

TOWN OF HADLEY
ANNUAL TOWN MEETING WARRANT
May 2, 2024

Hampshire, ss.

To the Constable of the Town of Hadley in the County of Hampshire:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town qualified to vote in Elections and Town affairs to meet at the Hopkins Academy, located at 131 Russell Street, Hadley, MA 01035 on Thursday, the 2nd day of May, 2024 at 7:00 p.m. to act on the following Articles of business, **Article 2 through Article 23** and that action on Article 1 will take place on Tuesday, May 21, 2024, at the Hadley Senior Center at 46 Middle Street, Hadley and the polls will be open at 9:00 AM and close at 8:00PM.

Article 1 - Annual Town Election

This article does not require a motion or a vote, this is simply a notice for the **Annual Town Election**.

To elect all necessary officers of the town:

Assessor	Three-year term	Select one
Elector Under Oliver Smith Will	One year term	Select one
Health, Board of	Three-year term	Select one
Housing Authority	Five-year term	Select one
Housing Authority	One year term	Select one
Library Trustee	Three-year term	Select one
Library Trustee	Two-year term	Select one
Park Commission	Three-year term	Select one
Planning Board	Five-year term	Select one
School Committee	Three-year term	Select two
Select Board	Three-year term	Select two

Question 1 Ladder Truck

Shall the Town of Hadley be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to pay the costs of a new Ladder Truck for the Fire Department and for all the costs related and incidental thereto?

Articles # 2,3,4,5 and 6 are designated for the Consent Agenda and are considered routine and will be acted upon with a single motion. Similarly Articles 12 and 13, are designed as a Consent Agenda and are considered routine and will be acted upon with a single motion. Items may be removed from the Consent Agenda by the Moderator in order to address any voter concerns or questions.

Article 2 - Grants (Consent Agenda)

To see if the Town will vote to authorize the Select Board to apply for and expend any Massachusetts Small Cities Program grants or monies, or any Federal or State grants or monies, received as set forth in the appropriate application, or take any action relative thereto.

Finance Committee Recommends: 5-0-0

Select Board Recommends: 5-0-0

Article 3 - Chapter 90 (Consent Agenda)

To see if the Town will vote to appropriate funds provided to the Town by the State under Chapter 90 and such other funds as the Commonwealth of Massachusetts Department of Transportation may provide, and further, to authorize the Select Board to enter into contracts with the Commonwealth of Massachusetts Highway Division for Chapter 90 type money allocated to the Town by the State; or take any action relative thereto.

Finance Committee Recommends: 5-0-0

Select Board Recommends: 5-0-0

Article 4 - Short-Term Borrowing (Consent Agenda)

To see if the Town will vote to authorize the Treasurer, with the approval of the Select Board, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2024 in accordance with the provisions of the Massachusetts General Laws, Chapter 44, Section 4 and to issue a note or notes therefor, payable within one year, and to renew any note or notes as may be given for a period of less than one year, in accordance with Massachusetts General Laws, Chapter 44, Section 17, or take any action relative thereto.

Article 5- Contracts in Excess of Three Years (Consent Agenda)

To see if the Town will vote in accordance with the provisions of M.G.L. C. 30B, § 12(b), to authorize the Town Administrator or Select Board to solicit and award contracts for terms exceeding three years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Select Board, or take any action relative thereto.

Finance Committee Recommends: 5-0-0

Select Board Recommends: 5-0-0

Article 6 - Revolving Accounts (Consent Agenda)

To see if the Town will vote to rename the Council on Aging Van Revolving Account to the Council on Aging Revolving Account and increase the spending limit to \$5,000, and further to authorize the total expenditures for the following revolving funds set forth in section 86-9 of the Town Bylaws and pursuant to G.L. c. 44, § 53E ½ for the fiscal year beginning July 1, 2024 to be expended in accordance with the bylaws heretofore approved;

Fund	Spending Limit
Burial	\$7,000
Recyclables	\$15,000
Dog Control	\$2,000
Park and Recreation	\$50,000
Lost Books	\$1,000
Tax Liens	\$7,500
Conservation Administration	\$1,000
Council on Aging	\$5,000
Inspections Permit Software	\$10,000
Tax Title	\$10,000

Finance Committee Recommends: 5-0-0
Select Board Recommends: 5-0-0

Article 7 - Water Treatment Plant Filtration Membrane Reserve

To see if the Town will vote to transfer **\$150,000** from Water Reserves to the Water Plant Filtration Stabilization fund as per the provisions of M.G.L. c 40, §5B, for the purpose of repairing and replacing water plant filtration membranes and associated expenses, including any incidental or related costs, or take any action relative thereto.

Finance Committee Recommends: 5-0-0
Select Board Recommends: 5-0-0

Article 8 - Prior Year Invoices

To see if the Town will vote to transfer from Free Cash to cover costs associated with the prior year budgets, or take any action relative thereto:

Vendor	Charge	From
UMass Amherst	\$75.00	Free Cash
Goosetown Communications	\$1,389.00	Free Cash
Hadley Auto Express	\$849.99	Free Cash

Finance Committee Recommends: 5-0-0
Select Board Recommends: 5-0-0

Article 9 - Omnibus Budget – General Fund

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum or sums of money, for the maintenance and operation of the Town in fiscal year 2025 as recommended by the Finance Committee, including debt and interest, and to fix the salary of all elected officials, including, if appropriate, Select Board, Town Clerk, Town Assessors, Town Constables, Board of Health, Elector under the Oliver Smith Will, Planning Board, and Park and Recreation Commission, and to provide a reserve fund, or take any action relative thereto.

Finance Committee Recommends: 5-0-0
Select Board Recommends: 5-0-0

Article 10 – Enterprise Fund Budgets – Sewer, Water, and Hadley Media

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum or sums of money, for the salaries, expenses, and debt, and to provide a reserve fund, for the Wastewater Division Enterprise Fund, the Water Division Enterprise Fund, and the Hadley Media Enterprise Fund for the ensuing fiscal year beginning July 1, 2024, such sums of money to be offset by revenues of the Sewer Division Enterprise Fund, the Water Division Enterprise Fund, and the Hadley Media Enterprise Fund received during fiscal year 2025, or take any action relative thereto.

Finance Committee Recommends: 5-0-0
Select Board Recommends: 5-0-0

Article 11 – Hadley Media Legal Costs

To see if the Town will transfer from the Hadley Media Reserve Fund **\$13,958.47** to FY24 legal fees and expenses related to cable contract negotiations.

Finance Committee Recommends: 5-0-0
Select Board Recommends: 5-0-0

Article 12 - Community Preservation Act Committee (Consent Agenda)

To see if the Town will vote to act on the report of the Community Preservation Committee on the fiscal year 2025 budget and to reserve for later appropriation the following sums of money from the Community Preservation Fund estimated annual revenues:

Open Space Preservation	\$50,000
Historic Preservation	\$50,000
Housing Resources	\$50,000

and appropriate the sum of **\$10,200** from the Community Preservation Fund estimated FY 2025 annual revenues, to be divided **\$5,000** for all necessary and proper expenses of the Community Preservation Committee for the year, including any administrative expenses, and **\$5,200** for the Community Preservation Committee Administrative Payroll, or take any action relative thereto.

Community Preservation Act Committee recommends 8-0-0
Finance Committee Recommends: 5-0-0
Select Board Recommends: 5-0-0

Article 13 - CPA Extensions (Consent Agenda)

To see if the Town will vote to extend the deadline by two years for the following projects funded by the Community Preservation Act funds:

Meeting	Description	Account Number	Deadline Extension
ATM 2021	Clock repair 1st Cong Church	21-000-5240-210011	Two Years
ATM 2022	1 st Cong Church Steeple	21-000-5825-210019	Two Years

or take any action relative thereto.

Community Preservation Act Committee recommends 7-0-1
Finance Committee Recommends: 5-0-0
Select Board Recommends: 5-0-0

Article 14 - Phelps Farmhouse (CPA)

To see if the Town will vote to transfer **\$50,000.00** from the Community Preservation Act Historic Reserve and **\$100,000.00** from the Community Preservation Act Undesignated Fund for a total of **\$150,000.00** to the Porter-Phelps-Huntington Foundation to help stabilize the Phelps Farmhouse at 113 River Drive, including roof and structural reinforcement work. A grant agreement from the Select Board will be required before work can start, and a Historic Preservation Restriction will be required. Said funds are to be expended under the direction of the Town Administrator within three years of the date of Town Meeting approval; any unspent funds will automatically be returned to the foregoing Community Preservation Act fund by that date.

Or take any action relative thereto.

Community Preservation Act Committee recommends 8-0-0
Finance Committee Recommends: 5-0-0
Select Board Recommends:

Article 15 Town Hall Exterior (CPA)

To see if the Town will vote to transfer **\$40,000.** from the Community Preservation Undesignated Fund to the Hadley Select Board to hire an architect to prepare a design and construction budget for rehabilitation and restoration work on the exterior of Hadley's Town Hall, said funds to be expended under the direction of the DPW Director within three years of the date of Town Meeting approval; any unspent funds will automatically be returned to the foregoing Community Preservation Act fund by that date.

Or take any action relative thereto.

Community Preservation Act Committee recommends 8-0-0
Finance Committee Recommends: 5-0-0
Select Board Recommends: 5-0-0

Article 16- Acquisition of property

To see if the Town will vote to authorize the Select Board to purchase, take or otherwise acquire the property located at 234 Middle Street, 1.26 acres +/- , for the sum of **\$325,000**, and to pay for said acquisition, transfer from available funds, or authorize the Treasurer to borrow, transfer from Water Reserves, transfer from Sewer Reserves, transfer from Sewer Impact Fees or otherwise provide up to **\$325,000** to purchase said property to be held by the Select Board's care custody and control for general municipal purposes and further to authorize the Select Board to execute any and all documents to effectuate said acquisition.

Capital Planning Committee Recommends: 4-0-0

Finance Committee Recommends: 5-0-0

Select Board Recommends: 5-0-0

Article 17 – Fire Department Ladder Truck

To see if the Town will vote to raise and appropriate, borrow, transfer from available funds, or otherwise provide **\$2,000,000** to pay the costs of a new Ladder Truck for the Fire Department, or take any action relative thereto.

Capital Planning Committee Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Select Board Recommends: 5-0-0

Article 18 – Water Tanks

To see if the Town will vote to appropriate **\$9,000,000, or any other amount**, to pay costs of designing and constructing two new Water Storage Tanks (WSTs) to replace the two existing WSTs including, without limitation, any ancillary work and the payment of all other costs incidental and related thereto; to determine whether this amount shall be raised by borrowing or otherwise provided, or to take any other action relative thereto..

Capital Planning Committee Recommends: 3-0-0

Finance Committee Recommends: 5-0-0

Select Board Recommends: 5-0-0

Article 19 - Authorize the Hadley Drinking Water Asset Management Plan Project

To see if the Town will vote to appropriate the sum of **\$155,000** for the Hadley Drinking Water Asset Management Plan Project which is on the Massachusetts 2024 Drinking Water State Revolving Fund Asset Management Planning Project List. The total project cost of **\$155,000** is comprised of a **\$93,000** reimbursable grant (60% of the total project cost) which the Town will be reimbursed by MassDEP and the Massachusetts Clean Water Trust. The balance of the project will be comprised of in-kind services provided by Town valued at **\$31,000** and a cash contribution from the Water Enterprise fund valued at **\$31,000**; or take any action thereon.

Capital Planning Committee Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Select Board Recommends: 5-0-0

Article 20– Ambulance Service

To see if the Town will vote to appropriate **\$185,000** from Free Cash and Ambulance Receipts Reserve, a Special Revenue Fund authorized by M.G.L Ch. 40, s.5F, for the purpose of receiving fees from the Town Ambulance services, such expended amounts to be refunded from the Special Revenue Fund by a vote at a future Town Meeting or take any action relative thereto.

Finance Committee Recommends: 5-0-0

Select Board Recommends: 5-0-0

Article 21 MVP East Street

To see if the Town will vote to raise and appropriate, transfer from available funds, or authorize the Treasurer to borrow, or otherwise provide up to **\$250,000.00** to fund a 25% match needed for **\$1,000,000.00** grant award from the Municipal Vulnerability Preparedness (MVP) Program to improve resiliency in a stream reach that drains from Rt 9 to East Street, or take any action related thereto.

Capital Planning Committee Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Select Board Recommends: 5-0-0

Article 22- Clause 41C Assessors

To see if the Town will vote to accept the provisions of M.G.L. Chapter 59, Section 5, Clause 41C or take any other action thereon.

Board of Assessors Recommends: 3-0-0

Finance Committee Recommends: 5-0-0

Article 23 - Battery storage in various Zones-

Amend Section XXVIII and Section I

Amend Section IB

Add definitions:

Energy Storage System: A device utilized to store electrical energy (AC or DC) by converting electrical energy into chemical energy or vice-versa. May consist of a single battery or multiple batteries or other means which accomplish this conversion. May also include any devices utilized to provide cooling to said storage device.

Small Capacity Energy Storage System: Any energy storage system of less than **150** kWh.

Large Capacity Energy Storage System: Any energy storage system of **150** kWh or larger.

Amend definition:

Solar Energy System: All equipment, machinery and structures utilized in connection with the conversion of light to electricity. This includes, but is not limited to, transmission, collection and supply equipment, substations, transformers, service and access roads, energy storage systems are not included in this definition, except where specifically mentioned in § 28.

Section XXVIII Solar Energy Systems (Adopted May 6, 2012)

28.1 Purpose

The purpose of this by-law is to provide for the construction and operation of solar energy systems, energy storage systems and to provide standards for the placement, design, construction, monitoring, modification and removal of said systems that address public safety, minimize impacts on scenic, natural and historic resources of the Town and provide adequate financial assurance for decommissioning. The provisions set forth in this section shall take precedence over all other sections when considering applications related to the construction, operation, and/or repair of solar energy systems and energy storage systems.

28.2 Applicability

This section applies to all solar energy systems and energy storage systems proposed to be constructed after the effective date of this section.

28.3 Definitions

See § 1B

28.4 General Requirements for all Solar Energy Systems and Energy Storage Systems

The requirements of §28.4 are common to all solar energy systems and energy storage systems.

28.4.1 Compliance with Laws

The construction and operation of all proposed solar energy systems and energy storage systems shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.

28.4.2 Expiration

A permit issued pursuant to this bylaw shall expire if: (a) the solar energy system or energy storage systems is not installed and functioning within 24-months from the date the permit is issued; or, (b) the solar energy system is abandoned.

28.4.3 System Conditions

Owners of solar energy systems and energy storage systems shall be responsible for maintaining them in good condition. Maintenance shall include, but not be limited to, structural repairs, spill containment systems, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Services. The project owner shall be responsible for the cost of maintaining the solar energy system or energy storage system and any access road(s), and the cost of repairing any damage occurring as a result of operation and construction.

28.4.4 Modifications

All material modifications to a solar energy system and energy storage system made after issuance of any approval issued pursuant to this bylaw shall require approval by the Planning Board as provided in this bylaw.

28.4.5 Violations

It is unlawful for any person to construct, install, or operate a solar energy system and energy storage system that is not in compliance with this bylaw or with any condition contained in an approval or permit issued pursuant to this bylaw.

28.5 Solar Energy System Permits

28.5.1 Building-Integrated Solar Energy System and Energy Storage System

- 28.5.1.1 Building-Integrated Solar Energy Systems and, if associated, Small Capacity Energy Storage Systems shall not be erected, constructed, installed or modified as provided in this section without first obtaining an a building permit from the building inspector.
- 28.5.1.2 Building-Integrated Solar Energy Systems Solar system that are not flush mounted to an existing roof but are “slanted or tilted” to meet desired angles, must not exceed the overall building height limits of the underlying district. The height shall be measured to the highest protruding point of the solar system at its fullest extension.
- 28.5.1.3 Building-Integrated Energy Systems, and, if associated, Small Capacity, Energy Storage Systems may be located in any zoning district of the Town of Hadley.

28.5.2 Small-Scale, Ground-Mounted Energy System and Small Capacity Energy Storage System

- 28.5.2.1 Small-Scale, Ground-Mounted Energy Systems, and if associated, Small Capacity, Energy Storage Systems shall not be erected, constructed, installed or modified as provided in this section without first obtaining an Administrative Review per § 28.6 of this bylaw and a building permit. The Planning Board may waive any part of the Administrative Review it judges to be unnecessary to the review of a particular plan. **(Amend 10/25/2012)**
- 28.5.2.2 Small-Scale, Ground-Mounted Energy Systems and associated Small Capacity, Energy Storage Systems may be located in any zoning district of the Town of Hadley.

28.5.3 Large-Scale, Ground-Mounted Solar Energy Systems and Large Capacity Energy Storage Systems

28.5.3.1 On-Site Generation

Large-Scale, Ground-Mounted, Solar Energy Systems and Large Capacity Energy Storage Systems that are designed as On-Site Solar Energy Systems shall not be erected, constructed, installed or modified as provided in this section without first obtaining an Administrative Review per § 28.6 of this bylaw and a Commercial Site Plan Approval from the Planning Board per Section VIII of the Hadley Zoning Bylaw, and a building permit from the building inspector.

28.5.3.2 Off-Site Generation

Large-Scale, Ground-Mounted Solar Energy Systems and Large Capacity Energy Storage Systems that are designed as Off-Site Solar Energy Systems shall not be erected, constructed, installed or modified as provided in this section without first obtaining an Administrative Review per § 28.6 of this bylaw, Commercial Site Plan Approval per Section VIII of the Hadley Zoning Bylaw, a Solar Energy System Special Permit per § 28.7 of this bylaw and § 6.2.2 of the Hadley Zoning Bylaw (all from the Planning Board); and a building permit from the building inspector.

28.5.3.3 Districts

Large-Scale, Ground-Mounted, Solar Energy Systems shall only be located in the Agricultural/Residential District or in the Industrial District.

Large Capacity Energy Storage Systems shall only be permitted in the Agricultural/Residential District or in the Industrial District however, these are prohibited in the Aquifer District Overlay Zones.

28.5.3.4 Screening

Large-Scale, Ground-Mounted Solar Energy Systems, Large Capacity Energy Storage Systems and appurtenant structures shall be adequately screened from view from public ways and neighboring properties with vegetation or behind other existing structures.

28.5.3.5 Consultants

Upon submission of an application for a Large-Scale, Ground-Mounted Solar Energy Systems, and Large Capacity Energy Storage Systems, the Planning Board will be authorized to hire outside consultants, pursuant to MGL c. § 53G. As necessary, the applicant may be required to pay the consultant's costs.

28.5.3.6 Abandonment and Decommissioning

28.5.3.6.1 Financial Surety

The Planning Board shall require owners of proposed Large-Scale, Ground-Mounted Solar energy systems and Large Capacity Energy Storage Systems to provide a form of surety, either through escrow account, bond or otherwise as determined by the Town Treasurer, to cover the cost of removal in the event the Town must remove the system, of an amount determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. The surety account or bond will be managed by the Town Treasurer's office.

Such surety will not be required for municipally or state-owned systems. The applicant 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 and other causes over the life of the system.

28.5.3.6.2 Abandonment

Absent notice of a proposed date of decommissioning, the system shall be considered abandoned when the energy system fails to operate for more than one year without the written consent of the Planning Board. The Planning Board shall determine in its decision what proportion of the energy system is inoperable for the system to be considered abandoned. If the applicant fails to remove the energy system in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town shall have the authority to enter the property and physically remove the energy system, upon receipt of an appropriate court order or written consent of the owner.

28.5.3.6.3 Removal Requirements

Any large-scale, ground-mounted solar energy system or Large Capacity Energy Storage Systems that has reached the end of its useful life or has been abandoned shall be removed. When the energy system is scheduled to be decommissioned, the applicant shall notify the Town by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the energy system no more than 150 days after the date of discontinued operations. At the

time of removal, the energy system site shall be restored to the state it was in before the energy system was constructed or any other legally authorized use. More specifically, decommissioning shall consist of: (a) physical removal of all solar structures, energy storage devices, equipment, security barriers and transmission lines from the site: (b) disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations: and, (c) stabilization or re-vegetation of the site as necessary to minimize erosion.

Section 28.5.4 Large Capacity Energy Storage Systems

28.5.4.1 §28.5.3.3 whether system,	Large Capacity Energy Storage systems shall be permitted per or not it is associated with a solar energy generating
28.5.4.2 28.5.3 of this	Large Capacity Energy Storage Systems shall comply with Section Bylaw,
28.5.4.3 Storage	Additional requirements / Considerations for Large Capacity Energy Systems shall include:
	28.5.4.3.1 Shall comply with NFPA 855 as amended
	28.5.4.3.2 Type of cooling medium
	28.5.4.3.3 If cooling is a liquid, liquid shall be non-toxic
in	28.5.4.3.4 No hazardous chemicals shall be permitted, with exception for liquid batteries if that type of battery is utilized,
M.G.L	28.5.4.3.5 Noise produced by any Energy Storage System shall comply with Chapter 111 Section 142 A-M
said	28.5.4.3.6 Spill containment shall be provided for any system containing liquid, spill containment shall have a containment capacity of 110%
for each liquid, 2300 degrees F,	and shall be fire resistant and heat resistant to
rain, items on a	28.5.4.3.7 Spill containment shall be designed to prevent accumulation of water, snow, etc. or shall include a maintenance program to drain such routine (as accumulated) basis,
pad; ie,	28.5.4.3.8 Energy Storage units shall be installed on a ground mount concrete there shall be no footings or foundation.
	28.5.4.3.9 Removal of earth to facilitate installation of Energy Storage System is prohibited,
	28.5.4.3.10 All electrical wiring shall be below grade
control,	28.5.4.3.11 Fire prevention/ controls: specifically on-site availability to prevent, and/or extinguish any fire
DC	28.5.4.3.12 Maximum Energy Storage capacity shall not exceed five megawatt (5,000,000 watts direct current) of electrical energy

28.5.4.3.13 A fire hydrant shall be located within 300 feet of the energy storage containers of a Large Scale Energy Storage Facility

28.5.4.3.14 Shall be set back a minimum of 300 feet from any residential unit in use

28.5.4.3.15 Shall be equipped with a water-based sprinkler system with design density and installation prescriptively meeting the requirements of NFPA 13. The system shall be comprised of dry piping and open type sprinkler heads installed throughout the enclosed ESS enclosure which shall be supplied through a 4" Storz Style Fire Department Connection which shall be piped a minimum of 50' away from the ESS enclosure or as approved by the Fire Chief. This Bylaw shall not take the place of any sprinkler or specialized suppression system which may be required under Massachusetts General Laws Chapter 148-Fire Laws or Massachusetts Fire Prevention Regulations 527 CMR 1 and referenced NFPA 1-2021 or any referenced standard stated therein.

28.6 Solar Energy System Administrative Review Requirements

For § 28.6: Small scale solar energy systems shall include Small Scale Solar Systems and, if associated, Small Capacity Energy Storage Systems; Large scale solar systems shall include: Large-Scale Solar Systems and Large Capacity Energy Storage Systems

28.6.1 Authority

The Planning Board will perform an Administrative Review for all small-scale, large scale ground-mounted solar energy systems to assure compliance with the regulations in this section of the bylaw.

28.6.2 Purpose

This Administrative Review serves to verify conformance with the requirements of this bylaw. It does not constitute a special permit or discretionary approval.

28.6.3 Procedures for Administrative Review

28.6.3.1 Interdepartmental Review

The Planning Board shall transmit one copy of each application to the Building Inspector, Conservation Commission, Fire Department, and Police Department, who

shall review the application and submit their recommendations and comments to the Planning Board concerning

28.6.3.1.1 The adequacy of the data and methodology used by the applicant to determine the impacts of the proposed development;

28.6.3.1.2 The effects of the projected impacts of the proposed development; and

28.6.3.1.3 Recommended conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development.

Failure of Boards or Departments to make recommendations within twenty-one (21) days of the referral of the application shall be deemed to be lack of opposition.

28.6.3.2 Timeline for decision

The Planning Board shall take final action within ninety (90) days from receipt of a complete application to the Planning Board. The Planning Board's final action in writing shall consist of either:

28.6.3.2.1 Approval of the site plan based on a determination that the proposed project is in compliance with the standards set forth in this bylaw;

28.6.3.2.2 Disapproval of the site plan based on a determination that the proposed project does not meet the standards for review set forth in this bylaw; or

28.6.3.2.3 Approval of the project subject to any conditions, modifications and restrictions which will ensure that the project meets the standards set forth in this bylaw.

28.6.4 General Required Documents

The Administrative Review application shall be accompanied by five (5) copies of deliverables including the following:

28.6.4.1 A site plan showing:

28.6.4.1.1 Property lines and physical dimensions of the subject property with contour intervals of no more than 10 feet:

28.6.4.1.2 Location, dimensions, and types of existing major structures on the property:

28.6.4.1.3 Location of the proposed solar system structures, foundations, and associated equipment:

28.6.4.1.4 The right-of-way of any public road that is contiguous with the property;

- 28.6.4.1.5 Any overhead or underground utilities;
- 28.6.4.1.6 Location and approximate height of tree cover;
- 28.6.4.1.7 Property lines of adjacent parcels within 300 feet:
- 28.6.4.1.8 At least one (1) color photography of the existing site, measuring eight (8) inches by ten (10) inches.
- 28.6.4.2 Solar system technical specifications, including manufacturer and model:
- 28.6.4.3 One or three line electrical diagram showing associated components, and electrical interconnection methods, with all NEC compliant disconnects and overcurrent devices:
- 28.6.4.4 Contact information and signature of the project proponent, as well as all co-proponents, if any, and all property owners:
- 28.6.4.5 Contact information and signature of agents representing the project proponent, if any:
- 28.6.4.6 Contact information for the person(s) responsible for public inquiries throughout the life of the system:
- 28.6.4.7 A plan for maintenance of the solar energy system, including maintenance of spill containment system per §28.5.4.3.7:
- 28.6.4.8 Solar energy system specifications of cooling and fire protection per §28.5.4.3.2, §28.5.4.3.11, and 28.5.4.3.13:
- 28.6.4.9 Tower foundation blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts:
- 28.6.4.10 Electrical schematic:
- 28.6.4.11 Analysis and design documents, completed by a structural engineer registered to practice in the Commonwealth of Massachusetts, demonstrating that the proposed building is structurally sufficient to support the permanent installation of any proposed building-integrated solar energy system:
- 28.6.4.12 Elevation drawings of the building with the proposed building-integrated solar energy system installed, viewed from north, south, east, and west:
- 28.6.4.13 Building schematic detailing point(s) of connection and associated supports for the building-integrated solar energy system:
- 28.6.4.14 Schematic of attachment method for connecting the building-integrated solar energy system to the building:
- 28.6.4.15 Documentation that shows the owner of the solar energy systems has Liability Insurance per § 28.6.5 of this bylaw:

28.6.4.16 Documentation that shows the owner of the solar energy system has Site Control per § 28.6.6 of this bylaw:

28.6.4.17 Documentation that shows the owner of the solar energy system has notified the electric utility of this installation per § 28.6.7 of this bylaw. Off-grid solar energy systems are exempt from this requirement.

28.6.5 Proof of Liability Insurance

The applicant shall be required to provide evidence of liability insurance in an amount, and for a duration sufficient to cover loss or damage to persons and property caused by the failure of the system.

28.6.6 Site Control

At the time of its application, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed system. Documentation shall also include proof of control over setback areas and access roads, if required. Control shall mean the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

28.6.7 Utility Notification

No solar energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

28.6.8 Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the solar system and that which is otherwise prescribed by applicable bylaws and regulations. All solar energy systems shall be installed with adequate ground clearance such that maintenance of the ground below the panels may be maintained by mechanical means and/or animals.

28.6.9 Soil Permeability

All land associated with Solar Energy System shall be natural vegetation. No system shall use impervious surfaces in its foundations, footings or paths between solar panels. Exceptions are concrete slabs on grade to support electrical switchgear and enclosures.

28.6.10 Wildlife Corridors

Solar energy systems shall be designed and constructed to optimize the maintenance of wildlife corridors.

28.6.11 Setbacks

Solar energy systems shall be set back a distance of at least 50 feet from the nearest property line and private or public way except along Route 47, a designated scenic byway, where systems shall be set back a distance of at least 100 feet from the public way or behind the principal structure thereon, whichever is less. The Planning Board may reduce the minimum setback distance as appropriate, based on site-specific considerations, or written consent of the affected abutter(s), if the project satisfies all other criteria for the granting of site plan approval under the provisions of this section. Large Capacity Energy Storage Systems shall also meet setback per § 28.5.4.3.14

On-Site Solar Energy Systems shall be located in back yards and side yards, and not in front yards or the required front yard setback.

28.6.12 Parking

Reasonable on-site parking is required for vehicles that will service solar energy systems. However, the Parking Requirements under § 5.4 of the Town of Hadley Zoning Bylaw do not apply to solar energy systems.

28.7 Solar Energy System Special Permit Requirements

For § 28.7: Solar energy systems shall include: Large scale solar systems and Large Capacity Energy Storage Systems.

The construction of a Large-Scale, Ground Mounted Solar Energy System, and if associated Large Capacity Energy Storage System, intended for off-site generation shall require a special permit as set forth in § 28.5.3.2 of this bylaw, and shall comply with all requirements set forth herein.

28.7.1 Lighting

Lighting of parts of the solar energy system shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties.

28.7.2 Signage and Advertising

Signs on the solar energy system shall comply with the requirements of the Town's sign regulations, shall not be used for displaying advertising of any kind, and shall be limited to:

28.7.2.1 Maximum of (3) signs shall be allowed providing the information as detailed in § 28.7.2 and no sign shall exceed 2 square feet in size;
(Amend 10/25/2012)

28.7.2.2 Those necessary to identify the owner, provide a 24-hour emergency contact phone number;

28.7.2.3 Educational signs providing information about the system and the benefits of renewable energy;

28.7.2.4 Any signs as may be required by government agencies may be exempt from this sign section.

28.7.3 Utility Connections

Reasonable efforts shall be made to locate all utility connections from the solar energy system 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.

28.7.4 Appurtenant Structures

All appurtenant structures to such solar energy systems shall be subject to the same regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, and building coverage requirements as may apply in the underlying zoning district. Whenever reasonable, structures should be screened from view by vegetation.

28.7.5 Emergency Services

The applicant shall provide a copy of the project summary, electrical schematic, and site plan to the local emergency services providers, as designated by the Planning Board. Upon request the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of disconnecting the solar energy system shall be clearly marked. The applicant or system owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

28.7.6 Unauthorized Access

The solar energy system shall be designed to prevent unauthorized access. Electrical equipment shall be locked where possible.

28.7.7 Operation & Maintenance Plan

The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the solar energy system.

28.7.8 Visualizations

The Planning Board may select up to four sight lines, including from the nearest building with a view of the solar system, for pre- and post-construction view representations. Sites for the view representations shall be selected from populated areas proximate to the proposed solar energy system. View representations shall have the following characteristics:

- 28.7.8.1 View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the solar system (e.g. superimpositions of the solar system onto photographs of existing views:
- 28.7.8.2 All view representations will include existing, or proposed, buildings or tree coverage:
- 28.7.8.3 Include description of the technical procedures followed in producing the visualization (distances, angles, lens, etc.).

28.7.9 Landscape Plan

A plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures. Lighting shall be designed to minimize glare on abutting properties and be directed downward with full cut-off fixtures to reduce light pollution.

28.8 Commercial Site Plan Approval

Except where they are inconsistent with the provisions of this bylaw, the requirements of the Commercial Site Plan Approval, as defined in Section VIII of the Town of Hadley Zoning Bylaw, also apply to Large-Scale, Ground-Mounted Solar Energy Systems and Large Capacity Energy Storage Systems in all districts allowed under this bylaw.

Planning Board Recommends 5-0-0

ADA ADVISORY – Anyone in need of special accommodation for Town Meeting, please contact the office of the Select Board at Town Hall, 100 Middle Street by **Friday, April 26, 2024** in order that reasonable accommodations may be made.

Given under your hands this _____ day of **April, 2024**

Amy Parsons, Chair

Joyce A. Chunglo

Jane Nevinsmith

Randall Izer

Molly Keegan

HADLEY SELECT BOARD