

# FINANCE COMMITTEE REPORT FOR THE 2025 ATM WARRANT

The financial situation of the Town continues to decline as expenses rise more than our revenue. Over the last two years our expenses have exceeded our revenue by about \$200,000. This year will be another year of deficit spending. The increased spending over the revenue is forecast to be more than \$300,000. Overall, the Town departments have done an exceptional job trying to hold down expenses and being creative in approaching projects. Our biggest challenge is the pressure from wage increases and rising insurance rates.

The largest budget increase comes from the Regional Schools (grades 7-12) which is based on three factors. The first is the 6% increase cost of operating the school for next year (\$1,507,452) assessed to the four member towns. This is on top of last year's increase of 6%. The second is related to the assessment method. For the last seven or so years, the Region has been transitioning to using the Statutory method of assessing the towns for funding the Regional Schools versus the per pupil method used for many prior years. The Statutory method takes into account the wealth of each town. Since Pelham is considered a wealthier town, we share a higher burden. This allocation is used on the portion of the budget called the "Minimum Contribution" required by the State. That number this year is \$14,305,435 of which Pelham is responsible for \$777,841 (5.43%). The remaining portion of the operating budget is allocated on a per pupil cost based on a five-year rolling average of enrollment, which this year has Pelham paying \$574,243 (5.12%). The third contributing factor is the increasing number of students enrolling in the Regional Schools from Pelham. In 2021 there were 62 students from Pelham while in 2024 there were 73. The total increase to Pelham's Regional assessment is \$244,807. This should be a onetime adjustment and next year should be back to more typical increases.

With gratitude for the work of the School Committee and the Superintendent, the Pelham Elementary School budget increase to the Town is \$44,000 (an increase of 2.5%) which is within the guidelines provided by the Finance Committee. The Finance Committee has also requested \$26,000 from Free Cash to cover the cost of an elementary-aged charter school student. When this student moves on to the Region after 6<sup>th</sup> grade, the cost will be eliminated from the Elementary School budget. The Elementary School appears to have received an increase in State aid (Chapter 70) of \$42,000 based on the Governor's budget.

On the good side, our Capital Stabilization plan continues to work as planned and we are paying cash for all of our purchases. We should consider establishing such a plan for the Regional Schools' capital needs as they are about to increase substantially in three years.

Also positive is the balance of our OPEB Trust Fund, which at the end of February, was over \$2,380,000, a significant accomplishment for a Town of our size. (The OPEB trust is recommended by the State and to cover the health insurance for retired town employees.) The Finance Committee does not recommend increasing our contribution to the OPEB trust fund this year (to offset the sharp increase to our Regional Assessment); we need to do so next year to stay on track toward full funding.

With little new growth to the property tax base occurring in Pelham, we expect it to be a struggle to keep the tax rate increase within 2.5% for 2027. The 2.5% increase for 2026 is estimated at \$135,000. In 2027 no department or school budget should expect to increase by more than 2.5% without expecting the taxpayers to consider an override or approving equivalent reductions in other departments to produce a balanced budget. Tough choices are coming requiring that the taxpayers speak up so that the Finance Committee will know how to proceed next year. To communicate with the Finance Committee you can send an email to [finance@pelhamma.gov](mailto:finance@pelhamma.gov). We welcome your input.

Respectfully Submitted: C. Castenson, E. Marriott, F. Vanderbeck, D. Keiser and J. Trickey

*Results*  
**ANNUAL TOWN MEETING**  
**May 10, 2025**

The annual Town Meeting was called to order by Moderator, Dan Robb, at 9:05 a.m. at the grounds of the Pelham Elementary School.

**Article 1.**

**VOTED** *unanimously* to see if the Town will vote to accept the reports of the Town Officers and Committees, or take any other action relative thereto.

**Article 2.**

**VOTED** *unanimously* To see if the Town will vote to authorize the Town Treasurer, with the approval of the Select Board, to borrow money from time to time in anticipation of the revenue of the FY2026 beginning July 1, 2025, in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 4, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17, or take any other action relative thereto.

**Article 3.**

**VOTED** *unanimously* to see if the Town will vote to raise and appropriate, and/or transfer from available funds a sum of money necessary to defray the expenses of the Town for the ensuing fiscal year, or take any other action relative thereto.

		<b>FY 2024</b>	<b>FY 2025</b>	<b>FY2026</b>	<b>FY2026</b>
	<b>Article 3</b>	<b>Appropriated</b>	<b>Appropriated</b>	<b>Requested</b>	<b>Recommended</b>
	<b>GENERAL GOVERNMENT</b>				
2	Selectperson Salary	\$3,600	\$3,600	\$3,600	\$3,600
	Expenses				
3	Town Clerk Salary	\$30,913	\$32,490	\$34,554	\$34,554
	Assistant Town Clerk	\$0		\$6,000	\$6,000
	Expenses	\$8,000	\$8,000	\$9,000	\$9,000
4	Finance Committee	\$990	\$990	\$990	\$990
5	Assessor's Salary	\$2,000	\$2,000	\$2,000	\$2,000
	Assistant Assessors Salary	\$12,300	\$12,300	\$12,300	\$12,300
	Clerical/Consulting	\$500	\$1,000	\$1,000	\$1,000
	Contract Service	\$11,400	\$13,900	\$17,500	\$17,500
	Expenses	\$2,850	\$2,850	\$2,850	\$2,850
6	Collector Salary	\$19,081	\$20,768	\$21,787	\$21,787
	Expenses	\$10,785	\$11,000	\$11,275	\$11,275
7	Treasurer Salary	\$31,028	\$32,145	\$33,449	\$33,449
	Expenses	\$9,565	\$9,756	\$10,000	\$10,000
	Clerical/Consulting	\$6,775	\$7,019	\$7,184	\$7,194
8	Legal Services	\$15,000	\$15,000	\$15,000	\$15,000
9	Town Meetings, Elections etc.	\$13,000	\$15,000	\$9,000	\$9,000
10	Town Reports	\$875	\$875	\$875	\$875

11	Town Office Wages	\$30,129	\$31,214	\$31,994	\$31,994
	Select Board/Town Office Expenses	\$21,500	\$21,500	\$21,500	\$21,500
12	Buildings and Grounds				
	Salaries	\$17,982	\$18,630	\$19,096	\$19,096
	Expenses	\$65,720	\$65,720	\$65,720	\$65,720
	Maintenance	\$42,000	\$52,000	\$52,000	\$52,000
13	Blanket Insurance	\$48,000	\$48,000	\$52,800	\$52,800
14	Town Accountant	\$10,000	\$10,500	\$10,500	\$10,500
	Town Accountant Expense	\$200	\$250	\$250	\$250
15	Reserve Fund	\$102,000	\$102,000	\$102,000	\$102,000
16	Surety Bonds	\$1,000	\$1,000	\$1,000	\$1,000
	Group Buying with FRCOG		\$3,250	\$3,415	\$3,415
17	Emergency Management	\$7,000	\$7,000	\$7,000	\$7,000
18	Archivist	\$0	\$0	\$0	\$0
TOTAL GENERAL GOVERNMENT		<b>\$524,193</b>	<b>\$549,757</b>	<b>\$565,649</b>	<b>\$565,649</b>
<b>BOARDS AND COMMISSIONS</b>					
20	Board of Appeals	\$200	\$200	\$200	\$200
21	Conservation Commission	\$850	\$850	\$850	\$850
	Part Time Conservation Agent	\$0	\$12,500	\$12,500	\$12,500
22	Council on Aging	\$5,000	\$5,000	\$5,000	\$5,000
23	Historical Commission	\$200	\$200	\$200	\$200
24	Library Trustees				
	Director Salary	\$31,719	\$41,236	\$42,267	\$42,267
	Staff Salaries	\$18,175	\$20,239	\$22,739	\$22,739
	Expenses	\$9,020	\$5,000	\$5,000	\$5,000
25	Planning Board	\$1,500	\$1,500	\$1,500	\$1,500
	Clerical/consulting	\$0	\$10,000	\$13,000	\$13,000
26	Recreation Commission	\$0	\$0	\$0	\$0
28	Cemetery Commission	\$8,000	\$8,000	\$8,000	\$8,000
	Energy Committee	\$500	\$500	\$500	\$500
TOTAL BOARDS AND COMMISSIONS		<b>\$75,164</b>	<b>\$105,225</b>	<b>\$111,756</b>	<b>\$111,756</b>
<b>SCHOOLS</b>					
30	Pelham Elementary	\$1,961,482	\$2,010,231	\$2,096,679	\$2,096,679
TOTAL SCHOOLS		<b>\$1,961,482</b>	<b>\$2,010,231</b>	<b>\$2,096,679</b>	<b>\$2,096,679</b>
<b>PUBLIC WORKS</b>					
40	Highway Fund				
	Superintendent Salary	\$80,075	\$82,958	\$85,032	\$85,032
	Staff Salaries	\$171,850	\$179,140	\$187,229	\$187,229
	Expenses	\$111,362	\$111,362	\$111,362	\$111,362

41	School Signal Lights	\$1,100	\$1,100	\$1,100	\$1,100
42	Snow Removal				
	Salaries	\$17,171	\$17,790	\$18,235	\$18,235
	Materials	\$74,432	\$81,875	\$81,875	\$81,875
<b>TOTAL PUBLIC WORKS</b>		<b>\$455,990</b>	<b>\$474,225</b>	<b>\$484,833</b>	<b>\$484,833</b>
<b>PROTECTION OF PERSONS AND PROPERTY</b>					
50	Police Department				
	Chief Salary	\$31,623	\$32,752	\$33,571	\$33,571
	Full Time Officer Salary	\$132,240	\$156,603	\$171,239	\$171,239
	Part Time Officer's Salaries	\$18,445	\$21,000	\$22,000	\$22,000
	Training and Education	\$11,255	\$11,255	\$16,255	\$16,255
	Expenses	\$25,701	\$25,701	\$28,201	\$28,201
	Expenses Fuel	\$10,475	\$10,475	\$10,475	\$10,475
	Reserve Officers	\$0	\$0	\$0	\$0
	Regional Lockup	\$0	\$0	\$0	\$0
50A	Town Road Detail	\$3,729	\$3,729	\$3,729	\$3,729
50C	Constable: Elections	\$2,275	\$2,275	\$2,275	\$2,275
51	Fire Department				
	Chief Salary	\$32,780	\$33,960	\$34,809	\$34,809
	Firefighter's Salaries	\$45,548	\$43,358	\$44,442	\$44,442
	Administration Assistant		\$6,500	\$6,663	\$6,663
	Expenses	\$26,378	\$26,378	\$26,378	\$26,378
53	Fire Hydrants	\$280	\$280	\$280	\$280
	Fire Equipment Testing	\$0	\$5,000	\$5,000	\$5,000
54	Tree Warden Salary	\$1,500	\$1,500	\$1,500	\$1,500
	Expenses	\$11,500	\$11,500	\$11,500	\$11,500
57	Ambulance	\$34,986	\$35,861	\$37,654	\$37,654
58	Animal Control	\$3,000	\$3,000	\$3,000	\$3,000
<b>TOTAL PUBLIC SAFETY</b>		<b>\$391,715</b>	<b>\$431,127</b>	<b>\$458,971</b>	<b>\$458,971</b>
<b>HEALTH AND SANITATION</b>					
60	Board of Health Salaries	\$0	\$0	\$0	\$0
	Expenses	\$400	\$400	\$400	\$400
	Pioneer Valley Mosquito Control	\$0	\$0	\$0	\$0
61	Solid Waste				
	Hazardous Household Waste	\$1,600	\$2,000	\$2,000	\$2,000
	Recycling	\$0	\$0	\$0	\$0
63	Inspector of Animals	\$75	\$75	\$75	\$75
65	Quabbin Health District	\$19,861	\$20,361	\$21,180	\$21,180
<b>TOTAL HEALTH AND SANITATION</b>		<b>\$21,936</b>	<b>\$22,836</b>	<b>\$23,655</b>	<b>\$23,655</b>
<b>BENEFITS AND INSURANCE</b>					

70	County Retirement	\$314,277	\$336,102	\$334,741	\$334,741
71	Veteran's Agent Salary	\$6,219	\$6,494	\$6,652	\$6,652
	Expenses				
	Benefits	\$49,248	\$49,248	\$49,248	\$49,248
72	Workers' Compensation	\$30,000	\$30,000	\$30,000	\$30,000
73	Unemployment Insurance	\$6,000	\$6,000	\$6,000	\$6,000
74	Group Health /Medicare	\$200,000	\$224,000	\$258,048	\$258,048
	Health Insurance Opt Out	\$9,000	\$9,000	\$9,000	\$9,000
75	OPEB Deposit	\$200,000	\$220,000	\$220,000	\$220,000
TOTAL BENEFITS AND INSURANCE		<b>\$814,744</b>	<b>\$880,844</b>	<b>\$913,689</b>	<b>\$913,689</b>
GRAND TOTAL		<b>\$4,245,224</b>	<b>\$4,474,245</b>	<b>\$4,655,232</b>	<b>\$4,655,232</b>

*Recommended by the Finance Committee & Select Board.*

### **Article 3A.**

**VOTED** *unanimously* to see if the Town will vote to raise and appropriate the sum of \$36,838 to the following wages to make Pelham more competitive:

Assessor	\$96.72
Accountant	\$2,889.12
Treasurer/Collector	\$10,811.42
Fire Chief	\$4,612.19
Library Director	\$379.24
Police Sergeant	\$2,843.36
Executive Assistant	\$6,059.35
Town Clerk	\$9,145.84

*Recommended by the Select Board.*

### **Article 4.**

**VOTED** *unanimously* to see if the Town will name the salaries and wages for all elected officers for the ensuing year, which payments shall not be made in advance of performance, and to determine when and how they shall be paid, or take any other action relative thereto.

	<b>FY 2024 Appropriated</b>	<b>FY 2025 Appropriated</b>	<b>FY 2026 Recommended</b>
Assessors (Chair)	\$1,000	\$1,000	\$1,000
Assessors (others)	\$500	\$500	\$500
Auditor	\$0	\$0	\$0
Board of Health (Chair)	\$200	\$0	\$0
Board of Health (others)	\$150	\$0	\$0
Cemetery Commissioner (each 3) \$9.00hr	\$0	\$0	\$0
Library Trustees	\$0	\$0	\$0
Moderator	\$0	\$0	\$0
Planning Board	\$0	\$0	\$0
School Committee	\$0	\$0	\$0
Select Board (each 3)	\$1,200	\$1,200	\$1,200
Tree Warden	\$1,500	\$1,500	\$1,500

*Recommended by the Select Board.*

**Article 4A.**

**VOTED** *unanimously* to see if the Town will vote to raise and appropriate the requested amount to pay for Pelham's assessed costs for the Regional School, or take any other action relative thereto.

	<b>FY 2024</b>	<b>FY2025</b>	<b>FY 2026</b>
<b>SCHOOLS</b>	<b>Approp.</b>	<b>Approp.</b>	<b>Requested</b>
Amherst Pelham Regional	\$1,005,374	\$1,065,695	\$1,310,503

*Recommended by the Select Board.*

**Article 5.**

**VOTED** *unanimously* to see if the Town will vote to appropriate from Free Cash the sum of \$268,281 to be spent as follows, or take any other action relative thereto.

Stabilization Account deposit	\$20,000
Elementary Special Education School Reserve	\$25,000
New Mail Box for Rhodes Building	\$1,000
Sustainability Committee	\$500
Cemetery Commission	\$1,000
Historical Complex	\$1,000
Zoning Board	\$500
Record Preservation	\$500
Health Insurance DPW	\$12,000
Regional Capital reserve	\$30,000
Regional Capital cost for 2026	\$27,745
<b>ELEMENTARY SCHOOL</b>	
HVAC system for hot classrooms	\$6,500
Boiler Repairs	\$20,000
Security upgrades to swipe card access, door corers etc.	\$7,500
Improvements to bathroom stalls for privacy	\$12,000
Grounds-remove invasive weeds, poison ivy, tree work	\$15,000
Elementary Medicaid Reimbursement	\$4,771
Elementary School cost for Charter School Student	\$26,000
Legal expenses	\$15,000
Boiler repairs Community Center	\$10,000
Sprinkler Maintenance Community Center	\$7,500
Clutch repair to 2018 Western Star dump truck	\$7,000
Police signing bonus for 2026	\$5,000
Fire grant reimbursement	\$10,000
Finance member to attend MMA Annual Meeting	\$1,100
OPEB review and assessment	\$1,665

*Recommended by the Finance Committee & Select Board.*

**Article 6.**

**VOTED** *unanimously* to see if the Town will vote to approve annual spending limits for FY2026 for revolving funds established in the Town Bylaws, in accordance with G.L c.44, Section 53E1/2, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 in any year, to increase the same for the ensuing fiscal year; provided, however, that at the request of the entity authorized to expend such funds, the Select Board, with the approval of the Finance Committee, may increase such limit, for that fiscal year only, all as set forth below, or take any other action relative thereto:

<b>Revolving fund</b>	<b>FY spending limit</b>
Archivist	\$2,500
Building Inspector	\$30,000
Community Garden Committee	\$5,000
Community Hall	\$7,000
Fire Department	\$7,500
Gas Inspector	\$1,500
Department of Public Works	\$7,500
Planning Board	\$15,000
Plumbing Inspector	\$1,500
Police Department	\$7,500
Wiring Inspector	\$3,000
Zoning Board of Appeals	\$1,000

*Recommended by the Select Board.*

**Article 7.**

**VOTED** *unanimously* to see if the Town will vote to appropriate from the Capital Plan Stabilization fund the sum of \$95,000.00 to purchase and equip a new pick-up truck for the Highway Department or take any other action relative thereto.

*Recommended by the Finance Committee & Select Board.*

**Article 8.**

**VOTED** *unanimously* to see if the Town will vote to appropriate from the Capital Plan Stabilization fund the sum of \$19,000.00 to repair the 2015 F550 truck or take any other action relative thereto.

*Recommended by the Finance Committee & Select Board.*

**Article 9.**

**VOTED** *unanimously* to see if the Town will vote to appropriate from the Capital Plan Stabilization fund the sum of \$100,000.00 to make needed repairs to the exterior of the Community Center or take any other action relative thereto.

*Recommended by the Finance Committee & Select Board.*

**Article 10.**

**VOTED** *unanimously* to see if the Town will vote to appropriate the sum of \$70,000 from the Capital Plan Stabilization Fund to purchase, outfit, and equip a 2025 Ford Explorer Hybrid police cruiser, or take any other action relative thereto.

*Recommended by the Finance Committee and Select Board.*

**Article 11.**

**VOTED** *unanimously* to see if the Town will vote to raise and appropriate the sum of \$61,387.50 for the final payment for the Town's (General Fund) indebtedness incurred for the Pelham Elementary School project, or take any other action relative thereto.

*Recommended by the Select Board.*

**Article 12.**

**VOTED** *unanimously* to see if the Town will vote to appropriate the sum of \$10,774.00 from the PEG Access and Cable Related Fund (established by vote of the Fall 2015 Town Meeting) to be used by the Select Board for the purpose of Technology services and purchases for the Town, or take any other action relative thereto.

*Recommended by the Select Board.*

**Article 13.**

**VOTED** *unanimously* to see if the Town will vote to approve the FY26 budget for the Amherst-Pelham Regional School District using the statutory method pursuant to G.L. c.70, §6 , or take any other action relative thereto.

*Recommended by the Select Board.*

**Article 14.**

**VOTED** *unanimously* to see if the Town will vote to approve the Community Preservation Committee's (CPC) recommended appropriation and transfer of \$9,500.00 from the Community Preservation Fund FY2026 estimated annual revenues for administrative expenses in FY2026, or take any other action relative thereto.

*Recommended by the Select Board.*

**Article 15.**

**VOTED** *unanimously* to see if the Town will vote to approve the Community Preservation Committee's recommended appropriation and transfer of the following sums of money from the Community Preservation Fund estimated annual revenues, and to reserve for later appropriation: \$19,000.00 for Open Space and Recreation, \$19,000.00 for Community Housing, and \$19,000.00 for Historic Resources; and to reserve from the estimated annual revenues for later appropriation \$123,500.00 to the annual FY2026 Community Preservation Fund Budgeted Reserve, or take any other action relative thereto.

*Recommended by the Select Board.*

**Article 16.**

**VOTED** *unanimously* to see if the Town will vote to adopt the recommendation of the Community Preservation Committee to appropriate and transfer the sum of \$93,150.87 from the Open Space and Recreation Fund, for the Pelham Elementary School Playground Committee's application to pay for the cost of the Americans with Disabilities Act (ADA) renovation of the Pelham School playground, including removal of old equipment, delivery and installation of new equipment, and any landscaping that needs to be done, or take any other action relative thereto.

*Recommended by the Select Board.*

**Article 17. WITHDRAWN**

To see if the Town will vote to adopt the recommendation of the Community Preservation Committee to appropriate and transfer the sum of \$10,000.00 from the FY2026 Community Preservation Fund Budgeted Reserve, for the Pelham Conservation Commission's application for funding for creation of digital trail maps for the Town of Pelham, or take any other action relative thereto.

*Recommended by the Select Board.*

**Article 18.**

**VOTED** *unanimously* to see if the Town will vote to authorize the Library Trustees to expend such monies as they may receive from the sale of discarded books, gifts, and bequests, and from the State and Federal Governments, or take any other action relative thereto.

*Recommended by the Select Board.*

**Article 19.**

**VOTED** *unanimously* to see if the Town will vote to authorize the Pelham Cultural Council to expend such monies as it may receive from the State and Federal Governments, and from gifts and bequests, or take any other action relative thereto.

*Recommended by the Select Board.*

**Article 20.**

**VOTED** *unanimously* To see if the Town will vote to authorize the Select Board to enter into contracts with the Massachusetts Highway Department for construction and/or maintenance of public highways for Fiscal Year 2026, and further to authorize the Select Board on behalf of the Town to accept and expend any money from the Commonwealth of Massachusetts for highway construction and/or maintenance, provided that no funds shall be expended to widen, or enter into a contract to widen, any Town road unless the Select Board has held a public hearing advertised at least fourteen (14) days in advance, with any proposed contract and/or plans for such road



improvements being posted for public viewing prior to the public hearing, and further provided that such policy is consistent with State requirements, or take any other action relative thereto.

*Recommended by the Select Board.*

#### **Article 21.**

**VOTED unanimously** To see if the Town will vote to authorize the Select Board to accept and/or apply for any State or Federal funds or grants that may become available during Fiscal Year 2026 and to expend such funds in accordance with the terms and conditions thereof, provided that no funds shall be expended to widen, or to enter into a contract to widen, any Town road unless the Select Board has held a public hearing advertised at least fourteen (14) days in advance, with any proposed contract and/or plans for such road improvements being posted for public viewing prior to the public hearing, and further provided that such policy is consistent with State requirements, or take any other action relative thereto.

*Recommended by the Select Board.*

#### **Article 22.**

**VOTED unanimously** to amend Article 22 by moving letter A. to appear on its own line with the word Purpose following the line with § 125-9.1. Accessory dwelling units.

**VOTED unanimously** to change C.(2) b. so it reads as follows: If the shortest distance between proposed ADU and the Principal Dwelling is more than 50 feet, a site plan approval has been obtained.

**VOTED unanimously** to amend C.(3) by deleting the phrase “with a building footprint beyond 50 feet from the Principal Dwelling, as measured from the nearest corner” and replace with “that have no point within 50 feet of any point of the Principal Dwelling”

To see if the Town will vote to amend its Zoning Bylaws with respect to Accessory Dwelling Units, as follows:

By amending the Table of Use Regulations in Section 5.A by removing existing Accessory Apartment uses (“Attached accessory apartment” and “Detached accessory apartment”) and adding the following:

Land Use Classification	Residential	Limited Business	Village Center Mixed-Use	Village Center Neighborhood	Village Center Rural Edge	Standards and Conditions
Residential Use						
Accessory Dwelling Unit (ADU) within 50 feet of the Principal Dwelling	Y	Y	Y	Y	Y	See §9.1
ADUs beyond 50 feet from Principal Dwelling	SPA/PB	Y	Y	Y	SPA/PB	See §9.1
Second ADU – Detached (see § 125-9.1(C)(4))	N	N	SP/SPA/PB	SP/SPA/PB	N	See §9.1

By deleting Section 9.1 “Accessory Apartments” in the entirety and replacing it with the following:  
§ 125-9.1. Accessory dwelling units.

##### **A. Purpose.**

The purpose of this Section 9.1 is to allow for Accessory Dwelling Units (ADUs), as defined under G.L c.40A, §1A, to be built as-of-right in Single-Family Residential Zoning Districts in accordance with Section 3 of the Zoning Act (G.L. c.40A), as amended by Section 8 of Chapter 150 of the Acts of 2024, and the regulations under 760 CMR 71.00: Protected Use Accessory Dwelling Units. This zoning provides for by-right ADUs to accomplish the following purposes:

- (1) Encourage a more balanced and diverse population and income mix;
- (2) Provide older homeowners with a means of obtaining rental income, companionship, security and services, and thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;

- (3) Make housing units available to moderate-income households that might otherwise have difficulty finding homes within the town;
- (4) Protect stability, property values and the single-family residential character of a neighborhood;
- (5) Increase housing production to address local and regional housing needs across all income levels and at all stages of life; and
- (6) Develop small-scale infill housing that fits in the context of zoning districts that allow single-family housing while providing gentle density.

B. Definitions.

For the purposes of this Section 9.1, the following definitions shall apply:

- (1) Accessory Dwelling Unit (ADU). A self-contained housing unit, inclusive of sleeping, cooking, and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building and Fire Code for safe egress. General references to ADUs in this bylaw include both Protected Use ADUs and Local ADUs.
- (2) Gross Floor Area (GFA). The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.
- (3) Modular Dwelling Unit. A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities.
- (4) Principal Dwelling. A structure, regardless of whether it conforms to zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is located on the same Lot as an ADU.
- (5) Protected Use ADU. An attached, detached, or internal ADU that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and is not larger in Gross Floor Area than  $\frac{1}{2}$  the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller provided that only one ADU on a Lot may qualify as a Protected Use ADU. An ADU that is nonconforming to zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.
- (6) Recreational Vehicle. A vehicle which is built on a single chassis; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (7) Single-Family Residential Dwelling Unit. A structure on a Lot containing not more than one Dwelling Unit.
- (8) Single-Family Residential Zoning District. Any zoning district where Single-Family Residential Dwellings are a permitted or an allowable use, including any zoning district where Single-Family Residential Dwellings are allowed as-of-right, or by Special Permit.

C. Regulations.

For the purposes of this Section 9.1, the following regulations shall apply:

- (1) General Provisions for All ADUs
  - a. Code Compliance

- i. ADUs shall maintain a separate entrance from the Principal Dwelling sufficient to meet safe egress under the Building Code and Fire Code.
    - ii. ADU construction shall comply with 310 CMR 15.000: The State Environmental Code, Title 5 regulations for a Single-Family Residential Dwelling in the Single-Family Residential Zoning District in which the ADU is located.
  - b. Dimensional Requirements. An ADU must meet all regulations (including front, side, and rear yard setbacks and maximum height restrictions) for the zoning district in which it is located, according to Section 125-6 “Dimensional and Density Regulations”, unless a Special Permit is issued by the Planning Board in accordance with Section 125-26.
  - c. Allowed Building Types. A modular dwelling unit may be used as a Detached ADU. A recreational vehicle or mobile home may not be used as a detached ADU.
  - d. Residential Use Only. Excluding home occupations as defined in Section 125-12, ADUs shall be used for residential purposes only and not be used for business or commercial purposes.
  - e. Short-term Rentals. An ADU may not act as a short-term rental as defined in G.L. c.64G, §1.
  - f. One ADU Per Lot. One ADU may be created on a Lot in any residential zoning district as indicated in § 125-5, Table of Use Regulations. A Lot containing a Principal Dwelling and one ADU shall not be considered a two-family dwelling as defined in these bylaws.
  - g. Permit Application Requirements. An application for building permit for an ADU shall include any information necessary to show proposed interior and exterior changes and to determine compliance with the conditions of this subsection, including a plot plan and floor plans with proposed interior and exterior changes to the building.
- (2) Protected Use ADUs
- The Building Inspector shall approve a Building Permit authorizing Protected Use ADU installation and use within, or on a Lot with, a Principal Dwelling in a Single-Family Residential Zoning District, including within, or on a Lot with, a Preexisting Nonconforming Structure, if the following conditions are met:
- a. Dimensional Standards
    - i. Protected Use ADUs shall not be larger than a Gross Floor Area of 900 square feet or ½ the Gross Floor Area of the Principal Dwelling, whichever is smaller.
    - ii. A Protected Use ADU on a Lot with a Single-Family Residential Dwelling Unit shall not otherwise have more restrictive dimensional standards than those required for the Single-Family Residential Dwelling, according to Section 125-6 “Dimensional and density regulations”, within the same district.
    - iii. A Protected Use ADU on a Lot with a Principal Dwelling that is not a Single-Family Residential Dwelling Unit shall not otherwise have more restrictive dimensional standards than those required for its Principal Dwelling according to Section 125-6 “Dimensional and density regulations.”
  - b. If the shortest distance between the proposed ADU and the Principal Dwelling is more than 50 feet, a Site Plan Approval has been obtained.
- (3) Site Plan Approval. Detached ADUs in the Residential and Village Center Rural Edge zoning districts that have no point within 50 feet of any point of the Principal Dwelling are required to obtain Site Plan Approval from the Planning Board pursuant to the procedures in Section 125-27 of this Zoning Bylaw, provided that the Site Plan Review criteria shall consider the following:
- a. The ADU should minimize the impacts to the watershed, such as but not limited to soil removal, grade changes, increased impervious cover, and wetland encroachment.
  - b. The ADU should minimize the impacts to the environment, such as but not limited to vegetation removal and habitat disruption.
  - c. The ADU shall be serviced with adequate water supply and sewer or septic service.

- d. Architectural style should be compatible with the Principal Dwelling.
- e. Massing of the ADU and Principal Dwelling should be compatible with the exiting neighborhood context.

The Planning Board may request reasonable plan modifications of the Site Plan for a detached ADU and may impose reasonable conditions that are not inconsistent with this bylaw or the provision of G.L. c.40A, §3.

- (4) **Second ADU.** A second ADU may be created on the same Lot as a Principal Dwelling only within the Village Center Mixed-use and Village Center Neighborhood zoning districts, and only upon the issuance of a Special Permit for the additional ADU by the Planning Board pursuant to M.G.L. c. 40A, s. 9, and shall require Site Plan Review by the Planning Board.
  - a. **Dimensional Standards.** The additional ADU shall not be larger than a Gross Floor Area of 900 square feet or ½ the Gross Floor Area of the Principal Dwelling, whichever is smaller. The combined Gross Floor Area of all ADUs on the same Lot shall not be greater than the Gross Floor Area of the Principal Dwelling.
  - b. **Special Permit Requirements.** The application for a special permit shall comply with Section 125-26.
  - c. A lot containing a Principal Dwelling and two or more ADUs shall not be considered a multi-family dwelling as defined in these bylaws.
- (5) **Nonconformance**
  - a. A Protected Use ADU shall be permitted within, or on a Lot with, a Pre-existing Nonconforming Structure so long as the Protected Use ADU can be developed in conformance with the Building Code, 760 CMR 71.00, and G.L. c.40A, §6, ¶1.
  - b. **Pre-existing Nonconforming Structures.** A pre-existing, nonconforming structure shall comply with Section 125-7 of this Zoning Bylaw and G.L. c.40A, §6, ¶1.

#### D. Administration and Enforcement

- (1) The Building Inspector shall administer and enforce the provisions of this Section 9.1.
- (2) No building shall be changed in use or configuration without a Building Permit from the Building Inspector.
- (3) No building shall be occupied until a certificate of occupancy is issued by the Building Inspector, where required.
- (4) The Building Inspector or the special permit granting authority may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons, all pursuant to G.L. c.40A, §3.

or take any other action relative thereto.

*Recommended by the Select Board.*

#### **Article 23.**

**VOTED** *unanimously* to see if the Town will vote to amend its Zoning Bylaws with respect to Accessory Dwelling Units, as follows:

By amending the Table of Use Regulations in Section 5.A by changing the land use classification “Second ADU – Detached (see § 125-9.1(C)(4))” to “Second ADU”.

or take any other action relative thereto.

*Recommended by the Select Board.*

#### **Article 24.**

**VOTED unanimously** to see if the Town will vote to amend its Zoning Bylaws with respect to Solar Electric Installations, as follows:

By replacing the provisions amended at Annual Town Meeting in 2023 that were disapproved in-whole by the Attorney General's Office, specifically

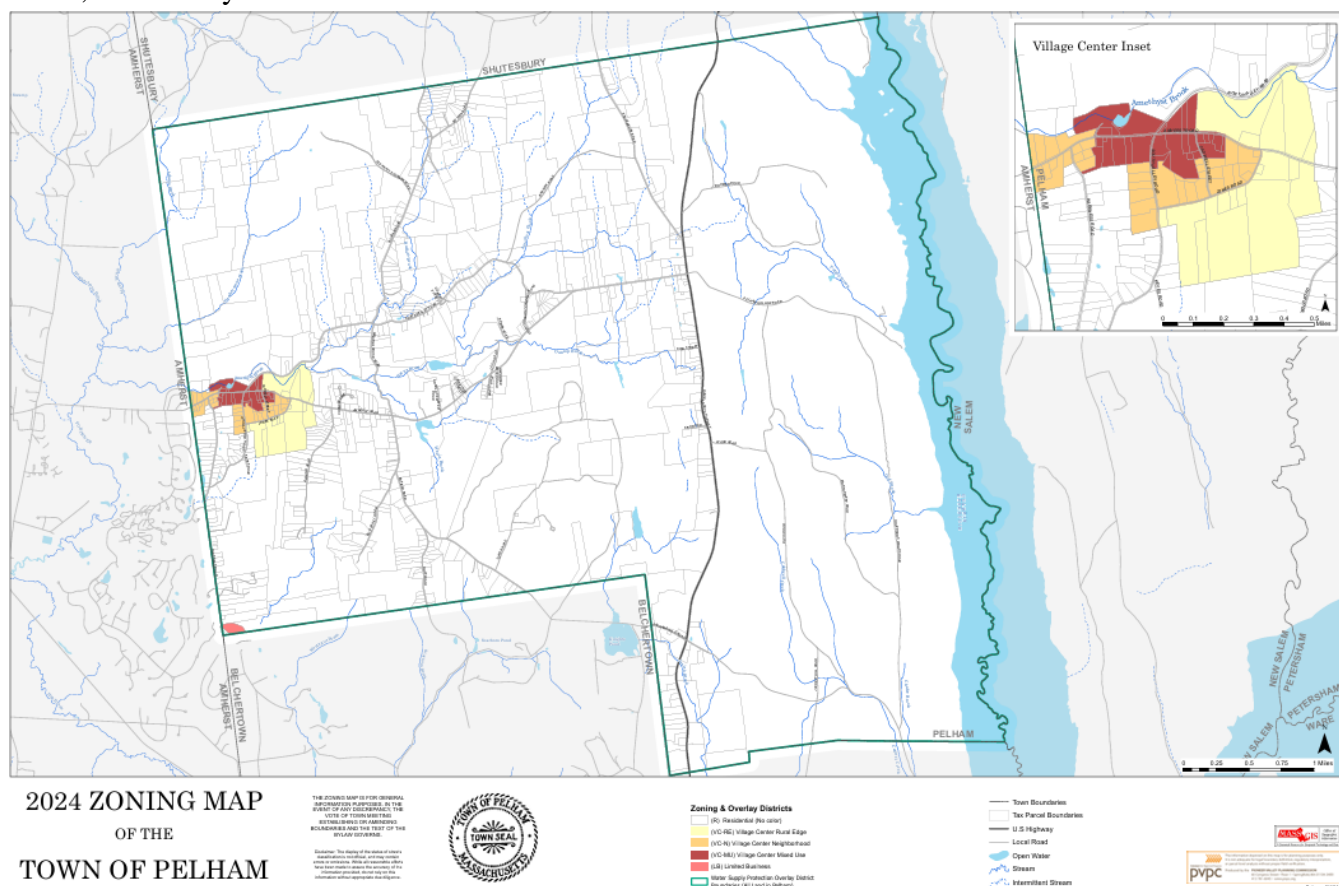
- §18.2.D.3 regarding "Mitigation for Loss of Carbon Sequestration and Forest Habitat"
- §18.2.D.10 regarding "Mitigation for Forest Block Fragmentation"
- §18.2.E.3 regarding "Control of Vegetation"

with "(Reserved)", or take any other action relative thereto.

*Recommended by the Select Board.*

#### **Article 25.**

**VOTED unanimously** to see if the Town will vote to amend its Zoning Bylaws, Section 125-4 Zoning Map, by replacing the current Zoning Map with the Zoning Map entitled "2024 ZONING MAP OF THE TOWN OF PELHAM" dated "Dolinger 6/2/24" in the bottom-right hand corner and on file with Town Clerk, or take any other action relative thereto.



*Recommended by the Select Board.*

#### **Article 26.**

**VOTED unanimously** to amend Article 26. By adding in C. Unless signed federal judicial warrant has been presented. And adding the word federal in I). Before signed. **CITIZEN PETITION FOR A BYLAW WHICH WILL REVISE AND REPLACE CHAPTER 50 IMMIGRATION STATUS 50-1, 50-2: PELHAM MASSACHUSETTS BYLAW related to IMMIGRATION STATUS;**

**We move that the Town of Pelham approves this bylaw as follows:**

## **PURPOSE**

Town of Pelham seeks to assure equal, just and fair treatment of all persons who live, work or visit Pelham and will equally enforce the law and serve the public without consideration of immigration status, citizenship, national origin, race, or ethnicity.

## **1. DEFINITIONS**

“Federal immigration agency” means any agency, department or part of the federal government that enforces immigration laws, including but not limited to the Department of Homeland Security (DHS), United States Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP).

“Immigration detainers” and “ICE detainers” are requests made by federal immigration officials, including but not limited to those authorized under Section 287.7 of Title 8 of the Code of Federal Regulations, to state or local agencies to voluntarily maintain custody of an individual once that individual is released from local custody, and/or to notify a federal immigration agency before the pending release of an individual.

“Administrative warrant” means a warrant, notice to appear, warrant of deportation, or other order of arrest or detention issued by a federal immigration agency. Such administrative warrants are not issued by a judicial officer, nor are they based on a finding of probable cause for an alleged criminal law violation.’

## **2. POLICY ESTABLISHED**

It will be the ongoing policy of the Town of Pelham, MA that;

- a) Equal treatment.** All municipal employees, including law enforcement employees will treat all persons equally, enforce laws, and serve the public without consideration of immigration status. Citizenship, immigration status, national origin, race, and ethnicity shall have no bearing on an individual's treatment by employees or officers of agencies or departments.
- b) Communications with a federal immigration agency.** No officer or employee of Pelham Police Department shall provide any officer or employee of a federal immigration agency with the following information relating to a person in the custody of the Department or who has come to the attention of the Department: information about an individual’s incarceration status, length of detention, home address, work address, personal information, court hearing information, or pending release, except information that is available through the Massachusetts Public Records Laws. No officer or employee of the Pelham Police Department may initiate a communication with a federal immigration agency regarding a member of the public, except in exigent circumstances relating to an imminent threat to public safety.
- c) Use of local resources.** No Pelham funds, resources, facilities, property, equipment, or personnel may be used to assist or participate in the enforcement of federal immigration laws, unless a signed federal judicial warrant has been presented.
- d) Inquiries about immigration status.** No municipal employees, including Pelham Elementary School or law enforcement officers of Pelham may inquire about the immigration status of any crime victim, suspect, arrestee, 911 caller, witness, or other member of the public with whom they have contact, except as required by state law or to provide a public benefit.
- e) Role of police in immigration enforcement.** No officer or employee of the Pelham Police Department may initiate an investigation or take law enforcement action on the sole basis of actual or perceived immigration status, including the initiation of a traffic stop, an apprehension or arrest.
- f) ICE detainers and administrative warrants.** No officer or employee of the Pelham Police Department may arrest or detain an individual on the basis of suspected or known immigration status, an ICE detainer, an ICE administrative warrant or otherwise at the request of a federal immigration agency unless the request is

accompanied by a judicial order, judicial warrant or showing of probable cause that the individual has committed a crime for which the Police Department is authorized to make an arrest. This includes extending the length of detention by any amount of time once an individual is released from local custody, or before being transferred to court, or an individual has been posted bail or bond, or released on personal recognizance.

**g) Notice to individuals subject to ICE interventions.** If the Town of Pelham Police Department receives an immigration detainer or ICE administrative warrant for a person in its custody, the Department shall provide the person with a copy of such detainer request or administrative warrant, and any other documentation it possesses pertaining to the person's immigration case

**h) School records and enrollment.** No employee of the town of Pelham Public Schools shall require a student or parent to provide information regarding their immigration or citizenship status to establish the student's residency in the district for enrollment purposes. If such information becomes known to an employee of the Pelham Elementary School, such information shall not be maintained or distributed and shall have no bearing on the student's ability to register for school or the school's treatment of that student. Information collected regarding place of birth for the purpose of providing English Language Learners with appropriate services shall be used only for that purpose and not distributed further.

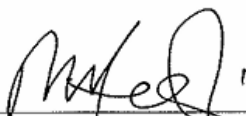
**i) No employee of the Pelham Elementary School will** allow a federal officer or employee of a federal immigration agency to monitor, stop, detain, question, or interrogate family members or students on school property, unless school district policy protocol has been followed and a signed federal judicial warrant has been presented.

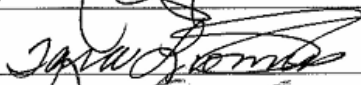
### **3. REPORTING**

Beginning on the date of passage of this ordinance and every six months thereafter, the Pelham Police chief shall submit a report with information stated below to the Pelham Town Clerk and Select Board.


- a) The total number of requests for information from a federal immigration agency
- b) The total number of instances and details of each time information was given to a federal immigration agency with names redacted.
- c) Names and descriptions of all task forces in which Pelham and a federal immigration agency participated.

Be it further resolved that upon approval this revised bylaw will be sent to the Chief of Police, Director of the Pelham Library, Principal of Pelham Elementary School as well as the heads of all other town departments. Additionally copies will be sent our state Rep. Aaron Saunders, 24 Beacon St. Rm. 34, Boston, MA 02133 (aaronsaunders@mahouse.gov); state Sen. Jo Comerford, 24 Beacon St. Rm.410 Boston, MA.02133 (JoComerfordmasenate.gov), and Governor Maura Healey, Rm 28, State House, Rm. 28, Boston,MA 02133

Robert Agoglia, Chair 

Tara Loomis, Vice-Chair 

David Shanabrook, Clerk 

Date Signed by the Select Board: 

Constable 

Date Posted: 4/5/2025 @ Police/Fire Station & Rhodes Building