

**COMMONWEALTH OF MASSACHUSETTS**

**BERKSHIRE COUNTY**

To one of the constables of the Town of Stockbridge in said county.

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town, qualified to vote in Town affairs, to meet at the

**STOCKBRIDGE PLAIN SCHOOL  
50 MAIN STREET**

in Stockbridge on **MONDAY, THE FIFTEENTH DAY OF MAY 2006** at six-thirty o'clock in the evening Eastern Daylight Time, for the following purposes, to wit:

ARTICLE 1. To choose the following Town Offices viz: one Selectman for three years; one Moderator for three years; one member of the Board of Assessors for three years; one member of the Board of Health for three years; one member of the Board of Sewer and Water Commissioners for three years; two members of the Planning Board for five years; one Tree Warden for three years; one member of the Parks and Recreation Commission for three years; one member of the Housing Authority for five years and one member of the Housing Authority for two years.

QUESTION 1. Shall the Town of Stockbridge be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued for the Plain School Town Office Conversion Project?

All of said officers and said ballot question are to be voted for using the official ballots furnished the voters at the polls. The polls will be opened at Town Hall, 6 Main Street, at 8:00 o'clock a.m. and may be closed at 6:30 o'clock p.m.

Action on the other articles in the warrant will be taken up at 6:30 o'clock p.m. at the Stockbridge Plain School, 50 Main Street, Stockbridge.

ARTICLE 2. To choose all other Town Officers necessary to be chosen at the Annual Town Meeting.

ARTICLE 3. To hear the report of any Town Officer or Committee, and to see if the Town will vote to accept all printed reports, or to take any other action in relation thereto.

ARTICLE 4. To see if the Town will vote to fix the salary and compensation of all elective officers of the Town as provided by Section 108 of Chapter 41 of the General Laws as amended: Moderator, Selectmen, Town Clerk, Town Treasurer, Town Collector, Board Of Assessors, Board of Health, Tree Warden, and to raise and appropriate a sum of money therefor, or to take any other action in relation thereto.

ARTICLE 5. To see if the Town will vote to raise and appropriate a sum of money for the following purposes, or to take any other action in relation thereto:

- Section 1. MODERATOR
- 2. SELECTMEN'S DEPARTMENT
- 3. EXECUTIVE SECRETARY
- 4. FINANCE DEPARTMENT
- 5. RESERVE FUND
- 6. ACCOUNTANT
- 7. ASSESSORS' DEPARTMENT
- 8. TREASURER'S DEPARTMENT
- 9. TOWN COLLECTOR'S DEPARTMENT
- 10. LEGAL DEPARTMENT
- 11. TOWN CLERK'S DEPARTMENT
- 12. ELECTIONS & REGISTRATIONS

13. CONSERVATION COMMISSION
14. PLANNING BOARD
15. BOARD OF APPEALS
16. TOWN HALL
17. TOWN REPORT
18. INFORMATION TECHNOLOGY DIRECTOR
19. POLICE DEPARTMENT
20. FIRE DEPARTMENT
21. LEE AMBULANCE SERVICE
22. ANIMAL CONTROL OFFICER
23. BUILDING INSPECTOR
24. GAS INSPECTOR
25. PLUMBING INSPECTOR
26. WIRE INSPECTOR
27. EMERGENCY MANAGEMENT
28. TREE WARDEN DEPARTMENT
29. VOCATIONAL EDUCATION
30. ENGINEERING DEPARTMENT
31. HIGHWAY DEPARTMENT
  - a.) MACHINERY
  - b.) COMPACTOR
  - c.) CEMETERY
32. STREETLIGHTS
33. TRASH REMOVAL
34. SEWER DEPARTMENT
35. WATER DEPARTMENT
36. HYDRANT RENTAL
37. HEALTH DEPARTMENT
  - a) BOARD OF HEALTH
  - b) HEALTH OFFICER
38. LEE REGIONAL VISITING NURSE ASSOCIATION
39. MENTAL HEALTH & SUBSTANCE ABUSE SERVICES
40. COUNCIL ON AGING
41. VETERAN'S SERVICES
42. STOCKBRIDGE LIBRARY
43. CHIME TOWER
44. PARKS & RECREATION COMMISSION
45. HISTORICAL COMMISSION
46. MEMORIAL DAY COMMITTEE
47. HISTORIC DISTRICT
48. LONG-TERM DEBT
49. SHORT-TERM DEBT
50. BERKSHIRE REGIONAL RETIREMENT SYSTEM
51. UNEMPLOYMENT COMPENSATION
52. BERKSHIRE COUNTY INSURANCE GROUP
53. INSURANCE

ARTICLE 6. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for the assessment of the Berkshire Hills Regional School District, or to take any other action in relation thereto.

ARTICLE 7. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money toward the Berkshire Hills Regional School District's capital cost of constructing the new school buildings, or to take any other action in relation thereto.

ARTICLE 8. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for utilities at the Plain School, or to take any other action in relation thereto.

ARTICLE 9. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to purchase a vehicle for the Police Department, or to take any other action in relation thereto.

ARTICLE 10. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to purchase firearms for the Police Department, or to take any other action in relation thereto.

ARTICLE 11. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to purchase bullet proof vests for the Police Department, or to take any other action in relation thereto

ARTICLE 12: To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to increase the Stabilization Fund, which sum is specified for the purchase of a fire truck, or to take any other action in relation thereto.

ARTICLE 13. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for resurfacing selected Town roads as determined by the Board of Selectmen and the Highway Superintendent, or to take any other action in relation thereto.

ARTICLE 14. To see if the Town will vote to transfer from the Stabilization Fund, a sum of money to be added to sums previously transferred by Article 15 of the 2003 Annual Town Meeting, Article 16 of the 2004 Annual Town Meeting and Article 15 of the 2005 Annual Town Meeting for the closure of the Landfill on Glendale Middle Road, or to take any other action in relation thereto.

ARTICLE 15. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be added to the Stockbridge Bowl Fund, established by Article 22 of the 1990 Annual Town Meeting pursuant to section 5 of Chapter 40 of the General Laws, to be used, upon further appropriation, for maintenance, dredging, cleaning or improvement of the Stockbridge Bowl; public access thereto; retaining walls, piers, wharves or moorings thereof; or law enforcement or fire prevention in connection therewith, or to take any other action in relation thereto.

ARTICLE 16. To see if the Town will vote to appropriate a sum of money from the Stockbridge Bowl Fund for expert and legal fees and related expenses associated with contracting for, designing, and obtaining the necessary permits and approvals for a 5 1/2- foot drawdown of the Stockbridge Bowl and the installation of a bypass pipe located in the outlet channel thereof, or to take any other action in relation thereto.

ARTICLE 17. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for the construction of a new water storage tank, or to take any other action in relation thereto.

ARTICLE 18. To see if the Town will vote to transfer from Water Available Surplus a sum of money to be used for the repair and replacement of water lines, or to take any other action in relation thereto.

ARTICLE 19. To see if the Town will vote to transfer from Water Available Surplus a sum of money to be added to sums previously transferred by Article 17 of the 2003 Annual Town Meeting, as amended by Article 19 of the 2004 Annual Town Meeting and sums previously transferred by Article 19 of the 2004 Annual Town Meeting for the water meter program, or to take any other action in relation thereto.

ARTICLE 20. To see if the Town will vote to transfer from Sewer Available Surplus a sum of money, to provide for a portion of the cost of the debt service payment (principal and interest) of the Sewer System Expansion and Update Project authorized by Article 3 of the Special Town Meeting of April 1, 2002, or to take any other action in relation thereto.

ARTICLE 21. To see if the Town will vote to transfer from Sewer Available Surplus, a sum of money for the Park Street Sewer Line Rehabilitation Project, or to take any other action in relation thereto.

ARTICLE 22. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money as the Town's share of the Fiscal Year 2007 expenses associated with the group purchasing program authorized by Article 25 of the 2001 Annual Town Meeting, or to take any other action in relation thereto.

ARTICLE 23. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to meet the Town's share of the cost of participating with other communities for the collection of household hazardous waste, or to take any action in relation thereto.

ARTICLE 24. To see if the Town will vote, as recommended by the Community Preservation Committee and pursuant to the Community Preservation Act, to:

- a. appropriate or transfer from the Community Preservation Fund a sum of money to provide financial assistance for the Pine Woods project for affordable housing purposes;
- b. appropriate or transfer from the Community Preservation Fund a sum of money to the CPA Open Space Reserve Fund for open space purposes; and a sum of money for the Land Trust for a Town walkway to Pine Woods; and a sum of money for Parks and Recreation basketball facilities at the skate park;
- c. appropriate or transfer from the Community Preservation Fund a sum of money for repair of the roof and cupola at the Plain School; and a sum of money to the CPA Historical Preservation Reserve Fund for the renovation of Procter Hall.
- d. appropriate or transfer from the CPA Historical Preservation Reserve Fund a sum of money for repair of the roof and cupola at the Plain School.
- e. appropriate or transfer from the Community Preservation Fund a sum of money for the Community Preservation Committee's administrative fund to be used to hire technical expertise to advise the Community Preservation Committee and the Town on anticipated projects involving CPA funds.

or to take any other action in relation thereto.

ARTICLE 25. To see if the Town will vote to amend Article XXIII of the General Bylaws by:

(a) Striking the first paragraph of Section 2 thereof in its entirety and replacing it with the following:

The annual fee for every dog license, except as otherwise provided for by law, shall be as follows:

Male.....	\$15.00
Female.....	\$15.00
Neutered Male.....	\$6.00
Spayed Female.....	\$6.00
Substitute Tag.....	\$1.00
Transfer License.....	\$1.00

(b) Striking the second paragraph of Section 3 thereof in its entirety and replacing it with the following:

The annual fee for every kennel license shall be as follows:

One to four dogs.....\$25.00  
Five or more dogs.....\$50.00

or take any other action in relation thereto.

ARTICLE 26. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to purchase new voting equipment, or to take any other action in relation thereto.

ARTICLE 27. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for legal and expert witness fees and related expenses associated with defending against actions filed in court challenging the Town’s Zoning Bylaws, Subdivision Regulations or seeking judicial review of decisions made thereunder, or to take any other action in relation thereto.

ARTICLE 28. To see if the Town will vote to amend the Town Bylaws by deleting Article XXII in its entirety therefrom and replacing it with the following:

Article XXII  
Historic Preservation

Section 1. Purpose

This Article is adopted for the purpose of protecting and preserving significant historic buildings within the Town and encouraging owners of such buildings to seek out alternative options to preserve, rehabilitate or restore such buildings rather than to demolish them or to alter them in a detrimental way, thereby promoting the public welfare and preserving the heritage of the Town. To achieve these purposes, the Stockbridge Planning Board and the Stockbridge Historic Preservation Commission are authorized as provided herein to advise the Building Inspector with respect to the issuance of permits for the demolition or alteration of significant buildings. The issuance of permits for demolition or alteration of any Significant Historic Building is regulated as provided by this Article.

Section 2. Definitions

2.1 Building – Any structure having a roof intended for shelter, housing, or enclosure of any person, process, equipment, animals or goods.

2.2 Commission – The Town of Stockbridge Historic Preservation Commission.

2.3 Demolition – Any act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

2.4 Demolition/Alteration Permit – The permit issued by the Building Inspector as required by the State Building Code for a demolition, substantial demolition, alteration, renovation or removal of a building.

2.5 Planning Board – The Town of Stockbridge Planning Board.

2.6 Significant Historic Building – Any Building that, in whole or in part, is at least fifty (50) years old and:

2.6.1 is listed on, or is a contributing Building within an area listed on the National Register of Historic Places, or is the subject of a pending application for such listing, or is eligible for such listing; or

2.6.2 has been determined by recommendation of the Commission and vote of the Planning Board to be a Building either:

- (a) importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history or character of the Town, or the Commonwealth, or
- (b) historically or architecturally significant (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

If a Building is of unknown age, it shall be presumed to be at least fifty (50) years old.

2.7 Substantial Alteration – Any alteration of a Significant Historic Building that (a) requires a building permit, (b) alters 500 square feet or more of the Building exterior or increases the square footage of the Building by 500 square feet or more, and (c) materially compromises the historic or architectural significance of the Significant Historic Building, considering such factors as the extent to which the original architectural or historic features of the Building will be preserved or enhanced, the relation between those features and the design of any new construction, and the sensitivity to context, the compatibility and the scale of the proposed alteration.

2.8 Town of Stockbridge Historic Preservation Commission – The Commission shall consist of seven members, to be appointed by the Board of Selectmen, three members initially to be appointed for one year, two for two years, and two for three years, and each successive appointment to be made for three years. The Commission shall include, if possible, a member of the local historical commission; a realtor; an architect and a building contractor familiar with historic rehabilitation. Each member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed. Meetings of the Commission shall be held at the call of the Chairperson. Four members of the Commission shall constitute a quorum.

### Section 3. Procedure

3.1 No Demolition/Alteration Permit for a Building that is, in whole or in part, at least fifty (50) years old shall be issued other than in conformity with the provisions of this Article, as well as in conformity with the provision of other laws and Bylaws applicable to the demolition/alteration of buildings and the issuance of permits generally.

3.2 Application contents: Every application for a Demolition/Alteration Permit for a Building that is, in whole or in part, at least fifty (50) years old shall be filed with the Building Inspector and shall contain the following information: (a) the address of the Building to be demolished or altered; (b) the owner's name, address and telephone number; (c) a brief description of the type of Building and the condition requiring issuance of the permit; (d) the date of the Building, established by the Board of Assessors, deed or documentation verifying the year of construction; and (e) a brief description of the proposed reuse, reconstruction or replacement on the premises upon which the Building is located accompanied by any relevant floor plans, elevations or site plans.

In addition to the foregoing, an applicant who requires a Special Permit from the Planning Board or from the Board of Selectmen in order to perform any activity subject to the requirements of this Article may, at the time of filing an application for said Special Permit, file with the Building Inspector a Notice of intention to apply for a Demolition/Alteration Permit. Such Notice shall be filed in the same manner, and contain the same materials, as an application for a Demolition/Alteration Permit for a Building that is, in whole or in part, at least fifty (50) years old. The purpose of such Notice is to allow, if necessary, the applicable boards to hear and decide historic

preservation and Special Permit matters contemporaneously, and, once filed, such Notice shall be treated, for the purpose of Historic Preservation review by the Historic Preservation Commission and the Planning Board, as an Application filed pursuant to this Subsection. In the event that the required Special Permit issues to the applicant, the Building Inspector may treat such Notice as an Application for a Demolition/Alteration Permit.

3.3 Within seven (7) business days from receipt of an application for a Demolition/Alteration Permit of a Building that is, in whole or in part, at least fifty (50) years old and, if applicable, that proposes an alteration of such Building that alters 500 square feet or more of the Building exterior or increases the square footage of the Building by 500 square feet or more, the Building Inspector shall forward a copy to the Commission. No Demolition/Alteration Permit shall be issued during this time.

3.4 Within thirty (30) business days after receipt by the Commission of the application for a Demolition/Alteration permit, the Commission shall make a written recommendation whether the Building is a Significant Historic Building. In the event of a proposed alteration of a Significant Historic Building, the Commission also shall make a written recommendation whether the proposed alteration is a Substantial Alteration. Upon a written recommendation by the Commission that the Building is not a Significant Historic Building, or that any proposed alteration is not a Substantial Alteration, the Commission shall so notify the Building Inspector in writing. Upon receipt of such notification, or after the expiration of thirty (30) business days from the date of submission to the Commission, if the Building Inspector has not received notification from the Commission, the Building Inspector may issue the Demolition/Alteration Permit.

3.5 Upon a recommendation by the Commission that the Building is a Significant Historic Building, and, in the event of a proposed alteration to a Significant Historic Building, that the proposed alteration is a Substantial Alteration, the Building Inspector and Applicant shall be so notified in writing, and a Demolition/Alteration Permit shall not be issued pending a public hearing before the Planning Board and a decision by such Board. The Planning Board shall hold a public hearing within 90 business days of the foregoing recommendation by the Commission to assist the Planning Board in making a final determination whether the Building is a Significant Historic Building, and, in the event of a proposed alteration to a Significant Historic Building, whether the proposed alteration is a Substantial Alteration. Public notice of the time, place and purpose of the hearing shall be published by the Planning Board at the expense of the applicant in a newspaper of general circulation in the Town not less than seven (7) days before the day of said hearing and shall be posted in a conspicuous place in the Town Hall for a period of not less than seven (7) days before the day of said hearing.

3.6 If, after a public hearing, the Planning Board makes a determination that the Building is not a Significant Historic Building, or that in the event of a proposed alteration that the proposed alteration is not a Substantial Alteration, the Planning Board shall notify the Building Inspector in writing within five (5) business days of the hearing and the Building Inspector may issue the Demolition/Alteration Permit upon receipt of the written decision.

3.7 If, after a public hearing, the Planning Board makes a determination that the Building is a Significant Historic Building, and in the event of a proposed alteration that the proposed alteration is a Substantial Alteration, the Planning Board shall so notify the Building Inspector in writing within five (5) business days of the hearing, and no Demolition/Alteration Permit may be issued, subject to Paragraph 3.8 hereof.

3.8 Notwithstanding anything contained in Paragraph 3.7, the Building Inspector may issue a Demolition/Alteration Permit for a Significant Historic Building at any time after receipt of written advice from the Planning Board to the effect that the Planning Board has determined after a public hearing that (a) there is no reasonable likelihood that any person or group is willing to purchase, preserve, rehabilitate or

restore such Building, or (b) for at least twelve (12) months, the owner has made continuing, bona fide and reasonable efforts to locate a purchaser willing to preserve, rehabilitate or restore the subject Building and that such efforts have been unsuccessful. "Continuing, bona fide and reasonable efforts to locate a purchaser" shall mean retaining a licensed broker to market the property in the usual manner over the 12-month period, obtaining an appraisal from a reputable appraiser and providing evidence of negotiations with potential buyers of the property. These efforts to sell the property shall be deemed unsuccessful only upon a finding that either there were no offers to purchase the property, or none of these offers were at least ninety (90) percent of the appraised value of the property.

In the event that the Planning Board denies an application for a favorable finding under this Paragraph, the owner may make a further application showing materially new circumstances, including material revisions to any proposed Substantial Alteration.

#### Section 4. Responsibility of Owners

If requested by the Planning Board or the Commission, it shall be the responsibility of the owner of record or any designee thereof to assist in the facilitation of the implementation of the requirements of this Article by providing information and any architectural plans readily available to such owner or designee, allowing access to the property and securing the premises, by participating in the investigation of preservation options, and by actively cooperating in seeking alternatives with the Planning Board, the Commission and any persons designated by the Planning Board or the Commission.

#### Section 5. Emergency Demolition

Nothing in this Article shall restrict the Building Inspector from ordering the immediate demolition of any Building in the event of imminent danger to the safety of the public.

#### Section 6. Enforcement and Remedies

No person shall cause any Building that, in whole or in part, is at least fifty (50) years old to be demolished or altered except after compliance with the provisions of this Article. Any person who violates any provision of this Article shall be punished by a fine of not more than \$100 for each offense. Each continuing day of such violation may be considered a separate offense.

In accordance with *M.G.L. c.40, §§21 and 21D*, the Commission, the Planning Board and the Building Inspector are each specifically authorized to impose any penalties, to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this Article or to prevent a threatened violation thereof or to punish any actual violation thereof. No building permit shall be issued with respect to any premises upon which a Building has been voluntarily demolished or altered in violation of this Article for a period of three years after the date of the completion of such demolition. As used herein, "premises" refers to the parcel of land upon which the Building was located and all adjoining parcels of land under common ownership or control.

#### Section 7. Severability

If any provision of this Article shall be found invalid for any reason, such invalidity shall be construed as narrowly as possible and the balance of the Article shall be deemed to be amended to the minimum extent necessary to provide the Town substantially the benefits set forth in this Article.

or to take any other action in relation thereto.



ARTICLE 29. To see if the Town will vote to amend Section 2.2 of the Zoning Bylaws by striking therefrom the definition of “Municipal/Governmental Use” and replacing it with the following:

**MUNICIPAL/GOVERNMENTAL USE** – Any land, structure, or combination thereof used or controlled predominantly for public purposes by any department or branch of the Town of Stockbridge, Berkshire County, the Commonwealth of Massachusetts, or federal government whether or not such department or branch owns the building or structure and/or the land on which it is situated.

or to take any other action in relation thereto.

ARTICLE 30. To see if the Town will vote to amend the Zoning Bylaws as follows:

(a) Striking the definition of Cottage Era Estate from Section 2.2 and substituting the following:

**COTTAGE ERA ESTATE** - A single Lot in the R-4 or R-2 Districts consisting of no less than 80 contiguous acres, having a principal one-family dwelling dating from “America’s Gilded Age” of approximately 1870-1920.

(b) Striking section 4.11.A.36 therefrom and substituting the following:

A. PRINCIPAL USES	DISTRICTS					
	R-4	R-2	R-1	R-C	B	M
36. Adaptive re-use or rehabilitation of the principal buildings, associated outbuildings and structures, amenities or grounds of a Cottage Era Estate and the construction of improvements at a Cottage Era Estate, subject to the requirements of section 6.6.	SPS	SPS	NO	NO	NO	NO

(c) Striking section 6.6.1 therefrom and substituting the following:

The purpose of this section is to authorize the Board of Selectmen to permit, by Special Permit, the adaptive re-use or rehabilitation of certain Cottage Era Estates in the R-4 and R-2 Districts, while encouraging the preservation, restoration or improvement of the original features and character of their principal buildings, associated outbuildings and structures, open spaces, views, landscape features, gardens and recreational facilities. Any Special Permit issued pursuant to this section may authorize new construction, provided that such construction is harmonious with such original features of the Cottage Era Estate.

or to take any other action in relation thereto.

ARTICLE 31. To see if the Town will vote to amend the Zoning Bylaws by:

(a) adding a new subsection 37 to section 4.11.A thereof, as follows:

	R-4	R-2	R-C	R-1	B	M
37. Adult bookstore, adult motion picture theater, adult paraphernalia store, adult video store, establishment that displays live nudity for its patrons, or other form of adult business as described in <i>M.G.L. c.40A, §9A</i> , subject to the requirements of section 6.26.	NO	NO	NO	NO	NO	SPS

and (b) adding a new section 6.26, as follows:

6.26 **Adult Businesses**

6.26.1 **Special Permit Required**

A Special Permit from the Board of Selectmen shall be required for any adult bookstore, adult motion picture theater, adult paraphernalia store, adult video store, establishment that displays live nudity for its patrons, or other form of adult business as described in *M.G.L. c.40A, §9A*.

6.26.2 **Special Permit Applications**

An application for a Special Permit pursuant to this section shall comply with the rules relative thereto, adopted by the Board of Selectmen and kept on file in the office of the Town Clerk, and with the requirements of section 6.3.

6.26.3 **Special Requirements**

No Special Permit pursuant to this section may issue to any person convicted of violating *M.G.L. c.119, §63* or *M.G.L. c.272, §28*.

6.26.4 **Location**

Notwithstanding any provision of Section 5 to the contrary, no adult motion picture theater, adult paraphernalia store, adult video store, establishment that displays live nudity to its patrons, or other form of adult business as described in *M.G.L. c.40A, §9A* may be located:

- a. Within fifty (50) feet of a public or private way;
- b. Within two hundred (200) feet of a property line;
- c. Within one thousand (1000) feet of another adult business for which a Special permit has previously been issued pursuant to this section;
- d. Within one thousand (1000) feet of an establishment licensed pursuant to the provisions of *M.G.L. c.138, §12*;
- e. Within one thousand (1000) feet of a Residential Zoning District or residential use; or
- f. Within one thousand (1000) feet of a church or other religious use, public or private school, child care facility, public playground, park or conservation area in existence at the time of the application for a Special Permit pursuant to this section.

6.26.5 **Adult Business Signs**

No sign advertising an adult business shall be permitted unless each of the following standards is fully satisfied:

- a. No illuminated sign shall be permitted;
- b. No free-standing sign shall be permitted;
- c. A sign may be located only on a building in which there is an adult business operating under a Special Permit issued pursuant to this section;
- d. The size of the sign shall not exceed sixteen (16) square feet;
- e. No temporary signs and no window signs shall be permitted; and
- f. All requirements of section 6.8 shall be satisfied.

6.26.6 **Lapse of Special Permit**

Notwithstanding any provision of section 6.3 to the contrary, a Special Permit issued pursuant to this section shall lapse one year from the date of its issuance if substantial use or construction pursuant to its terms has not commenced, except for good cause.

or to take any other action in relation thereto.

ARTICLE 32. To see if the Town will vote to amend the Zoning Bylaws by striking section 6.5 therefrom and replacing it with the following:

## 6.5 Lake and Pond Overlay District (LPOD)

### 6.5.1 Purpose

The Lake and Pond Overlay District (LPOD) is intended to protect and enhance the principal lakefronts and shorelines of the Town of Stockbridge; to maintain safe and healthful conditions; to prevent and control water pollution; and to preserve habitat, vegetative cover and natural beauty.

### 6.5.2 Description

This LPOD shall include:

- The lakefront of the Stockbridge Bowl Lily Pond, Echo Lake, Mohawk Lake and Agawam Lake and one hundred fifty (150) feet back from the high water mark of these waterbodies;
- The shoreline of the Housatonic River and its permanent tributaries and one hundred fifty (150) feet back from the high water mark of the River and its permanent tributaries; and
- Kampoosa Bog, which shall include all the contiguous or hydrologically connected Wetland Resources Areas as defined under the Massachusetts Wetland Protection Act and Regulations (310 CMR 10), draining ultimately into Kampoosa Brook, upstream of the earthen berm that extends easterly from Route 7 shown on Stockbridge tax map #26, lot #49 and one hundred fifty (150) feet back from their boundaries.

### 6.5.3 Relation to Other Districts

The LPOD is an overlay district mapped over other districts. Where there is an inconsistency between the requirements of Section 6.5 and the regulations otherwise applicable in such other districts, the more restrictive provision shall be deemed to apply.

### 6.5.4 Applicability

#### a. Jurisdictional Activities

Except as otherwise provided in Section 6.5, no building, structure or land use activity shall be permitted except pursuant to a special permit issued by the Planning Board pursuant to the requirements of Sections 6.3 and 6.5.

For the purposes of Section 6.5, “land use activity” shall mean any significant change in the physical characteristics of land or the physical or chemical characteristics of the wastewater produced from a building or structure, but excluding any exempt uses listed in paragraph b of this subsection. Except as otherwise provided in said paragraph b, “land use activity” shall include, but not be limited to: any extension or alteration of an existing structure; any removal of vegetation; any road or driveway; any excavation for the purpose of removing earth materials; and any facility designed to prevent or mitigate the impacts of stormwater or associated drainage.

#### b. Exempt Activities

The following activities do not require a special permit, but must nevertheless comply with the requirements of subsection 6.5.9:

- Any principal or accessory use, otherwise permitted by this Bylaw, to be located within an existing structure, provided that any extension or alteration of

such structure does not increase the height of the structure and is no closer to the high water mark than the existing structure; the resulting structure complies with applicable yard, lot coverage and floor area requirements of Section 5.5; and the chemical characteristics of any wastewater produced from such use are not significantly changed;

- Ordinary repair or maintenance of, or interior alterations to, existing structures;
- Removal of dead, diseased or dying trees and vegetation;
- Ordinary pruning or maintenance of shrubs or trees;
- Other gardening uses that do not involve the cutting of shrubs or trees;
- Structures under one hundred (100) square feet in footprint area; and
- Recreational, municipal or governmental uses that, by their nature, must be located within the LPOD.

#### 6.5.5 Prohibited Activities

The following activities shall be prohibited within the LPOD:

- The storage or dumping of any waste material, junk, refuse, or other debris;
- The discharge or application of wastewater or any pollutant; and
- The relocation of perennial or intermittent watercourses, the filling or reclaiming of wetlands and watercourses, the mining or removal of topsoil, subsoil, clay, peat, gravel, sand, shale or other similar materials.

#### 6.5.6 Required Findings

The Planning Board shall approve a special permit for any building, structure or land use activity within the LPOD if it finds that the building, structure or land use activity meets all application and site plan requirements set forth in Section 6.3 and subsection 6.5.8 and all applicable land use and development standards set forth in subsection 6.5.9.

#### 6.5.7 Procedure

The procedure for review and approval under this section shall be as set forth in Sections 6.3 and 6.5.

A Site Plan satisfying the requirements of subsections 6.3.7 and 6.5.8 is required for any proposed building, structure or land use activity within the LPOD for which a special permit is required.

Special permit applications and site plans shall be submitted to the Board of Selectmen for its review and comment to the Planning Board.

#### 6.5.8 Application and Site Plan Requirements

In addition to the application and site plan data required by Section 6.3, an Applicant for a special permit pursuant to Section 6.5 shall submit the following information to the Planning Board for its review:

- Boundaries of the property plotted to scale;
- Existing watercourses;

- A grading and drainage plan, showing existing and proposed contours at a two (2) foot contour in the area of activities for which a special permit under section 6.5 is being sought, and a five (5) foot contour elsewhere;
- The location and description of existing and proposed features;
- The location, design, and construction materials of all driveway, parking and loading areas;
- The location of all stormwater drainage areas (catchments) for each distinct receiving water/wetland area within and/or downgradient of activities for which a special permit under section 6.5 is being sought;
- Soils-based stormwater infiltration rates using the following table:

<b>Texture Class</b>	<b>NRCS Hydrologic Soil Group</b>	<b>Design Infiltration Rate (inches per hour)</b>
Sand	A	8.27
Loamy Sand	A	2.41
Sandy Loam	B	1.02
Loam	B	0.52
Silt Loam	C	0.27
Sandy Clay Loam	C	0.17
Clay Loam	D	0.09
Silty Clay Loam	D	0.06
Sandy Clay	D	0.05
Silty Clay	D	0.04
Clay	D	0.02

- Plans and specifications for soil erosion and sedimentation control measures;
- A timing schedule indicating anticipated starting and completion dates, the sequence of anticipated tasks, and the duration of exposure of each disturbed area prior to the completion of effective erosion and sediment control measures;
- For any land use activity involving the construction or expansion of a building or structure, the paving of roads, or the creation of driveway, parking and loading area, the results of a pollutant loading model demonstrating that stormwater flow on or from the site will not result in a discharge of any pollutant in violation of subsection 6.5.5. Such model shall evaluate the loadings of nutrients (nitrogen and phosphorus), bacteria, metals and total suspended solids, the expected removal rates associated with any stormwater treatment facility and the resulting loads to the LPOD.

The site plan shall be developed subsequent to, and in accordance with an existing natural resources conditions inventory that shows topography including steep slopes (greater than 10%), severe slopes (greater than 20%), soils limitations (constraints related to septic system suitability and erosive characteristics as mapped by the USDA, Natural Resources Conservation Service) and vegetation.

#### 6.5.9 Land Use and Development Standards

All buildings, structures and land use activities shall comply with the following standards:

- a. Development of Lots
  - The minimum setback from the high water mark for buildings and structures shall be one hundred (100) feet.



c. Metals

applicable federal and state drinking water standards

d. Cutting

- Except as otherwise permitted by this subsection, no vegetation may be removed within thirty-five (35) feet extending inland from any point along the high water mark. This area shall be maintained as an undisturbed natural buffer strip.
- For the purpose of water access, a contiguous clear-cut opening in the buffer strip, not to exceed thirty-five (35) feet in width or twenty percent (20%) of the lot's frontage along the water, whichever is less, shall be permitted. Such opening shall not be less than thirty (30) degrees from perpendicular to the water's edge.

or to take any other action in relation thereto.

ARTICLE 33. To see if the Town will vote to amend Article 52 of the 1999 Annual Town meeting by striking the words "Executive Secretary" therefrom and replacing them with the words "Town Administrator," or to take any other action in relation thereto.

ARTICLE 34. To see if the Town will vote to amend the General Bylaws by adding a new Section 7 to Article VIII as follows:

Section 7. No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this Article, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this Article.

The Conservation Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this Article and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

The Commission shall have authority to enforce this Article, its regulations, and permits issued thereunder by letters, phone calls, electronic communication and other informal methods, violation notices, non-criminal citations under M.G.L. c.40, §21D, and civil and criminal court actions. Any person who violates provisions of this Article may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

Upon request of the Commission, the Chief of Police may take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this Article, or regulations, permits, or administrative orders issued thereunder, shall be punished by a fine of not more than \$100. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the Article, regulations, permits, or administrative orders violated shall constitute a separate offense.

As an alternative to criminal prosecution in a specific case, the Commission may issue citations with specific penalties pursuant to the non-criminal disposition procedure set forth in M.G.L. c.40, §21D.

or take any other action in relation thereto.

ARTICLE 35. To see if the Town will vote to amend the General Bylaws by striking Article XIII therefrom and replacing it with the following:

Article XIII  
Penalty Provisions and Enforcement

Section 1. Whoever violates any bylaw of the Town shall pay for each offense a fine not exceeding one hundred dollars unless some other penalty is expressly provided by law or by some bylaw of the Town. Each continuing day of such violation may be considered a separate offense.

Section 2. Any bylaw of the Town of Stockbridge, or any rule or regulation of any town officer, board or department, the violation of which is subject to a specific penalty, may, in the discretion of the town official who is the appropriate enforcing person, be enforced in the method provided in M.G.L. c.40, §21D. The term "Enforcing Person," as used in this Article, shall mean any police officer with respect to any offense; the Building Inspector, Animal Control Officer, Board of Health or Health Officer, Parks and Recreation Commission, Board of Sewer and Water Commissioners, Tree Warden, Conservation Commission or Conservation Agent, Historical Commission and any such other official as the Board of Selectmen may from time to time designate, each with respect to violation of bylaws and rules and regulations within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an Enforcing Person with respect thereto.

Without limiting the generality of the foregoing, the following bylaws are to be included within the scope of this Article, and the specific penalties and enforcing persons listed herein shall apply in such cases:

Article VI, Section 3	(Motor Boats on Housatonic)
Penalty:	\$10
Enforcing Persons:	Police Officer
Article VI, Section 4	(Dog Restraints)
Penalty:	\$10
Enforcing Persons:	Police Officer, Animal Control Officer
Article VII, Section 7	(Wetlands)
Penalty:	\$100
Enforcing Persons:	Police Officer, Conservation Commission, Conservation Agent
Article IX, Section 8	(Trash Disposal - Recycling)
Penalty:	\$300
Enforcing Persons:	Police Officer, Board of Health, Health Officer
Article X	(Junk Cars)
Penalty:	\$10
Enforcing Persons:	Police Officer
Article XI, Section 7	(Beach Regulations)
Penalty:	\$25
Enforcing Persons:	Police Officer, Parks and Recreation Commission
Article XIV, Section 6.2	(Sewers and Drains)
Penalty:	\$20
Enforcing Persons:	Police Officer, Board of Sewer and Water



Commissioners

Article XVI, Section 5 Penalty: Enforcing Persons:	(Stockbridge Bowl) \$50 for the first offense and \$100 for the second offense Police Officer, Parks and Recreation Commission
Article XVII, Section 4 Penalty: Enforcing Persons:	(Curb Cuts and Street Openings) \$100 Police Officer
Article XIX, Section 4 Penalty: Enforcing Persons:	(Scenic Roads) \$300 Police Officer, Planning Board, Tree Warden
Article XX, Section 6 Penalty: Enforcing Persons:	(Water use Restrictions) \$50 for the first violation and \$100 for each subsequent violation Police Officer, Board of Sewer and Water Commissioners
Article XXI, Section 6 Penalty: Enforcing Persons:	(Historic Preservation) \$100 Historic Preservation Commission, Planning Board, Building Inspector

or take any other action in relation thereto.

ARTICLE 36. To see if the Town will vote to transfer a sum of money from available funds for the purpose of lowering the property tax rate, or to take any other action in relation thereto.

ARTICLE 37. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to increase the Stabilization Fund as defined in section 5B of Chapter 40 of the General Laws, or to take any other action in relation thereto.

ARTICLE 37. To transact any other business that may legally come before this meeting.

This is an unofficial copy of the Warrant for the Annual Town Meeting to be held on May 15, 2006 at the Stockbridge Plain School, 50 Main Street. The official Warrant will be issued at a later date in accordance with the requirements of M.G.L. c. 39, section 10.

You are directed to post true and attested copies of this Warrant, one in each of the Post Offices of said Town, the Town Hall, Stockbridge Firehouse and Interlaken Firehouse, at least seven days before time of said meeting. Hereof fail not and make due return of this warrant with your doings thereon to the undersigned or to the Town Clerk at or before the time of said meeting.

Given under our hands at Stockbridge,

Board of Selectmen

Deborah S. McMenemy, Chairman

J. Cristopher Irsfeld

George E. Shippey

\_\_\_\_\_  
Indicate Method of Service

\_\_\_\_\_  
Date

\_\_\_\_\_  
Constable

POSTED AT:  
Stockbridge Post Office  
Glendale Post Office  
Stockbridge Firehouse  
Interlaken Firehouse  
Stockbridge Town Hall