

COMMONWEALTH OF MASSACHUSETTS
SOUTH HADLEY, MASSACHUSETTS
Special Fall Town Meeting
September 15, 2010
Town Hall Auditorium 7:00 PM

The Town Moderator, Edward Ryan announced the presence of a quorum with 78 Town Meeting Members in attendance. The total number of Town Meeting Members was 117 with a quorum of 59. The Special Fall Town Meeting was called to order at 7:01 PM in the town hall auditorium. Town Clerk, Carlene Hamlin read greetings to the body. The Moderator appointed Aiden MacCullagh and Anthony Farnum as tellers should they be needed. The Moderator recognized Thomas Gebhardt who gave an updated report on the elementary school building project. All materials and power point presentation are included with these minutes. The body recited the Pledge of Allegiance.

ARTICLE 1. The Town voted to amend the General By-Laws in regard to Article IV, Committees and Boards Appointed by the Selectboard, Section 407, Cable Television and Information Technology Advisory Committee, by replacing the name “Cable Television and Information Technology Advisory Committee” with the name “Cable Television Advisory Committee” in every occurrence.

Unanimous Affirmative
Motion Carries

ARTICLE 2. The Town voted to accept the provisions of Massachusetts General Laws Chapter 138, Section 33B as amended relative to sales of alcoholic beverages by on-premise licensees on Sundays and certain legal holidays.

Unanimous Affirmative
Motion Carries

ARTICLE 3. The Town voted to declare the property at 50-52 School Street surplus and authorized the Selectboard to dispose of the property and all improvements located thereon.

Voice Affirmative
Motion Carries

ARTICLE 4. The Town voted to endorse the 2010 Town of South Hadley Master Plan as presented to the Town Meeting

Unanimous Affirmative
Motion Carries

ARTICLE 5. The Town voted to amend the Zoning By-Law in regard to Commercial Kennels by amending: Section 3, **DEFINITIONS**, Subpart (B) **Definitions** to define a commercial kennel, Section 5, **USE REGULATIONS**, Subpart (D) **Use Regulations Schedule**, and Section 7, **SUPPLEMENTAL DISTRICT REGULATIONS** to define “Commercial Kennels,” specify in which districts Commercial Kennels may be located, and provide some supplemental regulations regarding the location and operation of such facilities.

The proposed changes are as follows:

1. In Section 3 **DEFINITIONS**, Subpart (B), **Definitions** insert the following definition of Commercial Kennel (and renumber the subsequent definitions):

___ Commercial Kennel – A commercial establishment in which dogs three months old or older or other domesticated animals are housed or boarded overnight, all for a fee or other compensation. The following are not to be considered as commercial kennels for the purposes of the South Hadley Zoning Bylaw: a) A business which engages primarily in the care or treatment of such injured or ill animals and incidentally keeps such animals overnight to meet their care or treatment needs; and b) a business which trains domesticated animals, but does not keep any such animals on the premises overnight; and, c) a business which breeds, or sells domesticated animals.

2. In Section 5 **USE REGULATIONS**, Subpart (D), **Use Regulations Schedule** insert “Commercial Kennel” into the Business Uses classification and indicate that it is prohibited or permitted as follows:

- a.) Prohibited in the Agricultural, Residence A-1, Residence A-2, Residence B, Residence C, Business C, and Industrial Garden zoning districts
- b.) Permitted subject to a Special Permit in all other zoning districts (Business A-1, Business A, Business B, Industrial A, and Industrial B zoning districts)

3. In Section 7 **SUPPLEMENTAL DISTRICT REGULATIONS**, insert a new Subpart (V), **Commercial Kennel** to read as follows:

(V) Commercial Kennel

In acting on a request for a Special Permit for a Commercial Kennel, in addition to the general standards listed in Section 9 of the Zoning Bylaw, the Planning Board shall

particularly consider the facility's proximity to residential properties and the potential for noise and odors from the facility to disrupt the nearby residents.

In addition to complying with any conditions attached to the Special permit granted by the SPGA, Commercial Kennels shall also:

- a) Comply with all applicable laws and regulations of the Commonwealth of Massachusetts
- b) Be operated in such a manner as not to constitute a health or safety hazard to the animals being kept in the facility, community, or neighboring properties and residents
- c) Be operated in such a manner as not to constitute a nuisance to the neighboring properties and residents.

52 = In favor of Motion 25 = Against Motion
Motion Passes

ARTICLE 6. The Town voted to accept an easement on School Street from the Roman Catholic Bishop of Springfield, a corporation sole, as shown on Attachment A.

Unanimous Affirmative
Motion Carries

ARTICLE 7. The Town voted to accept an easement on Morgan Street from Mount Holyoke College as shown on Attachment B.

Unanimous Affirmative
Motion Carries

The meeting was adjourned at 8:15 PM.

A True Copy, Attest

Carlene C. Hamlin

Carlene C. Hamlin
Town Clerk