

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF FRANKLIN

SPECIAL TOWN MEETING

SATURDAY MARCH 5, 2022

Pursuant to a warrant signed by the Erving Selectmen and duly posted, as directed by the vote of the Town, the legal voters met at the Erving Elementary School, 28 Northfield Road, Erving, Massachusetts, on Saturday March 5, 2022, at 10:00 a.m. The Town conducted the following business. The meeting was called to order by Moderator Richard K. Peabody at 10:08 a.m. and noted that a quorum was present. The Moderator read the call and the Officer's return, and lead the body in the Pledge of Allegiance to the Flag.

ACCOUNTS PAYABLE OF A PRIOR YEAR: FY2021

ARTICLE 1: APPROPRIATION FOR FY2021 EXPENSES

The Town voted by a declared 9/10 majority to appropriate the sum of One Thousand Nine Hundred Eighty-three Dollars and Thirty-six Cents (\$1,983.36) from Free Cash for the purpose of paying Fiscal Year 2021 invoices as listed below.

Line Item	Department/ Agency	Vendor	Amount
1	Personnel	Cooley Dickinson Practice Associates	\$140.00
2	Police	Axon Enterprises, Inc.	\$477.96
3	School	Lower Pioneer Valley Educational Collab	\$94.80
4	School	Supreme Systems Inc.	\$1,200.00
5	Wastewater	Home Depot Credit Services	\$70.60
Grand Total			\$1,983.36

SUBMITTED BY: Town Administrator

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (0)]

***Article Information:** In the above listed instances, invoices were identified and/or received after the start of Fiscal Year 2022 and after the books for FY2021 were closed. Approval of this article will authorize the Town to pay the above referenced vendors in the amounts indicated. Approval for expenditures in a previous fiscal year requires a 9/10 approval at Special Town Meeting per MGL Chapter 44 Section 64.*

FY2022 FINANCIAL ARTICLES

ARTICLE 2: AMENDED FY2022 GENERAL OPERATING BUDGET

The Town voted unanimously to appropriate the sum of Ten Thousand Dollars and No Cents (\$10,000.00) from Free Cash to amend the FY2022 General Operating Budget, approved at the Annual Town Meeting on May 12, 2021 in Article 5, by the following itemized amounts, for the purpose of Public Works operating expenses.

Line	Divisions	Amount	Proposed Amendment	New Total
1	General Government	\$ 1,136,728.00	\$0.00	\$1,136,728.00
2	Public Safety	\$ 951,891.00	\$0.00	\$ 951,891.00
3	Public Works	\$ 659,732.00	\$10,000.00	\$ 669,732.00
4	Health & Human Services	\$ 243,195.00	\$0.00	\$ 243,195.00
5	Culture & Recreation	\$ 317,830.00	\$0.00	\$ 317,830.00
6	Benefits	\$ 1,760,600.00	\$0.00	\$1,760,600.00
	Grand Total	\$ 5,069,976.00	\$10,000.00	\$5,079,976.00

SUBMITTED BY: Select Board

SELECT BOARD RECOMMENDS: *Approval*

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: Approval of this article would appropriate the sum of \$10,000 from Free Cash to support current fiscal year operating expenses in the Cemetery Department. The Town would like to conduct gravestone restoration work this year and acquire a new cemetery management software for burials and deed tracking. These two (2) projects would exceed the current appropriation for operating expenses in the departmental budget. The need for the software was not known during the FY2021 budget planning process. Approval of this article requires a majority vote.

ARTICLE 3: APPROPRIATION FOR ASSESSING SOFTWARE UPGRADES

The Town voted unanimously to appropriate the sum of Twenty-five Thousand Dollars and No Cents (\$25,000.00) from Free Cash for the purpose of replacing or upgrading the assessing software and related hardware.

SUBMITTED BY: Board of Assessors

SELECT BOARD RECOMMENDS: *Approval*

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (4), Nay (0), Absent (1)]

CAPITAL PLANNING COMMITTEE: Approval [Vote: Aye (5), Nay (0), Absent (0)]

Article Information: Approval of this article would appropriate the sum of \$25,000 from Free Cash to support the upgrade or replacement of the Assessing Office's software and hardware during Fiscal Year 2022. The Assessors' CAMA software is becoming obsolete. It was last replaced in 2003 and as the Town upgrades our computers and software, the existing software is becoming incompatible. Approval of this article requires a majority vote.

STABILIZATION FUND ARTICLES

ARTICLE 4: APPROPRIATION FOR THE GENERAL STABILIZATION FUND

The Town voted unanimously to appropriate the sum of Five Hundred Forty-four Thousand Thirty Dollars and No Cents (\$544,030.00) into the General Stabilization Account, by transferring Five Hundred Forty-four Thousand Thirty Dollars and No Cents (\$544,030.00) from the Library Construction Project fund.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: Approval of this article would transfer the stated funds from the Library Construction Project fund and deposit the same amount into the General Stabilization Fund. The Town received a grant payment from the Massachusetts Board of Library Commissioners in June 2021 of the same amount. This article is meant to replenish funds used from the General Stabilization Fund for the construction of the Erving Public Library. Approval of this article requires a majority vote.

ARTICLE 5: APPROPRIATION FOR THE GENERAL STABILIZATION FUND

The Town voted unanimously to close the Public Library Photovoltaic Solar Array special article fund (35-610-000-89055) and transfer the sum of One Hundred Seventy Thousand Nine Hundred Thirty-three Dollars and Forty-nine Cents (\$170,933.49) into the General Stabilization Account.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: Approval of this article would transfer the stated funds from the Library Solar Array Special article fund and deposit the same amount into the General Stabilization Fund. The installation of the solar array has been completed, the system is interconnected with the electrical grid and is generating power. The available funds remain after the closeout of the construction and commissioning contracts. This article is meant to replenish funds used from the General Stabilization Fund for the construction of the Erving Public Library. Approval of this article requires a majority vote.

PUBLIC WAYS

ARTICLE 6: ACCEPTANCE OF THE EXTENSION OF CARE DRIVE

The Town voted unanimously to accept the extension of CARE DRIVE as a public way by the following description:

Care Drive, Erving, MA

Beginning at a concrete bound at the northeast corner of Care Drive as laid out by the selectmen on April 3 2017 and accepted by the town on June 20, 2017, thence N16°39'39"W, along land of the Town of Erving, a distance of 420.46 feet to a concrete bound.

Thence on a curve to the left with a radius of 60.00 feet, along land of the Town of Erving, a curve distance of 325.42 feet to a concrete bound.

Thence S16°39'39"E, along land of the Town of Erving, a distance of 420.46 feet to an iron pin.

Thence N72°39'16"E, along land of the Town of Erving, a distance of 10.00 feet to an iron pin.

Thence N73°30'36"E, along the north line of Care Drive, a distance of 40.00 feet to a concrete bound at the point of beginning.

Being more particularly shown on a plan entitled "Layout Plan of Care Drive Ext. Prepared for The Town of Erving" dated July 26, 2021 by Edward C. Muszynski, PLS and filed in the office of the Town Clerk.

SUBMITTED BY: Select Board

***Article Information:** This article provides for the official acceptance of the extension of Care Drive as a public way in the Town of Erving. The Planning Board and the Select Board have already voted to approve the public way as proposed in the layout. Approval of this article will allow the Town to formally record this action with the Franklin County Registry of Deeds. A majority vote is required to approve this article.*

ARTICLE 7: ACCEPTANCE OF THE PUBLIC WORKS BOULEVARD LAYOUT

The Town voted unanimously to accept the layout of PUBLIC WORKS BOULEVARD as a public way by the following description:

Public Works Boulevard, Erving, MA

Beginning at a concrete bound, said concrete bound being S41°01'10"W and 176.00 feet from an iron pin on the south line of French King Highway (Route 2), thence N83°34'50"W, along land of the Town of Erving, a distance of 130.66 feet to a concrete bound.

Thence on a curve to the left having a radius of 98.21 feet, along land of the Town of Erving, curve distance of 76.40 feet to a concrete bound.

Thence S52°06'19"W, along land now or formerly of Jesse J. Taylor and Jenna L. Taylor, a distance of 148.90 feet to a concrete bound.

Thence continuing S52°06'19"W, along land now or formerly of said Taylor and land now or formerly of Tyler J. Young, a distance of 147.82 feet to a point.

Thence S67°04'04"W, along land now or formerly of said Young and land now or formerly of Simon P. and Anna Goly, and land of the Town of Erving, N88° a distance of 232.30 feet to a point.

Thence N88°25'44"W, along land of the Town of Erving, a distance of 150.99 feet to a point.

Thence S63°08'06"W, along land of the Town of Erving, a distance of 282.26 feet to a PK nail in the pavement.

Thence S33°33'35"W, along land of the Town of Erving, a distance of 36.54 feet to a PK nail in the pavement.

Thence N56°14'11"W, along land of the Town of Erving, a distance of 298.23 feet to a point.

Thence on a curve to the left having a radius of 15.00 feet, along land of the Town of Erving, a curve distance of 24.72 feet to a point.

Thence S38°11'32"W, along land of the Town of Erving, a distance of 93.41 feet to a point.

Thence N51°48'28"W, along land of the Town of Erving, a distance of 40.00 feet to a concrete bound.

Thence N38°11'32"E along land of the Town of Erving, a distance of 145.43 feet to a concrete bound.

Thence S56°14'11"E, along land of the Town of Erving, a distance of 306.17 feet to a concrete bound.

Thence N63°08'06"E, along land of the Town of Erving, a distance of 310.94 feet to a concrete bound.

Thence S88°25'44"E, along land of the Town of Erving, a distance of 152.44 feet to a concrete bound.

Thence N67°04'04"E, along land of the Town of Erving, a distance of 218.36 feet to a concrete bound.

Thence N52°06'19"E, along land of the Town of Erving, a distance of 347.92 feet to a concrete bound.

Thence S83°34'50"E, along land of the Town of Erving, a distance of 214.56 feet to a point on the west line of River Road.

Thence S41°01'10"W, along the west line of River Road a distance of 48.32 feet to the concrete bound at the place of beginning.

Being more particularly shown on a plan entitled "Layout Plan of Public Works Boulevard. Prepared for The Town of Erving" dated August 06, 2021 by Edward C. Muszynski, PLS and filed in the office of the Town Clerk.

SUBMITTED BY: Select Board

***Article Information:** This article provides for the official acceptance of the extension of Public Works Boulevard as a public way in the Town of Erving. The Planning Board and the Select Board have already voted to approve the public way as proposed in the layout. Approval of this article will allow the Town to formally record this action with the Franklin County Registry of Deeds. A majority vote is required to approve this article.*

ARTICLE 8: ACCEPTANCE OF THE RELOCATION OF THE HIGHLAND AVENUE LAYOUT

The Town voted unanimously to accept the relocation of Highland Avenue as a public way by the following description:

Highland Avenue, Erving, MA

Beginning at a point on the east line of Church St., said point being located 33.26 feet northerly from a granite bound at an angle point in Church St., thence N22°47'43"E a distance of 1.17 feet to a concrete bound.

Thence N22°47'43"E, a distance of 107.60 feet to a concrete bound.

Thence N32°47'43"E, a distance of 94.30 feet to a concrete bound.

Thence N19°50'43"E, a distance of 82.40 feet to a granite bound.

Thence N8°04'43"E, a distance of 162.34 feet to a granite bound.

Thence N8°04'43"E, a distance of 15.00 feet to a concrete bound.

Thence S81°55'17"E, a distance of 16.50 feet to a point.

Thence S08°04'43"W, a distance of 15.00 feet to a point.

Thence S8°04'43"W, a distance of 164.04 feet to a point.

Thence S19°50'43"W, a distance of 85.97 feet to a point.

Thence S32°47'48"W, a distance of 94.73 feet to a point.

Thence S22°47'43"W, a distance of 109.01 feet to a point.

Thence S42°22'43"W, a distance of 18.29 feet to a point on the east line of Church St.

Thence N5°56'11"W, along the east line of Church St., a distance of 21.57 feet to the place of beginning.

Being more particularly shown on a plan entitled "Layout Plan of Highland Avenue Surveyed For The Town of Erving MA" dated July 26, 2021 by Edward C. Muszynski, PLS. and filed in the office of the Town Clerk.

And to authorize the taking of an easement of 247 square feet of land, identified as "Parcel A" on the plan, owned now or formally by Brian D. and Sally C. Pollard, for no additional consideration.

SUBMITTED BY: Select Board

Article Information: *This article provides for the official acceptance of the relocation of Highland Avenue as a public way in the Town of Erving. The Planning Board and the Select Board have already voted to approve the public way as proposed in the layout. Approval of this article will allow the Town to formally record this action with the Franklin County Registry of Deeds. A 2/3 vote is required to approve this article.*

ARTICLE 9: ACCEPTANCE OF THE RELOCATION OF THE PLEASANT STREET LAYOUT

The Town voted unanimously to accept the relocation of Pleasant Street as a public way by the following description:

Pleasant Street, Erving, MA

East Side

Beginning at a stone bound, said stone bound being on the south line of Pleasant St. formerly North St. and on the east line of Pleasant St. thence $S19^{\circ}53'51''W$ a distance of 495.84 feet to a concrete bound at the northeast corner of Union St.

Thence $S19^{\circ}53'51''W$, a distance of 49.50 feet across Union St. to a concrete bound at the southeast corner of Union St.

Thence $S19^{\circ}53'51''W$, a distance of 294.03 feet to a concrete bound at the northeast corner of Central St.

Thence $S18^{\circ}05'37''W$, a distance of 58.74 feet across Central St. to a concrete bound at the southwest corner of Central St.

Thence $S50^{\circ}20'22''W$, a distance of 296.79 feet to an iron pin at the northeast corner of Prospect St.

West Side

Beginning at a stone bound, said stone bound being on the south line of Pleasant St. formerly North St. and on the west line of Pleasant St. thence $S19^{\circ}53'51''W$, a distance of 496.01 feet to a point on the northwest corner of Union St.

Thence $S19^{\circ}53'51''W$, across Union St a distance of 49.50 feet to a point at the southwest corner of Union St.

Thence $S19^{\circ}53'51''W$, a distance of 296.29 feet to a point at the northwest corner of Central St.

Thence $S11^{\circ}54'42''W$, across Central St. to a point at the southwest corner of Central St.

Thence $S50^{\circ}20'22''W$, a distance of 297.08 feet to an iron pin at northwest corner of Prospect St.

Laid out 49.50 feet wide and being more particularly shown on a plan entitled "Layout Plan in Erving MA For Pleasant St. Surveyed For Town of Erving MA" dated November 22, 2021 by Edward C. Muszynski, PLS. and filed in the office of the Town Clerk.

SUBMITTED BY: Select Board

Article Information: *This article provides for the official acceptance of the relocation of Pleasant Street as a public way in the Town of Erving. The Planning Board and the Select Board have already voted to approve the public way as proposed in the layout. Approval of this article will allow the Town to formally record this action with the Franklin County Registry of Deeds. A majority vote is required to approve this article.*

MOSQUITO CONTROL DISTRICT

ARTICLE 10: JOINING THE PIONEER VALLEY MOSQUITO CONTROL DISTRICT

The Town voted by majority to become a member in the Pioneer Valley Mosquito Control District pursuant to Massachusetts General Laws Chapter 252, §5A and other applicable sections of said law; and to meet this obligation, raise and appropriate by transfer from Free Cash, or otherwise provide a sum of Five Thousand (\$5,000.00) to fund the first annual membership fee.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

***Article Information:** This article provides the necessary authorization for the Town of Erving to formally join as a member of the Pioneer Valley Mosquito Control District. The PVMCD was established by the State Reclamation and Mosquito Control Board ("SRB") on October 18, 2017, in accordance with M.G.L. c. 252, and provides mosquito control services to member municipalities in Franklin, Hampshire, and Hampden counties. This is being recommended in response to resident concerns about the potential for mosquito spraying by the State. A majority vote is required to approve this article.*

REAL PROPERTY TRANSACTIONS

ARTICLE 11: TO AUTHORIZE DISPOSITION OF 17 MOORE STREET

The Town voted unanimously to transfer from the board or officer currently having control for current purpose for which the property is held to the Select Board, for the purpose of disposition by lease, sale, or otherwise, the care, custody, management and control of the property and structures thereon known as the former Erving Public Library, located on 17 Moore Street and shown on the Assessors' Maps as Map 4 Block 5 Lot 16; and to authorize the Select Board to rent, convey, or otherwise dispose of all or a portion of said property pursuant to the provisions of Massachusetts General Law Chapter 30B, Section 16 upon such terms and conditions as the Select Board deems to be in the best interest of the Town; and further to authorize the Select Board to take such actions and execute such documents and agreements as are necessary to effectuate the purpose of this article.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

***Article Information:** Approval of this article would authorize the Select Board to rent, convey, or otherwise dispose of all or a portion of said property pursuant to the provisions of Massachusetts General Law Chapter and upon such terms and conditions as the Select Board deems to be in the best interest of the Town. Approval of this article requires a majority vote.*

ARTICLE 12: TO AUTHORIZE ACQUISITION OF A PRATT STREET EASEMENT

The Town voted unanimously to authorize the Select Board to acquire by purchase, gift, deed, eminent domain, or otherwise, on such terms and conditions as the Select Board shall determine,

permanent and/or temporary easements on the parcel of land at 2 Pratt Street, Assessors Map 0 Block 5, Lot 30, for purposes including, but not limited to, construction, alteration, maintenance, improvement, repair and replacement of a traffic safety signal device; and further to authorize the Select Board to enter into all agreements and take all related actions necessary or appropriate to carry out said acquisitions and other acts authorized herein.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: Approval of this article would authorize the Select Board to acquire a permanent easement, for the installation and ongoing maintenance of a traffic safety signal device, on said property pursuant to the provisions of Massachusetts General Law Chapter and upon such terms and conditions as the Select Board deems to be in the best interest of the Town. Approval of this article requires a 2/3 vote.

ZONING BYLAW

ARTICLE 13: ADD SECTION 8.3 OF THE ZONING BYLAW – ORIGINAL ARTICLE

To see if the Town will vote to amend the Town of Erving Zoning Bylaws, by adding Section 8.3 Planned Unit Development, as presented at the November 18, 2021 Planning Board public hearing pursuant to Massachusetts General Law Chapter 40A.

Please note: Proposed additions are in *italics* and deletions are [underlined and in brackets]

8.3 *Planned Unit Development*

8.3.1 *Purpose*

To allow for “Planned Unit Developments” in designated areas of Town, whereby through a comprehensive site plan, a unified development containing a mixture of land uses and buildings is developed as a single entity. It is the intent of this provision to ensure sound planning and zoning practices while allowing certain desirable departures from the requirements of specific zoning provisions. The goals of the Planned Unit Development (PUD) are:

- A. Encourage flexibility in the design of development through a carefully controlled review process of detailed plans within the Planned Unit Development Overlay District.*
- B. Promote the reuse of historic structures and the use of multiple-story buildings in a campus-like clustering of buildings to maximize the amount of available open space.*
- C. Encourage a less sprawling form of development which makes more efficient use of land, requires shorter networks of streets and utilities and which fosters more economical development and less consumption of developable land.*

- D. *Provide an efficient procedure which will ensure appropriate high-quality design and site planning.*
- E. *Promote high-quality coordinated building and site design which buffers adjacent residential uses and protects both scenic and natural features.*
- F. *Maximize pedestrian circulation within the project and connection to surrounding compatible land uses, both through the design of circulation systems and through the design and layout of land uses.*

8.3.2 *Applicability*

A Planned Unit Development is a development of land as a single entity under the direction of a comprehensive site plan, in which a mixture of land uses, a variety of building types and designs, and open space are provided for in a coherent manner. A Planned Unit Development may occur in the Planned Unit Development Overlay District as shown on the Official Zoning Map of the Town of Erving if a Special Permit is granted by the Planning Board.

8.3.3 *Dimensional Requirements*

To be eligible for a Planned Unit Development, the parcel must have at least 400 feet of frontage and have a minimum lot area of 80,000 square feet. The maximum building height for new structures must meet the dimensional requirements in the Section 5.2 Dimensional Schedule with the exception that existing historic mill buildings being reused as part of a PUD may have a building height that equals the height of the existing historic structure.

Accessory structures related to heating, cooling or other principal building functions may have a height greater than those allowed in the dimensional schedule if a waiver is granted by the Planning Board under the Special Permit. The dimensional requirements for frontage and minimum lot area under the Special Permit granted by the Planning Board may be modified or waived for compelling reasons of public safety, aesthetics, or sustainable site design which serve the purpose of this section. All buildings in a PUD must comply with FAA requirements, if applicable, related to height or lighting.

8.3.4 *Use Regulations*

- A. *The uses allowed in a Planned Unit Development are any uses allowed either by right or special permit within the underlying zoning district.*
- B. *Uses in a Planned Unit Development shall comply with all other applicable sections of this Zoning Bylaw, including but not limited to 4.5 Parking and Loading Requirements and 4.6 Sign Regulations, in addition to the required provisions of this section.*
- C. *More than one principal building and use is permitted on a lot.*
- D. *One or more separate but contiguous parcels may be assembled to create a Planned Unit Development. Proposed Planned Unit Developments may include preexisting uses and buildings provided they are integrated into the development plan. Planned Unit Developments may consist of land in more than single ownership and may*

consist of separate parcels provided all current and future owners and lots are: (i) bound by the restrictive covenant(s) or conditions of the approved Planned Unit Development according to the Special Permit approval; and (ii) commit to maintain the project as a single Planned Unit Development.

- E. Subdivision of lots within a Planned Unit Development after final approval of the Site Plan or Special Permit shall be considered an amendment to the Special Permit and will require approval by the Planning Board.*

8.3.5 Access Requirements

- A. Entrances to Planned Unit Developments shall be limited to one access point onto a public way. The Planning Board may grant additional access points to improve traffic circulation for public safety or emergency services purposes if deemed necessary.*
- B. Common driveways and parallel service drives may be required in the Planned Unit Development to minimize driveway openings.*
- C. Provision for safe and convenient pedestrian and bicycle access shall be incorporated into the Planned Unit Development. Walkways or bicycle paths shall be provided throughout the site, and shall connect to existing off-site pedestrian and bicycle paths.*
- D. Where public transit could serve the Planned Unit Development, access shall be facilitated by bus pullout areas, bus shelters, lighting, and/or other passenger amenities in coordination with the regional transit authority.*

8.3.6 Design Requirements

- A. Developments shall have an integrated design with respect to building placement, proportion, color, rooflines, and other architectural details.*
- B. Developments must incorporate human scale features such as landscaping, pedestrian plazas and other public spaces, first floor windows, pedestrian level lighting, benches, awnings and architectural details.*
- C. Each building's main entrance shall be clearly defined with architectural details such as raised parapets, peaked roofs, arches, canopies, and overhangs.*
- D. Rear or side facades visible from other uses, parking areas, or streets must be of finished quality and should be landscaped.*
- E. Parking areas shall be located to the side or rear of buildings to the maximum extent feasible.*
- F. All mechanical equipment including dish antennae, outdoor storage, and waste disposal areas shall be screened from public view.*
- G. Wall signs in multi-tenanted buildings must be placed within the same sign band.*

8.3.7 Design Guidelines

- A. *New buildings shall relate harmoniously to existing buildings on the site and to the surrounding neighborhood.*
- B. *Boxy buildings should be softened with architectural details and landscaping. Pitched rooflines are encouraged.*
- C. *Long unbroken facades must be avoided. The use of facade offsets, recesses, angular forms, and landscaping rather than ornamentation is encouraged to break up the mass of large or continuous walls.*
- D. *The use of exterior building materials such as masonry, stone, wood, and brick is preferred.*
- E. *Facade details and building elements shall be proportionate to the scale of the building.*
- F. *Lighting fixtures should complement the architectural design of the Planned Unit Development.*
- G. *The placement of wall signs on individual buildings should complement the architectural design of the Planned Unit Development.*
- H. *Large expanses of parking should be broken up with internal landscaping and dedicated pedestrian walkways.*
- I. *All utility lines shall be placed underground where physically feasible.*

8.3.8 Phasing Requirements

All applications for Planned Unit Developments shall include sufficient information to evaluate total build-out of the site. The Planning Board may permit a phased schedule in accordance with an approved "Master Site Plan" for the Planned Unit Development.

- A. *The initial construction phase shall provide sufficient on-site and off-site improvements to adequately serve the constructed portion independent of future phases, encourage completion of the build-out design, and minimize disruptions during future construction phases. Improvements shall include but are not limited to driveways, walkways or bicycle paths, parking, sewer, water, stormwater systems, lighting, and landscaping. The Planning Board may permit phased construction of improvements if deemed appropriate.*
- B. *The applicant shall provide the Town with a performance guarantee to cover the costs of construction of the on-site and off-site improvements, subject to approval from the Planning Board, in the form of a performance bond, letter of credit, or cash escrow.*
- C. *Any changes in use or amendments to subsequent development phases shall require approval by the Planning Board. Modifications or extensions to an approved phasing timetable shall not be considered substantive amendments.*

8.3.9 Procedural Requirements

All Planned Unit Developments require a Special Permit and Site Plan Review. The Planning Board shall be the Site Plan Approval Authority and the Special Permit Granting Authority for all Planned Unit Developments. A Special Permit may be granted by the Planning Board for multiple uses allowed by right or by special permit if the Planning Board finds that the proposed uses will not have adverse effects which overbalance the beneficial effects according to the requirements and criteria of Section 6.1 Special Permits and 6.2 Site Plan Review. In addition to the Special Permit application requirements of Section 6.1 and the Site Plan Review submittal requirements in Section 6.2 and of this Bylaw, site plans shall include:

- A. Color renderings of facade elevations of all sides of all proposed new construction and renovations including proposed mature landscaping.*
- B. Color photographs showing the proposed building site and adjacent properties and buildings.*
- C. Drawings/cut sheets of all proposed lighting, signs, and pedestrian amenities as they are to be located on the property.*
- D. A landscaping plan that includes all existing and proposed vegetation with elevation views and a description of all plantings (include common names), size (upon planting and upon maturity), spacing, and numbers of plants.*
- E. Description of how the project will impact traffic conditions on streets and intersections likely to be affected by the project including the level of service, traffic flow, turning movements, sight distances, traffic controls, pedestrian and bicycle movement and public transportation. Provide information on the average daily and peak hour traffic projections and directional distribution of site-generated traffic.*
- F. A description of the proposed uses and associated square footage.*

Or take any action relative thereto

SUBMITTED BY: Planning Board

SELECT BOARD RECOMMENDS: Approval

Article Information: *Approval of this article will amend the official Zoning Bylaw for the Town of Erving by adding a Planned Unit Development (PUD) overlay district. Approval of this article requires a 2/3 vote.*

Article 13 failed by a hand count of 37 YES to 20 NO thereby not meeting the 2/3 majority which would have been at least 38 yes votes for 57 total voters.

ARTICLE 14: TO AMEND THE OFFICIAL ZONING MAP – ORIGINAL ARTICLE

To see if the Town will vote to amend the official Town of Erving Zoning Map adopted on June 27, 2005 with the proposed Zoning Map dated November 2, 2021 on file at Town Hall and presented at the November 18, 2021 Planning Board public hearing, pursuant to Massachusetts General Law Chapter 40A, or take any action relative thereto.

SUBMITTED BY: Planning Board

SELECT BOARD RECOMMENDS: Approval

Article Information: *Approval of this article would amend the official Zoning Map for the Town of Erving. Approval of this article requires a 2/3 vote.*

AMENDMENT: It was moved and seconded to insert the words “with the exception of the Planned Unit Development (PUD) overlay map sections” after “November 2, 2021”. **The amendment passed unanimously.**

ARTICLE 14 passed unanimously as amended.

71 registered voters attended this meeting. The meeting was dissolved at 12:51 p.m.

A true copy, ATTEST:



Richard W. Newton
Erving Town Clerk