

**TOWN WARRANT  
COMMONWEALTH OF MASSACHUSETTS**

**HAMPDEN, S.S.**

**TOWN OF WALES**

**GREETINGS:** In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of Wales that the Annual Town Meeting will be held in the WALES ELEMENTARY SCHOOL, 41 Main Street, in said Wales, on **WEDNESDAY**, the **21st day of MAY, 2014** at 7:00 p.m., or as soon thereafter as the subject matter of this warrant can then and there be reached, to act on the following Articles:

**ARTICLE 1**                    To hear the reports of Town Officers and act on same, or take any other action relative thereto. (Submitted: Board of Selectmen)

**ARTICLE 2**                    To hear the reports of Committees and act on same, or take any other action relative thereto. (Submitted: Board of Selectmen)

**ARTICLE 3**                    To see if the Town will vote to transfer from Free Cash the sum of \$2,000.00 for Dam Inspections, or take any other action relative thereto. (Submitted: Town Accountant)

**ARTICLE 4**                    To see if the Town will vote to transfer the amount appropriated under Article 20 of the 2012 Annual Town Meeting for an audit of the Town's finances for FY2012, to be used for any audit of the Town's finances, or take any other action relative thereto. (Submitted: Finance Committee and Town Accountant)

**ARTICLE 5**                    To see if the Town will vote to transfer from Free Cash the sum of \$2,167.00 for the Board of Assessors to undertake property revaluation, or take any other action relative thereto. (Submitted: Board of Assessors and Finance Committee)

**ARTICLE 6**                    To see if the Town will vote to accept Massachusetts General Laws, Chapter 32B, Section 20 which permits the Town to establish an Other Post-Employment Benefits Trust, and to initially transfer from Free Cash the sum of \$5,000.00 for the purpose of Other Post-Employment Benefits, or take any other action relative thereto. (Submitted: Finance Committee)

**ARTICLE 7**                    To see if the Town will vote to authorize payment of a prior year bill for unpaid payroll expenses of \$6,330.77 for Unemployment Insurance in FY14, or take any other action relative thereto. (Submitted: Treasurer)

**ARTICLE 8**                    To see if the Town will vote to authorize payment of Transfer Station expenses of \$5,143.74 in FY14, or take any other action relative thereto. (Submitted: Accountant)

**ARTICLE 9**                    To see if the Town will vote to raise and appropriate or transfer from available funds such sums of money as may be necessary to defray expenses of the Town, on a departmental basis, for the fiscal year 2015 period, with \$25,000 transferred from Excess Overlay, and further to fix the salary and compensation of the following elective officers of the Town of Wales, as provided by Massachusetts General Laws, Chapter 41, Section 108, as amended: Moderator, Selectmen, Assessors, Treasurer, Collector, Town Clerk, Planning Board, Road Commissioner, and Board of Health for fiscal year 2015, or take any other action relative thereto. (Submitted: Finance Committee)

**ARTICLE 10**

To see if the Town will vote, pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53E ½ , to reauthorize revolving funds for certain Town departments and officers for the fiscal year beginning July 1, 2014, as follows, or take any other action relative thereto:

REVOLVING FUND	AUTHORITY TO SPEND	REVENUE SOURCE	USE OF FUND	FY'15 BUDGET
Building Inspections	Building Commissioner	Inspection Fees	Expenses and costs related to provision of inspection services. If re-authorized, amount in Excess of \$500 (excluding unpaid expenses) shall close to general fund.	\$18,000
Plumbing, Heating And Gas Inspections	Plumbing/Heating/Gas Inspector	Inspection fees and expense reimbursements	Expenses related to provision of inspection services. If re-authorized, balance (excluding fees due to the inspector) shall close to general fund.	\$4,000
Cemetery Services	Cemetery Commission	Fees received in connection with opening and closing graves	Expenses and costs related to opening and closing graves, including payment to other departments related thereto	\$3,000
Planning	Planning Board	Filing fees and expense reimbursements	Expenses and costs related to processing applications, publishing notices, and holding hearings	\$3,000
Conservation	Conservation Commission	Filing fees, expense reimbursements	Expenses and costs related to processing applications, publishing notices, and holding hearings	\$1,500
Zoning	Zoning Board	Filing fees and expense reimbursements	Expenses and costs related to processing applications, publishing notices and holding hearings	\$1,000
Animal Control	Animal Control Officer	Fines and fees	Expenses and costs related to provision of animal control services for which fees and fines are assessed	\$2,000
Library	Library Trustees or Director	Fees and fines	Expenses and costs related to library programs and activities for which fees and fines are assessed	\$1,000
Board of Health	Board of Health	Fees and reimbursements	Expenses and costs related to enforcing State & Local Board of Health regulations	\$5,000
Electrical	Electrical Inspector	Permit fees and expenses	Expenses related to inspections. If re-authorized, balance (excluding inspection fees due to the inspector) shall close to the general fund.	\$4,000
Police – Pistol Permits	Police Chief	Pistol Permit Fees	Expenses and costs related to pistol permit application review and issuance	\$4,000

Council on Aging	Council on Aging	Fees and reimbursements	Expenses and costs related to programs and activities for Seniors	\$3,500
Fire Dept.	Fire Inspector	Permit Fees	Expenses related to provisions of inspection services. If re-authorized, balance (excluding fees due to the inspector) shall close to the General fund.	\$2,500
Cable Advisory	Cable Committee	Fees	Expenses and costs related to Cable Committee	\$1,500

**ARTICLE 11** To see if the Town will vote to reauthorize an Offset Receipt Account, said amount not to exceed SIXTY THOUSAND DOLLARS (\$60,000.00) more or less, for the operation of the **TRANSFER STATION** provided, however, that pursuant to Massachusetts General Laws, Chapter 44, Section 53E, such costs shall be offset by the estimated receipts from the fees charged to users of the services provided by the Transfer Station, or take any other action thereto. (Submitted: Board of Selectmen)

**ARTICLE 12** To see if the Town will vote to authorize the Board of Selectmen to transfer from available funds, to the Wales Board of Library Trustees for library purposes, the sum of \$162.02, such monies having been accrued as interest incidentally to the maintenance of the library building fund, or take any other action relative thereto. (Submitted: Library Board of Trustees)

**ARTICLE 13** To see if the Town will vote to transfer the sum of \$30,000.00 from Free Cash to the General Stabilization Account, or take any other action relative thereto. (Submitted: Finance Committee)

**ARTICLE 14** To see if the Town will vote to transfer the sum of \$25,000.00 from the Norcross Gift Account and transfer the sum of \$40,000.00 from Free Cash to the Capital Stabilization Fund, or take any other action relative thereto. (Submitted: Capital Improvement Planning Committee)

**ARTICLE 15** To see if the Town will vote to transfer a sum of \$40,000.00 from the Capital Stabilization Fund for the purchase and equipping of a vehicle for the Wales Police Department to replace an existing vehicle, or take any other action relative thereto. (Submitted: Capital Improvement Planning Committee)

**ARTICLE 16** To see if the Town will vote to transfer a sum up to \$35,000.00 from the Capital Stabilization Fund for the purchase and equipping of a van for the Senior Center to replace an existing vehicle, or take any other action relative thereto. (Submitted: Capital Improvement Planning Committee)

**ARTICLE 17** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the Fiscal Year beginning July 1, 2014, in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 4 and to renew any note or notes as may be given in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 17, or take any other action relative thereto. (Submitted: Board of Selectmen)

**ARTICLE 18** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to enter into compensating balance agreements with bank offices having their principal offices in the Commonwealth during the fiscal year 2015, as permitted by Massachusetts General Laws, Chapter 44, Section 53 F, or take any other action relative thereto. (Submitted: Board of Selectmen)

**ARTICLE 19** To see if the Town will vote to accept any and all grant monies received during FY15 for the Wales Public Library Grant Account, for the use of the Wales Public Library, or take any other action relative thereto. (Submitted: Library Trustees)

**ARTICLE 20** To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 41, Section 1 B to make the elected position of Road Commissioner to an appointed position, such appointment to be made by the Board of Selectmen for a term not to exceed three years; provided, however, that before such change may take effect, the change must be approved by the voters of the Town at the spring 2015 Annual Town Election, and provided further that the Road Commissioner elected at the last election shall hold such elected office only until the appointment is made under the authority of Massachusetts General Laws, Section 41, Section 1 B, or take any other action relative thereto. (Submitted: Board of Selectmen)

**ARTICLE 21** To see if the Town will vote to amend the Zoning Bylaws, Section III, and adopt the revisions due to Flood Map changes instituted by MA DCR Flood Hazard Management Program voted on and approved by the Board of Health on July 10, 2013, as shown below with the provisions to be added or changed shown in italics and the provisions not being changed shown in regular type for informational purposes only, or take any other action relative thereto.

The changes are italicized and Sections 3.0.4.4, 3.0.4.5, 3.0.4.6, and 3.0.4.7 have been omitted on the recommendation of the State since 3.0.4.4 Uses by Special Permit is affectively more stringent than the Massachusetts Building Code which is not allowed by State Law and can be challenged.

### **SECTION III: OVERLAY ZONING DISTRICTS**

#### **3.0 FLOOD PLAIN DISTRICT**

##### **3.0.1 Purposes**

The purposes of the Flood Plain District are to:

- 3.0.1.1 Protect life, public safety and property from flooding hazards;
- 3.0.1.2 Preserve the natural flood control and flood storage characteristics of the floodplain;
- 3.0.1.3 Prevent any alterations to the natural flow of streams or brooks;
- 3.0.1.4 Protect fisheries and wildlife habitat within and along river;
- 3.0.1.5 Prevent water pollution caused by erosion, sedimentation, nutrient or pesticide run-off, and poorly sited waste disposal facilities.
- 3.0.1.6 Preserve and maintain the groundwater table and water recharge areas within the floodplain.

##### **3.0.2 Scope of Authority**

The Flood Plain District is an overlay district and shall be superimposed on the other districts established by this Bylaw. All regulations of the Wales Zoning Bylaw applicable to such underlying districts shall remain in effect, except that where the Flood Plain imposes additional regulations, such regulations shall prevail.

##### **3.0.3 District Delineation**

###### **3.0.3.1 Flood Plain District**

*Delete existing text and insert following:*

*The Flood Plain District shall encompass all floodplain areas within the Town of Wales designated as Zone A or Zone AE on the Hampden County Flood Insurance Rate map (FIRM).*

###### **3.0.3.2 Flood Maps**

*Delete existing text and insert following:*

*The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Wales designated as Zone A or AE on the Hampden County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Hampden County FIRM that are wholly or partially within the Town of Wales are panel numbers 25013C0459E, 25013C0467E, 25013C049E, 25013C0486E, 25013C0487E, and 25013C0490E dated July 16, 2013. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Hampden County Flood*

*Insurance Study (FIS) report dated July 16, 2013. The FIRM and FIS report are incorporated herein by reference and are on file with the Town clerk, Planning Board and Conservation Commission.*

### **3.0.4 Use Regulations**

#### **3.0.4.1 Compliance**

All development, including structural and non-structural activities, whether permitted as a right or by special permit must be in compliance with the *Massachusetts Wetlands Protection Regulations (currently 310 CMR 10.00)*, the *Massachusetts Inland Wetlands Restrictions (currently 310 CMR 13.00) Chapter 131, Section 40 of the Massachusetts General laws, with the requirements of the State Building Code (780 CMR) pertaining to construction in the floodplain, and with the Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, (currently 310 CMR 15, Title 5).*

#### **3.0.4.2 Permitted Uses**

(a) The following uses of low flood damage potential and if causing no obstruction of flood flows shall be permitted provided they do not require structures, fill, or storage of materials or equipment.

1. Agricultural uses such as farming, grazing, truck farming, and horticulture;
2. Forestry and nursery uses;
3. Outdoor recreational uses, including fishing, boating, play areas, etc;
4. Conservation of water, plants, wildlife;
5. Wildlife management areas, foot, bicycle and/or horse paths;
6. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises;
7. Buildings lawfully existing prior to the adoption of these provisions;
8. Reconstruction or improvement, provided that any square foot increase does not exceed 25% of the overall square footage of the structure existing at the time of adoption of this Bylaw.

#### **3.0.4.3 Prohibited Uses**

(a) The following uses shall be prohibited within the Flood Plain District:

1. Industrial uses;
2. Junkyards, solid waste landfills, auto salvage and recycling facilities, and dumps;
3. Business and industrial uses, not agricultural, involving manufacture, use, processing, storage or disposal of hazardous materials or wastes as a principal activity, including but not limited to metal plating, chemical manufacturing, wood preserving, furniture stripping, dry-cleaning and auto body repair.
4. The outdoor storage of salt, other de-icing chemicals, pesticides or herbicides, flammable, explosive or toxic materials.
5. Excavation or disposal of soil or mineral substances, except as necessary for construction of foundations, utilities or roads.
6. All other uses not specifically permitted or allowed by special permit approval within the overlay zone are prohibited.

(b) *Within the regulatory floodway within the Town of Wales, as designated on the Hampden County Flood Insurance Rate Map, all structures and dams shall be prohibited.*

#### **3.0.4.4 Uses by Special Permit**

*Delete existing text and insert "Text omitted."*

#### **3.0.4.5 Special Permit Application Requirements**

*Delete existing text and insert "Text omitted."*

#### **3.0.4.6 Special Permit Review Procedures**

*Delete existing text and insert "Text omitted."*

#### **3.0.4.7 Special Permit Criteria and Decision**

*Delete existing text and insert "Text omitted."*

#### **3.0.4.8 Flood Plain Performance Standards**

(a) The following performance standards shall apply to all uses allowed by right or by Special Permit in the Flood Plain District:

1. No encroachments (including fill, new construction, substantial improvements to existing structures, or other development) shall be allowed unless it is demonstrated by the applicant that the proposed

development, as a result of compensating actions, will not result in any increase in flood levels during the occurrence of a 100-year flood.

2. All utilities shall meet the following standards:
  - (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
  - (b) New on-site waste disposal systems shall be located to avoid impairment or contamination from them during the flooding and shall be located no less than 150 feet from the normal high water mark. Replacement of existing on-site waste disposal systems shall be located as far away from the normal high water mark as is feasible.
3. All uses not specifically permitted or allowed by Special Permit are prohibited.
4. Any lawful use, building, structure, premises, land or parts thereof existing at the effective date of this Bylaw or amendments thereof and not in conformance with the provisions of this Bylaw shall be considered a nonconforming use.
5. *In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.*
6. *Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.*
7. *In a riverine situation the **Conservation Committee** shall notify the following of any alteration or relocation of a watercourse:*
  - (a) *Adjacent Communities*
  - (b) *Bordering States (optional)*
  - (c) *NFIP State Coordinator*  
*Massachusetts Department of Conservation and Recreation*  
*251 Causeway Street, Suite 600-700*  
*Boston, MA 02114-2104*
  - (d) *NFIP Program Specialist*  
*Federal Emergency Management Agency, Region I*  
*99 High Street, 6<sup>th</sup> Floor*  
*Boston, MA 02110*
8. *All subdivision proposals must be designed to assure that:*
  - (a) *such proposals minimize flood damage;*
  - (b) *all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and*
  - (c) *adequate drainage is provided to reduce exposure to flood hazards.*

**ARTICLE 22** To see if the Town will vote to amend Section IX, Definitions, of the Zoning Bylaws to revise the definition of "Residential Accessory Use" to better describe the intent of the Bylaw by inserting the underlined provision following the existing text, as set for below:

Residential Accessory Use. Uses of a building, structure, or premises that are customarily incidental to residential use by the Owner-Occupant of the building, structure, or premises. See table 4.1, Section 4.1.6 or take any other action relative thereto. (Submitted: Planning Board)

**ARTICLE 23** To see if the Town will vote to amend Section V, Intensity Regulations, Table 5.1 of the Zoning Bylaws by inserting in the columns "Minimum Yard Requirements in Feet" for "Single Family Dwellings" the following:

Front Yard	30
Side Yards	15
Rear Yard	40
Height	35 (Two Stories)

To inserting in the columns “Minimum Yard Requirements” in Feet and “Maximum Height in Feet” “All Other Uses” the following:

Front Yard	30
Side Yards	25
Rear Yard	40
Height	35 (Two Stories)

And by inserting the following new definition in section IX, Definitions, in the appropriate alphabetical order:  
 Height: The vertical distance measured from the average finished grade of the ground surrounding the structure to the highest point of the structure. For the purposes of this By-Law the term “Height” will not apply to chimneys, antennas, church spire, church towers or church belfries, or flagpoles.  
 or take any other action relative thereto. (Submitted: Planning Board)

**ARTICLE 24** To see if the Town will vote to change the Road Commissioner position to the position of an elected Highway Surveyor by accepting Massachusetts General Law, Chapter 41, Section 62. If a Highway Surveyor be chosen, he shall have the exclusive control of the ordinary repair of public ways in his town without being subject to the authority of the Selectmen. If more than one Highway Surveyor be chosen, the Selectmen shall annually, before May first, assign to each surveyor the limits and divisions of the ways to be kept in repair by him, or take any other action relative thereto. (Submitted: Road Commissioner)

**ARTICLE 25** To see if the Town will vote to transfer the sum of \$500.00 from the Norcross Gift Account as a grant for the Tri-Town Domestic Violence Task Force, and authorize the Board of Selectmen to enter into a grant agreement with the Tri-Town Domestic Violence Task Force for such purposes on such terms and conditions as the Board of Selectmen shall deem desirable, or take any other action relative thereto. (Submitted: Domestic Violence Task Force Representative and Board of Selectmen)

**ARTICLE 26** To see if the Town will vote to acknowledge and record an updated and comprehensive list of public (Chapter 90 compliant) and private roads for the Town of Wales. These lists have been researched and compiled to provide all Boards, committees, and individuals a single consolidated list of roads in the Town of Wales, or take any other action relative thereto. (Submitted: Planning Board)

12/09/13

**Public Roads (Qualify for Chapter 90 Money)**

Monson Road	Holland Road	Union Road
Hollow Road	Haynes Hill Road	Mount Hitchcock Road
McBride Road	Lynch Road	Peck Road
Reed Hill Road	Ainsworth Hill Road	Walker Road
Sizer Drive	Tiderman Road	Shaw Road
Maynard Road	Dell Hill Road	Laurel Hill Road
Mashpaug Road	Church Street	Lake George Road
Lake Shore Drive	Old Monson Road	Old Wales Road
Hegan Street	Old County Road	Old Hollow Road
Old Stafford Road	Stafford/Holland Road	New City Road
Main Street/Stafford (Rte 19–State Road)		

12/09/13

**Private Roads/Ways**

Woodland Drive	Shore Drive Ext.	Shore Drive
----------------	------------------	-------------

Laurel Lane	Fountain Road	Josey Street
Joses Street (Crossover)	Sichols Blvd	Maple Street
Birch Street	Cordially Colony	Willow Dell Road
Woodland Heights (Drive)	2 <sup>nd</sup> Street	Heck Road
Hidden Acres	Henry Road	Joyce Street
Grove Point	Woodland Drive	Sichols Colony
Debbie Road	Old Orchard Road	Maple Lane
Poplar Street		

**ARTICLE 27** We, the undersigned registered voters of the Town of Wales hereby petition the Board of Selectmen pursuant to M.G.L. CH. 39, Section 10, to insert the following articles(s) in the Warrant for the next Annual Town Meeting.

To see if the Town will vote to discontinue as a public way the portion of Route 16 sometimes known as Old Stafford Road, as laid out in part on land of Steven Valle and Sheila Chabot on the westerly side of Route 19, being a portion of discontinued Route 19, and a portion of the town way accepted as a public way by the Wales Special Town Meeting held on June 16, 1962, which portion of Old Stafford Road to be discontinued hereby is shown as "Road Lot" on the sketch plan attached hereto and entitled "Preliminary Sketch ANR Plan of Land in Wales, Mass Surveyed or Sheila M. Chabot & Steven Valle", and to transfer the care, custody control and management of said discontinued Old Stafford Road from the Board of Selectmen for public way purposes to the Board of Selectmen for the purpose of conveyance, and further to authorize the Board of Selectmen to convey all the Town's right, title and interest in said discontinued portion on such terms and conditions, and for such consideration, as the Board of Selectmen deems in the best interest of the town; or to take any other action in relation thereto.

**ARTICLE 28**

To see if the Town will vote to authorize the Board of Selectmen to convey to Sheila M. Chabot and Steven Valle as tenants in common, on terms and conditions agreeable to the Selectmen, fee ownership of that portion of Old Stafford Road discontinued by vote on warrant article 29, immediately prior to this warrant article, and after due compliance with Massachusetts General Laws, Chapter 30B, and to execute any deed or other instruments to effectuate said conveyance, or take any other action in relation thereto.

(Submitted: By Petition)

And you are further required to notify and warn the inhabitants of said Wales, qualified to **VOTE** in Town Affairs, to meet at the Wales Senior Center on 85 Main Street, in said town, on **TUESDAY, MAY 27, 2014** at 12 o'clock in the afternoon until 8:00 p.m. then and there to act on the remaining article:

**ARTICLE 29** To give their vote on a ballot for the following officers:

- (1) Board of Selectmen for a three-year term (2017)
- (1) Board of Assessor for a three-year term (2017)
- (1) Planning Board member for a three-year term (2017)
- (1) Planning Board member for a three-year term (2017)
- (1) Planning Board member for a two-year term (2016)
- (1) Board of Health member for a three-year term (2017)
- (1) Constable for a three-year term (2017)
- (1) Cemetery Commissioner for a three-year term (2017)
- (1) Library Trustee for a three-year term (2017)
- (1) School Committee member for a three-year term (2017)
- (1) School Committee member for a three-year term (2017)



And you are hereby directed to serve this Warrant, by posting up attested copies thereof in at least three (3) conspicuous places in the Town.

Hereof, fail not, and make return of the warrant with your doings thereon to the Town Clerk, at the time and place of meeting, as aforesaid. Given under our hands this 6th day of May, Two Thousand and Fourteen

A True Copy

ATTEST:

Kevin Jegelewicz, Constable



KOPELMAN & PAIGE, P.C.

TOWN COUNSEL

BOARD OF SELECTMEN

  
\_\_\_\_\_  
Mike Milanese, Chairman  
\_\_\_\_\_  
Jeffrey Vannais, Vice-Chair  
\_\_\_\_\_  
Ed Boyce, Clerk