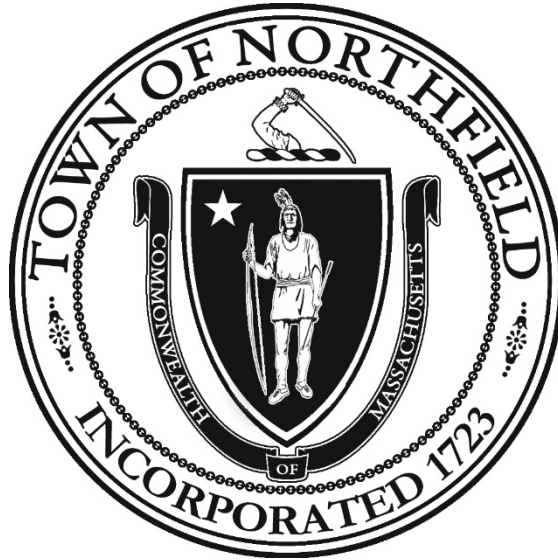


TOWN OF NORTHFIELD



Transcript of Articles in the Warrant for the
SPECIAL TOWN MEETING

Monday, January 24, 2022
At 7:00 p.m.

Please bring this report to the meeting for use in the proceedings at

Pioneer Valley Regional School
97 F. Sumner Turner Road

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- IMPORTANT -

This Warrant contains Articles, explanations, recommendations and/or appendices. Only the Articles are part of the “official” call to Town Meeting. The explanations and/or appendices are editorial, and the recommendations expressed are those of the Finance Committee. Only the Articles are part of the official town meeting warrant.



WARRANT

Special Town Meeting

Monday, January 24, 2022

At 7:00 o'clock in the evening at Pioneer Valley Regional School
97 F. Sumner Turner Road

Franklin, ss

To any of the Constables of the Town of Northfield, in said County of Franklin, Commonwealth of Massachusetts.

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Northfield, who being qualified to vote in elections and Town affairs, to meet at the Pioneer Valley Regional School, 97 F. Sumner Turner Road, in said Northfield, on Monday the Twenty-fourth day of January, 2022 at 7:00 p.m.; then and there to act upon the enclosed articles, to wit:

In case all articles in the foregoing Warrant shall not be acted upon at the Meeting called for on Monday the Twenty-fourth Day of January, 2022 to meet in Adjourned Sessions at such time and place as the meeting shall determine.

This building is accessible to the handicapped and designated parking is provided. If requested, at least one week before the meeting, warrants with large print can be available. Please call the Town Clerk's office at least one week before the Town Meeting at 413-498-2901 x112.

GLOSSARY OF TERMS

Appropriation: An authorization to make expenditures and to incur obligations for specific purposes. An appropriation is granted by Town Meeting and is usually limited in time and amount as to when it may be expended. Any part of the general appropriation not spent or encumbered by June 30 automatically reverts to surplus, which may become Free Cash. A specific appropriation is carried forward from year to year until spent for the designated purpose or transferred by Town Meeting vote to another account.

Assessed Valuation: A valuation set upon real or personal property by the Board of Assessors as a basis for levying taxes.

Budget: A plan of financial operation consisting of an estimate of proposed expenditures for a given period and the means of financing them. The budget is voted in the spring at Town Meeting for the fiscal year that begins the following July 1st.

Capital Budget: A plan of proposed capital outlays and the means of financing them for the current year.

Cherry Sheet: An annual statement received from the Massachusetts Department of Revenue detailing estimated payments to the town for the next fiscal year and the estimated state and county government charges payable by the town. The Assessors in setting the tax rate use these amounts. The actual receipts and charges may vary from the estimates.

Community Preservation Act (CPA): The Town adopted the Community Preservation Act (CPA) in 2002. This Act allows the town to collect up to a 3% surcharge (Northfield has voted 0.5%) on property tax bills (the funds can be matched up to 100% by the state when funds are available), which creates the Community Preservation Fund, to use for Community Preservation purposes. Each year, the town must appropriate, or reserve (but not necessarily spend), 10% of the funds for each of the three Community Preservation purposes: Open Space, Historic Resources, and Community Housing. The remaining 70% of the funds can be appropriated or reserved used for any of the three purposes and for Recreation and for administration.

Debt Service: Payment of interest and repayment of principal to holders of the Town's debt instruments.

Fiscal Year: A 12-month period, commencing July 1 and ending June 30, to which the annual budget applies. Fiscal years are often denoted FYXX with the last two numbers representing the calendar year in which it ends, for example, FY17 is the fiscal year ended June 30, 2017.

Free Cash: Free cash is the portion of unreserved fund balance available for appropriation. It is not cash but is the total of cash and receivables fewer current liabilities and earmarked reserves also reduced by reserves for uncollected taxes. This is also referred to as "available cash". The amount is certified annually by the Massachusetts Department of Revenue.

General Fund: The major town-owned fund which is created with town receipts, and which is charged with expenditures payable from revenues.

Grant: A contribution of assets by one governmental unit or other organization to another. Typically, these contributions are made to local governments from the state and federal governments. Grants are usually made for specific purposes.

Line-Item Budget: A format of budgeting that organizes costs by type of expenditure such as expenses, equipment, and salaries.

Overlay: The amount set aside to allow for uncollected property taxes. An amount for the overlay is added to the appropriations and other charges. Overlay Surplus – see below.

Overlay Surplus: The unused amount of the overlay for prior years, which may be transferred, by a vote of the Town, to the reserve account or used for extraordinary items.

Property Tax Levy: The amount produced by multiplying the assessed valuation of property by the tax rate. The tax rate is expressed “per thousand dollars” of assessed valuation.

Reserve Fund: Money set aside by Town Meeting to be allocated by the Finance Committee for extraordinary or unforeseen expenditures.

Stabilization Fund: A special reserve funded by Town Meeting for future expenditures.

Terms associated with Proposition 2½:

Debt or Capital Exclusion: The Town can assess taxes in excess of the levy limit by voting a debt exclusion or capital outlay exclusion. This amount does not become a permanent part of the levy limit base but does allow the Town to assess taxes for a specific period in excess of the limit for payment of debt service costs or payment of capital expenditures.

Excess Levy Capacity: The difference between the Town's tax levy limit and its actual tax levy for the current year. It is the additional tax levy that could be raised without asking for an override.

New Growth: The amount of property tax revenue that the Town can add to its allowable tax levy as a result of new construction, alterations, subdivisions or change of use which increases the value of a parcel of land by more than certain amounts.

Override: An amount, voted by the Town, which is permanently added to the levy limit. A majority vote of the Selectmen allows an override question to be put on the ballot. Override questions must be presented in dollar terms and must specify the purpose of the override. Overrides require a majority vote of approval by the Town.

Tax Levy Limit: The maximum amount of the tax levy for a period under the restrictions of Proposition 2½. It is calculated as the prior year limit plus new growth plus 2.5% of the prior year levy limit.

Index of Articles for the Town Meeting

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Town Clerk Dan Campbell called the meeting to order at 7:00 pm. First order of business was to nominate a Temporary Moderator due to the absence of Moderator Nathan L'Etoile Mary Bowen nominated Alexander Meisner, seconded by Bernard Boudreau. There were no other nominations. Alexander Meisner was elected Temporary Moderator. Upon excepting the nomination, Alexander Meisner recused himself from involvement as a Selectboard member. Mr. Meisner was sworn in as Temporary Moderator by Town Clerk Dan Campbell. The meeting proceeded at 7:15pm

ARTICLE 1: To see if the Town will vote to waive the reading of the Warrant and the Notice to the Constables and act on the motions of the following articles, or take any other action thereon or in relation thereto.

Requested by the Selectboard

MOTION (HEATH CUMMINGS): I move to waive the reading of the Warrant and Notice to the Constables.

PASSED UNANIMOUS

ARTICLE 2: To see if the Town will vote to pay the following unpaid Fiscal 2021 unpaid invoices, or take any other action thereon or in relation thereto:

Board of Health: Franklin County Solid Waste Mgmt District Inv. 21423	\$1,442.56
Board of Health: Franklin County Solid Waste Mgmt District Inv. 21424	\$4,016.56
Board of Health: Franklin County Solid Waste Mgmt District Inv. 21425	\$ 207.34
Legal: KP Law, P.C. Inv. 130399	\$ 274.22
Legal: KP Law, P.C. Inv. 129320	\$ 72.50
Legal: KP Law, P.C. Inv. 129964	<u>\$ 507.50</u>
	\$6,520.68

Requested by the Board of Health and Selectboard

This vote requires a 9/10ths majority to pay a bill from a prior fiscal year at a Special Town Meeting.

MOTION (BARBARA JACQUE): I move that the Town pay the unpaid Fiscal 2021 unpaid invoices as presented in the warrant from the following accounts:

- 1) Franklin County Solid Waste Management Inv. 21423 for \$1,442.56 and \$632.30 of Inv. 21424 from the Transfer Station Trucking Fees Account, and
- 2) \$3,384.26 of Inv. 21424 from the Transfer Station Tipping Fees account, and
- 3) \$207.34 for Inv. 21425 from the Transfer Station Metal & Bulky Waste Account, and
- 4) KP Law Invs. 130399, 129320, 129964 for a total of \$854.22 from the Legal Expense Account

PASSED UNANIMOUS

ARTICLE 3: To see if the Town will vote to transfer from available funds, a sum of money to pay for engineering and/or maintenance work for the Northfield Elementary School, or take any other action thereon or in relation thereto.

Requested by the Selectboard

MOTION (BERNARD BOUDREAU): I move that the town transfer \$16,161.04 from the PVRs Carpeting & Wiring FY20 Account and \$18,000 from the NES Computer Switch FY2022 Account, for a total of \$34,161.04 to a Northfield Elementary School Projects Account.

PASSED UNANIMOUS

ARTICLE 4: To see if the Town will vote to transfer from available funds, or otherwise provide a sum or sums of money to pay for the position of Assistant Town Clerk, or take any other action thereon or in relation thereto.

Requested by the Selectboard

MOTION (MARY BOWEN): I move that the Town transfer \$4,800 from Free Cash to fund a new position called Assistant Town Clerk.

PASSED UNANIMOUS

ARTICLE 5: To see if the Town will vote to acquire and accept, by donation, from Northfield Mt. Hermon School, or the current owner, the real property shown as "Proposed Parcel A," containing 11,982.29 square feet, shown on a plan entitled "Plan of Land Approval Not Required 'Missionary Cottages' Main St. Located in Northfield, Massachusetts," on file with the Town Clerk; and to authorize the Selectboard to take all actions and execute all documents necessary and appropriate for said acquisition and acceptance, or take any other action thereon or in relation thereto.

Requested by the Selectboard

MOTION (HEATH CUMMINGS): I move that the Town authorize the Selectboard to take all actions and execute all documents necessary and appropriate for the Town to acquire and accept, by donation, from Northfield Mt. Hermon School, or the current owner, the real property shown as "Proposed Parcel A," containing 11,982.29 square feet, shown on a plan entitled "Plan of Land Approval Not Required 'Missionary Cottages' Main St. Located in Northfield, Massachusetts,"

PASSED UNANIMOUS

ARTICLE 6: To see if the Town will vote to transfer from available funds, a sum of money to pay for the costs of consulting, engineering, architectural services and/or construction oversight for an Emergency Services Facility, or take any other action thereon or in relation thereto.

Requested by the Emergency Services Facility Building Committee

MOTION (BARBARA JACQUE): I move that the Town vote to transfer \$90,000 from Free Cash to pay the costs of consulting, engineering, architectural services and/or construction oversight for an Emergency Services Facility.

PASSED UNANIMOUS

ARTICLE 7: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money to deposit into the Town's Capital Stabilization Fund, or take any other action thereon or in relation thereto.

Requested by the Selectboard

MOTION (LOIS STEARNS): I move that the Town vote to transfer \$100,000 from Free Cash to the Town Capital Stabilization Fund.

PASSED UNANIMOUS

ARTICLE 8: To see if the Town will vote to become a member in the Pioneer Valley Mosquito Control District pursuant to Massachusetts General Laws Chapter 252, §5A and other applicable sections of said law; and to meet this obligation, raise and appropriate by taxation, transfer from available funds, or otherwise provide a sum or sums of money to fund the annual membership fee, or take any action thereon or in relation thereto.

Requested by the Selectboard

MOTION (BERNARD BOUDREAU): It is moved the Town vote to become a member in the Pioneer Valley Mosquito Control District pursuant to Massachusetts General Laws Chapter 252, §5A and other applicable sections of said law; and to meet this obligation, transfer from free cash \$5,000.00 (Five Thousand) to fund the annual membership fee.

PASSED UNANIMOUS

ARTICLE 9: To see if the Town will vote to adopt M.G.L. c.39 s 23D which states:

Section 23D. (a) Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate, or otherwise supersede applicable quorum requirements, or take any other action thereon or in relation thereto.

Requested by the Selectboard

MOTION (MARY BOWEN): I move that the Town voted to accept M.G.L. c.39, s 23D.

ARTICLE FAILED BY MAJORITY VOTE

ARTICLE 10: To see if the Town will vote to renumber and recaption the General Bylaws of the Town by (a) assigning a chapter/article number to each of the General Bylaws; (b) renumbering each section of each bylaw accordingly; (c) inserting chapter, article, section and subsection titles; and (d) updating internal

references to reflect the new numbering system, all as set forth in the Final Draft of the Code of the Town of Northfield, dated October 2021, on file with the Town Clerk, or take any other action relative thereto.

Requested by the Town Clerk

MOTION (HEATH CUMMINGS): I move that the Town vote to renumber and recaption the General Bylaws of the Town as presented in the warrant.

PASSED UNANIMOUS

ARTICLE 11: To see if the Town will vote to adopt the following changes to the General Bylaws as set forth in the Final Draft of the Code of the Town of Northfield, dated October 2021, or what it will do in relation thereto:

- 1) References to the "Board of Selectmen" are amended to "Selectboard."
- 2) References to the Massachusetts General Laws are standardized to the format: MGL c. __, § ____.
- 3) The sections in the bylaw's compilation titled "Vehicle obstruction of snow removal" and "Driving" are repealed.
- 4) Specific revisions. (Note: Text that is underlined is being added; text that is struck out or in brackets is being deleted.)

Ch. 1. General Provisions.

Section 1-1 is amended as follows: "Wherever not otherwise provided, the penalty for violation of the ~~above General~~ Bylaws, and such similar bylaws as are in effect or may hereafter be added, shall be not less than \$2 nor more than ~~\$50~~ \$300, as provided by MGL c. 40, § 21, as amended."

Ch. 7. Agriculture.

Section 7-5A is amended to change "Zoning Enforcement Officer" to "Building Inspector."

Ch. 11. Alarm Systems.

Section 11-1A is amended to change the charge for a fourth or subsequent false alarm within a twelve-month period from \$50 to \$300.

Section 11-2 is amended to change the penalty for violation of the false alarm's bylaw from \$50 to \$300.

Ch. 14. Alcoholic Beverages.

Section 14-1 is amended as follows: "Whoever shall, within the Town, whether that public way be a Town way, county highway, state highway or a private way open to the public, or in any other place where the public shall have access, consume intoxicating beverages shall be punished ~~by a fine not exceeding \$50 as provided in § 14-5.~~"

Section 14-2 is amended to change "shall be punished by a fine not exceeding \$50" to "shall be punished as provided in § 14-5."

Section 14-5 is added to read as follows: "Violation of this bylaw may be penalized by a noncriminal disposition of the violation as provided in MGL c. 40, § 21D. Penalty: \$300. Enforcing persons: police officers."

Ch. 28. Building Construction.

Section 28-1 is amended to delete the reference to 780 CMR 61.00 and 93.00 (these sections are now reserved).

Ch. 49. Finance.

Section 49-6, Authorized revolving funds, is amended to delete the fund for the Highway Department's bucket truck and to add the Tax Title Revolving Fund.

Ch. 82. Licenses and permits.

Section 82-1 is amended to change "any local permit" to "any local license or permit."

Section 82-2 is amended as follows:

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually, and may periodically, ~~provide delinquency lists to permit-issuing departments~~ furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits, including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges, ~~for a period of 90 days~~ and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

Section 82-6 is amended to delete "bicycle permits (MGL c. 85, § 11A)."

Ch. 86, Littering.

Section 86-2 is added to read as follows: "Violation of this bylaw may be penalized by a noncriminal disposition of the violation as provided in MGL c. 40, § 21D. Penalty: \$100. Enforcing persons: police officers."

Ch. 113, Peace and Good Order.

Sections 113-2 and 113-4 are added to read as follows: "Violation of this bylaw may be penalized by a noncriminal disposition of the violation as provided in MGL c. 40, § 21D. Penalty: \$100. Enforcing persons: police officers."

Ch. 140, Streets and Sidewalks.

Section 140-3 is amended to read as follows: "Violation of this bylaw may be penalized by a noncriminal disposition of the violation as provided in MGL c. 40, § 21D. Penalty: \$25. Enforcing persons: police officers. Each day shall be a separate offense."

Section 140-4 is amended to delete: "penalty for violation of this regulation will be not less than \$10.00 for each offense."

Section 140-5 is added to read: "Snow and ice shall be removed from sidewalks within the boundaries of the Town of Northfield on the streets named as follows by the owner of land abutting upon said named streets within 48 hours following the cessation of a snow/ice storm, by mechanical or other means: Main Street, Holton Street, Parker Avenue, Highland Avenue, and Mt. Hermon Station Road, from West Northfield Road north to the Vermont line."

Section 140-6 is added to read as follows: "Violation of this bylaw may be penalized by a noncriminal disposition of the violation as provided in MGL c. 40, § 21D. Penalty: \$100. Enforcing persons: police officers."

Requested by the Selectboard

MOTION (BERNARD BOUDREAU): I move that the Town vote to adopt the changes to the General Bylaws as set forth in the Final Draft of the Code of the Town of Northfield, dated October 2021 and presented in this warrant.

PASSED UNANIMOUS

ARTICLE 12: To see if the Town will adopt **Ch. 19, Animals.** to read as set forth below. This new General Bylaw repeals and replaces the sections in the General Bylaws titled "Animals at large on public way," "Dog leash law," "Dog waste" and "Registering and licensing of dogs" and replaces them with a new Animal Control Bylaw, below, or what it will do in relation thereto.

Administration

- A. Severability: If any provision of this By-Law should be found invalid, the remainder of this By-Law shall remain in force.
- B. Definitions for this by-law shall be adopted and defined by MGL c. 140 §136A.

Dog Licensing

1. In accordance with MGL c. 140 § 137, the owner or keeper of a dog over the age of (6) six months shall annually obtain a license for the dog from the licensing authority, who shall issue dog licenses and tags.
2. Annual dog licenses must be obtained by March 31st for a licensing period of April 1 through March 31 of the following calendar year. The open licensing period shall be from February 1st through March 31st of each year.
3. In accordance with MGL c. 140 § 138, any person who during any licensing period becomes the owner or keeper of a dog which is duly licensed in the town or city where it is to be kept shall forthwith give notice, in writing, to the Town Clerk that they have become such owner or keeper. The Town Clerk shall change the record of such license to show the name and address of the new owner or keeper.
4. In accordance with MGL c. 140 § 138, any person bringing or causing to be brought from another state or country any dog licensed under the laws thereof which is 6 months old or over or will be 6 months old before the expiration of (30) thirty days shall, on or before the expiration of thirty days

following the arrival of such dog within the commonwealth license the dog with the Town Clerk.

5. No License fee shall be charged for a license issued under MGL c. 140 § 139, for a service dog as defined by the Americans with Disabilities Act and MGL c. 272 §98a.
 - a. Application shall be made for a dog license as provided in this bylaw, and license tags issued must be worn by any such service dog.
6. No License fee or portion thereof shall be refunded because of subsequent death, loss, spaying, neutering, removal from town or other disposal of the dog for which the license has been issued, nor shall any fee for a license issued to a new resident be prorated.
7. Any person (70) seventy years of age or older, upon proof of age, shall be exempt from the annual fee for one dog, per household, per licensing year.
 - a. The owner of a kennel license, age (70) seventy years of age or older, shall be excluded from this exemption.
8. All license fees collected shall deposited as defined in MGL c140 § 147.

Kennel Licensing

1. Annual kennel licenses must be obtained by March 31st for a licensing period of April 1 through March 31 of the following calendar year. The open licensing period shall be from February 1st through March 31st of each year.
2. A Kennel license shall be in lieu of individually licensing the dogs kept on the subject premises.
3. The fee for Kennel licensure shall be set by the Select Board and may be adjusted at their discretion during an open meeting. Any adjustments shall not become effective until the start of the next licensing period.
4. Kennels may be established where allowed and permitted by the Town of Northfield Zoning Bylaw.
5. Issuance: Upon receipt of the completed application packet and appropriate fee, the Town Clerk shall issue the kennel license valid through March 31st of the following calendar year.
6. Renewals: A kennel license shall be renewed by March 31st annually, upon completion of an annual inspection and payment of the appropriate fee, provided that the renewal and licensure is not in contradiction any bylaw or Massachusetts General laws that would prohibit the renewal or issuance of the license.
7. Inspection or complaints of kennels or revocation, suspension and reinstatement of kennel licenses shall be managed in accordance with MGL c. 140 §137C.
8. In accordance with MGL c. 140 § 137A, an owner or keeper of less than 4 dogs, 3 months old or older, who does not maintain a kennel may elect to secure a kennel license in lieu of licensing the dogs under section 137 and shall be subject to this section, sections 137B and 137C and so much of section 141 as it relates to violations of this section to the same extent as though the owner or keeper were maintaining a kennel.
9. All license fees collected shall deposited as defined in MGL c140 § 147.

Dogs Running-At-Large; Unrestrained

1. No owner or keeper of any dog within the town limits shall allow any dog, whether licensed or unlicensed, to wander on private property without permission of the owner thereof, or on any public property within the Town, including but not limited to public ways, school grounds, recreation areas and cemeteries, unless the dog is properly restrained with a chain or leash.
 - a. Exception: This section shall in no way preclude the use of certain specially trained dogs as set forth in MGL c. 140 §139.
2. The owner or keeper of any dog which is not on the premises of the owner or keeper or upon the premises of another with the permission of said person shall restrain said dog with a chain or leash of sufficient material and strength as necessary to restrain the dog and shall be held by a person capable of controlling the movements of the dog. The chain or leash shall be a length which prohibits the dog from being a nuisance to persons nearby or causing damage to public or personal property.
3. Any dog being used for lawful hunting, training, sporting, working purposes or accompanied by its master, who must accept full responsibility for the dog's behavior, shall not be considered running unrestrained.
4. Any dog found to be in violation of this bylaw, and not under the immediate control of the owner or keeper, may be picked up by any law enforcement officer and either returned to the owner or keeper or deposited in a dog pound or similar facility. The owner or keeper shall be responsible for paying all costs of maintaining and keeping the animal at the dog pound or similar facility. Except as otherwise permitted by this bylaw, unrestrained or unlicensed dogs may be sought out, caught, and confined by the Animal Control Officer or any police officer of the Town and impounded pursuant to MGL c. 140, §§ 151A and 167.
5. This bylaw shall remain in force year-round.
6. Violations of this section are subject to the fine schedule as set forth in MGL c. 140 § 173A.

Removal of Waste

1. No person owning or keeping a dog shall suffer, permit, or allow such a dog to leave feces in any public or private property of someone other than that of the dog's owner or keeper within the Town of Northfield, without the approval of said property owner. Any person having custody and control of a dog in any such area shall carry with him or her proper equipment for the removal of feces. For purposes of this section, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces. No person shall leave or dispose of said feces in any catch basin, drainage structure, waterway or on any public property or street except in an approved trash receptacle.
 - a. This section shall not apply to a dog licensed under MGL c.140 § 139 and/or accompanying a person who is handicapped as defined in MGL c272 §98A. If by reason of their handicap they are physically unable to comply with the requirements of this section.

Complaint of Nuisance and Dangerous Dogs

1. Any person may make a written complaint to the Animal Control Officer that any dog owned or kept within the Town is a nuisance dog or a dangerous dog, as those terms are defined in MGL c. 140, § 136A.

2. The provisions of MGL c. 140, §§ 161 and 161A shall apply to whoever suffers the loss of livestock or fowl in a manner described in said § 161.
3. The Animal Control Officer shall investigate or cause to be investigated such complaint, which may include an examination under oath of the complainant at a public hearing in Town to determine whether the dog is a nuisance dog or a dangerous dog, and shall submit a written report of his/her findings and recommendations to the Select Board concerning the restraint or disposal of such dog as provided in MGL c. 140, § 157.
4. The Animal Control Officer, after investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed 14 days to enable the Select Board to issue their order following receipt of the report of the Animal Control Officer. If the Select Board fails to act during the period of the interim order, upon expiration of the interim period, the order shall automatically be vacated.
5. The Select Board, after credible evidence and testimony is presented at the public hearing, shall (A) dismiss the complaint; (B) deem the dog a nuisance dog and order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior; or (C) deem the dog a dangerous dog and make such order concerning the restraint, muzzling, or euthanization of such dog, or such other action as may be deemed necessary; provided, however, that the Select Board shall not order the banishment and tethering.
6. Violations of such orders shall be subject to the enforcement provisions of MGL c. 140, §§ 157 and 157A.

Noise Complaint; Barking Dog(s)

- A. No person owning, keeping, or otherwise responsible for a dog or dogs shall allow said dog or dogs to annoy another person by making loud or continuous noise, where such noise would be found by a reasonable person to be disruptive to one's quiet and peaceful enjoyment. Continuous and clearly audible barking, whining, crying, or howling by a dog or dogs is prima facie evidence of a violation, if:
 1. It occurs between the hours of 10:00 p.m. and 7:00 a.m. of the next day and lasts longer than (5) five minutes; or
 2. There are (5) five or more occurrences, regardless of length of barking, in less than (2) two hours between the hours of 10:00 p.m. and 7:00 a.m. of the next day; or
 3. It is in excess of (20) twenty minutes between the hours of 7:00 a.m. and 10:00 p.m.
- B. Exemption: Livestock Guardian canines in the act of protecting livestock as well as working canines in the performance of their established duties shall be exempt from this bylaw.
- C. Nothing in this section shall interfere with an individual's right to file for a Nuisance Dog Hearing under MGL 140 §157.

Impoundment and Kenneling

1. Impoundment:
 - a. The Animal Control Officer or Police Officer shall immediately notify the owner or keeper of any animal impounded by him/her under the provisions of this bylaw, if such owner is known by him/her.

- b. If the animal is not licensed or the owner or keeper is not known by the Animal Control Officer or Police Officer, no notice shall be necessary.
 - c. The animal shall be secured in the town kennel or other such approved holding facility.
- 2. Kenneling:
 - a. The Kenneling period shall start at the time of impoundment and shall accrue until the owner presents the required documentation, signs a release form, and removes the animal from the facility.
 - i. Required Documentation shall be considered: Proof of Ownership, Valid Rabies Certificate, and Valid Town License.
 - b. The Town may contract with the Franklin County Regional Dog Shelter or any other licensed suitable public or privately owned facility, approved by the Animal Control Officer and the Massachusetts Department of Agriculture to provide care and kenneling services to dogs impounded by the Animal Control Officer, Police Officer, or turned in by a citizen.
 - i. All associated fees and costs related to the kenneling of a dog shall be set and collected by the owner or operator of the kennel.
 - c. In the event that the Kennel Facility is not adequate for the animals, is overpopulated, or is not adequate for the conditions, animals may be boarded at a boarding facility approved by the Animal Control Officer.
 - ii. If an animal is required to be boarded at another facility, payment to the facility shall be made by the Town upon receipt of bill or invoice. The Town may then seek restitution for the costs from the owner of the animal.
- 3. Disposition of Animals:
 - a. Animal Surrenders shall be done at the discretion of the Animal Control Officer.
 - b. Unclaimed Animals: In accordance with MGL c. 140 § 151A, any dog unclaimed after (7) seven days from pickup/confinement shall be come property of the town and shall be handled at the discretion of the Animal Control Officer.
 - iii. This bylaw shall be extended to cover all animals taken into custody by the Animal Control Officer, with the exception of livestock which shall be handled on a case-by-case basis.

Humane Treatment

- 1. Any person owning, possessing, or controlling a domesticated animal shall provide his or her animal with sufficient potable water and wholesome food, proper shelter, and protection from the weather, including extremes of heat and cold, veterinary care sufficient to prevent suffering and the spread of disease and shall provide humane care and treatment for the animal.
- 2. Any person owning, possessing, or controlling a dog in the town shall not allow or permit said dog to be harbored, confined, chained, or tethered in violation of MGL c. 140 § 174E.
 - a. Violations of this section are subject to the fine schedule as set forth in MGL c. 140 § 174E.
 - b. Clarification Note: MGL 140/174E defines rules and requirements related to dogs. This includes but is not limited to: Shelters, cable runs, tethering, kenneling, and dogs being outside during weather advisory/warnings/watches.
- 3. In accordance with MGL c. 140, § 174F, it shall be a violation of this bylaw to confine an animal in a motor vehicle in a manner that could be expected to threaten the health of the animal due to exposure to extreme heat or cold.

- a. Violations of this section are subject to the fine schedule as set forth in MGL c. 140 § 174F.

Rabies Control

1. All dogs, cats and ferrets owned by a resident of the town shall be properly vaccinated against rabies in accordance with MGL c. 140 § 145B.
2. The town shall annually nominate a minimum of (1) Animal Inspector as defined in MGL c. 129 § 15.
3. All bites by dogs, cats, or other domestic animals or wild or exotic animals shall be reported to the Animal Inspector and the Animal Control Officer as soon as possible by the person bitten or by the owner or keeper of the animal, or both.

Cats

1. Stray Cats:
Any rescue group, humane society or other person or organization picking up stray cats shall notify the Animal Control Officer with all relevant information of each cat and the location found.
2. Feral Cats:
Any person or organization that traps and releases feral cats shall report such activity to the Animal Control Officer including information of description and numbers of cats trapped and name and contact information of the caretaker. The caretaker is expected to take responsibility for the duration of the cat's life. All feral cats shall be spayed or neutered and ideally be ear tipped to signify their alterations at the expense of the organization trapping the cats.

Livestock

- A. Any owner or person having care of any sheep, swine, horses, oxen, cows, or other grazing animals or fowls, shall construct and maintain a suitable barrier, that a reasonable person would find sufficient, to prevent said animals or fowl from becoming a nuisance by way of trespass upon public ways; public lands; and the lands of another person.
- B. No owner or person having care of any sheep, swine, horses, oxen, cows, or other grazing animals or fowls, shall permit or suffer any such animal or animals to go at large unattended upon any public way or lands in the town.
- C. No owner or person having care of any sheep, swine, horses, oxen, cows, or other grazing animals or fowls, shall permit or suffer any such animal or animals to trespass upon the premises of another person without the permission of said person.
- D. The owner or person having care of said animals shall immediately cause said animals to be restrained following notification that said animals are at large upon a public way or lands or upon the property of another person without permission.
 - a. For the purpose of this bylaw section, the term notification shall include: In writing and duly posted in a conspicuous location at the last known residence of the owner or person having care of the animals; In person; By phone conversation with the owner or person having care of the animals; by phone with a voicemail left at the last known number for the owner or person having care of the animals; By other means not defined here that a reasonable person would find acceptable.

- E. If said animals remain at-large twelve (12) hours after notification, the owner or person having care of said animal shall be subject to a violation punishable by a fine.
- F. Each twelve (12) hour period that the animals remain at-large shall constitute another offense. An offense shall be limited to a period of twelve (12) months.
- G. In the event of multiple occurrences within a period of time, in which any sheep, swine, horses, oxen, cows, or other grazing animals or fowls' trespass upon any public way or lands in the town; or the premises of another person without the permission. The owner or person having care of said animals, shall be deemed in violation of paragraph A of this section. Such violation shall result in notification of and referral to the Town Hearing Authority for remediation.
- H. If the owner or person having care of the animals, is making efforts that a reasonable person would find acceptable to restrain said animals, and this is not a subsequent offense, the enforcing agent based on their assessment of the situation may forgo issuing a monetary fine, however, the occurrence shall still count as a first offense.
- I. Nothing in this section shall preclude prosecution under section 118 of chapter 266.

Fees; Enforcement, Violations and Penalties

- A. In addition to police officers, who shall in all cases be considered enforcement personnel for the purposes of non-criminal enforcement, a duly appointed Animal Control Officer shall be the enforcement officer with respect to the provision set forth in this bylaw.
- B. A violation of any provision of this article may be dealt with as a non-criminal offense in accordance with the provision of General law, Chapter 40, Section 21D, and shall be subject to the specific fine or penalty listed in each provision.
- C. Violation of Dog Control Laws:
Shall utilize the following schedule of fines as defined in MGL c.140 §173A .
 - a. First Offense: \$50 (fifty dollars)
 - b. Second Offense: \$100 (one hundred dollars)
 - c. Third Offense: \$300 (three hundred dollars)
 - d. Fourth/Subsequent Offense: \$500 (five hundred dollars)
 - e. The town may require a dog to be spayed/neutered if applicable.
- D. Livestock – Failure to recover animals at large:
Violations of the Livestock provision will utilize the following schedule of fines.
 - a. First Offense: \$20 (Twenty dollars)
 - b. Second Offense: \$40 (Forty dollars)
 - c. Third/Subsequent Offense: \$50 (fifty dollars)
- E. Other violations:
If no specific fine is listed for a specific provision, the following fine schedule shall apply:
 - a. First Offense: Verbal Warning
 - b. Second Offense: \$25 (twenty-five dollars)
 - c. Third Offense: \$50 (fifty dollars)
 - d. Fourth Offense/Subsequent: \$100 (one hundred dollars)
- F. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated may constitute a separate offense.

- G. Unless specified within a specific provision, a separate offense is not limited to an offense within a calendar year from the first offense.
- H. Except where otherwise required by law, all fines collected pursuant to the enforcement of this bylaw shall be deposited into the Animal Control/Dog Fund revolving account.

Requested by the Selectboard

MOTION (BARBARA JACQUE): I move that the Town vote to repeal and replace the sections in the General Bylaws titled "Animals at large on public way," "Dog leash law," "Dog waste" and "Registering and licensing of dogs" and replace them with a new Animal Control Bylaw as presented in this warrant.

ARTICLE PASSED BY MAJORITY VOTE

ARTICLE 13: To see if the Town will adopt **Ch. 100, Unlawful Noise.** to read as set forth below. This new General Bylaw repeals and replaces the sections in the General Bylaws titled "Noise" and "Excessive Noise Bylaw" and replaces them with a new Unlawful Noise Bylaw, below, or what it will do in relation thereto.

UNLAWFUL NOISE

Purpose: The intention is not to restrict people's enjoyment of their home, property, or business, but to ensure that the Town and its citizens are protected from intrusion of excessive noise generation by:

- (i) Providing a mechanism for control, prevention, mitigation, and arbitration of noise thorough the establishment of maximum noise levels for lawful uses and activities.
- (ii) Providing a venue for adjudication, arbitration, and if necessary, the definition of offenses and power to impose penalties to preserve the rural character of our town.

A. Unlawful Noise Prohibited. It shall be unlawful for any person to create, assist in creating, continue, or allow to continue, any excessive, unusually loud, disturbing, or injurious noise that annoys, disturbs, injures, or endangers the reasonable quiet, comfort, repose, or the health or safety of others, during the hours of 10:00 p.m. and 7:00 a.m. Loud, disturbing, injurious, or unnecessary noise includes:

- (1) Acoustically or electronically amplified sound made in a manner or at such volume at any time or place so as to annoy or disturb the reasonable quiet, comfort, or repose of persons who live or work in, or who are otherwise lawfully in, the area. Where such noise is plainly audible at a distance of 150 (150) feet from the property line. (For Special Events see (B)(6) below).
- (2) Undue or extreme noise from a motor vehicle, including a snowmobile or motorcycle.
- (3) Yelling, shouting, hooting, sounding a horn, whistling, singing, or the making of other loud noise on the public streets, or the making of noise at any time or place so as to annoy or disturb the reasonable quiet, comfort, or repose of persons who live or work in, or who are otherwise lawfully in, the area.
- (4) Except as otherwise allowed under the Commonwealth's Zoning Act (M.G.L. c. 40A, § 3) or the Northfield Zoning Bylaws, the keeping of an animal or bird that, by causing frequent or long continued noise, shall disturb the reasonable comfort or repose of any person. (For Dog Barking see the Animal Control Bylaw).

B. Exemptions This section shall not apply to or be enforced against:

- (1) A police or fire vehicle or ambulance while engaged in necessary emergency business, or Town equipment engaged in snow removal operations.
- (2) Necessary excavation in or repairs of bridges, streets, or highways, or public utility installation by or on behalf of the Town, or of a public utility or agency of the Commonwealth of Massachusetts.
- (3) Noise caused by agricultural, farm-related, or forestry-related activities, as defined by M.G.L. c. 128, § 1A, including the operation of farm equipment, sawmills, harvesting equipment, and noises from farm animals.
- (4) Motorized devices and equipment engaged in home construction (including site preparation and restoration), roof installation, building restoration, and like activities and/or demolition shall be permitted between the hours of 7:00 a.m. and 7:00 p.m., or as otherwise allowed by a Town permit issued for such activity.
- (5) The outdoor use of domestic mechanical equipment such as, but not limited to, lawn mowers, leaf blowers, and power saws is permitted between the hours of 7:00 a.m. and 9:00 p.m.
- (6) Special/Large events lawfully authorized and in compliance with the conditions of that authorization (See Special/Large event application and permit).

C. Penalties

- (1) Each act that either continues or is repeated for more than 1/2 hour after issuance of a written notice of violation shall constitute a separate violation.
- (2) Violation of this bylaw may be penalized by a noncriminal disposition of the violation as provided in MGL c. 40, § 21D. Penalty: \$50 for a first offense, \$100 for a second offense and \$200 for a third offense. Enforcing persons: police officers."

D. Other Remedies

- (1) If the violation occurs on the premises of a non-owner-occupied rental property, the owner shall also be notified in writing that the violation has occurred.
- (2) If the person responsible for an activity that violates Section A cannot be determined, the person in lawful custody or control of the premises, including the owner, lessee, or occupant of the property on which the activity is located, shall be deemed jointly and severally responsible for the violation
- (3) If the person responsible for an activity that violates Section A can be determined, and circumstances so necessitate, that person may be arrested without a warrant, provided that the violation occurs in the presence or view of an officer authorized to serve criminal process.

Requested by the Selectboard

MOTION (MARY BOWEN): I move that the Town vote to repeal and replace the sections in the General Bylaws titled "Noise" and "Excessive Noise Bylaw" and replaces them with the new Unlawful Noise Bylaw as presented in this warrant.

PASSED UNANIMOUS

ARTICLE 14: To see if the Town will vote to add the following General Bylaw pertaining to unregistered Motor Vehicles, or what it will do in relation thereto:

UNREGISTERED MOTOR VEHICLES

- Sec. 1. The keeping of more than one unregistered motor vehicle, assembled or disassembled, except by a person licensed under General Laws, Chapter 140, Section 59, on any premises shall not be permitted, unless said motor vehicles are stored within an enclosed building.
- Sec. 2. A special permit to keep more than one unregistered motor vehicle on any premises not within an enclosed building may be granted by the Selectboard, but only after a duly called public hearing to which all abutters to the premises have received notice, and if the Board finds that such keeping (1) is in harmony with the general purposes and intent of this By-Law; (2) will not adversely affect the neighborhood and (3) will not be a nuisance.
- Sec. 3. All such special permits granted shall limit the number of unregistered motor vehicles to be kept on the premises by the permit holder, shall not run with the land, and shall be limited to a reasonable length of time.
- Sec. 4. This article shall not apply to motor vehicles which are designed and used for farming purposes, nor to landowners or tenants who store motor vehicles out of sight of abutters and public ways.
- Sec. 5. Whoever violates any provisions of this article of the by-laws shall be fined a penalty of twenty-five dollars (\$25.00) per day for each day of violation per excess vehicle, not to exceed five hundred dollars (\$500.00) for each day, commencing ten days following date of receipt of written notice from the Selectboard.
- Sec.6. However, if the unregistered motor vehicles are deemed by the Board of Health or Police Department to be a threat to public health or safety, and after proper notice to the property owner to remove the vehicles and upon failure of the property owner to act within a reasonable time, the Selectboard reserves the right to act to enforce removal of the unregistered vehicles.

or take any other action thereon or in relation thereto.

Requested by the Selectboard

MOTION (HEATH CUMMINGS): I move that the Town vote to add the General Bylaw pertaining to unregistered Motor Vehicles as presented in this warrant.

PASSED UNANIMOUS

ARTICLE 15: To see if the Town will vote to renumber and recaption the Zoning Bylaw of the Town by (a) designating the Zoning Bylaw as Chapter 200 of the Code of the Town of Northfield; (b) renumbering each section and subsection of the bylaw accordingly; (c) inserting article and section titles; and (d) updating internal references to reflect the new numbering system, all as set forth in the Final Draft of the Code of the Town of Northfield, dated October 2021, on file with the Town Clerk, or what it will do in relation thereto.

MOTION (BARBARA JACQUE): I move that the Town vote to adopt the changes to the Zoning Bylaws as set forth in the Final Draft of the Code of the Town of Northfield, dated October 2021 and presented in this warrant.

PASSED UNANIMOUS

ARTICLE 16: To see if the Town will vote to adopt the following changes to the Zoning Bylaw as set forth in the Final Draft of the Code of the Town of Northfield, dated October 2021, on file with the Town Clerk, or what it will do in relation thereto: References to the "Board of Selectmen" are amended to "Selectboard."

- 1) References to the Massachusetts General Laws are standardized to the format: MGL c. __, § __.
- 2) Specific revisions. (Note: Text that is underlined is being added; text that is struck out or in brackets is being deleted.)

Sections 200-1.1, 200-1.4, 200-3.5C(2), 200-9.3K(2) and 200-9.8E(5) and F(8) are amended to change "these bylaws" to "this bylaw."

The definition of "family" in § 200-2.1 is amended to read as follows: "One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit, who are living together as a bona fide, stable and committed living unit, being a traditional family unit or the functional equivalent thereof, exhibiting the generic character of a traditional family."

The definition of "home occupation" in § 200-2.1 is amended as follows: "A ~~home-based business~~ home occupation is an accessory use, incidental and subordinate to the primary residential use of the property."

The definition of "lot, corner" in § 200-2.1 is amended as follows: "A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street having street side lines or tangents to side lines forming an interior angle of less than 135° ~~feet~~."

The definition of "sign" in § 200-2.1 is amended to read "See § 200-8.4, Signs."

Section 200-3.1C is amended as follows: "Such ~~permit~~ certificate of occupancy shall not be issued until the premises, structure, and its uses and accessory uses comply in all respects with this Zoning Bylaw and, if applicable, a site plan certificate of completion shall be issued."

Section 200-3.5E(5) is amended as follows: "The decision shall be in writing and shall be filed with the Town Clerk within ~~60~~ 90 days of the application date."

Sections 200-4.1, 200-4.2A and C and 200-4.3A are amended to change "Groundwater Protection District" to "Water Supply Protection District."

Section 200-5.3B is amended to change "these Zoning Bylaws" to "this Zoning Bylaw."

Section 200-6.2 is amended to delete the following sentence (already included in § 200-6.1): "Except as hereinafter provided, this bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this bylaw or any amendments thereto, but shall apply to any change or substantial extension of such use."

Section 200-9.2C is amended as follows: "A ~~home-based business~~ home occupation that does not comply with all of the above standards shall only be allowed by special permit from the Zoning Board of Appeals."

Section 200-9.3C(1) is amended as follows: "The required information shall be provided in the form of a development impact statement, including a conservation analysis as described in the ~~Subdivision Regulations~~ Subsection C(2) of this section."

Section 200-9.3C(2)(a) is amended to add the following sentence: "This meeting shall constitute the conservation analysis."

Section 200-9.7D(4) is amended as follows: "A locus plan at a scale of one-inch equals 100 feet shall be submitted which shall show all property lines, the exact location of the proposed structure(s), streets, landscape features, residential dwellings, and all buildings within 500 feet of the WCF."

Section 200-9.8F(9)(f) is amended as follows: "The special permit holder shall notify the ~~Zoning Enforcement Officer~~ Building Inspector and Planning Board in writing within 48 hours of the cessation of operation of the marijuana ~~establishment's~~ establishment or the expiration or termination of the permit holder's license with the Cannabis Control Commission."

Section 200-10.2B(7) is amended as follows: "Zone 7: All land within an area bounded by School Street to the north, a line parallel to the ~~and~~ and 500 feet east of East Street on the west, Maple Street on the south, and Zones 5 and 6 on the east."

Section 200-10.2F is amended as follows:

In the first sentence: "Site plan review, as required under § 200-3.5, shall be a prerequisite to all special permits issued ~~pursuant~~ in the Water Supply Protection District."

In Subsection F(1) to update "527 CMR 9.00 (Mass. Fire Regulations)" to "527 CMR 1.00 (Massachusetts Comprehensive Fire Safety Code)."

In Subsection F(3): "Uses which generate ~~sewage~~ design flow, as defined in 310 CMR 15.002, which exceeds 1,500 gallons per day."

The definition of "as-of-right-siting" in § 200-10.3D is amended to change "Building Commissioner" to "Building Inspector."

Requested by the Planning Board

MOTION (BERNARD BOUDREAU): I move that the Town vote to adopt the changes to the Zoning Bylaws as set forth in the Final Draft of the Code of the Town of Northfield, dated October 2021 and presented in this warrant.

PASSED UNANIMOUS

Meeting adjourned at 8:20 pm