

TOWN OF PLAINFIELD

Plainfield, Massachusetts 01070

Town Office: 634-5420 • 634-5406 • Fax: 634-5683



TOWN OF PLAINFIELD ANNUAL TOWN MEETING WARRANT

Hampshire, ss:

To either of the Constables of the Town of Plainfield,

Greetings:

In the name of the Commonwealth of Massachusetts you are required to notify and warn the inhabitants of the Town of Plainfield qualified to vote in Town affairs to assemble at the Town Hall on Saturday, May 7, 2011 at 1:00 p.m., then and there to act on the following articles, to wit:

Article 1. To vote by official ballot for all Town Officers, Committees, Trustees, etc., and to fix compensation for the same.

Article 2. To see if the Town will vote to raise and appropriate or otherwise provide such amounts of money as are reasonable and necessary to defray the expenses of the town for the fiscal year beginning July 1, 2011, or take any other action relative thereto.

Article 3. To see if the Town will vote to return \$962.50 from book sales and fines to the Shaw Memorial Library, or take any other action relative thereto.

Inserted by the Town Accountant Recommended by the Finance Committee

Article 4. To see if the Town will authorize the Assessors to apply \$64,000.00 from Free Cash to reduce the Fiscal 2012 tax rate, or take any other action relative thereto.

Inserted by the Town Accountant Recommended by the Finance Committee

Article 5. To see if the Town will vote to raise and appropriate the sum of \$176,029.00 and take the amount of \$20,000.00 from the Stabilization Fund for the purpose of funding Vocational Tuition and Transportation for Fiscal 2012, or take any action relative thereto.

Inserted by the Finance Committee Recommended by the Finance Committee

Requires a 2/3 vote

Article 6. To see if the Town will vote to take the amount of \$3,524.00 from the Stabilization Fund to reimburse the Plainfield Volunteer Firefighters Association for the Town's share of the Assistance to Firefighters Grant, or take any action relative thereto.

Inserted by the Select Board

Requires a 2/3 vote

Article 7. Shall the town vote to have its elected Tax Collector become an appointed Tax Collector of the town?

Inserted by the Select Board

Article 8. Shall the town vote have its elected Treasurer become an appointed Treasurer of the town?

Inserted by the Select Board

Article 9. To see if the Town will authorize the Select Board to sell the parcel of land located at 356 West Main Street (Route 116), which parcel contains 15,300 square feet, more or less, and is described in a deed recorded with the Hampshire County Registry of Deeds at Book 7, Page 160, on such terms and conditions and for such consideration, which may be nominal consideration, as the Select Board deems appropriate, or take any action relative thereto.

Inserted by the Select Board

Article 10. To see if the town will vote to authorize the Select Board to take all necessary and appropriate action to establish and maintain, in accordance with the provisions of sections 34 through 47E, inclusive, of Chapter 164 of the Massachusetts General Laws and in accordance with the rules, regulations and orders of the Department of Public Utilities and the Department of Telecommunications and Cable, a municipal lighting plant for all purposes allowable under the laws of the Commonwealth, including without limitation the operation of a telecommunications system and any related services, or to take any other action relative thereto.

Inserted by the Select Board

Article 11. To see if the Town will vote to amend The Zoning By-Law of the Town of Plainfield as follows:

Amend the Plainfield Zoning Bylaw Section 2.1 by adding the following:

2.4.1 Restaurant or Banquet Facility: An establishment within a structure or part thereof that is leased, rented or owned by a person holding a duly issued and valid common victualler license under the provisions of MGL Chapter 140 section 2. Said facility shall be fitted out for the purpose and principal business of the sale of prepared foods and/or alcoholic beverages with adequate and sanitary kitchen and dining room equipment and capacity for preparing, cooking and serving food to patrons to be consumed on the premises.

Amend the Plainfield Zoning Bylaw Section 4.2.2 as follows:

To 4.2.2 h add: including restaurants and banquet facilities (see Section 8.4)
Delete in its entirety: j. (9) Restaurant

Amend the Plainfield Zoning Bylaw to include the following in Section VIII:

8.4 Restaurant or Banquet Facility

8.4.1 General Conditions for a Restaurant or Banquet Facility

The Zoning Board of Appeals may issue a special permit subject to the following general conditions and requirements.

(a) Granting of a special permit is not a variance.

(b) Any special permit issued for a Restaurant or Banquet Facility shall only be issued to the owner of the property and shall not be transferable; any changes in ownership require a new special permit. The special permit may be revoked if any of the conditions and/or requirements listed is violated as determined by the Building Commissioner, Board of Health or Zoning Board of Appeals.

(c) No Restaurant or Banquet Facility new or pre-existing shall be operated without first being granted either a special permit from the Zoning Board of Appeals, or possess an existing permit granted by the Board of Selectmen, a certificate of occupancy from the building commissioner which shall state the allowable occupancy as determined by the plan review along with written approval from the Board of Health. A grace period of 90 days from the date of promulgation is extended to all applicants in order to process inspections and paperwork.

(d) Any Restaurant or Banquet Facility not possessing a common victualler license in existence on the effective date of this bylaw is not a nonconforming use, is in violation of the zoning bylaws, and is not entitled to remain in operation without the issuance of a special permit, common victualler license and a certificate of occupancy.

(e) Parking Requirements

- All parking must be off street.
- All parking areas must have year-round opaque screening from view of side yards of abutters by means of walls, fencing, berms, evergreen trees or shrubs to avoid adverse visual impact.
- One (1) parking space for each three (3) seats of seating capacity. Any restaurant serving alcoholic beverages under chapter 138 of the Massachusetts Gen. laws (as most recently amended) one (1) parking space for every two (2) patrons, based on the actual occupant load listed on the application for certificate of occupancy approved by the building and fire departments.

8.4.2 Application

Application for a Special Permit requires an affidavit/reliance letter issued by a state licensed and insured, qualified third-party engineer stating the subject property is in conformance with all state and local regulatory codes and bylaws

for parking, public health (Title V-compliance) and public safety (chapter 106-life safety, fire alarm signaling, egress etc.) and shall be supported by the following certified, wet stamped documentation from the engineer whose plan review shall encompass the following requirements:

- (a) A site plan/survey issued by a state licensed and insured, qualified third-party engineer showing all existing and proposed structures and appurtenances, boundaries, property lines or easements.
- (b) A complete As Built Plan drawn to scale, detailing all ingress and egress, food prep, cook line with fire suppression system, dining and storage areas; all structural, mechanical and other life safety system elements for compliance with the most applicable iteration of the Massachusetts State Building Code.
- (c) An off street parking plan identifying one (1) space per every two (2) patrons and one (1) per every four staff or employees.
- (d) A certificate of occupancy will be required for the premises and shall state the allowable occupancy as determined by the plan review along with written approval from the Board of Health and it shall be subject to annual inspection.
- (e) If a liquor license is granted, then proof of in-force liquor liability insurance is required under the provisions of M.G.L. Chapter 116 section 1-4 with underlying minimum coverage's of \$250,000 per person/\$500,000 per accident.

8.4.3 Permit Lapse

The special permit shall lapse after two years from the granting thereof if a substantial use has not sooner commenced. Or having commenced has been suspended for a period exceeding two years, except for good cause as determined by the SPGA after a public hearing.

8.4.4 Penalties

Penalties for violations shall be in accordance with the provision of this bylaw.

Amend the Plainfield Zoning Bylaw Section 4.0 by adding the following:

Unless specifically allowed, all other uses are prohibited.

Amend the Plainfield Zoning Bylaw Section 4.1.3 c as follows:

Delete the words: to borders or tourists

Add the following: (7) Said facility shall be subject to a yearly inspection by the fire marshal to assure compliance with all life safety requirements for egress, fire alarm and carbon monoxide signaling.

Amend the Plainfield Zoning Bylaw Section 1.2 by adding the following:

These bylaws are also intended to encourage a positive environment for small businesses and home occupations while regulating the use of land to protect and promote the health, safety and general welfare of the inhabitants of the town of Plainfield.

Inserted by the Planning Board

Requires a 2/3 vote

Article 12. To see if the Town will vote to amend the Zoning By-Law of the Town of Plainfield as follows:

Amend the Plainfield Bylaws Section 2.1 to include the following under SECTION II: DEFINITIONS

2.1.6.1 As-of-Right Siting: The siting of a development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. However, development may be subject to site plan review and applicable building permits to determine conformance with local zoning ordinances, bylaws and federal and state building codes. Siting of projects cannot be prohibited, but can be reasonably regulated by the local building commissioner or local inspector, or if there is none in a town, by the board of selectmen, or a designated authority having jurisdiction.

2.1.8.1 Building Commissioner: The lead person in a municipal building department. All other inspectors are deemed to be local inspectors in accordance with MGL, chapter 143, & section 3 & 3A. The building commissioner is also the zoning enforcement officer.

2.1.9.1 Building Permit: A construction permit issued by an authorized local building commissioner; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws.

2.1.32.1 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 250 KW DC and covers not more than two acres of land in aggregate.

2.1.38.1 On-Site Solar Photovoltaic Installation: A solar photovoltaic installation that is constructed at a location where other uses of the underlying property do or may occur.

2.1.38.2 Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

2.1.45.1 Site Plan Review: A review by the Site Plan Review Authority to determine conformance with local zoning ordinances or bylaws. For each application provision shall be made for a separate an independent third-party review by a professional engineer, licensed in the Commonwealth of Massachusetts to advise said authority separate and apart from the applicant's engineering firm. The cost of all engineering advisory services to the Site Plan Review Authority shall be paid by the applicant.

2.1.45.2 Site Plan Review Authority: The person or group designated as such by the municipality to perform Site Plan Reviews

Amend the Plainfield Zoning Bylaw Section 4.1 to include the following:

4.1.6 The Siting of Large-Scale Ground-Mounted Solar Photovoltaic Installations
(see Section 8.3)

Amend the Plainfield Zoning Bylaw to include the following in Section VIII:

8.3 The Siting of Large Scale Ground-Mounted Solar Photovoltaic Installations

Purpose

The purpose of this Section 8.3 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 siting, construction, maintenance, and removal of large-scale ground-mounted solar photovoltaic installations. Once installed, the operation of the installation will require a Special Permit issued by the Zoning Board of Appeals.

8.3.1 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.

8.3.2 General Requirements for all Large Scale Solar Power Generation Installations

The following requirements are common to all solar photovoltaic installations.

8.3.2.1 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 federal and state building codes and local ordinances.

8.3.2.2 Site Plan Review

Ground-mounted large scale solar photovoltaic installations shall undergo site plan review by the Site Plan Review Authority prior to construction, installation

or modification as provided in this Section. For the purpose of this Section of the Zoning Bylaw, the Zoning Board of Appeals (ZBA) shall be the Site Plan Review Authority.

8.3.2.2.1 General

All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts.

8.3.2.2.2 Required Documents

Pursuant to the site plan review process, the project proponent shall provide the following documents:

- (a) A site plan showing:
 - i. Property lines and physical features, including roads, for the project site;
 - ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
 - iii. 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
 - iv. 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 overcurrent devices;
 - v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
 - vi. Name, address, and contact information for proposed system installer;
 - vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents, property owners or operators if any;
 - viii. The name, contact information and signature of any agents representing the project proponent
- (a) Documentation of actual or prospective access and control of the project site;
- (c) An operation and maintenance plan
- (d) Proof of liability insurance; builders risk insurance and
- (e) Description of financial surety.

8.3.2.3 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.

8.3.2.4 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.

8.3.2.5 Utility Notification

No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Site Plan Review Authority that the utility company that operates 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. Off-grid systems shall be exempt from this requirement.

8.3.2.6 Dimension and Density Requirements

8.3.2.6.1 Setbacks

For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be 50 feet each.

8.3.2.6.2 Segmentation

In determining whether a project complies with the lot size restriction in section 2.1.32.1, the developer and the Site Plan Review Authority shall consider the entirety of the development, including:

- (a) Any likely future expansion of the project on the subject property or on any property which is contiguous to the subject property or under related ownership;
- (b) Any past, related development on any property which is contiguous to the subject property or any property that is under related ownership with the subject property at the time that this bylaw was adopted. A developer may not phase or segment a project or transfer ownership of contiguous properties to evade, defer, or curtail the requirements set forth in this bylaw.

8.3.2.6.3 Structures

All structures for large-scale ground-mounted solar photovoltaic installations shall be subject to existing bylaws. All appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. All structures shall have year-round opaque screening from view of side yards of abutters by means of walls, fencing, berms, evergreen trees or shrubs to avoid adverse visual impact.

8.3.2.7 Design Standard

8.3.2.7.1 Site 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. A photometric plan detailing all levels of exterior lighting including "light spread" in foot candles at property lines for the photovoltaic installation is required. Illumination shall be limited to 12 foot high light standards equipped with not more than two, single lamp, down light fixture boxes and controlled by cutoffs or commercial grade motion sensors.

8.3.2.7.2 Signage

Signs on large-scale ground-mounted solar photovoltaic installations shall comply with Section 8.0 of this bylaw. Each sign 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 manufacturer or operator of the solar photovoltaic installation.

8.3.2.7.3 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.

8.3.2.8 Safety and Environmental Standards

8.3.2.8.1 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. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

8.3.2.8.2 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 large – scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

8.3.2.9 Monitoring and Maintenance

8.3.2.9.1 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, 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.

8.3.2.9.2 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.

8.3.2.10 Abandonment or Decommissioning

8.3.2.10.1 Removal Requirements

Any large-scale ground-mounted solar photovoltaic installation which is operating at fifty percent capacity or less, per manufacturers design standards for output, or which has reached the end of its useful life as defined by Marshall & Swift indices or whose operation has been abandoned, shall be removed. The owner or operator shall physically remove the installation no more than 150 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:

- (a) Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, below grade duct banks, raceways, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization, recovery 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.

8.3.2.10.2 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 one year 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 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.

8.3.2.10.3 Financial Surety

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account or a bond rated AAA

by Standard and Poor (S&P), 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 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 cost estimate shall incorporate a mechanism to adjust for the rate of inflation as calculated by the Bureau of Labor Statistics consumer price index (CPI) for construction costs.

Amend the Plainfield Zoning Bylaw, Section 4.2.2 to include the following:

k. Commercial electrical generating facilities including large-scale ground-mounted photovoltaic systems.

Inserted by the Planning Board

Requires a 2/3 vote

Article 13. To see if the Town will vote to accept the provisions of M.G.L. Chapter 138: Section 33B which states: "The local licensing authority of any city or town which accepts this section may authorize licensees under section twelve to sell alcoholic beverages between the hours of 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and on Christmas day or on the following day when said day occurs on a Sunday.", or take any action relative thereto.

Inserted by the Select Board

Article 14. To see if the Town will vote to accept as available funds any and all monies from the Massachusetts Department of Transportation for Fiscal 2012.

Inserted by the Select Board

Article 15. To see if the Town will choose or create, as appropriate, any other Town Committees, Boards, Commissions, Trustees, Offices, etc., and to fix compensation for the same, or take any other action relative thereto.

Article 16. To see if the Town will vote to authorize the Select Board to retain legal counsel for the town, or take any other action relative thereto.

Inserted by the Select Board

Article 17. To see if the Town will vote to leave the care, maintenance and repair of the Town Hall, Shaw Memorial Library, Hallock Memorial School Building, Hathaway Hall, Firehouse, Town Garage, Police Station, Public Safety Building, and surrounding areas, in the charge of the Buildings Committee, or take any other action relative thereto.

Inserted by the Buildings Committee

Article 18. To see if the Town will vote to leave the care, maintenance and repair of the cemeteries in the charge of the Cemetery Committee, or take any other action relative thereto.

Inserted by the Cemetery Committee

Article 19. To see if the Town will vote to leave the care, maintenance and repair of the highways, public ways, including the alteration and widening thereof, railings and bridges in the charge of the Select Board, or take any other action relative thereto.

Inserted by the Select Board

Article 20. To see if the Town will vote to accept the reports of the Town Officers, Boards, Committees, Trustees, etc. as printed in the Town Report.

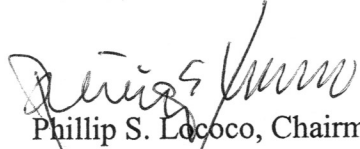
Article 21. To see if the Town will vote to transact any other business that may legally come before this meeting.

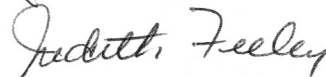
You are directed to serve this Warrant by posting four attested copies thereof, one at the Town Hall, one at the Post Office, one at the Town Offices and one at the Transfer Station seven days at least before the time of holding said meeting.

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

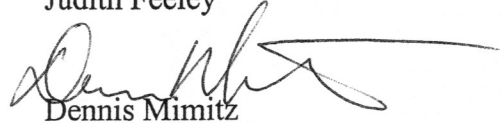
Given under our hands on this, the 26th day of April in the year Two Thousand and Eleven.

Plainfield Board of Selectmen:


Phillip S. Lococo, Chairman



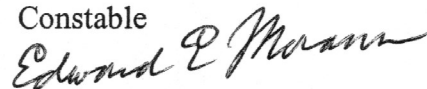
Judith Feeley


Dennis Mimitz

CERTIFICATE OF SERVICE


Pursuant to within Warrant, to me directed, I have notified the qualified voters of the Town of Plainfield to meet at the time and for the purpose therein mentioned by posting four copies of said Warrant, one at the Town Hall, one at the Post Office, one at the Town Offices and one at the Recycling Station on this 27th day of April, 2011.

Constable


Edward E. Morano

A True Copy

Attest:


Theresa Platcher
Town Clerk