

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 Saturday, March 2, 2024, at 1:30 o'clock in the afternoon, then and there to act on the following articles:

**ARTICLE 1.** To see if the Town will vote to transfer the sum of \$40,000 or any other sum from Free Cash to the FY24 Transfer Station Operations Account, or take any other action relative thereto. **Passed Unanimously by voice vote.**

**ARTICLE 2.** To see if the Town will vote to transfer the sum of \$10,000 or any other sum from Free Cash to the FY24 IT Expenses Account, or take any other action relative thereto. **Passed Unanimously by voice vote.**

**ARTICLE 3.** To see if the Town will vote to transfer the sum of \$3,332 or any other sum from the Storm Damage Article 1 account approved at the October 15<sup>th</sup> 2022 Special Town Meeting to the FY24 Community Center Operations Account, or take any other action relative thereto. **Passed Unanimously by voice vote.**

**ARTICLE 4.** To see if the Town will vote to transfer the sum of \$1,300 or any other sum from the Storm Damage Article 1 account approved at the October 15<sup>th</sup> 2022 Special Town Meeting to the FY24 Meeting Warrants Printing & Postage Account, or take any other action relative thereto. **Passed Unanimously by voice vote.**

**ARTICLE 5.** To see if the Town will vote to transfer the sum of \$1,074.64 or any other sum from Free Cash to the FY24 School Committee Stipend Account to pay wages of a prior year, or take any other action relative thereto. **Passed Unanimously by voice vote.**

**ARTICLE 6.** To see if the Town will vote to transfer the sum of \$1,000 or any other sum from the Storm Damage Article 1 account approved at the October 15<sup>th</sup> 2022 Special Town Meeting to the FY24 Transfer Station Operations Account to pay for a bill of a prior year, or take any other action relative thereto. **Passed Unanimously by voice vote.**

**ARTICLE 7.** To see if the Town will vote to amend Sections 2.2, 2.3, and 7.8 in the Town's 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 7 ATTACHMENT Tracked changes version of the proposed Zoning Bylaw changes): **Passed by secret ballot. 35 YES votes to 2 NO votes. Discussion lasted from 1:35pm to 2:23pm. Discussion largely centered around removing the "Fox Hill" parcel from the solar overlay district all together. Town Council (Donna Brewer) was also consulted by phone during discussion. Members of both the Planning Board and the Renewable Energy Working Group were present to answer specific questions about the proposal. There was a non-binding referendum: A motion was made for this Town Meeting to recommend that the Renewable Energy Working Group and Planning Board explore the removal of the Fox Hill Road parcel from the solar overlay district for the purpose of future solar development. The motion was seconded, and voice vote carried unanimously.**

Article 7 Zoning Bylaw amendment was moved, seconded, and voted on by secret ballot. The vote was 35 yes – 2 no.

**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 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** The MPSOD will be shown on the Zoning Map of Monterey Massachusetts.

Figure 1. (Fox Hill Parcel)

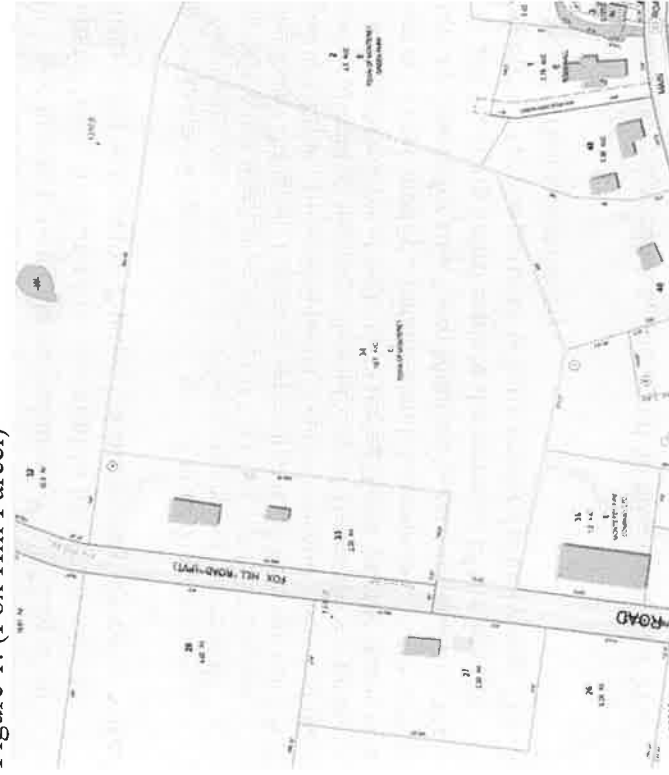
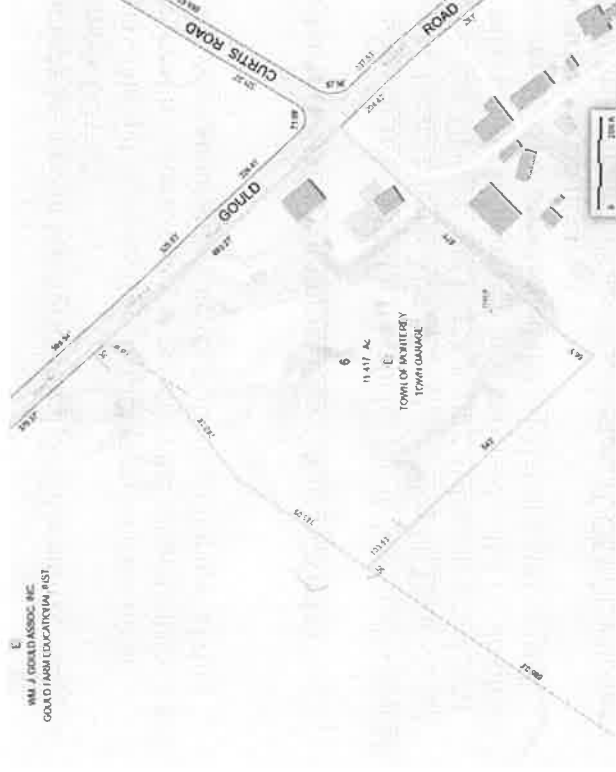


Figure 2. (Landfill/Town Garage Parcel)



### 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 7 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)

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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)**

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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.)

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**Section 2.3** ~~insert provided map of the property.~~ The LSODMPSOD will be shown on the Zoning Map of Monterey Massachusetts.

Figure 1. (Fox Hill Parcel)

Figure 2. (Landfill/Town Garage Parcel)

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Respectfully submitted March 6<sup>th</sup> 2024  
Christopher T. Andrews  
Town Clerk

