

COMMONWEALTH OF MASSACHUSETTS

FRANKLIN, SS.

To any one of the Constables of the Town of Gill in the County of Franklin,

Greeting:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said town, qualified to vote in elections and in town affairs, to meet at the Gill Town Hall in said Town on Monday, January 23, 2006 next, at 7:00 p.m. o'clock in the afternoon then and there to act on the following articles:

Article 1: To see if the Town will vote to decrease the Planning Board from seven to five members, with the reduction to occur by attrition or resignation, whichever occurs first, or take any action relative thereto.

Article 2: To see if the Town will vote to amend the Zoning Bylaws for the Town of Gill as highlighted in the following article, or take any action relative thereto.

Amend Section 2 A 4 District Uses as follows:

If designated in the Table by the letters "SP" the use may be permitted as a special exception only if **the Board of Appeals** so determines and grants a special permit therefore as provided in Section 2C, subject to such restriction as said board may establish.

Amend Section 2C to read as follows:

3. Authorization

The Board of Appeals shall be the Special Permit Granting Authority. All Special Permits granted by the Special Permit Granting Authority shall include an approved Site Plan bearing the endorsement of the Zoning Board of Appeals, except as otherwise exempted in Section 24C.

Amend Section 9: Earth Removal Operations to read as follows:

No soil, loam, sand, gravel, stone, or other earth materials shall be removed from any premises within the Town unless such removal will constitute an exempt operation as hereinafter provided or is done pursuant to a Special Permit issued by **the Board of Appeals.**

Amend Section 12: Board of Appeals to read as follows:

- A. Within thirty days after the adoption of this Bylaw the Board of Selectmen shall appoint a Board of Appeals of **five** members, all of whom shall be property owners of the Town of Gill, which shall act on all matters within its jurisdiction under this Bylaw in the manner prescribed in Chapter 40A of the Massachusetts General Laws and shall serve without remuneration. This Board of Appeals shall be appointed according to the methods described in said Chapter 40A, General Laws, as amended.

Amend Section 13 C: Nonconforming Uses and Structures to read as follows:

Alteration, extension, or change, as provided in MGL Chapter 40A, Section 6 – a legally nonconforming single or two family dwelling may be altered or extended, provided that doing so does not increase the nonconforming nature of said structure. Other pre-existing legally nonconforming structures or uses may be extended, altered, or changed in use **by the issuance of** a Special Permit by **the Board of Appeals** upon a finding by the Board that such alteration, extension, or change will not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use.

Amend Section 17: Definitions to read:

SPECIAL PERMIT GRANTING AUTHORITY: The **Board of Appeals** shall be the Special Permit Granting Authority.

Amend Section 18 to delete all but the following:

If substantial use or construction has not commenced without good cause within a period of one (1) year from the date of the granting of a special permit, the special permit shall lapse. This time limit includes time required to pursue or await the determine of an appeal.

Amend Section 24 D deleting Section 1 in total and replace with the following:

- D. Procedure
- An applicant for Site Plan Review shall submit a Site Plan in accordance with this section to the Town Clerk. The Town Clerk shall forthwith transmit a copy of the application to the Board of Appeals. The Town Clerk shall indicate the date on which the Site Plan was received and transmit a copy of the dated application to the applicant. The date of receipt as indicated by the Town Clerk shall be considered to be the date on which the application has been filed with the Board of Appeals. It shall be the responsibility of the applicant to furnish all supporting documentation with the application and the dated copy received from the Town Clerk does not absolve the applicant from this responsibility.**

Amend Section 24 D sections 2-4 to read as follows:

2. The **Board of Appeals** shall obtain with each submission a deposit sufficient to cover any expenses connected with the public hearing and review of the plans. The Board has the right to retain a Registered Professional Engineer to advise the Board on any or all aspects of the site plan. The costs of this engineering study will be borne by the applicant.
3. The **Board of Appeals** shall transmit to the Conservation Commission, Board of Health, Historical Commission, Building Inspector, and other Boards as deemed necessary, copies of the site plan documents. The Boards have up to thirty-five (35) days to submit recommendations in writing to the **Board of Appeals** concerning:
 - a. The adequacy of the data and procedure used by the applicant to determine the impacts of the proposed development;
 - b. The effects of the projected impacts of the proposed development; and
 - c. The recommended conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development.

Failure of an agency to report within the allotted time shall be interpreted as non-opposition to the submitted site plan.

4. The **Board of Appeals** shall hold a public hearing within (65) days of the receipt of an application and shall take final action within ninety (90) days from the time of hearing as provided in MGL Chapter 40A, Section 11. The **Board of Appeal's** final action in writing shall consist of either:
 - a. Approval of the site plan based upon determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this Bylaw;
 - b. Disapproval of the site plan based upon a determination that the proposed project does not meet the standards for review set forth in this Bylaw; or
 - c. Approval of the site plan subject to any conditions, modifications, and restrictions as required by the Board, which will ensure that the project meets the Standards for Review.

Amend Section 24 F Standards For Review to read as follows:

- F. **The Board of Appeals** shall review the site plan and supporting data taking into consideration the reasonable fulfillment of the following objectives

Amend Section 24 G - Enforcement to read as follows:

1. **Board of Appeals** may require the posting of a bond to assure compliance with the plan and stated conditions to its approval, and may suspend any permit or license when work is not performed as required.

Amend Appendix A to read as follows:

APPENDIX A

The site plan shall include the following data, detail, and supporting plans. The actual number of pages submitted will depend on the size and complexity of the development, however, all of the requirements must be met in each plan, or a notation made as to the reason for its omission.

Site plans will be prepared by a Registered Professional Engineer, Landscape Architect, or Architect at a scale of 1 inch equals 20 feet, on standard 24' x 36' sheets, with continuation on 8 1/2" x 11" sheets as necessary for written information.

FOR BOARD OF APPEALS USE IN REVIEW

Concern Included

1. Name of project, boundaries, location in town, date, north arrow and scale of the plan.
2. Name and address of the owner of record, developer, and seal of the engineer, landscape architect or architect.
3. Names and addresses of all owners of record of abutting parcels and those within three hundred (300) feet of the property line.
4. All existing lot lines, easements, rights-of-way, size in acres or square feet of the lot, abutting land uses, and the location and use of structures within three hundred (300) feet of the site.
5. The location and use of all existing and proposed buildings and structures within the development. Include dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations.
6. Location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls, and waste disposal containers.
7. The location, height, intensity, and bulb type (eg. fluorescent, sodium), of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
8. The location, height, size, materials and design of all proposed signage.

9. Location of all present and proposed utility systems including:

- sewage or septic systems
- water supply system
- telephone, cable and electrical systems
- storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes and drainage swales.

The **Board of Appeals** may also request soil logs, percolation tests and storm run-off calculations for large or environmentally sensitive developments.

The applicant shall submit plans to prevent the pollution of surface or ground water, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties as applicable.

10. Existing and proposed topography at a two-foot contour interval. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100-year flood plain, the area will be shown, and base flood elevations given.

Indicate areas within the proposed site and within 50 feet of the proposed site, where ground removal or filling is required, and its approximate volume in cubic yards.

11. A landscape plan showing all existing natural land features, trees, forest coverage and water sources, and all proposed changes to these features, including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains, and drainage retention areas.

12. Zoning district boundaries within 500 feet of the site's perimeter shall be drawn and identified on the plan.

13. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within one hundred feet of the site.

The Planning Board may require a detailed traffic study for large developments or for those in heavily trafficked areas to include:

- The projected number of motor vehicle trips to enter or leave from the site shall be estimated for daily and peak hour traffic levels.
- The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site.
- the impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels as well as road capacity levels will be given.

14. For new construction or alterations to any existing building a table containing the following information must be included:
- a. Area of building to be used of a particular use such as selling, offices, storage, etc.
 - b. Maximum number of employees.
 - c. Maximum seating capacity where applicable.
 - d. Number of parking spaces existing and required for the intended use.
15. Elevation plans at a scale of 1/4"= 1'0" for all exterior facades of the proposed structure(s) and/or existing facades plus addition(s) showing design features and indicating the type and color of materials to be used.

And you are directed to serve this Warrant, by posting up attested copies thereof at the Town Hall, Main Road; Post Office, Mt. Hermon; The Gill Store, Main Road; and Riverside Municipal Building, Route 2, in said Town fourteen days at least before the time of holding said meeting.

Hereof fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as foresaid.

Given under our hand this Ninth day of January in the year of our Lord Two Thousand Six.

Philip W. Maddern
Ann H. Banash
Leland E. Stevens
Gill Selectboard

Individuals who may need auxiliary aids for effective communication for this meeting should call the Gill Town Hall at (413) 863-9347 or MA Relay System: (800) 439-2370

Franklin, SS.

Pursuant to the within Warrant, I have notified and warned the inhabitants of the Town of Gill by posting up attested copies of the same at Town Hall, Main Rd.; Post Office, Mt. Hermon; Gill Store, Main Rd.; and Riverside Municipal Building, Route 2, fourteen days before the date hereof, as within directed.

Constable of Gill

Date