

TOWN OF MOUNT WASHINGTON
Mt. Washington, MA
LOCATION: Town Hall
WARRANT
ANNUAL TOWN MEETING, May 6, 2025

Commonwealth of Massachusetts, Berkshire, ss.
To: David Whitbeck, Constable of the Town of Mount Washington, in said County.
Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of said town, qualified to vote in town affairs, to meet at the Town Hall in said Town on **Tuesday, the sixth day of May 2025**, it being the first Tuesday in said month, at **7:30 p.m.**, then and there to act upon the following articles:

Article 1: To hear the report of the Selectboard or any other officers or committees and act thereon.

Article 2: To see if the Town will vote to raise and appropriate, or appropriate from available funds, the following sums of money, or any other sums, as may be required to defray the expenses of the town for the fiscal year July 1, 2025 to June 30, 2026, or to take any other action in relation thereto.

	Appropriations FY2025	Proposed Appropriations FY2026
Accounting Officer	3,400	1
Accounting Expenses	8,000	8,000
Animal Control Officer	3,000	1,500
Animal Inspector	500	500
Assessors Consulting Service (rev/map)	10,000	10,000
Bank Services	1	1
Berkshire County Retirement System	31,480	30,450
Cemeteries	3,750	4,000
Conservation Commission	2,000	1,120
Communication fee	1,500	1
Council on Aging (transportation program)	2,500	2,500
Egremont Fire Companies	44,573	110,104
Emergency Preparedness	1	1
Employee Medicare matching funds	3,050	3,342
Fuel	20,000	20,000
Full Time Highway Employees	123,890	129,147
HR Consulting	NA	1,700
Insect Pest Control	1	1
Insurance - Group	51,700	47,271
Insurance - Town	19,000	19,500
Information Technology	7,500	7,500
Library	2,150	2,300
Machinery Maintenance	50,000	50,000
MA Division of Employment Security	210	231
Permit Eyes Building Permit Module	NA	2,550
Police	474	489
Printing & Supplies	7,500	7,000
Schools incl bus	202,400	184,650
So. Berk. Volunteer Ambulance Squad	11,933	17,721

Town Buildings- Maintenance & Repair	5,000	3,000
Town Counsel	6,000	6,000
Town Highway	50,000	50,000
Town Highway Stone and Gravel	50,000	50,000
Town Officers' Expense	5,000	4,500
Constable pay, election year	1,110	320
Town Clerk pay election year	1,500	400
BOH Admin	4,713	4,850
Town Administrator	21,315	25,713
Tree Warden	18,000	25,000
Utilities	11,000	10,000
Veterans' Services	1,557	1,655
Winter Maintenance	70,000	70,000
Approved by the Finance Committee	Total \$855,708	\$913018

Article 3: To see if the town will vote to raise and appropriate the following sums of money to fix salaries of the Elected Town Officers:

	<u>FY 2025</u>	<u>FY 2026</u>
Treasurer	19,839	20,434
Tax Collector	4,630	4,769
SB Chair	2,200	2,266
SB Member	1,648	1,697
SB Member	1,648	1,697
Assessor	1,810	1,864
Assessor	1,810	1,864
Assessor	1,810	1,864
Town Clerk	2,954	3,043
Constable	474	489
Total	38,822	\$39,987

Approved by the Finance Committee

Article 4: To see if the Town will vote to raise and appropriate \$43,500.00 in Waste Management fees, to cover all costs associated with waste disposal and recycling. (To be reimbursed in fees collected.)
Approved by the Finance Committee

Article 5: To see if the Town will vote to authorize the Select Board to appoint any committee or committees and give them or any Town Officer an authority or indemnity and to transact any other business that may legally come before said meeting.

Article 6: To see if the Town will vote to raise and appropriate \$13,000.00 for inspection services. (This is a revolving fund to cover expenses for inspections until payment is received for those services by third parties.)
Approved by the Finance Committee

Article 7: To see if the Town will vote to raise and appropriate \$92,640.00 to cover all costs associated with the Mount Washington Broadband Network. (to be reimbursed in fees collected)
Approved by the Finance Committee

- Article 8:** To see if the Town will vote to raise and appropriate \$175,000.00 to fund the Equipment Replacement Stabilization Fund.
Approved by the Finance Committee
- Article 9:** To see if the Town will vote to raise and appropriate \$4,918 to fund the Highway Department Facilities Stabilization Fund.
Approved by the Finance Committee
- Article 10:** To see if the Town will vote to raise and appropriate \$10,000 to remove tree(s) in the cemetery.
Approved by the Finance Committee
- Article 11:** To see if the Town will vote to transfer \$141,406.00 from free cash to the Highway Department Facilities Stabilization Fund.
Approved by the Finance Committee
- Article 12:** To see if the Town will vote to transfer \$18,509.00 from free cash to the Broadband Stabilization Fund.
Approved by the Finance Committee
- Article 13:** To see if the Town will vote to transfer \$200,000.00 from the Highway Equipment Stabilization Fund to purchase a new Freight Liner S-108 fwd cab and chassis, or the equivalent, to be outfitted in a future fiscal year.
Approved by the Finance Committee
- Article 14:** To see if the Town will vote to transfer \$200,000.00 from the Highway Equipment Stabilization Fund to purchase and outfit a new medium size (5500/6000, 550/600) fwd utility/plow truck.
Approved by the Finance Committee.
- Article 15:** To see if the Town will vote to repurpose the \$125,000 in free cash approved in Article 13 of the 2023 Annual Town Meeting warrant and transfer it to the Highway Equipment Replacement Stabilization Account.
Approved by the Finance Committee
- Article 16:** To see if the Town will vote to repurpose the \$100,466 in free cash approved in Article 12 of the 2023 Annual Town Meeting warrant and use it to upgrade and/or maintain town roads.
Approved by the Finance Committee
- Article 17:** To see if the Town will vote to amend the Town of Mount Washington Zoning By-Law so as to bring it into compliance with certain provisions of the Affordable Homes Act, being Chapter 150 of the Acts of 2024, specifically those provisions relative to accessory dwelling units, or ADUs, under Sections 215-2 (B), 215-4 (C), 215-5 (B), 215-5(C) and 215-12 (E) that went into effect on February 2, 2025 (See Planning Board Exhibits A-H, for details of amended language, exhibits are a supplementary handout with the warrant).
- Article 18:** To see if the Town will vote to accept a new general bylaw to be added to the compilation of Legislation of the Town of Mount Washington 1994. The new bylaw to be **Chapter 154 An Act Authorizing the Town of Mount Washington to Enact a Pesticide Reduction Bylaw**. The purpose of this bylaw is to give the town local control over toxic chemicals. The complete text of this proposed bylaw is available as a supplementary handout with the warrant. Please note the section 6 Exceptions:
- a) Usage for commercial farming and nurseries.
 - b) Pesticides for the treatment of invasive plants for ecological restoration (see Massachusetts Invasive Plant Advisory Group current lists of Invasive, Likely Invasive, and Potentially Invasive <https://www.massnrc.org/mipag/>) may be used upon the grant of a waiver by the Select Board or authorized designee.
 - c) if an emergency public health situation warrants the use of Pesticides, which would otherwise not be permitted under this bylaw, the Select Board or authorized designee shall have the authority to grant a temporary waiver on a case-by-case basis after an evaluation of all alternative methods and materials.

You are hereby directed to serve this warrant by posting an attested copy on the Town Hall and Town Transfer Station of Mount Washington at least seven days before the time of holding of said meeting. Hereof, fail not and of this warrant with your doings thereon, make return to the Town Clerk at or before the time of holding said meeting.

Given under our hands this _____ day of April, 2025.

Select Board Town of Mount Washington

Brian Tobin

Keith Torrico

Dorothy Bonbrake

I have served this warrant by posting an attested copy on the Town Hall and transfer station seven days before the time of holding said meeting.

_____ Date: _____
David Whitbeck
Constable Town of Mt Washington

PLANNING BOARD EXHIBITS - Modifications Related to Accessory Use or Structure as Required Under Chapter 150 of the Acts of 2024 – The Affordable Homes Act

A. Section **215-2 B** of the zoning bylaw currently reads:

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. Accessory structures shall include, but not be limited to detached garages, barns, carports, sheds, treehouses, trash enclosures, private generators, ground-mounted solar installations, unenclosed decks, and pools (see §215-5 C). Accessory structures shall not include dwelling units, public utility structures, fences, or walls. Enclosed structures attached to a primary building shall be considered part of a primary building.

The Board recommends the following change (indicated in bold and underlined):

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. Accessory structures shall include, but not be limited to detached garages, barns, carports, sheds, treehouses, trash enclosures, private generators, ground-mounted solar installations, unenclosed decks, and pools (see §215-5 C).

Accessory structures and uses shall include attached and unattached dwelling units of 900 square feet or under. Accessory structures shall not include public utility structures, fences, or walls. Enclosed structures attached to a primary building shall be considered part of a primary building.

B. Add the definition for Accessory Dwelling Unit under Section **215-2 B** of the zoning bylaw to read:

A secondary residential living space located on the same lot of a single-family home. The maximum size of an ADU is no more than half of the gross floor area of the principal dwelling, or 900 square feet, whichever is smaller.

With the following sub-definitions (that come from our Board of Health – so both our Boards are consistent):

1. Owner: A person who has legal or equitable title of property. An Owner can also be referred to as an Operator or Host.
2. Owner-Occupied: A unit is considered Owner-Occupied if the Owner occupies the dwelling unit on the same property as a dwelling unit to be used for short-term rental, more than 26 weeks per calendar year. This can also be referred to as a primary residence.
3. Short-Term Rental or Vacation Rental: The rental of a room or unit, in an owner-occupied property as a primary residence, through the use of advanced reservations for a period of time not more than 31 consecutive days.

C. The Board recommends the following change to Use Regulations **215-4 C** Permitted Uses by Right; Permit Required from the Building Inspector. Uses which shall be permitted after issuance of a permit from the Building Inspector.

1. Update point 6: Accessory Dwellings in a Principal Residential Structure or in an Accessory Structure. Building Permit Required (see 215-12E).
2. Delete point 7.

D. The Board recommends a change to **215-5 B** Table of Dimensional Requirements – Accessory Structures – Maximum square footage of any accessory structure to be increased to 900 square feet (from 800 square feet).

- E. The Board recommends the above change in maximum square footage for an accessory structure to also be updated in sections **215-5 C** General Dimensional Requirements 3.
- F. The Section **215-12 E** General Regulation /E Accessory Apartments in a Principal Residential Structure / Statement of Purpose currently reads:

Statement of Purpose. For the purpose of (a) providing small additional dwelling units without adding to the number of buildings in the Town, or substantially altering the appearance of the Town, (b) providing alternative housing options, and (c) enabling owners of single family dwellings larger than required for their present needs to share space and the burdens of home ownership, an accessory apartment in a principal residential structure shall be allowed by-right with a Building Permit from the Building Inspector, provided that each of the following conditions is met:

The Board recommends adding an additional point d to the above: (d) enabling owners of a single-family dwelling unit to use an unattached accessory structure as a dwelling unit, Accessory Dwelling Units (ADU's) shall be allowed by right with a building permit from the Building Inspector [...]

- G. The Board recommends the following additional changes to Section **215-12 E** General Regulation /E Accessory Apartments in a Principal Residential Structure / 2 Conditions:

1. Point b to be removed.
2. The Board recommends adding the following as point b to Section 215-12 E General Regulation /E Accessory Apartments in a Principal Residential Structure / 2 Conditions:

The maximum size of an ADU is no more than half of the gross floor area of a principal dwelling, or 900 square feet, whichever is smaller. Only one ADU may be established per property. Additional ADU's shall require a Special Permit.

3. Point c to be removed.
4. The Board recommends adding the following as point c to Section 215-12 E General Regulation /E Accessory Apartments in a Principal Residential Structure / 2 Conditions:

All Short-Term Rentals require a permit from the Board of Health.

- H. Section **215-12 E** General Regulation /F Short-Term Rental point 1 and 2 currently read:

A Short-Term Rental shall be the rental of a room or unit, in property occupied by an owner as a primary residence, through the use of advanced reservations for a period of time not more than thirty-one (31) consecutive calendar days in a twelve (12) month period.

Operators of Short-Term Rentals shall register with the Mount Washington Board of Health and comply with all regulations promulgated by the Mount Washington Board of Health, the Mount Washington Zoning Bylaws, the State Building Code and the Commonwealth of Massachusetts.

The Board recommends the following changes (in accordance with Board of Health definitions and changes recommended under B of this memo):

The rental of a room or unit, in an owner-occupied property as a primary residence, through the use of advanced reservations for a period of time not more than 31 consecutive days. A unit is considered Owner-Occupied if the Owner occupies the dwelling unit on the same property as a dwelling unit to be used for short-term rental, more than 26 weeks per calendar year. This can also be referred to as a primary residence.

Operators of Short-Term Rentals **shall obtain a permit from** the Mount Washington Board of Health and comply with all regulations promulgated by the Mount Washington Board of Health, the Mount Washington Zoning Bylaws, the State Building Code and the Commonwealth of Massachusetts.

An Act Authorizing the Town of Mt Washington to Enact a Pesticide Reduction Bylaw

SECTION 1. Purpose.

The purpose of this bylaw is to reduce toxic pesticide use in and on public and private property in the Town of Mt. Washington in order to promote a healthy environment and to protect the public from the hazards of pesticides, and for the implementation of sustainable land and building management practices on all public and private property.

SECTION 2. Findings.

- a) Scientific studies associate exposure to pesticides with asthma, cancer, developmental and learning disabilities, nerve and immune system damage, liver or kidney damage, reproductive impairment, birth defects, and disruption of the endocrine system.
- b) Infants, children, pregnant women, the elderly, and people with compromised immune systems and chemical sensitivities are especially vulnerable to pesticide effects and exposure.
- c) Pesticides are harmful to pets and wildlife, including threatened and endangered species, soil microbiology, plants, and natural ecosystems.
- d) Toxic runoff from chemical fertilizers and pesticides pollute streams, lakes, estuaries, and drinking water sources.
- e) The use of pesticides is not necessary to create and maintain green lawns and landscapes given the availability of viable alternatives practices and products.
- f) People have a right not to be involuntarily exposed to pesticides in the air, water or soil that inevitably result from chemical drift and contaminated runoff.
- g) Sustainable land and building management practices that emphasize non-chemical methods of pest prevention and management, and least-toxic pesticide use as a last resort, will eliminate the use of and exposure to pesticides while controlling pest populations.
- h) Sustainable land and building management practices complement other important goals of Mt. Washington's maintenance and administration, such as energy conservation and security.
- i) Mt. Washington embraces a precautionary approach to the use of pesticides in order to adequately protect people and the environment from the harmful effects of pesticides.
- j) Application of chemicals simply for aesthetic/cosmetic purposes has harmful consequences for our ecosystem, children and pets. Pollinators are directly harmed by applications particularly the indiscriminate (and long-term ineffective) spraying of pesticides.

SECTION 3. Authority.

This bylaw is adopted under authority granted by the Home Rule amendment to the Massachusetts Constitution and the provisions of any Special Legislation passed by the Legislature.

SECTION 4. Definitions.

For the purposes of this bylaw, the following definitions shall apply:

Allowed Materials List - The list of acceptable pesticides is limited to the following:

- a) All non-synthetic (natural) materials, with the exception of prohibited non-synthetic materials under 7 CFR 205.602;
- b) Any synthetic material listed at 7 CFR 205.601 that is labeled for turf uses, subject to discretionary authority to require disclosure of inert ingredients; and
- c) 25b listed pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Inert ingredient - Any substance (or group of substances with similar chemical structures if designated by the Environmental Protection Agency) (EPA) other than an active ingredient that is intentionally included in any pesticide product (40 CFR 152.3(m)) [7 CFR 205.2 Terms defined.], and are not classified by the EPA Administrator as ingredients of toxicological concern. [7 U.S.C. 6502(21) Definitions]

Non-synthetic (natural) materials - A substance that is derived from mineral, plant, or animal matter and does not undergo a synthetic process as defined in section 6502(21) of the Organic Foods Production Act. For the purposes of this part, 'non-synthetic' is used as a synonym for natural as the term is used in the regulations. [7 CFR 205.2 Terms defined.]

Pesticide - Any substance or mixture of substances intended for: (i) preventing, destroying, repelling, or mitigating any pest; (ii) use as a plant regulator, defoliant, or desiccant; or (iii) use as a spray adjuvant such as a wetting agent or adhesive. The term 'pesticide' includes insecticides, herbicides, fungicides,

and rodenticides, but does not include cleaning products other than those that contain pesticidal agents.

Synthetic materials - A substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes. [7 U.S.C. 6502(21) Definitions]

SECTION 5. Prohibitions.

The application of any Pesticide that is not on the Allowed Material List is prohibited, except as permitted in this bylaw.

SECTION 6. Exceptions.

- a) The application of the following Pesticides is allowed:
 - 1) Indoor pest sprays and insect baits (excluding rodent baits);
 - 2) Insect repellants for personal and household use;
 - 3) Pet: Flea and tick sprays, powders, and pet collars
 - 4) Kitchen, laundry, and bath disinfectants and sanitizer
 - 5) Products labeled primarily to kill mold and mildew
 - 6) Usage for commercial farming and nurseries.
- b) Pesticides for the treatment of invasive plants for ecological restoration (see Massachusetts Invasive Plant Advisory Group current lists of Invasive, Likely Invasive, and Potentially Invasive <https://www.massnrc.org/mipag/> maybe used upon the grant of a waiver by the Select board or authorized designee.
- c) If an emergency public health situation warrants the use of Pesticides, which would otherwise not be permitted under this bylaw, the Select Board or authorized designee shall have the authority to grant a temporary waiver on a case-by-case basis after an evaluation of all alternative methods and materials.

SECTION 7. Enforcement.

The enforcement authority shall be the Select Board, or any town officials as designated by the Select Board to oversee and enforce the provisions of this bylaw.

SECTION 8. Penalties.

Any person who violates any provision of this bylaw shall be punished by a fine of one hundred dollars (\$100.00) for the first offense and three hundred dollars (\$300.00) for each offense thereafter. Each day or portion thereof during which a violation continues shall constitute a separate offense and a violation of each provision of the bylaw shall constitute a separate offense.

If the offender is a commercial applicator, the right to do business in Mt. Washington may be revoked.

SECTION 9. Severability.

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

Provided, that this bylaw is subject to the Town obtaining special legislation from the Great and General Court of the Commonwealth of Massachusetts authorizing the Pesticide Reduction Bylaw as aforesaid; or to take any other action relative thereto.