

**TOWN OF HADLEY
ANNUAL TOWN MEETING WARRANT**

Hampshire, ss.

To the Constable of the Town of Hadley in the County of Hampshire:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town qualified to vote in Elections and Town affairs to meet in Hopkins Academy on Thursday, the third day of May 2012 at 7:00 p.m. to act on the following articles:

Article 1

To see if the Town will vote to authorize the Select Board to apply for and expend Massachusetts Small Cities Program grants or monies, or any Federal or State grants or monies, received as set forth in the appropriate application, or take any action relative thereto.

Finance Committee recommends 5-0-0
Select Board recommends 5-0-0

Article 2

To see if the Town will vote to appropriate funds provided to the Town by the State under Chapter 90 Type money and such other funds as the Commonwealth of Massachusetts Highway Division may provide, and to authorize the Select Board to enter into contracts with Commonwealth of Massachusetts Highway Division for Chapter 90 Type money allocated to the Town by the State, or take any action relative thereto.

Finance Committee recommends 5-0-0
Select Board recommends 5-0-0

Article 3

To see if the Town will vote to authorize the Treasurer with the approval of the Select Board, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2012 in accordance with the provisions of the Massachusetts General Laws, Chapter 44, Section 4 and to issue a note or notes therefor, payable within one year, and to renew any note or notes as may be given for a period of less than one year, in accordance with Massachusetts General Laws, Chapter 44, Section 17, or take any action relative thereto.

Finance Committee recommends 5-0-0
Select Board recommends 5-0-0

Article 4

To see if the Town will vote to authorize the following revolving funds for certain town departments under MGL Chapter 44, Section 53 E½ for the fiscal year beginning July 1, 2012:

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY 2013 Spending Limit	Surplus Cap
Zoning Board of Appeals	Zoning Board of Appeals	Filing fees	Salaries and expenses related to preparation and dissemination of minutes and correspondence.	\$2,000.00	\$500.00
Burial	Cemetery Committee or Public Works Department	Interment fees	Salaries and expenses of interment specialists and Department of Public Works expenses associated with services related to burials.	\$7,000.00	\$2,000.00
Electrical Inspection	Electrical Inspectors	90% of electrical inspection fees	Salaries of inspectors or contractual services related to electrical inspections and services.	\$20,000.00	\$1,000.00
Russell School Building	Select Board	Russell School Building rental income.	Designs, upgrades and maintenance of the Russell School Building and grounds.	\$50,000.00	\$100,000.00
Recyclables	Select Board	State recycling payments	Contracted recycling vendors costs	\$15,000.00	\$7,000.00
Dog Control	Dog Officer	50% of fines, fees, and reimbursements associated with dog control, but excluding dog license fees.	Expenses associated with controlling vicious dogs.	\$2,000.00	\$500.00
North Hadley Hall Rental	Park and Recreation Commission	Rental fees for North Hadley Hall	Park and Recreation Programs	\$3,000.00	\$500.00
TOTAL SPENDING				\$99,000.00	

Or take any action relative thereto.

Finance Committee recommends 5-0-0
Select Board recommends 5-0-0

Article 5

To see if the Town will vote to raise and appropriate, transfer from Free Cash, transfer from funds available, or otherwise provide **\$21,000.00** to cover costs associated with the FY 2012 budget,

	FROM	TO
(4) Select Board		
Salaries and Expense	\$348,271.00	\$369,271.00

Or take any action relative thereto.

Finance Committee recommendation pending
Select Board recommends 5-0-0

Article 6

To see if the Town will raise and appropriate or transfer from available funds, a sum of money, for the maintenance and operation of the town in fiscal year 2013 as recommended by the Finance Committee, including debt and interest, and to fix the salary of all elected officials, including, if appropriate, Select Board, Town Clerk, Town Collector, Town Treasurer, Town Assessors, Town Constables, Board of Health, Elector under the Oliver Smith Will, Planning Board and Park and Recreation Commission, and to provide a reserve fund, or take any action relative thereto.

Capital Planning Committee recommends 3-0-0
Finance Committee recommends 5-0-0
Select Board recommends 4-0-1

Article 7

To see if the Town will vote to transfer **\$10,000.00** from Water Reserves to the Water Plant Filtration Stabilization fund as per the provisions of MGL Chapter 40, Section 5B, for the purpose of repairing and replacing water plant filtration membranes and associated expenses, or take any votes in relation thereto.

Finance Committee recommends 5-0-0
Select Board recommends 5-0-0

Article 8

To see if the Town will vote to transfers **\$65,000.00** from the Sewer Impact Fee account and to the Wastewater Reserves, or take any action relative thereto.

Finance Committee recommends 5-0-0
Select Board recommends 5-0-0

Article 9

To see if the Town will vote to raise and appropriate, take from Free Cash, or otherwise provide **\$2,800.00** for the digitalization of the text data from the Hadley Assessors maps and to provide for the setup and operation of an Internet-based GIS service,

And further, to see if the Town will vote to transfer **\$6,000.00** from Overlay Surplus Reserve to the Finance Committee FY 2012 Reserve Fund, or take any other action relative thereto.

Finance Committee recommends 5-0-0
Select Board recommends 5-0-0

Article 10

To see if the Town will vote to transfer from Capital Stabilization **\$240,000.00** to repair the Senior Center and Town Hall:

<u>Project</u>	<u>Estimated Expense</u>
Senior Center Roof Replacement, Phase 2 (eastern section)	\$72,000
Senior Center Exterior Drainage	\$60,000
Senior Center Interior Walls Repair	\$6,000
Senior Center Interior/Exterior Painting	\$54,000
Town Hall Window and Door Replacement	\$48,000

TOTAL:	\$240,000

Or take any action in relation thereto.

Capital Planning Committee recommends 3-0-0
Finance Committee recommends 5-0-0
Select Board recommends 5-0-0

Article 11

To see if the Town will vote to authorize the Select Board and Park Commission to sell two parcels of land at the intersection of Breckenridge Road and Huntington Road as follows:

Parcel 1: (Assessors Map 11A, Lot 1) consisting of approximately two acres,

Parcel 2: (Assessors Map 11A, Lot 2) consisting of approximately four acres.

Or take any action relative thereto.

Finance Committee recommends 4-0-1
Capital Planning Committee recommends 2-1-0
Select Board recommends 4-1-0

Article 12

To see if the Town will vote to take from Water Reserves and take from Sewer Reserves, transfer from funds available, or otherwise provide **\$16,288.00** to adjust a charge made to water and wastewater use charges, or take any action relative thereto.

Finance Committee recommends 5-0-0
Select Board recommends 5-0-0

Article 13

To see if the Town will vote to raise and appropriate, transfer from Free Cash, transfer from funds available, or otherwise provide **\$16,000.00** to pay into an irrevocable trust established under the provisions of MGL Chapter 32B, Section 20 for the purpose of paying benefits to retiring employees, or take any action relative thereto.

Finance Committee recommends 5-0-0
Select Board recommends 5-0-0

Article 14

To see if the Town will vote to act on the report of the Community Preservation Committee on the fiscal year 2013 budget and to reserve for later appropriation the following sums of money from the Community Preservation Fund estimated annual revenues:

Open Space Preservation	\$30,000.00
Historic Preservation	\$30,000.00
Housing	\$30,000.00

and appropriate the sum of **\$5,000.00** from the Community Preservation Fund estimated annual revenues for all necessary and proper expenses of the Community Preservation Committee for the year, and further to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation projects or purposes as may be recommended by the Community Preservation Committee, or take any action relative thereto.

Community Preservation Act Committee (7 yes; 0 no)
Finance Committee recommends 5-0-0
Select Board recommends 5-0-0

Article 15

To see if the Town will vote to appropriate from Community Preservation Act funds **\$15,000.00** from Historical set aside for repairs to the historical Goodwin Memorial Library for renovation of the chimney, or take any action relative thereto.

Community Preservation Act Committee (7 yes; 0 no)
Finance Committee recommends 5-0-0
Select Board recommends 5-0-0

Article 16

To see if the Town will vote to appropriate **\$38,000.00** from Community Preservation Act funds (Historical set aside) for a study of historical requirements for use of Community Preservation Act funding to repair historic Town buildings, or take any action relative thereto.

Community Preservation Act Committee (7 yes, 0 no)
Finance Committee recommends 0-0-5
Select Board recommends 4-1-0

Article 17

To see if the Town will vote to appropriate **\$3,500.00** from Community Preservation Act funds to preserve open space on 6 acres located near Cemetery Road (Assessors Map 4G, Lot 25) owned by Janet and Walter Wanczyk and further to authorize the Select Board to accept an Agricultural Preservation Restriction for said land, or take any action relative thereto.

Community Preservation Act Committee (8 yes, 0 no, 1 absent)
Finance Committee recommends 5-0-0
Select Board recommends 5-0-0

Article 18

To see if the Town will vote to appropriate **\$5,000.00** from Community Preservation Act funds as part of the Town's share for an Agricultural Preservation Restriction of 9 acres of open space owned by William and Joanne Zaskey located on Mount Warner Road (Assessors Map 11A, Lot 19) and further to authorize the Select Board to accept an Agricultural Preservation Restriction for said land, or take any action relative thereto.

Community Preservation Act Committee (6 yes, 1 abstain)
Finance Committee recommends 5-0-0
Select Board recommends 5-0-0

Article 19

To see if the Town will vote to appropriate **\$6,500.00** from Community Preservation Act funds as part of the Town’s share for an Agricultural Preservation Restriction on approximately 36 acres of open space, owned by the Pioneer Valley Waldorf School Association, located on Bay Road (Assessors Map 9, Lots 7, 7B, and 7D), and further to authorize the Select Board to accept an Agricultural Preservation Restriction for said land, or take any action relative thereto.

Community Preservation Act Committee (7 yes, 0 no)
Finance Committee recommends 5-0-0
Select Board recommends 5-0-0

Article 20

To see if the Town will vote to appropriate **\$8,500.00** from Community Preservation Act funds for historic preservation to replace and paint deteriorated columns of the First Church Steeple and requiring First Church to grant the Town a historic preservation restriction on First Church, and further authorize the Select Board to accept said preservation restriction on behalf of the Town, or take any action relative thereto.

Community Preservation Act Committee (8 yes, 0 no, 1 absent)
Finance Committee recommends 4-0-1
Select Board recommends 4-0-1

Article 21

To see if the Town will vote to appropriate **\$7,500.00** from Community Preservation Act funds for an assessment of Lake Warner by the Friends of Lake Warner, and requiring Valley Land Trust to grant the Town a historic preservation restriction on Lake Warner, and further authorize the Select Board to accept said preservation restriction on behalf of the Town, or take any action relative thereto.

Community Preservation Act Committee (8 yes, 0 no, 1 absent)
Finance Committee recommends 5-0-0
Select Board recommends 4-1-0

Article 22

To see if the Town will vote to amend the Code of the Town of Hadley, Chapter 24, relating to Animals by adding the following new Article and Sections:

ARTICLE II
Control of Animals

§ 24-2

- A. Every owner/keeper of a domesticated animal shall provide his or her animal with sufficient potable water and wholesome food, proper shelter and protection from

the weather, including extremes of heat and cold, veterinary care sufficient to prevent suffering and the spread of disease and shall provide humane care and treatment for the animal.

It shall be a violation of this by-law to leave any domesticated animal unattended in a vehicle when a reasonable person would believe that the temperature could cause serious injury or death to the animal.

No owner or keeper shall abandon any animal. For the purpose of this section, "abandonment" shall be defined as the willful desertion of an animal, which shall include but not be limited to the failure to claim an impounded animal upon receipt of notice that the period of impoundment has ended.

- B. No person owning or keeping a dog within the Town shall allow such dog to roam at large upon the land of another, except if it is on the premises of another person with his or her permission, nor shall they allow such dog to roam at large on any portion of a public way or any public property, nor shall an owner or keeper restrain a dog on his or her property so as to permit said dog to extend onto public or private property or to create a danger to the public safety.

The owner or keeper of any dog which is not on the premises of the owner or keeper or upon the premises of another with the permission of said person shall restrain said dog with a chain or leash of sufficient material and strength as necessary to restrain the dog and shall be held by a person capable of controlling the movements of the dog. The chain or leash shall be a length which prohibits the dog from being a nuisance to persons nearby or causing damage to public or personal property.

Any dog found to be in violation of this bylaw, and not under the immediate control of the owner, may be picked up by any law enforcement officer and either returned to the owner or deposited in a Dog Pound or similar facility. The owner shall be responsible for paying all cost of maintaining and keeping the animal at the Dog Pound or similar facility.

This section shall not apply to any dog in use for sporting purposes during the hunting seasons provided for by the fish and game laws of the Commonwealth.

This section shall in no way preclude the use of certain specially trained dogs as set forth in MGL c. 140, § 139.

- C. It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his or her dog on any sidewalk, street, or other public area. It shall further be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his or her dog on any private property neither owned nor occupied by said person. This section shall not apply to a dog accompanying any handicapped person, who by reason of his

or her handicap is physically unable to comply with the requirements of this section.

§ 24-3 Enforcement

This by-law may be enforced by a non-criminal disposition pursuant to MGL c. 40, §21D by any police officer. The fine for a violation of this by-law shall be \$100 for the first offence and \$300 for each subsequent offence.

Or take any action relative thereto.

Select Board recommends 5-0-0

Article 23

To see if the Town will vote to amend the Zoning Bylaws by adding a new Section XXVIII as follows:

Section XXVIII Solar Energy Systems

28.1 Purpose

The purpose of this by-law is to provide for the construction and operation of solar energy systems and to provide standards for the placement, design, construction, monitoring, modification and removal of solar systems that address public safety, minimize impacts on scenic, natural and historic resources of the Town and provide adequate financial assurance for decommissioning. The provisions set forth in this section shall take precedence over all other sections when considering applications related to the construction, operation, and/or repair of solar energy systems.

28.2 Applicability

This section applies to all solar energy systems proposed to be constructed after the effective date of this section.

28.3 Definitions

Agriculture: ‘Farming’ or ‘agriculture’ shall be defined as stated in M.G.L. Chapter 128, Section 1A, as amended.

Building-Integrated Solar Energy System: A solar energy system shall be considered to be building integrated if it is designed to be permanently mounted on a building or other inhabitable structure. This definition applies to solar energy systems of any capacity that are designed to be operated in direct contact with a building.

Building Permit: A building permit is a required approval of a project by the Town’s building inspector that is consistent with the local, state and federal building codes. In addition, the permit must meet the criteria set forth in this bylaw.

Contact Information: Any and all up-to-date information necessary to make contact under both normal and emergency conditions. This information includes, but may not be limited to: names, addresses, telephone and fax numbers, as well as e-mail addresses.

Footprint: The area of the smallest quadrangle or triangle that encompasses all of the solar panels.

Large-Scale, Ground-Mounted Solar Energy System: A Solar Energy System that has its solar panels structurally mounted on the ground and occupies a footprint equal to or greater than one (1) acre but no more than ten (10) acres.

Impervious Surfaces: Any surface that restricts natural rain water penetration and/or natural ground water recharge. This includes: pavement of any type, concrete, asphalt, bituminous concrete (any type), so called TRG, gravel, stone (any type or size), brick, or any other surface that restricts or is designed to restrict natural rain water penetration.

On-Site Solar Energy System: A solar energy system that is sized primarily to produce electricity to be consumed at that site of generation, up to 1.5 times the demonstrated peak energy demand. On-Site Solar Energy Systems may or may not be connected to an electric power utility.

Off-Grid Solar Energy System: A solar energy system that designed to produce power only at that site of generation and is not connected to an electric power utility.

Off-Site Solar Energy System: A solar energy system that is sized primarily to produce electricity to be consumed at a location separated from the site of generation through a connection to an electric power utility.

Demonstrated Peak Energy Demand: The highest electric load measured on any day during the 24-month time period prior to submission of Solar Energy System permit application.

Reviewing and Permit Granting Authority: The Planning Board will be the Reviewing and Permit Granting Authority for all proposed solar energy systems.

Rated Nameplate Capacity: The maximum rated output of electric power produced by energy-generating equipment.

Solar Panels: A component or series of components, which are part of a solar energy system that converts sunlight into electricity or concentrates heat for human use.

Small-Scale, Ground-Mounted Solar Energy System: A solar energy system that has its solar panels structurally mounted on the ground and occupies a footprint of less than one (1) acre.

Solar Energy System: All equipment, machinery and structures utilized in connection with the conversion of light to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads.

28.4 General Requirements for all Solar Energy Systems

The following requirements are common to all solar energy systems:

28.4.1 Compliance with Laws

The construction and operation of all proposed solar energy systems shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.

28.4.2 Expiration

A permit issued pursuant to this bylaw shall expire if: (a) the solar energy system is not installed and functioning within 24-months from the date the permit is issued; or, (b) the solar energy system is abandoned.

28.4.3 System Conditions

Owners of solar energy systems shall be responsible for maintaining them in good condition. Maintenance shall include, but not be limited to, structural repairs and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Services. The project owner shall be responsible for the cost of maintaining the solar energy system and any access road(s), and the cost of repairing any damage occurring as a result of operation and construction.

28.4.4 Modifications

All material modifications to a solar energy system made after issuance of any approval issued pursuant to this bylaw shall require approval by the Planning Board as provided in this bylaw.

28.4.5 Violations

It is unlawful for any person to construct, install, or operate a solar energy system that is not in compliance with this bylaw or with any condition contained in an approval or permit issued pursuant to this bylaw.

28.5 Solar Energy System Permits

28.5.1 Building-Integrated Solar Energy System

- 28.5.1.1 Building-Integrated Solar Energy Systems shall not be erected, constructed, installed or modified as provided in this section without first obtaining an a building permit from the building inspector.
- 28.5.1.2 Building-Integrated Solar Energy Systems Solar systems that are not flush mounted to an existing roof but are “slanted or tilted” to meet desired angles, must not exceed the overall building height limits of the underlying district. The height shall be measured to the highest protruding point of the solar system at its fullest extension.
- 28.5.1.3 Building-Integrated Energy Systems may be located in any zoning district of the Town of Hadley.

28.5.2 Small-Scale, Ground-Mounted Energy System

- 28.5.2.1 Small-Scale, Ground-Mounted Energy Systems shall not be erected, constructed, installed or modified as provided in this section without first obtaining an Administrative Review per Section 28.6 of this bylaw and a building permit.
- 28.5.2.2 Small-Scale, Ground-Mounted Energy Systems may be located in any zoning district of the Town of Hadley.

28.5.3 Large-Scale, Ground-Mounted Solar Energy Systems

- 28.5.3.1 On-Site Generation
Large-Scale, Ground-Mounted, Solar Energy Systems that are designed as On-Site Solar Energy Systems shall not be erected, constructed, installed or modified as provided in this section without first obtaining an Administrative Review per Section 28.6 of this bylaw and a Commercial Site Plan Approval from the Planning Board per Section VIII of the Hadley Zoning Bylaws, and a building permit from the building inspector.
- 28.5.3.2 Off-Site Generation
Large-Scale, Ground-Mounted Solar Energy Systems that are designed as Off-Site Solar Energy Systems shall not be erected, constructed, installed or modified as provided in this section without first obtaining an Administrative Review per Section 28.6 of this bylaw, Commercial Site Plan Approval per Section VIII of the Hadley Zoning Bylaws, a Solar Energy System Special Permit per Section 28.7 of this bylaw and

Section 6.2.2 of the Hadley Zoning Bylaws (all from the Planning Board); and a building permit from the building inspector.

28.5.3.3 Districts

Large-Scale, Ground-Mounted, Solar Energy Systems shall only be located in the Agricultural/Residential District or in the Industrial District.

28.5.3.4 Screening

Large-Scale, Ground-Mounted Solar Energy Systems and appurtenant structures shall be adequately screened from view from public ways and neighboring properties with vegetation or behind other existing structures.

28.5.3.5 Consultants

Upon submission of an application for a Large-Scale, Ground-Mounted Solar Energy System, the Planning Board will be authorized to hire outside consultants, pursuant to MGL c.44, §53G. As necessary, the applicant may be required to pay the consultant's costs.

28.5.3.6 Abandonment and Decommissioning

28.5.3.6.1 Financial Surety

The Planning Board shall require owners of proposed Large-Scale, Ground-Mounted solar energy systems to provide a form of surety, either through escrow account, bond or otherwise as determined by the Town Treasurer, to cover the cost of removal in the event the Town must remove the system, of an amount determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. The surety account or bond will be managed by the Town Treasurer's office.

Such surety will not be required for municipally or state-owned systems. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation and other causes over the life of the system.

28.5.3.6.2 Abandonment

Absent notice of a proposed date of decommissioning, the system shall be considered abandoned when the system fails to operate for more than one year without the written consent of the Planning Board. The Planning Board shall determine in its decision what

proportion of the system is inoperable for the system to be considered abandoned. If the applicant fails to remove the solar energy system in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town shall have the authority to enter the property and physically remove the system, upon receipt of an appropriate court order or written consent of the owner.

28.5.3.6.3 Removal Requirements

Any large-scale, ground-mounted solar energy system that has reached the end of its useful life or has been abandoned shall be removed. When the solar energy system is scheduled to be decommissioned, the applicant shall notify the Town by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the solar system no more than 150 days after the date of discontinued operations. At the time of removal, the solar system site shall be restored to the state it was in before the system was constructed or any other legally authorized use. More specifically, decommissioning shall consist of: (a) physical removal of all solar structures, equipment, security barriers and transmission lines from the site; (b) disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations; and, (c) stabilization or re-vegetation of the site as necessary to minimize erosion.

28.6 Solar Energy System Administrative Review Requirements

28.6.1 Authority

The Planning Board will perform an Administrative Review for all small-scale and large-scale ground-mounted solar energy systems to assure compliance with the regulations in this section of the bylaw.

28.6.2 Purpose

This Administrative Review serves to verify conformance with the requirements of this bylaw. It does not constitute a special permit or discretionary approval.

28.6.3 Procedures for Administrative Review

28.6.3.1 Interdepartmental Review

The Planning Board shall transmit one copy of each application to the Building Inspector, Conservation Commission, Fire Department, and Police Department, who shall review the application and submit their recommendations and comments to the Planning Board concerning

- 28.6.3.1.1 The adequacy of the data and methodology used by the applicant to determine the impacts of the proposed development;
- 28.6.3.1.2 The effects of the projected impacts of the proposed development; and
- 28.6.3.1.3 Recommended conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development.

Failure of Boards or Departments to make recommendations within thirty-five (35) days of the referral of the application shall be deemed to be lack of opposition.

28.6.3.2 Timeline for decision

The Planning Board shall take final action within ninety (90) days from receipt of a complete application to the Planning Board. The Planning Board's final action in writing shall consist of either:

- 28.6.3.2.1 Approval of the site plan based on a determination that the proposed project is in compliance with the standards set forth in this By-Law;
- 28.6.3.2.2 Disapproval of the site plan based on a determination that the proposed project does not meet the standards for review set forth in this By-Law; or
- 28.6.3.2.3 Approval of the project subject to any conditions, modifications and restrictions which will ensure that the project meets the standards set forth in this bylaw.

28.6.4 General Required Documents

The Administrative Review application shall be accompanied by nine (9) copies of deliverables including the following:

28.6.4.1 A site plan showing:

- 28.6.4.1.1 Property lines and physical dimensions of the subject property with contour intervals of no more than 10 feet;
- 28.6.4.1.2 Location, dimensions, and types of existing major structures on the property;
- 28.6.4.1.3 Location of the proposed solar system structures, foundations, and associated equipment;

- 28.6.4.1.4 The right-of-way of any public road that is contiguous with the property;
- 28.6.4.1.5 Any overhead or underground utilities;
- 28.6.4.1.6 Location and approximate height of tree cover;
- 28.6.4.1.7 Property lines of adjacent parcels within 300 feet;
- 28.6.4.1.8 At least one (1) color photography of the existing site, measuring eight (8) inches by ten (10) inches.
- 28.6.4.2 Solar system technical specifications, including manufacturer and model;
- 28.6.4.3 One or three line electrical diagram showing associated components, and electrical interconnection methods, with all NEC compliant disconnects and overcurrent devices;
- 28.6.4.4 Contact information and signature of the project proponent, as well as all co-proponents, if any, and all property owners;
- 28.6.4.5 Contact information and signature of agents representing the project proponent, if any;
- 28.6.4.6 Contact information for the person(s) responsible for public inquiries throughout the life of the system;
- 28.6.4.7 A plan for maintenance of the solar energy system;
- 28.6.4.8 Solar energy system technical specifications, including manufacturer and model,
- 28.6.4.9 Tower foundation blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts;
- 28.6.4.10 Electrical schematic;
- 28.6.4.11 Analysis and design documents, completed by a structural engineer registered to practice in the Commonwealth of Massachusetts, demonstrating that the proposed building is structurally sufficient to support the permanent installation of any proposed building-integrated solar energy system;

- 28.6.4.12 Elevation drawings of the building with the proposed building-integrated solar energy system installed, viewed from north, south, east, and west;
 - 28.6.4.13 Building schematic detailing point(s) of connection and associated supports for the building-integrated solar energy system;
 - 28.6.4.14 Schematic of attachment method for connecting the building-integrated solar energy system to the building;
 - 28.6.4.15 Documentation that shows the owner of the solar energy systems has Liability Insurance per Section 28.6.5 of this bylaw;
 - 28.6.4.16 Documentation that shows the owner of the solar energy system has Site Control per Section 28.6.6 of this bylaw;
 - 28.6.4.17 Documentation that shows the owner of the solar energy system has notified the electric utility of this installation per Section 28.6.7 of this bylaw. Off-grid solar energy systems are exempt from this requirement.
- 28.6.5 Proof of Liability Insurance
The applicant shall be required to provide evidence of liability insurance in an amount, and for a duration sufficient to cover loss or damage to persons and property caused by the failure of the system.
- 28.6.6 Site Control
At the time of its application, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed system. Documentation shall also include proof of control over setback areas and access roads, if required. Control shall mean the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.
- 28.6.7 Utility Notification
No solar energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- 28.6.8 Land Clearing, Soil Erosion and Habitat Impacts
Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the solar system and that which is otherwise prescribed by applicable bylaws and regulations. All solar energy systems shall be installed with adequate ground clearance

such that maintenance of the ground below the panels may be maintained by mechanical means and/or animals.

28.6.9 Soil Permeability

All land associated with Solar Energy System shall be natural vegetation. No system shall use impervious surfaces in its foundations, footings or paths between solar panels. Exceptions are concrete slabs on grade to support electrical switchgear and enclosures.

28.6.10 Wildlife Corridors

Solar energy systems shall be designed and constructed to optimize the maintenance of wildlife corridors.

28.6.11 Setbacks

Solar energy systems shall be set back a distance of at least 50 feet from the nearest property line and private or public way except along Route 47, a designated scenic byway, where systems shall be set back a distance of at least 100 feet from the public way or behind the principal structure thereon, whichever is less. The Planning Board may reduce the minimum setback distance as appropriate, based on site-specific considerations, or written consent of the affected abutter(s), if the project satisfies all other criteria for the granting of site plan approval under the provisions of this section.

On-Site Solar Energy Systems shall be located in back yards and side yards, and not in front yards or the required front yard setback.

28.6.12 Parking

Reasonable on-site parking is required for vehicles that will service solar energy systems. However, the Parking Requirements under Section 5.4 of the Town of Hadley Zoning Bylaws do not apply to solar energy systems.

28.7 Solar Energy System Special Permit Requirements

The construction of a Large-Scale, Ground Mounted Solar Energy System intended for off-site generation shall require a special permit as set forth in Section 28.5.3.2 of this bylaw, and shall comply with all requirements set forth herein.

28.7.1 Lighting

Lighting of parts of the solar energy system shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties.

28.7.2 Signage and Advertising

Signs on the solar energy system shall comply with the requirements of the Town's sign regulations, shall not be used for displaying advertising of any kind, and shall be limited to:

- 28.7.2.1 Maximum of (3) signs shall be allowed providing the information as detailed in Section 3.8.2 and no sign shall exceed 2 square feet in size;
- 28.7.2.2 Those necessary to identify the owner, provide a 24-hour emergency contact phone number;
- 28.7.2.3 Educational signs providing information about the system and the benefits of renewable energy;
- 28.7.2.4 Any signs as may be required by government agencies may be exempt from this sign section.

28.7.3 Utility Connections

Reasonable efforts shall be made to locate all utility connections from the solar energy system underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

28.7.4 Appurtenant Structures

All appurtenant structures to such solar energy systems shall be subject to the same regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, and building coverage requirements as may apply in the underlying zoning district. Whenever reasonable, structures should be screened from view by vegetation.

28.7.5 Emergency Services

The applicant shall provide a copy of the project summary, electrical schematic, and site plan to the local emergency services providers, as designated by the Planning Board. Upon request the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of disconnecting the solar energy system shall be clearly marked. The applicant or system owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

28.7.6 Unauthorized Access

The solar energy system shall be designed to prevent unauthorized access. Electrical equipment shall be locked where possible.

28.7.7 Operation & Maintenance Plan

The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the solar energy system.

28.7.8 Visualizations

The Planning Board may select up to four sight lines, including from the nearest building with a view of the solar system, for pre- and post-construction view representations. Sites for the view representations shall be selected from populated areas proximate to the proposed solar energy system. View representations shall have the following characteristics:

- 28.7.8.1 View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the solar system (e.g. superimpositions of the solar system onto photographs of existing views);
- 28.7.8.2 All view representations will include existing, or proposed, buildings or tree coverage;
- 28.7.8.3 Include description of the technical procedures followed in producing the visualization (distances, angles, lens, etc.).

28.7.9 Landscape Plan

A plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures. Lighting shall be designed to minimize glare on abutting properties and be directed downward with full cut-off fixtures to reduce light pollution.

28.8 Commercial Site Plan Approval

Except where they are inconsistent with the provisions of this bylaw, the requirements of the Commercial Site Plan Approval, as defined in Section VIII of the Town of Hadley Zoning Bylaws, also apply to Large-Scale, Ground-Mounted Solar Energy Systems in all districts allowed under this bylaw.

Or take any action relative thereto.

Select Board recommends 5-0-0

Article 24

To see if the Town will vote to amend Section VII of the Hadley Zoning Bylaw by replacing the existing section with the following:

SECTION VII - SIGNS

The provisions of this article shall govern the construction, alteration, repair and maintenance of all signs as herein defined together with their appurtenant and auxiliary devices.

7.1 PURPOSE

The sign regulations section is designed to provide standards for the installation of signs so as to reduce traffic safety hazards, protect property values, promote economic development, and encourage the creation of an aesthetic appearance along the street frontages in the Town of Hadley. The sign regulations, as set forth in this section, are designed to be both logical and equitable for the various uses and identification needs. These sign standards and regulations help to effectuate an aesthetic and safe street environment. Restrictions on type, location, and size of signs protect the public from hazardous and distracting devices.

7.2 DEFINITIONS

ESTABLISHMENT: Any non-residential entity such as an institutional, non-profit or business that is located in its own premises or a permanently divided portion of larger premises, which portion maintains a separate entrance and egress.

SIGNS: Any permanent or temporary structure, device, letter, word, model, banner, pennant, insignia, trade flag, or representation used as, or which is in the nature of an advertisement, announcement, or direction, or is designed to attract the eye by means including intermittent or repeated motion or illumination.

SIGNS ACCESSORY: Any sign that advertises or indicates the person occupying the premises on which the sign is erected or maintained, or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

SIGN AREA ALLOWANCE: The maximum area of total signage allowed for an establishment. Sign area allowance may be apportioned as desired among and up to the maximum allowed signs for an establishment.

SIGN, GROUND: A sign erected on or affixed to the land including any exterior sign not attached to a building.

SIGN, INTERNALLY LIT: Any sign that uses a light source inside or behind the surface area or any other part of the sign in order to illuminate the sign or parts of the sign. This includes, but is not limited to, signs with light sources behind semi-translucent material or layered signs with light sources behind text characters. Any internally lit sign is considered a light emitting sign.

SIGN, LANDMARK: A sign that designates a property, building, or site as historic, as defined by the town's Historic Commission.

SIGN, LIGHT EMITTING: Signs which produce and project light from the surface area or any other part of the sign using a bulb or array of bulbs or any other light source, including internally light signs, in order to direct light towards viewers.

SIGN, SURFACE AREA OF: The area of a sign shall be considered to include all the lettering, wording and accompanying signs and symbols, together with the background on which they are displayed, any frame around the sign and any cutout or extensions. It shall not include the structural members, which are used solely for supporting or bracing the portion comprising the sign area.

The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest quadrangle or triangle which encompasses all of the letters and symbols.

The area of a sign consisting of or containing a three-dimensional object shall be considered to be the area of the largest vertical cross-section.

In computing the area of signs, only one side of back-to-back signs, shall be counted.

SIGN, TEMPORARY: Any sign intended to be maintained for a continuous period of not more than sixty (60) days.

PUBLIC WAY: A way as defined under M.G.L. Chapter 90 § 1.

7.3 ADMINISTRATION AND ENFORCEMENT

7.3.1 Permits: No sign larger than two square feet shall be erected, altered or enlarged without a permit. For those uses identified as by-right in Section III of the Hadley Zoning By-Law, a permit shall be issued by the Building Inspector. Prior to issuing a permit, for those uses requiring a special permit / site plan approval as identified in Section III of the Hadley Zoning By-Law, Planning Board approval shall also be required. Such permit shall be issued only if it is determined that the sign complies or will comply with all applicable provisions of this bylaw. All signs, wherever location, must be in conformity with the State Building Code.

7.3.2 Enforcement: The Zoning Enforcement Officer is hereby charged with the enforcement of this bylaw. The Zoning Enforcement Officer is authorized to order the repair or removal of any sign and its supporting structure which in his judgment, or the judgment of the Planning Board, is dangerous or in disrepair or which is erected or maintained contrary to this bylaw.

7.4 GENERAL REGULATIONS

- 7.4.1 Public purpose: Any traffic, public safety, informational or directional sign owned and installed by a governmental agency shall be permitted, including light emitting signs.
- 7.4.2 Materials: Material used for signs shall be wood, wood composites, simulated wood or have the overall appearance of wood, except for signs permitted under Section 7.6.7.
- 7.4.3 Colors: The exterior color of a sign shall be selected from the Historic Colors of America palette (as approved by the Society for the Preservation of New England Antiquities) by California Products Corporation or equivalent. Signs permitted under Section 7.6.7 should use subdued colors whenever possible in order to avoid distracting traffic.
- 7.4.4 Size: No sign shall be larger than forty (40) square feet in area, except in the Limited Business, Local Business, Business and Industrial areas, as described under Section 7.6.
- 7.4.5 Height:
- 7.4.5.1 No free-standing or movable signs will extend more than fifteen (15) feet above ground level. The sign permit granting authority may permit a sign height of greater than fifteen (15) feet only in circumstances where the physical characteristics of the lot prevent adequate setback from public ways and a lower sign would create a potential traffic safety hazard.
- 7.4.5.2 No sign affixed to a building may project above the roof line onto which the sign is affixed.
- 7.4.6 Placement:
- 7.4.6.1 Signs must be secured to prevent movement by wind or other elements.
- 7.4.6.2 Signs that are necessary to warn of a hazard or to post land shall be permitted as required to accomplish these purposes.
- 7.4.6.3 No private sign shall be placed on public property.
- 7.4.6.4 No sign may be placed in a side yard or a rear yard as required for the particular district in which it is located.
- 7.4.7 Lighting and Movement: No sign shall constitute a nuisance to abutters or hazard to pedestrian or vehicular traffic because of intensity or direction of illumination, animation or moving parts.

7.4.7.1 Light: Signs with a light source directed towards the sign shall be illuminated with subdued lighting that is not obtrusive to oncoming traffic and pedestrians. Such lighting should minimize direct illumination to any abutting property. Light emitting signs and internally lit signs as defined in Section 7.2, including signs that contain reflective elements which sparkle in natural or artificial light will not be permitted except as described in Sections 7.4.1 and 7.6.7.

7.4.7.2 Animation: Signs displaying animation, movement or changing messages (by flashing or blinking lights or other electrical means) and signs designed to attract attention by a change of light intensity, repeated or intermittent motion will not be permitted except as described in section 7.4.1 and 7.6.7. Lights used to illuminate a sign, or Light Emitting Signs described in Section 7.6.7 are only allowed to modify their intensity based on the time of day and/or external ambient light levels in order to maintain constant brightness over ambient levels.

7.4.7.3 Moving Parts: Signs containing moving parts, such as: moving signs, swinging signs, revolving signs, signs consisting of pennants, ribbons, streamers, spinners, strings of light bulbs, inflatable signs, tethered balloons or other distracting devices will not be permitted for reasons of safety.

7.4.8 Other non-permitted signs:

7.4.8.1 Interior signs, visible from the street, which do not comply with this bylaw.

7.4.8.2 Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises, with the exception of landmark signs.

7.4.8.3 Any trailer-style movable sign or vehicle used primarily or intentionally as a sign

7.4.8.4 No new billboards or non-accessory signs will be permitted.

7.4.8.5 Off premise signs are prohibited.

7.5 SIGNS IN RESIDENCE AND AGRICULTURAL-RESIDENCE DISTRICTS

In Residence districts, the following signs and no others are permitted:

7.5.1 One sign per lot indicating the names of the occupants thereof shall be permitted. This sign shall not exceed two (2) square feet of area.

- 7.5.2 One sign per lot relating to an allowed accessory use under this zoning bylaw shall be permitted. This sign shall not exceed two (2) square feet of area.
- 7.5.3 Signs in the residence districts must be located at least ten (10) feet away from the front lot line.

7.6 SIGNS IN LIMITED BUSINESS, LOCAL BUSINESS, BUSINESS AND INDUSTRIAL DISTRICTS

In any Limited Business, Local Business, Business and Industrial Districts only signs that meet the following standards shall be permitted:

- 7.6.1 Signs must be farther than twenty (20) feet from the front lot line.
- 7.6.2 The surface area of any and all signs allowed on each building shall not exceed ten percent (10%) of the area of the wall on which it is displayed.
- 7.6.3 Single tenant properties

For single tenant businesses accessed directly from the street, right-of-way or parking area, the following standards apply:

7.6.3.1 Up to four (4) wall signs are permitted per business establishment, provided they shall be attached to and parallel to the walls of the building.

7.6.3.2 A business establishment shall have a total sign area allowance of forty (40) square feet in Limited Business and Local Business districts, and sixty-four (64) square feet in Business and Industrial Districts.

7.6.3.3 One (1) freestanding ground sign is permitted provided it does not exceed forty (40) square feet in surface area in Limited Business and Local Business districts, and sixty-four (64) square feet in surface area in Business and Industrial Districts. The sign area of this freestanding ground sign does not count towards the business establishment's sign area allowance.

7.6.4 Multi-tenant properties in Limited Business and Local Business Districts

For multi-tenant properties in the Limited Business and Local Business Districts, the following standards apply:

7.6.4.1 One (1) wall sign shall be allowed for each tenant with access and frontage along a street, right-of-way or parking area, provided

they shall be attached to and parallel to the walls of the building.

7.6.4.2 The total sign area allowance shall not exceed a total of twenty (20) square feet.

7.6.4.3 One (1) freestanding ground sign or directory sign is permitted for each lot, provided is shall not exceed forty (40) square feet in surface area. Directory signs shall be designed and constructed with provisions to allow for changes of occupancy without reconstruction of the entire sign. The sign area of this freestanding ground sign does not count towards the business establishment's sign area allowance.

7.6.5 Multi-tenant properties in Business and Industrial Districts

For multi-tenant properties in the Business and Industrial Districts:

7.6.5.1 One (1) attached wall sign shall be allowed for each tenant with direct exterior entrance available for public use along a street, right-of-way or parking area, provided it shall be attached to and parallel to the main wall of the building.

7.6.5.2 The total sign area allowance shall not exceed a total of forty (40) square feet.

7.6.5.3 One (1) freestanding ground sign or directory sign is permitted for each lot, provided the sign shall not exceed sixty-four (64) square feet in surface area. Directory signs shall be designed and constructed with provisions to allow for changes of occupancy without reconstruction of the entire sign. The sign area of this freestanding ground sign does not count towards the business establishment's sign area allowance.

7.6.6 Specialty signs

The following specialty signs will also be allowed:

7.6.6.1 Canopies that do not appear as internally lit signs. Lighting under canopies must be recessed and directed downward. No signs may appear on canopies.

7.6.6.2 Gas station pricing pods (signs which display the current price of gasoline) which do not exceed sixteen (16) square feet. These may be incorporated on the same post or pylon as the freestanding stand.

7.6.6.3 One "Open" flag per business not to exceed three (3) feet by five

(5) feet in size.

7.6.6.4 Banners for special events such as grand openings, charitable, religious, or civic events provided they conform to section 7.8.

7.6.7 Light Emitting Signs: The following are the only light emitting signs that are allowed under this bylaw:

7.6.7.1 Signs behind an exterior-facing window which aggregate display surface on any one sign does not exceed six (6) square feet and provided that it is not illuminated past ten o'clock (10 P.M.) local time or thirty (30) minutes after the closing of the business, whichever is later. No more than two of such signs will be allowed per business.

7.7 SIGNS IN FLOOD PLAIN DISTRICT

No new signs shall be permitted in the Flood Plain District.

7.8 TEMPORARY SIGNS

7.8.1 Temporary signs must conform to all the requirements for permanent signs with respect to side yard and height requirements.

7.8.2 Temporary signs relating to a political, religious or charitable campaign or event shall be allowed in all Districts in excess of the usual limits, but not exceed twelve (12) square feet in area and no more than one sign per lot, except by Special Permit from the Zoning Board of Appeals. All such signs shall be removed within fifteen (15) days of the completion of the activity to which they relate. No sign shall remain for more than sixty (60) days.

7.8.3 Temporary signs shall not be affixed to utility poles.

7.8.4 In any district, one or more temporary signs of an architect, engineer or contractor during the period such person is performing work on the premises on which said sign is erected shall be permitted provided it shall not exceed ten (10) square feet in surface area and it shall be set back at least the minimum setback for the particular district in which it is located.

7.8.5 One sign pertaining to the sale or lease of the premises shall be permitted on site, provided such sign does not exceed a total area of ten (10) square feet. Off premise real estate signs are prohibited.

7.9 NON-CONFORMING SIGNS

Signs legally existing at the time this Bylaw is adopted may continue as non-conforming uses subject to the provisions of Section 5.1 of the Zoning Bylaw of the Town of Hadley.

Or take any action relative thereto.

Select Board recommends 5-0-0

Article 25

To see if the Town will vote to Amend Section 6.1 by replacing the word Zoning Enforcement Officer the second and third time it appears in this Section with the words Building Inspector.

Or take any action relative thereto.

Select Board recommends 5-0-0

And you are hereby directed to serve this warrant by posting attested copies in the usual places: one at the Town Hall, one at the Hadley Post Office, and one at the North Hadley Village Hall, and in said Town, seven days at least, not including the day of posting, before the time of holding said meeting.

Given under your hands this _____ day of _____ 2012

Gloria T. DiFulvio, Chair

David S. Moskin

Daniel J. Dudkiewicz

Joyce A. Chunglo

Brian C. West

HADLEY SELECT BOARD

A true copy attest:

Constable of Hadley

Date: _____