

# DAY CORRECTED

June 14, 2018



## **Minutes of Special Town Meeting June 27, 2018 Commonwealth of Massachusetts County of Hampden, ss. Town of Blandford**

**TO:** One of the Constables in the Town of Blandford, in said County and State

**GREETINGS:** In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of Blandford qualified to vote in elections and town affairs to meet at the Blandford Town Hall, One Russell Stage Road, Blandford, Massachusetts on Wednesday, June 27, 2018 next, at 7:30 P.M., then and thereto to act on the following matters:

**Article 1:** To see if the Town will vote, pursuant to the provisions of M.G.L. c. 39, §15 that the Town Moderator be authorized to declare a two-thirds vote without a count when passage of an article requires a two-thirds vote by statute, provided, however, that if the vote is immediately questioned by seven or more voters, a count shall be taken, or take any other action relative thereto.

**Passed; TJ Cousineau motioned; A. Montanaro seconded**

**Article 2:** To see if the Town will vote to amend the Zoning By-law, Section XIII: Definitions, to remove the section numbers assigned to each defined term therein and retain the arrangement of such terms by alphabetical order, or take any other action relative thereto.

**PASSED by UNANIMOUS vote; TJ Cousineau motioned; A. Montanaro seconded;  
Recommended by Planning and Select boards**

**Article 3:** To see if the Town will vote to amend the Zoning By-law to add a new Section XV: Temporary Moratorium on Recreational Marijuana Establishments, as follows, or take any other action relative thereto:

**SECTION XV – TEMPORARY MORATORIUM ON MARIJUANA  
ESTABLISHMENTS**

### 15.1 Authority and purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for adult use (recreational) purposes (G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 (as amended on December 30, 2016; Chapter 351 of the Acts of 2016). The Cannabis Control Commission issued regulations on March 23, 2018 regarding Adult Use of Marijuana has begun accepting applications for licensing of commercial marijuana establishments. Currently under the Zoning By-law, an adult use “Marijuana Establishment” as defined in G.L. c. 94G, §1 and 935 CMR 500.00 is not specifically addressed in the Zoning Bylaw.

The regulation of adult use marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the potential impact of the Cannabis Control Commission regulations on local zoning and to undertake a planning process to consider amending the Zoning By-law regarding regulation of adult use Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for adult use Marijuana Establishments so as to allow the Town sufficient time to engage in a planning process to address effects of such structures and uses in the Town and to adopt provisions of the Zoning By-law in a manner consistent with sound land use planning goals and objectives.

### 15.2 Definitions

For purposes of this moratorium, the definitions set forth in G.L. c. 94G, §1 shall apply.

### 15.3 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning By-law to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Marijuana Establishments and other uses related to recreational marijuana. The moratorium shall be in effect through December 31, 2018 or until such time as the Town adopts Zoning By-law amendments that regulate Marijuana Establishments and obtain the Attorney General’s approval, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in Blandford, consider the Cannabis Advisory Board regulations regarding Marijuana Establishments, and determine whether the Town shall adopt zoning bylaws and other regulation in response to these issues.

**PASSED by UNANIMOUS VOTE; motion appropriately made and seconded**

**Article 4:** To see if the Town will vote to amend the Zoning By-law to provide for the regulation of medical marijuana, as follows, or take any other action relative thereto:

- a. Amend Section IV: PROVISIONS FOR DISTRICTS, to add a new Section 4.2.1.11 as follows:
  - 4.2.1.11 Registered Marijuana Dispensary (RMD)– Requires a Special Permit and Site Plan Review issued by the Planning Board in accordance with Section XIV and IX.
- b. Amend Section XII: SCHEDULE OF USES TABLE, to add a new Section 5.4 to the table as follows:

Use	AG	RR	BB	LPWP	Notes	
<b>5.0</b>	Wholesale, Transportation and Industrial Uses					
<b>5.4</b>	Registered Marijuana Dispensary (RMD)	N	N	SP	N	See Section XIV & IX

- c. Amend Section XIII: DEFINITIONS to add the following definition:
 

REGISTERED MARIJUANA DISPENSARY (RMD): As defined by 105 CMR 725.000, et al., as those regulations may be amended or superseded, and pursuant to all other applicable state laws and regulations, means an entity registered in accordance with 105 CMR 725.00, also to be known as a Medical Marijuana Treatment Center, that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers, as those terms are defined under 105 CMR 725.004. A RMD shall explicitly include facilities which cultivate and process medical marijuana, and which may also dispense and deliver medical marijuana and related products. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.
- d. Add a new Section XIV: REGISTERED MARIJUANA DISPENSARY (RMD), as follows:

**SECTION XIV –REGISTERED MARIJUANA DISPENSARY (RMD)**

## 14.1 Registered Marijuana Dispensary (RMD)

### 14.1.1 Purposes

It is recognized that the nature of the substance cultivated, processed, and/or sold by Registered Marijuana Dispensaries may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the public as well as patients seeking treatment. The specific and separate regulation of Registered Marijuana Dispensaries (RMD) is necessary to advance these purposes and ensure that such facilities are not located within close proximity of minors and do not become concentrated in any one area within the Town of Blandford.

Subject to the provisions of this Zoning By-law, Chapter 40A of the General Laws, Chapter 369 of the Acts of 2012; Chapter 94I (Medical Use of Marijuana) of the General Laws, and all regulations which have or may be issued thereunder, including, but not limited to 105 CMR 725.000, et seq., Registered Marijuana Dispensaries will be permitted to provide medical support, security, and physician oversight that meet or exceed state regulations.

### 14.1.2 Additional Requirements/Conditions

In addition to the standard requirements for uses permitted By-right or requiring a Special Permit or Site Plan Approval, the following shall also apply to all Registered Marijuana Dispensaries:

#### 14.1.2.1 Use:

- a) RMD's may only be involved in the uses permitted by its definition and may not include other businesses or services.
- b) No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.
- c) The hours of operation shall be set by the Special Permit Granting Authority, but in no event shall an RMD be open to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m.

#### 14.1.2.2 Physical Requirements:

- a) All aspects of the RMD use/facility relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully

enclosed building and shall not be visible from the exterior of the business.

- b) No outside storage is permitted.
- c) No RMD facility which serves only to dispense the processed marijuana, related supplies and educational materials to registered Qualifying Patients or their personal caregivers in accordance with the provisions of 105 CMR 725.00 shall have a gross floor area in excess of 2,500 square feet.
- d) Ventilation – all RMD facilities shall be ventilated in such a manner that no:
  - (1) Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and
  - (2) No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the medical marijuana business or at any adjoining use or property.
- e) Signage shall be displayed on the exterior of the RMD facility's entrance in plain sight of clients stating that "Registration Card issued by the MA Department of Public Health required" in text two inches in height.

#### 14.1.2.3 Location:

- a) No RMD shall be located on a parcel which is within five hundred (500) feet (to be measured in a straight line from the nearest points of each property line) of a parcel occupied by:
  - (1) A public or private elementary, junior high, middle, vocational or high school, college, junior college, university or child care facility or any other use in which children commonly congregate in an organized, ongoing, and formal basis, or
  - (2) another RMD.
- b) No RMD shall be located inside a building containing residential units, including transient housing such as motels and dormitories.

#### 14.1.2.3 Reporting Requirements.

- a) All Special Permit and Site Plan Approval holders for an RMD shall provide the Police Department, Fire Department, Building Commissioner/Inspector and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.

- b) The local Building Commissioner/Inspector, Board of Health, Police Department, Fire Department and Special Permit Granting Authority shall be notified in writing by an RMD owner/operator/ manager:
  - (1) A minimum of 30 days prior to any change in ownership or management of that facility
  - (2) A minimum of 12 hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the RMD.
- c) RMD's shall file an annual report with and appear before the Special Permit Granting Authority no later than January 31<sup>st</sup> of each year, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.
- d) The owner or manager is required to respond by phone or email within twenty-four hours of contact by a town official concerning their RMD at the phone number or email address provided to the Town as the contact for the business.

#### 14.1.2.3 Issuance/Transfer/Discontinuance of Use

- a) Special Permits/Site Plan Approvals shall be issued to the RMD Operator
- b) Special Permits/Site Plan Approvals shall be issued for a specific site/parcel
- c) Special Permits/Site Plan Approvals shall be non-transferable to either another RMD Operator or site/parcel
- d) Special Permits/Site plan Approvals shall have a term limited to the duration of the applicant's ownership/control of the premises where the RMD is located, and shall lapse:
  - (1) If the permit holder ceases operation of the RMD, and/or
  - (2) The permit holder's registration by MDPH expires or is terminated
- e) The permit holder shall notify the Zoning Enforcement Officer and Special Permit Granting Authority in writing within 48 hours of such lapse, cessation, discontinuance or expiration.
- f) An RMD shall remove all material, plants equipment and other paraphernalia prior to surrendering its state Registration or ceasing its operation.
- g) Prior to the issuance of a Building Permit for a RMD, the applicant shall provide the Town a bond or other form of financial security in amount and form acceptable to the Planning Board. The amount shall be sufficient to cover the costs to the Town of removing all materials, plants, equipment and other paraphernalia if the applicant fails to do so.
- h) The Town, acting by and through the Building Inspector, shall provide the applicant 45 days' written notice in advance of

claiming and applying the security. Should the applicant remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Building Inspector prior to the expiration of the 45 days written notice, the security shall be released to the applicant.

#### 14.1.3 Application Requirements

All Registered Marijuana Dispensaries (RMD) require a Special Permit and Site Plan Review issued by the Planning Board in accordance with this bylaws and Section IX. In addition to the standard application requirements for Special Permits and Site Plan Approvals, such applications for an RMD shall also include the following:

- 14.1.3.1 The name and address of each owner of the RMD;
- 14.1.3.2 A copy of its registration as an RMD from the Massachusetts Department of Public Health or documentation demonstrating that said RMD, and it's owner/operators, qualify and are eligible to receive a Certificate of Registration and meet all of the requirements of a RMD in accordance with 105 CMR 725.000.
- 14.1.3.3 Evidence that the Applicant has site control and right to use the site for a RMD facility in the form of a deed or valid purchase and sales agreement or, in the case of a lease a notarized statement from the property owner and a copy of the lease agreement;
- 14.1.3.4 A notarized statement signed by the RMD's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons
- 14.1.3.5 In addition to what is normally required in a Site Plan, details showing all exterior proposed security measures for the RMD including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.
- 14.1.3.6 A detailed floor plan identifying the areas available and functional uses (including square footage)
- 14.1.3.7 All signage being proposed for the facility.
- 14.1.3.8 A traffic study to establish the impacts at peak demand times.
- 14.1.3.9 A Management Plan including a description of all activities to occur on site, including all provisions for the delivery of medical marijuana and related products, including off-site direct delivery to patients.

#### 14.1.4 Findings

In addition to the standard Findings for a Special Permit or Site Plan Approval, the Special Permit Granting Authority must also find all the following:

- 14.1.4.1 That the RMD facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest.;
- 14.1.4.2 That the RMD demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations;
- 14.1.4.3 That the applicant has satisfied all of the conditions and requirements of this Section and other applicable sections of this Zoning By-law;
- 14.1.4.4 That the RMD facility provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured.
- 14.1.4.5 That the RMD facility adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.

**PASSED BY UNANIMOUS VOTE; TJ Cousineau motioned; A. Montanaro seconded**

**Article 5: (1<sup>st</sup>)** To see if the Town will vote to amend the Zoning By-law to provide for new and amended regulation of solar photovoltaic systems, as follows, or take any other action relative thereto:

- a. Amend Section 4.1 RESIDENTIAL DISTRICT, to delete struck-through language and insert new language in bold, as indicated:

- 4.1.1 Uses Permitted (see Section XII: Schedule of Uses Table)

- 4.1.1.6 In appropriate cases, for uses which are not specifically prohibited or already require a Special Permit from another Board, and with appropriate safeguards, the Board of Appeals may grant special permits for the following accessory uses . . . .

- 4.1.1.9 Roof Mounted Solar Photovoltaic Installation

- b. Amend Section 4.2 BUSINESS DISTRICT, to delete language and insert new language in bold, as indicated:

- 4.2.1 Uses Permitted (see Section XII: Schedule of Uses Table)

- 4.2.1.9 Any additional use, which is not specifically prohibited or already requires a Special Permit from another Board, for



which the Board of Selectmen may grant permission, . . .  
 . . .

4.2.1.10 Roof Mounted Solar Photovoltaic Installation

- c. Amend Section 4.3 AGRICULTURAL DISTRICT, to delete language and insert new language in bold, as indicated:

4.3.1 Uses Permitted (see Section XII: Schedule of Uses Table)

4.3.1.4 In appropriate cases, for uses which are not specifically prohibited or already require a Special Permit from another Board, and with appropriate safeguards, the Board of Appeals may grant special permits for the following uses. . . .

4.3.1.5 Roof Mounted Solar Photovoltaic Installation

4.3.1.6 Ground Mounted Solar Photovoltaic Installation – Requires a Special Permit and Site Plan Review issued by the Planning Board in accordance with Sections VIII and IX.

- d. Amend Section 4.4 LONG POND WATERSHED PROTECTION DISTRICT, to delete language and insert new language in bold, as indicated:

4.4.4 Permitted Uses (see Section XII: Schedule of Uses Table)

4.4.4.7 Ground Mounted Solar Photovoltaic Installation – Requires a Special Permit and Site Plan Review issued by the Planning Board in accordance with Sections VIII and IX.

- e. Amend SECTION XII: SCHEDULE OF USES TABLE, Section 5.3, to delete language and insert new language in bold, as indicated:

Use	AG	RR	BB	LPWP	Notes	
5.0 Wholesale, Transportation and Industrial Uses						
5.3	Ground Mounted Solar Photovoltaic Installations	<b>SP</b>	<b>N</b>	<b>N</b>	<b>≠SP</b>	<b>See Sections VIII &amp; IX</b>

- f. Delete Section VIII: LARGE SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS *in its entirety*, and in its place insert

the following new Section VIII: GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS.

## SECTION VIII: GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

8.1 Purpose - The purpose of this Section is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of Ground Mounted Solar Photovoltaic installations that address public safety and minimize impacts on scenic, natural and historic resources.

### 8.1.2 Definitions:

**PROJECT PROPONENT:** The applicant, property owner, facility developer, operator and management entity, jointly and severally, of a project. Each of the responsible parties shall be responsible for adhering to the requirements set forth in this bylaw.

**RATED NAMEPLATE CAPACITY:** The maximum rated output of electric power production of a Photovoltaic system in Direct Current (DC).

**SOLAR PHOTOVOLTAIC INSTALLATION, GROUND MOUNTED:** A solar photovoltaic system that is structurally mounted on the ground and is not roof mounted.

**SOLAR PHOTOVOLTAIC INSTALLATION, LARGE SCALE GROUND MOUNTED:** A solar photovoltaic system that is structurally mounted on the ground and is not roof mounted, and has a rated nameplate capacity greater than 250 KW DC.

**SOLAR PHOTOVOLTAIC INSTALLATION, ROOF MOUNTED:** A solar photovoltaic system that is structurally mounted on the roof of a building.

### 8.2 Applicability

8.2.1 This Section applies to all ground mounted solar photovoltaic installations proposed to be constructed after the effective date of this Section. This Section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

8.2.2 All Ground Mounted Solar Photovoltaic Installations shall require a Special Permit and Site Plan Approval issued by the Planning Board in accordance with this section and Section IX.

### 8.3 General Requirements for all Ground mounted Solar Photovoltaic Installations

8.3.1 Site Plan Review - All Ground Mounted Solar Photovoltaic Installations shall undergo site plan review, in accordance with Section IX, prior to construction, installation or modification as provided in this Section. In addition to the submission requirements of Section IX, the following shall also be required:

8.3.1.1 General - All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.

8.3.1.2 Required Documents - Pursuant to the site plan review process, the Project Proponent shall provide the following documents:

- a) A site plan showing:
  - (1) Property lines and physical features, including roads, for the project site;
  - (2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
  - (3) Blueprints or drawings of the Ground Mounted Solar Photovoltaic Installations signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures
  - (4) One or three line electrical diagram detailing the Ground
  - (5) Mounted Solar Photovoltaic Installations, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code compliant disconnects and overcurrent devices;
  - (6) Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
  - (7) Name, address, and contact information for proposed Ground Mounted Solar Photovoltaic Installation's installer;
  - (8) Name, address, phone number and signature of the Project Proponent;
  - (9) The name, contact information and signature of any agents representing the Project Proponent;

b) Erosion and sediment control plan

- c) Proof of liability insurance and builder's risk insurance;
- d) A public outreach plan, including a project development timeline, which indicates how the Project Proponent will meet the required site plan review notification procedures and otherwise inform abutters and the community.
- e) Site Control - The Project Proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed Ground Mounted Solar Photovoltaic Installations.
- f) Operation and Maintenance Plan - The Project Proponent shall submit a plan for the operation and maintenance of the Ground Mounted Solar Photovoltaic Installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.
- g) Abandonment and Decommissioning Plan – The Project Proponent shall submit a Decommissioning Plan. Any Ground Mounted Solar Photovoltaic Installation which has reached the end of its useful life or has been abandoned (i.e., when either it fails to be completed within a commercially reasonable time (such that power generation can commence), or it fails to operate for an elapsed time of more than one year without the written consent of the Planning Board) shall be removed. The Project Proponent shall physically remove the installation within 150 days of abandonment or the proposed date of decommissioning. The Project Proponent shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. The Abandonment and Decommissioning Plan shall include a detailed description of how all of the following will be addressed:
  - (1) Physical removal of all structures; equipment, building, security barriers and transmission lines from the site, including any materials used to limit vegetation.
  - (2) Disposal of all solid and hazardous waste in

accordance with local, state, and federal waste disposal regulations.

- (3) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the Project Proponent to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- (4) Financial surety for decommissioning - Proponents of Ground Mounted Solar Photovoltaic Installations shall provide a form of surety, either through escrow account, bond or other form of surety approved by the Planning Board to cover the estimated cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent and the Town. Such surety will not be required for municipal or state-owned facilities. The project proponent shall submit a fully inclusive detailed itemized cost estimate of the Town's estimated costs (including "prevailing wages") associated with removal and full decommissioning of the facility and site, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation during the life of the facility, and the Planning Board may at any time require an increase in surety or a change in the form or security as may be required to ensure continued satisfaction of the requirements of this section. Said estimated cost shall not include or deduct the value of material recycling. Said surety in its full amount shall be presented to the Planning Board prior to the Project Proponent applying for Building Permits or the commencement of construction.
- (5) All legal documents required to enable the Town to exercise its rights and responsibilities under the plan to decommission the site, enter the property and physically remove the installation.

- 8.3.2 Utility Notification - No Ground Mounted Solar Photovoltaic Installation shall be constructed until evidence has been provided to the Building Inspector that the utility company that operates the electrical grid where the installation is to be located has been informed of the Project Proponent's intent to install the Ground Mounted Solar Photovoltaic Installation and connect it to the grid. Off grid systems shall be exempt from this requirement.
- 8.3.3 Dimension and Density Requirements – Ground Mounted Solar Photovoltaic Installations shall comply with the same dimension and density requirements required in the underlying district, except that for such facilities of 250 kw or greater the following shall apply:
- 8.3.3.1 Front, rear and side yard setbacks shall be a minimum 100 feet
- 8.3.3.2 Access roads or driveways shall be setback at least 25 feet from side and rear lot lines
- 8.3.3.3 The height of the structures at the tallest point shall not exceed twenty-five (25) feet
- 8.3.3.4 The minimum lot size for a large scale ground mounted photovoltaic installation is twelve (12) acres
- 8.3.4 Structures - All structures for largescale Ground Mounted Solar Photovoltaic Installations shall be subject to existing bylaws. All appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other.
- 8.3.5 Visual Impact Mitigation - The plan for a Ground Mounted Solar Photovoltaic Installation shall be designed to maximize the preservation of on-site and abutting natural and developed features. In natural (undeveloped) areas, existing vegetation shall be retained to the greatest extent possible, especially where such vegetation provides a benefit to the natural environment. In developed areas, the design of the installation shall consider and incorporate human-designed landscape features to the greatest extent, including contextual landscaping and landscape amenities that complement the physical features of the site and abutting properties. Whenever reasonable, structures should be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts and be architecturally compatible with each other. Vegetation shall be of varieties native to New England and a mix of deciduous and evergreen species. Vegetative screening shall reach a mature form to effectively screen the installation within five years of installation. The mature height of the vegetated screening shall be such that the installation's structures are not apparent to a person upon any public

road and viewing the installation from a height of 10 feet. Planting of the vegetative screening shall be completed prior to final approval of the photovoltaic installation by the Building Inspector.

8.3.6 Design Standards - Projects shall be designed to:

8.3.6.1 Minimize the volume of cut and fill, the number of removed trees 10” caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of storm water flow increase from the site, soil erosion, and threat of air and water pollution

8.3.6.2 Maximize pedestrian and vehicular safety both on the site and entering and exiting the site;

8.3.6.3 Minimize obstruction of scenic views from publicly accessible locations;

8.3.6.4 Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;

8.3.6.5 Minimize glare from headlights and light trespass;

8.3.6.6 Ensure adequate access to each structure for fire and service equipment and adequate provision for utilities and storm water drainage.

8.3.6.7 Site Lighting - Lighting of Ground Mounted Solar Photovoltaic Installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the Ground Mounted Solar Photovoltaic Installation shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.

8.3.6.8 Signage – No signage on Ground Mounted Solar Photovoltaic Installations is permitted other than those required to identify voltage and electrocution hazards as well as the owner, and provide a 24-hour emergency contact phone number. Ground Mounted Solar Photovoltaic Installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of Ground Mounted Solar Photovoltaic Installation.

8.3.6.9 Utility Connections - Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the Ground Mounted Solar Photovoltaic Installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

### 8.3.7 Safety and Environmental Standards

8.3.7.1 Emergency Services - The Ground Mounted Solar Photovoltaic Installation Project Proponent shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the Project Proponent shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the Ground Mounted Solar Photovoltaic Installation shall be clearly marked. The Project Proponent shall identify a responsible person for public inquiries throughout the life of the installation.

8.3.7.2 Land Clearing, Soil Erosion and Habitat Impacts - Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Ground Mounted Solar Photovoltaic Installation or otherwise prescribed by applicable laws, regulations, and bylaws. Such installations shall not occur on any slopes greater than 15% in order to minimize erosion. No more than 50% of the land parcel utilized for Ground Mounted Solar Photovoltaic Installations shall contain land requiring clearing of forest.

8.3.7.3 No topsoil shall be removed from the land parcel under consideration for Ground Mounted Solar Photovoltaic Installation. If earthworks operations are required, topsoil shall be stockpiled within the property bounds and protected against erosion until such earthwork operations are completed and topsoil can be re-spread over parcel. Earthworks shall be planned to limit export of soil material (non-topsoil) to 1000 cubic yards per acre affected by installation. A detailed earthworks estimate is a required submittal component proving this quantity is maintained.

8.3.7.4 Impact on Agricultural and Environmentally Sensitive Land - The Ground Mounted Solar Photovoltaic Installation shall be designed to minimize impacts to agricultural and environmentally sensitive land and to be compatible with



continued agricultural use of the land whenever possible. No more than 50% of the total land area proposed for the Ground Mounted Solar Photovoltaic Installation may be occupied by the solar panels, with the remainder of the land remaining as undeveloped open space left in its natural state.

8.3.7.5 Vegetation Management - Herbicides, pesticides, or chemical fertilizers shall not be used to manage vegetation at the Ground Mounted Solar Photovoltaic Installation. Mowing, grazing or using geotextile materials underneath the solar array are possible alternatives. Low growing grasses are optimal. Other grasses must be regularly mowed or grazed so as to minimize the amount and height of "fuel" available in case of fire.

8.3.7.6 All land associated with the Ground Mounted Solar Photovoltaic Installation shall be covered and grown in natural vegetation. All ground surface areas beneath solar arrays and setback areas shall be pervious to maximize on-site infiltration of storm water. Impervious paving of areas beneath solar arrays is prohibited. To the greatest extent possible, a diversity of plant species shall be used, with preference given to species that are native to New England. Use of plants identified by the most recent copy of the "Massachusetts Prohibited Plant List" maintained by the Massachusetts Department of Agricultural Resources is prohibited.

### 8.3.8 Monitoring and Maintenance

8.3.8.1 Maintenance – The Project Proponent shall maintain the Ground Mounted Solar Photovoltaic Installation in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, fencing and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The Project Proponent shall be responsible for the cost of maintaining the Ground Mounted Solar Photovoltaic Installation and any access road(s) not accepted as public ways.

8.3.8.2 Modifications - All material modifications to a Ground Mounted Solar Photovoltaic Installation made after issuance of the required building permit shall require approval by the Special Permit and Site Plan Review Authority.

8.3.9 Outside Consultant Fees – In accordance with G.L. c.44, §53G, the Planning Board is authorized to retain such registered professional

engineers, architects, landscape architects, attorneys, or other professional consultants as may be necessary in the Planning Board's opinion to review and advise the Board on any or all aspects of applications submitted under this Section VIII. The applicant shall be responsible for the cost of such review, and the Planning Board may request the applicant to deposit funds for such review with the Planning Board in advance of such review, and to replenish such funds as necessary at the Planning Board's request. Failure to provide such funds or to pay costs of such professional review when due shall be good grounds for denial of an application.

8.3.10 Waivers - The Planning Board may, upon the prior written request of the applicant and by a 2/3 majority affirmative vote of the members of the Board, waive any of the requirements of this Section VIII, but must state their reasons for doing so in writing as part of their decision.

**PASSED UNANIMOUS VOTE; TJ Cousineau motioned; A. Montanaro seconded**  
**Nb: Town Counsel Mark Reich had permission of the body to read into the minutes the changes as they differ from the original bylaw.**

**Article 5:(2<sup>nd</sup>)** To see if the town will vote to rescind the vote taken under Article 1 of the November 20, 2017 Special Town Meeting transferring \$40,000 from the Capital Account and authorizing the use of certified free cash or the borrowing of \$243,000 for the purchase of a mini pumper; or take any other action relative thereto.

**PASSED by UNANIMOUS VOTE; TJ Cousineau motioned, A. Montanaro seconded; Finance Committee and Selectmen recommend**

**Article 6:** To see if the Town will vote to transfer from free cash the sum of \$280,864 to purchase and equip a mini pumper; or take any other action relative thereto.

**PASSED by UNANIMOUS VOTE; TJ Cousineau motioned, M. Kronholm seconded; Finance Committee and Selectmen recommend**

**Article 7:** To see if the Town will vote to rescind the vote taken under Article 3 of the November 20, 2017 Special Town Meeting authorizing transfer of \$30,000 from the capital account and the borrowing or payment from certified free cash in the amount of \$201,250 for the purchase of the 2018 Mack GU713; or take any other action relative thereto.

**PASSED by UNANIMOUS VOTE; TJ Cousineau motioned, A. Montanaro seconded; Finance Committee and Selectmen recommend**

**Article 8:** To see if the Town will vote to transfer from free cash the sum of \$231,250 to purchase a new 2018 Mack GU713; or take any other action relative thereto.

**PASSED by UNANIMOUS VOTE; TJ Cousineau motioned, A. Montanaro seconded;  
Finance Committee and Selectmen recommend**

**Article 9:** To see if the town will vote to amend the General By-Laws by deleting in its entirety Section VII, Dog Control.

**PASSED by UNANIMOUS VOTE; TJ Cousineau motioned, M. Kronholm seconded**

**Article 10:** To see if the Town will vote to transfer the sum of \$49,000 from the Wired West Fiber Optic Stabilization to Fiscal Year 2019 Municipal Light Stabilization; or take any other action relative thereto.

**PASSED by UNANIMOUS VOTE; TJ Cousineau motioned, A. Montanaro seconded;  
Finance Committee and Selectmen recommend**

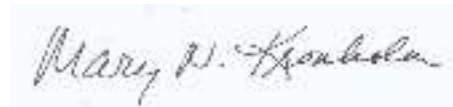
**Article 11:** To see if the Town will vote to approve an increase of no more than \$1,500 for Pioneer Valley Planning Commission municipal accounting services for Fiscal Year 2019.

**Article 11: Ammended to read:** To see if the Town will vote to approve an increase of no more than \$1,500 for Pioneer Valley Planning Commission municipal accounting services for Fiscal Year 2019 to come from Free Cash.

**Amendment: motion by Martin Lynch; Cara Letendre seconded**

**PASSED BY UNANIMOUS VOTE; TJ Cousineau motioned, A. Montanaro seconded;  
Finance Committee and Selectmen recommend**

**A True Copy Attest:**



**Mary N. Kronholm, Town Clerk**