

**ANNUAL TOWN MEETING  
APRIL 25, 2011 AND APRIL 27, 2011**

FRANKLIN SS

I, Mary A. Stokarski, duly appointed and qualified Clerk of the Town of Deerfield, hereby certify that the following votes were taken at the Annual Town Meeting held on Monday, April 25, 2011 in the Auditorium at Frontier Regional School on North Main Street in the Village of South Deerfield.

Town Meeting convened at 7:05 p.m. on April 25, 2011.

Moderator's Motions:

Voted that the reading of all articles be waived and that prior to the reading of a motion under the article, the Moderator briefly summarize the content of the article to be considered and further that the unless objection is raised the reading of detailed motions be waived where the article as printed can, in the opinion of the Moderator, be incorporated by reference in any motion presented.

Motion Carried, so declared the Moderator

Voted that the following people be allowed to address the audience during the Town Meeting:

Lisa Mead, Town Counsel  
Bernard Kubiak, Town Administrator  
Michael Wozniakewicz, Chief of Police  
Regina Nash, Superintendent, Frontier Regional and Union 38 Schools  
Donald Scott, Business Manager, Frontier Regional and Union 38 Schools  
Richard K Lane, Superintendent, Franklin County Vocational Technical School  
Russ Kaubris, Business Manager, Franklin County Vocational Technical School  
Sara Woodbury, Tilton Library Director  
Patricia Smith, Planning Department, FRCOG  
Richard Hubbard, Franklin Land Trust

Motion Carried, so declared the Moderator

**ARTICLE 1**

Voted that the Town hear the reports of the Selectmen, the Deerfield School Committee, and all other town officers, boards, committees, and commissions.

Motion Carried, so declared the Moderator

Lynn Rose gave a report on the Hazardous Waste Cleanup of the Rail Yards and also the work being done by the Planning Board.

**ARTICLE 2**

Voted that the town authorize its Treasurer and Assistant Treasurer with anticipation of the revenue of the fiscal year beginning July 1, 2010 in accordance with the provisions of the Massachusetts General Laws, Chapter 44, Section 4 and to issue a note or notes therefore, 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 General Laws, Chapter 44, Section 17, such borrowing shall not exceed \$1,000,000.00.

Motion Carried, so declared the Moderator

**ARTICLE 3**

Voted that the town raise and appropriate, transfer from available funds, or otherwise provide any sum or sums of money for public library purposes said sum to be

reimbursed to the Town by the State under provision of Chapter 151 of the Acts of 1996.

Motion Carried, so declared the Moderator

#### **ARTICLE 4**

Voted that the Town authorize the Selectmen to apply for, accept and expend for specific purposes provided by any Federal or State grants or programs which may be awarded to the Town.

Motion Carried, so declared the Moderator

#### **ARTICLE 5**

Voted that the Town acknowledge gifts made in appreciation of services rendered and deposited by the Treasurer in the General Funds of the Town, there being no conditions attached to these gifts:

Deerfield Academy --	\$ 72,500.00
Bement School --	\$ 1,000.00
Allen Chase Foundation/Eaglebrook --	\$ 26,000.00
Historic Deerfield --	\$ 15,000.00
Woolman Hill --	\$ 2,520.00

Motion Carried, so declared the Moderator

#### **ARTICLE 6**

Voted to amend the Frontier Regional School District Agreement as follows:

##### Amendments to the Frontier Regional School District Agreement

Amend Section 1 of the Frontier Regional School District Agreement by deleting Section 1 A. – D.; replacing those paragraphs with the following paragraphs A. – C.; re-lettering paragraphs E to D, F to E, G to F and H to G: adding to the newly re-lettered paragraph D “The Selectboards of Deerfield and Sunderland shall appoint one member each to serve until the annual town elections next following the Amendment to the Regional School District Agreement.” and deleting paragraph H and replacing it with the following paragraph G.

##### Section I

The Regional District School Committee shall consist of eleven members: two each from Conway and Whatley, three members from Sunderland and four members from Deerfield.

##### A. Composition

The Regional District School Committee, hereinafter referred to as the Committee, shall consist of eleven members: four from the Town of Deerfield, three from the Town of Sunderland, two from the Town of Whatley and two from the Town of Conway. As hereinafter provided, four of the eleven members shall be appointed by the local school committees and seven shall be elected by the annual town elections.

##### B. Appointed Members

Immediately after each annual town election, the local school committee of each member town shall appoint from its own membership one member to serve on the Committee for a term of one year.

An appointed members vote shall count as one vote cast on any issue.

C. Elected Members

Of the seven elected members, there shall be three from the Town of Deerfield, two from the Town of Sunderland and one from each of the Towns of Conway and Whately. At the annual town elections next following the Amendment to the Regional School District Agreement, the Town of Deerfield shall elect one additional member to serve on the Committee for a term of one year; and the Town of Sunderland shall elect one additional member to serve for a term of one year. Thereafter, at every succeeding annual town election when a member town is required to elect a member, each such town shall elect such member to serve for a term of three years. An elected members vote shall be weighted so that each member's vote represents the towns population as a percentage of the population of the whole district divided by the number of elected members from that Town. The calculations for weighted votes shall be based on the United States census and recalculated when new census figures are reported.

Delete paragraph D. Interim Committee

D. Change E to D. Vacancies and add final sentence:

If a vacancy occurs among the appointed members, the local school committee of the member town involved shall appoint a member from its own membership to serve for the remainder of the unexpired term. If a vacancy occurs among the elected members, the selectmen of the member town involved shall appoint a member to serve until the next annual town election, at which election a successor shall be elected to serve for the remainder of the unexpired term, if any. The Selectboards of Deerfield and Sunderland shall appoint one member each to serve until the annual town elections next following the Amendment to the Regional School District Agreement.

E. Change F. Organization to E. Organization

F. Change G. Powers and Duties to F. Powers and Duties

G. Change H. Quorum to G. Quorum and replace with the following:

G. Quorum

A quorum for the transaction of business shall be a majority of the committee and greater than 50% of the weighted vote membership, but a number less than a majority may adjourn any meeting. Passage of any measure shall require a majority of the committee and greater than 50% of the weighted vote as counted.

Motion Carried, so declared the Moderator

**ARTICLE 7**

Voted to amend its Zoning By-Law by adopting the following modifications thereto, related to solar electric installations:

Paul Allis from the Planning Board gave a verbal presentation and Mary A. Swedlund gave a presentation on behalf of the Energy Commission.

**Item 1:**

Add the following, new use and associated permissions to the "Use Regulation Schedule," being Section 2230 of the Zoning By-Law, under "B. Extensive Uses and Community Facilities":

Principal Use	RA	CVRD	C-I	C-II	I	PI	EPD
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Small-Scale Ground-Mounted Solar Electric	Y	Y	Y	Y	Y	Y	Y
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**Item 2:**

Add the following, new uses and associated permissions to the “Use Regulation Schedule,” being Section 2230 of the Zoning By-Law, under “D. Industrial”:

Principal Use	RA	CVRD	C-I	C-II	I	PI	EPD
Large-Scale Ground-Mounted Solar Electric <sup>7,8</sup>	SP	SP	SP	SP	Y**	SP	SP
Extra-Large-Scale Ground-Mounted Solar Electric Installation <sup>7,8</sup>	N	N	N	N	SP	N	N

**Item 3:**

Add the following, new notes to the end of Section 2230, being the Zoning By-Law’s “Use Regulation Schedule”:

- <sup>7</sup> Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations are subject to the provisions of Section 3800.
- <sup>8</sup> Acreage and generating capacity thresholds apply in the aggregate to new facilities and expansion of existing facilities. For expansions, the acreage and output generation 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 3851, shall not be counted toward a facility’s total acreage.

**Item 4:**

Under Section 5400, entitled “Site Plan Review,” add the following, new Section 5415:

5415. Construction or expansion of a Large-Scale Ground-Mounted Solar Electric Installation or an Extra-Large-Scale Ground-Mounted Solar Electric Installation.

**Item 5:**

Add the following, new definitions to Article VI, entitled “Definitions,” to be inserted therein alphabetically:

Extra-Large-Scale Ground-Mounted Solar Electric Installation shall mean a ground-mounted solar system with a generating capacity of greater than 2 MW or occupying more than ten (10) acres of land.

Amended and voted – so declared the Moderator

Large-Scale Ground-Mounted Solar Electric Installation shall mean a ground-mounted solar system with a generating capacity greater than 10 kW but no more than 2 MW and does not occupy more than ten (10) acres of land.

Small-Scale Ground-Mounted Solar Electric Installation shall mean a ground-mounted solar system with a generating capacity of 10 kW or less.

Solar Electric Installations shall mean groups of solar photovoltaic arrays for the generation of electricity.

**Item 6:**

Under Article VI, entitled “Definitions,” delete the definition of “municipal facilities,” which currently reads:

Municipal facilities shall mean facilities owned or operated by the Town of Deerfield.

and replace it with the following:

Municipal facilities shall mean facilities owned by, operated by, or operated for the Town of Deerfield.

**Item 7:**

Under Article VI, entitled "Definitions," amend the definition of "perimeter setback" by adding the phrase "or Industrial District" after "Expedited Permitting District."

Unanimous, so declared the Moderator

**ARTICLE 8**

Voted to amend its Zoning By-Law by adopting the following, new Section 3800, entitled "Solar Electric Installations":

Mary A. Swedlund, Chairman of the Deerfield Energy Committee gave a presentation and Paul Allis of the Planning Board stated their approval of this article.

**3800. SOLAR ELECTRIC INSTALLATIONS.**

3810. Purpose. The purpose of this bylaw is to facilitate the creation or expansion of Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on environmental, scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

3811. Applicability. This Section 3800 applies to the construction, operation, repair, and/or removal of Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations, and to physical modifications that materially alter the type, configuration, or size of these installations or related equipment. This Section 3800 shall not apply to Small-Scale Ground-Mounted Solar Electric Installations or to building-mounted Solar Electric Installations.

**3812. Definitions.**

As-of-Right Siting - As-of-right siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to Site Plan Review to determine conformance with the provisions hereof and with the provisions of the Deerfield Zoning Bylaw, as may be applicable. As-of-right siting of Large-Scale Ground-Mounted Solar Electric Installations shall be permitted where specified by Section 2230.

Building Permit - A construction permit issued by the Building Commissioner which provides evidence that a project is consistent with the Massachusetts State Building Code as well as the Deerfield Zoning Bylaw.

Site Plan Review - Review by the Planning Board to determine conformance with the provisions of Section 5400, as well as those additional conditions specified in this Section 3800.

Site Plan Review Authority - For purposes of this Section 3800, the Planning Board is the Site Plan Review Authority.

Special Permit – Approval by the Planning Board upon determining conformance with the provisions of Section 5300, as well as those additional considerations specified in this Section 3800.

Special Permit Granting Authority – For purposes of this Section 3800, the Planning Board is the Special Permit Granting Authority.

Zoning Enforcement Authority - The Building Commissioner is charged with enforcing the Deerfield Zoning Bylaw.

3820. General Requirements. The following requirements are common to all Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations.

3821. Compliance with Laws, Bylaws, and Regulations. The construction and operation of all Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part thereof shall be constructed in accordance with the Massachusetts State Building Code.

3822. Building Permit and Building Inspection. No Large-Scale Ground-Mounted Solar Electric Installation or Extra-Large-Scale Ground-Mounted Solar Electric Installation shall be constructed, installed or modified as provided in this Section 3800 without first obtaining a building permit.

3823. Fees. Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations shall be permitted only upon payment of the fee(s) required for the issuance of a building permit and as required in connection with Site Plan Review or the issuance of a Special Permit hereunder.

3824. Independent Consultants. Upon submission of an application for Site Plan Review and/or a Special Permit, the Site Plan Review Authority and the Special Permit Granting Authority are authorized to engage outside consultants to peer review the application, pursuant to G.L. c. 44, § 53G, whose services shall be paid for by the applicant.

3830. Site Plan Review. Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations shall undergo Site Plan Review by the Site Plan Review Authority, in accordance with Section 5400, prior to construction, installation or modification thereof, and shall further meet the requirements of this Section 3800.

3831. General. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.

3832. Required Documents. The project applicant shall provide the following documents in addition to or in coordination with those required under Section 5400.

a. Site Plan. A Site Plan showing:

- (i) Property lines and physical features, including roads and topography, for the project site.
- (ii) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, fencing, screening vegetation and structures, including their height.

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- (iii) Locations of wetlands and Priority Habitat Areas as defined by the Natural Heritage & Endangered Species Program (NHESP).
  - (iv) Locations of floodplains or inundation areas for moderate or high hazard dams.
  - (v) Locations of local or National Historic Districts.
  - (vi) Water provision, including fire protection measures.
  - (vii) Stormwater drainage, including means of ultimate disposal and calculations, in compliance with the Town's Stormwater Bylaw, being Chapter 155 of the Deerfield General Bylaws, and any regulations adopted pursuant thereto.
  - (viii) Existing trees 10" caliper or better and existing tree/shrub masses; proposed planting, landscaping, and screening.
  - (ix) Identification of the site of the proposed installation by street address, if any, and the name(s) of the street(s) and way(s) nearest thereto.
  - (x) Map and lot number(s) for the site, available from the Assessor's office.
  - (xi) Zoning district designation(s) for the parcel(s) of land comprising the project site.
- b. Blueprints. Blueprints or drawings of the installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts, showing:
- (i) The proposed layout of the system and any potential shading from nearby structures.
  - (ii) One or three line electrical diagram detailing the Solar Electric Installation, associated components, and electrical interconnection methods, with all Massachusetts and National Electrical Code compliant disconnects and overcurrent devices.  
(Amended and Voted, so declared the Moderator)
- c. General Documentation. The following information shall also be provided:
- (i) 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 as appropriate.
  - (ii) Documentation of the major system components to be used, including the electric generating components, transmission systems, mounting system, inverter, etc.
  - (iii) Name, address, and contact information for proposed system installer.
  - (iv) Name, address, phone number and signature of the project applicant, as well as all co-applicants or property owners, if any.
  - (v) The name, contact information and signature of any agents representing the project applicant.
  - (vi) Certified list of abutters.
  - (vii) Any and all presentation board(s) and/or full-sized plan(s) utilized by the applicant at meeting(s) of the Site Plan Review Authority, provided in a

format no larger than 24" x 36".

- d. Site Control. The project applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed Solar Electric Installation.
- e. Operation and Maintenance Plan. The project applicant shall submit a plan for the operation and maintenance of the Solar Electric Installation, which shall include measures for maintaining safe access to the installation, stormwater management (consistent with DEP's Stormwater Regulations and the Town of Deerfield's Stormwater Regulations) and vegetation controls, as well as general procedures for operational maintenance of the installation.
- f. Insurance. The project applicant shall provide proof of liability insurance in an amount sufficient to cover loss or damage to person(s) and structure(s) occasioned by the use or failure of the Solar Electric Installation.
- g. Financial Surety. Applicants for Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations shall provide a form of surety, either through an escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the installation and remediate the site to its natural preexisting condition, in an amount and form determined to be reasonable by the Site Plan Review Authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein. The project 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.
- h. Utility Notification. No Large-Scale Ground-Mounted Solar Electric Installation or Extra-Large-Scale Ground-Mounted Solar Electric Installation shall be constructed until evidence has been given that the utility company that operates the electrical grid where the installation is to be located has been informed of the Solar Electric Installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

3833. Conditions. In addition to those considerations specified in Section 5460, Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations shall be designed so as to:

- a. minimize visual impacts through proper lighting, landscaping and screening of the Solar Electric Installation and appurtenant structure(s), if any;
- b. minimize environmental impacts by avoiding land clearing and fragmentation of open space, preserving natural habitat and limiting the use of and providing for the containment of hazardous materials, and by satisfying applicable noise standards;
- c. minimize safety impacts through compliance with applicable dimensional requirements, design of the site so as to prevent unauthorized access and development of an emergency response plan; and
- d. ensure compliance with all applicable local, state and federal statutes, regulations, codes, bylaws, rules and standards.

3840. Special Permit. Where required by Section 2230, a special permit may be granted by the Special Permit Granting Authority for the construction, installation or modification of a Large-Scale Ground-Mounted Solar Electric Installation or an Extra-Large-Scale Ground-Mounted Solar Electric Installation, in accordance with Section

5300.

3841. Consolidation with Site Plan Review. Consistent with Section 5423, the Planning Board, as both the Site Plan Review Authority and the Special Permit Granting Authority, shall consolidate site plan review into the special permit procedures required hereunder, and the timetable for decision shall conform thereto.

3842. Criteria. A Special Permit may be granted upon written determination by the Special Permit Granting Authority that the benefits of the proposed use outweigh its detrimental impacts on the Town and the neighborhood, in view of the particular characteristics of the site and of the proposal in relation to that site. In addition to the criteria specified in Section 5320 or elsewhere in the Deerfield Zoning Bylaw, such determination shall include consideration of the following:

- a. the use is in harmony with the purpose and intent of this Section 3800;
- b. the use will be sited, designed and operated in a manner that appropriately addresses the impacts to the neighborhood and the community, including visual impacts, environmental impacts and impacts to public health, safety and welfare;
- c. no nuisance is expected to be created by the use; and
- d. adequate and appropriate facilities will be provided for the proper operation of the Solar Electric Installation.

3850. Dimensional Requirements.

3851. Setback Requirements. For all Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations, minimum setbacks shall be as follows. Acreage and generating capacity thresholds apply in the aggregate to new facilities and expansions of existing facilities. For expansions, the acreage and output generation 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.

<b>Setback Area</b>	<b>RA</b>	<b>CVRD</b>	<b>C-I</b>	<b>C-II</b>	<b>I</b>	<b>PI</b>	<b>EPD</b>
FRONT SETBACK (feet)	10	100	100	100	50	100	100
REAR YARD (feet)	10	100	100	100	50	100	100
SIDE YARD (feet)	10	100	100	100	50	100	100
PERIMETER SETBACK (feet)	–	–	–	–	100	–	–

3852. Dimensional Requirements for Appurtenant Structures. All appurtenant structures to Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations shall be subject to reasonable regulations concerning lot area, parking, and building coverage, as per the Deerfield Zoning Bylaw. Setbacks shall be determined by Section 3851. 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 screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

3853. Height of Structures. The height of any structure associated with Large-Scale Ground-Mounted Solar Electric Installation or Extra-Large-Scale Ground-Mounted Solar Electric Installation shall not exceed 35 feet.

3860. Design and Performance Standards.

3861. Lighting. Lighting of Solar Electric Installations and appurtenant structures shall be consistent with the Deerfield Zoning Bylaw, and all other applicable local,

state and federal laws. Lighting of the installation, including appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties. All lighting shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

3862. Signage. Signs on all Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations shall comply with Section 3200 of the Deerfield Zoning Bylaw. Sufficient signage shall be provided, in accordance with said Section, to identify the owner of the facility and provide a 24-hour emergency contact phone number. Solar Electric Installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the such installation.

3863. Utility Connections. Electrical transformers or other utility interconnections shall be constructed as required by the utility provider and may be above ground if necessary; provided, however, that reasonable efforts shall be made to place all utility connections underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider.

3864. Roads. Access roads shall be constructed to minimize grading, removal of stone walls or street trees and minimize impacts to environmental or historic resources.

3865. Control of Vegetation. Herbicides may not be used to control vegetation at the Solar Electric Installation. Mowing or the use of pervious pavers or geotextile materials underneath the solar array is a possible alternative.

3866. Hazardous Materials. If hazardous materials are to be used or generated on site, provision shall be made for the storage thereof in accordance with all requirements of the Department of Environmental Protection (DEP), including but not limited to the storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment and for full containment of such materials in the event of a release. An enclosed containment area, designed to contain at least 110% of the volume of the hazardous materials used, generated or stored on the site, may be required.

3867. Noise. Noise generated by Large-Scale Ground-Mounted Solar Electric Installations, Extra-Large-Scale Ground-Mounted Solar Electric Installations and associated equipment and machinery shall conform to applicable state and local noise regulations, including the DEP's Division of Air Quality noise regulations, 310 CMR 7.10. A source of sound will be considered in violation of said regulations if the source:

- a. increases the broadband sound level by more than 10 db(A) above ambient; or
- b. 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. Noise shall further comply with Section 3700 of the Deerfield Zoning Bylaw.

3868. Landscaping and Screening. Any fencing or other structure(s) erected to prevent unauthorized access to the Solar Electric Installation, as well as any appurtenant structures, shall be screened using landscaping or other means so as to minimize their visual impact.

3870. Safety and Environmental Standards.

3871. Emergency Services. The Solar Electric Installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief, Highway Superintendent, and Emergency Management Director. 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 Electric Installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

3872. Access. All Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations shall be designed so as to prevent unauthorized access (e.g. by fencing, by locked access).

3873. Land Clearing, Soil Erosion and Habitat Impacts. All Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations shall be designed to minimize land clearing and fragmentation of open space areas, and shall be located so as to avoid significant negative impacts on rare or protected species in the vicinity. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Solar Electric Installation or as otherwise prescribed by applicable laws or regulations.

3874. Wetlands. All Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations shall be located in a manner consistent with applicable state and local wetlands regulations.

3880. Monitoring, Maintenance and Reporting.

3881. Solar Electric Installation Conditions. The Solar Electric Installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Management Director. The owner or operator shall be responsible for the cost of maintaining the Solar Electric Installation and any access road(s).

3882. Modifications. All material modifications to a Solar Electric Installation made after issuance of the required building permit shall require approval by the Site Plan Review Authority and Special Permit Granting Authority, if applicable.

3883. Commissioning Report. Prior to placement of a Solar Electric Installation into operation, the owner or operator thereof shall submit a commissioning report demonstrating that said Installation has been adequately tested and that it functioned as designed prior to start-up. The report shall be submitted to the Select Board at least thirty (30) days prior to activation of the facility.

3884. Annual Reporting. The owner or operator of the Solar Electric Installation shall submit an annual report demonstrating and certifying compliance with the Operation and Maintenance Plan (see Section 3832.c), the requirements of this Section 3800 and the approved site plan, including but not limited to continued control of vegetation, compliance with noise standards, and adequacy of road access. The annual report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The report shall be submitted to the Select Board, Planning Board, Fire Chief, Emergency Management Director, Building Commissioner, Board of Health and Conservation Commission (if a wetlands permit was issued) no later than 45 days after the end of the calendar year.

3890. Abandonment or Decommissioning.

3891. Removal Requirements. Any Large-Scale Ground-Mounted Solar Electric

Installation or Extra-Large-Scale Ground-Mounted Solar Electric Installations which has reached the end of its useful life or has been abandoned consistent with Section 3892 shall be removed. The owner or operator shall physically remove the installation no later than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority and Special Permit Granting Authority, if applicable, by certified mail, of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- a. Physical removal of all components of the Solar Electric Installation, including but not limited to structures, equipment, security barriers, and on-site transmission lines. Associated off-site utility interconnections shall also be removed if no longer needed.
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- c. Restoration of the site to its natural preexisting condition, including stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

3892. Decommissioning by the Town. If the owner or operator of a Large-Scale Ground-Mounted Solar Electric Installation or Extra-Large-Scale Ground-Mounted Solar Electric Installation fails to remove such installation in accordance with the requirements of this Section 3890 within 150 days of discontinued operations or abandonment, the Town may enter the property and physically remove the installation at the owner's expense, drawing from the escrow account or upon the bond or other financial surety provided by the applicant pursuant to Section 3832.g.

Unanimous, so declared the Moderator

## **ARTICLE 9**

Paul Allis of the Planning Board made a recommendation.

Voted to amend its Zoning By-Law by adopting the following modifications thereto, concerning site plan review:

### **Item 1:**

Under Section 5400, entitled "Site Plan Review," delete Sections 5421 and 5422 in their entirety and replace them with the following, new Section 5421:

5421. Prior to the commencement of any activity set forth in Section 5410, the project proponent shall obtain site plan approval from the Planning Board. Applicants for site plan approval shall submit seven (7) hard copies of the site plan to the Planning Board for review at a regularly scheduled meeting along with a compact disk containing a Standard Digital File (SDF) as defined by Version 2.0 of the MassGIS Standard for Digital Plan Submittals to Municipalities (October 2007) and a copy of the original CADD file in PDF format plus accompanying documents in PDF format and within three (3) days thereafter shall also submit a copy of the site plan to the Board of Health, Director of Public Works, Police Chief, Fire Chief, the Building Inspector, Conservation Commission, and Board of Selectmen for their advisory review and comments. The applicant shall thereafter return a receipt of delivery to said boards and officials to the Planning Board. Said boards and officials shall have fourteen (14) days from the receipt of the site plan to make a written recommendation to the Planning Board. Failure to respond or provide comments within fourteen (14) days shall be deemed to constitute no objection to the application. The Planning Board shall review and act upon the site plan, with such

conditions as may be deemed appropriate, within sixty (60) days of its receipt, and notify the applicant of its decision. The decision of the Planning Board shall be upon a majority of those present and shall be in writing. No building permit shall be issued by the Building Inspector and/or no special permit or variance shall be issued by the Board of Appeals without the written approval of the site plan by the Planning Board, or unless sixty (60) days lapse from the date of the submittal of the site plan without action by the Planning Board. Where a site plan accompanies a special permit or variance application to the Board of Appeals, and the Planning Board approves a site plan "with conditions," the conditions imposed by the Planning Board shall be incorporated into the issuance, if any, of a special permit or variance by the Board of Appeals.

**Item 2:**

Under Section 5400, entitled "Site Plan Review," renumber Sections 5423 and 5424 as Sections 5422 and 5423, respectively.

**Item 3:**

Under Section 5400, entitled "Site Plan Review," delete Section 5432, which currently reads:

5432. The Planning Board may require narrative assessments of the on-site and off-site impacts of the proposed project, including traffic, drainage, noise, and other environmental factors. The Planning Board may require that such narrative assessments be prepared by qualified experts.

and replace it with the following:

5432. The Planning Board may require assessments of the on-site and off-site impacts of the proposed project, including traffic, drainage, noise, and other environmental factors. The Planning Board may require that such assessments be prepared by qualified experts at the applicant's expense.

Unanimous, so declared the Moderator

**ARTICLE 10**

Mary A. Swedlund, Chairman of the Deerfield Energy Committee gave a presentation.

Voted to revise its bylaws by adding a new Article V in Chapter 69 entitled "Stretch Energy Code" for the purpose of regulating the designing and construction of buildings for the effective use of energy, pursuant to Appendix 115AA of the Massachusetts Building Code 780 CMR, the "Stretch Energy Code," including future editions, amendments or modifications thereto.

Article V Stretch Energy Code

§69-10. Definitions

International Energy Conservation Code (IECC): The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three year cycle. Since July 1, 2010, the baseline energy conservation requirements of the Massachusetts State Building Code defaulted to the latest published edition, the IECC 2009, with Massachusetts amendments as approved by the Board of Building Regulations and Standards.

Stretch Energy Code: Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8<sup>th</sup> edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further

amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

§69-11. Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

§69-12. Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, or 51 as applicable.

§69-13. Authority

The Town of Deerfield, seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR, mandate adherence to this appendix.

§69-14. Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, and is herein incorporated by reference into the Town of Deerfield's bylaws.

§69-15. Enforcement

This bylaw shall be enforced by the Building Commissioner in accordance with 780 CMR.

Motion Carried, so declared the Moderator.

**ARTICLE 11**

Voted to initiate the process to aggregate electrical load, pursuant to MGL Chapter 164, Section 134, as amended.

Motion Carried, so declared the Moderator.

**ARTICLE 12**

Voted to accept the provisions of G.L. c. 32B §18 as amended relative to the mandatory transfer of retirees to Medicare.

Motion Carried, so declared the Moderator.

**ARTICLE 13**

Voted that the Town will act on the recommendations of the Community Preservation Committee on the Fiscal Year 2012 Community Preservation Fund budget and to appropriate or reserve for later appropriation monies from Community Preservation Fund annual revenues or available funds for the administrative expenses of the Community Preservation Committee, the undertaking of Community Preservation projects and all other necessary and proper expenses in Fiscal Year 2012, with each item to be considered a separate motion.

Motion Carried, so declared the Moderator.

Presentation by Jane Trigere of the Historical Commission.

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Voted to appropriate \$72,000.00 from the Community Preservation Fund 2012 Estimated Revenues for the preservation of gravestones in the town graveyards and memorials in a manner consistent with the proposal submitted to the Community Preservation Committee by the Historical Commission in March, 2011; said funds to be expended within 3 years under the direction of the Board of Selectmen and any unused funds to be returned to the community preservation fund as required by statute.

Motion Carried, so declared the Moderator.

Presentation made by Wayne Turner of the First Church of Deerfield

Voted to appropriate \$8,950.00 from the Community Preservation Fund to be used for replacing railings on the front steps of the First Church of Deerfield, 71 Old Main Street, Deerfield.

Motion Carried, so declared the Moderator

Richard Hubbard of the Franklin Land Trust made a presentation.

Voted that the town appropriate \$27,250.00 from Community Preservation Fund 2012 Estimated Revenues for the local match requirement for the Joseph Kostiuk State Agricultural Preservation Restriction and consistent with the proposal submitted to the Community Preservation Committee by the Franklin Land Trust in March, 2011; said funds to be expended within 3 years under the direction of the Board of Selectmen and any unused funds to be returned to the community preservation fund as required by statute.

Motion Carried, so declared the Moderator

Voted that the town appropriate \$10,000 from Community Preservation Fund 2012 Estimated Revenues for Community Preservation Committee administrative expenses.

Motion Carried, so declared the Moderator

Voted that the Town transfer \$20,300.00 (10%) of the Community Preservation Fund 2012 Estimated Revenues to the Reserve for Community Housing as required by General Law Chapter 44B.

Motion Carried, so declared the Moderator

Voted that the Town transfer \$64,475.00 from the balance of Community Preservation Fund 2012 Estimated Revenues to the 2011 Community Preservation Budgeted Reserve.

Motion Carried, so declared the Moderator

Voted that the meeting adjourn at 9:50 pm and to reconvene to a second meeting night on Wednesday, April 27, 2011 at 7:00 o'clock p.m. in the Frontier Regional School Auditorium on 113 North Main Street in the Village of South Deerfield to deliberate and act upon the remaining articles on the warrant

Motion Carried, so declared the Moderator

**ARTICLE 14**

Voted that the Town raise and appropriate \$482,711.00 and authorize the Selectmen to transfer as it becomes available said sum from the sewer receipts account established for such purposes for Fiscal Year 2012 for the operation and maintenance of the Wastewater Treatment Plants located in the villages of Old Deerfield and South Deerfield respectively, and for sewer line maintenance.

Motion Carried, so declared the Moderator

**ARTICLE 15**

Voted that the town transfer \$409,000.00 from the Sewer Reserve fund for the repair and replacement of a portion of the sewer system in Old Deerfield.

Motion Carried, so declared the Moderator

**ARTICLE 16**

Voted that the Town authorize revolving funds Planning Board under MGL Chapter 44, Section 53E½ for the fiscal year beginning July 1, 2011.

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY 2012 Spending Limit
Planning	Planning Board	Fees charged for filings	Activities and expenses related to proposal and permit reviews.	\$25,000.00
Total Spending				\$25,000.00

Motion Carried, so declared the Moderator

**ARTICLE 17**

Voted that the Moderator read amounts recommended by the Finance Committee to be appropriated under this article and unless objection is made, each item recommended in the report of the Finance Committee shall be tentatively accepted as appropriated for the purpose stated. If an objection is made to any recommendation, such appropriation shall be taken separately and the amount thereof and the manner of taking the same shall be determined by vote of the meeting and tentatively accepted. One vote shall be taken appropriating each amount so accepted as a single appropriation not to be exceeded.

Motion Carried, so declared the Moderator

Voted that the Town appropriate \$11,070,744.00 to fund the accepted amounts voted and to meet this appropriation transfer:

- \$12,500.00 from the Municipal Building account,
- \$42,000.00 from the Workers Compensation fund account,
- \$18,150.00 from the Insurance Indemnification account,
- \$32,878.00 from Free Cash,
- And raise and appropriate a balance of \$10,965,307.00

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Motion Carried, so declared the Moderator

**Article 18**

Voted that the Town take from Free Cash the sum of \$225.91 for the City of Newton in accord with Chapter 32, Sections 56 -60 of the General Laws as amended.

Motion Carried, so declared the Moderator

**ARTICLE 19**

Voted that the town appropriate \$296,252.00 and to meet this appropriation take \$155,975.00 from Free Cash, transfer \$7,829.00 the Sewer Reserve Account and \$132,448.00 originally appropriated for Article 17 at the 2003 Annual Town Meeting for the capital projects:

Item	Department	Amount	Proposed Funding
Cruiser	Police	\$29,500.00	Free Cash
Grit Removal	Waste Water Treatment	\$7,829.00	Sewer Reserve Account
Elementary School Roof	School Committee	\$50,000.00	Free Cash
Elementary School air conditioner	School Committee	\$10,000.00	Free Cash
Ambulance Replacement	Emergency Medical Services	\$25,000.00	Free Cash
Power stretcher	Emergency Medical Services	\$12,300.00	Free Cash
Town Hall computers, network, software	Board of Selectmen	\$12,175.00	Free Cash
Town Hall carpeting	Board of Selectmen	\$5,000.00	Free Cash
Town Hall air conditioner replacement	Board of Selectmen	\$12,000.00	Free Cash
Highway garage location determination and design	Board of Selectmen	\$132,448.00	Amendment of Article 17, April 28, 2003 Annual Town Meeting appropriation.

Motion Carried, so declared the Moderator

**ARTICLE 20**

Voted to establish the salaries and compensations of all elected officers of the Town, as provided in Chapter 41, Section 108 of the General Laws, as follows:

	REQUESTED	VOTED
Moderator, Annual Town Meeting	\$300.00	\$300.00
Moderator, Special Town Meeting	\$50.00	\$50.00
Selectmen, Chairman	\$2,900.00	\$2,900.00
Selectmen, Associate Members	\$2,500.00	\$2,500.00
Assessors, Chairman	\$2,500.00	\$2,500.00
Assessors, Associate Members	\$2,000.00	\$2,000.00
School Committee, Chairman	\$150.00	\$150.00

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School Committee, Assoc. Members	\$100.00	\$100.00
Elector, Oliver Smith Will	\$20.00	\$20.00

Motion Carried, so declared the Moderator

**ARTICLE 21**

Voted to take from Free Cash, \$18,400.00 to an unfunded liability sick leave and vacation account.

Motion Carried, so declared the Moderator

**ARTICLE 22**

Voted to take from Free Cash \$80,000.00 for the Reserve Fund of the Town, to provide for extra-ordinary or unforeseen expenditures under Section 6 of Chapter 40 of the Massachusetts General Laws for the Fiscal Year beginning July 1, 2011.

Motion Carried, so declared the Moderator

**ARTICLE 23**

Voted to take \$12,000.00 from Free Cash and \$13,000.00 from Overlay Surplus for the purpose of funding mandated triennial recertification updates.

Motion Carried, so declared the Moderator

**ARTICLE 24**

Voted to take \$43,687.00 from Free Cash for the core assessment of the Franklin Regional Council of Governments.

Motion Carried, so declared the Moderator

**ARTICLE 25**

Voted to raise and appropriate \$262,566.00 for the purpose of providing ambulance services in the Town of Deerfield, and to meet this appropriation, transfer from ambulance receipts as they become available the sum of \$170,000.00 and raise and appropriate \$92,566.00.

Motion Carried, so declared the Moderator

**ARTICLE 26**

Voted to transfer the interest earned in the Dickinson Library Trust fund to the Tilton Library \$808.00 and to Frontier Regional School \$135.00 for Library use.

Motion Carried, so declared the Moderator

**ARTICLE 27**

Voted to confirm that all votes taken under the Omnibus Budget and financial articles will be contingent upon receipt of a Cherry Sheet and other state funding which shows sufficient state aid to allow the Town to remain within its levy limit.

Motion Carried, so declared the Moderator

**ARTICLE 28**

Voted any instruction to its officers, boards, committees, commissioners.

No instructions voted, so declared the Moderator

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Voted that the meeting adjourn to meet in the polls at the MEETING ROOM at the TOWN OFFICES, 8 Conway Street in the Village of South Deerfield on MONDAY, the 2nd day of May 2011, next at 10:00 o'clock in the forenoon, for the purpose of elections.

Motion Carried, so declared the Moderator

A true copy

Attest:

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Mary A. Stokarski, Town Clerk