Hampshire, ss.
To either the Police Chief or Town Clerk for the Town of Hatfield in said Hampshire County.

Greetings:

In the name of the Commonwealth, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs to meet in the Smith Academy Gymnasium in said Hatfield on

**TUESDAY, THE 14TH DAY MAY, 2019**

at seven o'clock in the evening to take action on all articles except Article 1 and to meet on Tuesday the 21st day of May 2019 in Memorial Town Hall at seven o'clock in the forenoon, then and there to take action under Article 1.

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**ANNUAL TOWN ELECTIONS**

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**ARTICLE 1.**
Submitted by: Town Clerk

To choose all necessary Town Officers for the following years: one Selectman for a term of three years; one Assessor for a term of three years; one member of the School Committee for a term of three years; one Library Trustee for a term of three years; one Elector under the Will of Oliver Smith for a term of one year; one Cemetery Commissioner for a term of three years; one member of the Board of Health for a term of three years; one member of the Planning Board for a term of five years; one member of the Planning Board for a term of two years; one member of the Planning Board for a term of one year; one member of the Redevelopment Authority for a term of five years; and one Councilor, Hampshire Council of Governments for a term of three years.

The polls will be open at seven o'clock in the forenoon on Tuesday, May 21, 2019, and kept open until eight o'clock in the evening.
GENERAL TOWN ARTICLES

ARTICLE 2
Submitted by: Board of Selectmen
To see if the Town will vote to authorize the Board of Selectmen to apply for, accept, and expend without appropriation any State or Federal grants and gifts and awards from any public or private source that become available in Fiscal Year 2020, or take any other action relative thereto.

ARTICLE 3
Submitted by: Town Treasurer
To see if the Town will vote to authorize its Treasurer to enter into a compensating balance agreement or agreements for Fiscal Year 2020 pursuant to Chapter 44, Section 53F of the General Laws, or take any other action relative thereto.

ARTICLE 4
Submitted by: Board of Selectmen
To see if the Town will vote to authorize the Board of Selectmen to enter into a Memorandum of Agreement with the Massachusetts Department of Public Works under G.L. c. 90 concerning the use of funds made available through the state’s Transportation Bond Issue, and to appropriate the sum of $242,801.00 or such other sum as may be the Town’s apportionment of such bond funds in accordance with the said Memorandum of Agreement, or take any other action relative thereto.

ARTICLE 5
Submitted by: Board of Selectmen
To see if the Town will vote to appropriate by transfer from the money distributed to the Town by the Commonwealth Transportation Infrastructure Fund, which is $153.50, to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the town including, but not limited to, the complete streets program established in G.L. c. 90I, § 1, et seq., and other programs that support alternative modes of transportation, such funds to be expended at the direction of the Board of Selectmen; or take any other action relative thereto.

ARTICLE 6
Submitted by: Board of Selectmen
To see if the Town will vote to raise and appropriate, appropriate by transfer or otherwise provide the sum of $258.50 for payment of a prior year School Department expense; or take any other action relative thereto.
ARTICLE 7
Submitted by: Board of Selectmen
To see if the Town will vote to raise and appropriate, appropriate by transfer or otherwise provide a sum of money for payment of a prior year Public Works Department expense; or take any other action relative thereto.

ARTICLE 8
Submitted by: Board of Selectmen
To see if the Town will vote to raise and appropriate, appropriate by transfer or otherwise provide a sum of money for the purpose of funding Fiscal Year 2018 deficits as follows:

Town Hall Operations (2,928.71)
Snow & Ice (21,473.68)
Abatement Allowance Overlay (163,519.00)
; or take any other action relative thereto.

ARTICLE 9
Submitted by: Board of Selectmen
To see if the Town will vote to raise and appropriate, or appropriate by transfer or by borrowing, a sum of money for the purpose of funding unforeseen expenses in the FY2019 Water and Sewer Operating Budget; or take any other action relative thereto.

ARTICLE 10
Submitted by: Board of Selectmen
To see if the Town will vote to raise and appropriate, or appropriate by transfer or by borrowing, a sum of money to amend the FY2019 School Operating Budget; or take any other action relative thereto.

ARTICLE 11
Submitted by: Board of Selectmen
To see if the Town will vote to increase the number of members of the Board of Selectmen from three (3) members to five (5); and further to provide that

(a) at the first annual Town election held more than six months after the vote on this article, the number of members of the Board of Selectmen to be elected shall be increased by two (2);

(b) the candidate receiving the highest number of votes for the office of Selectman shall fill the regular vacancy for a three- (3-) year term;

(c) after the regular vacancy has been filled, the candidate with the next-highest number of votes shall fill the first new position and serve for an initial term of two (2) years, and the candidate with the next-highest number of votes shall fill the second new position and shall serve for an initial term of one (1) year; and

(d) after the expiration of each of the respective initial terms, each member thereafter elected shall serve for a term of three (3) years;

or take any other action relative thereto.
ARTICLE 12
Submitted by: Board of Selectmen
To see if the Town will vote to authorize the Board of Selectmen or any other municipal board to enter into a Payment-in-Lieu of Taxes Agreement ("PILOT") with Solect Energy Development, LLC with respect to its operation of a solar electric generating facility on Town-owned property at 34 School Street; or take any other action relative thereto.

ARTICLE 13
Submitted by: Board of Selectmen
To see if the Town will vote to authorize the Board of Selectmen to enter into a ten (10) year contract, commencing on July 1, 2020 with the qualified vendor selected by MassDEP through a competitive bid process for recycling processing services for the Town, subject to the Board of Selectmen’s determination that the contract is in the best interests of the Town and subject to Town Meeting approval in the Spring of 2020 for funding these services; or take any other action relative thereto.

ARTICLE 14
Submitted by: Board of Selectmen
To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 200A, §9A, thereby allowing the Town to adopt a policy in accordance with the Town of Hatfield Financial Policy Manual to outline the requirements of the Treasurer for managing uncashed checks; or take any other action relative thereto.

ARTICLE 15
Submitted by: Board of Selectmen
To see if the Town will vote to adopt the provisions of Massachusetts General Laws Chapter 40, §8J, for the purpose of establishing a municipal Commission on Disability; or take any other action relative thereto.

ARTICLE 16
Submitted by: Board of Selectmen
To see if the Town will vote to adopt Massachusetts General Laws Chapter 32B, §20, to create a trust fund for “Other Postemployment Benefits (OPEB)” in accordance with Governmental Accounting Standard Board’s requirements; or take any other action relative thereto.

ARTICLE 17
Submitted by: Petition
Shall the town, in addition to the payment of fifty percent 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?
ARTICLE 18
Submitted by: Board of Selectmen
To see if the Town will vote to amend Article Sixteen, Department Revolving Funds, Section 5 Chart, of the Town of Hatfield By-Laws, pursuant to Massachusetts General Laws Chapter 44, § 53E1/2, to add a Tax Title Revolving Fund, such Fund to be credited with any fees, charges or other receipts from the departmental programs or activities supported by the revolving fund; or take any other action relative thereto.

<table>
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<th>REVOLVING FUND</th>
<th>AUTHORIZED TO SPEND FUND</th>
<th>FEES, CHARGES OR OTHER RECEIPTS CREDITED TO FUND</th>
<th>PROGRAM OR ACTIVITY EXPENSES PAYABLE FROM FUND</th>
<th>RESTRICTIONS OR CONDITIONS ON EXPENSES PAYABLE FROM FUND</th>
<th>OTHER REQUIREMENTS /REPORTS</th>
<th>FISCAL YEARS</th>
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<td>Tax Title</td>
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<td>Departmental Receipts</td>
<td>Expenditures Regarding Tax Title</td>
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ARTICLE 19
Submitted by: Board of Selectmen
To see if the Town will vote to amend Article Seven, Section 7.03 (a) of the Town of Hatfield By-Laws, by adding the underlined text below and deleting the text marked with strike-throughs, as follows:

Section 7.03 a) The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually, and may periodically, furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve-month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

; or take any other action relative thereto.
ARTICLE 20
Submitted by: Planning Board
To see if the Town will vote to amend Section 6.2 Open Space Development of the Town of Hatfield Zoning By-Laws, by striking Section 6.2 Open Space Development, in its entirety and replacing it with the following, as recommended and voted by the Planning Board on April 17, 2019:

6.2 Open Space Development

6.2.1 Open Space Development
Open Space Development (OSD) in accordance with this bylaw shall be encouraged within the town, and shall be the de facto method of residential subdivision development for any residential developments which create three or more lots within the Rural Residential District (RR), Outlying Residential District (OR), Town Center District (TC), and Agricultural District (AG), not including those lands in Hatfield’s Floodplain District (FP). Open Space Development shall mean a residential development in which residences are clustered together, adjacent to permanently preserved open space.

6.2.2 PURPOSES
The purposes of Open Space Development are to:
1. Allow for greater flexibility and creativity in the design of residential subdivisions, provided that the overall density of the development is no greater than what is normally allowed in the district;
2. Encourage the permanent preservation of open space, agricultural lands, forest lands and other natural resources including aquifers, water bodies and wetlands, and historical and archaeological resources;
3. Encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features;
4. Maintain the traditional New England rural character and land use patterns in which small villages contrast with open space and farmlands;
5. Facilitate the construction of streets, utilities and public services in a more economical and efficient manner;
6. Ensure that residential developments are designed to minimize impacts on the natural features of the land, including wetlands, watercourses, forests, agricultural land, agricultural soils, steep slopes, plants, wildlife, historic sites, scenic areas and views, and rural character;
7. Encourage development out of view from the road, and promote alternatives to strip residential development lining roadsides in the town;
8. Provide wildlife corridors and protect large blocks of unfragmented habitat connecting open spaces, needed by wildlife to ensure their survival;
9. Further the goals and policies of the Hatfield Master Plan and Open Space and Recreation Plan;

10. Enable landowners to realize equity from development of a small percentage of their land while current uses continue on the majority of the property;

11. Reduce energy consumption and greenhouse gas emissions; and

12. Minimize the total amount of disturbance on the site, and promote the incorporation of Low Impact Development and Green Infrastructure into development designs.

6.2.3 Definitions

**Agricultural Soils:** Agricultural land with soils designated as prime or of statewide or local significance by the Natural Resources Conservation Service (NRCS) soil surveys.

**Basic Maximum Number:** The number of units that would be allowed on a site using standard Zoning Bylaw Provisions and/or Subdivisions Rules and Regulations as determined by a Yield Plan.

**Common Area:** Any land area, other than Open Space, set aside for common ownership as a result of an OSD, including areas for Common Facilities.

**Common Driveway:** Vehicular access, which is not a street, but extending from a street, serving as a common vehicular access to more than one (1) but not more than three (3) residential lots built in accordance with the standards set forth in this bylaw and those standards set forth in the Town of Hatfield Zoning Bylaws Section 5.8. The driveway will lie entirely within the lots being served.

**Common Facilities:** Built facilities which are commonly owned by the property owners within an OSD. Common Facilities may be proposed but are not required. They may include streets, rights of way, common buildings, wells, water and waste treatment systems, and recreation facilities.

**Conventional Lot:** A lot in a standard subdivision based upon the minimum dimensional requirements of the underlying zoning district in which the subject property lies, and the minimum requirements of the Subdivision Regulations.

**Conventional Plan:** A plan showing the division of property into lots based upon the minimum requirements of the underlying zoning district in which the subject property lies, and the minimum requirements of the Subdivision Regulations.

**Existing Resources/Site Analysis Map:** A map which identifies, locates, and describes noteworthy features to be designed around through sensitive layouts, such as vegetation, wetlands, steep slopes, farmland soils, historic or cultural features, threatened or endangered species, unusual geological formations, and scenic views of viewsheds.

**Homeowners' Association:** A private non-profit organization (corporation, association, or other legal entity) established by the developer to manage, maintain, support, and finance the common facilities and common open space of an OSD, and to enforce certain covenants and restrictions.
Open Space: Undeveloped land set aside for common or individual ownership as a result of an OSD, with conservation easements and other deeded restrictions to ensure that the land will remain permanently open and undeveloped. A condition of OSD approval is that open space may not be further subdivided.

Open Space Development: A form of residential development where the density of the dwelling units is no greater than would be permitted in the district in which the OSD is located, but where the lot size and other dimensional standards may be reduced in exchange for the preservation of permanently protected open space, recreational land, forests, or other farmland.

Title V Regulations: 310 CMR 15.000

Wetlands: Areas characterized by vegetation described in Massachusetts General Laws, Chapter 131, Section 40.

Yield Plan: A conceptual plan showing how the parcel could be subdivided in a conventional manner. Determination of the possible number of conventional lots shall be determined by the Title V regulations, 310 CMR 15.000, as well as the Town of Hatfield Board of Health regulations. For purposes of determining the number of OSD dwelling units, each conceptual conventional lot must meet the requirements of a buildable lot for a by-right dwelling unit as defined in the zoning district in which the OSD is located and meet all other applicable requirements of the Zoning Bylaw and Subdivision Regulations. In no case shall the number of OSD dwelling units exceed the number of units that would be allowed under a conventional subdivision.

6.2.4. APPLICABILITY

1. Any applicant applying for a residential subdivision creating 3 or more lots or a residential development creating 3 or more dwelling units in the Town of Hatfield shall apply for an OSD under this bylaw.

2. Segmentation. In determining whether a project is applicable under this bylaw, the developer and the Planning Board shall consider the entirety of the development, including:
   a. any likely future expansion of the project on the subject property or on any property which is contiguous to the subject property or under related ownership, or
   b. any past, related development on any property which is contiguous to the subject property or any property that was under related ownership with the subject property at the time that this bylaw was adopted.

   A developer may not phase or segment a project or transfer ownership of contiguous properties to evade, defer, or curtail the requirements set forth in this bylaw.

3. Uses Permitted in the Developed Area of an OSD. Uses permitted in the developed area of an OSD include those that are allowed by-right in the underlying zoning district in which the subdivision or development is proposed.
4. **Uses Permitted in the Open Space of an OSD.** Uses permitted in the open space of an OSD include:
   a. agricultural uses including horticultural, raising of crops, livestock, poultry, nurseries, orchards, hay, and buildings related to the same;
   b. public park or recreation area;
   c. woodlots, arboreta, and other similar silvicultural uses;
   d. woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use;
   e. accessory uses customarily incidental to any permitted use, such as gazebos, cabanas, pedestrian walks or bicycle paths, etc..

5. **Uses Prohibited in the Open Space of an OSD.** The open space within an OSD shall be perpetually kept in an open state, preserved exclusively for the purposes set forth in the Uses Permitted in the Open Space of an OSD section of this bylaw, and maintained in a manner that will ensure its suitability for its intended purposes. The following uses are expressly prohibited except in conformance with an allowed use:
   a. commercial or recreational cultivation of cannabis;
   b. constructing or placing of any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, fences, asphalt or concrete pavement, sign, billboard or other advertising display, antenna, utility pole, tower, conduit, line or other temporary or permanent structure or facility on, above, or under the open space that is not in conformance with an authorized use of the open space (e.g. a barn or other structure associated with agriculture);
   c. mining, excavating, dredging, or removing soil, loam, peat, rock, gravel or other mineral resource or natural deposit;
   d. placing, filling, storing, or dumping of soil, refuse, trash, vehicles or parts thereof, rubbish, debris, junk, waste, or other substance or material whatsoever or the installation of underground storage tanks;
   e. cutting, removing, or destroying of trees, grasses, or other vegetation unless in conformance with an authorized use such as agriculture, forestry, or recreation;
   f. subdivision; neither further division of the protected open space into lots or the use of the protected open space toward any further building requirements on this or any other lot is permitted;
   g. activities detrimental to drainage, flood control, water conservation, water quality, erosion, soil conservation, or archeological conservation;
   h. purposefully introducing or allowing the introduction of species of plants and animals recognized by the Executive Office of Energy and Environmental Affairs to pose a substantial risk of being invasive or otherwise detrimental to the native plant and animal species and plant communities on the property;
i. the use, parking or storage of motorized vehicles, including all-terrain vehicles (ATVs), motorcycles, and campers, except in conformance with an authorized use of the open space or as required by the police, firefighters, or other governmental agents in carrying out their duties; and
j. any other use or activity which would materially impair conservation interests unless necessary in an emergency for the protection of those interests.

6. **Special Land Features.** The Planning Board may request an applicant to use an OSD subdivision design if the property possesses one or more of the following special features:
   a. Unfragmented open land as identified as a priority for protection in the Town’s Open Space and Recreation Plan, Master Plan, or Community Development Plan;
   b. Agricultural land with agricultural soils (designated as prime or of statewide or local significance by the U.S. Natural Resource Conservation Service soil surveys);
   c. Rare, threatened, or endangered species or exemplary natural communities according the Massachusetts BioMap Project developed by the Massachusetts Natural Heritage & Endangered Species Program;
   d. Unique natural, cultural, and/or historical features as identified in the Master Plan or Community Development Plan.

7. **Waivers.** The applicant may request, and the Planning Board may approve, a waiver from Open Space Development standards in favor of traditional subdivision standards when, in the opinion of the Planning Board, such action is in the public interest and not inconsistent with the purposes and intent of this Bylaw. If the applicant can prove substantial hardship imposed by the standards in this Bylaw, a waiver may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intents and purpose of this Bylaw, but not otherwise. Such waiver decisions must be documented in writing by the Planning Board.

6.2.5 **Application requirements**

1. **Pre-submission review.** Before preparation of a preliminary or definitive plan, the applicant is strongly encouraged to request a pre-submission review at a regular business meeting of the Planning Board. If one is requested, the Planning Board shall invite the Conservation Commission, Board of Health, Historical Commission, Open Space Committee, Agricultural Advisory Committee, Public Works Superintendent, Chief of Police, Fire Chief, and the Town Administrator. The purpose of a pre-application review is to minimize the applicant’s costs of engineering and other technical experts, and to commence discussions with the Planning Board at the earliest possible stage in the development. At the pre-submission review, the applicant may outline the proposed development including both conventional and OSD sketch plans, seek preliminary feedback from the
Planning Board and/or its technical experts, and set a timetable for submittal of a formal application. Request for pre-submission review shall follow all procedures specified in the Town of Hatfield Subdivision Regulations, Section 4.1.

2. **Site Visit.** Applicants are encouraged to request a site visit by the Planning Board and/or its agents in order to facilitate pre-application review of the proposed development. If one is requested, the Planning Board shall invite the Conservation Commission, Board of Health, Historical Commission, Open Space Committee, Agricultural Advisory Committee, Public Works Superintendent, Chief of Police, Fire Chief, and the Town Administrator.

3. **Site Context Map.** A Site Context Map shall be submitted/presented to the Planning Board during the pre-application review. This map shall illustrate the parcel in connection to its surrounding neighborhood. Based upon existing data sources and field instructions, it shall show various kinds of major natural resource areas or features that cross parcel lines or that are located on adjoining lands. This map enables the Planning Board to understand the site in relation to what is occurring on adjacent properties.

4. **Existing Resources/Site Analysis Map.** The following shall be submitted/presented to the Planning Board during the pre-application review at a regularly scheduled meeting for the purpose of assessing the impact or implications of the development and shall be used in the preparation of a preliminary design plan.
   a. Boundaries of wetlands defined by Massachusetts Wetlands Law CMR-140 and certified by a licensed wetlands professional engineer;
   b. Location and limits of soil types, particularly Agricultural Soils, consistent with the soils classification maps prepared by the Natural Resources Conservation Service;
   c. Areas where the depth of natural soil to bedrock is four (4) feet or less;
   d. The extent of any Interim Wellhead Protection Areas and Recharge Areas and Recharge Areas;
   e. Topographic contours at intervals of ten (10) feet or less;
   f. Delineation of slopes of twenty-five percent (25%) or greater;
   g. The location of cultural and historic features including, but not limited to, stonewalls, archaeological and historic sites and structures, and significant and rare vegetation;
   h. Areas delineated as “BioMap Core Habitat” or “Supporting Natural Landscape” on the Massachusetts BioMap Project developed by the Massachusetts Natural Heritage & Endangered Species Program.

5. **Preliminary Subdivision Plan Submission.** A Preliminary Subdivision Plan may be submitted in conformance with the standards set forth in this Bylaw and in Town of Hatfield Subdivision Regulations as applicable. Applicants may submit the preliminary design to the Planning Board for review prior to development of a Definitive Plan. Approval of the Preliminary Plan by the Planning Board will be based on the review criteria standard set forth in Section 6.2.4(6).
6. Review of Preliminary Plan. The Planning Board shall review the Preliminary Subdivision Plan in accordance with the criteria contained in this Bylaw, in the Town of Hatfield Subdivision Rules and Regulations Section 4.2, and with other applicable regulations of the Town of Hatfield. The review shall informally advise the applicant as to the extent to which the proposed subdivision or land development conforms to the relevant standards of this Bylaw and may suggest possible plan modifications that would increase its degree of conformance. The review shall include, but is not limited to:

a. The location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, stormwater management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant’s Existing Resources/Site Analysis Map;
b. The potential for street connections with existing streets, other proposed streets, or potential developments of adjoining parcels;
c. The location of proposed access points along existing road networks;
d. The proposed building density and areas of impervious surface.

6.2.6. Subdivision Approval Procedures

1. A final Definitive Development Plan shall be submitted in conformance with this section and the procedures specified in the Town of Hatfield Subdivision regulations as applicable. Such Plans shall adequately address standards delineated in this bylaw. In addition, the Definitive Development Plan shall address issues that have been previously discussed in the Existing Resources/Site Analysis Map.

The Planning Board shall submit copies of the final subdivision plans to the Board of Health, Conservation Commission, Open Space Committee, Agricultural Advisory Committee, Public Works Superintendent, Chief of Police, Fire Chief and the Town Administrator for review and comment.

6.2.7 Net Developable Area

1. The net developable area of a parcel for Open Space Development shall be the total area of all lots shown to be developable under the Town of Hatfield Subdivision Regulations and zoning, and shall be calculated by the following procedure:

a. The area of those lots which is determined to be not suitable for on-site sewage disposal shall be subtracted from the developable area of the total parcel, except in those areas where lots will be served by town sewer.
b. Under the supervision of the Conservation Commission, the total acreage of all wetlands, in accordance with the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and the Hatfield Wetlands Protection Bylaw shall be identified and their area subtracted from the developable area of the total parcel.
c. The area of those lots which is identified as having steep slopes (slopes of 25% or greater) shall be subtracted from the developable area of the total parcel.

6.2.8 Dimensional Standards

1. **Allowed Density:**
   a. The maximum number of dwelling units for an OSD shall be determined by use of a yield plan, which is a conceptual plan showing how the parcel could be subdivided in a conventional manner. Determination of the possible number of conventional lots shall be determined by Title V regulations, 310 CMR 15.000, as well as the Town of Hatfield Board of Health Regulations. For purposes of determining the number of OSD dwelling units, each conceptual conventional lot must meet the requirements of a buildable lot for a dwelling unit allowed by-right as defined in the zoning district in which the OSD is located and meet all other applicable requirements of the Zoning Bylaw and Subdivision Regulations. In no case shall the number of OSD dwelling units exceed the number of units that would be allowed under a conventional subdivision.
   b. There shall be no further subdivision of an approved OSD.

2. **Flexible Dimensional Controls.**
   a. **Frontage**
      1. In the interest of flexibility and creative site designs, and provided that all other requirements of this bylaw are met, there shall be no frontage required for individual lots on new subdivision streets within an OSD, with the exception described in 6.2.8.2(a)2 below. Each lot shall have adequate access on a public way.
      2. For each lot developed along a public street existing at the time of the application, the minimum frontage, minimum lot size, and all other dimensional controls shall be those which are required in the underlying zoning district in which the OSD is located.
   b. **Lot Size**
      1. Individual lot areas may be as small as the minimum lot sizes shown in Table of Open Space Development Dimensional Requirements (Table 6.2.15), provided that the average size for all lots created, including any land preserved as open space, shall be no smaller than the required average lot size, shown in Table 6.2.15.
      2. The total number of building lots which can be created from any parcel shall be determined by dividing the net developable area (see Section 6.2.7) by the required average lot size shown in the Table of Open Space Development Dimensional Requirements (Table 6.2.15).
3. For lots in more than one district, the allowable unit count and required open space for each district shall be computed separately at first. These totals shall be added together. Fractional units of less than 0.5 shall be rounded down and 0.5 or more shall be rounded up. The required acreage for each district is shown in the Table of Open Space Development Dimensional Requirements (Table 6.2.15).

c. Setbacks
   1. All lots within an Open Space Development shall meet the front, rear and side yard requirements specified in the Table of Open Space Development Dimensional Requirements (Table 6.2.15).

d. Required Open Space
   1. All land not used for building lots, but not less than 50% of the total parcel area, shall be placed in permanent open space in accordance with Section 6.2.12 of this bylaw.
   2. To the extent feasible, all buildings shall be located out of view from any road, and protected open space shall be located adjacent to public ways. Any building lot which fronts on an existing public road shall have the frontage normally required within the zoning district.

3. Landscaped Buffers.
   a. All residential structures and accessory uses shall be set back from the boundaries of the development by a buffer strip of at least fifty (50) feet in width to screen the development from public streets and adjacent properties. Entrance streets connecting the OSD to the external street system may cross the buffer area. The natural vegetation shall be retained whenever possible. If the natural vegetation is not sufficient to serve as an effective visual screen, landscaping shall be required to provide such a screen. Landscaping shall include trees and may be used for storm water management provided that screening functions are not compromised.

   a. The Planning Board may authorize the use of common driveways to allow greater flexibility in the design of an OSD. All applications for common driveways must follow the procedures and design criteria set forth in Section 5.8 of the Town of Hatfield Zoning Bylaws.

6.2.9 Increases in Permissible Density.
   1. The Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number for an OSD Plan. The density bonus for the OSD shall not, in the aggregate, exceed twenty percent (20%) of the Basic Maximum Number. Computations with fractions of less than 0.5 shall be rounded down to the next whole number and 0.5 or more shall be rounded up. A density bonus may be awarded in the following circumstances:
a. For each additional ten percent (10%) of the site (over and above the required 50%) set aside as open space, a bonus of five percent (5%) of the Basic Maximum Number may be awarded. For each additional ten percent (10%) of the site comprised of entirely agricultural soils set aside as open space (over and above the required 50%), a bonus of ten percent (10%) of the Basic Maximum Number may be awarded. Calculations shall be rounded down to the nearest integer when determining this bonus.

b. For every one (1) dwelling units restricted in perpetuity to occupancy by either Moderate-Income Households or by Low-Income Households, one (1) market rate dwelling unit may be added to the Basic Maximum Number. Affordable housing units may be used toward density bonuses only if they can be counted toward the Town’s affordable housing inventory as determined by the Massachusetts Department of Housing and Community Development. The applicant shall provide documentation demonstrating that the unit(s) shall count toward the community’s affordable housing inventory to the satisfaction of the Planning Board.

c. For every historic structure, approved as such by the Hatfield Historical Commission, preserved and subject to a historic preservation restriction approved by the Massachusetts Historical Commission, one (1) dwelling unit may be added to the Basic Maximum Number.

2. Special Permit Process for Increases in Permissible Density. The applicant must apply for, and the Planning Board may award, a special permit for a density bonus to increase the number of dwelling units beyond that otherwise allowed. The density bonus for an OSD shall not, in the aggregate, exceed 20% of the Basic Maximum Number. The applicant shall clearly illustrate the number and location of dwelling units created by the density bonus(es). Upon final approval of site plans, the Planning Board shall make a decision to grant, deny, or grant with conditions, the Special Permit to increase the density of development in the OSD as per the process indicated in Section 5.0 of the Hatfield Zoning Ordinance.

6.2.10 Site Design Standards

1. Aesthetics: Each structure shall be integrated into the existing landscape on the property so as to minimize its visual impact through the use of vegetative and structural screening, landscaping, grading, and placement on or into the surface of the lot. Development shall relate harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby resources.

2. Cultural and Natural Resources: Lots shall be laid out and designed, to the greatest extent feasible, to preserve and protect historic and archaeological sites, farmland, wooded stream corridors, forested areas and large trees, scenic views particularly as seen from public roads, ridgelines and hilltops.

3. Disturbed Areas: In order to maximize the amount and contiguity of preserved open space, and consistent with the Planning Board’s conservation findings, every effort shall be made to minimize and concentrate the amount of disturbed area (defined as any land not left in its natural vegetated state), by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the
neighboring developed areas. The orientation of individual building sites shall maintain maximum natural topography and cover. Topography, tree cover, surface water buffers, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.

4. **Soils:** All buildings, roads and driveways shall be located away from soils which are most suitable for agriculture (based on Natural Resources Conservation Service classifications for prime farmland soils and soils of state and local importance) to the maximum practical extent. This provision does not apply to the location of on-site septic disposal facilities which must be placed in soils meeting the Massachusetts Environmental Code.

5. **Ways:** Streets shall be located and designed to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel. The Planning Board may modify the applicable road construction requirements for new roads within an OSD as provided in the Subdivision Regulations if it finds that such modifications will be consistent with the purposes of this section, this Bylaw, and the Master Plan.

6.2.11 Utility Requirements

1. **On-site Sewage Disposal**
   
   The following standards shall apply to developments requiring on-site sewage disposal:

   a. The applicant shall submit a septic system design prepared by a certified engineer and approved by the Board of Health and plan illustrating the location of water supply wells with the application.

   b. All Open Space Developments must meet the minimum state Environmental Code (Title V) requirements for minimum setbacks between private water supply wells and septic tanks or soil absorption systems (310 CMR 15.211).

   c. All Open Space Developments must meet the minimum state Environmental Code (Title V) requirements for nitrogen loading limitations (310 CMR 15.214-15.217). For Open Space Developments with individual lot sizes less than 40,000 square feet, applicants must meet the following standards:

      i. Applicants must designate, on a plan, specific areas of common open space as “nitrogen credit land”, based on the following equation:
      
      \[
      (40,000 \times \text{number of lots}) - (\text{total square feet in proposed Open Space lots}) = \text{square feet of required nitrogen credit land in common open space}
      \]

      ii. Nitrogen credit land must meet DEP qualifications contained in “Guidelines for Title 5 Aggregation of Flows and Nitrogen Loading
310 CMR 15.216” including, but not limited to, the following qualifications:

- Must be restricted to prohibit man-made sources of nitrogen, including sewage discharge, nitrogen-based fertilizer or raising and grazing of livestock;
- Must be restricted to prohibit artificially rendered imperviousness (i.e. paved streets, paved parking lots, buildings, structures, etc.);
- Not within a Velocity Zone or Regulatory Floodway identified by FEMA;
- Not under surface water;
- Not already being used as nitrogen credit land.

iii. All designated nitrogen credit land must be permanently restricted from further development under a “Grant of Title 5 Nitrogen Loading Restriction and Easement on Nitrogen Credit Land”.

After approval of the Open Space Final Subdivision Plan, applicants must apply to the Board of Health and the Mass. Department of Environmental Protection (DEP) for an aggregate determination of nitrogen loading under 310 CMR 15.216.

d. It is required that septic systems be installed on individually-owned lots.

2. Public Sewers

Where a lot(s) is to be served by public sewers or by a package treatment plant, the application shall contain a certificate from the Board of Health stating that such public sewers or package treatment plant are adequate to serve any permitted use of the lot(s).

3. Water Supply

a. In order to meet state Title V requirements for separation distances between drinking water wells and septic systems, private drinking water supply wells may be located in the common open space for an Open Space Development, provided that the provisions of Section 6.2.12 for a homeowner’s association are met.

4. Stormwater Management

a. The Planning Board shall encourage the use of non-structural stormwater management techniques and other drainage systems that reduce impervious surfaces and enable filtration where appropriate.

b. Stormwater management systems serving the OSD subdivision may be located within the required common open space. Surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space requirement.
c. Projects must comply with Section 7 of the Town of Hatfield’s Zoning Bylaw, Stormwater Management, as applicable.

6.2.12 Common Open Space

1. Common Open Space Requirements
   a. A minimum of 50% of the total development parcel must be permanently protected as common open space. At least 70% of the common open space shall be retained in contiguous areas, unless approved by the Planning Board.
   b. Water courses, lakes, ponds, wetlands and steep slopes over 25% may not be included in common open space calculations.
   c. The Planning Board may permit up to three (3) percent of the open space area to be paved or built upon for structures accessory to the dedicated uses of open space (i.e. pedestrian sidewalks, bicycle paths, playgrounds, farm-related structures).
   d. All recreational facilities, common areas, and common open space shall be reasonably accessible to all residents of the development.

2. Land Protection Methods for Common Open Space
   a. All land not devoted to buildings, lots, roads and other development shall be permanently protected as common open space for recreation, conservation, forestry or agricultural uses which preserve the land in its natural condition, using the following method:
      i. The land shall be owned by a non-profit land trust or conservation organization, homeowner’s association (HOA), or individual, and a permanent conservation easement or deed restriction must be conveyed to the Town, with Town approval, or to a non-profit trust or conservation organization whose principal purpose is to conserve farmland or open space.
      ii. In the event that ownership of the land will remain with the homeowners in the Open Space Development, a non-profit, homeowner’s association shall be established, and the following shall apply:

         1. The documents organizing the HOA shall be drafted and approved by the Planning Board before final approval of the OSD development, recorded prior to the issuance of building permits, comply with all applicable provisions of state law, and pass with conveyance of the lots or units in perpetuity. Each individual deed, and the declaration of trust, or articles of incorporation of the HOA, shall include language designed to effect these provisions.

         2. Membership must be mandatory for each lot owner in the Open Space Development, who must be required by recorded
covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private roads, and other common facilities.

3. The association shall be responsible in perpetuity for liability insurance, property taxes, and for the permanent maintenance of all common lands, common open space, recreational and thoroughfare facilities (not including drinking water wells), except where such responsibility is assumed by another owner of the common land (land trust or conservation organization). If any drinking water well is located on common open space, the homeowner/s shall own the well and be responsible for any maintenance or related costs associated with their well. A homeowner’s association agreement or covenant guaranteeing continuing maintenance of such common utilities, land and facilities, and assessing each lot a share of maintenance expenses shall be submitted with the final subdivision application.

4. Property owners must pay their pro rata share of the costs in Subsection 3 above, and the assessment levied by the HOA must be able to become a lien upon individual properties within the OSD.

5. The applicant shall make a conditional grant to the Town of Hatfield, binding upon the HOA, of the fee interest to all open space to be conveyed to the HOA. Such offer may be accepted by the Town of Hatfield, at the discretion of the Board of Selectmen, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes.

6. Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by processing against individual property owners in the HOA and the dwelling units they each own.

7. Town Counsel must find that the HOA documents presented satisfy the conditions in Subsections 1 through 6 above, and such other conditions as the Planning Board shall deem necessary.
iii. Where no homeowner’s association is proposed, an alternative subject to the review and approval of Town Counsel and the Planning Board, shall be recorded in the Hampshire County Registry of Deeds. Such agreements or covenants shall provide that in the event that the association fails to maintain the common open land in reasonable order and condition in accordance with the agreement, the Town may, after notice to the association and public hearing, enter upon such land and maintain it in order to preserve taxable values of the properties within the development and to prevent the common land from becoming a public nuisance. The covenants shall also provide that the cost of such maintenance by the Town shall be assessed equally against each of the properties within the development. Pursuant to G.L. Chapter 40 Section 57 the Town of Hatfield may deny any application for, or revoke or suspend a building permit or any local license or permit, due to neglect or refusal by any property owner to pay any maintenance assessments levied.

b. Further subdivision of common open land or its use other than recreation, conservation, forest or agriculture, except for easements for underground utilities or drinking water supply wells, shall be prohibited.

3. Additional Requirements

a. Trails. Where there is an existing local or regional trail network on land adjacent to a proposed OSD, the developer of the OSD may be required to connect to the existing trail network with trail corridors through the site, and shall grant the general public access to these trails in perpetuity. The minimum nature of public access required is pedestrian traffic. The instrument granting access, acceptable to the Planning Board, shall restrict the use of motorized vehicles where appropriate.

b. Open Space. Where there is an existing network of open space or large tracts of unfragmented open space on land adjacent to a proposed OSD, the developer of the OSD may be required to connect to the existing open space where feasible with the required open space set-aside, and, when appropriate, shall grant the general public access to this open space in perpetuity. The minimum nature of public access required is pedestrian access. The instrument granting access, acceptable to the Planning Board, shall restrict the use of motorized vehicles where appropriate.

c. Forest Management. On sites where the open space to be preserved is mostly mature forest (70% or greater), the developer of a OSD may be required to submit a Forest Management Plan developed by a MA Licensed Forester and approved by the Planning Board.
d. **View Shed and Viewpoints.** The Planning Board may require the development to protect in perpetuity view sheds and associated viewpoints, which are lands or corridors of land that contribute to the visual landscape of the Town, including items such as open fields containing stonewalls. View sheds and viewpoints include, but are not limited to, those identified in the most current version of the Hahfield Community Development Plan. The Planning Board may make use of a site visit to determine potential view sheds and viewpoints to be preserved.

6.2.13 **CONFLICT WITH OTHER LAWS**

The provisions of this bylaw shall be considered supplemental of existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.

6.2.14 **SEVERABILITY**

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Town’s Zoning Bylaw.

6.2.15 **Table of Open Space Development Dimensional Requirements**

<table>
<thead>
<tr>
<th>Zoning district</th>
<th>RR</th>
<th>OR</th>
<th>TC</th>
<th>AG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area – Standard Subdivision (sq. ft.)</td>
<td>45,000</td>
<td>60,000</td>
<td>45,000</td>
<td>60,000</td>
</tr>
<tr>
<td>Min. Lot Area - Open Space Dev. (sq. ft.)</td>
<td>22,500 (1)</td>
<td>30,000 (1)</td>
<td>22,500 (1)</td>
<td>30,000 (1)</td>
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<tr>
<td>Min. Common Open Space - Open Space Dev. (percent)</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Min. Frontage – Standard Subdivision (ft.)</td>
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<td>200</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>Min. Front Setback Open Space Dev. (ft.)</td>
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<td>35</td>
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</tr>
<tr>
<td>Min. Rear Setback Open Space Dev. (ft.)</td>
<td>30</td>
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<td>15</td>
<td>30</td>
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<td>--------------------------------------</td>
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<td>----</td>
<td>----</td>
<td>----</td>
</tr>
<tr>
<td>Min. Side Setback Open Space Dev. (ft.)</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Min. Distance Between Buildings Open Space Dev. (ft.)</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Max. Impervious Surface Coverage of Buildable Land Open Space Dev. (percent)</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
</tr>
</tbody>
</table>

(i) All Open Space Developments must meet minimum State Environmental Code (Title V) requirements, as described in Section 6.2.11.1

ARTICLE 21
Submitted by: Planning Board
To see if the Town will vote to amend Section 2.4 Floodplain Overlay District of the Town of Hatfield Zoning By-Laws, as recommended and voted by the Planning Board on April 17, 2019, pursuant to the following:

Section 2.4 Floodplain Overlay District

1) After 2.4.1 Purposes, add number sequence for sections as follows:

   • 2.4.2 District Delineation
   • 2.4.3 Development Regulation
   • 2.4.4 Permitted Uses
   • 2.4.5 Prohibited Uses
   • 2.4.6 Uses by Special Permit in the Floodplain Overlay District
   • 2.4.7 Special Permit Requirements in the Floodplain District

2) 2.4.1 District Delineation
   "a." Strike current language and insert

   "The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the Town of Hatfield Flood Insurance Rate
Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the NFIP dated June 18, 1980 as Zone A, AE, AH, AO, A1-30, and/or A99 and the FEMA Flood Boundary & Floodway Map dated June 18, 1980, both of which maps indicate the 100-year regulatory floodplain. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance Study (FIS) report dated December 1979. The FIRM, Flood Boundary & Floodway Map, and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.”

3) 2.4.1 Development Regulations

Add “b” and insert
“Base Flood Elevation Data for Subdivisions. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones. [NFIP regulation 44 CFR 60.3(b)(3)]”

Add “c” and insert
“Notification of Watercourse Alteration. In riverine areas, the Town will notify neighboring communities of watercourse alterations or relocations, and will copy this information to the State NFIP Coordinator and FEMA Region I. [NFIP regulation 44 CFR 60.3(b)(6)]

4) 2.4.1 Special Permit Requirements in the Floodplain District

Strike language under “b. (8)” and insert new language
“The design and construction of buildings and structures located in flood hazard areas shall be in accordance with the effective Massachusetts Statewide Building Code.”

5) 2.4.9 Special Permit Criteria and Decision
Strike “(9)” pg. 11

Insert new paragraph after paragraph following “(9)” as follows:
“Any request for a variance of any provision in this section shall be in compliance with Massachusetts 780 CMR and the State Building Code Appeals Board.

Strike
“If a special permit is granted, the Planning Board shall notify the applicant in writing over their signature that:
“The issuance of such a special permit to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and;
“Such construction below the base flood level increases risks to life and property.”

“The Planning will maintain a record of all special permit actions, including justification for their issuance and report such special permits issued in the Annual Report submitted to the Federal Insurance Administration.”

;or take any other action relative thereto.
ARTICLE 22
Submitted by: Planning Board
To see if the Town will vote to accept the provisions of M.G.L Chapter 43D Expedited Permitting Program and designate the following property(ies) as Priority Development Sites pursuant to the M.G.L Chapter 43D Expedited Permitting Program: West Street, Parcel 219-78, and further, amend Section 5.0 Special Regulations of the Town of Hatfield Zoning By-Laws, as required by the Town’s acceptance of the “Expedited Permitting Program” created by M.G.L. Chapter 43D, as recommended and voted by the Planning Board on April 17, 2019:

Section 5. “Special Regulations,” to add the following new Subsection:

5.10 PRIORITY DEVELOPMENT SITES

5.10.1 Purpose

The purpose of this Section is to further expedite permitting in the Priority Development Sites (PDS), as designated by Town Meeting pursuant to G.L. c. 43D; and to provide mechanisms for the change of facilities after the issuance of a special permit and/or site plan approval by the designated permit granting authority.

5.10.2 Changes to Special Permits or Approved Site Plans

After the issuance of any special permit or site plan approval for a project or land use in the Priority Development Sites (PDS), as designated by Town Meeting pursuant to G.L. c. 43D, any proposed change(s) to the plans for the project shall be deemed substantial or insubstantial by the permit granting authority upon written request by the applicant. The permit granting authority shall make such determination by a majority vote at a public meeting. Insubstantial changes shall be allowed without the need for further hearing or approval.

1. Insubstantial Changes. The following shall be presumed to constitute insubstantial modifications:

   • all underground changes;
   • any reduction in project size;
   • any change in the location of buildings, parking, retaining walls or drainage facilities, provided they do not move closer to a lot line;
   • any change in colors and/or style of materials used for exterior construction; and
   • the addition of non-habitable accessory structures for storage or other purposes that in a single structure do not exceed 2,000 square feet and, in the aggregate, do not exceed 5,000 square feet.

2. Substantial Changes. The following shall be presumed to constitute substantial modifications:

   • any change in the composition or number of uses on the site that results in an increase in traffic generation of more than 5% above the vehicle trips identified in the record documents;
   • any change in the location of buildings, roadways, parking areas and other accessory
structures that decrease the setbacks from lot lines indicated in the record documents;
• any increase in the number of parking spaces beyond the number(s) indicated in the record documents;
• any change that results in a net reduction of open space or increase in lot coverage from that indicated in the record documents, with the exception of accessory structures defined as non-habitable above;
• any change to the building(s) or grading that increases building height beyond that indicated in the record documents;
• any changes to the building(s) that increases the total floor area of the project beyond that indicated in the record plans; and
• any change to the architectural character of the building(s), as indicated in the record documents.

Where a modification is deemed substantial, the same standards and procedures applicable to an original application for a special permit or site plan review shall apply to said modification, and a public hearing shall be required by the designated permit granting authority.

5.10.3 Change of Use

After the issuance of any special permit or site plan approval for a project or land use in the Priority Development Sites (PDS), as designated by Town Meeting pursuant to G.L. c. 43D, the following procedures shall govern a change of use therein:

1. Change of Permitted Use to Another Permitted Use. A use available as of right in the applicable zoning district may be changed to another use available as of right in said zoning district without modification of the special permit or approved site plan, provided that none of the thresholds in Section 5.10.2(2), above, are triggered.

2. Change of Permitted Use to Use Available by Special Permit. A use available as of right in the applicable zoning district may be changed to another use available by special permit in said zoning district without modification of the special permit or approved site plan, provided that none of the thresholds in Section 5.10.2(2), above, are triggered.

3. Change of Use Authorized by Special Permit to Another Use Authorized by Special Permit. A use authorized by special permit in the applicable zoning district may be changed to another use available by special permit in said zoning district without modification of the special permit or approved site plan, provided that none of the thresholds in Section 5.10.2(2), above, are triggered.

5.10.4 Appeals

1. Appeals from issuing authority decisions or from a grant by operation of law shall be filed within 20 days after the last individual permitting decision has been rendered or within 20 days after the conclusion of the 180 day period as set forth in subsection (a) of section 5, whichever is later. The 180 day period shall be increased by the number of days in any extension granted under G.L. c. 43D.
2. A person aggrieved by a final decision of any issuing authority, or by the failure of that authority to take final action concerning the application within the time specified, whether or not previously a party to the proceeding, or any governmental officer, board, or agency, may appeal to the division of administrative law appeals by bringing an action within 20 days after a written decision was or should have been rendered. Appeals from decisions of multiple permitting authorities shall be filed simultaneously and shall be consolidated for purposes of hearing and decision. This section shall not apply to appeals pursuant to sections 40 and 40A of chapter 131, which shall continue to be appealed in accordance with said chapter 131, chapter 30A and applicable regulations.

;or take any other action relative thereto.

ARTICLE 23
Submitted by: Planning Board
To see if the Town will vote to amend Section 3.0 Use Regulations, of the Town of Hatfield Zoning By-Laws, by adding to Section 3.4, “Section 3.4.4 Accessory Apartments” and further, to amend the “Table of Use Regulations”, insert by adding “Residential Uses, 1.25 and 1.26”, as recommended and voted by the Planning Board on April 17, 2019, as follows:

3.4.4 ACCESSORY APARTMENTS

A. Purpose
The purpose of the accessory apartment bylaw is to:

a. Provide older homeowners with a means of obtaining, through tenants in accessory apartments, rental income, companionship, security, and services, and thereby to enable them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;

b. Add inexpensive rental units to the housing stock to meet the needs of smaller households, both young and old;

c. Make housing units available to low and moderate-income households who might otherwise have difficulty finding homes within the town;

d. Protect stability, property values, and the residential character of a neighborhood by ensuring that accessory apartments are installed only in owner-occupied houses and under such additional conditions as may be appropriate to further the purposes of this bylaw; and

e. Legalize conversions to encourage compliance with the State Building Code.

B. Definitions
Accessory Apartment: A self-contained housing unit incorporated within or accessory to a single family dwelling complete with its own sleeping, cooking, and sanitary facilities and a separate means of egress.

Building, Attached: A building having any portion of one or more walls in common with an adjacent building.

Dwelling, Single-Family: A building designed or used exclusively as a residence and including only one dwelling unit.

C. Accessory Apartment Standards
Accessory Apartments that are contained within the existing structure of the primary dwelling unit shall be allowed by-right in all districts. The Special Permit Granting Authority may authorize a Special Permit for accessory apartments that are attached to the existing primary dwelling unit, but that require structural modifications and/or an expansion to the primary dwelling unit in all districts.

An Accessory Apartment in owner-occupied, single-family dwellings, will be allowed by-right or by Special Permit provided that the following standards and criteria are met:

a. The apartment will be a complete, separate housekeeping unit that functions as a separate unit from the original unit.

b. Only one apartment will be created on a single-family lot.

c. When expansion of the principle structure is required to accommodate the accessory apartment, the principle structure and addition must comply with set back and maximum lot coverage requirements for its district.

d. The owner(s) of the residence in which the accessory apartment is located shall occupy at least one of the dwelling units on the premises.

e. The accessory apartment shall be designed so that the appearance of the building remains that of a one-family residence as much as feasibly possible. In general, any new entrances shall be located on the side or rear of the building. Any exterior changes made must conform with the single-family character of the neighborhood.

f. An addition to the original building is permitted provided that the addition does not increase the floor area or volume of the original building by more than half (50%) of the existing total residential space (excluding unfinished attic and basement, garage, porch, and patio).

g. The accessory apartment shall be clearly a subordinate part of the single-family dwelling. It shall be no greater than one hundred percent (100%) of the existing total residential space or nine hundred (900) square feet, whichever is less.

h. The accessory apartment shall have no more than 2 bedrooms.

i. In accordance with Section 5.7 of the Town’s zoning bylaw, at least two (2) off-street parking spaces per dwelling unit and one (1) space for guests are available for use by the owner-occupant(s) and tenant(s). Parking spaces shall be located to the side or the rear of the structure, to the maximum extent feasible. Applicant may apply for a waiver from full compliance with Section 5.7 which may be granted at the determination of the Board.

j. For dwellings to be served by on-site septic system, the owner must obtain a Disposal Works Construction Permit from the Board of Health before a special permit can be obtained. This is to ensure that the existing sewage disposal system is adequate for the proposed accessory apartment.

k. The construction of any accessory apartment must be in conformity with the State Building Code requirements.

D. Application Procedure

a. The procedure for the submission and approval of a Special Permit for an Accessory Apartment shall be the same as prescribed in the Section 5.3 of the Town’s zoning bylaw except it shall include a notarized letter of application from the owner(s) stating that he/she will occupy one of the dwelling units on the premises. A non-refundable fee shall
be included with the application for an accessory apartment to cover the cost of processing the application and code inspections. The applicant shall also be responsible for the cost of legal notices. As part of the public hearing process, parties of interest, as defined in M.G.L. Chapter 40A, Sec. 11 must be notified.

b. Upon receiving a Special Permit or Building Inspector approval, the owner(s) must file on subject property a Declaration of Covenants at the County Registry of Deeds. The Declaration shall state that the right to rent a temporary accessory apartment ceases upon transfer of title. A time-stamped copy of the recorded Declaration shall be provided to the Planning Board.

c. In order to provide for the development of housing units for disabled and handicapped individuals, the Planning Board will allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.

E. Transfer of Ownership of a Dwelling with an Accessory Apartment

a. The temporary Special Permit for an Accessory Apartment shall terminate upon the sale of property or transfer of title of the dwelling, unless the Planning Board has approved a transfer of the Special Permit to the new owner.

b. The new owner(s) must apply for transfer of a Special Permit for an Accessory Apartment and shall submit a notarized letter of application stating that he/they will occupy one of the dwelling units on the premises and a written request to the Planning Board stating that conditions at the time of the original application remain unchanged. Minor changes may be approved without a hearing.

c. Upon receiving the transferred special permit, the new owner(s) must file on subject property a Declaration of Covenants at the County Registry of Deeds. The Declaration shall state that the right to rent a temporary accessory apartment ceases upon transfer of title. A time-stamped copy of the recorded Declaration shall be provided to the Planning Board.

F. Conflict with Other Laws

The provisions of this bylaw shall be considered supplemental of existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.

G. Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the town’s zoning bylaw.
<table>
<thead>
<tr>
<th>Use</th>
<th>RR</th>
<th>OR</th>
<th>TC</th>
<th>TCB</th>
<th>B</th>
<th>I</th>
<th>LI</th>
<th>AG</th>
<th>Notes</th>
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<tbody>
<tr>
<td>1.25 Accessory Apartment within existing One-Family Detached Dwelling</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>SPB</td>
<td>N(1) (2)</td>
<td>N(1) (2)</td>
<td>SPB</td>
<td>(1) In the I and LI districts, one single-family residence may be permitted as an accessory use with a Special Permit from the Planning Board. (2) Residential structure must be located on the same parcel as the primary use. This accessory use structure cannot be subdivided as a separate parcel from that parcel upon which the primary use is located.</td>
</tr>
<tr>
<td>1.26 Accessory Apartment attached to existing One-Family Detached Dwelling</td>
<td>SPB</td>
<td>SPB</td>
<td>SPB</td>
<td>SPB</td>
<td>SPB</td>
<td>N(1) (2)</td>
<td>N(1) (2)</td>
<td>SPB</td>
<td>(1) In the I and LI districts, one single-family residence may be permitted as an accessory use with a Special Permit from the Planning Board. (2) Residential structure must be located on the same parcel as the primary use. This accessory use structure cannot be subdivided as a separate parcel from that parcel upon which the primary use is located.</td>
</tr>
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; or take any other action relative thereto.
COMMUNITY PRESERVATION ARTICLES

ARTICLE 24
Submitted by: Community Preservation Committee
To see if the Town will vote to appropriate or reserve from the Community Preservation annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in fiscal year 2020, with each item to be considered a separate appropriation:

Appropriations:
From FY 2020 estimated revenues for Committee Administrative Expenses, said funds to be expended under the direction of the Community Preservation Committee $8,250

Reserves:
From FY 2020 estimated revenues for Historic Resources Reserve $19,600
From FY 2020 estimated revenues for Community Housing Reserve $19,600
From FY 2020 estimated revenues for Open Space Reserve $19,600
From FY 2020 estimated revenues for Budgeted Reserve $128,950
or take any other action relative thereto.

ARTICLE 25
Submitted by: Community Preservation Committee
To see if the Town will vote to appropriate by transfer from the Community Preservation budgeted reserve account the sum of $60,000.00, to create a public Pavilion at Smith Academy Park at the corner of School Street and Main Street under the direction of the Hatfield Open Space Committee, said funds to be expended under the direction of the Community Preservation Committee; or take any other action relative thereto.

ARTICLE 26
Submitted by: Community Preservation Committee
To see if the Town will vote to appropriate by transfer from the Community Preservation historic resources reserve account the sum of up to $30,000.00, to be used to preserve, restore and rehabilitate the roadway and pathways in the historic Main Street Cemetery on Billings Way in accordance with the guidelines set forth for such activity in the Preservation Guidelines for Municipally Owned Historic Burial Grounds and Cemeteries, Third Edition, 2009 issued by the Massachusetts Department of Conservation and Recreation under the direction of the Hatfield Cemetery Commission, said funds to be expended under the direction of the Community Preservation Committee; or take any other action relative thereto.
ARTICLE 27
Submitted by: Open Space Committee
To see if the Town will vote to raise and appropriate, or appropriate by transfer or by borrowing, a sum of money for the construction of a pavilion in Smith Academy Park, for purposes under M.G.L. Chapter 45, Section 3; and to meet said appropriation by taxation and/or transfer from available funds, and/or meet that appropriation authorize the Treasurer to borrow pursuant to M.G.L. Chapter 44, Sections 7, 8C and 12(a), the total project cost of $96,438.00, less $40,504 contribution from Community Preservation, the amount of $55,934; and further, authorize the Town to enter into any contracts in anticipation of applying for $55,934 state funding reimbursement from a Parkland Acquisitions and Renovations for Communities Grant Program; or take any other action relative thereto.

CAPITAL IMPROVEMENT PLANNING PROJECTS

ARTICLE 28
Submitted by: Capital Planning / School Committee
To see if the Town will vote to authorize the School Committee to enter into a five - (5 - ) year lease for a School van, beginning July 1, 2019; or take any other action relative thereto.

ARTICLE 29
Submitted by: Capital Planning / Board of Selectmen
To see if the Town will vote to authorize the Board of Selectmen to enter into a five – (5-) year lease of paramedic equipment, beginning July 1, 2017; to raise and appropriate, appropriate by transfer or otherwise provide a sum of money to fund the rental under the said lease; during Fiscal 2020; or take any other action relative thereto.

ARTICLE 30
Submitted by: Capital Planning / Board of Selectmen
To see if the Town will vote to raise and appropriate, appropriate by transfer or otherwise provide a sum of money for the purpose of funding a study to determine the extent of Inflow and Infiltration into the Town’s water system; or take any other action relative thereto.

ARTICLE 31
Submitted by: Capital Planning / Board of Selectmen
To see if the Town will vote to authorize the Board of Selectmen to enter into a seven (7) year lease for a new ambulance beginning July 1, 2019; to raise and appropriate, appropriate by transfer or otherwise provide a sum of money to fund the rental during FY2020; or take any other action relative thereto.

ARTICLE 32
Submitted by: Board of Selectmen
To see if the Town will vote to set the spending limits for the revolving funds, under Massachusetts General Laws Chapter 44, §53 E ½, for the fiscal year beginning July 1, 2019 as follows:
<table>
<thead>
<tr>
<th>REVOLVING FUND</th>
<th>AUTHORIZED TO SPEND FUND</th>
<th>REVENUE SOURCE</th>
<th>USE OF FUND</th>
<th>FY 2020 SPENDING LIMIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communities Garden</td>
<td>Agriculture Advisory Commission</td>
<td>Plot Fees</td>
<td>Expenditures</td>
<td>$5,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>for Maintenance</td>
<td></td>
</tr>
<tr>
<td>DPW Motor Grader</td>
<td>DPW Director</td>
<td>Rental Fees</td>
<td>Maintenance and Salaries</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Hazardous Materials</td>
<td>Fire Chief</td>
<td>Deparmental Receipts</td>
<td>Expenditures Regarding Hazardous Materials</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>Tax Title</td>
<td>Treasurer</td>
<td>Departamental Receipts</td>
<td>Expenditures Regarding Tax Title</td>
<td>$25,000.00</td>
</tr>
</tbody>
</table>

TOTAL SPENDING AUTHORIZED $55,000.00

or take any other action relative thereto.

ARTICLE 33
Submitted by: 350th Steering Committee
To see if the Town will vote to raise and appropriate, appropriate by transfer or otherwise provide a sum of money for the purpose of funding the 350th Anniversary Special Fund, and to meet said appropriation by taxation and/or transfer from available funds; or take any other action relative thereto.

ARTICLE 34
Submitted by: Treasurer
To see if the Town will vote to raise and appropriate, appropriate by transfer or otherwise provide a sum of money to the Unemployment Fund; and to meet said appropriation by taxation and/or transfer from available funds; or take any other action relative thereto.

ARTICLE 35
Submitted by: Board of Selectmen/Finance Committee
To see if the Town will vote to determine what sums of money the Town will raise and appropriate, or appropriate by transfer, including appropriations from the Cable TV Enterprise Fund, Water and Sewer Enterprise Fund, Ambulance Revenue, School Choice, Cemetery Perpetual Care Interest, Overlay Surplus, Free Cash, and from available funds, including, without limiting the generality of the foregoing, funds in the Water and Sewer Retained Earnings and Cable TV Retained Earnings Fund, to defray the charges and expenses of the Town, including debt and interest, to set the salaries of all elected officials in accordance with the provisions of Chapter 41, Section 108 of the General Laws of the Commonwealth, and to provide a Reserve Fund for the ensuing year, or take any other action relative thereto.

ARTICLE 36
Submitted by: Board of Selectmen
To see if the Town will vote to hear any and all reports which have to do with the welfare of the Town, or take any other action relative thereto.
And you are directed to serve this Warrant by posting attested copies thereof in five (5) places in the Town of Hatfield, at least eight days before the time of said meeting. Hereof fail not, and make due return of this Warrant with your doings thereon to the Clerk at the time and place of said meeting.

Given under our hands and seals this 6th day of May, two thousand nineteen.

Edmund J. Jaworski, Chairman
Cindy Doty
Brian F. Moriarty

THE HONORABLE BOARD OF SELECTMEN OF THE TOWN OF HATFIELD IN THE COMMONWEALTH OF MASSACHUSETTS

MAY 9th, 2019
I have this day posted true and attested copies of the above Warrant in five public places in the Town of Hatfield.

ATTEST:
Police Chief