

WARRANT
COMMONWEALTH OF MASSACHUSETTS
COUNTY OF BERKSHIRE, SS.
TOWN OF MONTEREY

To: Julio Rodriguez, 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 Monday, October 23, 2023, at 6:00 o'clock in the evening, then and there to act on the following articles:

ARTICLE 1. To see if the Town will vote to amend Section 5 of the Departmental Revolving Fund Bylaw by adding the following two new revolving funds; or take any other action relative thereto.

A Revolving Fund	B Department, Board, Agency or Officer Authorized to Spend from Fund	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 Fund	F Other Requirements/Reports	G Fiscal Years
Police Department – 911 Signs	Police Department	Fees and receipts related to 911 physical signs	Advertisement, purchase and related expenses	Annual Expenditures not to exceed: \$1,500		Fiscal Year 2024 and subsequent years
Council on Aging – Community Events	Council on Aging	Fees and receipts related to planning community events	Advertisement, purchase and related expenses	Annual Expenditures not to exceed: \$2,500		Fiscal Year 2024 and subsequent years

ARTICLE 2. To see if the Town will vote to authorize the Select Board to take all necessary steps to lease a portion of the parcel of land owned by the Town of Monterey located at 40 Gould Road in Monterey, and identified on Monterey Assessor’s Map Sheet 231, as Parcel Number 231-006-000 (total area about 11.42 A) for the design, installation, operation or ownership of a Community Shared Solar PV System and Battery Energy Storage System for an initial term of up to twenty years, and for up to two additional five-year terms by mutual agreement of the parties, and to grant any easements necessary therefor. The lease will be on such terms and conditions as the Select Board determines are in the best interest of the Town and consistent with all governing laws; or take any other action relative thereto. (A map of the parcel is attached to this Warrant as ARTICLE 3 ATTACHMENT Figure 2. Landfill/Town Garage Parcel.)

ARTICLE 3. To see if the Town will vote to amend Sections 2.2, 2.3, and 7.8 in the Towns Zoning Bylaws by updating them as follows; or take any other action relative thereto (a copy of the tracked changes version of this proposal is attached to this Warrant as ARTICLE 3 ATTACHMENT Tracked changes version of the proposed Zoning Bylaw changes):

2.2 SPECIAL OR OVERLAY DISTRICTS

2.2.2 Solar Photovoltaic Overlay District (SPOD)

1. This District includes the property located in the Agricultural-Residential District, the Lakeshore District and the Business District.
2. The Solar Photovoltaic 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.

2.2.3 Municipal Parcel Solar Overlay District: (MPSOD)

The Municipal Parcel Solar Overlay District (MPSOD) includes the following designated town-owned properties that may be located in the Agricultural-Residential District, the Lakeshore District and/or the Business District, and 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 and normal setback dimensions of the underlying district remain in effect.

A Large-Scale (LGSPS) or Utility-Scale Solar Photovoltaic System (UGSPS), whether solely ground-mounted, or including roof-mounted and/or canopy/carport-mounted solar panels, that is located on a parcel within the MPSOD shall be permitted as a By Right use subject to Site Plan Review by the Planning Board. (Building Permit, and other applicable land use permits such as Wetlands Protection, Board of Health, etc. remain in effect.)

1. Fox Hill Parcel: This MPSOD parcel shall consist of a 10.7 acre parcel between the following boundaries: The easterly boundary shall about 0 Green Park, the parcel behind the town hall. The westerly boundary of the district shall be Fox Hill Road and abutting 0 Fox Hill Road, northerly border shall about 30 Fox Hill Rd and southerly shall about the Monterey Fire Department, 423 Main Rd, 427 Main Road and 431 Main Road. It is also referred to on tax map 108 034 at the former Golf Course on Fox Hill Road.

2. Landfill/Town Garage Parcel: This MPSOD parcel shall consist of the 11.4± acre town-owned parcel formerly used as a town landfill and currently used as the town transfer station and town garage facilities. It is located on the southwest side of Gould Road at street number 40 Gould Road and identified as tax map parcel # 231-006. The parcel is abutted on three sides by land of the William J. Gould Associates (aka Gould Farm). The underlying parcel is zoned Agricultural-Residential.

Section 2.3 Insert provided map of the properties. The MPSOD will be shown on the Zoning Map of Monterey Massachusetts

7.8.8 Dimensional Requirements

1. Setbacks

- A. Notwithstanding the provisions of Section 4.2.1. of the zoning bylaw, for LGSPS front, side and rear setbacks shall be as follows.
 - 1) Front yard: The front yard depth shall be at least 75 feet.
 - 2) Side yard. Each side yard shall be a depth of at least 75 feet.
 - 3) Rear yard. The rear yard depth shall be at least 75 feet.
- B. Notwithstanding the provisions of Section 4.2.1. of the zoning bylaw, for UGSPS front, side and rear setbacks shall be as follows.
 - 1) Front yard: The front yard depth shall be at least 150 feet.
 - 2) Side yard. Each side yard shall be a depth of at least 150 feet.
 - 3) Rear yard. The rear yard depth shall be at least 150 feet.
- C. The setback requirements for solar photovoltaic systems shall apply to the actual solar photovoltaic system components (such as panels, mounts, and equipment) and do not apply to appurtenances such as fencing, screening, access roads, interconnection poles, overhead utility lines, and similar facilities.
- D. Exceptions to Setbacks:

As part of a Special Permit application, the Board of Appeals may in its discretion grant a waiver to reduce or eliminate setback requirements for components of a Large-scale (LGSPS) or Utility Scale Solar Photovoltaic System (UGSPS), where it determines such action to be consistent with the purpose and intent of the Zoning Bylaw and otherwise in the public interest, as follows:

 - 1. Where a LGSPS or UGSPS is proposed on a (non-municipal) parcel that directly abuts a separate parcel that is within the Municipal Parcel Solar Overlay District and which has a previously permitted or simultaneously proposed Solar Photovoltaic

System (that is allowed By-Right with Site Plan Review), the side yard and/or rear yard setbacks along the common boundary lines between the two parcels may be reduced or eliminated by the Special Permit Granting Authority. The required front yard setbacks from a street line on each parcel shall remain as specified.

ARTICLE 4. To see if the Town will vote to accept the provisions of sections sixteen to sixteen I, inclusive, of chapter seventy-one of the General Laws providing for the establishment of an eight town regional school district, together with the towns of Great Barrington, Sheffield, New Marlborough, Stockbridge, West Stockbridge, Egremont and Alford, to be known as the Southern Berkshire Hills Regional School District (the “New District”). The New District would be formed and governed in accordance with the proposed agreement filed by the 8 Town Regional School District Planning Board with the Select Board (the “8 Town Regional Agreement”) (a copy of which is available for inspection at town hall and on the website 8towns.org).

Formation of the New District is subject to voter approval in each of the eight towns who is a party to the 8 Town Regional Agreement. As provided in the 8 Town Regional Agreement, full operation of the New District and dissolution of the Southern Berkshire Regional School District (the “SBRSD”) and the Berkshire Hills Regional School District (the “BHRSD”) shall be further subject to:

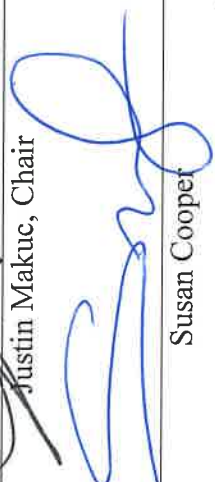
- (i) voter approval, in accordance with applicable law and the terms of the 8 Town Regional Agreement, of the debt required to construct a new high school for the New District on the Great Barrington campus of the current BHRSD; and
- (ii) enactment of special legislation permitting (a) the transfer of the buildings and other assets of each of the SBRSD and the BHRSD to the New District on the date the New District becomes fully operational (at the end of the transition period specified in the 8 Town Regional Agreement); and (b) the dissolution of the SBRSD and the BHRSD on that same date without further action by any public body.

A summary of the steps that would follow an affirmative vote on this warrant article by the voters of Monterey and the other seven towns who are parties to the 8 Town Regional Agreement is attached for informational purposes to this Warrant.

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 this 3rd day of October, 2023.


Justin Makuc, Chair


Susan Cooper


Frank Abbott

MONTEREY SELECT BOARD

A true copy attest.

Pursuant to the within Warrant, I have this 4th day of October, 2023, notified and warned inhabitants of the Town of Monterey in accordance with the Town Bylaws and the General Laws of the Commonwealth of Massachusetts.



Julio Rodriguez, Costable

Monterey Town Hall
Monterey Transfer Station
U.S. Post Office
Select Board file

ARTICLE 3 ATTACHMENT:

Tracked changes version of the proposed Zoning Bylaw changes

Inserted
~~Deleted~~
Moved

2.2 SPECIAL OR OVERLAY DISTRICTS

2.2.2 Solar Photovoltaic Overlay District (SPOD)

1. This District includes the property located in the Agricultural-Residential District, the Lakeshore District and the Business District.
2. The Solar Photovoltaic 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.

2.2.3 ~~Large Solar Overlay District: (LSOD)~~ Municipal Parcel Solar Overlay District: (MPSOD)

The Municipal Parcel Solar Overlay District (MPSOD) includes the following designated town-owned properties that may be located in the Agricultural-Residential District, the Lakeshore District and/or the Business District, and 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 and normal setback dimensions of the underlying district remain in effect.
A Large-Scale (LGSPS) or Utility-Scale Solar Photovoltaic System (UGSPS), whether solely ground-mounted, or including roof-mounted and/or canopy/carport-mounted solar panels, that is located on a parcel within the MPSOD shall be permitted as a By Right use subject to Site Plan Review by the Planning Board. (Building Permit, and other applicable land use permits such as Wetlands Protection, Board of Health, etc. remain in effect.)

1. **Fox Hill Parcel:** This ~~district~~MPSOD parcel shall consist of a 10.7 acre parcel between the following boundaries: The easterly boundary shall abut 0 Green Park, the parcel behind the town hall. The westerly boundary of the district shall be Fox Hill Road and abutting 0 Fox Hill Road, northerly border shall abut 30 Fox Hill Rd and southerly shall abut the Monterey Fire Department, 423 Main Rd, 427 Main Road and 431 Main Road. It is also referred to on tax map 108 034 at the former Golf Course on Fox Hill Road.
2. **Landfill/Town Garage Parcel:** This MPSOD parcel shall consist of the 11.4± acre town-owned parcel formerly used as a town landfill and currently used as the town transfer station and town garage facilities. It is located on the southwest side of Gould Road at street number 40 Gould Road and identified as tax map parcel # 231-006. The

parcel is abutted on three sides by land of the William J. Gould Associates (aka Gould Farm). The underlying parcel is zoned Agricultural-Residential.

Section 2.3 Insert provided map of the properties. The LSØMPSOD will be shown on the Zoning Map of Monterey Massachusetts

Figure 1. (Fox Hill Parcel):



Figure 2. (Landfill/Town Garage Parcel):



7.8 Dimensional Requirements

1. Setbacks

A. Notwithstanding the provisions of Section 4.2.1. of the zoning bylaw, for LGSPS front, side and rear setbacks shall be as follows.

- 1) Front yard: The front yard depth shall be at least 75 feet.
- 2) Side yard. Each side yard shall be a depth of at least 75 feet.
- 3) Rear yard. The rear yard depth shall be at least 75 feet.

B. Notwithstanding the provisions of Section 4.2.1. of the zoning bylaw, for UGSPS front, side and rear setbacks shall be as follows.

- 1) Front yard: The front yard depth shall be at least 150 feet.
- 2) Side yard. Each side yard shall be a depth of at least 150 feet.
- 3) Rear yard. The rear yard depth shall be at least 150 feet.

C. The setback requirements for solar photovoltaic systems shall apply to the actual solar photovoltaic system components (such as panels, mounts, and equipment) and do not apply to appurtenances such as fencing, screening, access roads, interconnection poles, overhead utility lines, and similar facilities.

D. Exceptions to Setbacks:

As part of a Special Permit application, the Board of Appeals may in its discretion grant a waiver to reduce or eliminate setback requirements for components of a Large-scale (LGSPS) or Utility Scale Solar Photovoltaic System (UGSPS), where it determines such action to be consistent with the purpose and intent of the Zoning Bylaw and otherwise in the public interest, as follows:

1. Where a LGSPS or UGSPS is proposed on a (non-municipal) parcel that directly abuts a separate parcel that is within the Municipal Parcel Solar Overlay District and which has a previously permitted or simultaneously proposed Solar Photovoltaic System (that is allowed By-Right with Site Plan Review), the side yard and/or rear yard setbacks along the common boundary lines between the two parcels may be reduced or eliminated by the Special Permit Granting Authority. The required front yard setbacks from a street line on each parcel shall remain as specified.

ARTICLE 4 ATTACHMENT:

Summary of steps for formation and operation of the Southern Berkshire Hills Regional School District:

A new eight town regional school district, to be known as the Southern Berkshire Hills Regional School District (the “New District”), would be formed after an affirmative vote by the majority of voters in each of the towns of Great Barrington, Sheffield, New Marlborough, Stockbridge, Monterey, West Stockbridge, Egremont and Alford upon approval of the proposed eight town regional agreement (the “8 Town Regional Agreement”) by the Commissioner of the Department of Elementary and Secondary Education.

Following such approval, the eight towns would appoint members of an appointed transition committee in accordance with the terms of the 8 Town Regional Agreement. This appointed transition committee would be replaced by a district-wide elected transition committee (with residency requirements as provided in the 8 Town Regional Agreement) at the next biennial election to be held in November 2024.

Following its formation, the New District would not become fully operational, and the existing regional districts would not dissolve, until the following additional conditions are met, all as provided in the 8 Town Regional Agreement:

1. Voter approval of the debt required to construct a new high school for the combined district on the Great Barrington campus of the current BHRSD in accordance with applicable law and the terms of the 8 Town Regional Agreement; and
2. Passage of special legislation permitting (a) the transfer of the buildings and other assets (and liabilities) of each of the Southern Berkshire Regional School District (SBRSD) and the Berkshire Hills Regional School District (BHRSD) on the date the transition period ends and the New District becomes fully operational; and (b) the dissolution of the SBRSD and the BHRSD on that same date without further action by any public body.

Should either of those conditions not be satisfied by the date specified in the 8 Town Regional Agreement, the 8 Town Regional Agreement would terminate, the New District would dissolve, and the BHRSD and the SBRSD would continue to operate separately.