

ANNUAL TOWN MEETING
FISCAL YEAR
JULY 1, 2008 to JUNE 30, 2009
COMMONWEALTH OF MASSACHUSETTS

Berkshire, ss:

To either of the Constables of the Town of Williamstown, in the County of Berkshire.

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Williamstown qualified to vote in elections and Town affairs to meet at Williamstown Elementary School, 115 Church Street in said Williamstown

TUESDAY, THE THIRTEENTH DAY OF MAY 2008 at SEVEN O'CLOCK A.M. for the following purpose:

To bring their votes to the election of officers for the election of all Town Officers

The polls will be opened at 7:00 o'clock A.M. and will close at 8:00 o'clock P.M.

And furthermore to meet at Williamstown Elementary School, 115 Church Street, on TUESDAY, THE TWENTIETH DAY OF MAY 2008 AT SEVEN O'CLOCK P.M. for the following purpose:

To act on all Articles of this warrant, except Article 1, which has been acted upon at the above meeting for the election of officers.

* * * * *

ELECTION OF TOWN OFFICERS

Article 1. To choose two Selectmen for three year terms; one Elementary School Committee (K-6) Member for a three year term; two Library Trustees for three year terms; one Planning Board member for a one year term; one Planning Board member for a two year term; one Planning Board member for a three year term; one Planning Board member for a four year term and one Planning Board member for a five year term.

Proceedings: The Moderator opened the 2008 Annual Town Meeting at 7:00PM in the gymnasium of the Williamstown Elementary School. He thanked Williams College, the Department of Public Works and the Williams Inn for their

assistance in setting up Town Meeting. Four hundred and thirty five (435) registered voters checked in for the meeting.

David Rempell, Chairman of the Board of Selectmen read the names of the residents serving on town committees and boards and whose terms are expiring.

The Moderator announced the recipients of the following awards:

Williamstown Community Chest Volunteer Award – Carol DeMayo

Williamstown League of Women Voters Town Employee Award – Paul Langlois

Faith Scarborough Award – Samuel and Elizabeth Smith for their work as community activists and owners of Caretaker Farm.

REPORTS OF TOWN COMMITTEES

Article 2. To see if the Town will vote to accept the reports of the Board of Selectmen, the Town Manager, and all other officers and committees and act thereon.

Proceedings: The Chairman of the Board of Selectmen moved, and it was seconded, the Town vote to adopt Article 2.

There being no discussion, the Moderator declared Article 2 carried by unanimous voice vote.

TO APPROPRIATE FREE CASH TO LOWER THE TAX RATE

Article 3. To see if the Town will vote to transfer the sum of **\$462,643** from the General Fund Unreserved Fund Balance to reduce the tax rate, or take any other action in relation thereto.

The Finance Committee recommends by a vote of 6 to 1 that the Town vote to appropriate the sum of \$462,643 from the General Fund Unreserved Fund Balance.

The Board of Selectmen unanimously recommends the adoption of this article.

The Town traditionally applies the combination of excess receipts and unused appropriations as of the end of the previous fiscal year (Unreserved Fund Balance or "Free Cash") to lower the following year's tax rate.

Proceedings: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to appropriate the sum of \$462,643 from the General Fund Unreserved Fund Balance to be used to reduce the tax rate.

There being no discussion, the Moderator declared Article 3 carried by unanimous voice vote.

APPROPRIATION FOR DEBT SERVICE

Article 4. To see if the Town will vote to raise and appropriate or appropriate from available funds in the treasury, the sum of **\$535,035** or any other sum, to pay interest and maturing debt, or take any other action in relation thereto:

<u>Purpose</u>	<u>Year</u>	<u>Years</u>	<u>Initial</u>	<u>2009 Interest</u>
	<u>Borrowed</u>	<u>Remaining</u>	<u>Principal</u>	<u>and Principal</u>
DPW Garage	1997	9	\$1,800,000	\$136,740
Landfill Engineering	1997	3	\$50,000	\$3,379
Landfill Closure	1997	8	\$215,000	\$17,251
Burbank Chapel Repair	2001	11	\$132,800	\$11,320
Landfill Closure	2005	12	\$150,000	\$14,700
Elementary School	2005	17	\$4,200,000	\$351,645
				\$535,035

The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$523,715 from taxation and that \$11,320 be appropriated from the Sherman Burbank Memorial Fund.

The Board of Selectmen unanimously recommends the adoption of this article.

Each of the above items is a bond issue which the Town has committed to repay over the number of years remaining as indicated.

Proceedings: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to raise and appropriate the sum of \$523,715 from taxation and that \$11,320 be appropriated from the Sherman Burbank Memorial Fund to pay interest and maturing debt.

There being no discussion, the Moderator declared Article 4 carried by unanimous voice vote.

GENERAL GOVERNMENT

Article 5. To see if the Town will vote to raise and appropriate or appropriate from available funds in the treasury, the sum of **\$6,030,839** or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the several Town Departments, namely:

	Fiscal Year <u>2008</u>	Fiscal Year <u>2009</u>
Executive	\$236,528	\$242,353
Administration & Finance	\$1,562,097	\$1,609,828
Inspection Services	\$329,618	\$343,415
Public Safety	\$1,148,085	\$1,211,956
Public Works	\$1,861,671	\$1,904,501
Human Services	\$688,899	\$718,786
	<u>\$5,826,898</u>	<u>\$6,030,839</u>

The Finance Committee unanimously recommends the Town vote to raise and appropriate \$5,816,219 from taxation; that \$117,081 be appropriated from Estimated Water Receipts; that \$82,219 be appropriated from Estimated Sewer Receipts; that \$9,000 be appropriated from Cemetery Perpetual Care Trust Fund; and that \$6,320 be appropriated from the Sherman Burbank Memorial Trust.

The Board of Selectmen unanimously recommends the adoption of this article.

The General Government budget is a 3.5% increase over the current year.

Proceedings: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to raise and appropriate \$5,816,219 from taxation; that \$117,081 be appropriated from Estimated Water Receipts; that \$82,219 be appropriated from Estimated Sewer Receipts; that \$9,000 be appropriated from Cemetery Perpetual Care Trust Fund; and that \$6,320 be appropriated from the Sherman Burbank Memorial Trust.

Following a short discussion, the Moderator declared Article 5 carried by majority voice vote.

LOCAL PUBLIC SCHOOLS (GRADES K-6)

Article 6. To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of **\$5,178,684** or any other sum, to pay interest and maturing debt, and to pay charges, expenses and outlays of the School Department for the ensuing year or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$5,178,684 from taxation.

The Board of Selectmen unanimously recommends the adoption of this article.

The Elementary School appropriation is a 3.5% increase over the current year. The total budget proposed by the school committee is \$6,336,158 – a 6.2% increase over the current year.

Proceedings: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to raise and appropriate the sum of \$5,178,684 from taxation to pay charges, expenses and outlays of the School Department.

Article 5 - General Government Detail				
			Fiscal Year	Fiscal Year
			2008	2009
EXECUTIVE				
Selectmen			\$5,439	\$6,551
Town Manager			\$210,431	\$213,997
Town Counsel			\$18,905	\$20,000
Emergency Management			\$1,753	\$1,805
			\$236,528	\$242,353
ADMINISTRATION & FINANCE				
Insurance			\$145,955	\$152,650
Finance Committee			\$708	\$728
Finance Director			\$224,149	\$231,025
Assessors			\$102,035	\$102,673
Treasurer-Collector			\$158,691	\$162,710
Data Processing			\$23,700	\$21,924
Town Clerk			\$72,230	\$73,368
Registrars of Voters			\$15,552	\$17,627
Employee Benefits			\$819,077	\$847,123
			\$1,562,097	\$1,609,828
INSPECTION SERVICES				
Building Inspector			\$248,047	\$256,478
Health Inspector			\$73,313	\$75,932
Conservation Commission			\$2,298	\$2,816
Planning Board			\$1,350	\$2,065
Zoning Board of Appeals			\$1,500	\$2,500
Historical Commission			\$300	\$400
Sealer of Weights			\$2,810	\$3,224
			\$329,618	\$343,415
PUBLIC SAFETY				
Police Department			\$935,091	\$985,133
Dispatch Services			\$180,734	\$193,914
Animal Control Officer			\$25,970	\$26,982
Forest Warden			\$6,290	\$5,927
			\$1,148,085	\$1,211,956
PUBLIC WORKS				
DPW Director			\$140,076	\$144,195
Highway Department			\$1,109,257	\$1,134,163
Snow and Ice			\$139,726	\$145,261
Parks and Cemetery			\$241,003	\$247,700
Facilities Management			\$168,517	\$171,383
Burbank Chapel			\$6,547	\$6,320
Recreation			\$16,545	\$14,279
Forestry Department			\$40,000	\$41,200
			\$1,861,671	\$1,904,501
HUMAN SERVICES				
Council on Aging			\$184,551	\$213,389
Veterans' Services		5	\$37,823	\$38,100
Library			\$463,435	\$464,207
Veterans' Graves & Holidays			\$3,090	\$3,090
			\$688,899	\$718,786

There being no discussion, the Moderator declared Article 6 carried by unanimous voice vote.

NORTHERN BERKSHIRE VOCATIONAL REGIONAL SCHOOL DISTRICT

Article 7. To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of **\$278,392** or any other sum, being Williamstown’s share of the Northern Berkshire Vocational Regional School District 2008-2009 fiscal budget, or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$278,392 from taxation.

The Board of Selectmen unanimously recommends the adoption of this article.

Note: This is an Omnibus Budget, i.e. Town Meeting may vote only the total amount.

	Fiscal Year <u>2008</u>	Fiscal Year <u>2009</u>
Minimum Contribution	\$290,356	\$231,128
Transportation Assessment	\$5,735	\$7,030
Capital Assessment	\$42,978	\$40,234
	<u>\$339,069</u>	<u>\$278,392</u>

The NBVRSD assessment to Williamstown is a 17.9% decrease from the current year.

Proceedings: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to raise and appropriate the sum of \$278,392 from taxation to pay Williamstown’s share of the Northern Berkshire Vocational Regional School District 2008-2009 budget.

There being no discussion, the Moderator declared Article 7 carried by unanimous voice vote.

MOUNT GREYLOCK REGIONAL SCHOOL DISTRICT

Article 8. To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of **\$4,499,379** or any other sum, being Williamstown’s share of the Mount Greylock Regional School District 2008-2009 fiscal budget, or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$4,499,379 from taxation.

The Board of Selectmen unanimously recommends the adoption of this article.

The MGRSD assessment to Williamstown is a 4.99% increase over the current year. The FY09 assessment to Lanesborough is \$2,157,811 - a 0.94% increase over this year. The total proposed budget is \$9,932,910 - a 5.73% increase over the current year.

Proceedings: The Chairman of the Finance Committee moved, and it was seconded the Town vote to raise and appropriate the sum of \$4,499,379 from taxation to pay Williamstown’s share of the Mount Greylock Regional School District 2008-2009 fiscal budget.

There being no discussion, the Moderator declared Article 8 carried by unanimous voice vote.

CAPITAL IMPROVEMENT PROGRAM

Article 9. To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of **\$520,659** or any other sum, for the following Capital Projects:

<u>Item</u>	<u>Dept</u>	<u>Amount</u>
Latham Street Culvert	Highway	\$ 227,719
Asphalt Paver, Mini-Excavator, Air Compressor	Highway	\$ 165,000
Replacement Vehicle	Parks	\$ 25,770
Replacement Mower	Parks	\$ 17,170
Replacement Vehicle	Water/Sewer	\$ 50,000
Belden Street Water Main Improvement	Water	\$ 35,000
		<u>\$ 520,659</u>

The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$435,659 from taxation, that \$60,000 be raised and appropriated from Estimated Water Receipts, and that \$25,000 be raised and appropriated from Estimated Sewer Receipts.

The Board of Selectmen unanimously recommends the adoption of this article.

The Capital Improvement Program Committee unanimously recommends the adoption of this article.

Proceedings: The Chairman of The Finance Committee moved, and it was seconded, the Town vote to raise and appropriate the sum of \$435,659 from taxation, that \$60,000 be raised and appropriated from Estimated Water Receipts, and that \$25,000 be raised and appropriated from Estimated Sewer Receipts.

There being no discussion, the Moderator declared Article 9 carried by unanimous voice vote.

WILLIAMSTOWN YOUTH CENTER

Article 10. To see if the Town will vote to raise and appropriate the sum of **\$63,135** for the Williamstown Youth Center to provide youth recreation services, or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$63,135 to support the Williamstown Youth Center.

The Board of Selectmen recommends the adoption of this article by a vote of 4 to 0 with 1 abstention.

The Youth Center appropriation is a 3.5% increase over the current year..

Proceedings: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to raise and appropriate the sum of \$63,135 to support the Williamstown Youth Center to provide youth recreation services.

There being no discussion, the Moderator declared Article 10 carried by unanimous voice vote.

WILLIAMSTOWN CHAMBER OF COMMERCE

Article 11. To see if the Town will vote to raise and appropriate the sum of **\$24,735** for the Williamstown Chamber of Commerce to promote tourism, or take any other action in relation thereto.

The Finance Committee recommends by a vote of 6 to 0 with 1 abstention that the Town vote to raise and appropriate the sum of \$24,735 for the Williamstown Chamber of Commerce.

The Board of Selectmen recommends the adoption of this article by a vote of 4 to 0 with 1 abstention.

The appropriation for the Chamber of Commerce to promote tourism is 10% of the Room Occupancy Excise Tax collected during calendar year 2007.

Proceedings: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to raise and appropriate the sum of \$24,735 for the Williamstown chamber of Commerce to promote tourism.

Following a short discussion, the Moderator declared Article 11 carried by majority voice vote.

FINANCE COMMITTEE RESERVE FUND

Article 12. To see if the Town will vote to raise and appropriate the sum of **\$75,000** for the Finance Committee Reserve Fund, or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$75,000 for the Finance Committee Reserve Fund.

The Board of Selectmen unanimously recommends the adoption of this article.

The Reserve Fund is established under G.L. c. 40 § 6 to provide for extraordinary or unforeseen expenditures authorized by the Finance Committee.

Proceedings: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to raise and appropriate the sum of \$75,000 for the Finance Committee Reserve Fund.

There being no discussion, the Moderator declared Article 12 carried by unanimous voice vote.

PUBLIC LIBRARY REVOLVING FUND

Article 13. To see if the Town will vote pursuant to G.L. c. 44 § 53E ½, to authorize the use of a revolving fund for the purpose of purchasing library supplies, services and equipment, which fund shall be credited with receipts from all fees and fines collected under the authority and direction of the Library Trustees, such expenditures not to exceed Twenty-Five Thousand and no/100ths (\$25,000) Dollars, or take any other action in relation thereto.

The Finance Committee unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

The Library Revolving Fund allows the Board of Library Trustees to collect fines, copy machine fees, room rental fees, and other miscellaneous income and to spend those funds on library expenses without further appropriation.

Proceedings: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to adopt Article 13.

There being no discussion, the Moderator declared Article 13 carried by unanimous voice vote.

SEWER DEPARTMENT

Article 14. To see if the Town will vote to appropriate from Estimated Sewer Receipts the sum of **\$1,198,524** or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the Sewer Department, or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to appropriate the sum of \$1,198,524 from Estimated Sewer Receipts.

The Board of Selectmen unanimously recommends the adoption of this article.

The Sewer Department is an Enterprise Fund. All expenses related to the operation of the department are paid by user fees rather than taxation. The sewer rate next year will be \$5.11 per 100 cubic feet, a decrease of 5.1%. The cost of operating the Town's sewerage collection system will increase \$.05 per 100 cubic feet, and the Hoosac Water Quality District will decrease \$.32 per 100 cubic feet.

Proceedings: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to appropriate the sum of \$1,198,524 from Estimated Sewer Receipts to pay interest and maturing debt, and for charges, expenses and outlays of the Sewer Department.

There being no discussion, the Moderator declared Article 14 carried by unanimous voice vote.

WATER DEPARTMENT

Article 15. To see if the Town will vote to appropriate from Estimated Water Receipts the sum of **\$880,812** or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the Water Department, or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to appropriate the sum of \$880,812 from Estimated Water Receipts.

The Board of Selectmen unanimously recommends the adoption of this article.

The Water Department is an Enterprise Fund. All expenses related to the operation of the department are paid by user fees rather than taxation. The water rate next year will be \$3.26 per 100 cubic feet, an increase of 4.5%.

Proceedings: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to appropriate the sum of \$880,812 from Estimated

Water Receipts to pay interest and maturing debt, and for charges, expenses and outlays of the Water Department.

There being no discussion, the Moderator declared Article 15 carried by unanimous voice vote.

WATER RATE

Article 16. To see if the Town will, in accordance with § 7, Chapter 606 of the Acts and Resolves of 1941, vote to approve a municipal water rate of **\$3.26** per 100 cubic feet of water as fixed by the Board of Selectmen, at their meeting of April 14, 2008 to be effective July 1, 2008, or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to approve a municipal water rate of \$3.26 per 100 cubic feet.

The Board of Selectmen unanimously recommends the adoption of this article.

Proceedings: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to approve a municipal water rate of \$3.26 per 100 cubic feet.

There being no discussion, the Moderator declared Article 16 carried by majority voice vote.

TRANSFER STATION DEPARTMENT

Article 17. To see if the Town will vote to appropriate from Estimated Transfer Station Receipts the sum of **\$190,685** or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the Transfer Station Department, or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to appropriate the sum of \$190,685 from Estimated Transfer Station Receipts.

The Board of Selectmen unanimously recommends the adoption of this article.

The Transfer Station Department is an Enterprise Fund. All expenses related to the operation of the department are paid by user fees rather than taxation. This budget includes no increase in either the transfer station sticker fee or the price of bags.

Proceedings: The Chairman of the Finance Committee moved, and it was seconded the Town vote to appropriate the sum of \$190,685 from Estimated Transfer Station Receipts to pay interest and maturing debt, and for charges, expenses and outlays of the Transfer Station Department.

There being no discussion, the Moderator declared Article 17 carried by unanimous voice vote.

CHAPTER 90 HIGHWAY FUNDS

Article 18. To see if the Town will vote to raise and appropriate from Chapter 90 funds that are, or may become, available to the Town during the fiscal year for Capital Projects, and to authorize the Treasurer to borrow such amounts in anticipation of reimbursement by the Commonwealth, or take any other action in relation thereto.

The Finance Committee unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

Chapter 90 funds are those monies distributed by the State for highway projects. One requirement of the Chapter 90 program is that the Town spend the money before it receives it. Since the Town cannot spend money it does not have, this article authorizes the Treasurer to borrow money in anticipation of receiving the Chapter 90 reimbursement from the Commonwealth.

Proceedings: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to adopt Article 18.

There being no discussion, the Moderator declared Article 18 carried by unanimous voice vote.

CHAPTER 170 OF THE ACTS OF 1999

Article 19. To see if the Town will vote to accept Chapter 170 of the Acts of 1999, an act allowing additional compensation of a Town Clerk or Municipal Collector or Treasurer upon certification, or take any other action relative thereto.

The Finance Committee unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

See Appendix A for the full text of the statute.

Proceedings: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to adopt Article 19.

There being no discussion, the Moderator declared Article 19 carried by unanimous voice vote.

COMMUNITY PRESERVATION ACT – EXPENSES FY09

Article 20. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation budget and to appropriate from the Community Preservation Fund Fiscal Year 2009 estimated annual revenues the sum of **\$10,000** to meet the administrative expenses of the Community Preservation Committee for Fiscal Year 2009, and further to reserve for future appropriation the sum of **\$35,000** for open space purposes, or take any other action in relation thereto.

The Finance Committee unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

This article funds the operating expenses of the Community Preservation Committee, and appropriates the minimum amount required for open space. No additional taxes are levied by this article.

Proceedings: The Chairman of the Community Preservation Committee moved, and it was seconded, the Town vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation budget and to appropriate from the Community Preservation Fund Fiscal Year 2009 estimated annual revenues the sum of \$10,000 to meet the administrative expenses of the Community Preservation Committee for Fiscal Year 2009, and further to reserve for future appropriation the sum of \$35,000 for open space purposes.

There being no discussion, the Moderator declared Article 20 carried by majority voice vote.

COMMUNITY PRESERVATION – HISTORIC PRESERVATION

Article 21. To see if the Town will vote to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves the sum of **\$60,000** for the restoration and preservation of the historic barn at Williamstown Rural Lands Foundation's Sheep Hill Farm, and to authorize the Board of Selectmen to enter into a grant agreement with Williamstown Rural Lands Foundation outlining the purposes for and the conditions upon which these funds may be expended, or take any other action in relation thereto.

The Finance Committee recommends the adoption of this article by a vote of 6 to 1.

The Board of Selectmen recommends the adoption of this article by a vote of 3 to 0 with 2 abstentions.

Proceedings: The Chairman of the Community Preservation Committee moved, and it was seconded, the Town vote to appropriate from the Community Preservation Fund estimated annual revenues the sum of \$60,000 for the restoration and preservation of the historic barn at Williamstown Rural Lands Foundation's Sheep Hill Farm, and to authorize the Board of Selectmen to enter into a grant agreement with Williamstown Rural Lands Foundation outlining the purposes for and the conditions upon which these funds may be expended.

There being no discussion, the Moderator declared Article 21 carried by majority voice vote.

COMMUNITY PRESERVATION – DEBT ISSUANCE COSTS

Article 22. To see if the Town will vote to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves the sum of **\$35,000** for the underwriting, legal, and administrative costs of the debt issue approved at the 2007 annual town meeting for the preservation of open space, historic preservation, and community housing at Cable Mills, or take any other action in relation thereto.

The Finance Committee unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

Proceedings: The Chairman of the Community Preservation Committee moved, and it was seconded, the Town vote to appropriate from the Community Preservation Fund estimated annual revenues the sum of \$35,000 for the underwriting, legal, and administrative costs of the debt issue approved at the 2007 annual town meeting for the preservation of open space, historic preservation, and community housing at Cable Mills.

Following a short discussion, the Moderator declared Article 22 carried by majority voice vote.

COMMUNITY PRESERVATION – COMMUNITY HOUSING

Article 23. To see if the Town will vote to appropriate from the Community Preservation Fund for the purpose of creating and supporting community housing the amount of **\$167,000** from Community Preservation funds reserved for community housing and **\$633,000** from the Community Preservation Fund unreserved balance to fund a grant to Church Corner, LLC to be used for the construction of no less than eight (8) units of deed restricted affordable housing at land located at 201-207 Cole Avenue and shown as Assessors Parcel 119-94, and to authorize the Board of Selectmen to enter into a grant agreement with Church Corner, LLC outlining the purposes for and the conditions upon which these funds may be expended, and to authorize the Board of

Selectmen or its designees to accept one or more deed restrictions on said property meeting the requirements of G. L. c. 184 § 31, or take any other action in relation thereto.

The Finance Committee unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

Proceedings: The Chairman of the Community Preservation Committee moved, and it was seconded, the Town vote to appropriate from the Community Preservation Fund for the purpose of creating and supporting community housing the amount of \$167,000 from Community Preservation funds reserved for community housing and \$633,000 from the Community Preservation Fund unreserved balance to fund a grant to Church Corner, LLC to be used for the construction of no less than eight (8) units of deed restricted affordable housing at land located at 201-207 Cole Avenue and shown as Assessors Parcel 119-94, and to authorize the Board of Selectmen to enter into a grant agreement with Church Corner, LLC outlining the purposes for and the conditions upon which these funds may be expended, and to authorize the Board of Selectmen or its designees to accept one or more deed restrictions on said property meeting the requirements of G. L. c. 184 § 31.

Following several questions and concerns, a request was made to “call the question”. The Moderator declared the vote to end discussion carried by a 2/3rds majority voice vote.

The Moderator then declared Article 23 carried by a standing vote of 346 in favor and 38 opposed.

TO REIMBURSE THE COMMUNITY PRESERVATION FUND

Article 24. To see if the Town will vote to transfer from the General Fund Unreserved Fund Balance the sum of **\$14,864** to reimburse the Community Preservation Fund for \$7,014 appropriated for the elementary school fitness trail under article 20 of the 2004 annual town meeting and \$7,850 appropriated for the Linear Park fence under article 33 of the 2006 annual town meeting, or take any other action in relation thereto.

The Finance Committee unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

Proceedings: The Chairman of the Community Preservation Committee moved, and it was seconded, the Town vote to appropriate the sum of \$14,864 from the General Fund Unreserved Fund Balance to reimburse the Community Preservation Fund for \$7,014 appropriated for the elementary school fitness trail

under article 20 of the 2004 annual town meeting and \$7,850 appropriated for the Linear Park fence under article 33 of the 2006 annual town meeting.

There being no discussion, the Moderator declared Article 24 carried by unanimous voice vote.

MUNICIPAL WETLANDS BY-LAW

Article 25. To see if the Town will vote to adopt Chapter 38, Municipal Wetlands Protection, as shown in Appendix B of the warrant, or take any other action in relation thereto.

The Board of Selectmen voted, 1 in favor, and 4 opposed, to recommend the adoption of this article

Proceedings: The Chairman of the Conservation Commission moved, and it was seconded, the Town vote to adopt Article 25.

Members of the Conservation Commission addressed the three different areas of wetlands that this bylaw would protect, namely; stormwater management, vernal pools and isolated wetlands.

The Moderator requested three lines be formed to speak at the microphone, one pro, one con and one for questions, and they would rotate addressing the audience.

Following a lengthy discussion, a request was made to “call the question”. After an unclear voice vote the Moderator declared the end of discussion carried by a vote of 286 in favor and 107 opposed.

Zane Lumelsky started that due to the controversy surrounding the bylaw, that voting be done by secret ballot. Following an unclear voice vote the Moderator declared the request for secret ballot defeated by a vote of 84 in favor and 302 opposed.

The Moderator then called a vote on Article 25, which he declared defeated by a vote of 191 in favor and 222 opposed.

NON-CRIMINAL DISPOSITION MUNICIPAL WETLANDS BY-LAW

Article 26. To see if the Town will vote to amend Chapter 1, Article II, § 1-4B (2), Noncriminal Disposition, and § 1-5, Enforcing Officers, as follows, or take any other action in relation thereto.

§ 1-4B (2). Add

Municipal Wetlands Protection (Chapter 38)

- First Offense – Warning
- Second Offense - \$50
- Third Offense - \$100
- Fourth and subsequent offense - \$200

§ 1-5, add:

Municipal Wetlands Protection (Chapter 38) – Conservation Agent

The Board of Selectmen unanimously voted to make no recommendation on this article.

Proceedings: The Moderator stated that due to the failure of Article 25, no action is required on Article 26.

OPEN SPACE RESIDENTIAL DEVELOPMENT BY-LAW

Article 27. To see if the Town will vote to amend Chapter 70, Code of the Town of Williamstown, Zoning, by adopting an Open Space Residential Development By-law as shown in Appendix C of the warrant, or take any other action in relation thereto.

A 2/3 majority vote is required for passage of this article

The Planning Board recommends the adoption of this article by a vote of 3 to 1.

The Board of Selectmen recommends the adoption of this article by a vote of 4 to 1.

Proceedings: The Chairman of the Planning Board moved, and it was seconded, the Town vote to adopt Article 27.

The Moderator pointed out three typographical errors in the numbering portions of the article on page 31 of the warrant that are non-substantive.,

Planning Board member Patrick Dunlavey gave a report in favor of the article.
 Planning Board member Chris Winters gave a report in opposition of the article.

Following a lengthy discussion, there was a request to “call the question”. The Moderator declared the end of discussion by a 2/3rds majority voice vote.

The Moderator then declared Article 27 as defeated by a vote of 61 in favor and 192 opposed.

AMEND TOURIST BUSINESS ZONING BY-LAW

Article 28. To see if the Town will vote to amend Chapter 70, Code of the Town of Williamstown, Zoning, as follows, or take any other action relative thereto.

1. Amend § 70- 3.3.A “Use Regulation Schedule: Principal Uses”

By changing the following use categories:

- Change Tourist Business use for “Office: professional and other” from “NO” to “BA” (Special Permit approval by Zoning Board of Appeals)
- Remove “finance services” from the use category for “bank”

Office:	RR1	RR2 RR3	GR1	GR2	LB	TB	VB	PB	BC	LI
<i>Professional</i>	No	No	BA	BA	Yes	BA	SPS	SPS	BA	No
Other	No	No	No	No	Yes	BA	SPS	SPS	No	No
Bank	No	No	No	No	Yes	No	SPS	SPS	No	No

2. Amend § 70- 3.3.B “Use Regulation Schedule: Accessory Uses”.

By changing-g the following use categories:

- Change Tourist Business use for “professional office” from “NO” to “BA” (Special Permit approval by Zoning Board of Appeals).

	RR1	RR2 RR3	GR1	GR2	LB	TB	VB	PB	BC	LI
<i>Professional office</i>	No	BA	BA	BA	Yes	BA	Yes	Yes	BA	No

A 2/3 majority vote is required for passage of this article

The Planning Board unanimously recommends the adoption of this article.

The Finance Committee unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

This amendment to the zoning by-law will allow professional offices, by Special Permit from the Zoning Board of Appeals, in the Tourist Business District (Cold Spring Road/Route 7 north of the Taconic Trail) where typically motels and restaurants are presently located.

Proceedings: The Chairman of the Planning Board moved, and it was seconded, the Town vote to adopt Article 28.

Following a short discussion, the Moderator declared Article 28 carried by definite 2/3 majority voice vote.

WILLIAMSTOWN COOL COMMITTEE RESOLUTION

Article 29. To see if the Town of Williamstown will vote to adopt the following non-binding resolution, or take any other action in relation thereto.

Whereas, Williamstown is a member of the Cities for Climate Protection Campaign, sponsored by the International Council for Local Environmental Initiatives; and

Whereas, Williamstown has set a goal of reducing overall carbon emissions by 10% below 2000 levels by 2010, and

Whereas, residential energy use and transportation account for more than half of Williamstown's total carbon emissions; and

Whereas, a recent report by McKinsey & Company has shown that reducing greenhouse gas emissions can save money, and

Whereas, reducing energy use promotes energy independence and reduces air pollution; and

Whereas, Williamstown has met its first three Cities for Climate Protection milestones by conducting an emissions inventory and forecast, setting an emissions reduction target, and developing a local climate action plan; and

Whereas, Williamstown is committed to implementing its local climate action plan;

Therefore, be it resolved that we, the citizens of Williamstown, now pledge to lower household carbon emissions with a goal of 10% or greater reduction. Steps for achieving this goal include improving household energy efficiency, reducing waste and increasing household recycling, purchasing and using energy efficient vehicles and appliances, reducing driving, installing renewable energy systems, purchasing green power, and buying food and other products that are produced and sold locally.

Be it further resolved that, to help achieve and monitor progress toward our community goal, citizens are encouraged to calculate their carbon footprint and pledge carbon reductions by participating in the Williamstown COOL Challenge, a program of

the Williamstown COOL Committee (www.coolwilliamstown.org or brochures available at Town Hall and Milne Public Library).

The Finance Committee voted 3 in favor, 1 opposed, and 3 abstain on this article.

The Board of Selectmen unanimously recommends the adoption of this article.

Proceedings: Selectman and Cool Committee member Jane Allen moved, and it was seconded, the Town vote to adopt Article 29.

Members of the Cool Committee spoke in favor of the article. The Moderator then declared Article 29 carried by majority voice vote.

ADJOURNMENT: Following a motion that was duly seconded, the Moderator declared the 2008 Annual Town Meeting adjourned at 10:30 PM.

And you are hereby directed to serve this Warrant by posting attested copies thereof in four or more public places, as well as the United States Post Office within the Town.

Hereof fail not and make return of this Warrant, with your doings to the Town Clerk on or before the time set for holding said meeting.

David A. Rempell, chairman

Richard C. Steege, vice-chairman

Jane B. Allen

Tom Costley

Ronald Turbin

Williamstown Board of Selectmen

Appendix A – Chapter 170 of the Acts of 1999 – Article 20

AN ACT ALLOWING ADDITIONAL COMPENSATION OF A TOWN CLERK OR MUNICIPAL COLLECTOR OR TREASURER UPON CERTIFICATION.

SECTION 1. Chapter 41 of the General Laws is hereby amended by inserting after section 19J the following section:-

Section 19K. In any town, that accepts this section, a town clerk who has completed the necessary courses of study and training, and has been awarded a certificate by the Massachusetts Town Clerks' Association as a certified Massachusetts municipal clerk, shall receive as compensation from such town, in addition to the regular annual compensation paid by such town for services in such office, an amount equal to 10 per cent of such regular annual compensation, but not more than \$1,000 per year. In order to qualify for such additional compensation, a town clerk shall submit to the board of selectmen of such town proof of the award of such certificate. The additional compensation provided in this section shall be prorated for any 12 month period in which an eligible person does not hold the office of town clerk for 12 consecutive months. Such additional compensation shall discontinue when certification is discontinued or withdrawn.

SECTION 2. Section 108B of said chapter 41 is hereby amended by inserting after the word "eight", in line 7, the following words:- and shall also include additional compensation for certified collectors as provided in section 108P.

SECTION 3. Said chapter 41 is hereby further amended by inserting after section 108 O the following section:-

Section 108P. In any city, town or district that accepts this section, a collector or a treasurer who has completed the necessary courses of study and training and has been awarded a certificate by the Massachusetts Collectors and Treasurers Association as a certified Massachusetts municipal collector or a certified Massachusetts municipal treasurer or a certified Massachusetts district treasurer, shall receive as compensation from such city, town or district, in addition to the regular annual compensation paid by such city, town or district for services in such office, an amount equal to 10 per cent of such regular annual compensation, but not more than \$1,000 per year. A collector or treasurer who has been awarded both certificates referred to above shall receive such additional compensation for only one such certificate. In order to qualify for such additional compensation, a collector or treasurer shall submit to the mayor or the board of selectmen of such city or town, or the governing board of a district proof of the award of either or both such certificates. The additional compensation provided in this section shall be prorated for any 12 month period in which an eligible person does not hold the office of collector or treasurer for 12 consecutive months. Such additional compensation shall be discontinued when certification is discontinued or withdrawn.

Appendix B – Municipal Wetland Protection By-law – Article 26

CHAPTER 38

MUNICIPAL WETLANDS PROTECTION

§ 38 - 1. Purpose

The purpose of this chapter is to protect the wetlands, water resources, and adjoining land areas in the Town of Williamstown by regulating activities deemed by the Conservation Commission ("the Commission") likely to have a significant or cumulative adverse effect upon resource area values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water quality, water pollution control, fisheries, wildlife habitat, rare species habitat including rare plant species, agriculture, aquaculture, and recreation values, deemed important to the community (collectively, the "resource area values protected by this chapter"). This chapter is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00), subject, however, to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth.

§ 38 - 2. Wetlands Protection Map

The Conservation Commission shall prepare, and may amend from time to time, a "Williamstown Conservation Commission Wetlands Protection Map" which shall be designed to illustrate the areas which may be jurisdictional under this chapter. Because of the limitations of mapping technology, the jurisdictional areas on the map will be approximate and may need to be verified by field observations and measurements. The provisions of this Chapter defining areas subject to the protection of this Chapter shall control over any inconsistent information on the map.

§ 38 - 3. Protection of Vernal Pools

A. Purpose of Chapter Protecting Vernal Pools

Vernal Pools are significant to the protection of wildlife and wildlife habitat. Vernal Pools constitute a unique and increasingly rare type of wetland that are inhabited by many species of wildlife, some of which are totally dependent on Vernal Pools for their survival. The wood frog (*Rana sylvatica*) and all species of mole salamanders (genus *Ambystoma*) that occur in Massachusetts breed exclusively in Vernal Pools. Areas in the immediate vicinity of the pool also provide these species with important non-breeding habitat functions, such as feeding, shelter, and over-wintering sites. Many other species of amphibians utilize Vernal Pools for breeding and non-breeding functions, although they are not restricted to this type of wetland. The protection of Vernal Pools is essential for the continued survival of wildlife species that are dependent upon this unique and threatened resource area.

B. Definition, Critical Characteristics and Boundary

Vernal Pool means a confined basin depression which, in most years, holds water for a minimum of two consecutive months, is free of adult fish populations and has no permanently flowing outlet. A confined basin depression is protected under the chapter as a Vernal Pool if it meets the biological and physical criteria identified by the Natural Heritage and Endangered Species Program which provide guidelines for the identification of Vernal Pools.

It is not necessary for a Vernal Pool to be located within another type of wetland resource area, or be certified as a vernal pool by the MA Natural Heritage and Endangered Species Program of the Division of Fisheries and Wildlife, to be eligible for protection under this chapter.

C. Presumptions of Significance

Where a proposed activity involves the removing, filling, dredging or altering of a Vernal Pool, the Commission shall presume that the Vernal Pool is significant to the values specified in the section 38-1 of this chapter, and the Commission shall have the authority to prohibit or to place conditions on such activity. This presumption is rebuttable and may be overcome upon a clear showing that the temporary pool does not play a role in the protection of said interests. In the event that the presumption is deemed to have been overcome, the Commission shall make a written determination to this effect, setting forth its grounds.

D. Performance Standards

1. **50-foot No-Disturbance Zone:** No prohibited activity shall be permitted within 50 feet of the delineated edge of a Vernal Pool. Prohibited activities include any activity which will remove, fill, dredge or alter the Vernal Pool.
2. **100-foot No-Build and Septic System Setback Zone:** No structures shall be permitted within 100 feet of the delineated edge of a Vernal Pool. Structures include, but are not limited to foundations and footings associated with single family dwellings, multi-family dwellings, commercial and/or industrial buildings, footings, pilings, impervious pads or sonotubes associated with porches, patios, decks, house additions, building additions, pools, septic systems and sheds. No septic system soil absorption system shall be permitted within 100 feet of the delineated edge of a Vernal Pool when the proposed soil absorption system is located up gradient of the Vernal Pool. Driveways, roadways, retaining walls and landscape boulder walls may be allowed no closer than 75 feet of the delineated edge of a Vernal Pool when no other feasible location or alternative means of access exists. Any permitted work shall not obstruct the migratory pathways of Vernal Pool breeders such as Ambystomid salamanders and wood frogs.

§ 38 - 4. Protection of Intermittent Streams

A. Purpose of Chapter Protecting Intermittent Streams

Perennial streams are afforded protection under the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) by imposing 200-foot riparian zones

extending laterally from the tops of their banks. Intermittent streams are the headwaters of perennial streams, only some of which are protected by the Wetlands Protection Act. The purpose of this chapter is to protect those intermittent streams currently not protected.

B. Definition, Critical Characteristics and Boundary

Stream means a body of running water, with a distinct bed and banks, and which moves in a definite channel in the ground due to a hydraulic gradient. A portion of a stream may flow through a culvert or beneath a bridge.

Channel means a natural or artificial waterway that periodically or continuously contains moving water. It has a distinct bed and banks that confine the water flowing in the channel.

Intermittent Stream means a river or stream shown as intermittent or not shown at all on the current USGS map or more recent map provided by the Department of Environmental Protection. Those streams shown as intermittent, or not shown at all, may be considered perennial if the watershed size is at least one-half square mile and it meets either the STREAMSTATS or stratified drift provisions. Streams that do not fit into these categories must be classified as intermittent. Streams that are observed not flowing for at least four days in a consecutive 12-month period are intermittent (as opposed to perennial), unless the observation occurs during a period of extended drought or the stream is significantly affected by withdrawals, impoundments, or other man-made flow reductions or diversions. Upstream of the first point of perennial flow, a stream is normally intermittent.

Buffer zone means that area of land extending 100 feet horizontally outward from the upper boundary of the bank (i.e. the mean annual high water line) of any intermittent stream.

C. Presumptions of Significance

Where a proposed activity involves the removing, filling, dredging or altering an area within 100 feet of an intermittent stream, the Commission shall presume that this buffer zone is potentially significant to the values specified in the section 38-1 of this chapter, and the Commission shall have the authority to prohibit or to place conditions on such activity. This presumption is rebuttable and may be overcome upon a clear showing that proposed activity in the buffer zone will not adversely impact any Resource Area. In the event that the presumption is deemed to have been overcome, the Commission shall make a written determination to this effect, setting forth its grounds.

D. Performance Standards

1. Any proposed work in the buffer zone shall not destroy or otherwise impair any portion of an intermittent stream.
2. The Commission may require a preconstruction review of work planned in the buffer zone to ensure that adjacent resource areas are not adversely affected during or after completion of the work.

3. For work in the buffer zone subject to review, the Commission may impose conditions to protect the adjacent resource area. The potential for adverse impacts to resource areas from work in the buffer zone may increase with the extent of the work and the proximity to the resource area. The Commission may consider the characteristics of the buffer zone, such as the presence of steep slopes, which may increase the potential for adverse impacts on resource areas. Conditions may include limitations on the scope and location of work in the buffer zone as necessary to avoid adverse impact on resource areas. The Commission may require erosion and sedimentation controls during construction, a clear plan of work, and the preservation of natural vegetation adjacent to the resource area and/or other measures commensurate with the scope and location of the work within the buffer zone.

§ 38 - 5. Protection of Isolated Vegetated Wetlands

A. Purpose of Chapter Protecting Isolated Vegetated Wetlands

Many of Williamstown's wetlands occur as isolated wetlands that do not meet the size thresholds for protection in the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) as “isolated lands subject to flooding” and do not border on other (protected) water bodies. This chapter extends protection to all wetlands greater than 500 sq. ft. in area whether or not they border on protected water bodies.

B. Definition, Critical Characteristics and Boundary

Isolated vegetated wetland shall include all wetlands whether or not they border on a protected water body. For the purposes of this chapter, all bordering vegetated wetlands, as well as all isolated vegetated wetlands encompassing at least 500 sq. ft. in area, shall be protected. “Isolated vegetated wetlands” must meet all other definitional requirements of the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00).

C. Presumptions of Significance

Where a proposed activity involves the removing, filling, dredging or altering of an isolated vegetated wetland, the Commission shall presume that the wetland is significant to the values specified in the section 38-1 of this chapter, and the Commission shall have the authority to prohibit or to place conditions on such activity. This presumption is rebuttable and may be overcome upon a clear showing that the proposed activity will not adversely impact any resource area. In the event that the presumption is deemed to have been overcome, the Commission shall make a written determination to this effect, setting forth its grounds.

D. Performance Standards

Any alteration of any isolated vegetated wetland shall be treated under the standards for Bordering Vegetated Wetlands under the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00). Activities occurring within a 100 foot buffer zone extending from the delineated margin of any isolated vegetated wetland can be conditioned by the Commission.

§ 38 - 6. Administrative Processes

- A.** A Written application shall be filed with the Conservation Commission to perform activities affecting areas protected by this bylaw. Applicants will complete WPA Form 1 – Request for Determination of Applicability, WPA Form 3 – Notice of Intent, WPA Form 4 – Abbreviated Notice of Intent, or WPA Form 4A – Abbreviated Notice of Resource Area Delineation, as applicable. The permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this bylaw. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.
- B.** The Commission in an appropriate case may accept as the application and plans under this bylaw any application and plans filed under the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00), but the Commission is not obliged to do so.
- C.** Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may in writing request a determination from the Commission. Such a Request for Determination of Applicability (RDA) or Abbreviated Notice of Resource Area Delineation (ANRAD) filed under the Act shall include information and plans as are deemed necessary by the Commission.
- D.** At the time of an application, the applicant shall pay such publication and application fees as specified by the Commission.

 - 1. A fee, as set by the Department of Inspection Services, to publish in a newspaper of general circulation. This fee shall be applicable to all filings.
 - 2. Applications for work in areas governed solely by this chapter, and requiring submission of a Notice of Intent, Abbreviated Notice of Intent, or Abbreviated Notice of Resource Area Delineation, will also submit a fee equal to the municipal portion of the wetland filing fee set by the Department of Environmental Protection.
 - 3. Should the project be subject to both the Wetlands Protection Act and this chapter, the applicant will only submit the appropriate fee(s) as specified by the Wetlands Protection Act.
- E.** Pursuant to G.L. Ch. 44 §53G and regulations promulgated by the Commission, the Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetlands scientists, wildlife biologists or other experts in order to aid in the review of proposed projects. Such funds shall be deposited with the town treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.
- F.** Only costs relating to consultant work done in connection with a project for which a consultant fee has been collected shall be paid from this account, and expenditures may be made at the sole discretion of the Commission. Any consultant hired under

this provision shall be selected by, and report exclusively to, the Commission. The Commission shall provide applicants with written notice of the selection of a consultant, identifying the consultant, the amount of the fee to be charged to the applicant, and a request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or delivered. The applicant may withdraw the application or request within five (5) business days of the date notice is given without incurring any costs or expenses.

- G.** The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and Department of Environmental Protection (DEP) of such a decision in writing.
- H.** The applicant may appeal the selection of an outside consultant to the Board of Selectmen, who may disqualify the consultant only on the grounds that the consultant has a conflict of interest or is not properly qualified. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue, or a related field. The applicant shall make such an appeal in writing, and must be received within ten (10) business days of the date that request for consultant fees was made by the Commission. Such appeal shall extend the applicable time limits for action upon the application.
- I.** Applicants will provide nine (9) complete copies of any application, both Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00), and this chapter, submitted to the Conservation Commission for consideration.
- J.** The applicant will provide a digital submission, compatible with MassGIS programs, of any delineation.

§ 38 - 7. Exemptions and Exceptions

- A.** The application and permit required by this chapter shall not be required for maintaining, repairing, remodeling, but not substantially changing or enlarging an existing and lawfully located single family residential structure or customary appurtenance thereto, as long as the footprint of any proposed addition is not any closer to the resource areas protected by this chapter than the existing structure, and there is no reasonable alternative location on the owner's property for the new structure that is further from the resource areas, as determined by the Commission.
- B.** The Commission may issue a generic or on-going permit for maintaining, repairing, or replacing an existing and lawfully located structure or facility to provide electric, gas, steam, water, telephone, telegraph, or other telecommunication services, storm drainage, and sewer, provided that the structure or facility is not substantially changed or enlarged, as determined by the Commission, and provided that written application has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in Regulations adopted by the Commission. These standards and specifications shall conform to best management practices in the Commonwealth of Massachusetts.

- C. The application and permit required by this Chapter 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 24 hours after the commencement of the emergency project, and 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. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and public hearing revoke or modify an emergency project approval and order restoration and mitigation measures.
- D. The application and permit required by this Chapter shall not be required for work performed for normal maintenance or improvement of land which is lawfully in agricultural use, as defined in the Wetland Protection Act Regulations 310 CMR 10.04, at the time the work takes place.
- E. The Commission, at its sole and reasonable discretion, may issue a permit for the Limited Projects identified in 310 CMR 10.53(3), in areas of jurisdiction addressed by this chapter, with the same or additional performance standards, such as limits on road width or location or multiple driveway crossings. Proposed activities that qualify as Limited Projects per 310 CMR 10.53 (e.g. maintenance of public roadways, water dependent uses, public water supply exploration, and access driveways) must be reviewed by the Conservation Commission, which has the discretion to permit with conditions to ensure that the interests of the Wetlands Protection Chapter are protected.

§ 38 - 8. Enforcement

- A. No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this chapter, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore an illegally altered resource area to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this chapter.
- B. The Conservation Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this chapter and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.
- C. The Commission shall have authority to enforce this chapter, its regulations, and permits issued thereunder by violation notices, non-criminal citations under M.G.L. Ch. 40 §21D, and civil and criminal court actions. Any person who violates provisions of this chapter may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.
- D. Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

E. Whoever himself or by his servant or agent, or as the servant or agent of any other person, firm, or corporation, violates any of the provisions of this chapter is subject to a fine as stated in Chapter 1, General Provisions, Article II, Noncriminal Disposition, of the Code of the Town of Williamstown. Each day of violation, after written notice, is considered a separate offense.

§ 38 - 9. Appeals

A decision of the Conservation Commission shall be reviewable in the superior court in accordance with M.G.L. Ch. 249 §4.

§ 38 - 10. Severability

If any provision of this chapter is declared invalid or unenforceable the other provisions shall not be affected thereby, but shall continue in full force and effect.

§ 38 - 11. Effective Date

The effective date of this chapter is January 1, 2009.

Appendix C – Open Space Residential Development By-law – Article 28

Amend § 70 - 3.1.A D by adding a new subsection:

“(d) For Open Space Residential Development in General Residence and Rural Residence districts: § 70-7.1.L and § 70-7.1.M.”

Amend the Use Regulation Schedule, § 70 - 3.3.A (1) (Residential Uses) by adding the following:

	RR1	RR2 RR3	GR1	GR2	LB	TB	VB	PB	BC	LI
<i>Open Space Residential Development:</i>										
<i>1 or 2 Family</i>	PB	PB	PB	PB	No	No	No	No	No	No
<i>Multifamily (See § 70 - 1. L)</i>	PB	PB	PB	PB	No	No	No	No	No	No

Amend §70-4.2 A by deleting the current subsection and inserting a new subsection A:

“A. Applicability. The erection, extension, alteration, placement or moving of a structure or change in size or shape of a lot (except through a public taking) shall meet the requirements of this article except for lot changes which neither create additional lots nor increase nonconformity, and except as otherwise expressly provided in MGL C. 40A, § 6, or in this chapter (e. G., 70-1.4 B, authorization for Board of Appeals approval expansion of a nonconforming structure; 70 7.1 B, flexible development; 70- 7.1. C (3), authorization for Planning Board approval for flexible development in a Major Residential Development; and 70.1.L, reduction of lot area, frontage and yard requirements).”

Amend §70 - 4.D (2) by inserting the words “... or 70-7.1.L, Open Space Residential Development” at the end of the subsection.

Amend §70- 4. 2. E by adding a subsection (4):

“(4) Open Space Residential Developments are subject to the reduced lot area, frontage and yard requirements contained in 70 - 7.1.L (7) and 70 - 7.1.M (1).”

Amend §70- 5.4 (2) by inserting the words “...except multifamily Open Space Residential Development, § 70 - 7.1.M (2) (b)...”

After the beginning of the first sentence:

“The following limitations shall be observed by all uses...”

Amend Chapter 70 by adding a new §, §70 - 7.1.L - Open Space Residential Development

“L. Open Space Residential Development.

(1) Purpose and Intent.

- (a) To encourage the creation and preservation of open space, agricultural and forestry land, and other natural resources.
- (b) To encourage the preservation of historic and archeological resources.
- (c) To encourage the creation, and preservation of land for active and passive recreational use.
- (d) To encourage the creation and preservation of community housing, diverse housing opportunities, and a variety of housing types.
- (e) To allow for greater flexibility and creativity in the design of residential developments.
- (f) To maintain the Town's traditional character and land use patterns.
- (g) To protect scenic vistas.
- (h) To facilitate the construction and maintenance of streets, utilities and public services in an economical and efficient manner.
- (i) To protect existing and potential municipal water supplies.
- (j) To encourage an efficient form of development that consumes less open land and conforms to existing topography and natural features.
- (k) To minimize the total amount of site disturbance.
- (l) To encourage connected corridors of open land throughout town and the region.
- (m) To further the goals and policies of the local comprehensive plans and regional plans.

(2) General Design Recommendations. The following Design Recommendations should apply to all Site Plans for Open Space Residential Developments, and should influence the design and development process:

- (a) The landscape should be preserved in its natural state by minimizing tree and soil removal. Any grade changes should be in keeping with the general appearance of the neighboring developed areas.

- (b) The orientation of individual building sites should be such as to maintain maximum natural topography and cover.
- (c) Topography, tree cover, surface water buffers, and natural drainage ways should be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.
- (d) Streets should be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.
- (e) Mixed-use development should be related harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings.
- (f) All open space (landscaped and usable) should be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- (g) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements should be minimized, whether these exist on the site or on adjacent properties.

(3) Applicability

Open Space Residential Development is the preferred form of residential development and/or redevelopment in the Town of Williamstown for residential developments where permitted by this section.

- (a) The Planning Board may grant a special permit for an Open Space Residential Development for any parcel or contiguous parcels greater than the areas shown in the following table subject to the regulations and conditions herein.

GR-1	GR-2	RR-1	RR-2	RR-3	UCD
5 acres	5 acres	15 acres	7.5 acres	7.5 acres	Not permitted

- (b) OSRD requirements do not apply to applications under Chapter 41, § 81P which do not create building lots.
- (c) The lots or building sites in the development shall be grouped in a cluster or clusters, and within each cluster the lots shall be contiguous. Open space shall be contiguous within the development or to other existing or proposed open space to the maximum extent practicable.
- (d) Contiguous Parcels. OSRD developments shall consist of a parcel or set of contiguous parcels.

- (e) Land Division. To be eligible as an OSRD, the tract may be a subdivision or a division of land pursuant to M.G.L. c. 41, Sec. 81P provided, however, that an OSRD may also be permitted where intended as a condominium, cooperative, or single-owner multi-family development on land not so divided or subdivided.

(4) Procedural Requirements: Permitting Procedure

- (a) Special Permits. The Planning Board is the SPGA for special permits for Open Space Residential Development and all other special permits required for the proposed development by other sections of Chapter 70, § 70 - 8.4 and the special submittal and approval criteria of sections 5 and 6.
- (b) Scoping Session. Applicants are urged to confer with the Planning Administrator regarding special permits and waivers to subdivision requirements likely to be required, and the materials necessary for those special permits and subdivision (or development plan review). There may need to be additional scoping sessions for those developments that are large or complex, especially when more information is needed to determine the aspects of the project. Following such conference(s), the applicant shall receive a scoping letter. When a scoping letter has been issued, the recommendations of the scoping letter will seek to focus the applicant on what materials should be submitted for the particular project.

(c) Application for Open Space Residential Development Special Permit

[1] The allowable number of dwelling units in the development shall be set as the base number of allowable dwelling units as determined according to the methods described in § 7, plus the number of additional dwelling units permitted by density bonuses in § 8.

- (d) Site Plans. Site plans conforming to a Preliminary Plan shall be required for standard and ANR type subdivision applications. A Development Plan shall be submitted for multifamily type developments. In each case, these site plans shall be prepared according to the Design Process described under Submittals (§ 5(a) [4]) and shall conform to the applicable Design and Development Standards in § 7. These site plans are submitted in support of the special permit application. Special permit findings may be based upon the representations contained on the plans.

(e) Definitive Plan or ANR Plan.

[1] The Planning Board shall review the Definitive Plan or ANR Plan, in accordance with § 170-3.5G and § 81O, 81P and 81U, Chapter 41, MGL following the approval of the special permit. The Planning Board must determine that the definitive plan or ANR Plan meets the following standards:

- [a] Is substantially in conformance with the approved special permit. Substantial conformance means that the definitive subdivision or ANR layout, including the type, amount, and general location of infrastructure; number, general location, and type of dwelling units; and the amount,

uses, and general location of open space, is the same as the approved special permit. Minor shifting of the location of the infrastructure, units, or open space within the approved development area on the plan which does not materially affect the layout of the development is permitted;

[b] The Board of Health approves the plan; and

[c] The plan complies with the requirements of the Williamstown Subdivision Rules and Regulations or the Planning Board has approved specific waivers to those Rules and Regulations.

[2] After the public hearing, the Planning Board will approve, approve with conditions, or disapprove the definitive plan. If the Planning Board finds that the definitive subdivision plan or ANR plan meets these standards, as well as the required findings of a definitive plan under § 3.5.8.1 of the Subdivision Rules and Regulations, the Planning Board shall approve or approve with conditions the definitive plan. If disapproved and corrected, approval shall not be withheld.

(5) Submittals

(a) The following submittals shall be required for a special permit:

[1] A completed application and required fee.

[2] A locus plan, showing street configuration in relation to the surrounding area and zoning district boundaries, at a scale of 1 inch equals 1000 feet, the names, addresses, assessors map and lot numbers of all abutting properties within 300 feet of the property lines.

[3] An Existing Conditions Plan, which includes the following:

[a] Location of wetlands, river front areas, slopes in excess of 20%, rare and endangered species habitats, existing wood lands, and existing structures (including stone walls), cemeteries and historic features.

[4] Site or Development Plan:

[a] Depending on the type of Development:

[i] For OSRD and ANR: A Site Plan prepared in accordance with § 170 – 3.3.C

[ii] For Multifamily Developments: A Development Plan prepared in accordance of § 70 – 8.2.C (1), (a – e and f), except the requirements subsection (e) include only 100-Year Floodplains and Floodway delineation, and erosion control measures and

[b] Prepared by a multidisciplinary team including a Licensed Professional Engineer and a Certified Landscape Architect according to the following Four-Step Design Process, and considered in determining the layout of

proposed streets, house lots, unit placement if treated as a condominium, including designation of all common areas and open space.

[i] Identifying preservation land by two steps.

[A] First, Primary Conservation Areas (such as wetlands, river front areas and floodplains, rare and endangered species habitats and cemeteries regulated by state or federal law) and Secondary Conservation Areas (including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archaeological sites and scenic views) shall be identified and delineated.

[B] Second, the Preferred Developable Area shall consist of land outside identified Primary and Secondary Conservation Areas.

[ii] Locating House Sites. Locate the approximate sites of individual houses within the Preferred Developable Area to the greatest extent possible, and include the delineation of private yards and shared amenities.

[iii] Aligning the Streets and Trails. Align streets in order to access the house lots or units. Additionally, where appropriate and feasible, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.

[iv] Lot lines. Draw lot lines if lots are to be fee-simple ownership. Draw assumed lot lines if the ownership is in condominium, cooperative, or other form of common ownership.

[c] Also Showing:

[i] The general location of areas to be used for agriculture (floriculture, agriculture, viticulture, silvaculture, horticulture, etc.), and areas of multiple use

[ii] Locations of wetlands and buffer areas, in accordance with 310 CMR 10.00

[iii] Existing structures

[iv] Approximate locations of proposed streets, driveways, parking areas, walkways, structures and recreational amenities

[v] Location of any on-site sewage disposal systems located on open space

[vi] Portion to be left in a natural state.

[d] A narrative description of project approach

- [i] The narrative description shall include a description of the primary and secondary conservation areas, and shall outline the logic for selecting the areas to develop and the areas to be left as open space.

[e]Additional Submittals: Depending upon the type of Development:

- [i] For OSRD and ANR special permit: Any additional materials needed to demonstrate compliance with special permit criteria.
- [ii] For Multifamily Developments: Additional details to the Development Plan to demonstrate compliance with § 70-7.1.L
- [iii]For ANR developments, a copy of the endorsed ANR plan.

[5] Definitive Subdivision or ANR Plan:

The Definitive Plan or ANR Plan shall be prepared by a team including a Registered Professional Engineer and Registered Land Surveyor. The plan shall incorporate the applicable requirements of § 70- 5, 70- 6, and § 170 – 3.5 (A-D; D.i, 3.,5 and 6).

The following materials shall be submitted:

- [a] A definitive plan of subdivision or ANR plan. The plan shall incorporate the applicable requirements of § 70- 5, 70- 6, and § 170 – 3.5 (A-D; D.i, 3,5 & 6).
- [b] The Site Plan as prepared for the Open Space Residential Development Special Permit application in accordance with the requirements in § 70-7.1.L.5
- [c] A narrative which explains the plans and design concept.
- [d] A Definitive Plan application shall include any requests for waivers from subdivision rules and regulations.

(6) Decision

(a) Special Permit:

- [1] Upon receipt of the application and the required plans, the Planning Administrator shall make a determination of whether the materials are complete. If they are not, the Planning Administrator shall notify the applicant to correct and resubmit.
- [2] The Planning Administrator shall transmit copies of the complete submittal to the Board of Health, Conservation Commission Fire District, Planning Administrator, Police Department and Department of Public Works for review and comment.
- [3] Within 45 days of their receipt of the application/plans, these agencies shall submit any recommendations to the Planning Board.

- [4] Notice to parties of interest, shall be in accordance with Chapter 40A, §11 .
- [5] The Planning Board shall convene a public hearing within 65 days from the date of submittal of complete materials, as evidenced by a review for completeness by the Planning Administrator and then acceptance of the application and submittals by Town Clerk..
- [6] The Planning Board must close the public hearing no later than ninety (90) days after it is convened.
- [7] The Planning Board shall file copy of its decision with the Town Clerk not later than 90 days from the public hearing date.
 - [a] Special Permit: Review Criteria / Findings. The Planning Board shall review applications and supporting submittals according to the procedures specified in MG.L. c. 40A, §9., §70 - 8.4.4, 70-8.2 D (2) and applicable sections of Chapter 170.
 - [b] Findings: The Planning Board may approve the Special Permit if, in its opinion, the development meets the applicable criteria of Chapters 70 and 170 and the special permit criteria for Open Space Residential Development:
 - [i] Open space as required by this bylaw has been provided and generally conforms to the Design Standards in § (3)(c) and Dimensional Requirements in § (4).
 - [ii] Approximate building footprints have been identified and, whenever feasible, are not closer than 100' to Bordering Vegetated Wetlands subject to protection under the Wetlands Protection Act.
 - [iii] Proposed streets have been aligned to provide vehicular access to each dwelling in a reasonable and economical manner. Lots and streets have been located to provide views of and access to the open space for the lots.
 - [iv] All lots meet the applicable dimensional requirements of § (4) of the Open Space Residential Development Bylaw and, where applicable, § 70 – 4.3.
 - [v] The Planning Board's findings, including the basis of such findings, shall be stated in the written decision of approval, conditional approval or denial of the application for special permit.
 - [c] Conditions: The Planning Board shall impose conditions in its decision as necessary to ensure compliance with the applicable sections of Chapter 70 and 170.
 - [d] Subdivision approval shall be conditioned to provide that no further division of land which increases the number of lots or results in an alteration to the area to be set aside as open space may occur without a

modification of the special permit. Any alteration of lot lines or layout of ways shall require approval of the Planning Board and shall be in compliance with the requirements of the Open Space Residential Development Bylaw and the Subdivision Rules and Regulations.

- [e] Time Limit: A special permit is granted for a period of one year and shall lapse if substantial use or construction has not commenced by such date, except for good cause shown.
- [f] The Planning Board may structure special permits for the phasing of Open Space Residential Developments.

(b) Definitive Plan / Findings:

- [a] Upon receipt of the application and the required plans, the Planning Administrator shall make a determination of whether the materials are complete. If they are not, the Planning Administrator shall notify the applicant to correct and resubmit.
- [b] The Planning Administrator shall transmit copies of the complete submittal to the Board of Health, Conservation Commission Fire District, Planning Administrator, Police Department and Department of Public Works for review and comment.
- [c] Within 45 days of their receipt of the application/plans, these agencies shall submit any recommendations to the Planning Board.
- [d] Board of Health Review:
 - [i] The Board of Health shall review the plan and report to the Planning Board in writing, approval or disapproval of said plan, and, in the event of disapproval, shall make specific findings as to which, if any, areas shown on such plan cannot be used for building sites without injury to the public health and include such findings and the reasons therefore in such report, and where possible, shall make recommendations for the adjustments thereof.
 - [ii] Failure of the Board of Health to report to the Planning Board within 45 days following the date of the definitive plan being filed with it, shall constitute its constructive approval of the plan.
- [e] Notice to parties of interest. Notice shall be in accordance with Chapter 41, § 81-T.
- [f] The Planning Board shall convene a public hearing following proper notice, as evidenced by a review for completeness by the Planning Administrator and then acceptance of the application and submittals by the Town Clerk.
- [g] The Planning Board must file copy of its decision with the Town Clerk not later than 135 days from the date of submission to the Town Clerk. The

Planning Board shall review applications and supporting submittals according to the procedures specified in G.L. c. 401, § 81L – 81GG and Chapter 170 – 3.5.

[h] Findings: The Definitive Plan may be approved, approved with conditions or disapproved. The Planning Board shall review the Definitive Plan or ANR Plan, in accordance with § 170-3.5G and sections 81O, 81P and 81U, Chapter 41, MGL following the approval of the special permit. The Planning Board must determine that the definitive plan or ANR Plan meets the following standards:

[i] Is substantially in conformance with the approved special permit. Substantial conformance means that the definitive subdivision or ANR layout, including the type, amount, and general location of infrastructure; number, general location, and type of dwelling units; and the amount, uses, and general location of open space, is the same as the approved special permit. Minor shifting of the location of the infrastructure, units, or open space within the approved development area on the plan which does not materially affect the layout of the development is permitted;

[ii] The Board of Health approves the plan; and

[iii] The plan complies with the requirements of the Williamstown Subdivision Rules and Regulations or the Planning Board has approved specific waivers to those Rules and Regulations.

[i] After the public hearing, the Planning Board will approve, approve with conditions, or disapprove the definitive plan. If the Planning Board finds that the definitive subdivision plan or ANR plan meets these standards, as well as the required findings of a definitive plan under § 3.5.8.1 of the Subdivision Rules and Regulations, the Planning Board shall approve or approve with conditions the definitive plan. If disapproved and corrected, approval shall not be withheld.

[j] The Planning Board shall include in its Definitive Plan decision explicit findings regarding each of the requested waivers.

(7) Design and Development Standards

- (a) Where the requirements of this section and § 70 -7.1.L differ from or conflict with the requirements found in Table 70- 4.3 the reduced frontage, lot area, and yard revisions in § 70 -7.1.L. may be applied.
- (b) Required Open Space: At least fifty percent of the total area of land subject to the application shall be provided as permanently protected open space. Street right of ways shall not be included as open space except as required to gain access to the open space.
- (c) Density / Number of Dwelling Units: The base number of dwelling units permitted shall not exceed that which would be permitted under a conventional

(“grid”) subdivision that complies with Chapter 170.0 (Subdivision Rules and Regulations); Chapter 70.0 (Zoning Bylaw) and all applicable laws and regulations of Williamstown or Massachusetts. Subject to the preceding sentence the base number shall be calculated as follows:

[total area of land subject to application x 0.80]

divided by [minimum lot area per table 70- 4.3]

= Base Number of Dwelling Units

(d) One and Two Family Dwelling Development: The following standards apply to one and two family dwellings only. See § 70 - 7.1.M for standards for multifamily dwellings.

[1] Frontage Reductions: Minimum lot frontage may be reduced to fifty feet per dwelling unit. This frontage reduction applies only to lots fronting on proposed internal streets.

[2] Yard Reductions: The Planning Board may reduce by up to one-half the yards required by the Dimensional Table, if the Board finds that such reduction will result in better design, improved protection of natural and scenic resources and otherwise comply with Chapter 70.

[3] Perimeter Yards: Notwithstanding the preceding provision, yards shall be provided to the outer perimeter of the parcel subject to the application which are at least the minimum yards required by the dimension table.

[4] Lot Size Reduction:

[a] For lots served by on-site septic systems, lot size may be reduced to ten thousand (10,000) square feet.

[b] For lots not served by on-site septic systems, lot size may be reduced to one-half the size required by the Dimensional Schedule, 70- 4.3, or ten thousand (10,000) square feet, whichever is less.

(e) Multifamily Development and Design standards: See § 70 - 7.1.M.

(f) Not more than ten percent of the area provided for building lots may be comprised of Bordering Vegetated Wetlands subject to protection under the Wetlands Protection Act.

(8) Density Bonuses:

(a) The Planning Board may approve density bonuses pursuant to one or all of the following provisions, provided, however, that in no case shall the total density bonus permit greater than a 50% increase from the base number of dwelling units permitted according to § (7)(c).

(b) Provision for Community Housing. For each unit of community housing provided under this section, two additional dwelling units may be permitted up to a

maximum 50% increase in the number of dwelling units. Affordable units shall be developed concurrently with the market rate units.

- (c) **Public Access to Open Space.** A density bonus may be permitted when the proposed OSRD development provides for public access to open space areas within the subdivision or when they are deeded to the municipality. For every 1 acre of land that is donated to the municipality or open to public use, one additional dwelling unit may be permitted, up to a maximum 50% increase in the number of dwelling units. Open space that is open to public use shall be accessible from a public way and adequate parking shall be provided to meet anticipated demand.
- (d) **Protection of Historic Resources.** For every historic building, structure, or site preserved and subject to a historic preservation restriction, one additional dwelling unit may be permitted, up to a maximum 50% increase in the number of dwelling units. Qualification of a building, structure, or site as a historic resource shall be determined by the Williamstown Historical Commission.

(9) Open Space Requirements

(a) Permissible Uses of Open Space:

- [1] **Purposes:** Open space shall be used solely for recreation, conservation, agriculture or forestry purposes. Where appropriate, multiple use of open space is encouraged. The proposed use of the open space shall be specified in the application. If several uses are proposed, the plans shall specify what uses will occur in what areas. The Planning Board shall have the authority to approve or disapprove particular uses proposed for the open space. To ensure that the use of the open space is consistent with its proposed purpose, the Planning Board may impose reasonable conditions and restrictions on the uses and activities permitted within the open space.
- [2] **Recreation lands:** Where appropriate to the topography and natural features of the site, the Planning Board may require that at least 10% of the open space or two acres (whichever is less) shall be of a shape, slope, location and condition to provide an informal field for group recreation or community gardens for the residents of the subdivision.
- [3] **Leaching facilities:** Subject to the approval of the Board of Health, as otherwise required by law, the Planning Board may permit a portion of the open space to be used for components of a common sewage disposal system serving the subdivision, where the Planning Board finds that such use will not be detrimental to the character, quality, or use of the open space, wetlands and enhances the site plan.
- [4] **Stormwater facilities:** Up to 5% of the open space may be utilized for storm water management facilities serving the development
- [5] **Drinking water facilities:** Community drinking water wells and associated water lines may be located within the Open Space.

- [6] Accessory structures: Up to 5% of the open space may be set aside and designated to allow for the construction of structures and facilities accessory to the proposed use of the open space including parking and access.

(b) Ownership of Open Space:

- [1] Ownership Options: At the developer's option and subject to approval by the Planning Board, all areas to be protected as open space shall be:
 - [a] Conveyed to the Town to be placed under the care, custody and control of the Conservation Commission, and be accepted by it for a park or open space use. Land conveyed to the Town should be open for public use; and/or
 - [b] Conveyed to a non-profit organization, the principal purpose of which is the conservation or preservation of open space, with a conservation restriction as specified in § 9(b)[2] below. Such organization shall be acceptable to the Town as a bona fide conservation organization; and/or
 - [c] Conveyed to a corporation, trust, or other entity owned or to be owned by the owners of lots or residential units within the development (i.e. "homeowners association") and placed under a conservation restriction. Ownership thereof shall pass with conveyance of the lots or residential units. The developer is responsible for the maintenance of the open space and other facilities to be held in common until such time as the homeowners association is capable of assuming such responsibility. Thereafter, the members of the association shall share the cost of maintaining the open space. The Planning Board shall require the applicant to provide documentation that the homeowner's association is an automatic (mandatory) association that has been established prior to the conveyance of any lots within the subdivision.
- [2] Permanent Restriction: A permanent conservation or agricultural preservation restriction in accordance with G.L. c. 184 §31, approved by the Planning Board and Board of Selectmen and enforceable by the Town, conforming to the standards of the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services, shall be recorded to ensure that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadways except as permitted by this bylaw and approved by the Planning Board. Restrictions shall provide for periodic inspection of the open space by the Town. Such restriction shall be submitted to the Planning Board prior to approval of the project and recorded at the Registry of Deeds/Land Court simultaneously with recording of the definitive subdivision plan. A management plan may be required by the Planning Board which describes how existing woods, fields, meadows or other natural areas shall be maintained in accordance with good conservation practices.

- (c) Encumbrances: Any permanent restriction required pursuant to § 9(b)[2] and any easement required pursuant to § 9(b)[4] shall have superior priority over any mortgage, security interest, liens, or other encumbrances.
- (d) Maintenance of Open Space: The Town shall be granted an easement over such land sufficient to ensure its perpetual maintenance as conservation or recreation land. Such easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town may, after notice to the lot owners and public hearing, enter upon such land to maintain it, or in order to prevent or abate a nuisance. The cost of such maintenance by the Town shall be assessed against the properties within the development. The Town may file a lien against the lot or lots to ensure payment of such maintenance expenses.
- (e) Monumentation: Where the boundaries of the open space are not readily observable in the field, the Planning Board may require placement of surveyed monuments and boundary posting sufficient to identify the location of the open space.”

Amend Chapter 70 by adding a new § 70 - 7.1.M, Open Space Multifamily Development:

“ 7.1.M Open Space Multifamily Development.

In districts where permitted by § 70 - 3.3, Use Regulation Schedule, new dwellings containing more than two but not more than six dwelling units may be authorized on a special permit, provided that the following are complied with:

(1) Basic site characteristics

(a) The minimum lot area shall be 10,000 square feet per dwelling unit in RR1, RR2 and any other sites that are not connected to the municipal sewer. Minimum lot area may be reduced to 5,000 square feet per dwelling unit for lots served by the municipal sewer and municipal or a water supply certified by the Williamstown Board of Health or, as required by law, the Massachusetts Department of Environmental Protection.

(b) On Soil Association A - D as shown on the Soil Association Map, dated 1963, prepared by the United States Soil Conservation Service on file the Planning Board, the applicant shall provide evidence that the site is satisfactory.

(c) Frontage may be reduced to sixty feet for the first dwelling unit and thirty feet for each additional dwelling unit. This frontage reduction shall apply only to lots fronting on internal streets.

(d) Side yards may be reduced to fifteen feet in a Rural Residence district. Front yards in a Rural Residence or General Residence District may be reduced to 25 feet. The minimum rear yard in a Rural Residence district may be reduced to 15 feet.

(e) Building spacing. If there is more than one building on any lot of record, there shall be at least 30 feet between each building. Multifamily buildings shall be clustered in groups. No group shall contain more than twenty dwelling units. There shall be a minimum separation of sixty feet between groups.

(f) The dwelling units shall not be contained in a building used as a single family dwelling at the time of the adoption of this section of the chapter.

(2) Site design and development

(a) Parking. Off-street parking as required by § 70 - 6.1 shall be in the rear of residential buildings unless approved otherwise in the development plan by the Planning Board. A maximum of thirty-six spaces may be located in any separate parking area.

(b) Utilities and lighting. All existing and proposed utilities shall be installed underground at the time of initial construction. Lighting facilities, whether placed along service drives or on the exterior of buildings, shall be arranged so they do not cause illumination in excess of one half foot-candle at any point vertically above the property line or upon any window surface of a building or buildings used for dwelling purposes. The illumination level for exterior egress stairways shall be increased to one foot-candle.

(3) Building Design.

(a) Exposures. Each dwelling unit shall have three exposures.

(b) Egress. Exterior egress stairs shall not be located on the front of a building. They shall be covered, to protect them from snow, ice and similar slippery conditions. Adequate illumination of the entire stairway, at the tread, shall be provided as set forth above.

(c) Floor area. Minimum gross floor area shall equal 720 square feet for the first dwelling unit plus 600 square feet for each additional dwelling unit.”

Amend §70 - 9.2 to add the following definitions:

Open Space Residential Development - A residential development in which the buildings are clustered together with reduced lot size, yard and frontage. The land not included in the building lots is permanently preserved as open space.

Open Space - Open space shall include, but not be limited to, land to protect existing and future well fields, aquifers and recharge areas, watershed land, grasslands, fields, forest land, fresh water marshes, swamps, bogs, lakes and ponds, rivers, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use. Open space also includes agricultural land, historic and archeological resources, cemeteries and stone walls.

Community Housing – Community housing shall include:

- low income housing, housing for those persons and families whose annual income is less than 80 percent of the area wide median income as determined by the United States Department of Housing and Urban Development.
- moderate income housing, housing for those persons and families whose annual income is less than 100 percent of the area wide median income as determined by the United States Department of Housing and Urban Development.
- low or moderate income senior housing, housing for those persons having reached the age of 60 or over who would qualify for low or moderate income housing.

Delete the current definition and replace with the following:

“Major Development - Major Residential Development, or Open Space Residential Development of 15 or more lots or dwelling units, or any use requiring a special permit under 70-3.3, Use Regulation Schedule, because of exceeding stipulated floor area thresholds, if any.”

Historic and Archeological Resources - Buildings or sites which are listed on the National Register of Historic Places, or the State Register of Historic Places, or recorded by the Historical Commission, dated May 26, 1998, and on file in the department of Inspection Services, or buildings built in 1908 or earlier.