

**COMMONWEALTH OF MASSACHUSETTS**  
**COUNTY OF FRANKLIN**

**SPECIAL TOWN MEETING**  
**WEDNESDAY JUNE 28, 2023**

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 Wednesday June 28, 2023, at 7:00 p.m. The Town conducted the following business. The meeting was called to order by Moderator Richard K. Peabody at 7:01 p.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.

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**FISCAL YEAR 2023 FINANCIAL ARTICLES**

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**ARTICLE 1: REVOLVING FUND TRANSFER TO CONTINUING APPROPRIATION FOR VETERANS FIELD**

The Town voted unanimously to transfer the sum of Eighteen Thousand Dollars and No Cents (\$18,000.00) from the Recreation Revolving Account 29-300-63001 to the continuing appropriation to be established for general maintenance of parks or take any other action relative thereto.

SUBMITTED BY: Recreation Commission  
FINANCE COMMITTEE RECOMMENDS:

*Article Information: We have the redesign and renovation of Veteran's Field as an upcoming Capital Project. We will be seeking a PARC grant, which requires matching funds from the community. As of 5/17/2023 we have a balance of \$22,919.36 in our Revolving Account. As per M.G.L. we are only able to carry over a balance of \$10,000 from our Revolving Account.*

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**FISCAL YEAR 2024 CAPITAL IMPROVEMENT BUDGET**

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**ARTICLE 2: APPROPRIATION FOR WATER CAPITAL IMPROVEMENT**

The Town voted by majority to appropriate the sum of Fifty-one Thousand Dollars and No Cents (\$51,000.00) for the capital improvement project(s) itemized below and related expenses, by transferring Fifty-one Thousand Dollars and No Cents (\$51,000.00) from Water Enterprise Fund retained earnings, subject to award by the Select Board.

Line	Account #	Description	Amount
1	61-450-908-57800	Water Tank Mixing Project	\$51,000
		<b>Grand Total</b>	<b>\$51,000</b>

SUBMITTED BY: Select Board/ Water Commissioners  
CAPITAL PLANNING COMMITTEE RECOMMENDS:  
FINANCE COMMITTEE RECOMMENDS:

***Article Information:** This article will fund the construction phase for the water tank mixing project. The engineering phase was approved at the March 06, 2023, Special Town Meeting and has resulted in this phase 2 request. Approval of this article requires a majority vote.*

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## CAPITAL IMPROVEMENT- RESCIND BORROWING AUTHORIZATION

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### ARTICLE 3: RESCIND THE BORROWING AUTHORIZATION FOR LEAD SERVICE LINE INVENTORY & REPLACEMENT PLAN PROJECT

The Town voted unanimously to rescind the borrowing authorized, in Article 7 of the Special Town Meeting Warrant from March 06, 2023, in the sum of One Hundred Twenty-five Thousand Dollars and No Cents (\$125,000.00) for the purpose of conducting an engineering assessment for the development of a Lead Service Line (LSL) Inventory and Replacement Plan Project for the Water Department.

SUBMITTED BY: Select Board  
FINANCE COMMITTEE RECOMMENDS:  
CAPITAL PLANNING COMMITTEE RECOMMENDS:

***Article Information:** This article would rescind the borrowing authorization that was approved on March 06, 2023. The Town applied to the Massachusetts Department of Environmental Protection (MassDEP) for a forgivable loan to the State Revolving Fund and MassDEP transitioned the program into a 100% funded grant program. The Town was successfully approved for the grant and no longer needs to borrow this amount to complete the project. The project is still expected to be completed by October 2024. Approval of this article requires a 2/3 vote at Town Meeting.*

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## REAL PROPERTY TRANSACTIONS

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### ARTICLE 4: A VOTE TO AUTHORIZE ACQUISITION OF RIGHTS IN LAND PARCELS – ORIGINAL ARTICLE

To see if the Town will vote to authorize the Select Board to acquire the following land parcels and or rights in land parcels for the purpose of obtaining a secure and public right of way. This will allow for the construction of the Church Street Bridge Project (File #612982).

	Total # Parcels	Area (Square Feet)
In Fee		
Permanent Easements		
Temporary Easements		

Further that the Select Board may acquire these parcels, or modification of these parcels or other required parcels through all legal means. This includes donations, purchase or eminent domain. The subject parcels are currently identified on plans drafted by Weston & Sampson, dated \_\_\_\_\_, and titled \_\_\_\_\_. Or take any action relative thereto.

SUBMITTED BY: Select Board  
FINANCE COMMITTEE RECOMMENDS:

***Article Information:** Approval of this article authorizes the Select Board to use all legal means to acquire the necessary temporary and permanent easements for this project. The Church Street Bridge Project is funded through Federal and State allocations and is included in the FFY2024 Transportation Improvement Program. Approval of this article requires a majority vote.*

**The Town voted unanimously to PASS OVER this article.**

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## ZONING BYLAW

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### **ARTICLE 5: AMEND AND RECODIFY THE ZONING BYLAW – ORIGINAL ARTICLE**

To see if the Town will vote to amend and recodify the Zoning Bylaw entitled “Zoning” as Chapter 230 of the Town Code, and by taking the following steps:

1. Delete, in their entirety, the following provisions of the existing Zoning Bylaw, including the Zoning Map (dated November 2, 2021), adopted June 27, 2005, and last amended May 11, 2022, but not the Groundwater Map dated September 1999:

- Section 1: Purpose and Administration
- Section 2: General Regulations
- Section 3: Districts
- Section 4: Use Regulations
- Section 5: Intensity Regulations
- Section 6: Special Permit and Site Plan Review
- Section 7: Phasing of Growth
- Section 8: Optimal Development Methods
- Section 9: Definitions
- Zoning Map Dated November 2, 2021

2. Create the following provisions in the document entitled “Zoning Bylaw, dated May 18, 2023”, including the Zoning Map dated March 8, 2023, on file in the office of the Town Clerk and the Planning Board:

- Section 1.0 Purpose and Authority
- Section 2.0 Districts
- Section 3.0 Use Regulations
- Section 4.0 Dimensional Regulations

- Section 5.0 Nonconforming Uses and Structures
- Section 6.0 General Regulations
- Section 7.0 Special Regulations
- Section 8.0 Special Residential Regulations
- Section 9.0 Special Districts
- Section 10.0 Administration and Procedures
- Section 11.0 Definitions
- Zoning Map, Dated March 8, 2023

SUBMITTED BY: Planning Board  
FINANCE COMMITTEE RECOMMENDS:


***Article Information:** Approval of this article would adopt all the proposed amendments to the Zoning Bylaw, as well as assign Chapter 230 as its designation in the Town Code. Approval of this article requires a 2/3 vote.*

**ARTICLE 5 was moved and seconded as printed.**

**AMENDMENT:** It was moved and seconded to modify Use Regulation Schedule Table C Number 4 by changing “including poultry, horses, or cow” to “including horses or cows, and excluding poultry”. **The amendment failed 12 YES and 15 NO.**

**ARTICLE 5 passed by a declared 2/3 majority as written. There was a single no vote.**

34 registered voters attended this meeting. The meeting was dissolved at 7:31 p.m.

A true copy, ATTEST:   
Richard W. Newton  
Erving Town Clerk