



COMMONWEALTH OF MASSACHUSETTS

Town of Carver

SPECIAL TOWN MEETING WARRANT

Plymouth, ss. To any of the Constables of the Town of Carver. County of
Plymouth in the Commonwealth of Massachusetts.

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Carver qualified to vote in Town affairs, to meet at the Carver High School, all three precincts in said Carver, on the 27th Day of February 2012 at 7:00 O'clock P.M., then and there to act on the following Articles, namely:

Article 1. To see if the Town will vote to transfer from available funds in the treasury the sum of Four Thousand and Eighteen Dollars and Eleven Cents (\$4,018.11) to pay the following unpaid bills under the provisions of Chapter 44, § 64, or take any other action relative thereto:

Bristol County Deputy Sheriff's Office	350.00
County of Plymouth Sheriff's Department	240.00
Norfolk Ram Group	2,565.00
MCLE	252.50
Plymouth Bay Ortho Associates	233.96
Bayside Emergency Medical Associates	61.34
Francis H. Freccero, M.D.	65.91
Manomet Auto Supply	161.05
Unifirst Corporation	<u>88.35</u>
	\$4,018.11

(By the Board of Selectmen)

Article 2. To see if the Town will vote to transfer from available funds in the treasury the sum of Four Thousand Eight Hundred and Thirty-Two Dollars and Forty-One Cents (\$4,832.41) to pay the following unpaid bills under the provisions of Chapter 44, § 64, or take any other action relative thereto.

Kopelman and Paige, P.C.	2,159.00
Kopelman and Paige, P.C.	1,581.00
Kopelman and Paige, P.C.	<u>1,092.41</u>
	\$4,832.41

(By the North Carver Water Commissioners)

Article 3. To see if the Town will vote to transfer from available funds in the treasury for the purpose of funding the collective bargaining agreement with the Clerical Union, or take any other action relative thereto.
(By the Board of Selectmen)

Article 4. To see if the Town will vote to transfer from available funds in the treasury for the purpose of funding the Fire Chief's contract, or take any other action relative thereto.
(By the Board of Selectmen)

Article 5. PAYMENT IN LIEU OF TAX AGREEMENT – 0 Plymouth Street
To see if the Town will vote in accordance with M.G.L. Chapter 59, §38H to authorize the Board of Selectmen to enter into a Payment In Lieu of Taxes (PILOT) Agreement with Southern Sky Renewable Energy Ravenbrook, LLC for a period of twenty (20) years, and to approve said agreement under which Southern Sky Renewable Energy Ravenbrook, LLC will pay the Town a sum of money per year relative to 5 parcels totaling 37.888 acres+/- of land located at 0 Plymouth Street, Carver, related to the proposed construction and operation of a solar photovoltaic power plant with an expected nameplate capacity of approximately 6 megawatts, said Tax Agreement is on file in the Town Clerk's Office, or take any other action relative thereto.
(By the Board of Selectmen)

Article 6. To see if the Town will vote to request that the Board of Selectmen not negotiate or execute any tax agreements or Payment In Lieu of Taxes (PILOT) agreements for any new solar project(s) until the end of Fiscal Year 2012. (*Explanation: This will provide the Solar By-law Study Committee the opportunity to provide a recommendation to the Town prior to any further action by the Board of Selectmen*)
(By the Board of Selectmen)

Article 7. Zoning Amendment – Large Scale Ground Mounted Solar Photovoltaic Installations:
To see if the Town will vote to amend Article II, Section 2230 of the Town of Carver Zoning by-Laws as shown below, or to take any other action relative thereto:

PRINCIPAL USE	RA	HC	GB	VB	V	GBP	IA	IB	IC	AP
C. INDUSTRIAL										
Large-scale ground mounted solar photovoltaic installations	N	N	N	N	N	N	Y	Y	Y	N

and further, to amend the Town of Carver Zoning By-Laws, by adopting the following new section, Article III, Section 3700:

3700. LARGE-SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

3710. Purpose. The purpose of this bylaw is to promote the creation 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.

3711. 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.

3720. 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 development may be subject to site plan review to determine conformance with local zoning ordinances or bylaws. Projects cannot be prohibited, but can be reasonably regulated by the inspector of buildings, building commissioner or local inspector, or if there is none in a town, the board of selectmen, or person or board designated by local ordinance or bylaw.

Building Inspector: The inspector of buildings, building commissioner, or local inspector, or person or board 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 locations designated by the town of Carver, in accordance with Massachusetts General Laws Chapter 40A, section 5, where ground – mounted large scale solar photovoltaic installations may be sited are limited to the locations indicated in section 2230 of the Town of Carver Zoning By-Laws. Said locations are shown on a Zoning Map pursuant to Massachusetts General Laws Chapter 40A Section 4. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Town Clerk.

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 250kW DC, or requires an area larger than 1 acre for installation.

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 body of local government designated as such by the municipality.

Solar Photovoltaic Array: an arrangement of solar photovoltaic panels.

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

3750. General Requirements for all Large-Scale Solar Power Generation Installations. The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

3731. 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.

3732. Building Permits and Building Inspections. No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

3733. 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.

3734. 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 this section.

Smaller scale ground – or building-mounted solar electric installations which are an accessory structure to an existing residential or non-residential use do not need to comply with this Section, but require a building permit and must comply with the other provisions of Carver’s Zoning Bylaws as applicable.

3734.1. General. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

3734.2. Required Documents. Pursuant to the site plan review process, the project proponent shall provide a site plan showing:

- A) Property lines and physical features, including roads, for the project site;
- B) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- C) 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 and any potential shading from nearby structures. The proponent may not take any actions to modify any existing structures or vegetation on adjacent properties which may shade the installation without express written consent of the property owner.
- D) One or three line electrical diagram detailing the solar photovoltaic

installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices;

E) Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;

F) Name, address, and contact information for proposed system installer;

G) Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;

H) The name, contact information signature of any agents representing the project proponent; and

i) Documentation of actual or prospective access and control of the project site (see also Section 3735);

ii) An operation and maintenance plan (see also Section 3736);

iii) 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);

iv) Proof of liability insurance; and

v) Description of financial surety that satisfies Section 3763.

The Site Plan Review Authority may waive documentary requirements as it deems appropriate.

3735. 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.

3736. 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, as well as general procedures for operational maintenance of the installation.

3737. Utility Notification. No proposed large-scale ground-mounted solar photovoltaic installation shall be submitted for review until evidence has been given to the Site Plan Review Authority that the utility company that operated 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, and that the electrical grid can safely transmit the proposed power output of the installation. Off-grid systems shall be exempt from this requirement.

3738. Dimension and Density Requirements.

3738.1. Setbacks. For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be at least 50 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the front yard shall not be less than 100 feet. Every abutting property shall be visually screened from the installation through either existing vegetation or new plantings of not less than 6 feet in height at the time of planting throughout the required setback dimension, or alternately shall provide a minimum setback of 2,000 feet. The provided screening shall obscure from view at least 75% of the project from adjacent properties, including upper levels of existing structures, within five years of the issuance of the permit. Security fences, roadways, and equipment shall not be placed within the required setback, except for that which is required to access the site from an adjacent roadway, or to transmit the generated power to the grid.

The provided setbacks shall be suitable to limit the noise generated by the installation to no more than 40 decibels at the property lines.

3738.2. 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.

3739. Design Standards

3739.1. 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 reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

3739.2. Signage. Signs on large-scale ground-mounted solar photovoltaic installations shall comply with the Town of Carver's sign bylaw. A sign consistent with the Town of Carver'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 operator of the solar photovoltaic installation.

3739.3. 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.

3739.4. 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, including the photovoltaic panels, then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required.

3740. Safety and Environmental Standards.

3741. 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. 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, and training required to allow emergency response personnel to safely shut down the installation in event of an emergency provided at no cost to the Town as requested by the Town. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation. All changes in the identity or contact information for the responsible person shall immediately be brought to the attention of the Town.

3742. 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.

3743. Control of Vegetation. Herbicides may not be used to control vegetation at the large-scale ground-mounted solar photovoltaic installation. Mowing or the use of pervious pavers or geotextile materials underneath the solar array is a possible alternative.

3750. Monitoring and Maintenance.

3751. 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, snow removal, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire 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.

3752. 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.

3753. 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 this 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 Chief, Emergency Management Director, Building Inspector, Board of Health and Conservation Commission (if Wetlands Permit was issued) no later than 45 days after the end of the calendar year.

3760. Abandonment or Decommissioning.

3761. 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 3762 of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 120 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:

3761.1. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.

3761.2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

3761.3. 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.

3762. 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 sixty days 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 120 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation. 3763. Financial Surety. Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, or other means mutually agreed upon with the Town of Carver, 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, but in no event to be less than 75 percent nor to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. 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.

(By Petition)

CARVER BOARD OF SELECTMEN

Pursuant to the above warrant, I have notified and warned the inhabitants of Carver qualified to vote in Town affairs to meet at the time and place and for the purpose therein expressed by posting attested copies thereof in the Town Hall and in each of the Fire Stations and Post Offices in Carver as required by law fourteen days at least before the time of said meeting.

Date

Constable

A True Copy Attest