

WARRANT FOR A SPECIAL TOWN MEETING
Tuesday, October 16, 2018

Commonwealth of Massachusetts, Berkshire, ss.

To the Constables of the Town of Sandisfield

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify all inhabitants of the Town of Sandisfield, qualified to vote in the town affairs to meet at the Old Town Hall, 3 Silverbrook Rd., Sandisfield, MA at 7:00 p.m.

Article 1. To see if the Town will vote to appropriate \$215,000 or any other sum for the construction, rehabilitation and repair of the Rugg Bridge, including all incidental and related costs, and to meet that appropriation transfer \$215,000 or any other sum from the Stabilization Trust Fund.

(requires a 2/3 vote)

Select Board Vote: Unanimous

Finance Committee Vote: TBD

Article 2. To see if the Town will vote to appropriate \$14,711.50 or any other sum for Fire/Ambulance Equipment Expense for a CPR System and to meet that appropriation transfer \$14,711.50 or any other sum from the Stabilization Trust Fund to the Fire/Ambulance Equipment Expense Account.

(requires a 2/3 vote)

Select Board Vote: Unanimous

Finance Committee Vote: TBD

Article 3. To see if the Town will vote to appropriate \$2,500 or any other sum for the Yanner Park Expense Account and to meet that appropriation transfer \$2,500 or any other sum from the Yanner Park Stabilization Account.

(requires a 2/3 vote)

Select Board Vote: Unanimous

Finance Committee Vote: TBD

Article 4. To see if the Town will vote to amend Chapter III, Section 3 of the Town's Bylaws, by striking the existing text and replacing it with the text set forth below:

Section 3. The following Town Officers, Boards or Committees not provided for theretofore, shall be elected at Annual Town Meeting for a term of three (3) years:

- A. The Town Clerk: It shall be the duty of the Town clerk as soon as possible after every Town Meeting, to notify in writing all members of any committee who may be elected or appointed at such meeting, stating the business on which they are to act and the names of the persons composing the committees, and also to notify all officers, boards and committees of all articles passed at such meeting that in any way affect them.
- B. Library Trustees: There shall be three Library Trustees to be elected for terms of five (5) years.
- C. The Constables
- D. Board of Health: There shall be a three-member Board of Health, their terms of office so arranged that one expires each year on the date of the Annual Town Meeting at which time a successor shall be elected for a three (3) year term.
- E. School Committee: There shall be three (3) members of the School Committee, their terms of office so arranged that one expires each year on the date of the Annual Town Meeting at which time a successor shall be elected for a three-year term.
- F. Board of Assessors: There shall be three (3) assessors, their terms of office so arranged that one expires each year on the date of the Annual Town Meeting at which time a successor shall be elected for a three-year term.

And further to see if the Town will vote to amend Chapter III, Section 4 of the Town's Bylaws by deleting the strikethrough text shown below:

Section 4. The following Town Officers, Boards or Committees not provided for heretofore, shall be elected at Annual Town Meeting for a term of one (1) year:

- A. Moderator – who shall not hold the office of Selectmen, or sit on any committee for which the Moderator holds the responsibility of appointment.
- ~~B. Auditor~~

And, further to amend Chapter III, Section 5 of the Town's Bylaws, as set forth below with the text to be inserted shown in **bold**:

Section 5. The following Town Officers, Boards or Committees not provided for Heretofore, shall be appointed by the Selectmen.

- A. There shall be a Zoning Board of Appeals consisting of three (3) members to be appointed by the Board of Selectmen, who may also appoint two (2) associate members, as provided in Section 12, Chapter 40A of the General Laws. The Board shall act within its statutory powers as provided in Section 14, Chapter 40A (G.L.) and on matters within its jurisdiction under this bylaw in a manner prescribed in Section 15, Chapter 40A (G.L.). This Board of Appeals shall also serve as the Board of Appeals under the Subdivision Control Law as provided in Chapter 41, Section 81-Z of the General Laws.
- B. Tree Warden.
- C. Council on Aging: There shall be a five (5) member Council on Aging. Beginning in 1988 and continuing every third year thereafter there shall be appointed one (1) member to the Council on Aging for a term of three (3) years. At all other years there shall be appointed two (2) members to the Council on Aging for a term of three (3) years.
- D. Historical Commission: There shall be a five (5) member Historical Commission. Beginning in 1989 and continuing every third year thereafter there shall be appointed one member to the Historical Commission for a term of three years. At all other years there shall be appointed two (2) members to the Historical Commission for a term of three (3) years.
- E. **The Town Treasurer.**
- F. **The Collector of Taxes.**
- G. **Town Accountant**

Or take any other action thereon.

Article 5. To see if the Town will vote to amend Chapter IX of the Town's By-Laws (Zoning), to add a new Section 8 I, entitled, **Large-Scale Ground-Mounted Solar Photovoltaic Installations Within Designated Areas** the full text of which reads as follows, and further to amend the Zoning Map of the Town to add the Solar Photovoltaic Overlay District as described in that section, or take any other action thereon:

Section 8 I.: Large-Scale Ground-Mounted Solar Photovoltaic Installations Within Designated Areas

1.0 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, modification, operation and monitoring of such installations within designated areas. The purpose of the **Solar Photovoltaic Overlay District** is to identify designated locations where certain large-scale solar photovoltaic installations are allowed by right.

1.1 Applicability

The provisions set forth in this section shall apply to the construction, operation, modification and/or repair of large-scale ground-mounted solar photovoltaic installations within a designated Solar Photovoltaic Overlay District.

1.2 Solar Photovoltaic Overlay District

There shall be a Solar Photovoltaic Overlay District with As-of-Right Siting consisting of all land owned by the Town of Sandisfield, with the exception of the area known as "Yanner Park", as depicted on a map entitled Solar Photovoltaic Overlay District, which map shall be maintained by the Town Clerk as part of the Zoning Map of the Town and incorporated therein. Large-Scale Ground-Mounted Solar Photovoltaic installations within the Solar Photovoltaic Overlay District shall be allowed as-of-right upon review and approval of the Site Plan Review Authority in accordance with the requirements of this section. Large-Scale Ground-Mounted Solar Photovoltaic installations outside the Solar Photovoltaic Overlay District shall be allowed following issuance of a special permit in accordance with the requirements of Section 8E, "Solar Photovoltaic Installations".

2.0 Definitions

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit or other discretionary approval. As-of-Right development shall be subject to site plan review to determine conformance with local zoning ordinances or bylaws, and to protect the public health, safety and welfare. Projects cannot be prohibited, but can be reasonably regulated by local inspectors and/or a designated Site Plan Review Authority.

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 50 kW DC.

Site Plan Review: review and approval by the Site Plan Review Authority to determine conformance with local zoning ordinances or bylaws.

Site Plan Review Authority (SPRA): Ground-mounted large scale solar photovoltaic installations shall undergo site plan review by the Site Plan Review Authority prior to construction, installation or modification as provided in this Section. For the purpose of this Section of the Zoning Bylaw, the Zoning Board of Appeals shall be the Site Plan Review Authority.

3.0 General Requirements for all Large-Scale Ground-Mounted Solar Photovoltaic Installations

Zoning Section 8H shall apply to all ground-mounted large scale solar photovoltaic installations.

3.1 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.

3.2 Required Documents

Pursuant to the site plan review process, the Project Proponent shall, in addition to the filing requirements of Section 8H.8, provide the following documents to the Site Plan Review Authority:

- a. One- or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code compliant disconnects and overcurrent devices;
- b. Name, address, and contact information for proposed system installer;
- c. Name, address, phone number and signature of the Project Proponent;
- d. The name, contact information and signature of any agents representing the Project Proponent;
- e. An operation and maintenance plan (see Sec. 3.3);
- f. Proof of liability insurance;
- g. A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required site plan review notification procedures and otherwise inform abutters and the community.

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

The SPRA may waive documentary requirements as it deems appropriate. The SPRA shall issue a permitting decision within six months of receipt of documents in this section.

3.3 Operation & Maintenance Plan

The Project Proponent shall submit a plan for the operation and maintenance of the large scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

3.4 Monitoring and Maintenance

The Project Proponent 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 Project Proponent shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

3.5 All Other Requirements

The construction, operation and decommissioning of all large scale solar photovoltaic installations shall also be fully in accordance with Section 8H, Solar Photovoltaic Installations, with the exception of Article E, subsection 1 of Section 8H, regarding a Special Permit.

Article 6. To see if the Town will vote to enact Chapter VIII, Section 14 of the Town of Sandisfield General Bylaws, entitled "Stretch Energy Code", to read as follows, for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of January 1, 2019, a copy of which is on file with the Town Clerk, or take any other action relative thereto.

BYLAW

Chapter VIII, Section 14 STRETCH ENERGY CODE

1. Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

2. Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

3. Applicability

This code applies to residential and commercial building permits as of January 1, 2019, including alterations, renovations and additions. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

4. Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into this bylaw^[GR1].

The Stretch Code is enforceable by the inspector of buildings or building commissioner and effective as of January 1, 2019.

Article 7. To see if the Town will vote to amend section 6 of Chapter III (Town Officers) of the Sandisfield By-Laws by making certain deletions (strikethrough) and additions (underline) as shown below:

Amend current by-law to read as follows.

“There shall be a five (5) member Finance Committee consisting of registered voters or taxpayers of the Town of Sandisfield, no more than one of which may not be a registered voter, appointed by the Moderator of the Town for a term of three (3) years. Beginning in 1990 and continuing every third year thereafter, the Moderator shall appoint one (1) member of the Finance Committee. The Town Administrator, or designee, shall serve as a non-voting ex-officio member provided, however, that this person shall be seated and allowed to vote whenever the committee lacks a quorum. The Moderator shall fill all vacancies by appointing a registered voter or taxpayer to serve the un-expired term. The Moderator shall remove Finance Committee members for cause. The Moderator will submit in writing to the Board of Selectmen, recommendations for the removal of finance committee members from said committee. At a regular meeting of the Board of Selectmen, said body will vote to accept/reject the Moderator’s recommendation for removal of a finance committee member. It shall be the duty of the Finance Committee to review the budget presented by the Selectmen and make recommendations to the town meeting relative to all appropriations. These recommendations should be developed, reviewed, approved, and presented in accordance with the Town ~~Administrator’s~~ budget timeline as follows:

1. In consultation with affected parties the Select Board or its designee shall prepare an operating budget timeline for the next fiscal year’s operating budget. ~~Departmental and committee budget requests shall be submitted simultaneously to the Selectmen, Town Administrator, and Finance Committee.~~
2. After ~~initial review of the budget requests, department heads and committees~~ budget owners shall meet with and provide additional information as may be requested by the Selectmen ~~Select Board or; Town Administrator, or Finance Committee, and then meet jointly with the Selectmen and Town Administrator, or designee, and Finance Committee to discuss and justify their budget requests.~~
3. The Selectmen vote on all appropriation requests. These requests are those that are presented to Town Meetings.
4. The Finance Committee votes on all appropriation requests. These votes determine the Finance Committee’s recommendations to Town Meetings.
5. Should there be disagreement between Selectmen and Finance Committee on any appropriation requests, meetings may be held to reconcile differences in order to present to Town Meetings, as much as possible, a unified position on appropriation requests.

6. Appropriation-related articles in the Town Meeting warrant shall include a statement describing the votes of the Selectmen and the Finance Committee on each such article (e.g., Selectman Voted Approval 2-1, Finance Committee Voted Disapproval 4-1).

The Finance Committee shall otherwise have the duties prescribed by statute (M.G.L 39 § 16)."

You are directed to serve this Warrant by posting true and attested copies thereof at three public places within the Town of Sandisfield fourteen days at least before the time of said Town Meeting. Hereto fail not and make due return of the Warrant with your doings thereon to the Town Clerk at or before time of holding said meeting.



Mark Newman



Brian O'Rourke



George Riley



Constable

Date

9-26-18

IN PERSON

Method of Service



Attest: Town Clerk