



2024 Special  
Town Meeting Warrant

Wednesday, November 13, 2024  
Beginning at 6 p.m.

Pioneer Valley Performing Arts  
15 Mulligan Drive, South Hadley, MA

**SCAN HERE WITH YOUR  
MOBILE DEVICE TO VIEW  
BACKGROUND MATERIALS**



COMMONWEALTH OF MASSACHUSETTS  
SOUTH HADLEY, MASSACHUSETTS

WARRANT

Hampshire, ss.

TO: Either of the Constables of the Town of South Hadley

ADA ADVISORY

Anyone in need of special arrangements for the Town Meeting, please contact the Office of the Selectboard at (413) 538-5030 ext. 6136 or [Selectboard@southhadleyma.gov](mailto:Selectboard@southhadleyma.gov) by November 1, 2024 in order that reasonable accommodations may be made.

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of South Hadley that the SPECIAL TOWN MEETING will be held at Pioneer Valley Performing Arts, 15 Mulligan Drive, South Hadley, Massachusetts on Wednesday, November 13, 2024 at 6:00 PM or as soon thereafter as the subject matter of this warrant can then and there be reached, and the Town Clerk is required to notify and warn the Town Meeting Members then and there to meet and act on the following articles;

Election of Redevelopment Authority

1. Term to end June 30, 2027 and commence upon vote

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## REPORTS

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### **ARTICLE 1:        HEAR REPORTS**

To see if the town will hear and act upon the reports of the Town Officers, Boards, and Committees; or take any other action in relation thereto.

*Article Information: The Master Plan Implementation Committee and the South Hadley Redevelopment Authority both have reports.*

MOTION: That the Town hear the reports of the Town Officers, Board and Committees.  
(Majority Vote)

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## CAPITAL

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### **ARTICLE 2:        CAPITAL BUDGET**

To see if the Town will vote to amend the FY2023, FY2024 and FY2045 Capital Budgets as follows:

	Original Funding	Transfer/(Reduce)	Final Funding
School Van (FY24)	30,000	46,000	76,000
Senior Center Van (FY23)	85,000	(46,000)	39,000
Buttery Brook Park (FY24)	715,000	182,087.08	897,087.08
Police Roof Repairs (FY23)	90,000	(31,450)	58,550
Police Fire Detection (FY25)	25,000	(6,298.55)	18,701.45
DPW Skid Steer (FY23)	80,000	(64,027.37)	15,972.63
Parks: Furnace (FY25)	15,000	(6,000)	9,000
Rec/School Fencing/Netting (FY24)	65,000	(63,005)	1,995
Middle Floor Repair (FY24)	50,000	(553)	49,447
HS Classroom Conversion (FY24)	25,000	(10,753.16)	14,246.84

; or take any other action relative thereto.

*Article Information: This has been approved by both the Capital Planning Committee and Appropriations Committee. The Buttery Brook Park project funds will come from several previously approved projects that are closing out to supplement a state PARC grant for \$500,000 and previously approved Town match and donations. The school van was previously approved for \$30,000 and additional funding is needed to purchase an electric (versus gas) vehicle.*

**MOTION:** I move that the Town approve Article 2 as written in the warrant. (Majority Vote)

**ARTICLE 3:            WASTEWATER CAPITAL BUDGET**

To see if the Town will transfer \$200,000 from WWTP Enterprise Fund Receipts and \$440,000 WWTP Retained Earnings in the sum of \$640,000 make the following purchases, repairs, or replacements:

Fiscal Year 2025	Capital Request Detail	Request
WWTP	Vactor Truck	\$640,000

; or take any other action relative thereto.

*Article Information: This has been approved by both the Capital Planning Committee and Appropriations Committee. The current vactor truck is over 20 years old.*

**MOTION:** I move that the Town transfer the sum of \$200,000 from WWTP Enterprise Fund Receipts and the sum of \$440,000 from WWTP Enterprise Retained Earnings for a total of \$640,000 to make purchases, repairs, or replacements as set forth in the Warrant. (Majority Vote)

**ARTICLE 4:            LANDFILL CAPITAL BUDGET**

To see if the Town will transfer \$240,000 from Enterprise Fund Receipts and \$500,000 from Landfill Retained Earnings the sum of \$740,000 to make the following capital purchases, repairs, and replacements:

Fiscal Year 2025	Capital Request Detail	Request
Landfill	Trash and Recycling Carts	\$740,000

; or take any other action relative thereto.

*Article Information: This has been approved by both the Capital Planning Committee and Appropriations Committee. Collection vendors will no longer pick up bags manually so the Town is switching to a cart system that can be picked up by automated trucks. This funding will be*

*sufficient to purchase the carts needed to implement the new program on July 1, 2025, and allow the town the time to order, assemble and distribute the carts.*

**MOTION:** I move that the Town transfer \$240,000 from Enterprise Fund Receipts and \$500,000 from Landfill Retained Earnings the sum of \$740,000 from Landfill Enterprise Fund Receipts for Trash and Recycling Carts as set forth in the Warrant. (Majority Vote)

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## GENERAL BYLAWS

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### **ARTICLE 5:            UNHITCHED TRAILER BYLAW**

To see if the Town will vote to amend Chapter 179 of the General Bylaws by adding a new section as follows:

#### **§ 179-6 Trailers Not Attached to Motor Vehicles Prohibited.**

##### **A. Definitions.**

**TRAILER** Automobile trailer, boat trailer, utility trailer, trailer coach, any portable structure or vehicle so constructed and designed as to be attached to a motor vehicle and any portable structure or nonmotorized vehicle so constructed and designed as to permit occupancy thereof, for dwelling, sleeping purposes or commercial uses.

##### **B. Trailers unattached on public ways.**

No trailer shall be parked on public ways or other Town property unless such is attached to a motor vehicle in a safe and proper fashion as it is constructed and designed to be so as to be able to be immediately towed without any further connections and/or adjustments by the motor vehicle to which it is so attached. Notwithstanding anything in this section to the contrary, this section shall not apply to any trailer being currently used in its specific function for the following:

- (1) Actively loading or unloading.
- (2) Emergency repairs being performed.
- (3) Emergency operations or traffic enforcement.
- (4) Highway and utility maintenance and construction, necessary excavation in or repairs of bridges, streets or highways, or any public utility installation by or on behalf of the Town, any public utility or any agency of the Commonwealth of Massachusetts.

- (5) Events or activities that have been duly authorized by the Selectboard; and
- (6) Organized sporting events, school band activities, or duly authorized parade on designated street as sanctioned by the Town or sports Organizations.
- (7) Any validly permitted construction project.
- (8) Landscaping or contracting activities which do not require a permit, only while active work is in progress

**C. Violations and penalties; removal of trailer.**

- (1) The enforcement authority for this bylaw shall be the South Hadley Police Department pursuant to Chapter 46 § 46-1E of the South Hadley Bylaws.
- (2) Violations of this bylaw may result in a fine not exceeding \$50 per day to the owner of the trailer as described in paragraph A of this section. Each day that such violation continues shall constitute a separate violation.
- (3) Such fines shall inure to the Town. Fines shall be recovered by indictment, or on complaint before the District Court, or by noncriminal disposition in accordance with Section 21D of Chapter 40 of the General Laws.
- (4) The Chief of Police or their designee shall be authorized to remove, to some convenient place, through the agency of a person or persons in the employ of the Police Department or of the Town or by an independent contractor, any such trailer as described in paragraph A of this section parked or standing on any part of a way under the control of the Town.
- (5) The owner of the trailer as described in paragraph A of this section shall be liable, in addition to the above-stated fine, for the reasonable cost of such removal and for the storage costs, if any, resulting therefrom.

; or take any other action relative thereto.

*Article Information: The Town does not have an existing bylaw addressing unhitched trailers left in the public way. This bylaw is intended to limit potential public safety hazards and provide a clear understanding of what is permitted. Unhitched trailers pose a hazard including blocking vehicle or pedestrian travel, limiting line of sight, and hindering emergency access.*

**MOTION:** I move that the Town amend Chapter 179 of the Town’s General Bylaws as printed in the Warrant. (Majority Vote)

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**ARTICLE 6: ANIMAL IMPOUNDMENT**

To see if the Town will vote to amend Chapter 194, Sections 4, and 5, entitled Pets and Domesticated Animals, of the General Bylaws of the Town of South Hadley as follows, with additions set forth in ***bold italics*** and deletions set forth in ~~striketrough~~ and to renumber the remaining sections accordingly:

**§ 194-4 Enforcement; violations and penalties; appeals.**

Failure to comply with provisions of this bylaw or any part thereof may result in a first offense fine of \$50, and a second or additional violation of this bylaw within a two-year period may result in a fine of up to \$300. ***Violations of this bylaw may also be enforced by an order of impoundment, as provided in § 194-5, at the discretion of the enforcing officers.*** The enforcement of this penalty is given to the Health Department, Police Department and/or the Animal Control Officer. A hearing for appeal of this bylaw can be made to the South Hadley Board of Health. Uncollected fines may be levied against future licenses or permits if unpaid.

**§ 194-5**

***A. Any officer empowered to enforce this bylaw as defined by § 194-4 may cause a dog to be impounded for any of the following causes:***

- (1) If found without a license when a license is required;***
- (2) If found unleashed as set forth in § 194-2 of this bylaw;***
- (3) For violation of an order of the Select Board under G.L. Ch. 140, §§ 157 or 167;***
- (4) For having bitten, injured or physically molested any person;***
- (5) For having physically injured any domestic animal;***
- (6) To restore peace when the owner or keeper of a dog is otherwise unavailable, unwilling, or physically unable to restrain his dog from causing a nuisance by continuous barking or howling;***
- (7) To ensure the safety and well-being of the particular dog; and,***
- (8) For any violation of this Bylaw.***

***B. The owner or keeper of a dog impounded under this section may claim the dog as provided by law upon the occurrence of the following:***

- (1) Presenting a valid dog license and certificate of rabies vaccination;***
- (2) Paying all boarding and other fees;***
- (3) Providing the name and address of the owner or owners and the dog;***
- (4) In the event that an impounded dog does not have a current rabies vaccination, a receipt from a licensed veterinarian showing prepayment of a rabies vaccination; and,***
- (5) In the event that an impounded dog is unlicensed, payment for, or security in the amount of payment required for, a dog license.***

§ ~~194-5~~ 194-6

As used in this bylaw, the following terms shall have the meanings indicated:

**PET/DOMESTICATED ANIMAL**

Includes, but not limited to, dogs, pigs, monkeys or any animal which is kept for companionship, entertainment, or deemed by the Health Department through consultation with the Animal Control Officer and/or the Building Commissioner, when appropriate, to be defined as a pet/domestic animal.

; or take any other action relative thereto.

*Article Information: The Town does not have an existing bylaw addressing impoundment of animals. This bylaw defines the reasons for impoundment as well as the measures for owners to reclaim pets.*

**MOTION:** I move that the Town amend Chapter 194 of the Town’s General Bylaws as printed in the Warrant. (Majority Vote)

**ARTICLE 7: NUISANCE BYLAW AMENDMENT - PROPERTY MAINTENANCE**

To see if the Town will vote to amend Chapter 179 of the General Bylaws as follows (new text in **bold italics** and deletions set forth in ~~strike through~~ and to renumber the remaining sections accordingly:

§ ~~179-4~~ Property maintenance.

~~A. All property owners will be responsible to keep their property in a reasonable state of repair. Grass will be kept no higher than six inches; leaves, excessive grass clippings will be removed, composted or otherwise properly disposed of; damaged branches will be addressed; and other debris or litter will be eliminated from the property.~~

~~B. Violation of this bylaw may result in a fine of \$100 per day. The enforcement authority for this bylaw shall be the South Hadley Police Department or South Hadley Health Department.~~

~~§ 179-5 179-4~~

; or take any other action relative thereto.

*Article Information: The Conservation Commission and Board of Health recommend the amendments to the existing bylaw that eliminates Section 179-4. This was previously presented at the 2024 Annual Town Meeting but was not voted on due to questions about other sections in the Chapter. This has been pulled out as a separate article for this Special Town Meeting.*

**MOTION:** I move that the Town amend Chapter 179 of the General Bylaws as written in the Warrant. (Majority Vote)

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**ARTICLE 8:            *NUISANCE BYLAW AMENDMENT - ENFORCEMENT***

To see if the Town will vote to amend Chapter 179 of the General Bylaws as follows (new text in **bold italics** and deletions set forth in ~~strikethrough~~;

§ 179-2. Unreasonable noise.

*C. The Police, Health or Inspection Services Departments, or any designee thereof, shall have power to enforce this bylaw in accordance with Chapter 179, Section 179-5 of these General Bylaws. Any person who violates any provision of this bylaw, or who is the owner of property on which such violation occurs, shall be warned for the first violation, then fined \$100 for the second violation, and \$300 for the third and each subsequent violation.*

***§ 179-5 Enforcement.***

*The enforcing person as each Section of Chapter 179 specifies shall enforce against violations of said sections by non-criminal disposition pursuant to the authority and procedure of G.L. c. 40, § 21D. Unless otherwise specified, fines for violations of Chapter*

**179 shall be warned for the first violation, then fined \$100 for the second violation, and \$300 for the third and each subsequent violation.**

; or take any other action relative thereto.

*Article Information: This was previously presented at the 2024 Annual Town Meeting but was not voted on due to questions about other sections in the Chapter. This has been pulled out as a separate article for this Special Town Meeting. The additional language is recommended by the Selectboard for the purposes of enhancing enforcement efforts and matches language in another enforcement section approved by Town Meeting in May 2024.*

**MOTION:** I move that the Town amend Chapter 179 of the General Bylaws as written in the Warrant. (Majority Vote)

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## ZONING BYLAWS

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**ARTICLE 9:           Amendment to Zoning Bylaw Chapter 255-31 Flexible Development and 255 Attachment 1 Use Regulations Schedule**

To see if the Town will vote to replace the Zoning Bylaw Chapter 255-31 Flexible Development with the proposed revised bylaw, and amend the Use Classifications Schedule, as further articulated in the Planning Board’s Report to Town Meeting (Appendix A); or take any other action relative thereto.

*Article Information: See Appendix A*

**MOTION:** I move that the Town approve the amendment to Chapter 255-31 and 255 Attachment 1 Use Regulations Schedule as set forth in Article 9 and Appendix A of the warrant, with the following revision to 255-31 paragraph C, to read as follows. (2/3 Vote)

**COMMON USABLE OPEN SPACE — Areas suitable for use as facilities and sites for play, tot lots, gardens, hiking/jogging trails, or similar facilities, **as well as land for conservation purposes.****

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**ARTICLE 10:           New Zoning Bylaw Chapter 255-95 Common Drive**

To see if the Town will vote to adopt a new Zoning Bylaw Common Drive to regulate such in multifamily developments and in developments with more than one building for dwelling

purposes on a single parcel of land, as further articulated in the Planning Board’s Report to Town Meeting (Appendix A); or take any other action relative thereto.

*Article Information: See Appendix A*

**MOTION:** I move that the Town approve the amendment to Chapter 255-95 as set forth in Article 10 and Appendix A of the warrant. (2/3 Vote)

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**ARTICLE 11:        New Zoning Bylaw Chapter 255-96 Common Open Space**

To see if the Town will vote to adopt a new Zoning Bylaw Common Open Space to provide consistent standards for the provision and maintenance of such wherever common open space is required as a component of a residential development within the Zoning Bylaw.

*Article Information: See Appendix A*

**MOTION:** I move that the Town approve the amendment to Chapter 255-96 as set forth in Article 11 and Appendix A of the warrant. (2/3 Vote)

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**ARTICLE 12:        Amendment to Zoning Bylaw Chapter 255-47 Multifamily and multiple dwellings**

To see if the Town will vote to replace the Zoning Bylaw Chapter 255-47 Multifamily and multiple dwellings with the proposed revised bylaw, as further articulated in the Planning Board’s Report to Town Meeting (Appendix A, Attachment D); or take any other action relative thereto:

*D. Required open space. Multifamily developments and developments with more than one building for dwelling purposes on a single parcel of land shall include Common Open Space which conforms to the provisions of 255-47 Common Open Space of the Zoning Bylaw; and, as further articulated in the Planning Board’s Report to Town Meeting (Appendix A); or take any other action relative thereto.*

*Article Information: See Appendix A. Note that Section “D” in italics above was printed in error as part of the article instead of part of the background.*

**MOTION:** I move that the Town approve the amendment to Chapter 255-47 as set forth in Article 12 and Appendix A of the warrant. (2/3 Vote)

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**APPENDIX A**

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APPENDIX A

<https://southhadley.org/DocumentCenter/View/13355/Planning-Board-Report-to-Town-Meeting--Articles-9-10-11-12>