Actions taken at the Annual Town Meeting held May 27, 2020 at the Belchertown High School Gymnasium & Tennis Court 
FY21 
Moderator – Alyssa Mandeville-Gymnasium / Amanda Halperin-Tennis Courts 
Meeting called to order 9:41 am 
Registered voters present 200 – (Quorum requires 75)

Edward Boscher, Board of Selectmen Chair, Motion was made to combine 
Articles 1, 2, 4, 5, 6, 7 & 8. 
(Vote Unanimous Yes)

**Article 1** 
Voted Paul Anziano and Linda Tsoumas as Almoners of the Whiting Street and Mrs. Susan M.D. Bridgman Funds, each for one year; and Nicole Dunham for a three year term as Trustee of the Calvin Bridgman Fund. 
(Vote – Unanimous Yes)

**Article 2** 
Voted to accept the reports of the officers of the Town with the exception of the Finance Committee. 
(Vote Unanimous Yes)

**Article 3** 
Voted to authorize the Assessors and the Board of Health members to appoint themselves to work in their various departments for the ensuing fiscal year, at the following hourly rates:

- Assessors $17.50
- Board of Health Members $7.25

Endorsed by Finance Committee 5-0-0 Yes)
(Vote Unanimous Yes)

**Article 4** 
Voted to raise and appropriate the sum of $100.00 to be used by the Assessors for legal counsel in resolving tax cases. (Endorsed by Finance Committee 5-0-0 Yes) 
(Vote Unanimous Yes)

**Article 5** 
Voted to raise and appropriate the sum of $30,000.00 to the Reserve Fund for use by the Finance Committee. 
(Vote Unanimous Yes)
Article 6  Voted to authorize the Board of Selectmen to apply for and accept funds from the Commonwealth of Massachusetts Highway Improvement Program or any other state grant program for use on approved town ways.
   (Vote Unanimous Yes)

Article 7  Voted to appropriate from the Sale of Cemetery Lots Account the sum of $5,000.00 to the Cemetery Lot Development Account.
   (Vote Unanimous Yes)

Article 8  Voted to authorize the Board of Selectmen to apply for Massachusetts Small Cities Program or other Federal or State monies and to expend any monies received as set forth in the application following a public hearing.
   (Vote Unanimous Yes)

Article 9  Voted to fix the salaries and compensation of all elected officers of the Town, as provided for by Section 108 of Chapter 41 of the Massachusetts General Laws, as amended, as shown in the Finance Committee’s report; to raise and appropriate or appropriate from available funds in the Treasury for departmental and incidental expenses of the Town for the ensuing fiscal year; and that the various major categories of the budget as contained in the Finance Committee’s report be considered separately and acted upon; and further that these sums of money granted and appropriated for the several specific purposes therein designated, be expended only for those purposes as specifically designated and under the direction of the respective officers, boards and committees of the Town.
   (Endorsed by Finance Committee 5-0-0 Yes)
   (Vote Unanimous Yes)

   Voted to raise and appropriate the sum of $2,221,669.00 for General Government, each item and amount recommended in the Finance Committee’s report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)
   (Vote Unanimous Yes)

   Voted to raise and appropriate the sum of $3,735,890.00 and appropriate the sum of $900,000.00 from the Ambulance Receipts Reserved for Appropriation Account, and appropriate the sum of $39,000.00 from the Stabilization Fund for a total appropriation of $4,674,890.00 for Public Safety, each item and amount recommended in the Finance Committee’s report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)
   (Vote Unanimous Yes)

   Voted to rise and appropriate the sum of $30,209,793.00 and appropriate from the Stabilization Fund the sum of $300,000.00, for a total appropriation of $30,509,793.00 for the Town School Department, each item and amount recommended in the Finance Committee’s report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)
   (Vote Unanimous Yes)
Voted to raise and appropriate the sum of $1,136,059.00 for the Pathfinder Regional Vocational Technical High School District, each item and amount recommended in the Finance Committee’s report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote Unanimous Yes)

Voted to raise and appropriate the sum of $1,920,139.00 for DPW-Highways, each item and amount recommended in the Finance Committee’s report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote Unanimous Yes)

Voted to appropriate from Landfill receipts the sum of $341,076.00 and appropriate from Landfill Enterprise free cash in the Treasury the sum of $56,939.00 for a total appropriation of $398,015.00 to the Landfill Enterprise Fund, each item and amount recommended in the Finance Committee’s report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote Unanimous Yes)

Voted to appropriate from Sewer Enterprise free cash in the Treasury the sum of $133,921.00, and appropriate from Sewer receipts the sum of $1,611,022.00 for a total appropriation of $1,744,943.00, to the Sewer Enterprise Fund, each item and amount recommended in the Finance Committee’s report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote Unanimous Yes)

Voted to appropriate from Stormwater Utility Enterprise receipts the sum of $343,782.00 to the Stormwater Utility Enterprise Fund, each item and amount recommended in the Finance Committee’s report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote Unanimous Yes)

Voted to raise and appropriate the sum of $962,985.00 for the Human Services Departments, each item and amount recommended in the Finance Committee’s report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote Unanimous Yes)

Voted to raise and appropriate the sum of $879,837.00 for Culture and Recreation Departments, each item and amount recommended in the Finance Committee’s report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)  
(Vote Unanimous Yes)
Voted to raise and appropriate the sum of $807,601.00 for DPW Buildings and Grounds Departments, each item and amount recommended in the Finance Committee’s report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes) (Vote Unanimous Yes)

Voted to raise and appropriate the sum of $4,816,869.00, and appropriate from free cash in the Treasury the sum of $551,684.00, for a total appropriation of $5,368,553.00 to the Pensions and Insurance Accounts, each item and amount recommended in the Finance Committee’s report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes) (Vote Unanimous Yes)

Voted to raise and appropriate the sum of $64,298.00, and appropriate the sum of $61,000.00 from the Stabilization fund, for a total appropriation of $125,298.00 to the Unclassified Accounts, each item and amount recommended in the Finance Committee’s report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes) (Vote Unanimous Yes)

Voted to raise and appropriate the sum of $2,197,420.00 for the Interest and Debt Accounts, each item and amount recommended in the Finance Committee’s report being considered as a separate appropriation voted by Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes) (Vote Unanimous Yes)

**Article 10**

Vote to amend the Code of the Town of Belchertown, Chapter 91, Personnel, as previously amended, in the following prescribed manner:

(Vote Unanimous Yes)

- In Chapter 91, Attachment 1, Appendix A, Town Classification-Compensation Plan: Replace Management, Administrative or Professional Exempt chart with new chart as follows:

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director of Public Works</td>
<td>$93,031 - $118,759</td>
</tr>
<tr>
<td>Fire Chief</td>
<td>$93,031 - $118,759</td>
</tr>
<tr>
<td>Police Lieutenant</td>
<td>$81,183 - $93,892</td>
</tr>
<tr>
<td>Director of Information Technology</td>
<td>$77,526 - $98,966</td>
</tr>
<tr>
<td>Town Planner</td>
<td>$77,526 - $98,966</td>
</tr>
<tr>
<td>Town Treasurer-Collector</td>
<td>$73,834 - $94,254</td>
</tr>
<tr>
<td>Town Accountant</td>
<td>$73,834 - $94,254</td>
</tr>
<tr>
<td>Building Commissioner</td>
<td>$73,834 - $94,254</td>
</tr>
<tr>
<td>Director of Assessments</td>
<td>$73,834 - $94,254</td>
</tr>
<tr>
<td>Conservation Administrator</td>
<td>$70,994 - $90,629</td>
</tr>
<tr>
<td>Council on Aging Executive Director</td>
<td>$70,994 - $90,629</td>
</tr>
<tr>
<td>Director of Parks &amp; Recreation</td>
<td>$70,994 - $90,629</td>
</tr>
<tr>
<td>Veterans’ Agent</td>
<td>$68,264 - $87,143</td>
</tr>
</tbody>
</table>
Under Classified Nonexempt Employees:
- Insert: Technical Assistant – Inspection Services and Planning: Grade 6

Change in Part-Time Employees, Annual Salary Schedule:
- Plumbing Inspector from $30/inspection to $35/inspection
- Gas Inspector from $30/inspection to $35/inspection
- Electrical Inspector from $30/inspection to $35/inspection

In Chapter 91, Attachment 2, Appendix B – Weekly Salary Schedule for Classified Employees:

Remove the compensation chart effective July 1, 2019 to end June 30, 2020 and insert the following chart:

<table>
<thead>
<tr>
<th>Effective July 1, 2020 to end June 30, 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grade</td>
</tr>
<tr>
<td>-------</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>7</td>
</tr>
<tr>
<td>8</td>
</tr>
<tr>
<td>9</td>
</tr>
<tr>
<td>10</td>
</tr>
</tbody>
</table>

Article 11 Voted to appropriate from free cash in the treasury the sum of $4,000 to the Belchertown Cultural Council expense account for the purpose of providing engaging arts and cultural programming for the Belchertown community.

(Vote Unanimous Yes)

Article 12 Voted appropriate from the PEG Access and Cable Related Fund the sum of $65,600.00 to be used for operations of the Belchertown Community Channel, and anything incidental or related thereto, for the ensuing fiscal year commencing July 1, 2020.

(Vote Unanimous Yes)

Article 13 Voted to amend the Bylaws of the Town of Belchertown to change the title of “Board of Selectmen” to “Select Board” as follows:

1. Amend Chapter 100, by changing the tile from “Selectmen” to “Select Board”

2. Add the following new sentence to the beginning of subsection C of Section 100-3: “The Select Board shall have all the powers and duties of a Board of Selectmen for purposes of the General Laws and any special acts applicable to the Town of Belchertown.” And

3. Delete the words “Board of Selectmen” or “Selectmen” in each place they appear in the Town’s Bylaws and insert in their place “Select Board”.

(Vote Majority Yes)
Article 14  Voted to authorize the Board of Selectmen enter into an agreement to lease/purchase and equip a Police Department Canine Cruiser pursuant to the provisions of G.L. c.44, §.21C for a period in excess of three years, and to fund the first year payment of such agreement with the amounts appropriated in paragraph 3 of Article 9 of the Town Budget as voted pursuant to Article 9 at this June 16, 2020 Annual Town Meeting. (Endorsed by Finance Committee 4-0-1 Yes)

(Vote 2/3 Required – 2/3 Yes)

Article 15  Voted to authorize the Board of Selectmen to enter into an agreement to lease/purchase and equip a Department of Public Works one ton dump truck pursuant to the provisions of G.L. c.44, §.21C for a period in excess of three years, and to fund the first year payment of such agreement with the amounts appropriated in paragraph 6 of Article 9 of the Town Budget as voted pursuant to Article 9 at this June 16, 2020 Annual Town Meeting. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote 2/3 Required – 2/3 Yes)

Article 16  Voted to authorize the Board of Selectmen to enter into an agreement to lease/purchase and equip a rubber-tired excavator pursuant to the provisions of G.L. c.44, §.21C for a period in excess of three years, and to fund the first year payment of such agreement with the amounts appropriated in paragraph 6 of Article 9 of the Town Budget as voted pursuant to Article 9 at this June 16, 2020 Annual Town Meeting. (Vote Unanimous Yes)

Article 17  Voted to accept as a public way the roadway known as Carriage Drive, as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled “‘Layout Discontinuance, Layout Alteration and Street Acceptance Plan Front Street, Jackson Street and Carriage Drive’ Plan of Land in Belchertown, MA Prepared for Belchertown Economic Development Industrial Corporation,” dated February 26, 2020, prepared by Sherman & Frydryk, LLC, and on file with the Town Clerk, and authorize the Board of Selectmen to acquire, by gift, purchase, and/or eminent domain, the fee and/or easements in Carriage Drive for all purposes for which public ways are used in the Town of Belchertown and any drainage, utility and/or other easements related thereto; and, further, authorize the Board of Selectmen to acquire, by gift, purchase, gift, and/or eminent domain, the fee or easements in the parcel of land shown on said plan as “Bike Easement” for recreation or shared path purposes.

(Vote Unanimous Yes)
Article 18  Voted to accept the altered layout of Front Street as a public way, as heretofore altered and laid out by the Board of Selectmen and shown on a plan of land entitled ‘‘Layout Discontinuance, Layout Alteration and Street Acceptance Plan Front Street, Jackson Street and Front Street’’ Plan of Land in Belchertown, MA Prepared for Belchertown Economic Development Industrial Corporation,’’ dated February 26, 2020, prepared by Sherman & Frydryk, LLC, on file with the Town Clerk, to include within the altered layout of Front Street the parcel of land shown on said plan as “Parcel 1” and exclude from said altered layout, and discontinue as a public way, the parcel of land shown as “Parcel 2” on the plan; authorize the Board of Selectmen to acquire, by gift, purchase, and/or eminent domain, the fee to and/or easements in Parcel 1 for all purposes for which public ways are used in the Town of Belchertown and any drainage, utility and/or other easements related thereto; and, further, authorize the Board of Selectmen to execute any deeds or other instruments to release all right, title and interest held by the Town in Parcel 2.

(Vote Unanimous Yes)

Article 19  Voted to amend Section 145-5 of the Zoning Bylaw, Zoning Map, by changing a portion of the parcel identified on the Town Assessors’ Map as Map 228 Parcel 18, as described as “Lot 2” on a Zone Change Plan drawn by Sherman and Frydryk, LLC, dated 10/18/2019, from B2 to Ag-A.

(Vote Unanimous Yes)

Article 20  Citizen Petition:
To see if the town will vote to: put into effect a non-binding resolution endorsing the protection of pollinators and enhancement of pollinator habitat.

WHEREAS, bees and other pollinators are a crucial component of a healthy ecosystem and a vital link in our food system, proving the pollination responsible for over three quarters of the world’s plant species, and for one out of every three bites of food that we eat; and

WHEREAS, pollinator populations are in sharp decline due to human land use practices that are causing ongoing habitat loss and fragmentation, the expansion of pesticide use by consumers and professionals, the spread of pathogens and parasites, and global climate change; and

WHEREAS, extensive research has documented that neonicotinoids and other systemic pesticides have been shown to cause illness and death to honey bees, native bees, butterflies, moths, other insect pollinators, and beneficial insects; and

WHEREAS, guidelines for land management best practices are available that allow residents, businesses, farms, towns, and land trusts to manage their land in ways that increase pollinator forage and nest sites while decreasing maintenance costs;

NOW, THEREFORE, BE IT RESOLVED by this Town Meeting that the Town of Belchertown is hereby declared a Pollinator-Friendly Community and that the town encourages the adoption of policies and practices that support pollinator health by minimizing the use of insecticides:

BE IT FURTHER RESOLVED that the Town of Belchertown will set an example by adopting the pollinator-friendly practices below and encourage property owners, residents,
town departments, business owners, and land trusts to adopt pollinator-friendly practices including:

- Planting more pollinator-supporting forage on their property, emphasizing native plant species, and adopting organic or chemical-free lawn and landscaping practices;

- Avoiding the planting of flowering plants that are treated with systemic insecticides and avoiding the use of seeds coated with system neonicotinoids;

- Avoiding the use of insecticides, including systemic insecticides, on their property;

- Reduce the mowing schedule to no more than once a week, and once every two week, where practicable.

The Town Clerk is requested to send copies of this resolution to Governor Charlie Baker, Massachusetts Department of Agricultural Resources Commissioner John Lebeaux, State Senator Eric Lesser and State Representative Thomas Petrolati

(Vote Majority Yes)

**Article 21**

Vote to delete Chapter 112 of the Code of the Town of Belchertown relative to the Stormwater Management By-Law and replace it with a new Chapter 112 as printed in Article 21 of the Annual Town Meeting Warrant.

**Town of Belchertown**

**Stormwater Management By-Law**

*Proposed revisions – Draft 6/12/17*

*Additional changes made 7/27/17*

*Additional changes made 2/8/2020*

*Changes 4/9/2020*

**SECTION 1: BACKGROUND**

Land uses in Town affect our streams, lakes and drinking water supplies. Land development and other land use conversions, and their associated changes to land cover, have the potential to permanently alter the function of local watersheds, resulting in increased stormwater runoff rates and volumes, which in turn increase flooding, stream channel erosion, sediment transport and discharge, and nonpoint source pollution, and decrease groundwater recharge. Adverse impacts can be controlled and minimized through the application of stormwater best management practices (BMPs) and low impact development principles.
Low Impact Development (LID) seeks a balance between human activities and protecting habitat and important natural resources. It is about maintaining the environmental quality of life that gives the communities we live in a sense of place. The goal of LID is to integrate human development into the landscape in a way that is mindful of natural ecosystems and does not disrupt the complex hydrologic cycle that maintains them. LID can be applied through development density, reduced impervious surface coverage, lot size, open space/tree retention, street design, street width, parking design, sidewalks, and stormwater management practices. Because LID involves a comprehensive approach, it must be integrated into municipal policies, regulations, and development standards in order for it to be effective.

Careful planning of development, redevelopment, and land conversion projects will protect the quality and health of the water resources of Belchertown. Therefore, the Town of Belchertown enacts this Stormwater Management Bylaw to prevent potential harmful impacts from land development activities.

In addition, localities in the Commonwealth of Massachusetts are required to comply with a number of both State and Federal laws, Bylaws, and permits which require a locality to address the impacts of construction site runoff and post-development stormwater runoff.

Therefore, the Town of Belchertown has established this Bylaw to provide reasonable guidance for the administration of site planning and stormwater management for the purpose of protecting local water resources from degradation. This Bylaw applies to construction and post-construction stormwater runoff from new development and redevelopment projects. It designates the stormwater authority, applicable projects and how regulations are created and enforced.

SECTION 2: PURPOSE

A. The purpose of this Bylaw is to protect, maintain, and enhance the public health, safety, environment and general welfare by establishing the process for creating requirements and procedures to control the adverse impacts of stormwater runoff from new development and redevelopment.

B. Interests and values protected by this bylaw:

1. Reducing the adverse water quality impacts from stormwater discharges to rivers, lakes, reservoirs, and streams.
2. Maintaining the natural hydrologic characteristics of the land and treating for water quality in order to: reduce flooding, stream bank erosion, siltation, nonpoint source pollution, and property damage, and to maintain the integrity of stream channels and aquatic habitats;
3. Preventing the discharge of pollutants, including hazardous chemicals, into stormwater runoff;
4. Minimizing the volume and rate of stormwater discharges to rivers, lakes, reservoirs, and streams during and following development;
5. Preventing erosion and sedimentation from during and following land development.
6. Providing for the recharge of groundwater aquifers and maintain the base flow of streams;
7. Promoting the use of LID practices such as limiting disturbance, reducing impervious cover, treating and infiltrating stormwater at the source, using environmentally sensitive site design, and the preservation of open space and other natural areas, to the maximum extent practicable;
8. Ensuring that stormwater treatment practices will be maintained and continue to function for the life of the design;
9. Providing clear procedures for the Town’s review of stormwater management plans, and for the Town’s inspection of approved stormwater controls;

10. Complying with state and federal statutes and regulations relating to stormwater discharges.

C. This bylaw is intended to integrate with other parts of the Town's land use regulations and not replace requirements, particularly of the Town of Belchertown Wetlands Protection Bylaw, or any other Bylaw that may be adopted by the Town of Belchertown. Any activity subject to the provisions of the above-cited Bylaws must comply with the specifications of each.

SECTION 3: DEFINITIONS

ALTER: Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Alter may be similarly represented as “alteration of drainage characteristics,” and “conducting land disturbance activities.”

APPLICANT: A property owner or agent of a property owner who has filed an application for a Stormwater Management Permit.

BEST MANAGEMENT PRACTICE (BMP): Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. “Structural” BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. “Nonstructural” BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

CONVEYANCE: Any structure or device, including pipes, drains, culverts, curb breaks, paved swales or man-made swales of all types designed or utilized to move or direct stormwater runoff or existing water flow.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction. See also new development; redevelopment.

EROSION: Wearing away of land by running water, waves, wind, ice abrasion and transportation.

FLOODING: A local and temporary inundation or a rise in the surface of a body of water, such that it covers land not usually under water.

FOREST CUTTING PLAN: A plan for the cutting of trees on forest land, which is prepared and submitted in accordance with M.G.L. Chapter 132 Sections 40 - 46A. The forest cutting plan requires approval by a Service Forester of the Massachusetts Department of Conservation and Recreation, as provided under the Forest Cutting Practices Act by Massachusetts Department of Environmental Protection.

GROUNDWATER: All subsurface water contained in natural geologic formations or artificial fill, including soil water in the zone of aeration.

GRADING: Changing the level or shape of the ground surface.

GRUBBING: Removal of stumps and large or matted roots from the ground after the removal of trees, prior to construction.
HOTSPOT: Land uses or activities with higher potential pollutant loadings, such as auto salvage yards, auto fueling and repair facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved parking lots, rooftops, driveways, patios, and paved roads.

INfiltration: The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

LAND DISTURBANCE ACTIVITIES: Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

NEW DEVELOPMENT: Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by man-made activities.

NONPOINT SOURCE POLLUTION: Pollution from many diffuse sources, rather than a single point of origin, caused by stormwater moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

OWNER: A person with a legal or equitable interest in a property.

PERSON: Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town Bylaws, administrative agency, public or quasi-public corporation or body, the Town of Belchertown, and any other legal entity, its legal representatives, agents, or assigns.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

POST-DEVELOPMENT: The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

RECHARGE: The replenishment of underground water reserves.

REDEVELOPMENT: Any construction, alteration, or improvement that disturbs the ground surface or increases the impervious area on previously developed sites.

SEDIMENTATION: A process of depositing material that has been suspended and transported in water.

SITE: The parcel of land being developed, or a designated planning area in which the land development project is located.

STORMWATER (runoff): Rainwater runoff, snow melt runoff, and surface runoff and drainage. Stormwater/runoff commonly collects in the MS4 system for treatment and discharge.

STORMWATER AUTHORITY: The Town of Belchertown Conservation Commission. The Stormwater Authority is responsible for coordinating the review, approval and permit process as defined in this
Bylaw. Other Boards and/or departments participate in the review process as defined in Section 5 of this Bylaw.

STORMWATER MANAGEMENT: The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

STORMWATER MANAGEMENT PERMIT: A permit issued by the Stormwater Authority, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the adverse effects of uncontrolled and untreated stormwater runoff.

STORMWATER MANAGEMENT PLAN: A plan to be submitted with the application for a Stormwater Management Permit, which shall include current and proposed site conditions, proposed improvements, proposed stormwater control measures, development schedules, and such other matters as may be required by the Stormwater Authority.

SECTION 4: AUTHORITY

This Bylaw, as amended, is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution, and pursuant to the regulations of the federal Clean Water Act, and as authorized by the residents of Belchertown at Town Meeting, dated May 14, 2007.

SECTION 5: RESPONSIBILITY FOR ADMINISTRATION

The Conservation Commission is hereby designated as the Stormwater Authority. The Stormwater Authority shall administer, implement and enforce this Bylaw. The Stormwater Authority may designate Town Boards, including (but not limited to) the Planning Board, Dept. of Public Works, and the Board of Health, as its authorized agent for the purpose of reviewing and making recommendations on stormwater permit applications within the designated Board’s expertise (the “Reviewing Board”). The Reviewing Board(s) shall notify the Stormwater Authority of its recommendations on stormwater management permit applications. Both the Stormwater Authority and the Reviewing Board(s) shall have authority to enforce this Bylaw.

SECTION 6: REGULATIONS

A. The Stormwater Authority may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Bylaw, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least fourteen (14) days prior to the hearing date. After public hearing, the Stormwater Authority may issue rules and regulations to fulfill the purposes of this Bylaw. Failure by the Stormwater Authority to issue such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.

B. Waivers. The Stormwater Authority may waive strict compliance with this Bylaw if such action is allowed by federal, state and local statutes, bylaws, and/or regulations; is in the public interest; and is consistent with the purposes of this Bylaw.

C. Actions by the Stormwater Authority. The Stormwater Authority may take any of the following actions as a result of an application for a Stormwater Management Permit: Approval, Approval with Conditions, or Disapproval.

D. Appeals. A decision of the Stormwater Authority shall be final. Further relief of a decision by the Stormwater Authority made under this Bylaw shall be reviewable in the Superior Court in an action filed within sixty (60) days thereof, in accordance with M.G.L. Ch 249 § 4.
E. Stormwater Credit System. The Stormwater Authority may adopt a Stormwater Credit System as part of the Stormwater Management Regulations authorized by this Bylaw. Failure of the Stormwater Authority to promulgate such a credit system through its regulations or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.

SECTION 7: APPLICABILITY

A. Permit Required

Notwithstanding any exemption provided pursuant to Section 7B, for any proposed development project listed below, no person may initiate construction, any land clearing and grubbing, land grading, earth moving, or other development activities without approval or waiver of the requirement for a stormwater management permit by the authorized permitting agency. Proponents of these projects are required to submit drainage reports, plans, construction drawings, specifications, and as-built information in accordance with the permit standards, procedures and requirements defined in the Stormwater Regulations.

1. Construction activities that disturb land greater than or equal to 10,000 square feet,

2. Construction activities that disturb land less than 10,000 square feet if part of a larger common or phased plan.

3. Any alteration, redevelopment, or conversion of land use to a “hotspot” as defined in this bylaw, such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots, and other potential water quality concerns, regardless of the amount of land altered.

4. Construction activities that are not part of a larger common plan and that result in the disturbance of less than 10,000 square feet of land, or are not located on a hotspot, are still required to minimize impervious surface, disconnect impervious area runoff from the public storm drainage system, wetlands, waterways, and adjacent off-site impervious areas; or otherwise treat, infiltrate or retain stormwater runoff by implementing stormwater management measures designed in accordance with best management practices as defined by the Stormwater Authority. The applicant shall submit evidence to the building inspector that the requirements of this paragraph and the grading and drainage requirements from the most recently issued edition of the Massachusetts Building Code have been met prior to issuance of a building permit.

B. Exemptions

The following use and activities are exempt from the requirements for submittal and approval of a Stormwater Management Plan. All exempt uses and activities must still comply with the purposes and the stormwater performance standards within the Regulations. Failure of an exempt activity to comply with these standards shall be interpreted as a violation and exempt status revoked.

a. Any agricultural activity that is consistent with an approved soil conservation plan prepared or approved by the Natural Resources Conservation Service;

b. Any logging that is consistent with a timber management plan approved under the Forest Cutting Practices Act by Massachusetts Department of Environmental Protection;

c. Developments that disturb less than 10,000 square feet of land, provided that they are not part of a larger common development plan;
d. Activities that are exclusively limited to maintenance and improvement of existing roadways (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects).

e. Repairs to any stormwater treatment system deemed necessary by the Department of Public Works;

f. Any emergency activity that is immediately necessary for the protection of life, property or the environment, as determined by the Department of Public Works, Board of Health or Police and Fire.

SECTION 8: PROCEDURES

Permit Procedures and Requirements shall be defined and included in the Stormwater Management Regulations adopted under this Bylaw. Failure to promulgate such procedures or a legal declaration of its invalidity by a court shall not act to suspend or invalidate this Bylaw.

SECTION 9: ENFORCEMENT

The Stormwater Authority or an authorized agent of the Stormwater Authority shall have the authority to enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies, including injunctive relief and monetary damages and costs of litigation and attorney fees, for such violations and for mitigation and compliance actions taken by the Stormwater Authority. Enforcement shall be further defined and included as part of the Stormwater Management Regulations adopted under this Bylaw.

SECTION 10: SEVERABILITY

The invalidity of any section, provision, paragraph, sentence or clause of this Bylaw shall not invalidate any other section, provisions, paragraph, sentence or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

(Vote – Unanimous Yes)

Article 22

Voted to delete Chapter 139 of the Code of the Town of Belchertown relative to Wetlands Protection in its entirety and to replace it with a new Chapter 139 Wetlands Protection By-Law as follows:

**Chapter 139. Wetlands Protection Bylaw**

**§ 139-1. Purpose.**

A. The purpose of this chapter is to protect the wetland resource areas, related water resources and adjoining land areas in the Town of Belchertown by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon wetland values, including but not limited to the following:

1. Public or private water supply.
2. Groundwater and groundwater quality.
3. Surface water and surface water quality.
4. Flood control.
5. Erosion and sedimentation control.
6. Storm damage prevention.
(8) Storm drainage.
(9) Fisheries.
(10) Wildlife habitat.
(11) Agriculture.
(12) Aquaculture.
(13) Recreation.

B. These values are to be known collectively as the "wetland values protected by this chapter."

§ 139-2. Jurisdiction.

A. Except as permitted by the Conservation Commission or as provided for in this chapter, no person shall remove, fill, dredge, build upon or alter the following resource areas or within 100 feet of these resource areas, an area known as the "buffer zone to the resource areas":

(1) Any freshwater wetland as determined by vegetational community, soil composition and/or hydrologic regime, including isolated wetlands, any marsh, wet meadow, bog or swamp.
(2) Any pond, lake, river and any perennial or intermittent stream.
(3) Any land under such waters.
(4) Any bank or beach.
(5) Any land subject to flooding or inundation by groundwater, water or storm flowage, including ephemeral ponds, vernal pools and kettle holes.

B. Where natural vegetation is absent as a result of mowing, grazing or disturbance, the hydric soil type indicated on United States Natural Resource Conservation Service maps, combined with field investigation of hydric soil profiles and application of the Natural Resource Conservation Service's definitions and criteria for hydric soils, shall provide positive determination of jurisdiction.

§ 139-3. Exempt Activities

A. Existing public service structures or facilities.

(1) The application and permit required by this chapter shall not be required for maintaining, repairing or replacing, but not substantially changing or enlarging, an existing or lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services, sanitary sewers and storm sewers, provided that:

(a) The structure or facility is not substantially changed or enlarged;
(b) Written notice has been given to the Commission at least two working days prior to commencement of work; and
(c) The work conforms to performance standards and design specifications in regulations adopted by the Commission.

(2) This exemption does not apply to septic systems, new or otherwise.

B. Emergency projects for protection of the public.

(1) The application and permit required by this chapter shall not apply to emergency projects necessary for the protection of the health or safety of the public, provided that:
(a) The work is to be performed by or has been ordered to be performed by an agency of the commonwealth or a political subdivision thereof;
(b) Advance written notice, or oral followed by written, has been given to the Commission prior to commencement of work or within 24 hours after commencement;
(c) The Conservation Commission or its agent certifies the work as an emergency project;
(d) The work is performed only for the time and place certified by the Conservation Commission for the limited purposes necessary to abate the emergency; and
(e) Within 21 days of commencement of an emergency project, at the direction of the Commission and/or staff, either a permit application shall be filed with the Commission for review as provided in this chapter or an as-built plan shall be filed with the Commission, whereupon the Commission may, after notice and public hearing, require restoration, project modification and mitigation measures to protect the values stated in this chapter.

(2) Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

C. Normal Maintenance and/or Improvement of Land in Agricultural Use. The application and permit required by this chapter shall not be required for work performed for the normal maintenance or improvement of lands in lawful, active agricultural use as defined in 310 CMR 10.04, provided that no further encroachment into areas subject to this chapter occurs without prior review and permission by the Commission.

§ 139-4. Request for determinations; application for permit.

A. Requests.

Any person desiring to know whether or not a proposed activity or an area is subject to this chapter may request, in writing, a determination from the Commission. Such a request for determination shall contain data and plans specified by the regulations of the Commission, containing sufficient information to make a determination, as the Commission determines necessary. Failure to provide any of the information required herein, including but not limited to seasonal field data, is sufficient cause for the Commission to issue a positive determination. The Commission, in an appropriate case, may accept as the request under this chapter the request for determination of applicability filed under the Wetlands Protection Act, MGL c. 131, § 40.

(1) Failure to pay the filing fee shall be sufficient grounds to reject the application or request.
(2) The Commission may waive the filing fee and costs and expenses for an application or request filed by the Town of Belchertown or by a government agency and may waive the filing fee for a request for determination filed by a person having no financial connection with the property which is the subject of the request.

B. Applications.

Written application shall be filed with the Commission to perform activities regulated by this chapter and which affect resource areas protected by this chapter. The application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the areas subject to protection under this chapter. The application shall include a complete and accurate description of the site, including the type and boundaries of resource areas, the proposed work and the potential for cumulative effects on any areas subject to protection hereunder. No activities within any jurisdictional areas shall commence without receiving and complying with a permit issued pursuant to
this chapter. The Commission, in an appropriate case, may accept as the application and plans required under this chapter the notice of intent or abbreviated notice of resource area delineation, and plans filed under the Wetlands Protection Act, MGL c. 131, § 40.

C. Fees and costs.

At the time of a request or application, the applicant shall pay a filing fee specified in regulations of the Commission. This fee is in addition to that required by the Wetlands Protection Act, MGL c. 131, § 40.

(1) Failure to pay the filing fee shall be sufficient grounds to deny the application or request.

(2) The Commission may waive the filing fee and costs and expenses for an application or request filed by the Town of Belchertown or by a government agency and may waive the filing fee for a request for determination filed by a person having no financial connection with the property which is the subject of the request.

§ 139-5. Public notice and hearings.

A. A request or an application with the required filing fee shall be hand delivered or sent by certified mail to the Commission. When a person requesting a determination, the request shall also be sent certified mail to the owner by the applicant.

B. The Commission shall conduct a public hearing on any request for determination or application for a permit, with written legal notice given at the expense of the applicant five days prior to the hearing in a newspaper of general circulation in the Town of Belchertown. The Commission, in an appropriate case, may combine its hearing under this chapter with the hearing conducted under the Wetlands Protection Act, MGL c. 131, § 40.

C. The Commission shall commence the public hearing within 21 days from receipt of a completed application or request for determination, unless the applicant extends the twenty-one-day period by a signed written waiver.

D. The Commission shall have authority to continue the hearing to a date certain announced at the hearing for reasons stated at the hearing, which may include the receipt of additional information offered by the applicant or others, information and plans required of the applicant, or comments and recommendations of local boards and officials, deemed necessary by the Commission in its discretion.

E. The Commission, its agent, officers and employees, may enter upon the land for which a request or application has been made, upon which the proposed work is to be done, for the purpose of carrying out its duties under this chapter and may make or cause to be made such examination, sampling or survey as is deemed necessary. Refusal of the property owner to grant access requested by the Commission shall be grounds for denial of the application.

F. The Commission shall issue its determination in writing within 21 days of the submission of a complete filing; and issue a permit in writing within 21 days of the close of the public hearing thereon.

§ 139-6. Determinations, permits and conditions.
A. The Commission shall have the authority, after a public hearing, to determine whether a specific parcel of land contains or does not contain resource areas protected under this chapter and shall have the authority to determine whether proposed activities will adversely affect those resource areas or the buffer zone. If the Commission finds that no such resource areas are present, it shall issue a negative determination. If the Commission finds that the proposed activities will not adversely affect any area under jurisdiction, the Commission may issue a negative determination.

B. If the Commission, after a public hearing on the permit application, determines that the activities which are the subject of the application are likely to have a significant or cumulative effect upon the wetland values protected by this chapter, the Commission, within 21 days of the close of the hearing, shall issue a permit or denial for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities thus permitted shall be done in accordance with those conditions.

C. The Commission is empowered to deny a permit for the following reasons:
   (1) Failure to meet the requirements of this chapter;
   (2) Failure to avoid or prevent unacceptable significant or cumulative effects upon the wetland values protected by this chapter;
   (3) Failure to submit necessary information and plans requested by the Commission;
   (4) Failure to meet the design specifications, performance standards and other requirements in regulations of the Commission; and
   (5) Where no conditions are adequate to protect the wetland values protected hereunder.

D. A permit shall expire three years from the date of issuance. Notwithstanding the above, the Commission, in its discretion, may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. A permit may be renewed for up to an additional three-year period, provided that a request for a renewal is received, in writing, by the Commission prior to expiration, and the Commission votes to approve the extension at a public meeting.

E. For good cause, the Commission may revoke or amend a permit issued under this chapter after public notice and public hearing and notice to the holder of the permit.

F. The Commission, in an appropriate case, may combine the permit or other action on an application issued under this chapter with the order of conditions issued under the Wetlands Protection Act.

<table>
<thead>
<tr>
<th>§ 139-7. Regulations of the Conservation Commission.</th>
</tr>
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<tbody>
<tr>
<td>A. After public notice and public hearing the Commission may, from time to time, promulgate performance standards, design specifications, policy guidelines and other rules and regulations to accomplish the purposes of this chapter.</td>
</tr>
<tr>
<td>B. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this chapter.</td>
</tr>
<tr>
<td>C. Unless otherwise stated in this chapter, or in the rules and regulations promulgated under this chapter, the definitions, procedures and performance standards of the Wetlands Protection Act, MGL c. 131, § 40 and associated regulations, 310 CMR 10.00, shall apply.</td>
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§ 139-8, Definitions.

The following definitions shall apply in the interpretation and implementation of this chapter:

AGRICULTURE
Any work which produces food or other products for commerce or subsistence. Agriculture includes, but is not limited to, the growing of crops, the raising of livestock, and the production of forest products.

ALTER
Includes, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this chapter:

A. Removal, excavation or dredging of soil, sand, gravel, clay, minerals or aggregate materials of any kind.
B. Changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns or flood-retention characteristics.
C. Drainage or other disturbance of water level or water table.
D. Dumping, discharging or filling with any material which may degrade water quality.
E. Placing of fill, or removal of material, which would alter elevation.
F. Driving of piles, erection or repair of buildings or structures of any kind.
G. Placing of obstructions or objects in water.
H. Destruction of plant life, including cutting of trees.
I. Changing water temperature, biochemical oxygen demand or other physical, chemical or biological characteristics of surface and ground water.
J. Excavation for the purpose of percolation or deep hole testing or the crossing of a resource area with heavy equipment for this purpose.
K. Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater.

CUMULATIVE EFFECTS
Activities regulated under this chapter, which may be individually minor, but when considered in relation to other past, present or future activities in a given area may be significant in the aggregate.

EROSION AND SEDIMENTATION CONTROL

A. EROSION CONTROL
The ability of the wetland to buffer forces or processes which would threaten or cause to be threatened the stability of landforms and the soil and/or vegetation associated with wetlands and adjoining land areas, in particular, coastal and inland banks. Erosion can be caused by a wearing away of the surface soil or by undermining the interior portion of the landform. Activities in or within 100 feet of resource areas shall not have a significant effect on natural erosion processes.

B. SEDIMENTATION CONTROL
The ability of wetlands to settle out sediments and other waterborne material by reducing water flow by passing it through vegetation or by diffusing flow and reducing velocity. Activities in or within 100 feet of resource areas shall not accelerate or impede the rate of natural sedimentation significantly.

FLOOD CONTROL
The ability of wetlands to absorb, store and slowly release floodwaters to minimize peak flood levels. Flooding can be caused by precipitation or a rising water table. Activities within 100 feet of resource areas shall not alter the flood control value of wetlands significantly.

GROUNDWATER
All subsurface water contained in natural geologic formations or artificial fill, including soil water in the zone of aeration. Activities in or within 100 feet of resource areas shall not significantly alter the existing quality or elevation of naturally occurring groundwater.

PRIVATE WATER SUPPLY
Any source or volume of surface or ground water demonstrated to be in private use or shown to have potential for private use, including ground or surface water in the zone of contribution around a private well. Activities in or within 100 feet of a resource area shall not have a significant effect on the quality of a private water supply.[1]

PUBLIC WATER SUPPLY
Any source or volume of surface or ground water demonstrated to be in public use or approved for water supply pursuant to MGL c. 111, § 160 by the Department of Environmental Quality Engineering Division of Water Supply, or demonstrated to have a potential for public use, in addition to all surface and ground water in zones of contribution. Activities within 100 feet of resource areas shall not have a significant effect on the quality of a public water supply.

RECREATION
Any leisure activity or sport taking place in, on, or within 100 feet of a resource area which is dependent on the resource area and its values directly or indirectly for its conduct and enjoyment. Recreational activities include, but are not limited to, the following: noncommercial fishing and shellfishing, hunting, boating, swimming, walking, painting, birdwatching and aesthetic enjoyment. Structures and activities in or within 100 feet of a resource area shall not have a significant effect on public recreational values. Notwithstanding this definition, new or expanded recreational activities shall not have a significant effect on other wetlands values identified in §139-1 of this chapter.

STORM DAMAGE PREVENTION
The ability of wetland soils, vegetation and physiography to prevent damage caused by water from storms, including but not limited to: erosion and sedimentation; damage to vegetation, property or buildings; or damage caused by flooding, waterborne debris or waterborne ice. Activities in or within 100 feet of a resource area shall not have a significant effect on storm damage protection.

WILDLIFE HABITAT
Resource areas that provide breeding and nesting habitats, shelter, food and water to all plant and animal species dependent on wetlands for any portion of their life cycles. Includes resource areas identified as containing rare, threatened or endangered species as listed by the Massachusetts Natural Heritage Program. Structures and activities in or within 100 feet of any resource area shall not have a significant effect on wildlife habitat.

§ 139-9. Waivers.

A. The Conservation Commission, acting in its discretion, may waive strict compliance with this Bylaw if such action is allowed by federal, state and local statutes, bylaws, and/or regulations; is in the public interest; and is consistent with the purposes of this Bylaw.
§ 139-10. Security.

A. The Commission may require the establishment of an escrow account or other security running to the municipality, and sufficient as to form and surety in the opinion of the Commission's counsel, to secure faithful and satisfactory performance of work required by any permit, in such sum and upon such conditions as the Commission may require.

B. Notwithstanding the above, the amount of such escrow account of security shall not exceed the estimated cost of the work required or the restoration of affected lands and properties if the work is not performed as required, whichever is greater. Forfeiture of any such escrow account or security shall be recoverable at the suit of the municipality in Superior Court. The Commission may, at its discretion, accept as security a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the Town of Belchertown whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.

§ 139-11. Right of entry; enforcement; violations and penalties.

A. The Commission shall have authority to enforce this chapter, its regulations and permits issued thereunder by violation notices, administrative orders and civil and criminal court actions. Upon request of the Commission, the Board of Selectmen may authorize Town Counsel to take legal action for enforcement of this chapter under civil law. The Conservation Commission may also take legal action for enforcement under criminal law. Duly authorized Town Officials, including but not limited to the Conservation Administrator and any police officer or other officer having police powers, shall have authority to assist with the Commission’s enforcement.

B. Any person who violates any provision of this chapter, including any causing, suffering or allowing of illegal work, any failure or refusal to comply with an enforcement order, violation notice or administrative order and any failure or refusal to remove Illegal fill, restore property or obtain necessary Commission approval, or any person who violates the permits issued by the Commission, shall be punished by a fine of not more than $300. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the chapter, regulations or permit violated shall constitute a separate offense. This fine may be in addition to any levied under the Wetlands Protection Act, MGL c. 131, § 40.

C. In the alternative the criminal prosecution, the Commission may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D. For purposes of noncriminal disposition, the Conservation Commissioners or staff shall be the enforcing persons.

§ 139-12. Burden of proof.

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable significant or cumulative effect upon the wetland values protected by this chapter. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.
§ 139-13. Authority; relation to Wetlands Protection Act.

This chapter is adopted under the home rule amendment of the Massachusetts Constitution and the home rule statutes, independent of the Wetlands Protection Act, MGL c. 131, § 40, and the regulations thereunder.

§ 139-14. Severability.

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

C. secure faithful and satisfactory performance of work required by any permit, in such sum and upon such conditions as the Commission may require.

D. Notwithstanding the above, the amount of such escrow account of security shall not exceed the estimated cost of the work required or the restoration of affected lands and properties if the work is not performed as required, whichever is greater. Forfeiture of any such escrow account or security shall be recoverable at the suit of the municipality in Superior Court. The Commission may, at its discretion, accept as security a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the Town of Belchertown whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.

the wetland values protected by this chapter. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

(Vote – Unanimous Yes)

Article 23 Voted to appropriate from the Community Preservation Fund estimated annual revenues the sum of $2,000.00 for the administrative expenses of the Committee in FY 2021; and that the Town reserve for future appropriation from the Community Preservation Fund estimated annual revenues the amounts recommended by the Community Preservation Committee, with each item to be considered a separate reserve:

- $30,917.00 from FY 2021 Community Preservation Fund revenues for Open Space
- $30,917.00 from FY 2021 Community Preservation Fund revenues for Historic Resources
- $30,917.00 from FY 2021 Community Preservation Fund revenues for Community Housing

And, further, appropriate and transfer $64,900.00 from the Community Preservation Fund Balance to pay the debt service on the bonds issued under Article 23 of the May 9, 2016 Annual Town Meeting.

(Vote - Unanimous Yes)
Article 24  Voted to appropriate and transfer $50,000 from the Community Preservation Fund Open Space Reserve to create a recreational trail on the Town-owned property at Foley Field, said funds to be used for the initial design, engineering, and construction of said trail and costs incidental or related thereto, with said funds to be expended under the direction of the Town Planner.

Moderator requested a hand count. Yes – 121; No 43  
(Vote – Yes 121; No 43; Unanimous Yes)

Article 25  Voted to appropriate and transfer $9,975 from the Community Preservation Fund Historic Reserve for the grave stone preservation and restoration project at the historic Mt. Hope Cemetery, with said funds to be expended under the direction of the Veterans Graves Officer. (Endorsed by CPC 8-0-0 Yes)  
(Vote Unanimous Yes)

Article 26  Voted to appropriate and transfer $14,000 from the Community Preservation Act Fund Balance to create an 18-hole disc golf course at the Constantino Field Recreation Area located off Route 9, with said funds to be expended under the direction of the Recreation Department.  
(Vote - Majority Yes)

Article 27  Voted to authorize the Board of Selectmen to acquire by purchase, gift and/or eminent domain, for conservation, forestry, and passive recreation purposes, the parcels of land located off South Gulf Road, consisting of a total of 80 acres, more or less, shown on Assessors Maps 206 as Lot # 28 and Lot # 42, and being a portion of the premises described in a deed recorded with the Hampshire Registry of Deeds in Book 13392, Page 250, which parcels shall be under the care, custody and control of the Conservation Commission pursuant to the provisions of G.L. c. 40, §8C and other statutes related to conservation; and to appropriate $633,500 to fund said acquisition and costs incidental or related thereto, including, without limitation, the cost of appraisals, surveys, grant applications and stewardship fees for grant compliance; and to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said funds under the provisions of G.L. c.44B, G.L. c.44 and/or any other enabling authority and to issue bonds or notes of the Town therefor, provided that no such funds shall be borrowed or expended until the Town shall have received gifts and/or grants in the minimum amount of $316,750, as set forth below; and, further, to authorize the Board of Selectmen and/or the Conservation Commission to apply for, accept and expend any funds that may be provided by the Commonwealth or other public or private sources to defray all or a portion of the costs of said acquisition, including, but not limited to, grants and/or reimbursement under the Self-Help Act, G.L. Ch. 132A, Section 11 (now, so-called LAND grants), the U.S. Community Forest & Open Space Conservation Program, and/or any other federal and state programs, including those in aid of conservation land acquisition, and, further, to grant a restriction on said property meeting the requirements of G.L. c. 184, §§31-33 in compliance with G.L. c.44B, §12(a), and to enter into any and all agreements and execute any and all instruments on behalf of the Town as may be necessary or convenient to effectuate the foregoing acquisition. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of
issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. The amount authorized to be borrowed by this vote shall be reduced to the extent of any grants or gifts received by the Town on account of this purchase.

(Vote – 2/3 required – 2/3 Yes)

Article 28  Voted to appropriate and transfer $12,500 from the Community Preservation Fund Open Space Reserve to undertake a water quality monitoring program to support and enhance the ongoing lake management initiatives for the Tri-Lakes system, including, without limitation, the protection and improvement lake water clarity, quality and safety, the control of invasive aquatic plants, the protection of the Tri-Lakes’ ecological, recreational, and economic values, and other matters, with said funds to be expended under the direction of the Conservation Commission.

(Vote – Unanimous Yes)

Article 29  Voted to appropriate and transfer $30,000 from the Community Preservation Fund Historic Reserve to be granted to the Belchertown Cultural Alliance Inc., a non-profit organization, for the rehabilitation and preservation of the historic State School building located at 6 Berkshire Avenue, including, without limitation, the replacement of windows and doors thereof with historically accurate and energy-efficient materials, and to authorize the Board of Selectmen to enter into a grant agreement with said Belchertown Cultural Alliance to set forth the terms and conditions under which such funds may be expended.

(Endorsed by Finance Committee 5-0-0 Yes & CPC 8-0-0 Yes)

(Vote Majority Yes)

Article 30  Voted to amend the vote taken under Article 14 of the May 14, 2018 Annual Town Meeting by transferring the $110,000 unused borrowing authorization for School Department Boiler (BHS), purchase and install in line 6 of said vote to School Department cooling Tower (CHCS), purchase and install in line 7 of said vote, so that the total borrowing authorization for line 7 is $210,000.

(Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimouse Yes)

Meeting adjourned 11:10am.

Attest:
Colleen Toothill-Berte
Town Clerk