

**TOWN OF NORTH BROOKFIELD  
SPECIAL TOWN MEETING WARRANT  
NOVEMBER 2, 2012**

SEAL, WORCESTER, SS.

TO ANY CONSTABLE OF THE TOWN OF NORTH BROOKFIELD

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and Town affairs, to meet at the North Brookfield Elementary School Auditorium, in said North Brookfield, on Friday, the 2<sup>nd</sup> day of November, 2012 at 7:00 PM, to act upon the following articles, namely:

ARTICLE 1

To see if the Town will vote to rescind \$4,000.00 from the Cemetery Salary Account that was raised under Article 4 of the June 22, 2012 Adjourned Annual Town Meeting, and further vote to transfer the sum of \$4,000.00 from Cemetery Trust Funds to the Cemetery Salary Account, or take any action relative thereto.

ARTICLE 2

To see if the Town will vote to transfer the sum of \$5,000.00 from Cemetery Road Repair Account to the Cemetery Tree Account, or take any action relative thereto.

ARTICLE 3

To see if the Town will vote to transfer the sum of \$200.00 from the Planning Board Zoning Change Expense to the Planning Board Clerk Salary Account, or take any action relative thereto.

ARTICLE 4

To see if the Town will vote to transfer the sum of \$5,130.00 from the Machinery Rental Account to the Highway Equipment Capital Outlay Account, or take any action relative thereto.

ARTICLE 5

To see if the Town will vote to transfer the sum of \$220.00 from General Insurance to the FY12 Unpaid Bills Account, or take any action relative thereto.

ARTICLE 6

To see if the Town will vote to rescind a portion of the amounts appropriated under Article 4 of the June 22, 2012 Adjourned Annual Town Meeting as follows, and further to see if the Town will vote to transfer the amounts as follows, or take any action relative thereto.

Rescind \$3,195.19 from Library Maturing Debt and transfer \$3,195.19 from the Reserve for Library Premium

Rescind \$7,142.86 from the Fire Truck Maturing Debt and transfer \$7,142.86 from the Reserve for Fire Truck Grant

Rescind \$57,857.40 from the Jr/Sr Maturing Debt and transfer \$57,857.40 from the Reserve for Jr/Sr Loan Payment

#### ARTICLE 7

To see if the Town will vote to rescind a portion of the amount from the Group Insurance Account that was raised under Article 4 of the June 22, 2012 Adjourned Annual Town Meeting, and further vote to transfer a sum of money from the Stabilization Account to the Group Insurance Account, or take any action relative thereto.

#### ARTICLE 8

To see if the Town will vote to transfer the sum of \$22,197.24 from Overlay Surplus to the FY09 Overlay Account, and further see if the Town will vote to transfer the sum of \$6,262.38 from Overlay Surplus to the FY09 Verizon Interest Account, or take any action relative thereto.

#### ARTICLE 9

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of \$20,000.00 to the Selectmen's Solar Expense Account, or take any action relative thereto.

#### ARTICLE 10

To see if the Town will vote to transfer the sum of \$34,897.00 from Sewer Interest #1 to Sewer Maturing Debt #1, vote to transfer the sum of \$11,500.00 from Sewer Interest #2 to Sewer Maturing Debt #2, and further vote to transfer the sum of \$28,923.00 from the Sewer Little Canada Interest to the Sewer Little Canada Maturing Debt due to the Sewer refinancing, or take any action relative thereto.

#### ARTICLE 11

To see if the Town will vote pursuant to MGL c23A to authorize the Board of Selectmen to submit an Economic Opportunity Area application to the Massachusetts Economic Assistance Coordinating Council designating the property located at 10 Grove Street, North Brookfield, MA 01535, shown on Assessors' Map 104, Block 10, Lot 10; and 14 South Common Street, North Brookfield, MA 01535, shown on Assessors' Map 104, Block 15, Lot 14 as an Economic Opportunity Area, and as further described in the Economic Opportunity Area application on file with the Town Clerk, or take any action relative thereto.

#### ARTICLE 12

To see if the Town will vote to amend the Town of North Brookfield Zoning Bylaws by changing the definition for FRONTAGE under Section II. Definitions: S.1 to read as follows, or take any action relative thereto.

Frontage: The linear extent of a lot measured along the street right-of-way from the intersection of one side lot line to the intersection of the other of the same lot. Frontage shall be measured in a continuous line along the street line between the points of

intersection of the side lot lines with said street line. The frontage of a corner lot shall be measured along that side of the lot bordering the traveled way, which is in front of, and parallel to the front of the building or proposed building. Where a building has no front or is located diagonally, the owner may designate either street lot line as the frontage. The driveway providing the principal access to a lot shall be across the lot frontage as herein defined, subject to the provision, however, that if a lot has minimum frontage on more than one street, the driveway may enter the lot from any of such streets subject to the approval of the zoning officer.

### ARTICLE 13

To see if the Town will vote to amend the Town of North Brookfield Zoning Bylaws by adding a definition for HEIGHT under Section II. Definitions: Y.2 to read as follows, or take any action relative thereto.

Height: Maximum; A vertical distance from the average ground level surrounding a building or structure and the highest point of any roof or parapet. Height limitations shall not apply to chimneys, spires, cupolas, antennas or other parts of a building or structure not intended for human occupancy.

### ARTICLE 14

To see if the Town will vote to amend the Town of North Brookfield Zoning Bylaws by adding a definition for AMUSEMENT under Section II. Definitions: Z to read as follows, or take any action relative thereto.

Amusement: A recreational activity, ride, game or other activity that is for enjoyment.

### ARTICLE 15

To see if the Town will vote to amend the Town of North Brookfield Zoning Bylaws by adding a COMMERCIAL SOLAR ENERGY ZONING BYLAW under Section VI. General Regulations: C.4 to read as follows, or take any action relative thereto.

#### **Commercial Solar Energy Zoning Bylaw**

		District					
		R-11	R-30	R-66	BC	BG	IND
	Small Solar Energy Facility	N	N	SP	Y	Y	Y
	Large Solar Energy Facility	N	N	SP	Y	Y	Y
	Renewable/Alternative Energy R&D Facility	N	N	SP	Y	Y	Y
	Renewable/Alternative Energy Manufacturing Facility	N	N	SP	Y	Y	Y

#### **4.1 Purpose**

The purpose of this bylaw is to promote the development of solar energy facilities by providing standards for the placement, design, construction, operation, monitoring, modification, and removal of such energy facilities, to protect public safety, to minimize impacts on scenic, natural and historic resources of North Brookfield, and to provide adequate financial assurance for the eventual decommissioning of such energy facilities.

#### **4.2 Applicability**

This bylaw applies to all ground-mounted solar energy facilities and to physical modifications that materially alter the type, configuration, or size of these facilities or related equipment. Ground-mounted solar energy facilities on municipal and school district properties are permitted in all districts upon site plan approval from the Planning Board. Solar facilities for the primary purpose of agriculture are exempt from this bylaw pursuant to MGL c. 40A, §3. Solar facilities for one and two family dwellings are also exempt from this bylaw.

#### **4.3 General Requirements**

**4.3.1 Site Plan Review:** All solar energy facilities, except for those explicitly exempted pursuant to Section 4.2 shall undergo site plan review by the Planning Board prior to construction, installation, or modification as provided in this section.

**4.3.2 Required Documents:** In addition to the submission requirements in the Planning Board's Site Plan Review Regulations, the applicant shall provide the following documents:

1. Plans and drawings of the solar energy facility signed and stamped by a Professional Engineer licensed to practice in Massachusetts showing the proposed layout of the system;
2. An electrical diagram detailing the solar energy facility, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices;
3. Technical specifications of the major system components, including the solar arrays, mounting system, and inverter;
4. A glare analysis and proposed mitigation, if any, to minimize the impact of glare on affected properties;
5. The name, address, and contact information of the owner, proposed installer, and operator;
6. Proof of actual or proposed control of access ways and the project site sufficient to allow for installation and use of the proposed facility;
7. An operation and maintenance plan;
8. Proof of liability insurance; and
9. Financial surety that satisfies Subsection 4.5.4 of this Bylaw.

**4.3.3 Operation & Maintenance Plan:** The applicant shall submit a plan for the operation and maintenance of the solar energy facility, which shall include measures for maintaining safe access, storm water controls, and general procedures for operating and maintaining the energy facility.

**4.3.4 Utility Notification:** The applicant shall submit evidence satisfactory to the Planning Board that he has informed the utility company in writing of his intent to install a solar energy facility and that the utility company has responded in writing to the interconnection notice. Off-grid systems are exempt from this requirement.

#### **4.3.5 Dimension and Density Requirements**

1. Setbacks: Ground-mounted solar energy facilities shall have a setback from front, side and rear property lines and public ways of at least One Hundred Feet (100') in Residential districts and Fifty Feet (50') in Business and Industrial districts. Twenty Percent (20%) of a parcels total square footage may be used for a solar facility.
2. Natural Buffer for Large Solar Projects: The site plan shall provide a natural vegetative buffer of One Hundred Feet (100') between a large solar energy facility and a property in residential use, including houses across a street. If the applicant establishes, to the satisfaction of the Planning Board, that the visual buffer would have a detrimental effect on the ability to generate power, the Planning Board may grant a waiver from this requirement.
3. Appurtenant Structures: All appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations shall be subject to reasonable regulations concerning bulk and height, setbacks, parking, building coverage, and vegetative screening to avoid adverse impacts on the neighborhood or abutting properties.

#### **4.3.6 Design Standards**

1. Lighting: Lighting shall be limited to that required for safety and operational purposes, and shall not be intrusive in any way on abutting properties. Lighting shall incorporate full cut-off fixtures to reduce light pollution.
2. Signage: The solar energy facility shall have one sign not exceeding thirty-two (32) square feet in area. Such sign shall identify the operator and provide a 24-hour emergency contact telephone number. Solar energy facilities shall not display any advertising except for reasonable identification of the manufacturer or operator of the facility. The site may have a secondary sign not exceeding sixteen (16) sq. ft. in area providing educational information about the facility and the benefits of renewable energy.
3. Utility Connections: The applicant shall place all wiring from the solar energy facility underground, except in extraordinary circumstances where the Planning Board finds that soil conditions, shape, and topography of the site make such wiring unfeasible.

**4.3.7 Emergency Services:** The operator shall provide a copy of the operation and maintenance plan, electrical schematic, and site plan to the North Brookfield Fire Chief and Police Chief. The operator shall cooperate with local emergency services in developing an emergency response plan; this plan shall be reviewed annually with local emergency officials and revised as necessary. All means of shutting down the solar energy facility shall be clearly marked. The premises shall identify a qualified contact person to provide assistance during an emergency; the operator shall change the contact information immediately and so notify the North Brookfield Fire Chief and Police Chief whenever there is a change in the contact person.

### **44 Monitoring and Maintenance**

**4.4.1 Maintenance:** The operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. The operator shall be responsible for maintaining access for emergency vehicles that is determined to be adequate by the North Brookfield Fire Chief, Police Chief, and any other local emergency services, and for maintaining adequate access for any maintenance equipment.

**4.4.2 Modifications:** After issuance of the Building Permit, any material modification to the facility requires approval of the Planning Board unless exempt under this bylaw. The operator

may apply to the Planning Board for a determination as to whether a proposed modification is material.

#### **4.5 Discontinuance, Decommissioning, Abandonment and Removal**

**4.5.1 Removal Requirements:** Any solar energy facility that has reached the end of its useful life or has been discontinued, decommissioned, or abandoned, as defined below in Section 4.5.3, shall be removed. The owner or operator shall physically remove the facility within one hundred fifty (150) days after the date of discontinued or abandoned operations or decommissioning in compliance with the requirements of the Inspector of Buildings. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations or decommissioning and submit the plans for removal.

**4.5.2 Removal:** Removal shall consist of: Physical removal of all of the equipment from the site, including, but not limited to, the solar arrays, structures, equipment, security barriers, and electrical transmission lines.

1. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or below-grade foundations in order to minimize erosion and disruption of vegetation.

**4.5.3 Abandonment:** Absent notice to the Planning Board, as provided above in Section 4.5.1, of a proposed date of discontinuance or decommissioning or written notice requesting an extension due to extenuating circumstances, the solar facility shall be considered abandoned when it fails to operate or operations are discontinued for more than one year without the written consent of the Planning Board. If the owner or operator fails to remove the energy facility in accordance with the requirements of Section 4.5.2 within one hundred fifty (150) days of abandonment or discontinuance or the proposed date of decommissioning, the Town may, to the extent it is otherwise duly authorized by law, enter the property and physically remove the facility.

**4.5.4 Financial Surety:** Prior to commencing operation of the facility, the applicant shall provide a form of surety, either through a cash deposit, bond or otherwise, in an amount determined by the Planning Board to cover the cost of removal and site restoration. Such surety will not be required for municipal facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include an escalator for calculating increased removal costs due to inflation.

#### **4.6 Definitions**

Large Solar Energy Facility - A commercial solar facility whose primary purpose is electrical generation for the wholesale electricity market. It includes service and access roads, equipment, machinery and structures utilized in connection with the conversion of solar energy into electrical power with a rated nameplate capacity of greater than 100kW/0.1MW.

Rated Nameplate Capacity - The maximum rated output of electric power production equipment. The manufacturer typically specifies this output with a "nameplate" on the equipment.

Small Solar Energy Facility — A solar facility that has a total rated nameplate capacity of not more than 100kW/0.1MW. It includes the equipment, machinery and structures utilized in connection with the conversion of solar energy into electrical power.

And you are hereby directed to serve this Warrant by posting attested copies thereof in the Library and upon the Town House in said Town.

Hereof fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of said meeting as aforesaid.

Given under our hands this 17<sup>th</sup> day of October, 2012.

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Jason M. Petraitis, Chairman

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Mary F. Walter

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Richard P. Chabot  
Selectmen of North Brookfield

A true copy, Attest:

I have on this day posted attested copies as directed by Town By-Laws.

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Date                      Time                      Constable