COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss. TOWN OF MONSON

SPECIAL TOWN WARRANT

To any of the Constables of the Town of Monson in said county:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn all the inhabitants of the Town of Monson qualified to vote in Elections and Town affairs to meet in the Granite Valley Middle School on Thompson Street on Monday, May 13, 2013, A.D., within the Annual Town Meeting, which begins at 7:00 P.M., to act upon the following articles:

Article 1:

To see if the town will vote to transfer and appropriate a sum of money from available funds to the Town Treasurer's Bank Fees Account, or take any other action relative thereto.

Article 2:

To see if the Town will vote to transfer and appropriate a sum of money from available funds to the Town Accountant Expense Account, or take any other action relative thereto.

Article 3:

To see if the Town will vote to transfer and appropriate a sum of money from available funds to the Board of Health Salary Account, or take any other action relative thereto.

Article 4:

To see if the Town will vote to transfer and appropriate a sum of money from available funds to the Municipal Building Salary Account, or take any other action relative thereto.

Article 5:

To see if the Town will vote to transfer and appropriate a sum of money from available funds to the Building Inspector's Salary Account, or take any other action relative thereto.

Article 6:

To see if the town will vote to transfer and appropriate a sum of money from available funds to the FICA/Medicare Town Share Account, or take any other action relative thereto.

Article 7:

To see if the town will vote to transfer and appropriate a sum of money from available funds to the Fire Department Salary Account, or take any other action relative thereto.

Article 8:

To see if the town will vote to transfer and appropriate a sum of money from available funds to the Ambulance Department Salary Account, or take any other action relative thereto.

Article 9:

To see if the town will vote to transfer and appropriate a sum of money from available funds to the Ambulance Department Expense Account, or take any other action relative thereto.

Article 10:

To see if the town will vote to transfer and appropriate a sum of money from available funds to the Water SRF Principal and Interest Account, or take any other action relative thereto.

Article 11:

To see if the town will vote to transfer and appropriate a sum of money from available funds to the Parks and Recreation Pool Salary and Expense Account, or take any other action relative thereto.

Article 12:

To see if the Town will vote to accept the provisions of M.G.L. Chapter 32B, Section 20, that provides for the establishment of an "Other Post Employment Benefits Liability Trust Fund" and further, to establish an "Other Post Employment Benefits Liability Trust Fund" to accept appropriations made to cover the unfunded actuarial liability for retirees' health care and life insurance benefits or take any other action relative thereto.

Article 13:

To see if the Town will vote to transfer and appropriate from available funds a sum of money to the "Other Post Employment Benefits Liability Trust Fund," or take any other action relative thereto.

Article 14:

To see if the Town will vote to transfer and appropriate a sum of money from the Water Enterprise Free Cash to the Water Enterprise Capital Account for power washing the exterior of the Ely Road water tanks, or take any other action relative thereto.

Article 15:

To see if the Town will vote to transfer and appropriate a sum of money from the Sewer Enterprise Free Cash to the Sewer Enterprise Capital Account for the replacement of the cutter cartridge on the Sewer Grinder unit at the Hospital Road Sewer Station, or take any other action relative thereto.

Article 16:

To see if the Town will vote to transfer and appropriate a sum of money from the Sewer Enterprise Free Cash to the Inflow and Infiltration (I&I) and Repair Project Account, or take any other action relative thereto.

Article 17:

To see if the Town will vote to transfer and appropriate a sum of money from the Sewer Enterprise Free Cash to the Sewer Easement Clearing Account for tree removal and brush maintenance on the cross-country sewer easements, or take any other action relative thereto.

Article 18:

To see if the Town will vote to amends the Town of Monson Zoning Bylaws by deleting Section 4.1, Floodplain District, in its entirety and replacing it with the following new Section 4.1, Floodplain District, and further that nonsubstantive changes to the lettering and numbering be allowed to be consistent with the Town of Monson Zoning Bylaws:

4.1 FLOODPLAIN DISTRICT

4.1.1 Purposes. The purposes of the Floodplain District are:

1. To provide that lands in the Town of Monson subject to seasonal or periodic flooding described hereinafter shall not be used for residence or other purposes in such manner as to endanger the health or safety of the occupant thereof.

2. To protect, preserve and maintain the water table and water recharge areas within the Town so as to preserve present and potential water supplies for the public health and safety of the Town of Monson.

3. To assure the continuation of the natural flow pattern of the water course(s) within the Town of Monson in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.

4.1.2 Scope of Authority. The Floodplain District is an overlay district and shall be superimposed on the other districts established by this Bylaw. All regulations of the Monson Zoning Bylaw applicable to such underlying districts shall remain in effect, except that where the Floodplain District imposes additional regulations, such regulations shall prevail. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with MGL Chapter 131, §40 and with the following regulations:

1. Massachusetts State Building Code 780 CMR which addresses floodplain and costal high hazard areas.

2. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00).

3. Inlands Wetlands Restriction, DEP (currently 310 CMR 13.00).

4. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variances procedures of these state regulations.

4.1.3 District Delineation.

1. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within Monson Flood designated as Zone A and AE on the Hampden County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Hampden County FIRM that are wholly or partially within Monson are panel numbers 25013C: 0245E, 0261E, 0262E, 0263E, 0264E, 0268E, 0269E, 0435E, 0451E, 0452E, 0453E, 0454E, 0456E, 0457E, 0458E,

0459E, 0461E, 0462E, 0466E and 0467E dated July 16, 2013. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Hampden Country Flood Insurance Study (FIS) report dated July 16, 2013. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official and the Conservation Commission.

2. Floodway Data. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

3. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

4.1.4 Permitted Uses. In the Floodplain District no new building shall be erected or constructed, and no existing structure shall be altered, enlarged or moved; no dumping, filling or earth transfer or relocation shall be permitted; nor shall any land, building or structure be used for any purposes except:

1. Conservation of water plants and wildlife.

2. Outdoor recreation, including play areas, nature study, boating, fishing and hunting where otherwise legally permitted, but excluding buildings and structures.

3. Wildlife management areas, foot, bicycle, and/or horse paths and bridges, provided such uses do not affect the natural flow pattern on any watercourse.

4. Grazing and farming, including truck gardening and harvesting of crops.

5. Forestry and nurseries.

6. Dwellings lawfully existing prior to the enactment of this Bylaw.

7. Temporary, non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.

4.1.5 Uses by Special Permit. No structure or building shall be erected, constructed, substantially improved over 50 percent of assessed market value or otherwise created or moved; no earth or other materials dumped, filled, excavated, or transferred, unless a special permit is granted by the Zoning Board of Appeals. The applicant shall submit five (5) copies of the

Special Permit Application to the Zoning Board of Appeals. In addition, the applicant shall also file one copy of the plan with the Conservation Commission.

Uses allowed by Special Permit from the Zoning Board of Appeals in accordance with Section 7.3 within the Floodplain District are described in Section 3.0 and shall be subject to the following additional restrictions:

1. The following requirements apply in the Flood Plain District:

   (a) Within Zone A or Zones AE, where base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data. These data will be reviewed by the Building Inspector for their reasonable utilization toward meeting the elevation or flood proofing requirements, as appropriate, of the State Building Code.

   (b) All subdivision proposals must be designed to assure that:

      i) such proposals minimize flood damage;

      ii) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

      iii) adequate drainage is provided to reduce exposure to flood hazards.

2. The following provisions apply in the Floodway designated on the FBFM:

   (a) Within the Floodway designated on the FIRM, no encroachments (including fill, new construction, substantial improvements to existing structures, or other development) shall be allowed unless it is demonstrated by the applicant that the proposed development, as a result of compensating actions, will not result in any increase in flood levels during the occurrence of a 100 year flood in accordance with the Federal Emergency Management Agency's regulations for the National Flood Insurance Program.

   (b) Any encroachment in the Floodway meeting the above standard must also comply with the floodplain requirements of the State Building Code.

4.1.6 Additional Special Permit Criteria. In addition to the Special Permit criteria specified in Section 7.3, the Zoning Board of Appeals may grant a Special Permit if it finds:

1. The proposed use will not create increased flood hazards, which shall be detrimental to the public health, safety and welfare; and,

2. The proposed use will comply in all respects to the provisions of the underlying District or Districts within which the land is located.

3. The proposed is in compliance with all applicable state and federal laws, including the Massachusetts Building Code and the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40).

4.1.7 Prohibited Uses. The following uses are specifically prohibited and may not be allowed by special permit:

1. Solid waste landfills, junkyards and dumps.

2. Business and industrial uses, not agricultural, which manufacture, use process, store or dispose of hazardous materials or wastes as a principal activity, including but not limited to metal plating, chemical manufacturing, wood preserving, furniture stripping, dry cleaning and auto body repair.

3. The outdoor storage of salt, other de-icing chemicals, pesticides or **herbicides** shall be prohibited without suitable overhead protection from weather. All storage shall be within an impervious containment area.

4. Draining, dredging, excavation or disposal of soil or mineral substances, except as necessary for permitted uses or uses allowed by special permit, as specified in the Earth Removal Bylaw, Section 6.6.

4.1.8 Notification of Watercourse Alteration. In a riverine situation, the Floodplain Administrator shall notify the following of any alteration or relocation of a watercourse:

1. Adjacent Communities.

2. Bordering States.

3. NFIP State Coordinator, Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite 800, Boston, MA 02114-2104.

4. NFIP Program Specialist, Federal Emergency Management Agency, Region I 99 High Street, 6th Floor, Boston, MA 02110

or take any other action relative thereto.

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

Given under our hands this 23rd day of April, 2013.

Edward A. Maia, Chairman

Richard M. Smith

Edward S. Harrison

MONSON BOARD OF SELECTMEN

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss. April 24, 2013

Pursuant to the within Warrant, I have notified and warned the legal voters of the Town of Monson by posting an attested copy of said Warrant in at least two places in said Monson fourteen days at least before the time appointed for holding the meeting aforesaid.

A true copy,
ATTEST:

Joseph W. Loglisci
Constable of Monson

Asst. Town Clerk Mary F. Watson

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