

# TOWN OF HAMPDEN

## Commonwealth of Massachusetts

County of Hampden

Town of Hampden

TO: Either of the Constables of the said Town of Hampden in said County:

Greeting: In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Hampden qualified to vote in Town Affairs, to meet at Thornton W. Burgess Middle School, Wilbraham Road, Hampden, on Monday, April 27, 2015 at seven o'clock in the evening, then and there to act on the following articles:

**Article 1. TOWN REPORTS**

To hear the Annual Town Reports of all officers of the Town and any committee whose duty it may be to report at said meeting, and act thereon, or take any other action relative thereto.

**Article 2. BUDGET**

To see if the Town will vote to fix the salary and compensation of all elective officers of the Town as provided for by Section 108 of Chapter 41, General Laws and to raise and appropriate the necessary sums to cover same, and to raise money and make appropriations to defray the expenses of the Town for the period July 1, 2015 to June 30, 2016 or take any other action relative thereto.

**Article 3. PREVIOUS BILLS**

To see if the Town will vote to authorize the payment of any departmental bills of Fiscal Year 2014 or previous years, and will vote to raise and appropriate a sum of money therefor, or take any other action relative thereto.

**Article 4. REVOLVING FUNDS FOR FISCAL YEAR 2016**

To see if the town will vote to establish the following revolving funds, in accordance with General Laws Chapter 44, Section 53E1/2, separate from the general fund and deposited with the Town Treasurer for the Town departments, sources of receipts, purposes of payment and in the maximum amounts as set forth below, or take any other action relative thereto.

**Board of Assessors:** Fees collected to defray the costs of equipment and supplies connected with public documents. \$2,500

**Board of Health:** Fees collected for issuance of licenses, permits and inspections to defray salaries of part-time employees. \$40,000

**Building Department:** Fees collected for issuance of building permits, inspection fees, including weights and measures to defray salaries and expenses of part-time employees of the Building Department and consultants. \$90,000

**Library Trustees:** Fines collected for overdue, lost and/or damaged materials to defray the costs of repairs and supplies, to purchase books and library materials and to pay wages for part time employees. \$6,000

**Council on Aging:** Proceeds from classes, programs and other fees to defray the costs of classes, supplies and other necessary expenses. \$30,000

**Tax Collector:** Monies from charges collected to defray the costs of equipment and supplies connected to public documents. \$2,500

**Fire Department:** Monies from charges collected to defray operational/training expenses and the costs of the permitting and inspection program and to defray salaries of part-time employees. \$10,000

**Cemetery Commission:** Monies from charges collected to defray the costs for grave maintenance. \$24,000

**Article 5. REVOLVING FUND REPORTS**

To see if the Town will vote to receive from each of those boards, departments and officers having charge of a revolving fund a report showing the total amount of receipts and expenditures for each revolving fund for Fiscal Year 2014 and for Fiscal Year 2015 through December 31, 2014 and also showing the amount of any increase, if any, in spending authority granted by the Selectmen and the Advisory Committee with respect to such revolving fund during Fiscal Year 2014 and Fiscal Year 2015, to date, or take any other action relative thereto.

**Article 6. ENTERPRISE FUND TRANSFER STATION**

To see if the town will vote to appropriate a sum of money from anticipated transfer station revenues and/or raise and appropriate from available funds for the purpose of funding the Transfer Station Enterprise Fund for Fiscal Year 2016, or take any other action relative thereto.

**Article 7. COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote to appropriate or reserve from the Community Preservation Annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2016 with each item to be considered a separate appropriation, or take any other action relative thereto.

**Article 8. CONSERVATION FUND**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the Conservation Fund, said fund to be used for the purpose of acquiring available land for the Town for conservation purposes, if said purchase is voted upon and approved at an Annual or Special Town Meeting prior to such purchase, or take any other action relative thereto.

**Article 9. HIGHWAY STATE AID**

To see if the Town will vote to accept a sum of money from the Commonwealth of Massachusetts under the provisions of local aid fund distribution, in accordance with Chapter 90 Section 34 of the MGL's and the Transportation Department's Chapter 90 Guidelines and be allowed to borrow in anticipation of reimbursement, or take any other action relative thereto.

**Article 10. HIGHWAY DUMP TRUCK REPLACEMENT**

To see if the town will vote to raise and appropriate and/or allow the Treasurer to borrow a sum of money to replace the 1989 Mack dump truck, with sander, or take any other action relative thereto.

**Article 11. LIBRARY ADDITIONAL STATE AID**

To see if the Town will vote that in Fiscal Year 2016, if State aid for the Library is received, this money will be made available for Library Trustees to use at their discretion, or take any other action relative thereto.

**Article 12. ASSESSORS**

To see if the Town will vote to raise and appropriate and/or transfer from available funds to the Assessor's Stabilization fund, to meet all Department of Revenue mandated programs, or take any other action relative thereto.

**Article 13. ASSESSORS**

To see if the Town will transfer from the Assessor's Stabilization Fund a sum of money for the FY2016 Department of Revenue mandated programs, or take any other action relative thereto.

**Article 14. ZONING BYLAWS – Banquet Facility**

To see if the Town will vote to add to the Zoning Bylaw in Section 2, with appropriate numbering, the following definition of banquet facility: "An establishment whose principal business is the selling of ready-to-consume food to the customer for consumption either on or off premises. Banquet Facility may not have normal business hours", and further, to amend Section 4.0 (Retail and Service Uses) of the Table of Use Regulations by adding #4.32 Banquet Facility with the following Use Designations for Zoning Districts or take any other action relative thereto:

R-6, R-4, MD – N (Use Prohibited)

B, C, LI – SPB (Use Allowed by Special Permit by the Planning Board)

FPW – N (Use Prohibited)

GR – SPB-PA (Use Allowed by Special Permit with Site Plan Approval from the Planning Board)

N-PER – N (Use Prohibited)

WSP – See Notes A and C

Standards and Conditions: See Note A and Definitions

**Article 15. ZONING BYLAWS – Restaurant**

To see if the town will vote to change in Section 2, definition 2.109, Restaurant from "an establishment whose principal business is the selling of ready-to-consume food to the customer for consumption either on or off premises to "an establishment whose principal business is the selling of ready-to-consume food to the customer for consumption either on or off premises with regular business hours", or take any other action relative thereto.

**Article 16. ZONING BYLAWS – Special Permits**

To see if the Town will vote to amend the Zoning Bylaw, Section 10.72.3a by deleting from that Section "the requirement to send a copy of the application to the Zoning Board of Appeals" so that, as amended Section 10.72.3a would read as follows: "The SPGA/SPRA shall within ten (10) days of receiving a Special Permit/Site Plan Approval/Site Plan Review application, transmit one copy each to: the Building Inspector, Board of Health, Conservation Commission, Highway Department, Historical Committee, Fire Department, Police Department, and Planning Board,

who shall review the application and submit their recommendations and comments to the SPGA/SPRA concerning”, or take any other action relative thereto.

**Article 17. ZONING BYLAWS – Buffer Strip**

To see if the Town will vote to amend the Zoning Bylaw, definition of 2.16 Buffer Strip from: “A portion of land set aside to separate the remainder of other districts from residential districts. Buffer strips shall be landscaped or left natural as required by the Planning Board and may not be used for parking areas, circulation of traffic, or for accessory buildings” to:

“2.16 Buffer Strip - A portion of land set aside to separate the remainder of other districts from residential districts”, or take any other action relative thereto.

**Article 18. ZONING BYLAWS – Golf Recreational District**

To see if the Town will vote to amend Section 6.72 of the Zoning Bylaw by deleting subsection 4(d) “Payment” which requires an application to be accompanied by a payment based on the amount of acreage covered by a preliminary or definitive plan, or take any other action relative thereto.

**Article 19. ZONING BYLAWS – Illumination Standards of Signs**

To see if the Town will vote to amend Section 7.613(3) of the Zoning Bylaw by deleting the bracketed language shown below and by adding the new underlined language shown below:

“Illumination Standards: No sign shall incorporate, or be lighted by, flashing or blinking lights, or be designed to attract attention by a change in intensity or by repeated motion. Any illumination provided for signs shall be white light only [and shall be indirect illumination only]. The light source shall be shaded from view of the premises. The illumination of lighting shall meet the approval of the Planning Board in each application.” or take any other action relative thereto.

**Article 20. ZONING BYLAWS – Add Veterinary Clinic and Veterinary Hospital:**

To see if the Town will vote to amend the zoning bylaws of the town as follows or take any other actions relative thereto;

- 1) by adding the following definitions with appropriate numbering to Section 2 of the Zoning Bylaws:

“Veterinary Clinic: A facility for the treatment of injuries and illnesses of animals that operates with posted business hours and not open 24 hours/day; except for emergency situations.”

“Veterinary Hospital: A facility for the treatment of injuries and illnesses of animals that operates 24 hours/day, seven days/week.”

- 2 ) And to amend Section 3.0 (Agricultural Uses) of the Table of Use Regulations by adding “Principal Uses Veterinary Hospital and Veterinary Clinic” with the following Use Designations for Zoning Districts.

R-6, R-4, MD – N (Use Prohibited)  
B, C, - P (Use Permitted)  
LI, FPW, GR, N-PER – N (Use Prohibited)  
WSP – See Notes A and C

**Article 21. ZONING BYLAW Add Solar Section**

To see if the Town will vote to add the following Definition 2.118 Solar Energy System(s) to Section 2 of the Zoning Bylaws; “add Solar Energy System(s) as use 6.25 with the Use Designations” as reflected below; and “add Section 7.16 Solar Energy System(s) Bylaw as reflected below”, or take any other action relative thereto:

**Definition for 2.118 Solar Energy Systems:** Any solar collector or other solar energy device, including appurtenances, mounted on a building or on the ground, the primary purpose of which is to provide for the collection, storage, conversion and distribution of solar energy for space heating or cooling, water heating or generation of electricity; and to add to Section 6.0 (Accessory Uses) of the Table of Use Regulations 6.25 Solar Energy Systems the following:

**Table of Use Regulations 6.25 Solar Energy System(s)**

R-6, R-4, MD, B, C, LI, GR, N-PER

P – Permitted Use Zones

Standards and Conditions: See Notes A and C

Special Permit Required for Systems Larger than 3,501 sq. ft.

FPW, WSP

N – Use Prohibited

**Zoning Bylaw for Section 7.16 Solar Energy System(s)**

Solar Energy System(s) are permitted as an accessory use to the principal use subject to the following requirements. Solar Energy Systems with solar energy collector panels occupying a total footprint of more than 3,500 square feet of land area shall require special permit approval from the Planning Board and the Planning Board may impose conditions reasonably appropriate to improve site design, protect the public health, safety and welfare and/or otherwise serve the purpose of this section. For the purpose of this regulation, such footprint shall be measured as the total area of the vertical projection on the ground of all panels in the installation’s most horizontal tilt position including all spaces between the panels.

The Solar Energy System(s) shall be designed for the primary purpose of supplying electrical or thermal power for the principal use and/or accessory use of the property on which the system is located, although this provision shall not prohibit a net metered solar energy system to be installed for the purpose of generating electricity on-site that is interconnected with the electric grid and which allows the on-site consumer to feed surplus electricity into the electrical grid with the approval of the local utility company. Solar Energy System may only be constructed or materially modified after the issuance of a building permit by the Building Inspector.

The Solar Energy System may be integrated into or attached to the principal structure and/or accessory building or mounted on the ground in accordance with the requirements of this bylaw and all other applicable building and electrical codes.

Roof-Mounted Solar Energy Systems shall conform to height regulations specified for the applicable principal or accessory building type in the underlying zoning district or to such other height as is determined by the Building Inspector to be essential for proper system operation provided that such height will not present any undue hardships on abutting properties. A

structural engineering report may be required by the Building Inspector documenting the structural integrity of the structure and its ability to support the proposed roof-mounted solar facility.

Ground-mounted Solar Energy Systems shall be considered structures which must comply with the following standards:

Ground-mounted Solar Energy Systems must comply with all minimum setback requirements for the Zoning District where it is to be installed except that the rear yard setback for such Systems can be reduced by one-half of the required setback in the Zones.

Ground-mounted Solar Energy Systems shall be installed as close to the ground as practicable and shall not exceed twelve (12) feet in height.

Ground-mounted Solar Energy Systems shall be designed and located to minimize adverse visual impacts on surrounding properties and, if necessary, the Building Inspector may require that the property owner make reasonable efforts to screen the system from the view of streets and abutting property.

Cessation of Use & Obsolescence: Upon Building Inspector's notice to Planning Board of cessation of Use of a Solar Energy System, said Solar Energy System shall be deemed in Decommission. At that time, said Solar Energy System shall be dismantled and removed from property, including but not limited to all unused parts thereof, accessory facilities and structures which have not been used shall be dismantled and removed at owner's expense.

**Article 22. ZONING BYLAW Add Wind Energy Conversion System(s)**

To see if the Town will vote to amend the zoning bylaws of the town by adding to Section 2 the following definition, with appropriate numbering, of Wind Energy Conversion System(s); and by adding Wind Energy Conversion System(s) as Section 6.26 in the Table of Uses "Accessory Uses" in Section 6.0, as shown below; and by adding Section 7.17 Wind Energy Conversion Systems, as shown below, or take any other action relative thereto.

**Definition for 2.138 Wind Energy Conversion System(s)**

Any wind energy collecting device or system, the primary purpose of which is to provide for the collection, conversion, storage and/or distribution of wind energy for generation of electricity, water pumping or operating mechanical devices.

**Table of Use Regulations 6.26 Wind Energy Conversion System(s)**

R-6, R-4, MD, B, C, LI, FPW, GR, N-PER, WSP,  
SPB-PA – Permitted Use Zones  
Standards and Conditions: See Notes A and C

**Zoning Bylaw for Section 7.17 Wind Energy Conversion System(s)**

Wind energy conversion system for the on-site use of and/or credit distribution of excess electricity to an electric utility, designed pursuant to applicable Town, State and Federal codes, regulations and statutes. Height limitations shall not apply to wind energy conversion systems if such systems are in no way used for living purposes.

**Cessation of Use & Obsolescence**

Upon Building Inspector's notice to the Planning Board of Cessation of Use of a Wind Energy System, said Wind Energy System shall be deemed in Decommission. At that time, said Wind Energy System shall be dismantled and removed from property, including but not limited to, all unused parts thereof, accessory facilities and structures which have not been used shall be dismantled and removed at owner's expense.

**Article 23. AUTHORIZE LEASE OF LAND FOR GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION**

To see if the Town will vote to authorize the Board of Selectmen, in the name of and on behalf of the Town, to execute a lease for 12+/- acres of land constituting the capped landfill and other land areas at the Transfer Station at Cross Road owned by the Town to a commercial solar developer for installation and operation of solar photovoltaic facilities for electric generation, for periods up to 30 years upon such other terms and conditions as determined by the Board of Selectmen; and further, to authorize the Board of Selectmen to enter into an alternative energy power purchase and/or net metering credit purchase agreement in connection with such installation for a term or terms up to thirty years, on such other terms and conditions as the Board of Selectmen deem in the best interest of the Town, and to authorize the Board of Selectmen to take all actions necessary or appropriate to administer and implement such agreements; or take any other action relative thereto.

**Article 24. AUTHORIZE AGREEMENT FOR GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION**

To see if the Town will vote, pursuant to MG c. 59, sec. 38H, to authorize the Board of Selectmen to negotiate an agreement for the taxation of real and personal property with a lessee/operator of the solar photovoltaic energy generating facility to be developed at the property described in the preceding article upon such terms and conditions as the Board of Selectmen shall deem to be in the best interest of the Town; or take any other action relative thereto.

**Article 25. SCHOOL RESOURCE OFFICER**

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of money to fund the School Resource Officer for FY15 at Minnechaug Regional High School, or take any other action relative thereto.

**Article 26. FIRE HOUSE ROOF AND APPURTENANCES**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to repair/replace the Fire House roof and appurtenances, or take any other action relative thereto.

**Article 27. MATERIALS RECYCLING FACILITY (MRF)**

To see if the Town will vote to approve a contract for five years between and among the Town of Hampden, the Massachusetts Department of Environmental Protection and Recycle America Alliance, LLC for a term ending June 30, 2020, or take any other action relative thereto.

**Article 28. COMMON CORE STANDARDS**

To see if the Town will vote to support the Federal government's Common Core standards initiative for K-12 education funded by your local tax dollars, or take any other action relative thereto.

**Article 29. POLICE STATION DELAY**

To see if the Town will vote to postpone (or delay) its commitment to the construction of the Hampden Police Station, due to current discussions regarding possible changes to the Thornton W. Burgess Middle School, or take any other action relative thereto.

**Article 30. RESERVE FUND**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the Reserve Fund, or take any other action relative thereto.

**Article 31. GENERAL STABILIZATION FUND**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to the General Stabilization Fund, or take any other action relative thereto.

**Article 32. REDUCING TAX RATE**

To see if the Town will vote to transfer from the General Stabilization Fund a sum of money for the purpose of reducing the tax rate for Fiscal Year 2016, or take any other action relative thereto.

And you are further required to notify and warn the inhabitants of the Town of Hampden qualified to vote in elections of Town Officers to meet at the Hampden Town House, 625 Main Street, Hampden, on Monday, May 4, 2015 AD at seven o' clock in the forenoon, then and there to give in their votes on one ballot to the election officers of said Town for the following officers, to wit:

*To choose for the term of one year the following:*

- 1 Moderator
- 1 Hampden Housing Authority
- 1 Planning Board member

*To choose for the term of two years the following:*

- 1 Park Commissioner

*To choose for the term of three years the following:*

- 1 Board of Selectmen
- 1 Board of Assessors
- 1 HWRSD School Committee member
- 1 Library Trustee
- 1 Cemetery Commissioner

- 2 Park Commissioners

*To choose for the term of five years the following:*

- 1 Hampden Housing Authority member
- 1 Planning Board member

Also, to choose all other necessary Town Officers.

Also to vote the following non-binding ballot questions submitted by citizen petitions:

- 1) Shall the Town of Hampden vote to support the federal government's Common Core Standards initiative for K-12 education funded by your local tax dollars?
- 2) Shall the Town of Hampden vote to postpone (or delay) its commitment to the construction of the Hampden Police Station, due to current discussions regarding possible changes to the Thornton W. Burgess Middle School?

And you are directed to serve this Warrant by posting and attested copy thereof at each of the five places designated by the Town. Hereof fail not, and make due return of this Warrant with your doings thereon, to the Town Clerk at or before the time of meeting aforesaid. Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
John D. Flynn, Chairman

\_\_\_\_\_  
Norman Charest

\_\_\_\_\_  
Vincent J. Villamaino

Board of Selectmen

I, Constable for the Town of Hampden, have on this date posted copies of the warrant for the Town Meeting to be held on April 27, 2015 at 7:00 pm in all five places as designated by the Town of Hampden.

\_\_\_\_\_  
Constable, Town of Hampden

\_\_\_\_\_  
Date

