



Minutes of the Town of Wales Special Town Meeting Wednesday, October 30, 2019.

The meeting opened the Pledge of Allegiance at 7:04, followed by announcements about Trick or Treating and the introduction of Wales new Chief of Police, Earl Dessert. The Town voted to waive the reading of the warrant. The Moderator, Mr. Michael J. Valanzola read each article and entertained motions to act on the articles.

ARTICLE 1 The Town voted to act upon the reports and recommendations of Town Officers

ARTICLE 2 To hear and act upon the reports and recommendations of Committees.

ARTICLE 3 The Town voted to transfer from the Legal Advice Account the sum of \$1875.00 to the Legal Unpaid Bills Account for the purpose of funding the payment of a prior year unpaid invoice.

ARTICLE 4 The Town voted to raise and appropriate the sum of \$5,000.00 to the Legal Advice Account.

ARTICLE 5 The Town voted to raise and appropriate the sum of \$9,000.00 to the Police Chief Salary Account.

ARTICLE 6 The Town voted to raise and appropriate the sum of \$5,000.00 to the Chapter 32B Medical/Life/Dental Town Share Account.

ARTICLE 7 The Town voted to borrow the sum of \$160,000.00 for the purchase and original equipping of a 38,000 GVW 6 wheel plow/sand/dump truck for the Highway Department and for the payment of all other costs incidental and related thereto. The article required a $\frac{2}{3}$ majority to pass since it was an authorization to borrow. The final total of the vote on the article was Yea 59, Nay 12. Since 51 Yea votes were required, the article passed

ARTICLE 8 After a motion to amend Article 8 by adding the words “at a commercial establishment” at the end of the first sentence of section 15.2 was made and passed, the Town voted to amend the General Bylaws by adding 15) Alarm Systems to Chapter 4:

15) ALARM SYSTEMS

15.01 Purpose

The purpose of this bylaw is to protect the public safety and well-being by the reduction or elimination of the incidence of false alarms from alarm systems, the receipt of which would cause a physical response by the Wales Police Department or by the Wales Fire Department.

15.02 Definitions

Alarm system means an assembly of equipment or devices, or a single device, arranged to signal the presence of a condition requiring urgent attention and to which police officers or firefighters are expected to respond at a commercial establishment. Alarm systems which monitor temperature, smoke, humidity, the presence of chemicals or any other condition, whether or not related to the detection of an unauthorized intrusion or a fire, are also included.

False alarm means the activation of an alarm system through mechanical failure, malfunction, improper installation, maintenance or repair, or negligence of the user of an alarm system or of his/her employees or agents; or any signal or oral communication transmitted to the police department or fire department requesting, requiring, or resulting in a response on the part of the police department or fire department when, in fact, there has been no fire, threat of fire, unauthorized intrusion or other occurrence requiring a response. Excluded from this definition are activations of alarm systems caused by power outages or surges, hurricanes, tornadoes, earthquakes and similar conditions.

User means any person on whose premises an alarm system is maintained within the town. Excluded from this definition are municipal, county, state and federal agencies; persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. However, if such an alarm system employs an audible signal or a flashing light outside the premises, the user of such an alarm system shall be subject to this bylaw.

Public nuisance means anything which annoys, injures or endangers the comfort, repose, health or safety of any person(s) or of any community or neighborhood.

15.03 Control and curtailment of signals emitted by alarm systems

- a) Every user shall submit to the police department and the fire department the names and telephone numbers of the user and at least two (2) other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system and who has the ability to provide access to the premises wherein the alarm system is installed. The list of names and telephone numbers of the responders must be kept current at all times by the alarm user and shall be submitted during the first (1st) month of each fiscal year (July).
- b) All alarm systems installed after the effective date of this bylaw which use an audible horn or bell shall be equipped with a device that will shut off such horn or bell within fifteen (15) minutes after activation of the alarm system.
- c) Any alarm system installed prior to the effective date of this bylaw and which uses an audible horn or bell shall have retrofitted the system within one hundred eighty (180) days following the effective date of this bylaw with such a silencing device as described in paragraph b) above.
- d) Any alarm system which fails to comply with the above paragraph b) and emits a continuous and uninterrupted signal for more than thirty (30) minutes which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him/her under paragraph a) of this section, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, police and/or fire department personnel shall endeavor to contact the alarm user or those persons designated by the user under paragraph a) of this section in an effort to abate the nuisance. Police and/or fire department personnel shall record the time each complaint was received.

In the event that police and/or fire personnel is unable to contact the alarm user or those persons designated by the user under paragraph a) of this section, or if the aforesaid persons cannot or will not curtail the audible signal being emitted by the alarm system, the police and/or fire chief may direct police and/or fire personnel or a qualified alarm technician to enter upon the property outside the home or building in which the alarm system is located and take any reasonable action necessary to abate the nuisance.

Once an entry upon property has been made in accordance with this section and the nuisance has been abated, the police and/or fire chief shall have the property secured, if necessary. All reasonable costs and expenses related to the abatement of a nuisance in accordance with this section shall be the sole responsibility of the alarm user.

15.04 Penalties

- a) An alarm user whose alarm system transmits or otherwise causes three (3) or more false alarms in a twelve (12)

b) An alarm user who fails to comply with any of the requirements of Section 15.03 of this bylaw relative to the control and curtailment of signals emitted by alarm systems shall be punished by a fine of \$50.00.

ARTICLE 9 The Town voted to amend Table 4.1 Schedule of Use Regulations of the Zoning Bylaws by adding the following to Section 4.1.8:

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted 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, **after receipt of an appropriate court order,** and physically remove the installation. **As a condition of site plan approval, the applicant and the landowner shall agree to allow the Town entry to remove an abandoned or decommissioned installation.**

Articles 9, 11, 13, 14, 15, and 16 passed on a voice vote which the Moderator declared was unanimous.

ARTICLE 12 After a motion was made to amend Article 12 by deleting the words “other than a designated location” the Town voted to amend the Zoning Bylaws by adding Section 7.10.4.5 Special Permit. The moderator declared the vote unanimous.

7.10.4 General Requirements for all Large Scale Solar Power Generation Installations

7.10.4.5 Special Permit

Development of a large-scale ground-mounted solar photovoltaic installation in any area shall require a special permit in accordance with the Wales Zoning Bylaws in addition to site plan review.

ARTICLE 10 The Town voted to amend Section 4.2.3 of the Zoning Bylaws by deleting the word “shall” and substituting the “may” and by inserting the phrase “except by a Special Permit from the Zoning Board of Appeals” and by deleting the word “with” and substituting the word “to” to comply with rules of grammar. The Moderator declared the vote unanimous.

4.2 NON-CONFORMING USES AND STRUCTURES

4.2.3 Abandonment

A non-conforming use which has been abandoned or not used for two years or more **may** not be reestablished, **except by a Special Permit from the Zoning Board of Appeals,** and any other future use shall conform **to** this Bylaw.

The Town Clerk made a motion to consider Articles 17, 18 and 20 as a group. The motion passed, and the Town Clerk explained that all three Articles were intended to make clear the proper steps to take when filing an application with the Zoning Board of Appeals or the Planning Board, and to bring the Zoning By-Laws into conformity with State law.

ARTICLE 17 The Town voted unanimously to amend Section 8.2 of the Zoning Bylaws by deleting Section 8.2.0 and replacing it with the following, new Section 8.2.0:

8.2.0 Application Procedures

Application is made on the ZBA application form available from the ZBA Clerk or the Town Clerk’s office. Applications shall be filed with the Town Clerk, who will date and time stamp the completed application. No application is complete until the fee is paid. Application shall be in one original and the number of copies specified in the application. The application fee shall be the current fee determined by the Zoning Board of Appeals upon approval by the Board of Selectmen.

ARTICLE 18 The Town voted unanimously to amend Section 8.4.3 of the Zoning Bylaws by deleting the text indicated (~~striketrough~~) and inserting the text indicated (**bolded and underlined**) below:

8.4 SPECIAL PERMITS

8.4.3 Application Procedures

8.4.3.1 Application is made on the form for special permits available ~~at the Town Offices, Town Clerk’s office.~~ **from the Planning Board or Town Clerk’s office. Applications shall be filed with the Town Clerk, who will date and time stamp the completed application. No application is complete until the fee is paid.** Application shall be in one original and ~~eight (8) copies,~~ **the number of copies specified in the application,** each accompanied by a site plan drawn to scale, and showing the following as deemed necessary by the SPGA: *(the end of the article as printed in the warrant)*

ARTICLE 20 The Town voted unanimously to amend Section 8.4.6 of the Zoning Bylaws by deleting the text indicated (~~striketrough~~) below:

8.4 SPECIAL PERMITS

8.4.6 Review Procedures

Upon receipt of the special permit application, the SPGA shall simultaneously submit one (1) copy of said application and site plan to the Planning Board, Board of Health, Board of Selectmen, Zoning Board of Appeals, Highway Superintendent, Building Inspector/Zoning Enforcement Officer and Conservation Commission, for their review. One copy shall be ~~transmitted to or~~ retained by the Town Clerk for viewing by the public during office hours. Said Boards and Commission shall make recommendations as they deem appropriate and shall send copies thereof to the SPGA in accordance with Chapter 40A, Section II, of the Massachusetts General Laws, as amended. Failure of said Boards or Commission to make recommendation within thirty-five (35) days of receipt of the petition by said Board or Commission shall be deemed lack of opposition thereto. However, the SPGA shall not grant approval of an application for a Special Permit until these recommendations have been received or until expiration of the 35 day period.

Articles 17, 18, and 20 passed on a voice vote which the Moderator declared was unanimous.

ARTICLE 19 The Town voted unanimously to amend Section 8.4.5 of the Zoning Bylaws by deleting the words “registered mail” and inserting the phrase “both regular and certified mail, postage prepaid” in its place.

8.4 SPECIAL PERMITS

8.4.5 Public Hearing

8.4.5.1 In the case of every application for a special permit made to it under the provisions of this Zoning Bylaw, the SPGA shall hold a public hearing to consider the application in question and shall cause a notice thereof to be published in the local newspaper and by posting a notice in three conspicuous places including the Post Office, on the Bulletin Board in the Town Office Building, and one other location as determined by the Town Clerk, not less than fourteen (14) days before the day of such hearing. A copy of the notice shall also be sent by **both regular and certified mail, postage prepaid**, to the petitioner, abutters, owners of land directly opposite on any public or private street or way, abutters to the abutters within three hundred (300) feet of the property/line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, and any other person or persons who in the opinion of the SPGA may be interested in such application.

The meeting was adjourned at 8:35 p.m. and the polls were open on November 20, 2019 from noon to 8 p.m. at the Wales Senior Center to act on the remaining article. 222 voters there did give their vote on a ballot for the following officers:

John A. Grasso Jr. as a Board of Select member to fill an unexpired term (2020)

I certify that these are the motions made by the voters at the Special Town Meeting on October 30, 2019.

Respectfully submitted,

Leis Phinney,

Town Clerk