

**Public Information Meeting**  
**May 10, 2025**  
**Preceding ATM FY26**  
**Discussion of “by-law” Articles only**

**A. CIPC limit (Capital Project Capital Planning Comm) ..... 2**

**B. Moving Town Election Date (Town Clerk) ..... 2**

**C. Door-Door Solicitation (Police Dept) ..... 3**

**D. Section 20 – Growth Rate (Planning) ..... 7**

**E. Section 10 – Permitting (Planning) ..... 7**

**F. Section 5A &19 -Subdivision “housekeeping” (Planning) ..... 8**

**G. Section 5C.h – ADU prohibited uses (Planning) ..... 8**

**H. Section 5C.g – ADU owner occupied (Planning) ..... 9**

**I. Section 7 – Driveways (Planning) ..... 9**

**J. Citizen’s Petition – Farmer’s Market..... 11**

**K. Electronic Voting (Moderator) ..... 11**

**Public Information Meeting about the Budget is**  
**Thursday May 29<sup>th</sup> at 6:30 pm (Town Hall)**

**ARTICLE A – [CIPC limit goes to \$10k]**

To see if the Town will vote to amend the Town of Petersham By-laws, currently, codified as **Article III, Section 3b** in the Town’s General By-laws, as follows, such changes being shown in a copy of the full Zoning By-laws on file in the office of the Town Clerk, as show below with new text in **bold** and deleted text in strikethrough:

The Petersham Capital Improvement Planning Committee (PCIP) shall study all proposed projects and improvements involving major non-recurring tangible assets and projects which 1) are purchased or undertaken at intervals of not less than three (3) years; 2) have a useful life of at least three (3) years; and/or 3) cost over ~~\$5,000~~ **\$10,000** (“Capital Improvements”). All officers, boards, and committees including the Selectboard and Petersham Center School Committee, shall, by ~~February 1~~ **March 15** of each year, give the PCIP, on forms prepared by 1t, information concerning all anticipated Capital Improvements requiring Town Meeting action during the ensuing six (6) years.

or act in relation thereto.

**ARTICLE B – [MOVE ANNUAL TOWN ELECTION TO APRIL]**

To see if the Town will vote to amend the General By-law, Article II, as shown below:

**CURRENT ARTICLE  
ARTICLE II  
TOWN MEETINGS**

**SECTION 1. ANNUAL TOWN MEETINGS**

- a. The annual town meeting shall be held on the first Monday in March in each year, on which day shall be held the annual election of Town officers and the determination of such matters as by law are required or permitted to be determined by ballot.
- b. The annual town meeting for the election of Town officers shall be called to order at ten o’clock A.M. and the polls shall be opened immediately thereafter, and shall be kept open until eight o’clock P.M.

**SUGGESTED BY-LAW CHANGE (in bold)**  
**ARTICLE II**  
**TOWN MEETINGS**

**SECTION 1. ANNUAL TOWN MEETINGS**

- a. The annual town **election** shall be held on the first Monday in **April** in each year, on which day shall be held the annual election of Town officers and the determination of such matters as by law are required or permitted to be determined by ballot.
- b. The annual town **election** for the election of Town officers shall be called to order at ten o'clock A.M. and the polls shall be opened immediately thereafter, and shall be kept open until eight o'clock P.M.

or act in relation thereto

**ARTICLE C– [PD DOOR TO DOOR SOLICITATION]**

To see if the Town will vote to add a bylaw under Article VII of the Town's General By-laws, Police Regulations, as follows, and to re-number existing section 22 of Article VII as section 23:

Section 22. Door to Door Solicitation.

Section 22.1: Purpose

It is the purpose of this by-law to regulate persons or organizations engaged in soliciting or peddling in the Town of Petersham through the issuance of licenses and imposition of other limitations on such conduct for the purpose of protecting the Town's residents from disruption of the peaceful enjoyment of their residences and from crime and fraud, and further, to allow reasonable access to residents in their homes by persons or organizations who wish to engage in commercial solicitation.

Section 22.2: Definition

A solicitor or peddler is defined as any individual, whether a resident of the Town of Petersham or not, traveling either by foot, motor vehicle, or any other type of conveyance from place to place, house to house, taking or attempting to take orders for sale of goods, wares, merchandise, personal property of any nature for immediate or future delivery, or for services to be furnished or performed immediately or in the future whether or not he or she collects advance payments on such sales.

Section 22.3: License Required

It shall be unlawful for any solicitor or peddler as defined in Section 22.2 of this by-law to engage in such business in the Town of Petersham without first obtaining a license in compliance with the provisions of this by-law. Any person who is not properly licensed under this by-law shall be ordered to immediately cease and desist all solicitation in the Town until they obtain a proper license.

#### Section 22.4: License Exemption

Nothing in this by-law shall be construed to impose any license requirement or otherwise restrict or in any way regulate any activity for non-commercial purposes, including but not limited to any activity for religious, charitable, civic or political purposes, regardless of whether such activity includes acts that would otherwise constitute soliciting.

#### Section 22.5: Application & Fee

A. Each individual applicant for a license under this by-law shall submit to the Chief of Police or his/her designee an application along with a fee of **\$50.00** (per individual applicant) payable to the Town of Petersham which will be used to cover the cost of investigating the facts stated in the application.

B. Each applicant must complete a sworn application in writing at least 10 working days prior to the requested starting date for solicitation, on a form provided by the Police Department. Said form shall include the following information:

- a. Name, physical description, and date of birth;
- b. Social security number of the applicant;
- c. Permanent home address as well as full local address of the applicant;
- d. A brief description of the nature of the business and/or goods to be sold;
- e. If employed, name and address of employer, including credentials which establish the exact relationship;
- f. The length of time for which the license is desired (not to exceed one year);
- g. Names of manufacturer, of source of merchandise, and proposed method of delivery;
- h. Two photographs of the applicant, taken within 60 days prior to filing of the application, showing only the head and shoulders of the applicant in a clear and distinguishing manner;
- i. A statement as to whether or not the applicant has been convicted of any crime listed in Section 22.6 of this by-law or is a Level 2 or Level 3 Sex Offender required to register with the Massachusetts Sex Offender Registry Board.

#### Section 22.6: Investigation & Issuance

A. If, after an investigation into the facts contained in the license application, the Police Chief is satisfied the applicant is of suitable character, the Police Chief, or his/her designee, shall grant the requested license.

B. The Police Chief or his/her designee shall refuse to issue a license to any organization or individual whose license has been revoked for violation to this by-law within the previous two-year period or who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, felony assault, or larceny over \$250, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Police Chief shall also refuse to grant a license to a person who is a sex offender required to register with the Massachusetts Sex Offender Registry Board and who is finally classified as a Level 2 or Level 3 Sex Offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex

crimes.

C. Action on the application shall be taken no more than ten (10) working days after receipt of a fully-completed application.

#### Section 22.7: Identification Card

The Police Department shall issue to each successful applicant an identification card which shall contain the words “Licensed Solicitor,” the individual’s picture, identification and expiration date of the license. Persons engaged in solicitation or peddling as defined in this by-law must display the identification card while soliciting or peddling and present the card to any police officer or person solicited upon request.

#### Section 22.8: Duty of Police to Enforce

It shall be the duty of any police officer of the Town to require any person seen soliciting or peddling and who is not known by such officer to be duly licensed, to require such person to produce his or her license or identification card and to enforce the provisions of this by-law against any person found to be violating the same.

#### Section 22.9: Solicitation Hours

A properly licensed solicitor or peddler may solicit between the following hours where there is no sign posted otherwise limiting solicitation or the hours of solicitation and/or where the residence address is not listed on the “Do Not Solicit List” maintained by the Police Department: Monday through Friday: 8 a.m. through 5 p.m. Saturday, Sunday & Holidays: 9 a.m. through 5 p.m.

#### Section 22.10: Do Not Solicit List

A. Any person or entity who owns or rents property within the Town of Petersham may register such property on a “Do Not Solicit” list maintained under this by-law. Registration for the “Do Not Solicit List” shall be made as follows:

1. The “Do Not Solicit” list shall be maintained by the Police.
2. The “Do Not Solicit” list shall consist solely of property addresses and shall include no further identifying information concerning the ownership of the property.
3. The Tax Assessor shall notify the Chief of Police of any change in ownership of property included on the list.
4. The Town Clerk shall remove from the “Do Not Solicit” list any property that has a change of ownership.

B. The Police Chief shall provide a copy of the “Do Not Solicit” list to every applicant to whom a license is issued pursuant to this by-law. Solicitation of any nature at any address identified on the “Do Not Solicit” list shall constitute a violation of this by-law.

#### Section 22.11: Records

The Chief of Police shall maintain all pertinent records of licenses issued and violations recorded under this by-law.

Section 22.12: Enforcement and Penalties

- A. The provisions of this by-law may be enforced by any Police Officer of the Town of Petersham by any available means in law or equity, including but not limited to enforcement by non-criminal disposition pursuant to Section 21D of Chapter 40 of the General Laws and the Town's General By-laws. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for each violation shall be \$300.00.
- B. Whoever continues to solicit in the Town in willful violation of this by-law, by continuing to solicit after being informed by a police officer to cease and desist, may be arrested without a warrant by a police officer in accordance with and to the extent authorized by the provisions of Massachusetts General Laws Chapter 272, § 59 and subject to a penalty of \$300.00.
- C. Notwithstanding the issuance of a license under this by-law, no licensee may enter private property after being forbidden to do so either directly by the person in charge of the property or by a conspicuously posted Notice of "No Trespassing" or "No Soliciting." Such no trespass notices are controlled by Massachusetts General Laws Chapter 266, § 120, which authorizes the arrest (without a warrant) of a person found committing such a trespass in the presence of a police officer.
- D. After investigation by a police office, licenses issued under the provisions of this by-law may be suspended or revoked by the Chief of Police or his designee after notice and hearing, provided however, that a license may be suspended immediately, without notice and a hearing, if the public safety or welfare so requires for any of the following causes:
1. Fraud, misrepresentation, or false statement contained in the license application,
  2. Fraud, misrepresentation or false statements made in the course of carrying on the business of solicitation;
  3. Any violation of this by-law;
  4. Conviction of any crime listed in Section 22.6 of this by-law or classification as a Level 2 or Level 3 Sex Offender;
  5. Conducting the business of soliciting or peddling in an unlawful manner or in such a manner as to constitute a breach of the peace, or to constitute a menace to health, safety, or the general welfare of the public, or
  6. High-pressure tactics, harassment, or a refusal to accept a refusal of a solicitation as an answer, when verified in writing.

If a license is suspended under the provisions of this section without a prior hearing, notice of a hearing with regard to reconsideration of the suspension shall be given forthwith in accordance with the following subsection.

E. Notice of hearing for revocation or suspension, or reconsideration of suspension, of a license shall be given in writing, setting forth specifically the grounds of the complaint and a time and place of the hearing. Such notice shall be hand delivered to the licensee or forwarded by certified mail to the

licensee at his or her last known address at least five days prior to the hearing date.

Section Twelve: Expiration of License

All licenses for soliciting in the Town are valid only for the particular dates or time period specified thereon, and in no case for longer than one year.

Section Thirteen: Appeals

Any person or organization who is denied a license or whose license has been revoked may appeal by filing a written notice of appeal with the Selectboard. Such appeal must be filed within five (5) days after receipt of the notice or denial or revocation. The Selectboard shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal, provided, however, that if the Selectboard fails to make a determination within thirty (30) days after the filing of the appeal, the license shall be deemed granted or reinstated, as the case may be.

Section Fourteen: Severability Clause

The provisions of this by-law are declared to be severable, and if any section, sentence, clause or phrase of this by-law shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this by-law and they shall remain in effect, it being the legislative intent that this by-law shall stand, notwithstanding the invalidity of any part.

**ARTICLE D – [BYLAW SECTION 20 – GROWTH RATE]**

To see if the Town will vote to amend the Zoning By-law by deleting SECTION 20, TOWNWIDE RATE OF DEVELOPMENT in its entirety.

or act in relation thereto

**ARTICLE E – [BYLAW SECTION 10 – PERMITTING]**

To see if the Town will vote to amend the Zoning By-law, SECTION 10, ENFORCEMENT AND ADMINISTRATION, as shown below, with new text in **bold** and deleted text in ~~strike through~~:

4. Application for a permit for a **new** building or other **new** structure shall be accompanied by a Disposal Works Construction Permit issued by the Board of Health. ~~and~~ **Also**, a **lot** plan showing the ~~dimensions of the lot, and the proposed~~ **size and** location of **any new** ~~the~~ structure **on the site**. ~~All plans submitted~~ shall be reviewed by **both** the Planning Board **and the Conservation Commission** prior to the issuance of a permit by the Building Inspector. ~~Each such plan shall remain as part of the Town records.~~

If approved, Section 10.4 would read as follows:

**Application for a permit for a new building or other new structure shall be accompanied by a Disposal Works Construction Permit issued by the Board of Health. Also, a lot plan showing the proposed size and location of any new structure on the site shall be reviewed by both the Planning Board and the Conservation Commission prior to the issuance of a permit by the Building Inspector.**

or act in relation thereto.

**ARTICLE F – [BYLAW SECTIONS 5A & 19 – SUBDIVISION HOUSEKEEPING]**

To see if the Town will vote to amend the Zoning By-law, SECTION 5.A, Permitted Uses, and SECTION 19, SUBDIVISIONS, by making clerical corrections to paragraph g. of SECTION 5.A and subsection B., Definitions, and subsection C.2(b), Applicability, of SECTION 19, as shown below, with new text in **bold** and deleted text in ~~striketrough~~:

(SECTION 5.A)

g. Removal of soil, loam, sand or gravel subject to **Section 17** ~~ARTICLE XVI, Section 5E~~ of the By-laws to the extent authorized thereunder.

(SECTION 19)

B. Definitions

ANR: For the purposes of this Section ~~5B-19~~ . . .

(SECTION 19)

C.2 Applicability:

(b) The subdivision approval and any requested special permit approvals provided for in this Section ~~4B-19~~ . . .

**ARTICLE G – [BYLAW SECTION 5C.h – ADU]**

To see if the town will vote to amend the Zoning By-law SECTION 5C as follows:

SECTION 5C prohibited uses:

**h. More than one accessory dwelling unit on a lot.**

or act in relation thereto.

**ARTICLE – H - [BYLAW SECTION 5C.g – ADU]**

To see if the town will vote to amend the Zoning By-law SECTION 5C as follows:

SECTION 5C      **Prohibited Uses:**

- g. Short-term rental of an accessory dwelling unit when the principal dwelling unit is not owner-occupied.**

or act in relation thereto.

**ARTICLE I – [BYLAW SECTION 7 – DRIVEWAY]**

To see if the town will vote to change the title of Zoning By-law, SECTION 7 from PARKING REQUIREMENTS to PARKING AND DRIVEWAY REQUIREMENTS and insert additional text as shown below, with new text in bold.

SECTION 7      **PARKING AND DRIVEWAY REQUIREMENTS**

**A. Parking**

1. It is the intention of this By-law that all structures and land uses be provided with sufficient off-street parking spaces on the premises to meet their needs. No permit shall hereafter be issued for the erection of a new structure, the enlargement of an existing structure or the change or development of a use of land or structure, unless the plans show the location and size of the off-street parking required by this By-law and the means of access to such space from a street.
2. Off-street parking facilities shall be provided as follows, each space measuring 10' wide by 20' long:
  - a. Two parking spaces per dwelling unit (**excluding accessory dwelling units**).
  - b. One parking space for each two beds in a dormitory or similar facility without separate dwelling units.
  - c. For business and commercial use:
    - an area equal to twice the floor area of the business or commercial structure,  
**or a reduced area by special permit.**
3. For parking areas of six cars or more, the following shall apply:
  - a. Their use shall not require backing onto a public way.
  - b. Such lots shall be separated by twenty feet from any abutting residential use and screened by opaque fencing or densely planted shrubs.
4. No off-street parking area shall be maintained within ten feet of a street line.

## **B. Driveways**

- 1. The Building Inspector shall not issue a Certificate of Use and Occupancy for a new residence until a Driveway Permit has been issued by the Highway Superintendent in accordance with the following requirements:**
  - a. Grade of the driveway does not exceed six percent (6%) for a distance of twenty feet from where the driveway intersects with the travel surface of the public way.**
  - b. Drainage design will prevent washout, excessive erosion and water draining onto the public way.**
  - c. The centerline intersection of the driveway with the centerline of the public way is not less than 60 degrees.**
  
- 2. Common driveways serving not more than two (2) lots are permissible by special permit when it can be shown that routes exist for two separate driveways, one on each respective lot. A common driveway, in addition to meeting the conditions 1.a. through c. above must also have:**
  - a. over the part of the driveway which is shared by both lots;**
    - 1. A minimum cleared width of 12 feet;**
    - 2. A roadway surface with a depth of at least 4 inches and consisting of graded gravel or more permanent material, placed over a properly prepared base, graded and compacted to drain from the crown;**
  - b. Its layout located entirely within the boundaries of the lots being served.**
  - c. Proposed documents shall be submitted to the Zoning Board of Appeals demonstrating that, through easements, restrictive covenants, or other appropriate legal devices, the maintenance, repair, snow removal, and liability for the common driveway shall remain perpetually the responsibility of the private parties, or their successors-in-interest. After approval, these documents shall be recorded at the Worcester County Registry of Deeds.**

or act in relation thereto.

**ARTICLE J – [Citizen’s Petition – Farmer’s Market]**

To see if the town will vote to raise and appropriate, appropriate from available funds, take from the Stabilization Fund, borrow, or any combination thereof, the sum of **\$900** to support the **Petersham Friday Market** and its 2025 program of up to 20 musical performances to be held on the town common, or act in relation thereto.

**ARTICLE K– [ELECTRONIC VOTING]**

To see if the Town will vote to amend the General By-law, Article II, Section 4f, as shown below:

**EXISTING ARTICLE  
ARTICLE II, Section 4f**

**TOWN MEETINGS**

All votes, unless otherwise provided by law, shall be taken in the first instance by a show of hands. If the Moderator is in doubt as to the result of the vote, or if a registered voter immediately doubts the vote, the Moderator shall call either for a standing vote or for a vote by ballot or by use of the check list, as the Moderator may determine.

**SUGGESTED BY-LAW CHANGE (in bold)  
ARTICLE II, Section 4f**

**TOWN MEETINGS**

**All votes, unless otherwise provided by law, shall be taken electronically. If that is not possible, votes shall be taken by a show of hands or by ballot, as the Moderator may determine.**

or act in relation thereto.