

**WARRANT FOR ANNUAL TOWN MEETING
TOWN OF LANESBOROUGH
COMMONWEALTH OF MASSACHUSETTS
FISCAL YEAR 2019**

BERKSHIRE, ss.

June 4, 2019

To any of the Police Officers of the Town of Lanesborough:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Lanesborough, qualified to vote in Town affairs, to meet at the Lanesborough Elementary School, 188 Summer Street in said Lanesborough on Tuesday, June 11, 2019 at 6:00 p.m., then and there to act on the following Articles of business, Articles 2 through 38 and action on Article 1, will take place on Tuesday, June 18, 2019, at the Town Hall at 83 North Main Street, Lanesborough and the polls will be open at noon and close at 8:00 P.M.

ARTICLE 1. To elect the necessary Town Officers on one ballot;

One Selectman for three years;

Two Finance Committee member for three years;

One Moderator for one year;

One Northern Berkshire Vocational Regional School District member for three years;

One Library Trustee for three years; and

One Planning Board member for five years.

ARTICLE 2. To fix the compensation of all elected Town Officers as provided by G.L. c. 41, s. 108, as amended, and to hear the budget, act thereon and raise and appropriate, borrow or transfer from available funds a sum or sums of money to defray charges and expenses of the Town for the ensuing year, or take any other action relative thereto.

ARTICLE 3. To see if the town will change the term of Moderator from a one (1) year to three (3) year term in accordance with G.L. c. 41, § 2, subject to the approval of an official ballot question on the next election warrant at the annual town election, to read as follows:

1. SHALL THE TOWN VOTE TO CHANGE THE TERM OF MODERATOR FROM ONE (1) YEAR TO THREE (3) YEARS

YES _____

NO _____

or take any other action relative thereto.

ARTICLE 4. To see if the Town will vote to authorize the Board of Selectmen to lease certain real property, being the second floor of the American Legion building located at 144 Old State Road, Lanesborough, shown on Assessors Map 120 as Parcel 45 for such period of years and upon such terms and conditions as the Board of Selectmen shall determine to be appropriate; and further to raise and appropriate, transfer from available funds, or borrow, a sum of **\$5,000.00** for the rent for the initial year of said lease; and further to authorize the Board of Selectmen to

execute any and all documents to carry out the intent of this Article, or take any other action relative thereto.

(Requires 2/3 vote)

ARTICLE 5. To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, on such terms and conditions as the Board of Selectmen shall determine, the land known as Assessors Map 103-3.1, and described in a deed recorded at the Berkshire North Registry of Deeds in Book 1227, Page 1073, consisting of 2.79 acres, to authorize the Board of Selectmen to execute any and all documents to carry out the intent of this Article, and further to appropriate and transfer from Free Cash the sum of **\$50,000.00** for the purchase of said land including all costs associated with the purchase; or take any other action relative thereto.

(Requires 2/3 vote)

ARTICLE 6. To see if the Town will vote to allow the sale of the property, in whole or in part, owned by the Town of Lanesborough, known as North Main Street, Assessor's Map Lot 105-60, and described in a deed recorded at the Berkshire North Registry of Deeds in Book 1281, Page 385, and further to authorize the Board of Selectmen to execute any and all documents to carry out the intent of this Article, or take any other action relative thereto.

ARTICLE 7. To see if the Town will vote to authorize the Treasurer to make expenditures from the Transportation Bond Bill for the repair and maintenance of roadways in Lanesborough in anticipation of revenue and allow for the carry over of the funds from year to year until expended, or take any other action relative thereto.

ARTICLE 8. To see if the Town will vote to appropriate for the operation of the Ambulance Enterprise **\$2,300.00** for salaries and expenses, to be raised as follows: Departmental Receipts - **\$2,300.00**; or take any other action relative thereto.

ARTICLE 9. To see if the Town will vote to appropriate for the operation of the Sewer Enterprise **\$ 49,500.00** for expenses and budgeted surplus and that **\$ 49,500.00** be raised from user fees, or take any other action relative thereto.

ARTICLE 10. To see if the Town will vote to appropriate and transfer from funds to be received from the Baker Hill Road District, the sum of **\$ 247,452.00** to the Baker Hill Road District Police Salaries and Expenses Account for Fiscal Year 2020 pursuant to the provisions of G.L. Chapter 44, Section 53E, or take any other action relative thereto.

ARTICLE 11. To see if the Town will vote to appropriate for the operation of the Local Access Television Enterprise Fund **\$15,000.00** for salaries and expenses, to be raised as follows: Departmental Receipts - **\$15,000.00**; or take any other action relative thereto.

ARTICLE 12. To see if the Town will vote to appropriate and transfer **\$ 58,000.00** from Free Cash to pay the portion of the Mount Greylock budget request for capital improvements to the Lanesborough Elementary School, or take any other action relative thereto.

ARTICLE 13. To see if the Town will vote to appropriate and transfer from Free Cash the sum of **\$50,000.00**, or any other sum, to pay the Town's contribution to the Other Post Employment Benefits Liability Trust Fund, or take any other action relative thereto.

ARTICLE 14. To see if the Town will vote to appropriate and transfer Free Cash the sum of **\$223,000.00** for the purchase and equipping of a Highway Dump Truck/Sander, plow, wing and related equipment, with or without a trade, including all costs incidental and related thereto, or take any other action relative thereto.

ARTICLE 15. To see if the Town will vote to appropriate and transfer from Free Cash the sum of **\$880.00** for General Code Publishing for professional services and any costs incidental thereto for the organization and updating of the Town's Bylaws, or take any other action relative thereto.

ARTICLE 16. To see if the Town will vote to appropriate and transfer from Free Cash the sum of **\$10,700.00** for the purchase of new voting machines to replace the unsupported model currently in use, including all costs incidental and related thereto, or take any other action relative thereto.

ARTICLE 17. To see if the Town will vote to appropriate and transfer from Free Cash the sum of **\$50,000.00** for the repair of the supporting column in the town hall, including all costs incidental and related thereto, or take any other action relative thereto.

ARTICLE 18. To see if the Town will vote to appropriate and transfer from Free Cash the sum of **\$20,000** for the required 5% match for two grants for the Fire Department to receive new turn out equipment and new breathing gear, or take any other action relative thereto.

ARTICLE 19. To see if the Town will vote to appropriate and transfer from Free Cash the sum of **\$10,000** for repair, design and professional services and any costs incidental thereto for the improvement of roads around and near Pontoosuc Lake, or take any other action relative thereto.

ARTICLE 20. To see if the Town will vote to appropriate and transfer from Free Cash the sum of **\$ 4,000.00** to cover the cost of upgrading the Town Hall electrical wiring to accommodate a generator, or take any other action relative thereto.

ARTICLE 21. To see if the Town will vote to create a Fire Equipment Stabilization Fund pursuant to G.L. c. 40, §5B, for the purpose of funding future Fire Department equipment purchases, or take any other action relative thereto.

(2/3 vote required)

ARTICLE 22. To see if the Town will vote to appropriate and transfer **\$70,377.00** from Free Cash to fund the Fire Equipment Stabilization Fund, or take any other action relative thereto.

ARTICLE 23. To see if the Town will vote to appropriate and transfer from Free Cash the sum of **\$100,000.00** for the purpose of infrastructure repair, to be added to the Department of Public Works expense budget, or take any other action relative thereto.

ARTICLES FROM TOWN DEPARTMENTS

ARTICLE 24. To see if the Town will vote to raise and appropriate **\$10,000.00** for the Lanesborough Council on Aging to contract for professional services to identify the administrative structure and funding sources, including grants, loans and private developers, to build out senior

housing in the Town of Lanesborough, including all costs incidental and related thereto, or take any other action relative thereto.

ARTICLE 25. To see if the Town will vote to raise and appropriate an amount not to exceed \$15,000.00 to renovate the community room in town hall to, but not limited to, ADA compliance, install a dishwasher to reduce the generation of solid waste and water usage, erect a weather barrier to the outside glass doors that will increase the community room energy efficiency, renovate the lighting to increase energy efficiency, and other general renovations that would permit private and confidential conversations, and enhance the socialization of all citizens, including all costs incidental and related thereto, and to take any other action related thereto. (SPONSOR - Council on Aging)

CITIZEN PETITIONS (4)

ARTICLE 26. - To see if the Town of Lanesborough will vote in accordance with the provisions of Sections two and seven of Chapter forty-one of the Massachusetts General Laws, to increase the number of members to be elected to the Lanesborough Board of Selectmen from three members to five members, by electing three members at the next town election, one for two years and two for three years each, so arranged that as nearly an equal number of such terms as is possible shall expire each year, or take any other action relative thereto.

ARTICLE 27. - To see if the Town will vote to provide adequate funding to support an RFQ (Request for Qualifications) to study three (3) sites in Town for the Police Department. Those sites are as follows:

- 1) The current location located at 8 Prospect St.
- 2) Town owned property on North Main Street originally bought for a Senior Center/Senior Housing.
- 3) Vacation Village complex on Williamstown Road.

Or take any other action relative thereto:

ARTICLE 28. - to see if the Town will vote to amend the Zoning By-law by amending the following uses to the Industrial Uses category in the Table of Permitted Uses in Section IV. V. by eliminating the R and RA zones as follows:

INDUSTRIAL USES	R	RA	B	LB	MR	I
Large Scale Solar Photovoltaic Installation			PBP	PBP	PBP	PBP

*Note: if frontage is in the LB or B zone and then turns to RA zone, the PBP is allowed.

ARTICLE 29. to see if the Town of Lanesborough will vote to amend the Zoning By-law as follows, or take any other action relative thereto:

1.) By adding the following to subsection N. (4) of section VIII, Special Provisions:

A½. SITING REGULATIONS. The Planning Board shall not issue a special permit for construction of large scale solar photovoltaic installations located in an R or R-A zone for any parcel which meets any of the following criteria:

- (i) Said parcel directly abuts any existing parcel on which an active residential use exists or any parcel within 25 feet of said parcel on which an active residential use exists. Distance shall be measured from the nearest point of both parcels.
- (ii) Said parcel is located within 1500 feet of any area in which a housing unit density of 4 units per 1500 feet exists unless existing natural screening is present.

BYLAW CHANGES

ARTICLE 30. – Board of Health

To see if the Town will vote to reduce the number of Board of Health Members from Five (5) to Three (3) by amending the current General Bylaw, Chapter 6: BOARD OF HEALTH, section 1, by striking the word “five” and replacing with the word “three” pursuant to G.L. c. 41, § 2, or take any other action relative thereto.

ARTICLE 31. – To see if the Town will vote to amend the General Bylaws CHAPTER 17 Land Disturbance, by removing the stricken words and adding the word(s) in bold as follows:

D. Permits and Procedures

1. The Permit Granting Authority (PGA) under this bylaw shall be the Lanesborough ~~Board of Selectmen~~ **Planning Board**. Such special permit shall be granted if the PGA determines in conjunction with the ~~Planning Board~~, Conservation Commission and Highway Supt. that the intent of this bylaw, as well as specific criteria, are met. The PGA shall not grant a special permit under this section unless the petitioner’s application materials include, in the PGA’s opinion, sufficiently detailed definite, and credible information to support positive findings in relation to the standards given in this section. The PGA shall document the basis for any departures from the recommendations of the other town boards or departments in it decision.

4. Other Boards. The PGA shall give copies of the application package to the ~~Planning Board~~, Conservation Commission and Highway Supt.

Or take any other action relative thereto.

ARTICLE 32 To see if the Town will vote to amend the General Bylaws CHAPTER 18: ILLICIT DISCHARGE DETECTION AND ELIMINATION

by removing the stricken words and adding the word(s) in bold as follows:

B. Definitions

For the purposes of this by-law, the following shall mean:

AUTHORIZED ENFORCEMENT AGENCY: The Lanesborough ~~Board of Selectmen~~ **Planning Board** its employees or agents designated to enforce this by-law.

E. Responsible for Administration

The ~~Board of Selectmen~~ **Planning Board** in conjunction with the Highway Superintendent shall administer, implement and enforce this by-law. Any powers granted to or duties imposed upon the above may be delegated in writing by the above to employees or agents of the above.

F. Regulations

The ~~Board of Selectmen~~ **Planning Board** may promulgate rules and regulations to effectuate the purposes of this by-law. Failure by the ~~Board of Selectmen~~ **Planning Board** to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

G. Prohibited Activities

...Obstruction of Municipal Storm Sewer System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm sewer system without prior written approval from the ~~Board of Selectmen~~ **Planning Board**.

H. Exemptions

13. Dye testing, provided verbal notification is given to the ~~Board of Selectmen~~ **Planning Board** prior to the time of the test;

15. Discharge for which advanced written approval is received from the ~~Board of Selectmen~~ **Planning Board** as necessary to protect public health, safety, welfare or the environment Discharge or flow that results from exigent conditions and occurs during a State of Emergency declared by any agency of the federal or state government, or by the Town of Lanesborough ~~Board of Selectmen~~ **Planning Board** or Board of Health.

I. Emergency Suspension of Storm Sewerage System Access

The ~~Board of Selectmen~~ **Planning Board** may suspend municipal storm sewer system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

J. Notification of Spills

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments and the ~~Board of Selectmen~~ **Planning Board** and Board of Health. In the event of a release of non-hazardous material, the reporting person shall notify the ~~Board of Selectmen~~ **Planning Board** no later than the next business day. The reporting person shall provide to the ~~Board of Selectmen~~ **Planning Board** written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

K. Enforcement

The ~~Board of Selectmen~~ **Planning Board** in conjunction with the Highway Superintendent or an authorized agent shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

Civil Relief. If a person violates the provisions of this by-law, regulations, permit, notice, or order issued thereunder, the ~~Board of Selectmen~~ **Planning Board** may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Orders. ~~The Board of Selectmen~~ **Planning Board** or an authorized agent of the ~~Board of Selectmen~~ **Planning Board** may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the MS4; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the ~~Board of Selectmen~~ **Planning Board** within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the ~~Board of Selectmen~~ **Planning Board** affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, 57 after the thirty-first day at which the costs first become due.

Entry to Perform Duties Under this By-Law. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the ~~Board of Selectmen~~ **Planning Board**, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and regulations and may make or cause to be made such examinations, surveys or sampling as the ~~Board of Selectmen~~ **Planning Board** deems reasonably necessary.

Appeals. The decisions or orders of the ~~Board of Selectmen~~ **Planning Board** shall be final. Further relief shall be to a court of competent jurisdiction.

M. Transitional Provisions

Residential property owners shall have 180 days from the effective date of the bylaw to comply with its provisions or petition the ~~Board of Selectmen~~ **Planning Board** for an extension provided good cause is shown for the failure to comply with the by-law during the specified period. All other property owners shall have 180 days from the effective date of the by-law to comply with its provisions or petition the ~~Board of Selectmen~~ **Planning Board** for an extension provided good cause is shown for the failure to comply with the by-law during the specified period.

Or take any other action relative thereto.

ARTICLE 33. To see if the town will vote to amend the General Bylaws, **CHAPTER 12B: REMOVAL OF ANIMAL LITTER**, by amending the final paragraph by adding the language in bold as follows:

The provisions of this bylaw shall not apply to a guide animal, hearing animal or service animal while actually engaged in the performance of its trained duties with a disabled person. The commission of any offense punishable under this section shall be punishable by a **non-criminal disposition** fine of Fifty (50) dollars **to the owner, keeper or person then walking or otherwise in charge of said animal, for each offense.**

Or take any other action relative thereto.

ARTICLE 34. To see if the Town will vote to amend the General Bylaws by adding the following: **CHAPTER 24: PARK REGULATION ENFORCEMENT**

1. Rules and Regulations of the parks and recreation areas belonging to and under the control of the Town of Lanesborough may be promulgated by the Lanesborough Recreation Committee in conjunction with the Board of Selectmen.
2. Any violation of the rules and or procedures pertaining to any park or recreation area shall be punishable by non-criminal disposition fine of \$50.00 for the first offense, \$100.00 for the second offense.
3. This bylaw shall be enforced by the Lanesborough Police Department and its agents.

Or take any other action relative thereto.

ARTICLE 35. To see if the town will vote to amend the General Bylaws **CHAPTER 1: TOWN MEETING** by adding the following section:

C. Secret Ballot Voting Procedure: A secret ballot vote shall be held for any warrant question when 10% of the registered voters present so vote using the following procedure:

1. Any person registered to vote within the Town of Lanesborough may move the Moderator to hold a secret ballot for warrant articles or other questions presented for vote during a Town Meeting.
2. The secret ballot question motion having been made, and seconded, the Moderator shall call for a show of hands.
3. The required vote to approve the secret ballot motion shall be no less than 10% of the registered voters present.

Or Take any other action relative thereto.

ARTICLE 36. - SIGN REGULATIONS

To see if the Town will vote to amend the Zoning Bylaw, Section VIII, D. SIGNS, by deleting the following existing subsections:

3. R, LB AND R-A DISTRICTS. Signs pertaining to the lease, sale or use of a lot or building, not more than two in number, with a total area of two square feet in the R District, and 20 square feet in R-A and LB Districts.

4. B AND I DISTRICTS. One free standing sign shall be permitted per lot. The maximum area of the sign shall be 50 square feet for the first business on the lot. The sign area may increase by 25 square feet per business for each additional business on the lot. Each business on the lot shall be permitted a maximum of two signs attached to the outside of the building. The total area of the two signs shall not exceed 150 square feet.

and replacing them as following;

3. R AND R-A DISTRICTS. Signs pertaining to the use of a lot or building, not more than two in number, with a total area of two square feet in the R District, and 20 square feet in R-A District.

4. LB, B, AND I DISTRICTS. One free standing sign shall be permitted per lot. The maximum area of the sign shall be 50 square feet for the first business on the lot. The sign area may increase by 25 square feet per business for each additional business on the lot. Each business on the lot shall be permitted a maximum of two signs attached to the building and visible from the outside of the building. The total area of the two signs shall not exceed 150 square feet.

Or Take any other action relative thereto.

ARTICLE 37. - ACCESSORY DWELLING UNITS

To see if the Town will vote to amend the Zoning Bylaw, Section IV, entitled “Use Regulations” by adding the following to the Use Regulation Table:

ACCESSORY USES	R	R-A	B	LB	MR	I
Detached Accessory Dwelling Units	✓	✓	✓	✓	✓	✓

And to see if the Town will vote to amend the Zoning Bylaw by adding the following new subsection to SECTION VIII – SPECIAL PROVISIONS:

P. DETACHED ACCESSORY DWELLING UNITS

- (1) Purpose and Intent.
 - A. Increase the number of small dwelling units available in Town;
 - B. Increase the range of choice of housing accommodations;
 - C. Encourage greater diversity of population with particular attention to young adults and senior citizens while being more affordable to a wider range of households;
 - D. Encourage a more economic and energy-efficient use of the Town’s housing supply while maintaining the appearance and character of the Town’s single-family neighborhoods; and
 - E. Give renewed purpose to previous underutilized accessory buildings.

- (2) Conditions and Requirements; General.
 - A. A detached accessory dwelling unit shall be subordinate in size to the principal dwelling unit on a lot.
 - B. There shall be no more than one detached accessory dwelling unit per lot.

- (3) Conditions and Requirements; Appearance. The detached accessory dwelling shall be designed to maintain the appearance and essential character of the single family neighborhood.
 - A. A detached accessory dwelling unit shall be permitted, either in a new or shall be building. Other customary residential accessory uses (e.g. barns, garages, sheds, etc.) are permitted within a building housing an accessory dwelling unit. Such use shall not count towards the following floor area restrictions.
 - B. A detached accessory dwelling unit shall be limited to 900 square feet gross floor area and may be increased to 1/3 of the gross floor area of the principal dwelling on the site if it is larger but in no instance exceed 1200 square feet gross floor area.
 - C. No unenclosed stairs shall be located on any street facing side of the building.
 - D. The detached accessory dwelling unit shall require one parking space.

- (4) Conditions and Requirements; Review Process.
 - A. Detached Accessory Dwelling Unit on a Non Conforming Lot shall require a Special Permit by the Zoning Board of Appeals.
 - B. Detached Accessory Dwelling Unit within an Existing Nonconforming Structure, Requires Special Permit by the Zoning Board of Appeals.

ARTICLE 38. - OUTDOOR GROWING OF MARIJUANA

To see if the Town will vote to amend the Zoning Bylaw by modifying the language of Section VIII, O. MARIJUANA LAND USE by removing the strikethrough text and adding the underlined text:

3. DEVELOPMENT STANDARDS

- 1) Permanent location. No marijuana retail or marijuana facility may cultivate, process, test, store or manufacture marijuana or marijuana products at any location other than at a physical address and within an area that is enclosed and secured in a manner that prevents access by persons not permitted to access the area. ~~A greenhouse or outdoor marijuana cultivation area shall have sufficient security measures to demonstrate that outdoor areas are not readily accessible by unauthorized individuals, including perimeter security fencing designed to prevent unauthorized entry.~~ Outdoor cultivation shall not be permitted.

The business meeting at which Articles 2 through 38 will be acted upon will commence at 6:00 p.m., Tuesday, June 11, 2019 at Lanesborough Elementary School, 188 Summer Street in said Lanesborough. The election, or action on Article 1, will take place on Tuesday, June 18, 2019, at 83 North Main Street, Lanesborough and the polls will be open at noon and close at 8:00 p.m.

You are hereby directed to serve this Warrant by posting True Attested copies thereof in three public places and convenient places in the Town, at least seven days before the time of holding said meeting.

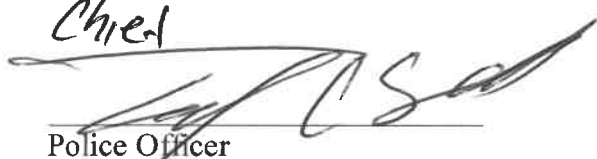
TOWN OF LANESBOROUGH BOARD OF SELECTMEN

 John Goerlach, Chair

 Robert Ericson


 Henry Sayers

I have posted true and attested copies of said Warrant at the Lanesborough Post Office, the Lanesborough Town Hall and the Bob's Country Kitchen.

Chief


Police Officer

6/3/19
Date


Ruth Knysh
Town Clerk

6/3/19
Date