board"; the term "Chairman" is amended to read "Chair"; the term "by-law" is amended to read "bylaw."

- Throughout Chapter 195, Vehicles and Traffic, references to the 2003 MUTCD are amended to read "MUTCD, current edition."

Specific Revisions:

Ch. 7. Boards, Commissions and Committees.

Art. I. Finance Board.

Section 7-3 is amended as indicated: "If any member is absent from five consecutive meetings of said Board, ~~except~~ his position may, on vote of said Board, be deemed vacant and filled as provided above."

Art. III. Board of Health.

Section 7-16 is amended as indicated:

The Board of Health is authorized to enforce the provisions of MGL c. 270, § 16, regarding the disposal of rubbish and other materials in unlawful places by civil infraction procedure pursuant to ~~Chapter 40, Section 21D of the General Laws~~ MGL c. 277, § 70C. In the event of noncriminal disposition under MGL c. 40, § 21D, it is authorized to impose a civil assessment of \$150 for any violation of such provisions.

Art. IV. Planning Board.

Section 7-17 is amended as indicated:

At the Annual Town Election of 1970, one member shall be elected for a one-year term, one member elected for a two-year term, one member elected for a three-year term, one member elected for a four-year term, and one member elected for a five-year term; and thereafter, one member shall be elected annually at the Town Election for a five-year term.

Section 7-18A is amended as indicated:

The Planning Board Chair may appoint a Planning Board associate member for the purpose of acting on any Planning Board business requiring a ~~quorum~~ supermajority of four. The associate member shall be appointed annually or continue on the Board past ~~the~~ one year until specific business requiring the ~~quorum~~ supermajority is completed.

Article VI, Bylaw Committee.

Section 7-21 is amended as indicated:

The Bylaw Committee shall regularly review the Town's General and Zoning Bylaw and ensure that the official text of all bylaws in effect, including most recent amendments, is always available for inspection and copying during regular business hours at the offices of the Town Clerk and of the ~~Executive Secretary~~ Town Administrator.

Article VIII. Capital Planning Committee.

Section 7-25 is amended as indicated: "Such Committee shall be composed of seven members as follows: Town Treasurer, Town Administrator, Town Accountant, one Select Board member, one Finance Board member, one Planning Board member, ~~two~~ one citizen at large."

Section 7-26 is amended as indicated: "The member at large ~~to~~ shall be appointed by the Select Board."

Chapter 24. Finances.

Section 24-1 is amended to change "state Division of Accounts" to "state Bureau of Accounts."

Section 24-7.

Subsections A, D, and E(7) are amended to change "this bylaw" to "this section."

Subsection E(7), table of revolving funds, is amended to change the last column head from "Fiscal Year Began" to "Fiscal Year Begins" and to change the entries in that column from "July 1, 2017" to "July 1."

Ch. 45. Legal Affairs.

Section 45-4 is amended as indicated: "It shall be the duty of the Town Counsel to conduct the prosecution, defense or compromise of claims, actions or proceedings to which the Town is a party..."

Ch. 58. Officers and Employees.

Section 58-4 is amended as indicated: "The position of Highway Surveyor will be placed on the ballot as an elected position for a ~~one-year~~ three-year term commencing with the Annual Election of ~~1971~~ 2003."

Ch. 79. Town Meetings and Elections.

Section 79-1C is amended as indicated: "The polls shall be opened at 10:00 a.m. and shall remain open until 8:00 ~~in the evening~~ p.m."

Section 79-4A is amended as indicated: "A Town caucus for the nomination of candidates for Town officers shall be held on the sixth Tuesday preceding the Annual Town Meeting at 7:00 ~~in the evening~~ p.m."

Ch. 103. Alarm Systems.

Section 103-2 is amended as indicated:

A ~~service fee~~ penalty may be assessed to the owner or tenant of a property for more than two false alarms annually that result in an emergency service response, said ~~service fee~~ penalty for each occurrence to be set at \$25 for a police response and \$50 for a Fire Department response.

Ch. 107. Alcoholic Beverages.

Section 107-1 is amended as indicated:

As prescribed by law, alcoholic beverages may be seized by the arresting authority or authority initiating prosecution; in the event the person(s) are to be summoned, seized alcoholic beverages are to be submitted to a certified state food and drug facility for testing and certification of the contents.

Ch. 112. Animal Control.

Section 112-1C is amended as indicated:

Enforcement of violations of the regulations contained herein 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~~ complaint, in writing, to the hearing authority, when applicable (MGL c. 40, § 21D).

Section 112-2.

The definition of "dangerous dog" is amended as indicated:

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 ~~or~~ would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal (MGL c. 140, § 136A).

The definition of "personal kennel" is amended to delete "XXI" from the end thereof.

Section 112-3C is amended as indicated:

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 against rabies, certification that such dog is exempt from ~~the said~~ vaccination, or a notarized letter from the veterinarian that either of these certifications was issued relative to such dog (MGL c. 140, § 137).

Section 112-5.

Subsection A is amended as indicated:

The fee for a dog license as outlined in § 112-3B of this bylaw shall be \$10 for each dog which is spayed or neutered and \$20 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 thereunder, or for a dog owned by a person aged 70 years or over, in which case, no fee shall be charged (MGL c. 140, § 139).

Subsection B is amended as indicated:

The fee for a kennel license as outlined in § 112-3I of this bylaw shall be not less than \$40, 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 case, no fee shall be charged (MGL c. 40, § 137A).

Subsection C is amended as indicated:

Violators of MGL c. 140, § 137, ~~137A~~, 137B and 138 shall be assessed a penalty of \$50 (MGL c. 140, § 141). Violators of MGL c. 140, § 137A, shall be assessed a penalty of \$500 for a first offense and not more than \$1,000 for a second or subsequent offense.

Ch. 118. Buildings and Building Construction.

Art. I. General Permit Requirements.

Section 118-4 is added to read: "Violations of this article shall be subject to a penalty as provided in Chapter 1, § 1-4."

Art. II. Numbering of Buildings.

Section 118-5 is amended as indicated:

In accordance with Chapter 291 of the ~~laws of Massachusetts Acts of 1990~~, the Town of Holland, in conjunction with Statewide Emergency Telecommunication Board, has joined the enhanced 911 service. For matters of personal and public safety, in order to assure the fastest response by emergency service personnel without undue delay, residents of the Town of Holland are required to post house numbers of sufficient height so they are visible and clearly readable from the street. For the purpose of this bylaw, sufficient height will be four inches. House numbers shall contrast with their background and shall be Arabic numerals or alphabet letters.

Art. III. Stretch Energy Code.

Section 118-10.

The definition of "International Energy Conservation Code (IECC)" is amended as indicated:

~~The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments. A building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.~~

The definition of "Stretch Energy Code" is amended as indicated:

~~Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained therein.~~ Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts State Building Code, the Stretch Energy Code is an appendix to the Massachusetts Building Code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

Section 118-12 is amended as indicated:

Buildings not included in this scope shall comply with ~~780 CMR 13, 34, N11, or Appendix AJ~~ 780 CMR Ch. 13, 780 CMR Ch. 34, 780 CMR N1100, or 780 CMR Ch. 51, Appendixes A through J, as applicable.

Section 118-14 is amended to change "Stretch Code" to "Stretch Energy Code."

Ch. 136. Hawkers, Peddlers and Vendors.

Section 136-5.

Subsection G is amended as indicated: "Should the person be found guilty of the offense, the certificate shall be revoked and no subsequent certificate shall be issued."

Subsection I is amended to change "Attorney General's Consumer Fraud Prevention Division" to "Attorney General's Public Protection and Advocacy Bureau."

Section 136-6.

Subsections A, C, G, and I are amended to change "license" to "license, registration or permit."

Subsection C is amended to change "Identification Section" to "State Identification Section."

Subsection I is amended as indicated:

The Town or any of its officers, departments, boards, committees or other licensing authorities are hereby authorized to deny any application ~~for~~, including renewals and transfers thereof, for any person who is determined unfit for the license, registration or permit, as determined by the licensing authority, due to information obtained pursuant to this chapter.

Section 136-7D is amended as indicated:

The requirement of registration and certification outlined in this chapter 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 chapter related to requirements and prohibitions are ~~not exempt~~ applicable to such persons.

Section 136-8.

Subsection A is amended as indicated:

~~A registration for certification~~ An application for certificate of registration shall be filed by utilizing the appropriate form provided by the municipality, Form 8.31, and shall be submitted with a nonrefundable application fee of \$20 by way of check or money order made out to the Town of Holland.

Subsection B is amended as indicated:

Violation by a solicitor or canvasser of any provision of this chapter shall be punishable by a fine of \$100 for each and every violation; however, violation of MGL c. 101, § 34, shall be punishable ~~by a fine of not more than 500 or imprisonment of not more than six months,~~ as provided therein.

Ch. 142. Inland Waters and Docks.

Art. I. Inland Waters.

Section 142-2 is amended to change "ordinances" to "provisions."

Section 142-5B is amended as indicated: "All power-driven vessels shall yield right-of-way to and allow proceeding with precedence for[,] all swimmers and non-power-driven vessels."

Section 142-6F is amended to change "G.L. c. 90 § 24" to "MGL c. 90, § 24I."

Section 142-7.

Subsection B is amended as indicated:

The Select Board shall be empowered to ~~amend~~ suspend the provisions outlined in this document for the purpose of allowing authorized clubs to participate in and to practice for water-ski shows.

Subsection C is amended as indicated:

The Select Board shall be authorized to place or cause to be placed signs, signals, devices and markings in the waters of and upon the lands surrounding the Hamilton Reservoir for the purpose of displaying ~~ordinances~~ rules and regulations pertaining to the utilization of such waterway.

Section 142-8E is added to read: "Violations of § 142-6A and B are punishable as provided in Chapter 1, § 1-4."

Ch. 151. Licenses and Permits.

Art. I. Denial or Revocation for Failure to Pay Taxes, Fees and Charges.

Section 151-1 is amended as indicated:

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereafter referred to as the "Tax Collector," shall annually, and may periodically, furnish to each department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve-month period~~, and that such party has not filed in good faith a pending petition before the appellate tax board or an pending application for abatement of such tax.

Section 151-2 is amended as indicated:

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than 14 days after said notice.

Section 151-5 is amended as indicated:

This article shall not apply to the following licenses and permits: open burning, MGL c. 48, § 13; ~~bicycle permits, section eleven A of chapter eighty five~~; sales of articles for charitable purposes,

MGL c. 101, § 33; children work permits, MGL c. 149, § 69; clubs, associations dispensing food or beverage licenses, MGL c. 140, § 21E; dog licenses, MGL c. 140, § 137; fishing, hunting, trapping licenses, MGL c. 131, § 12; marriage licenses, MGL c. 207, § 28; and theatrical events, public exhibition permits, MGL c. 140, § 181.

Ch. 157. Mobile Homes and House Trailers.

Section 157-1 is amended as indicated:

No house trailer, mobile home or trailer which contains sleeping and eating accommodations may be used as living quarters while so located, except that the owner or occupier of a residence which has been destroyed by fire or other natural holocaust may place a manufactured home on the site of such residence and reside therein for a period not to exceed 12 months while the residence is being rebuilt.

Section 157-3 is added to read: "Violations of this chapter shall be punishable as provided in Chapter 1, § 1-4."

Ch. 165. Open Burning.

Section 165-1 is amended to change "30 1 CMR 7 07, Section 142H" to "310 CMR 7.07."

Ch. 170. Property Maintenance.

Section 170-2 is added to read: "Violations of this chapter shall be punishable as provided in Chapter 1, § 1-4."

Ch. 183. Streets, Sidewalks and Driveways.

Section 183-2A and B(1) is amended to change "Highway Superintendent" to "Highway Surveyor."

Ch. 195. Vehicles and Traffic.

Section 195-4A is amended to change "Mass Highway" to "MassDOT, Highway Division."

Section 195-5A is amended to change "Highway Department" to "Department of Transportation."

Section 195-6.

Original Sec. 9.2.3.2, regarding temporary closure of public ways in certain circumstances, is repealed.

Subsection D is amended as indicated:

Vehicles owned by the commonwealth (~~sic~~) 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 (MGL c 40, § 22D).

Section 195-7H is amended as indicated: "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)."

Section 195-9A is amended as indicated:

Such officers are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provision of these rules, ~~provided that in~~ In the event of a fire or other emergency, to expedite traffic or safeguard pedestrians. ~~Officers,~~ officers of the Police or Fire Department may direct traffic as conditions may require, notwithstanding the provisions of these rules (MUTCD, current edition).

Section 195-13.

Subsection B is amended as indicated: "The penalty for violation of a handicapped zone restriction shall ~~contain a penalty of not less than \$100, or more than~~ be \$300 (~~M.G.L.~~ 320 CMR 2.00)."

Subsection C is amended as indicated: "~~(M.G.L.~~ 320 CMR 2.00)."

Section 195-15 is added to read: "Violations of this article shall be punishable as provided in Chapter 1, § 1-4."

Ch. 211. Wells.

Section 211-1 is amended to change "Article 11 of the state sanitary code" to "105 CMR 400.000, the State Sanitary Code."

Ch. 215. Wetlands Protection.

Section 215-7E is amended as indicated: "The ~~penalty late fee~~ associated with applications filed after work has been started or completed, or as the result of a violation and/or enforcement action, shall be \$200 in addition to all the normally incurred fees."

Article #3: Bylaw Committee Chair E. Fancy moved to accept Article 3 with the following revisions: Delete all proposed changes to c.142 Inland Waters and Docks and delete proposed changes to c.195 Vehicles and Traffic. PASSED

ARTICLE #4: To see if the Town will vote to renumber and recaption the Zoning Bylaw of the Town by (a) designating the Zoning Bylaw as Chapter 240 of the Code of the Town of Holland; (b) renumbering each section and subsection of the bylaw accordingly; (c) inserting article, section and subsection titles; and (d) updating internal references to reflect the new numbering system, all as set forth in the Final Draft of the Code of the Town of Holland dated July 2023, on file with the Town Clerk, or what it will do in relation thereto.

Article #4: Bylaw Committee Chair E. Fancy moved to Passover article 4 and refer it to the Planning Board for hearing pursuant to c.40A, s5. Passed

ARTICLE #5: To see if the Town will vote to adopt the following changes to the Zoning Bylaw as set forth in the Final Draft of the Code of the Town of Holland dated July 2023, on file with the Town Clerk, or what it will do in relation thereto.

General Revisions:

- Proper nouns are capitalized; other nouns are lowercase. The word "Town" is capitalized throughout when referring to the Town of Holland.
- Numbers one through nine are written out; numbers 10 and above, fractions, decimals, and dates appear in numeric format. ☐ Unit modifiers are hyphenated.
- Whole dollar amounts do not include the "cents" places.
- Incorrect grammar and missing punctuation are made consistent.
- References to the Massachusetts General Laws are standardized to the following format: MGL c. __, § __.
- The terms "Board of Selectmen" and "Selectmen" are amended to read "Select Board"; the terms "adult use," "adult entertainment use," and "adult entertainment business" are amended to read "adult entertainment establishment"; the terms "occupancy permit" and "occupancy certificate" are amended to read "certificate of occupancy"; the terms "Zoning By-laws," "Zoning By laws," and "Zoning Ordinance" are amended to read "Zoning Bylaw." References to "935 CMR 502.000" are deleted.

Specific Revisions:

Section 240-2.0B.

The definition of "adult use" is changed to "adult entertainment establishment" and is amended as indicated:

For the purposes of this bylaw, "~~adult use~~ adult entertainment establishment" shall be defined as any of the following: adult bookstore, adult motion-picture theater, adult paraphernalia store, adult video store, and adult live nudity establishment or any other business or establishment characterized by an emphasis depicting, describing or related to sexual conduct or excitement as defined in MGL c. 272, § 31. For the purposes of this definition, an "~~adult use~~ adult entertainment establishment" is any use or combination of uses which either have greater than 25% of the subject establishment's inventory stock; or 25% of the subject premise's gross floor area or 200 square feet, whichever is greater, devoted to materials for sale or rent distinguished by or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31.

The definition of "agriculture" is amended to change "fur animals" to "fur-bearing animals."

The definition of "open space community" is amended to change "cluster housing" to "open space residential development."

The definition of "special permit granting authority" is amended to change "Article VIII thereof" to "Article VIII hereof."

The definition of "trailer" is added to read "RV trailer."

Section 240-3.0A is amended to add "Wireless Communications Facilities Overlay District," abbreviated "WCF," to the table of districts; and to delete "SC Special Conservancy District."

Section 240-4.0A is amended to change "Holland Schedule of Use Regulations" to "Holland Schedule of Principal Uses."

Section 240-4.0B, Table 1, Holland Schedule of Principal Uses.

The column "SC" is deleted.

In "Agriculture, horticulture, floriculture, viticulture, aquaculture on parcels of land 5 acres or more," entry for "Raising of swine and fur-bearing animals," the AR District classification is changed to "Y."

In the following land classifications under "Agriculture, horticulture, floriculture, viticulture, aquaculture uses on parcels of land less than 5 acres, except for," the AR District classification is changed to "Y":

- Raising of swine and fur-bearing animals
- Commercial livestock, dairy, poultry farm
- Farm business, commercial greenhouse
- Farm stand

In the following land classifications under "Raising and keeping of horses," the AR District classification is changed to "Y":

- Raising and keeping of horses which complies with all of the standards and conditions
- Raising and keeping of horses which does not comply with all of the standards and conditions

Section 240-5.0, lead-in paragraph, is amended as indicated: "Except in the Garden Apartments District, ~~and Special Conservancy Districts~~, no more than one principal building shall be built upon any such lot."

Section 240-5.0, Table 2, Dimensional Requirements.

The title of the first heading in the table is changed from "District" to "District or Type of Development."

The title of the second column heading in the table is changed from "Minimum Dimension" to "Minimum Area Dimension."

The rows for "Special Conservancy (residential uses)" and "Special Conservancy (nonresidential uses)" are deleted.

Footnote (h) is added to the Minimum Area Dimension entry for the Residential District, to read: "The July 28, 2005, Special Town Meeting modified the minimum lot area from 1 acre to 2 acres for the Residential District."

Footnote (i) is added to the Minimum Area Dimension and Frontage entries for Agricultural-Residential and Agricultural-Residential (nonresidential uses) to read:

Article 14 of the February 15, 2007, Special Town Meeting modified the minimum lot area from 2 acres to 3 acres and the frontage from 200 linear feet to 300 linear feet for the Agricultural-Residential District and Agricultural-Residential (nonresidential uses) development type.

Footnote (b) is amended as indicated:

~~Required frontage shall be measured on an accepted public way currently maintained as such, or on a private way which, as determined by a decision of the Planning Board, is in reasonably close conformity with the standards for roads contained in the Rules and Regulations of the Holland Planning Board.~~ Required frontage shall be measured on an accepted public way currently maintained as such, or on a private way which, as determined by a decision of the Planning Board, is in reasonably close conformity with the requirements for roads according to MGL c. 41, § 81L.

A single asterisk is added to the entries for "Business (residential uses)" and "Rural-Business (residential uses)."

The note for three asterisks, which was associated with Special Conservancy residential uses and originally read "And business/residential use and rural/business use" is deleted.

Section 240-6.0.

Subsection A(1) is amended as indicated:

~~In any the~~ Garden Apartment District, the major objective will be "project areas," defined as the erection of garden-type apartment buildings, and no other building or structure shall be erected, altered or used therein in these project areas for any purpose except for such apartment buildings or customary accessory uses, including private garages.

Subsection C(1) is amended as indicated: "Residential buildings in a project area shall not exceed ~~two~~ 2 1/2 stories in height above grade."

Subsection D is amended as indicated: "Setbacks and distance between buildings for garden apartment use."

Original Sec. 6.2, Special Conservancy, is repealed.

Section 240-6.1, Floodplain Overlay District.

Subsection E is amended as indicated: "The degree of flood protection required by this ~~bylaw~~ section is considered reasonable but does not imply total flood protection."

Subsection F is amended as indicated: "If any section, provision or portion of this ~~bylaw~~ section is deemed to be unconstitutional or invalid by a court, the remainder of the ~~ordinance~~ this section shall be effective."

Subsection I is amended as indicated: "A variance from ~~these floodplain bylaws~~ this section must meet the requirements set out by state law and may only be granted if:"

Section 240-6.2.

Subsection A, definition of monopole, is amended as indicated: "The type of mount that is self-supporting with a single ~~shall~~ spire of wood, steel, or concrete and a platform (or racks) for panel antennas arrayed at the top."

Original Sec. 6.5.2, third paragraph, entry for Special Conservancy, is repealed.

Subsection D(7) is amended as indicated: "At maturity, the landscape plantings ~~must~~ must provide for a dense visual barrier throughout the year."

Subsection E(8) is amended to change "noon" in the first sentence to "12:00 noon."

Section 240-6.3B is amended as indicated:

Home occupations shall be permitted in Residential and Agricultural Residential Districts by right only if the additional standards and conditions specified in Subsection D herein are met and only if the home occupation employs more than one nonresident.

Section 240-6.4.

Subsection A is amended as indicated:

The Planning Board shall have authority to grant a special permit for the development of a major subdivision in a Residential, ~~special conservancy~~ or Agricultural-Residential District as an open space community, provided that no such permit shall be granted with respect to a plot containing less than ~~no such permit shall be granted with respect to a plot containing less than~~ 10 developable acres.

Subsections B and E are amended to change "cluster development" to "open space residential development."

Section 240-6.5A(1) is amended as indicated:

The Planning Board shall have authority to grant a special permit for the development of an assisted living development in ~~an~~ the Agricultural-Residential District as an assisted living community, provided that no such permit shall be granted with respect to a plot containing less than 10 developable acres.

Section 240-6.6.

Subsection A is amended as indicated: "This ~~Zoning Bylaw~~ section is enacted pursuant to MGL c. 40A, § 9A, regarding special permits for adult entertainment establishments."

Subsection D(2)(b) is amended as indicated: "The applicant and/or owner must disclose if they have been convicted of violating the provisions of MGL c. 119, § 63, or ~~chapter 272~~ MGL c. 272, § 28."

Subsection D(3)(b)[7] is amended as indicated: "Requirement of off-street parking or other special features beyond the minimum required by this or other applicable ~~ordinances~~ bylaws."

Subsection E(1) is amended as indicated:

Any special permit granted hereunder for an adult entertainment establishment shall lapse after ~~one year~~ two years, excluding such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or if, in the case of a permit for construction, if construction has not begun by such date except for good cause, excluding such time to pursue or await the determination of an appeal referred to in MGL c. 40A, § 17, from the grant thereof.

Subsection G is amended as indicated:

Nothing in ~~the Ordinance~~ this section is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violated any Town ~~Ordinance~~ bylaw or statute of the Commonwealth of Massachusetts regarding public nuisances, sexual conduct, lewdness, or obscene or harmful matter, or the exhibition or the public display thereof.

Subsection H(3) is amended to change "adult cabaret" to "adult live nudity establishment."

Section 240-6.8A is amended as indicated:

The purpose of the bed-and-breakfast section is to permit the utilization of homes in residential, agricultural residential, business, and rural business, ~~and special conservancy~~ districts for small home-based businesses.

Section 240-6.9B(9)(a)[1], [2], and [3] is amended to delete reference to the Conservation-Recreation District.

Section 240-6.10E(1)(c) is amended as indicated: "The slope or grade of a common drive shall in no place exceed 8% if unpaved or 12% if paved. Any amount greater will require a special permit from the Planning Board."

Section 240-7.4B(2) is amended as indicated: "The total surface area of ~~no~~ any one exterior sign on any one property shall not exceed one square foot for each linear foot of street frontage."

Original Sec. 7.6.8b, regarding parking spaces for buildings constructed in the Special Conservancy District, is repealed.

Section 240-7.7C is added to read: "Violations of this section shall be subject to a penalty of \$50 for the first offense, \$100 for the second offense, and \$200 for subsequent offenses."

Section 240-7.8

Subsection D(2) is amended as indicated: "A maximum six-inch-diameter drilled well with a minimum twenty-five-foot casing and drive shoe, equipped with a minimum 1/2 horsepower well pump to provide a ~~5-10-GPM~~ five-gpm to ten-gpm constant flow."

Subsection E(2) is amended as indicated: "Should the full amount not be utilized, the remaining balance will be returned to the developer by the Town at the end of the five-year period (~~Prior Code 5161-3~~)."

Section 240-7.9L is amended as indicated:

Dust control shall be used ~~during grading operations if the grading is to occur within 200 feet of an occupied residence or place of business. Dust control methods may consist of grading fine soils on calm days only or of dampening the ground with water~~ as provided in § 240-7.11, Development and performance standards.

Section 240-7.10B(14) is amended to change "National Board of Fire Underwriters" to "National Fire Protection Association."

Section 240-7.11D(8)(h) is amended as indicated: "Prior to the issuance of a building permit or certificate of occupancy for a medical marijuana treatment center or marijuana establishment ..."

Section 240-8.2C(2) is amended as indicated: "The Planning Board may waive the requirement for site plan approval if the Board determines that the proposed construction or alteration will have minimal effect relative to the criteria set forth in this section.

Article #5: Bylaw Committee Chair E. Fancy moved Passover article 5 and refer it to the Planning Board for hearing pursuant to c.40A, s5. PASSED

ARTICLE #6: To see if the Town will vote to raise and appropriate or transfer \$2,592.39 to pay prior fiscal year invoices, or take any other action relative thereto. (motion to state amount and vendors – 2 for highway, 1 for IT services, Staples)

Article #6: Select Board member E. Fancy moved to Transfer \$2,592.39 from Free Cash to pay prior fiscal year invoices as follows:

Amount	Vendor
\$ 320.03	Staples
\$ 375.00	Centrend
\$ 273.36	Gatehouse Media
\$ 380.00	Everblades

\$ 1,244.00	Parent Landscape
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ARTICLE #7: To see if the Town will vote to Transfer from Road Stabilization account SIXTY THOUSAND DOLLARS \$60,000 to finish paving Old County Road with top coat and berm, or take any action relative thereto.

Select Board member E. Fancy moved to Transfer \$60,000 from Road Stabilization to Road Improvement account to finish paving Old County Road with top coat and berm. PASSED

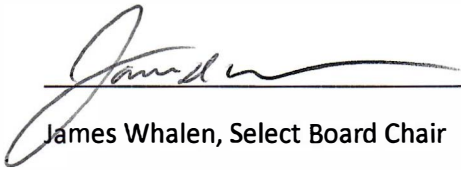
ARTICLE #8: To see if the Town will vote to amend the General Bylaw 79-1, Town Meetings and Elections, Dates of Meetings; by removing the stricken word and replacing it with the word following in bold to become effective November 15, 2023, or take any action relative thereto.


A. All business of the Annual Town Meeting, except the election of such officers and the determination of such matters as are required by law to be determined by ballot, shall be considered on the ~~third~~ **[first]** Tuesday in ~~May~~ **[June]**. [Amended 9-14-1987; amended 10-3-2017]

Select Board member E. Fancy moved to pass article 8 as printed in the warrant

And you are hereby directed to serve this warrant, by posting attested copies thereof at five (5) conspicuous places in said town, at least fourteen days (14) 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 30th day of October, in the year of our Lord, Two Thousand and Twenty-three.


James Whalen, Select Board Chair


David Mott, Constable
Scott Gendreau

A True Copy, Attest:


Valerie Lundin, Town Clerk

TOWN OF HOLLAND
TOWN CLERK
27 STURBRIDGE RD.
HOLLAND, MA 01521

**A TRUE COPY
ATTEST**