

**SPECIAL TOWN MEETING
TOWN OF MONTAGUE
COMMONWEALTH OF MASSACHUSETTS
October 20, 2011
VOTES**

ARTICLE 1. MOVED: That the Town vote to appropriate the sum of \$20,000 for the purpose of making repairs to the Montague Center Town Hall Building including but not limited to: (1) removing a chimney (down to roof level), (2) capping the same chimney, (3) providing power venting for the furnace, (4) making necessary repairs to the roof and slates, (5) repairing damage to the ceiling from leaks on the 2nd floor, and (6) making any other necessary masonry repairs, said sum to be raised from Free Cash.

AMENDED ARTICLE: That the Town vote to appropriate the sum of \$20,000 for the purpose of making repairs to the Montague Center Town Hall Building including but not limited to: (1) removing **chimneys** (down to roof level), (2) capping the same **chimneys**, (3) providing power venting for the furnace, (4) making necessary repairs to the roof and slates, (5) repairing damage to the ceiling from leaks on the 2nd floor, and (6) making any other necessary masonry repairs, said sum to be raised from Free Cash.

PASSED/UNANIMOUS VOTE AS AMENDED

ARTICLE 2. MOVED: That the Town vote to authorize the Board of Assessors to negotiate the extension of the existing three year agreement for property values for the First Light Hydro Generating Company, to include a fourth year (FY 2013) due to the reallocation of certification years.

PASSED/ UNANIMOUS VOTE

ARTICLE 3. MOVED: That the Town vote to appropriate the sum of \$6,000 for the purpose of increasing the appropriation voted under Article 18 of the May 7, 2011 Annual Town Meeting for Information Technology, said sum to be raised from taxation.

PASSED/MAJORITY VOTE

ARTICLE 4. MOVED: That the Town vote to authorize the Board of Selectmen to use the sum of \$90,000 for the purpose of stabilizing and/or reducing the sewer rates for the fiscal year beginning on July 1, 2011, said sum to be raised from Sewer Enterprise Retained Earnings.

PASSED/UNANIMOUS VOTE

ARTICLE 5. MOVED: That the Town vote to amend the funding source of Article #15 (WPCF Operations Building Roof) of the May 7, 2011 Annual Town Meeting from “\$50,000 to be appropriated from Sewer Retained Earnings” to “\$42,959.29 to be appropriated from Sewer Retained Earnings and \$7,040.71 to be appropriated from Sewer Enterprise Fund Balance Reserved for Unspent Bonds.”

PASSED/UNANIMOUS VOTE

ARTICLE 6. MOVED: That the Town vote to appropriate the sum of \$2,114.04 for the purpose of closing the borrowing deficit for Article 16 of May 5, 2001 (CSO/Facilities Plan), said sum to be appropriated from Sewer Enterprise Fund Balance Reserved for Unspent Bonds.

PASSED/UNANIMOUS VOTE

ARTICLE 7. MOVED: That the Town vote to rescind the \$400,000 in appropriation and borrowing authority for Article 19, voted at the May 6, 2000 Annual Town Meeting to purchase and install a belt filter press at the Water Pollution Control Facility.

PASSED/UNANIMOUS VOTE

ARTICLE 8. MOVED: That the Town vote to appropriate the sum of \$2,850 for the purpose of paying the first-year (FY 2011) costs of a three year arbitration settlement with the IBPO union, said sum to be raised from taxation.

PASSED/UNANIMOUS VOTE

ARTICLE 9. MOVED: That the Town vote to appropriate the sum of \$6,300 for the purpose of paying the second-year (FY 2012) costs of a three year arbitration settlement with the IBPO union, said sum to be raised from taxation.

PASSED/UNANIMOUS VOTE

ARTICLE 10. MOVED: That the Town vote to appropriate the sum of \$2,700 for the purpose of paying costs associated with the settlement of the FY 2011 collective bargaining agreement with the TOMEA union, said sum to be raised from taxation.

PASSED/UNANIMOUS VOTE

ARTICLE 11. MOVED: That the Town vote to appropriate the sum of \$10,000 for the purpose of increasing the appropriation of Article 16 voted at the May 7, 2011 Annual Town Meeting to perform a Pump Station Survey, said sum to be raised from Sewer Retained Earnings.

PASSED/UNANIMOUS VOTE

ARTICLE 12. MOVED: That the Town vote to appropriate the sum of \$15,000 for the purpose of funding operation and maintenance costs associated with the Montague Center School Building, said sum to be raised from taxation.

PASSED/UNANIMOUS VOTE

ARTICLE 13. MOVED: That the Town vote to appropriate the sum of \$21,910.52 for the purpose of reimbursing the Gill Montague Regional School District for expenses incurred in the emergency repair of the Sheffield School boiler, said sum to be raised from free cash.

PASSED/UNANIMOUS VOTE

ARTICLE 14. MOVED: That the Town vote to appropriate the sum of \$600.00 for the purpose of paying a prior year longevity payment to a police officer, said sum to be raised from Free Cash.

PASSED/UNANIMOUS VOTE

ARTICLE 15. MOVED: That the Town vote to rescind the \$150,000 in appropriation and borrowing authority for Article 32, voted at the May 1, 1999 Annual Town Meeting to correct inflow and infiltration problems in the Unity Street, High Street, and L Street areas.

PASSED/UNANIMOUS VOTE

ARTICLE 16. MOVED: That the Town vote to rescind the \$150,000 in appropriation and borrowing authority for Article 28 voted at the May 6, 2000 Annual Town Meeting to correct inflow and infiltration problems in the Unity Street, Millers Falls Road, Seventh Street, High Street, Marshall Street, Avenue B, L Street, and Montague Street areas.

PASSED/UNANIMOUS VOTE

ARTICLE 17. MOVED: That the Town vote to appropriate the sum of \$130,000 for the purpose of remediating and removing debris from a 2007 fire at the Strathmore Mill, said sum to be raised from borrowing.

PASSED/DECLARED TWO-THIRDS MAJORITY VOTE

ARTICLE 18. MOVED: That the Town vote to authorize the Board of Selectmen to enter into a lease of up to 30 years for the Turnpike Road Landfill, for the purpose of allowing a private party to develop a solar energy generation facility on the capped landfill(s).

PASSED/MAJORITY VOTE

ARTICLE 19. MOVED: That the Town vote to amend the Zoning By-laws for SOLAR ENERGY INSTALATIONS as set forth in the hand-out titled “Amended Motions for Articles 19, 20 and 21”:

Insert the following definition in alphabetical order in **SECTION 2. DEFINITIONS:**

SOLAR ENERGY INSTALLATION--Solar energy panels and supporting equipment for the capture and storage of heat or the generation of electricity and further defined as:

Accessory Installations:

- (a) Any roof or building-mounted Solar Energy Installation located on a roof or as a part of a building.
- (b) A ground-mounted Solar Energy Installation supporting on-site energy needs.

SOLAR ENERGY FACILITY: A ground-mounted Solar Energy Installation that exceeds 2,000 square feet of panel surface area.

Solar Energy Installations and Facilities shall not constitute a Public Utility for the purposes of this bylaw.

Insert the following bold text in **SECTION 5.2 PERMITTED USES**

- 5.2(c) Environmental Impact and Site Plan Review:

All uses that involve the construction or alteration or change of use of over 5,000 square feet of floor area or the development of over 130,680 square feet (3 acres) of land **and Solar Energy Facility** shall be subject to Environmental Impact and Site Plan Review as outlined in Section 8 of this bylaw. Environmental Impact and Site Plan Review shall be conducted by the Board of Appeals unless otherwise stated.

5.2.6 ID..Industrial Districts

- (a) Permitted Uses: 5/6/00
 Business office or professional office
 Manufacturing, processing, or research
 Bulk storage, warehousing, distribution
Solar Energy Facility, in accordance with Section 7.9
 Uses customarily accessory to the above.
- (b) Uses allowed on Special Permit from the Board of Appeals:
 Retail sales and services 5/6/00
 Motel or hotel 5/6/00
 Earth removal
 Open recreational enterprise
 Public Utility 5/3/97
 Other uses similar to the above in externally observable attributes.
- (c) Uses allowed on Special Permit from the Planning Board: 12/4/86 5/6/00
 All uses in Section (a) that involve the construction or alteration of over 10,000 square feet of floor area or the development of over 217,800 square feet (5 acres) of land
Solar Energy Facility exceeding 130,680 (3 Acres) of land.
 Self-service storage facility, in accordance with Section 7.7 5/3/03
- (d) Uses Subject to Environmental Impact and Site Plan Review from the Planning Board:
 All uses covered in Section (a) that involve the construction or alteration of over 5,000 square feet of floor area or the development of over 130,680 square feet (3 acres) of land or **a Solar Energy Facility.**

5.2.2 RE..Recreation--Education Districts

- (a) Permitted Uses:
 Religious, educational, governmental services
- (b) Uses allowed on Special Permit from the Board of Appeals:
 Open recreational enterprise
 Non-profit club or lodge
Solar Energy Facility, in accordance with Section 7.9
 Public Utility
 Golf course or Country Club
 Other recreational or educational uses similar to the above.

5.2.8 UN..Unrestricted Districts.

- (a) Permitted Uses:
 Any use otherwise lawful and in conformity with this by-law.

- (b) Uses allowed by Special Permit from the Board of Appeals:
 - Solar Energy Facility, in accordance with Section 7.9**
 - Public Utility

5.2.12 HI Historic Industrial District

The purpose of the Historic Industrial District is to encourage adaptive reuse of historic industrial buildings and sites.

- (a) Permitted Uses:
 - Business office or professional office
 - Retail Sales and services
 - Manufacturing, processing, or research
 - Bulk storage, warehousing, distribution
 - Craft workshop or light assembly shop
 - Uses customarily accessory to the above.
- (b) Uses allowed on Special Permit from the Board of Appeals:
 - New structures
 - Alteration to the exterior of an existing structure
 - Hotel
 - Residential uses, as accessory or secondary to a primary permitted use, with management plan
 - Public utility
 - Uses that involve the construction, alteration or change of use of more than 10,000 square feet of floor area.
 - Solar Energy Facility, in accordance with Section 7.9**
 - Demolition of an existing structure
 - Other uses similar to the above in externally observable attributes.
- (c) Uses allowed on Special Permit from the Planning Board:
 - Self-service storage facility, in accordance with Section 7.7

Add a new Section 7.9 to **SECTION 7. SPECIAL REGULATIONS**

7.9 SOLAR ENERGY INSTALLATIONS & FACILITIES

7.9.1 Purpose

The Town of Montague seeks to allow orderly development of solar energy installations and facilities and to minimize the environmental impact of such facilities.

7.9.2 Accessory Installations, Building-mounted

Rooftop or building mounted solar energy installations are permitted in all zoning districts. The installation shall have an automatic and manual means of shutdown with clear instructional signage.

7.9.3 Accessory Installations, Ground-mounted

Ground-mounted solar energy accessory installations are permitted in all zoning districts, subject to the following requirements:

- (a) All installations shall have an automatic and manual means of shutdown with clear instructional signage.
- (b) The solar installation meets the setback and dimensional requirements of the zone in which it is located.

- (c) The total surface area of all ground-mounted solar installations on the lot shall not exceed:
 - 1. One half of one percent (0.05%) of the minimum-lot area of the underlying district
 - 2. 880 square feet in GB..General Business and HI..Historic Industrial Districts.
 - 3. 2,000 square feet in the ID.. Industrial District.
- (d) Dimensional exceptions may be allowed by Special Permit from the Board of Appeals.

7.9.4 Solar Energy Facilities

Solar Energy Facilities are allowed in the ID..Industrial Districts and are permitted in the HI..Historic Industrial, RE..Recreation Education, and UN..Unrestricted Districts by Special Permit, subject to the following requirements:

- (a) Conditions of Approval:
 - 1. A plan shall be provided for the general procedures of operation and maintenance of the installation including security measures, maintenance of emergency access and the clear and available means of shutting down the facility in the event of an emergency;
 - 2. A fully inclusive estimate of the costs associated with removal and site restoration, prepared by a qualified engineer;
 - 3. Notice of Public Hearing shall be provided to the utility company that operates the electrical grid where the facility is proposed;
 - 4. Adequate access and parking, shall be provided for service and emergency vehicles;
 - 5. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the facility or as otherwise prescribed by applicable laws, regulations, and bylaws;
 - 6. An 8 foot security fence shall be installed no closer to a property line than the setback required for a principal building. In addition, the site and its fencing shall be screened by buffering vegetation from general view from the surrounding ground level unless the Board determines that there is no public benefit from such screening;
 - 7. To the extent feasible, all network interconnections and power lines, to and from the facility, shall be via underground lines;
 - 8. Drainage from impervious surfaces shall be fully accommodated onsite;
 - 9. No array shall be floodlit;
 - 10. Owners and successors in title shall provide a satisfactory form of surety, either through escrow account, bond or otherwise, to cover the cost of removal and restoration of the landscape, in an amount determined to be reasonable by the Board, but in no event to exceed more than 125 percent of the cost of removal. Such surety may be waived for municipally or state owned facilities.
- (b) On-going Conditions:

1. The most current site plan and project summary which shall include the electrical schematic with the current shut down procedures shall be submitted to the local Fire Department by the owner;
 2. Identification of the owner and a responsible person for inquiries throughout the life of the facility shall be provided to the Board, Fire Chief and Police Chief and provide for and post a 24-hour emergency contact phone number.
 3. Herbicides may not be used to control vegetation at the solar electric installation;
 4. There shall be no exterior storage of equipment or service vehicles on the site;
- (c) Decommissioning:
- Any facility which has reached the end of its useful life or has been abandoned shall be decommissioned by the owner or operator who shall notify the Board by certified mail of the proposed date of shut down and removal. Decommissioning shall consist of:
1. Physical removal of all panels, structures, equipment, security barriers and transmission lines from the site;
 2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 3. Stabilization and re-vegetation of the site and erosion prevention measures;
 4. The Town shall have the right, upon determination of abandonment, but not the obligation, to claim the financial surety, enter the site and remove the facility in accordance with the requirements of this section.
 5. All facilities, attachments, and accessory structures which have not been used for a period of one (1) year shall be considered abandoned. The removal expense shall be secured with the performance guarantee.

7.9.5 Additional Conditions

The Board may require additional conditions or vary the prescribed conditions upon a finding that such action is reasonably necessary to meet the purpose and intent of the Zoning By-laws.

AMENDED ARTICLE: That the Town vote to amend the Zoning By-laws for SOLAR ENERGY INSTALATIONS as set forth in the hand-out titled “Amended Motions for Articles 19, 20 and 21”:

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Business office or professional office
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Bulk storage, warehousing, distribution
Solar Energy Facility, in accordance with Section 7.9
Uses customarily accessory to the above.
- (b) Uses allowed on Special Permit from the Board of Appeals:
Retail sales and services 5/6/00
Motel or hotel 5/6/00
Earth removal
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Public Utility 5/3/97
Other uses similar to the above in externally observable attributes.
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- (b) Uses allowed on Special Permit from the Board of Appeals:
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Public Utility
Golf course or Country Club
Other recreational or educational uses similar to the above.

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Any use otherwise lawful and in conformity with this by-law.
- (b) Uses allowed by Special Permit from the Board of Appeals:
Solar Energy Facility, in accordance with Section 7.9
Public Utility

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Uses customarily accessory to the above.
- (e) Uses allowed on Special Permit from the Board of Appeals:
New structures
Alteration to the exterior of an existing structure
Hotel
Residential uses, as accessory or secondary to a primary permitted use,
with management plan
Public utility
Uses that involve the construction, alteration or change of use of more
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Solar Energy Facility, in accordance with Section 7.9
Demolition of an existing structure
Other uses similar to the above in externally observable attributes.
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- (e) The solar installation meets the setback and dimensional requirements of the zone in which it is located.
- (f) The total surface area of all ground-mounted solar installations on the lot shall not exceed:
 - 1. One half of one percent (0.05%) of the minimum-lot area of the underlying district
 - 2. 880 square feet in GB..General Business and HI..Historic Industrial Districts.
 - 3. 2,000 square feet in the ID.. Industrial District.
- (d) Dimensional exceptions may be allowed by Special Permit from the Board of Appeals.

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- (d) Conditions of Approval:
 - 10. A plan shall be provided for the general procedures of operation and maintenance of the installation including security measures, maintenance of emergency access and the clear and available means of shutting down the facility in the event of an emergency;
 - 11. A fully inclusive estimate of the costs associated with removal and site restoration, prepared by a qualified engineer;
 - 12. Notice of Public Hearing shall be provided to the utility company that operates the electrical grid where the facility is proposed;
 - 13. Adequate access and parking, shall be provided for service and emergency vehicles;
 - 14. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the facility or as otherwise prescribed by applicable laws, regulations, and bylaws;
 - 15. An 8 foot security fence shall be installed no closer to a property line than the setback required for a principal building. In addition, the site and its fencing shall be screened by buffering vegetation from general view from the surrounding ground level unless the Board determines that there is no public benefit from such screening;
 - 16. To the extent feasible, all network interconnections and power lines, to and from the facility, shall be via underground lines;

17. Drainage from impervious surfaces shall be fully accommodated onsite;
 18. No array shall be floodlit;
 10. Owners and successors in title shall provide a satisfactory form of surety, either through escrow account, bond or otherwise, to cover the cost of removal and restoration of the landscape, in an amount determined to be reasonable by the Board, but in no event to exceed more than 125 percent of the cost of removal. Such surety may be waived for municipally or state owned facilities.
- (e) On-going Conditions:
5. The most current site plan and project summary which shall include the electrical schematic with the current shut down procedures shall be submitted to the local Fire Department by the owner;
 6. Identification of the owner and a responsible person for inquiries throughout the life of the facility shall be provided to the Board, Fire Chief and Police Chief and provide for and post a 24-hour emergency contact phone number.
 7. Herbicides may not be used to control vegetation at the solar electric installation;
 8. There shall be no exterior storage of equipment or service vehicles on the site;
- (f) Decommissioning:
- Any facility which has reached the end of its useful life or has been abandoned shall be decommissioned by the owner or operator who shall notify the Board by certified mail of the proposed date of shut down and removal. Decommissioning shall consist of:
1. Physical removal of all panels, structures, equipment, security barriers and transmission lines from the site;
 2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 3. Stabilization and re-vegetation of the site and erosion prevention measures;
 4. The Town shall have the right, upon determination of abandonment, but not the obligation, to claim the financial surety, enter the site and remove the facility in accordance with the requirements of this section.
 5. All facilities, attachments, and accessory structures which have not been used for a period of one (1) year shall be considered abandoned. The removal expense shall be secured with the performance guarantee.

7.9.6 Additional Conditions

The Board may require additional conditions or vary the prescribed conditions upon a finding that such action is reasonably necessary to meet the purpose and intent of the Zoning By-laws.

PASSED/UNANIMOUS VOTE AS AMENDED

Amendment found in 5.2(c) – bold/underlined “or” (formerly and)

ARTICLE 20. MOVED: That the Town vote to amend the Zoning Map to redistrict the land identified as Assessors Map 11 Lot 21 from (LB) Limited Business to (RS) Residential and the land identified as Assessors Map 11 lot 140 from (LB) Limited Business to (NB) Neighborhood Business, and further to amend the Zoning Bylaw to remove “ LB - Limited Business” from the list of use districts in Section 4.1 and strike all text associated with Section 5.2.4 and replace with the following text: “ reserved for future use”.

PASSED/UNANIMOUS VOTE

ARTICLE 21. MOVED: That the Town vote in accordance with MGL Chapter 40, section 15 to authorize the Board of Selectmen to convey on terms and conditions as determined by the Board of Selectmen, all or any portions of the Town’s interest in the parcel of land identified on the Town Assessor’s Maps as Map 29, Lot 116, but also known as 26-28 East Main St, 30 East Main St., and 34 East Main Street, including all land and buildings thereon.

PASSED/DECLARED TWO-THIRDS VOTE

ARTICLE 22. MOVED: That the Town vote to appropriate the sum of \$400,000 for the purpose of increasing the Town Stabilization Fund, said sum to be raised from free cash.

PASSED/UNANIMOUS VOTE

ARTICLE 23. MOVED: That the Town vote to appropriate the sum of \$157,895 for the purpose of funding a Planning Project consisting of archeological investigation for the completion of Phase Two of two phases of the Runway Reconstruction Project at the Turners Falls Airport, said \$150,000 to be raised from state/federal grants and \$7,895 to be raised from Airport Enterprise Retained Earnings.

AMENDED ARTICLE: That the Town vote to appropriate the sum of **\$7,895** for the purpose of funding a Planning Project consisting of archeological investigation for the completion of Phase Two of two phases of the Runway Reconstruction Project at the Turners Falls Airport, **said sum** to be raised from Airport Enterprise Retained Earnings.

PASSED/UNANIMOUS VOTE AS AMENDED

