

**TOWN OF SUNDERLAND
2014 ANNUAL TOWN MEETING
Sunderland Elementary School
6:30pm**

Moderator, Robert T. Duby, called the meeting to order at 6:41pm.

Pledge of Allegiance

The Moderator acknowledged 2013 Annual Report Dedication to Robert Ahearn and to those who have passed that served the Town Paul Fabry, James Hamill, Rudolph Hrynyshyn, Barbara Klemyk, and Arthur McLean. Town Clerk, Wendy Houle, read the Constable's Return and swore in tellers James Bielunis, Scott Reed, Elizabeth Sillin, and Lorin Starr.

Motion made and seconded to dispense of the reading of the motions. Vote unanimous.

ARTICLE 1: Move that the Town vote to hear the reports of the Selectmen, the Sunderland School Committee and all other Town Officers, Boards, Committees and Commissions.

Majority Vote (no statutory reference)

SUBMITTED BY: Board of Selectmen

SECONDED

PASSED

UNANIMOUS

ARTICLE 2: Move that the Town vote, under the provisions of M.G.L. Chapter 41, Section 108, to set the salaries and compensation of all its elected officials connected therewith for Fiscal Year 2015.

Assessors: Chairman \$2,823.62 annually Clerk \$2,823.62 annually Member \$2,823.62 annually

Moderator: \$200.00 annually

Planning Board: Chairman ~~\$630.00~~ \$660.00 annually Clerk ~~630.00~~ \$660.00 ~~630.00~~ annually Members each ~~\$380.00~~ \$410.00 annually

Town Clerk: \$39,516.00 annually

Selectmen: Chairman ~~\$3,150.00~~ \$3,275.00 annually Vice Chairman ~~\$2,700.00~~ \$2,850.00 annually
Clerk ~~\$2,700.00~~ \$2,850.00 annually

Majority Vote-G.L. c.41, §108

SUBMITTED BY: Board of Selectmen

SECONDED

Main Motion with amendment: PASSED

UNANIMOUS

Amendment by William Sillin:

Move to amend Article 2 as follows, with the changes to be funded from Free Cash

Planning Board: Chairman: \$660.00 annually, Clerk: \$660.00 annually, Members each: \$410.00 annually

Selectmen: Chairman: \$3,275.00 annually, Vice Chairman: \$2,850.00 annually, Clerk: \$2,850.00 annually

SECONDED

PASSED

MAJORITY

ARTICLE 3: Move that the Town vote to transfer from 001-231-5400 Ambulance Expense **the sum of \$622.49** to Coastal Medical Billing for an unpaid bill of a prior fiscal year.

***REQUIRES 4/5ths VOTE MGL c.44, §64**

SUBMITTED BY: Board of Selectmen

SELECTMEN RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION: 5-0

SECONDED

PASSED

UNANIMOUS

ARTICLE 4: Move that the Town vote to transfer from Free Cash **the sum of \$6,093.43** to line item 423-5110, Highway Snow/Ice Wages for FY2014, and **the sum of \$5,581.83** to line item 423-5400, Highway Snow/Ice Expense for FY2014, for **the sum total \$11,675.26**.

Majority Vote-G.L. c. 40, § 5

SUBMITTED BY: Highway Superintendent

SELECTMEN RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION: 5-0

SECONDED

PASSED

UNANIMOUS

ARTICLE 5: Move that the Town vote to transfer from Free Cash **the sum of \$12,415.00** to 001-543-5400 Veterans Benefits for FY2014.

Majority Vote -G.L. c. 40, §5

SUBMITTED BY: Treasurer/Board of Selectmen

SELECTMEN RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION: 5-0

SECONDED

PASSED

UNANIMOUS

ARTICLE 6: Move that the Town vote to transfer **the sum of \$1,000.00** from Fund 324 Town History Volume III Fund, and **the sum of \$3,460.00** from Free Cash, for the **sum total of \$4,460.00** to Joe Friedrichs Designs for the remainder of the cost incurred for the *History of Sunderland, Volume III* publication. All receipts for the sale of said publications shall be deposited to the General Fund.

Majority Vote -G.L. c. 40, §5

SUBMITTED BY: Volume III Steering Committee

SELECTMEN RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION: 5-0

SECONDED

PASSED

UNANIMOUS

ARTICLE 7: Move that the Town vote to transfer **the sum of \$73,290.00** from Free Cash for the one-time cost of teacher retirements for the Sunderland Elementary School in fiscal year 2014.

Majority Vote - G.L. c. 40, §5

SUBMITTED BY: Sunderland Elementary School Committee

SELECTMEN RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION:

SECONDED

PASSED

UNANIMOUS

ARTICLE 8: Move that the Town vote to transfer from Free Cash **the sum of \$4,600.00** to fund a municipal technology audit, such funds to supplement a \$5,000 grant the Town has received for such purposes.

Majority Vote -G.L. c. 40, §5

SUBMITTED BY: Board of Selectmen

SELECTMEN RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION: 5-0

SECONDED

PASSED

UNANIMOUS

ARTICLE 9: Move that the Town vote to amend the vote taken under Article 2 of the October 18, 2013 Special Town Meeting to fund the Town's allocable share of the operating and capital costs of the Regional Emergency Medical Service, approved under Article 1 of said Town Meeting, to reflect a one-half reduction in such operational and capital costs for FY2014 (see below), and a corresponding change to the cost of the Town's allocable share of the same, by reducing the Town's total appropriation for Regional Emergency Medical Service for FY2014 from \$155,367 to \$77,683.20, as follows, or take any vote or votes in relation thereto:

Funding Source	Original Appropriation or Transfer	Proposed Reduction	Total
<u>Appropriations:</u>			
Taxation	\$45,625.00	-0-	\$45,625.00
Ambulance Reserve	\$62,658.00	\$54,152.00	\$ 8,516.00
<u>Transfers - for current purposes and Regional Emergency Medical Service operating and capital costs:</u>			
Line Item 220-5120	\$12,435.00	\$ 6,217.50	\$ 6,217.50
Line Item 231-5110	\$25,002.00	\$12,500.80	\$12,501.20
Line Item 231-5400	\$ 8,500.00	\$ 4,250.00	\$ 4,250.00
Line Item 232-5110	\$ 1,147.00	\$ 573.50	\$ 573.50
			<u>\$77,683.20</u>

Revised Allocated Costs for FY2014:

Sunderland	31.48%	\$ 77,683.20
Deerfield	51.76%	\$127,744.34
Whately	16.76%	\$ 41,367.97

Majority Vote -G.L. c. 40, §§4A, 5

SUBMITTED BY: Board of Selectmen

SELECTMEN RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION:

SECONDED

PASSED

UNANIMOUS

ARTICLE 10: Move that the Town vote to **raise and appropriate the sum of \$6,382,182**, appropriate from **Ambulance Reserve the sum of \$80,581**, appropriate from **Town Fund 318-Comecast PEG Access Fund the sum of \$14,194**, appropriate from **Fund 610-WWTP Sewer Fund the sum of \$344,611**, appropriate from **Town Fund 419-Title V the sum of \$5,155**, appropriate from **Under-expended Debt Service Reserve the sum of \$1,293**, and appropriate from **Free Cash the sum of \$146,080**, for the **sum total of \$6,974,096** for town and general municipal purposes connected therewith for Fiscal Year 2015 as set forth in the handout entitled, "Town of Sunderland FY15 Town Meeting Budget".

Majority Vote -G.L. c. 40, §5, G.L. c.59, §21C, and G.L. c.71, §16B

SUBMITTED BY: Board of Selectmen

SELECTMEN RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION:

Reflects changes from Article 2

SECONDED

PASSED

UNANIMOUS

TOWN OF SUNDERLAND FY15 TOWN MEETING BUDGET	FY13 Budget	FY14 Budget	FY15 Recommended	Change from FY14 FINAL
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	FINAL	FINAL	Budget		
GENERAL GOVERNMENT					
Personnel Services	148,584	150,927	154,695		
Elected Officials	57,730	58,662	59,712		
Expenses	146,042	151,141	159,835		
TOTAL GENERAL GOVERNMENT	352,356	360,730	374,242	13,512	3.7%
TOWN BUILDINGS					
Personnel Services	0	0	0		
Expenses	124,423	124,888	128,601		
TOTAL TOWN BUILDINGS	124,423	124,888	128,601	3,713	3.0%
POLICE DEPARTMENT					
Personnel Services	309,501	317,854	318,256		
Expenses	32,350	34,400	37,000		
TOTAL POLICE DEPARTMENT	341,851	352,254	355,256	3,001	0.9%
FIRE DEPARTMENT					
Personnel Services	122,377	85,791	47,679		
Expenses	50,000	41,500	33,000		
Regional EMS		155,367	235,948		
TOTAL FIRE DEPARTMENT	172,377	282,658	316,627	33,969	12.0%
INSPECTORS & OTHER PROTECTION					
Personnel Services	25,868	26,319	23,221		
Expenses	23,400	23,800	22,434		
TOTAL INSPECTORS & OTHER PROTECTION	49,268	50,119	45,655	-4,464	-8.9%
HIGHWAY DEPARTMENT					
Personnel Services	134,736	138,803	140,304		
Expenses	107,252	109,252	109,752		
TOTAL HIGHWAY	241,988	248,055	250,056	2,001	0.8%
HEALTH & SANITATION					
Personnel Services	12,315	12,561	12,687		
Expenses	16,954	10,922	11,164		
TOTAL HEALTH & SANITATION	29,269	23,483	23,851	368	1.6%
LIBRARY					
Personnel Services	91,894	93,732	95,169		
Expenses	20,503	24,173	24,278		
TOTAL LIBRARY	112,397	117,905	119,447	1,542	1.3%
TOTAL ELEMENTARY	2,061,286	2,085,732	2,104,000	18,268	0.9%
TOTAL FRANKLIN CTY TECH ASSESSMENT	219,934	198,446	136,045	-62,401	31.4%
TOTAL FRONTIER ASSESSMENT	1,651,336	1,666,469	1,811,006	144,537	8.7%
BENEFITS & INSURANCE					
Personnel Services	0	0	0		
Expenses	507,862	533,107	533,091		
TOTAL BENEFITS & INSURANCE	507,862	533,107	533,091	-16	0.0%
MISCELLANEOUS & RESERVE FUND					

	Personnel Services	8,205	8,369	8,453		
	Expenses	79,605	88,662	103,135		
TOTAL MISC. & RESERVE FUND		87,810	97,031	111,588	14,557	15.0%
TOTAL OPERATING BUDGET		5,942,157	6,140,878	6,309,465	168,587	2.7%
WWTP						
	Personnel Services	0	0	0		
	Expenses	286,314	328,824	311,448		
	Sewer Debt Service		30,412	30,538		
TOTAL WWTP BUDGET		286,314	359,236	341,986	-17,250	-4.8%
DEBT & INTEREST						
	Personnel Services	0	0	0		
	Expenses	753,301	683,831	322,645		
TOTAL DEBT & INTEREST		753,301	683,831	322,645	-361,186	52.8%
GRAND TOTAL		6,981,772	7,183,945	6,974,096	-209,849	-2.9%

ARTICLE 11: Move that the Town vote to authorize the Board of Selectmen to petition the General Court for special legislation to allow James P. Bielunis, a Town of Sunderland call firefighter, notwithstanding the provisions of any general or special law to the contrary, to serve in such position until the age of 70, or until the date of his retirement or non-reappointment, whichever occurs first; provided, however that no deductions from the regular compensation of James P. Bielunis shall be made under chapter 32 of the General Laws subsequent to his reaching the age of 65 in connection with his service to the Town for retirement or pension purposes; provided, however, that the General Court may make clerical and editorial changes of form only to the bill unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and to authorize the Board of Selectmen to approve such amendments which shall be within the scope of the general public objectives of the petition.

Majority Vote -Mass. Constitution, Amend. Art. 2, §8

SUBMITTED BY: Fire Chief

SELECTMEN RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION: 5-0

SECONDED

PASSED

UNANIMOUS

ARTICLE 12: Move that the Town vote to transfer from Free Cash **the sum of \$40,000** to the Capital Stabilization Fund.

2/3 Vote -G.L. c. 40, §5B

SUBMITTED BY: Board of Selectmen

SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

SECONDED

Main Motion with Amendment:

PASSED

UNANIMOUS

AMENDMENT: Move that the Town vote to transfer from Free Cash **the sum of \$40,000** to the Stabilization Fund

2/3 Vote - G.L. c. 40, §5B

Seconded

Passed

Unanimous

SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 13: Move that the Town vote to transfer from Capital Stabilization and Sewer Reserve **the sum of \$24,500** in Fiscal Year 2015 for the capital equipment, buildings, facilities and other capital projects as shown on a document entitled, "FY15 CAPITAL BUDGET BY FUNDING SOURCE" on file with the Town Clerk.

2/3 vote - G.L. 40, §5B

SUBMITTED BY: Board of Selectmen

SELECTMEN RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION:

PERMANENT BUILDING COMMITTEE RECOMMENDATION:

SECONDED

PASSED

UNANIMOUS

FY15 CAPITAL BUDGET BY FUNDING SOURCE

	Project Budget	Balance
Capital Stabilization		
Highway Department Radio Equipment	3,500	
Storm Drain Repair/Rebuild (5 per year)	15,000	
Total Capital Stabilization	18,500	

Sewer Reserve		
WWTP Bar Rack Assembly	6,000	

TOTAL CAPITAL BUDGET 24,500

ARTICLE 14: Move that the Town vote to amend the Code of the Town of Sunderland, Chapter 130, Article I and II, Dog Control, by deleting certain ~~strike-through~~ text and inserting *italicized* text, as set forth as set forth in the document entitled "Amendments to Chapter 130 of the Code of Sunderland, Dog Control, Spring 2014" on file with the Town Clerk. Bylaws with proposed revisions include Section 130-1 through Section 130-7.

Majority Vote -G.L. c. 40, §21

SUBMITTED BY: Town Clerk

SELECTMEN RECOMMENDATION: 3-0

SECONDED Main Motion with Amendment: PASSED

UNANIMOUS

Amendment:

Move to change the fee for dog licenses to \$10.00 Neutered/Spayed and \$15.00 Intact.

Seconded

Passed

MAJORITY

ARTICLE 15: Move that the Town vote to amend the Code of Sunderland Chapter 125-5E, Zoning By-laws, inserting *italicized* text, a new footnote as set forth below:

Districts	Minimum Lot Area (square feet) ^a	Minimum Lot Frontage (feet) ^f	Minimum Front Yard (feet)	Minimum Side & Rear Yard (feet)	Maximum Building/Structure Height (feet)	Maximum Lot Coverage Buildings (%)	Maximum Lot Coverage Buildings, Structures and Paving (%)
VR	20,000	120 ^c	25 ^{d,h}	15 ^h	35 ⁱ	25	50
RR	32,000 ^{e,g}	150 ^{e,g}	30 ^{d,h}	20 ^h	35 ⁱ	25	50
				^j [changed]			
VC	20,000	120 ^c	25 ^{d,h}	15 ^{b,h}	35 ⁱ	35	65
C-1	32,000	200	25 ^h	40 ^h	35 ⁱ	35	65
C-2	32,000	200	60 ^h	20 ^{b,h}	35 ⁱ	35	65

NOTES:

- ^a Increase by fifty percent (50%) for two-family units, increase by 100% for a dwelling containing 3 dwelling units and 150% for a dwelling containing 4 dwelling units. For example in the VR district the minimum lot area would be: 30,000 sq. ft. for a Two-Family Dwelling; 40,000 sq. ft. for a dwelling with 3 dwelling units; and 50,000 sq. ft. for a dwelling with 4 dwelling units.
- ^b Increase to thirty-five (35) feet for commercial use when abutting a residential district.
- ^c Increase to one hundred forty (140) feet for two (2) or more dwelling units on a lot.
- ^d Along a public way with a width of fifty (50) feet or less, the minimum setback shall be fifty-five (55) feet from the center line of the public way.
- ^e Increase to three (3) acres minimum lot area and two hundred (200) feet minimum frontage for the Watershed District, except that lots within the Watershed District having two hundred (200) feet of frontage on Route 116, Bull Hill Road or East Plumtree Road shall be permitted with a minimum lot size of thirty-two thousand (32,000) square feet.
- ^f The width of the lot where the principal structure is to be built shall not be less than the minimum frontage requirement for a lot, other than a rear lot, in such district.
- ^g Increase to two (2) acres the minimum lot area and to two hundred (feet) the minimum lot frontage for the Prime Agricultural and Critical Resource Overlay Districts.
- ^h Increase to 75 feet on front, side and rear yards for Large-Scale Ground-Mounted Solar Electric Installations.
- ⁱ Decrease to 15 feet for any component of a Large-Scale Ground-Mounted Solar Electric Installation.
- ^j *Decrease to 10 feet, with a "one to one" rule for accessory structures between 10 and 20 feet tall. Under this measure, an accessory structure would need to be set back as many feet from the property line as its height, up to 20 feet.*

2/3 Vote - G.L. c. 40A, § 5

SUBMITTED BY: Board of Selectmen

SELECTMEN RECOMMENDATION: 3-0

PLANNING BOARD RECOMMENDATION: 3-0-2

SECONDED

PASSED

UNANIMOUS

Motion to Reconsider

Passed

Unanimous

ARTICLE 16: Move that the Town vote to approve a citizens petition that reads as follows: I am petitioning that the town approve a revision of the existing set back by-law that requires all structures to be at least 20 feet from an abutting property. I propose that the set-back be reduced to 10 feet for accessory buildings (buildings for uses other than inhabitation and not structurally joined to a principal building), e.g. garden sheds, barns, lean-to's etc. The ten foot set-back would apply only to those portions of the town that are not provided with town water and sewer, i.e. properties with a well and a septic system. I am proposing this change because those sections of town where septic systems and wells exist are largely prohibited from erecting accessory structures anywhere but along the periphery of the property. The existing set-back is too restrictive and is somewhat discriminatory towards residents living outside of town water and sewer limits.

2/3 Vote - G.L. c. 40A, § 5

SUBMITTED BY: Citizen Petition

SELECTMEN RECOMMENDATION: 0-3

PLANNING BOARD RECOMMENDATION: 0-5-0

MOTION TO WITHDRAW

PASSED

UNANIMOUS

ARTICLE 17: Move that the Town vote to amend the Code of the Town of Sunderland, Chapter 125, Zoning By-Laws, by deleting certain ~~striketrough~~ text and inserting *italicized* text, on file with the Town Clerk, titled "2014 Annual Town Meeting Zoning Amendments-c. 125-16.2 and 17B". The proposed zoning revisions include: proposed amendment(s) to Chapter 125-16.2 (Large-Scale, Ground-Mounted Solar Installations and 125-17B (Site Plan Review).

2/3 Vote - G.L. c. 40A, § 5

SUBMITTED BY: Planning Board

SELECTMEN RECOMMENDATION: 3-0

PLANNING BOARD RECOMMENDATION: 5-0-0

SECONDED

PASSED

UNANIMOUS

ARTICLE 18: Move that the Town vote to appropriate \$8,451 from the CPA Undesignated Budgeted Reserve to fund jointly with the towns of Deerfield, Whately and Conway, a grant to the Frontier Regional School Committee for the rehabilitation and restoration of land for recreational use, in particular, the Tennis Courts at Frontier Regional High School located at 113 North Main Street, South Deerfield, MA 01373, including all costs incidental and related thereto; and further, to authorize the Board of Selectmen to enter into a grant agreement with said Committee setting forth the purposes for and limitations on the expenditure of said grant. Said funds to be expended under direction of the Frontier School District Superintendent.

Majority Vote-G.L. c. 44B, §5

SUBMITTED BY: Community Preservation Committee

COMMUNITY PRESERVATION COMMITTEE RECOMMENDATION: 6-0

SELECTMEN RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION:

SECONDED

PASSED

UNANIMOUS

ARTICLE 19: Move that the Town vote to appropriate \$20,458 from the CPA Undesignated Budgeted Reserve to fund the restoration and rehabilitation or creation of land for recreational use, specifically a softball field to be located on the property at Sunderland Elementary School and to be named Merritt Field, including all costs incidental and related thereto. Said funds to be expended under the direction of the Sunderland Recreation Committee.

Majority Vote-G.L. c. 44B, §5

SUBMITTED BY: Community Preservation Committee
COMMUNITY PRESERVATION COMMITTEE RECOMMENDATION: 5-1
SELECTMEN RECOMMENDATION: 2-1
FINANCE COMMITTEE RECOMMENDATION: 4-1

SECONDED

PASSED

UNANIMOUS

ARTICLE 20: Move that the Town vote to appropriate \$95,578 from the CPA Undesignated ~~Budgeted Reserve~~ Fund Balance to fund the restoration and rehabilitation of land for recreational use, specifically to resurface, remodel and equip the existing playground on the Sunderland Elementary School property located on Swampfield Drive, including all costs incidental and related thereto. Said funds to be expended under the direction of the Sunderland Elementary School Principal.

Majority Vote-G.L. c. 44B, §5

SUBMITTED BY: Community Preservation Committee
COMMUNITY PRESERVATION COMMITTEE RECOMMENDATION: 3-3
SELECTMEN RECOMMENDATION: 2-1
FINANCE COMMITTEE RECOMMENDATION: 1-4

SECONDED

Main motion with amendment: PASSED

MAJORITY

Amendment:

Motion to delete Budgeted Reserve and insert Fund Balance.

Seconded

Passed

Unanimous

Motion to move the question:

Passed

Unanimous

ARTICLE 21: Move that the Town vote to appropriate \$7,200 from the CPA Undesignated ~~Budgeted Reserve~~ Fund Balance to fund Phase 2 of the Sunderland Town Clerk's project for preservation of historic records, which project components are on file with the Town Clerk. Said funds to be expended under the direction of the Town Clerk.

Majority Vote-G.L. c. 44B, §5

SUBMITTED BY: Community Preservation Committee
COMMUNITY PRESERVATION COMMITTEE RECOMMENDATION: 6-0
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 5-0

SECONDED

PASSED

UNANIMOUS

ARTICLE 22: Move that the Town vote to appropriate the sum of \$33,650 from the CPA Undesignated Budgeted Reserve to fund the design and restoration of the Town Office front entry; provided, however, that no CPA funds appropriated hereunder shall be expended unless the Town appropriates from sources other than the CPA, or receives gifts or grants, which individual or collectively total no less than \$10,000. Said funds to be expended under the direction of the Town Administrator and Historic Commission.

Majority Vote-G.L. c. 44B, §5

SUBMITTED BY: Community Preservation Committee
COMMUNITY PRESERVATION COMMITTEE RECOMMENDATION: 4-1-1
SELECTMEN RECOMMENDATION: 1-2
FINANCE COMMITTEE RECOMMENDATION: 0-5
PERMANENT BUILDING COMMITTEE RECOMMENDATION:

MOTION TO WITHDRAW

PASSED

UNANIMOUS

ARTICLE 23: Move that the Town vote to appropriate \$10,000 from the CPA Undesignated Budgeted Reserve to fund Phase 1 Conceptual Design and Feasibility Study for a pedestrian and bicycle pathway system connecting Sunderland's public properties and natural assets, which study to be available in the office of the Town Clerk and on the Town's website. Said funds to be expended under the direction of the Sunderland Board of Selectmen.

Majority Vote-G.L. c. 44B, §5

SUBMITTED BY: Community Preservation Committee
COMMUNITY PRESERVATION COMMITTEE RECOMMENDATION: 6-0
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-1

SECONDED

PASSED

UNANIMOUS

ARTICLE 24: Move that the Town vote to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in fiscal year 2015.

Appropriations:

From FY 2015 estimated revenues for Committee Administrative Expenses \$ **4,000**

Reserves:

FY 2015 estimated revenues for Historic Resources Reserve	\$ 25,000
FY 2015 estimated revenues for Community Housing Reserve	\$ 25,000
FY 2015 estimated revenues for Open Space Reserve	\$ 25,000
FY 2015 estimated revenues for CPA Undesignated Budgeted Reserve	\$ 35,390

Majority Vote-G.L. c. 44B, §5

SUBMITTED BY: Community Preservation Committee
COMMUNITY PRESERVATION COMMITTEE RECOMMENDATION: 6-0
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 5-0

SECONDED

PASSED

UNANIMOUS

Articles 25 through 31, inclusive, are so called Consent Articles

SELECTMEN RECOMMENDATION to Consent Articles: 3-0
FINANCE COMMITTEE RECOMMENDATION to Consent Articles: 5-0

ARTICLE 25: Move that the Town vote to authorize the Treasurer/Collector to enter into compensating balance agreements during Fiscal Year 2015, as permitted by G.L. Chapter 44, Section 53F.

Majority Vote-G.L. c.44, §53F

SUBMITTED BY: Treasurer/Collector

SECONDED

PASSED

UNANIMOUS

ARTICLE 26: Move that the Town authorize the Board of Selectmen to apply for, accept and expend any grants or donations from State or Federal governments or private agencies, individuals or institutions.

Majority Vote (no statutory reference; see G.L. c. 44, §53A)

SUBMITTED BY: Board of Selectmen

SECONDED

PASSED

UNANIMOUS

ARTICLE 27: Move that the Town vote to accept and expend any sum or sums of money which may be available from the State for Chapter 90 work for road improvement and equipment expense.

Majority Vote (no statutory reference; see G.L. c. 44, §53A and G.L. c.90, §34)

SUBMITTED BY: Board of Selectmen and Highway Superintendent

SECONDED

PASSED

UNANIMOUS

ARTICLE 28: Move that the Town vote under the provisions of G.L. Chapter 40, Section 4A to authorize the Board of Selectmen to enter into inter-municipal agreements.

Majority Vote-G.L. c. 40, §4A

SUBMITTED BY: Board of Selectmen

SECONDED

PASSED

UNANIMOUS

ARTICLE 29: Move that the Town vote to authorize the Board of Selectmen to enter into contracts for goods and services with duration in excess of three years under the provisions of G.L. Chapter 30B, Section 12, paragraph (b).

Majority Vote (G.L. c. 30B, §12(b))

SUBMITTED BY: Board of Selectmen

SECONDED

PASSED

UNANIMOUS

ARTICLE 30: Move that the Town vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the financial year beginning July 1, 2014 in accordance with the provisions of G.L. 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 G.L. Chapter 44, Section 17.

Majority Vote-G.L. c.44, §4; G.L. c.44, §17

SUBMITTED BY: Board of Selectmen/Treasurer

SECONDED

PASSED

UNANIMOUS

ARTICLE 31: Move that the Town vote to re-authorize the establishment of the following revolving funds pursuant to the provisions of Massachusetts General Laws Chapter 44, section 53E ½, in order to allow fees and/or fines to be spent without further appropriation for services rendered by:

Wiring Inspector

Fees for services rendered shall be credited to the fund and shall be used to support inspection services.
Expenditures from this fund will not exceed \$7,000.

Plumbing Inspector

Fees for services rendered shall be credited to the fund and shall be used to support inspection services.

Expenditures from this fund will not exceed \$3,000.

Board of Health

Fees and fines for services rendered shall be credited to the fund and shall be used to support provision of Board of Health services. Expenditures from this fund shall not exceed \$11,500.

Fall Festival Committee

Receipts from the Annual Fall Festival shall be credited to the fund and shall be used for operating the Annual Fall Festival and related expenses. Expenditures from this fund shall not exceed \$4,700.

Sunderland Public Library Community Room (Library Trustees)

Receipts from the rental of the Sunderland Public Library Community Room shall be credited to the Fund, and shall be used for maintenance of the Library Community Room and related expenses. Expenditures from this fund shall not exceed \$5,000.

And, to establish a new revolving fund for Fire Department Inspection Services, as follows:

Fire Inspector

Fees for inspection services rendered shall be credited to the fund and shall be used to support Fire Department inspection services, all under the direction of the Fire Chief. Expenditures from this fund shall not exceed \$7,000.

Majority Vote-G.L. c. 44, §53E ½

SUBMITTED BY: Board of Selectmen

SECONDED

PASSED

UNANIMOUS

Town Clerk read Annual Town Election Warrant.

Motion to Dissolve at 9:46pm, Seconded, Passed Unanimously.

Respectfully submitted,

Wendy Houle, MMC/CMMC

Sunderland Town Clerk

Article 14--"Amendments to Chapter 130 of the Code of Sunderland, Dog Control, Spring 2014"

Article 1 Dog Animal Control [Adopted 4-28-1994 ATM, Art. 28¹]

§130-1. Purpose

The town requires that all dog owners keep their dogs under control at all time for the purpose of:

- A. Protecting people and animals from injury.
- B. Protecting property from damage.
- C. Preventing dog-related nuisances.

Under control shall mean the dog is within the real property limits of its owner or keeper or on the premises of another person with the knowledge and express permission of such person, or secured by a leash, lead, or under the direct control of the owner or keeper.

§130-2 Administration

Section 1: The Board of Selectmen shall annually appoint an Animal Control Officer who shall be responsible for the enforcement of this bylaw and the General Laws relating to the regulation of animals.

Section 2: For purposes of this bylaw and Massachusetts General Laws, Chapter 140, section 157, the Board of Selectmen shall be the Hearing Authority.

§130-23. License requirements; fees.

- A. The registering, numbering, description and licensing, pursuant to the provisions of Chapter 140 of the Massachusetts General Laws of all dogs and all kennels in the Town of Sunderland shall be conducted in the office of the Town Clerk. **[Amended 4-27-2012 ATM, Art.23]**

- B. ~~The fees for the prescribed services in Subsection A shall be as prescribed in Chapter 140 of the Massachusetts General Laws, except that the annual fee for the licenses shall be reviewed and set by the Board of Selectmen.~~ *The licensing fees for dogs and kennels shall be as follows:*

15.00 10.00
Dogs: Intact \$ ~~10.00~~; Spayed/Neutered \$ ~~15.00~~
Kennels: per dog as set forth above.

- C. ~~Fines for violation of this bylaw shall be set by the Board of Selectmen and charged to every owner/keeper of a dog six (6) months or older who fails to license said dog by June 1 of each year. Whoever violates Sections 137, 137A, 137B, or 138 of Chapter 140 of the General Laws and/or the provisions of this section shall be assessed a penalty of \$50 pursuant to MGL c. 140, § 141.~~
- D. The fees collected shall be deposited into the general fund.

§130-34. Nonconforming dogs.

¹ Editor's Note: This article also repealed former Ch. 130, Dogs, enacted by the Board of Selectmen as follows: Art. I, Licensing, adopted 5-28-1974; and Art. II, Restraint; Fines, adopted 3-2-1992.

Any owner or keeper who allows his/her dog to do any of the following is in violation of this chapter:

- A. Run at large or go beyond the confines of his or her property unless the animal is held firmly on a leash.
- B. Bite, bark, howl or in any other manner disturb the peace or quiet of any neighborhood or endanger the safety of any person.
- C. Run at large or unmuzzled in violation of any order of the Board of Selectmen or of the Dog Officer.
- D. Worry, kill, maim or otherwise injure another's fowl, livestock or domestic animal.
- E. Chase another's vehicle, person or bicycle on any way open to public travel.
- F. Be unlicensed or untagged in violation of state law.
- G. Failure to remove waste. [Added 4-30-2004 ATM, Art. 23]
 - (1) Each person who owns, keeps or controls a dog with the Town shall remove and dispose of any feces left by such dog on any sidewalk, street, park or other public areas or on any private property which is not owned or occupied by such person.
 - (2) No person who owns, keeps or controls a dog within the Town shall permit such dog to be on any sidewalk, street, park or other public area unless such dog is accompanied by a person carrying a device, which is suitable for picking up and containing feces unexposed to such person and to the general public.
 - (3) For the purposes of Subsection G(1), feces may only be disposed of at a place suitable and regularly reserved for the disposal of human feces or otherwise designated as appropriate by the Board of Health.
 - (4) Subsection G(1) through (3), inclusive, shall not apply to a dog accompanying any handicapped person, who due to a handicap, is physically unable to comply with the requirements of such paragraphs.

§130-45. Complaints; confinement; release or destruction.

- A. Any person may complain to the Dog Officer of a violation of the preceding sections. On receipt of such a complaint, the Officer shall investigate and may order the owner or keeper of the dog to restrain or muzzle the dog as the Officer deems necessary. ~~The Officer may file a report with the Board of Selectmen asking permanent restraint or destruction of the dog. The Selectmen, in receipt of such report and after examination of the complaint under oath, may make such order to restrain, muzzle or dispose of such dogs as they deem necessary.~~
- B. The Dog Officer may pick up nonconforming dogs as described in §130-3. If by license or other means the owner of a dog can be identified, the Dog Officer may return the dog to the owner and issue a citation. Or he/she may confine the dog to the Town Pound for not more than ten (10) days.
- C. If a veterinarian certifies that a dog is seriously injured or ill, the dog may be euthanized before the ten (10) days is over.
- D. No dog shall be released until is licensed and all kennel fees and penalties are paid.

- E. Any dog not claimed after ten (10) days may become the property of a local nonprofit dog protection organization to be placed for adoption or euthanized.
- F. *Notwithstanding the above, any person may make a written complaint to the selectmen that any dog owned or kept within the Town is a Nuisance Dog or a Dangerous Dog, as those terms are defined in M.G.L. Chapter 140, Section 157. The Board of Selectmen shall investigate or cause to be investigated such complaint, including an examination under oath of the complainant at a public hearing in the municipality to determine whether the dog is a Nuisance Dog or a Dangerous Dog, and shall make such order concerning the restraint or disposal of such dog as provided in M.G.L. c.140, Section 157. Violations of such orders shall be subject to the enforcement provisions of M.G.L. Chapter 140, Section 157 and 157A, which, upon conviction, may include: for a first offense, a fine of not more than \$500 or imprisonment for not more than 60 days in a jail or house of correction, or both, and for a second or subsequent offense by a fine of not more than \$1,000 or imprisonment for not more than 90 days in a jail or house of correction.*

§130-56. Violation and penalties. [Amended 4-27-2012 ATM, Art. 23]

Penalties for violation of any section of this chapter shall be twenty-five dollars (\$25.00) for the first offense and forty dollars (\$40.00) for each subsequent offense in the calendar year. Each day a violation exists shall constitute a separate violation. This bylaw may be enforced through any means available in law or in equity, including non-criminal disposition in accordance with G.L. c.40, §21D and §1-1 of the Code of the Town Sunderland.

~~130-6 Liability for damage to person or property.~~

ARTICLE II
Policies and Violation Fees
[Adopted by the Board of Selectmen 7-26-2004]

§130-7. Dog bylaw policies and violation fees. [Amended 4-27-2012 ATM, Art. 23]

The Board of Selectmen is hereby authorized to adopt policies *rules or regulations* concerning the keeping and conduct of dogs, including the imposition of fines for violations thereof, which fines shall be determined by the Board of Selectmen annually and shall be kept on file in the office of the Town Clerk.

Reason for amendments:

The bylaw has changed to conform with recent amendments to Mass. General Laws C.140

Article 17

"2014 Annual Town Meeting Zoning Amendments-c. 125-16.2 and 17B".

The proposed zoning revisions include: proposed amendment(s) to Chapter 125-16.2 (Large-Scale, Ground-Mounted Solar Installations and 125-17B (Site Plan Review), by deleting certain ~~striketrough~~ text and inserting *italicized* text

§ 125-16.2. Large-scale ground-mounted solar electric installations. [Added 4-27-2012 ATM, Art. 15]

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

(1) Applicability.

- (a) The provisions set forth in this section shall apply to the construction, operation, repair and/or removal of Large-Scale. Ground-Mounted Solar Electric Installations occupying more than 1,000 square feet of land. Smaller scale (occupying 1,000 square feet of land or less) ground-mounted solar electric installations that are accessory structures to existing residential or non-residential uses do not need to comply with this section, but require building permits and must comply with all applicable local, state, and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements and other provisions of Sunderland's Zoning Bylaws such as setback requirements.
- (b) Large-Scale Ground-Mounted Solar Electric Installations occupying more than 1,000 square feet, proposed to be constructed on one or more adjacent parcels in common ownership (including those separated by a roadway) in the Village Residential (VR), Rural Residential (RR), Village Center (VC) and Commercial-1 (C-1) Zoning Districts require a Special Permit ~~and Site Plan Review under § 125-17B~~ and must meet the requirements of this section.
- (c) Large-Scale Ground-Mounted Solar Electric Installations in the Commercial-2 (C-2) Zoning District occupying four acres of land or less are allowed "by-right" and are subject to the requirements of this section and Site Plan Review under § 125-17B. Large-Scale Ground-Mounted Solar Electric Installations in the Commercial-2 (C-2) Zoning District occupying more than four acres of land require a Special Permit ~~and Site Plan Review under § 125-17B~~ and must meet the requirements of this section.
- (d) This section also pertains to physical modifications that materially alter the type, configuration, or size of Large-Scale Ground-Mounted Solar Electric installations or related equipment.

B. General Requirements for ~~All~~ Large Scale Solar Ground-Mounted Solar Electric Installations. The following requirements are common to all Large-Scale Ground-Mounted Solar Electric Installations.

- (1) Compliance with Laws and Regulations. The construction and operation of all 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 of a solar electric installation shall be constructed in accordance with the Massachusetts State Building Code.
- (2) Building Permit and Building Inspection. No Large-Scale Ground-Mounted Solar Electric

Installations shall be constructed, installed or modified as provided in this section without prior issuance of a building permit and payment of any required fees.

C. Special Permit/Site Plan Review. Large-Scale Ground-Mounted Solar Electric Installations must be issued a Special Permit by the Planning Board prior to construction, installation or modification as provided in this section, except for Large-Scale Ground-Mounted Solar Electric Installations occupying up to 4 acres in the Commercial-2 Zoning District which only require Site Plan Review. Upon submission of an application for a special permit or for site plan review, the Planning Board will be authorized to hire outside consultants, including legal counsel, pursuant to G.L. c.44, § 53G, to assist the Planning Board with its review of the application. The Planning Board may direct the applicant to deposit funds with the Board for such review at the time the application is determined to be complete and may direct the applicant to add additional funds as needed upon notice. Failure to comply with this section shall be good grounds for denying the application. Upon approval of the application, any excess amount attributable to the application processing by the Planning Board, including any interest accrued, shall be refunded to the applicant.

(1) General. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

(2) Required Documents.

(a) The project proponent shall provide the following documents:

[1] A site plan showing:

- [a] Property lines, map and lot from the Assessor's records, and physical features, including roads and topography, for the project site;
- [b] Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures including their height;
- [c] Locations of wetlands and Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP);
- [d] Locations of Floodplains or inundation areas for moderate or high hazard dams;
- [e] Locations of local or National Historic Districts and Priority Heritage Landscapes;
- [f] 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;
- [g] Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;

[h] Provision of water including that needed for fire protection; and

[i] Existing trees of 6" caliper or larger and shrubs.

[2h] A copy of an Interconnection Application filed with the utility including a one or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;

[3i] Documentation of the major system components to be used, including the electric generating components, transmission systems, mounting system, inverter, etc.;

[4j] Documentation by an acoustical engineer of the noise levels projected to be generated by the installation;

- [5k] Name, address, and contact information for proposed system installer;
- [6l] Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- [7m] The name, contact information and signature of any agents representing the project proponent;
- [8n] Documentation of actual or prospective access and control of the project site *(for more detail, see § 125-16.2D)*;
- ~~[o]—Provision of water including that needed for fire protection; and~~
- ~~[p]—Existing trees of 6" caliper or larger and shrubs.~~
- [92] An Operation and Maintenance Plan *(for more detail, see § 125-16.2E)*;
- [103] Zoning district designation for the parcel(s) of land comprising the project site [submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose];
- [114] Proof of liability insurance. The owner or operator shall provide the Town Clerk with a certificate of insurance showing that the project has sufficient liability coverage pursuant to industry standards; and
- ~~[5]—Description of financial surety that satisfies § 125-16.2K.~~

(b) The Planning Board may waive documentary requirements as it deems appropriate.

- D. Site Control. The project proponent 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 proponent shall submit a plan for the operation and maintenance of the Large-Scale Ground-Mounted Solar Electric Installation, which shall include measures for maintaining safe access to the installation, storm water and vegetation controls, as well as general procedures for operational maintenance of the installation.
- F. Utility Notification. No Large-Scale Ground-Mounted Solar Electric Installation shall be constructed until evidence has been given to the Planning Board 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 facility. Off-grid systems shall be exempt from this requirement.
- G. Dimension and Height Requirements.
 - (1) Setbacks for Large-Scale Ground-Mounted Solar Electric Installations shall be as follows:
 - (a) Front yard. The front yard depth shall not be less than 75 feet.
 - (b) Side yard. Each side yard shall have a depth of at least 75 feet.
 - (c) Rear yard. The rear yard depth shall not be less than 75 feet.

The Planning Board may reduce these setback requirements if it determines there is no threat to public safety, health, or welfare, in accordance with MGL c.40A, §3, ¶8.

- (2) Height of Structures. No component of a Large-Scale Ground-Mounted Solar Electric Installation shall exceed 15 feet.
- (3) Appurtenant Structures. All appurtenant structures to Large-Scale Ground-Mounted Solar Electric Installations shall be subject to regulations concerning the bulk and height of structures, lot area, and setbacks as specified in § 125-16.2G. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible

with each other. All appurtenant structures shall be joined or clustered whenever reasonable to avoid adverse visual impacts.

H. Design and Performance Standards.

- (1) Lighting. Lighting of solar electric installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Lighting of the solar electric installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- (2) Signage.
 - (a) Signs on Large-Scale Ground-Mounted Solar Electric Installations shall comply with Sunderland's sign bylaw, § 125-8. A sign consistent with Sunderland's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.
 - (b) Solar electric installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar electric installation.
- (3) Utility Connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar electric installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- (4) Roads. Access roads shall be constructed to minimize grading and removal of stone walls or trees and to minimize impacts to environmental or historic resources.
- (5) Landscape Maintenance/Control of Vegetation. When possible, a diversity of plant species shall be used, with a preference for species native to New England. Use of exotic plants, as identified by the most recent copy of the "Massachusetts Prohibited Plant List" maintained by the Massachusetts Department of Agricultural Resources, is prohibited. Herbicides shall only be applied by properly licensed personnel, as enforced by the Massachusetts Department of Agricultural Resources. Mowing, grazing, or using geotextile materials underneath the solar arrays are possible alternatives.
- (6) Hazardous Materials. Hazardous materials stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by the DEP pursuant to MassDEP regulations 310 CMR 30.000 and shall meet all requirements of the DEP including 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. If hazardous materials are utilized within the solar electric equipment then impervious containment areas capable of controlling any release to the environment to prevent potential contamination of groundwater are required.
- (7) Noise.
 - (a) Noise generated by 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:
 - [1] Increases the broadband sound level by more than 5db(A) above ambient; or
 - [2] Produces a "pure tone" condition, when an octave band center frequency sound pressure level exceeds the two (2) adjacent center frequency sound pressure levels by three (3) decibels or more; or
 - [3] Results in sound or noise levels greater than 30 dBA.

- (b) 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 generated shall further comply with § 125-9E of the Town of Sunderland bylaws.
- (8) Impact on Agricultural and Environmentally Sensitive Land. The facility shall be designed to minimize impacts to: environmentally sensitive land, land in the prime agricultural district, prime agricultural soils and active cropland. The design of the facility should be compatible with the continued agricultural use of the land to the maximum extent possible.
- (9) Drainage. Solar electric systems shall be installed on water permeable surfaces, as approved by the Planning Board. The design shall minimize the use of concrete and other impervious materials to the greatest extent possible.
- (10) Screening. Large-Scale Ground-Mounted Solar Electric Installations and any appurtenant structures shall be screened from view by a minimum fifteen (15) foot wide staggered and grouped planting of shrubs and small trees. Such plantings shall use native plants and a mix of deciduous and evergreen species and may be located within the setback area. Said vegetative screening shall reach a mature form to effectively screen the installation within five years of installation. Planting of the vegetative screen shall be completed prior to final approval of the electric installation by the Building Inspector.

I. Safety and Environmental Standards.

- (1) Emergency Services. The Large-Scale Ground-Mounted Solar Electric Installations owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar electric installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- (2) Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Large-Scale Ground-Mounted Solar Electric Installation or what is otherwise prescribed by applicable laws, regulations, and bylaws. Such installations shall not occur on any slopes greater than 15% in order to minimize erosion.

J. Monitoring, Maintenance and Reporting.

- (1) Solar Electric Installation Conditions. The Large-Scale Ground-Mounted Solar Electric Installation owner or operator shall maintain the facility in good condition as documented or certified in the Annual Report. 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).
- (2) Modifications. All material modifications to a Large-Scale Ground-Mounted Solar Electric Installation made after issuance of the required building permit shall require approval by the Planning Board.
- (3) Annual Reporting. The owner or operator of the installation shall submit an Annual Report which certifies compliance with the requirements of this bylaw and their approved site plan including control of vegetation, 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 Annual Report shall be submitted to the Select Board, Planning Board, Fire Chief, Emergency Management Director, Building Inspector, Board of Health and Conservation Commission (if Wetlands Permit was issued) no later than 45 days after the end of the calendar year.

K. Abandonment or Decommissioning.

- (1) Removal Requirements. Any Large-Scale Ground-Mounted Solar Electric Installation which has reached the end of its useful life or has been abandoned consistent with § 125-16.2K of this bylaw shall be removed. The owner or operator shall physically remove the installation within 150 days of abandonment or the proposed date of decommissioning, and if not the town retains the right, after the receipt of an appropriate court order or as otherwise duly authorized by law, to enter and remove an abandoned, hazardous or decommissioned Large-Scale Ground-Mounted Solar Electric Installation. As a condition of Site Plan or Special Permit approval, an applicant shall agree to allow entry to remove an abandoned or decommissioned installation. The cost for the removal will be charged to the property owner in accordance with the provisions of M.G.L. 139, Section 3A as a tax lien on the property. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - (a) Physical removal of all Large-Scale Ground-Mounted Solar Electric Installations, structures, equipment, security barriers and transmission lines from the site, including any materials used to limit vegetation.
 - (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - (c) 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.
 - (d) Restoration of designated prime agricultural land to a condition suitable for resumption of agricultural production.
- (2) Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar electric installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the Large-Scale Ground-Mounted Solar Electric Installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation after the receipt of an appropriate court order or as otherwise duly authorized by law.
- (3) Financial Surety. Proponents of Large-Scale Ground-Mounted Solar Electric Installations shall provide a form of surety, either through escrow account or other form of surety approved by the **Planning Select** Board, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the **Planning Select** Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent and the Town. Such surety will not be required for municipal or state-owned facilities. The project proponent 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.

ARTICLE V

Administration and Enforcement

§ 125-17. Administration; violations and penalties.

- A. Permits. This Zoning Bylaw shall be administered by the Inspector of Buildings. Buildings, structures or signs may not be erected, substantially altered, moved or changed in use, and land may not be substantially altered or changed in principal use, without certification by the Inspector of Buildings that such action is in compliance with then-applicable zoning or without review by him regarding whether all necessary permits have been received from those governmental agencies from which approval is required by federal, state or

local law. Issuance of a building permit or certificate of use and occupancy, where required under the Commonwealth of Massachusetts State Building Code, may serve as such certification.

B. Site plan review. Site plan review is required for all flexible development, planned unit developments, commercial development or redevelopment of two thousand (2,000) square feet or more, uses having parking facilities for eight (8) or more cars, for any business use on a rear lot allowed pursuant to § 125-5D, or, *where required by any provision of the Town's zoning bylaws*, for Large-Scale Ground-Mounted Solar Electric Installations. [Amended 4-24-1987 ATM, Art. 35; 2-3-1993 STM, Art. 5; 11-29-1999 STM, Art. 1; 4-29-2005 ATM, Art. 28; 4-29-2005 ATM, Art. 28; 4-24-2009 ATM, Art. 11; 4-29-2011 ATM, Art. 7; 4-27-2012 ATM, Art. 14, 4-27-2012 ATM, Art. 15]

(1) Applications for permits for construction or alteration requiring site plan review shall be referred to the Planning Board within seven (7) days of filing. No building permit shall be issued until the provisions of this section have been fulfilled and the application has been approved by the Planning Board. The Planning Board shall render a decision in writing within ninety (90) days of receiving a complete application.

(2) Plans subject to this section shall show existing and proposed topography, water, sanitary sewerage, storm drainage, parking and egress and planting and screening, in addition to the information required by the State Building Code.

(3) Requirements.

(a) Site plan approval may be granted upon determination by the Planning Board that any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Sunderland Planning Board's rules and regulations for the Subdivision of Land¹ and shall be so designed that, for the given location and type and extent of land use, the design of building form, building location, egress points, grading and other elements of the development shall be so as to:

[1] Minimize the volume of cut and fill, the number of removed trees six (6) inches in caliper and larger, the length of removed stone walls, the area of wetland vegetation displaced, the increase in stormwater flow from the site, soil erosion and the threat of air or water pollution.

[2] Maximize pedestrian and vehicular safety and convenience within the site and egressing from it.

[3] Minimize obstruction of scenic views from publicly accessible locations.

[4] Minimize visual intrusion by controlling the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned; minimizing glare from headlights through plantings or other screening; minimizing lighting intrusion through use of such devices as cutoff luminaires confining direct rays to the site; requiring that the fixture mounting height not exceed twenty (20) feet; and avoiding unreasonable departure from the character of buildings in the vicinity.

(b) The Planning Board may adopt and from time to time amend reasonable regulations for the

1. Editor's Note: See Ch. 194, Subdivision of Land.