

Item No.	Fiscal 1991 Expended	Fiscal 1992 Appropriated	Fiscal 1993 Requested	Fiscal 1993 Recommended	
53.0	Fire Department				
53.1	478	478	502		
53.2	120	120	1000		
53.3	17942	18000	18500		
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	Total Fire Department	\$18,540	\$18,598	\$20,002	\$0
54.0	Forrest Fires	\$950	\$1,300	\$1,300	
55.0	Forrest Fire Warden	\$313	\$313	\$329	
56.0	Health, Board of				
56.1	Salary	2276	2276	2276	
56.2	Expenses	3864	4516	4516	
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	Total Board of Health	\$6,140	\$6,792	\$6,792	\$0
57.0	Police				
57.1	Chiefs' Salary	39887	39887	39887	
57.2	Salaries	367939	369759	396208	
57.3	Maintenance of Cruisers	11300 (8)	7000	8500	
57.4	Other Expenses	15208	15225	20275	
57.5	New Cruiser	14000	30000	30000	
57.6	Training	11997	12000	12000	
57.7	Equipment	800	800	3432	
57.8	LEAA Funds	250	250	250	
58.0	Other Police Accounts				
58.1	Elections	560	560	1043	
58.2	Towing	0	250	250	
59.0	Parking Clerk	0	0	0	
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	Total Police	\$461,941	\$475,731	\$511,845	\$0
	Total Protection	\$493,869	\$510,333	\$547,867	\$0

NOTE: (8) Includes Transfer of \$2300.00 from Reserve Fund.

Item No.		Fiscal 1991 Expended	Fiscal 1992 Appropriated	Fiscal 1993 Requested	Fiscal 1993 Recommended
60.0	Administration	\$93,523	\$90,198	\$93,762	
61.0	Instruction	\$1,659,226	\$1,662,932	\$1,836,430	
62.0	Other School Services	\$134,184	\$111,102	\$121,832	
63.0	Operation and Maintenance	\$236,163	\$261,841	\$275,967	
64.0	Community Programs	\$123	\$300	\$300	
65.0	Aquisition of Fixed Assets	\$6,859	\$2,800	\$15,400	
66.0	Programs with Other Districts	\$119,271	\$120,202	\$131,070	
	Total Local School Operation	\$2,249,349	\$2,249,375	\$2,474,761	\$0
67.0	Special Accounts				
67.1	Labor Relations	4000	3500	3500	
67.2	Unemployment Compensation	3000	10000	6000	
67.3	Energy Conservation	2473	4000	6000	
67.4	Asbestos Management	756	1000	3000	
	Total Special Accounts	\$10,229	\$18,500	\$18,500	\$0
	Total Local School	\$2,259,578	\$2,267,875	\$2,493,261	\$0
69.0	Regional School District				
69.1	Assesments	\$972,533	\$854,585 (11)	\$1,160,760	
	Total Schools	\$3,232,111	\$3,122,460	\$3,654,021	\$0
	Sub Total	\$4,728,445	\$4,638,737	\$5,329,291	
70.0	Local Government Debt				
70.1	Principal	\$280,000	\$280,000	\$280,000	
70.2	Interest	\$105,600	\$88,520	\$71,300	
70.3	Fire Truck	\$0	\$31,500	\$31,500	
	Total Local Government Debt	\$385,600	\$400,020	\$382,800	\$0
	Grand Total	\$5,114,045	\$5,038,757	\$5,712,091	\$0

NOTE: (11) Reflects Final Revised Assesment.

TOWN OF HAMPDEN  
COMMONWEALTH OF MASSACHUSETTS

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 Burgess School, Wilbraham Road, Hampden, on Monday, April 27, 1992 at eight o'clock in the evening, then and there to act on the following articles:

REPORTS           ARTICLE 1.       To hear the Annual Reports of all the officers of the Town and any committee whose duty it may be to report at said meeting, and act thereon.

BUDGET           ARTICLE 2.       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, 1992 to June 30, 1993.

PREVIOUS  
BILLS           ARTICLE 3.       To see if the Town will vote to authorize the payment of any departmental bills of the year 1990-1991 or previous years, and will vote to raise and appropriate a sum of money therefore.

HIGHWAYS

ARTICLE 4. To see if the Town will vote to raise and appropriate a sum of money for necessary road work on North Road, South Road, and Bennett Road or other roads as necessary, any part of such expenditures reimbursed by the Commonwealth of Massachusetts to be used to discharge any borrowing done in anticipation of such reimbursement from the Commonwealth, or take any other action relative thereto.

HIGHWAY  
DUMP TRUCK

ARTICLE 5. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the purchase of a 1992 35,000 GVW single axle truck, dump body, plow hitch, hydraulics, and sander with trade-in of present 1973 Diamond-Reo dump truck or take any other action relative thereto.

GASOLINE  
UNDERGROUND  
STORAGE  
TANKS

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the purchase of one underground storage tank to house gasoline replacing the current 20 year old tank; and updating the diesel tank as required by State law, or take any other action relative thereto.

ZONING  
BY-LAW

ARTICLE 7. To see if the Town will vote to amend the Zoning By-Laws of the Town by deleting the existing Section 6.1.1.7 in its entirety and replacing it with the following:

CLARIFICATION  
RESIDENTIAL  
ACCESSORY USE

6.1.1.7 Accessory uses, including such normal accessory uses as private garages, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces. Private garages shall be limited to as many stalls plus one (1) as there are bedrooms in the dwelling to which it is accessory, provided that if the ground floor area of any accessory use, including private garage, exceeds one-half ( $\frac{1}{2}$ ) the ground floor area of the main building, site plan approval shall be obtained as provided under paragraphs 7.7 through 7.7.10. Parking of commercial or commercial-class vehicles shall be permitted subject to the limitation that only one commercial class I or class II vehicle (as defined in the State Registry of Motor Vehicles regulations) shall be allowed per dwelling; no tractor-trailer combinations shall be permitted.

or take any other action relative thereto.

ZONING  
BY-LAW

ARTICLE 8. To see if the Town will vote to amend the Zoning By-Laws of the Town by deleting the existing Section 7.8 in its entirety and replacing it with the following:

EARTH REMOVAL  
SPECIAL  
PERMIT

7.8 EARTH REMOVAL

Except as otherwise provided in this section, there shall be no removal from the premises in any district of earth, loam, sand, gravel, clay or quarry stone, except as follows:

1. Town Uses: In all districts, except for the Flood Plain and Recreational districts, the Building Inspector may issue permits for the removal of earth, loam, sand, gravel, clay or quarry stone from the premises in cases where such material is for use by the Town.
2. Residential District - Limited: In residential districts, the Building Inspector may issue a permit for removal of no more than 50 cubic yards of fill from the premises, provided such fill results from construction of a foundation, swimming pool, or driveway, for which a building permit has been issued. A permit issued under the provision shall be valid for one month.

3. Residential District: The Board of Appeals may, after a public hearing, issue a special permit for the removal of surplus material resulting from bona fide construction, landscaping, or agricultural land improvement being executed on the premises, providing that no rock crushing will be permitted in a Residential District, and also provided that permits filed for a Residential District for a stated purpose shall not exceed one year with repetitive petitions permitted only after a concurring vote of a majority of the members of the Planning Board and a concurring vote of all members of the Board of Appeals. Such permits shall be subject to the provisions of Section 7.8.5.
4. Districts Other than Residential: The Board of Appeals may, after a public hearing at which the Planning Board may submit a report, issue a special permit for the removal of earth, loam, sand, gravel, clay or quarry stone in any zone, other than Residential, subject to the provisions of Section 7.8.5.
5. Permits issued by the Board of Appeals (those under Sections 7.8.3 and 7.8.4) shall be subject to the following requirements:
  1. The applicant shall submit a plan prepared by a registered Professional Engineer or registered Land Surveyor. This plan must show existing grades on the parcel of land, together with proposed grades at the conclusion of the operation. The plan shall provide for proper drainage of the area during and after the period of operation and for restoration of the site upon completion of the operation.
  2. In all districts, every slope and bank above or below natural grade must be prepared at the end of each working day so that it does not exceed one (1) foot of vertical distance in each two (2) feet of horizontal distance.
  3. The Board of Appeals shall impose such additional conditions as may in its judgment be for the protection of health, safety, and welfare of the inhabitants of the Town. Such conditions may include, but not be limited to, restrictions on use of roads and routing of vehicles, hours of operation; storage of operating equipment; restrictions on impoundment of water and slopes of banks; minimum distance of operation from any residential lot line; fences, streams and other safety measures required during this period of operation, and the restoration of the area where necessary.

ZONING  
BY-LAW

ARTICLE 8. (continued)

EARTH REMOVAL  
SPECIAL  
PERMIT

4. The Building Inspector or other agent designated by the Board of Appeals shall inspect each operation at least once a month or as otherwise required, and report on his inspection to the Board of Appeals. The cost to the Town of such inspections shall be billed to and paid for by the holder of the permit.
5. Before endorsement of approval of any plan under Section 7.8., the Board of Appeals may require the petitioner to contract with the Town of Hampden, to complete all the requirements as set forth by the Board, such completion to be secured by the petitioner either filing a performance bond or a deposit of money or negotiable securities in an amount determined by the Board of Appeals, to be sufficient to cover the cost of all or any part of the requirements specified by the Board of Appeals. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel and as to securities by the Town Treasurer and shall be contingent on the completion of such requirements within one (1) year of the date of such bond.
6. Earth Removal Permits shall be issued for a period not to exceed one year. A public hearing shall be held before a permit is renewed by the Board of Appeals.

or take any other action relative thereto.

ZONING  
BY-LAW

ARTICLE 9. To see if the Town will vote to amend the Zoning By-Laws of the Town of Hampden by adding the following section:

LARGE LOT  
SPECIAL  
PERMIT

Section 7.2.

4. The Board of Appeals may, after a public hearing at which the Planning Board shall submit a report indicating its concurrence, issue a Special Permit waiving the requirements of Table 7.2 for lots with substandard frontage in Districts R-4 and R-6, providing the lot (113)

ZONING  
BY-LAW

ARTICLE 9. (continued)

LARGE LOT  
SPECIAL  
PERMIT

meets the following alternative requirements:

Minimum lot area:	8 acres
Minimum square footage within 150 feet of street:	9,000 square feet
Minimum lot frontage:	60 feet
Minimum front setback:	120 feet
Minimum side setback:	100 feet
Minimum rear setback:	100 feet

The Board of Appeals, in making a decision on the Special Permit, must consider:

1. Protection of adjoining premises against any possible detrimental or offensive uses on the site, including unsightly or obnoxious appearance.
2. Convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements.

and by inserting in Section 9.1 the number "7.2.4" after "SECTION 4.3, 6.1.2, 6.2.2, 6.5.2, 6.7.2" and before "and 7.8".

or take any other action relative thereto.

WETLANDS  
PROTECTION  
BY-LAW

ARTICLE 10. To see if the Town will vote to adopt a Wetlands Protection By-Law to fill the gaps in state wetlands protection and to provide the Town greater control over permitting for projects that could potentially effect Hampden's water resources.

TOWN OF HAMPDEN

WETLANDS PROTECTION BY-LAW

Section 1: PURPOSE

The purpose of this by-law is to protect the Wetlands, related water resources and adjoining land areas of the Town of Hampden by prior review and control of activities found by the Conservation Commission (hereinafter "Commission") likely to have a significant or cumulative effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, prevention of water pollution, fisheries, wildlife, wildlife habitat, rare or endangered species, recreation and protection of water quality; these values are to be known collectively as the "wetland values protected by this by-law."

Section 2: JURISDICTION

Except as permitted by the Commission or as provided in the by-law, no person shall remove, fill, dredge, build upon or alter the following resource areas: waterbodies including streams, brooks, creeks, rivers, ponds and lakes; land under any of the waterbodies listed above; any bank bordering on a waterbody; wetlands, whether associated with a waterbody or not and including wet meadows, marshes, swamps and bogs, vernal pools; and land subject to flooding.

In addition, except as provided in this by-law, no one shall alter land within 100 feet of a resource area listed above, if such an alteration will significantly impair the ability of that resource area to provide habitat for wetlands-dependent wildlife.

Section 3: EXCEPTIONS

The application and permit required by this by-law shall not be required for maintaining, repairing or replacing but not substantially changing or enlarging, an existing or lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services, sanitary sewers and storm sewer, provided that written notice has been given to the Commission at least forty-eight hours prior to commencement of work, and provided that the work conforms to perform-

ARTICLE 10. (continued)

Section 3: EXCEPTIONS (continued)

ance standards and design specifications in regulations adopted by the Commission.

The application and permit required by this by-law shall not apply to emergency projects necessary for the protection of the health or safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof, provided that advance notice, oral or written has been given to the Commission prior to commencement of work or within twenty-four hours after commencement, provided that the Commission or its agent certifies the work as an emergency project, provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency, and provided that within twenty-one days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided in this by-law. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify any emergency project approval and order restoration and mitigation measures.

The Commission may exempt by regulation the application of this by-law to work performed for normal maintenance or improvement of land actively devoted to agricultural use at the time of the application, provided that such regulations are consistent with the provisions applying to agricultural exemptions in the Regulations promulgated in the Wetlands Protection Act, General Laws Chapter 131, Section 40 (hereinafter "the Wetlands Protection Act.")

Section 4: CONSULTANT FEES

The Commission is authorized to require any applicant to pay the reasonable costs and expenses borne by the Commission for specific expert engineering and consultant services deemed necessary by the Commission to review an application, Notice of Intent, as described in paragraphs 1 through 4 below. Said payment can be required at any point in the deliberations prior to a final decision rendered. Said services may include but are not necessarily limited to wetlands survey and delineations, hydrogeologic and drainage analyses, wildlife habitat evaluation and environmental land use law. The Commission may require the applicant to pay fees directly to the consultant designated by the Commission, not to exceed the following:

WETLANDS  
PROTECTION  
BY-LAW

ARTICLE 10. (continued)

1. Projects proposing alteration of up to 1,500 square feet of land abutting a resource area (including the 100 foot buffer zone), the consultant fee shall not exceed \$100.00.
2. Projects proposing alteration of 1,500 to 2,500 square feet of land abutting a resource area (including the 100 foot buffer), or up to 2,500 square feet of land under water bodies or land subject to flooding, or up to 50 linear feet of bank, the consultant fee shall not exceed \$400.00.
3. Projects proposing alteration of 2,500 to 10,000 square feet of land under waterbodies, land subject to flooding or land abutting a resource area (including the 100 foot buffer), 50 to 200 linear feet of bank, or up to two vernal pools, or up to 5,000 square feet of wetland, the consultant fee shall not exceed \$1,000.00.
4. Projects proposing more than 10,000 square feet of alteration of land under water bodies, land subject to flooding or land abutting a resource area (including the 100 foot buffer), more than 200 linear feet of bank, more than two vernal pools, or more than 5,000 square feet of wetland, the consultant fee shall not exceed \$5,000.00.

Projects which entail unforeseen complications or which may require the expertise of multiple experts may, upon the determination of the Commission, exceed the fee limits as outlined above.

The minimum qualification of the consultant chosen by the Commission shall consist of an educational degree in or related to the field at issue or three or four years of practice in the field at issue or a related field. Hourly fees charged by Consultants shall be made available to the applicant at the applicant's request.

Section 5: APPLICATIONS FOR PERMITS & REQUEST FOR DETERMINATION

Written application shall be filed with the Commission to perform activities regulated by this by-law affecting wetland values protected by this by-law. The application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects upon the environment. No activities shall commence without receiving and complying with a permit, or a negative determination of applicability issued pursuant to this by-law.

ARTICLE 10. (continued)

The Commission in an appropriate case may accept as the application and plans under this by-law the Notice of Intent and plans filed under the Wetlands Protection Act.

At the time of an application or request, the applicant shall pay a filing fee specified in regulations of the Commission. This fee is in addition to that required by the Wetlands Protection Act. The Commission may waive the filing fee for an application or request filed by a government agency and may waive the filing fee for a request for determination filed by a person having no direct or indirect financial connection with the property which is the subject of the request.

Any person desiring to know whether or not a proposed activity or an area is subject to this by-law may request in writing a determination from the Commission. Such a request for determination shall contain data and plans specified by the regulations of the Commission.

The Commission in an appropriate case may accept as the request under this by-law the Request for Determination of Applicability filed under the Wetlands Protection Act.

Section 6: PUBLIC NOTICE AND HEARINGS

Any person filing an application or a request for determination with the Commission at the same time shall give written notice thereof, by certified mail (return receipt requested or hand delivery) to the owner of the land if other than the applicant, to abutters of the land to their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice to abutters shall enclose a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters free of charge. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

The Commission shall conduct a public hearing on any application or request for determination, with written notice given at the expense of the applicant, five working days prior to the hearing, in a newspaper of general circulation in the community. The Commission in an appropriate case may combine its hearing under this by-law with the hearing conducted under the Wetlands Protection Act.

ARTICLE 10. (continued)

The Commission shall commence the public hearing within twenty-one days from receipt of a completed application or request for determination, unless the applicant extends the twenty-one day time period by a signed written waiver.

The Commission shall have authority to continue the hearing to a date certain announced at the hearing or to an unspecified date, for reasons stated at the hearing, which may include the receipt of additional information offered by the applicant or others, information and plans required of the applicant, deemed necessary by the Commission in its description, or comments and recommendations of boards and officials in Section 7. If a date for continuation is not specified, the hearing shall reconvene within twenty-one days after the submission of a specified piece of information or the occurrence of a specified action. The date, time and place of said continued hearing shall be published in a newspaper of general circulation in the community five working days prior to the continuation, at the expense of the applicant, and written notice shall be sent to any person who so requests in writing.

The Commission shall issue its decision or determination in writing within twenty-one days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

Section 7: COORDINATION WITH OTHER BOARDS

Any person filing a permit application or a request for determination with the Commission shall provide written notice thereof at the same time, by certified mail or hand delivery, to the Board of Selectmen, Planning Board, Zoning Board of Appeals, Board of Health, Town Engineer, Building Inspector and Highway Department. The Commission shall not take final action until such boards and officials have had fourteen days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account but which shall not be binding on the Commission. The applicant shall have the right to receive any such comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

Section 8: PERMITS, DETERMINATIONS AND CONDITIONS

The Commission shall have the authority, after a public hearing, to determine whether a specified parcel of land contains or does not contain resource areas protected under this by-law. If the Commission finds that no such resource areas are present, it shall issue a negative determination.

WETLANDS  
PROTECTION  
BY-LAW

ARTICLE 10. (continued)

If the Commission, after a public hearing on the permit application, determines that the activities which are the subject of the application are likely to have a significant or cumulative detrimental effect upon the wetland values protected by this by-law, the Commission, within twenty-one days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions.

If the Commission determines that the activities which are the subject of the application are not likely to have a significant or cumulative detrimental effect upon the wetland values protected by this by-law, the Commission shall issue a permit without conditions within twenty-one days after the public hearing.

The Commission is empowered to deny a permit for failure to meet the requirements of this by-law; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent significant or cumulative detrimental effects upon the wetland values protected by this by-law; and where no conditions are adequate to protect those values. Due consideration shall be given by the Commission to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

A permit shall expire three years from the date of issuance, and all work shall be completed prior to expiration. The Commission may, upon good cause shown, extend a permit once for an additional one year period.

No work proposed in any application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the registry of Deeds, or, if the land affected thereby be registered land, in the registry section of the land court for the district wherein the land lies, by the holder of the permit or, if provided in regulations of the Commission, by the Town of Hampden and until the holder of the permit certifies in writing to the Commission that the permit has been so recorded or the Town of Hampden has recorded said permit.

For good cause the Commission may revoke or modify a permit issued under this by-law after notice to the holder of the permit, notice to the public, abutters and town boards and officials pursuant to Sections 6 and 7 and public hearing.

ARTICLE 10. (continued)

The Commission in an appropriate case may combine the permit or other action on an application issued under this by-law with the Order of Conditions or other action issued under the Wetlands Protection Act.

Section 9: PREACQUISITION VIOLATION

Any person who purchases, inherits or otherwise acquires real estate upon which work has been performed in violation of the provisions of this by-law or in violation of any order issued pursuant to this by-law shall forthwith comply with any such order or restore such land to its condition prior to any such violation. This section does not operate to relieve a prior owner from liability of any violations of this by-law and the subsequent regulations.

Section 10: REGULATIONS

The Commission shall adopt regulations needed to implement the provisions of this by-law. These regulations shall be consistent with the terms of this by-law. The Commission may amend the rules and regulations after public notice and public hearing. Prior to the adoption of said regulations, the Commission shall hold at least two public hearings duly advertised and publish a synopsis of the regulations in a newspaper of general circulation at least thirty days before implementation.

Unless otherwise stated in this by-law or in the rules and regulations promulgated under this by-law the definitions, procedures and performance standards of the Wetlands Protection Act and associated Regulations, 310 CMR 10.00, in effect as of the effective date of this by-law, shall apply. No regulation adopted by the Commission shall have the effect of imposing more stringent definitions, procedures and performance standards than those issued under the Wetlands Protection Act unless the Commission first makes a written finding setting forth the basis for the adoption of more stringent standards and prior to any public hearing on such regulations, expressly notifies all town boards and officials entitled to receive notice of a public hearing of its intention so that such other boards may have an opportunity to participate in the drafting of such rules. Such regulations shall not expand upon the jurisdiction granted to the Commission under this by-law. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this by-law.

ARTICLE 10. (continued)

Section 11: BURDEN OF PROOF

The applicant for a permit shall have the burden of proving by a preponderance of credible evidence that the work proposed in the application will not have unacceptable significant or cumulative effect upon the wetland values protected by this by-law. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

Section 12: DEFINITIONS

All terms, unless otherwise specified in this section, are as defined in the Massachusetts Wetlands Protection Act MGL C131 S40 and Regulations 310 CMR 10.00.

"Wetlands" are lands where the water table is usually at or near the surface or the land is covered with shallow water. As such, wetlands must have one or more of the following three attributes: 1) at least periodically, the land supports predominantly wetland plants, 2) the substrate is predominantly undrained hydric soil, and 3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.

"Vernal pool" means a confined basin depression which, at least in most years, holds water for a minimum of 2 continuous months during the spring and/or summer, and which is free of adult fish populations. These areas are essential breeding habitat, and provide other extremely important wildlife habitat functions during non-breeding season as well, for a variety of amphibian species and are important habitat for other wildlife species.

"Water-dependent wildlife" is a term for species that may use non-wetland habitats, but occur in wetlands a preponderance of the year, or which have critical life requirements met by wetlands that are not provided by non-wetlands.

The Commission may adopt additional definitions not inconsistent with Section 12 in its regulations promulgated pursuant to Section 10 of this by-law.

Section 13: SECURITY

As part of a permit issued under this by-law, in addition to any security required by any other municipal or state board, agency or official, the Commission may require that the performance and observance of the conditions imposed hereunder

ARTICLE 10. (continued)

be secured wholly or in part by a proper bond or deposit of of money or negotiable securities, including letter of credit, or other undertaking of financial responsibility sufficient in the opinion of the Commission and payable to the Town of Hampden.

Section 14: APPEALS

Anyone taking issue with a decision of the Commission, in issuing a determination of applicability or permit, may within ten (10) days of the decision appeal to the Board of Selectmen. This appeal shall state grounds for the appeal and the Board of Selectmen, on consideration of those arguments, may decide to request the Commission to reconsider the decision at issue. Such request by the Board of Selectmen shall be binding in as much as the Commission must reconsider its decision, but any final decision will be solely the responsibility of the Commission.

The Commission, within 21 days of receiving the request for reconsideration from the Board of Selectmen, will open an appeals hearing to consider arguments related to the decision. The Commission may extend the hearing for the purpose of receiving additional information. Upon the close of the appeals hearing, the Commission will issue a final decision within 21 days.

Section 15: ENFORCEMENT

The Commission, its agents, officers and employees shall have the authority to enter upon privately owned land for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as the Commission deems necessary.

The Commission shall have authority to enforce this by-law, its regulations, and permits issued thereunder by violation notices, administrative orders and civil and criminal court actions.

Upon petition of the Commission, the Board of Selectmen and Town Counsel may take such legal action as may be necessary to enforce this by-law and permits issued pursuant to it under civil law. Upon request of the Commission, the Chief of Police may take legal action for enforcement under criminal law.

Any person who violates any provision of this by-law or any condition of a permit issued pursuant to it shall be punished (123)

WETLANDS  
PROTECTION  
BY-LAW

ARTICLE 10. (continued)

by a fine of not more than three-hundred (\$300.00) dollars. Each day or portion thereof during which a violation continues shall constitute a separate offense. This fine may be in addition to any levied under the Wetlands Protection Act.

In the alternative to criminal prosecution, the Commission may elect to utilize the non-criminal disposition procedure known as the "ticketing" approach set forth in G.L.C. 40, Sec. 21D. The fine for any violation disposed of through this procedure shall be two hundred (\$200.00) dollars for each offense. Each day or portion thereof during which a violation continues shall constitute a separate offense. This fine may be in addition to any levied under the Wetlands Protection Act. For purposes of non-criminal disposition, any member of the Commission, Police Officers and Environmental Police Officers shall all be enforcing persons.

Section 16: RELATION TO THE WETLANDS PROTECTION ACT

This by-law is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act and the Regulations thereunder.

Section 17: SEVERABILITY

The invalidity of any section or provision of this by-law shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

Section 18: EFFECTIVE DATE

Effective date is April 28, 1992.

or take any other action relative thereto.

CONSERVATION  
COMMISSION

RESTRICTED  
FUND

ARTICLE 11. To see if the Town will vote to approve the Conservation Commission's use and expenditure of fees received from the filing of Notices of Intent in order to defray its expenses as allowed under Section 54 of Chapter 287 of the Acts of 1989 amending Chapter 131, Section 40, or take any other action relative thereto.

CONSERVATION  
FUND

ARTICLE 12. To see if the Town will vote to raise and appropriate 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 Annual or Special Town Meeting prior to such purchase, or take any other action relative thereto.

SANDY PINES  
ESTATES

ANDREW  
CIRCLE

ARTICLE 13. To see if the Town will vote to authorize the Board of Selectmen, by virtue of Chapter 79 of the General Laws, to take, in fee simple for highway purposes, the following street as recommended by the Planning Board, including easements relating thereto: ANDREW CIRCLE;

Beginning at a point where the westerly line of Stony Hill Road intersects with the southerly line of Andrew Circle, said point being the northeasterly corner of land now or formerly of Adolph Cebula; thence running,

N 79 53' 30" W along the southerly line of Andrew Circle a distance of 331.05 feet; thence running,

SOUTHWESTERLY by a curve to the left having a radius of 120.00 feet a distance of 188.50 feet to a point; thence running,

S 10 06' 30" W along said Andrew Circle a distance of 300.00 feet to a point; thence running,

SOUTHWESTERLY by a curve to the right having a radius of 180.00 feet a distance of 282.74 feet to a point; thence running,

SANDY PINES  
ESTATES

ANDREW  
CIRCLE

ARTICLE 13. (continued)

WESTERLY by a curve to the right having a radius of 265.00 feet a distance of 64.75 feet to a point; thence running,

N 65 53' 30" W a distance of 25.00 feet to a point, thence running,

SOUTHWESTERLY by a curve to the left having a radius of 55.00 feet a distance of 45.27 feet to a point; thence running,

NORTHWESTERLY by a curve to the right having a radius of 70.00 feet a distance of 167.56 feet to a point; thence running,

NORTHEASTERLY by a curve to the right having a radius of 70.00 feet a distance of 167.57 feet to a point; thence running,

SOUTHEASTERLY by a curve to the left having a radius of 55.00 feet a distance of 45.27 feet to a point; thence running,

S 65 53' 30" E a distance of 25.00 feet to a point; thence running,

EASTERLY by a curve to the left having a radius of 205.00 feet a distance of 50.09 feet to a point; thence running

NORTHEASTERLY by a curve to the left having a radius of 120.00 feet a distance of 188.50 feet to a point; thence running,

N 10 06' 30" E a distance of 300.00 feet to a point; thence running,

NORTHEASTERLY by a curve to the right having a radius of 180.00 feet a distance of 282.74 feet to a point; thence running,

S 79 53' 30" E a distance of 335.32 feet to a point situated on the westerly line of Stony Hill Road; thence running,

S 14 11' 03" W along said Stony Hill Road a distance of 60.15 feet to a point, the place of beginning.

The above described parcel of land being all as shown on PLAN RECORDED IN HAMPDEN COUNTY REGISTRY OF DEEDS BOOK OF PLANS 270 PAGE 118 and is subject to easements as shown on said mentioned plan.

SANDY PINES  
ESTATES

ARTICLE 13. (continued)

ANDREW  
CIRCLE

Being part of the premises conveyed to T & M Construction Corporation by deed of Joyce A. Berg dated March 22, 1990, and recorded in the Hampden County Registry of Deeds Doc. No. 16237, Book 7414 Page 298, or take any other action relative thereto.

COUNTRY CLUB  
DRIVE

ARTICLE 14. To see if the Town will vote to authorize the Board of Selectmen, by virtue of Chapter 79 of the General Laws, to take, in fee simple for highway purposes, the following street as recommended by the Planning Board, including easements relating thereto:

Country Club Drive is particularly bounded and described as follows:

Beginning at a point on the southeasterly corner of said Country Club Drive abutting other land of the Town of Hampden thence running:

- N 38° 52' 30" E one hundred ninety-eight and 01/100 (198.01) feet thence running,
- NORTH along a curve a radius of 390.00 feet with an arc distance of 240.28 feet to a point thence running
- N 03° 34' 30" E one hundred sixty-eight (168) feet to a point thence running
- NORTHERLY along a curve a radius of seven hundred sixty-five (765) feet with an arc distance of two hundred seven and 17/100 (207.17) feet thence running
- N 11° 56' 30" W one hundred seventy-three (173) feet to a point thence running
- NORTHERLY along a curve a radius of four hundred forty (440) feet with an arc distance of one hundred twenty-five and 27/100 (125.27) feet to a point thence running

COUNTRY CLUB  
DRIVE

ARTICLE 14. (continued)

N 85° 37' 47" W sixty (60) feet to a point thence running  
SOUTHERLY along a curve a radius of five hundred  
(500) feet a distance of one hundred forty-  
two and 35/100 (142.35) feet to a point  
thence running  
S 11° 56' 30" E a distance of one hundred seventy-three  
(173) feet thence running  
SOUTHERLY along a curve with a radius of seven  
hundred five (705) feet a distance of one  
hundred ninety and 22/100 (190.22) to a  
point thence running  
S 03° 34' 30" W a distance of one hundred and sixty-eight  
(168) feet to a point thence running  
SOUTHERLY along a curve with a radius of three  
hundred thirty (330) feet a distance of two  
hundred three and 31/100 (203.31) feet to a  
point thence running  
S 38° 52' 30" W a distance of two hundred forty-eight and  
40/100 (248.40) feet to a point thence  
running  
N 88° 51' 00" E seventy-eight and 35/100 (78.35) feet to the  
point of beginning

Being a portion of the premises described in deeds dated  
April 22, 1987 recorded in the Hampden County Registry of  
Deeds in Book 6510, Page 547 and 554. Being the same as more  
particularly described in a plan recorded in the Hampden  
County Registry of Deeds in Plan Book 270, Page 20, or take  
any other action relative thereto.

LIBRARY  
STATE AID

ARTICLE 15. To see if the Town will vote to transfer from the Library Fund a sum of money to be used by the Library Trustees at their discretion, or take any other action relative thereto.

LIBRARY  
ADDITIONAL  
STATE AID

ARTICLE 16. To see if the Town will vote that in Fiscal Year 1993, if additional State Aid for Library is received, this money will be made available for Library Trustees to use at their discretion, or take any other action relative thereto.

RESERVE  
FUND

ARTICLE 17. To see if the Town will vote to raise and appropriate or transfer from unappropriated available funds in the Treasury, a sum of money for the Reserve Fund, or take any other action relative thereto.

OVERLAY  
RESERVE  
FUND

ARTICLE 18. To see if the Town will vote to transfer a sum of money from Overlay Reserve to the Reserve Fund, or take any other action relative thereto.

STABILIZATION  
FUND

ARTICLE 19. To see if the Town will vote to transfer a sum of money from the Overlay Reserve Fund to the Stabilization Fund, or take any other action relative thereto.

REDUCING  
TAX RATE

ARTICLE 20. To see if the Town will vote to transfer from unappropriated available funds in the Treasury a sum of money for the purpose of reducing the tax rate for Fiscal Year 1993, 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 the fourth day of May, AD 1992 at eight 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: one Moderator.

To choose for the term of two years the following: one School Committee Member, one Planning Board Member.

To choose for the term of three years the following: one Selectman, one Town Clerk, one Tax Collector, one Treasurer, one Assessor, two School Committee Members, one Library Trustee, one Cemetery Commissioner, one Park Commissioner, and three Constables.

To choose for the term of five years the following: one Planning Board Member.

Also, to choose all other necessary Town Officers.

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 meeting aforesaid. Given under our hands this eighteenth day of February, 1992.

JAMES D. SMITH  
RICHARD R. GREEN  
JOHN M. FLYNN  
Board of Selectmen



INFORMATION & EMERGENCY TELEPHONE NUMBERS FOR HAMPDEN RESIDENTS

TOWN AGENCIES

Police Department .....	566-8011
Fire Department .....	566-3260
..... EMERGENCY .....	566-3314
..... OFFICE .....	
Highway Department .....	566-8842
Library .....	566-3047
Council on Aging .....	566-5588
Dog Officer, Richard & Debra O'Connor .....	267-4142
Welfare Agent: Florence Webb, 310 State St., Spfld .....	781-7670
Veterans' Agent: Marilyn Bolaske, 200 Main St., Monson .....	267-9903

TOWN INSPECTORS

Building Inspector, Albert LaPlante .....	566-2204
Electrical Inspector, Richard Thayer .....	566-8042
Plumbing Inspector, William Patullo .....	566-3332
Board of Health Agent, Donald Kipetz .....	566-2151

SCHOOLS

Green Meadows Elementary School, North Road .....	566-3263
Thornton W. Burgess School, Wilbraham Road	
Principal's Office .....	566-3931
Superintendent's Office, Dr. Gwen VanDorp .....	566-8814
All other calls .....	566-8950
Minnechaug Regional High School, Main Street, Wilbraham .....	596-9011
Superintendent's Office .....	596-3884

CHURCHES

Bethlehem Baptist Church, Allen Street .....	566-5572
Federated Community Church, Main Street .....	566-3711
Rev. Thomas D. Howells, Parsonage .....	566-3402
St. Mary's Church, Somers Road .....	566-8843

UTILITIES/SERVICES

Bay State Gas .....	Business Office .....	781-3610
	Billing .....	731-7668
	GAS LEAK EMERGENCY .....	800-792-2444
New England Telephone .....	Business Office, Residence ....	785-0500
	Business Office, Business ....	800-462-3010
	Repair Service, Residence ....	1-555-1611
	Repair Service, Business .....	1-555-1515
Greater Media Cable TV, Ludlow .....		583-5171
U.S. Post Office, Main Street .....		566-3752

MEDICAL

Ambulance: Charter Ambulance, 24 hour Service .....	782-2331
BayState Medical Center .....	784-0000
Child Abuse & Neglect .....	800-792-5200
Home Care Corp., Springfield .....	781-2135
Ludlow Hospital .....	583-8361
Mercy Hospital .....	781-9100
Poison Control Center .....	800-682-9211
Wing Hospital, Palmer .....	283-7651

