

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF CONWAY
ANNUAL TOWN MEETING WARRANT
Saturday, June 5, 2021**

In the name of the Commonwealth of Massachusetts you are hereby directed to warn the Inhabitants of said Town qualified to vote in elections and in Town affairs to meet at the Grammar School gymnasium in said Town of Conway, Saturday, the 5th day of June, 2021 at 1:00 p.m. in the afternoon, to act on the following:

ARTICLE 1: To hear the reports of the Selectmen, Town Treasurer, Town Clerk, School Committee, Tax Collector, Board of Health and any committee and act thereon.

ARTICLE 2: To hear the report of the Finance Committee and **raise and appropriate only, by taxation, such sums of money as may be deemed necessary to defray the Town charges for the year ensuing**, or take any other action relative thereto; said amounts may be contingent upon a general override of Proposition 2½ to fund a deficit in the operating budget.

A.	DEPT #	DEPARTMENT NAME	FY 2020	FY 2021	FY 2022 REC.*	FY21 – 22 CHANGE
	114	MODERATOR	350	350	350	0
	122	SELECTMEN	6,500	2,900	8,500	5,600
	131	FINANCE COMMITTEE	300	300	300	0
	132	RESERVE FUND	40,000	40,000	40,000	0
	135	TOWN AUDITS	1	1	1	0
	141	ASSESSORS	8,155	10,690	12,008	1,318
	141	ASSESSORS SALARY, WAGES	58,606	49,114	61,511	12,397
	145-146	TREASURER-COLLECTOR	16,878	17,898	17,783	-115
	145-146	TREASURER-COLLEC. SALARY, WAGES	60,337	60,337	63,391	3,054
	150	TOWN ADMINISTRATION	18,700	16,000	18,700	2,700
	150	TOWN ADMINISTRATION SAL., WAGES	88,787	98,787	106,380	7,593
	151	LEGAL	11,000	10,000	10,000	0
	159	INFORMATION TECHNOLOGY	29,980	34,431	37,586	3,155
	161	TOWN CLERK	13,850	6,150	7,750	1,600
	161	TOWN CLERK SALARY, WAGES	34,513	34,513	37,500	2,987
	162-163	REGISTRARS AND ELECTIONS	8,950	9,600	15,800	6,200
	170 SERIES	ConCom, Pl. Brd., ZBA, Ag. Com, Open Space	9,056	6,004	6,254	250
	190	PERSONNEL COMMITTEE	200	1	1	0
	192	BUILDING MAINTENANCE	56,100	59,600	59,600	0
	192	BUILDING MAINTENANCE SAL., WAGES	17,833	17,833	0	-17,833
	193	TOWN INSURANCE	73,000	84,710	85,419	709
	210	POLICE	18,150	18,050	18,775	725
	210	POLICE SALARY, SALARY, WAGES	110,922	110,620	116,220	5,600
	220	FIRE	36,945	36,005	39,805	3,800
	220	FIRE SALARY, WAGES	30,693	36,673	39,600	2,927
	231	AMBULANCE	25,000	22,400	25,000	2,600
	290 SERIES	DOG & TREE WARDENS, EMERG. MAN.	7,535	7,535	7,635	100
	422	HIGHWAY	256,000	256,000	256,000	0
	422	HIGHWAY SALARY, WAGES	260,781	260,781	304,873	44,092
	423	WINTER ROADS	105,000	103,000	103,000	0
	423	WINTER ROADS WAGES	19,830	19,830	20,834	1,004
	512	BOARD OF HEALTH (BOH)	139,968	165,131	164,559	-572
	512	BOH SALARY, WAGES	60,469	60,469	63,833	3,364
	540 SERIES	HUMAN SERVICES (COA, VETERANS)	13,718	11,943	12,685	742
	630	PARKS, RECREATION, TRAILS	8,000	8,000	8,000	0
	650	TOWN NEWSLETTER	0	0	6,000	6,000
	691	HISTORICAL COMMISSION	400	400	400	0
	751	DEBT SERVICE	33,441	103,046	102,149	-897
	752	SHORT TERM INTEREST	1	1,650	1,650	0
	830	FRCOG (Town Nurse under Board of Health)	51,992	56,474	56,716	242
	900	EMPLOYEE COSTS	668,468	731,191	715,857	-15,334

B.	300A	GRAM SCH OPERATING	1,868,752	1,868,752	1,945,554	76,802
	300B	GRAM SCH TRANSPORT	83,520	83,520	80,689	-2,831

C.	892A	FRONTIER REG OPERATING	1,478,594	1,473,565	1,477,649	4,084
	892B	FRONTIER TRANSPORTATION	54,729	38,734	41,148	2,414

D.	320A	TECHNICAL SCHOOLS	151,468	111,831	120,342	2,211
	320B	TECH SCHOOLS TRANSPORTATION	--	20,443	26,369	5,926

FY 20 to 21:						
127,890	GRAND TOTAL for Operating Budget:	6,037,472	6,165,362	6,344,176	FY 21-22	178,814
2.12%						2.90%

**recommended unanimously by the Selectboard and Finance Committee*

ARTICLE 3: To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$71,000 for **capital expenses of the Conway Grammar School**, or take any action relative thereto. (*Two-thirds vote.*)

SUBMITTED BY: Conway Grammar School
SELECTBOARD RECOMMENDATION: 3 - 0
FINANCE COMMITTEE RECOMMENDATION: 3 - 0

ARTICLE 4: To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$34,000 for the **Conway Grammar School capital stabilization fund**, or take any action relative thereto. (*Two-thirds vote.*)

SUBMITTED BY: Conway Grammar School
SELECTBOARD RECOMMENDATION: 3 - 0
FINANCE COMMITTEE RECOMMENDATION: 3 - 0

ARTICLE 5: To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$5,712 as Conway's share of **Frontier Regional School District** capital needs, or take any action relative thereto.

SUBMITTED BY: Frontier Regional School District
SELECTBOARD RECOMMENDATION: 3 - 0
FINANCE COMMITTEE RECOMMENDATION: 3 - 0

ARTICLE 6: To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$170,000 for **paving a section of Shelburne Falls Road**, and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, provided, however, that any bonds issued pursuant to this vote shall mature in not more than 3 years from their date of issue, excluding the term of any notes that may be issued in anticipation of the issuance of any such bonds, such borrowing to be contingent on the passage of a Proposition 2½ debt exclusion ballot question, or take any other action relative thereto.

SUBMITTED BY: Capital Improvements Planning Committee
CAPITAL IMPROVEMENTS PLANNING COMMITTEE RECOMMENDATION: 3 - 0
SELECTBOARD RECOMMENDATION: 3 - 0
FINANCE COMMITTEE RECOMMENDATION: 4 - 0

ARTICLE 7: To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$150,000 for the **Capital Improvements Stabilization Fund**, or take any action relative thereto.

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3 - 0
FINANCE COMMITTEE RECOMMENDATION: 3 - 0

ARTICLE 8: To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$220,000 for **capital improvements** as follows:

Highway Department – \$220,000 to **replace a 6-wheel Highway Truck**
or take any action relative thereto. (*Two-thirds vote.*)

SUBMITTED BY: Capital Improvements Planning Committee
CAPITAL IMPROVEMENTS PLANNING COMMITTEE RECOMMENDATION: 3 - 0
SELECTBOARD RECOMMENDATION: 3 - 0
FINANCE COMMITTEE RECOMMENDATION: 4 - 0

ARTICLE 9: To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$41,300 for **current year Smith Vocational and Agricultural High School tuition and transportation**, or take any action relative thereto.

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3 - 0
FINANCE COMMITTEE RECOMMENDATION: 3 - 0

ARTICLE 10: To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$24,841 for a **partial payment for Ambulance Department operational expenses**, or take any action relative thereto.

SUBMITTED BY: Ambulance Department
SELECTBOARD RECOMMENDATION: 3 - 0
FINANCE COMMITTEE RECOMMENDATION: 3 - 0

ARTICLE 11: To see if the Town will transfer \$20,000 from free cash into the **OPEB Trust Fund**, to or take any action relative thereto. *(Two-thirds vote.)*

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3 - 0
FINANCE COMMITTEE RECOMMENDATION: 5 - 0

ARTICLE 12: To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$15,290 for a **retroactive pay raise for Town employees for FY 2021**, or take any action relative thereto.

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3 - 0
FINANCE COMMITTEE RECOMMENDATION: 4 - 0

ARTICLE 13: To see if the Town will transfer \$14,923 from free cash to the general fund for **partial debt service for the Highway Garage**, or take any action relative thereto.

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3 - 0
FINANCE COMMITTEE RECOMMENDATION: 3 - 0

ARTICLE 14: To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$5,000 as a partial contribution to the **recertification of property values**, or take any action relative thereto.

SUBMITTED BY: Board of Assessors
SELECTBOARD RECOMMENDATION: 3 - 0
FINANCE COMMITTEE RECOMMENDATION: 5 - 0

ARTICLE 15: To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$5,000 as a **partial contribution to replenish the Grant Match Fund**, or take any action relative thereto.

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3 - 0
FINANCE COMMITTEE RECOMMENDATION: 5 - 0

ARTICLE 16: To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$2,707 to the **Field Library** to help ensure its accreditation, or take any action relative thereto.

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3 - 0
FINANCE COMMITTEE RECOMMENDATION: 5 - 0

ARTICLE 17: To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$3,775 for a **prior year Assessors' bill for a software subscription**, or take any action relative thereto. *(Four - fifth vote.)*

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3 - 0
FINANCE COMMITTEE RECOMMENDATION: 5 - 0

ARTICLE 18: To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$1,065 for **prior year Town Office supply expenses**, or take any action relative thereto. *(Four - fifths vote.)*

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3 - 0
FINANCE COMMITTEE RECOMMENDATION: 5 - 0

ARTICLE 19: To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$570 for **prior year Board of Health payroll expenses**, or take any action relative thereto. *(Four - fifths vote.)*

SUBMITTED BY: Board of Health
SELECTBOARD RECOMMENDATION: 3 - 0
FINANCE COMMITTEE RECOMMENDATION: 5 - 0

ARTICLE 20: To see if the town will vote to **authorize the Selectboard to acquire in fee simple** by purchase, deed, gift, eminent domain or otherwise a parcel of land owned by Judith Waldo, which address is 0 Shelburne Falls Road, and more particularly described as follows for the public purpose of the South River Flood Resiliency Project or take any action relative thereto: Assessors' Map 410, Lot 26, and as recorded in Book 2270, page 38 at the Franklin County Registry of Deeds. *(two-thirds vote)*

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3 - 0

ARTICLE 21: To see if the town will vote to **authorize the Selectboard to acquire in fee simple** by purchase, deed, gift, eminent domain or otherwise a parcel of land owned by Mary Boeh, which address is 0 Shelburne Falls Road, and more particularly described as follows for the public purpose of the South River Flood Resiliency Project, or take any action relative thereto: Assessors' Map 410, Lot 26.2; being a part of the property conveyed to John and Mabel Chesbro, probably as recorded in Book 623, page 90 or in Book 482, page 54 in the Franklin County Registry of Deeds. *(two-thirds vote)*

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3 - 0

ARTICLE 22: To see if the Town will **transfer** the remainder of the Cricket Hill Road Special Revenue Fund, approximately \$20,450, and the remainder of the Sale of Real Estate, Ch. 44, Sec. 63 Special Revenue Fund, approximately \$84,695, as a portion of the cost for the public purpose of purchasing a parcel of land owned by South River Trust, which address is 69 Main Street, and more particularly described as Assessors' Map 102, Lots 2 and 2.1, as part of the of the South River Flood Resiliency Project or other uses, and further, to **authorize the Selectboard to acquire in fee simple** by purchase, deed, gift, eminent domain or otherwise said property, or take any action relative thereto. *(two-thirds vote)*

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3 - 0

ARTICLE 23: To see if the Town will appropriate, or reserve for later appropriation, monies from the **Community Preservation Fund**, with each item considered a separate appropriation, or take any other action relative thereto:

- A. \$50,000 from the Unbudgeted Reserve for Expenses for land acquisition at 69 Main Street and two unnumbered, unbuildable parcels along Shelburne Falls Rd., for costs not to exceed the appraised values of the parcels;
- B. \$15,000 from the Unbudgeted Reserve for Expenses for a Chapter 21 E Phase 2 environmental assessment for 69 Main Street;
- C. \$45,000 from the Housing Reserve for a Habitat for Humanity house at 638 South Deerfield Rd.;
- D: From FY 2022 Annual Revenue (estimated):
 - 10% to the Community Preservation Historical Resources Reserve (\$9,378, estimated);
 - 10% to the Community Preservation Community Housing Reserve (\$9,378, estimated)
 - 10% to the Community Preservation Open Space Reserve (\$9,378, estimated);
 - 5% from FY 2021 Annual Revenues for Administration of the Community Preservation Committee (\$4,689, estimated); and
 - the remainder to the Community Preservation Budgeted Reserve (\$60,957, estimated). *(two-thirds vote)*

SUBMITTED BY: Community Preservation Committee

ARTICLE 24: To see if the Town will authorize the Treasurer to spend \$15,000 from the **Medicaid Revolving Fund** to pay related reimbursement fees, or take any other action relative thereto.

SUBMITTED BY: Selectboard

SELECTBOARD RECOMMENDATION: 3 - 0

FINANCE COMMITTEE RECOMMENDATION: *no recommendation at this time*

PLEASE NOTE: FOR CHANGES SHOWN TO *EXISTING* GENERAL BYLAWS, DELETIONS ARE IN STRIKEOUT AND ADDITIONS ARE UNDERLINED.

ARTICLE 25: To see if the Town will amend its General Bylaws to change the date of its annual Town Meeting, as follows:

**Form and Conduct of Town Government
THE TOWN MEETING**

Section 2: All business of the ANNUAL TOWN MEETING to be held on the ~~second Monday evening in May at 7:30 p.m.~~ first Saturday in June at 1 p.m.

or take any action relating thereto.

SUBMITTED BY: Selectboard

SELECTBOARD RECOMMENDATION: 3 - 0

ARTICLE 26: To see if the Town will amend its General Bylaws to rename the Board of Selectmen as the Select Board, and, for such purposes, to **replace throughout the by-laws the words “Board of Selectmen” or “Selectmen” with “Selectboard,” and “Selectman” with “Selectboard Member”**, and to authorize the Town Clerk to make non-substantive ministerial revisions to ensure that gender and number issues in related text is revised to properly reflect such change in title; and, further, to amend the General Bylaws by inserting new Sections therein as follows:

**Form and Conduct of Town Government
TOWN OFFICERS, BOARDS, AND COMMITTEES**

Section 1. Selectboard

A. For purposes of these bylaws and otherwise, the Board of Selectmen shall be referred to as the Selectboard. Members of the Board shall be termed “Selectboard Members”, and each year the Selectboard shall select a chair from among its members.

B. The Selectboard shall have all the powers and duties of a board of selectmen under the general laws and any special laws applicable to the Town of Conway, as well as such other powers and duties as are provided in these bylaws.

C. The ~~Selectmen~~ Selectboard shall have the general direction and management of the property and affairs of the Town. When deemed advisable, care and operation of certain properties and affairs may be delegated to other persons or committees.

or take any action relating thereto.

SUBMITTED BY: Selectboard 3 - 0

SELECTBOARD RECOMMENDATION:

PLEASE NOTE: FOR CHANGES SHOWN TO EXISTING PLANNING BYLAWS, DELETIONS ARE IN STRIKEOUT AND ADDITIONS ARE IN *ITALICS*.

ARTICLE 27: To see if the Town will **amend its Protective (Zoning) Bylaws** to replace the words “Board of Selectmen” where they appear in Sections 6-61 and “Selectmen” where it appears in Sections 6-62 with “Selectboard”:

Article 6: Administration

SECTION 61: Enforcement

This Bylaw shall be enforced by the building inspector who shall be appointed by the ~~Board of Selectmen~~ *Selectboard*. Any person violating any of the provisions of this Bylaw may be fined not more than \$50 for each offense. Each day that such violation continues shall constitute a separate offense.

SECTION 62: Zoning Board of Appeals

There is hereby established a Zoning Board of Appeals of three members and two associate members, to be appointed by the ~~Selectmen~~ *Selectboard*, which Board of Appeals shall act on all matters within its jurisdiction under this Bylaw and Chapter 40A of the General Laws in the manner prescribed by the said law and by this Bylaw.

or take any action relating thereto. *(two-thirds vote)*

SUBMITTED BY: Planning Board
SELECTBOARD RECOMMENDATION: 3 - 0
PLANNING BOARD RECOMMENDATION: 4 - 0

ARTICLE 28: To see if the Town will amend Conway’s Protective Zoning bylaws, as referenced in Article 2, to remove the Fournier parcel, so called,(off Fournier Road) from the Solar Overlay District and to adopt an amended Official Zoning Map dated February 22, 2021, as follows, or take any action relative thereto:

Article 2: District And Use Regulations

For the purposes of the Bylaw, the Town of Conway is hereby divided into the following types of districts:

- a) Rural Residential/ Agricultural District
- b) Light Industrial District
- c) Floodplain District
- d) Solar Overlay District

The boundaries of each of the said districts are hereby established as shown, defined and bounded on a map entitled "Official Zoning Map of Conway" dated ~~November 7, 2013~~ *February 22, 2021*. The Zoning Map, with all explanatory matter thereon, is hereby made a part of this Bylaw. *(two-thirds vote)*

SUBMITTED BY: Planning Board
PLANNING BOARD RECOMMENDATION: 4 - 0

ARTICLE 29: To see if the Town will amend Conway’s Protective Zoning Bylaws, Article 9 Large Scale Solar Facilities Bylaw as shown below, or take any action relative thereto:

Article 9: ~~LARGE SCALE SOLAR FACILITIES BYLAW~~

SECTION 9.01: Large Scale Solar Facilities Bylaw

*(Added as Section 22.5 “As-of-Right Siting” – Special Town Meeting 17 October 2011;
Renamed and amended – annual Town Meeting – 11 May 2015) (5 June 2021)*

(a) Purpose

The purpose of this bylaw is to *provide for the construction and operation of solar energy facilities and to provide* ~~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 largescale 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 may be subject to Site Plan Review to determine conformance with local zoning ordinances or bylaws. Projects cannot be prohibited, but can be reasonably regulated by the inspector of buildings, building commissioner or local inspector, ~~or if there is none in a town, the Planning Board designated by local ordinance or bylaw.~~

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.

Intermediate Scale Solar Facilities: *Solar array that is greater than 25 kw but less than 250 kW DC in capacity.*

Residential/Small Commercial: *Any roof-mounted installation on an existing structure or any ground-mounted installation less than or equal to 25 kW DC in capacity.*

Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted and has a minimum nameplate capacity of 250 kW DC. *Large Scale Ground Mounted Solar Photovoltaic Installations are referred to in this Article 9 as Large Scale Solar Facilities or LSSF.*

On-Site Solar Photovoltaic Installation: A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur, *including but not limited to. dual use or Agrovoltatics, parking lots, etc.*

Prime Forest Land: *Prime forest land is land that has been classified as Prime 1 and/or Prime 2 by the Natural Resources Conservation Service, a division of the USDA, as shown on the Massachusetts GIS website.*

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

Solar Overlay District: The Solar Electric Overlay District(s) as designated by the Town of Conway are shown on the Official Zoning Map dated ~~November 7, 2013~~ *February 22, 2021*, in accordance with Massachusetts General Laws Chapter 40A. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Conway Town Clerk. Large-scale solar installations are allowed as-of right in this district *with site plan review.*

Solar Photovoltaic Array: an arrangement of solar photovoltaic panels *measured by the perimeter of the area in which the solar panels are located.*

Special Permit Granting Authority: *The Planning Board of the Town of Conway.*

Undisturbed Land: *Real property that has not been altered from its natural state by grading, dredging, filling, removal of trees and vegetation or other activities that have disturbed or altered the topography or soil on the property. Agricultural or land under an active forest management plan are considered undisturbed land.*

Zoning Enforcement Authority: The person or board charged with enforcing the zoning ordinances or bylaws.

SECTION 9.1

(ea) General Requirements for all Large-Scale Solar Power Generation Installations

The following requirements are common to all solar photovoltaic installations to be sited in Conway.

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 solar photovoltaic facilities, including the LSSF and access roads, shall meet the wetland buffer and river protection standards set forth by the Massachusetts Wetland Protection Act Regulations (310 CMR 10.0), and any additional local wetlands protection bylaws.*— 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 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 building permit for a large-scale solar photovoltaic installation must be accompanied by the fee required for a building permit.

(be) Specific Requirements for Solar Photovoltaic Installations

1. As-of-Right (building permit) – Roof or ground mounted less than 25KW DC (residential/small commercial)

The following solar photovoltaic installations, as defined herein, are allowed as of right with issuance of a valid building permit from the building inspector in all zoning districts: Any roof-mounted installation on an existing structure or any ground-mounted installation less than or equal to 25 kW DC in capacity.

2. As-of-Right with Site Plan Review-

The following solar photovoltaic installations, as defined herein, are allowed as of right with site plan approval in all zoning districts:

a. Any ground-mounted installation greater than 25 kW DC over an existing parking surface, pedestrian walkway, or other paved area in a manner that maintains the function of the area beneath the canopy.

b. Any other ground- or roof-mounted installation greater than 25 kW DC (up to 1.25 Acres of panel coverage) but less than 250 kW DC in capacity.

c. Any solar installation located in the Solar Overlay District (required by Green Community Act)

3. Special Permit: *Any solar photovoltaic installation 250 kW DC or above not specified in (d)(1) or (d)(2) above requires a special permit in all zoning districts from the Special Permit Granting Authority. For all special permit applications, site plan approval as described below is required, but shall not require a second public hearing, per bylaw or ordinance addressing site plan approval. The provisions set forth in Section 9.3 shall apply to the construction, operation, and/or repair of large scale ground-mounted solar photovoltaic installations.*

Large Scale Solar Facilities located in the Solar Overlay District are exempt from the requirements of Section 9.3.

(c) Not Permitted

No commercial solar photovoltaic installation may be permitted as follows:

1. Any solar photovoltaic installation of greater than 20 (twenty) acres of previously undisturbed land in solar array area.

2. Any solar photovoltaic installation requiring forest clearing greater than 10 (ten) acres of prime forested land.

3. Any solar photovoltaic installation on slopes of 15% or greater as averaged over 50 (fifty) horizontal feet. The Planning Board may consider waiving this up to 18% based on site-specific parameters. No cutting or filling may be done to reduce natural slopes.

(d) Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby.

SECTION 9.2

Intermediate Scale Solar Facilities Greater than 25 kW but less than 250 kW DC in Capacity

(a) Site Plan Review

Ground-mounted large scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo Site Plan Review (see Section 64) by the Planning Board (in addition to a Special Permit where required) 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 in coordination with or in addition to those required by Section 64:

(a) An existing condition site plan showing:

- i. Property lines and physical features, including *topography and roads, characteristics of existing vegetation, wetlands, streams, and ledge* for the project site;
- ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures, *driveways, snow storage, and storm water management systems; including total acreage of disturbed area, total vegetation cleared, not including mowed fields;*
- iii. 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.
- iv. 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;
- v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- vi. Name, address, and contact information for proposed system installer;
- vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any; and
- viii. The name, contact information and signature of any agents representing the project proponent.

(b) Documentation of actual or prospective access and control of the project site (see Section 9.3(b)(1)(e));

(c) An operation and maintenance plan (see Section 9.3(c)(1)(f));

(d) 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);

(e) Proof of liability insurance;

(f) Description of financial surety that satisfies Section 9.3(o)(1)(k);

(g) Pre-construction photos from the right-of-way and nearest abutters.

(h) Visualization of post-construction solar development, including perspectives from right-of-way(s), nearest abutting properties or residential structures, and tree coverage. The

Special Permit Granting Authority may require additional visualizations to be submitted for review; and

(i) A written statement from a qualified Acoustic Engineer that no continuous noise or vibrations normally perceptible above street noise without instrumentation will be able to be heard at any point more than 100 feet from the perimeter of the solar array.

The Planning Board may waive submittal of the Required Documents as it deems appropriate.

SECTION 9.3:

Large Scale Solar Facilities Greater than 250 kW DC

(a) Large Scale Solar Facilities

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

1. Applicability

This section applies to Large-Scale Ground-mounted Solar Photovoltaic Installations (Large Scale Solar Facilities or "LSSF") 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.

2. Special Permit Granting Authority & Site Plan Review

The Planning Board shall be the Special Permit Granting Authority (SPGA) under this section in accordance with M.G.L. 40A, Section 9. Special Permits issued by the Planning Board shall require a positive vote by a supermajority vote of Planning Board Members. Any proposed Large Scale Solar Facility requires a Special Permit and Site Plan Review approval as specified in Section 9.2. The Planning Board may, in any particular case, waive strict compliance with the requirements set forth in section 9.3 where such action is in the public interest and not inconsistent with the intent and purpose of this Article. In addition to the Special Permit requirements found in Section 63 and the Site Plan Review requirements found in Section 64 of these bylaws, the Planning Board is empowered hereunder to review and approve Special Permit applications for Large Scale Solar Facilities and impose requirements for construction and maintenance of such facilities. The purpose of these requirements is to avoid site development which may result in negative environmental, neighborhood, or public safety impacts.

(be) 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.

(cf) Operation & Maintenance Plan & Landscape Plan

The project proponent shall submit a plan for the operation and maintenance of the ~~large-scale ground-mounted solar photovoltaic installation~~LSSF, 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.

The project proponent shall submit a Landscape Plan detailing all proposed changes to the landscape of the site including: vegetation removal, temporary or permanent access roads, grading, exterior lighting and screening of structures. The Landscape Plan shall show the type and location of vegetation proposed to screen the installation (including appurtenant structures) from public ways and adjacent properties. The depth of the screen shall be 30 feet and will be composed of native trees and shrubs staggered for height and density that shall be properly maintained. The owner/operator shall not remove any naturally occurring vegetation such as trees and shrubs unless it adversely affects the performance and operation of the solar installation. *Existing root structures and topsoil shall be maintained to the maximum extent possible. Where removal of naturally occurring vegetation such as trees and shrubs is planned,*

the owner of the LSSF must demonstrate that the removal of this vegetation is necessary and that its presence adversely affects the performance and operation of the solar installation. This prohibition does not include brush or small shrubs that would normally be removed by mowing the area around or under the solar array during ordinary maintenance of the LSSF.

(dg) Utility Notification

No ~~large-scale ground-mounted solar photovoltaic installation~~LSSF 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.

(eh) Dimension and Density Requirements

1. Setbacks

For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks from property lines to the solar array shall be as follows: a minimum of 100 feet.:

(a) Front yard: The front yard depth shall be at least 50 feet;

(b) Side yard: Each side yard shall have a depth at least 50 feet; (c)

Rear yard: The rear yard depth shall be at least 50 feet.

Abutting towns: The LSSF shall be set back one hundred (100) feet from neighboring town lines, unless approval for a smaller setback is given by those towns;

Proximity to other LSSFs: New LSSFs shall be at least one mile from existing LSSFs. The distance between two LSSF installations shall be measured in a straight line from the perimeter of the existing solar array to the nearest perimeter of the proposed solar array. The Planning Board may waive this requirement if it determines that a closer array location would not adversely impact scenic, natural, or historic resources.

2. Size

The size of the LSSF shall not exceed 20 (twenty) acres of solar array area, except that where the Special Permit Granting Authority determines it appropriate, the maximum size of the facility may be increased by an additional 2 1/2 (two and one half) acres if the Facility is sited on glacial till and sandy soil that is not heavily forested.

(fi) 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.

(g) Consultation with Other Departments and Entities.

No building permit shall be issued and no application for such permits shall be accepted for construction, exterior alteration, relocation, or change in use unless a site plan has been endorsed by the Planning Board, after consultation with other boards, including but not limited to the following: Building Inspector, Board of Health, Select Board, Historical Commission, Conservation Commission, Highway Department or DPW, Public Water Suppliers, Fire Department and Police Department. The Planning Board may waive any or all requirements of site plan review for external enlargements of less than 10% of the existing occupied area.

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

2. Signage

Signs on large-scale ground-mounted solar photovoltaic installations shall comply with a ~~municipality's~~ *the Town's* sign bylaw. A sign consistent with a ~~municipality's~~ *the Town's* 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 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.

4. Project Visibility.

The LSSF shall be designed to minimize its visibility, including preserving natural vegetation to the maximum extent possible, blending in equipment with the surroundings, adding vegetative buffers to provide an effective visual barrier from adjacent roads and driveways, and to screen abutting dwellings. Large Scale Solar Facilities shall be effectively screened year-round from all abutting properties. Except for vehicular and pedestrian passageways and permitted signs, setback areas shall be modified only for additional screening. Where existing vegetation in the setbacks is insufficient to achieve year-round screening, additional screening shall be provided including, but not limited to, planting of dense vegetative screening, opaque fencing, berms, natural ground elevations, land contouring, and/or placement of the solar panels and appurtenant structures on the site, all depending on site specific conditions.

Tree cutting within the required setback area shall not be permitted if it would reduce to any degree the effectiveness of the year-round screening. The Planning Board may require a Landscape Easement to restrict the ability of the owner/operator of the LSSF from removing any trees within the Landscape Easement Area other than those that are dead or dying and/or present a hazard to persons and/or property.

If additional plantings are required for screening, a planting plan shall be submitted:

- i. Showing the types, sizes and locations of material to be used which shall be subject to the approval of the Planning Board.*
- ii. Plantings shall be 4-6 (four to six)) feet in height at planting and staggered so as to fill the setback area and minimize the view of the arrays year round.*
- iii. Plantings shall incorporate a diversity of plant species native to New England for any screens and vegetative erosion controls. Use of exotic plants, as identified by the most recent version of the "Massachusetts Prohibited Plant List" maintained by the Massachusetts Department of Agricultural Resources, is prohibited.*
- iv. At least 75% of the plantings shall consist of evergreens and shall be evenly spaced throughout the area of the setback area.*
- v. Planting of the vegetative screening shall be completed prior to connection of the installation. Plants shall be maintained and replaced if unhealthy by the owner/operator of the installation for the life of the facility.*

5. Animal and Plant Management.

The open area of the site shall be seeded with a pollinator mix and maintained as bird and insect habitat to the maximum extent possible. Mowing may only be done to retain a natural functioning of the landscape. Plants shall be maintained and replaced as necessary by the owner of the LSSF for the life of the LSSF. The plan for vegetation control, and if applicable, animal control, shall be included in the Operation & Maintenance Plan. This requirement may be waived for underlying dual use or Agrovoltaics.

Herbicides, rodenticides, or any other pesticides may not be used to control vegetation or animals at a LSSF, except where herbicide use has been approved by the Planning Board for control of invasive species. In a dual-use LSSF, the agricultural operator, but not the LSSF operator, is exempt from this restriction.

6. Location

To the maximum extent feasible, the facility should be located to minimize impacts to existing agricultural land and should be compatible with continued agricultural use. The facility shall be designed to minimize impacts to environmentally sensitive land. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the LSSF or otherwise prescribed by applicable laws, regulations, and bylaws. The design shall minimize the use of concrete and other impervious materials to the maximum extent possible.

*i. **Habitat Impacts**—To the maximum extent feasible, LSSFs should not be located on Permanently Protected Open Space, Chapter 61 lands, Priority Habitat and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage and Endangered Species Program (NHESP) and “Important Wildlife Habitat” mapped by the DEP.*

*ii. **Wetlands Impacts**—The facilities, including the LSSF and access roads, shall meet the wetland buffer and river protection standards set forth by the Massachusetts Wetland Protection Act Regulations (310 CMR 10.0), and any additional local wetlands protection bylaws. The Planning Board may require the applicant to prepare MA DEP WPA Form 4a Abbreviated Notice of Resource Area Delineation (ANRAD) that includes a wetland evaluation and map of the site. The ANRAD, if required, shall also be submitted to the Conservation Commission.*

7. Noise

To minimize the impact of any continuous noise or vibrations, all point source noise generators must be located centrally within the solar array at a minimum of 150 feet from the property lines of any adjacent properties. Any other sources of noise shall be minimized to the greatest extent possible.

8. Height

The height of the Photovoltaic array – as part of a LSSF – shall not exceed twelve (12) feet above finish grade unless a higher array is necessary for dual purpose agricultural use. Other structures associated with the Facility shall conform to the relevant sections of the Conway Zoning Bylaws.

(i) Stormwater Management.

The Operations & Management Plan must include a Stormwater Management Plan. This plan must be submitted with the stamp and signature of a Registered Professional Engineer (PE) who is licensed in the Commonwealth of Massachusetts. The Stormwater Management Plan shall fully describe the project in drawings, narrative, and calculations. It shall include:

- 1. The site’s existing and proposed topography;*
- 2. All areas of the site designated as open space;*
- 3. A description and delineation of existing stormwater conveyances, impoundments, environmental resources on or adjacent to the site into which stormwater flows;*
- 4. A delineation of 100-year flood plains, if applicable;*
- 5. Estimated seasonal high groundwater elevation in areas to be used for stormwater retention, detention, or infiltration;*
- 6. Existing and proposed vegetation and ground surfaces with runoff coefficients for each;*
- 7. A drainage area map showing pre- and post-construction water shed boundaries, drainage area and stormwater flow paths, including municipal drainage system flows, at a scale that enables verification of supporting calculations;*
- 8. A recharge analysis that calculates pre- and post-construction annual groundwater recharge rates on the parcel;*
- 9i. A description and drawings of all components of the proposed stormwater management system;*
- 10. Soils information from test pits performed at the location of proposed Stormwater Management facilities, including soil descriptions, depth to seasonal high groundwater and depth to bedrock.*

(j). Safety and Environmental Standards

1i. Emergency Services

The ~~large-scale solar photovoltaic installation~~LSSF 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.

ii2. 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.

3. Glare

The design of the LSSF shall prevent reflected solar radiation or glare from becoming a public nuisance or hazard to adjacent buildings, roadways, or properties. Designs may include, but not be limited to, deliberate placement and arrangement on the site, anti-reflective materials, solar glare modeling, and screening in addition to required landscaping.

(k)5. Monitoring and Maintenance

i1. Solar Photovoltaic Installation Conditions

The ~~large-scale ground-mounted solar photovoltaic installation~~LSSF 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.

ii2. Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Planning Board. *At its discretion, the Planning Board may require a Site Plan Review and/or new Special Permit, depending upon the extent of the proposed modification.*

(l) Construction Plan and Monitoring.

The Planning Board may require a construction plan that specifies the hours during which each type of construction activity will take place and the length of time that each specific construction activity is expected to take, including but not limited to the hours and days when construction activity may occur. The Planning Board may require a third-party inspector, selected by and acting under the direction of the Building Commissioner or Planning Board, to be employed to monitor compliance with all approvals and conditions during the LSSF's construction at the applicant's expense.

(m) Annual Reporting.

The owner or operator of a LSSF shall submit an annual report demonstrating and certifying compliance with the Operation and Maintenance Plan, the requirements of this guide, and approvals granted hereunder, including but not limited to continued management and maintenance of vegetation, compliance with the approved plans and any permit conditions, continuation of liability insurance, 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, Building Commissioner, Board of Health, Public Water Suppliers, and Conservation Commission (if a wetlands permit was issued) no later than 45 days after the end of the calendar year.

(n) Transfer of Ownership

In the event that the LSSF is sold, all municipal permits, conditions, and associated documentation shall be provided in both digital and hard copy format to the new owner, including all relevant documents requested by the Planning Board. The Planning Board must be provided with updated contact information for the new owner, including name, address, telephone number, and e-mail address. Authorities Having Jurisdiction, including local emergency personnel, must be provided with updated emergency contact information, including an emergency contact number that is staffed 24 hours a day. The new owner must abide by all

conditions as detailed in the final permit. Any proposed changes to the project shall require approval as described in the Modifications section of this bylaw Section 9.3(k)(2)

(o)6- Abandonment or Decommissioning

1.i- Removal Requirements

Any ~~large-scale ground-mounted solar photovoltaic installation~~LSSF ~~which~~that has reached the end of its useful life or has been abandoned consistent with Section 9.3(o)(2)1(i)6. 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:

- (a)i. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (b)ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c)iii 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. *iv. Any site that was deforested for the LSSF shall be restored to encourage native plant growth, including the planting of seedlings, if necessary, to establish growth. The cost of plant replacement shall be incorporated into the financial surety stipulated in Section 9.3(o)(3).*

ii2. Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the ~~solar photovoltaic installation~~LSSF 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~~LSSF 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.

iii3. Financial Surety

*Prior to commencing operation, P*proponents of ~~large-scale ground-mounted solar photovoltaic projects~~a LSSF 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 acceptable 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. *The financial surety shall be maintained by the developer for the lifespan of the facility, with annual certification notices from the surety company or bank for surety bonds submitted to the Planning Board.*

(two-thirds vote)

The meeting will then adjourn until Thursday, June 10, 2021 to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m., to bring in their votes for:

- One member of the Selectboard for three years;
- One Assessor for three years;
- Two members of the Board of Health for three years;
- Two members of the local School Committee for three years;
- Two members of the Planning Board for three years;
- One Moderator for one year.

And to vote on the following question:

Shall the Town authorize the Treasurer to borrow \$170,000 for **paving a section of Shelburne Falls Road** under and pursuant to Chapter 44, Section 7(1) of the General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, provided, however, that any bonds issued pursuant to this vote shall mature in not more than 3 years from their date of issue, excluding the term of any notes that may be issued in anticipation of the issuance of any such bonds, such borrowing to be exempt from the provisions of Proposition Two-and-a-Half, so called?

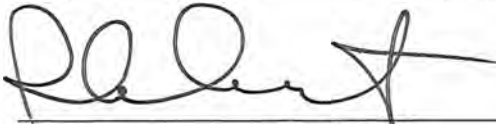
YES _____ NO _____



And you are directed to serve this Warrant, by posting up attested copies thereof in two public places in said Town, seven days at least before the time of holding said meeting.

THEREOF 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 3rd day of May, two thousand twenty-one.



Robert A. Armstrong, Jr, Chair



Ronald D. Hawkes, Constable



Philip Kantor

5/3, 2021
(date)

Posted at:

- Conway Post Office
- Baker's Country Store
- Town Hall
- Town Office Building



Erica Goleman

TOWN OF CONWAY SELECTBOARD