

Town of Whately
Annual Town Meeting
May 23, 2023
6:00 pm

COMMONWEALTH OF MASSACHUSETTS
FRANKLIN, SS.

To either of the Constables of the Town of Whately in the County of Franklin,

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said town, qualified to vote in elections and in town affairs, to meet on the grounds of the **Whately Elementary School, 273 Long Plain Road in Whately on Tuesday, the twenty third day of May two thousand twenty-three, next, at six o'clock in the evening** then and there to act on the following articles:

Article 1.

To see if the Town will vote to accept the Annual Reports of the Officers of the Town, and to hear any other reports of the Boards and Committees, or take any other action relative thereto.

Majority vote required

Recommended by the Selectboard

Article 2.

To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectboard, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning on July 1, 2023, in accordance with the provisions of G.L., c. 44, § 4, and to renew any note or notes as may be given for a period of less than one year, in accordance with the provisions of G.L. c. 44, § 17, or take any other action relative thereto.

Majority vote required

Recommended by the Selectboard

Article 3.

To see if the Town will vote to authorize the Selectboard to enter into contracts for goods and services with a duration in excess of three years, pursuant to the provisions of G.L. c. 30B, § 12 (b), or take any other action relative thereto.

Majority vote required

Recommended by the Selectboard

Article 4.

To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectboard, to enter into compensating balance agreements with banking institutions having their principal offices in the Commonwealth of Massachusetts during the fiscal year beginning on July 1, 2023, as permitted by G.L. c. 44, § 53F, or take any other action relative thereto.

Majority vote required

Recommended by the Selectboard

Article 5.

To see if the Town will vote to apply for, accept, and expend any federal, state or private grant monies on behalf of the Town and to authorize the Town Treasurer with approval of the Selectboard to borrow in anticipation of reimbursement, or take any other action relative thereto.

Majority vote required

Recommended by the Selectboard

Article 6.

To see if the Town will vote to establish spending limits for the Town’s Revolving Funds as established by the Town’s General Bylaws, Chapter 46 - Revolving Funds, for the fiscal year beginning on July 1, 2023, as follows:

Revolving Fund Name	FY24 Spending Limit
Dog Licensing and Control Revolving Fund	\$2,000
Recreation Revolving Fund	\$20,000
Library Revolving Fund	\$1,000
Public Hearing Revolving Fund	\$10,000
Cordwood Sales Revolving Fund	\$2,500
Cemetery Commissioners Revolving Fund	\$4,000
Trench Permit	\$1,000
Recycling and Solid Waste Revolving Fund	\$15,000

or take any other action relative thereto.

Majority vote required

Recommended by the Finance Committee

Recommended by the Selectboard

Article 7.

To see if the Town will vote to fix the salaries or compensation of the elected officers of the Town for the fiscal year beginning on July 1, 2023 as follows:

Position	Amount (5.5% COLA)
Moderator	\$146.44
Selectboard - Chair	\$2,233.10
Selectboard - Member	\$2,050.07
Town Clerk	\$42,971.54
Assessors - Chair	\$2,233.10
Assessors - Member	\$2,050.07
Water Commissioner	\$878.61
School Committee	\$423.31
Elector: Oliver Smith Will	\$10.00
Board of Health - Chair	\$1,061.63
Board of Health - Member	\$878.61
Constables	\$16.60/ hour
Cemetery Commissioners - Sextons	\$17.01/ hour

or take any other action relative thereto.

Majority vote required

Recommended by the Finance Committee

Recommended by the Selectboard

Article 8.

To see if the Town will vote to appropriate \$263,030 or any other sum or sums of money from the Water Department Enterprise Fund to finance the operation of the Water Department for the fiscal year beginning on July 1, 2023 as follows:

Enterprise Fund - Water Department (EF)	<u>Fiscal Year 2023</u> Enterprise Fund	<u>Fiscal Year 2024</u> Enterprise Fund	Change (\$) FY23 to FY24	Change (%) FY23 to FY24
I. Revenues (estimated)				
Water Receipts	\$205,000	\$262,500	\$57,500	28.05%
Hook-up Fees	\$220,000	\$15,000	-\$205,000	-93.18%
Other Fees & Charges	<u>\$3,000</u>	<u>\$0</u>	-\$3,000	-100.00%
Total Estimated Revenue	\$428,000	\$277,500	-\$150,500	-35.16%
II. Expenses				
Direct Expenses				
Salaries	\$63,662	\$66,944	\$3,282	5.16%
Operations	<u>\$291,911</u>	<u>\$141,011</u>	-\$150,900	-51.69%
Subtotal Direct Expenses	\$355,573	\$207,955	-\$147,618	-41.52%
Indirect Expenses				
Selectboard & Administration	\$2,547	\$2,703	\$156	6.12%
Legal Counsel/Financial Advisor	\$320	\$320	\$0	0.00%
Financial Audit	\$150	\$150	\$0	0.00%
Town Building Operations	\$2,638	\$2,900	\$262	9.93%
Town Accountant	\$837	\$884	\$47	5.62%
Payroll Services	\$109	\$106	-\$3	-2.75%
Treasurer/Collector	\$8,411	\$9,547	\$1,136	13.51%
Property/Liability Insurance	\$7,432	\$7,668	\$236	3.18%
Group Health Insurance	\$18,000	\$19,080	\$1,080	6.00%
Medicare & Social Security	\$1,549	\$1,892	\$343	22.14%
Workers Compensation Insurance	\$1,204	\$1,204	\$0	0.00%
Life Insurance	\$0	\$0	\$0	#DIV/0!
Retirement	\$6,503	\$6,871	\$368	5.66%
Town Vehicles Fuel	<u>\$1,750</u>	<u>\$1,750</u>	\$0	0.00%
Subtotal Indirect Expenses <i>(appropriated to the General Fund)</i>	\$51,450	\$55,075	\$3,625	7.05%
Total Estimated Expenses	\$407,023	\$263,030	-\$143,993	-35.38%

or take any other action relative thereto.

Majority vote required

*Recommended by the Water Commissioners
Recommended by the Finance Committee
Recommended by the Selectboard*

Article 9.

To act on the report of the Finance Committee on the Fiscal Year 2024 Town Operating Budget and to raise and appropriate and/or transfer from available funds, money for the operation of the Town’s departments, boards, committees, agencies and officers, for the payment of debt service and for all other necessary and proper expenses for the fiscal year beginning on July 1, 2023, as follows:

(Note: Water Department Enterprise Fund costs are appropriated in Article 8)

Proposed Fiscal Year 2024 Budget

The Finance Committee recommends that the amounts shown in the column captioned “Fiscal Year 2024 Operating Budget” be raised or appropriated or transferred from available funds for Fiscal Year 2024 operating purposes, debt service and other Town expenses.

General Government (GG)	Fiscal Year			
	2023	2024	'23 to '24	'23 to '24
	Operating Budget	Operating Budget	\$ Difference	% Difference
Selectboard & Administration	\$125,305.00	\$132,467.00	\$7,162.00	5.72%
Legal Counsel/Financial Advisors	\$15,680.00	\$15,680.00	\$0.00	0.00%
Town Clerk	\$60,663.00	\$66,035.00	\$5,372.00	8.86%
Town Accountant	\$27,074.00	\$28,568.00	\$1,494.00	5.52%
Financial Audit	\$4,850.00	\$4,850.00	\$0.00	0.00%
Treasurer/Collector	\$68,051.00	\$77,240.00	\$9,189.00	13.50%
Tax Takings	\$10,000.00	\$10,000.00	\$0.00	0.00%
Payroll Services	\$5,341.00	\$5,169.00	-\$172.00	-3.22%
Community Development	\$54,100.00	\$56,910.00	\$2,810.00	5.19%
Board of Assessors	\$44,790.00	\$48,141.00	\$3,351.00	7.48%
Moderator	\$150.00	\$150.00	\$0.00	0.00%
Town Buildings Operations	\$89,307.00	\$93,766.00	\$4,459.00	4.99%
Information Technology	\$12,450.00	\$14,880.00	\$2,430.00	19.52%
Planning Board	\$3,428.00	\$3,483.00	\$55.00	1.60%
Zoning Board of Appeals	\$2,660.00	\$3,159.00	\$499.00	18.76%
Conservation Commission	\$500.00	\$3,427.00	\$2,927.00	585.40%
Finance Committee	\$150.00	\$150.00	\$0.00	0.00%
Agricultural Commission	\$0.00	\$0.00	\$0.00	#DIV/0!
Housing Committee	\$200.00	\$200.00	\$0.00	0.00%
GG Subtotal	\$524,699.00	\$564,275.00	\$39,576.00	7.54%

Culture, Recreation, Services (CRS)	Fiscal Year			
	2023	2024	'23 to '24	'23 to '24
	Operating Budget	Operating Budget	\$ Difference	% Difference
Tri-Town Beach District	\$8,131.00	\$14,357.00	\$6,226.00	76.57%
Recreation Commission	\$17,920.00	\$19,300.00	\$1,380.00	7.70%
Cemetery Commission	\$9,224.00	\$9,695.00	\$471.00	5.11%
Library	\$78,321.00	\$85,505.00	\$7,184.00	9.17%
South County Senior Center	\$32,497.00	\$37,912.00	\$5,415.00	16.66%
Local Council on Aging	\$1,180.00	\$1,180.00	\$0.00	0.00%
Veteran Services	\$9,822.00	\$10,182.00	\$360.00	3.67%
Historical Commission	\$200.00	\$200.00	\$0.00	0.00%
CRS Subtotal	\$157,295.00	\$178,331.00	\$21,036.00	13.37%

Public Health (PH)	Fiscal Year			
	2023	2024	'23 to '24	'23 to '24
	Operating Budget	Operating Budget	\$ Difference	% Difference
Board of Health	\$4,025.00	\$4,173.00	\$148.00	3.68%
Foothills Health District	\$24,088.00	\$24,088.00	\$0.00	0.00%
Transfer Station	\$58,154.00	\$64,620.00	\$6,466.00	11.12%
Hazardous Waste Disposal	\$1,200.00	\$1,200.00	\$0.00	0.00%
Franklin County Solid Waste Management District	\$7,350.00	\$8,262.00	\$912.00	12.41%
PH Subtotal	\$94,817.00	\$102,343.00	\$7,526.00	7.94%

Public Safety (PS)	Fiscal Year			
	2023	2024	'23 to '24	'23 to '24
	Operating Budget	Operating Budget	\$ Difference	% Difference
Fire Department	\$74,771.00	\$98,639.00	\$23,868.00	31.92%
South County EMS	\$111,947.00	\$112,337.00	\$390.00	0.35%
Police Department	\$227,385.00	\$262,979.00	\$35,594.00	15.65%
Animal Control	\$5,084.00	\$5,234.00	\$150.00	2.95%
Animal Inspection	\$559.00	\$584.00	\$25.00	4.47%
Emergency Management	\$950.00	\$950.00	\$0.00	0.00%
Franklin County Inspection Services	\$7,600.00	\$7,600.00	\$0.00	0.00%
PS Subtotal	\$428,296.00	\$488,323.00	\$60,027.00	14.02%

Public Works (PW)	Fiscal Year			
	2023	2024	'23 to '24	'23 to '24
	Operating Budget	Operating Budget	\$ Difference	% Difference
Salaries	\$157,070.00	\$171,145.00	\$14,075.00	8.96%
General Highway	\$81,800.00	\$84,400.00	\$2,600.00	3.18%
Winter Roads	\$147,695.00	\$154,794.00	\$7,099.00	4.81%
Road Machinery	\$26,500.00	\$26,500.00	\$0.00	0.00%
Garage Maintenance	\$8,700.00	\$8,900.00	\$200.00	2.30%
Trees	\$8,000.00	\$8,000.00	\$0.00	0.00%
PW Subtotal	\$429,765.00	\$453,739.00	\$23,974.00	5.58%

Insurance & Benefits (IB)	Fiscal Year			
	2023	2024	'23 to '24	'23 to '24
	Operating Budget	Operating Budget	\$ Difference	% Difference
Property & Liability Insurance	\$85,471.00	\$88,186.00	\$2,715.00	3.18%
Group Health Insurance	\$389,000.00	\$415,520.00	\$26,520.00	6.82%
Medicare & Social Security	\$33,651.00	\$41,108.00	\$7,457.00	22.16%
Workers Compensation Insurance	\$31,346.00	\$31,346.00	\$0.00	0.00%
Life Insurance	\$1,200.00	\$1,000.00	-\$200.00	-16.67%
Unemployment Insurance	\$16,000.00	\$10,000.00	-\$6,000.00	-37.50%
Retirement	\$210,263.00	\$222,173.00	\$11,910.00	5.66%
Police & Fire Injured on Duty Insurance	\$12,000.00	\$12,600.00	\$600.00	5.00%
OPEB Trust	\$25,000.00	\$25,000.00	\$0.00	0.00%
Division of Medicaid Assistance	\$1,800.00	\$1,500.00	-\$300.00	-16.67%
IB Subtotal	\$805,731.00	\$848,433.00	\$42,702.00	5.30%

Unclassified (U)	Fiscal Year			
	2023	2024	'23 to '24	'23 to '24
	Operating Budget	Operating Budget	\$ Difference	% Difference
Reserve Fund	\$20,000.00	\$20,000.00	\$0.00	0.00%
Franklin Regional Council of Governments	\$17,510.00	\$17,775.00	\$265.00	1.51%
Physical & Tests	\$1,500.00	\$1,500.00	\$0.00	0.00%
Town Vehicles - Fuel	\$33,250.00	\$33,250.00	\$0.00	0.00%
Educational Incentives	\$1,000.00	\$0.00	-\$1,000.00	-100.00%
U Subtotal	\$73,260.00	\$72,525.00	-\$735.00	-1.00%

Education (E)	Fiscal Year			
	2023	2024	'23 to '24	'23 to '24
	Operating Budget	Operating Budget	\$ Difference	% Difference
Whately Elementary School - Total	\$1,888,684.00	\$1,946,404.00	\$57,720.00	3.06%
Frontier Regional School - Total	\$1,048,782.00	\$946,268.00	-\$102,514.00	-9.77%
Operating Budget	\$1,030,064.00	\$921,052.00	-\$109,012.00	-10.58%
Capital Budget	\$321.00	\$0.00	-\$321.00	-100.00%
Borrowing Budget	\$0.00	\$2,646.00	\$2,646.00	#DIV/0!
Regional Transportation Budget	\$18,397.00	\$22,570.00	\$4,173.00	22.68%
Franklin County Technical School - Total	\$230,145.00	\$369,908.00	\$139,763.00	60.73%
Operating Budget	\$223,881.00	\$363,612.00	\$139,731.00	62.41%
Capital Budget	\$6,264.00	\$6,296.00	\$32.00	0.51%
Smith Vocational Technical School - Total	\$0.00	\$0.00	\$0.00	#DIV/0!
E Subtotal	\$3,167,611.00	\$3,262,580.00	\$94,969.00	3.00%

Debt Service (DS)	Fiscal Year			
	2023	2024	'23 to '24	'23 to '24
	Operating Budget	Operating Budget	\$ Difference	% Difference
Temporary Loan Interest	\$1,000.00	\$1,000.00	\$0.00	0.00%
Excavator Lease Purchase Agreement	\$37,298.00	\$37,298.00	\$0.00	0.00%
Woodchipper Lease Purchase Agreement	\$11,362.00	\$11,362.00	\$0.00	0.00%
DS Subtotal	\$49,660.00	\$49,660.00	\$0.00	0.00%

TOTAL TOWN OPERATING BUDGET	Fiscal Year			
	2023	2024	'23 to '24	'23 to '24
	Operating Budget	Operating Budget	\$ Difference	% Difference
	\$5,731,134.00	\$6,020,209.00	\$289,075.00	5.04%

or take any other action relative thereto.

Majority vote required

*Recommended by the Finance Committee
Recommended by the Selectboard*

Proposed Financial Transfers

Article 10.

To see if the Town will vote to authorize the Board of Assessors to transfer the sum of \$225,000 from available funds (FY22 Free Cash) to reduce the tax levy for the fiscal year beginning on July 1, 2023, or take any other action relative thereto.

Majority vote required

*Recommended by the Finance Committee
Recommended by the Selectboard*

Article 11.

To see if the Town will vote to transfer the sum of \$20,000 from available funds (FY22 Free Cash) to the Vehicle Stabilization Fund, or take any other action relative thereto.

Majority vote required

*Recommended by the Finance Committee
Recommended by the Selectboard*

Article 12.

To see if the Town will vote to transfer the sum of \$20,000 from available funds (FY22 Free Cash) to the Town Buildings Stabilization Fund, or take any other action relative thereto.

Majority vote required

*Recommended by the Finance Committee
Recommended by the Selectboard*

Proposed Miscellaneous Appropriations

Article 13.

To see if the Town will vote to transfer the sum of \$10,000 from available funds (FY22 Free Cash) to pay for the Town's portion of a Conservation Agent to assist the Conservation Commission in carrying out its duties, or take any other action thereto.

Majority vote required

*Recommended by the Finance Committee
Recommended by the Selectboard*

Proposed Capital Project Appropriations

Article 14.

To see if the Town will vote to transfer the sum of \$100,000 from available funds (FY22 Free Cash) to pay for the purchase of a new heavy duty pickup truck with plow, or take any other action relative thereto.

Majority vote required

*Recommended by the Finance Committee
Recommended by the Selectboard
Recommended by the Capital Improvement Planning Committee*

Article 15.

To see if the Town will vote to transfer the sum of \$55,000 from available funds (FY22 Free Cash) to pay for the purchase, maintenance, and replacement of equipment for the Police Department, including but not limited to body cameras, tasers, data storage equipment, editing software, and associated licensing agreements, or take any other action relative thereto.

Majority vote required

*Recommended by the Finance Committee
Recommended by the Selectboard
Recommended by the Capital Improvement Planning Committee*

Proposed South County EMS Capital Appropriations

Article 16.

To see if the Town will vote to transfer the sum of \$6,051.14 from available funds (Ambulance Intercept Account) to South County Emergency Medical Services to pay for the purchase and equipping of a new ambulance, or take any other action relative thereto.

Majority vote required

*Recommended by the Finance Committee
Recommended by the Selectboard*

Article 17.

To see if the Town will vote to transfer the sum of \$156.36 from available funds (Ambulance Replacement Expendable) to South County Emergency Medical Services to pay for the purchase and equipping of a new ambulance, or take any other action relative thereto.

Majority vote required

*Recommended by the Finance Committee
Recommended by the Selectboard*

Article 18.

To see if the Town will vote to transfer the sum of \$914.22 from available funds (Ambulance Stabilization Account) to South County Emergency Medical Services to pay for the purchase and equipping of a new ambulance, or take any other action relative thereto.

Two-thirds vote required

*Recommended by the Finance Committee
Recommended by the Selectboard*

Proposed Frontier Regional School District Stabilization Fund Authorization

Article 19.

To see if the Town will vote, pursuant to Massachusetts General Laws c. 71, § 16G ½, to approve the establishment a Capital Stabilization Fund by and for the Frontier Regional School District, commencing on July, 2023, or take any other action relative thereto.

Majority vote required

*Recommended by the Finance Committee
Recommended by the Selectboard*

Community Preservation Act Appropriations

Article 20.

To see if the Town will hear and act, pursuant to G.L. c. 44B, on the report of the Community Preservation Committee for the Fiscal Year 2024 Community Preservation Budget and vote to appropriate or reserve from the Community Preservation Fund a sum of money in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other necessary and proper expenses in the fiscal year beginning on July 1, 2023, including debt service for any approved Community Preservation project, with each item to be considered a separate appropriation:

Appropriations:

From FY24 estimated revenues for committee administrative expenses **\$9,500**

Reserves:

From FY24 estimated revenues for Historic Preservation **\$20,200**
From FY24 estimated revenues for Open Space Reserve **\$20,200**
From FY24 estimated revenues for Affordable Housing Reserve **\$20,200**
From FY24 estimated revenues for Budgeted Reserve **\$119,900**

or take any other action relative thereto.

Majority vote required

*Recommended by the Community Preservation Committee
Recommended by the Selectboard*

Article 21.

To see if the Town will vote, pursuant to G.L. c. 44B, to appropriate and transfer the sum of **\$11,411.15** from the Community Preservation Fund - Open Space & Recreation Reserves for the complete renovation of the existing tennis courts at Frontier Regional High School, including but not limited to the installation of a new surface, fences and nets, or take any other action relative thereto.

Majority vote required

*Recommended by the Community Preservation Committee
Recommended by the Selectboard
Recommended by the Recreation Commission*

Article 22.

To see if the Town will vote, pursuant to G.L. c. 44B, to appropriate and transfer the sum of **\$8,000** from the Community Preservation Fund - Budgeted Reserves for the preservation of the steps at the S. White Dickinson Memorial Library, including but not limited to repair of the steps, repair of the surrounding masonry and columns and replacement of the wrought iron railing, or take any other action relative thereto.

Majority vote required

*Recommended by the Community Preservation Committee
Recommended by the Selectboard
Recommended by the Library Trustees
Recommended by the Historical Commission*

Article 23.

To see if the Town will vote, pursuant to G.L. c. 44B, to appropriate and transfer the sum of \$27,350 from the Community Preservation Fund – Unreserved Fund Balance for the restoration of one of three masonry silos at Quonquont Farm, including but not limited to the replacement of the roof and repair/restoration of the masonry tiles, with such funding to be subject to a twenty (20) year grant agreement that requires the funds to be repaid to the Community Preservation Fund unless compliance with the U.S. Secretary of the Interior’s Standards for the Treatment of Historical Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (36 CFR 67) is maintained, or take any other action relative thereto.

Majority vote required

Recommended by the Community Preservation Committee

Recommended by the Selectboard

Recommended by the Historical Commission

Proposed Zoning Bylaw Amendments

Article 24.

To see if the Town will vote to amend the Town of Whately Zoning Bylaws, § 171-28.5 “Solar Electric Generating Facilities” to require that all utility connections for solar installations be underground when feasible by inserting the language shown below:

NOTE: Text in *italics underlined* font is proposed as an addition to the Zoning Bylaw

H. Design and Performance Standards

(3) Utility Connections

Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar electric installation *underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider.* Electrical transformers for utility interconnections may be above ground if required by the utility provider.”

or take any other action relative thereto.

Two-thirds vote required

Recommended by the Planning Board

Recommended by the Selectboard

Article 25.

To see if the Town will vote to amend the Town of Whately Zoning Bylaws, § 171-28.4 "Aquifer Protection District" by deleting references to the Whately Water District's wells and to the Interim Wellhead Protection Area, which only applied to the former Whately Water District wells, as shown below:

**NOTE: Text in *italics underlined* font is proposed as an addition to the Zoning Bylaw
Text in ~~italics~~ ~~strikeout~~ is proposed as a deletion to the Zoning Bylaw**

"C. CRITERIA DEFINING THE AREAS WITHIN THE AQUIFER PROTECTION DISTRICT

For the purposes of this district, there are hereby established within the Town, three (3) ~~four (4)~~ Aquifer Protection District Areas, consisting of Zone I, Zone II, and Zone III, ~~and an Interim Wellhead Protection Area~~. The criteria used to delineate these areas are set forth in the Massachusetts Drinking Water Regulations, 310 CMR 22.02, and are described in the Source Water Assessment Program Reports prepared by the Massachusetts Department of Environmental Protection for the Whately Water District (January 14, 2002) and the Whately Water Department (November 27, 2002).

1. Zone I – The protective radius around a public water supply well that should be owned or controlled by the water supplier. ~~For the two (2) Water District wells, the protective radius is 245 feet around each well.~~ For the two (2) Water Department wells, the protective radius is 400 feet around each well.

2. Zone II – The area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at approved yield, with no recharge from precipitation). It is bounded by the groundwater divides which result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases, Zone II shall extend upgradient to its point of intersection with prevailing hydrogeologic boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary).

~~3. Interim Wellhead Protection Area (IWPA) – The Massachusetts Department of Environmental Protection established an Interim Wellhead Protection Area (IWPA) for each of the Whately Water District Wells. The IWPA is a circle around each well that has a radius of 605 feet.~~

3. Zone III – Means that land area beyond the area of Zone II ~~and the IWPA~~ from which surface water and groundwater drain into Zone II ~~and the IWPA~~. The surface drainage area as determined by topography is commonly coincident with the groundwater drainage area and will be used to delineate Zone III. In some locations, where surface and groundwater drainage are not coincident, Zone III shall consist of both the surface drainage and the groundwater drainage areas.

E. PROHIBITED USES

2. The following uses are prohibited within Zone I, Zone II, and Zone III ~~and the Interim Wellhead Protection Area (IWPA)~~:

F. DIMENSIONAL REQUIREMENTS FOR THE AQUIFER PROTECTION DISTRICT

(1) Within Zone II, ~~the Interim Wellhead Protection Area~~, and ~~the~~ Zone III, the minimum lot size for all uses is three (3) acres. A lot must have two hundred (200) feet of frontage on a street. The lot must comply with the dimensional requirements of the underlying zoning district for Front Yards and Rear Side Yards. Flag lots in these areas, excluding the access strip, shall be at least three (3) acres.

(2) Within Zone II, ~~the Interim Wellhead Protection Area~~, and ~~the~~ Zone III, the maximum lot coverage shall not exceed ten percent (10%) of the lot."

or take any other action relative thereto.

Two-thirds vote required

Recommended by the Planning Board

Article 26.

To see if the Town will vote to amend the Town of Whately Zoning Bylaws and Zoning Map, established under § 171-4 "Zoning Map established", by adopting a new Zoning Map, titled "Town of Whately Official Zoning Map April 26, 2023", a draft version of which is on file with the Town Clerk, and that includes the following corrections described below:

NOTE: A copy of the proposed Zoning Map dated April 26, 2023, is available for viewing at the Whately Town Clerk's Office located at 4 Sandy Lane, Whately, MA and available at the Town's website (www.whately.org)

1. Assessor parcels 6-0-25-26 through 6-0-25-38, Assessor parcels 6-0-25-42 through 6-0-25-44, Assessor parcels 6-0-31-6 through 6-1-31-22, and Assessor parcels 6-0-31-24 and 6-0-31-25 on Eastwood Lane, Frances Way and Grey Oak Lane are now shown as being in Ag/Residential 1 rather than Ag/Residential 2

2. Assessor parcels 6-0-25-23 and 6-0-31-23 are now shown as being partly in Ag/Residential 1 and partly in Ag/Residential 2.

3. Assessor parcels 20-0-34-4 through 20-0-34-6 on Mieczkowski Circle are now shown as being entirely within Ag/Residential 1 rather than being partly in Ag/Residential 2.

4. Assessor parcel 12-0- 24-2 on State Road is now shown as zoned Ag/Residential 1 and 2, not Commercial.

or take any other action relative thereto.

Two-thirds vote required

*Recommended by the Planning Board
Recommended by the Selectboard*

Proposed Zoning Bylaw Amendments – Property Owner Initiated

Article 27.

To see if the Town will vote to amend the Town of Whately Zoning Bylaws, § 171-28.6 “Adult Use Recreational and Medical Marijuana Establishments” to add a new use “Marijuana Product Manufacturer (Limited)” as further defined and shown below:

NOTE: Text in *italics underlined* font is proposed as an addition to the Zoning Bylaw

Add the following to subsection B. Definitions:

Marijuana Product Manufacturer (Limited) – an entity meeting the definition of Marijuana Product Manufacturer but limited to operations that do not require the use of hazardous materials as part of the manufacturing process.

Marijuana Product Manufacturer (Limited) includes the following activities if they comply with the above definition:

- Production of marijuana infused food products.*
- Extraction of marijuana concentrate using ice water or other non-hazardous and non-flammable materials.*
- Filling and capping products with marijuana concentrate.*
- Physical production (i.e. rolling, infusions) of finished marijuana products without the use of chemical processes.*
- Packaging of finished marijuana products.*
- Warehousing and distribution of finished marijuana products.*

In all cases, Marijuana Product Manufacturer (Limited) shall not include any processes that:

- Requires the use or storage of propane, butane, ethanol, or carbon dioxide in the manufacturing process. Use and storage of such materials is allowed for general building operations (i.e. propane heating or cooking appliances) that are customarily used in a commercial building.*
- Is regulated by current edition of the National Fire Prevention Association Fire Code (NFPA 1), Chapter 38.*

Amend subsection C.7 as follows:

Marijuana Establishments shall have a minimum 50-foot setback from all property lines except Marijuana Retailers *and (Limited) Marijuana Manufacturers* shall have a minimum 20-foot setback from rear/side yard property lines in the Commercial District.

Add the following to subsection D. Site Development, Permitting Standards & Application:

9. Manufacturing Processes: For (Limited) Marijuana Manufacturers, submit a complete list of proposed manufacturing and processing activities. Include a listing of any chemicals or other material inputs that will be used in the proposed establishment.

Amend the numbering of subsection D. Site Development, Permitting Standards & Application to provide for the addition of "9. Manufacturing Processes".

or take any other action relative thereto.

Two-thirds vote required

The Planning Board Takes No Position on the Proposed Amendment

The Selectboard Takes No Position on the Proposed Amendment

Article 28.

To see if the Town will vote to amend the Town of Whately Zoning Bylaws, § 171-8 "Table of Use Regulations" to add Marijuana Manufacturer Limited as a new use and to specify how the new use will be permitted as shown below:

NOTE: Text in italics underlined font is proposed as an addition to the Zoning Bylaw
N = Not Permitted SP = Special Permit Required

Light Industrial Uses	Agriculture/ Residential 1	Agriculture/ Residential 2	Commercial	Commercial – Industrial	Industrial
<u>Marijuana Manufacturer (Limited)</u>	<u>N</u>	<u>N</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>

or take any other action relative thereto.

Two-thirds vote required

The Planning Board Takes No Position on the Proposed Amendment

The Selectboard Takes No Position on the Proposed Amendment

Proposed General Bylaw Amendment - Voters Submitted Petition

Article 29.

To see if the Town will vote

NOTE: Text in *italics underlined* font is proposed as an addition to the General Bylaws

Personnel Bylaw – There shall be a three (3) member Personnel Committee pursuant to authority contained in M.G.L. Chapter 41, Section 108. The purpose of the Personnel Committee Bylaw is to establish a permanent Personnel Committee (Committee) to serve in an advisory capacity to the Selectboard (Board) and other appropriate Town committees and personnel.

- 1) The committee shall be composed of the following persons:
 - a) one (1) Whately resident, appointed by the Town Moderator as voting member for a term of three (3) years;
 - b) one (1) Whately resident, appointed by the Selectboard as a voting member for a term of three (3) years;
 - c) one (1) Whately resident, serving on or appointed by the Finance Committee as a voting member for a term of three (3) years;
 - d) a majority of the voting members of the committee shall constitute a quorum;
 - e) members shall serve without compensation and shall serve until their successors are appointed and sworn in;
 - f) all voting members appointed must not be a current employee, elected official, or direct relative of the afore mentioned personnel for a period of three (3) years prior to serving on the Personnel Committee.

Or to take any other action relative thereto.

Majority vote required

Not Recommended by the Selectboard

And you are directed to serve this Warrant by posting up attested copies thereof at the Town Office Building, Post Office, Transfer Station, and the S. White Dickinson Memorial Library in said Whately, seven days at least before the time of holding said meeting.

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 hands this 9th day of May in the year two thousand twenty-three.


Joyce Palmer-Fortune, Chair


Fred Baron, Vice Chair


Julie Waggoner, Clerk

Selectboard
Town of Whately


A true copy.

Attest:

Constable

FRANKLIN, SS:

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Whately by posting attested copies of the same at the Town Office Building, Post Office, Transfer Station, and S. White Dickinson Memorial Library in said Town, seven days at least before the date of the meeting as within directed.



Constable of Whately

5-10-23

Date