Commonwealth of Massachusetts
Town of Northbridge
PROCEEDINGS OF FALL ANNUAL TOWN MEETING
TUESDAY, OCTOBER 22, 2013 – 7:00 P.M.
Northbridge High School
427 Linwood Avenue

The Fall Annual Town Meeting was called to order at 7:05 p.m. by the Moderator, Harold D. Gould, Jr., at the Northbridge High School Field House on Linwood Avenue, in Whitinsville, in said Northbridge, Massachusetts. The Moderator declared the Town Quorum of 50 present (attendance at 6:55 p.m. was 95). The invocation was given by the Rev. John D. Stubbs, Rector of Trinity Episcopal Church, in Whitinsville, and was followed by the pledge of allegiance to the American Flag.

The following tellers were appointed by the Moderator and duly sworn in by the Town Clerk:
Sharon Susienka, Linda Zywien, John Crawford, Normand Armstrong, Andrew Todd, and Denis LaTour.

Upon motion made and seconded and voted unanimously, the reading of the warrant and the return of service thereof were dispensed with.

Attendance at 7:05 p.m.: 135 registered voters

ARTICLE 1: Voted **APPROVED** Unanimous
Moved and seconded that the Town vote to pass over Article 1.

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following sums of money and authorize the payment of prior year bills: or take any other action relative thereto.

ARTICLE 2: Voted **APPROVED** Unanimous
Moved and seconded that the Town vote to amend the votes taken under Article 3 of the 2013 Spring Session of the Annual Town Meeting (May 7, 2013), appropriations and transfers under the Omnibus Budget Article as follows:

BUDGET TRANSFERS

GENERAL GOVERNMENT

TOWN MANAGER:	
Line 2A: Town Manager Personnel	
By transferring from Line 2B [Town Manager Expenses]	
the additional sum of	$ 1,391
ASSESSORS:	
Line 5A: Assessors Personnel	
By raising and appropriating the additional sum of	$ 8,500
TREASURER/COLLECTOR:	
Line 6B: Treasurer/Collector Expenses	
By transferring from Line 6A [Treasurer/Collector Personnel]	
the additional sum of	$20,000
TOTAL ARTICLE 2:	**$29,891**

ARTICLE 3: Voted **APPROVED** Unanimous
Moved and seconded that the Town vote to raise and appropriate the sum of $117,000 for the purpose of relocating the Fire Department Dispatch Center including all equipment, supplies, personnel costs, and associated appurtenances to the Police Department headquarters at 1 Hope Street; said funds to be expended under the direction of the Board of Selectmen.

Attendance at 7:30 p.m.: 161 registered voters

ARTICLE 4: **Voted** **APPROVED** **Secret Ballot: YES** 108 **NO** 48
Moved and seconded that the Town vote to acquire by donation and accept from Pine Grove Cemetery Association all or a portion of the property known as Pine Grove Cemetery, located at 241 Linwood Avenue and shown as Parcel 2 on Assessors' Map 14; and to authorize the Board of Selectmen to take all actions and execute all documents necessary and appropriate for such acquisition.

Moved and seconded to move the previous question.
Voted **APPROVED** Voice Vote
2/3 vote attained.
Moderator declared 2/3 vote by
Virtue of Town By-Law C3-106

ARTICLE 5: Voted **APPROVED** Majority
Moved and seconded that the Town vote to accept from Pine Grove Cemetery Association all or a portion of the personal property, funds and accounts of said Association owned, maintained and used in connection with the ownership and operation of the Pine Grove Cemetery, located at 241 Linwood Avenue and shown as Parcel 2 on Assessors' Map 14; and to authorize the Board of Selectmen to take all actions and execute all documents necessary on behalf of the Town to effect and complete such acceptance, including, but not limited to, the designation of funds as gift funds in accordance with the provisions of the General Laws and any other action as is necessary and permissible to permit the expenditure of donated funds for cemetery purposes without further appropriation.

ARTICLE 6: Voted **APPROVED** Unanimous
Moved and seconded that the Town vote to raise and appropriate the sum of $23,330; said funds to be expended by the School Department for costs incurred for mold remediation at the High School.

ARTICLE 7: Voted **APPROVED** Unanimous
Moved and seconded that the Town vote to raise and appropriate the sum of $55,000 and transfer said sum to the Stabilization Fund.

ARTICLE 8: Voted **APPROVED** Unanimous
Moved and seconded that the Town vote to amend the Code of the Town of Northbridge, Article 8-100, Dogs, as set forth below, in order to address amendments to the General Laws concerning regulation of dogs as follows:

Section 8-101: By deleting the current definition for "kennel" (language crossed out below) and substituting in place thereof the following new definition:

~~One pack or collection of dogs on a single premises, whether maintained for breeding, boarding, day care, sale, training, hunting or other purposes, and including any shop where dogs are on sale, who are not covered by MGL c. 129, § 39A, and also including every pack or collection or more than three dogs, six months old or over, owned or kept by a person on a single premises, irrespective of the purpose for which they are maintained. Any and all kennels registered in the Town of Northbridge shall be subject to state and local business regulations. A veterinary hospital shall not be considered a kennel for the purposes of this bylaw.~~

A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel, as defined in MGL c. 140, §136A.

Section 8-105: By adding a new sentence (language underscored below) to paragraph A so that it reads as follows:
A. Any owner or keeper of a dog six months of age or older in the Town of Northbridge shall cause that dog to be licensed as required by MGL c. 140 within the stipulated time. <u>An owner or keeper of less than four (4) dogs over three (3) months of age may elect to secure a kennel license in lieu of licensing the dogs individually as provided by MGL c. 140, § 137A.</u>

ARTICLE 9:
Moved and seconded that the Town vote to amend its Zoning Bylaws by adding as "Article XX Large Scale Solar Photovoltaic Installations" the following:

Article XX
Large Scale Solar Photovoltaic Installations

§ 173-133 Purpose
The purpose of this bylaw is to reasonably regulate 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.

§ 173-134 Applicability
This bylaw applies to large-scale ground-mounted solar photovoltaic installations, as defined herein, proposed to be constructed after the effective date of this bylaw. This bylaw also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

The bylaw in not intended to regulate systems of less than 250 kW or roof-mounted systems. It is also not intended to regulate systems that are consumptive power systems, where all power that is generated is utilized to power onsite operations.

§ 173-135 Definitions
Building Permit: A permit issued by the Building Inspector allowing for the construction of a large-scale ground-mounted solar photovoltaic installation consistent with the state and federal building codes and the Zoning Bylaw.

Large-Scale Ground-Mounted Solar Photovoltaic Installation (LGSPI): A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, has a minimum nameplate capacity of 250 kW DC, and generates power utilized at least in part off-site.

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

Zoning Bylaw: The Northbridge Zoning Bylaw.

§ 173-136 General Requirements
The following requirements are common to all for all Large Scale Solar Power Generation Installations.

A. Compliance with Laws, and Regulations
The construction and operation of all LGSPI 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. Provided that the provisions of Article XVI (Route 146 Overlay District) shall not apply to an LGSPI.

B. Building Permit
No LGSPI shall be constructed, installed or modified except pursuant to a building permit. The building permit application for a LGSPI must be accompanied by the required fee.

C. Site Plan Review
No LGSPI shall be constructed, installed or modified except in conformity with a site plan approved by the Planning Board in accordance with the Zoning Bylaw. The Planning Board shall consider and apply the requirements set forth in this bylaw in reviewing and deciding an application for site plan approval. Upon receipt of an application for site plan approval of a LGSPI, the Planning Board may engage, at the applicant's cost, professional and technical consultants, including legal counsel, to assist the authority with its review of the application, in accordance with the requirements of Section 53G of Chapter 44 of the Massachusetts General Laws. The Planning Board may direct the applicant to deposit funds with the Planning Board for such review at the time the application is accepted, and to add additional funds as needed upon notice. Failure to comply with this section shall be good grounds for denying the application. Upon approval of the application, any excess amount in the account attributable to that project, including any interest accrued, shall be repaid to the applicant.

D. 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.

E. Operation & Maintenance Plan
The project proponent shall submit a plan for the operation and maintenance of the LGSPI, which shall include measures for maintaining safe access to the installation, storm water controls, and general procedures for operational maintenance of the installation.

F. Utility Notification
No LGSPI shall be constructed until evidence has been given to the Planning Board 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.

G. Design Standards

1. Utilization
LGSPI in R1, R2, and V, no more than 65% of the parcel shall be utilized for the entire installation, including screening.

2. Setbacks and Screening
Front, side and rear yards for LGSPI shall be as follows:

(a) Front yard. The front yard depth shall be at least 100 feet

(b) Side yard. Each side yard shall have a depth at least 50 feet

(c) Rear yard. The rear yard depth shall be at least 50 feet

Every abutting property shall be visually screened from the LGSPI through any one or combination of the following: location, distance, plantings, existing vegetation and fencing (not to exceed 6 feet in height).

3. **Appurtenant Structures**
All appurtenant structures to a LGSPI shall be subject to the same regulations that pertain to primary structures as set forth in the Zoning Bylaw.

4. **Landscaping**
The project proponent shall submit a landscape plan detailing all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting and screening vegetation and/or fences/walls.

5. **Land Clearing & Grading, Soil Erosion and Habitat Impacts**
Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the LGSPI or otherwise prescribed by applicable laws, regulations, and bylaws. Land clearing and grading plans shall avoid practices that cause erosion and shall minimize habitat disruption.

6. **Lighting**
Lighting of LGSPI, including appurtenant structures, shall be consistent with local, state and federal law, and otherwise shall be limited to that required for safety and operational purposes. It shall be designed to minimize glare on abutting properties and be directed downward with full cut-off fixtures to reduce light-pollution.

7. **Signage**
Signs on LGSPI shall comply with all applicable legal requirements, including the Zoning Bylaw. One sign consistent with the Zoning 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 manufacturer or operator of the solar photovoltaic installation.

8. **Utility Connections**
Reasonable efforts, as determined by the Planning Board, 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.

H. Monitoring and Maintenance

1. **Solar Photovoltaic Installation Conditions**
The owner or operator of the LGSPI 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 Fire Chief and local 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.

2. **Emergency Services**
Prior to issuance of a building permit, the LGSPI owner or operator shall provide a project summary, electrical schematic, and approved site plan to the town's local safety officials, including the Police Chief, Fire Chief and Building Inspector.

Upon request the owner or operator shall cooperate with local safety officials in developing an emergency response plan, which may include ensuring that emergency personnel have immediate, 24-hour access to the facility. 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, and shall provide a mailing address and telephone number for such person(s).

I. Modifications
All material modifications to a LGSPI made after issuance of the required building permit shall require approval by the Planning Board through Site Plan Review.

J. Discontinuance and Removal

1. **Removal Requirements**
Any LGSPI, or any substantial part thereof, not used for a period of one continuous year or more without written permission from the Planning Board, or that has reached the end of its useful life, shall be considered discontinued, and shall be removed. Upon written request from the Building Inspector addressed to the contact address provided and maintained by the owner or operator as required above, the owner or operator shall provide evidence to the Building Inspector demonstrating continued use of the LGSPI. Failure to provide such evidence within thirty days of such written request shall be conclusive evidence that the installation has been discontinued. Anyone intending to decommission and/or remove such an installation shall notify the Planning Board and Building Inspector by certified mail of the proposed date of discontinued operations and plans for removal.

The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. Removal shall consist of:

(a) Physical removal of all parts of and appurtenances to the LGSPI, including structures, 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 or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

(d) Gravel or ground cover consistent with landscape.

If the owner or operator of the LGSPI fails to remove the installation in accordance with the requirements of this section, the town shall have the right, to the extent it is otherwise duly authorized by law, to enter the property and remove the installation at the expense of the owner of the installation and the owner(s) of the site on which the facility is located.

2. **Financial Surety**
Proponents seeking to construct and operate an LGSPI shall provide, prior to construction, a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the LGSPI and remediate the landscape. The amount and form of such surety shall be determined by the Planning Board. 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.

Motion to amend the main motion:
Voted **APPROVED** Unanimous
Moved and seconded the Town vote to amend the main motion by striking the words "building codes" in the proposed § 173-135 definition of a "Building Permit" and substituting the word "regulations" therefore, so that the definition will require "...installation consistent with state and federal regulations...".

Motion to amend the main motion:
Voted **APPROVED** Unanimous
Moved and seconded that the Town vote to amend the main motion by striking out proposed subparagraph G. 1 (Utilization) in § 173-136, and renumbering the remaining subparagraphs accordingly.

Main Motion As Amended: Voted **APPROVED** Unanimous

ARTICLE 10:
Moved and seconded that the Town vote to amend its Zoning Bylaws by adding the following row to the Table of Use Regulations under the category of "Community Facilities":

USE	ZONING DISTRICT											
Community Facilities	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3 (1)	I-1	I-2	H
Large Scale Solar Voltaic Facilities, see Article XX	-	-	-	-	-	-	-	-	P	P	P	-

Motion to amend the main motion:

Voted **APPROVED** Unanimous

Moved and seconded the Town vote to amend the main motion by striking the word "voltaic" and substituting the word "photovoltaic" therefore.

Main Motion As Amended: Voted **APPROVED** Unanimous

ARTICLE 11: Voted **DEFEATED** Majority

Moved and seconded that the Town vote to adopt the following resolution:

RESTORING CONSTITUTIONAL GOVERNANCE
RESOLUTION OF NORTHBRIDGE, MASSACHUSETTS

WHEREAS, the town of Northbridge, Massachusetts is not a "battlefield" subject to the "laws of war;" and

WHEREAS, Federal Judge Katherine Forrest has ruled Section 1021 of the 2012 NDAA is unconstitutional;

WHEREAS, the U.S. Supreme Court has ruled that neither Congress nor the President can Constitutionally authorize the detention and/or disposition of any person in the United States, or citizen of the United States "under the law of war" who is not serving "in the land or naval forces, or in the Militia, when in actual service in time of War or public danger;" and

WHEREAS, for the purposes of this resolution, the terms "arrest," "capture," "detention under the law of war," "disposition under the law of war," and "law of war" are used in the same sense and shall have the same meaning as such terms have in the 2012 NDAA, Section 1021(c); and therefore

BE IT RESOLVED, that notwithstanding any treaty, federal, state, or local law or authority, enacted or claimed, including, but not limited to, an authorization for use of military force, national defense authorization act, or any similar law or authority enacted or claimed by Congress or the Office of the President directed at any person in Northbridge, who is not serving "in the land or naval forces, or in the Militia, when in actual service in time of War or public danger," it is unconstitutional, and therefore unlawful for any person to:

a. arrest or capture any person in Northbridge, or citizen of Northbridge, within the United States, with the intent of "detention under the law of war," or
b. actually subject a person in Northbridge, to "disposition under the law of war," or
c. subject any person to targeted killing in Northbridge, or citizen of Northbridge, within the United States; and be it further

RESOLVED, that the Town of Northbridge requests the Massachusetts State Legislature recognize the duty of the Commonwealth of Massachusetts to interpose itself between unconstitutional usurpations by the federal government or its agents and the people of this state, as well as the duty to defend the unalienable natural rights of the people, all of which is consistent with our oaths to defend the Constitution of the United States and the Constitution of the Commonwealth of Massachusetts against all enemies, foreign and domestic; and be it further

RESOLVED, that the Town of Northbridge requests our Congressional delegation commence immediately with efforts to repeal the unconstitutional sections of the 2012 NDAA, to-wit, sections 1021 and 1022, and any other section or provision which will have the same or substantially the same effect on any person in the United States not serving "in the land or naval forces, or in the Militia, when in actual service in time of War or public danger;" and be it finally

RESOLVED, that the Town of Northbridge requests our Congressional delegation to introduce, support, and secure the passage of legislation which clearly states that Congress not only does not authorize, but in fact prohibits the use of military force, military detention, military trial, extraordinary rendition, or any other power of the "law of war" against any person in the United States not serving "in the land or naval forces, or in the Militia, when in actual service in time of War or public danger."

Recognizing our duty to defend the Constitution of the United States and the Constitution of the Commonwealth of Massachusetts, as well as recognizing the duty of the people to protect our unalienable natural rights to "life, liberty, and the pursuit of happiness" as articulated in the Declaration of Independence, we, the Town Meeting of Northbridge, Massachusetts, do hereby adopt this resolution.

Action having been completed on all of the Articles on the Warrant for the Fall Annual Town Meeting, a motion was made and seconded to dissolve the Warrant and adjourn the Town Meeting.

Voted unanimously at 9:39 p.m. to dissolve the Warrant and adjourn the Fall Annual Town Meeting.

A TRUE COPY

ATTEST: Doreen A. Cedrone
Doreen A. Cedrone, CMC, CMMC
Town Clerk