

Special Town Meeting
Monday, October 4, 2021

I, Barbara J. Hancock, duly appointed and qualified Clerk of the Town of Deerfield hereby verify that the following voted were taken at the Special Town Meeting held on Monday, October 4, 2021 in the Goodnow Gymnasium at the Frontier Regional School on 113 North Main Street, in the Village of South Deerfield. Town Meeting convened at 6:06 pm. There were 240 registered voters present.

Voted to waive the reading of all articles 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 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 Special Town Meeting:

Lisa Mead, Town Counsel
Brenda Hill, Town Accountant
Kayce Warren, Town Administrator
Mark Borenstein, Legal Counsel to Treehouse Brewing Co.
Carl Cyr, Athletic Director at Frontier Regional

Motion carried, so declared the Moderator

ARTICLE 1 – Unanticipated Fiscal Year 2020 Bill

Voted to transfer from Free Cash the sum of \$1,744 to fund a Fiscal Year 2020 unanticipated bill for Town Building Assessment Survey.

Motion carried by 9/10ths, so declared the Moderator

ARTICLE 2 – Unanticipated Fiscal Year 2019 Bill

Voted to transfer from Free Cash the sum of \$7,920 to fund a Fiscal Year 2019 unanticipated bill for the Mill Village Rd Upper Watershed study.

Motion carried unanimously, so declared the Moderator

ARTICLE 3 – Unanticipated Fiscal Year 2019 Bill

Voted to transfer from Free Cash the sum of \$6,200 to fund a Fiscal Year 2019 unanticipated bill for DEERFMA-Planning Board Peer Review – Dollar General.

Motion carried by 9/10ths, so declared the Moderator

ARTICLE 4 – Unanticipated Fiscal Year 2018 Bill

Voted to transfer from Free Cash the sum of \$350 to fund a Fiscal Year 2018 unanticipated bill for the cost of an appraisal for town-owned land.

Motion carried unanimously, so declared the Moderator

**ARTICLE 5 – Vote of Summary Appropriation of June Annual Town Meeting
Warrant Article 5, Omnibus Budget**

Voted to correct a funding source reference to the summary appropriation of Article 5, Omnibus Budget of the Annual Town Meeting Warrant, for the Fiscal Year beginning July 1, 2021, as follows:

Voted to appropriate \$15,905,706 to fund the accepted amounts voted, and to meet this appropriation, transfer:

| | |
|----------|---------------------------------|
| \$57,425 | From SCEMS Enterprise Fund |
| \$5,716 | From SCSC Fund |
| \$55,140 | From Sewer Enterprise Fund |
| \$6,432 | From Receipts Reserved for Debt |
| \$8,997 | From Free Cash |

and raise and appropriate \$15,771,996

Motion carried, so declared the Moderator

ARTICLE 6 – South Deerfield Congregational Church Building Repairs

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Voted to transfer from Free Cash the sum of \$150,000 for repairs to the Congregational Church Building, contingent on the approval of the Capital Improvement Planning Committee.

Motion carried, so declared the Moderator

ARTICLE 7 – Deerfield Zoning Bylaw Amendment: Gender Neutral Language for “Selectboard”

Voted to amend the Town of Deerfield Zoning Bylaw by deleting the word “Selectmen” each time it appears in said bylaw and inserting the term “Selectboard” in place thereof, and further, deleting the words “Board of Selectmen” each time it appears and inserting in place thereof the term “Selectboard” and further that the Town Clerk be authorized to make clerical, editorial or other adjustments related to the non-gendered reference to effectuate the purposes hereof; or take any action relative thereto.

Motion carried by 9/10ths, so declared the Moderator

ARTICLE 8 – Deerfield Zoning Bylaw Amendment: Frontage for Municipal Facilities on Town-Owned Lots

Voted to amend the Town of Deerfield Zoning Bylaws, c.179, Article II, entitled “Use and Dimensional Requirements,” Section 2300, entitled “Dimensional Requirements,” Subsection 2320, entitled “Table of Dimensional Requirements,” by adding a new superscript “9” after “Frontage (feet)” in the column entitled “Principal Use,” and by adding sequentially a superscript “9” at the end of the “NOTES” section thereof, with accompanying text, as follows:

⁹In the CVRD, C-I and I Districts only, the minimum Frontage requirement shall not apply to Town-owned lots used for Municipal Facilities, which shall be required to have no less than fifty (50) feet of frontage.

Motion carried by 2/3rds, so declared the Moderator

ARTICLE 9 – Deerfield Zoning Bylaw Amendment, Chapter 179, Section 4300 Flood Plain District

Voted to amend the Deerfield Zoning Bylaws by replacing, c. 179, §4306 Flood Plain Regulations as follows:

4306. Floodplain Regulations. All development within the Floodplain District, including structural and non-structural activities, whether permitted as a right or by Special Permit must be in compliance with the Massachusetts River Protection Act and the Massachusetts Wetlands Protection Act, (M.G.L. ch.131 s.40), and with the requirements of the Massachusetts State

Building Code pertaining to construction in the Flood Plain.

Motion carried by 2/3rds, so declared the Moderator

ARTICLE 10 – Deerfield Zoning Bylaw Amendment: Tourism Overlay District

Voted amend the Town of Deerfield Zoning Bylaw c.179 by adding a new Section 4950, entitled “Tourism Overlay District” as follows:

4950. Tourism Overlay District

4951. Purpose. It is the purpose of this Section 4950 to supplement the existing Town of Deerfield Zoning By-Law to provide regulating flexibility to encourage development of entertainment venues within the Tourism Overlay District (TOD) to enhance tourism to the Town of Deerfield while preserving open space, forested areas, and other scenic views.

4952. Overlay District. The Tourism Overlay District (TOD) is established as an overlay district and includes that area designated on a map entitled “Tourism Overlay District, Deerfield, MA” that is on file with the Town Clerk and the Building Commissioner and which is hereby incorporated in and made part of this By-Law. This map shall be considered as superimposed over other zoning districts established by this By-Law.

4953. Applicability. Buildings and land uses within the TOD shall be governed by the pertinent regulations applicable to the underlying zoning district (i.e., Residential Agricultural, Center Village Residential, Small Business Commercial, Industrial, Planned Industrial and Expedited Permitting District), except as modified by the provisions of this Section 4950.

4954. Uses.

A. By Right Uses. The following uses shall be permitted by right within the TOD as either primary or accessory uses, notwithstanding anything contained in Section 2200 to the contrary:

1. All uses permitted by right in the underlying zoning district.
2. Craft Establishment. A “Craft Establishment” shall mean an establishment consisting of a brewery, distillery, winery, cidery, meadery and/or a similar establishment, under 150,000 gross square feet, specializing in the production of beer, distilled spirits, wine, cider, mead and/or other alcoholic beverages with retail sales for consumption on-premises (e.g., a taproom) and off-premises (e.g., cans and bottles to go), as may be permitted under Massachusetts law. A Craft Establishment may also have accessory uses including tastings, tours, beer production classes, wholesale retail, warehousing/storage, distribution of products, retail sales (e.g., merchandise and clothing) and restaurants. Retail sales of alcoholic beverages for off-premises consumption by a Craft Establishment may include curbside and/or drive-through

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service, as may be permitted under Massachusetts law. On-premises consumption at a Craft Establishment is permitted with or without table service and may occur outside. A Craft Establishment may also host catering businesses and/or mobile food vendors, operated by third parties, including, but not limited to, food trucks. Catering businesses and mobile food vendors shall be subject to all requirements of the Town of Deerfield Board of Health.

3. Assembly, bottling, fabrication, manufacture, processing of beverages or products, under 50,000 gross square feet, including, but not limited to, coffee and non-alcoholic beverages, and the accessory and incidental wholesale retail, warehousing, distribution and retail sale of such products.
4. Hotels offering commercial lodging for travelers and other transient guests, that may include uses accessory to the principal use, such as meals, entertainment, retail stores, recreation facilities and other amenities.
5. Establishments for the preservation and public exhibition of objects of cultural or educational value including, but not limited to, museums.
6. Sporting events, but not facilities, including, but not limited to, cycling races, foot races, triathlons, ultra-marathons, and other sports related events.
7. Festivals, temporary in nature (e.g., one day or multi-day events), including, but not limited to, food truck festivals, car shows, beer and/or wine festivals, beverage festivals, culinary festivals, arts festivals, and hot air balloon festivals.
8. Arts based uses and events including, but not limited to, art museums, art shows, artisan studios, art galleries (including exhibition and sale by auction) and theaters.
9. Commercial Recreation, Outdoors, as defined in the Zoning By-Law.
10. Concerts, shows and live entertainment events including, but not limited to, ticketed events.
11. Professional events including, but not limited to, seminars, conferences, professional workshops and trade shows.
12. Event space for private events including, but not limited to, weddings.
13. Municipal events including, but not limited to, parades, celebrations, community gatherings and holiday celebrations.
14. Farmers' markets meaning a temporary market where multiple producers of food, plants, flowers or other products sell their products directly to consumers on an occasion or recurring basis.
15. Events sponsored by or on behalf of non-profit or charitable organizations, including, but not limited to, fundraisers.

B. Special Permitted Uses. The following uses shall be permitted by special permit within the TOD as either primary or accessory uses, notwithstanding anything contained in Section 2200 to the contrary:

1. Campgrounds offering temporary accommodations for travelers and other transient guests including, but not limited to, the use of tents and recreational vehicles; provided, however, that camping events shall occur no more than three (3) times per calendar year, and for no more than four (4) consecutive days per event.

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2. A Craft Establishment with a gross floor area over 150,000 square feet.
3. Assembly, bottling, fabrication, manufacture, processing of beverages or products, over 50,000 gross square feet, including, but not limited to, coffee and non-alcoholic beverages, and the accessory and incidental wholesale retail, warehousing, distribution and retail sale of such products.

C. Special Permit Granting Authority; Additional Uses. The special permit granting authority for purposes of this Section 4950 shall be the Planning Board. Any entertainment or tourism activities and uses not permitted by right or referenced above in this Section 4954 may be permitted by grant of special permit by the Planning Board subject to the evaluating the criteria in Section 5320.

4955. Site Plan Review; Performance Standards for Manufacturing, Processing, Assembly or Fabrication. Uses provided in Section 4954 shall be subject to the site plan review in accordance with Section 5400, except no change of use related to temporary events, as reasonably determined by the Town of Deerfield Building Commissioner, shall trigger site plan review. By Right Uses permitted by Section 4954 shall not be subject to the Performance Standards for Manufacturing, Processing, Assembly or Fabrication provided in Section 4900.

4956. Dimensional Requirements. Buildings and structures within the TOD shall be subject to the dimensional requirements in Section 2300. Notwithstanding Section 2253 to the contrary, within the TOD, a pre-existing, nonconforming structure may be altered without a special permit from the Board of Appeals under any of the following circumstances:

1. There is no extension or expansion of the exterior of the pre-existing, non-conforming structure.
2. The extension or expansion is made for the purpose of conforming to the building code for health and safety purposes and/or compliance with accessibility requirements.
3. The extension or expansion conforms to the dimensional requirements of the Zoning By-Law.

4957. Parking and Loading Requirements. Off-street parking within the TOD shall comply with the following standards and location requirements and shall not be subject to the provisions of Section 3100, except as otherwise provided in this Section 4957:

1. The minimum required number of parking spaces within the TOD shall be

| <u>Use</u> | <u>Minimum Number of Parking Spaces</u> |
|----------------------------|---|
| Manufacturing | 1 per 1,000 square feet of gross floor area |
| Warehousing and/or storage | 1 per 5,000 square feet of gross floor area |
| Retail | 1 per 500 square feet of gross floor area |

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Tap room and/or restaurant 1 per 100 square feet of gross floor area, including designated outdoor service areas

All other uses shall be subject to the off-street parking requirements provided in Section 3130. The parking calculation shall be calculated cumulatively for the entire property.

2. The Planning Board may reduce the minimum required number of off-street parking spaces by special permit in accordance with Section 3120.
3. Parking lots shall be designed in accordance with Section 3140, driveways shall be designed in accordance with Section 3150 and adequate off-street loading facilities and spaces shall be provided in accordance with Section 3160.
4. Off-street parking for large scale events of a temporary nature held within the TOD may be provided on a separate parcel (the "Auxiliary Parking Lot") provided the operator of the large-scale event enters into an agreement for the use of such separate parcel and provides transportation (e.g., shuttles or buses) for patrons to and from the Auxiliary Parking Lot. There shall be no minimum distance from the Auxiliary Parking Lot to the property hosting the large-scale event. A large-scale event means an event where the anticipated number of patrons will exceed on site available parking.

4958. Open Space Requirements. At least twenty-five percent (25%) of the lot within the TOD shall be preserved as open space. A minimum of seventy five percent (75%) of open space shall be maintained as natural vegetation area except that plantings, the installation, repair, maintenance of footpaths, active or passive recreational uses, underground utilities, drainage structures and facilities and such other construction shall be permitted. Open space areas may include wetlands, streams and other jurisdictional areas. The open space shall be protected by a recorded restriction enforceable by the Town of Deerfield. The designated open space area may be relocated upon the mutual agreement of the Town of Deerfield Selectboard and the property owner following the recording of the restriction.

4959. Modification of Requirements. Upon the request of an applicant or property owner, the application of the requirements of this Section 4950 may be modified by the grant of a special permit by the Planning Board upon its determination that the intent and purposes of this Section 4950 would be better served by granting the requested relief and consideration of the criteria in Section 5320.

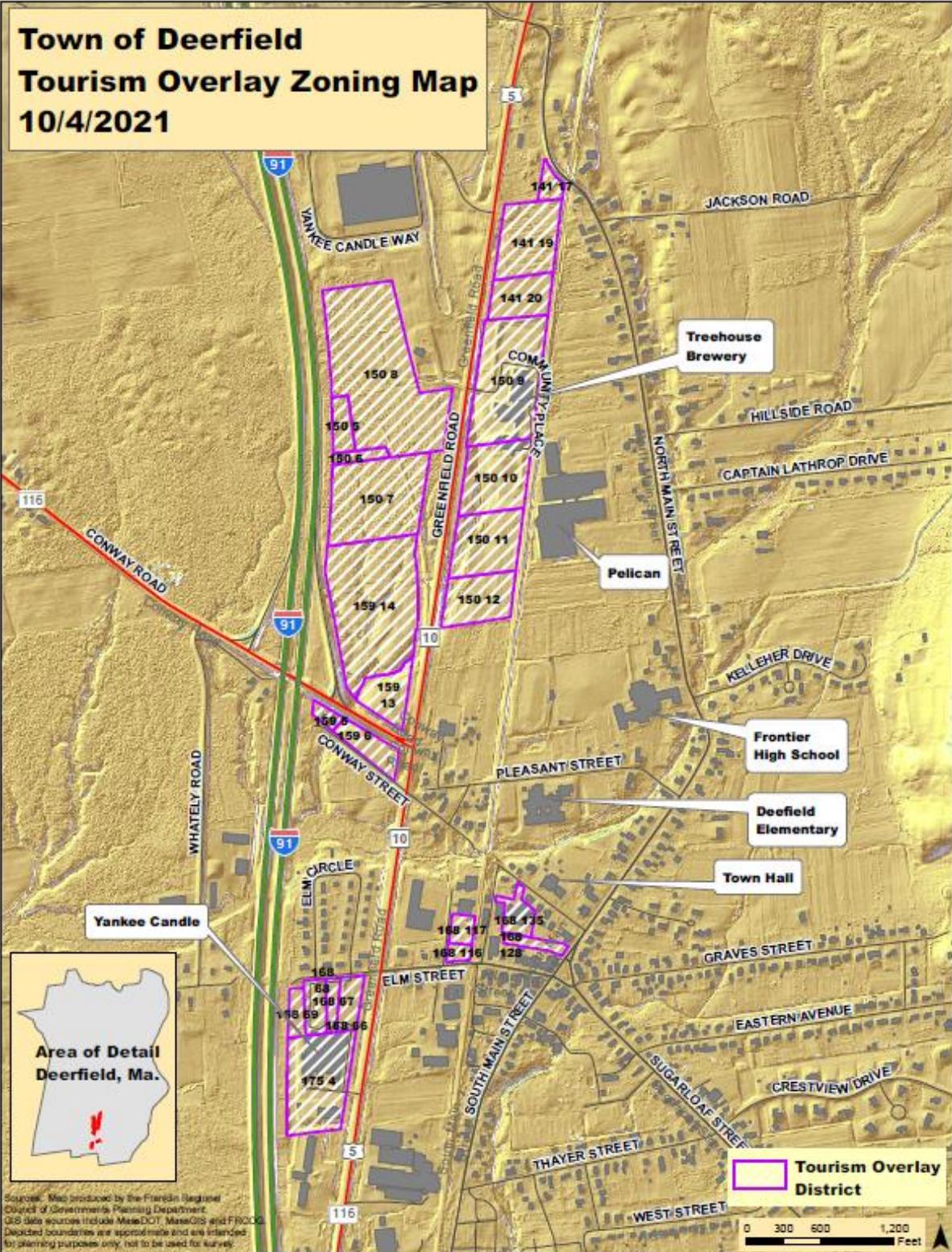
Motion carried by 2/3rds, so declared the Moderator

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ARTICLE 11 – Amend the Town of Deerfield Zoning Map

Voted to amend the Town of Deerfield Zoning Map by adding a new zone, Tourism Overlay District, as set forth on the Zoning Map dated 10/04/2021 and including parcels as follows:

| Lot ID | |
|---------------|-----|
| Map | Lot |
| 141 | 17 |
| 141 | 19 |
| 141 | 20 |
| 150 | 10 |
| 150 | 11 |
| 150 | 12 |
| 150 | 5 |
| 150 | 6 |
| 150 | 7 |
| 150 | 8 |
| 150 | 9 |
| 159 | 5 |
| 159 | 6 |
| 159 | 13 |
| 159 | 14 |
| 168 | 116 |
| 168 | 117 |
| 168 | 66 |
| 168 | 67 |
| 168 | 68 |
| 168 | 69 |
| 168 | 128 |
| 168 | 135 |
| 175 | 4 |



Motion carried by 2/3rds, so declared the Moderator

ARTICLE 12 – Deerfield Zoning Bylaw Amendment, Chapter 179, Section 3800, Solar Energy Systems

Voted to amend the Deerfield Zoning Bylaws c.179 §3800 Solar Energy Systems by replacing the section in its entirety as follows:

3800. SOLAR ENERGY SYSTEMS.

3810. Purpose. The purpose of this bylaw is to facilitate the creation or expansion of Solar Energy Systems 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.

3820. Definitions. The words and phrases below shall be defined, for purposes of this bylaw, Section 3800, as follows:

Active Solar Energy System: Systems that convert the sun's energy to electricity or heat, including: photovoltaic solar technology, which directly converts sunlight into electricity using panels made of semiconductor cells; and solar thermal technology, which captures the sun's heat.

As-of-Right Siting - As-of-right siting shall mean that development *requires a Building Permit, but* 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 *Small- Scale Ground-Mounted Energy Systems, Small-Scale Roof-Mounted Systems, Passive Solar Energy Systems, Solar Canopies and Municipal Solar Energy Systems* shall be permitted where specified by the Use Regulation Schedule, Section 2230. *Medium- and Large-Scale Roof-Mounted Solar Energy Systems are allowed by right, subject to the provisions of Sections 3870-3890.*

Large-Scale Ground-Mounted Solar Energy System: An Active Ground-Mounted Solar Energy System that occupies more than 5 acres of surface area. Large solar energy systems are utility-scale solar energy conversion systems with many ground-mounted solar arrays in rows, and associated control or conversion electronics or energy storage components that produce utility power to offsite customers.

Medium-Scale Ground-Mounted Solar Energy System: An Active Ground-Mounted Solar Energy System that occupies more than 1,000 square feet of surface area, but no more than 5 acres of surface area. Medium solar energy systems are defined as private on-site or utility-scale solar energy conversion systems with many ground-mounted solar arrays in rows, and associated control or conversion electronics or energy storage components that produce utility power to onsite and offsite customers.

Medium- and Large-Scale Roof-Mounted Solar Energy System: An Active Roof-Mounted Solar

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Energy System that occupies more than 1,000 square feet of surface area.

Municipal Solar Energy System: A solar energy system that is owned by, or located on land owned by, the municipality.

Passive Solar Energy System: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Roof-Mounted Solar Energy System: An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).

Small-Scale Ground-Mounted Solar Energy System: single residential or small business-scale solar energy conversion systems consisting of ground-mounted solar arrays, or other solar energy fixtures, and associated control or conversion electronics or energy storage components, occupying no more than 1,000 square feet of surface area.

Solar Canopies: Elevated structures that host solar panels and provide shade. These overhead solar panel installations are typically installed in parking lots or other paved areas.

3830. General Requirements.

3831. Compliance with Laws, Bylaws, and Regulations. The construction and operation of all Solar Energy Systems shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part thereof shall be constructed in accordance with the Massachusetts State Building Code (See MGL c. 143, § 1 et seq.).

3832. Building Permit and Building Inspection. No Solar Energy System shall be constructed, installed or modified as provided in this Section 3800 without first obtaining a building permit.

3833. Fees. All Solar Energy Systems 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.

3834. Independent Consultants. Upon submission of an application for Site Plan Review and/or a Special Permit, the Planning Board is 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.

3835. Permit Granting Authority. The Planning Board shall serve as Site Plan Review Authority and Special Permit Granting Authority under this Section 3800.

3836. Specified Solar Systems Permitted As of Right. As specified in the Use Regulation Schedule, Section 2230, Small-Scale Ground-Mounted Solar Energy Systems, Roof-Mounted Solar Energy Systems, Municipal Solar Energy Systems, Solar Canopies and Passive Solar Energy Systems shall be permitted as of right.

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3837. Site Location of Solar Energy Systems. Utility scale Solar Energy Systems are encouraged to locate on existing building rooftops, rather than on ground-mounted locations. Ground-Mounted systems shall minimize impacts on forestland and farmland in active production.

3840. Site Plan Review. Medium-Scale and Large-Scale Ground-Mounted Solar Energy Systems shall undergo Site Plan Review by the Planning Board, in accordance with Section 5400, prior to construction, installation or modification thereof, and shall further meet the requirements of this Section 3800.

3841. General. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.

3842. 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.
- (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 Energy System, associated components, and electrical interconnection methods, with all Massachusetts and National Electrical Code compliant disconnects and overcurrent devices.

c. General Documentation. The following information shall also be provided:

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- (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 Energy System.

e. Operation and Maintenance Plan. The project applicant shall submit a plan for the operation and maintenance of the Solar Energy System, 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 (11) 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 construction, use or failure of the Solar Energy System.

g. Financial Surety. Applicants for Medium-Scale and Large-Scale Ground-Mounted Solar Energy Systems 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 Medium-Scale and Large-Scale Ground-Mounted Solar Energy Systems 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 permitted the energy system. Off-grid systems shall be exempt from this requirement.

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3843. Conditions. In addition to those considerations specified in Section 5460, Medium-Scale and Large-Scale Ground-Mounted Solar Energy Systems shall be designed so as to:

- a. minimize visual impacts through proper lighting, landscaping and screening of the Solar Energy System 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.

3850. Special Permit. Where required by Section 2230 Use Regulations, a special permit may be granted by the Planning Board for the construction, installation or modification of a Large-Scale Solar Energy Systems, in accordance with Section 5300.

3851. Consolidation with Site Plan Review. Consistent with Section 5400, 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.

3852. Criteria. A Special Permit may be granted upon written determination by the Planning Board 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 Energy System.
- e. the use minimizes impacts on forestland and farmland in active production.

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3860. Dimensional Requirements. The following tables of dimensional requirements shall apply to solar energy systems, and shall supersede dimensional requirements in Section 2320, only for solar energy systems. All other dimensional requirements in Section 2320 not noted in the tables below shall remain in effect.

Table of Dimensional Requirements for Medium-Scale and Large-Scale Ground-Mounted Solar Energy Systems

| Dimensional Requirement | RA | CVRD | C-I | C-II | I | PI | EPD |
|--------------------------|----|------|-----|------|----|----|-----|
| FRONT SETBACK (feet) | 50 | 50 | 50 | 50 | 40 | 50 | 50 |
| REAR YARD (feet) | 50 | 50 | 50 | 50 | 25 | 50 | 50 |
| SIDE YARD (feet) | 50 | 50 | 50 | 50 | 25 | 50 | 50 |
| PERIMETER SETBACK (feet) | - | - | - | - | | - | 25 |
| MAXIMUM HEIGHT (feet) | 15 | 15 | 15 | 15 | 15 | 15 | 15 |

Table of Dimensional Requirements for Small-Scale Ground-Mounted Solar Energy Systems

| Dimensional Requirement | RA | CVRD | C-I | C-II | I | PI | EPD |
|-------------------------|----|------|-----|------|----|----|-----|
| FRONT SETBACK (feet) | 30 | 30 | 20 | 50 | 40 | 50 | - |
| REAR YARD (feet) | 10 | 10 | 10 | 25 | 25 | 25 | - |
| SIDE YARD (feet) | 10 | 10 | 10 | 25 | 25 | 25 | - |
| MAXIMUM HEIGHT (feet) | 15 | 15 | 15 | 15 | 15 | 15 | 15 |

Table of Dimensional Requirements for Roof-Mounted Solar Energy Systems

| Dimensional Requirement | RA | CVRD | C-I | C-II | I | PI | EPD |
|-------------------------|----|------|-----|------|----|----|-----|
| FRONT SETBACK (feet) | - | - | - | - | - | - | - |
| REAR YARD (feet) | - | - | - | - | - | - | - |
| SIDE YARD (feet) | - | - | - | - | - | - | - |
| MAXIMUM | 37 | 39 | 39 | 39 | 39 | 39 | 52 |

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| | | | | | | | |
|---|--|--|--|--|--|--|--|
| HEIGHT (feet, measured from the ground) | | | | | | | |
|---|--|--|--|--|--|--|--|

3861. Dimensional Requirements for Appurtenant Structures. All appurtenant structures to Medium-Scale and Large-Scale Solar Energy Systems shall be subject to all applicable regulations concerning lot area, parking, and building coverage, as per the Deerfield Zoning Bylaw. All such appurtenant structures, including but not limited to equipment shelters, storage facilities, transformers, substations, batteries and other electrical storage, shall be architecturally compatible with each other. All appurtenant structures shall be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

3862. Exemption from Lot Coverage Requirements. Small-Scale Solar Energy Systems shall be exempt for the Maximum Lot Coverage requirements in Section 2320. Table of Dimensional Requirements.

3870. Design and Performance Standards. The following standards shall apply to Medium- and Large-Scale Ground-Mounted Solar Energy Systems and Medium- and Large-Scale Roof-Mounted Solar Energy Systems:

3871. Lighting. Lighting of Solar Energy Systems 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.

3872. Signage. Signs on all Medium-Scale and Large-Scale Solar Energy Systems 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 Energy Systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of such installation.

3873. 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.

3874. Roads. Access roads shall be constructed to minimize grading, removal of stone walls or street trees and minimize impacts to environmental or historic resources.

3875. Control of Vegetation. Herbicides may not be used to control vegetation at the Solar

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Energy System. Mowing or the use of pervious pavers or geotextile materials underneath the solar array is a recommended alternative.

3876. 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.

3877. Noise. Noise generated by Medium-Scale and Large-Scale Solar Energy Systems 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.

3878. Landscaping, Screening and Reflections.

a. Any fencing or other structure(s) erected to prevent unauthorized access to the Solar Energy System, as well as any appurtenant structures, shall be screened using landscaping or other means so as to minimize their visual impact.

b. Medium-Scale and Large-Scale Solar Energy Systems, including batteries and storage facilities, shall be screened by preserving existing vegetation, or using landscaping or other means, so as to minimize their visual impact along the street frontage, and adjacent to any pre-existing abutting residential or commercial uses.

c. Medium-Scale and Large-Scale Solar Energy Systems shall be designed and/or oriented to minimize reflections that may cause a nuisance to adjacent residential or commercial uses.

3880. Safety and Environmental Standards. The following standards shall apply to Medium- and Large-scale Ground-Mounted Solar Energy Systems and Medium- and Large-Scale Roof-Mounted Solar Energy Systems:

3881. Emergency Services. The Solar Energy System owner or operator shall provide a copy of

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the project summary, electrical schematic, and site plan to the Fire Chief, Building Commissioner, 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 Energy System shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

3882. Access. All Medium-Scale and Large-Scale Solar Energy Systems shall be designed so as to prevent unauthorized access (e.g., by fencing, by locked access).

3883. Land Clearing, Soil Erosion and Habitat Impacts. All Medium-Scale and Large-Scale Solar Energy Systems 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 Energy System or as otherwise prescribed by applicable laws or regulations.

3884. Wetlands. All Medium-Scale and Large-Scale Solar Energy Systems shall be located in a manner consistent with applicable state and local wetlands regulations.

3890. Monitoring, Maintenance and Reporting. The following standards shall apply to Medium- and Large-scale Ground-Mounted Solar Energy Systems and Medium- and Large-scale Roof-Mounted Solar Energy Systems:

3891. Solar Energy System Conditions. The Solar Energy System 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 Energy System and any access road(s).

3892. Modifications. All material modifications to a Solar Energy System made after issuance of the required building permit shall require approval by the Permit Granting Authority, if applicable.

3893. Commissioning Report. Prior to placement of a Solar Energy System 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 Selectboard at least thirty (30) days prior to activation of the facility.

3894. Annual Reporting. The owner or operator of the Solar Energy System shall submit an annual report demonstrating and certifying compliance with the Operation and Maintenance Plan (see Section 3842.c), the requirements of this Section 3800 and the approved site plan,

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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 Selectboard, 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.

3895. Abandonment or Decommissioning. The following standards shall apply to Medium- and Large-scale Ground-Mounted Solar Energy Systems:

38951. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Medium-Scale or Large-Scale Ground-Mounted Solar Energy System shall be considered abandoned when it fails to operate for more than one year without the written consent of the Permit Granting Authority. Change of ownership shall be reported to the town.

38952. Removal Requirements. Any Medium-Scale and Large-Scale **Ground-Mounted** Solar Energy System which has reached the end of its useful life or has been abandoned consistent with Section 38952 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 Planning Board, 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 Energy System, 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 Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

38953. Decommissioning by the Town. If the owner or operator of a Medium-Scale and Large-Scale Ground-Mounted Solar Energy System fails to remove such installation in accordance with the requirements of this Section 3895 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 3842.g.

38954. Financial Surety. For any Medium-Scale and Large-Scale Ground-Mounted Solar Energy

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System. prior to commencing operation, the applicant shall provide a form of financial surety, through a cash deposit, surety bond, or tripartite agreement (Financial Surety), in an amount determined to be adequate by the Planning Board to cover cost of CSPI removal and site restoration. The following procedures shall be followed:

a. Decommissioning Cost Estimation. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include an escalator for calculating increased removal costs due to inflation. Salvage for solar panels may be included for other components of the installation at the discretion of the Planning Board.

b. The Financial Surety shall be maintained by the developer for the lifespan of the facility, with annual certification notices from the surety company or bank for surety bonds submitted to the Planning Board. Such surety is not required for municipal facilities.

c. A cash deposit [of a minimum amount of \$100,000 per MW (DC) of installed system capacity] shall be held by the Town Treasurer pursuant to M.G.L. Chapter 44, Section 53 ½.

OTHER AMENDMENTS

Amended Section 2230. Use Regulation Schedule.

The following principal uses shall amend and replace the existing principal uses in Section 2230:

| Principal Use | RA | CVRD | C-I | C-II | I | PI | EPD |
|---|-----|------|-----|------|-----|-----|-----|
| Small-Scale Ground-Mounted Solar Energy System | Y | Y | Y | Y | Y | Y | Y |
| Medium Scale Ground-Mounted Solar Energy System | Y** | Y** | Y** | Y** | Y** | Y** | Y** |
| Large-Scale Ground-Mounted Solar Energy System | SP | SP | SP | N | SP | N | N |

The following principal uses shall be added as new principal uses in Section 2230:

| Principal Use | RA | CVRD | C-I | C-II | I | PI | EPD |
|----------------------------------|----|------|-----|------|---|----|-----|
| Roof-Mounted Solar Energy System | Y | Y | Y | Y | Y | Y | Y |
| Passive Solar Energy System | Y | Y | Y | Y | Y | Y | Y |
| Solar Canopies | Y | Y | Y | Y | Y | Y | Y |
| Municipal Solar Energy Systems | Y | Y | Y | Y | Y | Y | Y |

**Site Plan Review required by the Planning Board as provided under Section 5400.

Amendments to NOTES in Section 2230:

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7 Note deleted.

8 Note deleted.

Amendments to existing Article VI. Definitions:

Deleted - 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. [Added 4-25-2011 ATM, Art. 7]

Deleted - 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. [Added 4-25-2011 ATM, Art. 7]

Deleted - Small-Scale Ground-Mounted Solar Electric Installation shall mean a ground-mounted solar system with a generating capacity of 10 kW or less. [Added 4-25-2011 ATM, Art. 7]

Voted to amend the main motion by changing the minimum surface area of a Medium-Scale Ground-Mounted Solar Energy System to more than 1,000 square feet and the maximum surface area of a Small-Scale Ground-Mounted Solar Energy System to no more than 1,000 square feet.

Motion to amend carried, so declared the Moderator
Motion as amended carried by 2/3rds, so declared the Moderator

The Moderator motioned and it was so voted, to dissolve at 7:42 pm.

A true copy,

Attest: _____
Barbara J. Hancock, Town Clerk