

COMMONWEALTH OF MASSACHUSETTS

TOWN OF BELLINGHAM

WARRANT FOR ANNUAL TOWN MEETING

Norfolk, ss:

To either of the Constables of the Town of Bellingham, in the County of Norfolk;

GREETINGS:

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

HIGH SCHOOL AUDITORIUM

in said Bellingham, on Wednesday, the twenty-third day of May 2012, at 7:30 p.m., then and there to act on the following articles:

ARTICLE 1. OPERATING EXPENSES AND SALARIES

To see what sums the Town will vote to raise and appropriate by taxation, by transfer from available funds and/or otherwise, for the following purposes, to include determining the expenses and salaries of the various elected and appointed Town Officials for the period commencing July 1, 2012 through June 30, 2013; or act or do anything in relation thereto

<u>Account #</u>	<u>Account</u>
114	Town Meeting Moderator
122	Board of Selectmen
123	Town Administrator
131	Finance Committee
132	Reserve Fund
135	Chief Financial Officer
137	Assessors
138	Treasurer
139	Town Collector
151	Town Counsel
152	Personnel Board
154	Management Information System
156	Tax Title Foreclosure

161	Town Clerk
162	Elections
163	Board of Registrars
171	Conservation Commission
172	Planning Board
173	Zoning Board of Appeals
182	Industrial Development Commission
183	Commission on Disability
189	Public Buildings Maintenance
190	OTJ Injury for Deductible
191	Worker's Compensation Agent
192	Employee Sick Day Buy-Back
193	Property & Liability Insurance
194	Retirement Assessment
195	Medicare/Employer Share
196	Town Reports
197	Physical/Occupational Health
198	Insurance Deductible
199	Damage to Persons & Property
210	Police Department
220	Fire Department
251	Town Inspector
252	Sealer of Weights & Measures
253	Inspector of Plumbing & Gas
255	Electrical Inspector
292	Animal Control
294	Tree Warden
299	Auxiliary Police
300	School Department
302	Blackstone Valley Vocational Tech School
303	School Transportation
421	Highway Administration
422	Highway Construction/Maintenance
423	Snow and Ice Removal
424	Street Lighting
425	Highway Maintenance
426	Gas & Oil
433	Solid Waste
439	Sanitary Landfill
491	Cemetery Committee
510	Board of Health
541	Council on Aging
543	Veterans Services
549	Veterans Grave Agent
610	Library

630	Park & Recreation
650	Historical Commission
651	Arts Cultural Commission
660	Memorial Day/Veterans
710	Maturing Debt
715	Interest on Bonds
990	Workers Compensation Trust Fund
991	Unemployment Insurance Trust Fund
992	Group Insurance Claims Trust Fund
996	Transfer to Capital Investment Trust
997	Compensated Absence Trust Fund

(By: Board of Selectmen)

ARTICLE 2. TRASH ENTERPRISE

To see what sums the Town will vote to raise and appropriate for the Trash Enterprise for a period commencing July 1, 2012 through June 30, 2013; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 3. WATER ENTERPRISE

To see what sums the Town will vote to raise and appropriate for the Water Enterprise for a period commencing July 1, 2012 through June 30, 2013; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 4. SEWER ENTERPRISE

To see what sums the Town will vote to raise and appropriate for the Sewer Enterprise for a period commencing July 1, 2012 through June 30, 2013; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 5. CONVEYANCES AND EASEMENTS

To see if the Town will vote to authorize the Board of Selectmen to accept and/or

purchase conveyances or easements, sewers, water lines, retaining walls and streets, and to raise and appropriate a sum of money to carry out said purposes; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 6. PURCHASE OF SURPLUS EQUIPMENT

To see if the Town will vote to raise and appropriate a sum of money and to authorize the D.P.W. Director, in conjunction with other Town Departments, to purchase surplus government equipment for the Town; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 7. TOWN PROPERTY AUCTION

To see if the Town will vote to authorize the Board of Selectmen and their successors in office to sell at public auction any of the property which the Town may have acquired or may hereafter acquire through proceedings based upon non-payment of taxes or under proceedings for the sale of lands of low value, to impose upon the property so sold such restrictions, reservations or conditions as shall be deemed expedient, and to execute quitclaim deeds and other instruments thereto; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 8. HIGHWAY CONSTRUCTION

To see if the Town will vote to authorize the Board of Selectmen to accept and enter into contracts for the expenditure of funds to be allotted by the State under authorization of Chapter 90 of the Massachusetts General Laws, (as pertaining to Highway Funds) for the construction, reconstruction, and improvement of Town roads, said funds to be borrowed in anticipation of State Revenue; and expended under the direction of the D.P.W. Director; or act or do anything in relation thereto.

(By: D.P.W. Director)

ARTICLE 9. AMEND ARTICLE 1.

To see if the Town will vote to amend Article 1 of the 2011 Annual Town Meeting by reducing, adding to, deleting, amending appropriations or transferring funds from various sources into items within Article 1; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 10. AMEND ARTICLE 2.

To see if the Town will vote to amend Article 2 of the 2011 Annual Town Meeting by reducing, adding to, deleting, amending appropriations or transferring funds from various sources into items within Article 2; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 11. AMEND ARTICLE 3.

To see if the Town will vote to amend Article 3 of the 2011 Annual Town Meeting by reducing, adding to, deleting, amending appropriations or transferring funds from various sources into items within Article 3; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 12. AMEND ARTICLE 4.

To see if the Town will vote to amend Article 4 of the 2011 Annual Town Meeting by reducing, adding to, deleting, amending appropriations or transferring funds from various sources into items within Article 4; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 13. CAPITAL OUTLAY

To see if the Town will vote to raise and appropriate a sum of money and to determine how such appropriation shall be raised, whether by transfer of available funds, by taxation, by borrowing or otherwise, and if by borrowing to authorize the issuance and sale of general obligation bonds or notes of the Town therefore for the purpose of financing the purchase, construction, reconstruction and/or engineering costs associated with various capital outlay items or improvements proposed by Town Departments, Boards or Committees; or act or do anything in relation thereto.

(By: Board of Selectmen)

**ARTICLE 14. NON-CAPITAL OUTLAY EXPENDITURES
(Expenditures of Less Than \$50,000)**

To see if the Town will vote to raise and appropriate a sum of money and to determine how such appropriation shall be raised, whether by transfer of available

funds, by taxation, by borrowing or otherwise, and if by borrowing to authorize the issuance and sale of general obligation bonds or notes of the Town therefore for the purpose of financing the purchase of various non-capital outlay items or improvements proposed by Town Departments, Boards or Committees; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 15. REVOLVING FUNDS

To see if the Town will vote to adopt provisions of Chapter 44, Section 53E-1/2, of the General Laws to allow the following:

- 1. To allow the Bellingham Public Library Trustees to create a special revolving fund from revenues received from overdue books and video fines and to authorize the Trustees to use said funds for purchasing books, videos, library materials, and to make payment to temporary or part-time employees and independent contractors, not to exceed \$15,000.**
- 2. To allow the D.P.W. to create a special revolving fund from the revenues received for services provided to open cemetery graves and to authorize the DPW to use said funds to make payments for salaries and other related expenses not to exceed \$7,500.**
- 3. To allow the Board of Health to create a special revolving fund from the revenues received for services provided for food inspections and to authorize the Board to use said funds for salaries and other related expenses not to exceed \$35,000.**
- 4. To allow the Commission on Disability to create a special revolving fund from revenues received from gifts, grants and fees and to authorize the use for purchasing equipment and supporting materials, and to authorize the Commission to use said funds to make payment to temporary or part-time employees and independent contractors, not to exceed \$10,000.**
- 5. To allow the Bellingham Police Department to create a special revolving fund from revenues received from third party vendors hired by the Police Department, details with assigned vehicles for the detail; and to authorize the Department to use funds for the repair, replacement and/or for the purchase of equipment or vehicles for the Police Department, not to exceed \$40,000; or act or do anything in relation thereto.**
- 6. To allow the Bellingham Conservation Commission to create a special**

revolving fund from revenues received by applicants under the Town's local wetlands protection by-law; not to exceed \$5,000; and to authorize the Commission to use said funds for potential land purchases, in supplementation of funds in the Town's Land Acquisition Trust; or act or do anything in relation thereto.

7. To allow the Board of Selectmen to create a special revolving fund from revenues received from fees and fines issued by the Sealer of Weights and Measures and to authorize the Selectmen to use said funds for purchasing equipment and materials and to make payments for salaries, all in the performance of annual inspections as required by State law, not to exceed \$25,000; or act or do anything in relation thereto.

(By: Library Trustees, D.P.W., Board of Health, Commission on Disability, Police Department, Conservation Commission, Board of Selectmen)

ARTICLE 16. MEALS SALES TAX

To see if the Town will accept G. L. c. 64L, §. 2 and, pursuant to subsection (a) thereof, impose a local meals sales tax at the rate of .75% (less than one percent) of the gross receipts of the vendor from the sale of restaurant meals, or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 17. FOOTBALL FIELD RECONSTRUCTION

To see if the Town will vote to raise and appropriate a sum of money and to determine how such appropriation shall be raised, whether by transfer of available funds, by taxation, by borrowing or otherwise, and if by borrowing to authorize the issuance and sale of general obligation bonds or notes of the Town therefore for the purpose of financing the re-construction, completed with artificial turf, of the high school football field along with any repairs or reconstruction to the track resulting from the field project; or act or do anything in relation thereto.

(By: Board of Selectmen/School Committee)

ARTICLE 18. GRANT OF EASEMENT

To see if the Town Meeting will vote to authorize the Town of Bellingham, acting by and through its duly elected Board of Selectmen, to grant to Coast Realty of One Realty Way, East Providence, Rhode Island, and its successors and assigns, an easement for the purpose of passing and repassing by motor vehicle for all purposes for which public streets are used in the Town of Bellingham, over those certain parcels of Town owned property shown as "Proposed Easement Area to Be acquired for Access (760 s.f.) and Proposed Easement Area Within South Main Street, Right of Way for Access (265 s.f.)" on a plan entitled "proposed Easement Plan for the Proposed CVS Pharmacy, situated on A.P. 94, Lots 129, 130, 167 & 168, Pulaski Boulevard (Route 126), Bellingham, MA Prepared for Coast Realty Associates," said plan prepared by Garofalo & Associates, Inc.

Said grant to be in consideration of Coast Realty Associates transferring title to the Town of Bellingham, free and clear of any encumbrances, to those certain parcels of land shown as "Donated Town Open Space" (3,822 s.f.) and "Portion of Existing Easement to be Returned to Town (780 s.f.)", both of which are shown on the plan referenced above, or take any action necessary and appropriate with regard thereto.

(By: Petitioner: Coast Realty
Joseph M. Antonellis, Esq.
288 Main St., Milford, MA
(508) 473-2203)

ARTICLE 19. MACY SCHOOL FEASIBILITY STUDY

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the Macy School Building Committee for space needs assessment and renovation feasibility study of the Macy School, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; or act or do anything in relation thereto.

(By: School Committee & Macy School
Building Committee)

RTICLE 20. ZONING AMENDMENT

To see if the Town will vote to amend the Zoning By-Laws to include Parcel 48-3-1 a landlocked Parcel of land that is currently unused and undeveloped, is located in the Agricultural Zoning District, contains approximately 7.4 acres, and abuts the Industrial District located on William Way, Bellingham, all as shown on the Bellingham Zoning Map into the Industrial Zoning District, and the exact metes and bounds of the parcel are shown on a Plan filed with the Bellingham Town Clerk and is available for inspection during Town Clerk business hours; or to take any other

action relative thereto.

(By: DMJ Concrete Corp. (Rosenfeld
Concrete Corp.) & Joseph Kauker,
Trustee of Stepping Stone Realty Trust
Contact: Sherri Kauker, P. O. Box 423
Bellingham, MA (508) 966-5171)

ARTICLE 21. APPROPRIATION OF FUNDS-SEWAGE DISPOSAL SYSTEMS, FUEL STORAGE TANKS & DELEADING DWELLINGS

To see if the Town will vote to raise the sum of up to \$300,000 of monies for the purpose of remediating failing residential subsurface sewage disposal systems, underground fuel storage tanks and deleading dwellings with dangerous levels of lead, pursuant to Massachusetts General Laws, Chapter 111, Section 127B ½ and Massachusetts General Laws, Chapter 80 (Betterments) and to determine how such appropriation should be raised whether by taxation, transfer of available funds, borrowing or otherwise and if by borrowing, to authorize the issuance of bonds or notes by the Town at one time or from time to time; or act or do anything in relation thereto.

(By: Board of Health)

ARTICLE 22. DRINKING WATER TREATMENT PLANNING AND ENGINEERING

To see if the Town will vote to raise and appropriate a sum of money which shall not exceed Sixty Five Thousand Dollars (\$65,000.00) for Town-wide long-term drinking water treatment planning and engineering, and to determine how such appropriation shall be raised, whether by transfer of available funds, by taxation, by borrowing or otherwise, and if by borrowing, to authorize the issuance and sale of general obligation bonds or notes of the Town therefore for the purpose of financing and project design engineering costs associated with town wide drinking water system treatment planning; or act or do anything in relation thereto.

(By: DPW)

ARTICLE 23. CIVIL FINGERPRINTING

To see whether the Town will vote, as authorized by Chapter 256 of the Acts of 2010, and incorporated into the Massachusetts General Laws as Chapter 6, Section 172 B 1/2, to amend its General Bylaws by adopting a new General By-law, Article 14.10, enabling the Police Department to conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for certain licenses, said bylaw to

read as follows:

Article 14.10. Fingerprint Checks

A. The Police Department shall, as authorized by Massachusetts General Laws Chapter 6, Section 172 B 1/2, be permitted to conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses:

- 1. Hawking and Peddling or other Door-to- Door Salespeople**
- 2. Manager of establishment seeking Alcoholic Beverage License from Board of Selectmen**
- 3. Owner or Operator of Public Conveyance**
- 4. Dealer of Second-hand Articles**
- 5. Pawn Dealers**
- 6. Hackney Drivers**
- 7. Ice Cream Truck Vendors**

B. At the time of fingerprinting, the Police Department shall notify the individual Being fingerprinted that the fingerprints will be used to check the individual's criminal history records. Upon receipt of the fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this by-law to the Identification Section of the Massachusetts State Police, and/or the Federal Bureau of Investigation (FBI), or the successors of such agencies as may be necessary for the purpose of the Police Department's conducting of a fingerprint-based state and national criminal records background checks of license applicants specified in this by-law.

C. Upon receipt of a report from the State Police, FBI or other appropriate criminal justice agency, a record subject may request and receive a copy of his/her criminal history record from the Police Department. Should the record subject seek to amend or correct his/her record, he/she must take appropriate action to correct said record, as may be required by appropriate State or Federal authorities. The Police Department shall not utilize and/or transmit the results of the fingerprint-based criminal record background check to any licensing authority pursuant to this by-law until an applicant has been given the opportunity to amend or correct their record. Municipal officials should not deny an applicant the license based on information in the record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so.

D. Subject to the provisions of the preceding paragraph, the Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate licensing authority within the Town. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability, or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense.

E. Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this by-law. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

F. Fees. The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be one hundred dollars (\$100). A portion of the fee, as specified in Mass. Gen. Laws Chapter 6, Section 172B1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

G. The Board of Selectmen, is authorized to promulgate regulations for the implementation of this by-law in consultation with the Chief of Police, or act or do anything in relation thereto.

(By: Police Chief)

ARTICLE 24. SPECIAL FLOOD HAZARD AREA REQUIREMENTS

To see if the Town will amend its zoning bylaws by replacing Section 4500 with the following, or take any other action in relation thereto:

4500 Special Flood Hazard Area Requirements

4510 District Establishment

The Flood Plain District herein also called “Special Flood Hazard Area” (SFHA) is hereby established as an overlay district to all other districts. All development in the SFHA District, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- **Section of the Massachusetts State Building Code which addresses Special Flood Hazard Area and coastal high hazard areas, 780 CMR)**
- **Wetlands Protection Regulations, Department of Environmental Protection (DEP), 310 CMR 10.00.**
- **Inland Wetland Restriction, DEP, currently 310 CMR 13.00**
- **Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP, 310 CMR 15, Title 5;**

The District also includes all special flood hazard areas within the Town of Bellingham designed as Zone A and AE on the Norfolk County Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program NFIP). The map panels of the Norfolk Country FIRM that are wholly or partially with the Town of Bellingham are panel numbers 25021C0138E, 25021C0139E, 25021C0299E, 25021C0301E, 2502C0302E, 25021C0303E, 25021C0304E, 25021C0311E, 25021C0312E, 25021C0313E and 25021C0314E dated July 17, 2012. The exact boundaries of the District may be defined by the 100 –year base flood elevations shown on the FIRM and further defined by the Norfolk County Insurance Study (FIS) report dated July 17, 2012. The FIRM and the FIS report are incorporated herein by reference and are on file with the Town Clerk and Building Inspector.

4520 Development Regulations

The following requirements apply in Special Flood Hazard Area Districts:

- 4521 Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation of flood proofing requirements, as appropriate, of the State Building Code.**
- 4522 In the floodway designed on the Flood Insurance Rate Map, the following provisions shall apply:**

- (a) All encroachments, including fill, new construction, substantial improvements to existing structures, and other development, are prohibited unless certification by a registered Professional Engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood level during the occurrence of the base flood. The base flood is the flood having a one percent chance of being equaled or exceeded in any given one year.
- (b) Any encroachment meeting the above standard shall comply with the floodplain (Special Flood Hazard Area) standards of the State Building Code as well as the Performance Standards in 310 CMR (Wetlands Protection Regulations).
- (c) Base Flood Elevation Data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within the unnumbered A zones.
- (d) All subdivision proposals must be designed to assure that:
- such proposals minimize flood damage;
 - all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - adequate drainage is provided to reduce exposure to flood hazards
- (e) Notification of Watercourse Alteration
In a riverine situation, the Building Inspector or Board of Selectmen shall require the applicant to notify the following of any alteration or relocation of a watercourse:
- Adjacent communities
 - NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104

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

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

(By: Planning Board)

ARTICLE 25. PARKING BYLAW

To see if the Town will vote to amend Section 3300 of the Zoning Bylaws, entitled "Parking and Loading Requirements" by deleting the current Section and all of its subsections, in their entirety and replacing the same with the following:

3300. Parking and Loading Requirements.

3310. Purpose

The purpose of this section is to establish standards ensuring the availability and safe use of parking areas. It is intended that any use of land involving the arrival, departure, long term or temporary parking of motor vehicles (not for automobile sales), and all structures and uses requiring the delivery or shipment of goods as part of their function, be designed and operated to:

- (a) **Promote traffic safety by assuring adequate places for parking of motor vehicles off the street and for their orderly access and egress to and from the public way;**
- (b) **Prevent the creation of surplus amounts of parking spaces contributing to unnecessary development and additional generation of vehicle trips, resulting in traffic congestion and traffic service level deterioration;**
- (c) **Reduce unnecessary amounts of impervious surface areas from being created;**
- (d) **Reduce hazards to pedestrians and increase pedestrian**

connectivity between and within sites;

- (e) **Promote access and convenience, in compliance with regulations of the Americans with Disabilities Act (ADA) and Massachusetts Architectural Board (AAB), for people with disabilities;**
- (f) **Increase the mobility and safety for bicyclists;**
- (g) **Protect adjoining lots and the general public from nuisances and hazards such as:**
 - 1. **Noise, glare of headlights, dust and fumes resulting from the operation of motor vehicles entering, exiting and idling in parking lots;**
 - 2. **glare and heat from parking lots; and,**
 - 3. **lack of visual relief from expanses of paving;**
- (h) **Reduce other negative impacts.**

3320.Definitions. The following definitions shall apply to this parking bylaw. Additional terms which have commonly accepted denotations and connotations may also be utilized in this Bylaw.

Casual Dining: Full service eating establishment with typical turnover rates of approximately one hour or less; moderately priced; occasionally belongs to a restaurant chain; generally serves lunch and dinner; may serve breakfast or be open extended hours; generally does not take reservations; may or may not contain a bar.

Convenience Store: Convenience markets that sell convenience foods, newspapers, magazines etc; may be open 24-hours.

Discount Store / Superstores: Stores, such as home improvement, department, clothing, housegoods, toy, sporting goods, and pet supply stores, that offer a variety of customer services, centralized cashiering and a wide-range of products advertised at discount prices; long store hours typically 7 days a week; some may have garden center and/or service station; superstores may have a grocery department under the same roof that shares the same entrance and exits with the discount store area.

Entertainment/Commercial Recreation: Indoor or outdoor spaces for leisure activities, including but not limited to golf courses, bowling facilities, movie theaters, sports complexes, fitness or health clubs, and recreational community centers.

Fast Food: Characterized by large carry-out clientele; long hours of service; high turnover rates for eat-in customers; no table service by wait staff; typically pay at cash register before eating; may or may not

have a drive through. Generally considered to be hamburger, sub / sandwich, pizza, (in some circumstances) ethnic (i.e. Thai, Chinese, sushi, middle-eastern), coffee/donut shop, ice cream parlor, etc.

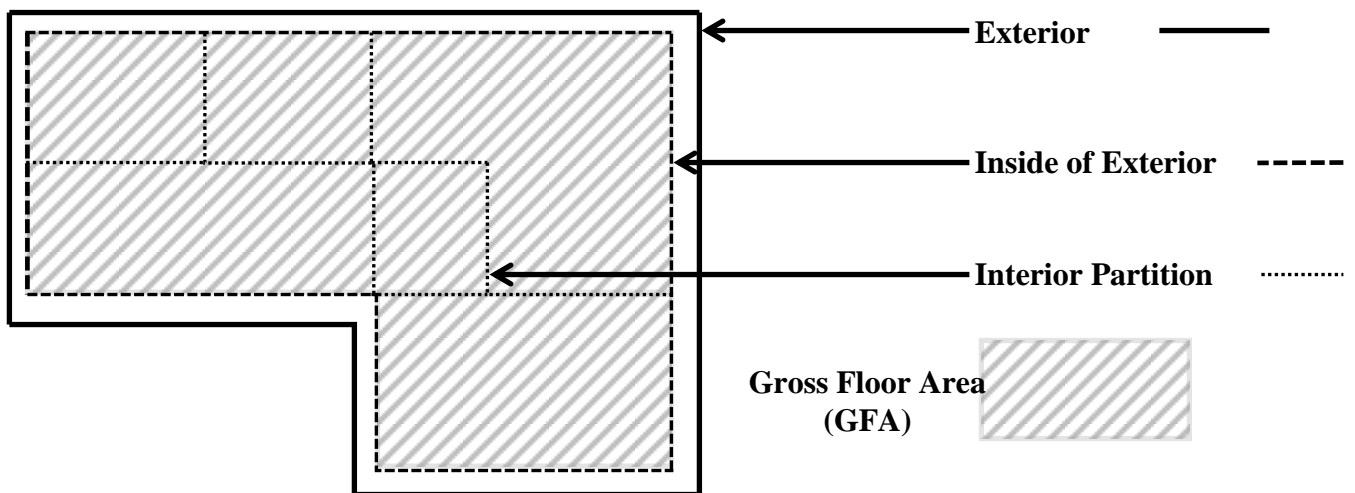
Fine Dining: Full service eating establishment with typical turnover rates of at least one hour or longer; generally do not serve breakfast and sometimes do not serve lunch; all serve dinner; usually requires a reservation and is generally not part of a chain; may have function space.

Freestanding General Retail: Free standing, single use retail structure. Retail uses include, but are not limited to: Convenience Stores, Freestanding Discount Store / Superstores, Personal Care Services, Specialty Retail, Pharmacy and/or Drugstore, Bank, Dry Cleaners.

Gasoline / Service Station with Convenience Store: The primary business is the fueling of motor vehicles; may have ancillary facilities for servicing and repairing motor vehicles and commonly sold convenience items such as newspapers, coffee or other beverages, and snack items usually consumed in the car or off-location.

General Light Industrial and/or Manufacturing: Free-standing facilities with an emphasis on light industrial and/or manufacturing activities including printing, material testing, assembly of data processing equipment, and/or the conversion of raw materials or parts into finished products; may also contain warehouse, office, and research functions.

Gross Floor Area (GFA): The area within the perimeter of the exterior walls of a building as measured from the inside surface of the exterior walls, with no deduction for interior hallways, stairs, closets, thickness of interior partition walls, columns, or other interior features.



Industrial Park: A mix of industrial, manufacturing, service and

warehouse facilities with a wide variation in the proportion of each type of use from one location to another.

Ksf: 1,000 square feet (ratios are determined as x spaces/1,000 square feet (ksf)).

Offices: Locations where affairs of business, commercial or industrial organizations or professional person or firms are conducted; may contain a mixture of tenants or be a single-use tenant; no larger than 3-stories above grade.

Medical Clinic: An institution or place providing medical, surgical, dental, restorative, or mental services to persons not residing there.

Multi-use (aka Shared) Parking: Use of parking spaces by vehicles generated by two or more individual land uses that share a parking lot, with or without conflict or encroachment, as a result of variations in the accumulation of vehicles by hours, by day or by season, at the individual land use; and/or relationships among the land uses that result in visiting multiple land uses on the same auto trip. May include, but is not limited to, a mix of uses, including retail, dining/entertainment, office space or industrial, manufacturing, office, wholesale, and warehouse.

Personal Care Services: Spas, hair salons, nail salons, barbers etc.

Shopping Center: An integrated group of retail, service or commercial establishments that is planned, developed, owned and managed as a unit. Provides on-site parking facilities sufficient to serve its own parking demands.

Sports Complex: Outdoor parks used for non-professionals; may consist of one or more fields and field sizes may vary to accommodate games for different age groups; ancillary facilities may include a fitness trail, activities shelter, aquatic center, picnic grounds, basketball / tennis courts and a playground.

Specialty Retail: Retail uses including, but not limited to, apparel, hard goods and services such as real estate offices, dance or martial arts studios, florists, personal care services.

Non Designated use: Any use that is not specified herein.

3330. Number of Spaces

3331. Basic requirements. Off-street parking must be provided to service all increases in parking demand resulting from new construction, additions or change of use to one requiring more parking, without counting any existing spaces needed to meet requirements for any retained building or use. The number of spaces indicated in Section 3340 shall be the basis for determining adequacy of provisions.

Any existing spaces removed shall be replaced in kind unless they are either in excess of the number required or removed at the request of the Town. Parking spaces also serving as loading areas shall not be credited.

For the purpose of computing the parking requirements of different uses, the number of spaces required shall be the largest whole number obtained after calculating the required parking, any fractional space should be rounded up to the next whole number.

Example #1: A 4,999 interior square foot freestanding retail structure has 4.999 ksf GFA ($4,999 / 1,000 = 4.999$); at 4 spaces per ksf GFA, the structure is required to have 19.96 parking spaces, which will then be rounded up to the next whole number. Therefore, the number of parking spaces required is 20.

Example #2: A 25,150 interior square foot medical clinic has 25.15 ksf GFA ($25,150 / 1,000 = 25.15$); at 5 spaces per ksf GFA, the structure is required to have 127.75 spaces, which will then be rounded up to the next whole number. Therefore, the number of parking spaces required is 128.

Example #3: A 1,300 interior square foot freestanding fast food restaurant has 1.3 ksf GFA ($1,300 / 1000 = 1.3$); at 17 spaces per ksf GFA, the structure is required to have 22.1 parking spaces, which will then be rounded up to the next whole number. Therefore, the number of parking spaces required is 23.

3332. Future changes must demonstrate the ability to meet parking standards.

3340. Schedule of Requirements

(a) Residential:

Single or Two-family having no boarders or lodgers: 2 spaces per dwelling unit

Multi-family (townhouse/condominiums)

Assisted elderly housing: 1 space per bedroom

Studio: 1.25 spaces per dwelling unit

One bedroom: 1.5 spaces per dwelling unit

Two or more bedrooms: 2 spaces per dwelling unit

Family Apartment: 1 space per dwelling unit in addition

to the requirement for primary dwelling unit.

(b) Places of Public Assembly:

Religious Centers: 0.5 parking space for each person capacity based on the Massachusetts State Building Code.

General Public Assembly: 0.25 per person in permitted capacity.

The number of seats in benches, pews, or other continuous seating arrangements shall be calculated at twenty-four (24) inches per seat.

(c) Hotels, Motels, Room and Board, Other Commercial Accommodations:

1 parking space for each guest unit, plus 1 parking space for each eight units or fraction thereof.

(d) Dining:

Fine Dining: 20 spaces per ksf GFA

Casual Dining: 25 spaces per ksf GFA

Fast Food with or without a drive through: 17 spaces per ksf GFA

(e) Entertainment/Commercial Recreation:

Golf Course: 12 spaces per hole

Bowling Alley: 4 spaces per ksf GFA

Movie Theater (multiplex): 14 spaces per ksf GFA

Sports Complex: 50 spaces per field

Health/Fitness Club: 6 spaces per ksf GFA

Recreational Community Center: 3 spaces per ksf GFA

(f) Auto Service/Fuel Station:

1 space per pump, plus 4 spaces per ksf GFA for all other space including service areas, convenience store areas etc.

Motor Vehicle Sales and Service: 3 spaces per ksf GFA of interior sales area, plus 2 ksf GFA of interior storage or display area, plus 2 per service bay

Car Washes: 1 space per ksf GFA

(g) Retail Businesses / Other Service Establishments:

Freestanding General Retail / Other Service Establishments: 4 spaces per ksf GFA

Shopping Centers:

- 1. For retail only shopping centers, including specialty retail, use chart below.**
- 2. For retail with additional uses, that may include any combination of dining, entertainment, or offices, in which the total additional uses are up to but not greater than 10% of the total GFA of the shopping center, use chart below.**
- 3. For retail with additional uses (uses as listed in #2 above), in which the total additional uses exceed 10% of the total GFA of the shopping center, the parking spaces may be calculated either**
 - a. Under Section 3340 as if each use were separate; or**
 - b. Under Section 3351 Allowed Reductions for Multi-Use Parking.**

Shopping Center Parking Spaces Chart (For use with Section 3340(g) 1 and

2)

Building GFA	Less than 30,000 GFA	30,000 – 99,999 GFA	100,000-399,999 GFA	Greater than 400,000 GFA
Spaces per ksf GFA	4 ksf GFA	4.5 ksf GFA	5 ksf GFA	5.5 ksf GFA

(j) Offices and Business Services:

Offices: 4 spaces per ksf GFA

General Light Industrial/Wholesale/Warehouse: 2 spaces per ksf GFA

General Light Manufacturing: 2 spaces per ksf GFA

Medical Clinic: 5 spaces per ksf GFA

(k) Convalescent, Nursing or Rest Home, Hospital or Sanitarium: 5 spaces per ksf GFA

(l) Other Uses:

Day Care Center: 6 spaces per ksf GFA

Animal Hospital/Veterinary Clinic: 4 spaces per ksf GFA

A number of spaces to be determined by the Building Inspector (or the Planning Board in cases referred to it under Section 1420) based upon evidence from similar uses under similar circumstances and best practices.

3350. Allowed reductions. Parking may be further reduced upon application for and grant of a special permit from the Planning Board, to account for additional factors as listed in Sections 3351 and 3352. The number of spaces may be reduced to less than that stipulated in this bylaw, if the Planning Board determines that a smaller number would be adequate for all parking needs because of such special circumstances as multi-use parking for uses having peak parking demands at different times, unusual age or other characteristics of site users or user-sponsored demand reduction devices such as carpooling, or land use or parking studies from similar establishments show parking requirements are less than what is required in this bylaw; or other reasons that are adequately supported.

3351. Multi-use (aka “shared”) Parking:

- 1. Determine the number of originally required parking spaces for different uses/facilities sharing the same parking lot.**
- 2. Determine the percentages of maximum parking needed for different uses at different days and times determined either by a study of local conditions or the Parking Occupancy Rates table below.**
- 3. Apply the percentages from Step 2 to the numbers from Step 1.**

4. Add up the totals and select the total with the highest value.

Parking Occupancy Rates Table *This table defines the percent of the basic minimum needed during each time period for shared parking. (M-F = Monday to Friday)*

Uses	M-F	M-F	M-F	Sat. & Sun.	Sat. & Sun.	Sat. & Sun.
	8am-5pm	5pm-12am	12am-8am	8am-5pm	5pm-12am	12am-8am
Residential	60%	100%	100%	80%	100%	100%
Office and Business Services	100%	20%	5%	5%	5%	5%
Retail/Service	90%	80%	5%	100%	70%	5%
Hotel/Motel	70%	100%	100%	70%	100%	100%
Dining	70%	100%	10%	70%	100%	20%
Movie Theater	40%	80%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	50%
General Public Assembly	100%	20%	5%	10%	10%	5%
Religious Centers	10%	5%	5%	100%	50%	5%

3352. Flexible Parking Options:

1. **Employment Density (number of employees per acre):** reduce requirements 10-15% in areas with 50 or more employees per acre of site.
2. **Land use mix (range of land uses located within convenient walking distance):** reduce requirements 5-10% in mixed-use developments.
3. **Walkability (walking environment quality):** reduce requirements 5-15% in walkable locations and more if walkability allow more shared and off-site parking.
4. **Parking and mobility management:** reduce requirements 10-20% at worksites with effective parking and mobility management programs.
5. **Other factors that with adequate support may warrant a reduction of parking spaces.**

3360. Parking Area Design and Location

3361. Surfacing. All required parking areas and their access driveways, except those facilities serving single-family residences shall be paved, unless exempted by the Planning Board in acting under

Section 1420 Development Plan Review, for cases such as seasonal or periodic use where unpaved surfaces will not cause dust, erosion, hazard or unsightly conditions. Permeable or porous paving is encouraged in low traffic areas such as reserve parking, painted parking lines, parking pullouts, crosswalks etc.

- 3362. Setback.** No off-street parking area for five or more cars shall be located within 20 feet of a street right-of-way. When shopping cart corrals are proposed, the location of such corrals shall be next to handicap parking spaces.
- 3363. Backing.** Parking areas for five or more cars shall not require backing into a public way.
- 3364. Proximity.** Parking spaces more than 300 feet from the building entrance they serve may not be counted towards fulfillment of parking requirements unless in acting under Section 1420 the Planning Board determines that circumstances justify a greater separation of parking from use.
- 3365. Egress spacing.** The following shall apply to entrances or exits to all parking areas having 20 or more spaces, except those located in the B-1 District, which are exempted:
 - (a)** Entrance or exit centerlines shall not fall within 100 feet of an intersection of street sidelines or within 250 feet of the centerline of any other parking area entrance or exit on the same side of the street, whether on the same parcel or not, if serving 20 or more parking spaces. Users shall arrange for shared egress if necessary to meet the requirements.
- 3366. Regulations.** The Planning Board may adopt regulations for the administration of these design and location requirements.
- 3367. Driveways.** All required parking spaces shall be provided with unobstructed access to and from a street and shall be properly maintained so as to permit them to be used at all times.
 - (a)** A shared driveway shall be considered to provide adequate access to more than two lots or more than four dwelling units only if the Planning board, in acting on a Definitive Subdivision Plan or Development Plan, or if the Board of Appeals or other Special Permit Granting Authority, in acting on a special permit, determines that such shared access provides some community benefit, such as

environmental protection or improvement of egress safety, and does not circumvent the intent of the Subdivision Regulations, as well as meeting the requirements of paragraph (b).

- (b) Driveways, whether shared or not, must meet the following standards if more than 200 feet in length or serving five (5) or more parking spaces.**

1. The traveled way shall be paved (unless paving is waived by the Planning Board as provided at Section 3331) at least ten (10) feet wide, and tree and shrub branches less than 13 feet above driveway grade must be cleared or trimmed to provide 12 feet wide for unobstructed travel.

2. Centerline radius shall be at least 80 feet, and grade shall not exceed 8%.

- (c) Driveways serving corner lots shall gain access from that street designated by the Planning Board in performing Development Plan Review, if applicable. In cases where Development Plan Review is not required, corner lot driveways shall gain access from that street determined by the Building Inspector to have the lower daily traffic volume, unless, following consultation with the Planning Board and the Police Safety Officer, the Building Inspector determines that allowing egress onto the busier street would be no less safe.**

- (d) Driveways/egresses serving 10 or more parking spaces shall provide stopping and intersection sight distances based on the recommendations provided in AASHTO - Geometric Design of Highways and Streets, as most recently amended. Stopping site distance is defined as the minimum sight distance required for a driver on the major roadway to perceive an obstruction in the roadway and to react by braking and safely stop the vehicle to avoid collision. Intersection sight distance is defined as the minimum sight distance for a driver on the stopped approach to perceive a vehicle approaching and to react by turning onto the major roadway and accelerate to the 85th percentile speed of the major roadway while not requiring the driver on the major roadway to reduce their speed to less than 70 percent of their initial speed. In the event intersection sight distance cannot be achieved, then**

the proponent must provide documentation that safe sight distance is achieved. The Planning Board shall consult with the Bellingham Police Department and, if necessary, a traffic consultant, to make a determination as to whether a reduced intersection sight distance is acceptable. Such a reduction of intersection sight distance shall be at the sole discretion of the Planning Board. Stopping sight distance cannot be waived.

3370. Loading Requirements. Adequate off-street loading facilities and space must be provided to service all needs created by new construction, whether through new structures or additions to old ones, and by change of use of existing structures. Facilities shall be so sized and arranged that no trucks need back onto or off of a public way, travel against one-way traffic, obstruct drive-thru traffic or be parked on a public way while loading, unloading or waiting to do so.

3380. Bicycles. One bicycle parking space shall be provided for every 20 off street automobile spaces required. Racks shall be securely anchored and wherever possible located within view of the building entrances or windows. Bicycle spaces shall be clearly marked as such.

3390. Alternative Dimensional Requirements. In order to reduce overall impervious surface of larger paved off-street parking, small vehicle and motorcycle parking spaces may have reduced dimensional requirements and still count toward the overall number of spaces required as follows:

In off-street parking facilities with more than 50 parking spaces, a maximum of 10% of the spaces may be dedicated for small car and/or motorcycle use. Small car and/or motorcycle parking shall be grouped in one or more contiguous areas and with appropriate signage.

**Small car parking space stall dimensions: 8' wide by 16' long; 128 s.f.
Motorcycle parking space stall dimensions: 4' wide by 8' long; 32 s.f.
or approximately four (4) motorcycle spaces for one (1) small car space.
Standard car parking space stall dimensions: 9' wide by 18' long; 162 s.f. *(Also see Section V Definitions for Parking Space for additional information)***

Or act or do anything in relation thereto.

(By: Planning Board)

ARTICLE 26. RESCIND AUTHORIZED BONDS

To see if the Town will vote to rescind the authorization for the following borrowing amounts, approved by prior Town Meetings:

**Keough Roof Replacement, 10/10/2007, Article 2, \$750.00
Bellingham High School Roof, 10/14/2009, Article 4, \$5,500.00
Middle School Boilers, 10/18/2010, Article 4, \$440,000.00;**

or act or do anything in relation thereto.

(By: Chief Financial Officer)

ARTICLE 27. UNPAID BILLS

To see if the Town will vote to raise, appropriate or transfer a sum of money for the payment of certain unpaid bills; or act or do anything in relation thereto.

(By: Finance Committee)

And you are directed to serve this Warrant, by posting attested copies thereof at Town Hall and in other municipal buildings throughout Town sixty days, at least, before the time and place of meeting as aforesaid.

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

Given under our hands this 19th day of March in the year of our Lord, Two Thousand Twelve.

Michael J. Connor, Chairman

Lloyd W. Goodnow, Jr., Vice Chairman

Dawn M. Davies

Edward F. Featherston

Michael J. Soter

BOARD OF SELECTMEN

RETURN OF THE WARRANT

Norfolk, ss:

Pursuant to the within Warrant, I have notified and warned the inhabitants of the Town of Bellingham by posting attested copies of the same at Town Hall and in other Municipal buildings throughout Town, in accordance with Town By-laws.

Date

Constable of Bellingham