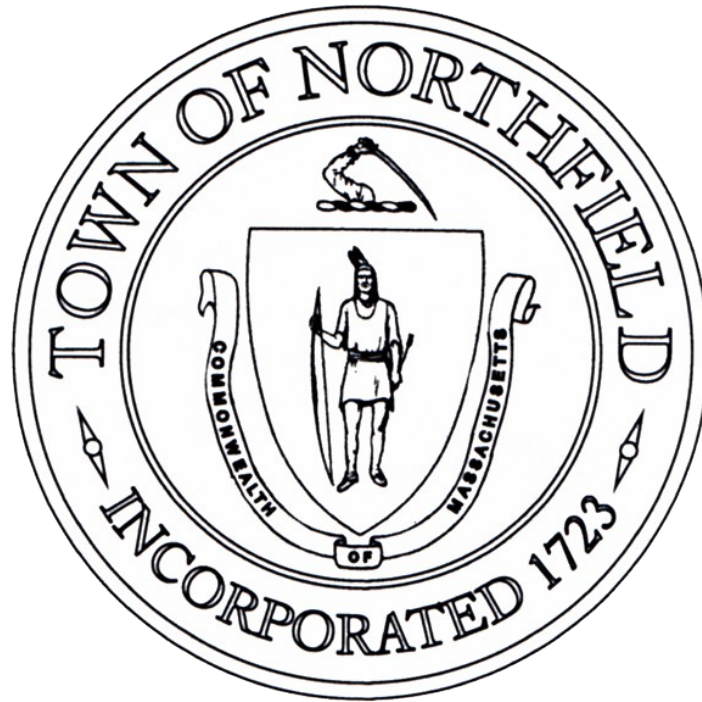


TOWN OF NORTHFIELD

SPECIAL TOWN MEETING

WARRANT



Monday, September 26, 2011

7:00 p.m.

Pioneer Valley Regional School

97 F. Sumner Turner Road

Northfield, Massachusetts

Special Town Meeting Warrant
COMMONWEALTH OF MASSACHUSETTS

FRANKLIN, SS

To any of the Constables in the Town of Northfield, in the County of Franklin,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Northfield, qualified to vote in elections and in Town affairs, to meet at the

Pioneer Valley Regional School

97 F. Sumner Turner Road

in said Town on Monday, September 26, 2011 at seven o'clock in the evening (7:00 p.m.), then and there to act on the following:

Article 1. (Submitted by the Selectboard)

To see if the Town will waive the reading of the Warrant and the Notice to the Constables and act on the motions of the following articles, or pass any vote or votes in relation thereto.

Article 2. (Submitted by the Selectboard)

To see if the Town will approve the \$312,670 borrowing authorized by the Pioneer Valley Regional School District, for the purpose of paying the costs of replacing a section of roof and replacing certain windows at the Northfield Elementary School, 104 Main Street, Northfield, Massachusetts, 01360, and for which the District may be eligible for a repair project grant from the Massachusetts School Building Authority ("MSBA"), including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the MSBA, said amount to be expended at the direction of the Pioneer Valley Regional School District School Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-six and twenty-six hundredths percent (56.26%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that any such borrowing will be contingent upon the District receiving the Massachusetts School Building Authority grant.

Town of Northfield Special Town Meeting – Monday, September 26, 2011

Article 3. (Submitted by the Selectboard)

To see if the Town will approve the \$214,402 (Northfield portion) borrowing authorized by the Pioneer Valley Regional School District, for the purpose of paying costs of replacing the HVAC system(s), including but not limited to burners and boiler unit(s), at the Pioneer Valley Regional School, 97 F. Sumner Turner Road, Northfield, Massachusetts, 01360, and for which the District may be eligible for a repair project grant from the Massachusetts School Building Authority (“MSBA”), including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the MSBA, said amount to be expended at the direction of the Pioneer Valley Regional School District School Committee. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-six and twenty-six hundredths percent (56.26%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that any such borrowing will be contingent upon the District receiving the Massachusetts School Building Authority grant.

Article 4. (Submitted by the Trustees of the Library)

To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the purpose of purchasing and installing a heating system for the meeting room at the Dickinson Memorial Library, or pass any vote or votes in relation thereto.

Estimated amount requested \$3,000.00

Article 5. (Submitted by the Selectboard)

To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the Legal Expense account, or pass any vote or votes in relation thereto.

Estimated amount requested \$15,000.00

Article 6. (By Petition of Friends of the Schell Bridge)

To see if the Town will authorize and direct the Board of Selectmen to petition the Franklin Regional Council of Governments, Representative Paul Mark, Senator Stan Rosenberg, and other state officials to identify, raise, and appropriate funds for a comprehensive professional engineering evaluation of Schell Bridge to determine the feasible engineering options for rehabilitating the bridge and the associated costs thereof.

Article 7. (Submitted by the Selectboard)

To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the purpose of paying a bill of a prior fiscal year for the Alexander Hall account.

Article 8. (Submitted by the Electronic Communications and Cable TV Advisory Committee)

To see if the Town will vote to authorize the Board of Selectmen to take all necessary and appropriate action to establish and to maintain, in accordance with the provisions of M.G.L. Ch. 164 and in accordance with the rules, regulations, and orders of the Department of Public Utilities and the Department of Telecommunications and Cable, a municipal lighting plant for all purposes allowable under the laws of the Commonwealth, including without limitation the operation of a telecommunications system and any related services, or pass any vote or votes relative thereto.

Article 9. (Submitted by the Selectboard)

To see whether the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for repairing or replacing the emergency generator at Town Hall, or pass any vote or votes relative thereto.

Estimated amount requested \$20,000.00

Article 10. (Submitted by the Planning Board)

To see if the Town will amend the Zoning By-law to include the following new section 11.08:

11.08 Solar Generation Zoning Bylaw

11.08.1 Purpose and Applicability

← 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 of 20kW or more proposed to be constructed after the effective date of this section. Smaller scale (less than 20kW) solar electric systems need not comply with this section, but require a building permit and must comply with all applicable local, state and federal requirements and other provisions of Northfield's Zoning Bylaws.

Large-Scale Ground-Mounted Solar Electric Installations of up to 1 MW that occupy no more than 5 acres of land on one or more adjacent parcels in common ownership (including those separated by a roadway) proposed to be constructed in the Solar Overlay District are allowed as-of-right but are subject to Site Plan Review (see Section

10.01) and the requirements of this section. All other proposed Large-Scale Ground-Mounted Solar Electric Installations require a Special Permit and Site Plan Review in accordance with the Northfield Zoning Bylaws.

11.08.2 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. Such development is subject to site plan review to determine conformance with local zoning bylaws. Projects conforming to the local bylaws, including this section, cannot be prohibited, but can be reasonably regulated by the building commissioner.

← **Building Commissioner:** The person designated by local ordinance or bylaw charged with the enforcement of the zoning bylaws.

← **Building Permit:** A construction permit issued by the building commissioner; 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.

← **Designated Location:** The locations designated by the solar overlay district described herein, in accordance with Massachusetts General Laws Chapter 40A, section 5, where Ground-Mounted Large-Scale Solar Photovoltaic Installations may be sited as-of right. Said locations are shown on the Town's official zoning map dated September 12, 2011, pursuant to Massachusetts General Laws Chapter 40A Section 4. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Town Clerk.

← **Large-Scale Ground-Mounted Solar Photovoltaic Installation:** A solar photovoltaic system that is structurally mounted on the ground and is not building-mounted, has a nameplate capacity of 20 kW or more.

← **On-Site Solar Photovoltaic Installation:** A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

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

← **Site Plan Review:** Review by the Northfield Planning Board to determine conformance with local zoning bylaws, in accordance with section 11.8.3.4 below.

← **Solar Photovoltaic Array:** An arrangement of solar photovoltaic panels.

11.08.3 General Requirements for all Large Scale Solar Power Generation Installations

← The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

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← **11.08.3.1 Compliance with Laws, Ordinances and Regulations**

The construction and operation of all Large-Scale Ground-Mounted 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 Massachusetts State Building Code.

← **11.08.3.2 Building Permit**

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.

← **11.08.3.3 Fees**

The application for a building permit for a Large-Scale Ground-Mounted Solar Photovoltaic Installation must be accompanied by the fee required for a building permit and the fee required for a Site Plan Review.

← **11.08.3.4 Site Plan Review**

Large-Scale Ground-Mounted Solar Photovoltaic Installations shall undergo Site Plan Review by the Planning Board prior to construction, installation, or modification as provided in this section.

← **(1) General**

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

← **(2) Required Documents**

Pursuant to the Site Plan Review process, the project proponent shall provide the following documents:

(a) A site plan showing:

- i.** Property lines and physical features, including roads, for the project site;
- ii.** Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- iii.** Locations of wetlands and Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP);
- iv.** Locations of Floodplains or inundation areas for moderate or high hazard dams;
- v.** Locations of Priority Heritage landscapes and local or National Historic districts;
- vi.** A list of hazardous materials proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment as appropriate;

- vii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures
- viii. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
- ix. Documentation of the major system components to be used, including the PV panels, mounting system, inverter, etc.;
- x. Name, address, and contact information for proposed system installer;
- xi. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- xii. The name, contact information and signature of any agents representing the project proponent;
- xiii. Documentation of actual or prospective access and control of the project site (see 11.8.3.4(b));
- xiv. An operation and maintenance plan (see 11.8.3.4(c));
- xv. 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);
- xvi. Proof of liability insurance; and
- xvii. Description of financial surety that satisfies Section 11.8.6.

The Planning Board may waive documentary requirements as it deems appropriate.

- ← **(b) 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.
- ← **(c) 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.
- ← **(d) Utility Notification.** No Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed until evidence has been given to the Planning Board 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. Off-grid systems shall be exempt from this requirement.

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← **(3) Setback and Height Requirements**

← For Large-Scale Ground-Mounted Solar Photovoltaic Installations, setbacks shall be at least 100 feet from any property boundary; the setback areas are not included in the 5-acre maximum specified in this Solar Generation Zoning Bylaw (11.08). The height of a Large-Scale Ground-Mounted Solar Photovoltaic Installation shall not exceed 20 feet.

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← **(4) 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 as specified in 11.8.3.4(3), 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.

←

(5) Design and Performance Standards

(b) 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. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

(c) Signage. Signs on Large-Scale Ground-Mounted Solar Photovoltaic Installations shall comply with a municipality's sign bylaw. A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number. Solar electric installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar electric installation.

(d) Utility Connections. Reasonable efforts, as determined by the Planning Board, 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.

(e) Roads. Access roads shall be constructed to minimize grading, removal of stone walls or street trees, and minimize impacts to environmental or historical resources.

- (f) **Control of Vegetation.** Herbicides may not be used to control vegetation at the solar electric installation. Mowing or the use of pervious pavers or geotextile materials underneath the solar array are possible alternatives.
- (g) **Hazardous Materials.** Hazardous materials stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by the DEP pursuant to MassDEP regulations 310 CMR 30.000 and shall meet all requirements of the DEP including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outside environment. If hazardous materials are utilized within the solar electric equipment then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required.
- (h) **Noise.** Sound or noise levels may not exceed 50 dBA at the boundary of the property.

← **(6) Safety and Environmental Standards**

- 1.1.a) **Emergency Services.** The Large-Scale Ground-Mounted 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.
- 1.1.b) **Land Clearing, Soil Erosion and Habitat Impacts.** Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Large-Scale Ground-Mounted Solar Photovoltaic Installation or otherwise prescribed by applicable laws, regulations, and bylaws.

11.08.4 Monitoring, Maintenance, and Reporting

← **11.08.4.1 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 electric installation and any access road(s), unless accepted as a public way.

← **11.08.4.2 Modifications**

All material modifications to a solar electric installation made after issuance of the required building permit shall require approval by the Planning Board.

← **11.08.4.3 Annual Reporting**

The owner or operator of the installation shall submit an Annual Report which certifies compliance with the requirements of this bylaw and the 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 report shall be submitted to the Selectboard, Planning Board, Fire Chief, Emergency Management Director, Building Commissioner, Board of Health, and Conservation Commission (if Wetlands Permit was issued) no later than 45 days after the end of the calendar year.

11.08.5 Abandonment or Decommissioning

← **11.08.5.1 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 3.12.2 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 Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (1) Physical removal of all Large-Scale Ground-Mounted Solar Photovoltaic Installation structures, equipment, security barriers and transmission lines from the site.
- (2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (3) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

← **11.08.5.2 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.

11.08.6 Financial Surety

← Proposers of Large-Scale Ground-Mounted Solar Photovoltaic Installations shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. 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.

Article 11. (Submitted by the Planning Board)

To see if the Town will amend Section 10.01 of the Town's zoning by-law, and add a new Section 10.01.05 (*italics* signify new language), or pass any vote or votes relative thereto:

10.01 Site Plan Review by the Planning Board is required for: all industrial and commercial uses involving structure(s) with 10,000 square feet or more of enclosed floor area; a lot containing 10 acres or more; *Large-Scale Ground-Mounted Solar Photovoltaic Installations of 20kW or more (10.01.05)*; or as required by other sections of this By-law. In addition, the Zoning Board of Appeals may require Site Plan Review for any commercial or industrial use requiring a special permit.

10.01.05 Site Plan Review Requirements for Solar Facilities

Section 11.08 describes the provisions for Site Plan Review of Large-Scale Ground-Mounted Solar Photovoltaic Installations of 20kW or more. Additional requirements for the Site Plan Review process in these cases is described in section 11.08.3.4.

Article 12. (Submitted by the Planning Board)

To see if the Town will amend Section 6.02 of the Town's zoning by-law, by adding:

under "Symbols employed in the following use regulations schedule shall have the following meaning," the line "SPR - The use is permitted after Site Plan Review by the Planning Board"

and

under Industrial Uses, adding a new item "Solar Power Generation (see Section 11.08), with the symbol "SPR" under the columns "Residential-Agricultural" and "Residential-Agricultural-Forested"

or pass any vote or votes relative thereto.

Article 13. (Submitted by the Planning Board)

To see if the Town will amend Section 4.01 of, and add a new Section 4.04 to, the Town’s zoning by-law (*italics* signify new language, ~~strikeouts~~ signify deletions), to read:

4.01 Districts

For the purposes of this By-Law, the town of Northfield is hereby divided into two districts:

- Residential-Agricultural-Forested (RAF), and
- Residential-Agricultural (RA),

as shown on a map on file in the office of the Town Clerk entitled “*Official Zoning Map, Town of Northfield,*” *dated September 12, 2011.* In addition, there shall be ~~two~~ *three* overlay districts, the Floodplain Overlay District, the ~~Groundwater~~ *Water Supply* Protection District, *and the Solar Overlay District* as defined below. Zoning district boundary lines may only be changed by adoption of an amendment to this By-Law.

4.04 *Solar Overlay District*

4.04.01 *Purpose*

The Solar Overlay District is hereby established as an overlay district and shall be superimposed on other existing districts. The purpose of the district is to identify those areas in Northfield for which As-of-Right Siting is available for certain Large-Scale Ground-Mounted Solar Photovoltaic Installations (11.08).

4.04.02 *District Boundaries*

The Solar Overlay District is defined as all those areas delineated as Solar Overlay Zone on the overlay map entitled “Northfield Solar Overlay Zone Map”, dated 2011 and on file with the Town Clerk. The district shall include the following zone:

Zone 1: The eastern end of town parcel 25-A-1, the western boundary being defined by the following three straight line segments: beginning at point (42° 42.332 N, 72° 29.069 W), then proceeding to point (42° 42.076 N, 72° 29.127 W), then proceeding to point (42° 42.030 N, 72° 29.301 W), and then proceeding to point (42° 41.933 N, 72° 29.285 W).

Article 14. (Submitted by the Planning Board)

To see if the Town will amend Section 6.02 the Town’s zoning by-law, by adding the following:

In the table, under “Community Services,” after “Wireless Communication Facilities,” add “(see Section 11.06)”;

In the table, under “Residential Uses,” the item, “Open Space Residential Design (see section 11.07),” with the symbol “SPR” under the columns “Residential-Agricultural” and “Residential-Agricultural-Forested”;

or pass any vote or votes relative thereto.

And you are directed to serve this Warrant by posting up attested copies thereof at the Town Hall; the U.S. Post Office in Northfield; the Dickinson Memorial Library; the Field Library, Northfield Farms and the V.F.W., West Northfield, in said Town fourteen days at least before holding said meeting.

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

Given under our hands this 6th day of September in the year of our Lord two thousand eleven.

Attest:

Dan Gray, Chair

Gail Zukowski, Town Clerk

Bonnie Tucker L’Etoile

Date

Kathleen F. Wright

SELECTBOARD

Franklin, SS

Pursuant to the within Warrant, I have notified and warned the inhabitants of the Town of Northfield by posting up attested copies of the same at the Town Hall, the U.S. Post Office in Northfield; the Dickinson Memorial Library; the Field Library, Northfield Farms and the VFW, West Northfield, in said Town fourteen days at least before date hereof, as within directed.

Constable of Northfield

Date

A True Copy Attest:

Gail Zukowski, Town Clerk

Date