

REPORT ON SPECIAL TOWN MEETING, TOWN OF MONTEREY FEBRUARY 26, 2015

Meeting was called to order by Moderator, Mark Makuc at 7 o'clock in the evening.

A secret ballot was cast to nominate Jennifer Brown to the position of Town Clerk.

VOTE: YES – 54

NO - 1

ARTICLE 1. To see if the Town will vote to initiate the process to aggregate electrical load pursuant to M.G.L. c. 164, § 134 and, further, to adopt the following resolution: WHEREAS, the Commonwealth of Massachusetts has engaged in a process to establish a competitive market place through the restructuring of the electricity market; and WHEREAS, citizens of Monterey have a substantial economic and social interest in terms of greater customer choice and opportunities for savings in this restructured market; and

WHEREAS, the Town of Monterey hereby finds that it may be in the interest of its citizens who are electric ratepayers, both residential and commercial/industrial, to develop and secure such approvals and enter into appropriate agreements with consultants, experts and attorneys in connection with the establishment and operation of an electricity aggregation plan.

BE IT THEREFORE RESOLVED that the Town of Monterey hereby:

Publicly declares its intent to become an aggregator of electric power on behalf of its residential and business electric customers and to reestablish such plan if its operation is suspended; and

To negotiate and enter into such contracts for power supply pursuant to the plan or services for such plan, with the understanding that if a power supply contract is executed, individual consumers would retain the option not to participate in the aggregation plan and, instead, to choose any electricity alternatives they desire and, further, to take such other action relative hereto as may be appropriate and necessary.

The Finance Committee unanimously supports approving this article.

VOTE: YES – Unanimous

ARTICLE 2. To see if the Town will vote to appropriate the sum of \$127,000 for the purpose of purchasing and outfitting of a 2015 or 2016 Ford F-550 Truck for the Highway Department, and to authorize the Select Board to trade in or sell at auction the Town's 2005 F550, and to authorize the Town Treasurer with the approval of the Select Board to borrow said amount or take any other action relative thereto. (by secret ballot)
The Finance Committee unanimously supports approving this article.

VOTE: YES – Majority

ARTICLE 3. To see if the Town will vote to transfer \$1,000 from free cash to the Treasurer Salary (line #145) raising it to \$14,567 to reflect a change in responsibilities, or take any other action relative thereto.

The Finance Committee unanimously supports approving this article.

VOTE: YES – Unanimous

ARTICLE 4. To see if the Town will vote to transfer the sum of \$15,000 from free cash for the Friends of Lake Garfield Association (FLG) for the purposes of eliminating newly discovered highly invasive milfoil weed invasion in Lake Garfield. The FLG will apply for future state funding in order to implement an aggressive 5 year weed mitigation. This will be contingent on matching funds from the FLG, or take any other action relative thereto.

The Finance Committee does not support approving this article.

VOTE: YES – Majority

ARTICLE 5. To see if the Town will vote to transfer the sum of \$4,000 from Free Cash to the Parks Commission line item (#630) to cover an overage created by the Jaime's Court project, or take any other action relative thereto.

The Finance Committee unanimously supports approving this article.

VOTE: YES – Unanimous except for 1

ARTICLE 6. To see if the Town will vote to transfer the sum of \$23,175 from free cash for the Parks Commission for the purposes of completing Jaime's Court, or take any other action relative thereto.

The Finance Committee unanimously supports approving this article.

VOTE: YES – Majority

ARTICLE 7. To see if the Town will approve the \$7,741,000.00 borrowing authorized by the Southern Berkshire Regional School District ("SBRSD"), for the purpose of paying costs of SBRSD Roof/Boiler Project at Mt. Everett/Undermountain School, 491 Berkshire School Rd, Sheffield, MA 01257 consisting of replacing the entire roof and three boilers, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of SBRSD School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) thirty-nine and twenty-one one hundredths percent (39.21%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

VOTE: YES – Majority

ARTICLE 8. To see if the Town of Monterey will vote to add the phrase "the number of dwellings on one lot" to the Monterey Zoning Bylaws, Section 1. Purpose and Authority, 1.3 Scope, or take any action relative thereto:

SCOPE. For these purposes, the construction, repair, alteration, reconstruction, height, number of stories, and size of buildings and structures, **the number of dwellings on one lot**, the size and width of lots, the percentage of lot area that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land in the Town are regulated as hereinafter provided.

VOTE: YES – Unanimous

ARTICLE 9. To see if the Town of Monterey will vote to add the parenthetical phrase "(See Zoning Map of Monterey Massachusetts on file with the Town Clerk.)" to the Monterey Zoning Bylaws, Section 2.0 Districts, 2.4.2 Description of Business District, or take any action relative thereto:

2.4.2 Business District: This district shall consist of all the land bordering on Main Road known as Route 23 to a distance of 150 feet from the right-of-way lines of the highway between the following boundaries: the easterly boundary of the district shall be the right-of-way on the westerly side of New Marlborough Road and extending across to the easterly boundary of the Old Firehouse Property on said Main Road. The westerly boundary of the district shall be the westerly boundary of land now or formerly of Donald L. Amstead formerly known as the golf course property and extending across at a 90-degree angle to said Main Road. (See Zoning Map of Monterey Massachusetts on file with the Town Clerk.)

VOTE: YES - Unanimous

ARTICLE 10. To see if the Town of Monterey will vote to add the phrase “and in compliance with Massachusetts General Laws Chapter 40A, Section 9C” to the Monterey Zoning Bylaws, Section 3.0 Table of Use Regulations, 3.1.3B, Exempt and Institutional Uses, Child Care Center, or take any action relative thereto.

VOTE: YES - Unanimous

ARTICLE 11. To see if the Town of Monterey will vote to change the Monterey Zoning Bylaws Section 3.0 Use Regulations, Section 3.1.3J Incidental Craft Sales Affiliated with a Bed & Breakfast, by deleting the entry, or take any action relative thereto. B&B’s are listed separately in the zoning bylaws and require a Special Permit.

VOTE:

NO – Majority

ARTICLE 12. To see if the Town of Monterey will vote to change the Monterey Zoning Bylaws Section 3.0 Use Regulations, Section 3.1.3J, Renting of Rooms, from “Y” in the Lakeshore District which means a permitted use, to “BA” or “Board of Appeals” in the Lakeshore District which would require a Special Permit, or take any action relative thereto.

VOTE:

NO – Majority

ARTICLE 13. To see if the Town of Monterey will vote to change the Monterey Zoning Bylaws Section 3.0 Use Regulations, Section 3.2.2 Customary or Professional Home Occupation by substituting the phrase “with no more than one employee in addition to the home owner per residence as of right” for the phrase “with no more than two employees per residence as of right”, or take any action relative thereto:

3.2.2 Customary or Professional Home Occupation. The use of a room or rooms within a residence, or use of an accessory building of six hundred square feet or less in area, is permitted for a customary or professional home occupation, with no more than two employees per residence as of right, **with no more than one employee in addition to the home owner per residence as of right**, with more by special permit, and provided there is no external evidence of business other than a permitted sign and required off-street parking, and further provided that no offensive noise, fumes, smoke, dust, odors, glare or injurious electromagnetic fields shall be created. The display and sale of products produced on the premises is permitted. Traffic generated shall not exceed that normal to a residential neighborhood. The required off-street parking shall be provided for employees and clientele.

VOTE:

NO – Unanimous except 1

ARTICLE 14. To see if the Town of Monterey will vote to change the Monterey Zoning Bylaws Section 3.0 Use Regulations, Section 3.1.3D Recreational Uses, Boat or canoe livery, riding academy or stable. The proposal is to separate the listing into two entries; Boats and canoe livery in one, and Stables and riding academy in the second, or take any action relative thereto.

VOTE: YES - Unanimous

ARTICLE 15. To see if the Town of Monterey will vote to change the Monterey Zoning Bylaws Section 3.0 Use Regulations Section 3.1.3D Recreational Uses, Boat or canoe livery from “N” or “No; a prohibited use” in the Lakeshore District to “BA” or “Board of Appeals/special permit” in the Lakeshore District, or take any action relative thereto.

VOTE: YES – Unanimous

ARTICLE 16. To see if the Town of Monterey will vote to change the Monterey Zoning Bylaws Section 3.0 Use Regulations Section 3.1.3D Recreational Uses, Stable and riding academies, from “N” or “No; a prohibited use” in the Lakeshore District to “BA” or

“Board of Appeals/special permit” in the Lakeshore District and in the Business District, or take any action relative thereto.

VOTE: YES – 15

NO – 28

ARTICLE 17. To see if the Town of Monterey will vote to add to the Monterey Zoning Bylaws Section 3.0 Use Regulations, Section 3.1.3F Commercial and Office Uses, Studio Business, the letter “Y” to the column Business District, indicating that this is an allowed use in the Business District, or take any action relative thereto.

VOTE: YES – Unanimous

ARTICLE 18. To see if the Town of Monterey will vote to change the Monterey Zoning Bylaws Section 4.2.1 Dimensional Requirements, Table of Dimensional Requirements, column headings reading Side Yard and Rear Yard to: **Side Setback and Rear Setback**, or take any action relative thereto.

VOTE: YES - Unanimous

ARTICLE 19. To see if the Town of Monterey will vote to add to the Monterey Zoning Bylaws the footnote below regarding 15-foot setbacks in the Lakeshore District, or take any action relative thereto. The paragraph was inadvertently omitted in the 2012 zoning bylaws revision.

****“Lots in the Lakeshore District existing prior to May 3, 1986 (and not having been changed since), shall have setback requirements of 15 feet front, side, and rear.”**

Stephen Enoch moved to amend this article to include the words: “as footnote to table 4.2.1.” Motion was seconded, both the article and the amendment were approved unanimously.

VOTE: YES – Unanimous

ARTICLE 20. To see if the Town of Monterey will vote to change the Monterey Zoning Bylaws Section 10.0 Definitions, Family, from:

An individual or any number of individuals related by blood, marriage or other legal arrangement, such as adoption, guardianship, foster care, or up to six (6) unrelated individuals living in a single dwelling unit, to;

An individual or any number of individuals related by blood, marriage or other legal arrangement, such as adoption, guardianship, foster care, or **fewer than six (6)** unrelated individuals living in a single dwelling unit.

Or take any action relative thereto.

VOTE:

NO – Unanimous

ARTICLE 21. To see if the Town of Monterey will vote to add the sentence to the Monterey Zoning Bylaws Section 10.0 Definitions, Setback: “With respect to the restriction of structures in lot setback areas, driveways, walkways, stairs, freestanding masonry wall or fences and walls used to retain soil topography shall not be deemed as structures.”, or take any action relative thereto.

Setback: The area of the lot extending inward from a lot line (or, in the case of front setback, the road line), for the distance specified in the zoning regulations in which no buildings or structures may be placed. With respect to the restriction of structures in lot setback areas, driveways, walkways, stairs, freestanding masonry wall or fences and walls used to retain soil topography shall not be deemed as structures.”:

Rear: An area extending inward from the rear lot line between the side lot lines.

Side: An area extending along a side lot line from the front line to the rear line.

VOTE: YES – 43 NO – 1

Special Town meeting closed by unanimous vote at 9:20 pm. There were 88 registered voters in attendance of the 598 eligible voters. John and Estella Bodnar served as check in clerks.

A true copy attest



Jennifer M. Brown
Monterey, MA 01245

