

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE COUNTY

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

GREETINGS:

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

**Outside on the Grounds of the Stockbridge Town Hall Facilities
50 Main Street
Stockbridge, MA 01262**

in Stockbridge on **Saturday, June 12, 2021** at 10:00 o'clock in the morning Eastern Daylight Time and, if necessary, a rain location of inside the same venue as shown above for the following purposes, to wit:

ARTICLE 1. To choose all Town Officers necessary to be chosen at the Annual Town Meeting, other than those to be chosen by ballot, *or take any other action in relation thereto.*

ARTICLE 2. To hear the report of any Town Officer or Committee, and to see if the Town will vote to accept all printed reports, *or take any other action in relation thereto.*

ARTICLE 3. To see if the Town will vote to fix the salary and compensation of all elected officers of the Town as provided by Chapter 41, Section 108 of the Massachusetts General Laws as amended: Moderator, Selectmen, Town Clerk, Town Treasurer, Town Collector, Board of Assessors, Board of Health, and Tree Warden, and to raise and appropriate a sum of money therefor, *or take any other action in relation thereto.*

ARTICLE 4. To see if the Town will vote to raise and appropriate a sum of \$7,554,952 for the following purposes, *or take any other action in relation thereto: (See exhibit 1)*

- Section 1. MODERATOR
2. SELECTMEN'S DEPARTMENT
3. TOWN ADMINISTRATOR
4. FINANCE DEPARTMENT
5. RESERVE FUND
6. ACCOUNTANT
7. ASSESSORS' DEPARTMENT
8. TREASURER'S DEPARTMENT
9. TOWN COLLECTOR'S DEPARTMENT
10. LEGAL DEPARTMENT
11. TOWN CLERK'S DEPARTMENT
12. ELECTIONS & REGISTRATIONS
13. CONSERVATION COMMISSION
14. PLANNING BOARD
15. BOARD OF APPEALS
16. PROCTER HALL
17. TOWN OFFICES
18. TOWN REPORT
19. INFORMATION TECHNOLOGY DIRECTOR
20. POLICE DEPARTMENT
21. FIRE DEPARTMENT
22. AMBULANCE SERVICE
23. ANIMAL CONTROL OFFICER
24. BUILDING INSPECTOR
25. GAS INSPECTOR
26. PLUMBING INSPECTOR
27. WIRE INSPECTOR
28. EMERGENCY MANAGEMENT

29. TREE WARDEN DEPARTMENT
30. VOCATIONAL EDUCATION
31. ENGINEERING DEPARTMENT
32. HIGHWAY DEPARTMENT
 - a.) MACHINERY
 - b.) COMPACTOR
 - c.) CEMETERY
33. STREETLIGHTS
34. TRASH REMOVAL
35. SEWER DEPARTMENT
36. WATER DEPARTMENT
37. HYDRANT RENTAL
38. HEALTH DEPARTMENT
HEALTH OFFICER
39. PORCHLIGHT VNA
40. MENTAL HEALTH & SUBSTANCE ABUSE SERVICES
41. COUNCIL ON AGING
42. VETERAN'S SERVICES
43. STOCKBRIDGE LIBRARY
44. CHIME TOWER
45. PARKS & RECREATION COMMISSION
46. HISTORICAL COMMISSION
47. MEMORIAL DAY COMMITTEE
48. HISTORIC DISTRICT
49. HISTORIC PRESERVATION
50. CHAMBER OF COMMERCE
51. LONG-TERM DEBT & SHORT-TERM DEBT
52. BERKSHIRE REGIONAL RETIREMENT SYSTEM
OTHER POST EMPLOYMENT BENEFITS (OPEB)
BERKSHIRE COUNTY INSURANCE GROUP
53. INSURANCE
54. UNDESIGNATED COMPENSATION

ARTICLE 5. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of **\$3,072,350** for the assessment of the Berkshire Hills Regional School District, *or take any other action in relation thereto.*

ARTICLE 6. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of **\$85,865** toward the Berkshire Hills Regional School District's capital cost of constructing the new school buildings, *or take any other action in relation thereto.*

ARTICLE 7. To see if the Town will vote, as recommended by the Community Preservation Committee and pursuant to the Community Preservation Act, to appropriate from the Community Preservation Undesignated Fund balance the sum of **\$34,000** for community housing purposes to be used by the Stockbridge Housing Authority, Heaton Court, for replacement of wood siding on buildings A, C, D, E, F, and G, *or take any other action in relation thereto.*

ARTICLE 8. To see if the Town will vote, as recommended by the Community Preservation Committee and pursuant to the Community Preservation Act, to appropriate from the Community Preservation Undesignated Fund balance the sum of **\$5,000** for historic resources purposes to be used by the Stockbridge Housing Authority for the restoration of the sign at Heaton Court, *or take any other action in relation thereto.*

ARTICLE 9. To see if the Town will vote, as recommended by the Community Preservation Committee and pursuant to the Community Preservation Act, to appropriate from the Community Preservation Undesignated Fund balance the sum of **\$7,270** for historic resources purposes to be used by Naumkeag for the preservation of the Frederick MacMonnies Young Faun & Heron bronze sculpture, *or take any other action in relation thereto.*

ARTICLE 10. To see if the Town will vote, as recommended by the Community Preservation Committee and pursuant to the Community Preservation Act, to appropriate from the Community Preservation Undesignated Fund balance the sum of **\$10,000** for historic resources purposes to be used by Stockbridge Library for the replacement of the HVAC system in the archives, *or take any other action in relation thereto.*

ARTICLE 11. To see if the Town will vote, as recommended by the Community Preservation Committee and pursuant to the Community Preservation Act, to appropriate from the Community Preservation Undesignated Fund balance the sum of **\$15,000** for historic resources purposes to be used by the Berkshire Theatre Festival for the replacement of siding and trim on the Mellen Barn, *or take any other action in relation thereto.*

ARTICLE 12. To see if the Town will vote, as recommended by the Community Preservation Committee and pursuant to the Community Preservation Act, to appropriate from the Community Preservation Undesignated Fund balance for open space and recreation purposes the sum of **\$11,750** to be used by the Friends of Gould Meadows for work at Gould Meadows to preserve open space by removing invasive species, improve recreational walkways and tree work, *or take any other action in relation thereto.*

ARTICLE 13. To see if the Town will vote, as recommended by the Community Preservation Committee and pursuant to the Community Preservation Act, to appropriate from the Community Preservation Undesignated Fund balance the sum of **\$60,000** for historic resources purposes to be used by the Town of Stockbridge for restoration of the Civil War Monument provided that \$30,000 is appropriated from the Historic Preservation Reserve Fund and \$30,000 shall be appropriated from the Community Preservation anticipated annual revenues., *or take any other action in relation thereto.*

ARTICLE 14. To see if the Town will vote, as recommended by the Community Preservation Committee and pursuant to the Community Preservation Act, to appropriate from the Community Preservation Undesignated Fund balance the sum of **\$25,000** for historic resources purposes to be used by the Town of Stockbridge for the restoration of the concrete basin of the Cat and Dog Fountain, *or take any other action in relation thereto.*

ARTICLE 15. To see if the Town will vote, as recommended by the Community Preservation Committee and pursuant to the Community Preservation Act, to appropriate from the Community Preservation Undesignated Fund balance the sum of **\$5,000** for historic resources purposes to be used by the Town of Stockbridge for the restoration of the concrete trough of the Horse Watering Trough, *or take any other action in relation thereto.*

ARTICLE 16. To see if the Town will vote, as recommended by the Community Preservation Committee and pursuant to the Community Preservation Act, to appropriate from the Community Preservation Undesignated Fund balance for historic resources purposes the sum of **\$20,000** to be used by the Stockbridge-Munsee Community for the GIS mapping, deed restriction and preparation for the historic listing for the Stockbridge Munsee Community assessment of the Field Arboretum, *or take any other action in relation thereto.*

ARTICLE 17. To see if the Town will vote, as recommended by the Community Preservation Committee and pursuant to the Community Preservation Act, to appropriate from the Community Preservation Undesignated Fund balance the sum of **\$75,000** for community housing purposes to be used by Pine Woods for reconstruction of the driveway, *or take any other action in relation thereto.*

ARTICLE 18. To see if the Town will vote, as recommended by the Community Preservation Committee and pursuant to the Community Preservation Act, to appropriate from the Community Preservation Undesignated Fund balance the sum of **\$33,000** for community housing purposes to be used by Riverbrook for the installation of an ADA compliant bathroom and elevator, *or take any other action in relation thereto.*

ARTICLE 19. To see if the Town will vote, as recommended by the Community Preservation Committee and pursuant to the Community Preservation Act, to appropriate from the Community Preservation Undesignated Fund balance the sum of **\$17,000** for historic resources purposes to be used by Riverbrook for the installation of a sprinkler system, *or take any other action in relation thereto.*

ARTICLE 20. To see if the Town will vote, as recommended by the Community Preservation Committee and pursuant to the Community Preservation Act, to appropriate from the Community Preservation Undesignated Fund balance the sum of **\$100,000** for community housing purposes to be used by the Town of Stockbridge for the funding of a Stockbridge Housing Trust; provided, however, that such appropriation shall be contingent on the development and approval by Town Meeting of a Stockbridge Housing Trust, *or take any other action in relation thereto.*

ARTICLE 21. To see if the Town will vote, as recommended by the Community Preservation Committee and pursuant to the Community Preservation Act, to appropriate from the Community Preservation Fund a sum of **\$10,000** for the FY22 CPC Administrative budget, *or take any other action in relation thereto.*

ARTICLE 22. To see if the Town will vote, as recommended by the Community Preservation Committee and pursuant to the Community Preservation Act, to reserve to the Historic Resources Reserve, the Affordable Housing Reserve, and the Open Space Reserve from Community Preservation anticipated annual revenues, the minimum amounts required by M.G.L. c.44B, s.6, *or take any other action in relation thereto.*

ARTICLE 23. To see if the Town will vote to transfer and appropriate the sum of **\$40,000** from available certified free cash for the purpose of contracting services to provide part-time professional planning assistance to the Town of Stockbridge Planning Board, *or take any other action in relation thereto.*

ARTICLE 24. To see if the Town will vote to transfer and appropriate the sum of **\$35,000** from available certified free cash for the purpose water testing and consultants for the Stockbridge Bowl, *or take any other action in relation thereto.*

ARTICLE 25. To see if the Town will vote to transfer and appropriate the sum of **\$50,000** from available certified free cash for the purpose of funding the Other Post Retirement Benefit (OPEB) Trust, *or take any other action in relation thereto.*

ARTICLE 26. To see if the Town will vote to transfer and appropriate the sum of **\$35,000** from available certified free cash to be added to the amounts appropriated under Article 24 of the Annual Town Meeting of May 20, 2013, Article 22 of the Annual Town Meeting of May 19, 2014, Article 36 of the Annual Town Meeting of May 18, 2015, Article 25 of the Annual Town Meeting of May 16, 2016, Article 20 of the Annual Town Meeting of May 15, 2017, Article 21 of the Annual Town Meeting of May 21, 2018 and Article 14 of the Annual Town Meeting of May 20, 2019 for costs associated with negotiations for the Rest of River Project (along with Pittsfield, Lenox, Lee, Great Barrington and Sheffield) regarding the removal of PCBs in the Housatonic River, *or to take any other action in relation thereto.*

ARTICLE 27. To see if the Town will vote to transfer and appropriate the sum of **\$70,000** from available certified free cash for the purpose tree monitoring and treatment within Ice Glen, *or take any other action in relation thereto.*

ARTICLE 28. To see if the Town will vote to transfer and appropriate the sum of **\$8,000** from available certified free cash for the purpose of supporting the work of the Regional School District Planning Board in its study of the financial and educational advisability of options for consolidating the Southern Berkshire Regional School District and the Berkshire Hills Regional School District, *or take any other action relative thereto.*

ARTICLE 29. To see if the Town will vote to transfer and appropriate the sum of **\$95,000** from available certified free cash for the purpose of site maintenance and upgrades to the Town's tennis and basketball courts, *or to take any other action in relation thereto.*

ARTICLE 30. To see if the Town will vote to transfer and appropriate the sum of **\$15,000** from available certified free cash for the purpose of hiring lighting consultants for upgrading of town streetlights, *or take any other action in relation thereto.*

ARTICLE 31. To see if the Town will vote to transfer and appropriate the sum of **\$135,000** from available certified free cash to add to the amount appropriated for bridge and road projects under Article 1 at the January 23, 2017 Special Town Meeting, for the purpose of fully funding the Larrywaug Bridge project, *or take any other action in relation thereto.*

ARTICLE 32. To see if the Town will vote to transfer and appropriate the sum of **\$20,000** from the Cemetery Trust Fund for the purpose of hiring consultants to study and evaluate the restoration of old stones within the cemetery, *or take any other action in relation thereto.*

ARTICLE 33. To see if the Town will vote to transfer and appropriate the sum of **\$12,000** from available Sewer Available Surplus for the purpose of funding an underground camera system, *or take any other action in relation thereto.*

ARTICLE 34. To see if the Town will vote to transfer and appropriate the sum of **\$38,000** from available Water Operations Reserve Funds for the purpose of funding the Tuckerman Bridge water main engineering, *or take any other action in relation thereto.*

ARTICLE 35. To see if the Town will vote to raise and appropriate or transfer the sum of **\$3,690** from available Water Operations Reserve Funds for the purpose of funding the inspection and cleaning of the Quiet Knoll water storage tank, *or take any other action in relation thereto.*

ARTICLE 36. To see if the Town will vote to transfer and appropriate the sum of **\$97,717** from Sewer Available Surplus to provide in Fiscal Year 2021 a portion of the cost of the debt service payment (principal and interest) of the Sewer System Expansion and Update Project authorized by Article 3 of the Special Town Meeting of April 1, 2002, *or to take any other action in relation thereto.*

ARTICLE 37. To see if the Town will vote to transfer and appropriate the sum of **\$96,918** from Sewer Available Surplus to provide for a portion of the cost of the debt service payment (principal and interest) of the Sewer System Expansion and Update Project authorized by Article 3 of the Special Town Meeting of April 1, 2002, *or to take any other action in relation thereto.*

ARTICLE 38. To appropriate a sum of **\$600,000** to pay costs of restoring the Chime Tower, and all incidental and related costs, to be spent under the direction of the Board of Selectmen, the money so appropriated to be raised by borrowing under the authority of G.L. c.44, §7(1), or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes for this purpose; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; *or take any other action relative thereto.*

ARTICLE 39. To appropriate a sum of **\$145,000** to pay costs of purchasing a Highway Department truck with plow and sander, and all incidental and related costs, to be spent under the direction of the Board of Selectmen, the money so appropriated to be raised by borrowing under the authority of G.L. c.44, §7(1), or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes for this purpose; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; *or take any other action relative thereto.*

ARTICLE 40. To appropriate a sum of **\$720,000** to pay costs of replacing the Park Street Pump Station, and all incidental and related costs, to be spent under the direction of the Stockbridge Water & Sewer Commission, the money so appropriated to be raised by borrowing, with principle and interest payments, in the first instance, from the Sewer Operations Reserve Fund, under the authority of G.L. c.44, §8(5), or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes for this purpose; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; *or take any other action relative thereto.*

ARTICLE 41. To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court for special legislation creating a Beachwood-Lenstock Maintenance District, *or take any other action in relation thereto.*

ARTICLE 42. To see if the Town will vote to authorize the Select Board to petition the Massachusetts General Court for special legislation, as set forth below, to authorize the Town to return original historic documents in its possession to the Mohican Nation; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court, and provided further that the Select Board is hereby authorized to approve amendments that are within the scope of the objectives of this petition:

AN ACT AUTHORIZING THE TOWN OF STOCKBRIDGE TO RETURN ORIGINAL HISTORIC DOCUMENTS TO THE MOHICAN NATION.

Be it enacted as follows:

SECTION 1. Notwithstanding section 8 of chapter 66 of the General Laws, or any other general or special law to the contrary, the town of Stockbridge is hereby authorized to return all original documents, created by any of the people of the Mohican Nation prior to 1870 and currently or in the future found to be in the possession of the Town, to the Mohican Nation, upon an authorizing vote by the board of selectmen. The Town shall be authorized to retain copies of such documents for municipal record retention purposes in lieu of any otherwise applicable requirement to retain the original documents.

SECTION 2. This act shall take effect upon its passage.

or take any other action in relation thereto.

ARTICLE 43. To see if the Town will vote to withdraw as a member of the Berkshire County Mosquito Control Project pursuant to Section 4 of Ch. 119 of the Acts of 1982, or other pertinent authority; *or take any action relative thereto.*

ARTICLE 44. To see if the Town will vote to amend its local room occupancy excise under Chapter 64G, Section 3A of the Massachusetts General Laws to the rate of six percent; *or take any action relative thereto.*

ARTICLE 45. To see if the Town will vote to accept the provisions of Chapter 44, Section 55C of the Massachusetts General Laws to establish a trust to be known as the Stockbridge Affordable Housing Trust Fund; *or take any action relative thereto.*

ARTICLE 46. To see if the Town will vote to amend the General Bylaws by:

- (1) striking Article VI, Section 4 (dog restraint); and
- (2) amending Article XXIII to read as follows;
or take any action relative thereto.

Article XXIII
Regulation of Dogs and Kennels

Section 1. Purpose

Pursuant to the authority set forth in Section 136A-174E of Chapter 140 of the General Laws, inclusive, and any other relevant statutes and regulations issued pursuant thereto, the following requirements are adopted for the regulation of dogs in the Town of Stockbridge.

Section 2. Definitions

The definitions of words and terms set forth in Section 136A of Chapter 140 of the General Laws are incorporated into this bylaw and shall be applicable to the interpretation thereof. In addition, unless context clearly indicates otherwise, the following words and terms used in this bylaw shall have the following meanings:

DOG UNDER CONTROL: A dog that is (1) physically controlled by a person by means of a leash, cord or chain held by the person, or (2) a dog that is contained within a physical or electric fence; or (3) a dog that is at all times within sight of their person, is actively monitored by that person, and that at all times immediately responds to a recall command by their person.

RUNNING AT LARGE: A dog is running at large if it is not on the private property of its owner or keeper, or on private property with the express permission of that property's owner or is otherwise not a Dog Under Control.

Section 3. Dog Licenses and Tags

A person who, as of April 1 of any calendar year, is, or at any other time of the year becomes the owner or keeper within the Town of a dog of at least six (6) months of age shall obtain a license and tag therefor from the Town Clerk and shall attach the tag to a collar or harness of said dog. If any such tag is lost, the owner or keeper of such dog shall secure a substitute tag from the Town Clerk.

When applying for a dog license the applicant must show proof, by a licensed veterinarian's certificate, that the dog has been vaccinated against rabies, as required by Sections 137(b) and 145B of Chapter 140 of the General Laws.

Section 4. Kennel Licenses

No person shall maintain a kennel in the Town of Stockbridge without first obtaining a license therefor from the Town Clerk. Such license shall be renewable annually no later than March 31.

Section 5. License fees and exceptions; Late fees.

- (a) The license fee for a dog that has not been spayed or neutered is Fifteen Dollars (\$15.00).
- (b) The license fee for a dog that has been spayed or neutered is Six Dollars (\$6.00). A registered veterinarian's certificate, or reasonable copy of same, as proof of spaying or neutering is required.
- (c) The license fee for a kennel is _____ Dollars (\$_____).
- (d) No license fee shall be refunded in whole or in part for any reason.

(e) Annual licenses are to be renewed by April 1. A late fee of Ten Dollars (\$10.00) per dog will be charged by May 1 for late renewals of a license (one month late). A late fee of Twenty-Five Dollars (\$25.00) per dog will be charged as of June 1 for late renewals of a license (two months late).

Section 6. Control of dogs

An owner or keeper of a dog within the territorial limits of the Town of Stockbridge shall not allow such a dog to be Running at Large. Dog owners or keepers are required to ensure their dog is a Dog Under Control when said dog is not on the owner or keeper's property or on private property with the express permission of that property's owner. Hunting dogs when being used for hunting or training shall be exempt. Violators of this provision shall be subject to a fine of Ten Dollars (\$10.00).

Section 7. Issuance of Temporary Orders

(a) The animal control officer may issue a Temporary Restraint Order to the owner or keeper of any dog that is alleged to be a nuisance dog or a dangerous dog and is awaiting a decision under Section 11. A Temporary Restraint Order shall be in force for no more than thirty (30) days unless the animal control officer renews it in writing for subsequent thirty (30) day periods. The animal control officer may rescind or stop renewing the order when, in the animal control officer's judgment, restraint is no longer required. The animal control officer's order shall expire upon receipt of a decision from the Select Board on the nuisance dog or dangerous dog hearing.

(b) The Animal Control Officer may make arrangements for the temporary housing of any dog that requires such temporary housing and may issue an Order of Temporary Confinement authorizing such temporary housing. The housing may be at local veterinary clinics, or at dog kennels within the Town or neighboring towns and shall be at the dog owner's or keeper's expense.

Section 8. Impounding of dogs; Release

(a) The animal control officer may cause a dog to be impounded for any one the following reasons, pursuant to MGL Chapter 140, Section 151A:

- (1) If found without a license in violation of Section 3.
- (2) If found Running at Large in violation of Section 6.
- (3) For violation of an order issued pursuant to MGL Chapter 140, Section 157.

(b) Not later than two (2) days after the impounding of any dog by the animal control officer, the owner or keeper of the dog shall be notified, or if the owner or keeper of the dog is unknown, or, after reasonable efforts, is not contacted, written notice shall then be posted for ten (10) consecutive days in the location for the posting of notices in the Town Hall, which notice shall describe the dog and the place and time of taking. Dogs impounded and unclaimed by the owner or keeper after such ten-day period shall be disposed of in accordance with the provisions of MGL Chapter 140, Section 151A. Prior to the end of said ten-day period the owner or keeper may obtain the release of any dog impounded hereunder as follows:

- (1) In the case of a violation of Section 3, upon obtaining a license as required by law.
- (2) In addition to compliance with subparagraph (b)(1) of this Section, all impound fees, fines, and notification costs, if any, must be paid before the dog is released.
- (3) A person who owns or keeps a dog and has received such notice that the dog has been impounded by the animal control officer and does not within ten (10) days claim said dog at the pound, shall be punished by a fine of Seventy-Five Dollars (\$75.00).

(c) The impound fee shall be Ten Dollars (\$10.00) per day for each day or fraction thereof a dog is impounded.

Section 9. Animal Control Officer

The Board of Selectmen shall annually appoint one or more animal control officers in accordance with MGL Chapter 140, Section 151.

Section 10. Removal of Dog Litter.

(a) If any dog shall defecate upon any Property or Area, as hereinafter defined, then the owner, keeper, or person then walking or otherwise in charge of said dog shall immediately remove or cause to be removed from said property or area all feces so deposited by said dog. Unless said feces are removed, the owner, keeper, or the person then walking or otherwise in charge of said dog (or if said owner, keeper or person shall be a minor, then the parent or guardian) shall each be deemed to have committed a punishable offense.

(b) As used in this Section the following terms shall have the meanings indicated: PROPERTY or AREA – Any public property or the common areas of any privately-owned property or any private property owned or occupied by any person or persons who are not members of the family of the owner, keeper, or person then walking or otherwise in charge of the dog.

(c) The provisions of this Section shall not apply to a guide dog, hearing dog, or service dog accompanying any person with a disability.

(d) The commission of an offense under this Section shall be punishable by a fine of Fifty Dollars (\$50.00) for the first offense and One Hundred Dollars (\$100.00) for each subsequent offense.

Section 11. Nuisance or Dangerous Dog Hearings

Any person may file a complaint in writing to the Select Board that a dog owned or kept in the Town is a nuisance dog or a dangerous dog. All such complaints shall be investigated and addressed in accordance with MGL Chapter 140, Section 157.

Section 12. Enforcement

Whoever violates any provisions of this bylaw may be penalized by the non-criminal disposition procedure set forth in Article XIII of the General Bylaws.

ARTICLE 47. To see if the Town will vote to amend the General Bylaws to create a Stockbridge Bowl Stewardship Commission to protect and preserve Stockbridge Bowl (Lake Mahkeenac), its watershed and ecosystem for future generations; *or take any action relative thereto.*

ARTICLE XXVII

Stockbridge Bowl Stewardship Commission

Section 1. Membership.

1.1 The Town shall have a Stockbridge Bowl Stewardship Commission consisting of seven voting stakeholder representatives as identified below and two non-voting stakeholder representatives appointed by the Board of Selectmen on an annual basis. The stakeholder groups may be modified at the discretion of the Board of Selectmen but may not exceed seven voting members.

1.2 Said appointees are to represent the following stakeholder categories:

1.3 Voting Members (one to be appointed from each stakeholder group listed)

a. Stockbridge Select Board

- b. Board of Health
- c. Water Department
- d. Conservation Commission
- e. Stockbridge Bowl Association
- f. Water and Sewer Commission
- g. Stockbridge Sportsmen's Club

1.3 Non-Voting members:

- a. Stockbridge Harbormaster
- b. Director, Tri-Town Health Department

Section 2. Term.

2.1 The term of office shall be one year commencing on July 1st.

Section 3. General Duties and Responsibilities.

3.1 The Stockbridge Bowl Stewardship Commission shall act as an advisory group to the Stockbridge Board of Selectmen to preserve and protect the Stockbridge Bowl (Lake Mahkeenac), its watershed and ecosystem by utilizing unified, scientific information collected by the SBSC. Responsibilities include (and may be added to at the discretion of the Board of Selectmen):

- 1) Annual evaluation and maintenance of a comprehensive Lake Management Plan in response to changing environmental conditions.
- 2) Maintaining, sharing, and assimilating all ecosystem data collected from Stockbridge Bowl and its watershed including but not limited to water sampling data and analysis, invasive species data, aquatic plant sampling data, wildlife data including fish, birds, mollusks, crustaceans and insects.
- 3) Routinely communicating with expert limnologists, biologists, lake managers and other experts contracted with the Town to determine recommended projects and actions in response to environmental conditions and stakeholder concerns to preserve the health of the lake, watershed and ecosystem.
- 4) Provide public information and educational resources to the residents of Stockbridge regarding the current status of the Stockbridge Bowl and its watershed to promote community responsibility and involvement.
- 5) Maintain communications with the Town Administrator, all pertinent Boards and Committees such as the Board of Selectmen, Parks and Recreation Commission, Water and Sewer Commission, Conservation Commission, camps, non-profit organizations, boat clubs and community groups as appropriate, etc.

3.2 The voting body of the SBSC shall elect a Chairperson on an annual basis and determine their meeting schedule which shall be no less than twice a month from March through October and no less than once a month from November through February.

3.3 Unexcused absenteeism of voting members in excess of four meetings per year shall result in replacement of a voting member by the Select Board.

3.4 Budget. The Commission shall prepare an annual budget. The budget is subject to approval by the Selectmen. The Selectmen are responsible for presenting the budget to the Finance Committee and for presenting the motion for the budget appropriation to Town Meeting.

ARTICLE 48. To see if the Town will vote to amend the General Bylaws to address the regulation of Building Numbering as defined in MGL, Chapter 148, Section 59 to ensure first responders correctly identify a building's location in the event of an emergency; *or take any action relative thereto.*

Article XXVIII

Building Numbering

Section 1. Purpose

1.1 The purpose of this Bylaw is to enforce M.G.L. Chapter 148, Sec. 59, which requires numbers on all buildings for the purpose of the address of such buildings to be entered into an electronic database for use in the Enhanced 911 Service as defined in M.G.L. Chapter 6A, Sec. 18A, and to allow first responders to correctly identify a building's location in the event of an emergency.

Section 2. Requirements

2.1 Numbers shall be a minimum of three inches in height, contrasting in color.
Example: Dark letters with light fielding.

2.2 Numbers shall be affixed on the front of buildings so as to be seen from the street. If a building is more than fifty (50) feet from the street, numbers shall be placed at the entrance of the driveway servicing the building. If a driveway services more than one building, numbers shall be placed at each turnoff and at forks in the road indicating which direction to take.

2.3 Numbers shall be mounted on steel or wood posts measuring 4" x 4", and shall be a minimum of forty four (44) inches from the ground. If mounted on mailboxes, numbers shall be on both sides of the mailbox and unobstructed by the mailbox flag. The mailbox shall meet the U.S. Postal height regulation of forty four (44) inches from the ground. If grouped or communal mailboxes are used, a sign shall be used listing all building numbers. Multiple addresses at one location (apartments, condominiums, residential compounds, and businesses), the sub-address designation shall appear after the street name. Example: Building 1, Unit 2.

Section 3. Effective Date

3.1 All existing buildings shall comply with the requirements of this bylaw no later than January 1, 2022.

Section 4. Enforcement

4.1 The Building Inspector shall enforce the posting of identification numbers on dwellings, apartment buildings, condominiums and business establishments.

4.2 The Building Inspector, upon a written complaint from any resident of the Town, prior to the issuance of a Certificate of Occupancy for any new or renovated building subject to this Bylaw, or upon his own initiative, shall enforce the requirements of this Bylaw. Any existing numbering system for any building in existence prior to the enactment of this Bylaw shall be deemed to comply with the requirement herein; unless, in the opinion of the Building Inspector, the degree of noncompliance with specific requirements of this Bylaw constitutes a danger to public safety, whereupon, the Building Inspector shall issue written notification to the property owner requiring compliance with the requirements of this Bylaw.

4.3 This Bylaw shall be enforced through written notice issued by the Building Inspector. Notice shall be effective if posted in a conspicuous location on the building deemed to be in violation of this Bylaw. Upon the expiration of fourteen (14) days after the issuance of written notice, the Building Inspector shall issue a fine of twenty five (25) dollars per day to the property owner until the building is brought into compliance with this Bylaw.

Section 5. Appeals

5.1 Any person aggrieved by the enforcement of this Bylaw, or by the refusal of the Building Inspector to enforce any provision of this Bylaw, may file an appeal with the Zoning Board of Appeals within thirty (30) calendar days of the date of such enforcement action or refusal. All appeals shall be handled in a manner consistent with the standard rules of the Zoning Board of Appeals.

ARTICLE 49. To see if the Town will vote to amend the General Bylaws to address Wildlife Feeding to protect the health and welfare of both people and wildlife by prohibiting the feeding or attracting of wildlife; *or take any action relative thereto.*

ARTICLE XXIX WILDLIFE FEEDING

Section 1. Purpose

The purpose of this Article is to protect the health and welfare of both people and wildlife by prohibiting the feeding or attracting of wildlife. Although black bears are the primary species of concern, the Article applies in circumstances involving other nuisance wildlife species.

Section 2. Definitions

For the purposes of this Article, the following definitions shall apply:

ATTRACTANT – Any substance including food (human and pet), bird seed, livestock feed, minerals, compost, other nutritive substances, scents, waste products or refuse, that attracts bears (wildlife) intentionally or unintentionally.

BEAR-PROOF CONTAINER/DUMPSTER – A fully enclosed container that prevents bears and other wildlife from accessing the contents inside. This includes but is not limited to heavy duty secured containers, metal topped latching dumpsters, enclosed storage areas such as sheds or other buildings. Containers must include a latching mechanism and reinforced covers/lids.

GARBAGE/TRASH/WASTE – Any waste/refuse that can reasonably attract bears (wildlife) including but not limited to food, food packaging, organic waste, scented waste such as grease, seasonings and other cooking waste.

INVESTIGATING AUTHORITY – Those town or state personnel charged with determining if a bear attractant issue is occurring on a property. Investigating authorities include town and state law enforcement officers, Massachusetts Environmental Police, town animal control officer, town and state Board or Department of Health Officials, and personnel of the state Division of Fisheries and Wildlife.

PERSON – Any person, resident, occupier, company, firm, corporation, or other business organization.

STATE – The Commonwealth of Massachusetts.

TOWN – The Town of Stockbridge, Massachusetts.

WILDLIFE – Any undomesticated animals including, but not limited to rodents, birds, deer, raccoons, skunks, coyotes, foxes and bears.

Section 3. Feeding of Wildlife Prohibited

1. No person shall intentionally or knowingly feed, use, place, provide, give, expose, deposit, scatter, distribute, leave or store any attractant that provides a lure, attraction, or enticement to wildlife on any property in the town of Stockbridge. Feed that is deposited by natural vegetation or found solely as a result of normal agricultural or gardening practices, as well as standing crops planted and left standing as wildlife food plots that may be used by wild animals, is not considered feeding for the purpose of these regulations and is allowed.
2. Determination of whether attractants are serving as a lure, attraction, or enticement to wildlife can be made by any Investigating Authority. The landowner or person responsible for premises where problems with wildlife feeding have occurred will be notified in writing of the attractant issue and offered suggestions for remediation by the Investigating Authority in cooperation with the Town of Stockbridge. Where a tenant or party other than the property owner is clearly responsible for the attractant, notification will be directed to the responsible party.
3. Failure of the person to respond to a notice of an attractant issue and remove or contain the attractant in such a manner as to make it inaccessible to wildlife within 7 days may be construed as evidence that the wildlife feeding was done with the knowledge or consent of the landowner or responsible person and was intentional.

Section 4. Refuse Containers or Enclosures

1. In responding to an attractant issue, the Investigating Authority shall make a determination whether or not refuse containers or enclosures on the premises are the source of the wildlife feeding problem.
2. If refuse containers or enclosures are determined to be the sources of the wildlife feeding problem, the landowner or person responsible for the premises will be required to replace them with a Bear Proof Container or secure them in a bear resistant structure. Failure to comply with an order to replace or secure refuse containers within 7 days will constitute a violation of this section.
3. Damage and repair of containers and enclosures: If a Bear Proof Container is damaged or defeated so that it may allow access by wildlife, repair or replacement must be made within 7 days after the damage is discovered.
4. Acceptable outdoor composter design: Any outdoor composter containing any material edible by wildlife must not be accessible by wildlife. No trash or material may be exposed and doors must be kept closed and latched with a wildlife-proof mechanism except when loading or removing refuse. If damaged, allowing access by wildlife, repairs must be made to the outdoor composter within 7 days after the damage is discovered or receipt of written notification by an Investigating Authority.

Section 5. Exceptions

The following entities or actions are exempt from the requirements of this Article:

1. Any individual, company, or corporation that is duly licensed by the Commonwealth of Massachusetts or entitled under law to possess wildlife of any kind, however, if the normal possession of said wildlife is determined to be causing an attractant issue or public safety threat by virtue of lack of containment, the attractant must be removed or contained within 48 hours.
 - a. An attractant issue and appropriate remediation is to be determined by the Select Board after notification by the Investigating Authority.
2. Any action that is officially sanctioned by the Commonwealth of Massachusetts that would require feeding, baiting, or luring wildlife for management purposes, scientific projects, research or study.
3. Any individual, company, or corporation that is engaged in farming. Farming is defined herein as lawful agricultural pursuits, including but not limited to growing

crops, crop bearing plants, or raising livestock where revenue from said activities represents a majority of income to the individual, company or corporation.

4. This Article shall not be interpreted so as to prohibit bird feeders or bird feeding, provided that if a bird feeder or bird feed is determined to be the feeding source and causing an attractant issue or public safety threat, the bird feeder and seed debris are removed within 48 hours.

Section 6. Penalties

1. First Violation – The first violation will be considered the identification of an attractant issue by an Investigating Authority and subsequent written warning along with education and suggested solutions to the attractant issue. The written warning shall include a time schedule for compliance which shall be no longer than 7 days from the date of issuance.
2. Second Violation – The second violation will result in a written Notice of Violation and a penalty of \$50.00. The Notice of Violation shall contain a time schedule for compliance which shall be no longer than 7 days from the date of issuance.
3. Subsequent Violations – Each Subsequent violation will result in a written Notice of Violation and a penalty of \$100.00. The Notice of Violation shall contain a time schedule for compliance which shall be no longer than 7 days from the date of issuance.
4. Each day of violation after the expiration of the time schedule for compliance constitutes a separate offense for purposes of assessing a penalty.

Section 7. Enforcement

1. Enforcement authority for the purpose of issuing the monetary penalty in Section 6 shall be the Stockbridge Police Department.

ARTICLE 50. To see if the Town will vote to amend the General Bylaws to add a Right to Farm Bylaw to encourage the pursuit of agriculture, promotes agriculture based economic opportunities, and protects farmlands within the Town of Stockbridge; *or take any action relative thereto.*

ARTICLE XXX

RIGHT TO FARM BY-LAW

Section 1. Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A, and Chapter 128 Section 1A. We the citizens of the Town of Stockbridge restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture based economic opportunities, and protects farmlands within the Town of Stockbridge by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

Section 2. Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

“Farming” shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

Section 3. Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Stockbridge. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4. Disclosure Notification

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exist, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the Town of Stockbridge the landowner shall present the buyer or occupant with a disclosure notification which states the following:

“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or

occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances.”

A copy of the disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Board of Selectmen or its designee prior to the sale, purchase, exchange or occupancy of such real property. In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

A violation of Section 4 shall be subject to a penalty of \$300 and shall be enforced by the Board of Selectmen or its designee. The Town is authorized to enforce Section 4 under the non-criminal disposition provision of G.L. c. 40, § 21D.

Section 5. Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural and Forestry Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural and Forestry Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6. Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Stockbridge hereby declares the provisions of this By-law to be severable.

ARTICLE 51. To see if the Town will vote to amend the General Bylaws to address the regulation of Short-Term Rentals as defined in MGL, Part I, Title IX, Chapter 64G, Section 1 to ensure observance of health and safety standards and compliance with applicable MGL as follows; *or take any action relative thereto.*

ARTICLE XXXI

Short Term Rental of Residential Property

1. Purpose

Short-term rentals (STRs) are allowed for residential properties in conformance with regulations that aim to balance private, neighborhood, and municipal interests by ensuring compliance with applicable Massachusetts General Law regarding Short Term Rentals and ensure observance of residential health and safety regulations.

2. Definition

"Short-term rental", an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment,

where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such. Short-term rentals are rentals of 31 consecutive days or less duration.

3. Registration and Regulations

3.1. Registration – All short-term rentals must register annually with the Stockbridge Town Clerk. A registration fee may be required as determined by the Board of Selectmen. The following information must be provided:

- a. Owner Name;
 - i. If owned by a Trust, Trustee and Beneficiary name and contact information in addition to a copy of the Trust;
 - ii. If owned by an LLC, the members of the LLC, contact information and a copy of the Articles of Organization and Bylaws.
- b. Primary Manager name - the name and contact information of the local responsible party (required) who would respond in the event of any problem, complaint or emergency reported by a guest, Stockbridge residents or Town government.
- c. Booking Agent, if any (such as a Realtor).
- d. Copy of Certificate of Registration with the Massachusetts Department of Revenue (DOR)
- e. Applicants shall attest under the penalties of perjury that a dwelling unit or bedroom offered for short-term rentals shall comply with all state and local requirements for health and safety and the Standards of Fitness for Human Habitation as stated in Massachusetts State Sanitary Code-Chapter II-105 CMR 410.000 by including at a minimum the following:
 - i. Compliance with residential smoke and CO detector law pursuant to M.G.L. c 148 s. 26F
 - ii. A fire extinguisher shall be mounted in (or near) kitchens used for the STR in a clearly visible location or if the unit offers no kitchen a fire extinguisher will be mounted in a location easily accessible to occupants.
- f. Indication of service by a septic system or municipal sewer;
 - a. if served by a septic system:
 - i. number of bedrooms rated under permit
 - ii. A private wastewater system pumping record within the past three years must be on record in the Stockbridge Board of Health.
 - iii. A valid maintenance agreement on file if served by an Innovative/Alternative system.
 - b. if served by municipal sewer:
 - i. number of bedrooms and bathrooms as indicated by the Assessor's tax card.
- j. Indication of service by a well or municipal water supply;
 - a. if served by a well:
 - i. specify if a flow meter is in place.
 - ii. Well water used for drinking or cooking (potable) purposes must be tested prior to initial registration and every

subsequent 5 years for attachment to the registration form to ensure that it is safe to use for personal consumption.

- k. Number of off-street parking spaces provided.

4. Regulations:

4.1 The following residential property is prohibited from being offered as a short-term rental:

- a. Residential property owned by a corporation (other than an LLC);
- b. residential premises designated as affordable or otherwise income-restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law, may not engage in short term rentals;
- c. units that meet the definition of “Professionally Managed Units” under M.G.L. Chapter 64G, Section 1.

4.2 A short-term rental is not allowed on any property with outstanding violations of the Building Code, Fire Code, Board of Health, Town General Bylaws, Zoning Bylaws, Planning Board regulations, or Conservation Commission regulations.

4.3 A short-term rental is required to have a local manager or responsible party who will respond with two (2) hours to any problem or complaint and within 30 minutes in an emergency; failure to do so may result in imposed fines.

4.4 Off-street parking on the property adequate to house all guest occupant vehicles for overnight parking is required.

4.5 Events that include tents or amplified music or which would customarily require a license or permit are not allowed.

4.6 Occupancy is limited to total legal occupancy per dwelling; if total occupancy is exceeded, fines may be applied on a daily basis until brought into compliance.

4.7 No advertising in any media shall exceed legal occupancy total; non-compliance shall result in fines levied on a daily basis until brought into compliance.

4.8 No commercial trash receptacle such as a dumpster may be maintained on the property to be used for regular trash pickup; trash removal must be limited to regular, weekly (or more frequent as needed) residential trash removal services or regular weekly trips to the Town transfer station. Trash removal shall be the responsibility of the owner/operator.

4.9 STRs may be subject to inspection by Stockbridge Board of Health, Fire Department, and/or the Stockbridge Building Inspector.

4.9.1 Inspections may be scheduled in response to complaints by renters or by owners or tenants of neighboring properties. A complaint process shall be made available on the Town of Stockbridge website.

4.9.2 Failure to provide updated contact information will be a failure to comply with this bylaw and may result in the refusal to allow registration renewal if there is a failure to respond after a reasonable attempt is made to contact the Operator/Owner, Booking Agent or Trustee.

4.9.3 Failure to provide access to properties for inspection or failure to comply with orders to correct deficiencies may result in fines or in the refusal to allow registration renewal. Appeals of these penalties may be made within ten business days to the Stockbridge Board of Selectmen.

4.10 In the event that there are three or more violations within a twelve-month period, the right to renew registration may be denied by vote of the Board of Selectmen.

5. Additional Requirements

5.1 The maximum occupancy shall be set at one (1) more than twice the number of bedrooms (e.g., five (5) for a two (2) bedroom unit). In addition to the dwelling's bedroom count as noted in the assessors' records, a space that meets the Title 5 definition of a bedroom may be used for occupants in the STR; provided, however, that in the case of STR properties serviced by a septic system, the maximum occupancy shall not exceed the capacity of the system. All septic systems must be Title 5 compliant and must be inspected and serviced as required by M.G.L. 310 CMR 15.000, with pumping at least once every three years. Evidence of Title 5 pumping within the past three years must be on file in the Stockbridge Board of Health and filed with the application for a permit.

5.2 A dwelling unit or bedroom offered for STR use shall comply with all standards and regulations promulgated by the Stockbridge Board of Health.

5.3 Commercial meetings and uses are prohibited in short-term rentals.

5.4 The Operator or booking agent of an STR shall keep either paper or electronic records that include the number of occupants present during each rental period. The records must be produced upon demand by the Stockbridge Board of Health, the Board of Selectmen, or either Board's designee and such records must be maintained for two (2) years after the date of the rental.

6. Marketing Information

Each Town registration of a Short-Term Rental shall include a registration number. Any listing offering the STR for rent shall include the Town-issued registration number and the maximum occupancy allowed.

7. Adoption of Regulations

The Board of Selectmen and the Board of Health may adopt and amend regulations in furtherance of the implementation of this bylaw.

8. Penalties

If any Occupant, Operator or Owner violates any provision of this bylaw, the Owner or Operator may be subject to a civil penalty in accordance with the following:

- \$100 1st Offense
- \$200 2nd Offense
- \$300 3rd Offense – and each subsequent offense

Each day that a violation exists constitutes a separate offense.

ARTICLE 52. To see if the Town will vote to amend the Zoning Bylaws Table of Use Regulation 4.11. (A) Principle Uses by amending section 4.11.1 and 4.11.2 to read as follows; *or take any action relative thereto.*

A. PRINCIPAL USES DISTRICTS						
Residential Uses	R-4	R-2	R-1	R-C	B	M
1. One-Family Dwelling	YES	YES	YES	YES	No*	YES
2. Two-Family Dwelling (new or conversion to two family) provided that the minimum lot area requirement shall be R-4 - 5 acres; R-2 - 3 acres; R-1 - 2 acres; R-C - 0.75 acres; R-C with a town sewer connection - 20,000 square feet. The lot area requirement shall be reduced to 1.5 acres in R-1 and to 0.75 acres in R-C if one "affordable" unit is created (see definition in Sec. 2.2).	SPP	SPP	SPP	SPP	No*	SPP

*One family dwelling and two-family dwelling units are permitted as of right to be located on a premise in the business district when all residential living areas are located above the ground floor of the structure.

ARTICLE 53. To see if the Town will vote to amend the Zoning Bylaws Section 6.16 Driveway and Common Driveway by amending section 6.16.1 to read as follows; *or take any action relative thereto.*

6.16.1: Requirements Applicable to All NEW Driveways

The building inspector shall not issue a building permit for the principal structure on the lot served by a new driveway unless all of the conditions in Section 6.16.1 have been met. The building permit will be issued or denied within thirty (30) days of application. The minimum area and configuration of a new driveway shall be such to provide a minimum of two (2) off-street parking spaces as defined by Section 6.2.4 for each lot served by the driveway.

- a. Driveways shall connect the lot or lots they serve from the way on which such lot or lots have their frontage.
- b. The maximum length of any driveway shall not exceed 500 feet, measured from the edge of the surface of the Street or Road; provided, however, that a driveway exceeding 500 feet may be approved by special permit, if a greater length is necessitated by topography or special conditions which may include conservation, scenic landscape, or agricultural considerations.
- c. Driveways shall be constructed so that water from the driveway will not drain onto the crown of the Street or Road. The edge of a driveway entering onto the surface of a Street or Road shall not impede the existing flow of surface water runoff.
- d. Driveways shall be pitched downward from the Street or Road; provided, however, that, where topography prevents the driveway from being pitched downward in its entirety, the driveway shall be constructed on a downgrade from the Street or Road surface to the sideline of the Town right of way with a pitch of at least one-quarter (1/4) inch per foot and, beyond the sideline of the Town right of way, the driveway may be pitched in a manner approved by the Highway Superintendent.
- e. Driveways shall be not less than eight (8) feet and not more than sixteen (16) feet in width within the Town right of way. Any curb at the entrance of a driveway shall be rounded off with a radius of three (3) feet.
- f. Driveways shall be located to the best advantage with regard to profile, alignment with the Street or Road, and sight distance conditions. No driveway shall intersect the Street or Road surface at less than a sixty (60) degree angle.
- g. Culverts under driveways shall be approved by the Highway Superintendent and shall be not less than fifteen (15) inches in diameter.
- h. Driveways entering onto state highways shall conform to all applicable standards, specifications and regulations of the Highway Division of the Massachusetts Department of Transportation.
- i. During construction of a driveway, any adjacent disturbed areas shall be stabilized and planted with ground cover as needed. Upon completion of construction, such areas shall be returned to their preconstruction condition.

ARTICLE 54. To see if the Town will vote to amend the Zoning Bylaws Section 6.2 Off-Street Parking Requirements by amending section 6.2.1 to 6.2.6 to read as follows; or take any action relative thereto.

6.2 Off-Street Parking Requirements

6.2.1 General Regulations

Off-street parking spaces shall be provided for every new structure, the enlargement of an existing structure, the development of a new use, or any change in an existing use in accordance with the following schedule:

- a. Business District -- no off-street parking spaces shall be required for establishments within the Business Zoning District.**
- b. All establishments outside of the Business Zoning District must comply with the following requirements:**
 - i. Hotel -- two (2) parking spaces, plus one (1) parking space for each sleeping room.
 - ii. Accessory Home Occupation, Office, or Roadside Stand -- one (1) parking space for each non-resident employee plus adequate off-street parking for clients or customers.
 - iii. Manufacturing or Wholesale Establishments -- one (1) parking space for each four (4) employees plus adequate space for customers, service, and supply vehicles.
 - iv. Multi-Family Dwelling -- one and a half (1 1/2) parking spaces for each dwelling unit and adequate space for service and supply vehicles.
 - v. Eating Establishments -- one (1) parking space for each three (3) seats.**
 - vi. Religious Uses -- one (1) parking space for every three (3) seats or fifty (50) square feet of seating area where fixed seating is not provided.
 - vii. Educational Uses -- one (1) parking space for every twelve (12) classroom seats or one (1) parking space for every three (3) auditorium seats, whichever is greater.
 - viii. Library/Museum -- one (1) parking space for each three hundred (300) square feet of gross floor area plus one (1) parking space per employee.
 - ix. Non-Residential Health Care Facilities -- five (5) parking spaces for each professional on duty plus one (1) parking space per employee.
 - x. Residential Health Care Facilities -- one (1) parking space for every two (2) beds.
 - xi. Funeral Home -- one (1) parking space for each one hundred (100) square feet of gross floor area plus one (1) parking space per employee.
 - xii. Bed & Breakfasts -- two (2) parking spaces plus one (1) parking space for each guest room.

For uses not specifically listed, the special permit granting authority, or, if no special permit is required, the Building Inspector, shall determine the number of spaces required based upon the most similar use(s) that is(are) listed and the most recent edition of the ITE Parking Generation Manual. In all cases, sufficient parking shall be provided to accommodate all visitors, patrons and customers on an average peak day.

6.2.2 Special Permit Applications

The minimum number of required off-street parking spaces as set forth in Section 6.2.1. may be reduced by special permit from the Planning Board upon determination that special circumstances render a lesser provision adequate for the parking needs in any particular case.

6.2.3 Shared Parking

In cases when two (2) or more uses are in close proximity to a parking area capable of accommodating parking demand in terms of numbers and use patterns, shared parking may be approved by the special permit granting authority, or, if no special permit is required, the Building Inspector, conditioned on permission of the parking lot owners, evidence of sufficient parking, legal documentation establishing an operations and maintenance agreement, and such other documentation that the special permit granting authority or, if no special permit is required, the Building Inspector, determines is needed to demonstrate that the shared parking can be accomplished safely and without adverse impact to the public convenience.

6.2.4 Dimensional Requirements

An area of 162 square feet (9' x 18') shall be considered as one (1) off-street parking space.

6.2.5 Access and Maintenance

All required parking spaces shall be provided with unobstructed access to and from a street and shall be properly maintained in such manner as to permit them to be used at all times.

6.2.6 Location

Any parking area of more than five (5) parking spaces shall be located to the rear of the building setback line and at least fifty (50) feet from any side or rear property line, unless specifically otherwise authorized by special permit from the Planning Board. Such parking area shall be suitably screened on any property line which abuts upon a residential district or a site in residential use.

ARTICLE 55. To transact any other business that may legally come before this meeting.

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

Given under our hands at Stockbridge, on [date]

Board of Selectmen

Roxanne McCaffrey, Chairman

Ernest J. Cardillo

Patrick White

Indicate Method of Service

Date

Constable

POSTED AT:
Stockbridge Post Office
Interlaken Firehouse
Stockbridge Firehouse
Stockbridge Town Offices

<u>Public Safety</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>Difference</u>
Police Department Salaries	\$ 764,981	\$ 765,730	\$ 749
Police Department Expenses	\$ 142,480	\$ 147,047	\$ 4,567
Fire Department Salaries	\$ 84,938	\$ 97,978	\$ 13,040
Fire Department Expenses	\$ 105,905	\$ 112,550	\$ 6,645
Emergency Medical Response	\$ 12,870	\$ 11,400	\$ (1,470)
Ambulance Service	\$ 278,000	\$ 268,871	\$ (9,129)
Animal Control Officer Salary	\$ 5,691	\$ 5,765	\$ 74
Animal Control Expenses	\$ 1,300	\$ 1,300	\$ -
Building Inspector Salaries	\$ 79,086	\$ 80,114	\$ 1,028
Building Inspector Expenses	\$ 5,075	\$ 5,075	\$ -
Gas Inspector Salary	\$ 1,495	\$ 1,514	\$ 19
Gas Inspector Expenses	\$ 1,250	\$ 1,250	\$ -
Plumbing Inspector Salary	\$ 6,315	\$ 6,397	\$ 82
Plumbing Inspector Expenses	\$ 1,250	\$ 1,250	\$ -
Wire Inspector Salary	\$ 7,162	\$ 7,255	\$ 93
Wire Inspector Expenses	\$ 2,200	\$ 2,200	\$ -
Emergency Management	\$ 15,931	\$ 17,792	\$ 1,861
Tree Warden Salary	\$ 2,180	\$ 2,208	\$ 28
Tree Warden Expenses	\$ 53,800	\$ 53,800	\$ -
Total, Public Safety	\$ 1,571,909	\$ 1,589,496	\$ 17,587
<u>Education</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>Difference</u>
BHRSD Operating Budget Assessment	\$ 2,856,577	\$ 3,072,350	\$ 215,773
BHRSD Capital Budget Assessment	\$ 83,986	\$ 85,865	\$ 1,879
Total, Education Expenses	\$ 2,940,563	\$ 3,158,215	\$ 217,652
<u>Public Works and Facilities</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>Difference</u>
Highway Department Salaries	\$ 462,105	\$ 386,396	\$ (75,709)
Highway Department Expenses	\$ 117,710	\$ 117,710	\$ -
Highway Department Snow and Ice	\$ 90,000	\$ 90,000	\$ -
Highway Department Machinery	\$ 98,500	\$ 98,500	\$ -
Town Transfer Station / Compactor Salaries	\$ 52,637	\$ 60,726	\$ 8,089
Town Transfer Station / Compactor Expenses	\$ 130,700	\$ 130,700	\$ -
Highway Cemetery Salaries	\$ 27,949	\$ 24,000	\$ (3,949)
Highway Cemetery Expenses	\$ 5,500	\$ 5,500	\$ 0
Streetlights	\$ 45,000	\$ 45,000	\$ -
Sewer Department Salaries	\$ 123,749	\$ 127,322	\$ 3,572
Sewer Department Expenses	\$ 185,200	\$ 179,200	\$ (6,000)
Water Department Salaries	\$ 122,219	\$ 127,322	\$ 5,103
Water Department Expenses	\$ 129,650	\$ 124,150	\$ (5,500)
Fire Hydrant Rental	\$ 2,450	\$ 2,450	\$ -
Total, Public Works and Facilities	\$ 1,593,370	\$ 1,518,975.10	\$ (74,395)

<u>Human Services</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>Difference</u>
Board of Health Salaries	\$ 842	\$ 842	\$ -
Board of Health Expenses	\$ 1,000	\$ 1,842	\$ 842
Health Officer, Tri-Town Health	\$ 96,868	\$ 104,942	\$ 8,074
Visiting Nurse Association	\$ 7,719	\$ -	\$ (7,719)
Zebra Mussel Monitoring	\$ 16,000	\$ 16,000	\$ -
Mental Health	\$ 3,200	\$ 3,200	\$ -
Council on Aging Salaries	\$ 38,768	\$ 31,962	\$ (6,806)
Council on Aging Expenses	\$ 7,850	\$ 5,550	\$ (2,300)
Veteran's Services and Benefits	\$ 55,000	\$ 55,000	\$ -
<i>Total, Human Services</i>	\$ 227,247	\$ 219,338	\$ (7,909)
<u>Culture and Recreation</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>Difference</u>
Library	\$ 190,857	\$ 195,590	\$ 4,733
Chime Tower	\$ 800	\$ 800	\$ -
Parks and Recreation Commission, Salaries	\$ 32,500	\$ 29,000	\$ (3,500)
Parks and Recreation Commission, Expenses	\$ 20,575	\$ 26,325	\$ 5,750
Historical Commission	\$ 600	\$ 600	\$ -
Memorial Day Committee	\$ 3,500	\$ 3,500	\$ -
Historic District	\$ 50	\$ 50	\$ -
Historic Preservation Commission	\$ 50	\$ 50	\$ -
Tourism Committee	\$ 44,000	\$ 44,000	\$ -
<i>Total, Culture and Recreation</i>	\$ 292,932	\$ 299,915	\$ 6,983
<u>Debt Service</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>Difference</u>
Town Offices (Debt Service Schedule 9/4/2013) Principle		\$ 355,000	
Town Offices (Debt Service Schedule 9/4/2013) Interest		\$ 46,425	\$ 46,425
Water Treatment Plant (Debt Service Schedule 9/4/2013)(Principle)		\$ 60,000	\$ 60,000
Water Treatment Plant (Debt Service Schedule 9/4/2013)(Interest)		\$ 7,800	\$ 7,800
Town of Stockbridge Twenty Year Term (May 1,2017) Principle		\$ 79,351	\$ 79,351
Town of Stockbridge Twenty Year Term (May 1,2017) Interest		\$ 29,982	\$ 29,982
Town of Stockbridge Twenty Year Term (May 1,2017) Administration		\$ 2,249	\$ 2,249
Water Tank and Update - Principle		\$ 121,712	\$ 121,712
Water Tank and Update - Interest		\$ 25,421	\$ 25,421
Water Tank and Update - Administration		\$ 1,907	\$ 1,907
Sewer Expansion "A" - Principal		\$ 178,133	\$ 178,133
Sewer Expansion "A" - Interest		\$ 2,124	\$ 2,124
Sewer Expansion "A" - Administration		\$ 956	\$ 956
Sewer Expansion "B" - Principle		\$ 109,120	\$ 109,120
Sewer Expansion "B" - Interest		\$ 1,299	\$ 1,299
Sewer Expansion "B" - Administration		\$ 578	\$ 578
2.6 Million Bridge and Road Replacement and Repair - Pinciple		\$ 115,000	\$ 115,000
2.6 Million Bridge and Road Replacement and Repair - Interest		\$ 65,463	\$ 65,463
2.3 Million Highway Garage Bond - Principle		\$ 115,000	\$ 115,000
2.3 Million Highway Garage Bond - Interest		\$ 65,250	\$ 65,250
Fire Truck - Principle		\$ 50,000	\$ 50,000
Fire Truck - Interest		\$ 1,950	\$ 1,950
	\$ 1,459,117	\$ 1,434,720	\$ (24,397)

<u>Employee Benefits</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>Difference</u>
Berkshire County Retirement	\$ 391,507	\$ 391,507	\$ -
Other Post Employment Benefits (OPEB)	\$ -	\$ -	\$ -
Undesignated Compensation	\$ 40,000	\$ 40,000	\$ -
Berkshire County Health & Dental Employee Insurance	\$ 628,384	\$ 628,384	\$ -
Total, Employee Benefits	\$ 1,059,891	\$ 1,059,891	\$ -
<u>Unclassified Expenses</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>Difference</u>
Town Insurance	\$ 140,000	\$ 169,487	\$ 29,487
	<u>FY 2021</u>	<u>FY 2022</u>	<u>Difference</u>
Total Raise & Appropriate, all categories	\$ 10,556,613	\$ 10,713,167	\$ 156,554
Total Raise & Appropriate, minus education	\$ 7,616,050	\$ 7,554,952	\$ (61,098)
<u>Key Budget Categories</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>Difference</u>
General Government	\$ 1,271,584	\$ 1,263,130	\$ (8,454)
Public Safety	\$ 1,571,909	\$ 1,589,496	\$ 17,587
Education	\$ 2,940,563	\$ 3,158,215	\$ 217,652
Public Works and Facilities	\$ 1,593,370	\$ 1,518,976	\$ (74,394)
Human Services	\$ 227,248	\$ 219,339	\$ (7,909)
Culture and Recreation	\$ 292,932	\$ 299,915	\$ 6,983
Debt Service	\$ 1,459,117	\$ 1,434,720	\$ (24,397)
Employee Benefits	\$ 1,059,891	\$ 1,059,891	\$ -
Unclassified Expenses	\$ 140,000	\$ 169,487	\$ 29,487
	\$ 10,556,614	\$ 10,713,169.00	\$ 156,555

