

**The Commonwealth of Massachusetts
TOWNSEND, MASSACHUSETTS
SPECIAL TOWN MEETING MINUTES
MARCH 28, 2017 7:00 PM**

The Special Town Meeting was held on March 28, 2017 at Memorial Hall, 272 Main Street, Townsend at 7:00 pm. There were 382 voters and 15 visitors present. Shirley Coit, Townsend Emergency Management Director presented how to be prepared for an Emergency. Flyers were available at the check-in. Mrs. Coit spoke of the need to plan, prepare and protect. You should have a go-bag ready and to have ready what you would need if you have pets. The go-bag is meant to be ready before there is an emergency, not during the emergency.

The Moderator, John Barrett, instructed all members of the audience must be seated. Deputy Moderator, Gene Rauhala, would be moderating in meeting room 2 overflow area and David Chenelle was sworn in to moderate the overflow area in the Selectmen's Chambers. Counters were sworn in.

The Moderator called the meeting to order at 7:11 pm. Boy Scouts, Adam and Chris Serene led the meeting in the Pledge of Allegiance. The Moderator introduced himself to the audience as well as the Town Clerk, Kathleen Spofford, Board of Selectmen, Carolyn Smart, Cindy King and Gordon Clark, Town Administrator, James Kreidler and Town Counsel, David Jenkins. He then introduced the members of the Finance Committee who were present: Andrea Wood, Donna Pinkerton, Jerilyn Bozicas, Sam Grant and Tom Whittier.

The Moderator announced Town Meeting would be conducted under Parliamentary Procedure according to Town Meeting Time. He went over some procedures. Asked speakers to be recognized before speaking and to introduce yourself with your name and address to the viewers and to wait for the microphone as the meeting is being taped so the folks at home can hear. The Moderator went on to check to be sure the two overflow areas could hear and be heard.

The Moderator instructed the audience to direct all questions and comments to the chair, which is the Moderator. All motions must be written, signed and brought to the Clerk. All articles can be reconsidered with a majority vote if the motion is made this evening. If the meeting goes to a second night, an article from this evening would require a 9/10 vote to be reconsidered. If a vote is questioned by seven people the counters will be called to do a count. If you have a question about an article you may call for a point of order and can interrupt the speaker. If you wish to make a point of privilege, please stand and state or point of privilege and you may interrupt the speaker. The point of order is if you don't understand what is going on procedurally and a point of privilege is if you can't hear, etc. Motion to move the question must be seconded and that will cut off all debate. However you cannot make a point and then call to move the question and you must be recognized to move the question. The Moderator cautioned the audience to maintain the decorum of the meeting. Visitors should sit in the front of the room.

The return of the warrant was read by the Town Clerk, Kathleen Spofford.

ARTICLE 1

I move that the Town vote to authorize revolving funds for certain town departments under Massachusetts General Laws, Chapter 44, Section 53E½ for FY2017 beginning July 1, 2016 with the specified receipts credited to each fund, the purposes for which each fund may be spent, the amount annual expenditures shall not exceed, and the entity authorized to expend from the fund, as outlined in the following table.

<u>Revolving Fund</u>	<u>Fees from</u>	<u>Spending Purposes</u>	<u>FY17 Limit</u>
Police Department	NMRSD	School Resource Officer	\$80,000
Conservation	Forest Cutting Proceeds From land purchased with Urban Self Help Funds	To maintain Old Meeting House Park	\$20,000

READ BY: Cindy King
VOTE: Passed by Majority

ARTICLE 2

I move that the Town vote to transfer from free cash in the treasury the sum of \$24,000 to supplement the FY17 Unemployment budget line.

READ BY: Gordon Clark
VOTE: Ayes: 239 No: 93

ARTICLE 3

I move that the Town vote to transfer from free cash in the treasury the sum of \$16,690.00 to supplement the FY17 Town Accountant budget line.

READ BY: Carolyn Smart
VOTE: Passed by Majority

ARTICLE 4

I move that the Town vote to transfer from free cash in the treasury the sum of \$5,600.00 to supplement the FY17 Town Accountant's Audit budget line.

READ BY: Cindy King
VOTE: Passed by Majority

ARTICLE 5

I move that the Town vote to transfer from free cash in the treasury the sum of \$14,902.36 to compensate and make whole two town employees who suffered financial loss as a result of the Treasurer Collector (former) having erroneously handled their retirement withholdings.

Read by: Gordon Clark
Vote: Passed by Majority

ARTICLE 6

I move that the Town vote to transfer from free cash in the treasury the sum of \$18,500.00 to replenish the Finance Committee FY17 Reserve fund.

Read by: Carolyn Smart
Vote: Passed by Majority

ARTICLE 7

I move that the Town vote to postpone this article indefinitely.

Read by: Cindy King
Vote: Passed by Majority

ARTICLE 8

I move that the Town vote to take no action.

Read by: Cindy King
Vote: Passed by Majority

ARTICLE 9

I move that the Town vote transfer from free cash in the treasury the sum of \$200,000.00, to supplement the Capital Stabilization Fund.

Read by: Gordon Clark
Vote: Passed by Majority

ARTICLE 10

I move that the Town vote to take no action.

Read by: Gordon Clark
Vote: Passed by Majority

ARTICLE 11

I move that the Town vote to authorize the Board of Selectmen to accept the Assignment of Easement for the central fire station project as recorded in the Middlesex South Registry of Deeds in book 67781, page 335.

Read by: Carolyn Smart
Vote: Passed Unanimously

ARTICLE 12

I move that the Town vote to accept the following to replace the current bylaw §145-88 Temporary moratorium on medical marijuana treatment centers/registered marijuana dispensaries.

§145-88 Medical Marijuana Bylaw

A. Purpose

The purpose of this bylaw is to establish specific zoning regulations for the placement, siting, design, placement, security, monitoring, modification, and removal of Registered Medical Marijuana Dispensaries (RMD) and the products produced or dispensed. These zoning regulations help to promote economic development and protect the property, history, and most importantly, the children of our community.

B. Applicability

The commercial cultivation, production, processing, assembly, packaging, selling (retail or wholesale), distribution or dispensing of marijuana for medical use is prohibited unless permitted as a Medical Marijuana Treatment Center under this Section. Nothing in this Bylaw shall be construed to supersede state laws governing the sale and distribution of narcotic drugs. No Medical Marijuana Treatment Center or any Marijuana Cultivation use shall be established except in compliance with the provisions set forth in this Section.

C. Definitions

For the purpose of this Section the following definitions shall apply:

MARIJUANA: In addition to the definition provided under Massachusetts General Law Chapter 94C, for the purpose of this Section, the definition shall include marijuana, marihuana, cannabis, hashish, cannabis seeds, THC (tetrahydrocannabinol) and its derivatives and/or extracts, as well as any substances containing THC, whether in plant, including its flowers, oil, resin, solid, liquid, or aerosol form.

MEDICAL MARIJUANA TREATMENT CENTER: Also known as a Registered Marijuana Dispensary (RMD), means an establishment, lawfully permitted and licensed by the Massachusetts Department of Public Health under regulations duly promulgated by said Department of Public Health or any other applicable authority, that acquires, cultivates, processes, dispenses, transfers, transports, sells, or administers marijuana products, or any derivative thereof, including without limitation, food, tinctures, aerosols, resins, oils, ointments, or smokeables, to qualifying patients or their personal caregivers.

MARIJUANA CULTIVATION: The process of propagation, including germination, using soil, hydroponics, or other mediums for bringing a marijuana plant to growth and maturity for harvesting,

sale, refining or use as an ingredient in further manufacturing or processing as it relates to a Medical Marijuana Treatment Center.

D. Location

- (1) General. Any Medical Marijuana Treatment Center or Marijuana Cultivation activities permitted shall be located only in the Industrial Zoning District.
- (2) Buffer Zone. No Medical Marijuana Treatment and Dispensing Facilities use or commercial Marijuana Cultivation activities shall be located within a five hundred (500) foot radius from:
 - (a) Any Residential District;
 - (b) Any school, daycare center, or any facility where children congregate. A facility is not, however, limited to a building. A “facility where children congregate” includes, but is not limited to, facilities in which children gather for a particular purposes in a structured and scheduled manner, or which are dedicated to the use by children, such as playgrounds, youth service programs, day care centers, youth sports facilities, dance schools, and gymnastic schools;
 - (c) Any public bike path;
 - (d) Any other Medical Marijuana Treatment Center or Marijuana Cultivation site;
 - (e) Any drug or alcohol rehabilitation facility;
 - (f) Any correctional facility, half-way house or similar facility; or
 - (g) Any establishment licensed under the provisions of General Law, Chapter 138, Section 12 (Licenses for on premise alcoholic beverages).

Item 1 will be measured from property line to property line. Items 2 – 6 will be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Medical Marijuana Treatment and Dispensing Facilities use or commercial Marijuana Cultivation. For example, a playground outside a school would be considered a facility where children congregate, so the line would be measured from the edge of the playground to the nearest point of the building that would house the potential Medical Marijuana Treatment and Dispensing Facilities use or commercial Marijuana Cultivation activities.

- (3) Cultivation. Cultivation is allowed in all Districts by right if applicant is eligible for protection under MGL c. 40A, § 3. Any cultivation is required within a building and will require a special permit. Cultivation of marijuana or marijuana based products shall not be considered an agricultural use.
- (4) Signage. Any permitted Medical Marijuana Treatment Center shall comply with the requirements of Article X of the Townsend Zoning Bylaw and shall be approved by the SPGA. The SPGA may impose restrictions such as text only, limited graphics, or no pictorial displays. No off site signage or advertising in any form shall be allowed.
- (5) Visibility. There shall be no visibility of activities, products or treatment occurring within or on the premises of a Medical Marijuana Treatment Center or Marijuana Cultivation site from the exterior of such facility or premises.

(6) Manufacturing. A Special Permit for medical marijuana infused product manufacturing may be issued only in locations where Medical Marijuana Treatment and Dispensing Facilities and commercial Marijuana Cultivation activities are permitted. The Packaging and Labeling of medical marijuana infused products must conform to state laws. Edible infused products must not bear a reasonable resemblance to any product available for consumption as commercially available candy as defined by the Department of Public Health.

E. Permitting. A Medical Marijuana Treatment Center and/or Marijuana Cultivation shall not be established without obtaining a Special Permit. Any such Special Permit issued by the Special Permit Granting Authority shall comply with all relevant local and state laws.

(1) Authority. The Planning Board shall serve as the Special Permit Granting Authority (SPGA). This authority shall ensure strict compliance with this Section.

F. Criteria.

- (1) It is recommended that a concept plan showing the proposed use shall be submitted to the SPGA for review and discussion prior to the filing for the special permit. In granting any special permit, the SPGA shall assure that the proposed use:
- (2) Will not be injurious or dangerous to the public health or unduly hazardous because of traffic congestion, danger of fire or explosion or other reasons.
- (3) Will not have a material adverse effect on the value of land and buildings in the neighborhood or on the amenities of the neighborhood.
- (4) Will be operated with reasonable regard for order and sightliness, if an open use.
- (5) Will not produce noise, vibration, smoke, dust, odor, heat or glare observable at the lot lines in amounts clearly detrimental to the normal use of adjacent property.

G. Documentation. The SPGA shall be provided with all decisions or approvals, denials or other substantive actions by DPH regarding the Medical Marijuana Treatment Center and/or Marijuana Cultivation and all submittals of information relating to such activities between the applicant or Medical Marijuana Treatment Center and/or Marijuana Cultivation and DPH.

H. Term. A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership or legal control of the premises as a RMD. A special permit may be transferred only with the approval of the Special Permit Granting Authority in the form of an amendment to the special permit with all information required in this Section.

I. No Entitlement or Vested Rights to Permitting. No person shall be deemed to have any entitlement or vested rights to permitting under this Bylaw by virtue of having received any prior permit from the Town including, by way of example only, any zoning permit or any wholesale food manufacturer's license. In order to lawfully engage in the business of selling, cultivating, or manufacturing medical marijuana, or products containing marijuana, cannabis, or THC, in the Town on and after the date of passage of this Bylaw, any person must qualify for and obtain a Special Permit in accordance with the requirements of this Section.

J. Compliance. The permitting of a Medical Marijuana Treatment Center and/or Marijuana Cultivation shall comply with all applicable local and state requirements. All applicants shall provide a

Certificate of Registration from the Massachusetts Department of Public Health as a Registered Marijuana Dispensary (RMD).

K. Security. All building security and safety systems shall be approved by the Townsend Fire and Police Chiefs and submitted to the SPGA.

- (1) A Medical Marijuana Treatment Center and/or Marijuana Cultivation shall be open to inspection by the Fire Department, Police Department, Building Official and the Board of Health. Inspections may be schedule and unscheduled, with twenty-four (24) hours' notice of request for such inspection, to be made by the Town Department or Official. A property contact shall be available to such Town Department or Official twenty-four hours a day, seven days a week.

Read by: Lance McNally

Motion was made to move the question after considerable discussion. Motion was seconded.

Vote on motion to move the question: Passed by Majority

Vote on main motion, Article 12, passed by 2/3, declared by Moderator.

ARTICLE 13

I move that the Town vote to accept the following to replace §145-86 Ground-Mounted Solar Energy District.

§145-86 Large-Scale Ground-Mounted Solar Installations

A. Purpose

Recognizing the need to allow for alternative energy sources, in particular large-scale solar installations, given that the zoning in Townsend is largely Residential, coupled with the need to preserve the rural and residential character of the Town of Townsend, the purpose of this bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

- (1) Applicability. This section applies to large-scale 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.

B. Definitions

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development shall be subject to site plan review to determine conformance with local zoning ordinances or bylaws. Projects cannot be prohibited, but can be reasonably regulated through Planning Board Site Plan Review Special Permit §145-42.

Building Inspector: The inspector of buildings, building commissioner, or local inspector, or person or board designated by local ordinance or bylaw charged with the enforcement of the zoning ordinance.

Building Permit: A construction permit issued by an authorized building inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing ground-mounted large-scale solar photovoltaic installations.

Photovoltaic System (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.

Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

Solar Access: The access of a solar energy system to direct sunlight.

Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

Solar Energy System, Active: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Energy System, Grid-Intertie: A photovoltaic system that is connected to an electric circuit served by an electric utility.

Solar Energy System, Ground-Mounted: An active solar energy System that is structurally mounted to the ground and is not roof-mounted.

Solar Energy System, Large-Scale: An Active Solar Energy system that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

Solar Energy System, Off-Grid: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.

Solar Energy System, Passive: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Solar Thermal System: An active solar energy system that uses collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.

Site Plan Review: Review by the Site Plan Review Authority, which is the Planning Board, to determine conformance with local zoning ordinances or bylaws specifically Site Plan Review Special Permit §145-42.

Site Plan Review Authority: For purposes of this bylaw, the Planning Board shall be the Site Plan Review Authority.

Special Permit: For the purposed of this bylaw the Planning Board shall be the Special Permit granting authority.

Wetlands: Refer to Townsend Wetland Bylaw §138, Townsend Wetlands Regulation 150, MGL c. 131 §40, 310 CMR 10.00, and EPA Section 1002 definitions found here: <https://www.epa.gov/wetlands/what-wetland>.

Zoning Enforcement Authority: The Zoning Enforcement Officer will be the Building Inspector.

C. General Requirements for all Large-scale Ground-Mounted Solar Power Generation Installations. The following requirements are common to all solar photovoltaic installations to be sited in designated locations:

(1) Compliance with Laws, Ordinances and Regulations

The construction and operation of all large-scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

(2) Building Permit and Building Inspection

No large-scale ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

(3) Fees

The application for a permit for a large-scale ground-mounted solar photovoltaic installation shall be accompanied by a \$300 fee.

D. Large-scale Solar Siting. The Town of Townsend hereby enacts the following section to permit large-scale commercial solar installations to operate in both commercial and residential districts without the requirement of obtaining a special permit.

(1) Ground-mounted solar over 250 KW is permitted as of right according to Table A (Residential) and Table B (Commercial) if the following conditions are met:

- (a) The solar installation shall cover at most 30% of the lot.
- (b) The solar installation shall not cover more than 16 acres.
- (c) The solar installation shall be shielded from any town road or home as per site plan review in order to maintain the character of the neighborhood and town. The neighborhood and town view shall be preserved.
- (d) All requirements of section D.(inclusive).

If the above conditions (a) – (d) are not met, a special permit shall be obtained according to Table C.

Table A – Residential by Right

Residential Parcels over 10 Acres		
	Residential A	Residential B
Large-Scale Ground-mounted Solar	Site Plan Review (no solar installation shall exceed 16 acres or 30% of the total lot)	Site Plan Review (no solar installation shall exceed 16 acres or 30% of the total lot)

Table B – Commercial by Right

Commercial				
	Industrial	Outlying Commercial	Downtown Commercial	Neighborhood Commercial
Large-Scale Ground-mounted Solar	Site Plan Review (no solar installation shall exceed 16 acres or 30% of the total lot)	Site Plan Review (no solar installation shall exceed 16 acres or 30% of the total lot)	Not Allowed	Not Allowed

Table C – Residential Special Permit Site Plan Review

Residential Parcels Less than 10 Acres		
	Residential A	Residential B
Large-Scale Ground-mounted Solar	Special Permit and Site Plan Review (no solar installation shall exceed 16 acres or 30% of the total lot)	Special Permit and Site Plan Review (no solar installation shall exceed 16 acres or 30% of the total lot)

E. Site Plan Review. Large-scale ground-mounted solar photovoltaic installations as noted in the table under use regulations shall undergo site plan review by the Site Plan Review Authority prior to construction, installation or modification as provided in this section.

(1) All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.

(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 solar energy system signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector;
- [4] One or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code (527 CMR 12.00) compliant disconnects and overcurrent devices;
- [5] Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose).
- [6] Locations of:
 - a) active farmland and prime farmland soils,
 - b) prime forest,
 - c) wetlands,
 - d) permanently protected open space,
 - e) Priority Habitat Areas,
 - f) BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP),
 - g) "Priority Wildlife Habitat" mapped by the DEP,
 - h) floodplains or inundation areas for moderate or high hazard dams, and
 - i) local or National Historic Districts.

- (b) A project contact sheet showing:
 - [1] Name, address, and contact information for proposed system installer.
 - [2] Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any.
 - [3] The name, contact information and signature of any agents representing the project proponent.
- (c) A project design plan showing
 - [1] Proposed type of screening material to minimize the visual impact of the solar field.
 - [2] Proposed type of fencing around the solar field.
 - [3] Documentation of the major system components to be used, including the PV panels, mounting system, and inverter.
- (d) GIS view shed analysis.
- (e) Documentation of actual or prospective access and control of the project site.
- (f) An Operation & Maintenance Plan (see also Section G).
- (g) Proof of contract liability insurance during construction and prior to.
- (h) 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 (reference abutters notification in Townsend Zoning Bylaw §145-42).
- (i) Financial Surety Plan (see Section N).

F. 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 solar photovoltaic installation. Fencing shall be in keeping with the scenic character of the town and shall be provided to control access to a large-scale ground-mounted solar photovoltaic facility in order to prevent access to the facility. Fencing along the installation perimeter shall be provided to control access around the photovoltaic solar area with a vegetative buffer outside of the fencing. Fencing shall not include barbed or razor wire.

G. Operation & Maintenance Plan. The project proponent shall submit a plan for the operation and maintenance of the large- scale 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.

H. Utility Notification. No large-scale ground – mounted solar photovoltaic installation shall be constructed until evidence has been given to the Site Plan Review Authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator’s intent to install an interconnected customer-owned generator system. The owner has submitted notification to the utility company of the customer’s intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

I. Dimension and Density Requirements

- (1) Setbacks. For large - scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:
 - (a) Front yard: The front yard depth shall not be less than 100 feet.
 - (b) Side yard: Each side yard shall have a depth at least 100 feet
 - (c) Rear yard: The rear yard depth shall be at least 100 feet
 - (d) Squannacook River: The solar array shall be 300 feet from the river.
 - (e) Other wetlands: The solar array shall be at least 100 feet.
- (2) Appurtenant Structures. All appurtenant structures to large- scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

J. Design Standards

- (1) Lighting. Lighting of 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. Lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution. Lighting shall meet the standards of Townsend Zoning (Zoning Bylaw §§145-52 and 145-61 (Outdoor lighting)).
- (2) Signage. Signs for large- scale ground-mounted solar photovoltaic installations shall comply with Townsend Zoning sign bylaw. A sign consistent with Townsend’s municipality’s outdoor lighting and sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

- (3) Utility Connections. Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the 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.
- (4) Noise. Noise generated by Large-Scale Ground-Mounted Solar Electric Installations and associated equipment and machinery shall conform to applicable state and local noise regulations, including the DEP’s Division of Air Quality noise regulations, 310 CMR 7.10.

K. Safety and Environmental Standards

- (1) Emergency Services. The large-scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation. The owner or operation shall provide a 24-hour contact number to the fire chief, police chief, and emergency management director.
- (2) Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be incidental to the construction, operation and maintenance of the large – scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

All clearing shall conform to Townsend General Bylaw §85 and Zoning Bylaw §145-41.

- (3) Stormwater Run Off. All storm water runoff shall be addressed to ensure compliance with Townsend General Bylaw 85.

Surfaces under solar collectors shall be of non-impervious surfaces.

- (4) Control of Vegetation. Herbicides shall not be used to control vegetation at the solar electric installation unless the area is a dual use then the agricultural definition of Townsend Bylaw §150-3 applies. Mowing, grazing or using geotextile materials underneath the solar array are possible alternatives.

L. Monitoring and Maintenance

- (1) Solar Photovoltaic Installation Conditions. The large - scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.
- (2) Annual Report. The owner or operator of the installation shall submit an Annual Report which certifies compliance with the requirements of this bylaw and their approved site plan including control of vegetation, noise standards, and adequacy of road access. The Annual Report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The Annual Report shall be submitted to the Select Board, Planning Board, Fire Chief, Emergency Management Director, Building Inspector, Board of Health and Conservation Commission (if Wetlands Permit was issued) no later than 45 days after the end of the calendar year.

- (3) Modifications. All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

M. Abandonment or Decommissioning

- (1) Decommission / Removal Requirements. Any large- scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section M (2) of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal.

Decommissioning shall consist of:

- (a) Physical removal of all large- scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
 - (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- (2) Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation to the extent authorized bylaw.

N. Financial Surety.

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town shall 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% of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

Presented by: Veronica Kell

Motion was made to wave the reading of the article as it is identical to the article listed in the warrant packet. Motion was seconded.

Vote to wave the reading of the motion: Passed by Majority

Motion was made to move the question after discussion. Motion was seconded.
Vote on motion to move the question: Passed by Majority

Vote on main motion, Article 13, passed by 2/3, declared by Moderator.

The Moderator called on Selectman Cindy King who wished to raise a point of order for the next four articles. She stated that due to the facts, Mass General Laws and the Town Charter, the petition articles are personnel matters and could expose the town to liabilities by these employees and contractors by being discussed in Article 14, 15, 16, and 17. She respectfully asked that these articles not be discussed and be removed. The Moderator stated he understood Ms. King's point of order. He stated that this has been a very difficult situation that the town is found to be in and stated, "I have prepared what I felt would be best in anticipation of this type of point of order. One of the hallmarks of our democracy is that people have the right to redress grievances with their government. One of the best ways for people to do this on the local level is at Town Meeting. However, Town Meeting is limited when it comes to personnel matters. It is frequently better left to those boards and officers empowered to handle day to day affairs. To the extent that voters at Town Meeting disagree with how those affairs are conducted, the principle recourse is the ballot box. I have reviewed Town Meeting Time, the General laws and I have consulted with other moderators throughout the Commonwealth and municipal attorneys including but not limited to Town Counsel. I have reviewed several cases on this point and based on this research, I conclude that the four articles are in order. However, there is a great body of case law that makes proceeding with discussion on these matters rife with danger for potential litigation, not just for the Town but for individuals. As Ms. King pointed out, personnel issues are typically handled by the Board of Selectmen or the Board charged with oversight of that employee.

Let me first say I take no position on these articles. Do not conclude from this that I support or oppose these articles. The following four articles involve a recommendation or advisory on personnel matters. These articles are advisory only. They are not binding on the Board of Selectmen. In our form of government, Town Meeting acts as a legislative body; the Board of Selectmen is the executive body. Town Meeting has no authority to compel the Selectmen to take action. Articles involving persons and personnel matters are very delicate things. There are privacy issues involved and some individuals may not be able to ask questions or defend their actions due to matters that were discussed in executive session. To the extent you have a comment or statement I am going to urge people not to engage in hearsay or speculation, to stick to the facts. These matters have already been discussed substantially at Selectmen's meetings and other forums. To avoid the risks of someone saying something inappropriate, I ask the comments to be limited to the facts and within your own knowledge. I prefer if people state whether they support the motion or not.

I have to remind everyone that this meeting is being broadcast live on our local cable channel and the meeting is therefore recorded. Again, you have to be circumspect with what you say. Since these matters have already been discussed and given the hour, I believe it is under my authority as moderator to limit the debate on these articles to 15 minutes each. I am going to ask if a motion is made and seconded that the proponent make a short statement and I will try to allow debate on this matter, however, I have to caution you to not get into personalities. It is a time-honored tradition at Town Meeting to not engage in personalities or any sort of inappropriate behavior or I will rule out of order. I ask you all to be courteous of each other, to wait to direct your questions or comments to me, the Chair, to wait until recognized and to wait for the microphone.

The Moderator closed with the quote from Abraham Lincoln's first inaugural address, "We are not enemies but friends. We must not be enemies. Though passions may be strained it must not break our bonds of affection. The mystic cords of memory stretching from every battlefield and patriot grave, to every living heart and heartstone all over this broad land will yet swell the chorus of the union. When again touched, as they surely will by the better angels of our nature." So in confidence that people will do the best for the Town of Townsend that we love, I am asking if there is a motion on Article 14."

ARTICLE 14

I move that the Town will vote to advise the Board of Selectman to take affirmative action to reinstate Sergeant Randy Girard and be made whole by giving him his rank, time in grade, and compensation for any and all time lost.

Submitted by petition.

Read by: Leanne Jackson

After some discussion a motion was made to move the question and the motion was seconded.

Vote to move the question: Passed, declared 2/3 by moderator.

Vote on Article 14: Passed by Majority.

ARTICLE 15

I move that the Town will vote to advise the Board of Selectman to take affirmative action to reinstate Chief Robert M. Eaton, Jr. and be made whole by giving him his rank, time in grade, and compensation for any and all time lost.

Submitted by petition.

Read by: David A. Funaiole

After some discussion, motion was made to move the question and seconded.

Vote to move the question: Passed, declared 2/3 by moderator.

Vote on Article 15: Passed by Majority.

ARTICLE 16

I move that the Town vote to advise the Board of Selectman to take affirmative action terminating the appointment of, or otherwise removing the current Town Counsel, including but not limited to seeking and accepting resignation or voting to terminate the firm's appointment.

Submitted by petition.

Read by: David A. Funaiole

After some discussion, motion was made to move the question and seconded

Vote to move the question: Passed, declared 2/3 by moderator.

Vote on Article 16: Passed by Majority.

ARTICLE 17

I move that the Town vote to advise the Board of Selectmen to take affirmative action terminating or otherwise removing the current Town Administrator from his position, including but not limited to seeking and accepting the Town Administrator's resignation or voting to terminate him.

Submitted by petition.

Read by: Joseph Z. Shank

After discussion, motion to move to the question was made and seconded.

Vote to move the question: Passed, declared 2/3 by Moderator.

Vote on Article 17: Passed by Majority.

Motion to dissolve the Meeting was made and seconded. The Meeting was dissolved at 9:23 p.m.
March 28, 2017.