

SPECIAL TOWN MEETING WARRANT

TOWN OF HAMPDEN

Commonwealth of Massachusetts

County of Hampden

Town of Hampden

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

Greetings: 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 **Bethlehem Baptist Church, 123 Allen Street**, Hampden, on Monday, October 24, 2016 at seven o'clock in the evening, then and there to act on the following articles:

Article 1. AUTHORIZE ALTERNATIVE ENERGY POWER PURCHASE AND/OR NET METERING CREDIT PURCHASE AGREEMENT

To see if the Town will vote to authorize the Board of Selectmen, in the name of and on behalf of the Town, to enter into an alternative energy power purchase and/or net metering credit purchase agreement for a term or terms up to thirty years, on such other terms and conditions as the Board of Selectmen deems 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 agreement; or take any other action relative thereto.

Article 2. POLICE CRUISER

To see if the Town will vote to transfer from unappropriated available funds a sum of money to purchase an Interceptor SUV cruiser for the Police Department, or take any other action relative thereto.

Article 3. POLICE STATION FURNITURE/FURNISHINGS FUNDS

To see if the Town will vote to transfer from unappropriated available funds a sum of money to pay for furniture/furnishings at the new Police Station, or take any other action relative thereto.

Article 4. TOWN HOUSE MAINTENANCE AND REPAIR/IMPROVEMENTS

To see if the Town will vote to transfer from unappropriated available funds, a sum of money for various maintenance and repair/improvements for the Town House, or take any other action relative thereto.

Article 5. SENIOR CENTER CARPET REPLACEMENT

To see if the Town will vote to transfer from unappropriated available funds a sum of money to replace the carpet at the Senior Center, or take any other action relative thereto.

Article 6. ZONING BYLAW AMENDMENT

To see if the Town will vote to amend the **Hampden Zoning Bylaw 7.16 SOLAR ENERGY SYSTEM(S)** as follows:

Add:

For Photovoltaic Facilities larger than 3,501 square feet of solar panels, the following shall apply:

<u>Array Size (KW, DC)</u>	<u>Minimum Lot Size Required</u>
250 to 650	6 Acres
Over 650 to 1,500 KW, DC	13 Acres
Over 1,500 to 3,000 KW, DC	25 Acres
Over 3,000 KW, DC	50 Acres

Minimum of 50 foot setback of Photovoltaic (PV) Panels to property line.

All areas surrounding the facility shall be fenced with a minimum of 8 foot chain link. The fence must have screen applied to the fence to blend with surrounding area. Along public way and public view the fence must be landscaped with non-deciduous shrubs, such as arborvitaes to provide additional screening. Planted height of 6 feet and maintained to 12 feet with a distance of 4 to 6 feet between shrubs.

Announcement signs, "No Trespassing" signs, and a sign with the solar facility owner's name and telephone number are required. The location of these signs will conform to the Zoning Bylaw, Section 7.6

For every square foot of PV there must be equivalent square footage of open space. This open space does not include the setback and the space aisle between the rows of PV Panels.

Amend Section 6.0 Table of Use Regulations, Use 6.25 Solar Energy System(s), Standards and Conditions, by removing "Special Permit required for systems larger than 3,501 sq. ft." or take any other action relative thereto.

Article 7. ZONING BYLAW AMENDMENT

To see if the Town will vote to amend the **Hampden Zoning Bylaw 7.14 WIRELESS COMMUNICATIONS** as follows:

Change 7.14.2A FROM

Any proposed addition of cells, antennae or panels, or replacement of a facility shall be the subject of a new application for an amendment to the Special Permit.

TO

Any proposed addition or replacement of cells, antennae or panels shall be subject to a building permit. Construction or replacement of a facility requires a Special Permit.

Change 7.14.2.A FROM

All Wireless Communication Facilities shall be protected against unauthorized access by the public.

TO

All Wireless Communication Facilities shall be protected against unauthorized access by the public.

The installation of a wireless telecommunications antenna and supporting equipment on a new or existing utility pole and/or light pole in the municipal right of way or on private land shall not be considered a Wireless Communication Facility and shall be governed only by Section 7.14.9 herof.

Change 7.14.2.B.9 FROM

Any proposed extension in the height, additional of cells, antennae or panels, construction of a new facility, or replacement of a facility shall require a new application for amendment of the special permit.

TO

Any proposed extension in the height, addition of cells, antennae or panels requires a Building permit. Construction or replacement of a facility requires a Special Permit.

Change 7.14.2.B.13 FROM

Announcement signs, "No trespassing" signs, and a sign with the owner's name and telephone number are required. The location of these signs will conform with the Zoning Bylaw, Section 7.6.

TO

Announcement signs, “No trespassing” signs, and a sign with the tower owner’s name and telephone number are required. The location of these signs will conform with the Zoning Bylaw, Section 7.6.

ADD

7.14.2B.14 The installation of a wireless telecommunications antenna and supporting equipment on a new or existing utility pole and/or light pole in the municipal right of way or on private land shall not be considered a Wireless Communication Facility Tower and shall be governed only by Section 7.14.9 hereof.

Change 7.14.4 FROM

“Commissioner”

TO

“Building Inspector”

Change 7.14.5.1 FROM

The Board of Appeals shall be the Special permit Granting Authority for all purposes under this section.

TO

The Board of Appeals shall be the Special Permit Granting Authority for proposed new tower installations.

ADD

7.14.5.4 Changes to an existing tower require a building permit from the Building Inspector.

Change 7.14.6.1 and 7.14.6.2

FROM

Special Use Permits

TO

Special Permits

Change 7.14.5.1 FROM

The Board of Appeals shall be the Special Permit Granting Authority for all purposes under this section.

TO

The Board of Appeals shall be the Special permit Granting Authority for proposed new tower installations.

Change 7.14.6.8 DELETE THE LAST SENTENCE

Any extension, addition of cells or construction of new or replacement towers shall be subject to amendment of the Special Permit following the same procedure as for an original grant of a Special Permit.

Change 7.14.8 FROM

Within thirty days after filing the application for any new tower or extension in height thereto, the applicant shall arrange to fly a balloon at the primary and an alternate site at the maximum height of the proposed installation on a weekend day between noon and sunset. The balloon shall be of size and color that can be seen from every direction for a distance of one mile. The date and location of the flights shall be advertised at least 14 days but not more than 21 days, before the flights in at least two different issues of newspapers with a general circulation in the Town of Hampden.

TO

Within thirty days after filing the application for any new tower or extension in height thereto, the applicant shall arrange to fly a balloon at the primary and an alternate site at the maximum height of the proposed installation on a weekend day for four consecutive hours. The balloon shall be of size and color that can be seen from every direction for a distance of one mile. The date, time and location of the flights shall be advertised at least 14 days but not more than 21 days, before the flights in at least two different issues of newspapers with a general circulation in the Town of Hampden.

ADD

7.14.9 UTILITY/LIGHT POLE INSTALLATIONS

1. Installation of antennae and supporting equipment on existing or new utility poles and/or light poles requires a building permit only.
2. Installation of antennae and supporting equipment on existing or new utility poles and/or light poles on municipal public ways are subject to MA G.L. Chapter 166.

The invalidity, unconstitutionality or illegality of any provision of this bylaw shall not have any effect upon the validity, constitutionality or legality of any other provision of this bylaw, or take any other action relative thereto.

Article 8. RESERVE FUND

To see if the Town will vote to transfer a sum of money from unappropriated available funds into the Reserve Fund, or take any other action relative thereto.

Article 9. REDUCING TAX RATE

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

Article 10. GENERAL STABILIZATION ACCOUNT

To see if the Town will vote to transfer a sum of money from unappropriated available funds into the General Stabilization Account, or take any other action relative thereto.

Article 11. REFERENDUM VOTE REGARDING PROPOSED AMENDMENTS TO REGIONAL SCHOOL AGREEMENT

To see if the Town will vote to make the approval of Article 12 contingent upon and subject to a majority vote at a town election at a date to be determined by the Hampden Board of Selectmen, or take any other action relative thereto.

Article 12. PROPOSED AMENDMENTS TO REGIONAL SCHOOL AGREEMENT Section III by adding the following paragraph 4 after the current Section B.3.: Introductory Paragraph:

4) Students in grades six through eight may be assigned to the unified middle school located in Wilbraham, irrespective of their residence, during school years beginning in 2017 and ending in 2022, subject to extension as may be allowed in this agreement or through further amendment of this Agreement.

So that Section IV.D.3 shall read as follows:

All expenses in the nature of capital outlay for the leased elementary and middle schools such as the cost of acquiring land, the cost of construction, reconstructing, and addition to buildings, and the cost of remodeling or making extraordinary repairs to a school building or buildings, including without limitation the cost of the original equipment and furnishings for such buildings or additions, plan, architects' and consultants' fees, grading and other costs incident to placing school buildings and additions and related premises in operating condition as well as payment of principal and interest on bonds, notes or other obligations issued by a Member Town(s) to finance capital costs shall be the responsibility of the town(s) in which the elementary and/or middle school(s) is located, provided, however, that during such time as students of both Member Towns attend a unified middle school, expenses in the nature of capital outlay for the unified middle school shall be apportioned to the Member Towns as provided in Section E for Operating Costs, subject to the provisions of Section IX.A herein.

At Section IX by adding the following to Section IX.A:

The lease between the Regional District and Member Towns for the schools shall continue with expense allocations modified as follows:

Operating expenses and expenses in the nature of capital outlay, including those incurred for the unified middle school and maintenance expenses for the Thornton W. Burgess Middle School in Hampden, shall be apportioned to the Member Towns as provided in Section IV.E of the Agreement. Notwithstanding the foregoing, Hampden shall bear no responsibility for any roof replacement at the unified middle school, and provided further that any capital expenditures unrelated to the unification of the middle school shall be apportioned to Hampden on a pro rata basis based upon the occupancy years of the Hampden students at the middle school and the reasonable life expectancy of the capital improvement, or take any other action relative thereto.

And you are directed to serve this Warrant by posting an 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 the meeting aforesaid. Given under our hands this 6th of October 2016.

John D. Flynn

Norman Charest

Vincent J. Villamaino

Board of Selectmen

I, **Dennis Hackett**, Constable for the Town of Hampden, have on this date; October 6th, 2016 posted copies of the warrant for the Town Meeting to be held on October 24th at 7:00 pm in all five places as designated by the Town of Hampden.

Dennis Hackett, Constable, Town of Hampden