WARRANT

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BERKSHIRE, SS.

TOWN OF MONTEREY

To: Raymond W. Tryon, Constable of the Town of Monterey in the County of Berkshire,

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn inhabitants of said Town qualified to vote in Town affairs to meet in the Firehouse of the Monterey Fire Company Ltd. in said Town on Friday, December 6, 2013, at 7 o'clock in the evening, then and there to act on the following articles:

ARTICLE 1. To see if the Town will authorize the Select Board to acquire the following permanent easements and/or temporary easements and/or rights in land parcels for the purpose of obtaining a secure and public right of way. This will allow for the construction and roadway safety improvements to Route 23 (Main Road).

Drainage Easement D-1
A certain parcel of land situated in the Town of Monterey, County of Berkshire and Commonwealth of Massachusetts and is more particularly bounded and described as follows:
Beginning at a point in the southerly sideline of a public way known as Route 23 (Main Road). Said point is located S 31° 00' 58" E a distance of 21.34 feet from Baseline Station 112+35.50;
Thence running the following two (2) courses and distances through land now or formerly of Joyce Genovesi:
S 70° 27' 30" E a distance of 30.55 feet to a point;
N 35° 22' 51" W a distance of 25.00 feet to a point in the southerly sideline of said Route 23 (Main Road);
Thence running S 54° 37' 09" W along the southerly sideline of said Route 23 (Main Road) a distance of 17.56 feet to the point of beginning.
The above described parcel of land containing 219 square feet is shown as D-1 on a plan entitled "Plan of Permanent Easements Prepared for Town of Monterey, Route 23 (Main Road), Monterey, MA" prepared by Foresight Land Services, Inc.

Drainage Easement D-2
A certain parcel of land situated in the Town of Monterey, County of Berkshire and Commonwealth of Massachusetts and is more particularly bounded and described as follows:
Beginning at a point in the southerly sideline of a public way known as Route 23 (Main Road). Said point is located S 29° 11' 43" E a distance of 16.52 feet from Baseline Station 112+92.20;
Thence running the following five (5) courses and distances through land now or formerly of Joyce Genovesi:
S 06° 46' 54" E a distance of 31.47 feet to a point;
S 58° 19' 26" W a distance of 23.76 feet to a point;
N 35° 22' 51" W a distance of 1.10 feet to a point;
N 54° 37' 09" E a distance of 20.00 feet to a point;
N 35° 22' 51" W a distance of 25.00 feet to a point in the southerly sideline of said Route 23 (Main Road);
Thence running N 54° 37' 09" E along the southerly sideline of said Route 23 (Main Road) a distance of 18.78 feet to the point of beginning.
The above described parcel of land containing 345 square feet is shown as D-2 on a plan entitled "Plan of Permanent Easements Prepared for Town of Monterey, Route 23 (Main Road), Monterey, MA" prepared by Foresight Land Services, Inc.

Temporary Easement
A certain parcel of land situated in the Town of Monterey, County of Berkshire and Commonwealth of Massachusetts and is more particularly bounded and described as follows:
Beginning at a point in the southerly sideline of a public way known as Route 23 (Main Road). Said point is located S 33° 17' 16" E a distance of 21.82 feet from Baseline Station 112+28.62;
Thence running N 54° 37' 09" E along the southerly sideline of said Route 23 (Main Road) a distance of 6.03 feet to a point;
Thence running the following four (4) courses and distances through land now or formerly of Joyce Genovesi:
S 70° 27' 30" E a distance of 30.55 feet to a point;
S 35° 22' 51" E a distance of 1.10 feet to a point;
N 58° 19' 26" E a distance of 23.76 feet to a point; and
N 06° 46' 54" W a distance of 31.47 feet to a point;
Thence running N 54° 37' 09" E along the southerly sideline of said Route 23 (Main Road a distance of 9.25 feet to a point;
Thence running the following three (3) courses and distances through land now or formerly of Joyce Genovesi:
S 02° 12' 45" E a distance of 39.22 feet to a point;
S 53° 08' 49" W a distance of 28.61 feet to a point; and

N 68° 05' 22" W a distance of 39.89 feet to the point of beginning.
The above described parcel of land containing 599 square feet is shown as TE-1 on a plan entitled "Proposed Slope Repair Plan, Details & Related Work" prepared by Foresight Land Services, Inc. Further, to authorize the Select Board to acquire these parcels, or modification to these parcels or other required parcels, through all legal means. This includes donations, purchase or eminent domain. The subject parcels are currently identified on plans entitled "Plan of Permanent Easements" prepared by Foresight Land Services, dated August 28, 2013. Further, to transfer the amount of $200 from Free Cash, or any other amount, to defray any associated right of way expenses connected with this project, or take any other action relative thereto.

ARTICLE 2. To see if the Town will vote to amend Article XVI. Volunteer Fire Department Real Estate Tax Exemption of the Town Bylaws to read:

The Town shall provide a real estate tax exemption to retired persons having served as members of the Monterey Volunteer Fire Department, subject to the following provisions permitted by ST 1993, c.110, section 342:

A. Said real estate shall be occupied and owned by said individual as his or her domicile, or occupied as his or her domicile but owned by a member of his or her immediate family (mother, father, sister, brother, husband, wife, son or daughter).
B. No exemption shall exceed the sum of $1,500 in any fiscal year, with the exception that the maximum of $1,500 may be raised annually based on an index approved by the Commissioner of Revenue.
C. Any retired member of the Monterey Volunteer Fire Department shall be eligible for at least 70% of such allowable exemption provided that said individual has reached his or her 60th birthday prior to the fiscal year for which an exemption is being sought, and has served as a member of the Department for not less than 15 years immediately preceding his or her retirement. If retiring after 20 years of service, the retiree shall receive 80% of such allowable exemption, and after 30 years of service, shall receive 90% of such allowable exemption.

or take any other action relative thereto.

ARTICLE 3. To see if the Town will vote to transfer the sum of $2,800 or any other sum from Reserve Fund to the Council on Aging account, or take any other action relative thereto.

ARTICLE 4. To see if the Town will vote to authorize the Board of Trustees of the Monterey Library to proceed with a feasibility study to examine the options for expanding and renovating its current library building, or building a new library facility, or take any other action relative thereto.

ARTICLE 5. To authorize the Trustees of the Monterey Library to apply for, accept, and expend any state grants which may be available for a library building planning and design project, or take any other action relative thereto.

ARTICLE 6. To see if the Town will vote to amend the Zoning Bylaws, adopted by the Town Meeting on May5, 2012, by adding a new section under section **7.0 Special Regulations**: **7.8. Solar Photovoltaic Systems**

7.8. Solar Photovoltaic Systems
7.8.1 Purpose
The purpose of this section is to facilitate the creation of new Large-Scale Ground-Mounted Solar Photovoltaic Systems (LGSPS) and Utility-Scale Industrial Ground-Mounted Solar Photovoltaic Systems (UGSPS) by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public health, welfare, safety, minimize impacts on environmental, scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations. This bylaw is intended to be consistent with Massachusetts General Law c.40A §3 in that it does not prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect public health, safety or welfare.

7.8.2 Definitions
Large-Scale Ground-Mounted Solar Photovoltaic System (LGSPS):
A solar system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity greater than 30 kW and less than one megawatt or occupies more than 1/8 acre of land.
A LGSPS requires both Site Plan Review and a Special Permit.
On-Site Solar Installation:
A solar 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 Electric system in Alternating Current (AC) or Direct Current (DC).
Site Plan Review:
Review by the Planning Board to determine conformance with Section 9.5 of the zoning bylaw.
Small-scale Solar Photovoltaic System (SSPS): A solar photovoltaic system that may be either ground or roof mounted, on less than 1/8 acre, with a maximum generating capacity of 30 kW. **Requires a Building Permit. Does not require Site Plan Review or a Special Permit**
Solar Photovoltaic System:

A device, structure, or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, generation of electricity, or water heating. This includes appurtenant equipment for the collection, storage and distribution of electricity to buildings or to the electric grid.

Utility-Scale Ground-Mounted Solar Photovoltaic System (UGSPS):
A solar photovoltaic system that is structurally mounted on the ground and has a minimum nameplate capacity of one megawatt or more regardless of the amount of land occupied. **Requires both Site Plan Review and a Special Permit.**

7.8.3 Applicability
a. The provisions set forth in this section shall apply to the construction, operation, repair, and / or removal of LGSPS and UGSPS. Any installation qualifying as a LGSPS or UGSPS shall require both a Special Permit and Site Plan Review in accordance with Sections 9.4 and 9.5 of the zoning bylaw. The special permit granting authority is the Board of Appeals. This Section also applies to physical modifications that materially alter the type, configuration or size of these installations or related equipment. In the event of such modifications, a modified Special Permit and new Site Plan Review shall be required. Notwithstanding the provisions of this bylaw, any other system of technology utilizing solar energy to generate power shall be subject to the terms of this bylaw.

7.8.4 Plans
1. Plans
All plans, blueprints, drawings, and maps shall be prepared as provided in Section 9.5.4. of the zoning bylaw.
2. Required Documents
Applicant shall provide the following documents in addition to or in coordination with those required by Sections 9.4 and 9.5. of the zoning bylaw.
a. 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.
b. Blueprints or drawings of the solar installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures.
c. One or three line electrical diagram detailing the solar installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices.
d. Documentation of the major system components to be used, including the electric generating components, transmission systems, mounting system, inverter, etc.
e. Name, address, and contact information for proposed system installer.
f. Name, address, contact information and signature of the project applicant, as well as all co-applicants or property owners, if any.
g. The name, address, contact information and signature of any agents representing the project applicant.
h. Fire protection measures.
i. Certified list of abutters.
j. Documentation showing actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar installation.
k. Operation and Maintenance Plan. Applicant shall submit a plan for the operation and maintenance of the LGSPS and the UGSPS, which shall include measures for maintaining safe access to the installation, storm water management (consistent with DEP's Storm Water Regulations and the Town of Monterey's Storm Water Regulations) and vegetation controls, as well as general procedures for operational maintenance of the installation.
l. Zoning. 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).
3. Fee/Consultant. Upon submission of an application for site plan approval under this Section, the applicant shall pay a review fee determined by the Board of Appeals consisting of reasonable costs to be incurred by the Board of Appeals for the employment of independent consultants. The independent consultants may be hired in accordance with G.L. c. 44, §53G. The consultants shall be: a). a qualified professional with a record of service to municipalities in with respect to LGSPS or UGSPS and, b). if determined necessary by the Board of Appeals, other relevant fields of experience. The Board of Appeals shall select the independent consultant(s) after consultation with the Select Board, the Planning Board, the Board of Health, and the Conservation Commission, each of which may propose a list of qualified candidates.
4. Bond. Applicant shall, as a condition of both the Special Permit and Site Plan Approval and the requirements set forth in this bylaw: Post a bond (issued by a surety satisfactory to the Board of Appeals in a reasonable amount determined and approved by the Board of Appeals. This bond shall be in force to cover the costs of the remediation of any damage to the landscape which occurs during the clearing of the site; and to cover the cost of the removal of the installation (both above and below ground) from the site, and restoration of the landscape, should the facility cease to operate. Such a bond (or replacements thereof) shall be maintained during the period the facility is operated.

7.8.5 Cessation of Use. A LGSPS or a UGSPS that ceases to operate for a period of one year shall be removed by the owner at their cost and expense. Cease to operate is defined as not performing the normal functions associated with the LGSPS or UGSPS and its equipment on a continuous and ongoing basis for a period of one year. At the time of removal, the site shall be remediated such that all improvements that have ceased to operate are removed, and the main access road shall be re-vegetated. Existing trees shall only be removed with the written permission of the Planning Board, and only if the Planning Board determines such removal of trees to be necessary to complete the required removal of the LGSPS or UGSPS.

7.8.6 Utility Notification
No LGSPS or UGSPS shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

7.8.7 Compliance
1. Compliance with Laws, Ordinances and Regulations
The construction and operation of all LGSPS and UGSPS shall be consistent with all applicable local, state and federal requirements, including but not limited to the Wetlands Protection Act, the Scenic Mountains Act, and all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar installation shall be constructed in accordance with the State Building Code.
2. Building Permit and Building Inspection
No LGSPS or UGSPS shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

7.8.8 Dimensional Requirements
1. Setbacks
Notwithstanding the provisions of Section 4.2.1. of the zoning bylaw, for LGSPS front, side and rear setbacks shall be as follows.
a. Front yard: The front yard depth shall be at least 75 feet.
b. Side yard. Each side yard shall be a depth of at least 75 feet.
c. Rear yard. The rear yard depth shall be at least 75 feet.
Notwithstanding the provisions of Section 4.2.1. of the zoning bylaw, for UGSPS front, side and rear setbacks shall be as follows.
a. Front yard: The front yard depth shall be at least 150 feet.
b. Side yard. Each side yard shall be a depth of at least 150 feet.
c. Rear yard. The rear yard depth shall be at least 150 feet.
2. Screening
Every project shall be subject to reasonable requirements that it be visually screened from abutting properties through any one or combination of the following; location, distance, plantings, existing vegetation and fencing.
3. Height
The maximum height of the solar panel structure comprising the LGSPS or a UGSPS is 15 feet.
4. Siting Criteria
No LGSPS or UGSPS shall be located within any of the following prohibited areas and, if provided, not closer than the distance indicated. All distances are to be measured from the nearest property line on which the facility it located.

1. The habitat of any State-listed Rare or Endangered Wildlife or Rare Plant Species;
2. Within 500' horizontally from any Historic District or property listed or eligible to be listed on the state or federal Register of Historic Places; or
3. Within 500' horizontally from any known archaeological site.

7.8.9 Design and Performance Standards
1. Lighting
Lighting of LGSPS and UGSPS 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 LGSPS and the UGSPS shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
2. Signage
Signs on LGSPS and UGSPS shall comply with Section 6.2 of the Zoning Bylaws. A sign consistent with the Town's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.
3. Utility Connections
Reasonable efforts shall be made to place all utility connections from the LGSPS and UGSPS underground (if feasible), depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider.
4. Roads
Access roads shall be constructed to minimize grading, removal of stonewalls or street trees and minimize impacts to environmental or historic resources.
5. Hazardous Materials
Hazardous materials stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by the DEP pursuant to Mass DEP regulations 310 CMR 30.000 and shall meet all requirements of the DEP including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment. If hazardous materials are utilized within the solar equipment then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required.

7.8.10 Safety and Environmental Standards
1. Emergency Services
The LGSPS and UGSPS owner or operator shall provide a copy of the project summary, and electrical schematic, to the local Fire Department, Building Commissioner, and Director of Operations. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response

plan including the training of any municipal first responders. All means of shutting down the LGSPS and UGSPS shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

2. Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the LGSPS and UGSPS or otherwise prescribed by applicable laws, regulations, and bylaws.

7.8.11 Maintenance

Solar Installation Conditions

The LGSPS and UGSPS owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Management Director. The owner or operator shall be responsible for the cost of maintaining the solar installation and any access road(s).

7.8.12 Annual Reporting

The owner or operator of the installation shall submit an Annual Report demonstrating and certifying compliance with the Operation and Maintenance Plan and the requirements of the zoning bylaw and their approved site plan including control of vegetation, noise standards, and adequacy of road access. The annual report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The report shall be submitted to the Board of Selectmen, Planning Board, Fire Department, Director of Operations, Building Commissioner, Board of Health and Conservation Commission (if Wetlands Permit was issued) no later than forty-five (45) days after the end of the calendar year. Failure to provide such an annual report, within said forty-five (45) days, shall be a violation of the Special Permit and subject to penalties and fines of $100 per day commencing at the expiration of said forty-five (45) day period until the annual has been provided as specified in G.L. c.40-21 D.

7.8.13 Change of owner/operator

In the event of a change of the owner or operator of the LGSP or UGSP, written notice thereof shall be provided to the Board of Selectmen, Planning Board, Fire Department, Director of Operations, Building Commissioner, Board of Health and Conservation Commission (if a Wetlands Permit was issued) with ten days of such change.

ARTICLE 7. To see if the Town will vote to amend the Monterey Zoning Bylaws by adding to section 2.0 Districts, a new section, section 2.2.2 Solar Photovoltaic Overlay District:

Section 2.2.2 Solar Photovoltaic Overlay District

1. This District includes property located in the Agricultural- Residential District, the Lake Shore District and the Business District.
2. The Solar Voltaic Overlay District is an overlay district mapped over other districts. It modifies and, where there is inconsistency supersedes the regulations of such other districts. Except as so modified or superseded the regulations of the underlying district remain in effect.

To see if the Town will vote to amend the Monterey Zoning Bylaws section 3.0 Use Regulations, Table K Telecommunications, by adding the words "and Utilities" to the title, and to add to Table K. Telecommunications and Utilities:

	AR	LS	B
Small scale / Residential Solar Photo Voltaic Installation	Y	Y	Y
Large Scale Ground Mounted Solar Photovoltaic Installation	BA	BA	BA
Utility – Scale Industrial Ground Mounted Solar Photovoltaic Installation	BA	BA	BA

ARTICLE 8. To see if the Town will vote to amend the Town's Zoning Bylaws by adding a new Section 11, **Temporary Moratorium on Medical Marijuana Treatment Centers,** that would provide as follows, and further to amend the Table of Contents to add Section 11, "Temporary Moratorium on Medical Marijuana Treatment Centers."

Section 11. Purpose Medical Marijuana Moratorium

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession, and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013, and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaws regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical

Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

Section 11.1.2 Definition
"Medical Marijuana Treatment Center" shall mean a "not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers."

Section 11.1.3 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect for 17 months, from December 6, 2013 until the annual town meeting in May 2015. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new zoning bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

Or take any action relative thereto.

Hereof fail not and make return of this Warrant with your doings thereon to the Clerk of said Town at or before the time of said meeting.

Given under our hands and the seal of the Town of Monterey this 18th day of November, 2013.

Muriel Lazzarini, Chair

Wayne Burkhart

Scott Jenssen
MONTEREY SELECT BOARD