



# Town of Conway, Massachusetts

## Annual Town Meeting 11 May 2015

**A**T A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 214 voters were checked at the door and issued pink cards for the purpose of voting. Aina Barten, Lorraine Boyden, Winona Corse and Katherine Whitcomb served as checkers. The meeting was called to order by Moderator J. Nicholas Filler, and the meeting unanimously voted to dispense with the formality of having the warrant read by the Town Clerk. The following action was taken by those persons in attendance:

**ARTICLE 1:** Accepted the reports of the Selectmen, Town Treasurer, Town Clerk, School Committee, Tax Collector, Board of Health, Assessors, and other committees as printed in the annual Town Report.

**ARTICLE 2:** Voted to hear the report of the Finance Committee and raise and appropriate only, by taxation, \$4,988,124 as indicated below:

DEPT #	DEPARTMENT NAME	APPROPRIATED FY 2016	VOTE
114	MODERATOR	\$ 350	Passed Unanimously
122	SELECTMEN	6,500	Passed Unanimously
131	FINANCE COMMITTEE	200	Passed Unanimously
132	RESERVE FUND	40,000	Passed Unanimously
135	TOWN AUDIT	1	Passed Unanimously
141	ASSESSORS	54,248	Passed Unanimously
145	TREASURER	52,237	Passed Unanimously
146	COLLECTOR	16,243	Passed Unanimously
150	TOWN ADMIN	85,044	Passed Unanimously
151	LEGAL	6,000	Passed Unanimously
161	TOWN CLERK	27,992	Passed Unanimously
162	REGISTRARS	1,250	Passed Unanimously
163	ELECTIONS	4,724	Passed Unanimously
171	CONSERVATION COM.	929	Passed Unanimously
175	PLANNING BOARD	3,160	Passed Unanimously
176	ZONING BOARD OF APPEALS	1	Passed Unanimously
190	PERSONNEL COMMITTEE	100	Passed Unanimously
192	BUILDING MAINTENANCE	71,234	Passed Unanimously
193	TOWN INSURANCE	72,252	Passed Unanimously
210	POLICE DEPARTMENT	118,450	Passed Unanimously
220	FIRE DEPARTMENT	52,391	Passed Unanimously
231	AMBULANCE	15,000	Passed Unanimously
291	EMERGENCY MANAGEMENT	4,250	Passed Unanimously
292	DOG WARDEN	1,650	Passed Unanimously
294	TREE WARDEN	375	Passed Unanimously
300A	GRAM SCH OPERATING	1,641,430	Passed Unanimously
300B	GRAM SCH TRANSPORT	87,526	Passed Unanimously
320	TECHNICAL SCHOOLS	98,198	Passed Unanimously
422	HIGHWAY DEPARTMENT	446,568	Passed Unanimously
423	WINTER ROADS	121,112	Passed Unanimously
512	BOARD OF HEALTH	163,366	Passed Unanimously
541	COUNCIL ON AGING	400	Passed Unanimously
543	VETERANS SERVICES	10,382	Passed Unanimously
630	PARKS, RECREATION, TRAILS	6,305	Passed Unanimously
691	HISTORICAL COMMISSION	400	Passed Unanimously
692	FESTIVAL OF THE HILLS	1,250	Passed Unanimously
710	FRONTIER CAP BOND	8,008	Passed Unanimously
751	DEBT SERVICE	65,063	Passed Unanimously
752	SHORT TERM INTEREST	1	Passed Unanimously
830	FRCOG	53,538	Passed Unanimously
892A	FRONTIER REG OPERATING	1,084,395	Passed Unanimously
892B	FRONTIER TRANSPORTATION	15,520	Passed Unanimously
900	EMPLOYEE COSTS	550,081	Passed Unanimously
		<b>\$4,988,124</b>	

*At this point, the meeting voted to consider Article 22, Article 5 and Article 19 out of order.*

**ARTICLE 22:** Voted to hear a report, and **recommendations for borrowing, from the Franklin Regional Technical School.**

**ARTICLE 5:** Unanimously voted to transfer \$50,000 from the undesignated funds account (free cash) to the **Conway Grammar School Capital Stabilization Account.**

**ARTICLE 19:** Failed to provide \$3,000 for a study regarding the **Frontier Regional School District.**

*The meeting then returned to the articles in order.*

**ARTICLE 3:** Unanimously voted to transfer \$175,000 from the undesignated funds account (free cash) to the **Capital Stabilization Account**.

**ARTICLE 4:** Voted to transfer \$60,000 from the Capital Stabilization Account to replace a **dump truck**. (*The Moderator declared a two-thirds majority on a voice vote.*)

*Article 5 was acted upon following article 2*

**ARTICLE 6:** Voted to transfer \$50,000 from the undesignated funds account (free cash) to the **Highway Garage Stabilization Account**. (*The Moderator declared a two-thirds majority on a voice vote.*)

**ARTICLE 7:** Voted to transfer \$46,000 from the Capital Stabilization Account to **replace the body of a dump truck/sander**. (*The Moderator declared a two-thirds majority on a voice vote.*)

**ARTICLE 8:** Unanimously voted to transfer \$31,247 from Ambulance Department receipts reserved account for **operating expenses for the Ambulance Department**.

**ARTICLE 9:** Unanimously voted to transfer \$15,000 from the undesignated funds account (free cash) and \$15,000 from Ambulance Department receipts reserved account (a total of \$30,000) to the **Ambulance Stabilization Fund**.

**ARTICLE 10:** Unanimously voted to transfer \$25,000 from the undesignated funds account (free cash) to the **General Stabilization Account**.

**ARTICLE 11:** Unanimously voted to transfer \$25,000 from the undesignated funds account (free cash) for **renovating the current Town garage**.

**ARTICLE 12:** Voted to transfer \$17,500 from the undesignated funds account (free cash) and \$2,500 from the overlay surplus account (a total of \$20,000) for legal and technical matters relating to **the proposed natural gas pipeline**.

**ARTICLE 13:** Unanimously voted to transfer \$17,000 from the undesignated funds account (free cash) to **complete the funding of vacation and sick hours accrued by personnel** prior to July 1, 2013.

**ARTICLE 14:** Unanimously voted to transfer \$10,000 from the undesignated funds account (free cash) for the **250<sup>th</sup> Anniversary Committee**.

**ARTICLE 15:** Unanimously voted to transfer \$7,500 from the overlay surplus account for the **triennial revaluation of property**.

**ARTICLE 16:** Unanimously voted to accept an amendment to the general laws (Chapter 390 of the Acts of 2014), specifically Chapter 60, Section 15B, for the purpose of establishing a **Tax Title Revolving Account**.

**ARTICLE 17:** Unanimously voted to transfer \$10,000 from the undesignated funds account (free cash) for the **Tax Title Revolving Account**.

**ARTICLE 18:** Voted to transfer \$5,000 from the undesignated funds account (free cash) for a **job description, classification, and compensation review**.

*Article 19 was acted upon following article 2*

**ARTICLE 20:** Unanimously voted to appropriate \$2,026.60 from the overlay surplus account to **offset a deficit in the FY 2014 overlay account**.

**ARTICLE 21:** Voted to raise and appropriate \$2,385.00 to make funding available for **local library operations and expenses**.

*Article 22 was acted upon following article 2*

**ARTICLE 23:** **Heard the report of the Downtown Wastewater Feasibility study committee**. No action necessary.

**ARTICLE 24:** Tabled the article regarding establishing a **Conway Sports Revolving Account**.

**ARTICLE 25:** Voted to appropriate or to reserve for later appropriation monies from the **Community Preservation Fund** as recommended by the Community Preservation Committee as set forth herein, the following amounts for community preservation purposes with each item considered a separate appropriation.

**Appropriations**

- A. To appropriate \$22,055.00 from the Community Preservation Community Housing Reserve to the Conway Housing Committee for purposes of determining the demand for, need for and feasibility of a Community Housing Complex on town land. Such determination is to include various surveys, reports, project budgets and appraisals.
- B. To appropriate \$5,113 from Annual Revenues (FY16) for Administration of the Community Preservation Committee

**To provide Reserves from FY 2016 Annual Reserves**

- C. \$10,228 to the Community Preservation Historical Resources Reserve  
\$10,228 to the Community Preservation Community Housing Reserve  
\$10,228 to the Community Preservation Open Space Reserve  
\$71,594 to the Community Preservation Budgeted Reserve.

*At this point, the meeting voted to consider Article 38 out of order.*

**ARTICLE 38:** Failed to amend **the surcharge under Section 3 of Chapter 44B of the General Laws, the Community Preservation Act.**

*The meeting then returned to the articles in order.*

**ARTICLE 26:** Tabled the article regarding the **Right to Farm Bylaw.**

**NOTE:** For all changes to existing Zoning Bylaws (Articles 27, 29, 30 and 31) and General Bylaws (Articles 32 and 37), deletions are shown in ~~strikeout~~ and additions in *italics*.

**ARTICLE 27:** Unanimously voted to **revise Article 2 of the Protective Bylaws to incorporate the Official Zoning Map**, as shown below and in Appendix One of the warrant.

Article 2: District And Use Regulations (Amended 14 April 1986)

*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 entire Town of Conway is hereby designated as a primarily Rural/Residential and Agricultural District, except the portion of the Town which is bounded northerly by Delabarre Avenue, westerly by Ives Road, southerly by Route 116, and easterly by the South River, which is hereby designated as a Light Industrial 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. The Zoning Map, with all explanatory matter thereon, is hereby made a part of this Bylaw.*

- a) Where the boundary lines are shown upon said map within the street lines of public and private ways, the centerline of such ways shall be the boundary lines.*
- b) Where the boundary lines are shown upon said map approximately on the location of a property, lot, or boundary line, and the exact location of the property, lot or boundary line is not indicated by means of dimensions shown in figures, then the property or lot line shall be the boundary line.*
- c) Boundary lines located outside of such street lines and shown approximately parallel thereto, shall be regarded as parallel to street lines, and dimensions shown in figures placed upon said map between such boundary lines from such street lines shall govern; such distance being measured at right angles to such street lines unless otherwise indicated.*
- d) In all cases which are not covered by other provisions of this section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon said map, the use of indication as shown on said map, or by the scale of said map.*
- e) The Flood Plain District is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the requirements of Article 7 of these Zoning Bylaws as well as those of the Massachusetts State Building Code dealing with construction in flood plains.*

**ARTICLE 28:** Tabled the article to see if the Town will **add a prohibited uses section to section 22.1 of the Protective Bylaws.**

**ARTICLE 29:** Unanimously voted to add section 63 (b) Filing procedures for special permits to the Protective Bylaws as amended and shown below:

**SECTION 63: Special Permits [Guidelines]**

Application for Special Permits shall be accompanied by a written report detailing the effects of the development in relation to the criteria of Section 63. In granting a Special Permit the Planning Board has the power to impose any conditions, safeguards, and/or limitations on time or use of premises.

- a) Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit provided the granting authority finds that the proposed accessory use does not substantially derogate from the public good.
- b) *Filing Procedure for Special Permits. Special Permits shall be granted, denied, or issued with conditions by the Planning Board according to the provisions of Chapter 40A of the Massachusetts General Laws. An applicant for a Special Permit shall file a completed application with the Town Clerk. The application shall include nine (9) copies each of the Special Permit application and a plan of the site. The Town Clerk shall acknowledge receipt of the application by signing and dating the application. The Town Clerk shall transmit copies of the application to the Planning Board, Conservation Commission, the Zoning Board of Appeals, the Board of Health, the Historical Commission, the Highway Superintendent, the Fire Chief, the Energy Committee, and the Building Inspector. Town Boards and municipal officials shall have 30 days from the date the completed application is received by the Town Clerk to report to the Planning Board their findings and recommendations. The date of receipt by the Town Clerk on behalf of the Planning Board, shall be the date of submission of the Special Permit application.*

*The article was successfully amended to allow municipal officials “30 days” to report to the Planning Board.*

**ARTICLE 30:** Voted to add the Section 64 site plan review as required for large scale solar, expansion in Light Industrial zone, and others to the Protective Bylaws as shown below:

**SECTION 64: SITE PLAN REVIEW**

- a) *Purpose. The purpose of Site Plan Review is to ensure that new development is designed in a manner which reasonably protects the environmental and scenic qualities of the neighborhood and the Town.*
- b) *Site Plan Review Process. The Site Plan Review process will be conducted by the Planning Board.*
- c) *Applicability. Site Plan Review shall be required for Large-scale Ground-Mounted Solar Facilities (Article 9), Light Industrial expansion, and other Non-Residential Uses.*
- d) *Procedures. An applicant for Site Plan Review shall file a completed application with the Town Clerk. The Town Clerk shall acknowledge receipt of the plans by signing and dating the application form. The application submitted to the Town Clerk shall include nine (9) copies each of an application form and any narrative documents as outlined in the submittal requirements. Upon receipt of the application, the Town Clerk shall transmit copies of the application to the Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, the Highway Superintendent, Historical Commission, Energy Committee, the Fire Chief and the Police Chief. These Town Boards and municipal officials shall have 45 days from the date the completed application is received by the Town Clerk to report to the Planning Board their findings and recommendations, and they can attend the public hearing(s). No building permits for projects requiring Site Plan Review shall be issued until the Planning Board has approved the Site Plan or unless the required time period for taking action on a Site Plan has lapsed without action from the Planning Board. The applicant is also responsible for obtaining all applicable permits or approvals that may be required for the development from other Town Boards or municipal officials.*
- e) *Public Hearing. The Planning Board shall hold a public hearing within 65 days after the filing of a completed application and shall take final action on an application for Site Plan Review within 90 days of the close of the public hearing. Notice and posting of the public hearing shall comply with the provisions of M.G.L. Chapter 40A, Section 11, regarding notice for public hearings.*
- f) *Required Contents of a Site Plan. All Site Plans shall be prepared by a registered architect, registered land surveyor, registered landscape architect, or registered professional engineer. A locus map at a scale of 1” = 100 feet shall be provided showing parcels and roads within 300 feet of the property line. The Site Plans shall be on standard sheets of 24 inches by 36 inches and prepared at a scale of 1”=40 feet or finer. The Site Plan and accompanying narrative shall contain the following:*
  1. *Name of project, boundaries, locus map(s) showing site's location in Town, date, north arrow and scale of plan;*
  2. *Name(s), address(es), and phone number(s) of the owner(s) of the land, the developer (if applicable), and/or their designee;*
  3. *Name, title, address, and phone number of person(s) who prepared the plan;*

4. *Names and addresses of all owners of record of abutting lots and those within 300 feet of the property line;*
  5. *All existing lot lines, easements and rights of way;*
  6. *Location and use of buildings and structures within 300 feet of the site;*
  7. *Location and use of all existing and proposed buildings and structures, including approximate height and floor area;*
  8. *Location and size in acres of wetlands on the site reviewed and approved by the Conway Conservation Commission;*
  9. *The location and a description of all proposed sewage disposal systems, sewer connections, water supplies, storm drainage systems, utilities and other waste-disposal methods;*
  10. *Location and date of all registered "perc" tests on the site;*
  11. *Location of all proposed new lot lines;*
  12. *Existing and proposed topography at a two-foot contour interval for the proposed grading and landscape plan;*
  13. *Location of existing public ways and proposed private ways on the site;*
  14. *Location and size of proposed parking and loading areas, driveways, walkways, access and egress points;*
  15. *The location and a description of proposed open space or recreation areas;*
  16. *The location of existing farmland and agricultural soils classified as prime farmland or soils of state and local importance;*
  17. *Size and location of existing and proposed sign(s);*
  18. *Surface drainage strategy that prevents increased drainage off-site or pollution;*
  19. *Existing vegetation that will be left undisturbed and proposed landscape features, including the location and a description of screening, fencing and plantings using non-invasive species;*
  20. *Design features which will integrate the proposed development into the existing landscape, maintain neighborhood character, and screen objectionable features from neighbors and roadways;*
  21. *Estimated average daily and peak-hour vehicle trips to be generated by the site and traffic flow patterns for both vehicles and pedestrians, showing adequate access to and from the site and adequate circulation within the site; and*
  22. *Other reasonable information the Planning Board may request in order to make a decision.*
- g) *Decision. The Planning Board's action shall consist of either:*

1. *Approval of the Site Plan based upon the determination that the proposed project is in compliance and consistent with the criteria set forth in this Bylaw;*
2. *Approval of the Site Plan subject to conditions, modifications, and restrictions as the Planning Board may deem necessary; or*
3. *Denial of the Site Plan based upon specific findings such as a determination that there was insufficient information submitted with the proposal to adequately review it or that the project is inconsistent with the requirements of these Zoning Bylaws.*

*The decision of the Planning Board shall be filed with the Town Clerk within 90 days of the close of the Public Hearing. The written record of the Planning Board's decision including any approved Site Plan shall be filed with the Town Clerk within 14 days of the final vote or sooner to meet the 90 day maximum time frame. A copy of any approved Site Plan and the decision of the Planning Board shall be sent by the Town Clerk to the Building Inspector and the applicant. The Site Plan shall be recorded at the Registry of Deeds by the applicant with confirmation of such recording sent to the Town Clerk.*

*h) Administration, Waivers and Appeals. The Planning Board may adopt and from time to time amend regulations for the submission and approval of Site Plans. The Planning Board may waive any of the requirements for Site Plan Review submittals and approval if the simplicity or scale of the project warrants such action. The Planning Board may also request any additional information it should need to render a decision. For large or complex projects, the Planning Board shall have the right to retain a registered professional engineer, planner, designer or other professional to advise the Board regarding any or all aspects of the Site Plan. The applicant shall be responsible for the costs of such advice. Appeals of the decision by the Planning Board on the Site Plan may be submitted to the Zoning Board of Appeals.*

*i) Compliance with Other Bylaws. The Site Plan shall comply with any zoning bylaws for parking, loading, dimensions, environmental controls and all other provisions of the Zoning Bylaw. Before approval of a Site Plan, the Planning Board may request that the applicant make modifications in the proposed design of the project to ensure that the above criteria are met.*

*j) Review Criteria*

*The Planning Board's evaluation of the proposed Site Plan shall include, as appropriate, the following:*

1. *Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls;*
2. *Adequacy and arrangement of pedestrian traffic access and circulation, pedestrian walkways, control of intersections with vehicular traffic and overall pedestrian safety and convenience;*
3. *Location, arrangement, appearance and sufficiency of off-street parking and loading;*
4. *Location, arrangement, size, design and general site compatibility of structures, buildings, lighting and signs in relation to the terrain and to the use, scale, and proportions of existing and proposed buildings in the vicinity;*
5. *Location of structures and buildings to provide a solar and wind orientation or other construction methods that encourage energy conservation;*
6. *Adequacy of stormwater and drainage facilities;*
7. *Adequacy of landscaping and other screening to minimize the visual impact of the development from public ways or abutting properties; and*
8. *Protection of farmland and forestry resources.*

*The Moderator declared a two-thirds majority vote on the basis of a hand-count: YES = 74 and NO = 20*

**ARTICLE 31:** Unanimously voted to **revise Article 9: large scale solar facilities of the Protective Bylaws**, as shown below:

***Section 91: Large Scale Solar Facilities Bylaw*** (Added – Special Town Meeting 17 October 2011)

**(a) Purpose**

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.

**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 ~~[board of selectmen, or person or]~~ *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.

~~**Designated Location:** The location[s] designated by [the community's local legislative body], 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 location[s] [is/are] shown on a Zoning Map [insert title of map] 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/City] Clerk.~~

**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 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.*

**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.

**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 Site Plan Review Authority to determine conformance with local zoning ordinances or bylaws.]~~

~~[Site Plan Review Authority: For purposes of this bylaw, Site Plan Review Authority refers to the body of local government designated as such by the municipality]~~

**Solar Photovoltaic Array:** an arrangement of solar photovoltaic panels.

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

**(c) 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 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.

**(d) 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* ~~[Site Plan Review Authority]~~ 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) 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. 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 91(e)*);
- (c) An operation and maintenance plan (*see Section 91(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; and
- (f) Description of financial surety that satisfies Section 91(k).

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

**(e) 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.

**(f) 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, 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.*

**(g) Utility Notification**

No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the *Planning Board* [~~Site Plan Review Authority~~] 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.

**(h) Dimension and Density Requirements**

**1. Setbacks**

For large -scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

- i. Front yard: The front yard depth shall be at least 50 [40] feet; [~~provided, however, that where the lot abuts a Conservation Recreation or Residential district, the front yard shall not be less than 50 feet~~].
- ii. Side yard. Each side yard shall have a depth at least 50 [45] feet; [~~provided, however, that where the lot abuts a Conservation Recreation or Residential district, the front yard shall not be less than 50 feet~~].
- iii. Rear yard. The rear yard depth shall be at least 50 [25] feet; [~~provided, however, that where the lot abuts a Conservation Recreation or Residential district, the front yard shall not be less than 50 feet~~].

**(i) 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.

**(j) 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 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 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* [~~Site Plan Review Authority~~], 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. Safety and Environmental Standards**

**i. Emergency Services**

The large scale 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.

**ii. 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.



**5. Monitoring and Maintenance**

**i. 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 photovoltaic installation and any access road(s), unless accepted as a public way.

**ii. Modifications**

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the *Planning Board* [~~Site Plan Review Authority~~].

**6. Abandonment or Decommissioning**

**i. 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 91(j)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* [~~Site Plan Review Authority~~] by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

**ii. 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* [~~Site Plan Review Authority~~]. 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.

**iii. Financial Surety**

Proponents of large-scale ground-mounted solar photovoltaic projects 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* [~~reasonable~~] by the *Planning Board* [~~Site Plan Review Authority~~], 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 32:** Voted to **amend the Town’s General Bylaws, under “Form and Conduct of Town Government: The Town Meeting,” Section 5,** as shown below:

Articles for the warrant will be received by the Selectmen not less than ~~sixty~~ ~~twenty-five~~ days before the date set for the meeting. *Articles from regional organizations, including regional school districts and the Franklin Regional Council of Governments, are exempt from warrant closing deadlines. If petitioned, ~~E~~each article must be signed by ten registered voters. This shall not be construed to prohibit the Board of Selectmen from re-opening the warrant if it so desires.*

**ARTICLE 33:** Failed to **amend the General Bylaws:** Town Officers, Boards, and Committees, Section 3, to increase the number of Finance Committee members from six to seven registered voters.

**ARTICLE 34:** Unanimously voted to **authorize the Select Board to enter into a five-year contract** with the Massachusetts Department of Environmental Protection and Waste Management Recycle America, LLC for recycling services at the Springfield Materials Recycling Facility.

**ARTICLE 35:** Tabled the article to accept the provisions of the general laws, Ch. 59, Sec. 5K, and request the Selectboard to **establish a property tax work-off program for taxpayers over 60 years of age.**

**ARTICLE 36:** Voted that the town have its elected Town Clerk become an **appointed Town Clerk** of the town, contingent on a ballot vote at a subsequent Town election.

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**ARTICLE 37:** Unanimously voted to **amend the General Bylaws:** Town Officers, Boards, and Committees, Section 8—Personnel By-Law, 1) a) as shown below:

- 1) The committee shall be composed of the following persons:
  - a) ~~three (3)~~ *one (1)* Conway residents appointed by the Town Moderator as a voting member for the term of *three (3)* years;

*Article 38 was moved forward to follow Article 25.*

At 11:31 p.m. the meeting adjourned until Thursday, May 14, 2015 to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m. to bring in votes for the following:

- One Selectman 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.

A true record of the Meeting,  
Attest:

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Virginia A. Knowlton, Town Clerk