

**The TOWN OF WILLIAMSBURG**  
**Annual Town Meeting**  
**June 3, 2019**

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 Anne T. Dunphy School, 1 Petticoat Hill Road**, in said town on Monday, the third of June next, Two Thousand Nineteen, 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 petition the Massachusetts General Court to enact legislation to allow Michael Wayne, a member of the Williamsburg Police Department, to continue as a reserve special police officer until he reaches 70 years of age or the date of his retirement or until his non-reappointment, whichever occurs first, and to direct that no further deduction shall be made from the regular compensation of Michael Wayne in connection with his service to the town for retirement or pension purposes under Chapter 32 of the General Laws for any service subsequent to his reaching the age of 65, or take any other action relative thereto.

**Article 2**     **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$12.58 to reimburse Board of Selectmen's Petty Cash for three postal receipts in **Fiscal Year 2018 (FY18)**, or take any other action relative thereto.  
*(Four-fifths Vote Required)*

**Article 3**     **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$1,195.65, the amount received by the Town in Fiscal Year 2018 and put in the General Fund in error, to the MIIA Grant Line, or take any other action relative thereto.  
*(Four-fifths Vote Required)*

**Article 4**     **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$60,250, the amount received by the Town in Fiscal Year 2018 and put in the General Fund in error, to the Regional IT Grant Line, or take any other action relative thereto  
*(Four-fifths Vote Required)*

**Article 5**     **To see if the Town will vote** pursuant to M.G.L. c.268A, §21A to authorize 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 positions under their respective jurisdictions at such salaries or

wage rates to be established by the Board of Selectmen, or take any other action relative thereto.

**Article 6**     **To see if the Town will vote** to authorize the Moderator to choose a committee to expend the income from the Whiting Street Fund, or take any other action relative thereto.

**Article 7**     **To see if the Town will vote** to approve a Capital Improvement Plan, as prepared by the Capital Planning Committee and approved by the Finance Committee, including recommended capital improvements for the following five fiscal years, or take any other action relative thereto.

**Article 8**     **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$9,473.64, an amount equal to one-half of the amount received by the Town as Medicaid reimbursements in FY2018, to the Williamsburg School Department, or take any other action relative thereto.

**Article 9**     **To see if the Town will vote** to fix the salary and compensation of all elected and appointed officers of the Town for the twelve month period ending June 30, 2020, as provided in M.G.L. c.41, §108, 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 Town for that same period, or take any other action relative thereto.

**Article 10**    **To see if the Town will vote** to accept monies from the Massachusetts Department of Transportation, including but not limited to Chapter 90 funds, for the maintenance and reconstruction of Town roads and bridges, and to authorize expenditure of the same without further appropriation, or take any other action relative thereto.

**Article 11**    **To see if the Town will vote** to authorize a Board of Assessors revolving fund, to be funded with those monies received from the fees associated with negotiating tax agreements and / or payment in lieu of taxes (PILOT), and to authorize the Board of Assessors to expend such funds for the purpose of hiring a consultant to negotiate applicable tax agreements / PILOT, or take any other action relative thereto.

Revolving Fund	Authorized To Spend Fund	Revenue Source	Use of Fund
Board of Assessors	Board of Assessors	Fees charged for negotiations for tax agreements / Payment in lieu of taxes (PILOT)	Pay consultant for negotiating and creating tax agreements / PILOT

**Article 12** To see if the Town will vote pursuant to M.G.L. c.44, §54E½, as most recently amended, to set Fiscal Year 2020 spending limits for the Revolving Funds as follows, or take any other action relative thereto.

<b>Revolving Fund</b>	<b>FY20 Spending Limit</b>
Board of Assessor Revolving Fund	\$15,000
Gas Inspector Revolving Fund	\$ 1,500
Electrical Inspector Revolving Fund	\$ 7,500
Plumbing Inspector Revolving Fund	\$ 3,500
Transfer Station Open Box Revolving Fund	\$18,000
Planning Board Revolving Fund	\$30,000
Animal Control Officer Revolving Fund	\$ 5,000
Recreation Commission Revolving Fund	\$30,000
Council on Aging Revolving Fund	\$ 2,000
Conservation Commission Revolving Fund	\$ 5,000
Board of Appeals Revolving Fund	\$ 6,000
Fire Dept. Revolving Fund	\$ 3,000
<b>Total Spending</b>	<b>\$126,500</b>

**Article 13** To see if the Town will vote to raise and appropriate the sum of \$199,600 composed of the amounts listed below, for the purpose of operating and maintaining and constructing the Town water system, including the laying of mains, for Fiscal Year 2020, and to take said sum from Water Enterprise Revenue, or take any other action relative thereto.

Stipends	\$ 2,800
<u>Expenses</u>	<u>\$ 196,800</u>
Total	\$ 199,600

**Article 14** To see if the Town will vote to raise and appropriate the sum of \$208,500 composed of the amounts listed below, for the purpose of operating, maintaining and constructing the Town sewer system for Fiscal Year 2020, and to take said sum from Sewer Enterprise Revenue, or take any other action relative thereto.

Stipends	\$ 2,800
<u>Operation &amp; Maintenance</u>	<u>\$ 205,700</u>
Total	\$ 208,500

**Article 15** To see if the Town will vote to transfer the sum of \$25,000 from Sewer Retained Earnings to Sewer Expenses for maintenance, infiltration and inflow work on the Town sewer system, or take any other action relative thereto.

**Article 16** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,000 for the purpose of upgrading and installing a Voice Over Internet Protocol (VOIP) phone system, and any other incidental and related expenses, or take any other action relative thereto.

**Article 17** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$3,000 for planning and coordinating the Town's 250<sup>th</sup> Anniversary celebration to take place in the year 2021, and any other incidental and related expenses, or take any other action relative thereto.

**Article 18** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$2,500 for the purposes of upgrading the Town's Firewall, and any other incidental and related expenses, or take any other action relative thereto.

**Article 19** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$9,000 for removal and maintenance of Town shade trees, or take any other action relative thereto.

- Article 20**    **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$200 for replacement and maintenance of flags and brackets along Route 9, or take any other action relative thereto.
- Article 21**    **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$5,000 for Police Department training and gear, or take any other action relative thereto.
- Article 22**    **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$10,209, the Town's Match to an Assistance Fire Grant, to purchase and equip a Brush Truck, and any other incidental and related expenses, or take any other action relative thereto.
- Article 23**    **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$2,075, the Town's Match to an Assistance Fire Grant, to purchase a Fill Station, and any other incidental and related expenses, or take any other action relative thereto.
- Article 24**    **To see if the Town will vote** to transfer from Free Cash the sum of \$150,000 to the Stabilization Fund, or take any other action relative thereto.
- Article 25**    **To see if the Town will vote** to authorize the Selectboard to enter into a ten (10) year contract with the option for a five (5) year extension, 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 Selectboard's determination that the contract is in the best interests of the Town and subject to Town Meeting approval in the Spring 2020 for funding for these services, or take any other action relative thereto.
- Article 26**    **To see if the Town will vote** to authorize to allow Hampshire Regional School District Administration to enter into a five year (5) contract consisting of a three year base contract with the option to renew for two (2) 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, or take any other action relative thereto.

**Article 27** To see if the Town will vote to amend the Town’s General Government Bylaw to adopt the following ENFORCEMENT By-Law as set forth below, which authorizes the enforcement of By-Law violations through any available means in law or equity, including the process of Non-Criminal Disposition pursuant to G.L. c.40, §21D:

**ENFORCEMENT**

The provisions of the Williamsburg General Government By-laws or any rule or regulation of any Town board, officer, commission, or committee, may be enforced by the Board of Selectmen or its designee, any Police Officer of the Town of Williamsburg or their designee, or any other enforcing authority specifically authorized by by-law, rule or regulation, by any available means in law or equity, including but not limited to enforcement by non-criminal disposition pursuant to G.L. c. 40, §21D. Each day a violation exists shall constitute a separate violation. When enforced through noncriminal disposition, unless otherwise specifically provided for by by-law, rule or regulation, the penalties shall be as follows:

First violation:	\$100.00
Second violation:	\$200.00
Third and subsequent violations:	\$300.00

Or take any other action relative thereto.

**Article 28** To see if the Town will vote to amend the Town of Williamsburg Zoning Bylaw taking the following actions as set forth below:

1. Create a new Section 9.31 – Establishments for Transient Lodgers;
2. Amend Section 18 – Definitions to add new definitions and update existing definitions consistent with new Section 9.31; and
3. Amend Section 3 – Schedule of Use Regulations, subsection 3.2 Business Uses to designate Lodging Facilities and Short-Term Rentals as uses permitted in all zoning districts by special permit.

1. Amend Zoning Bylaw to create a new Section 9.31 – Establishments for Transient Lodgers

**9.31 ESTABLISHMENTS FOR TRANSIENT LODGERS**

**9.31-1 Purpose**

To define and regulate commercial Lodging Facilities and the use of residential housing as Short-Term Rentals in The Town of Williamsburg. Minimize public safety risks for guests and visitors, and minimize possible nuisances for abutters. Ensure the safe and orderly provision of lodging for transient lodgers within the Town of Williamsburg, and ensure the maintenance of the character and livability of

neighborhoods in the Town of Williamsburg. Only those uses which meet the definitions of “Short-Term Rentals” and “Lodging Facilities” contained herein shall be permitted within the Town. All other types of non-qualifying rental lodgings for transient lodgers are expressly prohibited.

### **9.31-2 Short-Term Rentals, General Standards**

**9.31-2.1** A homeowner or leaseholder may rent up to four (4) bedrooms in the owner’s or leaseholder’s primary residence, a Single-Family Dwelling, for overnight lodging of transient guests, for a period not to exceed thirty-one (31) days for any one rental.

**9.31-2.2** If a homeowner or leaseholder owns or leases both dwelling units of a Two-Family Dwelling, one dwelling unit being the homeowner’s or leaseholder’s primary residence, and the second dwelling unit being unoccupied by long-term renters and not presently subject to an on-going long-term lease or sublease for rental occupation, the homeowner or lease holder may rent up to four (4) bedrooms in the unoccupied, unleased dwelling unit as a Short-Term Rental for overnight lodging of transient guests, for a period not to exceed thirty-one (31) days for any one rental. Within a Two-Family Dwelling, Short-Term Rentals are not permitted in the dwelling unit that is the homeowner’s or leaseholder’s primary residence.

**9.31-2.3** Except as specified in section 9.31-2.2 herein, the dwelling must be a Single-Family Dwelling and shall not be part of a multi-family dwelling, or be connected to another dwelling, or share well or septic systems with another dwelling.

**9.31-2.4** Short-Term Rentals under all circumstances require a Special Permit from the Zoning Board of Appeals for all Zones, and shall meet all applicable Special Permit criteria as set forth in Section 5.5 of the Zoning Bylaw. See also General Bylaws for The Town of Williamsburg for additional regulations and requirements.

### **9.31-3 Limitations**

All homeowners or leaseholders of Short-Term Rentals in a Single-Family Dwelling, or in a Two-Family Dwelling as permitted under section 9.31-2.2 herein, shall ensure that renters refrain from activity and behavior that produces noxious light, odor, dust, fumes, amplified sound, excessive noise, and other nuisances. All Short-Term Rentals must comply with all Zoning and General Bylaws of the Town of Williamsburg, including those related to signage. See also General Bylaws for the Town of Williamsburg for additional regulations and requirements.

### **9.31-4 Parking**

The homeowner or leaseholder must provide at least one off-street parking space for each bedroom rented, and one off-street parking space for the owner or leaseholder. The homeowner or leaseholder may apply to the Zoning Board of Appeals for a waiver for all or a portion of this requirement. The Zoning Board of Appeals will consider public safety, availability of on-street parking, and concerns of abutters when considering the request for a waiver, but no waiver shall override any seasonal restrictions or prohibitions of on-street parking.

### **9.31-5 Number of Renters Permitted**

The homeowner or leaseholder may rent to no more than two adults in any one bedroom. Children under the age of 18 are not limited by this provision, except that the maximum occupancy of the Short-

Term Rentals in the dwelling shall be no more than ten (10) renters. State and Local Health Department guidelines and restrictions may further restrict the number of transient lodgers permitted.

#### **9.31-6 Primary Residence of Homeowner or Leaseholder**

The dwelling, or one dwelling unit of the two-family dwelling as permitted under section 9.31-2.2 herein, must be the primary residence of the homeowner or leaseholder, with short-term rental lodging as an accessory use of the single-family or two-family dwelling.

#### **9.31-7 Location of Rental Rooms**

The Short-Term Rental units must be within the homeowner's or leaseholder's dwelling, or within one dwelling unit of the two-family dwelling as permitted under section in 9.31-2.2 herein. Rental of detached structures, or temporary structures, including trailer, mobile home or recreational vehicle, or tents, is not permitted.

#### **9.31-8 Meals**

The rental may, or may not, include breakfast. No meals other than breakfast may be served, and breakfast may be served only to overnight guests. Homeowner or leaseholder must obtain all state and local permits and licenses required to provide food services if breakfast is served on the premises. Additional state regulations related to Bed and Breakfast operations may apply.

#### **9.31-9 Lodging Facility**

A hotel, motel, inn, or other establishment may provide sleeping accommodations for transient guests for a period of less than thirty-one (31) days. The lodging facility may, or may not, include a dining room or restaurant. Lodging facilities require a Special Permit from the Zoning Board of Appeals for all Zones and shall meet all applicable Special Permit criteria as set forth in Section 5.5 of the Zoning Bylaw. A Site Plan Review by the Planning Board is also required if the first floor of the lodging facility is equal to or larger than 5,000 square feet. See also General Bylaws for the Town of Williamsburg for additional regulations and requirements.

#### **2. Amend Section 18 – Definitions as set forth below:**

- **Delete the current definition for “Bed and Breakfast Inn” and replace it with the following:**

For purposes of the Zoning Bylaws for the Town of Williamsburg, a Bed and Breakfast Inn shall be considered a Short-Term Rental in a Single-Family Dwelling, and shall, in all instances, be limited to the rental of not more than four bedrooms in a single-family dwelling.

- **Delete the current definition for Boarding House**
- **Delete the current definition for “Lodging Facility” and replace it with the following:**

A hotel, motel, inn, or other commercial establishment, with or without a dining room or restaurant, which offers sleeping accommodations for transient guests, for a period not to exceed thirty-one (31) consecutive days, and which does not otherwise qualify as a Short-Term Rental in a Single-Family Dwelling, as defined in the Zoning Bylaws for the Town of Williamsburg.

- **Add the following definition for “Primary Residence”:**



A dwelling or dwelling unit is considered a primary residence if the owner or leaseholder resides in said dwelling or dwelling unit for 183 days, or more, each year.

- **Add the following definition for “Short-Term Rentals in a Single-Family Dwelling”:**

An accessory use to a Single-Family Dwelling. All or part of the Single-Family Dwelling may be used to provide overnight accommodations for transient guests for a rental period not to exceed thirty-one (31) consecutive days. The Single-Family Dwelling must be the primary residence of the homeowner or leaseholder, and no more than four bedrooms in the dwelling, with or without access and use of other portions of the dwelling, may be offered for rental.

- **Add the following definition for “Short-Term Rentals in a Two-Family Dwelling”:**

An accessory use to a Two-Family Dwelling. Both dwelling units must be owned or leased by the same homeowner or leaseholder. One dwelling unit must be the primary residence of the homeowner or leaseholder, and the second dwelling unit shall be unoccupied by long term renters and shall not be subject to an ongoing long-term lease or sublease for rental occupation during the time it is used as a short-term rental. All or part of the unoccupied dwelling unit may be used to provide overnight accommodations for transient guests for a rental period not to exceed thirty-one (31) consecutive days. No more than four bedrooms in the unoccupied dwelling unit, with or without access and use of other portions of the unoccupied dwelling unit, may be offered for rental. Short-Term Rentals in a Two-Family Dwelling are not permitted in the dwelling unit that is the homeowner’s or leaseholder’s primary residence.

3. Amend Section 3 – Schedule of Use Regulations, subsection 3.2, Business Uses as set forth below with additions shown in **bold**, and deletions shown in ~~strikethrough~~:

Section 3.2	Business Uses	VR	VM	RU
	<del>Bed and Breakfast Inn (4 units or less)</del>	<del>SP</del>	<del>SP</del>	<del>P</del>
	<b>Short-Term Rentals in a Single-Family Dwelling</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>
	<b>Short-Term Rentals in a Two-Family Dwelling</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>
	<b>Lodging Facility</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>

Or take any other action relative thereto.

**Article 29** To see if the Town will vote to amend the Town's General Government Bylaw to adopt the following TRANSIENT LODGER BYLAW as set forth below, to regulate Lodging Facilities and Short-Term Rentals within the Town through the licensing, registration and inspection of such facilities.

## **Transient Lodger Bylaw**

### **Section 1. Purpose**

The purpose of this Bylaw is to ensure that Short-Term Rentals in Single-Family Dwellings, or in specific instances in Two-Family Dwellings, and Lodging Facilities, provide safe and healthy lodging for visitors to Williamsburg by requiring 1) registration and licensing of these facilities; 2) annual inspections; and 3) maintenance of a guest register.

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

This Bylaw is adopted in accordance with General Laws c.64G, § 14, which authorizes municipalities to enact bylaws to regulate operators of Short-Term Rentals, and the Town's Home Rule authority under the Massachusetts Constitution. Nothing herein shall interfere with the independent authority of the Board of Health to enact its own health and safety regulations with respect to Short-Term Rentals and Lodging Facilities

### **Section 3. Definitions**

- Short-Term Rentals in a Single-Family Dwelling is an accessory use to a Single-Family Dwelling. All or part of the Single-Family Dwelling may be used to provide overnight accommodations for transient guests, for a rental period not to exceed thirty-one (31) consecutive days. The Single-Family Dwelling must be the primary residence of the homeowner or leaseholder, and no more than four bedrooms in the dwelling, with or without access and use of other portions of the dwelling, may be offered for rental.
- Short-Term Rentals in a Two-Family Dwelling is an accessory use to a Two-Family Dwelling. In order to be used as a Short-Term Rental, both dwelling units must be owned or leased by the same homeowner or leaseholder with one dwelling unit being used as the homeowner's or leaseholder's primary residence, and the second dwelling unit being unoccupied by long-term renters and not presently subject to an ongoing long-term lease or sublease for rental occupation. All or part of the unoccupied second dwelling unit may be used as a Short-Term Rental to provide overnight accommodations for transient guests, for a rental period not to exceed thirty-one (31) consecutive days. No more than four bedrooms in the unoccupied dwelling unit, with or without access and use of other portions of the unoccupied dwelling unit, may be offered for rental. Within a Two-Family Dwelling, Short-Term Rentals are not permitted in the dwelling unit that is the homeowner's or leaseholder's primary residence.
- For purposes of this Bylaw, a Bed and Breakfast Inn shall be considered a Short-Term Rental in a Single-Family Dwelling and shall, in all instances, be limited to the rental of not more than four bedrooms in a single-family dwelling.
- A Lodging Facility is a hotel, motel, inn, or other commercial establishment, with or without a dining room or restaurant, which offers sleeping accommodations for transient guests, for a period not to exceed thirty-one (31) consecutive days, and which does not otherwise qualify as

a Short-Term Rentals in a Single-Family Dwelling, as defined in the bylaws for the Town of Williamsburg.

- A dwelling is considered the primary residence of a homeowner or leaseholder, if the homeowner or leaseholder resides in said dwelling for 183 days, or more, each year.

#### **Section 4. Registration and Licensing**

- Short-Term Rentals in Single-Family and Two-Family Dwellings must register annually with the Town Clerk with location, number of rooms available, and emergency contact information for the homeowner or leaseholder of the Short-Term Rental property.
- All Short-Term Rentals shall be licensed by the Board of Selectmen or its designee. Failure to obtain a license shall constitute a violation of this Section. The Board of Selectmen may adopt rules and regulations related to the issuance of such licenses, including the fees to be paid and the conditions to be satisfied by any applicant for such a license. Licenses shall be for a two-year term and are renewable at the discretion of the Board of Selectmen. Persons operating a Short-Term Rentals shall also comply with all Zoning and General Bylaws of the Town of Williamsburg, including Bylaws regulating signs.
- Lodging Facilities must register annually with the Town Clerk with emergency contact information. They must also comply with Massachusetts laws and regulations, including but not limited to, the Massachusetts State Building, Plumbing, Electrical, Fire and Sanitary Codes, and all Zoning and General Bylaws of the Town of Williamsburg, including Bylaws regulating signs.

#### **Section 5. Inspections**

Short-Term Rentals must pass the following inspections:

- Annual inspection and approval from the Health Department.
- Annual fire inspection demonstrating adequate egress, smoke detectors, and carbon monoxide detectors, as determined by the Fire Chief or designated fire inspector.

#### **Section 6. Guest Registers**

Short-Term Rentals, and Lodging Facilities must maintain, for a period of at least two (2) years, a guest register that includes the name and address of the guest(s) and the date and length of stay.

#### **Section 7. Enforcement**

The Board of Selectmen or its designee may issue orders as appropriate to aid in the enforcement of this Bylaw and may enforce these provisions in equity, including the request for injunctive relief in a court of competent jurisdiction or enforcement by noncriminal disposition pursuant to G.L. c. 40, §21D. Any failure to comply with any order issued hereunder shall result in the issuance of a formal warning. Any failure to comply with such a warning shall result in a fine of \$100.00. Any failure to comply after the issuance of said final fine may be punishable by a subsequent fine of \$300.00. Each day of a continued non-compliance shall constitute a separate violation. Further, the Board of Selectmen may hold a hearing, with notice to the licensee, to determine if such license should be modified, suspended or revoked.

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 9<sup>th</sup> day of May, Two Thousand Nineteen.

*David E. Mathis*  
*Denise R. Barnette*  
*Wm. B. Payne*

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: 5/16/2019

*Paul H. DeWitt*  
Constable of Williamsburg