

Maintaining Our Rural Character

The Chesterfield - Westhampton Growth Management Plan

Prepared by the the Chesterfield-Westhampton
Growth Management Committee and
Pioneer Valley Planning Commission
for the towns of Chesterfield and Westhampton.

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CHESTERFIELD-WESTHAMPTON GROWTH MANAGEMENT PLAN

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Section One: Introduction



SECTION ONE: INTRODUCTION

A. The Communities of Chesterfield and Westhampton

Chesterfield and Westhampton are rural "hilltown" communities in the Pioneer Valley Region, a short distance west of Springfield/Northampton metropolitan corridor along Interstate 91. The towns take pride in their rural character and quality of life. Both communities enjoy an extraordinary blend of natural and cultural resources, from mountains and scenic vistas to historic homes and working farms. These same qualities serve to make Chesterfield and Westhampton attractive places for new residential development.

B. Growth Concerns

Chesterfield and Westhampton share a common concern over the threat to their rural and historic character, quality of life and natural resources brought on by increasing growth pressures from the Northampton-Springfield corridor. As buildable land is exhausted and land prices dramatically increase in Northampton and surrounding communities, prospective homeowners are moving outward to the next concentric ring of communities in their search for affordable housing. Chesterfield and Westhampton are within this next ring of developing communities. Westhampton, which borders directly on Northampton, has already seen a significant increase in building permits and housing prices. If current trends continue, Chesterfield will undoubtedly be one of the next targets for rapid development.

The two communities share the following traits:

- Both are linked to the growing nucleus of the Northampton area by state highways, Route 66 and Route 143, which are due to be improved, thus reducing commuting times;
- Both are rural, scenic, highly desirable areas for residential development;
- Both currently have large areas of buildable, open land, with relatively lower land costs than surrounding urbanizing communities;
- Both are experiencing residential growth for both year-round "commuter" residents and seasonal tourists;
- Both are relatively unprepared for growth, lacking professional staff, public services such as sewer and water, and sufficient tax base to improve or expand services such as police, fire, schools.

C. Reason for Regional Strategic Planning

Shared concern over threats to their natural resources, rural landscape and historic character brought on by increasing growth pressures led town boards and committee members, together with the Pioneer Valley Planning Commission (PVPC), to apply for a regional Strategic Planning Grant from the Massachusetts Executive Office of Communities and Development (EOCD).

This grant was awarded jointly to the neighboring towns of Chesterfield and Westhampton for the purpose of developing local and regional strategies for preserving important natural resource areas, encouraging a diversity of housing types and ensuring affordable housing, and minimizing the adverse effects of growth on town services and on the environment by encouraging development to occur in appropriate locations, densities and forms.

The PVPC was hired as a project consultant to help guide the creation of the Growth Management Plan by presenting options and a series of recommendations to help guide future growth and development within the two towns. These options and recommendations take the form, not of mere suggestion, but of concrete proposals for bylaw language, enforcement and implementation techniques, and priorities for future study.

Section Two: Planning Process



SECTION TWO: PLANNING PROCESS

A. Formation of Chesterfield-Westhampton Growth Management Committee

The Towns of Chesterfield and Westhampton, based on having shared growth management problems and a regional strategic planning grant, formed a regional Chesterfield-Westhampton Growth Management Committee. The Board of Selectmen from each community appointed members representing a broad cross-section of town boards to guide the planning process. These members are as follows:

Chesterfield-Westhampton Growth Management Committee

Chesterfield Members:

Donald Grose, Planning Board, GMC Co-Chair
David Kielson, Planning Board
Arthur Smith, Selectmen
Julie Vukovich, Zoning Board of Appeals, School Committee
Ruth Z. Temple, Historical Commission
Louise Spear, Planning Board

Westhampton Members:

John Shaw, Planning Board, ZBA, GMC Co-Chair
Peter Dellert, Planning Board
Nancy Bouthillette, Selectmen
Maureen Dempsey, Conservation Commission
John Wright, resident
John Grimes, resident
Eleanor Miller, resident

The regional Growth Management Committee (GMC) met twelve times over a seven-month period to hear reports from PVPC staff on growth issues and to agree on growth management strategies both regional and local in character. In addition, the representatives from the regional GMC each attended four Planning Board meetings of their community with PVPC to review existing zoning bylaws and correct problems.

<u>Committee</u>	<u>Meeting Date</u>	<u>Agenda</u>
Regional	November 9, 1988	<ul style="list-style-type: none">o Review Scope of Worko Develop Public Opinion Surveyo Discuss Project Goals & Objectiveso Water Supply Protection Strategies
Regional	December 14, 1989	<ul style="list-style-type: none">o Water Supply Protection Strategieso Farmland Preservation Strategies
Regional	January 18, 1989	<ul style="list-style-type: none">o Review Public Opinion Survey Resultso Set Goals & Objectiveso Water Supply Protection Bylawo Agricultural Incentive Area

Westhampton	February 7, 1989	<ul style="list-style-type: none"> o Review and Critique of Existing Zoning
Regional	February 15, 1989	<ul style="list-style-type: none"> o Elderly Housing Options o Site Plan Approval
Chesterfield	February 21, 1989	<ul style="list-style-type: none"> o Review and Critique of Existing Zoning
Regional	March 1, 1989	<ul style="list-style-type: none"> o Discontinued Roads/Scenic Roads o Driveway Standards/Shade Tree Standards o Underground Storage Tanks
Westhampton	March 7, 1989	<ul style="list-style-type: none"> o Continue Review of Existing Zoning
Regional	March 22, 1989	<ul style="list-style-type: none"> o Historic Districts o Preservation of Data Package
Chesterfield	March 27, 1989	<ul style="list-style-type: none"> o Continue Review of Existing Zoning
Regional	April 5, 1989	<ul style="list-style-type: none"> o Growing Smart Video o Elderly Housing Bylaw o Site Plan Approval
Chesterfield	April 10, 1989	<ul style="list-style-type: none"> o Continue Review of Existing Zoning
Westhampton	April 11, 1989	<ul style="list-style-type: none"> o Continue Review of Existing Zoning
Westhampton	May 2, 1989	<ul style="list-style-type: none"> o Final Review of Revised Zoning
Regional	May 3, 1989	<ul style="list-style-type: none"> o Open Space Communities o Major Residential Development
Chesterfield	May 15, 1989	<ul style="list-style-type: none"> o Final Review of Revised Zoning
Regional	May 17, 1989	<ul style="list-style-type: none"> o Open Space Communities o Common Driveways
Regional	May 31, 1989	<ul style="list-style-type: none"> o Discontinued Roads o Scenic Roads Bylaw o Public Shade Tree Bylaw o Creative Development Bylaw
Regional	June 21, 1989	<ul style="list-style-type: none"> o Wrap-Up of Bylaws o Draft Growth Management Plan o Public Educational Flyer
Regional	June 27, 1989	<ul style="list-style-type: none"> o Final Wrap-Up of Bylaws o Final Growth Management Plan

B. Public Opinion Survey

As one of the first steps in the planning process, a survey of each Town's residents was taken to attempt to determine the public's attitude and concerns toward growth and change in the Towns. The results of those surveys formed the basis for project goals and have guided the Joint Growth Management Committee throughout their planning process. A detailed summary of the survey results is found in Appendix A.

1. Westhampton Survey Summary

In November 1988, a public opinion survey developed by the Growth Management Committee was mailed to each Westhampton household. Forty-four percent of all households responded. The key findings were as follows:

- o Fifty-nine percent of residents felt growth and development were adversely affecting Westhampton.
- o Priority growth concerns are loss of open space, agricultural land, and community character. Pollution of water supply, overextending town services and overcrowded schools were also ranked as important issues. When asked what among the features best defined the character of Westhampton, the Town Center (including the church, Town Hall, and fountain), farmland, maple sugar stands and sugar houses were ranked first, followed by scenic vistas and stone walls.
- o A large majority of residents (86%) would like to see the population remain under 2,000 by the year 2000.
- o Seventy-eight percent strongly agreed that the town should protect environmentally sensitive lands from development.
- o Respondents were divided (49% to 46%) between those who favored more commercial/retail businesses provided they followed site guidelines in keeping with town character, and those feeling current businesses are sufficient.
- o Concern was evident about keeping housing affordable, and many (64%) felt cottage-type industries and bed and breakfast and other small-scale tourist-based establishments should be encouraged.
- o Comments were made about town roads and the need to improve and enforce zoning requirements.

2. Chesterfield Survey Summary

About 35% of the Chesterfield residents responded to a survey entitled "Setting Chesterfield's Goals for the Future". The key findings were as follows:

- o Top growth-related concerns of the respondents included preservation of the towns rural character, preservation of farmland and open space, maintaining a low tax base, and creation of conservation and wetlands protection areas. In addition, residents expressed concern over poorly maintained roads, overextending town services, crowding of schools, and contamination of public and private water supplies.
- o Most respondents felt that forested areas, the town center, farms and scenic vistas were important in defining the character of Chesterfield.
- o Many (89%) felt the town center should be declared a historic site and preserved as such.
- o Sixty-three percent of those surveyed said that they would like to see more commercial and retail businesses in town if guidelines were in place to preserve the town character.
- o Over a third of the respondents were worried about escalating home sales prices and the effect it may have on their children's and the elderly's ability to afford housing in their hometown.

C. Setting Goals and Objectives for Chesterfield and Westhampton

The following goals and objectives were compiled from a meeting with the Chesterfield/Westhampton Growth Management Committee and the results of a survey of Chesterfield and Westhampton residents.

Goal 1: The preservation of rural character and quality of life.

- a. Review and update each town's zoning bylaws, subdivision regulations and other existing regulations, such as Board of Health regulations, to improve local control over development and promote better enforcement.
- b. Maintain rural and historic character of both Chesterfield and Westhampton.
- c. Identify and designate scenic roads.
- d. Promote preservation of farmlands, farm operations, and forest lands.
- e. Research appropriate growth rate controls for possible future use in the event either town's growth rate increases.

Goal 2: The protection of resources.

- a. Identify means for protecting water supply and groundwater resources.
- b. Pursue an active program of open space acquisition and protection by taking advantage of state grant programs and voluntary conservation restrictions.
- c. Minimize adverse effects of growth on town services and the environment by directing growth to the most appropriate areas near existing developed areas and accepted town roads.

Goal 3: Promotion of a variety of housing types to meet Chesterfield's and Westhampton's changing needs.

- a. Through a Growth Management/Affordable Housing Committee, each town shall encourage the diversity of residential types, particularly for elderly and middle-income persons, as well as summer residences.

Goal 4: Encouraging limited economic development.

- a. Allow the establishment of cottage-type industries and small-scale tourist-based industries, such as bed-and breakfast establishments.

D. Course of Action Based on Goals and Survey Results

The primary focus of the Growth Management Committee work was evaluating the adequacy of existing zoning bylaws and reviewing the options available for improving their zoning bylaws. With the Pioneer Valley Planning Commission, the zoning bylaw of each town was first reviewed for consistency with state statutory requirements, and for other flaws, unclear sections and loopholes. Then, PVPC presented to the joint Growth Management Committee a variety of zoning options consistent with the goals set by the communities and the results of the public surveys. After detailed discussions of the options presented, certain additions to the towns' zoning bylaws were recommended for immediate adoption, and others were recommended for further study with an eye towards adoption at some point in the future.

1. Review of Existing Zoning and Presentation of Options for Changes

Town zoning bylaws are the primary means of controlling land uses within a community. Because of this, review of the zoning bylaws of Chesterfield and Westhampton was key to the development of a Growth Management Plan for the communities.

All zoning bylaws in Massachusetts must be consistent with the state General Laws, Chapter 40A, known as the state Zoning Act. The first step in review of the towns' zoning bylaw was to ensure that they were consistent with the Zoning Act. Some changes were recommended to bring the bylaws up to date with recent changes in the state statute, and to

allow the towns to exercise the full powers allowed them under the Zoning Act.

In addition to these recommendations to update the bylaws consistent with the state statute, new options were presented for addition to the bylaws. These recommended additions allow each town to promote the goals it has set through its zoning bylaw.

With technical assistance from PVPC, many options were presented to the joint Growth Management Committee for consideration and evaluation. Some of the options were selected for more detailed study, and went through a process of redrafting to conform to the specific needs of each town. Other options were determined to require additional time to determine their impact on the region and how they will advance the communities goals. These options have remained in a draft form, to be tailored to each community's requirements at some point in the future.

2. Review of Special Use Regulations, Subdivision Regulations and Other Regulations and Bylaws

Although the towns' zoning bylaws were the main focus of review, other bylaws and regulations were reviewed and improvements recommended. The subdivision regulations of each town were examined for consistency with state statutes, and additional subdivision regulations were recommended to further the goals set by the two communities. These recommended changes are compiled in an additional volume.

New Board of Health regulations were also recommended for protection of water resources in the region. Pioneer Valley Planning Commission (PVPC) review of Board of Health regulations and other town bylaws indicated that Chesterfield and Westhampton each had a need for regulations in the following areas:

- a. Controls or registration program for underground fuel storage tanks, particularly those of 1100 gallons or less capacity which are exempted from state regulations;
- b. Controls on the storage of hazardous materials and notification to the Fire Department of the type and amount of such storage;
- c. Regulations for the installation and construction of private wells;
- d. Controls on curb cuts and access to both state highways and local roads to protect highway safety, rural character, and encourage shared driveways;
- e. The Growth Management Committee determined that the issues of underground storage tanks, hazardous materials and private wells should be addressed as part of the overall goal of water supply protection. The issues of access controls, scenic roads and shade tree protection were to be addressed as part of the overall goal of preserving rural character.

Section Three: **Analysis of Growth Trends and Impacts**



SECTION THREE: ANALYSIS OF GROWTH TRENDS AND IMPACTS

The collection and analysis of data relating to growth in Chesterfield and Westhampton was undertaken by the Pioneer Valley Planning Commission as a starting point in the Strategic Planning Grant work program. Although town boards in both communities had a clear sense that growth-related problems were developing, it was important to determine their range and magnitude. The data have allowed us to assess and identify the most serious problems created by growth and make some predictions about future trends.

Data collection efforts focused on those elements of growth which town boards identified as having negative impacts on the unique blends of natural characteristics and buildings that give each town its distinctive character: housing starts and prices, population increases, traffic, solid waste generation and land ownership as it relates to possible new development. The data for this report were collected from town reports and records, state and federal census materials, and the Department of Education of the Commonwealth.

A. Major Findings

The pressures from outside the communities coupled with the desirability and quality of life in the communities have led to even more growth than was expected.

HOUSING: Housing prices have increased more than 100% since 1984. Even at these high prices, however, construction has been booming. Since 1970, over 160 homes have been built in each town, increasing the housing stock by between 35-40%.

LAND OWNERSHIP: Review of land ownership suggests some land speculation by developers. In both towns, significant amounts of land are owned by non-residents.

POPULATION: A combination of in-migration and a baby boom has caused the populations of both towns to grow rapidly in the 1970s and 1980s. Although the rate of growth has slowed somewhat, by 1995 the population of each town is projected to increase about 25%. The increase in number of people will be especially noticed in the elementary schools where the numbers will increase between 20 and 30%. In addition, there will be at last one hundred elderly residents living in each of the towns.

TRAFFIC: Since 1976 traffic has increased more than 40% on Route 66 and 70% on Route 143, reflecting a change in commuting patterns in the Valley as well as population growth.

SOLID WASTE: Conservative estimates of the cost of disposing of Chesterfield's solid waste indicate a 20% increase between 1986 and 1995. Westhampton's need for a new or expanded landfill will cause costs to rise by over 800% during the same time period.

B. What the Data Means

Growth in Chesterfield and Westhampton is expected to continue through the year 2000. The rural atmosphere that has been a product of pastoral and wooded landscapes and historic buildings is in danger of being altered by

incompatible new development. Population projections indicate that while the rate of growth has slowed, the population will continue to rise slowly in the 1990's. Continued growth will have significant impact not only on look of the town, but on services and traffic. Both towns have already faced the need for increased school capacity, and the costs of collecting and disposing of increasing amounts of solid waste are growing. The dramatic increase in housing prices means that newcomers will need high incomes and, often, two incomes to support their homes, making it likely that they will commute long distances to higher paying jobs in the urbanized areas along the southern section of I-91.

New growth brings more than physical change to small towns. As income levels and work patterns change it is likely that debate will occur about what services the towns should provide. The towns will have to take some significant action to moderate that debate, and preserve town character by making sure that development occurs in a sensitive manner.

C. Population Growth

Between 1970 and 1980 Chesterfield's population grew by 30%--from 704 to 915. Eighty-two percent (82%) of the growth was caused by people moving into town. In the 1980s growth has been slower--12.2% growth from 1980 to 1987.

The numbers for Westhampton are similar: from 1970 to 1980, the town gained 344 people, a gain of 43.4%. Seventy-seven percent (77%) of the growth was caused by people moving to town. From 1980 to 1989 the town's overall growth rate slowed to 19%.

The population projections prepared by the Massachusetts Institute for Social and Economic Research (MISER) indicate that the population increase will slow between 1986 and 1990 and then begin a slow rise. However, it should be noted that these estimates appear somewhat high. It is expected that any increase in population will be due in equal measure to in-migration and increased number of children born.

POPULATION GROWTH

<u>Westhampton</u>			<u>Chesterfield</u>	
<u>Year</u>	<u>Town Census</u>	<u>% Increase</u>	<u>Town Census</u>	<u>% Increase</u>
1980	1137	-	915	-
1981	1148	1.0%	940	2.7%
1982	1154	0.5%	992	5.5%
1983	1163	0.8%	990	-0.2%
1984	1182	1.6%	962	-2.8%
1985	1233	4.3%	976	1.4%
1986	1242 (1340)*	0.7%	1009 (1012)*	3.4%
1987	1296	4.3%	1027	1.7%
1988	1304	0.6%	n.a.	n.a.
1989	1358	4.1%	n.a.	n.a.
1990**	1446		1314	
1995**	1611		1352	

Sources: Town Census data

*State Census

**Massachusetts Institute for Social and Economic Research (MISER)
population projections

POPULATION DENSITY (Per Square Mile)

	<u>Westhampton</u>	<u>Chesterfield</u>
1970	29	23
1980	42	32
1986*	49	39
1990**	53	42
1995**	59	47

Source: Pioneer Valley Planning Commission

*Based on State Census

**Based on MISER projections

D. School Age Children

The Massachusetts Department of Education (MDE) has made high, average and low projections for each town for the five years beginning in 1987. The MDE is projecting large increases in the elementary (K-6) populations of both towns, and decreases in grades 7-12 for the five year period. It is this unevenness in enrollment growth that makes it appear that enrollments have remained relatively constant, or have lower growth rates than they actually do. For example, total projected growth for Westhampton 1987-1992 is a relatively small 6.4%, but grades K-6 are expected to increase by 20.2%. Similarly, Chesterfield's projected 13.4% increase, high enough in itself, masks an almost 30% increase in the elementary grades.

E. The 65+ Population

In Westhampton, the percentage of the population 65 years old and older has remained at about 7.5% and MISER projections expect this percentage to increase slightly and then fall to about 6.4% of the population, or about 104 people, by 1995. In 1980, slightly over 10% of the 65+ population lived below the poverty level or with incomes only 24% above the poverty level. If this percentage holds, in 1995 there will be between 10 and 12 elderly people in Westhampton whose incomes are below or barely above poverty level.

In Chesterfield the percentage of the population 65 years and older is expected to decrease from 7.8% in 1980 to 6.9% in 1995, but the actual number of people will increase from 79 to 100. In 1980, 17 of the 79 elderly people in town lived below 125% of the poverty level. If that rate is maintained there will be 22 people 65 and over living below or slightly above the poverty level in 1995.

POPULATION 65+

<u>Westhampton</u>			<u>Chesterfield</u>	
<u>Year</u>	<u>65+ Pop.</u>	<u>% of Total</u>	<u>65+ Pop.</u>	<u>% of Total</u>
1980	88	7.7%	79	7.8%
1985*	96	7.5%	83	7.1%
1990**	100	8.7%	94	7.1%
1995**	104	6.4%	100	6.9%

Source: Federal Census and MISER (projections and estimates)

*estimate

**projection

F. Housing Development

1. New Homes

Between 1970 and 1987, 166 houses have been built in Westhampton, accounting for 39% of the total year-round housing stock. Chesterfield has experienced a similar construction rate with 168 homes--38% of the year-round housing stock were built during 1970-1987. By comparing the number of houses with the size of the population, we can see that the number of people per house has declined in both towns from about four people per house, to less than three people per house. This means that, in general, the region will need more houses than before for the same amount of people. The rate of land consumption for housing is accelerated, and is more dramatic than the population growth statistics alone indicate.

NUMBER OF YEAR-ROUND HOUSING UNITS

<u>Westhampton</u>			<u>Chesterfield</u>	
<u>Year</u>	<u>Units</u>	<u>% Increase</u>	<u>Units</u>	<u>% Increase</u>
1970	262		269	
1980	372	+42%	382	+42%
1987	428	+15%	437	+14%

Source: Federal Census and Town Building Inspector

BUILDING PERMITS FOR NEW HOMES

	<u>Westhampton</u>	<u>Chesterfield</u>
1970	6	5
1971	2	5
1972	4	8
1973	17	9
1974	21	2
1975	18	2
1976	13	5
1977	15	8
1978	7	14
1979	7	10
1980	6	11
1981	7	4
1982	2	3
1983	4	4
1984	2	4
1985	15	7
1986	9	7
1987	20	15

Source: Town Building Inspector

2. Housing Prices

The increase in housing prices has been steep in both towns. Between 1984 and 1988, housing prices in Chesterfield have increased almost 106%. The steepest increases occurred between 1985 and 1986 with a 24% increase, and 1986 - 1987 with a major increase of 40%. Westhampton experienced an earlier and even more dramatic boom: between 1984 and 1985 housing prices increased 62% and between 1985 and 1986 they increased 33%. Overall Westhampton's housing prices have increased 152% between 1984 and 1988.

INCREASE IN AVERAGE HOUSING COSTS 1984 - 1988

	<u>Chesterfield</u>	<u>Increase</u>	<u>Westhampton</u>	<u>Increase</u>
1984	\$57,500		\$ 61,225	
1985	63,833	11%	99,450	62%
1986	79,175	24%	132,500	33%
1987	110,863	40%	147,500	11%
1988	118,271*	6%	154,250*	5%
1984-88 Cumulative		106%		152%

Source: Hampshire-Franklin Board of Realtors

*Through the third quarter

The increase in median housing costs is another measure of change. The data below indicates that in any given year, half of the houses cost above, and half cost below the median figure. Median housing costs may more accurately reflect housing costs in smaller communities, since they are not as affected by unusually expensive individual homes.

MEDIAN HOUSING COSTS

	<u>Chesterfield</u>	<u>Increase</u>	<u>Westhampton</u>	<u>Increase</u>
1986	\$80,000		\$ 69,500	
1987	86,187	+7.7%	91,687	+31.9%
1988	98,750	+14.6%	113,250	+23.5%

Source: Hampshire-Franklin Board of Realtors

3. Historic Homes

In 1970, Chesterfield had 269 year-round houses. One hundred seventy-three (173) or 64% of these houses were built before 1939. Between 1970 and 1987, 168 new homes were built, reducing the percentage of homes built before 1939 to 40%.

In Westhampton, with 262 year-round houses in 1970 and 112 or 43% built before 1939. Since 1970, at least 110 permits for new homes have been granted, bring the total number of homes to about 428. This means that the percentage of homes built before 1939 is reduced to 26%. This has a visual impact on the town, especially since many homes are built on road frontage. The dual impact then, can be to overwhelm the historic look of the town and at the same time reduce the sense of the landscape.

G. Traffic and Services

Increased population means more traffic and greater need for basic services. As Northampton and Amherst have grown as centers of employment and more people are employed, traffic has increased due to trips originating in the towns, and trips passing through the towns.

1. Traffic Counts

Chesterfield traffic counts, taken on Route 143 at the Worthington town line by the PVPC in 1976 and 1988, indicate a 73.3% increase in traffic during the twelve-year period.

CHESTERFIELD TRAFFIC

	<u>1976</u>	<u>1988</u>	<u>Percent Increase</u>
Average Daily Trips	300	520	+73.3

Westhampton traffic counts were taken on Route 66 at the Northampton town line by the PVPC in 1976 and 1987 and show a 40.75% increase for the eleven-year period.

WESTHAMPTON TRAFFIC

	<u>1976</u>	<u>1988</u>	<u>Percent Increase</u>
Average Daily Trips	1,200	1,689	+40.75%

2. Crime Rates and Police Calls

The crime rates of communities can be important bellweathers of change, but are difficult to analyze. This analysis includes the total number police calls, the number of incidents of larceny, housebreaks and breaking and entering, and, in Westhampton, the number of calls reporting suspicious persons or cars (Chesterfield does not keep

statistics on these calls). The incidence of larceny, and breaking and entering has decreased in Westhampton and remained constant in Chesterfield. The number of calls reporting suspicious persons or cars increased from three in 1980 to 47 in 1987. This is extremely important for two reasons: 1) the reduction in larceny and breaking and entering may have been brought about by an increasingly vigilant population; and 2) the population has become increasingly wary and concerned about crime, perhaps due to the changing character of the towns.

POLICE CALLS

	<u>Westhampton</u>		<u>Chesterfield</u>	
	<u>Total</u>	<u>Larceny, Vandalism, Breaking & Entering</u>	<u>Total</u>	<u>Larceny, Vandalism, Breaking & Entering</u>
1980	371	47	102	49
1981	398	51	82	40
1982	450	35	210	29
1983	497	56	92	40
1984	490	54	108	42
1985	495	53	121	42
1986	495	22	281	43
1987	399	27	184	41

Source: Annual Town Reports

* Includes all calls except calls for information.

** Includes only those things that required a police officer's attention.

3. Fire Department

The number of Fire Department calls in Westhampton increased by 55% since 1981. Chesterfield Fire Department calls numbers average 64 per year, but show no real pattern. However, these numbers are hard to analyze because statistics are often collected differently each year, and because EMT functions and ambulance assists are included.

FIRE DEPARTMENT CALLS*

	<u>Westhampton</u>	<u>Chesterfield</u>
1981	29	78
1982	36	56
1983	29	63
1984	42	55
1985	50	65
1986	43	77
1987	45	56

Source: Annual Town Reports

Data includes fire runs, ambulance assists and EMT calls.

H. Solid Waste

Solid waste disposal costs are expected to increase dramatically in the next decade for both Chesterfield and Westhampton, as presented in table below. Westhampton currently operates its own landfill and Chesterfield does not, resulting in wide differences in disposal costs.

In the case of both towns, however, the cost estimates are extremely conservative (low). In both cases, the tons per year per capita are held steady. In Chesterfield's case we did not account for any increase in cost per ton. Still, the cost rose from \$38,623 to \$46,348, a 20% increase just because of population growth. In fact, the third set of numbers, which give a reasonable increase to the cost/ton, are probably closer to the mark, and show an increase of more than 130%.

CHESTERFIELD SOLID WASTE COSTS

	<u>Population</u>	<u>Tons Per Year Per Capita</u>	<u>Cost Per Ton</u>	<u>Total Costs</u>
1986	1,210	.28	\$114	\$38,623
1995	1,452	.28	\$219*	\$89,037

The projections for Westhampton hold the tons per capita steady but allow the cost to rise to account for the expansion or closing of the landfill. These numbers show a conservative increase of \$49,173, or 819%.

WESTHAMPTON SOLID WASTE COSTS

	<u>Population</u>	<u>Tons Per Year Per Capita</u>	<u>Cost Per Ton</u>	<u>Total Costs</u>
1986	1,340	.32*	\$ 14	\$ 6,003
1995	1,611	.32	\$107	\$55,176

Source: "Hilltown Recycling Cooperative Feasibility Study Report:",
Pioneer Valley Planning Commission, December 1988

*Estimated by Pioneer Valley Planning Commission

I. Land Ownership

A review of the assessors records revealed some interesting trends in land ownership. In both towns there are large amounts of land owned by non-residents. While this fact alone is not particularly conclusive, it might be reasonable to assume that some of these land owners have bought land in order to develop it at some later date. This is particularly true in the case of land owned by real estate firms.

LAND OWNERSHIP

	<u>Total Acres</u>	<u>Conservation & Public Land</u> ¹	<u>Owned By Non-Residents*</u>
Chesterfield	20,007	3,241 16%	4,717 24%
Westhampton	17,508	50** 1%	5,229# 30%

Source: Town Assessors

* Data includes only parcels of five acres or over in single ownership, and does not include parcels on Lake Damon or Pine Island Lake.

**Estimated by Town Assessors.

¹ Source: Chesterfield Open Space and Recreation Plan (draft), 1986.

Does not include the 1,847 acres owned as watershed land by the cities of Holyoke and Northampton, or the 258.5 acres owned by the Beagle Clubs.

Section Four: **Summary of Recommended Zoning Changes**



SECTION FOUR: SUMMARY OF RECOMMENDED ZONING CHANGES

A. Summary of Changes to Existing Zoning Regulations

Many changes have been recommended to Chesterfield and Westhampton's existing zoning bylaws. The most obvious of these changes has been a revision of format. The format has been altered to be easier to read and to be more comparable to other Zoning Bylaws throughout the Pioneer Valley. More substantial changes are to be found in the Schedule of Use Regulations and the Dimensional and Density Regulations, as well as in related definitions.

1. Schedule of Use Regulations

The Schedule of Use Regulations for Westhampton has been reformatted from text to an easy-to-use chart. In Chesterfield, the Schedule of Use table was updated. In the course of this change, for both towns, the number of uses addressed was expanded. This does not mean that uses which were prohibited in the past are necessarily allowed now; only that they have been included in the table with a clear statement of whether or not that use is allowed. This is to help prevent confusion which would arise when someone wished to build something which was not addressed by the Zoning Bylaw.

The new Schedule of Use Regulations also lists any special standards or conditions which are prerequisite to any allowed use. The schedule also charts whether a special permit or site plan approval will be necessary. While reformatting or revising the Schedule of Use Regulations one of the important issues discussed centered upon what uses currently are permitted and should this list be modified, reduced or expanded. Central to deciding what uses should be permitted was the definition of those uses. Ultimately, both Chesterfield and Westhampton increased the permitted uses to meet the towns' growing need. In conjunction, the definition section of the bylaw was expanded to reflect these changes.

The most important substantive changes to both towns. Schedule of Use Regulations were made to bring the zoning bylaws into conformance with state laws regarding religious organizations, educational institutions, and agriculture. Under Massachusetts law, the buildings and activities of religious organizations and not-for-profit educational institutions cannot be regulated by zoning except for reasonable health and safety measures, like setbacks and parking requirements. Because of their prominent place in the Massachusetts economy and way of life, agricultural activities are also protected by state law. Agriculture cannot be banned from any town, although it can be limited to tracts of over 5 acres in residential zones. Additionally, agricultural activities can also only be subject to reasonable safety and health restrictions. Each town's Schedule of Use Regulations was brought into compliance with these state statutes.

2. Dimensional and Density Regulations

The minimum required lot sizes, front, side, and rear yard set-backs, building height limits and limit on percentage of lot covered has been assembled into a Table of Dimensional Regulations in each town's Bylaw. The basic dimensional requirements of most uses in each town have remained the same. Some newly proposed uses, such as congregate, elderly housing, have different dimensional requirements and, as such, have been incorporated into the table.

3. Other Changes to Existing Zoning Bylaws

a. Signs

Sign Regulation in Chesterfield was modestly revised. In Westhampton, uniform controls of sign size and placement were inserted in the Zoning Bylaw both in Table of Uses and as a new section.

b. Parking Standards

Chesterfield had in place some parking standards while Westhampton had none. Extensive parking and loading standards were added to both bylaws to clarify what is meant by a parking space and off street parking, and to give general guidelines for the number of parking spaces needed for various uses.

c. Home Occupations

In Westhampton, changes in the Zoning Bylaw and definitions were made to clarify what is permissible as a home occupation, home office, or studio. The changes were made to continue to allow residents to work from their homes, while avoiding being a nuisance to neighbors or creating traffic hazards.

d. Commercial Recreation

In Chesterfield and Westhampton, new commercial recreational facilities are now required to obtain a special permit before operation. In Chesterfield, they are prohibited in the Town Center. Both towns define commercial recreation as a developed type of activity such as golf courses or tennis clubs.

e. Manufactured Housing

In Westhampton, mobile homes and manufactured housing are both allowed as single family dwellings. In Chesterfield, mobile homes are not permitted. A clear definition of manufactured housing, which is permitted, was added to Chesterfield's bylaw so that they could be differentiated from mobile homes.

f. Administration and Enforcement

Changes were made to the administration and enforcement sections of Chesterfield and Westhampton's bylaws to bring their time limits into conformance with state law, and to take advantage of increases in allowable fines.

B. Recommended Additions to Zoning Bylaw

The following additions to the zoning bylaw in Chesterfield and Westhampton have been recommended in order that the Zoning Bylaw better reflect the goals set by the Growth Management Committees.

1. Elderly and Handicapped Congregate Housing Bylaw

The purpose of this new bylaw section is to permit the development of a new type of housing to meet the special needs of elderly and handicapped persons. Congregate housing is a group of housing units with some shared facilities and services, such as kitchen or recreation areas. This bylaw proposes permits congregate housing for elderly and handicapped persons to be constructed in the Agricultural/Residential District with a Special Permit from the Planning Board in Westhampton and in the Town Center, Agricultural Residential I and Agricultural-Residential II districts with a Special Permit from the Planning Board in Chesterfield. A Special Permit would be issued only if the project meets stringent performance standards. These new regulations include:

- a minimum lot size of 40,000 square feet per dwelling units (i.e. a structure with 3 dwelling units must have a minimum lot size of 120,000 square feet both towns);
- a maximum of 6 dwelling units per structure;
- landscaped buffers to separate the structures from adjacent lots;
- developers must demonstrate that septic systems will not pollute groundwater.

In addition, the housing development must meet all the standards of the new proposed Site Plan Approval bylaw.

2. Site Plan Approval

Site plan approval is a tool used by the Special Permit Granting Authority to help assure that all business and industrial uses, and new residential subdivisions are developed in a manner that meets established community goals. The site plan approval process provides a mechanism for Chesterfield and Westhampton to ensure proposed developments provide adequately for access, circulation, parking, utilities, landscaping and protection of important resources before a Special Permit is issued.

This new section of the proposed bylaw deals with the following issues:

- what types of uses require site plan approval
- required site plan contents
- procedures and criteria for review
- enforcement

A proposed set of site plan approval criteria ensures that new developments would:

- be integrated into the existing landscape
- be served by adequate water supply and waste disposal systems
- are compatible in style with the Town's rural character
- prevent pollution of surface and ground water

In both Chesterfield and Westhampton this is a new bylaw section. The special permit granting authority would be the Planning Board.

3. Floodplain/River Protection Bylaws

Chesterfield's existing zoning bylaw contains a river protection bylaw, but no floodplain zoning. The purpose of the proposed Chesterfield floodplain zoning bylaw is to protect life and property from flood hazards, and to protect natural floodplains. The new Floodplain District would include all lands designated as flood hazard areas. Within these flood hazard areas, a Special Permit would be required for all residential uses. Proposed uses must demonstrate that they would not result in increased flood levels, and that all floodplain requirements of the State Building Code are met.

The proposed amendment to the Chesterfield river protection bylaw would apply only to the East Branch of the Westfield River. The purpose of the bylaw is to protect the scenic qualities of the river. The proposed regulations incorporate all existing river protection standards, including a prohibition on dredging, filling or dam construction along the East Branch, and no new development in the designated "wild section." Proposed regulations would require a 100-foot buffer between the river and any new structures, and a minimum 50-foot buffer for logging operations. Exceptions would be allowed for hardship cases, where existing lots cannot accommodate a 100-foot buffer area.

Westhampton's existing zoning bylaw does include a floodplain bylaw but not a river protection bylaw. The proposed Westhampton floodplain bylaw is intended to protect life and property from flood hazards, and to protect natural floodplains. Within the designated floodplain, a Special Permit would be required residential uses. Proposed uses must demonstrate that they would not result in increased flood levels, and that all floodplain requirements of the State Building Code are met.

Westhampton's proposed river protection bylaw would apply only to the Westfield River, and are intended to protect the scenic qualities of the river. The proposed bylaw would require a 100-foot buffer between the river and any new structures, and a 50-foot minimum buffer logging operations. Exceptions would be allowed for hardship cases.

4. Water Supply Protection Districts

A new Water Supply Protection District would be created in Chesterfield, which is intended to protect surface and groundwater quality by preventing pollution. The proposed district includes the Roberts Meadow Reservoir watershed, and the aquifer along the Dead Branch of the Westfield River, a potential future water supply source for the town. The proposed regulations would prohibit certain new uses which pose a high risk of water pollution, such as businesses or industries which generate hazardous wastes, gas stations, landfills, junkyards and underground storage tanks. Other business uses would be allowed by Special Permit, provided they can demonstrate there would be no adverse water quality affects. Uses such as earth removal operations, salt or pesticide storage, and above-ground storage tanks would be allowed with restrictions to protect water quality.

A new Water Supply Protection District would also be created in Westhampton. The proposed district would include the Mountain Brook Reservoir watershed, the Roberts Meadow Reservoir watershed, White Reservoir watershed, and the aquifer along North and South Roads, a potential future water supply source for the town. The proposed regulations are the same as those described for Chesterfield (above).

5. Creative Development Bylaw

The Creative Development Bylaw is designed to address a number of growth management concerns shared by Chesterfield and Westhampton. The goal of the proposed bylaw is to preserve open space, farmland, and rural town character, while preventing development in strips along roadsides. The purpose is to encourage innovative development patterns involving up to six houses located along a common driveway, out of view from passing roads. Thus, the tree rows which characterize the area can be preserved. The portion of land not used as house lots would be permanently preserved as open space or farmland.

The creative development bylaw applies to the creation of two or more house lots or the construction of two or more houses. Under the new bylaw, anyone creating two or more lots, or building two or more houses, can apply for a creative development special permit. A creative development special permit may be granted only if all the houses will be out of sight from the road, unless unique natural resources or farmland located at the rear of the parcel make building near the roadside the better option.

In order to obtain a creative development special permit, open space must also be created. In Chesterfield, the open space provided must be that portion of the parcel which is most valuable as a natural resource or farmland. In Westhampton, open space along the roadside must be preserved to the greatest extent possible.

In both towns, a Creative Development must result in the creation of less curb cuts onto a public road than would have resulted under standard development patterns. Open space and other requirements may be waived if the creative development will provide affordable housing, housing for the elderly or handicapped, or other housing for persons with special needs.

The creative development bylaw works by allowing the options of common driveways, flexible area, and flexible frontage requirements together with open space. The common driveway must meet certain minimum standards to ensure access for emergency vehicles. A common driveway cannot be used for more than six homes; nor can any existing driveway be converted to a common driveway. A deed restriction ensures that common driveways cannot be used as frontage for future development, and that the town will not become responsible for snow-plowing or maintenance of the driveway. All landowners served by a common driveway will have a deeded Right-of-Way. A narrow utility Right-of-Way for cables will run parallel to each common driveway. Common driveways must be placed a minimum of 1000 feet apart so as to avoid traffic problems.

In Chesterfield, a creative development can not result in the construction of any more houses than could have been built under standard development. Land which could not otherwise be built on due to wetlands or steep slopes is deducted from the total acreage. Then the number of houses permitted is based on the remaining acreage. In order to create open space, individual house lots may be as small as one acre. Additionally, while there is no frontage requirement within a creative development along a common driveway, the total parcel must have at least one half the total frontage which would otherwise be required for the number of houses being built.

In Westhampton, land which is unbuildable due to wetlands or steep slopes is similarly deducted from the total acreage. Then, up to 50% more houses than could be built under standard development may be built, on lots as small as 6/10ths of an acre, as long as open space is provided along the road, with the houses built out of view. In Westhampton, the parcel must have 250 foot frontage for the first house in a creative development, followed by 125 foot frontage for each additional house.

Section Five: **Summary of Recommended Non-Zoning Changes and Bylaws**



SECTION FIVE: SUMMARY OF RECOMMENDED NON-ZONING TECHNIQUES

Although zoning is the primary tool which towns can use to regulate land use in their communities, there are several other types of bylaws and regulations which effect the way a town looks and the protection of natural resources such as water. To allow Chesterfield and Westhampton to more fully carry out their goals, several non-zoning options were presented to the Growth Mangement Committee, discussed at length, and ultimately recommended for adoption.

Subdivision regulations determine how parcels of land may be broken up into smaller parcels, especially for residential development. Like zoning bylaws, subdivision regulations must be consistent with state statutes. Each town's subdivision regulations were reviewed, and changes were recommended to update them consistent with the state statute. Some additional changes were recommended to make the subdivision regulations consistent with the communities goals and other bylaw changes.

Board of Health regulations were reviewed regarding the protection of water resources from such hazards as leaking underground storage tanks and indiscriminate use of hazardous materials. Additions to the general bylaws, such as a scenic roads and public shade tree bylaw to protect the character of the region's country lanes, were also recommended.

A. Underground Storage Tank Bylaws

A new town bylaw is proposed for both Chesterfield and Westhampton requiring registration of underground storage tanks with the Fire Department. The purpose of this bylaw is to prevent groundwater pollution and threats to public safety from leaking tanks. The bylaw would require that owners of existing and new underground storage tanks of less than 1000 gallons obtain a tank permit from the Fire Department. (Larger tanks are already regulated by state law). The permitting system would allow the Fire Department to keep an active inventory of tank locations and ages, promote public awareness of the need or tank safety, and prevent new tank installations in improper locations.

B. Hazardous Materials Bylaws

A new town bylaw is proposed for both Chesterfield and Westhampton, requiring the registration of hazardous materials storage with the Fire Department. The purpose of this bylaw is to prevent groundwater pollution and protect public health and safety by promoting safe storage and handling of hazardous materials. The bylaw would require that businesses, industries or farms storing hazardous materials in quantities greater than 50 gallons or 25 pounds register with the Fire Department. The bylaw also requires that hazardous materials be stored safely, indoors, in a protected storage area. The registration system will also help the Fire Department fight fires involving hazardous materials, and to minimize risks to firefighters.

C. Scenic Road and Public Shade Tree Bylaws

Scenic roads and public shade trees are both addressed, to a limited extent, by state statutes. Under the state scenic roads law, planning boards, conservation commissions, and historical commissions may recommend certain roads to town meeting to be designated "scenic". Once a road receives a scenic designation, no roadwork on it can damage trees or stone walls within the road Right-of-Way without a public hearing and the permission of the planning board. Under the state public shade tree law, no one may cut, trim, or remove any public shade tree in the Right-of Way of a local road without permission from the town tree warden, given only after public hearing. However, the state statutes leave much room for interpretation and implementation by towns.

The recommended scenic roads and public shade tree bylaw fills the gaps in the state statute by defining terms like "public shade tree" and setting criteria for what constitutes a "scenic road". The Bylaw will clarify how those laws will be carried out in Chesterfield and Westhampton.

1. Designation of Scenic Roads

Scenic Roads are designated by vote of town meeting, after recommendation by the planning board, conservation commission, or historical commission. After designation as a scenic road, no roadwork may damage trees or stone walls along the road without a public hearing and permission from the planning board. However, the most important effect of a scenic road designation could be that it draws attention and interest to the appearance of a town's roadsides.

It is highly recommended that Chesterfield and Westhampton designate scenic roads. A sample warrant to designate scenic roads is included as Appendix B to this document, containing the names of roads which Chesterfield Growth Management Committee members have recommended for designation on the basis of a previous open space study in their town.

Section Six: **Recommendations for Further Study**



SECTION SIX: RECOMMENDATIONS FOR FURTHER STUDY

The previous recommendations of the Growth Management Plan were intended for consideration and adoption at the next town meeting. What follows are recommendations for future adoption. Each town should analyze and review these recommendations and make appropriate amendments to meet their specific needs before going to town meeting.

A. Zoning Options Recommended for Further Study

Due to the time constraints of the Strategic Planning Grant project, not all of the areas of concerns that Chesterfield and Westhampton were addressed at the regional Growth Management Committee meetings. Recognizing these limitations, the committee members identified some zoning options that they felt warranted further consideration and possible adoption after the completion of the Growth Management Plan. Three of the proposed zoning options are for consideration by both towns. One proposed bylaw, an earth removal bylaw, was only requested by Chesterfield.

1. Earth Removal Bylaw

Chesterfield currently has an earth removal bylaw for the purpose of safeguarding the Town from hazards left when excavation operations are complete, or from hazards (noise, traffic, safety, dust) which are incidental to the operation. Minor additions have been made to clarify procedures. The bylaw is found in Appendix C.

Westhampton does not feel an Earth Removal Bylaw is in the town's best interest at this time.

2. Vehicular Access Bylaw

A vehicular access bylaw would work as a companion to the Creative Development Bylaw. The bylaw would encourage innovative development of houses on common driveways rather than on "cookie cutter" lots along roadsides, as well as minimize the number of curb cuts, or vehicular access points, to public roads.

The bylaw works by placing a minimum distance requirement between two driveways. Building lots would not be allowed to be created, by either subdivision or by approval-not-required division (ANR) which would have less frontage than the minimum driveway separation distance, unless the lots were placed on a common driveway. The presence of a common driveway would then trigger the creative development bylaw, which would encourage the developer to design the building lots with open space, rural character, and the view from the road in mind. In order to prevent hardships on people wishing to build a single home, the vehicular access bylaw would only be triggered when three or more lots are being created.

3. Accessory Apartment Bylaw

Chesterfield and Westhampton are concerned about the provision of adequate, affordable housing, especially for the region's families who may no longer be able to afford to purchase or rent in the two towns. One way to address this issue is by adopting an accessory apartment bylaw.

Accessory apartments are also known as a "Mother-in-law apartments". It is simply a separate living space put into an existing home, complete with its own kitchen (or kitchenette) and bath. Many older homes are quite large, and become difficult for older couples to maintain and heat. An accessory apartment bylaw allows such homeowners to stay in their homes, while also providing rental housing for another person or family, all without additional development taking place.

4. Scenic Upland Zoning

In Chesterfield and Westhampton, scenic areas such as prominent ridgelines, the Westfield River valley, or exceptional vistas, are important resources which contribute to the character and quality of life of the community. These same areas are also commonly the most fragile areas with the least carrying capacity for development due to steep slopes, unstable or poor soils, and inadequate public infrastructure. In order to avoid problems of erosion, sedimentation, septic tank failures, flooding, water pollution, and the destruction of scenic qualities or natural resources, development must be done with a particular sensitivity to the land in scenic upland areas. A Scenic Upland Overlay Zoning District can be created to protect these resources. Regulations should be designed to prevent pollution of the ground or surface water supply (public or private), erosion, substantial changes in topographic features, destruction of vegetation, flooding, or other visual/aesthetic degradation. For example, the Town of Monson has such a district, and similar regulations have also been adopted as state legislation (Berkshire Scenic Mountains Act, M.G.L. Chapter 131, Section 39a). Towns must first delineate a scenic upland district. Mountains, forested slopes, and unique geological features such as bedrock, outcrops, and cliffs should be mapped. Boundaries for the district should be drawn based upon the area where the transitions of slope, vegetation or rock type occurs.

The model bylaw (in Appendix C) creates a Scenic Upland Review Board to review plans and significant alterations. The bylaw asks that architectural style reflect the character of the community. Each town, perhaps with the assistance of the Historical Commission, should gather illustrations of architecture that typifies the town as a resource for developers.

The Town could work with overlays of Prime Forestland maps (available from PVPC), the steep slope map prepared as part of this project, and mapping of areas above a specified elevation. Also, the Department of Landscape Architecture and Regional Planning at the University at Massachusetts may be interested in preparing a scenic upland map as part of a studio project with the graduate program.

B. Other Strategies Recommended for Further Study

1. Local Housing Partnership

A local housing partnership is a coalition of town residents working together to create affordable housing opportunities. Housing

partnerships work with existing town boards as well as with developers, community groups, and funding agencies. Local Housing Partnerships pull together funding, technical expertise, land, buildings, town support, and public education to implement a local housing agenda.

The Massachusetts Housing Partnership is a state initiative which provides a broad spectrum of financial and technical assistance to local housing partnership projects. To access the assistance provided by MHP's, local housing partnership must first be "recognized." There are three levels of recognition: Initial, Development, and Comprehensive. The assistance available to a local housing partnership broadens as each level of recognition is reached.

To obtain initial recognition, a town must demonstrate commitment to affordable housing via a letter from its chief elected official, conduct a preliminary assessment of community housing needs and local resources, review past actions and prospective plans for housing affordability, and identify a contact person to lead the local housing partnership. To receive development recognition, a local housing partnership must demonstrate the existence of a viable affordable housing project and community support for the project. The final comprehensive level of recognition requires an increased dedication to affordable housing, including a town commitment to expedite the use of local resources for affordable projects, and the establishment of a project agenda.

Chesterfield and Westhampton should both begin to explore the feasibility of a Local Housing Partnership in each community. First, particular housing needs in each town should be identified. Then, representatives of a wide range of town boards and community interests such as neighborhood organizations and church groups, should be contacted to determine the base of support for an affordable housing initiative. Then, the Massachusetts Housing Partnership should be contacted to present Chesterfield and Westhampton with individualized assistance in forming a local housing partnership.

2. Discontinuing Roads

Towns are responsible for reasonable repair and maintenance of the public roads within their borders. Towns can be liable for injuries which occur on town roads which have been inadequately maintained. Formally discontinuing town roads can relieve the town of this responsibility. More importantly from a growth management standpoint, a road which has been discontinued can not be used by a developer to satisfy zoning or subdivision frontage requirements.

Many towns have "town roads" on paper which are no more than an unmaintained foot path on the ground. If a developer wishes to use such a "paper road" as frontage for a development, the town will be responsible for upgrading the road to be safe for vehicles. Discontinuing paper roads before development is sought will prevent unnecessary expense.

It is recommended that both Chesterfield and Westhampton do a detailed records search to find unmaintained paper roads, and promptly discontinue them. This will insure against unanticipated development, expense, and liability. The discontinuance process is more thoroughly explained in the (Roads Package, Appendix C).

3. Historic Districts

Historic districts can be used in conjunction with zoning strategies to preserve and support community character. Historic districts can highlight the resources that distinguish a community without limiting the potential for economic development.

There are two types of historic districts that are commonly used by Massachusetts communities. They are identified as National Register historic Districts or as local Historic Districts.

The NATIONAL REGISTER OF HISTORIC PLACES is the official federal list of buildings, sites and structures more than fifty years old that retain a high degree of physical integrity and are historically significant at the federal, state, or local level. The National Register is maintained by the Secretary of the Interior through the National Park Service, which accepts nominations for individual resources, as well as districts.

Listing on the National Register is an honor granted by the National Park Service after a lengthy nomination and review process. The nomination can originate from any source (e.g., individual property owner, town historical commission, local historical society), but must be reviewed and approved by the Massachusetts Historical Commission before being forwarded to the National Park Service. There is no requirement for a public hearing or a direct vote of property owners in order to be included in a district, but owners do have the opportunity to object to listing when the nomination is reviewed by the state.

The National Register is primarily an honorary listing. It recognizes the historical and architectural significance of a specific resource, but places no restrictions on the use or appearance of a property. New construction, alteration, or demolition of buildings and structures are generally not limited by the National Register. Federal standards for rehabilitation only come into play if a property owner decides to utilize public funding or federal tax incentives to improve or develop a building on the National Register.

Any publicly-funded or licensed project that may have an impact on National Register properties is subject to a specific procedure (36 CFR Part 800). Listing on the National Register can help to minimize the visual impact of highway projects or redevelopment programs in some communities.

LOCAL HISTORIC DISTRICTS can be established by Massachusetts communities under Chapter 40C of the Mass. General Laws. Local districts bylaws must be approved by a 2/3 vote of the city council or town meeting and are administered solely by the community without the direct involvement of any state or federal agency.

Local historic districts do not limit the use of buildings, but they can preserve community character by ensuring that the physical appearance of buildings and structures within the district is compatible.

Within the boundaries of a local historic district, a local commission must approve any new construction, exterior alteration, or demolition visible from a public way. Certain exterior features and elements may be exempted from review as a local option.

The village centers of both Chesterfield and Westhampton feature clusters of historic buildings that could qualify as both national Register Historic Districts and Local Historic Districts. Either designation would automatically result in a corollary listing on the State Register of Historic Places, a non-restrictive compilation of historic districts and properties throughout the Commonwealth.

4. Private Wells Regulations

Though there are state regulations that set minimum standards for the location and construction of on-site septic systems in order to assure that septage is assimilated by the soil, there are no state regulations governing the private wells that serve to insure safe drinking water. Currently well drillers, registered with the Massachusetts Division of Water Resources must complete and file a Water Well Completion Report with Division of Water Resources. Issues of concern include distance from potential contamination sources, assurance of construction which adequately seals the well, water quality, and adequacy of yield.

It is suggested that local Boards of Health adopt regulations which prescribe minimum setback distances for new wells from potential contamination sources like septic systems, manure storage areas, areas of heavy pesticide use, wetlands, and driveways or roads. Water quality testing should be required for a number of parameters, with provision for the Board of Health to request additional tests if the possibility of contamination exists. The Board may also choose to require well testing at the time of property transfer. Local Boards should also request copies of water well completing reports in order to monitor construction and develop a data base relative to ground water resources.

The Private Well Regulations produced as part of this project establish a procedure for obtaining a Water Supply Certificate prior to obtaining a building permit.

The regulations were drafted following discussions with well drillers, the Massachusetts Pesticide Bureau, and after reviewing regulations in a number of communities throughout the state.

Residents whose private wells are within 100 feet of Utility Rights-of-Way should notify their Board of Health. The Massachusetts Pesticide Board is working with Health Boards to post such locations. State law prohibits pesticide use in the fifty foot area around the well and restrict use in the fifty to one hundred foot distance from the well.

Water Treatment Devices

The Division of Water Supply, in policy statement 88-07, formally discourages the use of water treatment devices. Users need to be aware of maintenance requirements, and the potential for bacteria to grow on certain filter surfaces. Additional information on water softeners, sulfur, and iron removal, decolorizers, and devices for other parameters can be obtained from:

Water Quality Association
4151 Naperville Road
Lisle, Illinois 60532
Tel. (312)369-1600

For more information on volatile organic chemical removal, bacterial treatment and removal, and compliance of devices with stated manufacturers standards, contact:

The National Sanitation Foundation
3475 Plymouth Road
Ann Arbor, MI 48106
Tel. (313)769-8010

5. Subdivision Regulations

a. Summary of Recommended Westhampton Subdivision Regulations

After the filing of a subdivision plan in 1988, the Westhampton Planning Board began to review its Subdivision Rules and Regulations with the goal of upgrading the regulations to meet their needs. As part of the Strategic Planning Grant, PVPC also reviewed Westhampton's Rules and Regulations to develop suggestions for improvements. Although the present regulations are consistent with M.G.L. Chapter 41, there are sections where the text provided was insufficient and suggested improvements were made. What follows is a summary of a few of the proposed changes.

Format: A table of contents should be incorporated and a numbering system should be instituted. Also there were suggested changes for section headers for ease of accessibility.

Definitions: The present regulations do not include a definitions section. Definitions should be incorporated to eliminate any confusion regarding the meaning or intent of words and their conformity with M.G.L. Chapter 41.

Consulting Services: The Town lacks the financial resources to hire consultants to help the Planning Board review plans, particularly regarding areas of engineering or environmental concerns. The proposed amendment would give the Planning Board the ability to hire consultants where necessary or appropriate for review of plans at the developer's expense.

Plans Believed Not to Require Approval (ANR Lots): This topic warrants its own section. Also recommended was the establishment of a filing procedure (what to submit and to whom), a delineation of what the plans should include for review and updated procedures for the Board's actions.

Preliminary Plans for Subdivisions: It is recommended that this become a new section. In addition, a filing procedure section was included and recommendations were included for plan contents and Board Approval procedures.

b. Summary of Recommended Chesterfield Subdivision Regulations

The recommended modifications to the Chesterfield Subdivision Regulation were generally minor. A summary of some of the recommended changes follows.

- o Adding Summary of Subdivision Procedures to Section I General to clarify the process in a streamline fashion.
- o Adding a subsection to Section I. General for Inspection and Reimbursement for Consulting Service so the Town may hire consultant services to assist in the subdivision review process.
- o Consider the addition of more definitions to take definitions section (Section II).
- o For plans believed not to require approval, the Planning Board must endorse the plan within twenty-one days.
- o Under Definitive Plan section a filing procedure was established.
- o Recommend that at the time of the filing of the Definitive Plan a copy shall also be filed with the Conservation Committee for their review.
- o Public hearings must be held after the Board of Health makes its report or after the 45-day period to report expires as part of the Definitive Plan Process.
- o Incorporate new time limit requirement for Planning Board action on Definitive Plans.
- o Include an adequate access from a public way criteria as one of the elements of design standards.

Section Seven: **Financial Impact Analysis**



SECTION SEVEN: FINANCIAL IMPACT ANALYSIS SUMMARY

A financial impact analysis was completed as a separate document for the Chesterfield-Westhampton Growth Management Committee. This study analyzes the relative municipal costs and revenues as a result of the proposed residential zoning amendments. The analysis determines what impact the residential development options would have on the cost of the town services, the tax rate, the need for capital improvements, and the state aid formula.

The financial impact analysis presents a "snap-shot" of the development options, measuring marginal fiscal impact. Each option is analyzed as if it were added to the town's current (FY 89) determination of expenses and revenues. This isolates the impact of a particular development option using current costs and valuation. In reality, any development will take place over a number of years, and its impact will mix with other developments, with changes in the tax base, with rate, and other municipal changes, so that its impact will never be so clearly measurable. The purpose of the snap-shot is to show the effects of the alternative development options in relation to each other but independent of other external changes.

The addition of dwelling units influences fiscal impact, particularly education and other municipal costs. These two categories are directly related to the Town's property tax rate. Dwelling units will also produce revenue which will offset some of their public cost. The need for various capital repairs and equipment (roads, sewers, water supplies, etc.) may be accelerated, resulting in increased borrowing. State aid may also be affected.

Section Eight: **Implementation Strategies**



SECTION EIGHT: IMPLEMENTATION STRATEGIES

A. Introduction: Importance of Implementation

The purpose of the Strategic Planning grant and project has been to design a growth management strategy tailored to the needs and goals of two rural communities with all-volunteer governments, and which could be implemented within the scope of the project schedule. The proposed growth management strategy is multi-faceted, and includes both zoning and non-zoning components which are designed to work together to meet community needs and goals. In order to be effective, the growth management strategy's short-term recommendations should be adopted immediately and as a comprehensive package. The strategy's longer-range recommendations will require additional study to prepare for implementation.

B. Implementation Process

The Chesterfield and Westhampton Growth Management Committees should take the lead role in promoting public awareness of the proposed growth management strategy and in bringing it to Town Meeting for adoption. PVPC, the project consultants, should assist and support the Growth Committees in this effort.

There are five key steps in implementing the zoning and non-zoning recommendations of the study:

1. Public Information Brochures: Brochures summarizing the proposed growth management strategy in "layman's terms" should be mailed to every household in Chesterfield and Westhampton. The brochures will inform residents of specific proposals, and increase public awareness of the need for adoption of improved growth management tools.
2. Public Informational Sessions: One or more informal "question-and-answer" sessions should be held in each community by the local Growth Management Committee. These meetings will provide an opportunity to explain the strategic planning process and goals of the proposed growth management strategies, as well as to gather informal public comment.
3. Public Hearings: Formal public hearings on the proposed zoning changes are required in accordance with the state Zoning Act, Mass. General Laws Chapter 40a. The Planning Board in each community should submit the articles to the Board of Selectmen for the placement on the Town Meeting warrant. The Planning Board should hold a public hearing on the articles, which must be advertised at least fourteen days in advance in a "newspaper of general circulation". The notice must also be published again in the succeeding week. The notice must contain the time and place of the hearing, a description of the proposed bylaws "sufficient for identification", and a place where the full bylaw text may be inspected.

4. Planning Board vote: Following the Public Hearing, the Planning Board must file a report with its recommendation to Town Meeting regarding the proposed Zoning changes.
5. Town Meeting: The Town Meeting to consider the proposed zoning changes may be held any time after the Planning Board report is filed, or 21 days after the Public Hearing if no Planning Board report is filed, provided that not more than six months elapse after the Public Hearing.

It is very important that the proposed bylaw changes be presented clearly and concisely on the Town Meeting floor by the Growth Management Committee and Planning Board. Presenters must understand the bylaws very well and be prepared to answer any questions that might come up. The public informational fact sheet should also be distributed at Town Meeting to help answer questions residents may have.

Appendices



APPENDIX A: SUMMARY OF SURVEY RESULTS

APPENDIX A

In late November a survey by the Chesterfield/Westhampton Growth Management Committee was mailed to 454 households in Westhampton. Over 198 surveys, or 43.6%, were returned. (19 were returned with no forwarding address) Due date for survey returns was December 12, 1989.

WESTHAMPTON PUBLIC SURVEY SUMMARY

1. What should Westhampton's goals for the future be? Please rank the list from 1 (the highest priority) to 15 (the lowest priority).

<u>2</u> preserve rural character	<u>8</u> controlling gravel banks
<u>4</u> protect water supply	<u>9</u> provide a variety of housing
<u>6</u> maintain low tax rate	<u>12</u> increase tax base
<u>13</u> economic development/jobs	<u>5</u> preserve historic areas of town
<u>1</u> preserve farmland/open space	<u>7</u> encourage housing for elderly
<u>3</u> establish conservation areas/ preserve wetlands	<u>10</u> increase public water services
<u>14</u> (other)	<u>11</u> encourage retail/commercial development
	<u>15</u> (other)

2. Are growth and development adversely affecting Westhampton?

59.4% yes 24.5% no 20.6% not sure

3. What kinds of growth or growth-related impacts are you most concerned about? Please rank the list from 1 (the highest priority) to 14 (the lowest priority).

<u>11</u> poorly maintained gravel operation	<u>6</u> overcrowded schools
<u>12</u> poorly maintained roads	<u>4</u> pollution of water supply
<u>10</u> scattered residential development	<u>5</u> overextending town services
<u>9</u> increasing cost of housing	<u>1</u> loss of open space
<u>7</u> inadequate school buildings/ facilities	<u>8</u> overall quality of life
<u>3</u> loss of community character	<u>2</u> loss of agricultural land
<u>13</u> (other)	<u>14</u> other

Please circle your answer to the following questions:

4. Westhampton's current population is approximately 1,200 persons. How many people would you like to see living in Westhampton in the year 2000?

85.9% a. Under 2,000 residents c. Between 5,001-7,500 residents 0%
14.1% b. Between 2,000-5,000 residents

5. How many people would you like to see living in Westhampton in the year 2020?

56.5% a. Under 2,000 residents c. Between 5,001-7,500 residents 4.5%
39.0% b. Between 2,001-5,000 residents

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6. The following are some individual features of Westhampton. Please prioritize the list from 1 (the highest) to 15 (the lowest) in their importance in defining the character of Westhampton and its quality of life.

<u>11</u> Tipping Rock	<u>9</u> View from Fisher Hill
<u>6</u> Pine Island Lake	<u>7</u> White Reservoir Area
<u>2</u> Farmland/Dairy Farms	<u>12</u> Robert's Meadow Brook
<u>10</u> N. Branch of the Manhan River	<u>4</u> Scenic vistas
<u>5</u> Stone Walls	<u>13</u> The Westfield River
<u>1</u> The Town Center, including church, Town Hall and fountain	<u>3</u> Maple sugar stands and sugar houses
<u>14</u> (other)	<u>8</u> Scenic North and South Road
	<u>15</u> (other)

Please circle your answer to the following questions:

7. The Town should protect from development those lands which are environmentally sensitive for development, including wetlands, slopes greater than 20%, floodplains, aquifer areas, and water supply areas.

78.0% a. strongly agree c. disagree 1.9% e. not sure 2.5%
17.6% b. agree d. strongly disagree 0%

8. Westhampton permits some commercial/retail uses. Please circle the letter of the statement closest to your opinion.

3.9% a. I would like to see more commercial/retail business in town without under existing zoning provisions.
49.3% b. I would like to see more commercial/retail business in town but with appearance and site guidelines in keeping with town character.
45.9% c. I don't think we need any more commercial/retain business in town. What exists now is sufficient.
0.9% d. No opinion.

9. The average home sales price in Westhampton escalated from \$61,225 in 1984 to \$132,500 in 1986, an increase of 116% in 3 years. This increase puts home ownership beyond the reach of many middle-income families.

50.7% a. strongly agree c. disagree 9.3% e. not sure 5.9%
33.2% b. agree d. strongly disagree 0.9%

10. This increase in the average home sales price concerns me. I worry that my children or grandchildren may not be able to afford housing in Westhampton.

42.9% a. strongly agree c. disagree 9.6% e. not sure 5.6%
27.8% b. agree d. strongly disagree 2.4% f. does not apply 11.7%

11. It is difficult for elderly people, particularly over the age of 60 years, to find housing in Westhampton to suit their needs.

42.4% a. strongly agree c. disagree 5.6% e. not sure 18.9%
31.2% b. agree d. strongly disagree 1.9%

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12. The Town Center, including the church, the Town Hall and the fountain, is an important element of Westhampton's character. In fact, it is so important that it distinguishes Westhampton from other area towns.

37.4% a. strongly agree c. disagree 10.7% e. not sure 8.7%
40.8% b. agree d. strongly disagree 2.4%

13. The Town should simplify the process to cottage-type industries and small-scale tourist-based businesses, such as bed and breakfast establishments.

22.1% a. strongly agree c. disagree 20.1% e. not sure 10.3%
42.2% b. agree d. strongly disagree 6.3%

14. Do you have any comments or suggestions? Question 14 - There were 152 comments. These comments were separated into nine categories. Many of the respondents commented on more than one category. The results of the classification of comments are as follows:

<u>Category</u>	<u>Percentages of Responses</u>
Town Character	22.4%
Manage Development	21.7
Town Services	13.8
Anti-Development	12.5
Housing	10.7
Town Administration/Government	7.9
Tax Base	6.5
Appearance Contents	3.9
Pro-Development	0.6

An excerpt of the comments follows:

"Westhampton has grown in size and more children are residing in this town. Therefore, I feel it is essential to post speed limits and enforce them."

"The only way to preserve this town is to firmly close the door on development."

"My major concern is that roads such as Easthampton Road are becoming more heavily travelled. Roads like this one should be widened in certain areas and center lines should be added. Roads are too narrow and we find many people driving in the center of the road or around corners on the wrong side of the road. As Westhampton grows there will be more accidents in the future because of narrow unmarked roads".

"The town should hold the growth down in order to have ample services for present citizens. The school and roads are also in need of repair".

"Good town planning for the future is a must if the Town of Westhampton is to maintain a semi-rural character."

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"Keep the town rural. In the years of 1911-1920 we had about 400 (residents) in-town. No need to lock doors for fear of break-ins. Now people lock-up to go to near neighbors or church. Could something be done about that?"

"I think right now what Westhampton needs is some roads. These are poor. Other than that the town is Great. Leave it alone."

More effort put into obtaining a cable-tv company to contract with the town. More development of ways to bring residents of the town together other than through the church".

"Community Center? Habitat type building group?"

"Westhampton is a beautiful, rural community. Let's keep it that way. Farms are an important part of the community, as well as the country. We can't tie their hands and expect them to pay high taxes on their land. They shouldn't have their land taxed the same as smaller parcels because they won't be able to survive. - And I'm not a farmer!"

"Please do whatever it takes to keep the forests and farmlands along Westhampton's major roads from falling prey to sloppy developers and shortsighted locals who prefer trailers to traditional housing. Please do....as well as build for the elderly and less fortunate of the area citizens."

"Overall, I'd like to see Westhampton stay small and absolutely avoid any residential developments. I also believe that townspeople should free up to somewhat higher taxes so that schools can be brought up to date and town employees get paid decent wages."

"I would like to see this small town stay a small town - the farmlands stay farmlands and keep the developers out. Otherwise this town will end up like Easthampton, which is getting like Holyoke."

"The Town should plan to preserve its rural, open-space, scenic character in order to attract predominantly affluent, congenial new residents, thus increasing the tax base without resorting to short-term gains/long-term eyesores, pollution, factories, etc. It is essential we clean up existing eyesores and pass bylaws setting much higher building and appearance standards for residential areas, and absolutely forbid any polluting or disturbing commercial enterprise."

"We want cable tv!"

"We should keep Westhampton quiet, safe and peaceful. Keep the 'riff-raff' or troublemakers (crime) out of here. That is why I came out here!"

"I moved to Westhampton because it is one of the most peaceful and beautiful towns in Massachusetts. It would be a crime to let it become anything else. Residential developments would be the death of a wonderful place to live."

"Too many houses at high cost are being built too fast."

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"The question of police security was not mentioned. The only thing that really bothers me are the speed drivers. Radar is not used enough and not in the right places like within the center of town or on the town roads leading to the Center or to the Hampshire Regional High School."

"We chose Westhampton as our home 20 years ago because of its rural atmosphere and old-fashioned farm values. We are concerned that it is now becoming a 'bedroom town' of people who want city services in a country atmosphere, with their associated high costs. If the town grows to a population above 2,000 with expanded commercial/retail development and low-income housing, we're out of here!"

"Town politics should be more open."

"No more campgrounds. It only brings outsiders in who don't have the town's best interests at heart. Would like to have public access to Pine Island Lake for townspeople. I'd be willing to pay a fee."

"Major problem to any regulation in Westhampton is lack of enforcement. Town officials need to be educated, encouraged, coerced, or dragged screaming and kicking to the policy of equal enforcement of regulations and bylaws to all segments of the community."

"We are here to serve each other; so as we grow let us help each other find comfort in this beautiful town - Westhampton. Let us strive to take care of each other young and old; old and new; and work together toward maintaining the unique character of this special place on Earth for our sake and for the sake of all those who will follow."

"Current and future population size - open arms to all who would like to live here!"

"Preserve water. Preserve character of town. Encourage planned housing for the elderly".

"Stop out-of-town developers from building."

"We need a new school. We need to increase maintenance of roads that do not rape the landscape to straighten them. Perhaps the town should increase the requirements of frontage and/or acreage per building lot to minimize growth."

"It's very important to me to keep this town rural with low population. If we want housing affordable to all, let people move to Easthampton and towns in the Valley. I want this town to remain small and secluded - I don't want Westhampton to look or feel like suburbia in another 10 to 20 years. Growth can be discouraged by frontage required for new homes."

"We are very concerned about the town center - where was public opinion concerning war monument and the ugly light that ruins the soft quaintness of the town center? The light is too overbright and (it's) on all night".

"(I'm) not concerned with maintaining generations here in town. (I'm) concerned that kids will not be able to afford housing, period! (I agree that

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it's difficult for elderly people to find housing in Westhampton), but the same problem exists throughout the U.S.A. Even if 'they' can afford housing, what about other services! They do not exist! Ich! I'm tired of the focus on the church! Remember separation of church and state! (It's) also hard to keep a low tax rate and increase the number of residents, the demand on services. Can't have everything so decrease the number of residents. Sounds like the questionnaire is looking for either environmentally consciousness (and) a social consciousness. Not sure the two mix well."

"We don't need any more gravel banks."

"I do not want to see any type of cluster developments, or trailer parks, condominiums, apartments, housing for elderly complexes. All residences should be single-family homes".

"Westhampton has no distinct character - it's like most other rural Massachusetts towns...villages. Large-scale, clustered development would ruin the rural character but not supplant it with anything else. Westhampton has never attempted to develop a clear image that is bolstered in a planned way."

"On one hand, I am concerned about rapid development. But, because restrictive zoning and housing laws will bring higher property prices, I'm not sure anything can be done about it. Because Northampton and Springfield are so close, some development seems inevitable. As the town grows, I hope longtime residents over 65 will be able to find affordable housing. I would hate to see only upper-middle class people living here. Children raised under such conditions are disadvantaged just as children living in poorer neighborhoods."

"Potential home buyers should be alerted to the lack of zoning in Westhampton, i.e., a person pays \$40,000 for a building lot, then (puts) a \$100,000 commitment into a house. Next thing he discovers (is that) a commercial business is built opposite their location. This is unfair. The reason they (the home buyers) choose Westhampton was probably to avoid this kind of situation."

"Unless we do something to control building now. Westhampton will cease to be the small, friendly community it is noted for. Already homes have been built in the center of town that are out of the colonial character. Westhampton should not become a place for transients."

"Westhampton needs improved, restrictive and protective zoning and subdivision laws."

"The town must maintain its current zoning requirements and perc test requirements. Although everyone should have the opportunity to live in Westhampton, future development must be managed to ensure existing residents are not deprived of the very elements they settled here for themselves. Space, natural resources and quality education should be given the highest priority."

"We should concentrate on keeping Westhampton's farming - rural atmosphere, at the same time allowing landowners to sell only to residential home builders

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(not condominium or apartment home builders). We can keep our tax rate low, as long as we don't demand town water, sewers on every street, three-lane, asphalt highways, a huge (and necessary) library, town fire and police departments of city size and quality, and continue to use schools, library, church, and clubs sensibly as we do not. (Smaller size classes at Hampshire Regional, together with more and better-trained teachers could be paid for out of gradual rise in property taxes.)"

"Clear evidence the Planning Board is working closely with other town boards and committees on the plan. Adoption of site specific septic systems based on soils rather than perc tests. Make sure any zoning changes protect wildlife corridors so wildlife can move not only within the town limits out to and from surrounding towns. Zoning bylaws to require every development to have open space, not just contiguous to the development but to other open space or protected lands, thus contributing to the concept of wildlife corridors.

"Allow non-traditional septic systems such as biological greenhouse treatments as used in Sugarbush Vermont, (composting toilets, etc.)."

"(The increase in housing sales prices beyond the reach of many middle-income families) is being experienced by all towns in the region. I don't believe the rate of escalation can continue."

"I like it the way it is."

"I have lived in Westhampton for 67 years. No place in the world could have been greater for us. We have seen how people of Westhampton turn out in time of need with open hearts to help in so many ways."

"Tax rate-what happened to proposition 2 1/2? My (real) estate taxes almost doubled. Dairy farms-too many odors and flies."

"I feel that the zoning laws and bylaws are adequate but they need to be enforced."

"I love Westhampton!!!"

"Too many houses springing up making their own roads off existing roads".

"Pine Island Lake residents are creating turmoil in town and should have no say in town government as they are in a private property and should provide for themselves."

"We must do something to preserve forests, open space, farms, wetlands, and wildlife habitats. It is for these things that we live here."

"There is plenty of room for commercial and residential development in neighboring towns and cities without spoiling the few remaining rural areas." These places may some day become important to the nation as a whole!"

"I would like to see the town maintain its small town charm. Preserve our farmland. And stop the raping of wooded areas by loggers and also sandpits and gravel companies. Keep housing and acreage affordable. Allowing a few more businesses and No commercial industry. Promote more flexible zoning laws for home and landowners."

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"I would like to see something done about the price of housing and land in town, so us middle-class people can afford to buy in town. Also I would like to see some sort-of subsidized housing being done in town with low interest rates like Ashfield did this past year, so we could bid on it."

"I think that farmland should have some reductions in taxing so that the farmers can hold on to the families land for future farming generations to come, instead of having to sell lots, like they do now, which only increases the residential numbers and cuts down on our meadows and woods."

"I think the town should be a real watch-dog in any practice that would pollute the water supply of its residents. Weed killers - aerial spaying, road-side spraying chemical lawn spraying and toxic waste."

"First you got an aerial map-then you say that every 500 of my frontage (Pasture Land!!!) is now going to be taxed for a house lot that I'm NOT BUILDING!!! Its's about time you assholesTake your heads out of your asses and take a look at what you are doing. Realtors, developers, city slickers who move to the country and want all the amenities of the city to ruin this small New England Town. What am I supposed to do - charge a farmer \$1000.00 per cow to rent my house lots (pasture)."

"In planning for the future of our town it is patently obvious that our current by-laws regarding housing for the elderly must be changed. Our population is aging and our old people should not have to leave town to find facilities to meet their needs."

"Our Selectmen should actively seek out businesses to take over the chicken farm. This would help with the tax rate and also use that land for something other than development."

"A survey should be made to determine how many of our Westhampton young people have to leave town to find housing. It is possible that the Selectmen could look into the State programs to assist these low income bids of our with housing. That would keep them here in their own town."

"We don't agree with the way the assessors are evaluating open space and farmland. This formula probably works in metropolitan and suburban areas where all farmland is being developed. In a small town where there are still people interested in farming or just maintaining open spaces it's inappropriate and is forcing people to see their extra inactive land thus defeating ourselves by increasing the need for more police, fire protection, school systems, road maintainance, etc. due to an increase in population."

"The town should not take its beauty for granted. A town road project, such as what was done to Edwards Road, should also have considered the aesthetics. Nice trees were cut down, the sides of the road were gouged out (they quickly became stagnant pools for mosquito production), and the undergrowth was destroyed. The section 'fixed' is now constantly wet, as well as ugly. Perhaps a repair plan for each town project to replant and beautify is needed. More respect for the natural landscape is definitely needed."

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"I really like the stones that have been dumped in the church parking area (lower area) for the last year. They add alot of character to the center of town."

"I believe that housing prices being so high are a phenomenon which will not exist in year to come. Also I have only been a resident for 3 years but the rural character is certainly what attracted me."

"The Town is doing well"

"Keep taxes down to a lower level. People and families with a number of school children should pay a larger share of real estate taxes to support the school system."

"Minimize the impact of road widening project in Town Center. Go to cluster zoning or rapidly increasing lot sizes as one moves away from developed areas."

"Westhampton has to become more concerned with non-enforcement of current zoning provisions (filling of wetlands, businesses operating in areas zoned for other purposes, junk cars, etc.)"

"Allow people that have land to improve it and to use it in any manner that they like as long as it can blend in with the surrounding environment. And let some of the needs of the people that are taxpayers be met-extend the perk testing and other required procedures in this Town."

"I feel Westhampton is a fine example of a small New England rural town and every effort should be made to preserve its character. Perhaps with innovative and strong zoning."

"I think the question of preserving our water to keep it clean and healthy should be priority number one and our open spaces as a very close second. The privacy of life in Westhampton is slowly becoming harder to find."

"Protect the water. It is the most important thing in life! No life without water."

"I would like to see the town gain access to Pine Island Lake for residents of Westhampton."

"Would not like to see outside contractors and developers destroy the Town of Westhampton like they've done in surrounding towns."

"The frontage of a building lot should remain at least 250 feet and on existing roads only."

"Question 11 (elderly housing) - Any proposed housing should be for Westhampton and former residents only. If public housing is for outsiders (I strongly disagree)."

"Question 13 is a very important issue to me. The future is sure to bring more home-oriented businesses to Town. We have invested so much money into our homes. It is going to be difficult to afford business space. I feel we should have this option, and it would not adversely affect Westampton."

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"1) Need more stringent earth removal regulations for many gravel pits and need restoration. 2) Need wood smoke regulations. 3) One impact of growth is conflict between old and new residents attitudes need to develop a more cooperative and considerate attitudes towards neighbors i.e. barking dogs, and other loud noises. Suggested zoning changes: Shared and congregate housing; cluster developments; setbacks and buffers along streets; site plan review for large housing developments and businesses."

"Question 11) Easing this can and should be accomplished without loosening the already lenient rules and regulations (zoning and planning for other types of development). Question 13) I suspect that simplify is a euphemism for make easier. This will only encourage third-rate and poor quality enterprises.

Anyone serious about a business can comply with the rules as they exist if our boards were more knowledgeable. If anything, there should be more but clearer (not simpler) rules. More non-residential development, especially, will only tax our over-worked volunteer boards more, opening the town to more liability and anger, as with the campground fiasco. Keep things simple by not allowing such development."

"I love Westhampton and don't want to see it change. I moved there because of its small town county charm and lack of big business. The building of more business and more homes turn my stomach."

"Once Stag Round was a country road to a unique lovely New England village. Today you pass an untidy ugly Fire House, hugh bleak barns piles of dirt, dead trees, a factory for a school, a village green desecrated by a monument and spindley memorial tree, a huge white bulletin board at the church which no one stops to read, and a parking lot filled with blocks of stones. What was once a quiet approach to the cemetery now ruined by a house built on inadequate land. Let us save what little is left of a once beautiful village!"

"We feel we should cut down on the amounts of homes allowed to be put up in this town. The schools are becoming overcrowded which is a concern of ours. It would greatly interest us to receive cable tv in the near future."

"I am not worried about people over 60 looking for housing in town, but I am worried about those over 60 living in Town being able to keep their homes. We do not condone the valuing of all road frontage of farm land at building lot values. The land has never needed extra fire or police protection and has never needed to be educated."

"This questionnaire is welcomed, however I do not want the town to become too stringently regulated. That will create too many burdensome obstacles for residents."

"Local jobs are linked to preserving town character, since volunteer work (municipal boards, for example) require time and on-site presence."

"We are not opposed to growth. A certain amount of growth (2,000-5,000) can be healthy and stimulating, as long as the growth is gradual and the school and town services are upgraded to handle the growth."

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"As long as the inevitable growth in Westhampton is watched over and controlled (within reason) with a strong emphasis on environmental concerns and the overall quality of life, we will remain happy residents of Westhampton."

"The town is sadly lacking in modernization. A town should progress naturally to some degree with the passage of time this process has been retarded here. I too enjoy the country atmosphere but I feel a little more commercialism would be welcome".

"I am very pleased that some attention is being given to planning our town's growth, and I wish everyone involved good luck. This survey, however, seems very peculiar. Some questions seem to make no sense, and others (such as the desired population size) will only generate meaningless answers, since few of us have any idea how many people a town can accommodate. Some good options aren't included: for example, much denser housing in the center of town, with clustered retail development, plus strong limitations on scattered residential development, could actually improve the quality of life (many people could walk to their destinations) while preventing the loss of farmlands and woods that so many of us appreciate and still accommodate an increased population."

"I would like to comment on the lack of planning and input from townspeople as to the placement of something as important as a war memorial. Excellent idea but poor placement!"

"An area should be found for elderly housing, not low income as many would not qualify for low income, but they wish to remain in Westhampton."

"The price of homes has increased dramatically in Hampshire county from 1983. Supply and demand still control the price-this is a very attractive area for people to live - we have a very high quality of life here. Housing for the elderly or low income housing is not the answer - we have something special here let's not lose it!!"

"Get rid of trailers/mobile homes. Require gravel operations to construct barriers and install plantings to beautify view from roads and residential properties. Limit the size of gravel trucks - they're very dangerous on these narrow roads."

"Continue to modulate development with control, monitoring and an eye to proper growth which is planned allowing for services, natural resources, rural character and overall quality of life to be maintained."

"All the laws necessary for keeping the rural character of the town are in the book. All it takes is a courageous group of selectmen or various officials to respect and abide by them."

"I know that we must grow but I pray it will be slowly and wisely."

"The growth and development should be planned in detail. I wouldn't want to see another Hadley here. It must be defined and reviewed periodically."

"What distinguishes Westhampton from other places is the surrounding

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environmental (natural beauty). The idea of commercial development outside of agriculture is ludicrous. Why do you need to develop commerce for 1,200 people? This town is for living. If you invite business you encourage development and the concomitant destruction of the natural beauty of that drew us here to begin with. What would be really unique, is to stay a course that limits our growth, thereby preserving the wonderful wealth that we enjoy by merely looking out our windows".

"My family likes Westhampton just the way it is. We don't have city water, cable tv, gas service, smooth roads, or convenient shopping. We like it like that. Please let's keep it this way".

"The 'new growth and new residents' should learn more about the Town and its services and operation before they come in and demand changes, extra services, etc. They should also come in with an attitude of participation, rather than using the town only as a 'bedroom' community. Allow a rest home or elderly homes so that the elderly residents of Westhampton can reside in Westhampton when they can't live alone. (Build it) preferably somewhere near the center."

"We support cluster housing. (The increasing cost of housing) is tied to regional trends. There is little the town can do to lower housing costs. It's determined by what the market will tolerate. Yes, it is a concern. Question 13 - depending on their appearance - not (auto) body shops, etc."

"The memorial strongly detracts. It should be moved to the cemetery."

"Maybe it would be nice to preserve and restore the old brick school on Route 66, near the Overlook Farm."

"All the features in Question 6 have their unique qualities. It is equally important to preserve them all! Question 7 - within reason. Sometimes it seems that the EPA spends a disproportionate amount of time on the 'little guy' as opposed to attacking gross industrial negligence."

"It seems we lack types of restrictions on our roads. Many gravel banks cause large trucks from other towns to use them (the roads) and many (trucks) don't stay within load limits, etc. These trucks are not even paying taxes in our town. There are many taking advantage of the fact that we are a bedroom community with few restrictions and are unable to enforce the restrictions and laws that we have. Housing is another area that needs to be looked at with regards to what can be built and where. Building permits in our town have in the past been taken very lightly with regards to (the Building) Code and where and what can be built."

"People are coming to Westhampton but for the most part not becoming a part of the community. Not willing to become involved and volunteering."

"I would like to see an intelligent approach to our growing problems, one that includes common sense and a workable solution to the various changing situations. Growth management and small business opportunities are a few of my major concerns."

"To provide for long term planning which will provide a decent community with adequate services should be one of our goals. To concern ourselves with items not within our control (i.e. housing prices) is perhaps fruitless."

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CHESTERFIELD PUBLIC SURVEY SUMMARY

The survey was mailed to 353 households in Chesterfield. One hundred twenty-two surveys, approximately 34.6%, were returned. (7 were returned - no forwarding address.) Due date for survey and return was December 19, 1988.

1. What should Chesterfield's goals for the future be? Please rank the list from 1 (the highest priority) to 12 (the lowest priority).

<u>1</u> preserve rural character	<u>8</u> provide a variety of housing
<u>10</u> develop public water supply	<u>5</u> preserve historic areas of town
<u>3</u> maintain low tax rate	<u>6</u> housing for the elderly
<u>9</u> economic development/jobs	<u>11</u> increase tax base
<u>2</u> preserve farmland/open space	<u>4</u> established conservation areas/ preserve wetlands
<u>7</u> encourage retail/commercial / development	
<u>12</u> (other) _____	<u>13</u> (other) _____

2. Are growth and development adversely affecting Chesterfield?

38.6% yes 32.88 no 28.6% not sure

3. What kinds of growth or growth-related impacts are you most concerned about? Please rank the list from 1 (the highest priority) to 12 (the lowest priority).

<u>1</u> poorly maintained roads	<u>13</u> second home development
<u>10</u> scattered residential development	<u>5</u> overextending town services
<u>6</u> increasing cost of housing	<u>3</u> loss of open space
<u>7</u> inadequate school/buildings/ facilities	<u>11</u> overall quality of life
<u>4</u> loss of community character	<u>2</u> loss of agricultural land
<u>8</u> pollution of water supply	<u>12</u> increase in tax rate
<u>14</u> (other) _____	<u>9</u> overcrowded schools
	<u>15</u> (other) _____

Please circle the letter of your answer to the following questions:

4. Chesterfield's current population is approximately 1,000 persons. How many people would you like to see living in Chesterfield in the year 2000?

89.3% a. Under 2,000 residents c. Between 5,001 to 10,000 residents 0%
9.9% b. Between 2,001 to 5,000 residents d. Over 10,000 residents 0.8%

5. How many people would you like to see living in Chesterfield in the year 2020?

66.2% a. Under 2,000 residents c. Between 5,001 to 10,000 residents 0%
32.2% b. Between 2,001 to 5,000 residents d. Over 15,000 residents. 0.8%

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6. The following are some individual features of Chesterfield. Please prioritize the list from 1 (the highest) to 14 (the lowest) in their importance in defining the character of Chesterfield and its quality of life.

<u>5</u> Chesterfield Gorge	<u>6</u> Scenic Roads _____
<u>1</u> Farmland	<u>16</u> Cemeteries
<u>4</u> West Chesterfield	<u>14</u> Bisbee Mill
<u>12</u> Fisk Meadow	<u>9</u> Indian Hollow
<u>13</u> Scenic vistas	<u>15</u> Damon Pond
<u>17</u> Kidd's Lookout	<u>10</u> The Bend
<u>11</u> Pork Barrel of the Westfield River	<u>7</u> The Dead Branch of the Westfield River
	<u>3</u> The Town Center, including the church, the Town Hall and the Grange Hall
<u>2</u> Forestland	<u>8</u> Maple sugar stands & sugar houses
<u>18</u> (other) _____	<u>19</u> (other) _____

Please circle the letter of your answer to the following questions:

7. The Town should protect from development those lands which are unsuitable for development (for example: wetlands, slopes greater than 25%, etc.).

65.3% a. strongly agree c. disagree 5.8% e. not sure 0.8%
24.3% b. agree d. strongly disagree 3.3%

8. Chesterfield permits some commercial/retail uses. Please circle the letter of the statement closest to your opinion.

8.2% a. I would like to see more commercial/retail business in town.
63.1% b. I would like to see more commercial/retail business in town but with appearance and site guidelines in keeping with town character.
27.1% c. I don't think we need any more commercial/retail businesses in town. What exists now is sufficient.
1.6% d. No opinion.

9. The average home sales price in Chesterfield escalated from \$57,000 in 1984 to \$79,175 in 1986, an increase of 38% in 3 years. This increase puts home ownership beyond the reach of many middle-income families.

36.9% a. strongly agree c. disagree 24.6% e. not sure 4.9%
29.5% b. agree d. strongly disagree 4.1%

10. This increase in the average home sales price concerns me. I worry that my children or grandchildren may not be able to afford housing in Chesterfield.

31.4% a. strongly agree c. disagree 13.3% e. not sure 10.7%
28.1% b. agree d. strongly disagree 4.9%

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11. It is difficult for elderly people, particularly over the age of 60 years, to find housing in Chesterfield to suit their needs.

37.7% a. strongly agree c. disagree 7.4% e. not sure 13.1%
40.2% b. agree d. strongly disagree 1.6%

12. The Town Center, including the church, the Town Hall and the Grange Hall, is an important element of Chesterfield's character. In fact, it is so important that it distinguishes Chesterfield from surrounding towns.

39.7% a. strongly agree c. disagree 12.4% e. not sure 5.7%
39.7% b. agree d. strongly disagree 2.5%

13. The Town should play a role in preserving the historic character of the Town Center.

48.3% a. strongly agree c. disagree 5.7% e. not sure 5.1%
39.3% b. agree d. strongly disagree 1.6%

14. The Town should simplify the process to establish cottage-type industries and small scale tourist-based business, such as retail gift shops.

20.2% a. strongly agree c. disagree 20.2% e. not sure 11%
38.6% b. agree d. strongly disagree 9.2%

15. Do you have any comments or suggestions?
Rate of return and dates:

Question 15 - Chesterfield Comments

There were 83 comments. These comments were separated into nine general categories. Many of the respondents commented on more than one issue. The classification results are as follows:

<u>Category</u>	<u>Percentage of Responses</u>
Town Services	25.3%
Town Character	21.7
Manage Development	14.5
Anti-Development	12.5
Town Administration/Government	8.0
Housing	7.2
Appearance Concerns	4.8
Tax Base	3.6
Pro-Development	2.4

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An excerpt of comments follows:

"We are very concerned about water/well contamination which must be a number one town priority. This must be the focus of the selectmen: develop a public (water source), control logging; control building through high standards; stop gouging the hillsides; and maintain lot size standards and minimal building requirements that will maintain the beauty of our environment."

"Nice homes can be built on the side of slopes/mountains with scenic vistas for the private/public."

"I think even now the town is getting too populated. I like it as a small rural town."

"The character of the town is defined by people and the sense of 'community' rather than 'things' only."

"Whether or not greater retail/commercial or residential development takes place, the preservation efforts in #7 (protecting unsuitable land from development) will serve the community well. My top priority."

"Preserve the open space and agricultural land!!!!"

"Sewage problems in the Center. Need for sewer district as proposed in mid-1970's."

"Chesterfield's beauty and uniqueness is in its rural character....anything that impacts that adversely is a threat to the town I know and love."

"Try to prevent Chesterfield from becoming a 'bedroom' community".

"Keep Chesterfield country, not a housing development."

"(The) results of town and conservation meeting be made public to all residents".

"Question 9 - Very few homes could be bought for this price/\$80,000 is a low price today."

"Lower tax rate".

"There are a number of new homes, and more under construction. The school is at capacity now. We need to be concerned about providing an education for our increasing population. While residents have access to health care in Worthington, shouldn't some thought be given to having some health facility in Chesterfield - possibly in cooperation with the Worthington Health Center."

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"When I moved to Chesterfield it was for the type of community that it now is. If it develops and changes and becomes a ? town then you do not have Chesterfield, but another Northampton outskirt such as Florence, then low income housing then development beyond belief. I am a social worker of many years with Department of Public Welfare. I have witnessed first hand the destruction of small communities by growth with unlimited building and destruction of forestlands and farms. Why bother to ask the citizens what they need, just offer them a choice of moving to another and another community until all the small towns are overtaken!"

"I've lived in town 7 1/2 years. I know this is the place that I want to stay in. Hopefully in the near future I'd like to buy a house but at the present time housing is too expensive and it makes it hard to come up with any kind of down payment as question 9 prevails."

"The recent listing of roads to be maintained as directed by the Selectmen puts the screws to landowners having property which could be developed. The situations could lead to lawsuits later - and taxpayers have to pay for differences used as liabilities. Curbing growth through shady dealing, affecting good taxpaying citizen's pocketbooks is poor practice by the Selectmen. Bylaws, by the people, should rule, not their (the Selectmen) personal whims."

"Maintaining the parks and cemeteries is poorly handled. The equipment provided by the Town for mowing is not regulated in its use. When equipment breaks down, who is in charge for repairs?"

"I'd like to see Chesterfield take a stand against chopping up of land parcels and further urban development. Keep the small community, the clean air and water. Keep the dirt roads. Growth should be only in terms of home cottage industries, conservation of land, school services, and preservation of older homes. I'd like to see growth in quality not quantity. An increase in minimum road frontage and lot size necessary to build. This is one of the few towns in the valley which still has a feeling of community, and country living. Why wait till it is gone to recognize its value?"

"Everything on the survey is important to one degree or another but nothing can be enjoyed or utilized unless we have roads to travel on. Right now Chesterfield's roads are a disgrace."

"IMPEDE GROWTH/BUILDING SLOW GROWTH. CONTROL GROWTH! OR we'll lose what we have and end up like all the places which have given way to urban/suburban sprawl and blight. I came from those places and I don't want them here. The quality of life dwindles and is chipped away until finally the community is ruined. Do we want to destroy the distinctive town character? Do we not want to know or care who our neighbors are? If you want that move back to the city or suburbs".

"I think if anything is a top priority it should be our roads. Damon Pond Road should be at the top of that list, considering when the ambulance has to come to town it has to use that road and it also loses several minutes which could mean life or death."

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"The town is growing and will continue to grow and with careful planning I think it can happen without losing the character of the town which is what draws so many people here. The utilities, roads and school must however change to accommodate the increased population. To assume that what was sufficient 5 years ago is alright now or will be in 5-10 years from now is crazy."

"We should find a way to encourage quality people to run for public office. Reward those that volunteer their time to the town. Preserve and improve the appearance of our town buildings in the center of a town--all of them--and set the example for business owners and home owners alike all over town. Encourage those building new homes to try to bring them to completion as soon as possible to protect the investment of the homes around them. Let the town grow with good planning - and work hard to maintain the small town character".

"Waste disposal needs planning. Because of mild growth, realistic planning is critical. Better planning of budget and financial needs is vital. One could wonder what happens with tax monies; services are limited, schools are far from outstanding."

"The joy of living in Chesterfield has decreased by so much development. The town that we have known and loved over the years, (has changed) because developers in greedy desire are looking for the almighty dollar".

"Strongly interested in preservation of Chesterfield's rural characteristics and small town-ness while meeting educational and other needs of townspeople".

"Chesterfield's beauty as a place to live and raise children lies in it's rural character. The trend seems to be for people to move to the country but they don't want to be country people. If the trend continues, Chesterfield will become just another bedroom community and its rural character will be lost. This would be a very sad thing to have happen."

"I love Chesterfield's rural character. In addition to being a reasonable commute to Northampton, it has excellent recreation areas for hiking, fishing, hunting, skiing, etc. We are a small enough community to know just about all neighbors and 'people from town'. We all wave and conduct our business in town if possible. The town could use: (1) Branch Bank - even if open a.m. and afternoon; (2) Restaurant - casual and family dining; (3) Gift Shop - open weekends and afternoons; (4) feed store."

"It is my suggestion that the highway department can be improved. Let's not put degrees and lack of common sense ahead of common sense and experience in hiring personnel. The whole Town should be maintained on an equal level and not in sections. There is no need to spend thousands on technical surveys on something that anyone with common sense already knows! Let's not find fault with those doing a good job unless you can prove you can do better!"

"Major concern is roads. Especially Damon Pond Road. When the ambulance is needed it loses precious minutes because of its deplorable condition and could cause someone to not receive the proper care in time."

"Discontinue seldom-used or unused roads. Require common driveways to be 24 feet wide and insure that they meet stringent standards in case they ever become public--too many of Town's roads were not designed or built to any reasonable standard."

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"School is already at maximum for student population. Land (is) inadequate - need to address building at a larger site ASAP. More population is inevitable, but need to keep regulations in line with maintaining rural character. No large business please! Like to keep kids growing up in a clean, safe environment!"

"There are a number of new homes, and more under construction. The school is at capacity now. We need to be concerned about providing an education for our increasing population. While residents have access to health care in Worthington, shouldn't some thought be given to having some health facility in Chesterfield - possibly in cooperation with the Worthington Health Center."

"The true character of this town was not having too many regulations (i.e. zoning etc.) in the first place. Short of a major industry, private enterprises should be allowed. Every town needs a new tax structure but property and excise taxes are all that is allowed by state. Try running a profitable town business, like trash collection or showing building, driveways etc. Price of housing should be competitive; it increases taxes and reduces growth because of bargain prices. Very little on this survey about our youth. School program is poor. No other youth activities. What about our sports, like hunting, fishing, etc? I personally hope the roads get rougher so folks might drive slow. Talk about development and the elderly, this town turned down a plan to build a nursing home (I was for it 100%). The farmers - I'm sorry but they get theirs when they sell those \$30,000 + and lots etc. And I'm sorry you can't tell other people how to live. You have to live with them. Oh Ya? What about the dump. We'll all be handling at home again soon, just like the old days....

"In my opinion the small community with minimal growing is ideal. Rural means not having traffic or noisy neighbors to contend with and that is why I am here and believe many others would agree."

"Would suggest that the Town Center be designated a historic site."

"We feel the town needs to make much stricter zoning bylaws to restrict rapid growth, development, and the loss of the town's rural character. However, the town should do a better job at enforcing current bylaws as well. There is still many infractions which are occurring because of who someone knows."

"We feel that Chesterfield, for the most part, is fine just the way it is. People live up here to get away from the madness of cities or larger towns. It's quiet, pretty and somewhat reserved. That's why we like Chesterfield. If we need stores we go to Northampton or Pittsfield. We do not like crowds. We do not want to be over populated, for we do not have the facilities to accommodate, nor do we want the facilities."

"Preserving of open space and farmland...vistas should be a major priority...cluster development is better than strips along roads."

"Chesterfield seems to be on the verge of a crisis of survival. The population loss seems too small; yet unplanned and unregulated growth would destroy the town. A functioning Town Center would greatly aid the survivability of the town."

"Make (Chesterfield) more like Williamsburg".

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"Chesterfield needs a stronger tax base to meet its needs. Quality new home construction within zoning guidelines can help this and still preserve the rural character. Chesterfield needs a better self image. The Town must make strong commitments to the schools - much stronger than it does now. The Town should better organize its highway department - road maintenance is poor. Chesterfield's impression to others who do not like it here is not positive. It is a beautiful country town that has many problems with its roads, schools and organizations."

"I wish I knew how this survey could be of use. As a senior citizen I feel pushed aside brushed away and made to feel very unimportant."

"Instead of having 3 town police officers running an expensive radar unit in an expensive cruiser on the only stretch of road in town that you can drive over 25 miles per hour without destroying your vehicle, I would rather see less monies used for this activity, and more used to repair roads, such as Ireland Street and Rt 143, so we can drive our trucks and cars through this Town on our way to and from work without destroying them on these ridiculously rough roads and posted bridges. P.S. I have never been stopped for speeding in the Town of Chesterfield so it's not revenge. Just reality and common sense."

"Rural Farming Towns do not need to become little cities."

"We like Chesterfield the way it is. We are concerned that the quality of life will deteriorate with increased housing and exploitation of the land."

"I believe existing zoning regulations should be interpreted in their broadest possible manner so as to allow uses that would be forbidden under the strict interpretation. This would allow the Planning Board (this and future, Boards) some leeway in encouraging uses that would maintain the Town's every present character as a rural logging and farming village. If you try to dot every 'i' and cross every 't' you may rule out large scale developments but you also shackle yourselves, leaving no room for the exercise of good judgement and common sense."

"We feel the town needs to make much stricter zoning bylaws to restrict rapid growth, development, and the loss of the town's rural character. However, the town should do a better job at enforcing current bylaws as well. There are still many infractions which are occurring because of who someone knows."

"Unsuitable for development should be more clearly defined."

"Please do not forget the needs of Chesterfield's children, in terms of recreational facilities (i.e. drop-in center, day care center; bike path, etc.) in determining growth and development needs."

"No objection to properly run bed and breakfast but would hate to see gift shops of Route 2 character. Develop more fire ponds to meet the needs of increased housing, including dry hydrant access."

"I think Chesterfield should learn to separate church and State. I'm not sure that the Congregational Church should be considered or supported at the Town's expense."

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"Given the current housing problems I feel the town should be more willing to work with engineers to help develop septic and leaching systems so more land can be suitable for residential homes. Chesterfield is the only hilltown that requires two percolation holes instead of one as is laid out in Title 5 guidelines."

APPENDIX B: RECOMMENDED NON-ZONING CHANGES AND BYLAWS

APPENDIX B.1

Underground Storage Tank Bylaw

WESTHAMPTON UNDERGROUND STORAGE TANK BYLAW

1.00 Authority

The Town of Westhampton adopts the following measures under its home rule powers, its police powers to protect the public health and welfare, and its authority under M.G.L., Ch. 40, Section 21.

1.01 Definitions

- a. Underground Storage: storage below ground level but not including storage in a free-standing container within a building.

1.02 Prohibitions

All new underground storage tanks with volumes less than 1,100 gallons are prohibited from the Water Supply Protection District.

1.03 Underground Storage Tanks of Volumes Greater Than 1,100 Gallons

Every owner of an underground storage container for hazardous materials including petroleum products of volumes greater than 1,100 gallons shall comply with all applicable state regulations for such storage.

1.04 Permits for Existing and New Underground Storage Tanks of Volumes Less Than 1,100 Gallons

- a. Every owner of an underground storage container for hazardous materials including petroleum products shall apply to the Fire Department for a permit to maintain a storage facility. Application shall be made within sixty (60) days of the effective date of this bylaw and shall contain the following information:
 - 1. Name, address, and telephone numbers of the owner and operator;
 - 2. The type of materials stored;
 - 3. Tank size and construction type for tank and piping;
 - 4. Evidence of the date of installation warranty;
 - 5. Plot plan of the site, including location of the tank, pumping components, and any wells or water bodies.
- b. The head of the Westhampton Fire Department is required to send to the Board of Health, the Water Department and the Conservation Commission a copy of every permit application for a new storage facility, with a request for a recommendation of approval or disapproval within 30 days.

- c. Subsequent to the effective date of this ordinance, no new underground storage containers shall be installed unless the owner shall have first obtained a permit from the Fire Department. If the Fire Department determines that the proposed storage container constitutes a danger to a water supply, water body, public health or safety, the Fire Department may deny the permit or may grant it subject to conditions which the Department determines are necessary. All new underground storage tanks, regardless of size, shall meet the requirements of Massachusetts regulations 527 CMR 9.00 regarding tank design, construction and installation.

1.05 Registration Tags

- a. Upon registering the tank with the Fire Department, the tank owner will receive a permanent metal or plastic tag, embossed with a registration number unique to that tank. This registration tag must be affixed to the fill pipe or in such location as to be visible to any inspector authorized by the Town.
- b. Effective (date) every petroleum or other chemical distributor, when filling an underground storage tank, shall note on the invoice or bill for the product delivered, the registration number appearing on the tank. Every petroleum or other chemical distributor shall notify the Fire Department of the existence and location of any unregistered or untagged tank which they are requested to fill. Such notification must be completed within two (2) working days of the time the distributor discovers that the tank registration tag is not present.

1.06 Fees

These permits shall be in addition to any license or permit required by M.G.L., Ch. 148, as amended, or by any regulation issued thereunder. A fee for this permit, payable to the Town of Westhampton, shall be set by the Board of Selectmen.

1.07 Transfer of Ownership

If the ownership of any underground storage tank is transferred, the new owner shall notify the Fire Department within ten (10) working days.

1.08 Report of Leaks or Spills

Any person who is aware of a spill, loss of product, or unaccounted for increase in consumption which may indicate a leak shall report such spill, loss or increase immediately to the head of the fire department and to the Board of Health.

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 - 3. Tank size and construction type for tank and piping;
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- b. Effective (date) every petroleum or other chemical distributor, when filling an underground storage tank, shall note on the invoice or bill for the product delivered, the registration number appearing on the tank. Every petroleum or other chemical distributor shall notify the Fire Department of the existence and location of any unregistered or untagged tank which they are requested to fill. Such notification must be completed within two (2) working days of the time the distributor discovers that the tank registration tag is not present.

1.06 Fees

These permits shall be in addition to any license or permit required by M.G.L., Ch. 148, as amended, or by any regulation issued thereunder. A fee for this permit, payable to the Town of Chesterfield shall be set by the Board of Selectmen.

1.07 Transfer of Ownership

If the ownership of any underground storage tank is transferred, the new owner shall notify the Fire Department within ten (10) working days.

1.08 Report of Leaks or Spills

Any person who is aware of a spill, loss of product, or unaccounted for increase in consumption which may indicate a leak shall report such spill, loss or increase immediately to the head of the fire department and to the Board of Health.

the problem with

UNDERGROUND STORAGE TANKS

Leaking underground storage tanks (UST) constitute one of the most significant threats to groundwater quality in the United States. We draw most of our drinking water from the groundwater; groundwater also feeds wetlands, ponds and rivers.

A leak of one gallon of fuel can contaminate one million gallons of water, making wells unusable and poisoning aquatic life. Important groundwater resources can be damaged for decades. Restoration of a badly contaminated water supply is time consuming, expensive, and may even be technically unfeasible.

It pays to take your underground storage system seriously now and invest the time and precautionary measures necessary to avoid a major problem later.

The Environmental Protection Agency recently conducted a study in Suffolk County, New York. Findings show:

- o Of 500 single-walled steel tanks that were removed, 30% had perforations.
- o Smaller tanks (under 5,000 gallons) have an even higher probability of leakage because they are generally of thinner gauge steel.
- o Single-walled, unprotected tanks over age 20 have a high probability for developing leaks, due generally to corrosion. Leaks are also caused by loose fittings, faulty installation, or physical breakage.

The Costs of Inaction

Leaking underground storage systems can be costly and may affect many people. Simply defining the extent of a contamination problem can cost \$25,000 to \$250,000. A leak caught early and still within the property boundary may cost between \$10,000 and \$30,000 to clean up. Depending on site specific conditions, the cost of a leak migrating beyond property boundaries can soar into millions of dollars for clean up and reparations. Litigation may double these costs.

Prevention is the Best Cure

Steel tanks over 30 years should be removed. State law requires that tanks be removed under direction of the local fire department. (A tank can be filled with concrete only if the tank is under a building, or next to another operating tank.) Tanks that are "temporarily out of service" (for 6 months or less) are especially apt to develop leaks because they may fill with water; therefore they may not be refilled without approval by the Fire Chief.

The fact that many banks are now requiring that tanks be removed before granting a mortgage is evidence of the concern of this issue. The New England Interstate Water Pollution Control Commission recommends that Municipal officials learn the location of all storage tanks within their town and develop a strategy for the protection and management of community drinking water resources.

Local Efforts to Protect Groundwater

The local Underground Storage Tank bylaw requires all tank owners to register their tank with the Fire Department. New tanks require a permit, and the tanks must meet the state's current design, construction and installation standards.

The regulations are designed to protect the water supply and to alert tank owners of potential liabilities from leaks.

APPENDIX B.2

Hazardous Materials Bylaw

CHESTERFIELD HAZARDOUS MATERIALS BYLAW

1.00 Authority

The Town of Chesterfield adopts the following measures under its home rule powers, its police powers to protect the public health and welfare, and its authority under M.G.L., Ch. 40, Sec. 21.

1.01 Definitions

- a. Discharge: the spilling, leaking, pumping, emitting, or dumping of toxic or hazardous materials upon or into any land or waters of the Town of Chesterfield.
- b. Hazardous Material: any substance with such physical, chemical, or infectious characteristics as to pose a potential hazard to existing or potential water supplies or to human health. Hazardous materials include, but are not limited to, toxic chemicals, heavy metals, radioactive or infectious wastes, acids and alkalies, pesticides, petroleum products, herbicides, solvents, and thinners.

1.02 Prohibitions

- a. The use of septic system cleaners within the Town of Chesterfield containing toxic or hazardous materials is prohibited.
- b. The discharge of hazardous materials within the Town of Chesterfield is prohibited with the following exceptions:
 1. Disposal of sanitary sewage to subsurface sewage disposal systems approved under Title 5 of the Massachusetts Environmental Code or to a wastewater treatment facility.
 2. Application of fertilizers and pesticides in accordance with label recommendations and with regulations of the Massachusetts Pesticide Control Board.
 3. Application of roadsalts or other de-icing chemicals provided that such use is minimized and consistent with public highway safety standards.
 4. Proper disposal of acceptable materials at a facility or site which has received and maintained all legal approvals as specified in the Massachusetts Hazardous Waste Management Act, M.G.L., Ch. 21C, Sec. 7.

1.03 Hazardous Material Registration and Controls

- a. Every owner, or operator of a business, industrial, or agricultural operation storing hazardous materials in quantities

totaling more than 50 gallons liquid volume or 25 pounds dry weight shall register with the Fire Department a description of the types and quantities of hazardous materials stored, and the location and method of storage. Registration required by this subsection shall be submitted within sixty (60) days of the effective date of this bylaw and annually thereafter.

- b. The Fire Department may require that an inventory of hazardous materials be maintained on the premises and be reconciled with purchase, use, sales, and disposal records on a monthly basis.
- c. Hazardous materials shall be stored in product-tight storage containers and shall be removed and disposed of in accordance with the Massachusetts Hazardous Waste Management Act, M.G.L., Ch. 21C.
- d. The Fire Department shall require that containers of hazardous material be stored on an impervious, chemical-resistant surface, that the storage area be enclosed with an impermeable dike or within an impermeable basement, and that the containers be protected from weather, vandalism, corrosion, and leakage.

WESTHAMPTON HAZARDOUS MATERIALS BYLAW

1.00 Authority

The Town of Westhampton adopts the following measures under its home rule powers, its police powers to protect the public health and welfare, and its authority under M.G.L., Ch. 40, Sec. 21.

1.01 Definitions

- a. Discharge: the spilling, leaking, pumping, emitting, or dumping of toxic or hazardous materials upon or into any land or waters of the Town of Westhampton.
- b. Hazardous Material: any substance with such physical, chemical, or infectious characteristics as to pose a potential hazard to existing or potential water supplies or to human health. Hazardous materials include, but are not limited to, toxic chemicals, heavy metals, radioactive or infectious wastes, acids and alkalis, pesticides, petroleum products, herbicides, solvents, and thinners.

1.02 Prohibitions

- a. The use of septic system cleaners containing toxic or hazardous materials is prohibited.
- b. The discharge of hazardous materials within the Town of Westhampton is prohibited with the following exceptions:
 1. Disposal of sanitary sewage to subsurface sewage disposal systems approved under Title 5 of the Massachusetts Environmental Code or to a wastewater treatment facility.
 2. Application of fertilizers and pesticides in accordance with label recommendations and with regulations of the Massachusetts Pesticide Control Board.
 3. Application of roadsalts or other de-icing chemicals provided that such use is minimized and consistent with public highway safety standards.
 4. Proper disposal of acceptable materials at a facility or site which has received and maintained all legal approvals as specified in the Massachusetts Hazardous Waste Management Act, M.G.L., Ch. 21C, Sec. 7.

1.03 Hazardous Material Registration and Controls

- a. Every owner, or operator of a business, industrial, or agricultural operation storing hazardous materials in quantities totaling more than 50 gallons liquid volume or 25 pounds dry weight

shall register with the Fire Department a description of the types and quantities of hazardous materials stored, and the location and method of storage. Registration required by this subsection shall be submitted within sixty (60) days of the effective date of this bylaw and annually thereafter.

- b. The Fire Department may require that an inventory of hazardous materials be maintained on the premises and be reconciled with purchase, use, sales, and disposal records on a monthly basis.
- c. Hazardous materials shall be stored in product-tight storage containers and shall be removed and disposed of in accordance with the Massachusetts Hazardous Waste Management Act, M.G.L., Ch. 21C.
- d. The Fire Department shall require that containers of hazardous material be stored on an impervious, chemical-resistant surface, that the storage area be enclosed with an impermeable dike or within an impermeable basement, and that the containers be protected from weather, vandalism, corrosion, and leakage.

HAZARDOUS MATERIALS

What are Hazardous Materials?

Materials are hazardous if they have one or more of the characteristics below:

- o Ignitable (easily catches fire, flash point 140F);
- o Corrosive (easily corrodes materials or human tissue, very acidic or alkaline, pH of ≤ 2 or ≥ 12.5);
- o Reactive (explosive, produces toxic gases when mixed with water or acid);
- o Toxic (can leach poisonous chemicals as determined by a special laboratory test);

Examples include:

- o petroleum
- o solvents and thinners (furniture stripping chemicals, turpentine...)
- o acids and bases/alkalines
- o toxic or flammable paints and inks
- o nitrates, perchlorates and peroxides
- o pesticides
- o some wastewater treatment sludges

What dangers do they pose?

Leaks and/or fire caused by inadequate storage facilities or accidents can seriously harm surface and groundwater supplies in the area. Water supplies can be destroyed, and aquatic life can be poisoned. Recently, a spill from a metal plating company in Monson killed thousands of fish and forced the temporary shut down of private wells. Pesticide spills and fires have made private and public wells in many towns unusable. The solvent trichloroethane (TCE) has been found in public wells in Easthampton and Holyoke.

What must Businesses do to protect the environment?

State and Federal Laws which are relevant to groundwater protection include:

Hazardous Materials: Massachusetts Community Right-To-Know Law Any employer (or self-employed person) who uses, stores or processes any quantity of over 2,000 chemicals listed in the Right-To-Know Hazardous Substances List (available at the State Bookstore, Springfield; at Town library, or ask supplier), MUST FILE a Material Safety Data Sheet (from manufacturer) and employer identification information with the DEQE Regional Office (436 Dwight St., Springfield, 01101, telephone 784-1100).

S.A.R.A. Title III - Federal Emergency Planning and Community Right-To-Know

Businesses and industries which use, store, or process listed hazardous chemicals above certain thresholds must file with the State Emergency Response Commission (c/o DEQE), the local Fire Department, and the local Emergency Planning Committee.

Hazardous Waste: R.C.R.A. Under 310 CMR 30, business must register with DEQE (1-800-343-3420) and obtain an EPA Identification number. Regulations define how wastes must be managed.

Large Quantity Generators - produce over 1000 kg./2200 lbs. (about five 55-gallon drums) per month;

Small Quantity Generators - generate between 1000 kg/2200 lbs. and 100 kgs per month, and accumulate less than 2000 kgs at any time, with 180-day storage limit after 2000 kgs have accumulated;

Very Small Quantity Generators - generate less than 100 kgs per month and accumulate less than 600 kgs (about three 55-gallon drums at any time).

Local Protection Measures

A local Hazardous Materials Bylaw is proposed so that local fire departments have the necessary information to respond properly to emergencies. The bylaw requires businesses to annually register the types, quantities, and location of hazardous materials that are used, stored, or processed (in volumes over 50 gallons or 25 lbs. dry weight) with the local Fire Department. Materials must be stored in product-tight containers, on an impervious chemical resistant surface. The storage area must be enclosed by an impermeable dike or be within an impermeable basement in order to contain leaks or spills. Containers must also be protected from weather, corrosion and vandalism.

The consequences of a leak, spill or fire can be disastrous. Your cooperation is essential to protect our community.

APPENDIX B.3

I. SCENIC ROADS

Introduction

Under the state scenic roads statute, M.G.L.Ch. 40 section 15C, towns can declare certain roads to be "scenic". The scenic designation prevents roadside trees and stone walls from being damaged in the course of roadwork. Towns can pass a scenic road bylaw to help apply the state statute to its own roads. A scenic road designation also calls public attention to the town character, and might be tied in with other land use controls such as scenic uplands protection or site plan approval.

SCENIC ROADS STATUTE FACT SHEET

- Towns can designate scenic roads under the state statute without enacting a town bylaw, but a bylaw is a better idea.
- Scenic Roads are recommended to the town meeting by the Planning Board, Historic Commission, or Conservation Commission; after recommendation, they are declared scenic by a vote of the town meeting.

Any town or county road, and any state-numbered road which is entirely within the town, can be declared scenic. No state or federal roads can be designated scenic.

- After scenic designation, no roadwork can involve cutting trees or damaging or removing stone walls along the road until there has been a proper public hearing and the written consent of the planning board given after the hearing.
- Scenic Roads are still eligible for M.G.L Ch.90 state aid for construction and reconstruction even if they are "substandard." The state will not do substandard design themselves, but will reimburse the town for substandard design on scenic roads.

TOWN SCENIC ROADS BY-LAW

1. WHY ADOPT A TOWN SCENIC ROADS BY-LAW IF THERE IS ALREADY A STATE STATUTE?

The state statute leaves lots of gaps. Most importantly, the state legislators forgot to define what a "scenic road" is---probably because what is scenic in Worcester and Lowell is different from what is scenic in Chesterfield and Westhampton!

A town which designates a scenic road without defining the word "scenic" (listing "scenic criteria") leaves itself open to challenge for being vague and arbitrary. Additionally, since one of the greatest impacts of scenic road designation is public perception, adopting a town bylaw will help to publicize those qualities of your town which the residents find most appealing.

2. HOW IS A SCENIC ROADS BY-LAW ADOPTED?

A scenic roads bylaw is adopted the same way that any other regular - non-zoning bylaw is adopted. The only difficulty will be listing all of those criteria for what your town thinks is a scenic road.

3. ONCE A ROAD IS "SCENIC," HOW CAN ANY ROADWORK BE DONE?

Roadwork can still be done on a scenic road. If the roadwork only effects the road surface, no special steps must be taken. If the roadwork will disturb trees and stone walls such as widening the road then a public hearing must be held. Proper public notice must be made: advertised twice in the newspaper, at least seven days before the hearing. After hearing, the roadwork can only be done after written consent from the planning board is given. The planning board can of course refuse to give written consent if information presented to them at the hearing gives substantive reasons for denial.

NAME OF ROAD: _____

SCENIC CHARACTERISTICS:

II. PUBLIC SHADE TREES

Introduction:

By state statute, M.G.L. Ch. 87, all trees within and on the boundary of any public way are "public shade trees." All towns must have a tree warden, who is responsible for all public shade trees except those on state highways. Public shade trees on state highways are under the jurisdiction of the State Department of Public Works.

Public shade trees on state highways can only be cut or removed by the State Department of Public Works (DPW) or with their written permission. No public shade trees can be cut on any other road until a public hearing is held and written permission is given by the town tree warden.

TOWN ROAD PUBLIC SHADE TREE STATUTE FACT SHEET

- o The Public Shade Tree Act is a state law, which is in effect even if you do not have a local shade tree bylaw.
- o By State law, every town must have a tree warden. The tree warden can do double-duty with another town position, such as highway superintendent. Since no removal of public shade trees can be done without the trees warden's written permission, if there is no tree warden, the cutting of public shade trees is illegal.
- o The tree warden is the only person who can remove brush, small trees (less than 1.5"), and trees which present a danger, without a hearing. The tree warden can remove other large trees without a hearing, but only when ordered to do so by the Select Board.

- o Every other person who wants to cut or remove a public shade tree must have a public hearing and get written permission. This includes the landowner and utility companies.
- o Notice of a hearing on cutting or removing a public shade tree must be posted in at least two places in town, and posted on the tree itself, and published at least twice in a newspaper, at least one week prior to the hearing. Where the cutting will be during roadwork on a designated scenic road, the scenic road hearing and the shade tree hearing can be combined.
- o If anyone objects at the public hearing, the person who wants to cut the tree must get the written permission of the Select Board.
- o A landowner whose property is damaged by the tree warden's actions (that is, the landowner's property value goes down) can collect money from the town under the state eminent domain statute. However, this provision is no different than for any other town actions.
- o The tree warden is also responsible for planting trees, and the town can appropriate money for that purpose. Trees can be planted anywhere within the public right-of-way, and up to 20 feet outside of it with the landowner's permission.
- o It is illegal for anyone to put a sign on a public shade tree, or to paint or mark a public shade tree, without a permit from the tree warden. Tree wardens enforce this section and can fine people who violate it. The town can specify where the fines go and could even put the fines into a tree-purchasing fund.
- o In addition to enforcing the prohibition on signs, tree wardens have the power to make Regulations for the care and preservation of shade trees, -yes fining people for violations.

TOWN PUBLIC SHADE TREE OPTIONS

1. TREE WARDEN REGULATIONS

The town tree warden has broad powers to make regulations concerning the care and control of public shade trees. The tree warden's regulations need only be posted and then approved by the Select Board to take effect. These regulations can have a substantial impact on the appearance of a town's roadways.

2. TOWN PUBLIC SHADE TREE BYLAW

Like the scenic roads statute, the Public Shade Tree Act leaves some gaps which towns can address in a local bylaw. A local bylaw can specifically direct a tree warden to make regulations and to enforce them. A town bylaw can also direct that a long-term public shade tree plan be drawn

up. Long term planting schedules are important because of the length of time it takes for sapling to become a "tree tunnel" gracefully covering a road. Many towns are benefitted by the beauty of plantings done generations ago, but are making no provisions to ensure that future generations will also have large roadside trees.

Scenic Roads and Public Shade Tree Bylaw

WESTHAMPTON SCENIC ROAD AND PUBLIC SHADE TREES BYLAW

SECTION 1: DEFINITIONS

In the absence of contrary meaning established through legislative or judicial action pursuant to M.G.L. Ch. 40 Sec. 15C or M.G.L. Ch. 87 the following terms contained in that statute shall be defined as follows:

- 1.1 "Cutting or Removal of Trees" shall mean the Removal of one or more trees, trimming of major branches or cutting of roots.
- 1.2 "Repair, Maintenance, Reconstruction, or Paving Work" shall mean any work done within the Right-of-Way by any persons or agency, public or private, including any work on any portion of the Right-of-Way which was not physically commenced at the time of adoption of this bylaw.
- 1.3 "Road and Public Way" shall mean any entire Right-of-Way used and maintained as a public way, including the section of the way used for vehicular travel and all appurtenances within the Right-of-Way such as bridge structures, drainage systems; retaining walls, traffic control devices, and sidewalks, and all other and the Right-of-Way but not including those intersecting portions of the streets or driveways.

When the boundary of the Right-of-Way is in issue so that there is uncertainty as to whether or not certain trees public shade trees, stonewalls, or portions thereof are within or without the Right-of-Way, the trees or stone walls in question shall be presumed to be within the Right-of-Way unless and until proven otherwise.

- 1.4 "Tearing Down or Destruction of Stone Walls" shall mean the removal, dispersal, or elimination in whole or in part of more than five linear feet of stone wall, where such stone wall consists of one or more cubic feet of wall material (including stone, dirt, cement, or any ther wall material) per linear foot above existing grade. The term shall not be construed to include temporary removal and replacement at the same location with the same materials; nor shall it include the repair or rebuilding of such a wall with appropriate existing materials and additional materials; nor shall it include the construction of new stone walls or fences, provided that they do not obstruct or damage existing walls.
- 1.5 "Trees" shall include any tree of more than one-and-a half inches (15") or more as measured one foot above the ground.
- 1.6 "Public Shade Trees" shall mean all trees within any public way or on the boundaries thereof.

CHESTERFIELD SCENIC ROAD AND PUBLIC SHADE TREES BYLAW

SECTION 1: DEFINITIONS

In the absence of contrary meaning established through legislative or judicial action pursuant to M.G.L. Ch. 40 Sec. 15C or M.G.L. Ch. 87 the following terms contained in that statute shall be defined as follows:

- 1.1 "Cutting or Removal of Trees" shall mean the Removal of one or more trees, trimming of major branches or cutting of roots.
- 1.2 "Repair, Maintenance, Reconstruction, or Paving Work" shall mean any work done within the Right-of-Way by any persons or agency, public or private, including any work on any portion of the Right-of-Way which was not physically commenced at the time of adoption of this bylaw.
- 1.3 "Road and Public Way" shall mean any entire Right-of-Way used and maintained as a public way, including the section of the way used for vehicular travel and all appurtenances within the Right-of-Way such as bridge structures, drainage systems; retaining walls, traffic control devices, and sidewalks, and all other and the Right-of-Way but not including those intersecting portions of the streets or driveways.

When the boundary of the Right-of-Way is in issue so that there is uncertainty as to whether or not certain trees public shade trees, stonewalls, or portions thereof are within or without the Right-of-Way, the trees or stone walls in question shall be presumed to be within the Right-of-Way unless and until proven otherwise.

- 1.4 "Tearing Down or Destruction of Stone Walls" shall mean the removal, dispersal, or elimination in whole or in part of more than five linear feet of stone wall, where such stone wall consists of one or more cubic feet of wall material (including stone, dirt, cement, or any ther wall material) per linear foot above existing grade. The term shall not be construed to include temporary removal and replacement at the same location with the same materials; nor shall it include the repair or rebuilding of such a wall with appropriate existing materials and additional materials; nor shall it include the construction of new stone walls or fences, provided that they do not obstruct or damage existing walls.
- 1.5 "Trees" shall include any tree of more than one-and-a half inches (15") or more as measured one foot above the ground.
- 1.6 "Public Shade Trees" shall mean all trees within any public way or on the boundaries thereof.

SECTION 2: PURPOSE

The purpose of this Scenic Roads and Public Shade Tree Bylaw is to preserve the qualities and character of certain public ways by ensuring that:

- a. ways will be recommended for designation as scenic roads in accordance with stated criteria;
- b. scenic roads will not be altered except after compliance with stated procedure;
- c. scenic roads will not be altered by the decision of any person, organization, or agency other than the Planning Board; and
- d. public shade trees will not be cut, removed, or damaged except after compliance with M. G. L. Ch. 87, this bylaw, and the regulations of the town Tree Warden.

SECTION 3: DESIGNATION OF SCENIC ROADS

3.1 Procedures

Scenic Roads shall be designated by majority vote of Town Meeting. Ways may be recommended by the Planning Board, Conservation Commission, or Historical Commission for designation as a scenic road upon a finding that the way meets one of the following criteria and the way has been determined by the Town Highway Department to be reasonable safe in its present condition for vehicular travel.

Any person may petition the Planning Board, Conservation Commission, or Historic Commission to recommend a way for designation as a scenic road.

3.2 Criteria

In determining which way or portions of ways should be designated as scenic roads, the following criteria shall be considered:

- a. Ways bordered by trees of exceptional size or quality, or unusual or distinctive variety;
- b. Ways bordered by stone walls;
- c. Ways bordered by any natural or man-made features of aesthetic value;
- d. Ways providing scenic views of water, rolling fields, woodlands, or orchards;
- e. Ways bordered by historic or archeological structures or sites of significance to the community;
- f. Ways for which alteration is being planned or is likely to be planned; and,
- g. Ways for which any alteration would lessen the aesthetic value of the natural or man-made features bordering them.

3.21 Regulations

The Planning Board may adopt more detailed regulations regarding the implementation of scenic roads designations, including requiring the town highway department to erect signs along scenic roads stating their designation as such.

3.3 Notification of Designation as Scenic Roads

The Planning Board shall, within 30 days of the designation of a scenic road:

- a. notify all municipal departments;
- b. notify the State Department of Public Works;
- c. publish in a newspaper of local circulation an informal article describing the designation;
- d. indicate such designation on all maps currently in use by municipal departments;
- e. notify all utility companies which are likely to be working on the boarder of such road; and,
- f. if the Planning Board regulations under Section 3.21 so require, instruct the town highway department to erect appropriate signs along the designated scenic road.

3.4 Effect of Designation as Scenic Road

In accordance with M.G.L.Ch. 40 s. 15C, no road repair, maintenance, Reconstruction, or paving pertaining to a designated Scenic Road shall involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls or portions thereof except in accordance with the following:

- a) Any person, organization, state or municipal agency seeking the written consent of the Planning Board, regarding the cutting or removal of trees or the tearing down or destruction of stone walls, or portions thereof on a scenic road shall file a request with the Planning Board, together with the following:
 1. the text of a legal notice identifying the location of the proposed action in terms enabling readers to locate it with reasonable specificity on the ground without need for additional plats or references, and describing in reasonable detail the proposed changes to trees and stone walls;
 2. a statement of the purpose, or purposes, for the changes proposed;
 3. a list of owners of properties located in whole or in part within 300 feet of the proposed action;
 4. except in the case of town agencies, a deposit sufficient to cover the cost of advertising and notification; and
 5. any futher explanatory material useful to adequately inform the Planning Board.

b) Notice

The Planning Board shall, as required by statute, give notice of its public hearing by advertising twice in a newspaper of general circulation in the area. This notice shall contain a statement as to the time, date, place, and purpose of the hearing with a reasonable description of the action proposed by the applicant. Copies of this notice shall also be sent to the Selectmen, the Conservation Commission, the Historical Commission, the Town Engineer, the Tree Warden, the Department of Public Works, and the owners of property within 100 feet of the proposed action.

c) Timing of Notice

The first publication of the notice shall be as soon as feasible after the Planning Board receives the request from the applicant, and shall in all cases be at least 14 days before the hearing. The last publication shall occur, as required by statute, at least seven days prior to the hearing.

d) Timing of Hearing

The Planning Board shall hold a public hearing within 30 days of the planning board meeting at which a properly filed request is received. The date and time of the public hearing shall be set outside of normal weekday work hours (8:00 a.m. - 5 :00 p.m., Monday - Friday) so as to encourage maximum citizen participation.

e) Timing of Decision

The Planning Board shall make a decision on the request within 21 days of the public hearing.

f) Basis for Decision

The Planning Board's decision of any application for proposed action affecting scenic roads shall be based on consideration of the following:

1. preservation of natural resources;
2. environmental values;
3. historical values;
4. scenic and aesthetic characteristics;
5. public safety;
6. compensatory actions proposed, such as replacement of trees or walls and;
7. other sound planning considerations.

This provision shall apply to the cutting or removal of trees, or the tearing down or destruction of stone walls or portions thereof for all purposes including, but not limited to, installation of a driveway, and widening the paved portion of a way.

SECTION 4: PUBLIC SHADE TREES

4.1 Application

The portion of this bylaw addressing Public Shade Trees shall apply to Public Shade Trees along any way, regardless of whether or not it is designated a Scenic Road; and shall further apply to all actions regarding Public Shade Trees regardless of whether or not such actions involve road work.

4.2 Compliance with Statute and Bylaw

No Public Shade Tree shall be cut, trimmed, removed, or planted, except in accordance with G. L. Ch. 87 and this bylaw.

4.3 Duties of Tree Warden

The town Tree Warden shall actively carry out all duties assigned to the tree warden under M. G. L. Ch. 87. Additionally, the Tree Warden may have the following duties:

- a. to issue and maintain current regulations regarding the planting, maintenance, cutting, trimming, and removal of Public Shade Trees;
- b. to issue and maintain current regulations regarding acts of damage and vandalism to Public Shade Trees, including acts of posting signs thereon, and regulate fines therefore;
- c. to issue notice of and collect on behalf of the town all fines, and fees pursuant to M. G. L. Ch. 87, this bylaw, and tree warden regulations;
- d. to establish and maintain a rolling three-year plan for planting and maintenance of Public Shade Trees and other roadside plantings;
- e. to report annually to the Select Board and Planning Board regarding said plans and the fiscal requirements of enacting such plans; and
- f. to develop and maintain a long-term policy or vision statement regarding the future of Public Shade Trees and other roadside planting throughout the town; to accept and consider public comment on such statement; and to inform the Select Board, Planning Board, and public of such statement by appropriate methods.

SECTION 5: COMBINED PUBLIC SHADE TREE AND SCENIC ROADS HEARING

Where a public hearing is required for one action under both the Public Shade Tree Statute (M.G.L Ch. 87) and the Scenic Roads statute (M.G.L. Ch. 40 Sec. 15C) and the respective portions of this bylaw, such hearings shall be combined to the extent feasible; provided however, that required notice shall specify both purposes of the hearing.

The consent of the Planning Board regarding Scenic Roads shall not be regarded as inferring consent by the Tree Warden regarding Public Shade Trees, and vice versa, any Planning Board decision effecting Public Shade Trees shall contain a condition that no work shall be done until all applicable provisions of M.G.L.Ch. 87 and this bylaw have been complied with.

CHESTERFIELD SCENIC ROAD AND PUBLIC SHADE TREES BYLAW

SECTION 1: DEFINITIONS

In the absence of contrary meaning established through legislative or judicial action pursuant to M. G. L. Ch. 40 Section 15C or M. G. L. Ch. 87 the following terms contained in that statute shall be defined as follows:

- 1.1 "Cutting or Removal of Trees" shall mean the Removal of one or more trees, trimming of major branches or cutting of roots.
- 1.2 "Repair, Maintenance, Reconstruction, or Paving Work" shall mean any work done within the Right of Way by any persons or agency, public or private, including any work on any portion of the Right-of Way which was not physically commenced at the time of adoption of this bylaw.

- 1.3 "Road and Public Way" shall mean any entire Right of Way used and maintained as a public way, including the section of the way used for vehicular travel and all appurtenances within the Right-of-Way such as bridge structures, drainage systems; retaining walls, traffic control devices, and sidewalks, and all other and the Right-of-Way but not including those intersecting portions of the streets or driveways.

When the boundary of the Right-of-Way is in issue so that there is uncertainty as to whether or not certain trees public shade trees, stonewalls, or portions thereof are within or without the Right-of-Way, the trees or stone walls in question shall be presumed to be within the Right-of-Way unless and until proven otherwise.

- 1.4 "Tearing Down or Destruction of Stone Walls" shall mean the removal, dispersal, or elimination in whole or in part of more than five linear feet of stone wall, where such stone wall consists of one or more cubic feet of wall material (including stone, dirt, cement, or any ther wall material) per linear foot above existing grade. The term shall not be construed to include temporary removal and replacement at the same location with the same materials; nor shall it include the repair or rebuilding of such a wall with appropriate existing materials and additional materials; nor shall it include the construction of new stone walls or fences, provided that they do not obstruct or damage existing walls.
- 1.5 "Trees" shall include any tree of more than one-and-a half inches (1.5") or more as measured one foot above the ground.
- 1.6 "Public Shade Trees" shall mean all trees within any public way or on the boundaries thereof.

SECTION 2: PURPOSE

The purpose of this Scenic Roads and Public Shade Tree Bylaw is to preserve the qualities and character of certain public ways by ensuring that:

- a. ways will be recommended for designation as scenic roads in accordance with stated criteria;
- b. scenic roads will not be altered except after compliance with stated procedure;
- c. scenic roads will not be altered by the decision of any person, organization, or agency other than the Planning Board; and,
- d. public shade trees will not be cut, removed, or damaged except after compliance with M. G. L. C. 87, this bylaw, and the regulations of the town tree warden.

SECTION 3: DESIGNATION OF SCENIC ROADS

3.1 Procedures

Scenic Roads shall be designated by majority vote of Town Meeting. Ways may be recommended by the Planning Board, Conservation Commission, or Historical Commission for designation as a scenic road upon a finding that the way meets one of the following criteria and the way has been determined by the Town Highway Department to be reasonable safe in its present condition for vehicular travel.

Any person may petition the Planning Board, Conservation Commission, or Historic Commission to recommend a way for designation as a scenic road.

3.2 Criteria

In determining which way or portions of ways should be designated as scenic roads, the following criteria shall be considered:

- a. Ways bordered by trees of exceptional size or quality, or unusual or distinctive variety;
- b. Ways bordered by stone walls;
- c. Ways bordered by any natural or man-made features of aesthetic value;
- d. Ways providing scenic views of water, rolling fields, woodlands, or orchards;
- e. Ways bordered by historic or archeological structures or sites of significance to the community;
- f. Ways for which alteration is being planned or is likely to be planned; and,
- g. Ways for which any alteration would lessen the aesthetic value of the natural or man-made features bordering them.

3.21 Regulations

The Planning Board may adopt more detailed regulations regarding the implementation of scenic roads designations, including requiring the town highway department to erect signs along scenic roads stating their designation as such.

3.3 Notification of Designation as Scenic Roads

The Planning Board shall, within 30 days of the designation of a scenic road:

- a. notify all municipal departments;
- b. notify the State Department of Public Works;
- c. publish in a newspaper of local circulation an informal article describing the designation;
- d. indicate such designation on all maps currently in use by municipal departments;
- e. notify all utility companies which are likely to be working on the boarder of such road; and,
- f. if the Planning Board regulations under Section 3.21 so require, instruct the town highway department to erect appropriate signs along the designated scenic road.

3.4 Effect of Designation as Scenic Road

In accordance with M. G. L. C. 40 Section 15C, no road repair, maintenance, reconstruction, or paving pertaining to a designated Scenic Road shall involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls or portions thereof except in accordance with the following:

- a) Any person, organization, state or municipal agency seeking the written consent of the Planning Board, regarding the cutting or removal of trees or the tearing down or destruction of stone walls, or portions thereof on a scenic road shall file a request with the Planning Board, together with the following:
 1. the text of a legal notice identifying the location of the proposed action in terms enabling readers to locate it with reasonable specificity on the ground without need for additional plats or references, and describing in reasonable detail the proposed changes to trees and stone walls;
 2. a statement of the purpose, or purposes, for the changes proposed;
 3. a list of owners of properties located in whole or in part within 300 feet of the proposed action;
 4. except in the case of town agencies, a deposit sufficient to cover the cost of advertising and notification; and

5. any further explanatory material useful to adequately inform the Planning Board.

b) Notice

The Planning Board shall, as required by statute, give notice of its public hearing by advertising twice in a newspaper of general circulation in the area. This notice shall contain a statement as to the time, date, place, and purpose of the hearing with a reasonable description of the action proposed by the applicant. Copies of this notice shall also be sent to the Selectmen, the Conservation Commission, the Historical Commission, the Town Engineer, the Tree Warden, the Department of Public Works, and the owners of property within 100 feet of the proposed action.

c) Timing of Notice

The first publication of the notice shall be as soon as feasible after the Planning Board receives the request from the applicant, and shall in all cases be at least 14 days before the hearing. The last publication shall occur, as required by statute, at least seven days prior to the hearing.

d) Timing of Hearing

The Planning Board shall hold a public hearing within 30 days of the Planning Board meeting at which a properly filed request is received. The date and time of the public hearing shall be set outside of normal weekday work hours (8:00 a.m. - 5:00 p.m., Monday - Friday) so as to encourage maximum citizen participation.

e) Timing of Decision

The Planning Board shall make a decision on the request within 21 days of the public hearing.

f) Basis for Decision

The Planning Board's decision of any application for proposed action affecting scenic roads shall be based on consideration of the following:

1. preservation of natural resources;
2. environmental values;
3. historical values;
4. scenic and aesthetic characteristics;
5. public safety;
6. compensatory actions proposed, such as replacement of trees or walls;
7. other sound planning considerations.

This provision shall apply to the cutting or removal of trees, or the tearing down or destruction of stone walls or portions thereof for all purposes including, but not limited to, installation of a driveway, and widening the paved portion of a way.

SECTION 4: PUBLIC SHADE TREES

4.1 Application

The portion of this bylaw addressing Public Shade Trees shall apply to Public Shade Trees along any way, regardless of whether or not it is designated a Scenic Road; and shall further apply to all actions regarding public shade trees regardless of whether or not such actions involve road work.

4.2 Compliance with Statute and Bylaw

No Public Shade Tree shall be cut, trimmed, removed, or planted, except in accordance with M. G. L. Ch. 87 and this bylaw.

4.3 Duties of Tree Warden

The Town Tree Warden shall actively carry out all duties assigned to the Tree Warden under M. G. L. Ch. 87. Additionally, the Tree Warden shall have the following duties:

- a. to issue and maintain current regulations regarding the planting, maintenance, cutting, trimming, and removal of Public Shade Trees;
- b. to issue and maintain current regulations regarding acts of damage and vandalism to Public Shade Trees, including acts of posting signs thereon, and regulate fines therefore;
- c. to issue notice of and collect on behalf of the town all fines, and fees pursuant to M. G. L. Ch. 87, this bylaw, and Tree Warden regulations;
- d. to establish and maintain a rolling three-year plan for planting and maintenance of Public Shade Trees and other roadside plantings;
- e. to report annually to the Select Board and Planning Board regarding said plans and the fiscal requirements of enacting such plans; and
- f. to develop and maintain a long-term policy or vision statement regarding the future of Public Shade Trees and other roadside planting throughout the town; to accept and consider public comment on such statement; and to inform the Select Board, Planning Board, and public of such statement by appropriate methods.

SECTION 5: COMBINED PUBLIC SHADE TREE AND SCENIC ROADS HEARING

Where a public hearing is required for one action under both the Public Shade Tree Statute (M. G. L. Ch. 87) and the Scenic Roads statute (M. G. L. Ch. 40 Section 15c) and the respective portions of this bylaw, such hearings shall be combined to the extent feasible; provided however, that required notice shall specify both purposes of the hearing.

The consent of the Planning Board regarding Scenic Roads shall not be regarded as inferring consent by the Tree Warden regarding Public Shade Trees, and vice versa, any Planning Board decision effecting Public Shade Trees shall contain a condition that no work shall be done until all applicable provisions of M. G. L. Ch. 87 and this bylaw have been complied with.

RECOMMENDATIONS FOR TREE WARDEN REGULATIONS

All municipalities in Massachusetts are required by statute to have a tree warden. The town tree warden has broad powers to regulate and control all trees and plantings along roadsides. The exercise of these powers can make a dramatic difference in a town's appearance. For instance, to maintain the "tree tunnel" effect of mature crowns meeting overhead takes long term planning, careful planting to ensure that decaying trees will be truly replaced, and regular maintenance and trimming.

Tree wardens should issue regulations containing, at a minimum, the following:

1. Procedures for applying for permission to cut or plant public shade trees.
2. A schedule of fines for damage, vandalism, removal of trees, or posting signs on trees.
3. A systematic plan for regular planting and maintenance of public shade trees.
4. Criteria for determining when a tree is an imminent hazard warranting immediate removal.
5. Criteria on which the determination of whether to permit a tree to be cut, trimmed, or removed shall be made.
6. Guidelines for private landowners wishing to plant public shade trees, specifying the procedure for obtaining permission to do so, suggested species, and planting and maintenance techniques.
7. A policy or vision statement outlining long term goals for public shade trees and other roadside plantings within the town, giving due consideration to the time taken to mature tree growth, and predicted patterns of development in the town.

Towns may find it expedient to give other duties to the tree warden. For example, the tree warden could be assigned the maintenance of plantings on conservation lands and parkland. The tree warden could also play an invaluable role in assisting the planning board to evaluate landscaping, site plan review, and buffer strip requirements under zoning and subdivision bylaws, especially where public shade tree plantings are required along subdivision roads.

APPENDIX B.4

Town Meeting Warrant To Designate Scenic Roads

"To see if the Town of Chesterfield will vote by majority to designate ways enumerated below and depicted in the accompanying map:

1. South Street;
2. Mount Road;
3. Damon Pond Road
4. Ireland Street, including River Road, meaning such portions of Ireland Street as have not been previously designated scenic;
5. Sugar Hill Road;
6. Indian Hollow Road;
7. Old Chesterfield Road;
8. Bryant Street;
9. Smith Road

These ways have been recommended for designation as scenic roads by the (Planning Board, Conservation Commission, Historical Commission)."

APPENDIX C: RECOMMENDATIONS FOR FURTHER STUDY

APPENDIX C.1

AMENDED EARTH REMOVAL BYLAW FOR CHESTERFIELD

(Underlined text represents suggested additions to the current language for purposes of clarification.)

6.0 EARTH REMOVAL

6.01 Purpose

The purpose of this bylaw is to protect the neighborhood and Town against permanent and temporary hazards because of conditions which may be left after operations are completed or because of the methods of handling the above materials at the site or of transporting such materials through the Town.

6.02 Special Permits

6.021 The removal for sale of sod, loam, clay, sand, gravel, except when, incidental to and in connection with, the construction of a structure, or incidental to the grading and developing of contiguous property, shall be permitted only after issuance of a special permit by the Special Permit Granting Authority (Planning Board) after a public hearing.

6.022 No special permit shall be required for the following:

- a. Moving earth products within the limits of an individual property or series of contiguous properties of land in single ownership.
- b. Removal of earth products from an operating farm, nursery, or cemetery to the extent that such removal is necessary to the operation of same.
- c. The moving and removal of earth products for any municipal purpose by, or on behalf of, any department of the Town of Chesterfield.

6.03 Application

The application to the Special Permit Granting Authority (Planning Board) for a Special Permit for the removal of earth products shall include the following specific information:

- a. A locus map of the proposed excavation site showing general relationship to drainage patterns, public ways, and surrounding land uses.
- b. The legal name and address of the owner of the property.
- c. The legal name and address of the petitioner.
- d. Names and addresses of all abutting property owners including those on the opposite side of any streets or within 200 feet of the proposed excavation.

- e. A plan of the land involved at the scale of 1"=40"; showing all man-made features and proposed structures, property lines, and existing topography by five-foot contours, plus proposed contours at five-foot intervals showing the finish grade of the site after the completion of the proposed excavation project.
- f. The estimated quantity of material to be removed.
- g. Plan for replacement of at least four inches of topsoil over all excavated, filled, or other-wise disturbed surfaces and seeding with a perennial cover crop, reseeding as necessary to assure uniform growth and soil surface stabilization.
- h. Plan for disposition of boulders, tree stumps and other wastes incident to the operation.

6.04 Within ten days after receipt of the application for the Special Permit for the removal of earth material, the Board shall transmit a copy to the Conservation Commission, Historical Commission and the Building Inspector, together with a copy of the plan. The above-mentioned boards, may at their discretion, investigate the matter and report their recommendations to the Board. No decision shall be made by the Planning Board without recommendations from the above or until the lapse of thirty days from the date of filing of the application with the Board.

6.05 A special permit granted shall be issued for a period of not more than two (2) years.

6.06 The Special Permit Granting Authority (Planning Board) shall include the following as the minimum conditions to be complied with when issuing a permit:

- a. No excavation shall be permitted below the grade of a road bounding the property at any point nearer than 100 feet to such road.
- b. No excavation below the natural grade of any property boundary shall be permitted nearer than 50 feet to such boundary.
- c. No slope created by the removal operation shall be finished at a grade in excess of 2:1 that is, two (2) feet horizontal for each foot vertical in order to avoid erosion problems. The required slope may be modified by the Board if the operator can show that the quality of the material makes steeper slopes practical.
- d. Within the Agricultural-Residential Zone II (A-R-II), excavation of earth products shall be prohibited in such cases where it is anticipated that such excavation will lower the level of the water table or will interfere with the natural flow patterns or reduce the floor storage capacity of a stream.

- e. No permit for earth products removal shall be issued if such removal will: (1) endanger the general public health or safety or, (2) constitute a nuisance, or, (3) result in detriment to the normal use of adjacent property by reason of noise, dust, or vibration, (4) result in traffic hazards in residential areas or excessive congestion or physical damage on the public ways, or (5) cause the accumulation of free-standing water without prior approval from the Conservation Commission for the creation of a pond.
- f. The hours of operation shall be within 7:00 a.m. and 6:00 a.m., Monday through Saturday. The Operator shall be responsible for removing spillage beyond the property lines of the excavation site.
- g. In approving the issuance of a permit, the Board shall impose additional reasonable requirements which shall constitute a part of the permit with regard to: grading, seeding and planting, fencing necessary for public safety, methods of removal, location and use structures, hours of operation, routes of transportation of materials, removed, control of drainage and disposition of waste incident to the operation.
- h. A landscaped buffer strip shall be maintained to screen the excavation site from abutting residential property. The strip shall be twenty (20) feet in width, broken only where necessary for access or egress, and shall include a planting of dense evergreen foliage, at least 8 feet in height to create a visual barrier. A less dense planting of shrubs or trees may be used in combination with a sight-imperious fence.
- i. The Special Permit Granting Authority (Planning Board) may require suitable bond or other security adequate to assure compliance with the provisions of this section.

APPENDIX C.2

Vehicular Access Bylaw

CHESTERFIELD/WESTHAMPTON VEHICULAR ACCESS BYLAW

1.0 Vehicular Access Bylaw

1.1 Title

This section shall be known as the Vehicular Access Bylaw.

1.2 Purpose

The purpose of this section shall be to alleviate traffic hazards and to encourage and maintain rural character by minimizing points of access to public roads within the Town.

1.3 Applicability

1.31 Created Lots

The vehicular access bylaw shall apply whenever (a) 3 or more lots available for residential development are created, whether or not by subdivision, or (b) where three or more dwelling units are to be constructed, when either (a) or (b) occurs on land held in common ownership within a period of three years.

The Planning Board shall determine whether two or more adjoining parcels are held in ownership so to require consideration as common ownership for purposes of this bylaw; for example, parcels owned by husband and wife; or by an individual and a business of which that individual is the sole proprietor. All persons creating residential lots have an obligation to state in good faith the number of lots they intend to ultimately create from that parcel.

1.32 Existing Lots

The Vehicular Access Bylaw shall not apply to lots available for construction of residential units where such lots were created by subdivision or by subdivision approval-not-required plan ("ANR"), where such subdivision or ANR was approved and recorded prior to the date of adoption of this bylaw. All such existing residential lots shall be presumed to have one existing vehicular access to a road providing frontage to such lot.

1.4 Definitions

1.5 "Vehicular Access" shall mean any driveway, common driveway, or private way at its point of intersection with a public road within the Town.

1.6 "Additional Vehicular Access" shall mean vehicular access to residential lots where three or more such lots are created, whether or not by subdivision, after the date of adoption of this bylaw; "Additional Vehicular Access" shall not include newly built access to pre-existing

residential lots which are presumed to have existing vehicular access whether or not such access has been constructed; nor shall it include access to one or two residential lots created from one parcel in common ownership within a period of three years.

- 1.7 Any additional vehicular access to any public road must be at least 1000 feet measured on the same side of the road from any other vehicular access.
- 1.8 No lot shall be created which precludes meeting the requirements of this vehicular access bylaw unless access rights-of-way across adjoining lots are provided in accordance with the common driveway portion of the Creative Development bylaw Section _____. Such access right-of-way must be appropriately recorded in the Hampshire County Registry of Deeds and contain the provisions required by the common driveway portion of the Creative Development bylaw, Section _____.
- 1.9 No plan for the creation of three or more lots shall be endorsed "ANR" unless in compliance with this bylaw, due to lack of adequate frontage and access.

APPENDIX C.3

ACCESSORY APARTMENT BYLAW

1.00 ACCESSORY APARTMENT

Definition

An accessory apartment is a separate housekeeping unit, complete with its own sleeping, cooking, and sanitary facilities, that is substantially contained within the structure of a single-family dwelling, but functions as a separate unit.

1.01 Purpose

The purposes of the accessory apartment bylaw are to:

- a. Provide an opportunity for older homeowners who can no longer physically or financially maintain their single-family home to remain in homes they might otherwise be forced to leave;
- b. Make housing units available to moderate-income households who might otherwise have difficulty finding homes with the town;
- c. Provide a variety of types of housing to meet the needs of Town residents;
- d. Protect stability, property values, and the single-family residential character of a neighborhood; and

1.02 Special Permit Procedures and Conditions

1.021 In Chesterfield, the Planning Board may authorize an accessory apartment by Special Permit in any residential districts, and in Westhampton the Zoning Board of Appeals may authorize an accessory apartment by Special Permit in the Agricultural Residential District, provided that the following standards and conditions are met:

- a. The apartment will be a complete, separate housekeeping unit that functions as a separate unit from the original unit.
- b. Only one apartment will be created within a single-family house.
- c. The lot in which the single-family house is located must have a minimum lot size of 87,120 square feet in Chesterfield and 50,000 square feet in Westhampton and must comply with other applicable zoning requirements for the district.
- d. The accessory apartment shall be designed so that the appearance of the building remains that of a one-family residence as much as feasibly possible. In general, any new entrances shall be located on the side or rear of the building.
- e. The accessory apartment shall be clearly a subordinate part of the single-family dwelling. It shall be no greater than seven hundred (700) square feet nor have more than two (2) bedrooms.

- f. At least three off-street parking spaces are available for use by the owner-occupant(s) and tenants(s).
- g. The construction of any accessory apartment must be in conformity with State Building Code requirements.

1.03 Application Procedure

- 1.031 The procedure for the submission and approval of a Special Permit for an Accessory Apartment in Owner-Occupied, Single-Family Dwelling shall be the same as prescribed in the Special Permit Section by the Special Permit Granting Authority except it shall include a notarized letter of application from the owner(s) stating that he/they will occupy one of the dwelling units on the premises.
- 1.032 In order to provide for the development of housing units for disabled and handicapped individuals, the Planning Board will allow reasonable deviation from the state conditions where necessary to install features that facilitate access and mobility for disabled persons.

1.04 Transfer of Ownership of a Dwelling with an Accessory Apartment

- 1.041 The temporary special permit for an accessory apartment in a single-family dwelling shall terminate upon the sale of property or transfer of title of the dwelling.
- 1.042 The new owners(s) must apply for reapproval of a special permit for an accessory apartment and shall submit a written request to the Special Permit Granting Authority, stating that conditions at the time of the original application remain unchanged. Minor changes may be approved without a hearing by the Planning Board.

1.05 Fees

The Special Permit Granting Authority may establish, and amend from time to time, a non-refundable fee to be included with the application for an accessory apartment to cover costs of processing the application and code inspections. Applicant shall be responsible for the cost of legal notices.

APPENDIX C.4

SCENIC UPLAND DISTRICT BYLAW

D-4 SCENIC UPLAND DISTRICT BYLAW

4.20 Purpose

The purposes of the Scenic Upland District are:

- a. To preserve and enhance upland areas in the Town of Chesterfield/Westhampton of natural scenic beauty including mountain ridges, wooded canyons, exceptional vistas or viewsheds, and related natural resources;
- b. To regulate new construction vegetation removal, filling, or excavation of land which could adversely affect natural resources or scenic qualities;
- c. To prevent erosion, sedimentation, water pollution, flooding and other adverse impacts of development in sensitive upland areas.

4.21 Scope of Authority

The Scenic Upland District is an overlay district and shall be super imposed on the other districts established by this bylaw. All regulations of the Chesterfield/Westhampton Zoning Bylaw applicable to such underlying districts shall remain in effect, except that where the Scenic Upland District imposes additional regulations, such regulations shall prevail.

4.22 District Delineation

- 4.221 The Scenic Upland District Bylaw shall be applied to sensitive mountain or steep slope areas of scenic and natural resource value as designated on the overlay map entitled "Scenic Upland District, Town of Chesterfield/Westhampton", on file with the Town Clerk.
- 4.222 The Scenic Upland District is intended to include those mountain or upland areas which have one or more of the following characteristics:
 - a. Steep slopes greater than 15%;
 - b. Unique landforms, including bedrock outcrops, till-covered hills, geological rarities, cliffs, or other unusual topographic features;
 - c. Areas of high visual amenity including areas with scenic views, farmlands, streams, wetlands, waterways, and forested slopes.

4.23 Permitted Uses

- a. Agricultural production, including raising of crops, livestock, poultry, nurseries, orchards, and hay;
- b. Recreational uses, provided there is minimal disruption of wildlife habitat;
- c. Maintenance and repair usual and necessary for continuance of an existing use;
- d. Conservation of water, plants, and wildlife, including the raising and management of wildlife.
- e. Uses permitted under M.G.L. Chapter 40a, Section 3 with the limitations imposed therein.

4.24 Prohibited Uses

All uses not permitted in Sections 4.023 or 4.25 shall be deemed prohibited.

4.25 Uses Permitted With Scenic Upland Review

The following uses shall be permitted subject to Scenic Upland Review of project site plans prior to the issuance of a building permit or Special Permit or approval of a definitive plan under the Massachusetts Subdivision Control Law:

- a. Any construction or significant alteration of any dwelling or other structure, if any such action affects the exterior appearance. A significant alteration is defined as any alteration exceeding 50% percent of the existing square footage of the structure, or which adds to the height of a structure, or which substantially alters the visual profile of the property or structures thereon;
- b. Any commercial or industrial use allowed by Special Permit in the underlying district;
- c. Any subdivision which requires approval under the Massachusetts subdivision Control Law, M.G.L., Ch. 40.

4.26 Scenic Upland Review Board

- 4.261 In accordance with the provisions of Chapter 40A of the Massachusetts General Laws, a Scenic Upland Review Board shall review applications and site plans for all actions that are subject to this bylaw, and shall make recommendations to the Building Inspector, Planning Board or Zoning Board of Appeals as described in Section 4.28 concerning the conformance of the proposed action to the design and development standards contained herein.

- 4.262 The Scenic Upland Review Board shall consist of five members, one of whom owns property in the affected area. Appointments to the Scenic Upland Review Board shall be made by the Board of Selectmen.
- 4.263 The terms of all members of the Scenic Upland Review Board shall be three years, except that when the Board is originally established, the Board of Selectmen shall make two of their appointments for a three-year term, two appointments for a two-year term, and the remaining appointment shall be for a one-year term.

4.27 Application Contents and Procedures

- 4.271 Applications for all actions subject to review by the Scenic Upland Review Board shall be made by completing an application form and site plan and submitting it to the Building Inspector. Application forms are available from the Office of the Building Inspector.
- 4.272 All applications to the Scenic Upland Review Board shall include all information required by the rules and regulations of the Scenic Upland Review Board, as applicable, in addition to any other information that is required under this bylaw as part of an application for a special permit variance or building permit.
- 4.273 To facilitate siting and design of buildings sensitively related to the natural setting, applications for Scenic District Review of proposed development in the scenic district must be accompanied by a site plan which describes or illustrates:
- a. The location and boundaries of the lot, adjacent streets or ways, and the location and owner's names of all adjacent properties;
 - b. Existing and proposed topography including contours, the location of wetlands, streams, waterbodies, drainage swales, areas subject to flooding, and unique natural land features.
 - c. Placement, height, and physical characteristics of all existing and proposed buildings and structures located on the development site;
 - d. Architectural rendering illustrating design of all proposed structures;
 - e. Proposed landscape features including the location and a description of screening, fencing, and planting;
 - f. View points - Photographs of the development site taken from points along the street, together with a map indicating the distance between these points and the site;

- g. The location of parking and loading areas, driveways, walkways, access and egress points;
- h. The location and a description of all proposed septic systems, water supply, storm drainage systems, utilities, and refuse, and other waste disposal methods;
- i. The location and a description of proposed open space or recreation area;
- j. Measures to be undertaken during and after construction to prevent erosion, sedimentation, flooding, or water pollution.

4.28 Review Procedures

- 4.281 Upon receipt of an application for Scenic Upland Review, the Building Inspector shall immediately transmit the application to the Scenic Upland Review Board. The Scenic Upland Review Board shall review the application and return its recommendations in writing to the Building Inspector within thirty-five (35) days of the receipt of the application. If the application for Scenic Upland Review is associated with an application for a variance, special permit, or subdivision review, the Scenic Upland Review Board shall immediately transmit their recommendations to the Planning Board or Zoning Board of Appeals as appropriate.
- 4.282 If the Scenic Upland Review Board does not submit its recommendations to the Building Inspector within thirty-five (35) days, such failure to act shall constitute approval of the application.
- 4.283 The Scenic Upland Review Board's action shall be advisory and shall consist of either:
 - a. A determination that the proposed project will constitute a suitable development and is in compliance with the criteria set forth in this bylaw;
 - b. Approval subject to conditions, modifications, and restrictions as the Scenic Upland Review Board may deem necessary.
- 4.284 The applicant shall be given written notice of the public meeting at which their application will be reviewed, and shall be given an opportunity to be heard on the application.

- 4.285 The Building Inspector, Planning Board, and Zoning Board of Appeals shall, in making their permit granting decisions, give due consideration to the Scenic Upland Review Board's recommendations, and shall communicate all subsequent decisions to said Board.

4.29 Scenic District Review Criteria

- 4.291 Scenic District Review should ensure that when man-made structures are built in scenic areas, they are sensitivity related to the natural setting and that special consideration has been given to their siting and design.
- 4.292 A Scenic District application may be approved where consistent with the following criteria:
- a. Buildings, building materials, and landscaping and designed and located on the site to blend with the natural terrain and vegetation and preserve the scenic character of the site;
 - b. Where public views will be unavoidably affected by the proposed use, architectural and landscaping measures have been employed so as to minimize significant degradation of the existing scenic or aesthetic qualities of the site;
 - c. Safeguards have been employed where needed to mitigate against environmental degradation from erosion, sedimentation, water pollution, or flooding.

4.30 Design and Development Standards

All applicants for Scenic Upland Design Review shall comply with the following design and development standards:

4.301 Siting of Structures

- a. The placement of buildings, structures, or signs shall not detract from the site's scenic qualities or obstruct significant views, and shall blend with the natural landscape.
- b. Building sites shall be directed away from the crest of hills in order to preserve the visual integrity of the district.
- c. Developments for more than one structure shall incorporate variable setback, multiple orientations, and other site-planning techniques to avoid the appearance of a solid line of development.

- d. Foundations should be constructed to reflect the natural slope of the terrain. Excessive support members or mechanical systems should be covered or screened.

4.302 Building Materials, Colors, and Architectural Style

- a. Natural building materials which blend with the natural landscape, such as brick, stone, masonry or wood should be emphasized in the design of the exterior.
- b. Architectural style shall reflect the traditional character of the community.
- c. In selecting exterior colors for structures preference shall be given to "earth" colors, such as olive, ochre, senna, gray, gray green, gray blue, etc. Warm colors may be appropriate for small accessory uses or for design details.
- d. Business or industrial uses other than restaurants, recreational uses or travel-related uses such as gasoline service stations and roadside stands are to be conducted entirely within enclosed buildings.

4.303 Landscaping and Site Preparation

- a. In landscaping, preference shall be given to native trees and plants.
- b. The removal of native vegetation or trees shall be minimized to the extent feasible in clearing sites for new structures or roads. Selective clearing of vegetation may be permitted where views may be presently obscured by such vegetation adjoining or within 200 feet of a public or private way, subject to approval of the Scenic Upland Review Board.
- c. Retaining walls may be used to create usable yard space in the side and rear yard. Retaining walls in the exposed side and downhill portions of a lot shall be screened with appropriate landscaping materials.
- d. Any grading or earth-moving operation in conjunction with a proposed development shall be planned and executed in such manner that final contours are consistent with the existing terrain both on and adjacent to the site.

4.304 Accessory Uses and Utilities

- a. Utilities shall be constructed and routed underground except in those situations where natural features prevent the underground siting or where safety considerations necessitate above-ground construction and routing. Above-ground utilities shall be constructed and routed to minimize detrimental effects on the visual setting.
- b. Potentially unsightly commercial or industrial accessory uses such as parking lots, storage areas, equipment sheds, and communications towers, shall be located in areas not visible from streets, or shall be screened by dense evergreen plantings or landscaped earthen berms.

4.305 Signs

Signs shall be constructed and located on the site so as to, as nearly as possible, satisfy the standards in Section 5.1 (Chesterfield) and Section 5.4 (Westhampton)

4.306 Prevention of Water Pollution and Flooding

- a. For commercial and industrial uses, storage and/or transmission of petroleum or other refined petroleum products is prohibited except within buildings which they will heat. Petroleum products stored within a building shall be placed on a diked, impermeable surface to prevent spills or leaks from reaching groundwater.
- b. All run-off from impervious surfaces shall be recharged on the site by being diverted to stormwater infiltration basins covered with natural vegetation. Stormwater infiltration basins must be designed to handle a 25-year storm. Dry wells shall be used only where other methods are infeasible, and shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

4.307 Prevention of Erosion and Sedimentation

- a. No area or areas totaling two (2) acres or more on any parcel or contiguous parcels in the same ownership shall have existing vegetation clear-stripped or be filled six (6) inches or more so as to destroy existing vegetation unless in conjunction with agricultural activity or unless necessarily incidental to construction on the

premises under a currently valid building permit or unless within streets which are either public or designated on an approved subdivision plan or unless a special permit is approved by the Planning Board in Chesterfield/Westhampton on the condition that run-off will be controlled, erosion avoided and either a constructed surface or cover vegetation will be provided not later than the first full spring season immediately following completion of the stripping operation. No stripped area or areas which are allowed by special permit shall remain through the winter without a temporary cover of winter rye or similar plant materials being provided for soil control, except in the case of agricultural activity where such temporary cover would be infeasible.

- b. Sediment and erosion control measures shall be employed to minimize such impacts during and after construction, in accordance with guidelines established by the U.S. Soil Conservation Service "Guidelines for Soil and Water Conservation in Urbanizing Areas of Massachusetts."

Application for Scenic Upland Review

Date filed _____

Applicant _____

Date received by Board _____

Property owner _____

Property location: Street address _____

Assessor's Map and Parcel Number _____

Acreage: _____

Description of proposed activity: (Attach site plan according to Section 4.273)

APPENDIX C.5

DISCONTINUING ROADS

Introduction

With rising maintenance costs, the spectre of liabilities for personal injuries, and increasing numbers of Approval-Not-Required Subdivisions using town road frontage, towns are looking to the process of discontinuing some of their roads. Determining the status of roads and going through the process of discontinuance is a topic which is surrounded by confusion and misunderstanding. By ignoring for the moment state and federal roads we can concentrate just on the process for roads within your towns. If we also set aside confusing terms like "abandoning" roads, and look only at the most efficient, practical procedure for your towns to follow, discontinuing roads becomes a much simpler proposition.

1. DETERMINING ROAD STATUS

You can determine the status of your roads, that is, whether the road is a town road or a private road, on a road-by-road basis. However, this method ensures that you will miss roads that appear on paper but have disappeared or became foot paths on the ground.

The best way to determine the status of your roads is to do a comprehensive road inventory. To do this, compare as many of the following sources as possible:

- the official town map
- a town highway department road map
- historical maps of the town
- the town clerk's list of public ways
- the highway superintendent's list of ways maintained by the town
- personal knowledge and memory of long-time town residents
- deeds to easements and strips of land on file at the county Registry of Deeds
- town meeting minutes

2. LIABILITIES AND DUTIES FOR TOWN ROADS

Towns have legal duties and liabilities only for those roads which officially have the status of town roads. Towns have the option of helping residents by laying out and/or maintaining private roads. But, unless a road becomes an official town road, the town does not have legal duties or liabilities regarding that road. (Courtesy of course dictates that the town give residents some warning before they stop maintaining a private road, so that residents don't find themselves snowed in one night without the town plow to dig them out.) Towns can either simply stop maintaining private roads, or assess the cost of that maintenance on the people who live there. In effect, the town and the people on the road have a private contract to maintain it.

On a town road, the town has a legal duty to reasonably maintain the road, for safe vehicle and pedestrian traffic, all year round, until the day it is formally discontinued. There is no other way for a town to stop maintaining the road, even for a season, without being liable for any injuries which occur as a result.

Under state statute, towns are liable up to \$5000.00 per person for injuries which occur as a result of "defects" in the road. If someone dies as a result of a defect in the road, the town may be liable for greater amounts under the state wrongful death statute. A town official who deliberately decides to ignore a dangerous situation could even be held personally liable for injuries or death without a dollar limit. In many towns, the town must indemnify their officials, so even with the state cap of \$5000.00, the town could end up paying a lot of money.

No number of signs saying "proceed at your own risk" or "closed for the winter" can reduce the town's liabilities and duties. A town road is a town road until it is formally discontinued.

3. THE DISCONTINUANCE PROCESS

There are three methods by which a town road may be discontinued:

A. TOWN MEETING

Under M. G. L. Chapter 82 Section 21, a town may discontinue a town road or private road which has been laid out and maintained by the town by a vote at town meeting. There is no special process required other than that used for town meeting. A sample town warrant article is attached.

B. SELECT BOARD OR TOWN HIGHWAY DEPARTMENT

Under M. G. L. Chapter 82 Section 32A, the town board which has authority over a town road may discontinue a town road. First a public hearing must be held. Notice of the hearing must be sent to all people abutting the road by registered return-receipt mail. Notice of the hearing must also be published twice in the newspaper and posted in the town clerk's office.

After public hearing, the responsible board must legitimately find that the road has become "abandoned and unused for ordinary travel, and that the common convenience and necessity no longer requires said town way.....to be maintained in a condition reasonably safe and convenient for travel....".

After making this finding, the board must make a formal declaration to that effect and file it with the town clerk. When a road is discontinued in this manner, the town must clearly post both ends of the road. In addition to a sign, the town is well advised to put a solid blockade across the way.

C. COUNTY COMMISSIONERS

If a town refuses to discontinue a road by either of the above methods, a person who is "aggrieved" by the refusal can petition the county commissioners in writing to discontinue the road. The county commissioners can order the road to be discontinued.

4. LIABILITIES OF DISCONTINUANCE

A town can be liable to a property owner along a discontinued road under the state eminent domain statute. Old eminent domain cases indicate that as long as a landowner has access to their property by some other means, the town doesn't have to pay damages. Most roads which the town will discontinue will be unused or abandoned, so access won't be an issue. If there is no other access, it has not been settled yet whether the town may be liable for damages above and beyond the cost of road maintenance.

Once discontinued, a town is no longer liable for injuries which occur on the road or for regular maintenance.

5. WHAT HAPPENS TO THE PLACE WHICH USED TO BE A ROAD AFTER IT'S DISCONTINUED?

Once a road is formally discontinued, there remains the question of what happens to the land. This question is answered by going back to the documents you looked at to determine the status of the roads.

The most important thing to look at, if there is one, is the deed to the town. If the strip of land was deeded over to the town in "fee simple", the town still owns that strip of land. The town could sell it, or use it as a park or walking path, or put it to any other municipal use.

If the town had only received a right-of-way, or easement, then the land goes back to the abutting landholders. If there is a landowner on each side, they each own up to the middle of the road. These landowners should go to the Registry of Deeds and fill a release of the right-of-way.

If there is no deed to the town, it is more difficult to determine whose land it is. It is safe to assume it belongs to the adjoining landowners, but if the town wants to keep the strip of land they may be able to do so, and should consult town counsel or a good real estate attorney.

6. QUESTIONS ABOUT DISCONTINUING ROADS

A. ISN'T IT MORE COMPLICATED THAN THIS?

There are a few things which have been left out, however they should not have much effect on your towns. To keep things simple, this presentation has not included county, state, and federal roads and involvement. When the county, state, or federal government does something in your town, its likely to be pretty clear what the status of their roads are and what the town role is.

Other than these other government roles, this is all there is to it.

B. DOESN'T THE TOWN HAVE TO ACCEPT SUBDIVISION ROADS OR MAINTAIN ROADS OF A CERTAIN LENGTH?

NO. The town only has duties and liabilities on town roads which have become town roads in the ways listed on the flow chart. If the town does maintain these roads, you can charge the landowners for the cost of maintenance.

APPENDIX C.6

DISCONTINUED ROADS WARRANT

TOWN MEETING WARRANT ARTICLE FOR ROAD DISCONTINUANCE

(Method Established Under M.G.L. Ch. 40, Sec. 15 and Ch. 82, Sec. 21)

C-11 Town Meeting Warrant Article

"To see if the Town will vote by two-thirds majority to discontinue the maintenance of and abandon the public's right of access to the town ways enumerated below and depicted in the accompanying map:

_____(Road Name)_____, (include descriptions);

_____(Road Name)_____, and

_____(Road Name)_____.

These roads have fallen into disrepair and no longer serve the public interest. (Since these roads were established as an easement on the land, the land under the ways reverts to the abutting landowners.)"

NOTE: The provision in the parenthesis () applies only if it has been determined that the town road was only an easement. If the Town had acquired all the property rights with the road, a strip of public land would still remain between abutting landowners after the road was discontinued.

2. Public Hearing Notice

_____Town_____, Board of Selectmen
Notice of Public Hearing:

In accordance with the M.G.L. Ch. 82, Sec. 32A as amended by Ch. 135 of the Acts of 1983, the Town, Board of Selectmen/City Council will hold a Public Hearing on DATE at TIME at PLACE to hear testimony to discontinue the maintenance of and abandon the public's right to access to town roads enumerated below and depicted in an accompanying map:

_____Road Name_____, (include descriptions);

_____Road Name_____, and

_____Road Name_____.

These roads have fallen into disrepair and no longer serve the public interest.

APPENDIX C.7

Historic Areas Recommendations

The village centers of both Chesterfield and Westhampton feature clusters of historic buildings that could qualify as both National Register historic districts and Local Historic Districts. Either designation would automatically result in a corollary listing on the State Register of Historic Places, a non-restrictive compilation of historic districts and properties throughout the Commonwealth.

APPENDIX D: PUBLIC INFORMATIONAL FLYER

0477M



PIONEER VALLEY
PLANNING COMMISSION
26 CENTRAL STREET
WEST SPRINGFIELD, MA. 01089

Resident
R.D. 1
Westhampton, MA 01027

Westhampton

Maintaining Our Rural Character



a resident's guide to the *Growth Management Plan*

Prepared by the Chesterfield/Westhampton Growth Management Committee
with assistance from the
Pioneer Valley Planning Commission
under a grant from
the Executive Office of Communities and Development

Bulk Rate
U.S. POSTAGE
PAID
PERMIT NO. 12
West Springfield, MA.

THE CHESTERFIELD-WESTHAMPTON

What is the Growth Management Plan?

The Chesterfield/Westhampton Growth Management Plan is a series of recommendations to help guide the future of development within the two towns. These options and recommendations take the form of concrete proposals for bylaw language, enforcement and implementation techniques, and priorities for future study.

How did it come about?

The neighboring towns of Chesterfield and Westhampton are both feeling increasing growth pressures due to their proximity to the Northampton-Springfield corridor. As buildable land is exhausted and land prices dramatically increase in these cities, prospective homeowners are moving outward to the next ring of communities in their search for affordable housing.

Concern over threats to their natural resources and rural residential lifestyles brought on by increasing growth pressures led town boards and committee members, together with the Pioneer Valley Planning Commission (PVPC), to apply for and receive a Strategic Planning Grant from the Massachusetts Executive Office of Communities and Development (EOCD). This grant was awarded for the purpose of developing local and regional strategies for preserving important natural resource areas, encouraging a diversity of housing types and ensuring affordable housing, and minimizing the adverse effects of growth on town services and on the environment by encouraging development to occur in appropriate locations, densities and forms.

The PVPC was hired as a consultant to help guide the creation of the Growth Management Plan. The Board of Selectmen from each community appointed members to a regional Chesterfield-Westhampton Growth Management Committee, representing a broad cross-section of town boards. These members representing Westhampton are as follows:

Westhampton Growth Management Committee

John Shaw, Planning Board, ZBA, Co-Chair

Peter Dellert, Planning Board

Nancy Bouthillette, Selectmen

Maureen Dempsey, Conservation Commission

John Wright, Planning Board

John Grimes, resident

Eleanor Miller, resident

GROWTH MANAGEMENT PLAN

The regional GMC met eleven times over a seven-month period to hear reports from PVPC staff on growth issues, and to agree on growth management strategies that are both regional and local.

How was the Public Involved?

Early on in the process, a survey was made of Westhampton residents to attempt to determine the public's attitude and concerns toward growth and change. The following goals and objectives were compiled as a direct result of the survey:

Goal 1: The preservation of rural character and quality of life.

- * Review and update each town's zoning bylaws, subdivision regulations and other existing regulations, such as Board of Health regulations, to improve local control over development and promote better enforcement.
- * Maintain rural and historic character of both towns.
- * Identify and designate scenic roads.
- * Promote preservation of farmlands, farm operations, and forest lands.
- * Research appropriate growth rate controls for future use in the event either town's growth rate increases.

Goal 2: The protection of resources.

- * Identify means for protecting water supply and ground water resources.
- * Pursue an active program of open space acquisition and protection by taking advantage of state grant programs and voluntary conservation restrictions.
- * Minimize adverse effects of growth on town services and the environment by directing growth to the most appropriate areas near existing developed areas and accepted town roads.

Goal 3: Promotion of a variety of housing types to meet Chesterfield's and Westhampton's changing needs.

- * Through a Growth Management/Affordable Housing Committee, each town shall encourage the diversity of residential types, particularly for elderly and middle-income persons, as well as summer residences.

Goal 4: Encouraging limited economic development.

- * Allow the establishment of cottage-type industries and small-scale tourist-based industries, such as bed-and-breakfast establishments.

The joint Growth Management Committee (GMC) considered a variety of zoning options presented by PVPC which were consistent with these goals. After detailed discussions of the options presented, certain additions to the towns' zoning bylaws were recommended by the GMC for short range adoption, and others were recommended for further study with an eye towards adoption at some point in the future. Non-zoning bylaws have been recommended as well.

SUMMARY OF RECOMMENDED ZONING CHANGES

Schedule of Use Regulations have been reformatted from text to an easy-to-use chart. In the course of this change, the number of uses addressed was expanded. This does not mean that uses which were prohibited in the past are necessarily allowed now; only that they have been included in the table with a clear statement of whether or not that use is allowed. This is to help prevent the confusion which would arise when someone wished to build something which was not addressed by the Zoning Bylaw.

Dimensional and Density Regulations The minimum required lot sizes, front, side, and rear yard set-backs, building height limits and limit on percentage of lot covered has been assembled into a Table of Dimensional Regulations in the town's Bylaw. The basic dimensional requirements of most uses in each town have remained the same. Some newly proposed uses, such as congregate elderly housing, have increased yard requirements.

Elderly and Handicapped Congregate Housing Bylaw A new bylaw section is proposed to allow congregate housing for elderly and handicapped persons to be constructed in the Agricultural/Residential District with a Special Permit from the Planning Board.

Home Occupations Changes in the Zoning Bylaw and definitions were made to clarify what is permissible as a home occupation, home office, or studio. The changes were made to continue to allow residents to work from their homes, while avoiding being a nuisance to neighbors or creating traffic hazards.

Signs Uniform controls of sign size and placement were inserted in the Zoning Bylaw and in the Table of Uses and as a new section.

Commercial Recreation New commercial recreational facilities (such as golf courses or tennis clubs) must now obtain a special permit before operation.

Manufactured Housing Mobile homes and manufactured housing are both allowed as single family dwellings.

Administration and Enforcement Changes were made to the administration and enforcement sections to bring time limits into conformance with state law, and to take advantage of increases in allowable fines.

Parking Standards Addition of standards to the bylaw will clarify what is meant by a parking space and off street parking, and give general guidelines for the number of parking spaces needed for various uses.

Site Plan Approval The site plan approval process provides a mechanism to ensure that proposed developments provide adequate access, circulation, parking, utilities, landscaping and protection of important resources.

Creative Development Bylaw Chesterfield and Westhampton each have many overlapping growth management concerns. Both communities want to preserve open space, farmland, and rural character, while preventing development in dense strips along roadsides. This bylaw would help to achieve both of these goals.

It encourages innovative development patterns, with up to six houses located along a common driveway, away from view from the road. The common driveway can be used in place of a subdivision road provided that farmland and open space are protected as part of the project.

Water Supply Protection District would be created to protect surface and groundwater supplies. The proposed district includes the watersheds around the Roberts Meadow, White, and Mountain Brook Reservoirs and the aquifer along North and South Roads, a potential future source. Regulations would prohibit certain new uses which pose a high risk of groundwater pollution.

Floodplain/River Protection Districts/Bylaws The proposed Westhampton floodplain bylaw would protect life and property from flood hazards, and to protect natural floodplains. Within the designated floodplain, a Special Permit would be required for residential uses. Proposed uses must demonstrate that they would not result in increased flood levels, and that all floodplain requirements of the State Building Code are met.

Westhampton's river protection bylaw would apply only to the Westfield River, and would protect the scenic qualities of the river. The proposed bylaw would require a 100-foot buffer between the river and any new structures, and a 50-foot minimum buffer for commercial logging operations. Exceptions would be allowed for hardship cases.

RECOMMENDED NON-ZONING TECHNIQUES

Underground Storage Tank Bylaws A new town bylaw is proposed which requires registration of underground storage tanks of less than 1100 gallons with the Fire Department. (Larger tanks are already regulated by state law). The purpose of this bylaw is to prevent groundwater pollution and threats to public safety from leaking tanks. The permitting system would allow the Fire Department to keep an active inventory of tank locations and ages, promote public awareness of the need or tank safety, and prevent new tank installations in improper locations.

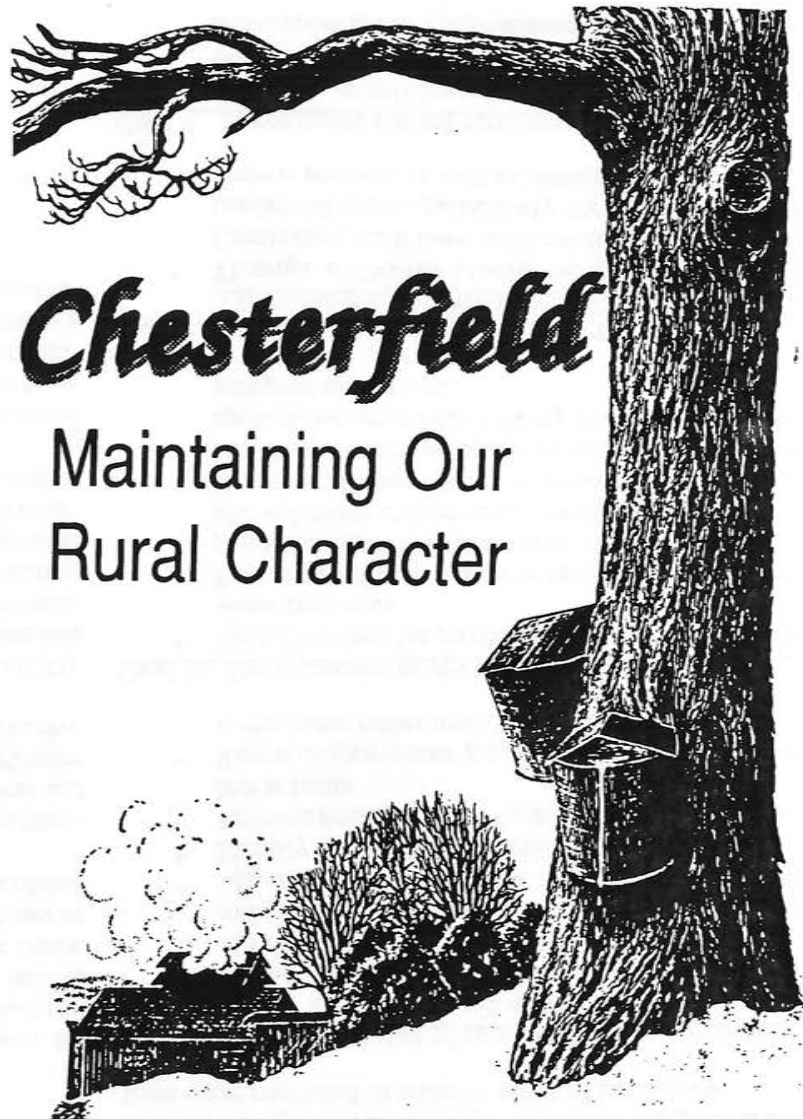
Hazardous Materials Bylaws The purpose of this bylaw is to prevent groundwater pollution and protect public health and safety by promoting safe storage and handling of hazardous materials. The bylaw would require that businesses, industries or farms storing hazardous materials in quantities greater than 50 gallons or 25 pounds register with the Fire Department. The bylaw also requires that hazardous materials be stored safely, indoors, in a protected storage area. The registration system will also help the Fire Department fight fires involving hazardous materials and minimize risks to firefighters.

PUBLIC INFORMATION SESSIONS

A public informational meeting on the zoning changes will be held by the Growth Management Committee on Tuesday, September 12, 7:30 pm. at the Town Hall. The meeting will provide an opportunity to explain the strategic planning process and goals of the proposed growth management strategies, as well as to gather informal public comment.

Formal public hearings on the proposed zoning changes will occur at least two weeks prior to Special Town Meeting, and notice will be given in the legal notices section of the Daily Hampshire Gazette. The notice will state the time and place of the hearing, a description of the proposed bylaws, and a place where the full bylaw text may be inspected.





Chesterfield

Maintaining Our
Rural Character

a resident's guide to the
*Growth Management
Plan*

Prepared by the Chesterfield/Westhampton Growth Management Committee
with assistance from the
Pioneer Valley Planning Commission
under a grant from
the Executive Office of Communities and Development



PIONEER VALLEY
PLANNING COMMISSION
26 CENTRAL STREET
WEST SPRINGFIELD, MA 01089

Boxholder
Chesterfield, MA 01012

Resident
H.C. 65
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Chesterfield Growth Management Committee

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David Kielson, Planning Board

Arthur Smith, Select Board

Julie Vukovich, ZBA, School Committee

Ruth Z. Temple, Historical Commission

Louise Spear, Planning Board

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- * Through a Growth Management/Affordable Housing Committee, each town shall encourage the diversity of residential types, particularly for elderly and middle-income persons, as well as summer residences.

Goal 4: Encouraging limited economic development.

- * Allow the establishment of cottage-type industries and small-scale tourist-based industries, such as bed-and-breakfast establishments.

The joint Growth Management Committee (GMC) considered a variety of zoning options presented by PVPC which were consistent with these Goals. After detailed discussions of the options presented, certain additions to the towns' zoning bylaws were recommended by the GMC for short-range adoption, and others were recommended for further study with an eye towards adoption at some point in the future. Non-zoning bylaws have been recommended as well.

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Parking Standards The bylaw was revised to clarify what is meant by a parking space and off street parking, and to give general guidelines for the number of parking spaces needed for various uses.

Elderly and Handicapped Congregate Housing Bylaw A new bylaw section is proposed to allow congregate housing for elderly and handicapped persons to be constructed in the Town Center, Agricultural/Residential District I and Agricultural/Residential District II with a Special Permit from the Planning Board.

Commercial Recreation New commercial recreational facilities (such as golf courses or tennis clubs) must now obtain a special permit before operation. These facilities are prohibited in the town center.

Manufactured Housing, defined as functionally equivalent and acceptably similar in appearance to a home built by conventional construction methods, is allowed though mobile homes are not permitted.

Administration and Enforcement Changes were made to the administration and enforcement sections to bring time limits into conformance with state law, and to take advantage of increases in allowable fines.

Site Plan Approval The site plan approval process provides a mechanism to ensure that proposed developments provide adequate access, circulation, parking, utilities, landscaping and protection of important resources before a Special Permit is issued by the Planning Board. It would be required for residential subdivisions, business and industrial uses.

Floodplain/River Protection Districts/Bylaws Chesterfield's existing bylaw does not address the floodplain. The proposed Chesterfield floodplain bylaw would protect life and property from flood hazards, and protect natural floodplains. Within the designated floodplain, a Special Permit would be required for residential uses. Proposed uses must demonstrate that they would not result in increased flood levels, and that all floodplain requirements of the State Building Code are met.

Proposed amendments to Chesterfield's river protection bylaw would apply only to the East Branch of the Westfield River, and would protect the scenic qualities of the river. The proposed bylaw would require a 100-foot buffer between the river and any new structures, and a 50-foot minimum buffer for commercial logging operations. Exceptions would be allowed for hardship cases. No new development is allowed in the designated "wild" section.

Water Supply Protection District would be created to protect surface and groundwater supplies. The proposed district includes the Roberts Meadow Reservoir Watershed and the aquifer along the Dead Branch, a potential future water source for the town. Regulations would prohibit new uses which pose a high risk to groundwater pollution.

Creative Development Bylaw Chesterfield and Westhampton each have many overlapping growth management concerns. Both communities want to preserve open space, farmland, and rural character, while preventing development in dense strips along roadsides. This bylaw would help to achieve both of these goals.

It encourages innovative development patterns, with up to six houses located along a common driveway, away from view from the road. A common driveway can be used in place of a subdivision road provided that farmland and open space are protected as part of the project. The deeded open space must be that portion of a development that is most valuable as a natural resource or as farmland.

RECOMMENDED NON-ZONING TECHNIQUES

Underground Storage Tank Bylaws A new town bylaw is proposed which requires registration of underground storage tanks of less than 1100 gallons with the Fire Department. (Larger tanks are already regulated by state law). The purpose of this bylaw is to prevent groundwater pollution and threats to public safety from leaking tanks. The permitting system would allow the Fire Department to keep an active inventory of tank locations and ages, promote public awareness of the need for tank safety, and prevent new tank installations in improper locations.

Hazardous Materials Bylaws The purpose of this bylaw is to prevent groundwater pollution and protect public health and safety by promoting safe storage and handling of hazardous materials. The bylaw would require that businesses, industries or farms storing hazardous materials in quantities greater than 50 gallons or 25 pounds register with the Fire Department. The bylaw also requires that hazardous materials be stored safely, indoors, in a protected storage area. The registration system will also help the Fire Department fight fires involving hazardous materials, and to minimize risks to firefighters.

PUBLIC INFORMATION SESSIONS

A public information session will be held on Monday, August 14 at 8:00 p.m. in the Chesterfield Town Hall by the Growth Management Committee. The meeting will provide an opportunity to explain the strategic planning process and goals of the proposed growth management strategies, as well as to gather informal public comment. An additional public informational meeting will be held in the Fall.

Formal public hearings on the proposed zoning changes. These will occur at least two weeks prior to Special Town Meeting, and notice will be given in the legal notices section of the Daily Hampshire Gazette. The notice will state the time and place of the hearing, a description of the proposed bylaws, and a place where the full bylaw text may be inspected.

