

**MINUTES OF THE ANNUAL TOWN MEETING
MAY 17, 2010
SALISBURY ELEMENTARY SCHOOL**

A quorum (125) being present, Moderator Ronald Ray called the Annual Town Meeting to order at 7:30 p.m. with the checklist showing 208 registered voters. The number of voters later peaked at 275. There were 25 non-voters present: Donald Levesque, Terry Kyrios, Lisa Pearson, Neil Harrington, Andrew Gould, Angeljean Chiamida, David L'Esperance, Elizabeth Pettis, Thomas McEnaney, Henry Richard, John W. Morris, David Lovering, Cheryl Gillespie, Andrew Aeranzi (????), William Hodge, Erich Schierel, Mark Dobrowski (???), Bruce MacInnis, James F. Vaughn III, Patrick Symkowski, Bill DeRosa, Ray Mace Jr., Kevin F. Mahoney, Frank Chiarvalotti, Linda Lemerise.

Andrea Carroll, Josephine Kohan, Susan Tatro and Patricia York were checkers at the door with Assistant Town Clerk Christine Marshall assisting. Reggie Santos and Brud Janvrin served as counters throughout the meeting.

ARTICLE ONE

Election of Officers

TWO SELECTMEN FOR A THREE-YEAR TERM (VOTE FOR TWO)

TOWN MODERATOR FOR A THREE-YEAR TERM (VOTE FOR ONE)

TRITON REGIONAL SCHOOL COMMITTEE MEMBERS – THREE MEMBERS FOR A THREE YEAR TERM – ONE MEMBER FROM EACH TOWN; AND ONE MEMBER FROM SALISBURY TO FILL A TWO-YEAR UNEXPIRED TERM

SEVEN (7) CHARTER QUESTIONS:

ARTICLE TWO

To hear reports of the Boards, Committees and Commissions as may be presented.

Moderator Ray appointed Reggie Santos Deputy Moderator, in accordance with the Charter; the appointment was confirmed by town meeting

ARTICLE THREE

To hear the report of the Warrant Advisory Committee and to raise and appropriate \$18,467,332.00 to fund the FY2011 annual operating budget of the Town, which includes \$8,723,312.00 to pay the Town's anticipated share of the Triton Regional School District's operating budget for FY2011, calculated in accordance with Mass. General Law Chapter 70, Section 6, and in accordance with the attached departmental breakdown of the budget; to appropriate \$2,160,059.00 to fund the FY2011 Sewer Enterprise Fund budget; to appropriate \$2,370,458.00 to fund the FY2011 Water Enterprise Fund budget; and to transfer the sums of \$292,943.00 from the FY2011 Sewer Enterprise Fund budget and \$119,670.00 from the FY2011 Water Enterprise Fund budget to the General Fund; or to take any other action relative thereto.

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Donald Beaulieu I move that Article Three be approved as herein stated

Seconded & carried

ARTICLE FOUR

To see if the Town will vote to re-authorize a revolving fund for the Planning Board as described in Chapter 44, Section 53E ½ of the Massachusetts General Laws, for FY2011. This revolving fund would be to accept receipts from fees charged to applicants specifically to pay outside consultants. The receipts would be expended, not to exceed \$100,000 in FY2011, by the Planning Board for: engineers, lawyers, designers, or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances, bylaws and regulations; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Donald Beaulieu
Seconded & carried

I move that Article Four be approved as herein stated

ARTICLE FIVE

To see if the Town will vote to re-authorize a revolving fund for the Conservation Commission as described in Chapter 44, Section 53E ½ of the Massachusetts General Laws, for FY2011. This revolving fund would be to accept receipts from filing fees paid pursuant to the Wetlands Protection Act. The receipts would be expended, not to exceed \$100,000 in FY2011, by the Conservation Commission for the payment of consultant fees, expenses of, and a portion of the salary and benefits of the Town's Conservation Agent for administration and enforcement of, the Wetlands Protection Act; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Fred Knowles I move that Article Five be approved as herein stated

Seconded & carried

ARTICLE SIX

To see if the Town will vote to re-authorize a revolving fund for the Harbor Commission, as described in Chapter 44, Section 53E ½ of the Mass. General Laws, for FY2011. This revolving fund would be to accept receipts from: mooring fees, waterways permit fees, dinghy fees, and sewerage pump-out fees. The receipts would be expended, not to exceed \$75,000 in FY2011, by the Harbor Commission for: maintenance and development of riverfront recreational activities, equipment maintenance or replacement, Harbormaster's operating expense, water safety, education and expenses of complying with the Clean Waters Act; or to take any other action relative thereto.

ON PETITION OF THE HARBOR COMMISSION

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Donald Jansen I move that Article Six be approved as herein stated

Seconded & carried

ARTICLE SEVEN

To see if the Town will vote to re-authorize a revolving fund for the Building Inspector's Department as described in Chapter 44, Section 53 E1/2 of the Mass. General Laws for FY2011. This revolving fund would be to accept receipts from fees charged by the Department for electrical, plumbing and gas inspections. The receipts would be expended, not to exceed \$50,000 in FY2011, by the Building Inspector's Department to pay for the services of the Town's electrical, plumbing and gas inspectors; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Fred Knowles I move that Article Seven be approved as herein stated

Seconded & carried

ARTICLE EIGHT

To see if the Town will vote to re-authorize a revolving fund for the Earth Filling Bylaw as described in Chapter 44, Section 53 E1/2 of the Mass. General Laws for FY2011. This revolving fund would be to accept payments made by applicants under the Town's Earth Filling Bylaw for borings and test pits, inspections, monitoring, certifications, reports and tests that are required by the permit granting authority while considering an application for an earth filling permit and/or as a condition of issuing a permit and/or to monitor performance under a permit and/or to establish compliance with the conditions of a permit and the bylaw. The receipts would be expended, not to exceed \$50,000 in FY2011, by the Board of Selectmen and/or the Town Manager for such services as either of them as a permit granting authority deems to be needed to evaluate an application and/or to monitor performance under a permit and/or to establish compliance with the conditions of a permit and the bylaw; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Jerry Klima I move that Article Eight be approved as herein stated

Seconded & carried

ARTICLE NINE

To see if the Town will vote to authorize a revolving fund for the Council on Aging as described in Chapter 44, Section 53 E1/2 of the Mass. General Laws, for FY2011 and to transfer any funds remaining in the existing Council on Aging revolving fund as of June 30, 2010, to the new Council on Aging revolving fund created by this vote. This revolving fund would be to accept donations to the Council on Aging from individuals, businesses, corporations or non-profit agencies. The receipts would be expended, not to exceed \$50,000 in FY2011, by the Director of the Council on Aging, with the approval of the Board of Directors of the Council on Aging to pay for general improvements to the Hilton Center and other expenses consistent with the mission of the Council on Aging; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Jerry Klima I move that Article Nine be approved as herein stated

Seconded & carried

ARTICLE TEN

To see if the Town will vote to authorize a revolving fund for the Planning Board as described in Chapter 44, Section 53E ½ of the Massachusetts General Laws, for FY2011. The revolving fund would be to accept receipts from developers, landowners and other applicants seeking subdivision or site plan approval from the Planning Board, except for those receipts specifically to pay outside consultants. The receipts would be expended, not to exceed \$40,000.00 in FY2011, by the Planning Board, in conjunction with the Town's Department of Public Works for: design, engineering and construction costs of sidewalks required pursuant to the Town's subdivision control bylaw; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Henry Richenburg I move that Article Ten be approved as herein stated

Seconded & carried

ARTICLE ELEVEN

To see if the Town will vote to authorize a revolving fund for the Parks and Recreation Commission as described in Chapter 44, section 53E1/2 of the Massachusetts General Laws, for FY2011. The revolving fund would be to accept receipts from fund raising, grants, donations, and charges for activities. The receipts would be expended, not to exceed \$5,000.00 in FY2011 by the Parks and Recreation Commission for activities sponsored by the Parks and Recreation Commission; or to take any other action relative thereto.

ON PETITION OF THE PARKS AND RECREATION COMMISSION

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Ronalee Ray-Parrott I move that Article Eleven be approved as herein stated

Seconded & carried

ARTICLE TWELVE

To see if the Town will vote to approve the preliminary design for the Salisbury Public Library building as shown on the plans by Design Partnership of Cambridge, Inc., dated November 20, 2009, that are on file with the Town Clerk; or to take any other action relative thereto.

ON PETITION OF THE PUBLIC LIBRARY TRUSTEES

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Henry Richenburg I move that Article Twelve be approved as herein stated

Seconded & carried by majority vote

ARTICLE THIRTEEN

To see if the Town will vote to authorize the Board of Selectmen to apply for, accept and expend any state or other grants which may be available for the design, construction and equipping of the Salisbury Public Library project; or to take any other action relative thereto.

ON PETITION OF THE PUBLIC LIBRARY TRUSTEES

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Henry Richenburg I move that Article Thirteen be approved as herein stated

Seconded & carried by majority vote

ARTICLE FOURTEEN

To see if the Town will vote to approve \$3,294,627 of debt authorized by the Whittier Regional Vocational Technical High School District, ("District") on March 10, 2010, a sum of money to be expended under the direction of the Whittier Regional Vocational Technical High School Building Committee, located at 115 Amesbury Line Road, Haverhill, MA 01830. The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program. The Mass. School Building Authority's (MSBA) grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any projected costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and assessed annually during the term of outstanding debt to the Town of Salisbury pursuant to its Regional Agreement. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) 66.18 per cent of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount as determined by the MSBA; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Henry Richenburg I move that Article Fourteen be approved as herein stated

Seconded & carried by unanimous vote

ARTICLE FIFTEEN

To see if the Town will vote to amend the General Bylaws of the Town of Salisbury by adding a new article establishing an Agricultural Commission, the text of which is set forth below; or to take any other action relative thereto.

AGRICULTURAL COMMISSION

The Agricultural Commission shall serve as facilitators for encouraging the pursuit of agriculture in Salisbury and promote agricultural-based economic opportunities in the Town. The Commission shall consist of five (5) members, appointed by the Board of Selectmen. The Commission shall consist of a minimum of three (3) members who are actively involved in farming in Salisbury and another two (2) members who are interested in farming. The initial appointments shall include three (3) members who shall be appointed for a term of three years and two members (2) members for a term of two years. Thereafter, all appointments shall be made for three year terms. The Board of Selectmen, as the appointing authority, shall fill any vacancy on the Commission based on the unexpired term of the vacancy in order to maintain the cycle of appointments.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Edwin Hunt I move that Article Fifteen be approved as herein stated

Seconded & carried by majority vote

ARTICLE SIXTEEN

To see if the Town will vote to amend the General Bylaws of the Town of Salisbury by adding a new article, entitled Farm Preservation Bylaw, the text of which is set forth below and is also on file in the office of the Town Clerk.

Right to Farm Bylaw, also known as Farm Preservation Bylaw

Section 1. Legislative Purpose and Intent

The purpose and intent of the Bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Salisbury restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General Bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmland within the Town of Salisbury by allowing agricultural uses and related activities to

function with minimal conflict with abutters and Town agencies. This Bylaw shall apply to all jurisdictional areas within the Town.

Section 2. Definitions

The word "farm" shall include any parcel or contiguous parcel of land, of more than 5 acres, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- Farming in all its branches and the cultivation and tillage of the soil;
- Dairying;
- Production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- Growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- Raising of livestock including horses;
- Keeping of horses as a commercial enterprise; and
- Keeping and raising of poultry, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees.

"Farming" shall encompass activities including, but not limited to, the following:

- Operation and transportation of slow-moving farm equipment over roads within the Town;
- Control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- Application of manure, fertilizers and pesticides;
- Conducting agricultural-related educational and farm based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- Processing and packaging of the agricultural output of the farm and the operation of a farmer's market of farm stand including signage thereto;
- Maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- On-farm relocation of earth and the clearing of ground for farming operations.

Section 3. Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Salisbury. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, and odors associated with normal, generally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with normal, generally acceptable agricultural practices. Moreover, nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing or amending any land use regulation, which is properly the subject of state statute, regulation, or local zoning bylaw.

Section 4. Disclosure Notification

The Town will provide a copy of the following notice to Salisbury property owners, and will include the notice and copy of the bylaw on the Town's official website, the Town Library, Assessor's office and Town Clerk's

office. "It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise and odors. Buyers or occupants are also informed that the buyer's property within the Town may be impacted by commercial agricultural operations."

Section 5. Precedence

In the event of conflict between this bylaw and federal or state law, federal or state law shall take precedence respectively.

Section 6. Resolution of Disputes

Dispute resolution will be the responsibility of the Board of Selectmen, or its designee(s).

Section 7. Severability Clause

If any part of this bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this bylaw. The Town of Salisbury hereby declares the provisions of this bylaw to be severable.

or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Edwin Hunt I move that Article Sixteen be approved as herein stated

Seconded & carried by majority vote

ARTICLE SEVENTEEN

To see if the Town will vote to amend the Zoning Bylaws of the Town of Salisbury by adding a new zoning bylaw that authorizes Solar Photovoltaic Installation Systems and provides standards for the placement, design, construction, operation, monitoring, modification and removal of such installations; or to take any other action relative thereto.

A copy of the proposed Solar Photovoltaic Installation Systems Zoning Bylaw is on file with the Town Clerk's Office and is available on the Town's website.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Planning Board recommends

Motion: Edwin Hunt I move that Article Seventeen be approved as herein stated

Seconded

Motion: Edwin Hunt I move that Article 17 be amended by adding the C4 zone to the Table of Use Regulations as a by-right permitted use for both large scale and on-site solar photovoltaic installations

Seconded & carried by unanimous vote

Motion: Donald Egan I wish to amend Article 17 by adding "P" to permitted use in C4

Seconded & withdrawn

Main motion as amended carried by unanimous vote

ARTICLE EIGHTEEN

To see if the Town will vote to amend the Zoning Bylaws of the Town of Salisbury by adding a new zoning bylaw that authorizes Wind Energy Facilities and provides standards for the placement, design, construction, operation, monitoring, modification and removal of Wind Energy Facilities; or to take any other action relative thereto.

A copy of the proposed Wind Energy Facilities Zoning Bylaw is on file with the Town Clerk's Office and is available on the Town's website.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Planning Board unanimously recommends

Motion: Donald Beaulieu I move that Article Eighteen be approved as herein stated

Seconded & hand count taken: 184 YES, 4 NO

Article carried by a vote of 184-4

ARTICLE NINETEEN

To see if the Town will vote to amend the Zoning By-Law by adding the following with regard to large-scale ground-mounted solar photovoltaic installations:

Item 1. Amend the Table of Use Regulations by adding the following under "Commercial":

	R1	R2	R3	BC	C	C2	C3	C4	I	VC
Large scale ground mounted solar photovoltaic installation pursuant To Article XXI P	-	-	-	P	-	P	P	P	-	

Item 2. Add the following new Article XXI:

"ARTICLE XXI

LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC OVERLAY INSTALLATIONS

1.0 Purpose. The purpose of this Article is:

1. to provide standards for the placement, design, construction, operation, monitoring modification and removal of "Large-scale Ground-mounted Solar Photovoltaic" installations;
2. to minimize the adverse impacts of large-scale ground-mounted solar photovoltaic installations on adjacent properties and residential neighborhoods;
3. to further the intent of G.L. c. 40A §3 and encourage and allow the by right development of "Large-scale Ground-mounted Solar Photovoltaic"

The provisions set forth in this Article shall take precedence over all other provisions of this Bylaw when considering applications related to the construction, operation, and/or repair of "Large-scale Ground-mounted Solar Photovoltaic".

2.0 Definitions. In addition to Section 300-5 of this bylaw, the following definitions shall apply to large-scale ground-mounted solar photovoltaic:

Large-scale Ground-mounted Solar Photovoltaic Installation: A solar photovoltaic system on a parcel of at least twenty (20) acres that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

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

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

3.0 Applicability. This Article applies to any Large-scale Ground-mounted Solar Photovoltaic Installation proposed to be constructed after the effective date of this Section. Such installation may proceed as of right as set forth in the Table of Use Regulations without the need for a special permit, variance, site plan approval, zoning amendment, waiver, or other discretionary approval. Any modification of any existing Large-scale Ground-mounted Solar Photovoltaic Installation that materially alters the type, configuration, or size of such facility or related equipment shall also be subject to the Article.

Nothing in this Article XXI shall be construed to prevent the installation of accessory roof-mounted solar photovoltaic installations in any district.

4.0 General Requirements. The following requirements are common to all Large-scale Ground-mounted Solar Photovoltaic Installations.

4.1 Compliance with Laws, Ordinances and Regulations. The construction and operation of all such proposed Large-scale Ground-mounted Solar Photovoltaic Installations 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.

4.2 Building Permit and Building Inspection. No Large-scale Ground-mounted Solar Photovoltaic Installation shall be erected, constructed, installed or modified as provided in this Article without first obtaining a building permit.

4.3 Fees. The application for a building permit for a large-scale ground-mounted solar photovoltaic installation must be accompanied by the fee required for a building permit.

5.0 Submittal to Building Inspector. An application for a building permit for a Large-scale Ground-mounted Solar Photovoltaic Installation shall include the following information. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts.

1. 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.
2. 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;
3. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
4. Name, address, and contact information for proposed system installer;
5. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
6. The name, contact information and signature of any agents representing the project proponent;
7. Documentation of actual or prospective access and control of the project site.
8. An operation and maintenance plan including measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.
9. Proof of liability insurance;
10. Evidence that the utility company that operates the electrical grid where the installation is to be located has been informed of the applicant's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

5.1 Site Control. The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for installation and operation of the proposed installation.

5.2 Operation and 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 installation.

5.3 Utility Notification. No Large-scale Ground-mounted Solar Photovoltaic Installation facility shall be installed until evidence has been submitted that the utility company that operates the electrical grid where the installation is to be located has been informed of the customer's intent to install such installation. Off-grid systems shall be exempt from this requirement.

6.0 Design Standards. The following standards shall apply to any Large-scale Ground-mounted Solar Photovoltaic Installation.

6.1 Lighting. Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as accessory structures, shall be limited to that required for safety and operational purposes, and shall not cast measurable light onto adjacent properties or into the night sky. Lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

6.2 Signage. Signs on such installations shall comply with the Town's sign by-laws. The following signs shall be required:

1. Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.
2. Educational signs providing information about the facility and the benefits of renewable energy.
3. Installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the facility.

6.3 Accessory Structures. All accessory structures to Large-scale Ground-mounted Solar Photovoltaic Installations shall be in compliance with the dimensional requirements of the by-law for accessory structures. All such accessory structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other.

6.4 Dimensional and Density Requirements; Setbacks. For Large-scale Ground-mounted Solar Photovoltaic Installations, front, side and rear setbacks shall be as follows:

1. *Front yard.* The front yard depth shall be at least 40 feet;
2. *Side yard.* Each side yard shall have a depth at least 20 feet; provided, however, that where the lot abuts a residential district, the side yard shall not be less than 40 feet.
3. *Rear yard.* The rear yard depth shall be at least 20 feet; provided, however, that where the lot abuts a residential district in the rear, the rear yard shall not be less than 40 feet.

6.5 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 installation or otherwise prescribed by applicable laws, regulations, and bylaws.

7.0 Safety and Environmental Standards. The following standards shall apply to any Large-scale Ground-mounted Solar Photovoltaic Installation.

7.1 Emergency Services. The Large-scale Ground-mounted Solar Photovoltaic Installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the 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.

7.2 Unauthorized Access. Installations shall be designed to prevent unauthorized access. Electrical equipment shall be installed in accordance with all applicable hose utility regulations and guidelines and secured where possible.

7.3 Monitoring and Maintenance. The owner or operator of the Large-scale Ground-mounted Solar Photovoltaic Installation 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.

8.0 Decommissioning.

8.1 Decommissioning. Any Large-scale Ground-mounted Solar Photovoltaic Installation which has reached the end of its useful life or 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 Building Inspector by certified mail of the proposed date of discontinued operators and plans for removal. Decommissioning shall consist of:

1. Physical removal of all Large-scale Ground-mounted Solar Photovoltaic Installations, structures, equipment, and security barriers from the site.
2. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The owner or operator may leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation."

or to take any other action relative thereto.

ON PETITION OF EDWIN HUNT ET AL

Warrant Advisory Committee unanimously voted not to recommend approval

Planning Board unanimously voted not to recommend

Motion: Edwin Hunt I move that Article Nineteen be approved as herein stated

Seconded

Motion: Edwin Hunt I move that Article Nineteen be indefinitely postponed

Seconded & carried to indefinitely postpone

ARTICLE TWENTY

It is resolved that no Town Board, Town appointed individual or Town employee shall change regulations or fee(s) without review and approval by the Board of Selectman through simple majority vote. Approved by the Town Selectman shall then be cause for the change to the regulation or fee to then be written up as a warrant article for the next appropriate town meeting where the Selectman shall be polled for their vote on the specific warrant article. Any attempt to circumvent this warrant article shall be considered cause for their immediate dismissal by the Town Manager or the Board of Selectmen. Failure by the members of the Board of Selectmen to enforce this artical shall cause the individual selectman to be subject to recall.

It is further resolved that this article shall be retro active to October 1st 2009 without penalty to the responsible individual, but that mandatory inspections of existing buildings by the health or fire departments are hereby eliminated. The Board of Health may still inspect dwellings, structures or workplace upon written request by the individual or employee involved.

This article shall have no effect on inspections of new buildings or repaired, remodeled structures where town permits are required and issued; or to take any other action relative thereto.

ON PETITION OF MITCHELL MAKAREWICZ ET AL

Warrant Advisory Committee unanimously voted not to recommend approval

Motion: Mitchell Makarewicz I move that Article Twenty be approved as herein stated
Seconded

Town Counsel rendered an opinion that this Article is inconsistent with state law and the town charter and in conflict with MGL 40 §22F which was adopted by the town.

Motion: Ray Pike I move to strike 2nd, 3rd, 4th sentences from the first paragraph. To repeat, strike from the words "Approved by the Town Selectmen..." up to end of first paragraph, where it reads "...selectmen to be subject to recall."

Seconded & failed

Motion: Donald Beaulieu To indefinitely postpone this Article

Seconded & carried to indefinitely postpone

ARTICLE TWENTY-ONE

To see if the Town will vote to approve a zoning amendment that would amend the Town of Salisbury Zoning Map by modifying and expanding the boundary of the Beach Commercial Residential District into the area bounded by Ocean Street, Atlantic Avenue, Libby Avenue, Railroad Avenue, Vermont Street, Brissette Avenue, Cable Avenue, and Fowler Street; by incorporating the Map and Parcels Numbers; as described in Exhibit 1; to be included in the Beach Commercial Residential District. The new zoning district boundary is shown on a map entitled "Proposed Zoning District Boundary Change" dated March 15, 2010 and labeled as Exhibit 2; or to take any other action relative thereto.

ON PETITION OF ERNEST A. SOFIA, JR. ET AL

Warrant Advisory Committee unanimously voted not to recommend approval

Planning Board voted not to recommend

Motion: Donald Beaulieu I move that Article Twenty-One be indefinitely postponed

Seconded & carried to indefinitely postpone

ARTICLE TWENTY-TWO

To take any other action that may be lawfully taken at this meeting.

Motion: Jerry Klima To adjourn the meeting

Seconded & carried

The Annual Town Meeting was adjourned at 8:57 p.m

Respectfully submitted,

Wilma M. McDonald, MMC/CMMC

Town Clerk

May 18, 2010