

**TOWN WARRANT
COMMONWEALTH OF MASSACHUSETTS**

HAMPDEN, S.S.

TOWN OF WALES

GREETINGS: In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of Wales that the Annual Town Meeting will be held in the WALES ELEMENTARY SCHOOL, 41 Main Street, in said Wales, on **WEDNESDAY, the 17th day of MAY, 2017** at 7:00 p.m., or as soon thereafter as the subject matter of this warrant can then and there be reached, to act on the following Articles:

ARTICLE 1 To hear the reports of Town Officers and act on same, or take any other action relative thereto. (Submitted: Board of Selectmen)

ARTICLE 2 To hear the reports of Committees and act on same, or take any other action relative thereto. (Submitted: Board of Selectmen)

ARTICLE 3 To see if the Town will vote to transfer from Certified Free Cash the sum of \$2,000.00 for Dam Inspections, or take any other action relative thereto. (Submitted: Town Accountant)

ARTICLE 4 To see if the Town will vote to transfer from Certified Free Cash the sum of \$2,167.00 for the Board of Assessors to undertake property revaluation, or take any other action relative thereto. (Submitted: Board of Assessors and Finance Committee)

ARTICLE 5 To see if the Town will vote to transfer from Certified Free Cash the sum of \$4,000 for an Audit of the Town's finances, or take any other action relative thereto. (Submitted: Finance Committee and Town Accountant)

ARTICLE 6 To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the Fiscal Year beginning July 1, 2017, in accordance with the provisions of M.G.L., c. 44, §4 and to renew any note or notes as may be given in accordance with the provisions of M.G.L., c. 44, § 17, or take any other action relative thereto. (Submitted: Board of Selectmen)

ARTICLE 7 To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to enter into compensating balance agreements with bank offices having their principal offices in the Commonwealth during the fiscal year 2018, as permitted by M.G.L., c.44, §53 F, or take any other action relative thereto. (Submitted: Board of Selectmen)

ARTICLE 8 To see if the Town will vote to accept any and all grant monies received during FY18 for the Wales Public Library Grant Account, for the use of the Wales Public Library, or take any other action relative thereto. (Submitted: Library Trustees)

ARTICLE 9 To see if the Town will vote to transfer from Certified Free Cash the sum of \$5,000.00 for the purpose of funding the Other Post-Employment Benefits account, or take any other action relative thereto. (Submitted: Finance Committee)

ARTICLE 10 To see if the Town will vote, pursuant to the provisions of M.G.L., c. 44, § 53E ½, to reauthorize revolving funds for certain Town departments and officers for the fiscal year beginning July 1, 2017, as follows, or take any other action relative thereto:

REVOLVING FUND	AUTHORITY TO SPEND	REVENUE SOURCE	USE OF FUND	FY'18 BUDGET
Building Inspections	Building Commissioner	Inspection Fees	Expenses and costs related to provision of inspection services. If re-authorized, amount in Excess of \$500 (excluding unpaid expenses) shall close to general fund.	\$18,000
Plumbing, Heating And Gas Inspections	Plumbing/Heating/Gas Inspector	Inspection fees and expense reimbursements	Expenses related to provision of inspection services. If re-authorized, balance (excluding fees due to the inspector) shall close to general fund.	\$4,000
Cemetery Services	Cemetery Commission	Fees received in connection with opening and closing graves	Expenses and costs related to opening and closing graves, including payment to other departments related thereto	\$3,000
Planning	Planning Board	Filing fees and expense reimbursements	Expenses and costs related to processing applications, publishing notices, and holding hearings	\$3,000
Conservation	Conservation Commission	Filing fees, expense reimbursements	Expenses and costs related to processing applications, publishing notices, and holding hearings	\$1,500
Zoning	Zoning Board	Filing fees and expense reimbursements	Expenses and costs related to processing applications, publishing notices and holding hearings	\$1,000
Animal Control	Animal Control Officer	Fines and fees	Expenses and costs related to provision of animal control services for which fees and fines are assessed	\$2,000
Library	Library Trustees or Director	Fees and fines	Expenses and costs related to library programs and activities for which fees and fines are assessed	\$1,000
Board of Health	Board of Health	Fees and reimbursements	Expenses and costs related to enforcing State & Local Board of Health regulations	\$5,000

REVOLVING FUND	AUTHORITY TO SPEND	REVENUE SOURCE	USE OF FUND	FY'18 BUDGET
Electrical	Electrical Inspector	Permit fees and expenses	Expenses related to inspections. If re-authorized, balance (excluding inspection fees due to the inspector) shall close to the general fund.	\$4,000
Police – Pistol Permits	Police Chief	Pistol Permit Fees	Expenses and costs related to pistol permit application review and issuance	\$4,000
Council on Aging	Council on Aging	Fees and reimbursements	Expenses and costs related to programs and activities for Seniors	\$3,500
Fire Dept.	Fire Inspector	Permit Fees	Expenses related to provisions of inspection services. If re-authorized, balance (excluding fees due to the inspector) shall close to the General fund.	\$2,500

ARTICLE 11 To see if the Town will vote to amend the General by-laws of the Town of Wales by adding **Chapter 3 Section 5** to establish and authorize revolving funds for use by certain Town departments, boards, committees, commissions, agencies or officers under Massachusetts General Laws Chapter 44 Section 53E½, or to take any other action thereon. (Submitted: Town Clerk and Finance Committee)

Chapter 3 Section 5 DEPARTMENTAL REVOLVING FUNDS

1. Purpose. This by-law establishes and authorizes revolving funds for use by town, departments, boards, committees, commissions, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.
2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:
 - A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
 - B. No liability shall be incurred in excess of the available balance of the fund.
 - C. The total amount spent during a fiscal year shall not exceed the amount authorized by this bylaw.
3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.
4. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E½ and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies

and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to the fund, the encumbrances and expenditures charged to each fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

5. Authorized Revolving Funds. The Table establishes:

- A. Each revolving fund authorized for use by a town department, board, committee, agency or officer,
- B. The department or agency head, board, committee or officer authorized to spend from each fund,
- C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant,
- D. The expenses of the program or activity for which each fund may be used,
- E. Any restrictions or conditions on expenditures from each fund,
- F. Any reporting or other requirements that apply to each fund,
- G. The fiscal years each fund shall operate under this by-law.

A: REVOLVING FUND	B: AUTHORITY TO SPEND	C: FEES, CHARGES OR OTHER RECEIPTS CREDITED TO FUND	D: PROGRAM OR ACTIVITY EXPENSES PAYABLE FROM FUND	E: RESTRICTIONS OR CONDITIONS ON EXPENSES PAYABLE FROM BUDGET	F: OTHER REQUIREMENTS OR REPORTS	G: FISCAL YEARS
Building Inspections	Building Commissioner	Inspection Fees	Expenses and costs related to provision of inspection services. Amount in Excess of \$500 (excluding unpaid expenses) shall close to general fund at fiscal year-end.			Fiscal Year 2019 and subsequent years
Plumbing, Heating And Gas Inspections	Plumbing/Heating/Gas Inspector	Inspection fees and expense reimbursements	Expenses related to provision of inspection services. Balance (excluding fees due to the inspector) shall close to general fund at fiscal year-end.			Fiscal Year 2019 and subsequent years
Cemetery Services	Cemetery Commission	Fees received in connection with opening and closing graves	Expenses and costs related to opening and closing graves, including payment to other departments related thereto.			Fiscal Year 2019 and subsequent years
Planning	Planning Board	Filing fees and expense reimbursements	Expenses and costs related to processing applications, publishing notices, and holding hearings.			Fiscal Year 2019 and subsequent years
Conservation	Conservation Commission	Filing fees, expense reimbursements	Expenses and costs related to processing applications, publishing notices, and holding hearings.			Fiscal Year 2019 and subsequent years
Zoning	Zoning Board	Filing fees and expense reimbursements	Expenses and costs related to processing applications, publishing notices and holding hearings.			Fiscal Year 2019 and subsequent years
Animal Control	Animal Control Officer	Fines and fees	Expenses and costs related to provision of animal control services for which fees and fines are assessed.			Fiscal Year 2019 and subsequent years
Library	Library Trustees or Director	Fees and fines	Expenses and costs related to library programs and activities for which fees and fines are assessed.			Fiscal Year 2019 and subsequent years
Board of Health	Board of Health	Fees and reimbursements	Expenses and costs related to enforcing State & Local Board of Health regulations.			Fiscal Year 2019 and subsequent years
Electrical	Electrical Inspector	Permit fees and expenses	Expenses related to inspections. Balance (excluding inspection fees due to the inspector) shall close to the general fund at fiscal year-end.			Fiscal Year 2019 and subsequent years
Police – Pistol Permits	Police Chief	Pistol Permit Fees	Expenses and costs related to pistol permit application review and issuance.			Fiscal Year 2019 and subsequent years
Council on Aging	Council on Aging	Fees and reimbursements	Expenses and costs related to programs and activities for Seniors.			Fiscal Year 2019 and subsequent years
Fire Dept.	Fire Inspector	Permit Fees	Expenses related to provisions of inspection services. Balance (excluding fees due to the inspector) shall close to the General fund at fiscal year-end.			Fiscal Year 2019 and subsequent years

ARTICLE 12 To see if the Town will vote to set limits on the Revolving Funds set forth in Chapter 3 Section 5 of the General Bylaws of the Town of Wales in accordance with M.G.L. c. 44, §53E 1/2 , as most recently amended as follows, or take any other action relative thereto:

Revolving Fund	Limit on Spending
Building Inspections	\$18,000.00
Plumbing, Heating and Gas Inspections	\$4,000.00
Cemetery Services	\$3,000.00
Planning	\$3,000.00
Conservation	\$1,500.00
Zoning	\$1,000.00
Animal Control	\$2,000.00
Library	\$1,000.00
Board of Health	\$5,000.00
Electrical	\$4,000.00
Police – Pistol Permits	\$4,000.00
Council on Aging	\$3,500.00
Fire Dept.	\$2,500.00

ARTICLE 13 To see if the Town will vote to reauthorize an Offset Receipt Account, said amount not to exceed SIXTY THOUSAND DOLLARS (\$60,000.00) more or less, for the operation of the **TRANSFER STATION** provided, however, that pursuant to M.G.L., c. 44, § 53E, such costs shall be offset by the estimated receipts from the fees charged to users of the services provided by the Transfer Station, or take any other action thereto. (Submitted: Select Board)

ARTICLE 14 To see if the Town will vote to transfer the sum of \$40,000.00 from Certified Free Cash to the General Stabilization Account, or take any other action relative thereto. (Submitted: Finance Committee)

ARTICLE 15 To see if the Town will vote to transfer the sum of \$25,000.00 from the Norcross Gift Account and transfer the sum of \$30,000.00 from Certified Free Cash to the Capital Stabilization Fund, or take any other action relative thereto. (Submitted: Finance Committee)

ARTICLE 16 To see if the Town will vote to raise and appropriate the total sum of \$4,249,882.63 to defray expenses of the Town, on a departmental basis; and further to fix the salary and compensation of the following elective officers of the Town of Wales, as provided by M.G.L. c. 41, §108, as amended: Moderator, Selectmen, Assessors, Treasurer, Collector, Town Clerk, Planning Board, Road Commissioner, and Board of Health for fiscal year 2018; or take any other action relative thereto. (Submitted: Finance Committee)

ARTICLE 17 To see if the Town will vote to transfer from Certified Free Cash the sum of \$102,000.00 for the purpose of paying off the principal of the Fire Department Tanker loan, or take any other action relative thereto. (Submitted: Finance Committee)

ARTICLE 18 To see if the Town will vote to approve and record the attached maps and lists of roads and parks for compilation into an Official Map for the Town of Wales, as per MGL Ch. 41 Section 81E, or take any other action relative thereto.

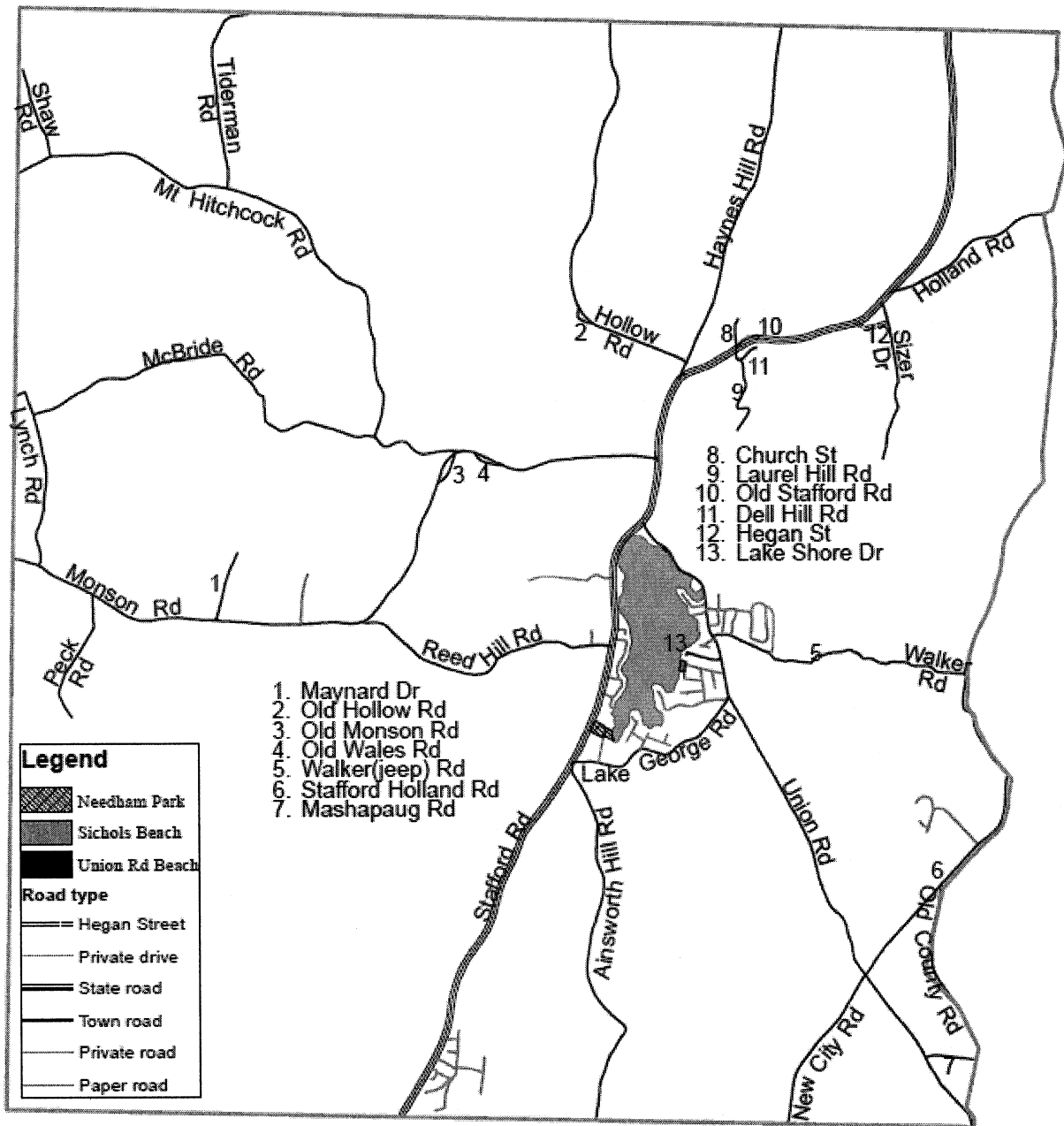
STREETNAME	Road_Type	TownPlows	Alt_Name	MeasFT	gisFT
Ainsworth Hill Rd	Town_road	Yes		7920	
Church St	Town_road	Yes		570	
Dell Hill Rd	Town_road	Yes		700	
Haynes Hill Rd	Town_road	Yes		7761	
Hegan St		Yes		684	
Holland Rd	Town_road	Yes		3626	
Hollow Rd	Town_road	Yes		8603	
Lake George Rd	Town_road	Yes		3854	
Lake Shore Dr	Town_road	Yes		740	
Laurel Hill Rd	Town_road	Yes		1812	
Lynch Rd	Town_road	Yes		3960	
Mashapaug Rd	Town_road	Yes		1108	
Maynard Dr	Town_road	Yes		1548	
McBride Rd	Town_road	Yes		10401	
Monson Rd	Town_road	Yes		15681	
Mt Hitchcock Rd	Town_road	Yes		11307	
New City Rd	Town_road	Yes		3446	
Old County Rd	Town_road	Yes		3064	
Old Hollow Rd	Town_road	Yes		477	
Old Monson Rd	Town_road	Yes		740	
Old Stafford Rd	Town_road	Yes		253	
Old Stafford Rd	Town_road	Yes		253	
Old Wales Rd	Town_road	Yes		645	
Peck Rd	Town_road	Yes		2745	
Reed Hill Rd	Town_road	Yes		5649	
Shaw Rd	Town_road	Yes		1946	
Sizer Dr	Town_road	Yes		3273	
Stafford Holland Rd	Town_road	Yes		5205	
Tideman Rd	Town_road	Yes		4090	
Union Rd	Town_road	Yes		14097	
Walker Rd	Town_road	Yes		5472	
Walker(jeep) Rd	Town_road	No		2640	
Stafford Rd	State_road	No		27023	
Bayside Dr	Private_drive	No		0	282
Brows Beach Dr	Private_drive	No		0	460
2nd St	Private	No		0	303
Birch St	Private	Yes		0	145
Cordially Colony	Private	Yes		0	612
Debbie St	Private	Yes		0	162
Fountain Rd	Private	Yes		0	1755
Grove Point	Private	Yes		0	388
Heck Rd	Private	Yes		0	387
Henry Rd	Private	Yes		0	1900
Henry Rd	Private	No		0	603
Hidden Acres	Private	Yes		0	1495
Joses St	Private	Yes		0	680
Joyce St	Private	Yes		0	293

Laurel Ln	Private	Yes		0	169
Maple Ln	Private	Yes		0	290
Maple St	Private	Yes		0	250
Old Stafford Rd	Private	Yes		0	269
Orchard Rd	Private	No		0	575
Poplar St	Private	Yes		0	350
Shore Dr	Private	Yes		0	2600
Sichols Colony	Private	Yes		0	773
Willow Dell	Private	Yes		0	304
Woodland Dr	Private	Yes		0	1025
Woodland Heights	Private	Yes		0	1167
Ash Lane	Private	No	Brookside Village	0	214
Birch Ln	Private	No	Brookside Village	0	192
Cedar Ln	Private	No	Brookside Village	0	582
Cedar Ln	Private	No	Brookside Village	0	562
Deerwood Ln	Private	No	Brookside Village	0	731
Dogwood Ln	Private	No	Brookside Village	0	405
Elm Ln	Private	No	Brookside Village	0	207
Greenwood Ln	Private	No	Brookside Village	0	453
Hemlock Ln	Private	No	Brookside Village	0	848
Willow Ln	Private	No	Brookside Village	0	1166
Beech Ln	Paper	N/A		0	187
Birch St	Paper	N/A		0	220
Debbie St	Paper	N/A		0	305
Eagle Pass Road	Paper	N/A		0	938
Fox Trap Rd	Paper	N/A		0	380
Grace Circle	Paper	N/A		0	727
Grove Point	Paper	N/A		0	222
Heck Rd	Paper	N/A		0	128
Hidden Acres	Paper	N/A		0	332
Hidden Acres	Paper	N/A		0	182
Laurel Ln	Paper	N/A		0	204
Maple St	Paper	N/A		0	46
Orchard Rd	Paper	N/A		0	1200
Poplar St	Paper	N/A		0	161
Willow Dell	Paper	N/A		0	177
Woodland Ln	Paper	N/A		0	515

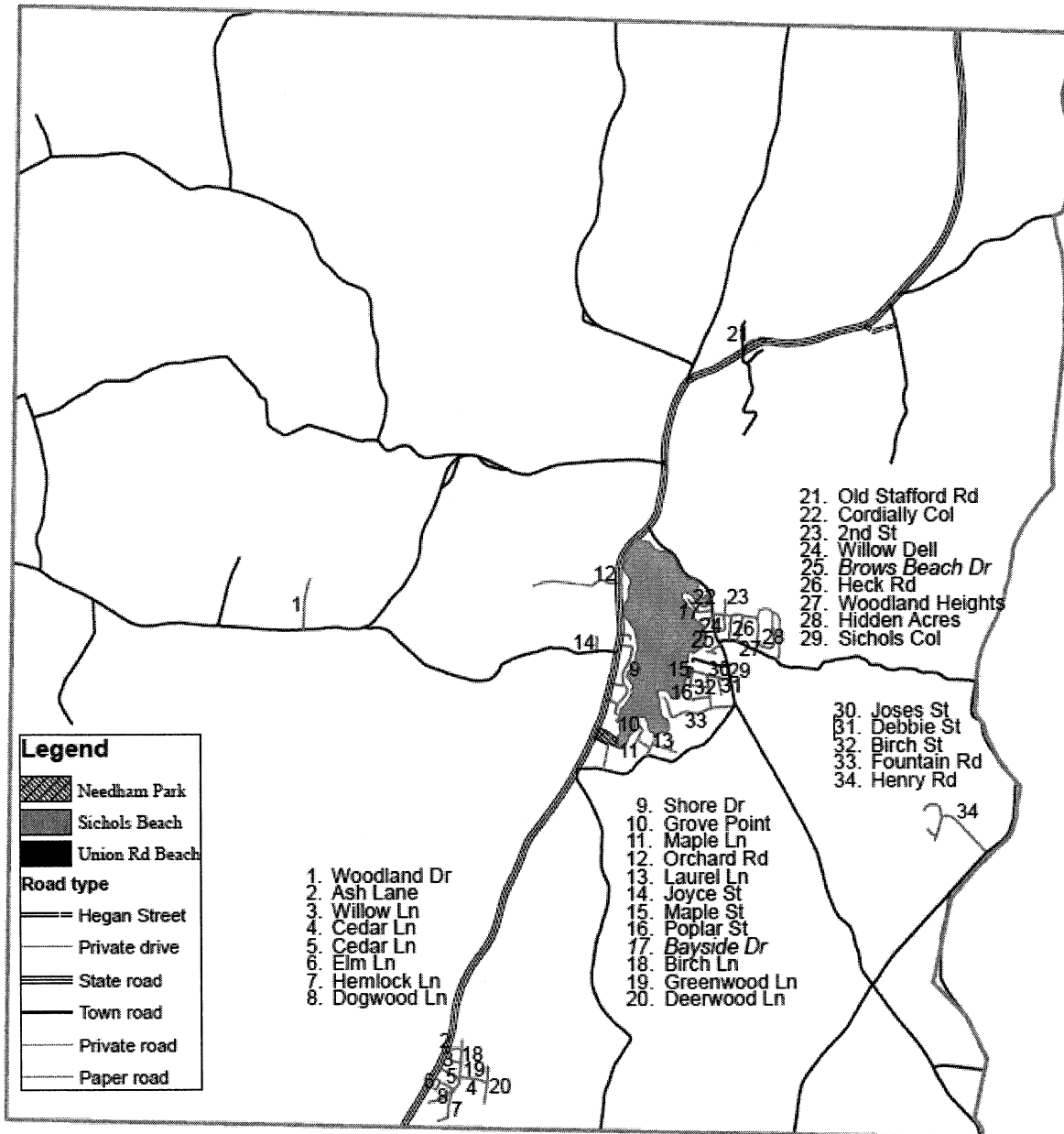
Sheet1

Park Name	Number	Street	Map	GIS acres
Sichol's Beach	29, 31, 33	Maple Street	D2	0.48
Needham Park		83 Stafford Road	C2	2.15
Union Road Beach		14 Union Road	C4	0.06

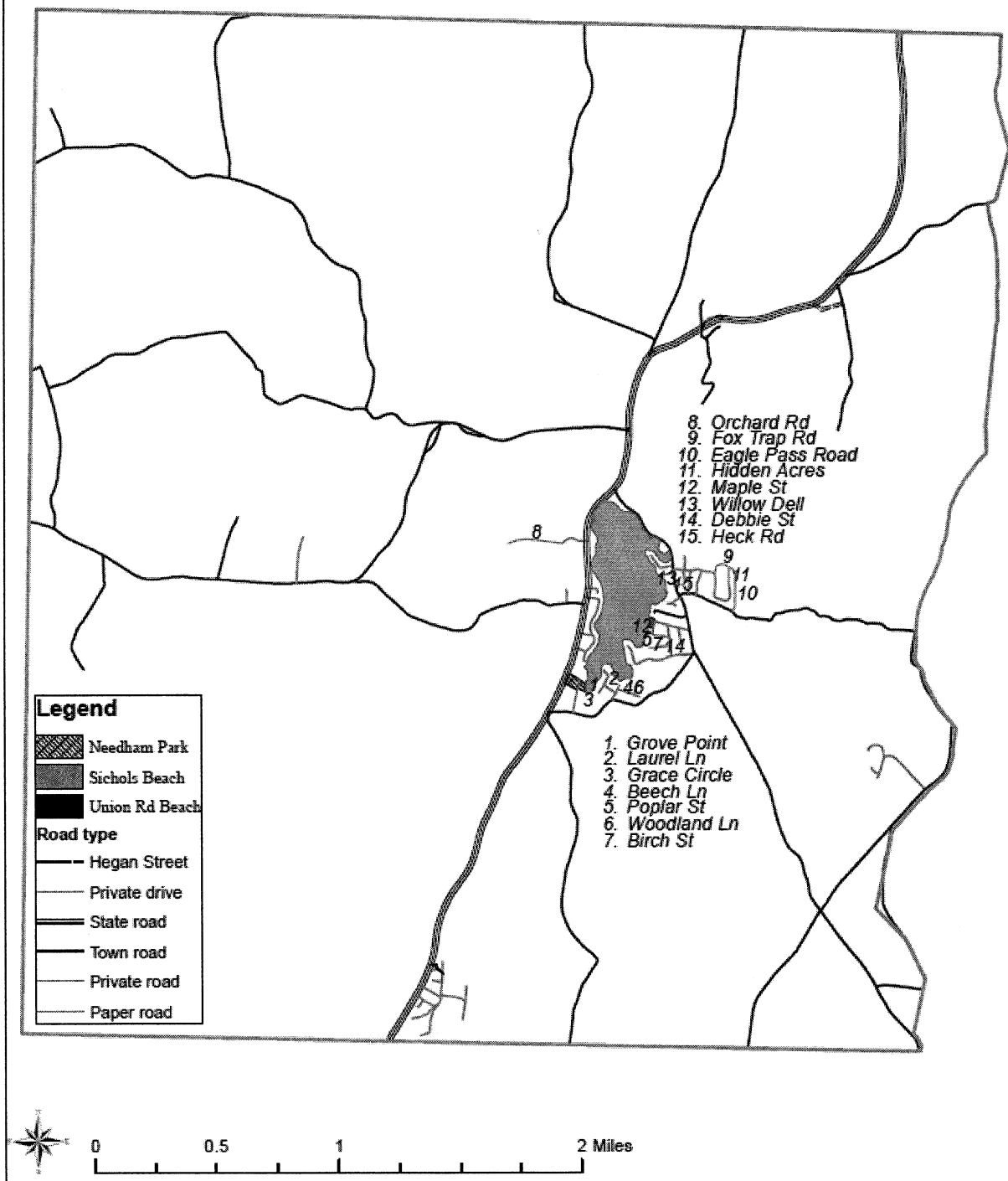
DRAFT Town of Wales Official Map - labeled town roads



DRAFT Town of Wales Official Map - labeled private roads



DRAFT Town of Wales Official Map - labeled paper roads



ARTICLE 19 To see if the Town will vote to authorize the Select Board to negotiate and enter into an agreement for Payment-in-Lieu-of-Taxes (PILOT) pursuant to the provisions of MGL Chapter 59, Section 38H(b), and Chapter 164, Section 1, or any other enabling authority, between the Town and Brightergy, or its successors or assigns, for real and personal property attributable to solar photovoltaic facilities to be installed and operated in the Town of Wales on land located at the intersection of Union Road and New City Road and as shown on Assessors map 24 for a term of 20 years on such terms, and on such other terms and conditions and for such consideration as the Select Board deems appropriate and subject to Town Counsel approval; and further to authorize the Select Board to take such action as may be necessary to carry out the vote taken hereunder, or take any action in relation thereto. (Submitted by the Select Board)

ARTICLE 20 To see if the Town will vote to Amend Town of Wales Zoning By-Laws by adding proposed Section 7.9, 'Registered Medical Marijuana Dispensaries' with the following text, and further that non-substantive changes to the lettering and numbering of this bylaw be made in order to make it consistent with the numbering format and sequencing of the Zoning Bylaws of the Town of Wales:

Section 7.9, Registered Medical Marijuana Dispensaries

7.9.1 Purpose: To provide for the placement of Registered Marijuana Dispensaries (RMDs), in accordance with the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq., in locations suitable for lawful medical marijuana facilities and to minimize adverse impacts of RMDs on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of RMDs.

7.9.2 Definitions: where not expressly defined in the Wales Zoning Bylaws, terms used in this Section shall be interpreted as defined in the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq. and the Department of Public Health Regulations promulgated thereunder, 105 CMR 725.001, et seq., and otherwise by their plain language.

7.9.3 Site Plan Review: Site Plan Review, for purposes of this Section of the by-law are Sections 7.9.6.1, 7.9.6.2, 7.9.7. In addition to any specific conditions applicable to the applicant, the Planning Board shall include the following conditions under this by-law.

7.9.4 Special Permit Granting Authority: For purposes of Section 7.9 the Planning Board is the Special Permit Granting Authority with provision for Appeals regarding placement of RMDs to the Zoning Board.

7.9.5 Location

7.9.5.1 RMDs may be permitted by-right with Site Plan Review, Section 7.9.3.

7.9.5.2 RMDs may not be located within 100 feet of the following:

- (a) School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
- (b) Licensed Child Care Facility;
- (c) Library;
- (d) Playground open to the public;
- (e) Public Park;
- (f) Youth center;
- (g) Public swimming pool;

- (e)Public Park;
- (f)Youth center;
- (g)Public swimming pool;
- (h)Video arcade facility; or
- (i)Municipal buildings
- (k)Similar facility in which minors commonly congregate

7.9.5.3 The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in Sections 2.0 and 3.0 to the nearest point of the proposed RMD's primary structure (i.e., the primary structure related to a proposed RMD must be 500 feet from the property line of a protected use).

7.9.5.4 The distance requirement may be reduced to 250 feet by Special Permit, under this Section 7.9, but only if:

- (a)The applicant demonstrates that the RMD would otherwise be effectively prohibited within the applicable zoning district;
- (b)The applicant demonstrates that the RMD will employ adequate security measures to prevent diversion of medical marijuana to minors who are not qualifying patients pursuant to 105 CMR 725.004.
- (c) If the applicant can demonstrate that the setback, even by Special Permit requirements, will further hinder their ability to open and operate an RMD the Planning Board may consider to hear and decide, on a case by case basis, whether to approve an RMD at the site the applicant has chosen. Such a circumstance will require a Public Hearing and abutters notified.

7.9.6 Procedure: Site Plan Review is required for all RMD applications in accordance with Section 7.9;C (i.e. Site Plan Review is required for this use even when there is no new construction or expansion of structures or parking areas).

7.9.6.1 Application: In addition to the materials required under Section 7.9.3 all applications for RMDs shall include:

- (a) A copy of its registration as an RMD from the Massachusetts Department of Public Health ("DPH");
- (b) A detailed floor plan of the premises of the proposed RMD that identifies the square footage available and describes the functional areas of the RMD, including areas for any preparation of MIPs;
- (c) A description of the security measures, including employee security policies, approved by DPH for the RMD;
- (d) A copy of the emergency procedures approved by DPH for the RMD;
- (e) A copy of the policies and procedures for patient or personal caregiver home-delivery approved by DPH for the RMD;
- (f) A copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between RMDs approved by DPH;
- (g) A copy of proposed waste disposal procedures; and
- (h) A description of any waivers from DPH regulations issued for the RMD.

7.9.6.2. Copies of the application shall be referred to other Town Departments. In addition, a copy shall be referred to the Police Department and Fire Department.

7.9.7. Conditions on RMDs: The Planning Board shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's RMD, the Planning Board shall include the following conditions in any permit granted under this Bylaw:

1. Hours of Operation, including dispatch of home deliveries.
2. The permit holder shall file a copy of any Incident Report required under 105 CMR 725.110(F) with the Zoning Enforcement Officer and the SPGA within 24 hours of creation by the RMD. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.
3. The permit holder shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by DPH or the Division of Administrative Law Appeals, as applicable, regarding the RMD with the Zoning Enforcement Officer and SPGA within 48 hours of receipt by the RMD.
4. The permit holder shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
5. The permit shall lapse within five (5) years of its issuance. If the permit holder wishes to renew the permit, an application to renew the permit must be submitted at least 120 days prior to the expiration of the permit.
6. The permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the RMD.
7. The permit shall lapse upon the expiration or termination of the applicant's registration by DPH.
8. The permit holder shall notify the Zoning Enforcement Officer and Planning Board in writing within 48 hours of the cessation of operation of the RMD or the expiration or termination of the permit holder's registration with DPH.

7.9.8. RMDs that demonstrate that they are protected pursuant to the agricultural exemption under G.L. c.40A §3 shall apply for Site Plan Approval under this by-law.

7.9.9. Prohibition Against Nuisances: No use shall be allowed under this Section 7.9 which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

7.9.10. Severability: The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

Or other action hereto. (Submitted by the Planning Board.)

ARTICLE 21 To see if the Town will vote to Amend the Town of Wales Zoning By-Laws By adding proposed Section 7.10 ‘Large-Scale Ground-Mounted Solar Photovoltaic Installations’ with the following text, and further that non-substantive changes to the lettering and numbering of this bylaw be made in order to make it consistent with the numbering format and sequencing of the Zoning Bylaws of the Town of Wales:

Town of Wales
Proposed Section 7.10

Large-Scale Ground-Mounted Solar Photovoltaic Installations

7.10.1 Purpose

The purpose of this bylaw is to ensure the safety and proper construction of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

7.10.2 Applicability

This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

7.10.3 Definitions

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of right siting is subject to site plan review to determine conformance with local zoning ordinances or bylaws. Development of a large scale ground mounted solar photovoltaic installation in any area other than a designated location shall require a special permit in accordance with the Wales Zoning Bylaws in addition to site plan review.

Building Inspector: The local inspector of buildings designated by local ordinance or bylaw charged with the enforcement of the zoning ordinance.

Building Permit: A construction permit issued by an authorized building inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing ground-mounted large-scale solar photovoltaic installations.

Designated Location: The location[s] designated by the Town of Wales Zoning by- Laws Schedule of Uses 4. 1. in accordance with Massachusetts General Laws Chapter 40A, section 5, where ground - mounted large scale solar photovoltaic installations may be sited as-of right.

Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

On-Site Solar Photovoltaic Installation: A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

Site Plan Review: review by the Site Plan Review Authority to determine conformance with local zoning ordinances or bylaws.

Site Plan Review Authority: For purposes of this bylaw, Site Plan Review Authority refers to the Town of Wales Planning Board.

Zoning Enforcement Authority: The person or board charged with enforcing the zoning ordinances or bylaws.

7.10.4 General Requirements for all Large Scale Solar Power Generation Installations

The following requirements are common to all large scale solar power generation installations whether or not to be sited in designated locations.

7.10.4.1 Compliance with Laws, Ordinances and Regulations

The construction and operation of all large scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

7.10.4.2 Building Permit and Building Inspection

No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

7.10.4.3 Fees

The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit. The site plan review authority may additionally require a review fee in accordance with its regulations.

7.10.4.4 Site Plan Review

Ground-mounted large scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo site plan review by the Site Plan Review Authority prior to construction, installation or modification as provided in Town of Wales By-Laws Sections 7.10.6.

7.10.5 General

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

7.10.6 Required Documents

Pursuant to the site plan review process, the project proponent shall provide the following documents:

(a) A site plan showing:

- i.** Property lines and physical features, including roads, for the project site;
- ii.** Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- iii.** Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system, lighting, signage, utility connections, transformers, and any potential shading from nearby structures, natural features or vegetation;
- iv.** One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code compliant disconnects and overcurrent devices;
- v.** Documentation of the major system components to be used, including the PV panels, mounting system, and inverter; Specifically a Bill of Materials (BOM) being utilized including name of manufacturer, part numbers, full descriptions, data sheets, other information as asked for by the Site Plan Review Authority.
- vi.** Name, address, license verification, and contact information for proposed system installer;
- vii.** Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- viii.** The name, contact information and signature of any agents representing the project proponent; and

(b) Documentation of actual or prospective access and control of the project site (see also Section 3.5);

(c) An operation and maintenance plan (see also Section 3.6);

(d) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose) including delineation of any wetlands on or near the specific parcel(s) proposed for the installation;

(e) Proof of liability insurance; and

(f) Proof & Description of financial surety that satisfies Section 7.18.3

(g) A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required site plan review notification procedures and otherwise inform abutters and the community

The Site Plan Review Authority may waive documentary requirements as it deems appropriate on a case by case basis.

7.11 Site Control

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

7.12 Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls (SWPP Plan), as well as general procedures for operational maintenance of the installation.

7.13 Utility Notification

No large- scale ground –mounted solar photovoltaic installation shall be constructed until evidence has been given to the Site Plan Review Authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

7.14 Dimension and Density Requirements

7.14.1 Setbacks

For large - scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

- (a) Front yard: The front yard depth shall be at least 200 feet.
- (b) Side yard. Each side yard shall have a depth at least 100 feet
- (c) Rear yard. The rear yard depth shall be at least 50 feet; provided, however, that where the lot abuts a Residential Housing, the rear yard shall not be less than 150 feet.
- (d) Access roads or driveways shall be set back at least 25 feet from side and rear lot lines.

7.14.2 Appurtenant Structures

All appurtenant structures to large- scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

7.14.3 Size

The area covered by the LSGMSPI shall not exceed five acres, in aggregate, of all arrays, structures and buildings and shall not include wetlands.

7.15 Design Standards

7.15.1 Lighting

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties. Lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

7.15.2 Signage

Signs on large- scale ground-mounted solar photovoltaic installations shall comply with the Town of Wales Sign By-Law (Section 7.0). A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation, or for safety considerations (warning signs, etc.)

7.15.3 Utility Connections

Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions,

shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

7.15.4 Height

Other than accessory buildings and appurtenant structures, no components of a LSGMSPI shall exceed 15 feet in height.

7.16 Safety and Environmental Standards

7.16.1 Emergency Services

The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief and police chief.

Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation

7.16.2 Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large – scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

Replanting of vegetation shall be considered post-construction if it would be safe and not hinder the operation of the Array System.

7.16.3 Landscape Maintenance

Native plant species shall be used, with diverse species considered on a case by case basis, when landscaping and/or creating natural vegetation barriers to abutters. Use of plants identified by the most recent copy of the “Massachusetts Prohibited Plant List” maintained by the Massachusetts Department of Agricultural Resources, is prohibited.

7.16.4 Sound Levels

The sound levels under normal operating conditions, measured at the boundary of the lot on which the installation is sited, shall not be more than 10 decibels greater than would otherwise exist in the absence of such a facility.

7.17 Monitoring and Maintenance

7.17.1 Solar Photovoltaic Installation Conditions

The large - scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Town Fire Chief, Town Police Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

7.17.2 Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

7.18 Abandonment or Decommissioning

7.18.1 Removal Requirements

Any large- scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 7.18.2 of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all large- scale ground-mounted solar photovoltaic installations, 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.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

7.18.2 Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the owner or operator of the large- scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.

7.18.3 Financial Surety

Proponents of large-scale ground-mounted solar photovoltaic projects 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 installation and remediate the landscape, in an amount and form determined to be reasonable by the Site Plan Review Authority. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

7.18.4 Independent Engineer

Upon request from the Planning Board, the proponent shall pay for a third-party Independent Engineer to review the site plan.

Or other action hereto. (Submitted by the Planning Board)

ARTICLE 22 Petition to allow a formal and legal right of way on the property located at 100 Main Street, Wales, MA. A driveway has always been on the premises and allows the owner access to the back lot, however recently it has come to his attention that this is not a “legal” right of way and the property owner wishes to legalize the existing driveway to secure access to his property. (Submitted: By Petition)

ARTICLE 23 And you are further required to notify and warn the inhabitants of said Wales, qualified to **VOTE** in Town Affairs, to meet at the Wales Senior Center at 85 Main Street, in said town, on **WEDNESDAY, MAY 24, 2017** at from NOON until 8:00 p.m. then and there to act on the remaining article(s):

 To give their vote on a ballot for the following officers:

- (1) Board of Select member for a three-year term (2020)
- (1) Board of Assessor member for a three-year term (2020)
- (1) Planning Board member for a three-year term (2020)
- (1) Planning Board member for a three-year term (2020)
- (1) Board of Health member for a one-year term (2018)
- (1) Board of Health member for a three-year term (2020)
- (1) Constable for a three-year term (2020)
- (1) Cemetery Commissioner for a three-year term (2020)
- (1) Library Trustee for a three-year term (2020)
- (1) School Committee member for a three-year term (2020)
- (1) School Committee member for a three-year term (2020)

And you are hereby directed to serve this Warrant, by posting up attested copies thereof in at least three (3) conspicuous places in the Town.

Hereof, fail not, and make return of the warrant with your doings thereon to the Town Clerk, at the time and place of meeting, as aforesaid. Given under our hands this 28th day of March, Two Thousand and Seventeen

WALES BOARD OF SELECTMEN

Michael Milanese, Chairman

Jeffrey Vannais

Jeffrey Vannais, Vice-Chair

Ed Boyce

Ed Boyce, Clerk

BACON WILSON P.C.

TOWN COUNSEL

Attest: A True Copy

Posted at Wales Senior Center, Town Office, Library, Post Office, Town Website

Pursuant to the within warrant, I have notified and warned the inhabitant of the Town of Wales by posting attested copies of the same at least seven days before the date of the meeting, as directed within.

Kim A. G.
Constable

March 29, 2017
Date

I certify that this is a true copy of the signatures on the Annual Town Meeting Warrant.

Leis Phinney
Town Clerk