

**TOWN OF COLRAIN**  
**Commonwealth of Massachusetts**

**Annual Town Meeting Warrant**

**Fiscal Year 2015**

**FRANKLIN SS:**

To either of the Constables of the Town of Colrain in the County of Franklin.

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said town, qualified to vote on town affairs, **to meet at Colrain Central School, located at 22 Jacksonville Road at 7:00 PM in said town on Tuesday, the sixth day in May next, in the year of our Lord two thousand fourteen, there and then to act on the following articles:**

**ARTICLE #1.** To see if the Town will instruct the Town Clerk to report on the election of officers and ballot questions as follows:

<b>Selectman</b>	<b>3 years</b>
<b>Assessor</b>	<b>3 years</b>
<b>Library Trustees</b>	<b>3 years</b>
<b>Library Trustees</b>	<b>3 years</b>
<b>Mohawk Trail Regional School District Committee Representative</b>	<b>3 years</b>
<b>Constable</b>	<b>3 years</b>

**Question 1.**

Shall the Town of Colrain be allowed to exempt from the provisions of proposition two and one-half, so-called, the amount required to pay the Town of Colrain's allocable share of the bond issued by the Mohawk Trail Regional School for the purpose of paying costs to include: drainage upgrades, parking lot resurfacing, re-pointing/re-caulking work, floor replacements, heating, ventilation and air condition upgrades, auditorium lighting equipment upgrades and installation of a second means of egress from main electrical switchgear room for repair work to the Mohawk Trail Regional Middle & High School located at 26 Ashfield Road in Buckland, Massachusetts.

YES - or - NO

**Question 2.**

Shall the town of Colrain be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the Town of Colrain's allocable share of the bond issued by the Mohawk Trail Regional School for the purpose of paying costs to include: sidewalk and exterior stair replacement, floor replacement and window caulking for repair work to the Colrain Central School located at 22 Jacksonville Rd., Colrain, Massachusetts.

YES - or - NO

**ARTICLE #2.** To hear reports of various town officers and act thereon, or pass any vote or votes thereto.

**ARTICLE #3.** To see if the Town will vote to fix the salaries of **compensation of elected officers of the town**, as provided by MGL Chapter 41, section 108 as amended; the salaries or compensations for the period of July 1, 2014 – June 30, 2015 are as follows, or pass any vote or votes in relation thereto:

	<u>Voted</u> <u>FY 2014</u>	<u>Proposed</u> <u>FY 2015</u>
Selectman, Chairman	\$3,169.00	\$3,232.00
Selectman, Clerk	\$3,169.00	\$3,232.00
Selectman, Member	\$3,169.00	\$3,232.00
Moderator	\$81.00	\$83.00
Town Clerk	\$17,268.00	\$17,613.00
Board of Assessors, Chairman	\$3,018.00	\$3,078.00
Board of Assessors, Member	\$3,018.00	\$3,078.00
Board of Assessors, Member	\$3,018.00	\$3,078.00

**ARTICLE #4.** To see if the town will vote to make the following appropriations to fund the **town operating budget** and raise by taxation, or otherwise provide, the required amounts, or pass any vote or votes in relation thereto:

<u>General Government</u>		<u>Voted</u> <u>FY 2014</u>	<u>Proposed</u> <u>FY 2015</u>
01-5-100-000	Attorney Expense	\$10,000.00	\$10,000.00
01-5-113-000	Moderator	\$81.00	\$83.00
01-5-114-001	Moderator's Expenses	\$60.00	\$60.00
01-5-122-000	Selectmen's Stipend	\$9,508.00	\$9,696.00
01-5-122-002	Office Clerk Wages	\$21,307.00	\$21,733.00
01-5-122-001	Selectmen's Expenses	\$700.00	\$800.00
01-5-122-005	Advertising	\$1,000.00	\$1,000.00
01-5-135-000	Town Accountant Salary	\$13,746.00	\$14,021.00
01-5-141-000	Assessors' Stipends	\$9,054.00	\$9,234.00
01-5-141-001	Assistant Assessor Salary	\$23,561.00	\$24,032.00
01-5-141-002	Assessors' Expenses	\$10,010.00	\$10,730.00
01-5-145-000	Treasurer's Salary	\$13,746.00	\$12,298.00
01-5-145-001	Tax Title Costs	\$20,000.00	\$21,000.00
01-5-146-000	Tax Collector's Salary	\$17,592.00	\$16,397.00
01-5-162-000	Election Worker's	\$2,328.00	\$2,950.00
01-5-161-000	Town Clerk Salary	\$17,268.00	\$17,613.00
01-5-175-000	Planning Board Expenses	\$1,525.00	\$1,300.00
01-5-176-000	Broadband Committee Expenses	\$776.00	\$0.00
01-5-122-003	Town Coordinator Salary	\$42,432.00	\$52,000.00
01-5-122-004	Town Coordinator Expenses	\$500.00	\$500.00
01-5-421-002	General Highway Maintenance	\$77,251.00	\$84,691.00
01-5-421-000	Highway Department Salaries	\$211,034.00	\$254,006.00
01-5-421-003	Machinery Maintenance	\$50,000.00	\$40,000.00
01-5-421-004	Bridges	\$1,000.00	\$1,000.00
01-5-421-005	Gasoline, Diesel & Oil	\$51,000.00	\$67,800.00
01-5-421-006	CDL Drug Testing	\$800.00	\$1,000.00
01-5-423-000	Winter Roads	\$86,400.00	\$86,400.00
01-5-424-000	Street Lights	\$4,300.00	\$4,300.00
01-5-611-000	Library Expenses	\$17,393.00	\$20,379.00
01-5-610-000	Library Salaries	\$29,633.00	\$29,951.00
01-5-541-000	Council on Aging Expenses	\$20,000.00	\$20,000.00
01-5-544-000	Veterans Benefits	\$0.00	\$13,000.00
01-5-692-000	Memorial Day	\$700.00	\$700.00
01-5-693-000	Cemeteries	\$475.00	\$475.00

<u>General Government</u>		<u>Voted</u> <u>FY 2014</u>	<u>Proposed</u> <u>FY 2015</u>
01-5-210-000	Police Protection Wages	\$49,051.00	\$50,032.00
01-5-210-001	Police Office Expense	\$1,710.00	\$1,716.00
01-5-210-003	Traffic Control	\$5,202.00	\$5,306.00
01-5-210-004	Police Training	\$7,000.00	\$7,140.00
01-5-210-005	Police Equipment	\$13,680.00	\$15,643.00
01-5-210-006	Police Cruiser Expense	\$13,736.00	\$19,356.00
01-5-210-008	Constables Stipends	\$531.00	\$572.00
01-5-220-000	Fire Protection Wages	\$34,004.00	\$34,437.00
01-5-220-001	Firehouse Maintenance	\$11,000.00	\$12,700.00
01-5-220-002	Fire Pumper Maintenance & Equipment	\$23,650.00	\$29,675.00
01-5-222-001	Emergency Management Expense	\$200.00	\$200.00
01-5-222-001	Emergency Manager Stipend	\$1,109.00	\$1,131.00
01-5-241-000	Building Inspector Salary	\$8,044.00	\$8,205.00
01-5-241-001	Building Inspector Expenses	\$200.00	\$200.00
01-5-241-002	Building Inspector Certification	\$870.00	\$870.00
01-5-292-000	Inspector Of Animals Stipend	\$368.00	\$375.00
01-5-294-000	Tree Warden Stipend	\$49.00	\$50.00
01-5-433-001	Transfer Station Expense	\$48,238.00	\$50,213.00
01-5-433-000	Transfer Station Salaries	\$13,603.00	\$13,744.00
01-5-513-000	Board of Health Expenses	\$5,850.00	\$5,850.00
01-5-192-001	Town Office Maintenance	\$12,200.00	\$12,450.00
01-5-192-002	Town Garage Maintenance	\$22,640.00	\$22,640.00
01-5-192-001	Town Building Custodian Wages	\$3,213.00	\$3,328.00
01-5-192-006	Property/Liability Insurance	\$36,788.00	\$38,971.00
01-5-192-005	Professional Development	\$2,290.00	\$3,385.00
01-5-192-003	Office Expense	\$24,320.00	\$34,391.00
01-5-192-004	Town Telephone	\$4,000.00	\$4,000.00
01-5-195-000	Town Reports & Ballots Printing	\$800.00	\$800.00
01-5-901-000	Group Ins/Medi/SUI - Town Share	\$126,000.00	\$127,000.00
01-5-170-000	Personnel Committee Expenses	\$100.00	\$100.00
01-5-131-000	Finance Committee Expenses	\$180.00	\$180.00
01-5-132-000	Reserve Fund	\$2,000.00	\$2,000.00
01-5-171-000	Conservation Commission Expenses	\$100.00	\$100.00
01-5-651-000	Open Space Committee Expenses	\$100.00	\$100.00
01-5-690-000	Historic Commission Expenses	\$100.00	\$100.00
<b>Town Operating Budget – Total</b>		<b>\$1,237,555.00</b>	<b>\$1,356,109.00</b>

**ARTICLE #5.** To see if the town will vote pursuant to the provisions of Section 53E1/2 of Chapter 44 of the Massachusetts General Laws, to **authorize the establishment of revolving funds for certain town departments** for the fiscal year beginning July 1, 2014 with specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum that may be spent from each fund for the fiscal year as follows:

<u>Revolving Fund Title</u>	<u>Authorized to Spend Fund</u>	<u>Revenue Source</u>	<u>Use of Fund</u>	<u>FY15 Spending Limit</u>	<u>Disposition of FY14 Fund Balance</u>
Plumbing Inspector	Plumbing Inspector	Plumbing Permit Fees and Applications	Reimburse Inspector for Inspection Services	\$3,500.00	Balance Available for Expenditure in 2015
Health Inspector	Health Inspectors	Board of Health Permit Fees and Applications	Reimburse Inspectors for Inspection Services	\$5,000.00	Balance Available for Expenditure in 2015
Electrical Inspector	Electrical Inspector	Electrical Permit Fees and Applications	Reimburse Inspector for Inspection Services	\$3,500.00	Balance Available for Expenditure in 2015
Fire Inspector	Fire Department Inspectors	Fire Permit Fees and Applications	Reimburse Inspectors for Inspection Services	\$3,500.00	Balance Available for Expenditure in 2015
Dog Fund	Town Clerk, Dog Officer, and Board of Selectmen	Dog License Fees and Other Charges as Provided by Chapter 40, S 147A.	Offset Expenses Related to Administration of licenses and other Animal Control Matters	\$15,000.00	Balance Available for Expenditure in 2015
Demolition Fund	Board of Health and Building Inspector	Receipts from demolition liens, municipal abatement liens and related insurance reimbursements including court orders.	For purposes associated with demolition, boarding and securing, and abating public health nuisances related to abandoned properties as determined by the Board of Health or Building Inspector.	\$20,000.00	Balance Available for Expenditure in 2015

**ARTICLE #6.** To see if the town will vote to **authorize the Board of Selectmen to apply for, accept, and expend any state or federal grants that may become available**, or pass any vote or votes in relation thereto.

**ARTICLE #7.** To see if the town will vote to raise and appropriate the sum of \$7,500 to be used for **Interest on Indebtedness**, or pass any vote or votes in relation thereto.

**ARTICLE #8.** To see if the town will vote to raise and appropriate, the sum of \$271,734, and transfer from the Quintus Allen Fund the sum of \$1,813, for a total sum of \$273,547 to be used for the **Franklin County Technical School District's annual operating assessment**, or pass any vote or votes in relation thereto.

**ARTICLE #9.** To see if the town will vote to raise and appropriate, the sum of \$1,655,789 to be used for the **Mohawk Trail Regional School District's annual operating assessment**, or pass any vote or votes in relation thereto.

**ARTICLE #10.** To see if the town will vote to raise and appropriate, the sum of \$45,962 to be used for the **Mohawk Trail Regional School District's annual capital assessment**, or pass any vote or votes in relation thereto.

**ARTICLE #11.** To see if the Town will vote to allow the District to borrow, a sum of money, not to exceed \$542,778 to be expended under the direction of the School Building Committee for repair work to the Mohawk Trail Regional Middle & High School located at 26 Ashfield Road in Buckland, Massachusetts, to include: drainage upgrades, parking lot resurfacing, re-pointing/re-caulking work, floor replacements, heating, ventilation and air condition upgrades, auditorium lighting equipment upgrades and installation of a second means of egress from main electrical switchgear room totaling \$542,778. The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required education program; provided, however, that the vote shall not take effect until the Town votes to exclude from the limitation of total taxes assessed pursuant to Chapter 59, Section 21C of the General Laws (Prop. 2 ½ so called) the debt amounts required to pay the principal and interest on the borrowing authorized by this vote.

**ARTICLE #12.** To see if the Town will vote to allow the District to borrow, a sum of money not to exceed \$42,400, to be expended under the direction of the School Building Committee for repair work to the Colrain Central School located at 22 Jacksonville Rd., Colrain, Massachusetts, to include: sidewalk and exterior stair replacement, floor replacement and window caulking totaling \$42,400. The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required education program; provided, however, that the vote shall not take effect until the Town votes to exclude from the limitation of total taxes assessed pursuant to Chapter 59, Section 21C of the General Laws (Prop. 2 ½ so called) the debt amounts required to pay the principal and interest on the borrowing authorized by this vote.

**ARTICLE #13.** To see if the Town will vote to allow the District to borrow, a sum of money not to exceed \$783,900, to be expended under the direction of the School Building Committee for repair work to the Buckland-Shelburne Elementary School located at 75 Mechanic St., Shelburne Falls, Massachusetts, to include: parking lot and sidewalk replacement, re-pointing/re-caulking and masonry repairs, replacement of fogged thermo pane windows, floor replacement, condensing unit and PTEC unit replacements totaling \$783,900. The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required education program.

**ARTICLE #14.** To see if the Town will vote to allow the District to borrow, a sum of money not to exceed \$228,850, to be expended under the direction of the School Building Committee for repair work to the Sanderson Academy located at 808 Cape St., Ashfield, Massachusetts, to include: drainage upgrades, sidewalk replacement, snow bar installation on roof, window caulking and replacement, major service to Bioclere sanitary water treatment, condenser unit replacement totaling \$228,850. The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required education program.

**ARTICLE #15.** To see if the Town will vote to allow the District to borrow, a sum of money, not to exceed \$88,500, to be expended under the direction of the School Building Committee for repair work to the Heath Elementary School located at 18 Jacobs Rd., Heath, Massachusetts, to include: drainage upgrades, sidewalk replacement attic insulation and floor replacement totaling \$88,500. The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required education program.

**ARTICLE #16.** To see if the town will vote to raise and appropriate, the sum of \$28,000 to cover the cost of **Tuition/Transportation-Smith Vocational**, or pass any vote or votes in relation thereto.

**ARTICLE #17.** To see if the town will vote to raise and appropriate, the sum of \$13,234 for its share of the **Statutory Charges and Core Service Assessment of the Franklin Regional Council of Governments**, or pass any vote or votes in relation thereto.

**ARTICLE #18.** To see if the town will vote to raise and appropriate, the sum of \$2,798 for its share of the **Cooperative Purchasing Program Service Assessment of the Franklin Regional Council of Governments**, or pass any vote or votes in relation thereto.

**ARTICLE #19.** To see if the town will vote to raise and appropriate, the sum of \$100 for its share of the **Emergency Planning Committee Service Assessment of the Franklin Regional Council of Governments**, or pass any vote or votes in relation thereto.

**ARTICLE #20.** To see if the town will vote to raise and appropriate, the sum of \$72,247 for its share of the cost to maintain the **Franklin Regional Retirement System**, or pass any vote or votes in relation thereto.

**ARTICLE #21.** To see if the town will vote to raise and appropriate, the sum of \$4,514 to pay the town's allocated share of cost of the **Franklin County Solid Waste Management District**, or pass any vote or votes in relation thereto.

**ARTICLE #22.** To see if the town will vote to raise and appropriate the sum of \$2,653 to pay the town's allocated share of the cost of membership in the **Central Franklin County District Department of Veterans' Services**, or pass any vote or votes in relation thereto.

**ARTICLE #23.** To see if the town will vote to raise and appropriate, the sum of \$700 to pay for its share of the **Operating and Capital Costs of the Franklin County Regional Dog Control and Adoption Center**, or pass any vote or votes in relation thereto.

**ARTICLE #24.** To see if the town will vote to raise and appropriate, the sum of \$1,000 to pay the Town's allocated share of the cost of membership in **Wired West**, or pass any vote or votes in relation thereto.

**ARTICLE #25.** To see if the town will vote to raise and appropriate, the sum of \$2,000 to be used for the **Police Administration account** (any amount expended will be 100% reimbursed), or pass any vote or votes in relation thereto.

**ARTICLE #26.** To see if the town will vote to raise and appropriate, the sum of \$2,000 toward the cost of **restoration and preservation of town records**, or pass any vote or votes in relation thereto.

**ARTICLE #27.** To see if the town will vote to transfer from the Dog Fund Revolving account, the sum of \$4,970 toward **reducing the tax rate**, or pass any vote or votes in relation thereto.

**ARTICLE #28.** To see if the town will vote to transfer from the Dog Fund Revolving account, the sum of \$1,530 toward the **salary of the Animal Control Officer**, or pass any vote or votes in relation thereto.

**ARTICLE #29.** To see if the town will vote to raise and appropriate, the sum of \$3,900 to cover the **on-going maintenance for the G. William Pitt House**, or pass any vote or votes in relation thereto.

**ARTICLE #30.** To see if the town will **authorize the Selectmen to accept and expend, as an available fund, any of the bond issue or operating budget monies** (also called "Chapter" monies) from the Commonwealth of Massachusetts through the Massachusetts Department of Transportation, or pass any vote or votes in relation thereto.

**ARTICLE #31.** To see if the town will vote to transfer from the free cash account, the sum of \$14,500 to the **General Stabilization Account**, or pass any vote or votes in relation thereto.

2/3 vote required



**ARTICLE #32.** To see if the town will vote to transfer from the free cash account, the sum of \$8,000 to the **Transfer Station Stabilization Account**, or pass any vote or votes in relation thereto.

2/3 vote required

**ARTICLE #33.** To see if the town will vote to transfer from the free cash account, \$20,000 to the **Highway Stabilization Account**, or pass any vote or votes in relation thereto.

2/3 vote required

**ARTICLE #34.** To see if the town will vote to transfer from the free cash account, \$5,816.01 for the **purchase of a highway truck dump body**, or pass any vote or votes in relation thereto.

**ARTICLE #35.** To see if the town will vote to transfer from a prior year warrant article (FY 14 Annual Town Meeting Warrant Article #30) \$9,133.99 for the **purchase of a highway truck dump body**, or pass any vote or votes in relation thereto.

**ARTICLE #36.** To see if the town will vote to establish a **Police Department Stabilization Fund** account for the future purchase of a replacement vehicle, or pass any vote or votes in relation thereto.

2/3 vote required

**ARTICLE #37.** To see if the town will vote to transfer from the free cash account, \$20,000 to fund the **Police Department Stabilization Fund**, or pass any vote or votes in relation thereto.

2/3 vote required

**ARTICLE #38.** To see if the town will vote to transfer from the free cash account, \$4,000 to the **Assessor's Stabilization Account**, or pass any vote or votes in relation thereto.

2/3 vote required

**ARTICLE #39.** To see if the town will vote to transfer from the free cash account, \$4,000 to the **Audit Stabilization Account**, or pass any vote or votes in relation thereto.

2/3 vote required

**ARTICLE #40.** To see if the town will vote to establish a **Technology Stabilization Fund** account for the future purchase of a technology related equipment, or pass any vote or votes in relation thereto.

2/3 vote required

**ARTICLE #41.** To see if the town will vote to transfer from the free cash account, \$4,000 to the **Technology Stabilization Account**, or pass any vote or votes in relation thereto.

2/3 vote required

**ARTICLE #42.** To see if the town will vote to transfer from the free cash account, \$11,985 for the **purchase and installation of central air conditioning at the Griswold Memorial Library**, or pass any vote or votes in relation thereto.

**ARTICLE #43.** To see if the town will vote to transfer from the free cash account, \$3,000 for the **purchase and installation of smoke and heat detection equipment and alarms at the Griswold Memorial Library**, or pass any vote or votes in relation thereto.

**ARTICLE #44.** To see if the town will vote to raise and appropriate, the sum of \$1,367 to cover the cost of a **Workers Comp Assessment**, or pass any vote or votes in relation thereto.

**ARTICLE #45.** To see if the town will vote to raise and appropriate, the sum of \$10,500 to pay for **engineering and grant writing services** for grant application purposes, or pass any vote or votes in relation thereto.

**ARTICLE #46.** To see if the town will vote to appropriate the amount of \$150,000, for the purchase of a **new Glider Kit and related equipment**, or pass any vote or votes in relation thereto.

To meet the above appropriation the Treasurer, with the approval of the Board of Selectmen, shall be authorized to borrow up to \$150,000 and issue bonds or notes therefore pursuant to Chapter 44 of the General Laws, and further, the Selectmen shall be authorized to apply for, accept and expend any federal, state or other aid available for the purchase or for the financing thereof, and the Selectmen shall be further authorized to expend all funds available for the purchase and take any other action necessary to carry out the purchase.

2/3 vote required

**ARTICLE #47.** To see if the town will vote to transfer from Overlay Surplus the amount of \$8,759.91 toward **reducing the tax rate**, or pass any vote or votes in relation thereto.

**ARTICLE: #48** To see if the Town will vote to amend the Town of Colrain Protective Zoning Bylaw amending Section III-2, Use Regulations Schedule, to include Commercial Campgrounds to the Use Regulations Schedule under Business Uses and to add to Section VIII: Definitions “camper” and “commercial campgrounds” as follows:

**Camper:** A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled mobile homes. Note: This definition also includes the definition of a recreational vehicle.

**Commercial Campground:** Premises used for any type of camper or tenting or for temporary overnight facilities of any kind.

2/3 vote required

**ARTICLE # 49. To see if the Town will vote to establish the following by-law:**

Protective Zoning Bylaws

**SECTION XVII: COMMERCIAL CAMPGROUNDS**

- (a) Purpose: to provide clarity for the land use and definition of “camper” and “commercial campgrounds” and to provide a framework for the development of a commercial campground
- (b) Definitions:
  - Camper: A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled mobile homes.  
Note: This definition also includes the definition of a recreational vehicle.
  - Campground: Premises used for any type of camper or tenting or for temporary overnight facilities of any kind.

Commercial campgrounds are allowed only by Special Permit from the Zoning Board of Appeals and following approval from the Board of Health, and shall conform to the following minimum requirements;

- (a) A campground parcel must have a minimum area of 30 acres
- (b) The campground shall be used for part-time occupancy for no more than ninety days
- (c) A maximum of thirty (30) camper or tent sites shall be allowed per campground
- (d) Campgrounds shall not be placed within 150 feet of a road or a lot line.

2/3 vote required

**ARTICLE # 50. To see if the Town will vote to establish the following by-law:**

Protective Zoning Bylaws

**Town of Colrain  
New Large-Scale Ground-Mounted  
Solar-Photovoltaic System Bylaw**

**SECTION XV: LARGE-SCALE GROUND-MOUNTED SOLAR-PHOTOVOLTAIC SYSTEM BYLAW**

XV-1 Purpose

The purpose of this bylaw is to regulate the creation of Large-Scale Ground-Mounted Solar-Photovoltaic Systems by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such Solar-Photovoltaic Systems that address public safety; minimize impacts on scenic, natural, and historic resources; and provide adequate financial assurance for the eventual decommissioning of such Solar-Photovoltaic Systems.

a) Applicability. This section applies to Large-Scale Ground-Mounted Solar-Photovoltaic Systems 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 Solar-Photovoltaic Systems and/or related equipment.

- 1) The provisions set forth in this section shall apply to the construction, operation, and/or repair of Large-Scale Ground-Mounted Solar-Photovoltaic Systems occupying a footprint greater than 0.25 acres.
- 2) Smaller scale ground-mounted solar-photovoltaic systems (occupying a footprint less than or equal to 0.25 acres) and building-mounted solar-photovoltaic systems do not need to comply with this section, but shall require a building permit and must comply with all other applicable local, state, and federal requirements.

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XV-2 General Requirements for Large-Scale Ground-Mounted Solar-Photovoltaic Systems

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a) Compliance with Laws, Ordinances and Regulations. The construction and operation of all Solar-Photovoltaic Systems 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 System shall be constructed in accordance with the State Building Code and other applicable local, state and federal requirements.

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b) Building Permit. No Solar-Photovoltaic System shall be constructed, installed or modified as provided in this section without first obtaining a Building Permit including payment of the required fee.

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c) Fees. The application for a Site Plan approval and/or for a Special Permit for a Solar-Photovoltaic System shall be accompanied by the appropriate fees for each review or permit, as specified in the Rules and Regulations of the Planning Board and the Zoning Board of Appeals, respectively.

XV-3 Site Plan Review Requirements

All Large-Scale Ground-Mounted Solar-Photovoltaic Systems with a footprint greater than 0.25 acres shall undergo Site Plan Review by the Planning Board pursuant to Section XIII, Development Site Plan Review, prior to construction, installation or modification, and shall also comply with the additional provisions of this section.

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a) Required Information. Pursuant to the Site Plan Review process, the solar-photovoltaic system project proponent shall provide the following information:

- 1) Name, title, address, contact information and signature of any agents representing the project proponent;

- 2) Name, title, address, contact information and credentials for proposed Solar-Photovoltaic System installer(s);
- 3) 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);
- 4) Locations of any Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP) on or near the project site;
- 5) Locations of floodplains and inundation areas for moderate or high-hazard dams that would impact the project site;
- 6) Locations of local or National Historic Districts. The owner shall obtain written local or national historical or archeological district verification from the Town Clerk as to whether or not the project is sited within such a district, then at the time of site plan submission to the Town Clerk, the owner must also complete a Project Notification Form (obtain from: <http://www.sec.state.ma.us/mhc/>) accompanied by standard documents, e.g., USGS locus map, scaled project plans showing existing and proposed conditions, and current photographs keyed to the plan);
- 7) Proof of liability insurance. The owner or operator shall provide a certificate of insurance showing that the project has sufficient liability coverage pursuant to industry standards, including coverage without limitation during construction, operation, and maintenance and possible damage outside of the Solar-Photovoltaic System area;
- 8) Utility Notification. No Large-Scale Ground-Mounted Solar-Photovoltaic System shall be constructed until evidence has been provided that the utility company that operates the electrical grid where the Solar-Photovoltaic System is to be located has been informed of the Solar-Photovoltaic System owner's or operator's intent to install a grid-connected generator facility;
- 9) Blueprints or drawings of the Solar-Photovoltaic System 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 as well as the location and size of proposed parking and driveways, walkways, access and egress points;
- 10) Documentation of the major system components to be used, including the electric generating components, transmission systems, mounting system, inverter;
- 11) The project proponent shall submit documentation of actual or prospective authority to access and control the project site sufficient to allow for construction, operation, and maintenance of the proposed Solar-Photovoltaic System;
- 12) A list of any hazardous materials proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment;
- 13) A copy of an Interconnection Application filed with the utility including a one- or three-line electrical diagram detailing the Solar-Photovoltaic System, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code compliant disconnects and overcurrent devices;
- 14) A plan for the operation and maintenance of the Solar-Photovoltaic System, which shall include measures for maintaining safe access to the Solar-Photovoltaic System, storm water and vegetation controls, as well as general procedures for operation and maintenance of the Solar-Photovoltaic System.

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**b) Project Design**

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- 1) Setbacks: All Large-Scale Ground-Mounted Solar-Photovoltaic Systems shall have front, side, and rear yard setbacks of at least 50 feet. Acreage thresholds apply in the

aggregate to new facilities and expansion of existing facilities. For expansions, the acreage of the existing facility would be added to those of the proposed expansion to determine the overall size and generating capacity. Required setback areas shall not be counted toward a facility's total acreage.

- 2) Appurtenant Structures. All appurtenant structures to Solar-Photovoltaic Systems shall be subject to current zoning regulations concerning the bulk and height of structures, lot area, setbacks, 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.
- 3) Lighting. Lighting of Solar-Photovoltaic Systems shall be consistent with Town, state and federal law. Lighting of other parts of the Solar-Photovoltaic System, 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 System shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- 4) Signage. Signs on photovoltaic Solar-Photovoltaic Systems shall comply with the Town's sign regulations in Section IV. A sign consistent with the sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number. Solar-Photovoltaic Systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer.

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#### XV-4 Special Permit Requirements

Large-Scale Ground-Mounted Solar-Photovoltaic Systems with a footprint greater than 1.0 acres shall also require a Special Permit from the Zoning Board of Appeals pursuant to the provisions of Section XII, Special Permits, and shall comply with the additional provisions of this section.

a) Administration and Waivers. The Special Permit-Granting Authority may waive any of the requirements for a Special Permit submittal and approval if the project warrants such action. It may also request any additional information it shall need to render a decision. The Special Permit-Granting Authority 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 Special Permit submittal. The applicant shall be responsible for the costs of such advice.

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b) Application Process. An applicant for a Special Permit 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 seven (7) copies each of an application form, Site Plan 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 Special Permit-Granting Authority, Conservation Commission, the Board of Health, the Building Inspector, the Highway Superintendent, the Fire Chief and the Police Chief. In addition, the Town Clerk will notify the Historical Commission and Open Space Committee that a copy of the application is available for review at Town Hall. 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 Special Permit-Granting Authority their findings and recommendations, and they can attend the public hearing(s). No Special Permit for Large-Scale Ground-Mounted Solar-Photovoltaic Systems 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

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applicable permits or approvals that may be required for the proposed development from other Town Boards or municipal officials.

c) **Public Hearing.** The Special Permit-Granting Authority shall hold a public hearing within 65 days after the filing of an application and shall take final action on an application for a Special Permit 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. To the extent permitted by law, the Special Permit public hearing shall be coordinated with the public hearing required for Site Plan Review.

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**XV-5 Environmental and Safety Standards**

a) **Screening.** Design features which will integrate the proposed development into the existing landscape, maintain neighborhood character, and screen objectionable features from neighbors and roadways; Solar-Photovoltaic Systems and any appurtenant structures shall be screened from view by a minimum fifteen (15) foot wide staggered and group planted shrubs and small trees. Such plantings shall use a mix of deciduous and evergreen species and may be located within the setback area. Said vegetative screening shall reach a mature form to effectively screen the Solar-Photovoltaic System within five years of Solar-Photovoltaic System. Planting of the vegetative screen shall be completed prior to final approval of the electric Solar-Photovoltaic System by the Building Inspector. The facility shall be designed to minimize impacts to agricultural and environmentally sensitive land and to be compatible with continued agricultural use of the land whenever possible. The use of exotic plants, by the most recent copy of the "Massachusetts Prohibited Plant List" Department of Agricultural Resources, is prohibited. Siting shall be such that the view of the solar electric generating Solar-Photovoltaic System from other areas of Town shall be as minimal as possible.

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b) **Vegetation Control.** Herbicides shall only be applied by properly licensed personnel, as enforced by the Department of Agricultural Resources. Mowing, grazing or using geotextile materials underneath the solar arrays are possible alternatives.

c) **Noise.** Noise generated by Solar-Photovoltaic Systems and machinery shall conform to applicable state and local noise regulations, including DEP's Division of Air Quality noise regulations, 310 CMR 7.10. Sound or noise levels may not exceed 50 dBA, at the boundary of the property. A source of sound will be considered in violation of said regulations if the source:

- 1) increases the broadband sound level by more than 10 dBA above ambient;
- 2) produces a "pure tone" condition, when an octave band center frequency sound pressure level exceeds the two (2) adjacent center frequency sound pressure levels by three (3) decibels or more.

Said criteria are measured both at the property line and at the nearest inhabited residence. "Ambient" is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours, unless established by other means with the consent of the DEP.

d) **Access Roads.** Access roads shall be constructed to minimize impact to environmental or historic resources.

e) **Emergency Services.** The Solar-Photovoltaic Systems 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 System shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the Solar-Photovoltaic System.

f) Solar-Photovoltaic System Maintenance. The owner or operator shall maintain the Solar-Photovoltaic System 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 System and any access road(s).

g) Modifications. All material modifications to a Solar-Photovoltaic System made after issuance of the required building permit shall require approval by the Planning Board and the Special Permit-Granting Authority, where applicable.

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#### XV-6 Abandonment or Decommissioning

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a) Removal Requirements. Any Solar-Photovoltaic System that has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the Solar-Photovoltaic System no more than 150 days after the date abandonment or the end of its useful life. The owner or operator shall notify the Planning Board and Special Permit Granting Authority (where applicable) by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

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

b) Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Solar-Photovoltaic System shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board and Special Permit Granting Authority (where applicable) . If the owner or operator of the Solar-Photovoltaic System fails to remove the Solar-Photovoltaic System in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may seek a court order to enter the property and physically remove the Solar-Photovoltaic System.

c) Financial Surety. Proponents of projects shall provide a form of surety issued by an entity with sufficient financial strength, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the Solar-Photovoltaic System and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board and the Special Permit Granting Authority (where applicable), but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein. 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,

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prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

2/3 vote required

**ARTICLE # 51.** To see if the Town will vote to amend the Town of Colrain Protective Zoning Bylaw (see below text): amending Section III-2, Use Regulations Schedule, to include Large Scale Ground Mounted Photovoltaic System under “Industrial” uses and adding two footnotes, identifying the solar installations that would be allowed by right, those that would require Site Plan Review by the Planning Board, and those that would also require a Special Permit from the Zoning Board of Appeals, amending Section VI-2, Dimensional Schedule, to add a footnote regarding setbacks for Large-Scale Ground-Mounted Solar-Photovoltaic Systems, amending Section VIII: Definitions to add new definitions relating to solar-photovoltaic systems and amending Section XIII: Development Site Plan Review, Subsection C, Applicability, to require Site Plan Review by the Planning Board for Large-Scale Ground-Mounted Solar-Photovoltaic Systems.

Protective Zoning Bylaws

## Proposed Changes to Existing Zoning Bylaws Associated with New Large-Scale Ground-Mounted Solar-Photovoltaic System Bylaw

### I. AMEND SECTION III-2, USE REGULATIONS SCHEDULE, AS FOLLOWS:

#### III-2 Use Regulations Schedule

No building, structure or land shall be erected or used except as permitted in this section and all other sections of these Zoning Bylaws. No more than one principal structure or dwelling may be erected on a lot.

Symbols employed in the following use regulations schedule shall have the following meaning:

- Y – Yes, the use is permitted by right in that Zoning District
- N – No, the use is not permitted in that Zoning District
- SP – The use may be permitted if a Special Permit is granted by the Zoning Board of Appeals
- SPP – The use may be permitted if a Special Permit is granted by the Planning Board
- SPR – The use is permitted subject to Site Plan Review by the Planning Board

Use	Village Districts	Rural District	Commercial - Industrial Districts
<b>Residential Uses</b>			
Single-Family Dwelling	Y	Y	Y
Two-Family Dwelling	Y	SPR	Y

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Use	Village Districts	Rural District	Commercial - Industrial Districts
Accessory Apartment	SP	SP	N
Mobile Home Parks	N	N	N
Multi-family Dwelling (3-6 dwellings)	SPR	N	SPR
Multi-family Dwelling (more than 6 dwellings)	SP	N	SP
<b>Agricultural &amp; Recreational Uses</b>			
Farming or Forestry	Y	Y	Y
Commercial Greenhouses on lots equal to or greater than 5 acres	Y	Y	Y
Commercial Greenhouses on lots less than 5 acres	SP	SP	SP
Commercial Recreation	N	SP	N
Wildlife Preserve or Other Conservation Uses	Y	Y	Y
<b>Community Services</b>			
Public Utility Facility	SP	SP	SP
Wireless Communication Facilities	SPP	SPP	SPP
Educational Uses exempted from zoning regulation by M.G.L. Ch.40A, Section 3	Y	Y	Y
Other Educational Uses not exempted from zoning regulation by M.G.L. Ch.40A, Section 3	SP	SP	N
Church, other Religious Use	Y	Y	Y
Municipal Uses not covered elsewhere	SP	SP	SP
Family Day Care Home for 6 or less children or adults	Y	Y	Y
Family Day Care Home for more than six children or adults	SP	SP	SP
Day Care Center for children exempted from zoning regulations by M.G.L. Ch. 40A, Section 3	Y	Y	Y
Nursing Home, Assisted Living Facility	SP	SP	N
<b>Business Uses</b>			
Business, Professional Offices with less than 6 employees	SPR	SPR	SPR
Business, Professional Offices with 6 or more employees	SP	SP	SP
Banks	SPR	N	SPR
Standalone Automated Teller Machines (ATM)	N	N	SP
Conversion of Historic Industrial or Commercial Structure to Mixed Uses	SPR	SP	SPR

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Use	Village Districts	Rural District	Commercial - Industrial Districts
Restaurant, drive through	N	N	N
Restaurant, other	SPR	SP	SP
Seasonal food service	SPR	SP	SP
Retail Store(s) – Building 3,000 sq. ft. or less of enclosed floor space <sup>1</sup>	SPR	N	SP
Retail Store(s) – Building greater than 3,000 sq. ft. up to 12,000 sq. ft. of enclosed floor space <sup>1</sup>	SP	N	SP
Flea Markets	SP	N	SP
Artisan Studios	Y	Y	Y
Motor Vehicle Sales	N	N	SP
Laundry, Laundromat	SP	N	SP
Theaters	SP	SP	SP
Hotels	SPR	N	SPR
Motels	SP	N	N
Inns	SPR	SP	SP
Bed and Breakfast, up to 6 bedrooms <sup>2</sup>	SPR	Y	N
Building Materials, Sales & Storage	SP	SP	SPR
Home Based Business	Y	Y	Y
Funeral Home	SP	SP	SP
Equipment Rentals	SP	SP	SPR
Kennels	N	SP	SP
Farm Stand	Y	Y	Y
Business Uses not listed above, other than retail uses, where the physical appearance, operation, parking requirements and traffic impacts resemble a use permitted (Y, SPR, or SP) above and which will not have a detrimental impact on adjacent or nearby uses	SP	SP	SP
<b>Industrial Uses</b>			
Junk yards, dumps, and landfills	N	N	N
Light Industrial Uses	N	N	SP
Freight or Transportation Facilities	N	N	SP
Gasoline Station, Automotive Repair Garages	SP	SP	SP
Quarrying, Gravel Mining & Earth Removal	N	SP	SP
Collection, treatment, storage, burial, incineration or disposal of radioactive waste, including but not limited to low level radioactive waste	N	N	N
Sawmill	N	SP	SP
Bulk Storage, Warehousing	N	SP	SP

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Use	Village Districts	Rural District	Commercial - Industrial Districts
Large-Scale Ground-Mounted Solar-Photovoltaic System with a footprint greater than 0.25 acres up to 1.0 acres <sup>3,4</sup> (See Section XV)	SPR	SPR	SPR
Large-Scale Ground-Mounted Solar-Photovoltaic System with a footprint greater than 1.0 acres <sup>3,4</sup> (See Section XV)	N	SP/SPR	SP/SPR

1 - Outdoor storage, sales or display associated with any retail use requires Site Plan Review (see Section XIII). (Added May 9, 2012)

2 - Prior to opening a Bed & Breakfast establishment the building must be inspected by the Building Inspector to ensure compliance with the State Building Code including requirements related to fire safety. Please contact the Building Inspector if you are considering opening this type of business to learn about these Building Code requirements. (Added June 23, 2008)

3 - Smaller scale ground-mounted solar-photovoltaic systems (occupying a footprint less than or equal to 0.25 acres and building-mounted solar-photovoltaic systems do not need to comply with Section XV, but shall require a building permit and must comply with all other applicable local, state, and federal requirements.

4 - Acreage thresholds apply in the aggregate to new facilities and expansion of existing facilities. For expansions, the acreage of the existing facility would be added to those of the proposed expansion to determine the overall size and generating capacity. Required setback areas, as per Section XV -3(b)(1), shall not be counted toward a facility's total acreage.

**II. AMEND SECTION VI-2, DIMENSIONAL SCHEDULE, AS FOLLOWS:**

VI-2 Dimensional Schedule

	Minimum Area (a)	Minimum Frontage in feet (b)	Front in feet (c)(d)	Yard Dimensions Side in Feet (d)	Rear in feet (d)	Maximum Height in feet	Maximum Lot Coverage
Village Districts	20,000 sq. ft.	100	30	15	30	35	70%
Rural Districts	1 ½ acre	300	50	40	40	35	25%
Commercial-Industrial Districts	2 acres	300	50	50	50	45	50%

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- (a) Any lot in a village district having a two-family dwelling structure shall provide not less than 30,000 square feet of land.
- (b) A lot or parcel of land having an area or a frontage of lesser amounts than required by this Bylaw may be considered as coming within the area or frontage requirements of this Section, provided such a lot or parcel of land was shown on a plan or described in a deed duly recorded or registered at the time of the adoption of the Bylaw and did not at the time of such adoption adjoin other land of the same owner available for use in connection with this parcel.
- (c) To be measured from the right-of-way line where a plan of the way is on file with the Registry of Deeds or, in the absence of such a plan from a line twenty-five (25) feet from and parallel to the center line of the traveled way.
- (d) All Large-Scale Ground-Mounted Solar-Photovoltaic Systems shall have front, side, and rear yard setbacks of at least 50 feet, pursuant to the requirements of Section XV-3(b)(1). Required setback areas shall not be counted toward a facility's total acreage.

**III. AMEND SECTION VIII, DEFINITIONS, TO ADD THE FOLLOWING NEW DEFINITIONS:**

**Building Permit**—A construction permit issued by an authorized Building Inspector evidencing that the project is consistent with the state and federal building codes as well as local zoning bylaws.

**By-Right**—By-Right shall mean that development may proceed without the need for a Special Permit, variance, amendment, waiver, or other discretionary approval, subject to issuance of a building permit and compliance with all applicable local, state and federal requirements, including but not limited to applicable safety, construction, electrical and communications requirements and other provisions of this Bylaw, such as setback requirements, as specified for the zoning district in which it is located. By-right development may be subject to site plan review to determine conformance with local zoning ordinances or bylaws.

**Large-Scale Ground-Mounted Solar-Photovoltaic System**—A Solar-Photovoltaic System which has a footprint greater than 0.25 acres.

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**Solar-Photovoltaic Array**—An arrangement of solar-photovoltaic panels.

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**Solar-Photovoltaic System**—Groups of solar-photovoltaic arrays for the generation of electricity, including all appurtenant structures such as the support foundation, power conditioning and control equipment, storage, active thermal control, security system, conduit and instrumentation.

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**Solar-Photovoltaic System Footprint**: The entire ground-surface area covered by the Solar-Photovoltaic System.

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**Zoning-Enforcement Authority**—The Selectmen or Building Inspector appointed by the Selectmen charged with enforcing the Zoning Bylaw pursuant to Section IX-1, of the Colrain Protective Zoning Bylaw.

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**IV. AMEND SECTION XIII, DEVELOPMENT SITE PLAN REVIEW, SUBSECTION C, APPLICABILITY, AS FOLLOWS:**

- c) Applicability. Site Plan Review shall be required for the following types of activities and uses:
  - 1. Cluster Developments (see Section VI-6);
  - 2. Outdoor storage, sales or display associated with any retail use;
  - 3. Construction, exterior alteration or exterior expansion of more than 1,000 square feet of, or change of use within a municipal, institutional, commercial, industrial, or multi-family structure;
  - 4. Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or multi-family structure;
  - 5. Grading, clearing, or other land development activity EXCEPT for the following: single family residences, landscaping on a lot with an existing dwelling, clearing necessary for percolation and other site tests, work incidental to agricultural activity, or work in conjunction with an approved subdivision plan or earth removal permit;
  - 6. Construction, operation, and/or repair of Large-Scale Ground-Mounted Solar-Photovoltaic Systems occupying a footprint greater than 0.25 acres.
  - ~~6-7.~~ Any use listed in the Use Regulation Schedule (Section III-2) as requiring Site Plan Review.

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2/3 vote required

**ARTICLE # 52. To see if the Town will vote to establish the following by-law:**

Protective Zoning Bylaws

**Section XIV TEMPORARY MORATORIUM ON THE CONSTRUCTION OF LARGE SCALE WIND ENERGY SYSTEMS**

- a) Purpose. For the past year, the Town of Colrain has been working on developing a bylaw to address the construction of large scale wind energy systems, however, due to the complex nature of such a bylaw, new information about large scale wind energy systems, and the need for professional assistance, the Town needs more time to work on the bylaw. Thus, it is necessary to establish a temporary 12 month moratorium on the use of land and the construction of structures related to such large scale wind systems and the issuance of building permits in connection with the same.
- b) Temporary Moratorium. Notwithstanding any other provision in the Town of Colrain Zoning Bylaw to the contrary, no building permit may be issued for the construction of any large scale large wind energy system of more than 35 kilowatts, until May 6, 2015. The purpose of this temporary moratorium is to allow sufficient time to continue a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

c) The temporary moratorium for twelve (12) months from May 6, 2014 to May 6, 2015 is in order to complete the Large Scale Wind Energy System by-law.

2/3 vote required

**ARTICLE # 53. To see if the Town will vote to establish the following by-law:**

Protective Zoning Bylaws

**SECTION XVI: TEMPORARY MORATORIUM ON MEDICAL MARIJUANA BYLAW**

- (a) Purpose: By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town *[as applicable]* and any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.
- (b) Definition  
"Medical Marijuana Treatment Center" shall mean a "not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers."
- (c) Temporary Moratorium  
For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect from May 6, 2014 through May 6, 2015. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations Regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses. Or take any action relative thereto.

2/3 vote required

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

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

Given under our hands this fourteenth day of April, in the year of our Lord, two thousand fourteen.

\_\_\_\_\_  
Eileen D. Sauvageau, Chair

\_\_\_\_\_  
Mark A. Thibodeau

\_\_\_\_\_  
Jack Cavolick

**Colrain Board of Selectmen**

A TRUE COPY.

Attest: \_\_\_\_\_  
Constable

