

The Commonwealth of Massachusetts

FRANKLIN SS.

To any of the Constables of the Town of Ashfield in the County of Franklin,

GREETINGS.

In the name of **The Commonwealth of Massachusetts**, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at the TOWN HALL in said Ashfield on **SATURDAY the SEVENTH day of MAY 2022**, at **TEN O'CLOCK** in the morning, then and there to act on the following articles:

ARTICLE 1: Election of Officers

To choose the following elected positions:

- 1 Assessor for three (3) years
- 1 Board of Health Member for three (3) years
- 1 Constable for three (3) years
- 1 Finance Committee Member for three (3) years
- 1 Finance Committee Member for three (3) years
- 1 Library Trustee for five (5) years
- 1 Moderator for one (1) year
- 1 Park Commissioner for three (3) years
- 1 Park Commissioner to fill an unexpired term for two (2) years
- 1 Planning Board Member for five (5) years
- 1 Planning Board Member to fill an unexpired term for four (4) years
- 1 Select Board Member for three (3) years
- 1 Sewer Commissioner for three (3) years
- 1 Tree Warden for one (1) year

Polls to be closed at 4:00 PM.

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 2: Reports of Officers

To act on the reports of the Town Officers.

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 3: Authorization for Compensating Balance Agreements

To see if the Town will vote to authorize the Town Treasurer to enter into compensating balance agreements for the Fiscal Year beginning July 1, 2022, in accordance M.G.L. c.44, §53F, or act relative thereto.

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 4: Authorization to Accept/Expend Grants/Gifts to Town

To see if the Town will vote to authorize the Select Board to accept and expend any grants and/or gifts that may become available, or act relative thereto.

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 5: Disposal of Surplus Property

To see if the Town will vote to authorize the Select Board to dispose of any unused town-owned equipment and/or property, or act relative thereto.

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 6: Senior Services District Agreement

To see if the Town will vote to petition the General Court to enact a special act for the Towns of Ashfield, Buckland and Shelburne as follows or take any other action thereto:

AN ACT ESTABLISHING THE “WEST COUNTY SENIOR SERVICES DISTRICT”.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The terms hereof having been duly approved by the respective town meetings of the towns of Ashfield, Buckland and Shelburne, it is hereby declared essential for the benefit of the people of the towns of Ashfield, Buckland and Shelburne, in order to sustain and protect the welfare, prosperity and the living conditions of their senior populations, that the towns establish a Senior Services District upon the acceptance hereof by their select boards; that accurate, appropriate, and sustaining assessments, fees and charges for said services be established; that said supplementary services for said towns be operated in an efficient and financially sustaining manner to further encourage the availability and soundness of senior programming and resources all to the public benefit and good, and to the extent and in the manner provided herein.

SECTION 2. For the purposes specified in section 1, Ashfield, Buckland and Shelburne may create a Senior Services District to be known as the “West County Senior Services District”, hereinafter referred to as “the district”, which upon its creation shall be a body politic and corporate and a public instrumentality. Except as set forth in Section 2A hereof, the district shall be created when: (a) this act has been accepted by the select board of each of the aforementioned Towns, which in their capacities as members of the district shall be referred to herein separately as a ”member town” and collectively as the “member towns;” and (b) the member towns’ execution of an agreement terminating the agreement known as and entitled “The Senior Center Consortium Agreement Among the Towns of Ashfield, Buckland and Shelburne,” as amended as of January 8, 2019 (the “Consortium Agreement”). Upon its creation, the district shall have, any general or special law notwithstanding, as hereinafter provided and in accordance with this act, the authority to provide senior services and programs, construct, operate, and maintain a shared senior center within the geographical boundaries of a member town.

If any member town, once having accepted this act in accordance with the provisions of this section, desires, upon town meeting vote, to withdraw from the district, it may do so with prior written notice to the board of managers, as herein defined, which withdrawal shall become effective one year from the July 1 next following the delivery of such timely written notice, and in the same manner provided for acceptance of this act; provided, however, that such withdrawing town shall be obligated to pay as follows its annual shares of operational costs and debt costs, respectively and as defined in sections six and seven hereof: (1) the withdrawing town shall continue to accrue and be obligated to pay its assessed share of operational costs through the conclusion of the fiscal year next commencing following the withdrawing town's delivery of timely written notice as set forth above; and (2) in addition, the withdrawing town shall continue to accrue and be obligated to pay its assessed share of principal and interest costs that such town had approved to be incurred by or on behalf of the district, for so long as said debt costs are due and owing. Upon the effective date of its withdrawal the membership of the board of managers shall be reduced to reflect the termination of such withdrawing town's seats.

The board of managers may, in its discretion, establish requirements in the By- Laws relating to the admission into the district of any additional municipality, including without limitation with respect to the allocation of charges to be assessed to such municipalities. Addition of member towns shall be by select board approval of all member towns.

SECTION 2A. For purposes of providing for the transition from the terms of the Consortium Agreement to the terms of this act, the board of managers shall be deemed created and authorized to act upon acceptance of this Section 2A by the Select board of each of the aforementioned Towns. Prior to the termination of the Consortium Agreement the board of managers shall present a transition plan to the select boards of the aforementioned towns for each select board's approval.

SECTION 3. The management and control of all property acquired by, and the exercise of all powers, privileges and duties conferred upon, the district pursuant to the provisions of this act shall be vested in and exercised by a board of managers, which shall consist of two members each from Ashfield, Buckland and Shelburne and any future member municipalities appointed by their respective select boards. The board of managers shall annually elect from its members a chairperson, vice chairperson and secretary, provided that no member town may have more than one representative serving as an officer contemporaneously. The district shall be deemed a governmental body pursuant to chapter 30B of the General Laws. Notwithstanding any general or special law to the contrary, the administrators of the district who are procurement officers for said district shall participate in the Massachusetts public purchasing official certification program conducted by the office of the inspector general in order to earn a Massachusetts public purchasing official certificate or shall hire a certified procurement officer for purchases subject to chapter 30B. Of the two representatives of each member town on the board of managers, one member shall serve for a term of two years, and the other shall serve for a term of three years; at least one member shall be appointed from the town's Council on Aging or such Council's designee duly appointed by the select board. Members of the board of managers may be removed for cause by their appointing authority. Members of the board of managers, together with the board's agents, employees, and professional staff shall be indemnified against personal liability by the district in accordance with, and subject to the limitations set forth in, chapter 258 of the General Laws. The district shall be deemed a public employer pursuant to chapter 258 of the General Laws. The district acting through its initial board of managers shall promptly adopt

by-laws describing by whom and how meetings of the board may be called, notified and conducted; establish rules and regulations for the management of its affairs not inconsistent with this act or any other provision of law; shall appoint for such term as it may determine, a treasurer of the district, and such other officers and employees not specifically provided for in this act as it may deem necessary and proper, and shall fix their compensation and benefits. The treasurer shall not be a member of the board of managers, and shall give bond to the district in such an amount as may be approved by said board with a surety company authorized to transact business in the commonwealth as a surety. The district may contract with any of its member towns or other qualified entities for treasurer services. A majority of appointed managers shall constitute a quorum of the board of managers. Unless otherwise specified herein, the board of managers may act by a majority vote, provided that no vote pertaining to the district's budget or debt issuances may be deemed approved unless at least one representative from each member town has voted affirmatively thereon. Vacancies occurring in the membership of the board of managers from any cause may be filled for the remainder of the unexpired term by the appointing authority. No vacancy occurring in the membership of the board of managers shall disqualify the board of managers from taking any action authorized by this act.

The Board of Managers shall annually prepare and provide to the select boards of the member towns, a written report of the operations and programming, the actions of the board of managers, and receipts and expenditures of the district for the preceding fiscal year.

SECTION 4. The district, acting by and through its board of managers, shall have all the rights and powers necessary or convenient to carry out and effectuate the purposes of this act including, but without limiting the generality of the foregoing, the following rights and powers:

- (a) to adopt the by-laws for the regulation of its affairs and the conduct of its business, to promulgate rules, regulations and procedures in connection with the performance of its functions and duties, and to fix, enforce, and collect penalties for the violations thereof;
- (b) to adopt an official seal and alter the same at its pleasure;
- (c) to maintain an office at such place or places as it may determine;
- (d) to apply for, receive, accept, administer, expend, and comply with the conditions, obligations and requirements respecting any grant, gift, loan, including without limitation any grant, gift or loan from agencies of local, state, and federal governments, donation or appropriation of any property or money in aid of the purposes of the district, and to accept contributions of money, property, labor, or other things of value;
- (e) To incur debt for the purpose of acquiring land and constructing, reconstructing, adding to and equipping buildings or for the purpose of remodeling and making extraordinary repairs to buildings and for the construction or reconstruction of any and all facilities incidental or related thereto, and for the purpose of purchasing department equipment; or for the purpose of any other public work or improvement of a permanent nature required by the district; or for the purpose of any planning, architectural or engineering costs relating to any of the above purposes; provided, however, that such debt is incurred in accordance with Section 7. Debt incurred under this section shall be payable within 30 years, but no such debt shall be issued for a period longer than the maximum useful life of the project being financed as determined in accordance with guidelines established by the director of accounts pursuant to section 38 of chapter 44;
- (f) To incur temporary debt in anticipation of revenue to be received from any source;
- (g) to acquire by purchase, lease, lease purchase, sale and lease back, gift, or devise, or to obtain options for the acquisition of, any property, real or personal, easements, or any interest therein, in the exercise of its powers and the performance of its duties in

- compliance with the District Bylaws and this Act;
- (h) to sell, lease, mortgage, exchange, transfer or otherwise dispose of, or grant options for any such purposes with respect to, any property, real or personal, tangible or intangible, or any interest therein in compliance with the District Bylaws and this Act, and, with regard to real property, subject to approval by the town meetings of each of the member towns;
 - (i) to fix, revise, charge, collect and abate fees, rates, rents, and other charges for services, facilities, and commodities furnished or supplied by it;
 - (j) to construct, improve, extend, enlarge, maintain, and repair the senior facilities located within the geographical jurisdiction of the district;
 - (k) to make contracts of every name and nature, and to execute and deliver all instruments necessary or convenient for carrying out any of its purposes;
 - (l) to sue and be sued and to prosecute and defend actions relating to its properties and affairs, provided that only property of the district other than revenues pledged to the payment of bonds or notes shall be subject to attachment or levied upon execution or otherwise;
 - (m) to engage architectural, engineering, accounting, management, legal, financial, and environmental consulting and other professional services;
 - (n) to employ an Executive Director and personnel
 - (o) to charge a programming and use fee to senior clients who are or are not residents of the member towns, and seek to use the services and resources of the district in a manner as the Board of Managers may determine; and
 - (p) to do all things necessary, convenient or desirable for carrying out the purposes of this act for the purposes expressly granted or necessarily implied in this act;
 - (q) and all other powers expressly conferred upon the district under this act

SECTION 5. Notwithstanding any general or special law to the contrary, and subject to the terms set forth in this act, fees, rates, rents, assessments, and other charges for resources and services, facilities, and commodities furnished or supplied by the district shall be fixed and adjusted by the board of managers so as to provide funds at least sufficient in each fiscal year, together with other revenues and funds of the district, if any, available therefor, to pay the full cost of operation of the district for that fiscal year, including all current expenses; all debt service on bonds or notes of the district; all costs of maintenance, repair and replacement, including the establishment of reasonable stabilization funds, replacement reserves, and other similar funds in accordance with generally accepted accounting principles, as determined by the board of managers to be necessary or desirable; and all other amounts which the district may be obligated to pay or provide for by law or by contract.

SECTION 6. The District, for the purpose of paying annual operating expenses (the “operational costs,” which shall include all costs not requiring the issuance of debt) shall prepare a preliminary proposed annual budget for each fiscal year by November 30, of the preceding year. The board of managers shall determine what assessment is necessary to pay for that portion of the operational costs not covered by fees or other receipts in accordance with section 5, and shall apportion such amount in accordance with the proportional five-year average usage formula by each member town of the services being supplied by the district, as follows: each member town shall be assessed that portion of the operational costs that represents the same percentage of the total operational costs (the “Operations Assessment Percentage”) that such member town’s residents’ total usage over the immediately preceding five year period bears relative to the total usage during such span (each as reported to the Massachusetts Executive Office of Elder Affairs annually via Form _____).

The board of managers shall hold a public hearing on the draft proposed annual budget after notice to the member towns and such notice to the public as it shall determine and shall adopt such proposed annual budget, with or without amendment, after the public hearing but not later than the fifteenth (15th) day of December.

Within one week of its adoption, the board of managers shall cause the proposed annual budget and proposed assessment to be delivered to the select board and finance committee in each member town.

The board of managers shall receive comments from the member towns until the next following January 31st. After the final day for the towns' comment and prior to the March 1st next following, the board of managers shall, by majority vote, adopt an annual budget, with or without amendment to the proposed annual budget, and shall notify the member towns of the same by mail in the same manner and within the same time frame as is required above with respect to a proposed annual budget and assessment.

The annual budget shall include all revenue receipts, expenses, capital costs and other financial information to sufficiently inform the towns of the costs of operating the District.

The budget shall not be deemed effective and binding unless the annual assessment has been approved by each member town by a majority vote of its town meeting held prior to the commencement of the fiscal year to which the budget pertains.

The annual budget and annual assessment shall then become final and effective for the next following fiscal year upon the adoption of each member town's assessment.

If the annual assessment is not approved, the board of managers may from time to time resubmit it or may submit a revised budget and assessment for consideration in the manner described above, but without need for an additional public hearing, and if no annual budget has been adopted prior to the commencement of the fiscal year to which it pertains, the District shall, on a month to month basis until a new annual budget and assessment become effective, operate with the budget and assessment used for the previous fiscal year.

Any sums assessed by the district and raised and appropriated by a municipality in accordance with this section shall not be subject to sections 20A, 20B and 21C of chapter 59 of the General Laws.

SECTION 7. Each member town's share of debt costs (the "Debt Cost Share") shall be calculated as follows with respect to each debt issuance, with each component calculated for the most recent fully completed fiscal year immediately preceding the date of notice of such proposed debt issuance: (1) 50% shall be divided among the members in the amounts of their respective Operations Assessment Percentages; (2) 25% shall be divided among the member towns based upon their equalized property values relative to one another, as reported by the Massachusetts Department of Revenue (such that if a member town's equalized property value amounts to 50% of the total sum of the member towns' collective equalized property value, such member town would be responsible for at least 12.5% of the debt costs); and (3) 25% shall be divided among the member towns based upon their equalized income values relative to one another, as reported by the Massachusetts Department of Revenue (such that if a member town's equalized income value amounts to 50% of the total sum of the member towns' collective

equalized income value, such member town would be responsible for at least 12.5% of the debt costs). Upon determining each member town's debt cost share, which shall remain static and binding upon each of the member towns until the District has fully paid the underlying debt, the board of managers shall certify, to the select board in each member town, that the board of managers shall propose the issuance of such bonds or notes, either in the name of the district or one or more of the member towns, and the amount to be assessed against each member unit therefor, provided that the decision as to whether the district or one or more member towns shall incur the underlying debt shall be subject to a majority approval by the select board of each member town.

Upon such approval by each such select board, the select board of each member town, shall cause to be placed in the warrant for the next available annual town meeting, an article in the form specified by the board of managers, seeking authorization from each member town meeting for the district to issue such bonds or notes, and the amount to be assessed therefor against each member town. Upon approval by each member town's town meeting by a two-thirds vote at an annual town meeting, the district may issue such bonds or notes as have been so approved. The indebtedness on bonds or notes issued by the district and the member towns pursuant to this act shall not be subject to section 10 of chapter 44, and sums assessed by the district to repay such bonds or notes shall not be subject to sections 20A, 20B and 21C of chapter 59 of the General Laws.

The fiscal year of the district shall commence July 1 and end June 30.

SECTION 8. In the event that the board of managers desires to terminate the district and dispose of its assets, a majority of the board of managers then existing shall first vote to do so, and give notice of such vote, in writing, to the select board of each member town. Each member town shall thereafter provide, at its next regular or special town meeting a warrant article to dissolve in the same manner in which the district was created, the warrant article shall contain the question "Shall the West County Senior Services District be dissolved, and its assets disposed of in accordance with the vote of its board of managers?" If all member towns vote in the affirmative, the district shall be dissolved, but not otherwise. In the event of such affirmative vote, the board of managers shall be empowered to dispose of the assets of the district in accordance with the General Laws.

SECTION 9. If the district authorized by section 2 is not created in the manner described in said section 2 within ten years from the effective date of this act, then this act shall be without further legal effect.

SECTION 10. This act shall take effect upon its passage.

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 7: School Expenses

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following sums to fund **EDUCATIONAL EXPENSES** for the Fiscal Year beginning July 1, 2022, or act relative thereto:

School Committee Stipends	\$1,000
MTRSD Regional School Expense	\$2,444,300
MTRSD Capital Expense	\$14,546
Vocation Education Expense	\$350,000
Total	\$2,809,846

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 8: Mohawk Regional Agreement Amendment

To see if the Town will vote to amend the MOHAWK TRAIL REGIONAL SCHOOL DISTRICT – REGIONAL DISTRICT AGREEMENT by striking the following language contained in Section III (B) – Pupils Entitled to Attend Regional Elementary Schools:

“The pre-K-12 Member Towns are defined as Ashfield, Buckland, Colrain, Plainfield, Heath, and Shelburne. Subject to the provisions of this section, it is intended that elementary students residing in the member towns of Ashfield, Buckland, Colrain, Plainfield and Shelburne will receive their education in facilities located in the District and will be assigned as follows: Ashfield and Plainfield residents to Sanderson Academy; Colrain residents to Colrain Central School; and Buckland and Shelburne residents to Buckland Shelburne Elementary School. Elementary students residing in Heath will receive their education in the Hawlemont Regional School District pursuant to a tuition agreement between the Mohawk Trail Regional School District and the Hawlemont Regional School District through no longer than June 30, 2023. During the period of such tuition agreement, the Town of Heath shall seek in good faith to negotiate with the Hawlemont Regional School District regarding joinder of the Town of Heath into the Hawlemont Regional School District for elementary education. The tuition agreement shall constitute a binding financial obligation of the District. Heath may withdraw from the Mohawk Trail Regional School District for grades PK-6 in accordance with the “Withdrawal” section of this Agreement. Heath shall remain responsible for its outstanding indebtedness, if any, including but not limited to OPEB, to the Mohawk Trail Regional School District despite such withdrawal in accordance with the terms of the Regional Agreement.

If, upon the expiration of such tuition agreement, as may be extended, Heath and the Hawlemont Regional School District have failed to reach agreement as to the joinder of Heath into the Hawlemont Regional School District, elementary students residing in Heath will receive their education in facilities located in the Mohawk Trail Regional School District, the specific location(s) to be decided as provided herein. The Mohawk

Trail Regional School Committee will offer at least two (2) facilities located in the District as options for educating the elementary students of Heath and the Heath members of the Committee will determine which one (1) facility to recommend to the Committee for the placement of all Heath resident elementary students. No facility will be approved by the Committee without the affirmative votes of both Heath Committee representatives, provided however that in the event of a tie vote between such Heath representatives, or in the event that there are vacancies in the positions of Heath representatives, a majority vote of the Committee will prevail. The determination must occur no later than November 1st of the school year prior to the change.”

and replacing said language with the following:

“The pre-K-12 Member Towns are defined as Ashfield, Buckland, Colrain, Plainfield, Heath, and Shelburne. Subject to the provisions of this section, it is intended that elementary students residing in the member towns of Ashfield, Buckland, Colrain, Heath, Plainfield and Shelburne will receive their education in facilities located in the District and will be assigned as follows: Ashfield and Plainfield residents to Sanderson Academy; Colrain and Heath residents to Colrain Central School; and Buckland and Shelburne residents to Buckland Shelburne Elementary School.”

Or act relative thereto.

Proposed by the Mohawk School Committee
 Recommended by the Select Board (3-0-0)
 Recommended by the Finance Committee (5-0-0)
 Majority Vote Required

ARTICLE 9: Elected Officials Compensation

To see if the Town will vote to set the stipends and compensation for all elected officials of the Town (Moderator, Board of Assessors, Board of Health, Constable, Select Board, School Committee, and Tree Warden) as provided by the M.G.L., c.41, §108, to be made effective as of July 1, 2022, as contained within the budget, or act relative thereto.

Position	Stipend
Moderator	\$150
Board of Assessors Chair	\$1,500
Board of Assessors Members (2 @ \$1,250 each)	\$2,500
Board of Health Members (3 @ \$750 each)	\$2,250
Constable (3 elected positions, hours vary)	13.00 per hour
Select Board Chair	\$1,500
Select Board Members (2 @ \$1,250 each)	\$2,500
School Committee (2 @ \$500 each)	\$1,000
Tree Warden	\$300

Proposed by the Select Board
 Recommended by the Finance Committee (5-0-0)
 Majority Vote Required

ARTICLE 10: General Government Expenses

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following sums to fund **GENERAL GOVERNMENT EXPENSES** for the Fiscal Year beginning July 1, 2022, or act relative thereto:

Moderator Stipend	\$150
Select Board Stipend	\$4,000
Select Board Expense	\$2,000
Town Administrator Salary	\$67,000
Town Administrator Expense	\$2,650
Audit	\$10,350
Assessors Stipend	\$4,000
Assistant Assessor	\$21,856
Assessors' Expense	\$19,460
Treasurer Salary	\$45,410
Treasurer Expense	\$2,200
Collector Salary/Admin. Support	\$54,626
Collector Expense	\$6,655
Legal Expense	\$6,000
Data - Contracted Services	\$60,324
Tax Title	\$2,000
Town Clerk Salary	\$32,375
Town Clerk Expense	\$4,300
Elections Expense	\$4,200
Registrars of Voters Expense	\$600
Street Lists	\$900
Conservation Commission Expense	\$2,627
TH Administrative Support to the Boards	\$10,400
Planning Board	\$1,200
Zoning Board of Appeals Expense	\$900
Town Hall Custodian Wages	\$9,085
Town Hall Utilities	\$19,793
Town Hall Expense	\$6,400
Town Hall Steward	\$700
Town Hall Building Committee Expense	\$10,000
Town Common Maintenance	\$9,700
General Insurance	\$74,621
Public Official Bonds	\$1,200
Town Reports	\$1,300
Energy Committee Expense	\$500
Total	\$499,482

Proposed by the Select Board
 Recommended by the Finance Committee (5-0-0)
 Majority Vote Required

ARTICLE 11: Public Safety Expenses

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following sums to fund **PUBLIC SAFETY EXPENSES** for the Fiscal Year beginning July 1, 2022, or act relative thereto:

Police Chief Salary	\$80,020
Police Department Wages	\$61,128
Police Department Expense	\$30,400
Fire Chief Salary	\$67,741
Fire Department Wages	\$28,500
Fire Department Expense	\$57,241
Emergency Management Stipends	\$2,600
Emergency Management Expense	\$5,131
Animal Inspector	\$810
Tree Warden Stipend	\$300
Tree Warden Expense	\$11,000
Total	\$344,871

Proposed by the Select Board
 Recommended by the Finance Committee (5-0-0)
 Majority Vote Required

ARTICLE 12: Public Works Expenses

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following sums to fund **PUBLIC WORKS EXPENSES** for the Fiscal Year beginning July 1, 2022, or act relative thereto:

Highway Superintendent Salary	\$74,605
Highway Labor	\$271,524
General Highway Expense	\$153,500
Highway Department Fuel	\$62,000
Winter Roads Expense (Snow/Ice)	\$140,000
Winter Sidewalk Expense	\$5,000
Streetlights	\$4,140
HRMC Expense	\$9,411
Transfer Station Expense	\$139,277
Total	\$859,457

Proposed by the Select Board
 Recommended by the Finance Committee (5-0-0)
 Majority Vote Required

ARTICLE 13: Health & Human Services Expenses

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following sums to fund **HEALTH & HUMAN SERVICES EXPENSES** for the Fiscal Year beginning July 1, 2022, or act relative thereto:

Board of Health Stipends	\$2,250
Board of Health Expense	\$1,250
Health Agents	\$8,000
Senior Center Expense	\$46,150
Local Council on Aging Expense	\$1,200
Veterans Services District	\$4,592
Veterans Benefits - Local	\$6,800
Veterans Graves	\$1,500
Total	\$71,742

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 14: Culture & Recreational Expenses

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following sums to fund **CULTURE & RECREATIONAL EXPENSES** for the Fiscal Year beginning July 1, 2022, or act relative thereto:

Belding Memorial Library Expense	\$11,347
Belding Memorial Library Salary & Wages	\$49,322
Belding Memorial Park Expense	\$30,000
Ashfield Lake Dam Inspection	\$0
Invasive Species Removal	\$850
Lake Dam Maintenance	\$0
Historical Commission Expense	\$1,000
Total	\$92,519

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 15: Debt Service Expenses

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following sums to fund **DEBT SERVICE EXPENSES** for the Fiscal Year beginning July 1, 2022, or act relative thereto:

Transfer Station Debt	\$100,000
Highway Garage Debt	\$69,298
Debt Interest	\$8,209
Total	\$177,507

Note: Debt payments towards broadband are addressed in Articles 20 and 21

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 16: Ambulance Services

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following sums to fund **AMBULANCE SERVICES** for the Fiscal Year beginning July 1, 2022, or act relative thereto:

Highland Ambulance EMS Assessment	\$93,440
Highland Ambulance EMS Radio Assessment	\$2,865
Total	\$96,305

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 17: Benefits

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following sums to fund **EMPLOYEE BENEFIT EXPENSES** for the Fiscal Year beginning July 1, 2022, or act relative thereto:

Franklin Regional Retirement System	\$123,402
Workers Compensation	\$1,000
Unemployment Insurance	\$3,500
Health Insurance	\$93,556
Retiree Health Insurance	\$14,762
Medicare/FICA	\$15,250
Other Post-Employment Benefits (OPEB) Trust	\$2,000
Total	\$253,470

Proposed by the Select Board

Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 18: Intergovernmental Assessments

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following sums to fund **INTERGOVERNMENTAL ASSESSMENTS** for the Franklin Regional Council of Governments Expenses (FRCOG) for the Fiscal Year beginning July 1, 2022, or act relative thereto:

FRCOG Core Assessment	\$14,186
FRCOG Accountant Service	\$31,792
FRCOG Software Maintenance	\$750
FRCOG Procurement Services	\$2,669
FRCOG Radio Maintenance	\$5,729
FRCOG Inspections Program	\$7,600
FRCOG Community Health Program	\$11,040
FRCOG REPC Assessment	\$150
Total	\$73,916

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 19: Sewer/WWTP Enterprise Fund

To see if the Town will vote to raise and appropriate, transfer from retained earnings, or otherwise provide the following sums of money to operate the **Sewer/Wastewater Treatment Plant Enterprise Fund** for the Fiscal Year beginning July 1, 2022, or act relative thereto.

Revenues	
Departmental Receipts	\$160,164
Retained Earnings	\$20,000
TOTAL	\$180,164
Expenses	
Salaries & Benefit Costs	\$101,054
Abatements	\$500
Operational Expenses	\$72,164
Emergency Fund Costs	\$6,446
Capital Costs	\$0
TOTAL	\$180,164

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 20: Broadband Enterprise Fund

To see if the Town will vote to raise and appropriate, transfer from retained earnings, or otherwise provide the following sums of money to fund the **Broadband Enterprise Fund** for the Fiscal Year beginning July 1, 2022, to provide Broadband telecommunication services, or act relative thereto.

Revenues		
Subscriber Fee Revenues		\$765,960
Anticipated Grant Revenues		\$325,676
Retained Earnings		\$275,799
	TOTAL	\$1,367,435
Expenses		
Salaries & Benefits Costs		\$6,000
Operational Costs		\$567,598
Indirect Costs		\$0
Capital Costs		\$43,160
Debt Payments		\$750,677
	TOTAL	\$1,367,435

Proposed by the Select Board
 Recommended by the Finance Committee (5-0-0)
 Majority Vote Required

ARTICLE 21: Broadband Debt Payment

To see if the Town will vote to transfer and appropriate the sum of \$311,652.82 from the Last Mile Broadband Fund (Fund #434) to pay down broadband-related debt, or act relative thereto.

Explanation: The Last Mile Broadband Fund is the unspent balance of the loan that was borrowed to construct the network.

Proposed by the Select Board
 Recommended by the Finance Committee (5-0-0)
 Majority Vote Required

ARTICLE 22: Dog Officer Expenses

To see if the Town will vote to transfer from the Dog License and Control Fund the following sums, or otherwise provide the following sums of money to fund **DOG OFFICER EXPENSES** for the Fiscal Year beginning July 1, 2022, or act relative thereto:

Animal Control Officer Stipend	\$3,845
Animal Control Expense	\$2,500
Total	\$6,345

Proposed by the Select Board
 Recommended by the Finance Committee (5-0-0)

Majority Vote Required

ARTICLE 23: Capital Projects

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following sums to fund the following **CAPITAL EXPENDITURES** for the Fiscal Year beginning July 1, 2022, or act relative thereto:

Highway - Bridge Work	\$100,000
Police - Cruiser	\$25,000
Park – Bathhouse Roof Repair	\$10,000
Highway – Truck Replacement	\$120,000
Total	\$255,000

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 24: Free Cash

To see if the Town will vote to appropriate the following sums from Free Cash, or act relative thereto:

Fire – PPE Replacement	\$9,000
Fire – Engine 3 Replacement	\$175,000
Reserve Fund	\$3,000
Total	\$187,000

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 25: Stabilization

To see if the Town will vote to transfer the sum of \$100,000.00 from Free Cash to the Stabilization Fund, or act relative thereto:

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 26: Assessors Surplus Overlay

To see if the Town will vote to appropriate the following sums from the Assessors Surplus Overlay, or act relative thereto:

Assessors – Utility Revaluation	\$5,000
Assessors – Software Upgrade	\$5,000
Total	\$10,000

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 27: Revolving Funds

To see if the Town will vote to approve the following spending limits for the revolving funds noted below pursuant to the Ashfield Revolving Fund Bylaw and pursuant to the M.G.L. c.44, §53E½ for the Fiscal Year beginning July 1, 2022, or act relative thereto:

Revolving Fund	FY2023 Spending Limit
Dog License and Control	\$ 5,000.00
Park	\$ 1,500.00
Library	\$ 2,500.00

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 28: Conservation Commission Revolving Fund

To see if the Town will vote to authorize the Conservation Commission, pursuant to MGL Chapter 44, § 53E ½, to establish and use a revolving fund with a limit of \$3,000 for fiscal year 2023 to accept receipts related to the Conservation Commission's work under the Wetland's Protection Act, for the purpose of funding legal advertisements, in which any remaining funds may be rolled over into a similar revolving fund for Fiscal Year 2024.

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 29: Police Cruiser Revolving Fund

To see if the Town will vote to authorize the Select Board, pursuant to MGL Chapter 44, § 53E ½, to establish and use a revolving fund with a limit of \$3,000 for fiscal year 2023 to accept receipts related to the Town's Police Cruiser Fee policy, for the Police Department's vehicle maintenance, repair, and fuel, in which any remaining funds may be rolled over into a similar revolving fund for Fiscal Year 2024.

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 30: Revolving Fund Bylaw Amendment

To see if the Town will vote to amend Section 5 of the “Revolving Funds” General Bylaw by adding the following line to the “Authorized Revolving Funds” table, or act relative thereto:

Revolving Fund	Authorized to Spend	Revenue Source	Use of Funds	Spending Limit
Police Cruiser Revolving Fund	Police Chief or Designated Officer	Detail Fees	Cruiser Repair, Maintenance, and Fuel	\$3,000.00

Note: The first line of this table is existing wording in the bylaw and only being included for informational purposes.

Explanation: This would allow the Police Cruiser Revolving Fund to be voted as part of the group in Article 27 in future years.

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 31: Citizen Petition - Fair Share Amendment

To act on the following citizen petition:

Resolution In Support of the MA Fair Share Amendment

WHEREAS, Massachusetts needed new investments in our transportation and public education systems even before the COVID-19 pandemic, and those investments are needed more than ever to lift our economy into an equitable and long-lasting recovery;

WHEREAS, the best way to help working families and rebuild a strong economy for us all is to make sure that we have quality public schools for our children, affordable public higher education, and a reliable transportation system; and

WHEREAS, for Massachusetts to compete against other regions around the nation and the globe, we need modern, reliable transportation: safer roads and bridges, public transportation that works, and safe ways to walk and bike around town¹; and 1. Boston Globe, [Mass. Still short on transportation funding, report says](#)

WHEREAS, **Ashfield** has structurally deficient bridges and overdue road repair and replacement projects; and

WHEREAS, students need a well-rounded education, founded on a rich and varied curriculum that includes science, technology, engineering, and math (STEM), music, art, and athletics; and

WHEREAS, major investments in public education are needed to help students recover academically, socially, and emotionally from the COVID-19 pandemic; and

WHEREAS, tuitions and fees at our public colleges are among the highest in the country, forcing students to take on enormous debt just to receive a degree; and

WHEREAS, new state revenue is necessary to rebuild crumbling roads and bridges, improve our public schools from Pre-K through college, expand access to vocational and technical training invest in fast and reliable public transportation, make public higher education affordable again, and expand opportunities for healthy walking and bicycling; and

WHEREAS, wealthy Massachusetts residents saw their investments grow during the pandemic while working families struggled, and Massachusetts' wealthiest residents should pay their fair share to support our communities and grow our economy.

THEREFORE, let it be resolved that **Ashfield** supports the proposed Massachusetts Fair Share Amendment that would create an additional tax of four percentage points on annual income above one million dollars and dedicate the funds raised by this tax to quality public education, affordable public colleges and universities, and for the repair and maintenance of roads, bridges, and public transportation.

Or act relative thereto.

Article 32: Citizen Petition – Pollinator Resolution

To act on the following citizen petition:

Resolution endorsing the protection of pollinators and enhancement of pollinator habitat

WHEREAS, Bees and other pollinators are a crucial component of a healthy ecosystem and a vital link in our food system, providing the pollination responsible for over three quarters of the world's plant species, and for one out of every three bites of food that we eat, and

WHEREAS, pollinator populations are in sharp decline due to human land use practices that are causing ongoing habitat loss and fragmentation, the expansion of pesticide use by consumers and professionals, and the spread of pathogens and parasites, and

WHEREAS, extensive research has documented that neonicotinoids and other systemic pesticides have been shown to cause illness and death to honey bees, native bees, butterflies, moths, other insect pollinators, and beneficial insects, and

WHEREAS, guidelines for land management best practice are available which allow residents, businesses, farms, and towns to manage their land in ways that increase pollinator forage and nest sites while decreasing maintenance costs.

NOW, THEREFORE, BE IT RESOLVED by the Town Meeting of the Town of Ashfield that the Town of Ashfield is hereby declared a Pollinator-Friendly Community and that the town encourages the adoption of policies and practices that support pollinator health by minimizing the use of insecticides.

BE IT FURTHER RESOLVED that the Town of Ashfield will set an example by adopting the pollinator-friendly practices below and urges property owners, residents, town departments, and business owners to adopt pollinator-friendly practices including:

*Planting more pollinator-supporting forage on their property, emphasizing native plant species, and adopting organic or chemical-free lawn and landscaping practices;

*Avoiding the planting of flowering plants which are treated with systemic insecticides and avoiding the use of seeds coated with systemic neonicotinoids;

* Avoiding the use of insecticides, including systemic insecticides on their property.

The Town clerk is requested to send copies of this resolution to Governor Charlie Baker, Massachusetts Department of Agricultural Resources Commissioner John Lebeaux, State Senator Adam Hinds, and State Representative Natalie Blais, or to take any other action relative thereto.

ARTICLE 33: Solar Bylaw Amendment

To see if the Town will vote to amend the Ashfield Zoning Bylaws, Section VI, Subsection I “Large Scale Ground-Mounted Photovoltaic (PV) Facility” by deleting the entirety of that section and replacing it with the following:

Part I - Ground-Mounted Photovoltaic Facilities

Purpose, Applicability, and Administration

1. Purpose

The purpose of this Bylaw is to facilitate and appropriately regulate the responsible development of Ground-Mounted Photovoltaic Facilities (GMPVF) in the Town of Ashfield by providing minimum standards for the placement, design, construction, operation, monitoring, modification and removal of such GMPVF that support the goal of the Commonwealth of Massachusetts; to generate clean energy and reduce carbon emissions while also addressing the responsibility of the Town of Ashfield to protect public health and safety; to protect and preserve the scenic, natural and historic resources of Ashfield; to minimize undesirable impacts on abutting residential property and neighborhoods; and to provide assurance of adequate financial resources for the eventual decommissioning of such systems.

2. Applicability

The provisions set forth in this Bylaw for the construction, operation, maintenance/repair, and decommissioning of GMPVF are divided into three Sections (see Table 1, below). The rated nameplate capacities and areas used to determine the scale of the GMPVF are the totals for a lot and for adjacent lots under the same ownership. This Bylaw does **not** apply to photovoltaic systems mounted on structures whose primary purpose is other than supporting the photovoltaic system (e.g. homes; barns).

Section 4 applies to small scale (25 kW DC rated nameplate capacity or less) GMPVF. A facility covered by this Section is referred to as a Small-Scale Ground Mounted Photovoltaic Facility (SSGMPVF).

Section 5 applies to GMPVF of more than 25 kW and no more than 250 kW DC rated nameplate capacity or less and that occupy less than one and one half (1.5) acres including land covered by the solar cell array and auxiliary equipment such as inverters, batteries, etc. A facility covered by this Section is referred to as a Medium-Scale Ground Mounted Photovoltaic Facility (MSGMPVF).

Section 6 applies to GMPVF of more than 250 kW DC rated nameplate capacity and/or that occupy one and one half (1.5) acres to ten (10) acres including land covered by the solar cell array and auxiliary equipment such as inverters, batteries, etc. A facility covered by this Section is referred to as a Large-Scale Ground Mounted Photovoltaic Facility (LSGMPVF).

Table 1

Section	Designation	DC Rated Name Plate Capacity	Area	Permit Application Requirement
4	Small Scale Ground Mounted Photovoltaic Facility (SSGMPVF)	25 kW or less	<1.5 acres	Building Permit – (basic) application submitted to Building Commissioner
5	Medium Scale Ground Mounted Photovoltaic Facility (MSGMPVF)	greater than 25 kW and less than or equal to 250kW	<1.5 acres	Building Permit – (expanded) application submitted to Building Commissioner
6	Large Scale Ground Mounted Photovoltaic Facility (LSGMPVF)	greater than 250 kW	1.5 to 10 acres	Special Permit – application submitted to Planning Board

3. Administration and Enforcement

3.1 Ownership

The ownership of the GMPVF and parties responsible for the compliance with this bylaw and state and federal regulations shall be identified during the application process. This information shall be kept up to date after any approval; any changes must be provided to the Building Commissioner (for any SSGMPVF or MSGMPVF) and the Building Commissioner, Planning Board and Select Board (for any LSGMPVF) within fourteen (14) days of their occurrence. This provision shall remain in effect through the construction, operation, and decommissioning of the GMPVF. Any new owners and operators must agree to abide by the conditions of the permit.

3.2 Enforcement

Violations of the requirements established for the GMPVF shall be treated in accordance with Section VIII.B of the Ashfield Zoning Bylaws.

3.3 Separability

If any provision of this Bylaw is held invalid by a court of competent jurisdiction, the remainder of this Bylaw shall not be affected thereby.

4. Small Scale Ground-Mounted Photovoltaic Facilities (SSGMPVF)

4.1 Applicability

This Section applies to smaller scale (25 kW DC rated nameplate capacity or less) GMPVF that occupy less than one and one half (1.5) acres on one (1) or more adjacent parcels in common

ownership including land covered by the solar cell array and auxiliary equipment such as inverters, batteries, etc. A SSGMPVF is allowed by right, but must comply with the requirements of the Ashfield Zoning Bylaws.

4.2 General Requirements

4.2.1 Compliance with Laws, Ordinances and Regulations

4.2.1.1 The construction and operation of all SSGMPVF 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 SSGMPVF shall be constructed in accordance with the State Building Code. Any discharges of liquids and airborne discharges must comply with state and federal regulations.

4.2.1.2 All appurtenant structures to SSGMPVF shall be subject to all applicable Sections of the Ashfield Zoning Bylaws.

4.2.2 Building Permit, Building Inspection

No SSGMPVF shall be constructed, installed, or modified without first obtaining a building permit. Operating of the facility shall not be allowed until the facility has been inspected and found to conform to all applicable codes and regulations, and the conditions of the building permit.

4.2.3 Visual Impact

Any SSGMPVF shall be designed, sited and constructed to minimize adverse visual impacts on public ways and abutters. Methods to accomplish this requirement may include orientation, buffering and best use of existing terrain.

4.3 Dimensional and Setback Requirements

4.3.1 Maximum Height

The maximum height above grade of the SSGMPVF shall be eighteen (18) feet at its tallest setting if located twenty-five (25) feet to fifty (50) feet from the nearest property line; and up to a maximum height of twenty-four (24) feet if located more than fifty (50) feet from the nearest property line.

4.3.2 Setback and Width

The minimum setback of the SSGMPVF shall be twenty-five (25) feet from any property line. The total maximum width of any portion of a SSGMPVF shall be no greater than the distance from the nearest property line. As an example, a single 25-foot wide array may be placed twenty-five (25) feet from the property line. Two additional 25-foot wide arrays may be placed behind the first array fifty (50) feet from the property line. Any application that cannot meet the above setback requirements shall require a variance from the Zoning Board of Appeals.

4.4 Application Contents

The Building Commissioner shall determine the application materials required to obtain a building permit for a SSGMPVF.

5. Medium Scale Ground Mounted Photovoltaic Facilities (MSGMPVF)

5.1 Applicability

5.1.1 The provisions set forth in this Section shall apply to the construction, operation, and/or repair of MSGMPVF, i.e. facilities with more than 25 kW and no more than 250 kW DC rated nameplate capacity that occupy less than one and one half (1.5) acres on one (1) or more adjacent parcels in common ownership including land covered by the solar cell array and auxiliary equipment such as inverters, batteries, etc. A MSGMPVF is allowed by right, but must comply with the requirements of the Ashfield Zoning Bylaws.

5.1.2 This Section also pertains to physical modifications that materially alter the type, configuration, or size of these MSGMPVF or related equipment.

5.2 General Requirements

5.2.1 Compliance with Laws, Ordinances and Regulations

5.2.1.1 The construction and operation of all MSGMPVF 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 MSGMPVF shall be constructed in accordance with the State Building Code. All discharges of liquids and airborne discharges must comply with state and federal regulations.

5.2.1.2 All appurtenant structures to MSGMPVF shall be subject to all applicable Sections of the Ashfield Zoning Bylaws.

5.2.2 Building Permit, Building Inspection

No MSGMPVF shall be constructed, installed, or modified without first obtaining a building permit. Operating of the facility shall not be allowed until the facility has been inspected and found to conform to applicable codes and regulations, and the conditions of the building permit.

5.2.3 Building Permit Application – Requirements for Expanded Application

5.2.3.1 The Applicant shall provide the following documents to the Building Commissioner to obtain a permit for a MSGMPVF.

(a) A Project Description including:

- i. Any building and electrical permit applications;
- ii. General description of the proposed facility;
- iii. Documentation of the major system components to be used, including the electric generating components, energy storage components, transmission systems, mounting system, inverter, etc.;
- iv. Electrical diagram detailing the MSGMPVF, associated components, and electrical interconnection methods, with all utility-compliant and National Electrical Code-compliant disconnects and overcurrent devices;
- v. Fire protection systems for electrical equipment including batteries;

- vi. 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;
 - vii. A description of all liquid and airborne releases and provision to insure such releases meet state and federal regulations;
 - viii. Name, address, and contact information for proposed system installer; and
 - ix. Blueprints or drawings of the MSGMPVF, signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts and showing the proposed layout of the system including poles and above ground wires, if any, for the interconnection to the utility, location of equipment and construction staging areas, and location type and height of lighting fixtures.
- (b) A Site Plan that shows the following:
- 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, screening vegetation or structures including their height;
 - iii. Locations of wetlands, rivers and Priority Habitat Areas, Estimated Habitats of Rare Wildlife, and Natural Communities as defined by the Natural Heritage & Endangered Species Program (NHESP) and BioMap 2 or its current successor;
 - iv. Locations of floodplains, and inundation areas for moderate or high hazard dams;
 - v. A locus plan showing the distance from the proposed MSGMPVF to the areas listed in the National Register of Historic Places as well as the distance from Town boundaries; and
 - vi. Emergency services plan showing access for fire trucks and any other features required by the Fire Department.
- (c) Signed approval of the plans by Emergency Services and the Conservation Commission.
- (d) Any approvals required by MassWildlife.

5.2.4 Visual Impact

Any MSGMPVF shall be designed, sited and constructed to minimize adverse visual impacts on public ways and abutters. Methods to accomplish this requirement may include orientation, buffering and best use of existing terrain.

5.2.5 Utility Connection

No staging, site clearing and construction of a MSGMPVF shall be permitted until evidence has been provided to the Building Commissioner that the utility company that operates the electrical grid where the installation is to be located has approved the MSGMPVF Owner and/or Operator's intent to install an interconnected photovoltaic generator and that the utility can and will connect the proposed generator into its power grid. Off-grid systems shall be exempt from this requirement.

5.3 Siting, Performance, and Design Requirements

5.3.1 Maximum Height

The maximum height above grade of the MSGMPVF shall be eighteen (18) feet.

5.3.2 MSGMPVF Front, Side and Rear Setbacks

Setbacks shall be measured from the outer edge of the disturbed area as follows:

- (a) Front yard: The front yard setback shall not be less than one hundred (100) feet;
- (b) Side yard: Each side yard setback shall not be less than one hundred (100) feet;
- (c) Rear yard: The rear yard setback shall not be less than one hundred (100) feet;
- (d) Other facilities: Any MSGMPVF shall not be less than three hundred (300) feet from any existing MSGMPVF or LSGMPVF.

Any application that cannot meet the above setback requirements shall require a variance from the Zoning Board of Appeals.

5.3.3 Lighting

Lighting of all parts of the MSGMPVF, including appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the MSGMPVF shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution. All lighting shall comply with International Dark Sky Standards FSA Certification Requirements. There shall be no illumination without personnel on site. Lighting of a MSGMPVF shall be consistent with local, state and federal laws.

5.3.4 Noise

Noise generated by a MSGMPVF, including cooling fans, inverters, associated equipment and machinery shall conform at a minimum to applicable state and local noise regulations, including the DEP's Division of Air Quality noise regulations, 310 CMR 7.10. In addition, no noise, or sound from the Facility shall be normally perceptible more than fifty (50) feet from the Facility premises property line. The Facility shall be considered in violation of this bylaw if the source increases the sound level by more than 10 dB(A) above ambient, or 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 more than three (3) decibels. These criteria are to be satisfied at the MSGMPVF property line and at the nearest inhabited residence.

Ambient is defined as the background A-weighted sound level that is exceeded ninety percent (90%) of the time during equipment operation times, as measured prior to operation of the facility, unless established by other means with consent of the DEP.

Noise reduction shall be considered and incorporated as needed during the design phase of the installation including the location of the noise generator, shielding, noise cancellation, filtering, and noise suppression.

5.3.5 Signage and Emergency Services

5.3.5.1 A sign consistent with Section III.C of the Ashfield Zoning Bylaws shall be required to identify the Owner and/or Operator and provide a 24-hour emergency contact phone number. A MSGMPVF shall not be used for displaying any advertising.

5.3.5.2 The MSGMPVF Owner and/or Operator shall coordinate with local Emergency Services in developing an emergency response plan. All means of shutting down the MSGMPVF shall be clearly marked.

6. Large Scale Ground Mounted Photovoltaic Facilities (LSGMPVF)

6.1 Applicability

6.1.1 This Section applies to any GMPVF larger than 250 kW – or occupying one-and-one-half (1.5) acres to ten (10) acres including land covered by the solar cell array and auxiliary equipment such as inverters, batteries, etc., on one (1) or more adjacent parcels in common ownership – including those separated by a roadway. Any such GMPVF shall be designated a Large-Scale Ground Mounted Photovoltaic Facility (LSGMPVF). Any LSGMPVF, in addition to being in compliance with this Section, requires a Special Permit in accordance with the Ashfield Zoning Bylaws.

6.1.2 Special Permits for LSGMPVF shall comply with Section VII of the Ashfield Zoning Bylaws. Where conflicts between this Bylaw and Section VII of The Ashfield Zoning Bylaws occur, the more stringent requirement shall apply.

6.1.3 This Section also pertains to physical modifications that materially alter the type, configuration, or size of a LSGMPVF or related equipment.

6.2 General Requirements

6.2.1 No photovoltaic facility shall exceed ten (10) acres, including land covered by the solar cell array and auxiliary equipment such as inverters, batteries, etc.

6.2.2 Compliance with Laws, Ordinances and Regulations

6.2.2.1 The construction and operation of all LSGMPVF 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 LSGMPVF shall be constructed in accordance with the State Building Code. All discharges of liquids and airborne discharges must comply with state and federal regulations.

6.2.2.2 All appurtenant structures to LSGMPVF shall be subject to all applicable Sections of the Ashfield Zoning Bylaws.

6.2.3 Building Permit, Building Inspection and Consultants

6.2.3.1 Once a special permit has been granted, no LSGMPVF shall be constructed, installed, or modified without first obtaining a building permit. Operation of the facility shall not be allowed until the facility has been inspected and found to conform to applicable codes and regulations, and the conditions of the building permit and the special permit.

6.2.3.2 Pursuant to M.G.L. Chapter 44, Section 53G the Planning Board may engage an independent consultant or consultants, at the Applicant's expense, to review the Applicant's engineering designs and site plans for the LSMGPVF.

6.2.4 Visual Impact

Any LSGMPVF shall be sited, designed and constructed to minimize and mitigate adverse visual impacts to the maximum extent that is practical, including providing vegetative buffer, preserving natural vegetation, blending in equipment with the surroundings, and adding landscaping to provide an effective visual barrier to screen the facility from the view of abutting residential properties. Glare and reflection effects must meet the requirements of Subsection 6.4.3.6, below. For any LSGMPVF a Visual Impact Assessment per Subsection 6.3(h), below, shall be submitted for review.

6.2.5 Utility Connection

No staging, site clearing and construction of a LSGMPVF shall be permitted until evidence has been provided to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has approved the LSGMPVF Owner's and/or Operator's intent to install an interconnected photovoltaic generator, and that the utility can and will connect the proposed generator into their power grid. Off-grid systems shall be exempt from this requirement.

6.3 Application Contents

The Applicant shall provide the following documents.

(a) A Project Description including:

- i. General description of the proposed facility;
- ii. Description of features that will allow the proposed facility to meet the requirements called for in subsequent subsections of this Bylaw;
- iii. Documentation of the major system components to be used, including the electric generating components, energy storage components, transmission systems, mounting system, inverter, etc.;
- iv. Electrical diagram detailing the LSGMPVF, associated components, and electrical interconnection methods, with all utility-compliant and National Electrical Code-compliant disconnects and overcurrent devices;
- v. Fire protection systems for electrical equipment including batteries;
- vi. 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;
- vii. A description of all liquid and airborne releases and provision to insure such releases meet state and federal regulations;
- viii. Name, address, and contact information for proposed system installer;
- ix. Name, address, phone number and signature of the Applicant as well as all co-Applicants, if any, and property Owner(s);
- x. The name, contact information and signature of any agents representing the Applicant; and
- xi. Chain of ownership, complete to the top tier decision making and ultimately responsible parties.

(b) A Site Plan that shows the following:

- i. Property lines and physical features, including access roads and topography, for the project site;
- ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures including their height;
- iii. Locations of wetlands, rivers and Priority Habitat Areas, Estimated Habitats of Rare Wildlife, and Natural Communities as defined by the Natural Heritage & Endangered Species Program (NHESP) and BioMap 2 or its current successor;
- iv. Locations of floodplains, and inundation areas for moderate or high hazard dams;
- v. Locations of National Register Districts;
- vi. Location of all existing trails, woods roads, stone walls, and historic features;
- vii. A buffer, screening and landscape plan as required in Subsection [6.4.3.2](#);
- viii. Location and approximate height of tree cover on the site at the time of application filing;
- ix. Blueprints or drawings of the LSGMPVF, signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts and showing the proposed layout of the system including poles and above ground wires, if any, for

the interconnection to the utility, location of equipment and construction staging areas, and location type and height of lighting fixtures;

- x. A locus plan showing the distance from the proposed LSGMPVF to the Ashfield Town boundaries; and
- xi. Emergency services plan showing access for fire trucks and any other features required by the Fire Department.

(c) Proof of sufficient liability insurance.

(d) Description of financial surety that satisfies Subsection 6.7.3.

(e) Signed approval of the plans by Emergency Services and the Conservation Commission.

(f) Any approvals required by MassWildlife.

(g) The results of a sound survey taken to measure ambient sound levels at the LSGMPVF property line and at the nearest inhabited residence prior to construction and operation of the LSGMPVF. Ambient is defined as the background A-weighted sound level that is exceeded ninety percent (90%) of the time during equipment operation times that is measured prior to operation of the LSGMPVF.

(h) Visual Impact Assessment of the proposed LSGMPVF.

The Visual Impact Assessment shall include methods such as viewshed analysis, field verification, visual simulation and line of sight studies including ground truthing to determine the potential project visibility, particularly from abutting properties. Such assessment shall produce a map showing all areas within a five (5) mile radius of the installation where the installation can be seen and where it cannot be seen. With input from the Planning Board or its designee, the applicant shall assess the visual impacts in critical areas of concern using additional tools such as renderings, and/or two- or three-dimensional visualizations, as necessary. The Visual Impact Assessment shall describe the visible components of the proposed project, identify key views for visual assessment, assess the potential project visibility, illustrate the appearance of the proposed project, and identify potential mitigation measures to minimize visibility to abutters and deleterious effects on viewsheds. The Visual Impact Assessment shall be taken into account when reviewing for compliance with Subsection 6.4.3 – Visual Impact.

(i) Stormwater Management Design Description and Plan.

This document must be submitted with the stamp and signature of a Registered Professional Engineer who is licensed in the Commonwealth of Massachusetts. The Stormwater Management Design Description and Plan shall fully describe the project in drawings, narrative, and calculations, and shall demonstrate that the system and plan can satisfy the requirements specified in Subsection 6.4.4.2 below. The plan shall include:

- i. The site's existing and proposed topography;
- ii. All areas of the site designated as protected open space;
- iii. A description and delineation of existing stormwater conveyances, impoundments, environmental resources on or adjacent to the site into which stormwater flows;
- iv. A delineation of 100-year flood plains, if applicable;
- v. Estimated seasonal high groundwater elevation in areas to be used for stormwater retention, detention, or infiltration;
- vi. Existing and proposed vegetation and ground surfaces with runoff coefficients for each;
- vii. A drainage area map showing pre- and post-construction water shed boundaries, drainage area and stormwater flow paths, including municipal drainage system flows, at a scale that enables verification of supporting calculations;

- viii. A recharge analysis that calculates pre- and post-construction annual groundwater recharge rates on the parcel;
- ix. A description and drawings of all components of the proposed stormwater management system; and
- x. Soils information from test pits performed at the location of proposed stormwater management facilities, including soil descriptions, depth to seasonal high groundwater and depth to bedrock. Soils information shall be based on site test pits logged by a Massachusetts Certified Soil Evaluator.

6.4 Siting, Performance, and Design Requirements

6.4.1 Setbacks

6.4.1.1 LSGMPVF front, side and rear setbacks – measured from the outer edge of the disturbed area – shall be as follows.

- (a) Front yard: The front yard setback shall not be less than one hundred fifty (150) feet;
- (b) Side yard: Each side yard setback shall not be less than one hundred (100) feet;
- (c) Rear yard: The rear yard setback shall not be less than one hundred (100) feet;
- (d) Historic areas: The LSGMPVF shall not be located within one-quarter (1/4) mile from any area shown in the Ashfield Plain Register District map, (see Attachment A);
- (e) Abutting towns: The LSGMPVF shall be set back not less than three hundred (300) feet from neighboring town boundaries;
- (f) Other facilities: LSGMPVF shall not be less than three hundred (300) feet from any existing MSGMPVF and/or LSGMPVF.

6.4.1.2 Any Applicant that cannot meet the above setback requirements may request a waiver to be issued at the discretion of the Planning Board. To receive a waiver for setbacks, the Applicant shall submit a written request to the Planning Board for review at the time of application. The Planning Board may ask for additional materials, including plans for extra screening or other mitigation to compensate for an insufficient setback.

6.4.2 Slope

LSGMPVF sites shall not exceed a ten percent (10%) grade prior to or subsequent to any grading, filling, or other re-contouring.

6.4.3 Visual Impact

6.4.3.1 System Siting and Design

LSGMPVF system siting and design, including buffers and screening, shall protect scenic vistas and view sheds from residential uses and public roadways. For any LSGMPVF, results of the visual impact assessment called for in Subsection 6.3(h) shall be taken into account when reviewing the facility for compliance with this paragraph and with Subsection 6.2.3 of this Bylaw.

6.4.3.2 Screening

- (a) A LSGMPVF shall be effectively screened year-round from all abutting properties. Except for vehicular and pedestrian access routes and permitted signs, setback areas shall be modified only for additional screening. Where existing vegetation in the setbacks is insufficient to achieve year-round screening, additional screening shall be provided

including, but not limited to, planting of dense vegetation and/or making use of natural ground elevations – all depending on site specific conditions. Tree cutting within the required setback area shall not be permitted if it reduces the effectiveness of the year-round screening.

(b) If additional plantings are required for screening, a planting plan shall be submitted, subject to the approval of the Planning Board, meeting the following requirements:

i. All types, sizes and locations of materials used shall be identified.

ii. Trees shall be a minimum of six (6) feet in height at installation, and shrubs a minimum of three (3) feet in height at installation. All plants shall be staggered so as to fill the setback area and keep the arrays from view year-round.

iii. A diversity of non-invasive plant species (specifically excluding plants listed in the most recent “Massachusetts Prohibited Plant List” maintained by the Massachusetts Department of Agricultural Resources) shall be used for screening and erosion control. Cultivars of native plants are acceptable.

iv. At least fifty percent (50%) of the plantings shall consist of evergreens and shall be spaced to provide effective screening in the setback area, at a spacing of eight (8) foot centers.

v. The Owner and/or Operator shall maintain vegetative screen plantings for the life of the facility, including replacement of any dead or unhealthy plants.

(c) Installation of vegetative screen-plantings shall be fully completed prior to connection of the facility.

6.4.3.3 Lighting

Lighting of all parts of the LSGMPVF, including appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the LSGMPVF shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution. All lighting shall comply with International Dark Sky Standards FSA Certification Requirements. There shall be no illumination without personnel on site. Lighting of a LSGMPVF shall be consistent with local, state and federal laws.

6.4.3.4 Signage

A sign consistent with Section III.C of the Ashfield Zoning Bylaws shall be required to identify the Owner and/or Operator and provide a 24-hour emergency contact phone number. A LSGMPVF shall not be used for displaying any advertising.

6.4.3.5 Heights

The height of the photovoltaic array – as part of a LSGMPVF – shall not exceed eighteen (18) feet above finish grade. The Planning Board may vary the height requirement to facilitate agricultural activity within the Facility. Other structures associated with the LSGMPVF shall conform to the relevant sections of the Ashfield Zoning Bylaws.

6.4.3.6 Glare and Reflection

The design of the LSGMPVF shall prevent reflected solar radiation or glare from becoming a public nuisance or hazard to adjacent buildings, roadways, or properties. Designs may include, but not be limited to, deliberate placement and arrangement on the site, anti-reflective materials, solar glare modeling, and screening.

6.4.4 Environmental Requirements

6.4.4.1 Siting

LSGMPVF shall not be located in or within one hundred (100) feet of Priority Habitat Areas, Estimated Habitats of Rare Wildlife, and Natural Communities [or Priority Habitat, Core Habitat or Critical Natural Landscape] as defined by the Natural Heritage & Endangered Species Program (NHESP) and BioMap 2, or its current successor.

6.4.4.2 Stormwater Management System and Plan

For any LSGMPVF a stormwater system and plan shall be provided and adhered to such that all post-development stormwater, up to and including a 50-year return frequency 24-hour storm, shall be retained on the parcel containing the LSGMPVF and infiltrated into the soil thru low impact development, retention and infiltration basins. The design shall address the effects of alterations to the site including clearing of vegetation and the immediate and long term effects of rain washing off impermeable surfaces of photovoltaic arrays and associated structures, and collecting as runoff rather than reaching the ground directly as diffuse rainwater.

Emergency overflows for storms in excess of the 50-year return frequency may be permitted, provided it is demonstrated that no flooding or damage would be caused by the overflow. Attenuation of the discharge may be required as needed as determined by the Planning Board.

6.4.4.3 Ecological Requirements

(a) Land Clearing

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the installation. Existing root structures, flat gravel areas, and topsoil shall be maintained to the maximum extent practicable.

(b) Control of Vegetation

Herbicides may not be used to control vegetation at the LSGMPVF. Possible alternatives may be mowing, or the use of crushed rock or geo-textile materials installed underneath the solar array.

(c) Open Areas

The disturbed area not covered by photovoltaic panels or forest shall be seeded with a pollinator mix and maintained as bird and insect habitat. Mowing is to be the minimum required to prevent unwanted growth. Alternative vegetation or cover options may be proposed by the Applicant in consideration of soil type and quality, and/or agricultural use, subject to the approval of the Planning Board.

(d) Topsoil

Except for well drained, stable gravel, six (6) inches of topsoil shall be applied to areas stripped of topsoil during contouring or other site preparation. Wherever practicable the Contractor shall re-use sufficient on-site topsoil from excavated areas to establish a vegetative cover that blends disturbed areas into the surrounding landscape when the work on the project is completed. Topsoil shall not be imported unless there is a demonstrated engineering need, and such imports must be approved by the Planning Board prior to any introduction.

6.4.4.4 Hazardous Material

(a) 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 Department of Environmental Protection (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 LSGMPVF electric equipment, impervious containment areas capable of preventing any release to the environment and preventing contamination of groundwater are required.

(b) Liquid Discharges

All liquid discharges from the facility must comply with applicable state and federal regulations.

(c) Airborne Discharges

All airborne discharges from the facility must comply with applicable state and federal regulations.

6.4.4.5 Noise

Noise generated by a LSGMPVF, including cooling fans, inverters, associated equipment and machinery shall conform at a minimum to applicable state and local noise regulations, including the DEP's Division of Air Quality noise regulations, 310 CMR 7.10. In addition, no noise, or sound from the Facility shall be normally perceptible more than fifty (50) feet from the Facility premises property line. The Facility shall be considered in violation of this bylaw if the source increases the sound level by more than 10 dB (A) above ambient, or 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 more than three (3) decibels. These criteria are to be satisfied at the LSGMPVF property line and at the nearest inhabited residence.

Noise reduction shall be considered and incorporated as needed during the design phase of the installation including the location of the noise generator, shielding, noise cancellation, filtering, and noise suppression.

6.4.5 Safety Requirements

6.4.5.1 Emergency Services

The LSGMPVF Owner and/or Operator shall provide a copy of the project summary, electrical diagram, site plan and any other blueprints or drawings to the Ashfield Fire Chief. The Owner and/or Operator shall coordinate with local Emergency Services in developing an emergency response plan. All means of shutting down the LSGMPVF shall be clearly marked. The Owner and/or Operator shall identify to the Planning Board and Select Board a responsible person to promptly answer inquiries from the public, town, state, and federal officials and agencies throughout the life of the LSGMPVF.

6.4.6 Utility Connection

All utility connections from the LSGMPVF to existing overhead utilities shall be underground, unless the utility determines, in consultation with the Planning Board, that it is unsafe or not feasible. Electrical transformers for utility interconnections may be above ground, if required by the utility provider.

6.5 Construction

6.5.1. Site Control and Construction Monitoring

6.5.1.1 Site Control

The Applicant shall provide documentation to demonstrate legal access to and control over the proposed site sufficient to allow for the construction and operation of the proposed LSGMPVF. If the Applicant will be leasing the proposed site, the property owner of the site shall be required to sign the application as a co-applicant, to submit written consent to be a co-holder of the Special Permit if granted by the Planning Board.

6.5.1.2 Construction Monitoring

(a) Notice

Written notice shall be sent by certified mail to the Planning Board advising the Board that construction of the approved LSGMPVF will commence no sooner than fourteen (14) days from the date that such notice is mailed.

(b) Monitoring

During construction of the LSGMPVF the Owner and/or Operator shall allow the Town of Ashfield and its designees, representatives, and agents, the right to access the Property for site visits of the premises, to evaluate and enforce, if required, compliance with the terms of the Special Permit.

The Planning Board and Building and Electrical Inspectors shall be allowed access to the site throughout construction. For any LSGMPVF the Planning Board may hire, at the Applicant's expense, a third-party inspector, selected by and acting under the direction of the Planning Board or its agents, to monitor compliance with all terms, approvals and conditions during the construction of the LSGMPVF pursuant to M.G.L. Chapter 44, Section 53G.

(c) Delineation of Limit of Work

For any LSGMPVF, prior to any site disturbance and construction, the limits of work shown on the site plan shall be surveyed and clearly marked by a Professional Land Surveyor at the Applicant's expense. Upon completion of the survey, the Professional Land Surveyor shall verify in writing to the Planning Board that the limit of work, as shown on the approved application, has been established on the site.

6.5.2 Noise

The noise generated during construction of the Facility shall comply with the provisions of the MassDEP Division of Air Quality Noise Regulations (310 CMR 7.10), as amended, or the provisions of Subsection 6.4.4.5 of this Bylaw, whichever are more restrictive. This Subsection also applies to vehicles making deliveries to the site.

Exemption from the standards established in this subsection may be granted by the Planning Board during the construction stages of the LSGMPVF for cause shown and upon written agreement between the Owner and/or Operator and the Planning Board. However, any such exceeding of the noise standards shall not be allowed between the hours of 7:00 p.m. and 7:00 a.m.

6.5.3 Stormwater Management

To ensure proper containment and stabilization of the site during the construction phase, a Construction-Phase Stormwater Management Plan to control construction-related impacts, including erosion, sedimentation, and other pollutant sources during construction and land disturbance activities (construction period erosion, sedimentation, and pollution prevention plan) shall be developed and implemented. Such plan shall be suitable to document compliance with Standard 8 of the Massachusetts Stormwater Handbook. This plan may be subject to review by an independent consultant hired by the Planning Board at the Applicant's expense pursuant to M.G.L. Chapter 44, Section 53G.

6.6 Operations

6.6.1 Maintenance and Site Access

The LSGMPVF Owner and/or Operator shall maintain the LSGMPVF and Stormwater Control or Management System in good condition. Maintenance shall include – but not be limited to – painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Ashfield Fire Chief and Emergency Management Director. The Owner and/or Operator shall be responsible for the cost of maintaining the LSGMPVF and any access road(s) for the life of the project.

Systems and equipment shall be maintained and operated such that the LSGMPVF continues to meet the requirements of this Bylaw.

6.6.2 Inspections

The Building Commissioner may require annual site visits for the purpose of ensuring safety requirements are being met. Fees for such visits shall be consistent with those established for such visits by the Franklin County Cooperative Inspection Program or its successor agencies and shall be paid by the Owner and/or Operator.

6.6.3 Annual Reporting

The Owner and/or Operator of the LSGMPVF shall submit an Annual Report that certifies compliance with the requirements of this Bylaw and their approved site plan including control of vegetation and adequacy of road access. The Annual Report shall also provide information on the current ownership and responsible parties for the LSGMPVF, the maintenance completed during the course of the year and the amount of electricity generated by the LSGMPVF, any major alterations to equipment or the site, and any events of environmental or safety concern. The report shall be submitted to the Planning Board, Select Board, Fire Chief, Emergency Management Director, Building Commissioner, Board of Health, and Conservation Commission (if a wetlands permit was issued) no later than forty-five (45) days after the end of the calendar year.

6.7 Decommissioning

6.7.1 Decommissioning Requirements

Any LSGMPVF that has ceased to operate – or has been abandoned, as consistent with Subsection 6.7.2 – shall be decommissioned. The Owner and/or Operator shall notify the Planning Board and Building Commissioner by certified mail of the proposed date of cessation of operations and plans for decommissioning. The Owner and/or Operator shall begin the physical removal of the LSGMPVF no more than one hundred fifty (150) days after the date of cessation of operation and complete the decommissioning within one (1) year of the date of the cessation of operation. If the decommissioning is not completed by this date, the Town of Ashfield may treat the facility as abandoned and complete the decommissioning at the expense of the Owner and/or Operator.

Any panel removed from the LSGMPVF array, and any other equipment removed from service during the facility's operating life may not remain on the parcel for more than one (1) year.

Decommissioning shall consist of the following:

- (a) Physical removal of all LSGMPVF structures, equipment, security barriers and transmission lines from the site;
- (b) Disposal of all solid and hazardous waste, in accordance with local, state, and federal waste disposal regulations; and
- (c) Stabilization or re-vegetation of the site, as necessary, to minimize erosion. The Owner and/or Operator may leave landscaping, below-grade construction and driveways if this can be shown to minimize erosion and disruption to vegetation. Any site that was deforested for the LSGMPVF shall be remediated to encourage a return to a condition consistent with residential/agricultural use. The cost of plant replacement shall be incorporated into the financial surety stipulated in Subsection 6.7.3.

6.7.2 Cessation of Operations and Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the LSGMPVF shall be considered to have ceased operation when it fails to produce energy in the amount of at least twenty percent (20%) of its design energy output for more than one (1) year without the written consent of the Building Commissioner. If the owner/operator fails to begin decommissioning the LSGMPVF within one hundred fifty (150) days of its cessation operation, the facility will be deemed abandoned.

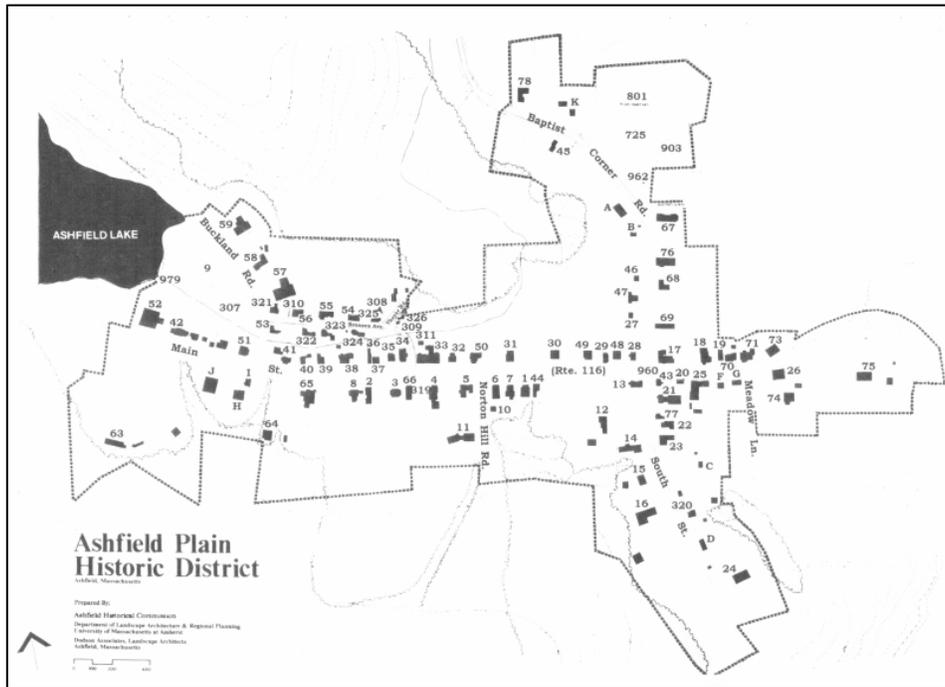
6.7.3 Financial Surety

6.7.3.1 Applicants of LSGMPVF shall provide a form of surety – either through escrow account, bond or otherwise – to cover the cost of removal, in the event the Town must remove the LSGMPVF and remediate the landscape. If the Owner and/or Operator fails to remove the LSGMPVF in accordance with the requirements of this section within one hundred fifty (150) days after either abandonment or the proposed date of decommissioning, the Town shall have the right, to the extent authorized by law, to enter the property and physically remove the system at the Owner’s expense. As a condition of permit approval, the Owner and/or Operator and property owner shall agree to allow entry to remove an abandoned or decommissioned LSGMPVF. The cost for the removal will be drawn from the performance surety provided by the Applicant or charged to the property owner in accordance with the provisions of M.G.L. Chapter 139, Section 3A.

6.7.3.2 The amount and form of surety shall be determined by the Planning Board, but shall not exceed one hundred twenty-five percent (125%) of the cost of removal and compliance, with the additional requirements set forth herein, as determined by the Applicant and the Town. This surety may also be used to recover other debt to the Town that the Owner and/or Operator might owe at the time of decommissioning. The financial surety shall be maintained by the owner for the lifespan of the LSGMPVF, with annual certification notices from the surety company or bank for surety bonds submitted to the Planning Board and Select Board.

6.7.3.3 The Applicant shall submit a fully inclusive estimate of the costs associated with removal and site restoration, as prepared by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts. The estimate shall include the cost of removal of underground construction unless the Planning Board deems it acceptable for below ground construction to remain in place. The amount shall be no less than ten percent (10%) of the expected construction costs – exclusive of photovoltaic panel purchase costs – and shall include a mechanism for calculating increased removal costs, due to inflation.

Attachment A



#	Historic Name	Date	#	Historic Name	Date	#	Historic Name	Date
Contributing Structures			Contributing Structures			Non-Contributing Structures (less than 50 years old)		
1	Town Hall:	1812	50	Fessenden-Henry House:	1899	A	R. Anderson	
2	Wing-Cranston House:	1845	51	Benjamin House:	c.1890	B	D. Craft	
3	Belding Memorial Library:	1914	52	Dupree Garage:	1928	C	D. Nye	
4	Crafts-Hargraves House:	1854	53	Collins-Parker House:	1870	D	R. Pease	
5	Knowlton-Bacon House:	1800	54	Reniff-Gibson Garage:	1880	E	C. Buck	
6	Elmer's Store:	c.1835	55	Howes-Jenkins House:	1880	F	D. Lesare	
7	Whitehead House:	1880	56	Stetson House:	1880	G	Post Office	
8	Sanderson House:	1798	57	Sanderson Academy:	1939	H	Telephone Company	
9	Belding Park Site:	1928	58	Braeman-Pease House:	1850	I	Short Stop Variety	
10	Curtis Studio-Packard:	1870	59	C.W. Ward House:	1900	J	J. Dickerson	
11	Norton House:	1793	63	Green Meadows:	1916	K	Veteran's Monument:	1980
12	Curtis House:	1902	64	Belding Stable and Garage:	1889			
13	St. John's Church:	1827-28	65	Georgianna-Adelphi:	1889			
14	Guilford House:	pre-1850	66	Crafts-Dige House:	1850			
15	Cook-Day House:	c.1825	67	Ranney-Ioserman House:	1890			
16	Cook-Jones-Feldman House:	c.1875	68	Hathaway-Rillings House:	1910			
17	Ranney Block, Field Tavern:	1792	69	Shippee-Leonard:	1850			
18	Congregational Parsonage:	1870	70	Baptist Parsonage:	1886			
19	Grange Hall:	rebuilt 1869	71	Whitney House:	1853			
20	Nye House:	pre-1820	72S	Congregational Church (first site)				
21	Nye-Lilly House:	1796	73	I.R. Jones-Darling House:	1833			
22	Elmer Magee House:	pre-1850	74	Vicarage-Cassidy House:	1913			
23	Seth Wait's Tavern:	1766	75	Five Acres (Lapping):	1900			
24	Mizzentop-Farragut:	1883	76	G. Ranney House:	1890			
25	Nye-Edwards House:	pre-1820	77	Nye Shop:	1850			
26	Percy House:	pre-1793	78	O'Malley House:	1897			
27	Plain School:	1881	307	Flower-Cook Mill Site				
28	Selah Norton House:	1793	309	Tobias-Bernaski House:	c.1900			
29	Ashfield Historical Museum:	1830	311	Hathaway-Gardner Factory Site				
30	Congregational Church:	1856	319	First Site of Sanderson Academy				
31	White Homestead:	1794	320	Wylie-Dater House:	1931			
32	VanNess-Cordelli House:	c.1827	321	Howard-Pease House:	1915			
33	Ashfield House:	1830	323	Coughlin House:	1892			
34	Porter House:	1850	324	Graves-Cotter House:	c.1900			
35	Henry-Keyes Store:	1858	325	Anderson-Wiltanen House:	c.1900			
36	VanNess Tin Shop:	late 1800's	326	Guganig-Bennett:	post-1900			
37	Fred Lilly House:	1858	308	Fessenden Steps and Walk to Sanderson Academy				
38	Cady Howes House:	1880	310	Bronson's Steps and Walk to Sanderson Academy				
39	Sander-Dige-Ward House:	1825						
40	Coleman-Phillips House:	pre-1850						
41	Chet Bronson House:	c.1890						
42	Old Sanderson Academy:	c.1816						
43	Perry-Carter House:	c.1820						
44	Fire Station:	1900, 77						
45	Craft House:	pre-1850						
46	Wes Hall House:	1871						
47	McFarland-Graves House:	c.1815						
48	Sandy Garage:	1927						
49	Smith-Buck House:	1906						
			Other Contributing Structures					
			801	Plain Cemetery				
			960	Curtis Watering Trough:	1907			
			962	Civil War Monument:	1917			
			979	Ashfield Lake Dam:	1879			



Proposed by the Planning Board
2/3 Majority Vote Required

And you are directed to serve this Warrant, by posting up attested copies thereof at the ASHFIELD TOWN HALL and the ASHFIELD POST OFFICE in said Town, seven (7) days at least before the time of holding said meeting.

Hereof Fail Not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given this day under our hands this **19th** day of **April** in the year **Two Thousand and Twenty-Two**.

Steven R. Gougeon, Chair

Thomas S. Carter, Vice-Chair

Ashfield Select Board

Todd M. Olanyk, Member

A true copy. Attest: _____ Constable

Franklin, SS

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Ashfield by posting up attested copies of the same at the Ashfield Town Hall and the Ashfield Post Office

_____ days before the date of the meeting as within directed.

Constable of Ashfield

Date