

**TOWN OF WILLIAMSBURG**  
**Annual Town Meeting**  
**June 2, 2008**

Articles 1 through 20 of the Annual Town Meeting.

Hampshire SS:

To the Constable of the Town of Williamsburg

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said town, qualified to vote in elections and in town affairs, to meet at the Earl F. Tonet Gymnasium in the Anne T. Dunphy School in said town on Monday, the second of June next, at seven o'clock in the evening, then and there, to act on the following articles.

- Article 1**      **To see if the town will vote** to empower the Board of Selectmen, Board of Water/Sewer Commissioners, Board of Assessors, Board of Health, Board of Appeals, Finance Committee, and the Trustees of Libraries to appoint their own members to town departments at such salaries or wage rates as shall be established by the Board of Selectmen.
- Article 2**      **To authorize** the Moderator to choose a committee to expend the income from the Whiting Street Fund.
- Article 3**      **To see if the town will vote** to fix a salary and compensation of all elected and appointed officers of the town for the twelve month period ending June 30, 2009, as provided in Section 108, Chapter 41, General Laws as amended, and to see if the town will vote to raise and appropriate such sums of money as shall be deemed necessary to defray the expenses of the period as follows, or take any other action thereon.
- Article 4**      **To see if the town will vote** to raise and appropriate a sum of money for the Stabilization Fund and determine whether said sum shall be raised by taxation, taken from available funds, or take any other action thereon.  
*The Finance Committee recommends taking No Action on this Article*
- Article 5**      **To see if the town will vote** to adopt a Capital Improvement Plan, as prepared by the Capital Planning Committee and, whose budget has been accepted by the Finance Committee, including recommended capital improvements for the following five fiscal years or take any other action thereon.  
*Recommended by Finance Committee*
- Article 6**      **To see if the town will vote** to raise and appropriate the sum of up to \$250,000 to bring the Highway Garage up to code and for an addition to the Highway Garage and determine whether said sum shall be raised by taxation, taken from available funds, or take any other action thereon.  
*Recommended by Finance Committee*

**Article 7** To see if the town will vote to raise and appropriate the sum of \$170,000 for the purchase of a new truck for the Highway Department to replace Truck #6 and determine whether said sum shall be raised by taxation, taken from available funds, or take any other action thereon.  
*Not Recommended by Finance Committee*

**Article 8** To see if the town will vote to raise and appropriate the sum of \$6,500 for weatherization and energy conservation improvements to the Town Offices and Police Station and determine whether said sum shall be raised by taxation, taken from available funds, or take any other action thereon.  
*Recommended by Finance Committee*

**Article 9** To see if the town will vote to raise and appropriate the sum of \$2,500 for space utilization and building re-use studies for town buildings and determine whether said sum shall be raised by taxation, taken from available funds, or take any other action thereon.  
*Recommended by Finance Committee*

**Article 10** To see if the Town will vote to raise and appropriate the sum of up to \$12,366.00 to prepare and install an iron fence along the west branch of the Mill River of the Town of Williamsburg, Meekins Library property line and to determine whether said sum shall be raised by taxation, taken from available funds or take any other action thereon.  
*Not Recommended by Finance Committee*

**Article 11** To see if the town will vote to raise and appropriate the sum of \$230,130.00 composed of the amounts listed below, for the purpose of operating and maintaining the town's water system, including the laying of mains in fiscal 2008, and take said sum from Water Enterprise Revenue, or take any other action thereon.

Salaries	\$ 2,800.00
Expenses	\$ 76,250.00
Debt Service	\$151,080.00
Total	\$ 230,130.00

*Finance Committee takes no position on this Article*

**Article 12** To see if the town will vote to raise and appropriate \$146,662.50 composed of the amounts listed below, for the purpose of operating, maintaining and constructing the town sewer system for fiscal year 2008, and take said sum from Sewer Enterprise Revenue, or take any other action thereon.

Salaries	\$ 2,800.00
Sewer Construction	\$ 30,000.00
Operation & Maintenance	\$ 81,800.00
Debt Service	\$ 32,062.50
Total	\$ 146,662.50

*Finance Committee takes no position on this Article*

**Article 13** To see if the Town will vote to authorize the Board of Selectmen to designate the board or officer as the permitting authority under M.G.L. Chapter 82A, Section 2 to issue permits for the excavation of trenches as that term is defined by MGL c 82A, s 2 and 520 CMR 14.00 Excavation and Trench Safety; or take any other action thereon.

**Article 14**

**Departmental Revolving Funds Authorization.** To see if the town will vote to authorize revolving funds for certain town departments under Massachusetts General Laws Chapter 44 §53E1/2 for the fiscal year beginning July 1, 2008, or take any other action thereon.

*Recommended by Finance Committee*

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY09 Spending Limit
Gas Inspector Revolving Fund	Gas Inspector	Fees charged for inspections required under the permit process	Salary of the Inspector and expenses related to the issuance of permits.	\$ 1,500.00
Electrical Inspector Revolving Fund	Electrical Inspector	Fees charged for inspections required under the permit process	Salary of the Inspector and expenses related to the issuance of permits.	\$ 7,500.00
Plumbing Inspector Revolving Fund	Plumbing Inspector	Fees charged for inspections required under the permit process	Salary of the Inspector and expenses related to the issuance of permits.	\$ 3,500.00
Transfer Station Open Box Revolving Fund	Board of Health	Fees and charges for services related to the Transfer Station and disposal areas.	Disposal costs of the open box and management of the Transfer Station and disposal areas.	\$18,000.00
Planning Board Revolving Fund	Planning Board	Fees charged specific to proposed sub-divisions within Williamsburg and new construction	Expenses associated with proposed sub-divisions within Williamsburg and other related expenses associated with new buildings	\$30,000.00
Dog Control Revolving Fund	Town Clerk	Fees specific to dogs	Expenses associated with licensing and controlling dogs and to pay the Dog Officer salary.	\$ 5,000.00
Recreation Commission Revolving Fund	Recreation Commission	Fees specific to recreation programs	Pay cost of operating recreation programs.	\$30,000.00
Council on Aging Revolving Fund	Council on Aging Executive Director	Fees specific to advertising in the newsletter	Pay for printing and distribution of the Council on Aging newsletter	\$ 2,000.00
Conservation Commission Revolving Fund	Conservation Commission	Fees specific to NOI/WPA Filing fees.	Pay expenses associated with WPA filing fees for administration and Enforcement of Wetlands Protection Act.	\$ 5,000.00
Board of Appeals Revolving Fund	Board of Appeals	Fees specific to applications	Pay expenses associated with processing of applications, purchase of laptop computer and software for record keeping	\$ 3,000.00
Fire Dept Revolving Fund	Fire Chief	Fees specific to inspections (smoke, CO, etc.)	Salary of the Inspector and expenses related to the issuance of permits.	\$ 3,000.00
<b>Total Spending Limit</b>				<b>\$108,500.00</b>

- Article 15** To see if the town will vote to amend the General Government By-law, Highways and sidewalks, section 6 by inserting the words “any Police Officer” after the words “The Highway Superintendent” in the second sentence as follows:  
 Whoever violates any provision of the Highways and Sidewalks section of the By-laws, the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in M.G.L. Chapter 40, section 21D. The Highway Superintendent, any Police Officer, and the Board of Selectmen of the Town are designated as the enforcing persons for non-criminal disposition enforcement of the Highways and Sidewalks Bylaw.
- Article 16** To see if the town will vote to accept the provisions of M.G.L. chapter 258 section 13 which provides that the town shall indemnify and save harmless municipal officials, elected or appointed, from personal financial loss and expenses including reasonable legal fees and costs, if any, in an amount not to exceed one million dollars, arising out of any claim, demand, suit or judgment by reason of any act or omission except an intentional violation of civil rights of any person under any law, if the official at the time of such act or omission was acting within the scope of his official duties or employment, or take any action thereon.
- Article 17** To see if the town will vote to allow the Hampshire Regional School District Administration to enter into a five year contract consisting of a three year base contract with the option to renew each year for two additional years to provide bus transportation to Hampshire Regional High School, Chesterfield-Goshen Regional School, Southampton Public Schools, Westhampton Public Schools, Williamsburg Public Schools, and vocational transportation
- Article 18** To see if the town will vote to accept the layout as a public way of Deer Haven Drive, as shown on a plan entitled “The Commonwealth of Massachusetts Street Acceptance Plan of Deer Haven Drive, Williamsburg, Massachusetts,” dated May 12, 2008, prepared by Harold L. Eaton and Associates, Inc., on file with the office of the Town Clerk, including such drainage easements as shown on said plan, but excluding the retention ponds shown on the plan and as further described below, and to authorize the Board of Selectmen, on behalf of the Town, to acquire by gift, easements for such public way and drainage easements, or take any action thereon.

Legal Description of Deer Haven Drive

Beginning at a concrete bound set at the intersection of the Northerly and westerly sidelines of Fort Hill Road, said concrete bound being N 89°30'00" W a distance of one hundred ten and 95/100 (110.95) feet from an iron pin found in the said northerly sideline of Fort Hill Road, thence running;

S 21°31'37" W along the said westerly sideline of Fort Hill Road a distance of one hundred and 59/100 (100.59) feet to a concrete bound set at the most easterly corner of Lot 2, thence running;

Northwesterly and westerly along the northerly line of said Lot 2 following the arc of a curve to the left having a radius of thirty and 00/100 (30.00) feet an arc distance of fifty four and 65/100 (54.65) feet to a concrete bound set, thence continuing;

N 82°50'38" W along the northerly line of the said Lot 2 and the northerly line of Lots 3, 4, and a portion of Lot 5 a distance of six hundred forty nine and 72/100 (649.72) feet to a concrete bound set, thence continuing;

Westerly and southwesterly and southerly along the said northerly line of Lot 5 following the arc of a curve to the left having a radius of thirty and 00/100 (30.00) feet an arc distance of thirty seven and 12/100 (37.12) feet to a concrete bound set, thence continuing;

Southerly, southwesterly, westerly, northwesterly, northerly, northeasterly and easterly along the said northerly line of Lot 5, the easterly line of Lot 6 and a portion of the southerly line of Lot 7 following the arc of a curve to the right having a radius of eighty and 00/100 (80.00) feet an arc distance of three hundred ninety seven and 33/100 (397.33) feet to a concrete bound set, thence continuing;

Easterly along the said southerly sideline of Lot 7 along the arc of a curve to the left having a radius of seventy five and 00/100 (75.00) feet an arc distance of forty four and 07/100 (44.07) feet to a concrete bound set, thence continuing;

S 82°50'38" E along the said southerly sideline of the remainder of Lot 7 and the southerly sidelines of Lots 8, 9 and 10 and remaining land of Thomas Masters a distance of seven hundred twenty one and 76/100 (721.76) feet to the concrete bound at the point of beginning.

Containing 64,173 square feet, more or less.

#### Legal Description of Deer Haven Drive Drainage Easement A-1

Beginning at a concrete bound set at the intersection of the Northerly and westerly sidelines of Fort Hill Road, said concrete bound being N 89°30'00" W a distance of one hundred ten and 95/100 (110.95) feet from an iron pin found in the said northerly sideline of Fort Hill Road, thence running;

S 21°31'37" W along the said westerly sideline of Fort Hill Road a distance of seventeen (17)± feet to the northerly edge of the existing pavement of Deer Haven Drive, thence running;

Westerly along the said northerly edge of the pavement of Deer Haven Drive a distance of two hundred twenty two and 50/100 (222.5)± feet to an unmarked point, thence running;

N 07°09'22" E a distance of eighteen (18)± feet to an unmarked point in the northerly sideline of Deer Haven Drive, thence running;

S 82°50'38" E along the said northerly sideline of Deer Haven Drive a distance of two hundred twenty six and 62/100 (226.62) feet to the concrete bound at the point of beginning.

**Article 19** To see if the town will vote to amend the General Government by-law as follows:  
**Add:**

## **WILLIAMSBURG RIGHT-TO-FARM BYLAW**

### **Section 1. Purpose**

The purposes of this Bylaw are to promote agriculture, educate citizens about agriculture and to encourage its acceptance in our community. Agriculture is a vital part of Williamsburg, past and present. The Town of Williamsburg is committed to do what it can to ensure the continuation of agriculture, despite our rapid residential development. Agriculture is important to our town for the local production of food and forest products and a source of local employment, and for environmental values that agricultural land provides, such as clean air, scenic beauty and open space. In order to accomplish the above-stated purposes, this Bylaw : 1) affirms the right to farm in Williamsburg, 2) provides a definition of agriculture, 3) provides a disclosure notice to educate potential buyers of property in Williamsburg about our commitment to agriculture and 4) establishes a procedure for mediation of disputes involving agricultural practices.

### **Section 2. Legislative Intent and Authority**

The intent of this Bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Articles of Amendment of the Massachusetts Constitution and all state statutes and regulations thereunder including, but not limited to, Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9; Chapter 111, Section 125A; and Chapter 128, Section 1A. We, the citizens of Williamsburg, restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment"). This General Bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Williamsburg by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies.

### **Section 3. Definitions**

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of agriculture. The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry, lumbering, or tree-growing operations;
- raising of livestock, including horses;
- keeping of horses as a commercial enterprise;
- keeping and raising of poultry, swine, cattle, sheep, ratites (such as emus, ostriches, and rheas), and camelids (such as llamas, alpacas, and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the town;
- control of pests including, but not limited to, insects, weeds, predators, and disease organisms of plants and animals;
- application of manure, fertilizers, and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, provided that the activities are related to marketing the agricultural output or services of the farm;

- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand, including signage thereto;
- maintenance, repair, or storage of seasonal equipment or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products;
- on-farm relocation of earth and the clearing of ground for farming operation;
- construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products and livestock, for the processing of animal wastes and agricultural products, for the sale of agricultural products, and for the use of farm labor, in accordance with applicable labor laws and regulations, as permitted by local and state building codes and regulations; including construction and maintenance of fences.

**Section 4. Right to Farm Declaration**

The Right to Farm is hereby recognized to exist within the Town of Williamsburg. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this Bylaw are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm Bylaw shall be deemed as acquiring any interest in land, or imposing any land use regulations, which are properly the subject of state statute, regulation, or local zoning bylaw. This Bylaw does not supersede local, state or federal laws or regulations, or private covenants.

**Section 5. Effective Date**

This Bylaw becomes effective upon filing with the Massachusetts Attorney General.

**Section 6. Disclosure Notification to Real Estate Buyers**

In order to allow prospective purchasers to make informed decisions prior to a real estate transaction, and to promote harmony between farmers and their new neighbors after a transaction, the Town of Williamsburg requests selling landholders and/or their agents (and assigns) provide written notice to prospective purchasers substantially as follows:

“It is the policy of the Town of Williamsburg to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers that the property they are about to acquire lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors, for example, tractor traffic on roadways, noise associated with forest harvesting equipment, such as chainsaws, or occasional stray livestock. Purchasing, and henceforth occupying land within Williamsburg means that one should expect and accept such conditions as a normal and necessary aspect of living in Williamsburg.”

Written notification may occur in one of several ways including, but not limited to, a disclosure form or addendum to a Purchase and Sale Agreement, and should include an acknowledgement by the buyer that he or she has received notification.

Within 30 days after this Bylaw becomes effective, the Board of Selectmen shall make available for use by selling landowners or their agents (and assigns) copies of example written notifications.

Within 30 days after this Bylaw becomes effective the Board of Selectmen shall prominently place in the town hall the above disclosure.

**Section 7. Resolution of Disputes**

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance, using the form made available for this purpose, with the Board of Selectmen, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Board of Selectmen may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within thirty days of being notified of the grievance.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance and report its recommendations to the Board of Health within thirty days of notification.

**Section 8. Severability Clause**

If any part of this Bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this bylaw. The Town of Williamsburg hereby declares the provisions of this Bylaw to be severable.

**Article 20** To see if the town will vote to amend the Zoning by-law of the Town of Williamsburg as follows:  
Add: Sections 19.13-19.20

**9.13 AGE RESTRICTED HOUSING COMMUNITY (ARHC)**

A master-planned development of land as a unified residential community, and incorporating the preservation of natural open space areas as an integral element. Such development shall be constructed expressly for use and residence by persons who have achieved a minimum age of fifty-five (55) years, in accordance with M.G.L. Chapter 151 B, Section 4, Subsection 6, An Age Restricted Housing Community shall be permitted only within the Age Restricted Housing Community Overlay District and only upon the granting of a special permit by the Zoning Board of Appeals.

**9.13-1 Purpose**

The purposes of the Age Restricted Housing Community Overlay District are:

- a. To increase the variety of housing choices for citizens who are 55 years of age and older;
- b. To provide well-designed homes affordable to residents who wish to remain in the community;
- c. To recognize the importance of diversity and variety in the design of Age Restricted housing communities;
- d. To provide housing which reduces residents' burdens of building and yard maintenance and to promote efficient use of the land and infrastructure;
- e. To promote flexible and efficient use of land while maintaining a respect for its natural beauty.
- f. To provide for building at a higher density than would normally be allowed, and allow greater flexibility in site planning to promote affordable housing and the preservation of open space and historic resources within the development; and
- g. To provide for the review of all such proposals prior to construction, to ensure compliance with the above intent and objectives and to assure that the proposal will not result in or contribute to incompatible use of the land, pollution of the soil or groundwater, traffic congestion or inappropriate site development.

**9.14 APPLICABILITY**

The Zoning Board of Appeals (hereafter in this Section called the Board), acting as Special Permit Granting Authority, may grant a Special Permit for construction of a Age Restricted Housing Community (ARHC) and accessory structures, in the Age restricted Housing Community Overlay District as defined below:

- 9.14-1 Age Restricted Housing Community Overlay District Delineation: The age restricted housing community overlay district shall be defined as the areas of town serviced at a public way by Williamsburg public sewer and Williamsburg public water.
- 9.14-2 Special Permit Approval: Approval by the Board of a special permit hereunder shall not substitute for compliance with MGL Chapter 41: subdivision control laws, nor reduce any time periods for board consideration under the law.

9.14-3 Uses in the ARHC Overlay District:

Non-residential uses may be permitted in the ARHC development upon the issuance of a Special Permit by the Zoning Board of Appeals, provided that such use shall be consistent only with those uses allowed by right and by Special Permit in the Village Residential zone and the gross square footage of the proposed use does not exceed 4% of the gross square footage of the ARHC.

9.14-4 Age Qualification: An ARHC shall constitute housing intended for persons of age fifty-five (55) or over within the meaning of M.G.L. c151B, S4, 16 and 42 USC S3607 (b) (2) (c), and in accordance with the same, one hundred percent (100%) of the dwelling units in a Age Restricted Housing Community shall each be occupied by at least one person fifty-five (55) years of age or older except in the event of the death of the qualifying occupant of a dwelling unit, or foreclosure or other involuntary transfer of a dwelling unit, a two (2) year exemption shall be allowed to facilitate the transfer of the dwelling unit to another eligible household.

9.14-5 Applicant Qualifications: The applicant for a Special Permit for an ARHC shall be the owner of the land proposed for such development or be authorized in writing by the owner to apply for and be issued such Special Permit.

9.14-6 Maximum Number of ARHC Dwelling Units in the Town of Williamsburg: The maximum number of permitted housing units within all permitted ARHC developments in the Town of Williamsburg shall be limited to a number equivalent to five percent (5%) of the existing residential units (excluding ARHC units) located in the Town of Williamsburg. For the purpose of this Bylaw, the number of residential units shall be as established by the Board of Assessors as of January 1 of each calendar year.

9.14-7 Affordability Requirement: A proposal shall, at a minimum, set aside fifteen percent (15%), with a minimum of one (1) unit per development, of the total number of dwelling units provided on the site as affordable Age Restricted housing. For the purposes of this Section, affordable Age Restricted housing shall be defined as dwelling units that are rented or sold to, and occupied by, households earning up to 80% of the Median Area Household Income for the Springfield Metropolitan Statistical Area, as such median is defined by the United States Department of Housing and Urban Development (HUD). Affordable Age Restricted rental units shall be "rent restricted", as such term is defined in the Federal Low-Income Housing Tax Credit Program, Internal Revenue Code Section 42(g)(2), such that rents, including utilities, are set at no more than thirty (30) percent of the income limit. Affordable Age Restricted units shall be dispersed throughout the ARHC and shall be externally indistinguishable from the market rate units. The property owner shall seek the services of a third party entity such as a local community development corporation to manage the assignment of affordable age restricted units.

9.14-8 Permanent Age Restriction. Each dwelling unit within an ARHC shall be subject to a permanent age restriction, described in a deed, deed rider or lease, and the organizational documents for the ARHC shall be recorded with the Hampshire Registry of Deeds or filed with the Hampshire Registry District of the Land Court. The age restriction shall run with the land in perpetuity and shall be enforceable by any or all of the owners of the ARHC or by the Town.

**9.15 DIMENSIONAL REGULATIONS AND DEVELOPMENT REQUIREMENTS**

Except as noted below, an ARHC shall comply with all applicable dimensional regulations and development requirements listed in the Rules and Regulations Governing the Subdivision of Land in the Town of Williamsburg, Massachusetts.

- a. Lot Area: At the time of granting a special permit by the Zoning Board of Appeals, the property under consideration for an ARHC shall be located on one or more contiguous parcels, whether or not separated by a public or private way, having an area of at least five (5) acres.
  - b. Lot Frontage: an ARHC shall have a minimum frontage of not less than 100 feet.
  - c. Setbacks: There shall be no minimum standards for internal lot line setbacks within the ARHC, however the distribution of buildings and lots within the ARHC shall be distributed in a manner designed to enhance the primary and secondary resources as defined in Section 9.62 and 9.63. There shall be a minimum of 30 feet between the edge of the access drive and any abutting property line.
  - d. Lot Width: the lot or combination of lots upon which an ARHC is located shall maintain a minimum width of open land between the limits of work of the ARHC and any adjacent property of 50 feet, except for access to the development.
  - e. Open Space: at least 50% of an ARHC lot shall be maintained as open space as defined in Section 9.5.
  - f. Number of Dwelling Units: The maximum number of dwelling units allowed in an ARHC is 40. The minimum number of dwelling units allowed in an ARHC is 7.
  - g. Distribution Of Dwelling Unit Types: In an ARHC development, the distribution of dwelling unit types shall be at the discretion of the applicant, except for the following standards:
    - At least 50% of the units constructed shall be single-family or two-family dwellings.
  - h. Parking: Parking for motor vehicles shall be provided as follows:
    - Two (2) spaces per dwelling unit.
    - Guest parking – One (1) space per six (6) dwelling units.
    - Common Facility parking – Additional parking spaces shall be provided at shared or common facilities (swimming pool, clubhouse, etc.) within the ARHC provided that no common facility lot shall contain more than twelve (12) spaces.
    - All driveways must meet the performance standards for parking lots set forth in the Williamsburg Zoning Bylaw, Section 10.
- 9.15-1 Roadways and Lot Access: All proposed roads shall comply with Section 8 of the Construction Standards as contained in the Rules and Regulations Governing the Subdivision of Land in the Town of Williamsburg. The construction and maintenance of roads, driveways, alleyways, and parking areas in an ARHC is the sole responsibility of the project applicant or an association of dwelling unit owners.
- 9.15-2 Natural and Neighborhood Features: The plan for an ARHC shall be designed to maximize the preservation of natural and neighborhood features. To the extent possible, existing vegetation should be retained where such growth provides a benefit to the natural environment. In developed areas, the design of the ARHC shall also consider human-designed landscapes by extending existing street tree plantings and by providing landscapes and landscape amenities that reinforce the physical layout of the neighborhood.
- 9.15-3 Pedestrian Facilities: The plan for an ARHC shall incorporate pedestrian systems that allow for the convenient and safe movement of those who choose to walk for leisure or as

a means of transportation. Connections to the Town's existing or planned sidewalk network shall be made by the applicant where possible.

- 9.15-4 Transit Access: The applicant shall make every reasonable effort to insure adequate access to transit routes, including bus stops, from the ARHC development.
- 9.15-5 Landscaping And Screening: All service areas and equipment, rubbish and recycling containers, service outbuildings, and any other accessory facilities identified by the Zoning Board of Appeals, shall be adequately screened from the view of public ways and adjacent properties using vegetative plantings, fencing, berms, or a combination of these techniques.
- 9.15-6 Accessory Buildings and Structures: In an ARHC, accessory buildings and structures may be permitted, including clubhouse, swimming pool, tennis court, cabanas, storage and maintenance structures, garages, and other customary accessory structures. Accessory buildings and structures shall be shown on the Site Plan.
- 9.15-7 Other Facilities: All facilities for utility services, drainage, lighting and signage shall be in accordance with requirements established by the Zoning Board of Appeals, consistent with applicable provisions of the Williamsburg Zoning Bylaws and the Williamsburg Subdivision Regulations.
- 9.15-8 Project Maintenance: In an ARHC there shall be an organization of the owners of the residential dwelling units, either a Condominium or Homeowners Association, which shall be responsible for the maintenance and repair of internal roads and driveways, snow plowing, landscape maintenance, trash removal, utility services and maintenance and repair of other common elements and facilities serving the residents. The Town of Williamsburg shall assume no responsibility for these facilities unless specifically noted under separate agreement.
- 9.15-9 Water Supply and Wastewater Disposal: In every development wastewater disposal shall comply with the regulations of the Williamsburg Board of Health and applicable Massachusetts Department of Environmental Protection regulations. No ARHC shall be approved that is not served by the Town of Williamsburg Public Sewer System. No ARHC shall be approved that is not served by the Town of Williamsburg Public Water Supply System.

## 9.16 BUILDING AND DWELLING UNIT REQUIREMENTS

The following requirements shall apply to all buildings and dwelling units in an Age Restricted Housing Community:

- 9.16-1 Building Types: Building Types allowed in an approved ARHC are:
- Single-Family Detached
  - Duplex or Two-Family Dwelling
  - Triplex or Three-Family Dwelling
  - Quadplex or Four-Family Dwelling
- 9.16-2 Maximum Dwelling Units per building. No building shall contain greater than four (4) dwelling units.

- 9.16-3 Maximum Number of Bedrooms. No dwelling unit shall contain more than two (2) bedrooms.
- 9.16-4 Maximum Height: No building shall exceed thirty-five (35) feet in height.
- 9.16-5 Architectural Appearance: All buildings shall be compatible with the character, scale and context of the surrounding neighborhood. The applicant shall present and respond to review comments by the Williamsburg Historical Commission.

## 9.17 OPEN SPACE AND BUFFER AREA REQUIREMENTS

No development, including clearing, primary or accessory structures, parking, wastewater disposal or stormwater management, shall take place within the required open space areas.

9.17-1 In ARHC development the following requirements for open space shall apply:

- a. The open space shall be planned as single, contiguous areas whenever possible. Long thin strips or narrow areas of open space (less than 100 feet wide) shall occur only when necessary for access, as vegetated buffers along wetlands or the perimeter of the site, or as connections between open space areas.
- b. Open space areas shall be designed to protect or enhance the primary and secondary resources as defined in Sections 9.62 & 9.63.
- c. Where the proposed development abuts or includes a stream, river, body of water or wetland, these areas and the buffer to such areas shall be incorporated into the open space. Where appropriate, reasonable access shall be provided to the shorelines.
- d. Where a proposed development abuts land held for conservation purposes, the development shall be configured to minimize adverse impacts to the abutting conservation land. Trail connections should be provided where appropriate.
- e. No more than 50 percent of the common open space shall be situated within wetlands or the Williamsburg Floodplain Overlay District.
- f. Open space shall be used solely for recreation, conservation, agriculture or forestry purposes by residents and the public. The board shall have the authority to approve or disapprove particular uses proposed for the open space.
- g. The open space shall be owned in common by the owners of the dwelling units in the ARHC, or by an organization or entity owned and controlled by such dwelling unit owners. An enforceable restriction shall be recorded on all open space parcels providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking, roadway or active recreation.

## 9.18 APPLICATION PROCEDURES

The procedure for issuance of a special permit for an Age Restricted Housing Community shall be as follows:

9.18-1 Preliminary Plan and Determination of Density:

Applicants shall submit preliminary plans and materials for a joint review by the Zoning Board of Appeals and the Planning Board prior to formal application for special permit. The applicant may submit a Sketch Plan to assist the Boards in making a determination regarding maximum number of dwelling units to be permitted on the tract of land proposed for an AHRC. The sketch plan shall be drawn at 1" = 40' and include a Yield and Proposed development plan as follows:

- a. A yield plan drawn to scale shall clearly indicate the number of buildable residential lots the applicant believes would be attainable if the site were to be developed as a conventional subdivision consistent with the Rules and Regulations Governing the Subdivision of Land in the Town of Williamsburg, MA.
- b. A proposed development plan drawn to scale shall clearly indicate the primary and secondary resource areas as defined below. From these two resource areas, the final plan shall clearly indicate the building placement, lots and road layout of the proposed AHRC.
- c. A registered architect, surveyor, landscape architect, or professional engineer shall prepare all Site Plans All Proposed Development Plans shall be on standard 24" x 36" sheets and shall be prepared at a sufficient scale to show:
  - The location and boundaries of the lot, adjacent streets or ways, and the location and owners' names of all adjacent properties.
  - Existing and proposed topography including two-foot contours, the location of wetlands, streams, water bodies, drainage swales, areas subject to flooding, and unique natural land features.
  - Boundary lines of all proposed lots with approximate dimensions and lot areas in square feet.
  - Existing and proposed structures, including dimensions and elevations.
  - The location of existing and proposed parking and loading areas, driveways, walkways, access and egress points.
  - The location and description of all existing and proposed septic systems, water supplies, storm drainage systems, utilities, and refuse and other waste disposal methods.
  - Proposed landscape features including the location and a description of screening, fencing and plantings.
  - The location, dimensions height, and characteristics of proposed signs and lighting.
  - The location and a description of proposed open space or recreation areas.

9.18-2 Primary Resource Areas:

Primary resource areas should show the following:

- a. The location of all wetlands and floodplains as determined by a licensed hydrologist, and/or qualified licensed professional.
- b. The location of all significant woodlands, tree lines, or open fields or meadows, rocky outcroppings of ledge or bedrock, public water supply areas, watershed divides, aquifer recharge areas, drainage ways, wildlife habitat and corridor areas and areas of slopes greater than 10%.
- c. The location of soil test pits with supporting documentation on test results.

9.18-3 Secondary Resource Areas:

Secondary resource areas should show the following:

- a. The location and description of all significant scenic views, fences and stone walls, roads and trails, recreational areas, historic structures and archeological sites.
- b. A statement of the proposed use and ownership of the open space as permitted by this bylaw.

9.18-4 Board Determination on Yield Plan:

Based on the sketch plans, drawings and any other materials the applicant submits relevant to the tract under consideration, the Planning Board shall make a determination within 30 days as to the number of conventional lots that can be achieved on the proposed site.

9.18-5 Maximum Density of Proposed Development Plan:

If the proposed area of common open space exceeds 60% of the site, the permitted maximum density allowed under the ARHC special permit shall be the number of conventional lots as determined by the board times 110 percent. If the proposed area of common open space exceeds 70% of the site, the permitted maximum density allowed under the ARHC special permit shall be the number of conventional lots as determined by the Planning Board times 120 percent.

9.18-6 Conclusion of the Preliminary Plan Process:

Upon the conclusion of the preliminary plan process, the Planning Board shall approve, approve with modifications or disapprove said preliminary plan and in the case of disapproval, the Planning Board shall state in detail the reasons for its disapproval.

**9.19 DEFINITIVE PLAN**

A Definitive Plan of an ARHC may be submitted after a preliminary plan application and determination of density has been made by the Planning Board. The purpose of Plan Review is to further the purposes of this Bylaw and to ensure that new development of ARHC residential structures are designed in a manner that reasonably protects visual and environmental qualities and property values of the Town, and assures safe vehicular access, safe pedestrian movement, and appropriate drainage of surface water.

9.19-1 Application

- a. Each application for ARHC Plan Review shall be submitted to the Planning Board by the current owner of record, accompanied by eleven (11) copies of the Site Plan.
- b. The Planning Board shall by regulation establish a fee schedule for each such application
- c. A definitive plan may not be submitted without an approval of the preliminary plan as endorsed by the Planning Board.

9.19-2 Required Site Plan Content

Site Plans shall be on standard 24"x 36" sheets. A registered architect, surveyor, landscape architect, or professional engineer shall prepare all Site Plans. All sheets and shall be prepared at a sufficient scale to show:

- a. The location and boundaries of the lot, adjacent streets or ways, and the location and owners' names of all adjacent properties.
- b. Existing and proposed topography including two-foot contours, the location of wetlands, streams, water bodies, drainage swales, areas subject to flooding, and unique natural land features.
- c. Boundary lines of all proposed lots with approximate dimensions and lot areas in square feet.
- d. Existing and proposed structures, including dimensions and elevations.
- e. The location of existing and proposed parking and loading areas, driveways, walkways, access and egress points.
- f. The location and description of all existing and proposed septic systems, water supplies, storm drainage systems, utilities, and refuse and other waste disposal methods.
- g. Proposed landscape features including the location and a description of screening, fencing and plantings.
- h. The location, dimensions height, and characteristics of proposed signs and lighting.
- i. The location and a description of proposed open space or recreation areas.
- j. The Planning Board may request any additional information it judges to be necessary or convenient, or waive any information requirements it finds unnecessary, for the review of a particular plan.

9.19-3 Procedures for Site Plan Review

- a. An application for a Special Permit for an ARHC requiring ARHC Plan Review shall be considered incomplete without an application for ARHC Plan Review by the Planning Board.
- b. The period of review for a Special Permit requiring ARHC plan review shall be the same as any other Special Permit and shall conform to the requirements of Chapter 40A Section 9, "Special Permits." Specifically, a joint Public Hearing shall be held by the Planning Board and the Zoning Board of Appeals within sixty-five (65) days of the filing of a Site Plan Review application with the Planning Board. Within forty-five (45) days of the joint Public Hearing, the Planning Board and the Zoning Board of Appeals shall hold a joint meeting at which the Planning Board shall report its findings and recommendations regarding the Site Plan application. Within forty-five (45) days after the joint meeting, and no longer than ninety (90) days from the date of the close of the Public Hearing, the Zoning Board of Appeals shall, after due consideration of the recommendations of the Planning Board, take final action on the Special Permit.

9.19-4 Site Plan Review Criteria

The following criteria shall be considered by the Planning Board in the review and evaluation of an ARHC Plan, consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which it is located.

- a. The development shall be integrated into the existing terrain and surrounding landscape, and shall be designed to protect abutting properties and community amenities. Building sites shall, to the extent feasible:

- Minimize impact on wetlands, steep slopes, flood plains, hilltops;
  - Minimize obstruction of scenic views from publicly accessible locations;
  - Preserve unique natural or historical features;
  - Minimize tree, vegetation and soil removal and grade changes;
  - Maximize open space retention;
  - Screen objectionable features from neighboring properties and roadways.
- b. The plan shall maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways. The plan shall describe estimated average daily and peak-hour vehicular traffic to be generated by the site, traffic flow patterns for vehicles and pedestrians showing adequate access to and from the site, and adequate circulation within the site.
  - c. The Site Plan shall show adequate measures to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, to prevent changes in groundwater levels, and to prevent increased run-off and potential for flooding. Drainage shall be designed so that run-off shall not be increased and that neighboring properties will not be adversely affected. A system of groundwater recharge shall be provided that does not degrade groundwater quality. Recharge shall be by storm water infiltration basins or a similar system covered with natural vegetation. Dry wells shall be used only where other methods are not feasible. All basins and wells shall be preceded by oil, grease and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.
  - d. Electric, telephone, cable TV, and other such utilities are required to be underground unless proven to be physically and environmentally unfeasible.
  - e. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and other unsightly structures or uses shall be set back or visually screened to protect the neighbors from objectionable site characteristics.
  - f. Outdoor lighting shall be designed to prevent glare or light, which reflects, strays or scatters beyond the subject structure or structures.
  - g. Noise generated by machinery or equipment shall not extend beyond the property line.
  - h. The Site Plan shall comply with all other provisions of this bylaw.

#### 9.19-5 Technical Consultants

If after receiving a subdivision application the Planning Board determines that it requires technical advice unavailable from municipal employees and departments to review the application, it may employ outside consultants. The Planning Board may, by majority vote, require that the applicant pay a reasonable review fee for the employment of outside consultants chosen by the Planning Board alone.

- a. A review fee may be imposed only if:
  - The work of the consultant consists of review of studies prepared on behalf of the applicant, and not of independent studies on behalf of the Planning Board,
  - The board finds that an adequate review can not be performed by Town board members or employees,

- The work is in connection with the applicant's specific project, and
  - All written results and reports are made part of the record before the Planning Board.
- b. Before a fee is imposed:
- The applicant shall be given five business days notice and opportunity to submit written comments relative to the invitation for bids or request for proposals,
  - The applicant shall be given five business days notice and opportunity to comment on all bids or proposals prior to the selection of the consultant and the award of a contract,
  - The applicant shall be given five business days notice and the opportunity to file an appeal of the selection of the outside consultant with the Selectboard. Grounds for said appeal are limited to written claims, with written documentation, that the consultant selected has a conflict of interest or does not possess the minimum required qualification in accordance with MGL Ch. 44, Section 53G.

#### 9.19-6 Finding

- a. Before a finding on an ARHC Plan, the Planning Board may request the applicant to make modifications in the proposed design of the project to ensure that the above criteria are met.
- b. After a public hearing, the Planning Board may waive, for good cause shown, any or all requirements of ARHC Plan Review where such action is in the public interest and not inconsistent with the purpose and intent of this Bylaw.
- c. The Planning Board's finding shall consist of:
- A written denial of the application, stating that the plan fails to provide adequate information for the Planning Board to make a determination of whether the development satisfies decisional criteria set forth in this section.
  - A finding that the project will constitute a suitable development subject to any conditions, modifications, and restrictions the Planning Board may deem necessary or appropriate.
  - A finding that the proposed project does not constitute a suitable development in that it does not meet the criteria set forth in section 6.5.

#### 9.20 DEFINITIONS

**CONDOMINIUM** – A legal form of ownership of real property, usually individual ownership of a dwelling unit in a multi-unit development where some rights are held in common by the residents of that development.

**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 area and facilities and open space of an Age Restricted Housing Community Development, and to enforce certain covenants and restrictions.

**OPEN SPACE** - Undeveloped land set aside for common or individual ownership as a result of an Age Restricted Housing Community Development, with conservation easements and other deeded restrictions to ensure that the land will remain permanently open and undeveloped. A condition of Age Restricted Housing Community Development approval is that open space may not be further subdivided.

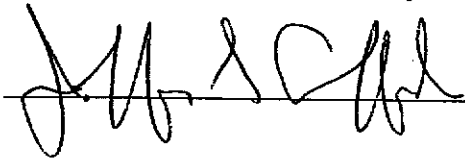
AGE RESTRICTED - An individual who is 55 years of age or older.

AGE RESTRICTED HOUSING COMMUNITY - A master-planned development of land as a unified, self contained, residential community, constructed expressly for use and residence by persons who have achieved a minimum age requirement for residency of fifty-five (55) years or older, in accordance with M.G.L. Chapter 151 B, Section 4, Subsection 6, and also incorporating the preservation of natural open space areas as an integral element of the development. An Age Restricted Housing Community shall be permitted only within the Age Restricted Housing Community Overlay District and only upon the granting of a special permit by the Zoning Board.

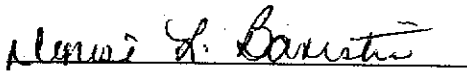
And you are hereby directed to serve this warrant by posting up attested copies hereof in at least five places in said town seven days before the date thereof, as within directed.

Hereof, fail not, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hand this 22<sup>nd</sup> day of May, in the year of our Lord, Two Thousand Eight.



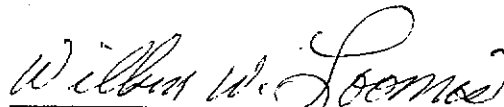
Board of Selectmen



Hampshire SS:

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Williamsburg by posting up attested copies of the same in at least five places in said town Seven days before the date thereof, as within directed.

Date: 5-22-08



Constable of Williamsburg