

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF CONWAY  
ANNUAL TOWN MEETING WARRANT  
May 8, 2017**

**FRANKLIN, SS** To either of the Constables of the Town of Conway in said County, **GREETINGS.**

In the name of the Commonwealth of Massachusetts you are hereby directed to warn the Inhabitants of said Town qualified to vote in elections and in Town affairs to meet at the Grammar School in said Town of Conway, Monday, the 8th day of May, 2017 at 7:30 p.m. in the evening to act on the following:

**ARTICLE 1:** To hear the reports of the Selectmen, Town Treasurer, Town Clerk, School Committee, Tax Collector, Board of Health and any committee and act thereon.

**ARTICLE 2:** To hear the report of the Finance Committee and **raise and appropriate only, by taxation, such sums of money as may be deemed necessary to defray the Town charges for the year ensuing**, or take any action relative thereto. Said amounts may be contingent upon a general override of Proposition 2½ to fund a deficit in the operating budget.

A	DEPT #	DEPARTMENT NAME	FY 2016	FY 2017	FY 2018 REC.	FY17 - 18 CHANGE
	114	MODERATOR	350	350	350	0
	122	SELECTMEN	6,500	6,500	6,500	0
	131	FINANCE COMMITTEE	200	200	300	100
	132	RESERVE FUND	40,000	40,000	40,000	0
	135	TOWN AUDIT	1	13,000	13,000	0
	141	ASSESSORS	10,100	9,413	9,421	8
	141	ASSESSORS SALARY	44,148	44,946	46,400	1,454
	145-146	TREASURER-COLLECTOR	13,723	14,488	13,960	(528)
	145-146	TREASURER-COLLEC. SALARY, WAGES	54,758	55,853	57,249	1,396
	150	TOWN ADMIN	17,600	16,950	15,250	(1,700)
	150	TOWN ADMIN SALARY, WAGES	67,444	72,124	80,708	8,584
	151	LEGAL	6,000	10,000	10,000	0
	159	INFORMATION TECHNOLOGY	0	20,000	21,800	1,800
	161	TOWN CLERK	1,875	2,825	2,825	0
	161	TOWN CLERK SALARY, WAGES	26,117	27,030	36,850	9,820
	162-163	REGISTRARS AND ELECTIONS	1,900	9,665	4,650	(5,015)
	170 SERIES	ConCom, Pl. Brd., ZBA, Ag. Com, Open Space	4,090	4,310	3,480	(830)
	190	PERSONNEL COMMITTEE	100	100	100	0
	192	BUILDING MAINTENANCE	55,000	56,100	56,100	0
	192	BUILDING MAINTENANCE WAGES	16,234	16,559	16,973	414
	193	TOWN INSURANCE	72,252	77,850	78,700	850
	210	POLICE	15,970	16,670	17,262	592
	210	POLICE SALARY, WAGES	102,480	104,530	107,143	2,613
	220	FIRE	33,239	32,728	34,545	1,817
	220	FIRE SALARY, WAGES	19,152	19,535	20,023	488
	231	AMBULANCE	15,000	15,000	15,000	0
	290 SERIES	DOG & TREE WARDENS, EMERG. MAN.	6,275	6,625	7,285	660
	422	HIGHWAY	235,500	233,096	260,033	26,937
	422	HIGHWAY SALARY, WAGES	211,068	223,054	236,804	13,750
	423	WINTER ROADS	121,112	103,000	103,000	0
	423	WINTER ROADS WAGES	18,112	18,414	18,874	0
	512	BOARD OF HEALTH (BOH)	123,687	127,236	124,597	8,194
	512	BOH SALARY, WAGES	39,679	41,493	57,402	9,174
	540 SERIES	HUMAN SERVICES (COA, VETERANS)	10,782	10,166	9,710	(456)
	630	PARKS, RECREATION, TRAILS	6,305	7,755	7,755	0
	691	HISTORICAL COMMISSION	400	400	400	0
	751	DEBT SERVICE	65,063	63,710	63,456	(254)
	752	SHORT TERM INTEREST	1	1	1	0
	830	FRCOG	53,538	55,585	58,076	2,491
	900	EMPLOYEE COSTS	550,081	581,186	639,472	58,286
	B.	300A GRAM SCH OPERATING	1,641,430	1,714,868	1,766,938	52,070
		300B GRAM SCH TRANSPORT	87,526	77,762	77,762	0
	C.	892A FRONTIER REG OPERATING	1,084,395	1,147,753	1,256,921	109,168
		892B FRONTIER TRANSPORTATION	15,520	13,067	19,122	6,055
	D.	320 TECHNICAL SCHOOLS	132,224	204,094	170,579	(33,515)
		<b>FY16 to 17: +\$295,841 +5.57%</b>	<b>5,020,150</b>	<b>5,315,991</b>	<b>5,586,776</b>	<b>FY17 to 18: +\$270,785 +4.85%</b>
		<b>GRAND TOTALS:</b>				

**ARTICLE 3:** To see if the town will vote to borrow \$130,000 for a **design and engineering plan for a wastewater collection and disposal system** serving approximately 30 homes in Conway's village center, and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 (subsection 9) of the General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, provided, however, that any bonds issued pursuant to this vote shall mature in not more than 5 years from their date of issue, excluding the term of any notes that may be issued in anticipation of the issuance of any such bonds, such borrowing to be contingent on the passage of a Proposition 2½ debt exclusion ballot question. *(Two-thirds vote)*

SUBMITTED BY: Wastewater Committee  
BOARD OF SELECTMEN RECOMMENDATION: 2 - 1  
FINANCE COMMITTEE RECOMMENDATION: 1 - 1 - 2

**ARTICLE 4:** To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$100,000 for the **Highway Garage Stabilization Account**, or take any other action relative thereto. *(Two-thirds vote)*

SUBMITTED BY: Town Administrator  
BOARD OF SELECTMEN RECOMMENDATION: 3 - 0  
FINANCE COMMITTEE RECOMMENDATION: 4 - 0

**ARTICLE 5:** To see, in a non-binding referendum, whether the Town would like to **proceed at the May 2018 Town Meeting and ballot vote on borrowing for a Highway garage**, or take any other action relative thereto. *(Two-thirds vote requested)*

SUBMITTED BY: Board of Selectmen  
BOARD OF SELECTMEN RECOMMENDATION: 3 - 0

**ARTICLE 6:** To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$125,000 for the **Capital Stabilization Account**, or take any other action relative thereto. *(Two-thirds vote)*

SUBMITTED BY: Capital Improvements Planning Committee  
BOARD OF SELECTMEN RECOMMENDATION: 3 - 0  
FINANCE COMMITTEE RECOMMENDATION: 4 - 0

**ARTICLE 7:** To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$50,000 for the **Conway Grammar School Capital Stabilization Account**, or take any other action relative thereto. *(Two-thirds vote)*

SUBMITTED BY: Conway Grammar School  
BOARD OF SELECTMEN RECOMMENDATION: 3 - 0  
FINANCE COMMITTEE RECOMMENDATION: 4 - 0

**ARTICLE 8:** To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$35,000 for the **capital expenses for the Conway Grammar School**, or take any other action relative thereto. *(Two-thirds vote)*

SUBMITTED BY: Conway Grammar School  
BOARD OF SELECTMEN RECOMMENDATION: 3 - 0  
FINANCE COMMITTEE RECOMMENDATION: 4 - 0

**ARTICLE 9:** To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$20,000 for a **hydraulic boom lift for the Highway Department**, or take any other action relative thereto.

SUBMITTED BY: Highway Department  
CAPITAL IMPROVEMENTS PLANNING COMMITTEE RECOMMENDATION: 4 - 0  
BOARD OF SELECTMEN RECOMMENDATION: 2 - 1  
FINANCE COMMITTEE RECOMMENDATION: 2 - 2

**ARTICLE 10:** To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$3,000 for **hard pack for the Town Office parking lot**, or take any other action relative thereto.

SUBMITTED BY: Town Administrator  
CAPITAL IMPROVEMENTS PLANNING COMMITTEE RECOMMENDATION: 4 - 0  
BOARD OF SELECTMEN RECOMMENDATION: 2 - 0 - 1  
FINANCE COMMITTEE RECOMMENDATION: 3 - 1

**ARTICLE 11:** To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$2,500 for **the conversion of Assessors' software (valuation system)**, or take any other action relative thereto.

SUBMITTED BY: Board of Assessors  
BOARD OF SELECTMEN RECOMMENDATION: 3 - 0  
FINANCE COMMITTEE RECOMMENDATION: 4 - 0

**ARTICLE 12:** To see if the Town will authorize the Frontier Regional and Union School District to use the remaining \$17,930.43 of the original \$29,555.50 which was originally appropriated in Article 16 of the 2004 Annual Town Meeting for the purposes of repairs to and re-roofing the Central Office, **to instead use the remaining funds for relocating the Central Office to the Frontier Regional Middle/High School**, or take any other votes relative thereto.

SUBMITTED BY: Frontier Regional School District  
BOARD OF SELECTMEN RECOMMENDATION: 3 - 0  
FINANCE COMMITTEE RECOMMENDATION: 4 - 0

**ARTICLE 13:** To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$32,621 for **operating expenses for the Ambulance Department**, or take any other action relative thereto.

SUBMITTED BY: Ambulance Department  
BOARD OF SELECTMEN RECOMMENDATION: 3 - 0  
FINANCE COMMITTEE RECOMMENDATION: 4 - 0

**ARTICLE 14:** To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$5,000 for the next **recertification of property values**, or take any other action relative thereto.

SUBMITTED BY: Board of Assessors  
BOARD OF SELECTMEN RECOMMENDATION: 3 - 0  
FINANCE COMMITTEE RECOMMENDATION: 4 - 0

**ARTICLE 15:** To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide the sum of \$2,200 to make funding available for **local library operations and expenses**, or take any action relative thereto.

SUBMITTED BY: Field Memorial Library  
BOARD OF SELECTMEN RECOMMENDATION: 3 - 0  
FINANCE COMMITTEE RECOMMENDATION: 4 - 0

**ARTICLE 16:** To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide the sum of \$452 to **pay an ambulance bill from a previous fiscal year**, or take any other action relative thereto. (*Four-fifths vote*)

SUBMITTED BY: Town Clerk  
BOARD OF SELECTMEN RECOMMENDATION: 3 - 0  
FINANCE COMMITTEE RECOMMENDATION: no recommendation

**ARTICLE 17:** To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide the sum of \$91 to **pay a Town Clerk bill from a previous fiscal year**, or take any other action relative thereto. (*Four-fifths vote*)

SUBMITTED BY: Town Clerk  
BOARD OF SELECTMEN RECOMMENDATION: 3 - 0  
FINANCE COMMITTEE RECOMMENDATION: 4 - 0

**ARTICLE 18:** To see if the Town will appropriate or to reserve for later appropriation monies from the **Community Preservation Fund** as recommended by the Community Preservation Committee as set forth herein, the following amounts for community preservation purposes with each item considered a separate appropriation, or take any other action relative thereto:

**Appropriations**

- A. To appropriate \$9,200.00 from the Community Preservation Open Space Reserve to the Town of Conway Open Space Committee for purposes of enabling a three-year invasive species control program on 11 acres of Town owned land on Shelburne Falls Road a.k.a. "South River Meadow." The program is to include a combination of cutting and herbicide treatment.

- B. To appropriate \$60,000 (\$20,000 from Historic Preservation Reserve and \$40,000 from Unreserved Reserve) to the Dzogchen Community in America for historical preservation and roof replacement at 18 Schoolhouse Rd, a.k.a. "Old Conway Grammar School), such appropriation to be subject to a Historic Preservation Restriction as stipulated in M.G.L. Chapter 184 and approved by the Massachusetts Historical Association.
- C. To appropriate \$5,113 from FY 2018 Annual Revenues for Administration of the Community Preservation Committee.

**To provide Reserves from FY 2018 Annual Reserves**

- D. \$10,228 to the Community Preservation Historical Resources Reserve
- \$10,228 to the Community Preservation Community Housing Reserve
- \$10,228 to the Community Preservation Open Space Reserve
- \$71,594 to the Community Preservation Budgeted Reserve

SUBMITTED BY: Community Preservation Committee

BOARD OF SELECTMEN RECOMMENDATION: no recommendation

FINANCE COMMITTEE RECOMMENDATION: no recommendation

**ARTICLE 19:** To see if the town will vote to repurpose the \$7,788.98 remaining from Article 33 of the May, 2012 annual Town Meeting (funding engineering and permitting for improvements to the Town ball field) for **other improvements to the town field area**, or take any action relative thereto.

SUBMITTED BY: Town Administrator

BOARD OF SELECTMEN RECOMMENDATION: 3 - 0

FINANCE COMMITTEE RECOMMENDATION: 4 - 0

**PLEASE NOTE: FOR CHANGES SHOWN TO EXISTING BYLAWS, DELETIONS ARE IN ~~STRIKEOUT~~ AND ADDITIONS ARE UNDERLINED.**

**ARTICLE 20:** To see if the Town will **amend the General By-laws by adding the following**, or take any action relative thereto:

**THE RIGHT TO FARM**

**Section 1 Legislative Purpose and Intent**

The purpose and intent of this Bylaw is to restate with emphasis the Right to Farm already accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 11, Section 125A and Chapter 128 Section 1A. We the citizens of Conway restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").

This General Bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the town of Conway by allowing agricultural uses and related activities to function with clear protocol for conflict resolution with abutters and local agencies. This Bylaw shall apply to all jurisdictional areas within the Town.

**Section 2 Definitions Striving for Best-Farming-Practices**

For the purposes of this Right-To-Farm Bylaw, the word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of agriculture, or accessory thereto. The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

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

For the purposes of this Right-To-Farm Bylaw, "Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;

- control of pests, including, but not limited to, insects, weeds, predators and disease organisms of plants and animals;
- application of manure and fertilizers;
- application of pesticides in accordance with state law;
  - conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
  - processing or packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
  - maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the propagation, processing, management, or sale of the agricultural products; and
  - on-farm relocation of earth and the clearing of ground for farm operations subject to applicable town and state laws.

### **Section 3 Right-To-Farm Declaration**

This Right-To-Farm Bylaw acknowledges that we are all stewards of the land. It is in this spirit that the Right-To-Farm is hereby recognized to exist within the Town of Conway. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices as defined by the local Agricultural Extension Agency. The benefits and protections of this bylaw are intended to apply to those agricultural and farming operations and activities conducted in accordance with the aforementioned normally accepted agricultural practices. This Right-To-Farm Bylaw also encourages individual citizens to comment on farm policies or practices that fall within the scope of the Agricultural Commission. Finally, nothing in this Right-To-Farm Bylaw shall be deemed as acquiring any interest in land, or as imposing any land regulation which is properly the subject of state statute, regulation, or local zoning law.

### **Section 4 Disclosure Notification**

Prior to entering the purchase and sale contract, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the town of Conway, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

"It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, as well as for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy is within a community where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Purchasing and/or occupying land within Conway means that one should expect and accept such conditions as a normal and necessary aspect of living in Conway."

A copy of this disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Select Board or its designee prior to the sale, purchase, exchange or occupancy of such real property.

### **Section 5 Resolution of Disputes**

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Select Board shall forward a copy of any grievance under this section to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within sixty days.

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

### **Section 6 Severability Clause**

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

SUBMITTED BY: Agricultural Commission

AGRICULTURAL COMMISSION RECOMMENDATION: 3 - 0

BOARD OF SELECTMEN RECOMMENDATION: no recommendation

**ARTICLE 21:** To see if the Town will **amend the Protective By-laws, Section to Zoning clearances, Section 41.2,** to read:

#### **41.2: Clearances**

~~No primary building or structure shall be located within 25 feet of any boundary or within 50 feet of a public way. However, no front yard need exceed the front yard maintained on any adjoining lot on the same street.~~

No primary building or structure shall be located within 25 feet of any boundary or within 50 feet of a public way. However, if a primary building or structure already exists on an adjoining lot on the same street and is less than 50 feet from a public way, a new primary building or structure may be located at a distance that is the same or greater from the public way.

For accessory use buildings and structures, the clearances are one-half (1/2) the distances specified for a primary building or structure.

#### **41.2.1 Exceptions to dimensional clearances requirements for accessory buildings or structures**

a) The Zoning Board of Appeals may reduce, by Special Permit, the dimensional clearance requirements for front, rear, and side yards related to accessory building or structure setbacks provided that the Zoning Board of Appeals makes a determination that the proposed building or structure is consistent in scale or setback with the structures in abutting parcels and the immediate neighborhood. The Zoning Board of Appeals shall make the following determinations before granting an exception:

1. The Zoning Board of Appeals shall specifically determine that the reduced dimensional clearance requirement for a front, side or rear yard will have no adverse effect on adjacent properties or historic structures.
2. The Zoning Board of Appeals shall specifically determine that the reduced dimensional clearance requirement for a front, side or rear yard will not be a detriment to the public good and will not substantially undermine the intent of the Conway Zoning Bylaws.

b) The applicant shall file, with the application for a Special Permit, a detailed plan drawn to scale of the property that shows the lot lines and dimensions of the property, the clearance setbacks as they currently exist for front, side or rear yards, the proposed location of the structure, and any proposed reduction to the clearance requirements. In addition, the diagram shall include all utility accesses and shall be signed under pains and penalties of perjury. The applicant shall provide an explanation as to why they are requesting a reduction in setbacks from the clearance requirements of the Zoning Bylaws. The Zoning Board of Appeals may grant any setback reduction where the boundary or lot line from which setback relief is requested has been established, by survey or other recognized documentation from which the ZBA can readily determine the location of the lot lines.

or take any other action relative thereto. *(Two-thirds vote)*

SUBMITTED BY: Planning Board

PLANNING BOARD RECOMMENDATION: 5 - 0

BOARD OF SELECTMEN RECOMMENDATION: no recommendation

**ARTICLE 22:** To see if the Town will **amend the Protective By-laws, Article 5, to include the new definitions:**

**ACCESSORY USE** - Any building or structure whose use is incidental and accessory to the use of the principal building or structure.

**BUILDING (PRINCIPAL)** - A building in which is conducted the principal use of the lot on which it is situated.

**CLEARANCES** – The horizontal distance measured perpendicular from a property line to the closest point on the ground below any projecting vertical portion of a structure or building (i.e. drip line)

**STRUCTURE** – That which is built or constructed, excepting ornamental structures and fencing less than 6 feet tall.

**STRUCTURE (PRINCIPAL)** – A structure in which is conducted the principal use of the lot on which it is situated.

**YARD** - A required open space, unobstructed by structure(s) more than 3 feet high, other than fences or other customary yard accessories.

or take any other action relative thereto. *(Two-thirds vote)*

SUBMITTED BY: Planning Board

PLANNING BOARD RECOMMENDATION: 5 - 0

BOARD OF SELECTMEN RECOMMENDATION: no recommendation

**ARTICLE 23:** To see if the Town will **amend the Protective By-laws by adding Article 10**, or take any other action relative thereto, to read: *(Two-thirds vote)*

## **ARTICLE 10: AGE RESTRICTED HOUSING COMMUNITY (ARHC) BYLAW**

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

### **10.1 PURPOSE:**

The purposes of the Age Restricted Housing Community bylaw are:

- a. To increase the variety of well designed, market rate and affordable housing choices for citizens who are 55 years of age and older
- b. To provide for building at a higher density than would normally be allowed, and allow greater flexibility in site planning and the preservation of open space and historic resources within the ARHC development; and
- c. To provide for the review of all such proposals prior to construction, to ensure compliance with the above intent and objectives and to assure that the proposal will not result in or contribute to incompatible use of the land, pollution of the soil or groundwater, traffic congestion or inappropriate site development.

### **10.2 APPLICABILITY**

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

#### **10.2-1 Age Restricted Housing Community Overlay District Delineation:**

The age restricted housing community overlay district shall be defined as the areas of town serviced by a public way and zoned Rural Residential/Agricultural.

#### **10.2-2 Uses in the ARHC Overlay District:**

Non-residential uses may be permitted in the ARHC development upon the issuance of a Special Permit by the Planning Board, provided that such use shall be consistent with those uses allowed by right and by Special Permit in Conway and the gross square footage of the proposed use does not exceed five percent (5%) of the gross building square footage of the ARHC.

#### **10.2-3 Age Qualification:**

An ARHC shall constitute housing intended for persons of age fifty-five or over in accordance with M.G.L. chapter 151B, section 4, sub-section 6. One hundred percent (100 %) of the dwelling units in an Age Restricted Housing Community shall each be occupied by at least one person fifty-five (55) years of age or older except in the event of the death of the qualifying occupant of a dwelling unit, or foreclosure or other involuntary transfer of a dwelling unit, a two (2) year exemption shall be allowed to facilitate the transfer of the dwelling unit to another eligible household.

#### **10.2-4 Applicant Qualifications:**

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

#### **10.2-5 Maximum Number of ARHC Dwelling Units in the Town of Conway:**

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

#### **10.2-6 Affordability Requirement:**

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

#### **10.2-7 Permanent Age Restriction:**

Each dwelling unit within an ARHC shall be subject to a permanent age restriction, described in a deed, deed rider or lease, and the organizational documents for the ARHC shall be recorded with the Franklin County

Registry of Deeds or run with the land for a minimum period of ninety-nine (99) years and shall be enforceable by any or all of the owners of the ARHC or by the Town.

### **10.3 DIMENSIONAL REGULATIONS AND DEVELOPMENT REQUIREMENTS**

Except as noted below, an ARHC shall comply with all applicable dimensional regulations and development requirements listed in Section 22, 23, 32, 33, and 41 of the Protective Bylaws of Conway.

- a. **Lot Area:** At the time of granting a special permit by the Planning Board, the property under consideration for an ARHC shall be located on one or more contiguous parcels, whether or not separated by a public or private way, having an area of at least three (3) acres.
- b. **Lot Frontage:** An ARHC shall have a minimum frontage of not less than one hundred (100) feet.
- c. **Setbacks:** There shall be no minimum standards for internal lot line setbacks within the ARHC; however the distribution of buildings and lots within the ARHC shall be distributed in a manner designed to enhance the primary and secondary resources as defined in Section 10.6-2 and 10.6-3. There shall be a minimum of thirty (30) feet between the edge of the access drive and any abutting property line.
- d. **Lot Width:** The lot or combination of lots upon which an ARHC is located shall maintain a minimum width of open land between the limits of work of the ARHC and any adjacent property of forty (40) feet, except for access to the development.
- e. **Open Space:** A goal that fifty percent (50%) of an ARHC lot shall be maintained as open space as defined in Section 10.5.
- f. **Number of Dwelling Units:** The maximum number of dwelling units allowed in an ARHC is twenty (20). The minimum number of dwelling units allowed in an ARHC is seven (7).
- g. **Distribution of Dwelling Unit Types:** In an ARHC development, the distribution of dwelling unit types shall be at the discretion of the applicant, except for the following standards:
  1. A goal that at least fifty percent (50%) of the units constructed be single-family or two-family dwellings.
- h. **Parking:** Parking for motor vehicles shall be provided as follows:
  - o One and one-half (1-1/2) spaces per dwelling unit.
  - o Guest parking - One (1) space per six (6) dwelling units.
  - o Common Facility parking - Additional parking spaces shall be provided at shared or common facilities (swimming pool, clubhouse, etc.) within the ARHC provided that no common facility lot shall contain more than twelve (12) spaces.

All driveways must meet the performance standards for driveways or common driveways as set forth in the Conway Zoning Bylaw, Sections 41.4 and/or 41.5 as applicable.

#### **10.3-1 Driveways and Lot Access:**

All proposed private driveways shall comply with Sections 22.4 Street naming and Building numbering, and/or 41.4 Driveways and/or 41.5 Common Driveways as set forth in the Protective Bylaws of the Town of Conway.

The construction and maintenance of roads, driveways, alleyways, and parking areas in an ARHC is the sole responsibility of the project applicant or an association of dwelling unit owners.

#### **10.3-2 Natural and Neighborhood Features:**

The plan for an ARHC shall be designed to maximize the preservation of natural and neighborhood features. To the extent possible, existing vegetation should be retained where such growth provides a benefit to the natural environment. In developed areas, the design of the ARHC shall also consider human designed landscapes by extending existing street tree plantings and by providing landscapes and landscape amenities that reinforce the physical layout of the neighborhood.

#### **10.3-3 Pedestrian Facilities:**

The plan for an ARHC shall incorporate pedestrian systems that allow for the convenient and safe movement of those who choose to walk for leisure or as a means of transportation.

Connections to the Town's existing sidewalk network shall be made by the applicant where possible.

#### **10.3-4 Landscaping and Screening:**

All service areas and equipment, rubbish and recycling containers, service outbuildings, and any other accessory facilities identified by the Planning Board, shall be adequately screened from the view of public ways and adjacent properties using vegetative plantings, fencing, berms, or a combination of these techniques.

#### **10.3-5 Lighting:**

Lighting within ARH communities shall be consistent with local, state and federal law. Lighting of other parts of the community, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the ARHC shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

#### **10.3-6 Accessory Buildings and Structures:**



In an ARHC, accessory buildings and structures may be permitted, including storage and maintenance structures, garages, and other customary accessory structures. Accessory buildings and structures shall be shown on the Site Plan.

**10.3-7 Other Facilities:**

All facilities for utility services, drainage, lighting and signage shall be in accordance with requirements established by the Planning Board, consistent with applicable provisions of the Protective Bylaws of Conway.

**10.3-8 Project Maintenance:**

In an ARHC there shall be an organization of the owner(s) of the residential dwelling units, either a Condominium, Homeowners, Management, or Non-profit Association, which shall be responsible for the maintenance and repair of internal roads and driveways, snow plowing, landscape maintenance, trash removal, utility services and maintenance and repair of other common elements and facilities serving the residents. The Town of Conway shall assume no responsibility for these facilities unless specifically noted under separate agreement.

**10.3-9 Water Supply and Wastewater Disposal:**

In every development the water supply and wastewater disposal shall comply with the regulations of the Conway Board of Health and applicable Massachusetts Department of Environmental Protection regulations.

**10.4 BUILDING AND DWELLING UNIT REQUIREMENTS**

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

**10.4-1 Dwelling Unit Types:**

Dwelling Unit types allowed in an approved ARHC are:

- Single-Family Detached
- Duplex or Two-Family Dwelling
- Triplex or Three-Family Dwelling
- Quadplex or Four-Family Dwelling

**10.4-2 Maximum Number of Bedrooms:**

No individual dwelling unit shall contain more than two (2) bedrooms.

**10.4-3 Maximum Height:**

No building shall exceed thirty-five (35) feet in height.

**10.4-4 Architectural Appearance:**

All buildings shall be compatible with the character, scale and context of the surrounding neighborhood. When an ARHC is located in a Historic district the applicant shall present and respond to review comments by the Conway Historical Commission.

**10.5 OPEN SPACE AND BUFFER AREA REQUIREMENTS**

No development, including primary or accessory structures, parking, or stormwater management shall take place within the required open space areas. Appropriately designed subsurface wastewater disposal may be located within the open space area at the discretion of the Planning Board.

**10.5-1 In ARHC development the following requirements for open space shall apply:**

- a. The open space shall be planned as single, contiguous areas whenever possible. Long thin strips or narrow areas of open space (less than 100 feet wide) shall occur only when necessary for access, as vegetated buffers along wetlands or the perimeter of the site, or as connections between open space areas.
- b. Open space areas shall be designed to protect or enhance the primary and secondary resources as defined in Sections 10.6-2 & 10.6-3.
- c. Where the proposed development abuts or includes a stream, river, body of water or wetland, these areas and the buffer to such areas shall be incorporated into the open space.
- d. Where a proposed development abuts land held for conservation purposes, the development shall be configured to minimize adverse impacts to the abutting conservation land. Trail connections should be provided where appropriate.
- e. No more than fifty percent (50 %) of the common open space shall be situated within wetlands or the Conway Flood plain Overlay District.
- f. The open space shall be owned in common by the owners of the dwelling units in the ARHC, or by an organization or entity owned and controlled by such dwelling unit owners. An enforceable restriction shall be recorded on all open space parcels providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking, roadway or active recreation.

**10.6 APPLICATION PROCEDURES**

**The Planning Board shall by regulation establish a fee schedule for each application.**

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

**10.6-1 Preliminary Plan:**

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

- a. A proposed development plan drawn to scale shall clearly indicate the primary and secondary resource areas as defined below. From these two resource areas, the final plan shall clearly indicate the building placement, lots and driveway layout of the proposed AHRC.

**10.6-2 Primary Resource Areas:**

Primary resource areas should show the following:

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

**10.6-3 Secondary Resource Areas:**

Secondary resource areas should show the following:

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

**10.6-4 Maximum Housing Density of Proposed Development Plan:**

If the proposed area of common open space exceeds sixty percent (60 %) of the site, the permitted maximum housing density allowed under the ARHC special permit shall be the number of units permitted on conventional lots as determined by the Board times 115 percent. If the proposed area of common open space exceeds seventy percent (70 %) of the site, the permitted maximum housing density allowed under the ARHC special permit shall be the number of units permitted on conventional lots as determined by the Planning Board times 130 percent.

**10.6-5 Conclusion of the Preliminary Plan Process:**

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

**10.7 SPECIAL PERMIT w/ PLAN**

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

**10.7-1 Special Permit Application**

- a. Each application for an ARHC Special Permit shall be submitted to the Planning Board by the current owner of record or his written designee(s), accompanied by nine (9) copies of the Site Plan.
- b. The Planning Board shall by regulation establish a fee schedule for each such application.
- c. A Special Permit application may not be submitted without an approval of the preliminary plan as endorsed by the Planning Board.
- d. The Special Permit application process shall be conducted in accordance with SECTION 63: Special Permit Guidelines of these bylaws. Additional guidance may be found in SECTION 64 (f): Required contents of a site plan, and is included hereto by reference.

**10.7-2 Technical Consultants**

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

- a. A review fee may be imposed only if:
  - o The work of the consultant consists of review of studies prepared on behalf of the applicant, and not of independent studies on behalf of the Planning Board,
  - o The board finds that an adequate review cannot be performed by Town board members or employees,
  - o The work is in connection with the applicant's specific project, and

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

**10.7-6 Finding**

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

**10.8 DEFINITIONS**

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

**HOMEOWNERS ASSOCIATION** - A private non-profit organization (corporation, association, or other legal entity) established by the developer to manage, maintain, support, and finance the common area and facilities and open space of an Age Restricted Housing Community Development, and to enforce certain covenants and restrictions.

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

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

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

SUBMITTED BY: Planning Board

PLANNING BOARD RECOMMENDATION: 5 - 0

BOARD OF SELECTMEN RECOMMENDATION: 3 - 0

**ARTICLE 24:** To see if the Town will **adopt the following resolution:**

**Resolution for Federal and State Carbon Fee and Dividend**  
A Resolution Relating to the Growing Risks of Climate Change

WHEREAS climate change poses a serious threat to the Town of Conway in terms of the economy, public health, and the environment;

AND WHEREAS as a result of climate change, the Northeast is experiencing warming temperatures and a large increase in the amount of rainfall measured during heavy precipitation events;

AND WHEREAS more frequent heat waves in the Northeast are expected to increasingly threaten human health through more heat stress, droughts, and air pollution;

AND WHEREAS sea level rise and more frequent heavy rains are expected to increase flooding and storm surge, threatening people and infrastructure, necessitating increased costs for damage control;

AND WHEREAS as temperatures rise, agriculture will likely face reduced yields, potentially damaging livelihoods and the regional economy;

AND WHEREAS Carbon Fee and Dividend will significantly reduce carbon emissions, create jobs, grow the economy, save lives, and protect households from higher energy prices;

AND WHEREAS most economists, from conservative to liberal, agree that the most cost-effective way to cut carbon pollution is to add a fee that steadily raises the price of fossil fuels,

AND WHEREAS legislation addressing climate change should not economically burden Conway and its citizens;

AND WHEREAS Carbon Fee and Dividend will protect lower and middle-income households, as two thirds of families will break even or receive more in dividends than they would pay for in higher living expenses;

AND WHEREAS Carbon Fee and Dividend will create jobs, as the dividend puts money back into local economies;

AND WHEREAS Carbon Fee and Dividend is a market-based solution in which a fee is levied on carbon-based fuels as they come out of the ground or as they are imported, with all monies returned in equal shares to households as a dividend, thus leveraging market forces that encourage investments in increased energy efficiency and alternate sources of energy by both industry and consumers;

AND WHEREAS Carbon fee and Dividend will employ a "border adjustment" to protect domestic businesses. The "border adjustment" will use import/export fees and rebates to neutralize any impact to the cost of domestically produced products, and incentivize other states to adopt a comparable carbon fee;

AND WHEREAS in the absence of federal Carbon Fee and Dividend, the Commonwealth of Massachusetts can pass state Carbon Fee and Dividend (or "Rebate"),

THEREFORE, BE IT RESOLVED, THAT THE TOWN OF Conway calls upon the Massachusetts Legislature and the United States Congress to implement Carbon Fee and Dividend (or "Rebate"), placing a steadily rising fee on carbon-based fuels, and returning all fees collected, minus administrative costs, to households.

AND BE IT FURTHER RESOLVED THAT UPON PASSAGE the Conway Town Clerk shall mail copies of the resolution and vote to the President of the United States, Donald Trump; the Speaker of the United States House of Representatives, Paul Ryan; the House Minority leader, Nancy Pelosi; the Majority and Minority leaders of the U.S. Senate, Mitch McConnell and Charles Schumer; the U.S. Senators representing Massachusetts, Edward Markey and Elizabeth Warren; the Congressperson representing our district, Richard Neal; the Governor of Massachusetts, Charlie Baker; the Massachusetts Senate President, Stan Rosenberg; the Speaker of the Massachusetts House, Robert DeLeo; and the state senator and state representative from our district, Steven Kulik and Adam Hinds.

SUBMITTED BY: Citizen Petition

BOARD OF SELECTMEN RECOMMENDATION: 3 - 0

**ARTICLE 25:** To see if the Town will **adopt the following Campaign Finance Reform Resolution:**

WHEREAS, the current and increasing role of money in politics threatens the democratic ideals upon which our republic was founded; and

WHEREAS, there is a need for transparency in fundraising and elections so that the public can have confidence in the integrity of its government; and

WHEREAS, our public officials and employees must be independent, impartial, and responsible to the people;

NOW, THEREFORE, BE IT RESOLVED by the legal voters of the Town of Conway, Massachusetts that tough new anti-corruption laws must be passed by the Massachusetts General Court as well as the US Congress to remove the corrupting influence of money on our political system. Laws such as these would prohibit politicians from taking campaign money from industries they regulate; increase transparency for campaign funding; empower all voters through a publicly funded election system; prohibit representatives and senior staff from all lobbying activity for five years after leaving office; place limits on Super PACs; and strengthen agencies

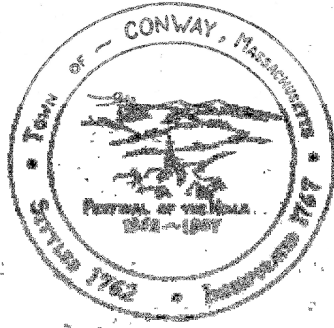
and ethics committees to enforce the rules against politicians and special interests that break campaign finance laws.

BE IT FURTHER RESOLVED that the legal voters of the Town of Conway implore our elected representatives in Boston, State Senator Hinds and Rep. Kulik; and in Washington, Sen. Edward Markey and Sen. Elizabeth Warren and Rep. Neal (or their successors) to lead this effort to enact these initiatives in Massachusetts and in Congress.

BE IT FURTHER RESOLVED that the Clerk of the Town of Conway is hereby directed to give notice to the above representatives by sending a certified copy of this resolution to each of the above individuals.

SUBMITTED BY: Citizen Petition

BOARD OF SELECTMEN RECOMMENDATION: 3 - 0



The meeting will then adjourn until Thursday, May 11, 2017 to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m., to bring in their votes for:

- One Selectman for three years;
- One Assessor for three years;
- Two member of the Board of Health for three years;
- Two members of the local School Committee for three years;
- Two members of the Planning Board for three years;
- One Tree Warden for three years; and
- One Moderator for one year;

And to vote on the following question:

Shall the Town exempt from the provisions of Proposition 2½, so-called, the amounts required to pay for the bond issued for a design and engineering plan for a wastewater collection and disposal system?

Yes \_\_\_ No \_\_\_.

And you are directed to serve this Warrant, by posting up attested copies thereof in two public places in said Town, seven days at least before the time of holding said meeting.

**THEREOF 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 10<sup>th</sup> day of April in the year of our Lord, two thousand seventeen.

\_\_\_\_\_  
John P. O'Rourke, Chairman

\_\_\_\_\_  
Ronald D. Hawkes, Constable

April \_\_\_\_\_, 2017

\_\_\_\_\_  
Robert G. Baker

Posted at:  
Conway Post Office  
Baker's Country Store  
Town Hall  
Town Office Building

\_\_\_\_\_  
Robert A. Armstrong, Jr.