

# Town of Southwick, Massachusetts

454 College Highway, Southwick, MA 01077

## Doings at Annual Town Meeting May 19, 2015

### **DOINGS AT THE ANNUAL TOWN MEETING COMMONWEALTH OF MASSACHUSETTS Tuesday, May 19, 2015**

The Annual Town Meeting was called to order by the Moderator, James Putnam at 7:01 PM on Tuesday, May 19, 2015 Southwick Tolland Granville Regional High School, 93 Feedings Hills Road, in the Auditorium, with approximately 316 registered voters in attendance.

The following registered voters were appointed as tellers for the meeting:

Paul Connolly      Bruce Mason  
Dennis Clark

A Pledge Allegiance to the Flag of the United States was recited.

A moment of silence was observed for: *(reflects those who have passed away since May 20, 2014)*

*Arthur G. Chevalier – DPW Director  
Donald F. Holmes – Police Officer, Park and Rec. Comm.  
Edward Nitsch – Senior Center Bd. Of Dir., Cemetery, Poll Worker  
Grace Spillane – Library Trustee  
Beverly A. Costa – Poll Worker  
Anna M. Phelps – Senior Center Member  
Sandra J. Hamann – Police Department Dispatcher  
William "Bill" Atteridge – Senior Center Volunteer  
Elizabeth "Betty" Thompson - Senior Center Volunteer  
Jim Machesney – Selectmen  
Elwood Anderson – Deputy Fire Chief, Fire Commissioner and on Town Complex Comm.*

All US Servicemen and Women

Advancement Placement United States Government Class.  
*(Assistance with microphones and lighting)*

Rachel Grzelak      Erik Rizzo  
Alex Trzasko (Gov't Teacher)

A motion was made and seconded to allow the following non-voters on to the town meeting floor:

|   |   |
|---|---|
| Michelle L. Hill,<br>Town Clerk, Treasurer, Collector | Doug White,<br>9 Shaggbark Drive            |
| Benjamin Coyle,<br>Town Counsel Attorney              | Russell Dupere,<br>School District Counsel  |
| Dr. John Barry,<br>Superintendent                     | David Ricardi,<br>Southwick Chief of Police |
| Carol DellaGiustina,                                  | Stephen Presnal,                            |

Town Accountant  
Ryan Cadieux,  
42 Birchwood Rd

Business Manager  
Kerri Wescott,  
111 Feeding Hills Rd

**UNANIMOUS**

**ARTICLE 1.** In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said town qualified to vote in elections and town affairs to meet and assemble at the TOWN HALL, 454 COLLEGE HIGHWAY, PRECINCTS I, II, & III, in said Southwick on Tuesday, May 12, 2015 between the hours of 7:00 A.M. and 8:00 P.M. to elect on one ballot the following officers: One Selectman for a three-year term, One Regional School District Committee member for a three-year term.~ One Assessor for a three-year term.~~ One Cemetery Commissioner for a three-year term.~ One Dickinson School Trustee for a three-year term.~One Dickinson School Trustee for a one-year term.~ ~Two Library Trustees each for a three year term.~One Library Trustee for a one year term. Two Park and Recreation Commission members each for a three-year term. One Park and Recreation Commission Member for a one-year term. One Southwick Housing Authority Member for a five-year term.~ One Planning Board member for a five-year term.~ One Water Commissioner for a three-year term.~One Board of Health member for a three-year term.~

**A motion** was made and seconded to dispense with the reading of the warrant in its entirety and to act upon each Article separately

**A motion** was made and seconded to combine articles 2 through 5 under one vote as they are considered housekeeping articles.

**ARTICLE 2.** The Town of Southwick voted to accept the reports as published in the Annual Town Report of the Selectmen, Assessors, Town Accountant, Town Clerk, Water Commissioners and all others to be acted thereon, or take any other action thereon.

**ARTICLE 3.** The Town of Southwick voted to instruct the Selectmen to appoint minor officers or to take any other action relative thereon.

**ARTICLE 4.** The Town of Southwick voted to authorize the Board of Selectmen to sell or trade obsolete equipment or take any action relative thereon.

**ARTICLE 5.** The Town of Southwick voted to authorize the Board of Selectmen to apply for and accept any and all grants from private entities, the Federal Government or the Commonwealth of Massachusetts for the purposes for which said grants are authorized, or to take any other action relative thereon.

**Articles 2-5  
PASSED  
UNANIMOUS**

**ARTICLE 6.** The Town of Southwick voted to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds, notes, and certificates of indebtedness for a period of not more than two years in accordance with M.G.L. Chapter 44, Section 17 or take any other action relative thereon.

**PASSED  
UNANIMOUS**

**ARTICLE 7.** The Town of Southwick voted to appropriate \$165,000 to pay costs of sewer system design associated with sewer system improvements in the Congamond Road area, including the payment of all costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise, or to take any other action relative thereto.

Finance Committee:

**Motion:** That the sum of \$165,000 is appropriated to pay costs of sewer system design associated with sewer system improvements in the Congamond Road area, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and

pursuant to Chapter 44, Section 7(22) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. The Selectmen, and any other appropriate officials of the Town, are authorized to apply for and accept any forms of financial assistance that may be available to the Town on account of this project from the United States Rural Development Administration, the Massachusetts Clean Water Trust, or any other funding source. The amount authorized to be borrowed pursuant to this vote shall be reduced to the extent of any grants or gifts received by the Town on account of this project.

**ARTICLE FAILED**  
**YES- 83**  
**NO – 162**

**ARTICLE 8.** The Town of Southwick voted to appropriate \$300,000 to pay costs of sewer system design associated with sewer system improvements in the College Highway North area, including the payment of all costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise, or to take any other action relative thereto.

Finance Committee:

**Motion:** That the sum of \$300,000 is appropriated to pay costs of sewer system design associated with sewer system improvements in the College Highway North area, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(22) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. The Selectmen, and any other appropriate officials of the Town, are authorized to apply for and accept any forms of financial assistance that may be available to the Town on account of this project from the United States Rural Development Administration, the Massachusetts Clean Water Trust, or any other funding source. The amount authorized to be borrowed pursuant to this vote shall be reduced to the extent of any grants or gifts received by the Town on account of this project.

**ARTICLE FAILED**  
**YES- 67**  
**NO – 185**

**ARTICLE 9.** The Town of Southwick voted to appropriate \$3,130,000.00 to pay costs of designing and constructing sewers in the Powder Mill Road area, including the payment of all costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise, or to take any other action relative thereto.

Finance Committee:

**Motion:** That the sum of \$3,130,000.00 is appropriated to pay costs of designing and constructing sewers in the Powder Mill Road area, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. The Selectmen, and any other appropriate officials of the Town, are authorized to apply for and accept any forms of financial assistance that may be available to the Town on account of this project from the United States Rural Development Administration, the Massachusetts Clean Water Trust, or any other funding source. The amount authorized to be borrowed pursuant to this vote shall be reduced to the extent of any grants or gifts received by the Town on account of this project.

**ARTICLE FAILED**  
**YES- 55**  
**NO – 180**

**ARTICLE 10.** The Town of Southwick voted to appropriate \$710,000.00 to pay costs of designing and constructing a replacement water main in the Powder Mill Road area, including the payment of all costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise, or to take any other action relative thereto.

**Motion:** That the sum of \$710,000.00 is appropriated to pay costs of designing and constructing a replacement water main in the Powder Mill Road area, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8(5) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. The Selectmen, and any other appropriate officials of the Town, are authorized to apply for and accept any forms of financial assistance that may be available to the Town on account of this project from the United States Rural Development Administration, the Massachusetts Clean Water Trust, or any other funding source. The amount authorized to be borrowed pursuant to this vote shall be reduced to the extent of any grants or gifts received by the Town on account of this project.

**Motion to table Article 10  
UNANIMOUS**

**ARTICLE 11.** The Town of Southwick voted to appropriate \$1,400,000 to pay costs of purchasing and installing water meters, including the payment of all costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise, or to take any other action relative thereto.

Finance Committee:

**Motion:** That the sum of \$1,400,000 is appropriated to pay costs of purchasing and installing water meters, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8(7A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. The Selectmen, and any other appropriate officials of the Town, are authorized to apply for and accept any forms of financial assistance that may be available to the Town on account of this project from the United States Rural Development Administration, the Massachusetts Clean Water Trust, or any other funding source. The amount authorized to be borrowed pursuant to this vote shall be reduced to the extent of any grants or gifts received by the Town on account of this project.

**ARTICLE PASSED  
YES- 134  
NO – 5**

**ARTICLE 12.** The Town of Southwick voted to fix the compensation of elected officers and town employee salaries where stipulated, provide for a reserve fund, provide a sum of money for Capital Outlay for the following Town Departments: Appeals Board, Town Accountant, Public Safety Building, Emergency Management, Park and Recreation, Town Clerk, Planning Board, Conservation Commission, Computer, Town Hall, Police, Fire, Lake Management, DPW (various divisions), and EMS and determine the sum of money the Town will raise and appropriate including appropriations from available funds to defray charges and expenses of the Town including debt and interest for the ensuing FY July 1, 2015 to June 30, 2016 or to take any other action relative thereon.

Finance Committee:

The Finance Committee recommends that the Town vote to raise and appropriate the sum of \$10,768,508 and appropriate and transfer from free cash \$715,000 and appropriate and transfer from the sale of lots \$6,800 and appropriate and transfer from the recycling grant the sum of \$6,000 and appropriate and transfer from overlay surplus the sum of \$60,000 and appropriate and transfer from water retained earnings the sum of \$207,899 and appropriate and transfer from sewer retained earnings the sum of \$143,787 for the grand total of \$11,907,994 which represents the general fund budget in the amount of \$8,873,158 and the water fund budget of \$1,287,899 and the sewer fund budget of \$1,340,560 and the emergency medical services budget for \$406,337.

**PASSED  
UNANIMOUS**

**ARTICLE 13.** The Town of Southwick voted to establish (authorize) a revolving fund pursuant to M.G.L. Chapter 44, Section 53E ½ entitled "Council on Aging Revolving Fund", to be credited with all fees and

charges received during the fiscal year for trips to be used by the Council on Aging department for the purpose of funding trips and advertising in news letter and said fund shall not exceed a \$10,000.00 limit on deposit and the unencumbered and reserved balance in the revolving account at the end of the fiscal year shall be carried over to the following fiscal year or take any other action relative thereto.

**PASSED  
UNANIMOUS**

**ARTICLE 14.** The Town of Southwick voted to establish (authorize) a revolving fund pursuant to M.G.L. Chapter 44, Section 53E ½ entitled “Council on Aging Class Revolving Fund”, to be credited with all fees and charges received during the fiscal year for classes to be used by the Council on Aging department for the purpose of classes and said fund shall not exceed a \$10,000.00 limit on deposit and the unencumbered and reserved balance in the revolving account at the end of the fiscal year shall be carried over to the following fiscal year or take any other action relative thereto.

**PASSED  
UNANIMOUS**

**ARTICLE 15.** DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION. The Town of Southwick voted to authorize revolving funds for certain town departments under M.G.L. C. 44 § 53E½ for the fiscal year beginning July 1, 2015, or take any other action relative thereto.

**MOTION:** That the Town reestablish revolving funds for certain town departments under M.G.L. C. 44 § 53E½ for the fiscal year beginning July 1, 2015, with the specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year as follows:

| Revolving Fund                  | Authorized to Spend Fund | Revenue Source          | Use of Fund   | Spending Limit | Disposition of Fund Balance                                |
|---------------------------------|--------------------------|-------------------------|---|----------------|--|
| Inspector's Revolving           | Inspectors               | Inspection permits      | Inspectors salaries   | \$40,000       | Balance available for expenditure in following fiscal year |
| HAZ-MAT Revolving               | Police & Fire            | HAZ-MAT fines           | Personnel training, purchasing supplies & equip, maint & repair of equip& vehicles & anything related to HAZ-MAT response | \$40,000       | Balance available for expenditure in following fiscal year |
| Boat Ramp Revolving             | Lake Mgmt                | Boat Ramp access        | Salaries & boat ramp expenses   | \$32,000       | Balance available for expenditure in following fiscal year |
| Harbormaster Revolving          | Police                   | Fines for Lake removals | Salaries & expenses regarding removal & storage of items removed from lake  | \$20,000       | Balance available for expenditure in following fiscal year |
| Local Lake Permitting Revolving | Police & Conservation    | Lake permitting fees    | Salaries & expenses regarding DEP regulations for lake structures   | \$40,000       | Balance available for expenditure in following fiscal year |
| Custodial                       | Maintenance Dept.        | Fees from use           | Entities renting space  | \$5,000        | Balance available for expenditure in following fiscal year |
| TOTAL SPENDING                  |                          |                         |   | \$177,000      |  |

**PASSED  
UNANIMOUS**

**ARTICLE 16.** The Town of Southwick voted to act on the report of the Community Preservation Committee on the Fiscal Year 2016 Community Preservation Budget and to set up a budgeted reserve for later appropriation of monies from the Community Preservation Fund annual revenues or available funds for the undertaking of Community Preservation Projects and all other necessary and proper expenses for the year.

Pursuant to Massachusetts General Laws, Chapter 44B from the estimated FY 2016 Community Preservation Fund, appropriation to be set aside as follows.

**MOTION:** To see if the town will vote to set up a budgeted reserve from the Community Preservation Fund annual revenues the amounts recommended by the Community Preservation in Fiscal Year 2016 with each item to be considered a separate reserve.

#### Proposed Fiscal Year 2016 Community preservation Reserves

- To reserve \$52,560 from FY2016 Community Preservation Fund revenues for Open Space.
- To reserve \$52,560 from FY2016 Community Preservation Fund revenues for Historic Resources.
- To reserve \$52,560 from FY2016 Community Preservation Fund revenues for Community Housing.
- To reserve \$367,921 from FY2016 Community Preservation Fund revenues for Community Preservation General Unreserved Fund.

#### Reserves

|                    |                  |
|--------------------|------------------|
| Open Space         | \$52,560         |
| Historic Resources | \$52,560         |
| Community Housing  | \$52,560         |
| General Unreserved | <u>\$367,921</u> |
| <b>TOTAL</b>       | <b>\$525,601</b> |

|  |                  |
|--|------------------|
| Estimated FY2014 revenues = State match to be received on 10/15/13 | \$284,374        |
| + estimated new surcharge collections for FY2014                   | <u>\$251,228</u> |
| Total  | \$525,601        |

State match = FY2015 CPA commitments minus abatements

Estimated new surcharge collections for FY2016 = FY2015 collections  
 10% of estimated FY2016 revenues equal the amount reserved for each CPA purpose, Historical, Open Space and Community Housing, as required by law.  
 70% of estimated FY2016 revenues equal the amount reserved for the Community Preservation General Unreserved Fund

**PASSED  
UNANIMOUS**

**ARTICLE 17.** The Town of Southwick voted to act on the report of the Community Preservation Committee on the Fiscal Year 2016 Community Preservation Budget and appropriate 4% (\$14,716), of the monies from the Community Preservation General Unreserved Fund for the administrative and operating expenses of the Community Preservation Committee, or take any other action relative thereto.

**MOTION:** To see if the Town will vote to appropriate from the Community Preservation General Unreserved Fund \$14,716 as recommended by the Community Preservation Committee.

**PASSED  
UNANIMOUS**

**ARTICLE 18.** The Town of Southwick voted to appropriate and transfer the sum of \$24,500 from the Community Preservation Open Space Fund to help preserve in perpetuity 22 acres of farm land with an

Agricultural Preservation Restriction at Berkshire Avenue, Southwick Book 5025 and page 23 the Hampden County Registry of Deeds, or take any other action relative thereto.

**MOTION:** To see if the Town will vote to appropriate and transfer the sum of \$24,500 from the Community Preservation Open Space Fund to help preserve 22 acres of farm land in perpetuity with an Agricultural Preservation Restriction at Berkshire Avenue, Southwick Book 5025 and page 23 the Hampden County Registry of Deeds, or take any other action relative thereto.

**PASSED  
UNANIMOUS**

**ARTICLE 19.** The Town of Southwick voted to raise and appropriate or transfer from available funds the sum of \$10,397,996 for the Southwick-Tolland-Granville Regional School District assessment for Fiscal Year 2016 commencing July 1, 2015 and ending on June 30, 2016, or take any other action thereon.

**PASSED  
UNANIMOUS**

**ARTICLE 20.** The Town of Southwick voted to not to disapprove certain additional debt authorized by the Southwick-Tolland-Granville Regional School Committee under a vote dated April 7, 2015, which reads as follows:

“Voted: approve authorization to incur debt by the issuance and sale of bonds or notes for the amount of \$350,000 for the purchase of all items specified in the attached School District’s Fiscal Year 2016 Capital Improvement Plan,” or take any other action relative thereon.

**PASSED  
UNANIMOUS**

**ARTICLE 21.** The Town of Southwick voted to amend Chapter 157, §157-2 of the Code of the Town of Southwick as follows, and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Code of the Town of Southwick to be consistent with the Code of the Town of Southwick:

**DELETE CURRENT §157-2 IN ITS ENTIRETY:**

**“§157-2 Permit required for Driveway construction**

~~No driveway or right of way shall be constructed or connected to any traveled or paved portion of a town way until a written permit for the same is issued by the Superintendent of Streets, who shall make proper provisions for road drainage, visibility, and such other things of like nature he deems necessary for the issuance of such a permit.”~~

**REPLACE WITH THE FOLLOWING:**

**“§157-2 Permit required for Driveway construction**

For the purpose of promoting the safety of the inhabitants of the Town of Southwick, no temporary or permanent driveway shall be constructed, altered, expanded, changed or connected to any public way until a written permit for the same is issued by the Director of the Department of Public Works.

**A. Definitions**

**DRIVEWAY**

a private way providing access from a public or private way to a structure or other location on abutting grounds.

**DIRECTOR**

for the purposes of this section 157-2, “Director” shall mean the Director of the Department of Public Works.

**CURB CUT**

the length of the interrupted curb or road edge providing access from the public way to the property, lot, or driveway.

**COMMON DRIVEWAY**

a single driveway shared by no more than two single family residential lots, that each have approved frontage on an existing public way with in the Town of Southwick

**COMPACTED SURFACE**

shall consist of a minimum of eight (8) inches base of gravel with a surface of either a minimum four (4) inches processed stone aggregate or three (3) inches of asphalt.

**B. Submission Requirements**

1. Written application to the Department of Public Works shall be made by the landowner, or the landowner's duly authorized agent, prior to the construction, alteration, expansion, or change of any driveway, or the connection of a driveway to any public way.

2. Every application submitted for action by the Director shall be made on the official application form which shall be available at the Department of Public Works and the Town Clerk's office.

3. Filing Requirements:

a. Appropriate site plans:

i. Each site plan shall be submitted in accordance with the Driveway Application as may be promulgated, and amended from time to time if necessary, by the Department of Public Works.

ii. At a minimum, the plan shall show:

1. The driveway to be created, altered, expanded, changed, connected, or closed;
2. Details on stormwater controls;
3. Description of the proposal with specific attention to the driveway's encroachment or affect on the public way and that public way's shoulders, banks, ditches, drainage and other features.

**C. Driveway Design and Construction Requirements**

1. Any curb cut at the entrance of the driveway shall not exceed twenty-four (24) feet wide, which shall be rounded off with a radius of a minimum of three (3) feet. Any added curb material must match the existing material.

2. The driveway shall intersect a public way at an angle of between seventy degrees (70°) and one hundred ten degrees (110°).

3. The driveway shall be constructed of a compacted surface for a minimum twenty-five (25) foot distance from the edge of the road. In the discretion of the Director additional compacted surface may be required for protection of the Town's drainage and roadway infrastructure.

4. The width of the driveway's compacted surface shall extend for a minimum distance of twenty-five (25) feet from the edge of the road and shall not be less than ten (10) feet wide. In the discretion of the Director additional compacted surface may be required for safety or protection of the Town's drainage and roadway infrastructure.

5. All driveways shall have a goal to be constructed at a grade of plus or minus two percent (2%) for a minimum distance of twenty-five (25) feet from the edge of the road. Should the soil, shape, topography, or drainage characteristics cause realization of this goal to be impracticable or a substantial hardship, the Director may require modifications of the plan to draw near to, if not meet, the goal and its purposes.

6. Driveway locations shall meet the intersection sight distance requirement of the **American Association of State Highway and Transportation Officials (AASHTO)**.

7. Driveways shall be setback from abutting property lines at least ten (10) feet.

8. Driveways shall be designed, constructed and maintained so that stormwater shall not drain onto the public way.

9. The use of culverts shall be allowed in lieu of roadside ditches and shall have a diameter of not less than fifteen (15) inches and a buried depth of not less than one (1) foot. A larger diameter culvert may be required in the discretion of the Director. The materials used must be approved by the Director prior to installation and shall be designed to accommodate H20 loading.



10. Any additional storm drainage generated by the driveway shall not flow onto any adjacent property, and to the extent possible shall be recharged on-site.
11. Driveways should be designed and located in such a manner as to minimize cut and fill by maintaining and preserving the natural topography and vegetation.
12. Any curb cut onto a State Highway is subject to the regulations and standards of the Massachusetts Department of Transportation.
13. Driveways shall not be considered public ways and shall not provide lot frontage.

#### **D. Decision**

1. The Director shall examine the application, including supporting and required materials, for its conformity to this Section 157-2, in the interest of public safety, appropriate design practices, and minimal environmental impacts, and shall render a written decision within twenty-one (21) days of filing.
2. The application may be approved, approved with conditions, or denied in the sole discretion of the Director.
3. Failure to act within twenty-one (21) days shall be deemed an approval by the Director. The Director reserves the right to notify the applicant in writing prior to the expiration of the 21 day period of the Director's intention to extend the time for action for a time certain if such extension is necessary.
4. Nothing in this section 157-2 shall prohibit a landowner's application for a Common Driveway Special Permit and Site Plan approval issued by the appropriate Special Permit Granting Authority. If such an application for Common Driveway is approved, and after the Special Permit and attendant documents are duly recorded with the Hampden County Registry of Deeds in accordance with Section 185-30.1, a Driveway Permit pursuant to this Section 157-2 is required.

#### **E. Inspection of Work**

1. All work shall be inspected by the Director after construction and prior to issuance of a Certificate of Occupancy, if applicable. The Director may halt or refuse to accept any work not done in accordance with the approved permit.

#### **F. Continuing Responsibility of Owners**

1. Property owners shall be responsible for keeping culverts under their driveways cleared and for maintaining driveways in condition conforming to the requirements of the permit and to the intent and spirit of this Section 157-2. Driveways already in existence on the effective date of this Section 157-2, as amended, shall be maintained by the property owners in their best preexisting condition.

#### **G. Non-Compliance**

1. Violation of this Section 157-2 shall result in a fine of not more than \$200.00 for each violation. Each day such noncompliance exists shall be considered a separate violation.

#### **H. Liability**

1. Under no circumstances shall the Town of Southwick incur liability in the event that emergency vehicles are unable to reach or access their destination due to improper construction or maintenance of a private driveway. It shall be the owner's responsibility to ensure that the driveway is passable for emergency vehicles at all times.
2. Under no circumstances shall the Town of Southwick incur liability based on:
  - a. any claim stemming from a failure to inspect, fine, or otherwise enforce this bylaw, or an inadequate or negligent inspection, of any property, condition, or construction subject to compliance with this bylaw;
  - b. any claim based upon the issuance, denial, or failure or refusal to issue or deny any permit or approval."

**PASSED  
UNANIMOUS**

**ARTICLE 22.** The Town of Southwick voted to amend Chapter 185, of the Code of the Town of Southwick by adding a new §185-30.1 as follows, and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Code of the Town of Southwick to be consistent with the Code of the Town of Southwick:

**§ 185-30.1 Residential Common Driveways**

**A. Purpose.**

- (1) Provide access to residential lots over a common access driveway, rather than by individual driveways on each lot, in approved situations, and enhance the safety and welfare of residents served by common driveways;
- (2) Enhance public safety by reducing the number and frequency of points at which vehicles may enter upon approved Southwick public ways;
- (3) Preserve, protect and enhance environmentally sensitive land; and
- (4) Clarify the rights and responsibilities of residents, developers and the Town of Southwick with the construction and maintenance of residential common access driveways.

**B. Definitions.**

Words and phrases used in this section shall have the meanings set forth herein. Words and phrases not defined herein, but defined in the Town of Southwick Zoning Bylaws, shall be given the meanings set forth in such Bylaw.

**COMMON DRIVEWAY**

A single driveway shared by no more than two single family residential lots, that each have approved frontage on an existing public way within the Town of Southwick.

**COMPACTED SURFACE**

A surface which shall consist of a minimum of eight (8) inches of base gravel with a minimum four (4) inches processed stone aggregate or three (3) inches of asphalt on top.

**C. Permitted use.**

Residential Common Driveways may be allowed by Special Permit and Site Plan approval, issued by the Planning Board and subject to the requirements of this and other applicable Bylaws, within the following zoning districts: Agriculture and Conservation District AC, Residence Zone R-40, Residence Zone R-20, Residence Zone R-20-A, or Residence Zone R-20-B. Approval under this Section 185-30.1 shall not be deemed an approval under Section 157-2. All requirements of Section 157-2 shall be met.

**D. Prohibited uses.**

No Common Driveway shall be allowed:

- (1) which serves more than two lots;
- (2) for any lot which contains a use other than a Single Family Dwelling and its allowed accessory use(s); or
- (3) where both of the lots to be served by the Common Driveway are Estate Lots.

**E. General Requirements.**

- (1) A Common Driveway shall be allowed only by a Special Permit issued by the Planning Board as Special Permit Granting Authority, and shall be built in accordance with the standards set forth in this regulation and Massachusetts General Laws Chapter 40A, the Southwick General Driveway Bylaw (Chapter 157-2) and Southwick Zoning Bylaws (Chapter 185).
- (2) Both lots to be served by a Common Driveway must meet the requirements of a building lot, and the appropriate dimensional requirements, as defined in the Southwick Zoning Bylaws and as identified in Chapter 185, attachment 3.
- (3) If one of the lots is an approved Estate Lot under Chapter 185-21, the common drive portion of the Common Driveway must be on the approved access strip for the Estate Lot, with the individual portion of Common Driveway for other lot branching off from the Estate Lot access strip. The access strip for the Estate Lot must accommodate any additional width needed to meet the Dimensional and Construction Standards in Section (F) of this section.
- (4) The driveway shall lie entirely within the lots being served and within the boundaries of the Town of Southwick. Access for the Common Driveway must be made through frontage of a lot served by the Common Driveway.
- (5) There shall be a minimum of twenty (20) feet between entrances onto any public way of any two Common Driveways.

- (6) Maintenance of any utility extensions contained within the Common Driveway shall be the responsibility of the owners of the lots served by the Common Driveway.
- (7) A Storm Water Permit shall be applied for if it is deemed necessary by the Planning Board.
- (8) Common Driveway design shall, to the greatest extent possible, minimize adverse impact to wetlands, farmland, or other natural resources; allow reasonable, safe, and less environmentally damaging access to lots characterized by slopes or ledges; result in the preservation of rural character through reduction of allowable access ways; and retain existing vegetation and topography.
- (9) Deeded covenants for both affected lots shall be executed by the owners of the lots served by the Common Driveway and provided to the Board, and shall include provisions, which are adequate in the opinion of the Planning Board and Town Counsel, to (i) allow and provide for vehicular and pedestrian access, ingress, egress, and travel along the shared portion of the Common Driveway; (ii) establish a maintenance association comprised of the owners of the lots served by the Common Driveway; (iii) ensure continued maintenance of the Common Driveway surface and its drainage structures; (iv) provide for the collection of dues and assessments necessary for such ongoing maintenance and repair of the Common Driveway and the utilities contained therein, on, or under; and (v) provide an enforcement mechanism enforceable by the maintenance association in the event of non-payment of dues or assessments by a member.
- (10) A maintenance agreement shall be executed by the owners of the lots served by the Common Driveway and shall stipulate the specific responsibilities of each owner of the lots served by the Common Driveway. Both landowners shall be jointly and severally responsible and liable for the repair and maintenance of the shared portion of the Common Driveway, and utilities contained within, to which each landowner holds an easement or Right-of Way.
- (11) Drafts of both the deeded covenants and maintenance agreement shall be submitted for approval with the Special Permit Application and recorded in accordance with this regulation.
- (12) The Common Driveway shall not be considered a public way and shall not provide lot frontage. The Town of Southwick shall not be required to provide services along any Common Driveway, including without limitation construction, reconstruction, maintenance, snow plowing, school bus pick-up or police patrols.
- (13) For any existing Common Driveway at the time of the adoption of this regulation, the Town of Southwick will accept no additional liability or maintenance responsibility greater than what has been agreed to in writing prior to the date of adoption. Any existing Common Driveway in use at the time of the adoption of this section may not be used to access any additional houses or be relocated, expanded or extended in any way. Any regular maintenance or improvements in conditions of the existing Common Driveway shall be allowed within the existing footprint of the driveway.

#### **F. Dimensional and Construction Standards.**

The following guidelines will be used when preparing and reviewing plans for a Common Driveway:

- (1) The shared portion of the Common Driveway shall have:
  - (i) an easement area that is a minimum of thirty (30) feet wide;
  - (ii) a length of no more than eight hundred (800) feet from the entrance from the public way to the point where the Common Driveway serves individual lots;
  - (iii) a Compacted Surface which is a minimum of fifteen (15) feet wide;
  - (iv) three (3) foot maintained shoulders;
  - (v) passing turnouts for emergency vehicles, which shall be required at intervals of not more than four hundred (400) feet. The turnouts shall be of a Compacted Surface consisting of a total widened driveway surface width of twenty-four (24) feet and forty (40) feet long. The Planning Board may require a lesser distance between turnouts, if warranted for safety considerations;
  - (vi) a slope or grade not to exceed 9% at any point; and
  - (vii) culvert(s) installed if deemed necessary by the Director of the Department of Public Works.

Any bridge or culvert crossings on the common portion shall be designed to accommodate H20 loading.
- (2) The entire length of driveways (shared and individual portions) shall be constructed with a set back from any abutting property line not served by the Common Driveway of a minimum of ten (10) feet for the entire length of the driveways.
- (3) Permanent signage, with four (4) inch block shaped lettering identifying the two house numbers, must be installed at the street line and at the intersection of each individual driveway.
- (4) The Planning Board shall require the shared portion of the Common Driveway to be substantially completed prior to issuance of the building permit. Inspections and approvals of the shared portion shall be completed by the Director of the Department of Public Works. No building permit shall be issued until the Director of the Department of Public Works has approved the shared portion of the Common Driveway and provided written notice of such to the Building Inspector. Any items not required prior to

issuance of the building permit must be completed and approved by the Director of the Department of Public Works prior to issuance of any occupancy permits.

(5) Certain construction standards may be waived if, in the opinion of the Planning Board, such action is in the public interest and consistent with the purpose and intent of the Zoning Bylaw.

G. Recording requirements. The following must be recorded at the Hampden County Registry of Deeds within thirty (30) days after the expiration of the appeal period, or final judgment from a court of competent jurisdiction, for the approved Special Permit issued by the Planning Board:

- (1) Special Permit Decision;
- (2) Access and utility easement for each lot;
- (3) Deeded covenants for both affected lots; and
- (4) Maintenance agreement for the shared portion of Common Driveway.

**PASSED  
UNANIMOUS**

**ARTICLE 23.** The Town of Southwick voted to amend Chapter 185, §185-21 of the Code of the Town of Southwick by adding a new §185-21(B)(12)(h) as follows, and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Code of the Town of Southwick to be consistent with the Code of the Town of Southwick:

**“(h) common driveways must be constructed in the approved Access Strip.”**

**PASSED  
UNANIMOUS**

**ARTICLE 24.** The Town of Southwick voted to amend the Code of the Town of Southwick, Chapter 185 and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Code of the Town of Southwick to be consistent with the Code of the Town of Southwick, as follows:

**To Amend Chapter 185 – §185-14(A)(2)(d) by adding the following bolded and underlined language so that said section as amended shall be as follows:**

A site development plan signed by a registered engineer, a land surveyor and a landscape architect shall be submitted on four copies to the Planning Board and shall include the following information:

**To Amend Chapter 185 - §185-17(D)(1) by adding the following bolded and underlined language so that said section as amended shall be as follows:**

Before any building permits may be issued or before any construction of any building or land improvement, a site plan shall be submitted to the Planning Board. The site plan shall be signed by a by a registered engineer, land surveyor or a landscape architect.

**To Amend Chapter 185 – §185-19(D)(1) by adding the following bolded and underlined language so that said section as amended shall be as follows:**

Before any building permits may be issued or before any construction of any building or land improvement, a site plan shall be submitted to the Planning Board. The site plan shall be signed by a by a registered engineer, land surveyor or a landscape architect.

**To Amend Chapter 185 - 20(F)(1) by adding the following bolded and underlined languageso that said section as amended shall be as follows:**

In order that the Planning Board may determine that the above mentioned conditions are met, a site plan of one inch equals 100 feet, prepared by a by a registered engineer, land surveyor or a landscape architect, shall be submitted in quintuplicate to the Planning Board by the applicant.

**PASSED  
UNANIMOUS**

**ARTICLE 25.** The Town of Southwick voted to authorize the Board of Selectmen to acquire by gift and accept certain easements as set forth in:

- (1) an instrument granting Five Stormwater Drain Easements shown as Stormwater Drain Easements #1 through #5 inclusive as shown on Book of Plans 322 Pages 10 through 13 inclusive to the Town of Southwick from Lexington Circle Development, Inc. dated December 11, 2001 and recorded in the Hampden County Registry of Deeds in Book 12029, Page 172.
- (2) An instrument dated March 5, 2015 granting an Extension of Stormwater Drain Easement #4 which original Stormwater Drain Easement was recorded in Book of Plans 322 Pages 10 through 13 inclusive to the Town of Southwick from Lexington Circle Development, Inc. dated December 11, 2001 and recorded in the Hampden County Registry of Deeds in Book 12029, Page 172 from Norman Robbins and Gina Robbins to the Town of Southwick to be recorded in the Hampden County Registry of Deeds or to take any other action relative thereto.

**PASSED  
UNANIMOUS**

**Articles 26-36 were bundled in discussion and no objection to voting on them as one vote**

**ARTICLE 26.** The Town of Southwick voted to accept as a Town way, Lexington Circle as shown on a plan entitled "Definitive Subdivision of Property Prepared for Lexington Circle Development Inc., Lexington Circle Patriots Way - Lexington Circle - Lauren Lane, Southwick, Mass... Scale 1" – 30'... date 9/9/1994..." which plan is on file in the Town Clerk's office and the Office of the Department of Public Works of the Town of Southwick and to see if the Town will further vote to authorize the Board of Selectmen to take by eminent domain pursuant to Massachusetts General Laws Chapter 79 et seq., Massachusetts General Laws Chapter 83 et seq., and any other enabling authority an easement in such way, to use said way for all purposes for which public ways are used in the Town of Southwick or to take any other action relative thereto.

**ARTICLE 27.** The Town of Southwick voted to accept as a Town way, Patriots Way as shown on the street layout plan entitled "Patriot Woods Foster Road Southwick, MA... Scale 1" = 40'... date 8/12/93..." which plan is recorded in the Registry of Deeds for the County of Hampden in Book of Plans 288, Pages 45 and 46 and shown on a plan entitled "Definitive Subdivision of Property Prepared for Lexington Circle Development, Inc., Lexington Circle Patriots Way – Lexington Circle – Lauren Lane, Southwick, MA, owner George and Helen A. Hankin – Scale 1" = 30'... date 9/9/94..." which plan is recorded in the Hampden County Registry of Deeds in Book of Plans 322, Pages 10 through 13 inclusive and to see if the Town will further vote to authorize the Board of Selectmen to take by eminent domain pursuant to Massachusetts General Laws Chapter 79 et seq., Massachusetts General Laws Chapter 83 et seq., and any other enabling authority an easement in such way, to use said way for all purposes for which public ways are used in the Town of Southwick or to take any other action relative thereto.

**ARTICLE 28.** The Town of Southwick voted to take the following easements by eminent domain pursuant to Massachusetts General Laws Chapter 79 et seq., and Massachusetts General Laws Chapter 83 et seq. and any other enabling authority a 20 foot Drainage Right of Way for stormwater drainage across Lots 16, 17 and Permanent Open Space Land area 61,500+ square feet and Drainage Right of Way shown as DROW in the northeasterly corner of Lot 9 and temporary cul de sac abutting Lot 9 and 20 foot Drainage Right of Way on Lots 5 and 6 and 20 foot Drainage Right of Way on Lots 8 and 9, all as shown on plan recorded in the Hampden County Registry of Deeds in Book of Plans 288, Pages 45 and 46 or to take any other action relative thereto.

**ARTICLE 29.** The Town of Southwick voted to accept as a Town way, Red Oak Drive, as shown on the street layout plan entitled "Definitive Plan Great Brook Estates Plan of Land in the Town of Southwick, Mass. Hampden County Owned By Richard Crowley... date Jan. 27, 1989 Scale 1" – 100'..." which plan is recorded in the Registry of Deeds for the County of Hampden in Book of Plans 265, Page 88; and to see if the Town will further vote to authorize the Board of Selectmen to acquire by taking by eminent domain easement to use said street for all purposes for which public ways are used in the Town of Southwick; or to take any other action relative thereto.

**ARTICLE 30.** The Town of Southwick voted to accept as a Town way, Great Brook Drive, as shown on the street layout plan entitled "Definitive Plan Great Brook Estates Plan of Land in the Town of Southwick, Mass. Hampden County Owned By Richard Crowley... date Jan. 27, 1989 Scale 1" – 100'..." which plan is recorded in the Registry of Deeds for the County of Hampden in Book of Plans 265, Page 88; and to see if the Town will further vote to authorize the Board of Selectmen to take by eminent domain an easement to use said street for all purposes for which public ways are used in the Town of Southwick and further vote to authorize the Board of Selectmen to accept grants of easements from Michael L. Krieg and Tonya Krieg shown on easement on

file in the Town Clerk's office; (2) Patricia S. Labieniec as shown on easement on file in the Town Clerk's office; (3) Richard Crowley shown on easements on file in the Town Clerk's office; or to take any other action relative thereto.

**ARTICLE 31.** The Town of Southwick voted to accept as a Town way, Great Brook Lane, as shown on the street layout plan entitled "Definitive Plan Great Brook Estates Plan of Land in the Town of Southwick, Mass. Hampden County Owned By Richard Crowley... date Jan. 27, 1989 Scale 1" = 100'..." which plan is recorded in the Registry of Deeds for the County of Hampden in Book of Plans 265, Page 88; and to see if the Town will further vote to authorize the Board of Selectmen to acquire by taking eminent domain easement to use said street for all purposes for which public ways are used in the Town of Southwick; or to take any other action relative thereto.

**ARTICLE 32.** The Town of Southwick voted to accept as a Town way, Robin Road as shown on the street layout plan entitled "Street Acceptance Plan Robin Road Southwick, MA., Prepared for Board of Selectmen Town of Southwick, MA...Salvini Associates...Date 09-29-14 Revisions Create Parcels C and D 11-1-14 change scale to 1" = 50' 11-1-14, add curve data 12-17-14, add bounds to be set 12-17-14...Drawing #E.C. 1A" which plan is on file in the Town Clerk's office and the Office of the Department of Public Works of the Town of Southwick and to see if the Town will further vote to authorize the Board of Selectmen to take by eminent domain pursuant to Massachusetts General Laws Chapter 79 et seq., Massachusetts General Laws Chapter 83 et seq., and any other enabling authority an easement in such way, to use said way for all purposes for which public ways are used in the Town of Southwick or to take any other action relative thereto.

**ARTICLE 33.** The Town of Southwick voted to take the following easements shown on a plan entitled "Section II "Definitive" Plan of Lots Prepared For High Meadow Development Corp. (Owner) High Meadow Estates, Mort Vining Road & Rt. 10 & 202 Southwick: Massachusetts R-40 Zone...scale 1" = 100'... date 3-7-88..." recorded in the Hampden County Registry of Deeds in Book of Plans 257, Page 77 by eminent domain pursuant to Massachusetts General Laws Chapter 79 et seq., and Massachusetts General Laws Chapter 83 et seq. and any other enabling authority (1) a 20 foot Drainage Easement for stormwater drainage across Lots 7 and 8 shown as Drainage R.O.W and Perpetual Right to Drain In Favor of the Town of Southwick on said plan; (2) 20" Drainage R.O.W. In Favor of The Town of Southwick Across Lots 8, 9,10 and other land of High Meadow Corporation Area = 169,260 square feet ± or 3.886 acres on said plan; (3) 20' x 60' drainage R.O.W. on Lot 12 as shown on said plan; and (4) easement for Slope Rights Across Lots 9, 10, 11, 15 and 14 shown as "Slope Right In Favor of the Town of Southwick" all on said plan or to take any other action relative thereto.

**ARTICLE 34.** The Town of Southwick voted to accept as a Town way, Hunter's Ridge Circle as shown on the street layout plan entitled "Hunter's Ridge Estates" Zoned R-20 Definitive Subdivision of Property for (Owner) Tuckahoe Development Corp. 21 Memory Lane, Agawam, Mass dated July 10, 1996 Rev. 9-14-1996 scale 1" = 80'..." which plan is recorded in the Hampden County Registry of Deeds in Book of Plans 301, Page 101 and to see if the Town will further vote to authorize the Board of Selectmen to take by eminent domain pursuant to Massachusetts General Laws Chapter 79 et seq., Massachusetts General Laws Chapter 83 et seq., and any other enabling authority an easement in such way, to use said way for all purposes for which public ways are used in the Town of Southwick or to take any other action relative thereto.

**ARTICLE 35.** e Town of Southwick voted to accept as a Town way, Mallard Lane shown as Westerly spur of Hunter's Ridge Circle as shown on the street layout plan entitled "Hunter's Ridge Estates" Zoned R-20 Definitive Subdivision of Property for (Owner) Tuckahoe Development Corp. 21 Memory Lane, Agawam, Mass dated July 10, 1996 Rev. 9-14-1996 scale 1" = 80'..." which plan is recorded in the Hampden County Registry of Deeds in Book of Plans 301, Page 101 and to see if the Town will further vote to authorize the Board of Selectmen to take by eminent domain pursuant to Massachusetts General Laws Chapter 79 et seq., Massachusetts General Laws Chapter 83 et seq., and any other enabling authority an easement in such way, to use said way for all purposes for which public ways are used in the Town of Southwick or to take any other action relative thereto.

**ARTICLE 36.** The Town of Southwick voted to accept easement and take by eminent domain easements for stormwater drainage on Lot 12 being a 30 foot wide drainage easement and 20 foot wide overflow easement and easement for 20 foot wide stormwater drainage on Lot 4 and temporary slope easements on other land of Tuckahoe Development Corp (Plan Book 295 Page 96) land now or formerly of Barbara A. Miffert (Lot 1A) (Plan Book 295, Page 96) and other land of Tuckahoe Development Corp. (Lot 4D) (Plan Book 295 Page 96) all as shown on a plan entitled "Hunter's Ridge Estates" Zoned R-20 Definitive Subdivision of Property for (Owner) Tuckahoe Development Corp. 21 Memory Lane, Agawam, Mass dated July 10, 1996

Rev. 9-14-1996 scale 1" = 80'..." which plan is recorded in the Hampden County Registry of Deeds in Book of Plans 301, Page 101 or to take any other action relative thereto.

**Articles 26-36  
PASSED  
UNANIMOUS**

**ARTICLE 37.** The Town of Southwick voted to authorize the expenditure of available funds by the Board of Selectmen to do the following takings by eminent domain including but not limited to completing any appraisals required under Massachusetts General Laws Chapter 79 payment of damages to owners and abutters on account of such taking, payment of legal fees costs of service or mailing and cost of recording any takings or plans, costs of any other notices or publication required to accomplish such takings and any other costs or expenses incidental and related thereto or to take any other action relative thereto.

|   | <b>Total Expenditure<br/>Authorized</b> |
|---|---|
| 1. Take easement in Lexington Circle by eminent domain to lay out as public way   | \$6,000.00                              |
| 2. Take easement in Patriots Way by eminent domain to lay out as public way   | \$3,000.00                              |
| 3. Taking of easements by eminent domain for stormwater drainage as described in Warrant Article 27 for Patriots Way  | \$3,000.00                              |
| 4. Take easement in portion of Red Oak Drive by eminent domain to lay out a public way  | \$1,500.00                              |
| 5. Taking of easement by eminent domain in Great Brook Drive to lay out as public way   | \$4,000.00                              |
| 6. Taking of easement by eminent domain in Great Brook Lane to lay out as public way  | \$2,000.00                              |
| 7. Taking of easement by eminent domain in Robin Road to lay out as public way  | \$4,000.00                              |
| 8. Taking of easements by eminent domain for stormwater drainage and slope rights along Robin Road across various lots as described in Article 32 of Town Warrant | \$2,500.00                              |
| 9. Taking of easement by eminent domain in Hunter's Ridge Circle to lay out as public way   | \$5,000.00                              |
| 10. Taking of easement by eminent domain Mallard Lane formerly Hunter's Ridge Circle westerly spur  | \$4,000.00                              |
| 11. Taking of easements for stormwater drainage and temporary slope easements regarding Hunter's Ridge subdivision as described in Warrant Article 36             | \$3,000.00                              |
| <b>TOTAL AUTHORIZED EXPENDITURES</b>  | <b>\$38,000.00</b>                      |

**PASSED  
UNANIMOUS**

**ARTICLE 38.** The Town of Southwick voted to authorize the Board of Selectmen to negotiate terms and execute, on such terms and conditions as the Board of Selectmen deem in the best interest of the Town, for a term of up to twenty (20) years, one or more net metering power purchase agreements for the purchase of net metering credits to be generated from one or more solar projects now or hereafter located in the Commonwealth of Massachusetts in the EverSource Energy service territory, or take any action in relation thereto.

**PASSED  
UNANIMOUS**

**ARTICLE 39.** The Town of Southwick voted to change the name of the Board of Selectmen to the "Select Board" and further to authorize the amendment of the Code of the Town of Southwick, and all regulations, policies, agreements, contracts, as well as any and all other references within the Town or to which the Board of Selectmen are a party or otherwise named from the Board of Selectmen to the "Select Board", or take any other action relative thereto.

**ARTICLE FAILED  
YES- 17  
NO – 54**

A Motion was made and seconded to dissolve the Annual Town Meeting at 10:20 PM.

**UNANIMOUS**

A TRUE COPY ATTEST:

---

Michelle L. Hill, Town Clerk