

**TOWN OF NORTH BROOKFIELD  
SPECIAL TOWN MEETING WARRANT  
NOVEMBER 8, 2019**

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 8<sup>th</sup> day of November, 2019 at 7:00 PM, to act upon the following articles, namely:

**ARTICLE 1**

To see if the Town will vote pursuant to MGL Chapter 44, Section 53E1/2, to amend Chapter II section 17 of the North Brookfield Bylaws to include the following revolving accounts:

Revolving Fund	Authority to Spend	Revenue Source	Use of Funds
Police Necessity	Police Chief	Green Gold Host Community Agreement	Infrastructure needs from marijuana facility
Fire Necessity	Fire Chief	Green Gold Host Community Agreement	Infrastructure need from marijuana facility
Fire Truck Lease Payments	Fire Chief	Green Gold Host Community Agreement	Lease Payments for Purchase of Fire Truck
Discretionary Funds	Green Gold Discretionary Fund Commission: Police Chief, 1 Selectman, 1 member of Green Gold	Green Gold Host Community Agreement	Infrastructure needs as determined by the Discretionary Fund Commission

And further to establish the FY spending limit for each account:

Police Necessity: \$200,000.00

Fire Necessity: \$100,000.00

Fire Truck Lease: \$ 85,000.00

Discretionary: \$115,000.00

**ARTICLE 2**

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

**ARTICLE 3**

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

**ARTICLE 4**

To see if the Town will vote to appropriate or transfer from available funds, a sum of money to the North Brookfield Finance Committee Reserve Account, or take any action relative thereto.

**ARTICLE 5**

To see if the Town will vote to appropriate or transfer from available funds, a sum of \$5000.00 to the Fire Department Vehicle Expense account, or take any action relative thereto.

#### ARTICLE 6

To see if the Town will vote to appropriate or transfer from available funds a sum of \$20,000.00 to the Fire Department building expense account, for the purpose of hiring an OPM to review the plans, or take any action relative thereto.

#### ARTICLE 7

To see if the Town will vote to transfer from available funds, a sum of \$500 from the Assistant Fire Chief's salary account to the Fire prevention account, or take any action relative thereto.

#### ARTICLE 8

To see if the Town will vote to transfer from available funds, sum of \$500.00 from the Assistant Fire Chief's salary account to the Fire purchase services account, 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 \$16,032.62 to the Fire Department Air Tanks Account for the first payment of the new air packs due April 2020, or take any action relative thereto.

#### ARTICLE 11

To see if the Town will vote to appropriate or transfer from available funds, a sum of \$2,796.00 for the Police Department's Facility Expense Account for facility light controls and repair, or take any action relative thereto.

#### ARTICLE 12

To see if the Town will vote to appropriate or transfer from available funds, a sum of \$5,200.00 to the Police Department's Facility Expense Account for parking lot repairs, or take any action relative thereto.

#### ARTICLE 13

To see if the Town will vote to appropriate or transfer from available funds, a sum of \$9,831.00 to the Police Department's Equipment Repair account for portable radio replacements, or take any action relative thereto.

#### ARTICLE 14

To see if the Town will vote to appropriate or transfer from available funds, a sum of \$1,754.00 to the Police Department's Equipment Repair account to replace a Taser, or take any action relative thereto.

#### ARTICLE 15

To see if the Town will vote to appropriate or transfer from available funds, a sum of \$1,086.80 to the Police Department's Facility Expense account to pay for lighting repairs made, or take any action relative thereto.

#### ARTICLE 16

To see if the Town will vote to appropriate or transfer from available funds, a sum of \$26,755.21 to the Cruiser Lease account to pay for the lease or take any action relative thereto.

#### ARTICLE 17

To see if the Town will vote to appropriate or transfer from available funds, a sum of \$11,700.00 to the Police Department's Facility Expense account to pay for repairs made to heating and plumbing system or take any action relative thereto.

#### ARTICLE 18

To see if the Town will vote to appropriate or transfer from available funds, a sum of \$14,500.00 to the Police Department's Facility Expense account to repair HVAC or take any action relative thereto.

## ARTICLE 19

To see if the Town will vote to appropriate or transfer the sum of \$14,555.99 into Highway Road Materials or take any action relative thereto.

## ARTICLE 20

To see if the Town will vote to transfer the sum of \$30,000.00 from Water; Retained Earnings to Water; System Improvement or take any action relative thereto.

The Water Department System Improvement Account is based on water main repair, service breaks, hydrant repair, etc. We have exceeded our amount due to an unexpected repair on our clarifier filters located at the Water Treatment Plant. This repair was costly for the replacement parts needed. Our Water Treatment Plant personnel repaired the filters with assistance from a technician familiar with these replacement options. This was a large undertaking by the Water Department saving the users thousands of dollars in labor costs. We are always trying to keep our customers in mind when we set our yearly line items and sometimes repairs do exceed our estimates.

These articles if approved will be paid for out of our retained earnings account which will be at no extra cost to our customer base. We are always mindful of costs for any projects and always try to keep a watchful eye on expenses.

## ARTICLE 21

To see if the Town will vote to appropriate or transfer from available funds, a sum of money to the North Brookfield Emergency Management Account for the purpose of installing phone and internet access to the operations center or take any action relative thereto.

## ARTICLE 22

To see if the Town will vote to amend the North Brookfield Zoning Bylaws, Section VI. F. Commercial Solar Energy Bylaw by adding new subsection h. Self-Contained Battery Storage or take any action relative thereto.

### h. Self-Contained Battery Storage

- (1) Battery storage as part of a solar energy project shall be located in a sealed, weather tight container. The battery system shall be real time monitored 24 hours a day, 365 days a year. Monitoring shall include correct charge/discharge currents and proper temperature control. An industry smoke/fire detection and suppression system shall be provided and real time monitored 24 hours a day, 365 days a year. Each monitoring system mentioned above shall automatically notify the project owner/operator, the North Brookfield fire department and the North Brookfield police department in instances of potential problems with currents, temperature, smoke and/or fire.
- (2) A cash payment to the Town of North Brookfield is required for each self-contained battery storage container within each solar project. This payment is for decommissioning.
- (3) Stand alone, self-contained battery storage is permitted in the BG and IND Districts located south of the Ward St. intersection along East Brookfield Rd. Battery storage containers shall be setback 100 feet from the edge of street pavement and 100 feet from all property boundaries. A landscape architectural plan by a registered landscape architect shall be submitted with the special permit/site plan review application showing how the container(s) will be screened from view of abutting residences and public ways during all seasons of the year, so that visual impact is negligible to all affected properties.
- (4) A cash payment to the Town of North Brookfield is required for each self-contained battery storage container within each battery storage project. This payment is for decommissioning.

## ARTICLE 23

To see if the Town will vote to amend the North Brookfield Zoning Bylaws, Section VI. General Regulations, subsection F., Table 5 by adding a line for Stand Alone Self-Contained Battery Storage Containers, or take any action relative thereto.

Table 5- Commercial Solar Energy Zoning Restrictions

Facility Type	District					
	R-11	R-30	R-66	B C	B G	IN D
Small Commercial Solar Energy Facility	N	N	SP	Y	Y	Y
Large Commercial 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
Stand Alone Self-Contained Battery Storage Containers	N	N	N	N	Y *	Y*
SP: Special Permit						
* District is south of Ward St./East Brookfield Rd. intersection						

## ARTICLE 24

To see if the Town will vote to amend the North Brookfield Zoning Bylaws, Section V. Dimensional Requirements, subsection A. by deleting last sentence, or take any action relative thereto.

### Section V. Dimensional Requirements

- A. No land shall hereafter be used, occupied or changed and no building, or structure shall hereafter be erected, altered, moved or used unless it complies with the provision of the Zoning Bylaw set forth in the Table of Dimensional Requirements or is expressly excepted in this or other sections. ~~A lot or parcel of land having an area of frontage of lesser amount than required in the Table shall be considered as coming within the requirements of this section provided it was shown on a plan or described in a deed duly recorded or registered at the time of the adoption of this Bylaw.~~

## ARTICLE 25

To see if the Town will vote to amend the North Brookfield Zoning Bylaws, Section VI. General Regulations, subsection A. by deleting the entirety and replacing it with new subsection A., and adding subsections B., C. and D. Existing subsections B. through I. that follow shall be appropriately changed to E. through L., or take any action relative thereto.

### Section VI. General Regulations

- ~~A. **Nonconforming Uses:** The lawful use of any structure or land existing at the time of the enactment or subsequent amendment of the Bylaw may be continued although such structure or use of land does not conform to the provisions of this Bylaw.~~
- ~~1. A nonconforming use of land or of a structure shall not be increased nor shall any major exterior alterations be made except on permit from the Board of Appeals upon finding that the increase or alteration will be less detrimental than the existing nonconforming use to the surrounding neighborhood.~~
  - ~~2. A nonconforming use which has been discontinued for two (2) years shall not be reestablished and all future use shall conform to this Bylaw.~~
  - ~~3. A nonconforming use which has been changed to a more restricted or conforming use shall not revert to its previous use.~~

### Section VI. General Regulations

#### A. Nonconforming Uses

1. Any legally nonconforming principle use may be extended in floor area and/or lot area up to thirty percent (30%) of the existing area currently in use pursuant to a Special Permit granted by the Zoning Board of Appeals
2. Any legally nonconforming accessory use of a portion of a structure may be extended by right up to a maximum of forty percent (40%) of the floor area of the existing structure.
3. Any legally nonconforming use of a structure may be changed one time only to another nonconforming use, provided that the new use is not substantially different, and provided that the Zoning Board of Appeals finds in accordance with G.L. c. 40A, §6 that such use shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.
4. Any nonconforming use which has been changed to a permitted use shall not be changed back to a nonconforming use.

#### B. Nonconforming Structures

1. A structure that is located on a nonconforming lot, but that otherwise conforms to the requirements of this bylaw, shall be treated as a conforming structure.
2. Any conforming principal use of a nonconforming structure may be extended by right throughout the existing structure.
3. Any conforming accessory use of a portion of a nonconforming structure may be extended by right up to a maximum of forty percent (40%) of the floor area of the existing structure.
4. Any nonconforming structure may be extended by right up to thirty percent (30%) of the square footage of its footprint as long as no nonconformities are created or increased. Any increase beyond thirty percent (30%) or creation/increase of a nonconformity shall only be allowed pursuant to a Special Permit granted by the Zoning Board of Appeals

5. Any nonconforming structure or portion thereof which has come into conformity shall not again become nonconforming.
6. Any nonconforming structure damaged by fire or an act of nature may be rebuilt by right in its original foot print.
7. Any nonconforming structure shall not be moved to any other location on the lot or any other lot unless every portion of such structure, the use thereof, and the lot shall be conforming.
8. Any nonconforming structure determined to be unsafe may be restored to a safe condition by right, as long as no nonconformities are created or increased.

#### C. Nonconforming Lots

1. Any nonconforming lot shall not be reduced/alterd so as to be in greater nonconformity.
2. Any nonconforming lot which has come into conformity shall not again be changed to a nonconforming lot.
3. An otherwise conforming structure on a nonconforming lot may be altered and/or extended by right as long as no new nonconformities are created. New nonconformities shall only be allowed pursuant to a Special Permit grant by the Zoning Board of Appeals. A nonconforming structure on a nonconforming lot may be altered in accordance with section 2.d.
4. A free standing accessory structure may be constructed on a nonconforming lot by right as long as no new nonconformities are created. New nonconformities shall only be allowed pursuant to a Special Permit granted by the Zoning Board of Appeals

#### D. Abandonment/Discontinuance

Any nonconforming use of a structure and/or lot which has been abandoned or has not been in use for a continuous period of two (2) years or more shall not be re-established. The structure and/or lot shall only be used again for a conforming use.

#### ARTICLE 26

To see if the Town will vote to appropriate or transfer from available funds, sum of \$25,000.00 for funding the update of the 2007 North Brookfield Master Plan, or take any action relative thereto.

#### ARTICLE 27

To see if the Town will vote to appropriate or transfer from available funds, a sum of \$9,561.00 to the Town Clerk Salary Account, or take any action relative thereto.

#### ARTICLE 28

To see if the Town will vote to appropriate or transfer from available funds, a sum of \$2,600.00 to the Assistant to the Collector and Treasurer salary account or take any action relative thereto.

#### ARTICLE 29

To see if the Town will vote to appropriate or transfer from available funds, a sum of \$1,500.00 to the Treasurer's Banking and Payroll Account or take any action relative thereto.

#### ARTICLE 30

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of \$5,000.00 to the School Roof principal account, or take any action relative thereto.

#### ARTICLE 31

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of \$12,122.00 to the School Roof interest account, or take any action relative thereto.

ARTICLE 32

To see if the Town will vote to declare the parcel of land being Assessors Map 48 Block 107, lot 30 (located at 30 Bullard Road) as Town Forest, and afford it all of the protections provided under Article 97 of the Amendments of the Massachusetts Constitution, or take any action relative thereto.

Purpose of preservation: 30 Bullard Road is a 2.04-acre triangular shaped wooded parcel bounded by Bullard and Brickyard Roads and the old railroad bed (the new rail trail). The parcel is currently owned by the Town of North Brookfield acquired through a tax title taking. 30 Bullard Road is complementary to and provides easy access, by way of the rail trail, to the newly created Town Forest at 48 Brickyard Road. It is also a great starting point on the trail for hiking on the trail going north to North Brookfield town center and once the trail is completed south to the East Brookfield River. The parcel also contains the site of one of the original district school houses in North Brookfield.

ARTICLE 33

To see if the Town will vote to rescind a sum of money from the FY 20 Group Insurance Account, and further to vote to transfer a sum of money from available funds to the FY 20 Group Insurance Account, or take any action relative thereto.

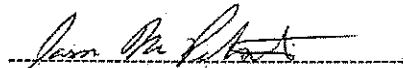
And you are hereby directed to serve this Warrant by posting attested copies thereof in the Library and upon the Town House in said Town.

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.

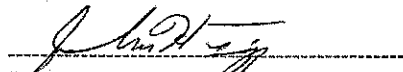
Given under our hands this 22nd day of October, 2019.



Dale R. Kiley



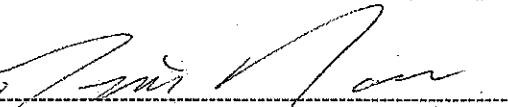
Jason M. Petraitis



John H. Tripp,  
Selectmen of North Brookfield

A true copy, Attest:

I have on this day posted attested copies thereof in at least two public places as directed by Town By-Laws.

10-25-19 9:30   
Date Time Constable