

MEMBER PACKET - TOWN MEETING

DECEMBER 8, 2025

Articles, Motions, and Narratives

TOWN MODERATOR:

Call meeting to order, declare a quorum, and read the following

HAMPSHIRE SS.

To either of the Constables of the Town of Westhampton in the County of Hampshire

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 **TOWN HALL, 1 SOUTH ROAD** in said WESTHAMPTON on Monday **the Eighth day of December, TWO THOUSAND TWENTY FIVE at seven o'clock in the evening**, and there to act on the following articles:

ARTICLE 1: To see if the Town will vote to raise and appropriate, or otherwise provide a sum of money for **unpaid bills and/or over-expended accounts of previous fiscal years.**

MOTION (Finance Committee):

I MOVE that the Town transfer from Free Cash the sum of **SIX THOUSAND DOLLARS exactly**, for payment of invoices received from Eric A Kinsherf CPA LLC for Municipal Accountant Services, as follows: **Invoice #4356** dated May 31, 2025, for \$3,000, and **Invoice #4392**, dated June 30, 2025, for \$3,000.

9/10 VOTE REQUIRED

Explanation: Invoice was for regular services to the Town; however, the invoices were not received by the Town prior to the close of the fiscal year.

Further, there were not enough funds left in the account to pay the invoices.

MOTION (Finance Committee):

I MOVE that the Town transfer from Free Cash the sum of **THIRTY DOLLARS exactly** for payment of an invoice received from Eversource for electric service to the Westhampton Cemetery, account number 5484 503 5054, for the period from November 20 to December 20, 2023.

SIMPLE MAJORITY VOTE REQUIRED

Explanation: Invoice was overlooked, and not paid. The account is not arrears, and electrical service has not been interrupted. The account had sufficient funds to pay the invoice.

MOTION (Finance Committee):

I MOVE that the Town transfer from Free Cash the sum of **TWENTY FIVE DOLLARS exactly** for payment of **invoice number 137147** received from the Massachusetts Municipal Association .

SIMPLE MAJORITY VOTE REQUIRED

Explanation: Invoice was for selectboard member attendance at the Massachusetts Selectboard Association Rural and Western Massachusetts Conference on May 3, 2025; invoice was not received by the town prior to June 30, 2025. The account had sufficient funds to pay the invoice.

ARTICLE 2: To see if the Town will vote to raise and appropriate, or otherwise provide a sum of money for expenses related to **Group Health Insurance for the Fiscal Year 2026**, or take any action relative thereto.

MOTION (Finance Committee):

I MOVE that the Town transfer from Free Cash the sum of **ONE HUNDRED TWENTY SIX THOUSAND, NINE HUNDRED THREE DOLLARS EXACTLY**, to be paid to the Hampshire County Group Insurance Trust for group health insurance coverage for the 2026 fiscal year.

SIMPLE MAJORITY VOTE REQUIRED

Explanation: In August 2025, as a result of extraordinary and unanticipated expenses, the Hampshire County Group Insurance Trust voted to increase premiums to all Trust members by 20%. This mid-year correction was not anticipated when the original appropriation for this purpose was made in May of 2025. The town must amend the appropriation for the current fiscal year in order to maintain legally required health insurance coverage for eligible employees.

ARTICLE 3: To see if the Town will vote to amend the Zoning Bylaw of the Town of Westhampton in order to **remove references to a “Zoning Determination Policy”** that was disallowed by the Attorney General in April 2024, or take any other action relative thereto.

MOTION (Planning Board):

I MOVE that the Town vote to amend the Zoning Bylaw of the Town of Westhampton in order to **remove references to a “Zoning Determination Policy”** that was disallowed by the Attorney General in April, 2024, by adding the text shown in bold and underline and striking the text shown in italics and strikethrough, all as set forth below.

BY AMENDING Section 3.0 of the Zoning Bylaw of the Town of Westhampton, in accordance with the draft language provided to Town Meeting members in the packet, as follows:

3.0 - Schedule of Use Regulations

Except as provided elsewhere in these bylaws, no building or structure shall be erected or altered, and no building, structure or land shall be used for any purpose, other than as provided for in this

section. ~~If a use or condition is not specifically or generally listed herein, a landowner/interested party should contact the Building Inspector for a zoning determination. Questions of the Building Inspector/Commissioner that seek information or guidance do not require a determination form.~~ Mixed use such as residential and commercial, or residential and industrial, located on one parcel are prohibited; however, this prohibition shall not apply to home occupations, offices and studios (see Section 5.2).

And further

BY AMENDING the title of Section 3.01 in accordance with the draft language provided to Town Meeting members in the packet, as follows:

3.01 – ~~Zoning Determination Policy~~ **Schedule of Use Regulations - Notation**

And further

BY AMENDING Section 5.16 “Wireless Communication Facility (Tower)” Part 7 “Procedures for Special Permit” by striking Subsection a of that Section entirely, as follows, and renumbering the remaining subsections accordingly:

5.16.7. Procedures for Special Permit

~~a. All applications for modification of existing or construction of new wireless communications facilities shall be submitted in accordance with Westhampton “Zoning Determination Policy” under Section III.~~

TWO-THIRDS VOTE REQUIRED

Explanation: A Zoning Determination Policy was proposed by the Planning Board, and approved by Town Meeting in November of 2023, as Sections 3.01. This section was intended to ensure that applications required under zoning were applied for properly, that no building permit would be issued unless and until the applicant first applied for and received an endorsed “Zoning Determination” from the Zoning Enforcement Officer to determine which zoning permits or signoffs are necessary.

In her letter of April 8, 2024, the Attorney General struck down Sections 1-4, noting

“General Laws Chapter 40A, Section 7 requires the Building Inspector or Zoning Enforcement Officer to determine whether a permit application complies with the Town’s zoning by-laws before he/she issues a building permit. The proposed Sections 3.01 (1) - (4) conflict with this requirement because it seeks to require a “Zoning Determination” as a pre-requisite to an application for a building permit (or any other required permit). We disapprove Sections 3.01 (1) - (4) on this basis...”

Section 3.01 (5) was approved and remains in the Zoning Bylaw.

As a result, the references to the “Zoning Determination Policy” in the Zoning Bylaw should be removed, as the policy does not exist.

ARTICLE 4: To see if the Town will amend the Zoning Bylaw of the Town of Westhampton **to correct language that refers to Non-Protected Use Accessory Dwelling Units (“ADUs”) as defined by the General Laws, Chapter 40A, Section 3 and the regulations adopted thereunder**, in accordance with guidance received by the Town from the Attorney General, or take any other action relative thereto.

MOTION (Planning Board):

I MOVE that the Town vote to amend the Zoning Bylaw of the Town of Westhampton, Section 5.17.3.i in accordance with the draft language provided to Town Meeting members in the packet, by adding the text shown in bold and underline, and striking the text shown in italics and strikethrough, as follows:

3. Special Permit.

- i. An ADU that **is not a Protected Use ADU as defined pursuant to G.L. c. 40A §3 and the regulations adopted thereunder** ~~does not otherwise meet all criteria specified in 5.17.1.B,~~ may be conditionally permitted by the Planning Board, provided that it finds that adequate relief from any of the criteria in 5.17.1.2 may be granted without abrogation of the meaning and intent of the Zoning Bylaw, that said relief will not reasonably detract from the neighborhood, and so declare in its record of proceedings.

2/3 VOTE REQUIRED

ARTICLE 5: To see if the Town will amend the Zoning Bylaw of the Town of Westhampton **to restore parking requirements for Protected Use Accessory Dwelling Units (“ADUs”)** in a manner that complies with state laws and regulations, or take any other action relative thereto.

MOTION (Planning Board):

I MOVE that the Town vote to amend the Zoning Bylaw of the Town of Westhampton by adding Section 5.17.2.v. as follows:

- v. **One additional off-road parking space shall be required. This requirement shall not apply to any Protected Use ADU that is located on a lot where any portion of the lot is located within a 0.5 mile radius of a Transit Station.**

2/3 VOTE REQUIRED

Explanation: State regulations for Access Dwelling Units (“ADUs”) state that additional parking is not required for an ADU that is located within one-half mile of a transit station -- which may be as simple as a bus stop.

There is no land in Westhampton that is within ½ mile of a bus stop. The original ADU regulations took this into account, but the Attorney General was not aware of this fact, and struck down the requirement for additional parking.

This proposed change to the Zoning Bylaw simply reinstates the parking space requirement in a manner that complies with state regulations.

ARTICLE 6: To see if the Town will vote **to restrict the Selectboard from appointing a quorum of any elected or appointed board to any other board or committee by amending the General Bylaw of the Town of Westhampton by adding Section 4-5-6 relative to appointments by the Selectboard,** or take any other action relative thereto.

MOTION (Selectboard):

I MOVE that the Town vote to amend the General Bylaw of the Town of Westhampton by adding Section 4-5-6 as follows:

Section 4-5-6: Unless otherwise provided by law or bylaw addressing the authority of the Selectboard to make appointments, the Selectboard is prohibited from appointing members of any elected or appointed boards or committees to any other Town board or committee if such appointment would result in a quorum of any one board or committee serving on any other committee.

2/3 VOTE REQUIRED

Article sponsored by Mr. Scott Johndrow.

FINAL MOTION (Moderator):

I move that this special town meeting be dissolved.