

**SPECIAL TOWN MEETING  
TOWN OF MONTAGUE  
COMMONWEALTH OF MASSACHUSETTS  
October 29, 2014**

Franklin, ss.

To either of the Constables of the Town of Montague in the County of Franklin:

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Montague qualified to vote in Town affairs to meet in the Turners Falls High School Theater on Wednesday, October 29, 2014 at 6:30 P.M. and to act on the following articles and any motions which may be presented.

**ARTICLE 1.** To see if the town will vote to rescind the unused borrowing authority of \$8,365.10, as authorized by the vote taken under Article #23 of the May 5, 2012 Annual Town Meeting, or to pass any vote or votes in relation thereto.

(Town Accountant Request)

**ARTICLE 2.** To see if the town will vote to rescind the unused borrowing authority of \$15,000, as authorized by the vote taken under Article #24 of the May 5, 2012 Annual Town Meeting, or to pass any vote or votes in relation thereto.

(Town Accountant Request)

**ARTICLE 3.** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for one (1) additional all alcohol on premises liquor license for the Powers Block to be exercised at and located at 26-28 East Main Street in the Millers Falls Village in said town for the purpose of facilitating the redevelopment of this Chapter 121B blighted property by Robert Obear (developer) under the Town of Montague's Commercial Homesteading Program, said license not to be transferred to any other location; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, or take any action in relation thereto.

The petition for special legislation shall take the following form:

**AN ACT AUTHORIZING THE TOWN OF MONTAGUE TO ISSUE ONE ADDITIONAL LIQUOR LICENSE.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

**SECTION 1.** (a) Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special, rule or regulation to the contrary, the licensing authority of the town of Montague may grant one (1) additional license for the sale of all alcoholic beverages to be consumed on premises under section 12 of said chapter 138 for the Powers Block to be exercised at and located at 26-28 East Main Street in the Millers Falls Village in said town for the purpose of facilitating the redevelopment of this Chapter 121B blighted property by Robert Obear (developer) under the Town of Montague's Commercial Homesteading Program. A license granted under this section shall be subject to all of said chapter 138 except said section 17.

(b) Once issued, the licensing authority shall not approve the transfer of the license issued under this section to any other location, but it may grant the license to a new applicant at the same location if the applicant files with the authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, which may then grant the license to a new applicant at the same location under the same conditions as specified in this section.

Or pass any vote or votes in relation thereto.

**ARTICLE 4.** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for one (1) additional all alcohol off premises liquor license to be exercised by LING LING, Corp. d/b/a Montague Village Store, 60 Main Street, Montague Center, or its successors or assigns, said license not to be transferred to any other location; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, or take any action in relation thereto.

The petition for special legislation shall take the following form:

**AN ACT AUTHORIZING THE TOWN OF MONTAGUE TO ISSUE ONE ADDITIONAL LIQUOR LICENSE.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

**SECTION 1.** (a) Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special, rule or regulation to the contrary, the licensing authority of the town of Montague may grant one (1) additional license for the sale of all alcoholic beverages to be consumed off premises under section 15 of said chapter 138 to LING LING, Corp. d/b/a Montague Village Store, or its successors or assigns, to be exercised at and located at 60 Main Street in the Montague Center Village in said town. A license granted under this section shall be subject to all of said chapter 138 except said section 17.

(b) Once issued, the licensing authority shall not approve the transfer of the license issued under this section to any other location, but it may grant the license to a new applicant at the same location if the applicant files with the authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, which may then grant the license to a new applicant at the same location under the same conditions as specified in this section.

Or pass any vote or votes in relation thereto.

**ARTICLE 5.** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for one (1) additional all alcohol on premises liquor license to be exercised by the Montague Inn, 485 Federal Street, Montague Center, or its successors or assigns, said license not to be transferred to any other location; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, or take any action in relation thereto.

The petition for special legislation shall take the following form:

**AN ACT AUTHORIZING THE TOWN OF MONTAGUE TO ISSUE ONE ADDITIONAL LIQUOR LICENSE.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

**SECTION 1.** (a) Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special, rule or regulation to the contrary, the licensing authority of the town of Montague may grant one (1) additional license for the sale of all alcoholic beverages to be consumed on premises under section 12 of said chapter 138 to Montague Inn, or its successors or assigns, to be exercised at and located at 485 Federal Street, in the Montague Center Village in said town. A license granted under this section shall be subject to all of said chapter 138 except said section 17.

(b) Once issued, the licensing authority shall not approve the transfer of the license issued under this section to any other location, but it may grant the license to a new applicant at the same location if the applicant files with the authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, which may then grant the license to a new applicant at the same location under the same conditions as specified in this section.

Or pass any vote or votes in relation thereto.

**ARTICLE 6.** To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$20,000 or any other amount, for the purpose of supplementing the Fiscal Year 2015 WPCF budget for engineering services, or to pass any vote or votes in relation thereto.  
(WPCF Request)

**ARTICLE 7.** To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$20,000 or any other amount, for the purpose of purchasing and installing software for the WPCF laboratory, or to pass any vote or votes in relation thereto.  
(WPCF Request)

**ARTICLE 8.** To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$13,700 or any other amount, for the purpose of supplementing the WPCF Fiscal Year 2015 budget for wages, or to pass any vote or votes in relation thereto.  
(WPCF Request)

**ARTICLE 9.** To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$294,000, or any other amount, for the purpose of reducing the Fiscal Year 2014 sewer rates, or to pass any vote or votes in relation thereto.  
(WPCF Request)

**ARTICLE 10.** To see if the town will vote to establish a special purpose WPCF Capital Improvement stabilization fund in accordance with MGL Chapter 40 Section 5B, and to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$100,000, or any other amount, for the purpose of funding said stabilization fund; or to pass any vote or votes in relation thereto.  
(Finance Committee, Capital Improvements Committee, Board of Selectmen Request)

**ARTICLE 11.** To see if the town will vote to establish a special purpose Town Capital Improvement stabilization fund in accordance with MGL Chapter 40 Section 5B, and to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$350,000 or any other amount, for the purpose of funding said stabilization fund; or to pass any vote or votes in relation thereto.  
(Finance Committee, Capital Improvements Committee, Board of Selectmen Request)

**ARTICLE 12.** To see if the town will vote to Amend Article 2 of the May 3, 2014 Annual Town Meeting to change the pay range for Part Time (per-diem) Dispatchers from “\$13.00-\$15.00” an hour to “\$17.00 to \$19.00” an hour or to pass any vote or votes in relation thereto.  
(Police Department Request)

**ARTICLE 13.** To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$22,000, or any other amount, for the purpose of supplementing the Fiscal Year 2015 Dispatch Budget, or to pass any vote or votes in relation thereto.  
(Police Department Request)

**ARTICLE 14.** To see if the town will vote to transfer into the FY2015 Town Reserve Fund, the sum of \$6,000 from Colle Receipts Reserved for Appropriation, which amount is equivalent to FY14 Reserve Fund transfers for the purpose of funding the operations, maintenance and debt service of the Colle Building, or pass any vote or votes in relation thereto.  
(Board of Selectmen Request)

**ARTICLE 15.** To see if the Town will vote to amend the vote taken under Article 9 of the May 3, 2014 Annual Town Meeting, by reducing the amount to be raised by taxation by \$1,500 to \$7,847, which amount is equivalent to transfers to the Airport Account from the FY14 Reserve Fund, and by increasing the amount to be raised by airport user fees by \$1,500 to \$28,665, or pass any vote or votes in relation thereto.  
(Airport Commission Request)

**ARTICLE 16.** To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$12,000, or any other amount, for the purpose of stripping and replacing the roof of the airport property located at 321 Millers Falls Road, Turners Falls, or to pass any vote or votes in relation thereto. (Airport Commission Request)

**ARTICLE 17.** To see if the town will vote to amend the Montague Zoning Bylaws pertaining to Site Plan Review in Sections 5.2(c), 5.2(d), 5.2.6(d), 7.5.2, 7.5.3, 7.7.2, Section 8 in its entirety, and 9.7.1(a) in the following manner:

Strike text from section 5.2(c) in its entirety and replace it with the following text:

5.2 (c) Site Plan Review:

Certain uses and activities identified in section 8.2 are subject to Site Plan Review. Site Plan Review shall be conducted by the Board of Appeals unless otherwise noted.

Strike text from section 5.2(d) in its entirety and replace it with the following text:

5.2(d) Procedures:

All applications for Special Permits and Site Plan Review from the Board of Appeals or the Planning Board shall be subject to the procedural requirements established by the respective Board.

The Board of Appeals or Planning Board may determine that the assistance of outside professional expertise is required due to the size, scale, or complexity of a given project or its potential impact on the health, safety, and welfare of the Town. When outside review is determined to be necessary, the Board may require that the applicant pay all reasonable expenses for this purpose, in accordance with the Board's regulations and M.G.L. Chapter 44 Section 53G.

Strike text from section 5.2.6 (d) in its entirety and replace it with the following text:

5.2.6 (d) Uses Subject to Site Plan Review from the Planning Board:

All uses covered in Section (a) that involve one or more of the applicability requirements identified in Section 8.2.

Strike text from Section 7.5.2 in its entirety and replace it with the following text:

7.5.2 General Provisions.

Telecommunication Facilities may be allowed by Special Permit from the Board of Appeals pursuant to Sections 5.2 and Section 7.5. Conditions shall maximize the shared use of any new or existing structures to minimize the required number of such facilities; and shall minimizing adverse visual impacts through careful design, siting, and screening. No facility shall be located in a (RS) Residential District. (see: Section 2. Definitions)

Add Section 7.5.3 -Special Permit Submittal Requirements-Telecommunications Facilities. (formerly section 8.5). and renumber subsequent sections numerically.

7.5.3 Special Permit Submittal Requirements-Telecommunication Facilities

The following materials shall be submitted with the Special Permit application for Telecommunication Facilities.

1. A site plan shall be prepared by a registered engineer. The plan shall include four (4) view lines in a one (1) mile radius from the proposed site, shown beginning at True North and continuing clockwise at ninety (90) degree intervals. In addition the applicant shall set a balloon at the location and height of proposed towers.
2. A report from a registered engineer shall:
  - a. demonstrate that the facility complies with all applicable standards of the State and Federal governments;
  - b. describe the capacity of the tower or facility including the number and type of transmitter/receivers that it can accommodate;
  - c. describes the planned layout of all facilities in Montague and abutting Towns;
  - d. describes all accessory structures to be constructed on site.
3. A copy of the requests made by the applicant to the Federal Aviation Administration (FAA) and the Massachusetts Aeronautics Commission, including responses from those agencies, demonstrating compliance with applicable regulations related to the facility.
4. A locus map at an appropriate scale showing all buildings within 500 feet of the proposed facility.

5. A copy of the co-location agreements.
6. Independent verification of any materials or data submitted as a part of an application to the Zoning Board of Appeals shall be accomplished at the expense of the applicant.

Strike text from section 7.7.2 in its entirety and replace it with the following text:

7.7.2 General Provisions:  
Site Plan Review is required

Strike Section 8 in its entirety and replace it with the following text:

8.1 Purpose

The purpose of the Site Plan Review process is to provide detailed review of certain uses and structures which have a potential for significant impact on the character, infrastructure, and natural resources of the Town of Montague.

8.2 Applicability

The following activities and uses are subject to site plan review:

- (a) All uses that involve the construction or expansion or change of use of over 3,000 square feet of floor area.
- (b) All uses that involve the development of over 130,680 square feet (3 acres) of land.
- (c) Any new structure, group of new structures, changes of use, or additions which result in an increase of 500 or more vehicle trips per day, as proposed in an applicant's business plan acceptable to the reviewing authority or estimated by a professional engineer.
- (d) All uses that involve the construction or expansion of a parking area that creates ten (10) or more new parking spaces.
- (e) Self-storage facilities, in accordance with Section 7.7
- (f) Solar energy facilities, in accordance with section 7.9
- (g) Registered marijuana dispensaries, in accordance with section 7.10

8.3 Procedure

All uses and structures that require Site Plan Review shall be subject to the procedures and requirements set forth in this section and in Section 8.4. The Board of Appeals or Planning Board, as appropriate, may waive any requirement in Section 8.4 that it deems inapplicable to the proposed project. Site Plan Review procedures will be based on whether or not a Special Permit is required:

(a) Special Permit Required

The Special Permit Granting Authority shall hold a public hearing, vote and issue decisions on any application filed under this section in accordance with procedures outlined in M.G.L. Chapter 40A, Sections 9 and 11.

(b) Special Permit Not Required

Site Plan Review shall be conducted by the Board of Appeals for uses that are allowed as of right, unless otherwise noted. A public hearing is not required and approval requires a vote of a simple majority of the Board. Failure of the Board to act within sixty (60) days of submission shall constitute an approval of the site plan.

#### 8.4 Site Plan Elements

Site plans shall be prepared by a professional engineer, architect, or surveyor and shall at a minimum, accurately include the following information, if applicable:

1. Building dimensions and design
2. Building location, lot boundaries, and adjacent ways
3. Natural features including topography, contours, wetlands, streams, waterbodies, and areas subject to flooding
4. Landscaping features including the location and description of screening, fencing, and plantings
5. Stormwater management
6. Circulation plan for vehicular, pedestrian, and bicycle access to the site and within the site
7. Parking and loading accommodations
8. Utility services and proposed connections
9. Location and intensity of exterior lighting
10. Exterior signage
11. On site waste management and snow removal
12. Hours of operation, estimated daily and peak hour vehicle trips, estimated volumes of water and wastewater.

#### 8.5 Evaluation Guidelines

In reviewing the Site Plan, the following shall be considered:

1. Compliance with the Montague Zoning Bylaws.
2. Impacts to municipal infrastructure and services.
3. Safety and adequacy of vehicular and pedestrian movement.
4. Design features that integrate the proposed development into the existing landscape, maintain neighborhood character, enhance natural and aesthetic assets and screen objectionable features from neighbors and roadways.

#### 8.6 Decision

The site plan may be approved, approved with reasonable conditions, or rejected if a site plan fails to furnish adequate information required in Section 8.4. Decisions are to be filed with the Town Clerk and the Inspector of Buildings.

#### 8.7 Appeals

Decisions on site plans may be appealed directly to Superior Court in accordance with Section 17 of the Zoning Act, MGL c. 40A, whether or not the Site Plan Review is for a project that requires a Special Permit.

#### 8.8 Expiration

Site plan approval shall expire within two (2) years if a substantial use thereof has not commenced. The approval may be extended by up to two (2) years at request of the applicant.

Strike text from section 9.7.1(a) in its entirety and replace it with the following text:

- (a) The Planning Board may grant the required Special Permit only upon finding that the proposed use:
- 1) In no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water available in the Water Supply Protection District (WSPD), and;
  - 2) Be designed to minimize disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.
- (Planning Board Request)

**ARTICLE 18.** To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, eminent domain or otherwise, temporary easements in certain parcels of land, adjacent to and/or contiguous to Montague City Road, as depicted on a plan entitled “Massachusetts Department of Transportation Highway Division Plan and Profile of Montague City Road in the Town of Montague Franklin County,” dated July 25, 2014, as it may be amended, on file with the Town Clerk, and temporary easements in parcels of land located within 200 feet of said parcels, as such additional areas may be shown on said plan, as hereinafter revised, for public way purposes, including, without limitation, sidewalk, drainage, utility, slope, grading and construction of improvements and structures, and other related purposes, which will enable the Town to undertake the Montague City Road Bike Path Crossing and Bus Stop improvement project, or pass any vote or votes in relation thereto.  
(Planning and Conservation Department Request)

**ARTICLE 19.** To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$300 or any other amount, for the purpose of paying prior year bills of the town, or to pass any vote or votes in relation thereto.  
(Board of Selectmen Request)

**ARTICLE 20.** To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$16,084, or any other amount, for the purpose of reimbursing the Turners Falls Fire District for the portion of Medicare reimbursements received by the town that were related to the Turners Falls Fire District Retirees, or to pass any vote or votes in relation thereto.  
(Board of Selectmen Request)

**ARTICLE 21.** To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$213,039, or any other amount, for the purpose of increasing the Town Stabilization Fund, or to pass any vote or votes in relation thereto.  
(Finance Committee Request)

**ARTICLE 22.** To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$10,000 or any other amount, for the purpose of repairing the Carnegie and Millers Falls libraries, or to pass any vote or votes in relation thereto.  
(Libraries/DPW Request)

And you are directed to serve this warrant by posting attested copies thereof in some conspicuous place in each of the Post Offices, Libraries, and Town Hall of the Town, at least fourteen days before said meeting.

Hereof fail not and make due return of this document with your doings thereon to the Town Clerk fourteen days before said meeting.

Given under our hands this 14<sup>th</sup> day of October in the Year of Our Lord Two Thousand and Fourteen.

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Christopher M. Boutwell, Chairman

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Mark Fairbrother

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Michael Nelson  
Selectmen, Town of Montague

Franklin, ss      Montague, MA              October              ,2014

Pursuant to the within warrant, I have warned the Inhabitants of the Town of Montague by posting attested copies of the same in a conspicuous place in each of the Post Offices, Libraries, and the Town Hall of the Town of Montague at least fourteen days before said meeting as within directed.

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Constable of Montague