

**TOWN OF NORTH BROOKFIELD
SPECIAL TOWN MEETING WARRANT
OCTOBER 27, 2017**

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 27th day of October, 2017 at 7:00 PM, to act upon the following articles, namely:

ARTICLE 1

To see if the Town will vote to transfer a sum of money from the Town Collector: Other Expenses Account to the FY17 Unpaid Bills Account, or take any action relative thereto.

ARTICLE 2

To see if the Town will vote to transfer the sum of \$897.07 from Water: Retained Earnings to the FY17 Water Unpaid Bills Account, or take any action relative thereto.

ARTICLE 3

To see if the Town will vote to rescind a sum of money from the FY18 Group Insurance Account, and further vote to transfer a sum of money from Free Cash to the FY18 Group Insurance Account, or take any action relative thereto.

ARTICLE 4

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of \$750.00 to the School Roof Design Interest Account, or take any action relative thereto.

ARTICLE 5

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of \$500.00 to the Revaluation: Other Expenses Account, or take any action relative thereto.

ARTICLE 6

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, a sum of money to the Veterans' Benefits Account, or take any action relative thereto.

ARTICLE 7

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, a sum of money to the Street Lighting Account, or take any action relative thereto.

ARTICLE 8

To see if the town will vote to raise and appropriate, borrow, or transfer from available funds, a sum of money to Highway Vehicle Equipment Account to cover the cost of equipment repairs, or take any action relative thereto.

ARTICLE 9

To see if the town will vote to transfer the sum of \$11,500 from the Highway Machinery Rental Account to the Highway Equipment Account to cover the cost of a 11' Power Angle plow, or take any action relative thereto.

ARTICLE 10

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, a sum of money to the Stabilization Account, or take any action relative thereto.

ARTICLE 11

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, a sum of money to the Capital Improvement Stabilization Account, or take any action relative thereto.

ARTICLE 12

To see if the Town will vote to transfer the sum of \$5,000.00 from the Sewer Expense Account to the Sewer Other Salary Account, or take any action relative thereto.

ARTICLE 13

To see if the Town will vote to rescind and declare void in its entirety Article 9 contained within the Town of North Brookfield Special Town Meeting Warrant dated June 17, 2016, thereby removing all authority of the Board of Selectmen to, in any fashion, lease, develop, modify or encumber the parcel of land being Assessors Map 48, Block 106, Lot 48, located at 48 Brickyard Road, as well as four (4) additional parcels of land, being Assessors Map 107, Block 5, Lot 55 (55 School Street), Assessors Map 21, Block 80, Lot 14 (14 Bell Road), Assessors Map 21, Block 83, Lot 10 (10 New School Drive) and Assessors Map 15, Block 83, Lot 74 (74 Oakham Road), and further, removing authorization of the Board of Selectmen to petition the General Court for a special act removing from the protections provided under Article 97 of the Amendments to the Massachusetts Constitution, any of the aforesaid parcels deemed to be subject to Article 97, or take any action relative thereto.

ARTICLE 14

To see if the Town will vote to authorize the Board of Selectmen to lease a parcel of land, being Assessors Map 107, Block 5, Lot 55 (55 School Street), and further, to authorize the Board of Selectmen to lease any un-forested portion of the parcel of land being Assessors Map 21, Block 83, Lot 10 (10 New School Drive), for the installation of solar energy facilities, for a term of up to twenty (20) years and on such other terms and conditions, and for such consideration, as the Board of Selectmen deems appropriate; and to authorize the Board of Selectmen to grant such access, utility, and other easements in, on, and under said parcels as may be necessary or convenient to construct, operate and maintain such solar energy facilities; authorize the Board of Selectmen to enter into a power purchase and related agreements with the lessee of such

properties to purchase and/or use a portion of the electricity production of the solar facilities for a term of up to twenty (20) years for municipal purposes, or take any action relative thereto.

ARTICLE 15

To see if the Town will vote to amend the Town of North Brookfield Zoning Bylaws, Section V., Table 3 – Dimensional Requirements.

Business B-C Front yard setback, presently no minimum, Propose 30 feet setback.

Business B-C Side yard setback, presently no minimum, Propose 10 feet setback

f., presently states at least five (5) feet from rear and side lot lines, Propose change to ten (10) feet and add

new sentence, “*Buildings 120 sq. ft. or less can be five feet (5’) from the rear and side lot lines.*” or take any action relative thereto.

	Minimum Lot Dimensions		Minimum Yard Dimensions (e)			Maximum Height of Buildings (d)		Maximum Lot Coverage by Structures
District	Area (sq. ft.)	Frontage (feet)	Front (feet)	Side (feet)	Rear (feet)	Stories	Feet	(%)
Business B-C (Central)	No minimum	No minimum	30	10	30 (f)	3	40	50
Business B-G (General)	25,000	110	50	20 (c & f)	40	2.5	35	25

NOTES:

- c. Side yards shall be at least forty (40) feet when adjacent to a residential district.
- d. Height limitations do not apply to chimneys, towers, ventilators, tank silos or ornamental features provided such structures are not used for human habitation.
- e. When a side or rear yard borders on a street, the minimum distance between the street and structure shall equal the distance required for a front yard. When a side or rear yard of a rear lot abuts a street, the minimum distance between the street and any type of building shall be fifty (50) feet.
- f. Detached accessory buildings and garages, when located in rear yards shall be placed at least ten (10) feet from the rear and side lot lines except as provided in (e) above. Buildings 120sf or less can be five (5) feet from the rear or side lot lines.
- g. The width of a rear lot may be reduced to not less than twenty (20) feet at any point between the frontage and the dwelling.

ARTICLE 16

To see if the Town will vote to amend the Town of North Brookfield Zoning Bylaws, Section VII. Administration. Propose to add B.3. “*An informational public hearing is required for all uses permitted in the Downtown Overlay District, but not permitted in the underlying district,*” or take any action relative thereto.

VII. Administration:

B. 3. Informational Public Hearing:

An informational public hearing is required for all uses permitted in the Downtown Overlay District, but not permitted in the underlying district.

ARTICLE 17

To see if the Town will vote to amend, Section III. Definitions of the Town of North Brookfield Zoning Bylaws.

Solar Energy Facility: Propose to add sentence after first sentence to read *“It is all facility components within the fenced area.”* or take any action relative thereto.

Solar Energy Facility: Physical location that includes the equipment, machinery structures, and service and access roads utilized in connection with the conversion of solar energy into electrical power. It is all facility components within the fenced area.

ARTICLE 18

To see if the Town will vote to amend Section VI. General Regulations. F. Commercial Solar Energy Bylaw, 3. General Requirements, e. Dimension and Density Requirements

3. e. (1) Setbacks - Propose changing setback distance in Residential districts from 100 feet to 200 feet and adding a following sentence *“The solar facility shall not be visible from a public way during any season of the year.”* or take any action relative thereto.

(1) Setbacks: Ground-mounted solar energy facilities shall have a setback from front, side and rear property lines of at least two hundred feet (200') in Residential districts and fifty feet (50') in Business and Industrial districts. The solar facility shall not be visible from a public way during any season of the year. Twenty percent (20%) of a parcel's total square footage may be used for a solar facility.

ARTICLE 19

To see if the Town will vote to amend Section VI. General Regulations F. Commercial Solar Energy Bylaw, 5. Discontinuance, Decommissioning, Abandonment and Removal.

5. a. Removal Requirements

Propose at end of last sentence: *“A decommissioning plan shall be submitted to the Planning Board/Building Inspector at the time of application and shall be approved before special permit/building permit is issued.”* or take any action relative thereto.

5. Discontinuance, Decommissioning, Abandonment and Removal

- a. 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 IV.G. 5. c. 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. A decommissioning plan shall be submitted to the Planning Board/Building Inspector at the time of application and shall be approved before special permit/building permit is issued.

ARTICLE 20

To see if the Town will vote to amend Section VI. General Regulations F. Commercial Solar Energy Bylaw, 5. Discontinuance, Decommissioning, Abandonment and Removal.

5. b. Removal: Propose adding a sentence at end of first sentence as follows: *“The concrete foundation of all solar module support structures shall be completely removed from the ground.”* Then add new paragraph as follows, *“If trees were harvested to construct solar facility, the same area shall be replanted with similar tree species at the density that will sustain itself and minimize erosion. If cropland has been developed, then this area shall be seeded with grasses that are the same as those that were originally present. If both types of vegetation are involved, then the existing proportion of each before solar construction shall be provided.”* Also, Delete 5.b.1. or take any action related thereto.

5. b. 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. At the property owner’s discretion, if trees were harvested to construct solar facility, the same area shall be replanted with similar tree species at the density that will sustain itself and minimize erosion that were originally present. If both types of vegetation are involved, then the existing proportion of each. If cropland has been developed, then this area shall be seeded with grasses that are the same as those before solar construction shall be provided.

ARTICLE 21

To see if the Town will vote to amend Section VI. General Regulations F. Commercial Solar Energy Bylaw, 5. Discontinuance, Decommissioning, Abandonment and Removal.

5. d. Financial Surety:

Propose to add new first sentence and make other word changes, deletions and additions as follows:

“The surety bond shall be submitted to the Planning Board/Building Inspector at time of application and shall be approved before special permit/building permit is issued. The amount of the bond purchased shall reflect the size of the approved solar facility.” Follow with existing sentence, except change word operation to *“construction”*. Further amend same paragraph by deleting the following sentence, Such surety will not be required for municipal facilities. The end

of next sentence, propose to add at end, *“and approved by planning board consulting engineer.”*
At end of last sentence propose to add new sentence, *“Applicant shall provide annual notice of surety by January 20th of each year to Planning Board.”* or take any action related thereto.

5. d. Financial Surety: The surety bond shall be submitted to the Planning Board/Building Inspector at the time of application and shall be approved before special permit/building permit is issued. Prior to commencing construction 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. The amount of the bond purchased shall reflect the size of the approved solar facility. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer in agreement with the planning board consulting engineer. The amount shall include an escalator for calculating increased removal costs due to inflation with annual evidence of surety provided to the Planning Board by January 20th each year.

ARTICLE 22

To see if the Town will vote to Amend Section VI. E. 5. Right to Farm Bylaw

Propose to change current 5. Severability Clause to Livestock Fencing and change 5. Severability Clause to 6.

Livestock kept on parcels used for farming shall be contained within the farm parcel. Any person operating a farm subject to this bylaw shall provide and continually maintain adequate fencing to prevent livestock from trespassing onto and damaging the property of others.

Violations of the provision shall be reported to the Police, who shall refer the fence inspection to the Agricultural Commission and Fence Viewer. Upon finding that fencing is either missing, in disrepair or broken, the Agricultural Commission and Fence Viewer shall provide their findings in writing to the Police Department. If property damage has occurred and the deficient fencing is determined to be the fault of the farmer, the Board of Selectmen shall fine the farmer an amount equivalent to the cost of the damage (estimated by two applicable contractors) payable to the affected property owner. Alternatively, the farmer may repair the damage to the satisfaction of the affected property owner. This latter alternative shall be overseen by Agricultural Commission. The farmer shall repair the deficient fence as needed to prevent a repeat occurrence.

Broken fencing caused by acts of nature, wildlife or loud noises such as fireworks spooking livestock are not considered reasons for invoking this part of the bylaw.

An affected farmer shall have the right to appeal any finding under this section to the Zoning Board of Appeals within 20 days of receipt of notice of the Selectmen's decision. or take any action related thereto.

5. Livestock Fencing

Livestock kept on parcels used for farming shall be contained within the farm parcel. Any person operating a farm subject to this bylaw shall provide and continually maintain adequate fencing to prevent livestock from trespassing onto and damaging the property of others.

Violations of the provision shall be reported to the Police, who shall refer the fence inspection to the Agricultural Commission and Fence Viewer. Upon finding that fencing is either missing, in disrepair or broken, the Agricultural Commission and Fence Viewer shall provide their findings in writing to the Police Department. If property damage has occurred and the deficient fencing is determined to be the fault of the farmer, the Board of Selectmen shall fine the farmer an amount equivalent to the cost of the damage (estimated by two applicable contractors) payable to the affected property owner. Alternatively, the farmer may repair the damage to the satisfaction of the affected property owner. This latter alternative shall be overseen by Agricultural Commission. The farmer shall repair the deficient fence as needed to prevent a repeat occurrence.

Broken fencing caused by acts of nature, wildlife or loud noises such as fireworks spooking livestock are not considered reasons for invoking this part of the bylaw.

An affected farmer shall have the right to appeal any finding under this section to the Zoning Board of Appeals within 20 days of receipt of notice of the Selectmen's decision.

6. Severability Clause

If any part of this Bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Bylaw. The Town of North Brookfield hereby declares the provisions of this Bylaw to be severable.

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 10th day of October, 2017

Eric M. Hevy, Chairman

Dale R. Kiley

Jason M. Petraitis
Selectmen of North Brookfield

A true copy, Attest:

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

Date Time Constable