

**WARRANT FOR ANNUAL TOWN MEETING  
TOWN OF LANESBOROUGH  
COMMONWEALTH OF MASSACHUSETTS  
FISCAL YEAR 2022**

BERKSHIRE, ss.

June 8, 2021

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 8, 2021 at 6:00 p.m., then and there to act on the following Articles of business, Articles 2 through 28 and action on Article 1, will take place on Tuesday, June 15, 2021, 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;

Board of Selectmen, one, three-year term  
Finance Committee, two, three-year terms  
Library Trustee, one, three-year term  
Moderator, one, three-year term  
Planning Board one, five-year term

**ARTICLE 2.** To fix the compensation of all elected Town Officers as provided by G.L. c. 41, § 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.

(Select Board - Yes)

**ARTICLE 3.** To see if the Town will vote, in accordance with G.L. c. 41, § 110A, to authorize the Town Clerk's office to remain closed on all Saturdays and to treat Saturdays as a legal holiday for purposes of calculating the time frame for filing matters in that office or take any other action relative thereto.

(Select Board -Yes)

Submitted by Town Clerk

*Explanation: Acceptance of this G.L. essentially allows the Town Clerk's Office to treat Saturdays as a legal holiday when calculating filing deadlines, such as voter registrations or submittal of nomination papers.*

**ARTICLE 4.** 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 carryover of the funds from year to year until expended, or take any other action relative thereto.

(Select Board - Yes)

**ARTICLE 5.** To see if the Town will vote to **appropriate** for the operation of the Ambulance Enterprise **\$70,000.00** for salaries and expenses, to be raised as follows: Departmental Receipts **\$70,000.00** or take any other action relative thereto.

(Select Board - Yes)  
(Finance Committee – 4-0)

**ARTICLE 6.** To see if the Town will **transfer** from Ambulance Enterprise Surplus the amount of **\$20,000.00** to cover unforeseen costs of FY 2021 or take any other action relative thereto.

(Select Board – Yes)  
(Finance Committee - 4-0)

**ARTICLE 7.** To see if the Town will vote to purchase and outfit a new Ambulance with or without trade, by **transferring** from Retained Earnings the amount of **\$49,000.00** and to authorize the Treasurer, with the approval of the Board of Selectmen, to **borrow** the sum of **\$251,000.00** for said appropriation under and pursuant to G.L. c. 44, §§7, 8 or to any other enabling authority, and to issue bonds or notes of the Town therefor and the incurred debt to be repaid out of user fees, , and premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount or take any other action relative thereto. **2/3<sup>rd</sup> vote**

(Select Board – Yes)  
(Finance Committee – no vote taken, additional information requested)

**ARTICLE 8.** To see if the Town will vote to transfer **\$30,000.00** from **Sewer Enterprise** Retained to fund the repairs of the Town's sewer system and bring the Town's sewer system into compliance with Department of Environmental Protection requirements and to authorize the Treasurer, with the approval of the Board of Selectmen, to **borrow** the sum of **\$43,000.00** for said appropriation under and pursuant to G.L. c. 44, §§7, 8 or to any other enabling authority, and to issue bonds or notes of the Town therefor and the incurred debt to be repaid out of user fees, and premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount or take any other action relative thereto. **2/3<sup>rd</sup> vote**

(Select Board – Yes)  
(Finance Committee - 4-0)

**ARTICLE 9.** To see if the Town will vote to **transfer \$20,000.00** from **Sewer Enterprise** Retained Earnings to the Reserve Fund of FY21 to return funds transferred to cover FY21 costs toward bringing the current sewer system into compliance.

(Select Board – Yes)  
(Finance Committee - 4-0)

**ARTICLE 10..** To see if the Town will vote to **appropriate** for the operation of the Sewer Enterprise **\$66,860.00**, for expenses and budgeted surplus, to be raised as follows: Departmental Receipts - **\$66,860.00** - or take any other action relative thereto.

(Select Board – Yes)  
(Finance Committee - 4-0)

**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.

(Select Board – Yes)  
(Finance Committee - 4-0)

**ARTICLE 12.** To see if the Town will **transfer** from Cable Enterprise Surplus the amount of **\$7,850.43** to cover unforeseen costs of FY 2021 or take any other action relative thereto.

(Select Board – Yes)  
(Finance Committee - 4-0)

**ARTICLE 13.** To see if the Town will vote to **appropriate and transfer** from funds to be received from the Baker Hill Road District, the sum not to exceed **\$242,109.00** to the Baker Hill Road District Police Salaries and Expenses Account for Fiscal Year 2022 pursuant to the provisions of G.L. Chapter 44, Section 53E, or take any other action relative thereto.

(Select Board – Yes)  
(Finance Committee - 4-0)

**ARTICLE 14.** To see if the Town will vote to **appropriate and transfer** from **Free Cash** the sum of **\$50,526.33** to pay Police Chief for unused sick leave and vacation upon retirement in accordance with the terms of the employment agreement between the Town and the Police Chief, or take any other action relative thereto.

(Select Board – Yes)  
(Finance Committee – no vote taken, additional information requested)

**ARTICLE 15.** To see if the Town will vote to **appropriate and transfer** from **Free Cash** the sum of **\$3,750.00** for 5% matching grant funds to purchase a compressor for air bottle maintenance or take any other action relative thereto

(Select Board – Yes)  
(Finance Committee - 4-0)

**ARTICLE 16.** To see if the Town will vote to **appropriate and transfer** from **Free Cash** the sum of **\$50,000.00** for matching grant funds to construct a gazebo/bandstand and seating to be located at Laston Park or take any other action relative thereto

(Select Board – Yes)  
(Finance Committee - 4-0)

**ARTICLE 17.** To see if the Town will vote to **transfer** from **Free Cash** the amount of **50,000.00** for the upcoming cyclic property revaluation, or take any other action relative thereto.

(Select Board – Yes)  
(Finance Committee - 4-0)

**ARTICLE 18.** To see if the Town will vote to **appropriate and transfer** from Free Cash the sum of **\$10,000.00** for the repair, design and other professional services and any costs incidental thereto for the improvement of roads around and near Pontoosuc Lake, or take any other action relative thereto.

(Select Board – Yes)  
(Finance Committee – 4-0)

**ARTICLE 19.** To see if the Town will vote to **appropriate and transfer** from Free Cash the sum of, **\$50,000.00**, to pay the Town's contribution to the Other Post Employment Benefits Liability Trust Fund, or take any other action relative thereto.

(Select Board – Yes)  
(Finance Committee - 4-0)

**ARTICLE 20.** To see if the Town will vote to **appropriate and transfer** from Free Cash the sum of **\$108,000.00**, to the Stabilization Account for the purpose of building a future Police Station, or take any other action relative thereto.

(Select Board – Yes)  
(Finance Committee - 4-0)

**ARTICLE 21.** To see if the town will **transfer** remaining funds from Recreation Committee expense budget for FY21 in the amount of **\$4,259.20** to be used to install a basketball court at Laston Field, or take any other action relative thereto

(Select Board – Yes)  
(Finance Committee – no vote taken)

### **BYLAW CHANGES**

**ARTICLE 22.** To see if the Town shall accept the renumbering and revision of the various bylaws of the Town from their original numbering or their numbering in the General Bylaws, as amended through the November 7, 2020, Town Meeting, to the numbering or codification, arrangement, sequence and captions and the comprehensive revisions to the text of the General Bylaws as set forth in the Final Draft of the Code of the Town of Lanesborough, dated April 2021, said codification having been done under the direction of the Select Board of Selectmen and said Code being a compilation and comprehensive revision of the present bylaws of the Town. All bylaws of a general and permanent nature, as amended, heretofore in force and not included in the Code shall be repealed, except that such repeal shall not apply to or affect any bylaw, order or article heretofore adopted accepting or adopting the provisions of any statute of the commonwealth. These bylaws shall be referred to as the “Bylaws and Regulations of the Town of Lanesborough, Massachusetts.” A copy of the amended bylaws with all revisions and deletions is on file with the Town Clerk as Exhibit A.

(Select Board – Yes)

**ARTICLE 23.** To see if the Town shall accept the renumbering and revision of the Zoning Bylaw of the Town from its original numbering, as amended through November 7, 2020, to the numbering or codification, arrangement, sequence and captions and the comprehensive revisions to the text of the Zoning Bylaw as set forth in the Final Draft of the Code of the Town of Lanesborough, dated April 2021, said codification of the Zoning Bylaw having been done under the direction of the Planning Board, and being a compilation and comprehensive revision of the present Zoning Bylaw, including amendments thereto. All Zoning Bylaws, as amended, heretofore in force, shall be repealed, except that such repeal shall not affect any suit or proceeding pending as the result of an existing law. The Zoning Bylaw shall be codified as Chapter 165 of the “Bylaws and Regulations of the Town of Lanesborough, Massachusetts.” A copy of the amended bylaws with all revisions and deletions is on file with the Town Clerk as Exhibit B. **2/3<sup>rd</sup> vote**

(Select Board – Yes)

**ARTICLE 24.** To see if the Town will vote to amend the General Bylaws Chapter 21 Boards Commissions and Committees, Article 1. Finance Committee, § 21-1 Powers, duties and authority, paragraph E, with the following changes:

E. The various Town boards, officers and committees charged with expenditure of Town money shall, ~~not later than the 15th of January of each year~~, prepare detailed estimates of the amounts deemed by them necessary for the administration of their respective offices or departments for the ensuing fiscal year, with explanatory statements of the reasons for any changes from the amounts appropriated for the same purpose in the preceding year. They shall also prepare estimates of all probable ~~items of~~ income

which may be received by them during the ensuing year in connection with the administration of their departments or offices, and a statement of the amount of appropriation requested by them for the ensuing year. ~~Such estimates and statements shall be filed with the Town Accountant, who shall at once transmit the same to the Finance Committee.~~

**By striking F. in its entirety and inserting in place thereof:**

~~F. The Committee shall prepare the fiscal year budget line items for the Town Report/Annual Meeting. Inputs may be received from Town departments, but the presentation of said budget to the Town is the responsibility of the Finance Committee.~~

F. Such estimates shall be submitted to the Town Manager who shall evaluate and prepare a proposed budget. This budget along with transfer requests and financial warrant articles shall be referred by the Select Board to the Finance Committee for its consideration at a mutually accepted date. Said committee shall, after due consideration of the subject matter of such articles and proposed budget, report thereon to the town meeting, in writing, such recommendations as it deems best for the interests of the town and its citizens.

**Submitted by Finance Committee**

(Select Board – Yes)

**ARTICLE 25.** To see if the Town will vote to amend the General Bylaws Chapter 21 Boards Commissions and Committees, Article 1. Finance Committee, § 21-2, Membership; Officers, paragraph B. with the following changes:

B. The Finance Committee shall elect a Chairperson and a Secretary **Vice Chairperson** at the first meeting held after the Annual Town Election. The officers shall serve until ~~the next Annual Town Election~~ **new officers are elected at** the next meeting after the Annual Town Election.

**By striking B (2) and inserting in place thereof:**

~~(2) Secretary. The Secretary shall keep detailed records of the Committee's proceedings (including attendance) and conduct all correspondence required by the Committee and maintain necessary files and records.~~

(2) The members of the Finance Committee (excluding the Chairperson) will rotate the duty of recording the minutes of the meetings or elect a secretary. The minutes will be typed and distributed to the entire committee at least one week prior to the next scheduled meeting. The minutes, once approved by the committee will be forwarded to the town secretary within ten days of last meeting.

**Submitted by Finance Committee**

(Select Board – Yes)

**ARTICLE 26.** To see if the Town will vote to amend the General Bylaws, Stormwater Management bylaw adding the language in red on the attached document and further allow nonsubstantive changes to the lettering and numbering of the General Bylaws of the Town of Lanesborough to be consistent. Change required per EPA a copy of the Stormwater Management bylaw is on file with the Town Clerk and attached hereto as Exhibit A.

(Select Board – Yes)

**ARTICLE 27.** To see if the Town will vote to amend the Zoning Bylaw by amending the "Zoning Map of Lanesborough, Massachusetts," dated November 13, 2012, and the Lanesborough Zoning Bylaw as shown on the attached Exhibit B to this warrant and further to allow non-substantive changes to the lettering and numbering of the Zoning Bylaws of the Town of Lanesborough by

the Town Clerk to be consistent with the existing Zoning Bylaws.  
Submitted by Planning Board

(Select Board – Yes)

CITIZEN PETITIONS (1)

**ARTICLE 27.** To see if the Town will vote on the Citizen's Petition attached to this warrant as Exhibit C.

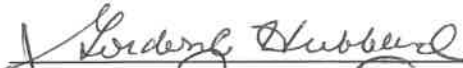
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The business meeting at which Articles 2 through 28 will be acted upon will commence at 6:00 p.m., Tuesday, June 9, 2020 at Lanesborough Elementary School, 188 Summer Street in said Lanesborough. The election, or action on Article 1, will take place on Tuesday, June 15, 2020, 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.

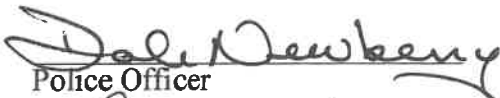
TOWN OF LANESBOROUGH BOARD OF SELECTMEN

 John Goerlach, Chair

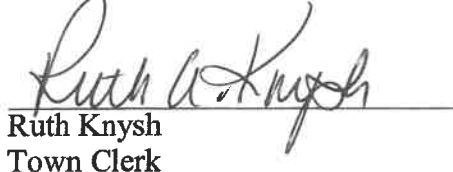
 Gordon Hubbard

 Michael P. Murphy

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.

 Police Officer

Date 5/27/2021

 Ruth Knysh  
Town Clerk

Date May 27, 2021

**EXHIBIT A**  
**Chapter 120**  
**STORMWATER MANAGEMENT**

ARTICLE I Management During Land Development	ARTICLE II Illicit Discharges and Connections to Storm Sewer System
§ 120-1. Purpose and intent.	
§ 120-2. Objectives.	§ 120-12. Findings and intent.
§ 120-3. Applicability.	§ 120-13. Definitions.
§ 120-4. Permits and procedures.	§ 120-14. Applicability.
§ 120-5. Contents of stormwater management plan.	§ 120-15. Authority.
§ 120-6. Operation and maintenance plans.	§ 120-16. Responsibility for administration and enforcement.
§ 120-7. Surety.	§ 120-17. Rules and regulations.
§ 120-8. Inspections.	§ 120-18. Prohibited activities.
§ 120-9. Waivers.	§ 120-19. Exemptions.
§ 120-10. Certificate of completion.	§ 120-20. Emergency suspension of storm sewerage system access.
§ 120-11. Enforcement.	§ 120-21. Notification of spills.
	§ 120-22. Enforcement.
	§ 120-23. Severability.

**[HISTORY: Adopted by the Town Meeting of the Town of Lanesborough as indicated in article histories. Amendments noted where applicable.]**

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**ARTICLE I**  
**Management During Land Development**  
**[Adopted 1-22-2008 STM (Ch. 17 of the General Bylaws)]**

**§ 120-1. Purpose and intent.**

Regulation of discharges to the municipal separate storm sewer system (MS4) is necessary for the protection of the Town of Lanesborough's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, and groundwater which result in the contamination of drinkingwater supplies; erosion of stream channels; alteration or destruction of aquatic and wildlife habitat; and flooding. This bylaw establishes minimum stormwater management standards for the final conditions that result from development and redevelopment projects to minimize adverse impacts off-site and downstream which would be borne by abutters, townspeople and the general public.



**§ 120-2. Objectives.**

The objectives of this bylaw are:

- A. To require practices to control the flow of stormwater from new and redeveloped sites into the Town's storm drainage system in order to prevent flooding and erosion;
- B. To protect groundwater and surface water from degradation;
- C. To promote groundwater recharge;
- D. To prevent pollutants from entering the Town's municipal separate storm sewer system (MS4) and to minimize discharge of pollutants from the MS4;
- E. To ensure adequate long-term operation and maintenance of structural stormwater best management practices so that they work as designed;
- F. To comply with state and federal statutes and regulations relating to stormwater discharges; and
- G. To establish Lanesborough's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

**§ 120-3. Applicability.**

- A. No person may undertake a construction activity, including clearing, grading and excavation, that results in a land disturbance that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land draining to the Town of Lanesborough's municipal separate storm sewer system without a permit from the permit granting authority (PGA). Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site. **[Amended attime of adoption of Code]**
- B. Construction activities that are exempt are:
  - (1) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation, 310 CMR 10.04;
  - (2) Maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling;
  - (3) The construction of fencing that will not substantially alter existing terrain or drainage patterns;
  - (4) Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;
  - (5) Work activities of municipal, state or federal agencies or their agents outside of the Phase II boundaries as shown on the latest U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) Phase II maps.

- (6) As authorized in the Phase II Small MS4 General Permit for Massachusetts, stormwater discharges resulting from the activities identified in this § 120-3 that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Policy as reflected in an order of conditions issued by the Conservation Commission are exempt from compliance with this bylaw.

**§ 120-4. Permits and procedures.**

- A.** The permit granting authority (PGA) under this bylaw shall be the Lanesborough Planning Board. Such special permit shall be granted if the PGA determines in conjunction with the Conservation Commission and Highway Superintendent 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 its decision. **[Amended 6-11-2019 ATM by Art. 31]**
- B.** The site owner or his agent shall file with the PGA 10 copies of a completed application package for a stormwater management permit (SMP). Permit issuance is required prior to any site-altering activity. While the applicant can be a representative, the permittee must be the owner of the site. The SMP application package shall include:
- (1) A completed application form with original signatures of all owners;
  - (2) Ten copies of the stormwater management plan and project description as specified in § 120-5;
  - (3) Ten copies of the operation and maintenance plan as required by § 120-6 of this bylaw;
  - (4) Payment of the application and review fees.
- C.** Entry. Filing and application for a permit grants the PGA or its agent permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit.
- D.** Other boards. The PGA shall give copies of the application package to the Conservation Commission and Highway Superintendent. **[Amended 6-11-2019 ATM by Art. 31]**
- E.** Fee structure. The PGA shall obtain with each submission an application fee established by the PGA to cover expenses connected with the public hearing and application review of the stormwater management permit and a technical review fee sufficient to cover professional review. The PGA is authorized to retain a registered professional engineer or other professional consultant to advise the PGA on any or all aspects of these plans. Applicants must pay review fees before the review process may begin. Failure to pay any said fee(s) may result in the rejection of the application.

F. Actions. The PGA's action, rendered in writing, shall consist of either:

- (1) Approval of the stormwater management permit application based upon determination that the proposed plan meets the standards in § 120-5B and will adequately protect the water resources of the community and is in compliance with the requirements set forth in this bylaw;
- (2) Approval of the stormwater management permit application subject to any conditions, modifications or restrictions required by the PGA which will ensure that the project meets the standards in § 120-5B and adequately protect water resources, set forth in this bylaw;
- (3) Disapproval of the stormwater management permit application based upon a determination that the proposed plan, as submitted, does not meet the standards in § 120-5B or adequately protect water resources, as set forth in this bylaw.

G. Project completion. At completion of the project, the permittee shall submit as-built record drawings of all structural stormwater controls and treatment best management practices required for the site. The as-built drawing shall show deviations from the approved plans, if any, and be certified by a registered professional engineer.

**§ 120-5. Contents of stormwater management plan.**

A. Application. The stormwater management plan shall contain sufficient information for the PGA to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The plan shall be designed to meet the Massachusetts Stormwater Management Standards and the current edition of the Department of Environmental Protection guidelines and policies. The stormwater management plan shall fully describe the project in drawings and narrative. It shall include:

- (1) Locus map;
- (2) The existing zoning, and land use at the site;
- (3) The proposed land use;
- (4) The location(s) of existing and proposed easements;
- (5) The location of existing and proposed utilities;
- (6) The site's existing and proposed topography with contours at two-foot intervals;
- (7) The existing site hydrology;
- (8) A description and delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows;
- (9) A delineation of one-hundred-year floodplains, if applicable;
- (10) Estimated high groundwater elevation in areas to be used for stormwater retention, detention, or infiltration;

- (11) The existing and proposed vegetation and ground surfaces with runoff coefficient for each;
- (12) A drainage area map showing pre- and post-construction watershed boundaries, drainage area and stormwater flow paths;
- (13) A description and drawings of all components of the proposed drainage system, including:
  - (a) Locations, cross sections, and profiles, of all brooks, streams, drainage swales and their method of stabilization;
  - (b) All measures for the detention, retention, or infiltration of water;
  - (c) All measures for the protection of water quality;
  - (d) The structural details for all components of the proposed drainage systems and stormwater management facilities;
  - (e) Notes on drawings specifying materials to be used, construction specifications, and typicals; and
  - (f) Expected hydrology with supporting calculations;
- (14) Proposed improvements, including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable;
- (15) Timing, schedules, and sequence of development, including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization;
- (16) A maintenance schedule for the period of construction;
- (17) A site-specific erosion and sediment control plan for land disturbance activities; and
- (18) Any other information requested by the PGA.

**B. Standards. Projects shall meet the standards of the Massachusetts Stormwater Management Policy, which are as follows:**

- (1) No new stormwater conveyances (e.g., outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or water of the commonwealth.
- (2) Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.
- (3) Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types.
- (4) For new development within the MS4 areas, stormwater management systems must be designed to remove 90% of the average annual load (post-development conditions) of total suspended solids (TSS) and 60% of average annual load of Total Phosphorous. For re-development within the MS4 areas, stormwater management systems must be designed to remove 80% of average annual load of TSS and 50% of average annual load of Total Phosphorous. It is presumed that this standard is met when:

- (a) Suitable nonstructural practices for source control and pollution prevention are implemented;

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- (b) Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and
  - (c) Stormwater management BMPs are maintained as designed.
- (5) Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs, as outlined in the Massachusetts Stormwater Handbook as amended from time to time. The use of infiltration practices without pretreatment is prohibited.
  - (6) Stormwater discharges within Wellhead Protection Areas and to critical areas must utilize certain stormwater management BMPs approved for critical areas (see MA DEP's Stormwater Management Volume I: Stormwater Policy Handbook). Critical areas are outstanding resource waters (ORWs), cold water fisheries, and recharge areas for public water supplies.
  - (7) Redevelopment of previously developed sites must meet the stormwater management standards to the maximum extent practicable. However, if it is not practicable to meet all the standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.
  - (8) Erosion and sediment controls must be implemented to prevent impacts during disturbance and construction activities.
  - (9) All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed.
  - (10) When one or more of the standards cannot be met, an applicant may demonstrate that an equivalent level of environmental protection will be provided.
  - (11) All illicit discharges to the stormwater management system are prohibited.
- C. Project changes. The permittee, or their agent, shall notify the PGA in writing of any change or alteration of a land-disturbing activity authorized in a stormwater management permit before any change or alteration occurs. If the PGA determines that the change or alteration is significant, based on the design requirements listed in this § 120-5 and accepted construction practices, the PGA may require that an amended stormwater management permit application be filed and a public hearing held. If any change or deviation from the stormwater management permit occurs during a project, the SPGA may require the installation of interim measures before approving the change.

#### **§ 120-6. Operation and maintenance plans.**

An operation and maintenance plan (O&M plan) is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with the permit, this bylaw and that the Massachusetts Surface Water Quality Standards, 314 CMR 4.00, are met in all seasons and throughout the life of the system. The operation and maintenance plan shall remain on file with the PGA and shall be an ongoing requirement. The O&M plan shall include:

- A. The name(s) of the owner(s) for all components of the system.
- B. Maintenance agreements that specify:

- (1) The names and addresses of the person(s) responsible for operation and maintenance.
- (2) The person(s) responsible for financing maintenance and emergency repairs.
- C. Maintenance schedule for all drainage structures, including swales and ponds.
- D. List of easements, with the purpose and location of each.
- E. The signature(s) of the owner(s).
- F. Stormwater management easement(s).
  - (1) Stormwater management easements shall be provided by the property owner(s) as necessary for:
    - (a) Access for facility inspections and maintenance,
    - (b) Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the one-hundred-year storm event.
    - (c) Direct maintenance access by heavy equipment to structures requiring regular cleanout.
  - (2) The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
  - (3) Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the PGA.
  - (4) Easements shall be recorded with the Berkshire County Registry of Deeds prior to issuance of a certificate of completion by the PGA.
- G. Changes to operation and maintenance plans.
  - (1) The owner(s) of the stormwater management system must notify the PGA of changes in ownership or assignment of financial responsibility. **[Amended at time of adoption of Code]**
  - (2) The maintenance schedule in the maintenance agreement may be amended to achieve the purposes of this bylaw by mutual agreement of the PGA and the responsible parties. Amendments must be in writing and signed by all responsible parties. Responsible parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility.

#### **§ 120-7. Surety.**

The PGA may require the permittee to post, before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by Town Counsel, and be in an amount deemed sufficient by the PGA to ensure that the work will be completed in accordance with the permit. If the project is phased, the PGA may release part of the bond as each phase is completed in compliance with the permit, but the bond may not be fully released until the

PGA has received the final inspection report as required by § 120-8D and issued a certificate of completion.

**§ 120-8. Inspections.**

The PGA or its designee shall inspect the project site at the following stages:

- A. Initial site inspection: prior to approval of any plan.
- B. Erosion control inspection: to ensure erosion control practices are in accord with the filed plan.
- C. Bury inspection: prior to backfilling of any underground drainage stormwater conveyance structures.
- D. Final inspection: After the stormwater management system has been constructed and before the surety has been released, the applicant must submit a record plan detailing the actual stormwater management system as installed. The PGA or its agent shall inspect the system to confirm its "as-built" features. This inspector shall also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate he shall so report to the PGA, which will issue a certificate of completion.
- E. If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the stormwater management plan, it shall be corrected by the permittee before the performance guarantee is released. If the permittee fails to act, the Town of Lanesborough may use the surety bond to complete the work. Examples of inadequacy shall be limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

**§ 120-9. Waivers.**

- A. The PGA may waive strict compliance with any requirement of this bylaw or the rules and regulations promulgated hereunder, where such action is:
  - (1) Allowed by federal, state and local statutes and/or regulations;
  - (2) In the public interest; and
  - (3) Not inconsistent with the purpose and intent of this bylaw.
- B. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the bylaws does not further the purposes or objectives of this bylaw.
- C. All waiver requests shall be discussed and voted on at the public hearing for the project.
- D. If, in the PGA's opinion, additional time or information is required for review of a waiver request, the PGA may continue the hearing to a date certain announced at the



meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

#### **§ 120-10. Certificate of completion.**

The PGA will issue a letter certifying completion upon receipt and approval of the final inspection reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this bylaw.

#### **§ 120-11. Enforcement.**

- A. The PGA or an authorized agent of the PGA shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- B. Orders.
  - (1) The PGA or an authorized agent of the PGA may issue a written order to enforce the provisions of this bylaw or the regulations hereunder, which may include requirements to:
    - (a) Cease and desist from construction or land-disturbing activity until there is compliance with the bylaw and the stormwater management permit;
    - (b) Repair, maintain, or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan;
    - (c) Perform monitoring, analysis, and reporting;
    - (d) Remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system.
  - (2) If the enforcing person determines that the abatement or remediation of adverse impacts is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Lanesborough may, at its option, undertake such work, and the property owner shall reimburse the Town's expenses.
  - (3) Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall 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 PGA within 30 days of receipt of the notification of the cost incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the PGA 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. c.59, § 57, after the 31st day at which the costs first become due.

## ARTICLE II

**Illicit Discharges and Connections to Storm Sewer System  
[Adopted 1-22-2008 STM (Ch. 18 of the General Bylaws)]****§ 120-12. Findings and intent.**

- A. Increased and contaminated stormwater runoff is a major cause of:
- (1) Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
  - (2) Contamination of drinking water supplies;
  - (3) Alteration or destruction of aquatic and wildlife habitat; and
  - (4) Flooding.
- B. Regulation of illicit connections and discharges to the municipal storm sewer system is necessary for the protection of the Town's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.
- C. The objectives of this bylaw are:
- (1) To prevent pollutants from entering the Town's municipal separate storm sewer system (MS4);
  - (2) To prohibit illicit connections and unauthorized discharges to the MS4;
  - (3) To require the removal of all such illicit connections;
  - (4) To comply with state and federal statutes and regulations relating to stormwater discharges; and
  - (5) To establish the legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

**§ 120-13. Definitions.**

For the purposes of this bylaw, the following terms shall have the meanings indicated:

**AUTHORIZED ENFORCEMENT AGENCY** — The Lanesborough Planning Board, its employees or agents designated to enforce this bylaw. [Amended 6-11-2019 ATM by Art. 32]

**BEST MANAGEMENT PRACTICE (BMP)** — An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

**CLEAN WATER ACT** — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), as hereafter amended.

**DISCHARGE OF POLLUTANTS** — The addition from any source of any pollutant or combination of pollutants into the municipal storm sewer system or into the waters of the United States or commonwealth from any source.

**GROUNDWATER** — Water beneath the surface of the ground.

**ILLCIT CONNECTION** — A surface or subsurface sewer or conveyance which allows an illicit discharge into the municipal storm sewer system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

**ILLCIT DISCHARGE** — Direct or indirect discharge to the municipal storm sewer system that is not composed entirely of stormwater, except as exempted in § 120-19. The term does not include a discharge in compliance with an NPDES stormwater discharge permit or a surface water discharge permit, or resulting from fire-fighting activities exempted pursuant to § 120-19 of this bylaw.

**IMPERVIOUS SURFACE** — Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

**MUNICIPAL SEPARATE STORM DRAIN SYSTEM (MS4) or MUNICIPAL STORM SEWER SYSTEM** — The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Lanesborough.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT** — A permit issued by United States Environmental Protection Agency or jointly with the state that authorizes the discharge of pollutants to waters of the United States.

**NON-STORMWATER DISCHARGE** — Discharge to the municipal storm sewer system not composed entirely of stormwater.

**PERSON** — An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

**POLLUTANT** — Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the commonwealth. Pollutants may include, but are not limited to:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Nonhazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects;
- E. Ordnance, accumulations and floatables;
- F. Pesticides, herbicides, and fertilizers;

- G. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
- H. Dissolved and particulate metals;
- I. Animal wastes;
- J. Rock, sand, salt, soils;
- K. Construction wastes and residues; and
- L. Noxious or offensive matter of any kind.

**PROCESS WASTEWATER** — Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

**RECHARGE** — The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

**STORMWATER** — Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

**SURFACE WATER DISCHARGE PERMIT** — A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

**TOXIC OR HAZARDOUS MATERIAL OR WASTE** — Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as toxic or hazardous under G.L. c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

**WASTEWATER** — Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that, during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

**WATERCOURSE** — A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

**WATERS OF THE COMMONWEALTH** — All waters within the jurisdiction of the commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

#### **§ 120-14. Applicability.**

This bylaw shall apply to flows entering the municipally owned storm sewerage system.

**§ 120-15. Authority.**

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34 and the Phase II ruling from the Environmental Protection Agency found in the December 8, 1999 Federal Register.

**§ 120-16. Responsibility for administration and enforcement. [Amended 6-11-2019 ATM by Art. 32]**

The Planning Board, in conjunction with the Highway Superintendent, shall administer, implement and enforce this bylaw. 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.

**§ 120-17. Rules and regulations. [Amended 6-11-2019 ATM by Art. 32]**

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

**§ 120-18. Prohibited activities.**

- A. Illicit discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the commonwealth.
- B. Illicit connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm sewer system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. 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 Planning Board. [Amended 6-11-2019 ATM by Art. 32]

**§ 120-19. Exemptions.**

- A. Discharge or flow resulting from fire-fighting activities;
- B. The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters, provided that the source is not a significant contributor of a pollutant to the municipal storm sewer system:
  - (1) Waterline flushing;
  - (2) Flow from potable water sources;
  - (3) Springs;
  - (4) Natural flow from riparian habitats and wetlands;

- (5) Diverted stream flow;
- (6) Rising groundwater;
- (7) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
- (8) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
- (9) Discharge from landscape irrigation or lawn watering;
- (10) Water from individual residential car washing;
- (11) Discharge from dechlorinated swimming pool water (less than one ppm chlorine), provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (12) Discharge from street sweeping;
- (13) Dye testing, provided verbal notification is given to the Planning Board prior to the time of the test; **[Amended 6-11-2019 ATM by Art. 32]**
- (14) Non-stormwater discharge permitted under an NPDES permit or a surface water discharge permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations;
- (15) Discharge for which advanced written approval is received from the Planning Board as necessary to protect public health, safety, welfare or the environment; and **[Amended 6-11-2019 ATM by Art. 32]**
- (16) 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 Planning Board or Board of Health. **[Amended 6-11-2019 ATM by Art. 32]**

**§ 120-20. Emergency suspension of storm sewerage system access. [Amended 6-11-2019 ATM by Art. 32]**

The 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.

**§ 120-21. Notification of spills. [Amended 6-11-2019 ATM by Art. 32]**

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 Planning Board and Board of Health. In the event of a release of nonhazardous material, the reporting person shall notify the Planning Board no later than the next business day. The reporting person shall provide to the 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.

**§ 120-22. Enforcement. [Amended 6-11-2019 ATM by Art. 32]**

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

- A. Civil relief. If a person violates the provisions of this bylaw, regulations, permit, notice, or order issued thereunder, the 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.
- B. Orders.
  - (1) The Planning Board or an authorized agent of the Planning Board may issue a written order to enforce the provisions of this bylaw 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.
  - (2) If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

- (3) Within 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 Planning Board within 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 30 days following a decision of the 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. c. 59, § 57 after the 31st day at which the costs first become due.
- C. Criminal penalty. Any person who violates any provision of this bylaw, regulation, order or permit issued thereunder shall be punished by a fine of not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- D. Entry to perform duties under this bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Planning Board, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Planning Board deems reasonably necessary.
- E. Appeals. The decisions or orders of the Planning Board shall be final. Further relief shall be to a court of competent jurisdiction.
- F. Remedies not exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

#### **§ 120-23. Severability.**

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.<sup>1</sup>

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1. Editor's Note: Original Sec. M, Transitional provisions, as amended, which followed this section, was repealed at time of adoption of Code.





## EXHIBIT B

To see if the Town will vote to amend the Zoning Bylaw by amending the "Zoning Map of Lanesborough, Massachusetts," dated November 13, 2012, and the Lanesborough Zoning Bylaw as follows and further allow nonsubstantive changes to the lettering and numbering of the Zoning Bylaws of the Town of Lanesborough to be consistent with the following amendments;

**Amend Section II Definitions** by adding the following term and definition, INDEPENDENT LIVING UNITS -  
- A use of land or buildings for the provision of dwelling units that are designed and intended for occupancy principally by people age 55 years and over. Such units may include basic services such as meals, housekeeping, grounds maintenance, security, and common areas and common facilities for events and activities benefiting residents of the development

**Amend Section II Definitions** by changing the definition of APARTMENT BUILDING COMPLEX to "A group of residential structures containing 5 or 6 dwelling units, except in the Mixed Commercial District where the Planning Board may authorize additional units per building.

**Amend Section III, Zoning Districts, A. TYPES OF DISTRICTS** by deleting "MR Major Retail" and replacing with "MC Mixed Commercial District"

**Amend the "Zoning Map of Lanesborough, Massachusetts,"** dated November 13, 2012 by deleting "MR Major Retail" and replacing with "MC Mixed Commercial District" said district to comprise the same geographic area as Major Retail.

**Amend Section IV Use Regulations** by modifying the Table of Permitted uses as underlined and highlighted in red below;

# Table of Permitted Uses

*Proposed changes highlighted in red text*

RESIDENTIAL USES	R	R-A	B	LB	MC	I
Single dwelling unit	✓	✓	✓	✓		
Double dwelling unit	✓	✓	✓	✓		
Multi-unit dwelling (3 to 4 units)		✓	✓	✓		
Conversion of a single to Double dwelling unit		✓	✓	✓		
Conversion of a single or double dwelling unit to multi-unit dwellings		✓	✓	✓		
Apartment Building Complex			PBP	PBP	PBP	
ACCESSORY USES	R	R-A	B	LB	MC	I
Accessory uses such as but not limited to patios, breeze-ways, outdoor fire-places, storage sheds, and swimming pools	✓	✓	✓	✓		
Practice of a profession by a surgeon, physician, clergyman, architect, engineer, attorney or similar professional person in a dwelling without limit as to resident employees but with a limit of one non-resident employee and provided there is no external evidence of any profession other than permitted signs	✓	✓	✓	✓		
Practice of a profession by a surgeon, physician, clergyman, architect, engineer, attorney or similar professional person in a dwelling , or office building without limit to as to the number of employees and provided there is no external evidence of any profession other than permitted signs		✓	✓	✓		
The use of a room or rooms in a dwelling or accessory building for a home occupation or trade conducted by a resident of the dwelling without limit as to resident employees but with a limit of one non-resident employee and provided there is no external evidence of any business other than permitted signs	✓	✓	✓	✓		
Bed and Breakfast	✓	✓	✓	✓		
Renting of rooms and/or providing of board to not more than four persons in a dwelling	✓	✓	✓	✓		
Exterior Dining Area			✓	✓	✓	
Detached Accessory Dwelling Units	✓	✓	✓	✓	✓	✓
AGRICULTURAL USES	R	R-A	B	LB	MC	I

The use of land or structures for the primary purpose of agriculture, horticulture, floriculture or viticulture including facilities for the sale of produce, wine and dairy products insofar as a majority of such products for sale have been produced by the owner of the land on which the sales facility is located, provided that:	✓	✓	✓	✓	✓	✓
a. Such activities are limited to parcels of more than 5 acres except in R-A zones;						
b. Piggeries and fur farms shall be located 500 feet from any lot line, except that 1 or 2 pigs may be kept in a R-A zone only in a suitable structure no less than 75 feet from any lot line;						
c. Any land use for the pasturing of animals must be properly fenced.						
d. Structures, shelters and waste storage for farm animals shall be located 75 feet from any lot line.						
Raising of crops not for commercial use	✓	✓	✓	✓	✓	
Keeping of fowl provided that accessory structures used for their care shall be located at least 20 feet from any lot line	✓	✓	✓	✓	✓	✓
Farmers Market	✓	✓	✓	✓	✓	✓
Commercial greenhouses		✓	✓	✓	✓	✓
<b>RECREATIONAL USES</b>	<b>R</b>	<b>R-A</b>	<b>B</b>	<b>LB</b>	<b>MC</b>	<b>I</b>
Campgrounds		ZBA	ZBA	ZBA	PBP	
Children's camps		✓	✓	✓	PBP	
Golf courses (USGA regulation size)		✓	✓	✓	PBP	
Private clubs		ZBA	ZBA	ZBA	ZBA	
Adult Entertainment						PBP
Rifle ranges		ZBA			PBP	
Ski areas		ZBA			PBP	
Commercial places of entertainment including but not limited to, theaters, bowling alleys, billiard rooms, night clubs, arcades, roller skating rinks, gymnasiums, health clubs driving ranges & miniature or pitch & putt golf courses			✓		✓	
Outdoor Adventure Recreation Facility				PBP	PBP	
<b>MUNICIPAL USES</b>	<b>R</b>	<b>R-A</b>	<b>B</b>	<b>LB</b>	<b>MC</b>	<b>I</b>
Municipal uses	✓	✓	✓	✓	✓	✓
<b>RELIGIOUS &amp; EDUCATIONAL USES</b>	<b>R</b>	<b>R-A</b>	<b>B</b>	<b>LB</b>	<b>MC</b>	<b>I</b>
Religious & Educational Uses (M.G.L. c. 40A s. 3)	✓	✓	✓	✓	✓	✓
<b>COMMERCIAL USES</b>	<b>R</b>	<b>R-A</b>	<b>B</b>	<b>LB</b>	<b>MC</b>	<b>I</b>

Motels and cabins		ZBA	✓	✓	<u>PBP</u>	
Hotels and Inns			✓	✓	<u>✓</u>	
Nursing homes			✓	ZBA	<u>PBP</u>	
Hospitals/Clinics			✓	ZBA	<u>PBP</u>	
Assisted Living Residence			✓	ZBA	<u>PBP</u>	
<u>INDEPENDENT LIVING UNITS</u>			<u>✓</u>	<u>ZBA</u>	<u>PBP</u>	
Rest Home			✓	ZBA	<u>PBP</u>	
COMMERCIAL USES (continued)	R	R-A	B	LB	<u>MC</u>	I
Funeral homes and mortuaries			✓	ZBA		
Veterinary hospitals		ZBA	✓	✓	<u>PBP</u>	
Transportation services such as bus stations and taxi stands			✓	✓	<u>PBP</u>	
Shopping Mall					<u>PBP</u>	
Restaurants, café's, taverns, coffee shops and snack bars			✓	✓	<u>✓</u>	
Fast food eating establishments			PBP	PBP	<u>✓</u>	
Mixed Use			✓	✓	<u>✓</u>	
Stores, salesrooms and showrooms for the conduct of retail business that DO NOT exceed 3000 sf of gross floor.			✓	✓	<u>✓</u>	
Stores, salesrooms and showrooms for the conduct of retail business that exceed 3000 sf of gross floor area but have less than 5000 sf of gross floor area.			✓	PBP	<u>✓</u>	
Retail and service complexes (5,000 sq ft or more gross floor area) Per section VIII-I			PBP		<u>PBP</u>	
Service establishments, such as, but not limited to; barber shops, beauty salons, tailor shops, laundries, tanning and nail salons, dry cleaning shops, shoe repair shops, provided only non-explosive & non-flammable solvents are used and no work is done on the premises for retail outlets elsewhere.			✓	ZBA	<u>✓</u>	
Banking, business and other professional offices and office buildings			✓	ZBA	<u>✓</u>	
Repair shops such as for radio, television, appliance and other similar consumer articles			✓	ZBA	<u>✓</u>	
Package stores			✓	ZBA	<u>✓</u>	
Shops for the making of custom articles, the major portion of which is sold at retail on the premises NOT TO exceed 3000 sf.			✓	✓	<u>✓</u>	
Places of business of plumbers, painters, electricians, carpenters, building & construction contractors and similar uses compatible with the uses above mentioned			✓	✓	<u>✓</u>	
Motor vehicle dealerships and car washes			✓	✓	<u>✓</u>	
Filling stations and repair garages, except as allowed within motor vehicle dealerships			PBP	PBP	<u>PBP</u>	
Convenience store			PBP	PBP	<u>PBP</u>	

Kennels		ZBA	ZBA	ZBA		
Marijuana Retail	NO	NO	✓	PBP	✓	✓
<b>INDUSTRIAL USES</b>	R	R-A	B	LB	MC	I
Industrial complexes (5,000 sq ft or more gross floor area) Per section VIII-I			PBP		PBP	PBP
Warehouses and buildings and yards used for storage, provided such yards are fenced from the view of abutting lots and the street as required under Section VIII-E and F			✓		PBP	✓
Wholesale, or distributing establishments, provided no substantial quantities of flammable, explosive or toxic materials are involved			✓		PBP	✓
Printing shops, machine shops, welding shops and sheet metal shops, provided that no power forges are employed nor more than one hundred horsepower be used as total capacity in electric motive power for each five thousand square feet of floor area employed for such purposes			✓		PBP	✓
Laboratories; research, experimental and testing					PBP	✓
Light manufacturing such as of clothing, portable electric appliances, leather goods, machinery parts and accessories, small tools and plastic processing such as molding and extruding, provided no power forges are employed, no basic materials are processed, and no more than one hundred horsepower be used as total capacity in electric motive power for each one thousand square feet of floor area employed for such purposes					PBP	✓
Machine, welding, sheet metal and printing shops and other similar uses, provided that no power forges are employed and that no more than one hundred horsepower be used as total capacity in electric motive power for each one thousand square feet of floor area employed for such purposes					PBP	✓
Mixing and packaging of chemicals, drugs, detergents and other consumer and industrial products provided no chemical reactions are involved and any premises used for flammable materials meet the provisions of the applicable fire code of the National Fire Protection Association and that no explosive or poisonous substances are used in substantial quantities					PBP	✓
Quarries, gravel processing plants and cement mixing plants						PBP
Foundry Casting of metal not causing noxious fumes or odors					PBP	✓
Wind Turbines and wind electrical generator towers provided that the setback from any lot line is minimally one and one half times the overall height		ZBA			ZBA	ZBA

Wireless Communications towers		PBP	PBP	PBP	<u>PBP</u>	PBP
Large Scale Solar Photovoltaic Installation	PB P	PBP	PBP	PBP	PBP	PBP
Small Scale Solar Photovoltaic Installation	✓	✓	✓	✓	✓	✓

**Amend Section V Intensity Regulations A. DIMENSIONAL REQUIREMENTS** by deleting MR and replacing with MC and modifying the allowed maximum height to 80 feet.

**Amend Section VIII SPECIAL PROVISIONS B Parking Requirements** as follows, deleting the struck through language and replacing with the **bold and underlined**:

- ~~1. Two spaces for each dwelling unit within the building or buildings on the premises~~
1. 1 space for each dwelling unit, and an additional space for each three dwelling units, within the building or buildings on the premises.
- ~~8. In the Major Retail District the parking ration shall be 3.0 spaces per 1,000 sq ft of Gross Leasable Area.~~
- 8. In the Mixed Commercial District the number of parking spaces shall be determined by the Planning Board following an analysis of the specific uses proposed in any site plan review. In performing this analysis the Planning Board reserves the right to hire, at the applicant's cost, an independent consultant to review the proposed parking requirements.**

**Amend Section VIII SPECIAL PROVISIONS D Signs 5 MR District** as by removing the strikethrough text and renumbering the remaining sections and adding the **bold and underlined** text;

- ~~a. Property Owner will be allowed for each retail store (having total square footage greater than 30,000 sq. ft.) to place on its exterior walls 4 (four) building signs not exceeding 365 sq. ft. each.~~
- ~~b. Property Owner shall also be allowed for each theater (having total square footage of 20,000 sq. ft. or greater) to place on its exterior walls 3 (three) building signs not exceeding 365 sq. ft. each (these may include signs in incorporating video screens and/or digital reader boards) and~~
- ~~c. For each restaurant (having a total square footage of 5,000 sq. ft. or greater), Property Owner shall be allowed to place on its exterior walls 1 (one) building sign not to exceed 100 sq. ft.~~
- ~~d. Property Owner shall have the right to 1 (one) building sign at each exterior common canopy entrance not to exceed 90 sq. ft. each.~~
- a. Property owner shall have the right to 1 (one) additional exterior building sign for every 50,000 sq. ft. of total shopping center building square footage not to exceed 365 sq. ft. each at locations and for purposes of it choosing (these may include signs incorporating video screens and/or digital reader boards).
- b. Property Owner shall be allowed free standing directional signs, as necessary, not to exceed 12' H x 9' L x 2' 6" D each and 2 (two) free standing pylon signs not to exceed 35' H x 26' L x 6'.

**C. Property Owner shall submit a signage plan and shall be allowed signage that is consistent with the character of the surrounding area on Special Permit from the Planning Board.**

**Amend 6. TEMPORARY SIGNS AND OFF-PREMISES SIGNS.** By removing the reference to MR and replacing it with MC.

**Amend Section VIII SPECIAL PROVISIONS D Signs 7 by changing "MR District" to "MC District"**

**Amend Section I RETAIL SERVICE AND INDUSTRIAL COMPLEXES I. RETAIL, SERVICE AND INDUSTRIAL COMPLEXES**, by inserting **the following bold and underlined language** into the existing bylaw

1. **PURPOSE.** It is the purpose of these requirements to provide regulations and conditions for the planning and design of shopping centers, plazas and malls, industrial complexes, industrial parks and industrial buildings in order to:
  - a. Ensure harmony with the purpose of the By-Law.
  - b. Control the impacts of major commercial and industrial developments on the surrounding area and the town as a whole.
  - c. Encourage the design of commercial and industrial facilities to be compatible with the special conditions of the site and the character of the area.
  - d. Preserve and enhance the environmental quality of the town.
  - e. Make the most economical use of energy resources, municipal services, streets, and utilities.
2. **DEFINITION – RETAIL, SERVICE, MIXED USE, AND INDUSTRIAL COMPLEX.** A building or complex of buildings for retail, commercial or industrial, or office, hotel, motel, mixed use, or other service uses with a gross floor area of 5,000 square feet or greater on a common site or sites of two (2) acres or greater which is integrated in terms of utilities and services and/or in respect to the conduct of business activities on the site.
3. **REQUIREMENTS.**
  - a. Any proposed building or complex as defined shall conform to the requirements of this section as set forth and shall require a Special Permit from the Planning Board under the provisions of Section 9, Chapter 40A of the General Laws as set forth and shall be subject to the following special requirements which are in addition to, or in modification of, other applicable provisions and requirements of the By-Law. This provision shall also apply to the expansion of any such existing facility which is or creates a shopping center, plaza or mall, industrial complex, industrial park or industrial building, or office or hotel or motel or service establishment, as defined by this By-Law.
  - b. **Site Requirements**
    - i. Stores, public spaces, parking, loading areas, and other uses shall be located on the site and be designed to provide a safe, convenient and attractive environment which is compatible with the surrounding areas and to ensure harmony with the purpose of this By-Law.
    - ii. A circulation system shall be designed for automobiles, public transportation vehicles, pedestrians, wheelchairs, and emergency service and delivery vehicles, so that circulation routes are clearly defined and provisions for safety are made, especially at points where circulation routes intersect.



iii. The site shall be designed so as to adequately accommodate storm drainage and snow removal. The design with respect to storm drainage shall utilize the best management practices as defined by the current Massachusetts Department of Environmental Protection Stormwater Manual. Said design shall utilize low impact development techniques and ecological storm water control methods to the maximum extent practicable.

iv. The proposed use shall be so located with relation to major thoroughfares and uses in the neighborhood, as not to affect other uses in the neighborhood, and as not to create traffic hazards or congestion.

v. The proposed use shall be designed to minimize excessive traffic to and through local streets in nearby residential areas.

vi. The proposed site shall be designed to minimize impervious surfaces to the maximum extent practicable and shall include appropriate native vegetation throughout all hard surface parking and other areas to provide for stormwater infiltration, safe pedestrian movement, and a reduction in heat island effect.

c. Impact Statement. The application for such shopping center, plaza, mall, industrial complex, industrial park or industrial building, or office or hotel or motel, mixed use, or service establishment must be accompanied by an impact statement prepared by a duly authorized engineer, planner architect, landscape architect and/or land surveyor or a combination thereof as appropriate which details the probable effect of the proposed development both during construction and after completion. The proposed development shall not create any undue adverse impacts as identified by the impact statement and the analysis reports of the various town boards and departments. Some or all of the Impact Statement requirements may be waived at the discretion of the Planning Board. All appropriate reports shall be submitted to the Planning Board prior to 14 days before the public hearing. This impact statement shall be comprehensive enough to enable the Planning Board and other reviewing agencies to make valid judgments based upon it and must include the following:

i. An analysis of resulting demands on public utilities and services and on future demand for them, including, but not limited to, sewer, water, and drainage systems, police, fire and public works.

ii. An analysis on increased traffic volumes and the effect of this increase on nearby uses and area.

iii. An analysis on architectural, site planning, and other design features assuring environmental quality of the facility and compatibility with the surrounding areas.

iv. A report of anticipated effects of demolition or alteration of existing buildings, if any.

v. A report of architectural, site planning, and other design features assuring public safety in both day to day and emergency situations.

vi. An engineering report detailing the effect on nearby water systems such as, but not limited to, aquifers, groundwater supplies, wetlands, rivers, lakes and floodplains, including erosion and siltation during the construction and other impacts on natural resources and environments, and proposed controls to minimize adverse impacts.

vii. An impact study on local wildlife and its habitat.

d. Action By The Planning Board. In reviewing an application for determination that a proposal under this section meets the site requirements and will not create undue adverse impacts, the Planning Board shall consider:

i. The development plans.

ii. The impact statement.

iii. The reports of the Public Works Department, Building Inspector, Health Department, Water District, Highway Department, Fire Department, Police Department, and Conservation Commission analyzing the developing plans and verifying the impact statement.

iv. Overall design of the development and the location, spacing, bulk, and height of proposed buildings and structures, and their effect on adjacent uses and the surrounding area.

v. Vehicular and pedestrian traffic within the site and in the surrounding area.

vi. Architectural and open space design features enhancing the comforts, convenience, and amenities for shoppers, employees, others using the facility; enhancing the general appearance of the development; or contributing to public health, safety, or welfare.

vii. Provisions for off-street parking and loading facilities as per Section VIII-B and VIII-C.

viii. Character, size, mix, and compatibility of the proposed uses and their effect on the existing uses and environment in the area, including impacts on near by natural resources and ecosystem function.

ix. Consistency with the Zoning By-Law of Lanesborough, Massachusetts, Federal, State or Local land use regulations and plans.

4. APPLICABILITY. Any other provision of these By-Laws to the contrary notwithstanding, the provisions of this Section VIII-I shall not apply in any way to any project for which a building permit has been issued prior to the effective date of this Section VIII-I and/or for which clearing, grading, earthwork, general site work and/or construction related activities have been commenced prior to the effective date of this Section VIII-I.



# EXHIBIT C



## TOWN OF LANESBOROUGH

83 North Main Street, PO Box 1492, Lanesborough, MA 01237

All departments 413-442-1167 Fax 413-443-5811

[www.lanesborough-ma.gov](http://www.lanesborough-ma.gov)

### SUBMISSION OF A PETITION TO PLACE AN ARTICLE ON ANNUAL TOWN MEETING

**Requires the signatures of 10 (ten) voters registered in the Town of Lanesborough**

Petitions must be submitted by the stated closing date for warrant articles: \_\_\_\_\_  
The article being submitted should be typed on the petition. The article should be **READ AND THEN  
SIGNED BY THE VOTERS.**

**THIS PETITION FORM IS THE ONLY FORM TO BE USED AND SHALL NOT BE ALTERED OR  
DEFACED IN ANY MANNER OR WILL BE REFUSED.**

The person circulating the turning in the petition will be the person called on to speak to the article unless  
specified otherwise.

Petitions should be submitted to the TOWN CLERK'S OFFICE AND WILL BE CERTIFIED AND THEN  
SUBMITTED TO THE BOARD OF SELECTMEN.

PERSON SUBMITTING THE PETITION: DONALD DERMAYER

Email address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Best time to be reached \_\_\_\_\_

Street Address: 9 GROVE AVE

Received by the Town Clerk: 3/22/21 Submitted to the Registrars 3/23/21

#### For use by Registrars

Certification of voters by registrars

Stamp:

Number of Voters 14

Accepted: 14

Rejected: 0

Date: 3/23/21

MAR 23 2021

BOARD OF REGISTRARS SIGNATURES:

Justine A. Voin

Sandra C. Buckley

Diane Chamberland

We the undersigned do hereby petition the Board of the Selectman of the Town of Lanesborough, MA to place the following bylaw on the Annual Meeting to be held in 2021.

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Overview of proposed bylaw: With the increasing pressure to alter the second amendment without due process for changes as described under the Constitution of the United States of America it has become necessary to designate Lanesborough, MA as a 'Designated Town' to keep the Federal government from enforcing any laws and regulations to limit the Second Amendment. This bylaw is between the Town of Lanesborough, MA and the Federal Government and the State of Massachusetts has no right to involve itself in it's execution nor enforcement.

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## **SECOND AMENDMENT PRESERVATION BYLAW OF THE TOWN OF LANESBOROUGH, MA**

Be it enacted by the Town of Lanesborough, MA as follows: All federal acts, laws, orders, rules, and regulations by the Federal Government and specifically Presidential Administration whether past, present, or future, which infringe on the peoples right to keep and bear arms as guaranteed by the Second Amendment of the Constitution of the United States and/or Article XX of the Constitution of the State of Massachusetts shall be invalid in the Town, shall not be recognized in the Town, and of no effect in this Town, specifically rejected by this Town, and shall be considered null and void and of no effect in this Town.

- (1) Such federal acts, laws, orders, rules, and regulations included but are not limited to:
  - (a) Any tax, fee, or stamp on firearms, firearm accessories, or ammunition not common to other goods and services which should have a chilling effect on the purchase or ownership of those items by law-biding citizens;
  - (b) Any registration or tracking of firearms, firearm accessories or ammunition which could have a chilling effect on the purchase or ownership of those items by law-biding citizens;
  - (c) Any registration or tracking of owners of firearms, firearm accessories, or ammunition which could have a chilling effect of the purchase or ownership of those items by law-biding citizens;
  - (d) Any act ordering the confiscation of firearms, firearm accessories, or ammunition from law-biding citizens;
  - (e) And finally, any act whether past, present, or future passed by the United States Congress and signed into law by the Federal Government and specifically any Administration which infringes on the people's right to keep and bear arms in the Town of Lanesborough and/or similar actions by the State of Massachusetts shall be null and void will not be recognized by the Town of Lanesborough;
- (2) The Town of Lanesborough declares that it must be the duty of the courts and law enforcement agencies to protect the rights of law-biding citizens to keep and bear arms and that no person, including a public officer or Town employee or State employee or any political subdivision of this Town, can have authority or attempt to enforce and

federal laws, orders, or rules infringing on the right to keep and bear arms;

- (3) The Town of Lanesborough declares that any person while acting as an official, agent, employee, or deputy for the United States Government who enforces or attempts to endorse any of the infringements identified in this by law or gives material aid and support to the effort of others who enforce or attempt to enforce any of the infringements identified in this by law may be permanently ineligible to be hired as a law enforcement officer or to supervise law enforcement officers in this Town or exceeds the authority of the Town of Lanesborough;
- (a) There will be an exception made for Town of Lanesborough local police officers shall and will not be held liable to this ordinance when assisting and all federal agents in the arrest of suspected criminals;
- (4) Any and all federal agents trying to enforce the regulations listed in Section (1) shall be subject to arrest by the Town of Lanesborough Police Department;
- (a) The Police Department of Lanesborough, MA shall be given full authority to make an arrest on any and all federal agents that violate and endorse the regulations listed in Section (1);
- (5) And further that the State of Massachusetts will take no action either to nullify this bylaw nor take any other action that will inhibit the Town of Lanesborough, MA from, enforcing it.
- (6) This bylaw will be known and cited as the "Second Amendment Preservation Act of the Town of Lanesborough, MA"
- (7) This bylaw will be enforce upon passage at the 2021 Annual Town of Lanesborough, MA even while any and all review processes proceed;
- (a) The Town of Lanesborough accepts responsibility for any and all liabilities . Incurred by its enforcement.

NAME	ADDRESS	MAR 22 2021
✓ Michael O'Sullivan	25 NARRAGANSETT	
✓ John J. Smith	46 PARK DRIVE	
✓ Janet Smith	16 PARK DR	
✓ Ed Kucka	125 BULL HILL RD	

✓	Paul Leppar	182 WORTH MAIN ST
✓	Gilbert Fagley	90 Narragansett
✓	Jeane Belli	35 Olson Road
✓	Don Adorno	236 Narragansett
✓	Des Conroy	10 Narragansett

federal laws, orders, or rules infringing on the right to keep and bear arms;

(3) The Town of Lanesborough declares that any person while acting as an official, agent, employee, or deputy for the United States Government who enforces or attempts to endorse any of the infringements identified in this by law or gives material aid and support to the effort of others who enforce or attempt to enforce any of the infringements identified in this by law may be permanently ineligible to be hired as a law enforcement officer or to supervise law enforcement officers in this Town or exceeds the authority of the Town of Lanesborough;

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(a) The Town of Lanesborough accepts responsibility for any and all liabilities . Incurred by its enforcement.

NAME	ADDRESS	
✓ David DeMeyer	9 Gove Ave	MAR 22 2021
✓ Emily Kula	650 Re Bed Rd	
✓ William H. Babin	350150N ROAD	
✓ Dan Gaylord	26 Grand Ave	



✓ Paul Snow 29 Grove Ave