

Town of Southwick
ANNUAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS
May 15, 2007
7:00 p.m.

The Annual Town Meeting was called to order by the Moderator, James Putnam at 8:00 PM on Tuesday, May 15, 2007 at the Southwick-Tolland Regional High School, Feeding Hills Road in the Auditorium, with approximately 281 registered voters in attendance.

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

Cal Chunglo	Butch LaBombard
Doug Moglin	Charlie Dunlap

A Pledge to Allegiance to the Flag was made.

A moment of silence was observed for:
(reflects those who have passed away since May 16, 2006)

Philip H. Hall	Former Chairman of the Finance Committee
Shirley Henry	Senior Center Volunteer
Mary Gore	Senior Center Volunteer
US Servicemen and Women	

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

Linda Carr, Town Accountant	Carol DellaGiustina, Assistant Accountant
Michelle L. Hill, Town Clerk	Kenneth Albano, Town Counsel Attorney
Jeff Neece, DPW Director	Richard Girard, Veterans Agent
Thomas Scanlon, Town Auditor	Fred Dupere, Labor Counsel Attorney
Rob Levesque, Lake Front Project	

UNANIMOUS

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

GREETINGS:

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 8, 2007 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. Two Regional School District Committee members each for a three-year term. One Assessor for a three-year term. One Cemetery Commissioners for a three-year term. One Dickinson School Trustee for a three-year term. One Water Commissioner for a three-year term. Two Library Trustees each for a three year term. One Park and Recreation Commission member for a three-year term. One Planning Board member for a five-year term. One Planning Board member for a three-year term. One Board of Health member for a three-year term. One Housing Authority member for a five-year term. Two Constables each for a three-year term.

*Also to consider the following binding question, Question 1: Shall the Town, in addition to the payment of fifty per cent of a premium for contributory group life and health insurance for employees in the service of the Town and their dependents, pay a subsidiary or additional rate?"

Also, 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 SOUTHWICK-TOLLAND REGIONAL HIGH SCHOOL AUDITORIUM ON TUESDAY, May 15, 2007, at 7:00 P.M. then and there for the Annual Town Meeting and to act on the following articles:

**PASSED
MAJORITY**

The Moderator polled the voters as to whether or not they had any objections with regards to combining Articles 2-5.

**PASSED
MAJORITY**

ARTICLE 2. 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.

**PASSED
MAJORITY**

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

**PASSED
MAJORITY**

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

**PASSED
MAJORITY**

ARTICLE 5. 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.

**PASSED
MAJORITY**

ARTICLE 6. 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
TWO- THIRDS**

ARTICLE 7. 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; Board of Selectmen, Assessors, Computer, Town Hall, Police, Fire, Public Safety Building, EMS, Animal Control, Lake Management, DPW, Library, 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 Fiscal Year July 1, 2007 to June 30, 2008 or to take any other action relative thereon.

Budget Attached to Doings

**PASSED
MAJORITY**

A Motion was made and seconded to continue the Annual Town Meeting on Wednesday, May 16, 2007 at 7:00 PM. The meeting was adjourned at 10:00 PM.

UNANIMOUS

**Town of Southwick
ANNUAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS
May 15, 2007 Conti
7:00 p.m.**

The Annual Town Meeting was called to order by the Moderator, James Putnam at 7:05 PM on Wednesday, May 16, 2007 at the Southwick-Tolland Regional High School, Feeding Hills Road in the Auditorium, with approximately 248 registered voters in attendance.

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

Karen O'Connor	Gary Frankhart
Betsy Magni	

A Pledge to Allegiance to the Flag was made.

A moment of silence was observed for:
(reflects those who have passed away since May 15, 2007)

Melbert Johnson	Former Fire Chief
-----------------	-------------------

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

Linda Carr, Town Accountant	Carol DellaGiustina, Assistant Accountant
Michelle L. Hill, Town Clerk	Mark Beglane, Town Attorney
Jeff Neece, DPW Director	Richard Girard, Veterans Agent
Thomas Scanlon, Town Auditor	Fred Dupere, Labor Counsel Attorney

UNANIMOUS

ARTICLE 8. Town of Southwick voted to appropriate and transfer a sum of money from the Cemetery Sales of Lots Account to be used for the Cemetery Improvement Account or take any other action relative thereon.

**PASSED
MAJORITY**

ARTICLE 9. Town of Southwick voted to adopt the following vote or to take any other action thereon:
Voted: to re-authorize the Revolving Funds under M.G.L. Chapter 44 Section 53E ½ entitled "Inspector's Revolving Fund", the establishment of which is for the purpose of compensating various inspectors employed by the Town for services rendered and said fund shall not exceed \$40,000.00 limit on the funds on deposit, or take any other action relative thereto.

**PASSED
MAJORITY**

ARTICLE 10. Town of Southwick voted to adopt the following vote or to take any other action thereon:
Voted to re-establish a revolving fund pursuant to M.G.L. Chapter 44, Section 53E ½ entitled "Public Safety Departments Revolving Account" the use of which is for the Fire and Police Departments in the Town of Southwick to offset costs of training personnel; purchasing supplies and equipment; costs of maintenance and repairs of equipment and vehicles; and salaries paid to details, all related to HAZ-MAT response, and said fund shall not exceed \$40,000.00 limit on the funds on deposit, or take any other action relative thereto.

**PASSED
MAJORITY**

ARTICLE 11. Town of Southwick voted to adopt the following vote or to take any other action thereon:
Voted: To reauthorize a revolving fund under M.G.L. Chapter 44, Section 53E1/2 that may be spent by the Lake Management Committee without further appropriation, during fiscal year 2008 to pay for salaries, expenses, operations, contractual service, and ramp repairs and improvements regarding the management of the lakes. The revolving fund entitled Revolving Boat Ramp Account is to be credited with all fees and charges received during fiscal year 2008 from persons using the boat ramps. The Lake Management Committee may spend \$32,000.00 for Lake Management operations in revolving fund monies for the program during fiscal year 2008. The unencumbered and unreserved balance in the revolving fund at the end of fiscal year 2007 shall be carried over into fiscal year 2008 or take any other action relative thereon.

**PASSED
MAJORITY**

ARTICLE 12. Town of Southwick voted to accept Southwick's share of the Western Hampden District Veterans' Services in the sum of \$30,369.40 for Fiscal Year 2008, this amount will be \$1,452.81 over the assessment limitation imposed by Proposition 2 ½ as allowed under Chapter 90 of the Acts of 1988 and MGL Chapter 59, Section 20B, or take any other action relative thereon.

**PASSED
TWO-THIRDS**

ARTICLE 13. Town of Southwick voted to raise and appropriate or transfer from available funds the sum of \$ 7,593,266.00 for the Southwick-Tolland Regional School District assessment for Fiscal Year 2008 commencing July 1, 2007 and ending on June 30, 2008, or take any other action thereon.

**PASSED
MAJORITY**

ARTICLE 14. Town of Southwick voted not to disapprove certain additional debt authorized by the Southwick-Tolland Regional School Committee under a vote dated April 3, 2007, which reads as follows:

Voted: approve authorization to incur debt by the issuance and sale of bonds or notes for the amount of \$600,000.00 for the purchase of all items specified in the attached School District's Fiscal Year 2008 Capital Improvement Plan", or take any other action relative thereon.

**PASSED
TWO-THIRDS**

ARTICLE 15. Town of Southwick voted to approve the transfer of Southwick Tolland Regional School District funds in the amount of \$498,495.00 to its Stabilization Account for Fiscal Year 2008.

**PASSED
MAJORITY**

ARTICLE 16. Town of Southwick voted to act on the report of the Community Preservation Committee on the Fiscal Year 2008 Community Preservation Budget and to set up a budgeted reserve for later appropriation 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, or take any other action relative thereto.

MOTION: To see if the town will vote to set up a budgeted reserve from Community Preservation Fund annual revenues the amounts recommended by the Community Preservation Committee in Fiscal Year 2008, with each item to be considered a separate reserve.

Proposed Fiscal Year 2008 Community Preservation Reserves

The Community Preservation Committee recommends that the following amounts be reserved from fiscal year 2008 Community Preservation Fund Revenues, unless otherwise specified, for Fiscal Year 2008 Community Preservation purposes.

- To reserve \$42,789.60 from FY 2008 Community Preservation Fund revenues for Open Space.
- To reserve \$42,789.60 from FY 2008 Community Preservation Fund revenues for Historic Resources.
- To reserve \$42,789.60 from FY 2008 Community Preservation Fund revenues for Community Housing.
- To reserve \$299,527.20 from FY 2008 Community Preservation Fund revenues for FY 2008 Community Preservation Fund General Unreserved Fund.

Reserves

Open Space	\$ 42,789.60
Historic Resources	\$ 42,789.60
Community Housing	\$ 42,789.60
General Unreserved	\$ 299,527.20
Total	\$ 427,896.00

Estimated FY2008 revenues = State match to be received on 10/15/07	\$ 213,948.00
+ new surcharge collections for FY2008	\$ 213,948.00
Total	\$ 427,896.00

State match = FY2007 CPA commitments minus abatements

New surcharge collections for FY2008

10% of actual FY2008 revenues = The amount reserved for each CPA purpose, Historical, Open Space and Community Housing, as required by law.

70% equals the amount reserved to Community Preservation Fund Budgeted Reserve.

**PASSED
MAJORITY**

ARTICLE 17. Town of Southwick voted to act on the report of the Community Preservation Committee on the Fiscal Year 2008 Community Preservation Budget and appropriate 4% of the monies from the Community Preservation Fund 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 Community Preservation General Unreserved Fund \$17,115.00 as recommended by the Community Preservation Committee.

**PASSED
MAJORITY**

ARTICLE 18. Town of Southwick voted to appropriate \$55,000 from FY2008 Community Preservation Fund Historical Preservation Reserves to replace the three front foyer windows of the Town Hall building, 454 College Highway with thermo pane windows. The replacement windows will match the original area and design of the existing windows.

MOTION: To see if the Town will vote to appropriate \$55,000 from FY2008 Community Preservation Fund Historical Preservation Reserves to replace the front foyer windows of the Town Hall building, 454 College Highway. The replacement windows will match the original area and design of the existing windows.

**PASSED
MAJORITY**

ARTICLE 19. Town of Southwick voted to appropriate and transfer from the FY07 Community Preservation Fund Budgeted Historical Reserves the sum of \$10,000.00 in order to be eligible to receive a grant (of \$15,000.00) under the Survey and Planning Grant Program through the Massachusetts Historical Commission for the purpose of completing Southwick's Cultural Resource Inventory.

MOTION: To see if the Town will vote to appropriate and transfer the sum of \$10,000.00 from the FY07 Community Preservation Fund Budgeted historical Reserves in order to be eligible to receive a grant (of \$15,000.00) under the Survey and Planning Grant Program through the Massachusetts Historical Commission for the purpose of completing Southwick's Cultural Resource inventory.

**PASSED
MAJORITY**

ARTICLE 20. Town of Southwick voted to appropriate and transfer the sum of \$150,000.00 for the Sewer Parallel Interceptor Design and Permit Project from the Sewer Capital Revolving Account provided that no such funds shall be expended until adequate funds are received from the Westfield G & E Cooperative or to take any other relative action thereto.

**PASSED
MAJORITY**

ARTICLE 21. Town of Southwick voted to appropriate \$400,000.00 or some other amount, whether by borrowing or otherwise, to pay costs of purchasing a Fire Tanker/Pumper Truck, and for the payment of all other costs incidental and related thereto, or to take any other action relative thereto.

MOTION: That the sum of \$400,000.00 be and hereby is appropriated to pay costs of purchasing a Fire Tanker/Pumper Truck, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen is hereby authorized to borrow said amount and to issue bonds or notes of the Town therefor.

PASSED**THIRDS****YES- 203
NO- 10**

ARTICLE 22. Town of Southwick voted to appropriate, by borrowing or otherwise, \$800,000 or some other amount, to pay costs of purchasing for public parks and playgrounds purposes, by negotiated purchase or otherwise, a certain portion of property together with buildings thereon, known as the Lake Front Park consisting of 3.37 acres, more or less, as shown on Assessors Map E, Parcel 1; that said land be conveyed to said Town under the provisions of Massachusetts General Laws, Chapter 45, Section 14, and as it may hereafter be amended and other Massachusetts statutes relating to public parks and playgrounds, to be managed and controlled by the Park and Recreation Commission of Southwick, and to authorize the Park and Recreation Commission with the approval of the Board of Selectmen to file on behalf of Southwick any and all applications deemed necessary for grants and /or reimbursements from the Commonwealth of Massachusetts deemed necessary under the Urban Self-Help Act (Chapter 933 Acts of 1977, as amended) and/or any others in any way connected with the scope of this Article; furthermore the Commissioners of the Park and Recreation Commission shall be authorized to approve and enter into permit or license arrangements to allow periodic use of the park and Pavilion resource by designated parties consistent with its use as a public park and playground and, may, at their discretion, enter into one or more arrangements for the management of this resource by one or more third party operators on a contract basis consistent with its use as a public park and playground, the Board of Selectmen are further authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of Southwick to affect said purchase.

**PASSED
YES- 176
NO- 49****TWO-THIRDS**

ARTICLE 23. Town of Southwick voted to accept, commencing with Fiscal Year 2008, the provisions of Chapter 184, Section 41C of the Acts of 2002, amending Chapter 59, Section 5 (41C) of the Massachusetts General Laws, by increasing the amount of the exemption from \$500.00 to \$1,000.00. The purpose of this Article is to increase the exemption from \$500.00 to \$1,000.00 for real estate taxes for residents over the age of 70 who qualify for the exemption pursuant to the aforementioned statutory provision.

Or to take any other relative action thereto.

PASSED

ARTICLE 24. Town of Southwick voted to amend the code of Town of Southwick, Zoning, by adopting the following by-law to be identified as § 185-37.2. **Phased Growth.**

§ 185-37.2. Phased Growth.**A. Intent and purpose.**

The purpose of this section is to ensure that growth occurs in the Town of Southwick in a strategic, orderly and planned manner that allows for the preparation and maintenance of high quality municipal services for an ever-expanding residential population, while at the same time allowing reasonable residential growth during such preparation that does not infringe on the quality of life or municipal services provided for the residents of the Town of Southwick. The citizens of Southwick proudly insist upon high quality and reliable municipal services such as, but not limited to, fire and police protection, educational facilities and programs and available clean water resources. This section establishes a strategic growth rate consistent with recent historical average growth rates for residential development in order to ensure that growth occurs in an orderly and planned manner as it relates to the Town's ability to provide high quality and effective services for its citizens and protect its resources necessary for sustaining the present and future quality of life enjoyed by its citizens.

B. Regulations.

- (1) Beginning on the effective date of this section and continuing for five calendar years, no building permit for a new residential dwelling unit or units shall be issued unless in accordance with the regulations of this section, or unless specifically exempted in Subsection E(4), (5), (6) or (7) below.
- (2) The regulations of this section shall apply to all definitive subdivision plans, subdivisions not requiring approval, site plan review applications and special permits, including, but not limited to, Flexible Residential Development Districts and residential apartment house special permits which would result in the creation of a new dwelling unit or units. Dwelling units shall be considered as part of a single development for purposes of development scheduling if located either on a single parcel or contiguous parcels of land which have been in the same ownership at any time on or subsequent to the date of adoption of this section.
- (3) For all building lots/dwelling units covered under Subsection B(2), the Planning Board is authorized to approve a development schedule for that lot/unit, including the month/year such lot/unit shall be eligible for a building permit.
- (4) The request for authorization of a development timetable shall be made on forms provided by the Planning Board. Requests will include any and all information showing eligibility and compliance with these regulations.

C. Planned growth rate.

- (1) This section shall take effect beginning on the date of adoption by Town Meeting.
Beginning on this date of adoption, the permit granting authority (Planning Board) shall not approve any development schedule which would result in authorization for more than 100 dwelling units over a seven-hundred-thirty-consecutive-day (two-year) period. All authorizations shall apply toward the planned growth rate as established by this section.
- (2) Whenever the rate of growth, as measured by a total of development schedule authorizations, plus building permits issued for new dwelling units not part of a development schedule, exceeds a rolling total of 100 additional dwelling units over a seven-hundred-thirty-consecutive-day period, the Building Inspector shall not issue building permits for any additional dwelling unit or units unless such unit or units are exempt from the one-hundred limit. The Planning Board shall have exclusive authority to render all decisions on exemption requests.
- (3) If as a result of an applicant seeking approval of a second plan of development on a parcel of land for which authorizations have been previously granted, and the second plan is approved, a new development timetable shall be established. This timetable shall supersede the first development timetable at the time a building permit is issued based on the second plan for any lot lying wholly or partially within the parcel subject to the new development timetable.
- (4) The Planning Board, in approving the second plan, shall determine the number of authorizations from the first plan that would be abated based on the second plan's approval. This number shall be used by the Building Inspector in revising authorization schedules due to abatements.

D. Development timetable.

- (1) Building permits for new dwelling units shall be authorized only in accordance with the following timetable:

Number of New Units in Subdivision Development	Dwelling Units Year*
1-10	Up to 5 per year
11-20	Up to 10 per year
21-40	Up to 12 per year
41+	Up to 15 per year

*Number of dwelling units in the development for which permits may be authorized each year.

- (2) Number of new units in Residential Apartment House Development (R-20-A): between four and 12 dwelling units per year if included in one building pursuant to special permit issued under § 185-14.

E. Requirements.

- (1) All definitive subdivisions, Form A approvals, special permits, estate lots and site plan review applications shall include a proposed development timetable by the applicant.
- (2) Development timetables.
 - (a) Development timetables shall be determined by the Planning Board at the time of approval of any such application, using the following format: "The first date of the development timetable shall be (month/year) or such earlier date that may result from intervening abatements." Such timetables shall be included as a condition of approval of the application.
 - (b) The Building Inspector shall be authorized to issue revised development timetables based solely on abatements approved by the Planning Board.
 - (c) All development timetables with approved authorization shall be recorded with the application approval decision with the Town Clerk and shall not be calculated into the overall growth rate until so recorded. In order to effectuate the schedule for the purposes of obtaining building permits, the applicant shall record the approval decision with the development timetable at the Registry of Deeds.
- (3) In the case of flexible residential subdivision, a development timetable shall be approved by the Planning Board at the time of the definitive subdivision approval.
- (4) Definitive subdivision approvals, special permits, estate lots and site plan approvals made prior to the date of adoption of this section shall be exempt from both the planned growth rate and development timetable. The Planning Board shall have exclusive authority to render all decisions on exemption requests.
- (5) The use of any tract of land for housing for elderly persons and/or handicapped persons through issuance of a special permit granted pursuant to § 185-15 shall be exempt from the planned growth rate and development timetable. In any such instance issuance of a special permit shall be conditioned upon the recording of a restriction enforceable by the Town to ensure that dwelling units built thereon shall only be used for residences for elderly and/or handicapped persons as defined in said § 185-15. Building permits issued pursuant to such a special permit shall not be counted in computing the applicable growth rate limit.
- (6) Any tract of land existing and not held in common ownership with an adjacent tract prior to the adoption of this section shall receive a one-time exemption (one building permit) from the planned growth rate and development timetable for the purpose of constructing a single-family dwelling unit on the parcel so owned. The issuance of a building permit for this purpose shall, however, count toward the growth rate limit of 100 dwelling units per rolling seven-hundred-thirty-consecutive-day period unless such limit has already been reached through approved development timetables and/or issuance of building permits.
- (7) An application for a building permit for the enlargement, restoration or reconstruction of a dwelling in existence as of the effective date of this section shall be specifically exempt from the provisions of this section and shall not count toward the growth rate limit.

- (8) Building permits issued, but subsequently abandoned pursuant to applicable provisions of the State Building Code, shall not be counted in computing the applicable growth rate limit.

F. Zoning change protection. The protection of zoning changes as granted by Section 6 of Chapter 40A, Massachusetts General Laws shall, in the case of a development whose completion has been constrained by this section, be extended to the maximum time for completion allowed under this section.

G. Severability. The provisions of this section are severable, and if any of its provisions shall be held invalid or unconstitutional by a court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

or to take any other relative action thereto.

**PASSED
TWO-THIRDS**

ARTICLE 25. Town of Southwick voted to delete in the Code of Town of Southwick, Zoning, the map titled "Town of Southwick Commonwealth of Massachusetts Wellhead Protection District Zone 1 – Wellhead Protection Area Zone 2 & 3 – Zone of Contribution" dated May 21, 2002 in § 185-5E. **District enumerated;** maps. And substitute the following:

- E. The boundaries of said Wellhead Protection District in Subsection A(11) above are hereby established as shown, defined and bounded on a map on file in the Office of the Town Clerk of the Town of Southwick, Massachusetts, entitled "Town of Southwick, Commonwealth of Massachusetts, Wellhead Protection District." This map, dated March 26, 2007, and subsequent amendments thereto, together with explanatory matter thereon, is hereby incorporated by reference and made a part of this chapter.

or to take any other relative action thereto.

**PASSED
TWO-THIRDS**

ARTICLE 26. Town of Southwick voted to delete in the Code of Town of Southwick, Zoning, § 185-22. **Wellhead Protection District.** and substitute the following language.

§ 185-22. Wellhead Protection District.

A. Purpose. The purpose of the Wellhead Protection District shall be to promote the health, safety and welfare of Southwick and neighboring communities by protecting and preserving the surface and ground water resources located in Southwick for any use of land and/or buildings which may reduce the quality or quantity of the public drinking water supply.

B. Definitions.

AQUIFER -- A geological formation composed of rock or sand and gravel that contains significant amounts of potentially recoverable potable water.

GROUNDWATER -- All water found beneath the surface of the ground.

HAZARDOUS WASTE or HAZARDOUS MATERIAL -- Any material or waste which is potentially hazardous to human health or to the environment, including, but not limited to, such hazardous wastes and materials which have been designated as such by the United States Environmental Protection Agency under 40 CFR 250, as amended, or which have been designated as such under regulations promulgated pursuant to the Massachusetts Hazardous Waste Management Act, Massachusetts General Laws, Chapter 21C and 310 CMR 30.00, as amended.

IMPERVIOUS SURFACES -- Materials or structures on or above the ground that do not allow precipitation to infiltrate the underlying soil.

LEACHABLE WASTES -- Waste materials, including solid wastes, sludge and pesticide and fertilizer wastes, capable of releasing waterborne contaminant to the environment.

PRIMARY AQUIFER RECHARGE AREA -- Areas which are underlain by surficial geologic deposits, including glaciofluvial or lacustrine stratified drift deposits or alluvium or swamp deposits, and in which the prevailing direction of groundwater flow is toward the area of influence of public water supply wells. These areas are also designated as Zone I and Zone II areas under regulations promulgated by the Massachusetts Department of Environmental Protection as shown on the Wellhead Protection District Map referred to in Article III, § 185-5E, of this chapter.

TRUCK TERMINAL -- A business which services or repairs commercial trucks which are not owned by the business.

WASTEWATER TREATMENT WORKS SUBJECT TO 314 CMR 5.00 -- Any wastewater treatment plant or works, including community septic systems, which require a permit from the Massachusetts Department of Environmental Protection.

WATERSHED -- Lands lying adjacent to watercourses and surface water bodies which create the catchment or drainage areas of such water courses and bodies.

WELLHEAD PROTECTION DISTRICT -- An overlay district that is superimposed on the other districts established by this chapter. It includes all lands within the Town of Southwick lying within the primary aquifer recharge area of groundwater aquifers which now or may in future provide public water supply.

ZONE I -- That circle of a four-hundred-foot radius extending around the wellhead of a drinking water well, with the wellhead at its center and including all land within the boundaries of said circle.

ZONE II -- That area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can realistically be anticipated (180 days of pumping at a safe yield with no recharge from precipitation). It is bounded by groundwater divides which result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge

boundaries. In all cases, Zone II shall extend up gradient to its point of intersection with prevailing hydrogeologic boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary).

C. Scope of authority. The Wellhead Protection District is an overlay district and shall be superimposed on the other districts established by this chapter. All regulations of the Town of Southwick Zoning Bylaw applicable to such underlying districts shall remain in effect, except that where the Wellhead Protection District imposes additional regulations, such regulations shall prevail.

D. District delineation.

- (1) The Wellhead Protection District is herein established to include all lands within the Town of Southwick lying within the primary aquifer recharge area of groundwater aquifers which now or may in future provide public water supply. The map entitled "Town of Southwick, Commonwealth of Massachusetts, Wellhead Protection District," dated March 26, 2007, referenced in Article III, § 185-5E, of this chapter which is on file with the Town Clerk, delineates the boundaries of the district.
- (2) Where the bounds delineated are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where they should properly be located. At the request of the owner(s), the Town may engage a professional hydrogeologist to determine more accurately the location and extent of an aquifer or primary aquifer recharge area, and may charge the owner(s) for all or part of the cost of the investigation.

E. Permitted uses. The following uses are permitted within the Wellhead Protection District, provided that they comply with all the applicable restrictions in this bylaw, including but not limited to Subsections F through J, and provided that all necessary permits or approvals required by local, state or federal law are also obtained. Underground storage tanks related to these activities are not categorically permitted:

- (1) Single-family residences;
- (2) Residential accessory uses, including garages, driveways, private roads, utility rights-of-way and on-site wastewater disposal systems;
- (3) Foot, bicycle and/or horse paths and bridges;
- (4) Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
- (5) Maintenance, repair, and enlargement of any existing structure;
- (6) Conservation of soil, water, plants and wildlife;
- (7) Farming, gardening, nursery, conservation, forestry, harvesting and grazing;
- (8) Outdoor recreation, nature study, boating, fishing and hunting where otherwise legally permitted;
- (9) Construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts and tunnels;
- (10) Day-care centers, family day-care homes and school age child care programs;
- (11) Structures for educational and religious purposes.

F. Prohibited uses.

- (1) Business or industrial uses, or facilities which generate, treat, store or dispose of hazardous materials or wastes including, but not limited to, metal plating, chemical manufacturing, wood preserving, furniture stripping, dry cleaning, metal fabrication or manufacturing, foundries, petroleum refining, photographic processing, leather tanning, electrical circuit manufacturing, degreasing operations, plastics processing, fuel oil sales and auto body repair, or which involve on-site disposal of process waste waters, except for the following:
 - (a) Very small quantity generators as defined under 310 CMR 30.000 as amended, which generate less than 20 kilograms or 6 gallons of hazardous waste per month may be allowed by special permit in accordance with Subsection J;
 - (b) Household hazardous waste centers and events under 310 CMR 30.390;
 - (c) Waste oil retention facilities required by MGL c. 21, § 52A;
 - (d) Treatment works for remediation of contaminated water supplies, which are approved by the Department of Environmental Protection and designed in accordance with 314 CMR 5.00, as amended.
- (2) Trucking terminals, motor vehicle gasoline sales, motor vehicle and boat service and repair shops, tractor-trailer cab and trailer storage, car washes, automotive body and repair shops.
- (3) Solid waste landfills, dumps, auto recycling, junk and salvage yards, landfilling or storage of sludge and septage. Transfer waste stations operated by the Town of Southwick are specifically exempted herefrom.
- (4) Petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983. SIC Codes are established by the U.S. Office of Management and Budget and may be determined by referring to the publication, Standard Industrial Classification Manual, and any subsequent amendments thereto.
- (5) Storage of liquid petroleum products and/or liquid hazardous materials, as

defined in MGL c. 21E, except for the following:

(a) Storage which is incidental to:

- [1] Normal household use, outdoor maintenance, or heating of a structure;
- [2] Emergency generators required by statute, rule or regulation;
- [3] Waste oil retention facilities required by statute, rule or regulation;
- [4] Treatment works approved by the Massachusetts Department of Environmental Protection designed in accordance with 314 CMR 5.00 for treatment of contaminated ground or surface waters, provided that such storage shall be in a freestanding container, located on an impervious surface within a structure, or within the basement of a structure, with secondary containment adequate to contain a spill 110% of the container(s) total storage capacity. The storage tank and piping must comply with all applicable provisions of 527 CMR 9.00, the Massachusetts Board of Fire Prevention regulations;

(b) Replacement of storage tanks or systems for gasoline, which existed at the time of the adoption of this bylaw, provided that:

- [1] All such replacement gasoline storage tanks or systems shall be located underground as required by Massachusetts Board of Fire Prevention regulation 527 CMR 9;
- [2] All such storage systems shall be protected by one of the secondary containment systems specified in Massachusetts Board of Fire Prevention regulations 527 CMR 9;
- [3] The head of the Fire Department may deny an application for tank replacement, or approve it subject to conditions if he or she determines that it constitutes a danger to public or private water supplies.

(c) Replacement of all other storage tanks for liquid petroleum products other than gasoline must be above ground.

(6) Outdoor storage of pesticides or herbicides;

(7) Storage of de-icing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

(8) Storage of animal manure, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff and leachate;

(9) Dumping or disposal of any hazardous material or hazardous waste on the ground, in water bodies, in septic systems, or in other drainage systems. This shall include septic system cleaners which contain toxic chemicals such as methylene chloride and 1-1-1trichlorethane;

(10) Wastewater treatment works subject to a groundwater discharge permit under 314 CMR 5.00, except the following:

- (a) The replacement or repair of all existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;
- (b) Treatment works approved by the Department of Environmental Protection designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13);
- (c) Publicly owned treatment works.

(11) Stockpiling and disposal of snow and ice containing de-icing chemicals brought in from outside the district;

(12) Storage of commercial fertilizers, as defined in MGL c. 128, § 64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

(13) Residential, commercial and industrial uses within Zone I of any municipal water supply well. Only water supply activities are allowed within Zone I.

(14) Multifamily residential uses which are not served by the municipal sewer system.

G. Performance standards. All uses, whether allowed by special permit or by right, must meet the performance standards herein:

- (1) Sodium chloride for ice control shall be used at the minimum salt to sand ratio which is consistent with the public highway safety requirements, and its use shall be eliminated on roads closed to the public in winter.
- (2) Storage areas for road de-icing chemicals shall be covered and be located on a paved surface, with berms to prevent runoff from leaving the site.
- (3) Above ground storage tanks for oil, gasoline or other petroleum products shall be placed in a building on a diked, impermeable surface sufficient to contain 1 1/2 the volume of the tank to prevent spills or leaks from reaching groundwater.
- (4) In accordance with the State Plumbing Code, all vehicle maintenance facilities must have floor drains, unless they receive a variance from the State Plumbing Board, which must be connected to a municipal sewer system or to a state holding tank in unsewered areas. All other facilities which use, store, maintain hazardous materials or wastes must, with state approval, seal floor drains or connect them to a sewer system or holding tank.
- (5) For commercial, residential and industrial uses, to the extent feasible, all runoff from impervious surfaces shall be recharged on the site by stormwater infiltration basins, infiltration trenches or similar systems covered with vegetation. Such runoff shall not be discharged directly to rivers, streams, or other surface water bodies. Dry wells shall be used only when other methods are unfeasible, and for commercial and industrial uses a

permit is required from the Massachusetts Department of Environmental Protection. All such basins and wells shall be preceded by oil, grease and sediment traps to facilitate removal of contamination. All recharge areas shall be permanently maintained in full working order by the owner. Infiltration systems greater than three feet deep shall be located at least 100 feet from drinking water wells, and shall be situated at least 10 feet down gradient and 100 feet up gradient from buildings to avoid seepage problems. Infiltration basins and trenches shall be constructed with a three-foot minimum separation between the bottom of the structure and the maximum groundwater elevation.

- H. Area regulations. Within the Wellhead Protection District the minimum allowable lot size shall be 60,000 square feet in areas not served by municipal or quasi-public sewage treatment plants, except for Flexible Residential Developments, where the minimum lot size shall be 40,000 square feet in compliance with the standards in Table 1 of this chapter. A Flexible Residential Development may occur within the primary recharge area, provided that no development occurs within the Zone I area designated for any public well. All aspects of any such Flexible Residential Development Overlay Zone (FRD) Bylaw § 185-23 relative to health and environmental impact which may be hereinafter enacted by the Town of Southwick must be met before any FRD development is to be allowed in the Wellhead Protection District.
- I. Special permit uses.
- (1) The following uses are permitted only upon the issuance of a special permit by the Planning Board under such conditions as they may require:
 - (a) Commercial and industrial uses not prohibited in § 185-22F which are allowed in the underlying district;
 - (b) Enlargement, intensification or alteration of existing uses that do not conform to the Wellhead Protection District;
 - (c) Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying district (except as prohibited under Subsection F). Such activities shall require a special permit to prevent contaminating groundwater;
 - (d) Any use that will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater. A system for artificial groundwater recharge of precipitation must be provided which shall be by storm water infiltration basins or similar systems covered with natural vegetation, and dry wells shall be used only where other methods are unfeasible. For all nonresidential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.
 - (e) Excavation for removal of earth, sand, gravel and other soils, which shall not extend closer than 10 feet above the annual high groundwater table. A monitoring well shall be installed by the property owner to verify groundwater elevations. This section shall not apply to excavations incidental to permitted uses, including but not limited to providing for the installation or maintenance of structural foundations, utility conduits or on-site sewage disposal. This section shall apply to all commercial earth removal operations, including extensions of existing operations.
 - [1] Access road(s) to extractive operation sites shall include a gate or other secure mechanism to restrict public access to the site.
 - [2] Within 45 days after earth removal is completed, the land shall be restored and stabilized with topsoil and plantings of trees and natural vegetation. All fine materials such as clays and silts shall be disposed of off-site to prevent damage to aquifer recharge characteristics.
 - (2) Requirements for a special permit in the Wellhead Protection District. The applicant shall file six copies of a site plan prepared by a qualified professional with the Planning Board. The site plan shall at a minimum include the information required under Article VI, § 185-37, of this chapter as well as the following information where pertinent.
 - (a) A complete list of chemicals, pesticides, herbicides, fertilizers, potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use.
 - (b) Those businesses using or storing such hazardous materials shall file a hazardous materials management plan with the Planning Board, Fire Department, Police Department and Board of Health which shall include:
 - [1] Provisions to protect against the discharge of petroleum products, hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage or vandalism, including spill containment and clean-up procedures.
 - [2] Provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces.
 - [3] Evidence of compliance with the regulations of the Hazardous Waste Management Act, 310 CMR 30, including obtaining an Environmental Protection Agency (EPA) identification number from the Massachusetts Department of Environmental Protection.
 - (c) Drainage recharge features and provisions to prevent loss of recharge.
 - (d) Provisions to control soil erosion and sedimentation and soil compaction, and to prevent seepage from sewer pipes.
 - (e) Proposed down gradient locations for groundwater monitoring well(s), should the Planning Board deem the activity a potential groundwater threat.
 - (3) Additional procedures for a special permit in the Wellhead Protection District.
 - (a) The Planning Board shall follow all special permit procedures specified in Massachusetts General Laws, Chapter 40A, and in this chapter.
 - (b) The Planning Board may grant the requested special permit only upon finding that the proposed use meets the following standards.
 - [1] The proposed use must in no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Wellhead Protection District; and
 - [2] The proposed use must be designed to avoid substantial disturbance of the soils, topography, characteristics of the site to be developed.

(c) The Planning Board shall not grant a special permit under this section unless the petitioner's application materials include, in the Board's opinion, sufficiently detailed, definite and credible information to support position findings in relation to the standards given in Subsection I(3)(b) of this section.

(4) Nonconforming use. Nonconforming uses which were lawfully existing, begun or in receipt of a building or special permit prior to the first publication of notice of public hearing for this chapter may be continued. Such nonconforming uses may be extended or altered only as permitted in these Zoning Bylaws and only if there is a finding by the Planning Board pursuant hereto that such change does not increase the danger of surface or ground water pollution from such use.

or to take any other relative action thereto.

**PASSED
TWO-THIRDS**

ARTICLE 27. Town of Southwick voted to amend the Town of Southwick By-Law Map referenced in Section 185-5 of the code of the Town of Southwick by redesignating a certain parcel of land from current zoning of AC to a zone of R-20-B, identified as said real estate in the Town of Southwick located at 141 South Longyard Road and shown on assessors map F parcels 182A & 256 and more particularly bounded and described as follows: Beginning at a point on the southerly sideline of South Longyard Road; thence running S. 82° 40' 20" E. along the southerly sideline of South Longyard Road for a distance of 60.00 feet to a point; thence running S. 7° 19' 40" W. for a distance of 200.00 feet to a point; thence running S. 82° 40' 20" E. for a distance of 824.46 feet to a point; thence running S. 7° 19' 40" W. for a distance of 29.00 feet to a point; thence running S. 82° 40' 20" E. for a distance of 112.34 feet to a point; thence running S. 16° 40' 00" W. for a distance of 503.16 feet to a point; thence running S. 80° 50' 53" E. for a distance of 692.31 feet to a point; thence running S. 73° 55' 16" E. for a distance of 83.16 feet to a point thence running S. 21° 35' 22" W. for a distance of 871.04 feet to a point; thence running N. 82° 35' 38" W. for a distance of 112.30 feet to a point; thence running S. 7° 24' 22" W. for a distance of 94.40 feet to a point; thence running N. 81° 30' 49" W. for a distance of 1849.81 feet to a point; thence running N. 18° 48' 00" E. for a distance of 1491.00 feet to a point; thence running S. 82° 40' 20" E. for a distance of 190.59 feet to a point; thence running N. 7° 19' 40" E. for a distance of 200.00 feet to a point and place of beginning.
Said described parcel contains 57.48 acres of land.

**FAILED
TWO-THIRDS
NO- 155
YES- 48**

ARTICLE 28. Town of Southwick voted to accept as Town Ways, Dairy Lane, Stage Coach Road and Meadow Lane, as shown on the plan entitled, "Definitive Plan Sunnyside Ranch Woods, owned by Philip H. and Janice K. Hall located on Hillside Road, Southwick, MA...dated September 16, 1988" prepared by Luchs and Beckerman, and recorded in Hampden County Registry of Deeds on Plan 263, Page 22, and "Definitive Plan Sunnyside Ranch Woods Phase II owned by Philip H. and Janice K. Hall located on Hillside Road, Southwick, MA...dated January 3, 1990" prepared by Luchs and Beckerman and recorded in Hampden County Registry of Deeds on Plan 269, Page 126, and the plan entitled "Definitive Plan Sunnyside Ranch Woods, Phase II owned by Philip H. and Janice K. Hall located on HILLSIDE ROAD, SOUTHWICK, MA" dated January 2, 1990 prepared by Luchs and Beckerman and recorded in Hampden County Registry of Deeds on Plan 293, Page 62. This language is made to correct and confirm the acceptance of all of Dairy Lane, Stage Coach Road and Meadow Lane which was voted on under Article 21 of the Annual Town Meeting on Tuesday, May 18, 1999.

PASSED

ARTICLE 29. Town of Southwick voted to authorize the Board of Selectmen to purchase, for the sum of One Thousand and 00/100 (\$1,000.00) a parcel of property located on Congamond Road a/k/a Route 168 and Barbara Road within the Town of Southwick, being approximately 50' by 200' with a small unmanned equipment building located thereon. The property is being purchased for use as an odor control injection station. The deed for the property is recorded in the Hampden County Registry of Deeds in Book 3141, Page 119. Said One Thousand and 00/100 (\$1,000.00) shall be transferred from Sewer Division available funds.

Or take any other action relative thereto.

**PASSED
TWO-THIRDS**

ARTICLE 30. Town of Southwick voted to delete Chapter 143, Secondhand Dealers, §143-7 B. of the Code of the Town of Southwick and add the following new §143-7 B.:

"The total number of Class 2 licenses currently issued under M.G.L. c. 140, §58 and §59 and those licenses hereafter granted at any one time shall not in the aggregate exceed more than 17, except this section shall not apply to licensed premises lawfully in existence and lawfully used in accordance with M.G.L. c. 140, §58 and §59."

Or take any other action relative thereto.

**PASSED
MAJORITY**

ARTICLE 31: Town of Southwick voted to allow the Board of Selectmen to seek a Home Rule Petition petitioning the Massachusetts State Legislature as follows:

"Section 1. Notwithstanding any general or special law to the contrary, but subject to 40J of Chapter 7 of the General Laws, the commissioner of capital asset management and maintenance, in consultation with the public access board, may lease to the Town of Southwick for a term, including any extensions, not to exceed fifty (50) years, a certain parcel of state-owned land in the Town of Southwick shown as Lot A on a plan entitled "Plan of Land in Southwick, MA owned by the Commonwealth of Massachusetts, Public Access Board, Department of Fisheries, Wildlife and Environmental Law Enforcement Showing Parcel to Be Leased by Wylie C. Hubbard, PE RLS, Woodlake, Inc., Agawam, scale 1"=20", dated August twenty-sixth, nineteen hundred and ninety-one." Said lease shall automatically renew for additional periods of fifty (50) years unless one of the parties gives notice to decline the renewal. The lease shall be subject to the provisions of Section 2 and to such additional terms and conditions as the commissioner may prescribe, in consultation with the public access board.

Section 2. The Town of Southwick shall be responsible for all costs and expenses of the transaction authorized by this act as determined by the commissioner of capital asset management and maintenance, including but not limited to costs of any survey, appraisal, and other expenses relating to the conveyance of the parcel, and shall be responsible for all costs, liabilities and expenses of any nature and kind for its leasehold.

Section 3. This act shall take effect upon its passage."

And to authorize the Board of Selectmen to negotiate the terms of such lease on behalf of the Town of Southwick and prior to the passage of such legislation to authorize the Board of Selectmen to negotiate a temporary permit or license with the Division of Capital Asset Management of the Commonwealth of Massachusetts Executive Office of Administration and Finance to operate the North Ramp Congamond Lake Public Access Facility.

Or take any other action relative thereto.

**PASSED
TWO-THIRDS**

Selectmen handed out awards to those leaving office per the Town Elections which were held May 8, 2007.

A Motion was made and seconded to dissolve the Annual Town Meeting at 11:00PM.

UNANIMOUS

A TRUE COPY OF ATTEST:

Michelle L. Hill, Town Clerk