



COMMONWEALTH OF MASSACHUSETTS

TOWN OF CHESTER

2023 ANNUAL TOWN MEETING WARRANT

HAMPDEN, SS.

To any of the Constables in the Town of Chester in the County of Hampden:

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Chester qualified to vote in Town affairs to meet in the **Chester Town Hall, 15 Middlefield Rd, Chester, MA on Monday, the 12th day of June, 2023, A.D. at 7:00PM**, then and there to act on the following articles:

ARTICLE 1: APPOINTMENTS

To authorize the Board of Selectmen to appoint such other Town Officials as are not required to be chosen by ballot, or to take any other action relative thereto.

Majority vote required

ARTICLE 2: COMPENSATION

To see if the Town will vote to fix the annual salaries of all elected officials for the period of July 1, 2023 to June 30, 2024 as indicated below, or to take any other action relative thereto.

Majority vote required

Elected Official's Salary	FY2023	Proposed FY24
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Selectboard Member	\$2,408	\$2,480
Selectboard Member	\$2,408	\$2,480
Selectboard Member	\$2,408	\$2,480
Water Commissioner	\$700	\$700
Water Commissioner	\$700	\$700
Water Commissioner	\$700	\$700
Town Moderator	\$200	\$200
Health Board Member	\$1,500	\$1,545
Health Board Member	\$1,500	\$1,545
Health Board Member	\$1,500	\$1,545

ARTICLE 3: FY2024 OPERATING BUDGET

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum \$3,496,380 to defray charges and expenses of the Town, including debt service (principal and interest) and to provide a Reserve Fund, for the period July 1, 2023 to June 30, 2024 and further, to hear the report of the Finance Committee and act thereon, or to take any other action relative thereto. (Please see separate budget sheet)

Majority vote required

ARTICLE 4: REVOLVING FUNDS

To see if the Town will vote to set FY2024 spending limits for each of the Town’s previously established revolving funds that have been authorized under Chapter 44, Section 53E1/2 of the Massachusetts General Laws as indicated below, or to take any other action relative thereto:

ARTICLE 8: ACCEPTANCE OF CHAPTER 90 FUNDS

To see if the Town will vote to accept and expend without further appropriation funds being provided by the Commonwealth of Massachusetts under the provisions of Mass. General Laws Chapter 90, to pay for such costs as allowed by appropriate legislation in connection with the maintenance, repair, and construction of Town ways and bridges, with such funds to carry over from year to year until expended by the Town, or to take any other action relative thereto.

Majority vote required

ARTICLE 9: CMELD OPERATIONS

To see if the Town will vote to appropriate the income from the sale of electricity to private consumers, municipal building and jobbing for the Municipal Electric Light Department, for the fiscal year beginning July 1, 2023 to June 30, 2024, and to authorize that the whole be expended under the direction and control of the Board of Electric Light Commissioners and Manager, or to take any other action relative thereto.

Majority vote required

ARTICLE 10: CHESTER WATER DEPARTMENT ENTERPRISE FUNDS

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to operate the Chester Water Department Enterprise, or to take any other action thereon.

That the following funds be appropriated for the Chester Water Department Enterprise:

<i>Water Department Salaries</i>	<i>\$65,765</i>	
<i>Commissioners Stipends</i>	<i>2,100</i>	
<i>Operation Expenses</i>	<i>45,150</i>	
<i>Contract Services</i>	<i>25,200</i>	
<i>Debt</i>	<i>29,479</i>	
<i>Budgeted Surplus</i>	<i><u>13,083</u></i>	
<i>Total</i>	<i>\$180,777</i>	<i>Last Year's Total \$153,384</i>

and that the \$180,777 be raised as follows:

<i>Enterprise Receipts</i>	<i>\$151,298</i>
<i>Tax Levy</i>	<i><u>29,479</u></i>
<i>Total</i>	<i>\$180,777</i>

Majority vote required

ARTICLE 11:

HILLTOWN AMBULANCE REPLACEMENT FUND

To see if the Town will vote to raise and appropriate, or transfer from available funds, \$2,825.29 to cover the Hilltown Ambulance Replacement Fund assessment, or to take any other action relative thereto.

Majority vote required

ARTICLE 12:

FIRE TRUCK CAPITAL FUND

To see if the Town will vote to raise and appropriate, or transfer from available funds, \$25,000 to the Fire Truck Capital Fund, or to take any other action relative thereto.

Majority vote required

ARTICLE 13:

COUNCIL ON AGING FLOOR

To see if the Town will vote to raise and appropriate, or transfer from available funds, \$6,000.00 to maintain the floor in the Council of Aging room in the lower level of Town Hall, or to take any other action relative thereto.

Majority vote required

ARTICLE 14:

STABILIZATION FUND TRANSFERS

To see if the Town will vote to approve the transfer of \$10,000 from the Town Building Stabilization Fund, and \$20,000 from the Town Roads Stabilization Fund to the Stabilization Fund, or to take any other action relative thereto.

Two-Thirds vote required

ARTICLE 15:

TRANSFER OF FREE CASH TO STABILIZATION FUND

To see if the Town will vote to approve the transfer of \$275,000 from Free Cash to the Stabilization Fund, or to take any other action relative thereto.

Majority vote required

ARTICLE 16:

**INSURANCE REVOLVING ACCOUNT TRANSFER
TO STABILIZATION FUND**

To see if the Town will vote to eliminate the Insurance Revolving account and transfer the balance of \$19,819.45 to the Stabilization Fund, or to take any other action relative thereto.

Two-Thirds vote required

ARTICLE 17: REAL ESTATE SALES TRANSFER TO STABILIZATION FUND

To see if the Town will vote to transfer \$7,500 from Real Estate Sales to the Stabilization Fund, or to take any other action relative thereto.

Majority vote required

ARTICLE 18: VACANCIES IN OFFICE OF SELECTMEN (Petition Article)

"To enact a bylaw that if the selectman office is vacated by one or more members and there is more than 100 days left of said term, an election must be held within 70 days."

Majority vote required

ARTICLE 19: SHORT TERM RENTALS AND GLAMPING

To see if the town will vote to amend the Zoning Bylaws by adding a new Section 3.5: Short Term Rentals and Glamping; amend Section 3.0, Table 1, Chester Schedule of Use Regulation, bylaw number 3.0.7, Business; and amend Section 7.1, Term Definitions, as follows:

3.5 SHORT TERM RENTALS

3.5.1 General

A homeowner or lease holder may rent all or a portion of their dwelling(s) to overnight guests on a short-term basis.

3.5.2 Registration and Taxes

The homeowner or leaseholder must register annually with the Board of Health. The homeowner or lease holder must register as a short-term rental business with the Commonwealth of Massachusetts and collect and remit all short-term room taxes required by the Commonwealth of Massachusetts and the Town of Chester.

3.5.3 Public Health and Safety

An annual inspection and/or approval from the Board of Health is required.

3.5.4 Location of Rental Rooms

Rental rooms must be within the homeowner’s or leaseholder’s dwelling.

3.5.5 Meals

The rental may, or may not, include breakfast.

3.5.6 Glamping

See section 7.1 Term Definitions for “Glamping” for requirements and section 3.0.7 under “Business” for zoning requirements.

7.1 TERM DEFINITIONS:

Accessory Use: The use of a building or premises for a purpose customarily incidental to the main or principal use permitted in the district. **Violations of the permitted use standard are subject to penalties as set forth in the town’s bylaws.**

Glamping: Permitted with or without a primary residence. Must have bathhouse or dedicated sanitary facility with domestic hot and cold water which will include shower, toilet and at least one kitchen sink separate from hand washing sinks. Maximum of three glamping sites on any parcel, based on current zoning requirements (see section 3.0.7), more would require special permit. Follow same set back requirements as current zoning regulations. Property manager would have rules and regulations for their specific property subject to annual review per Board of Health. Liability insurance required of property owner for facility. Provide off street parking for all vehicles. Permit to be issued by Board of Health annually (July to June). Types of structures allowed are to be made of high-quality, durable materials: a. Tents with platforms b. Cabins c. Yurts or similar with platform d. Anything other by Special Permit.

**TOWN OF CHESTER
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<u>BY LAW NUMBER</u>	<u>LAND USE CLASSIFICATION</u>	<u>STANDARDS & CONDITIONS</u>	<u>R</u>	<u>AR</u>	<u>B</u>	<u>I</u>
3.0.7	<u>BUSINESS</u>					
	Open-Air Movie Theater		N	SP	N	N
	Office		N	N	Y	Y
	Bank		N	N	Y	Y
	Newspaper or Job Printing Establishment		N	N	Y	Y
	Hotel, Motel		N	N	Y	Y
	Bed and Breakfast Home	<p>The owner must submit an approved Title V inspection to the Board of Health for review to ensure that the existing sewage disposal system is adequate for the proposed alteration to the existing building.</p> <p>A Bed and Breakfast use must comply with the following standards:</p> <p>a. The rooming units shall not include individual kitchens.</p> <p>b. The use must not change the single-family character of the dwelling.</p> <p>c. Transient occupants are prohibited from staying more than 60 days in a one-year period.</p> <p>d. The exterior appearance of the structure shall not be altered from its single-family character.</p> <p>e. violations of the standards are subject to penalties as set forth in the town's bylaws</p>	Y	Y	Y	Y

<u>BY LAW NUMBER</u>	<u>LAND USE CLASSIFICATION</u>	<u>STANDARDS & CONDITIONS</u>	<u>R</u>	<u>AR</u>	<u>B</u>	<u>I</u>
3.0.7	<u>BUSINESS (CON'T)</u>					
	Bed and Breakfast Establishment	Must comply with the Standards & Conditions Requirements for a Bed and Breakfast Home	Y	Y	Y	Y
	Bed and Breakfast Establishment With modifications	If modifications are made to the dwelling, such as an addition to the dwelling or detached or temporary structures (tents, outbuildings, cabins, etc.), a special permit is required as well as meeting the Standards & Conditions Requirements for a Bed and Breakfast Home Above, with the exception of item e.	SP	SP	SP	SP
	Short Term Rentals	The dwelling cannot be connected to another dwelling, or share well or septic systems with another dwelling. No additions or external modifications may be made to the property for lodging use. Short Term Rentals must comply with the requirements of Section 3.5, Short Term Rentals	Y	Y	Y	Y
	Short Term Rentals With modifications	The dwelling cannot be part be connected to another dwelling, or share well or septic systems with another dwelling. If additions or external modifications are to be made to the property for lodging use, a special permit is required. Short Term Rentals must comply with the requirements of Section 3.5, Short Term Rentals	SP	SP	SP	SP
	Glamping	Permitted with or without a primary residence. Minimum ten acres, maximum three sites, anything over will require special permit. Any less than ten acres will require a special permit.	SP	SP	SP	SP

Two-Thirds vote required

ARTICLE 20: CHESTER WATER ASSET MANAGEMENT PROJECT

To see if the Town will vote to raise and appropriate, or transfer from available funds, the total project cost of \$113,500 to fund the Chester Water Asset Management Project, such sum to be comprised of a grant from the 2023 Drinking Water State Revolving Fund in the amount of \$68,100, which amount will be used to reimburse the Town by MassDEP and the Massachusetts Clean Water Trust in two payments of \$34,050 each (one at 50% of project completion and the other at 100% completion), with the balance to be furnished by the Town in the form of in-kind services valued at \$26,105 and a cash contribution of \$19,295, or to take any other action relative thereto.

Majority vote required

ARTICLE 21: TOWN HALL INTERNET SERVICES START UP COSTS

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum up to \$2,800 for one time start-up costs associated with Town Hall internet services, or to take any action relative thereto.

Majority vote required

Article 22: HIGHLANDS FOOTPATH EASEMENT

To see if the town will vote to grant an easement to Highlands Footpath, Inc. on town property, Map 406, Parcel 4 (a land locked parcel of approximately 128 acres on Gobble Mountain, off Middlefield Road). The easement to be 50 ft width from the boundary of Nature Conservancy land to the West Branch of the Westfield River, approximately 4,000 ft in length. If approved, the easement will be attached to the town deed to the property. The easement to be used for a hiking footpath.

Majority vote required

ARTICLE 23: WIRELESS COMMUNICATIONS BYLAW CHANGE (Petition Article)

To see if the Town will vote to amend the zoning bylaws or take any action relative thereto.

(Citizens Petition) We the undersigned residents of Chester MA do hereby request a warrant to be on the agenda for the 2023 annual June town meeting to present the following motion for the town to vote in accordance with the provisions of Section 5 of Chapter 40A. This motion would amend the Zoning Bylaws 5.4 Wireless Communication Structures and Facilities adopted in 2005, **Zoning Bylaw Section 5.4.7 Application Process**, to state that all new Wireless Telecommunications Facilities (WTFs) applications will be deemed incomplete until the applicant provides substantial written evidence that the FCC has completed the court-mandated work from two DC Circuit rulings: Case No. 18-1129: United Keetoowah Band of Cherokee Indians v. Fed. Commc'ns Comm'n, 933 F.3d 728 (D.C. Circuit 2019) and Case No. 20-1025: Env'tl. Health Tr. v. Fed. Communications Comm'n, 9 F. 4th 893 (D.C. Circuit. 2021). Read what the D.C. Circuit judge wrote in these rulings, below.

On April 5, 2023 Children's Health Defense (CHD) petitioned the Federal Communications Commission to quit stalling and comply with a court-ordered mandate to explain how the agency determined its current guidelines would adequately protect humans and the environment against harmful effects of exposure to radiofrequency (RF) radiation. The petition states that the FCC must address the environmental impacts of RF radiation not only to comply with the 2021 court order — but also to comply with a looming deadline issued by the Council on Environmental Equality (CEQ), the federal agency responsible for developing the implementation procedures of the National Environmental Protection Act (NEPA). In 2020, the CEQ issued a set of revisions to its Protection of the Environment rules that require the FCC to consult with CEQ on the environmental impact of RF radiation and provide an opportunity for public review and comment by Sept. 14, 2023 (see <https://childrenshealthdefense.org/defender/chd-fcc-court-order-wireless-radiation-guidelines/>).

In addition, the town of Chester shall add to the Zoning bylaws:

1. A preference for wired broadband provided by either coaxial cables or fiber optic cables to all premises (FTAP), instead of wireless broadband.
2. A WTF application requirement that each WTF applicant must submit substantial written evidence of NEPA review for the proposed WTF.
3. A WTF application requirement that a WTF application must be for only one WTF at a time and not batched.
4. A WTF application requirement that each applicant must submit substantial written evidence of a significant gap in wireless telecommunications service: an actual measurement by a professional engineer that establishes that the signal strengths for all carrier-specific frequencies are below -115 dBm in outdoor areas in the WTF's target search ring.

U.S. Courts of Appeals Rulings in the D.C. Circuit; Neither Ruling Was Appealed to the U.S. Supreme Court, So They Are the Final Words on the Matters

In Case No. 20-1025: *Envtl. Health Tr. v. Fed. Communications Comm'n*, 9 F.4th 893 (D.C. Cir. 2021), the ruling vacated portions of the Dec 2019, FCC Order 19-126 Targeted Changes to the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields. The DC Circuit judges ruled the following in Case 20-1025:

“we grant the petitions in part and remand to the Commission to provide a reasoned explanation for its determination that its guidelines adequately protect against harmful effects of exposure to radio-frequency [microwave] radiation. It must, in particular, (i) provide a reasoned explanation for its decision to retain its testing procedures for determining whether cell phones and other portable electronic devices comply with its guidelines, (ii) address the impacts of RF radiation on children, the health implications of long-term exposure to RF radiation, the ubiquity of wireless devices, and other technological developments that have occurred since the Commission last updated its guidelines, and (iii) address the impacts of RF radiation on the environment.”

In Case No. 18-1129: *United Keetoowah Band of Cherokee Indians v. Fed. Commc'ns Comm'n*, 933 F.3d 728 (D.C. Cir. 2019) the DC Circuit mandated that the FCC also complete the following work. The ruling in Case No. 18-1129 vacated portions of the FCC Order 18-30 Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Second Report and Order :

“We conclude that it impossible on this record to credit the claim that small cell deregulation will ‘leave little to no environmental footprint.’ Order ¶ 41. The FCC anticipates that the needed ‘densification of small deployments over large geographic areas,’ *id.*, could require 800,000 deployments by 2026, FCC, Declaratory Ruling & Third Report & Order, FCC 18-133 ¶ 126 (Sept. 26, 2018). The FCC failed to assess the harms that can attend deployments that do not require new construction, particularly the cumulative harms from densification. . . We conclude that the FCC fails to justify its conclusion that small cells ‘as a class’ and by their ‘nature’ are ‘inherently unlikely’ to trigger concerns. By ignoring the extent to which it had already streamlined review, the Commission overstated the burdens of review . . . The Commission fails to explain why the categorical exclusions in place did not already minimize unnecessary costs while preserving review for deployments with greater potential environmental impacts . . . We hold that the Order’s deregulation of small cells is arbitrary and capricious because its public-interest analysis did not meet the standard of reasoned decision making.”

Two-Thirds vote required

You are hereby directed to serve this Warrant by posting true and attested copies thereof, in three public places within the Town of Chester, seven (7) days at least, before the day and hour of holding said meeting.

Therefore, fail not and make due return of said Warrant with your doing thereon to the Town Clerk of the Town of Chester, at or before the day and hour of holding said meeting.

Given under our hands at Chester, this 5th day of June, 2023

John Baldasaro, Chairman

Richard “Andy” Sutton, Clerk

As per instruction in this Warrant, I have posted same, this 5th day of June 2023 in three public places, Chester Town Hall, Chester Post office, Chester Center.

Chester Police