

**SPECIAL TOWN MEETING
NOVEMBER 7, 2011**

Pursuant to the Selectmen’s warrant of October 11, 2011, posted by the Constable on October 20, 2011, the Special Town Meeting was opened at 7:03 p.m. by Moderator David Walrath in Hugh Mill Auditorium at Hale School.

Mr. Walrath introduced the various town officials present. The meeting rose for an invocation delivered by the Moderator who then led the gathering in the *Pledge of Allegiance to the Flag*. Non-voters who may be heard during the course of the meeting were approved unanimously. Mr. Walrath recognized the many volunteers involved in preparing for this meeting, particularly those who work on the sound system.

On motion of Selectman James Salvie, it was voted unanimously that the reading of the warrant and return of the Constable thereon be waived but made a part of the record of the meeting, and that the Moderator be permitted to refer to each article by subject matter instead of reading each article in its entirety.

ARTICLE 1. Field Drivers

On motion of Selectman Salvie, it was voted by majority that the Town rescind Article 1 of the May 2011 Annual Town Meeting which elected the Board of Selectmen as Field Drivers.

It was noted that the designation requires the Selectmen to remove wayward livestock from public ways and has been a tradition in Stow for over 100 years. At this point, it is felt that the task is better left to professionals.

ARTICLE 2. Flagg Hill Bond – Line Item Transfer

On Motion of Selectman Thomas Ryan, it was voted unanimously to amend the Fiscal Year 2012 Operating Budget, as adopted under Article 6 of the May 2011 Annual Town Meeting, by adjusting budget line items as follows:

<u>Budget Item</u>	<u>Line Item</u>	<u>FY 12 Budget</u>	<u>Adjustment</u>	<u>Adjusted FY 12 Budget</u>
Maturing Principal Long-Term Debt	73	\$1,017,000.00	\$31,000.00	\$1,048,000.00
Interest Long-Term Debt	74	\$640,196.00	(\$31,000.00)	\$609,196.00

The Finance Committee was in favor of the transfers.

ARTICLE 3. Town Building Structural Repairs

On motion of Selectman Laura Spear, it was voted to take NO ACTION on the article that proposed to appropriate and transfer from Free Cash the sum of \$10,000. Town Administrator William Wrigley reported there are sufficient funds within the budget to cover the repairs.

ARTICLE 4. Pompositticut School-to-Community Center Pre-Design Funds

On motion of Selectman Charles Kern, it was voted by majority to appropriate and transfer from available funds the sum of \$73,679.68 for the purpose of hiring a professional consulting firm or firms to provide pre-design architectural and engineering services related to the possible new construction, reconstruction, expansion, and/or renovation of the of the Pompositticut School, converting it into a

multi-use community center. The intent is to create a community center to provide space for use by various town departments and to possibly create leased space for use by other public or private entities. The consulting services to be provided will include but not be limited to a technical evaluation of the building's mechanical, electrical and structural systems as well as overall building condition; a building and site space use needs analysis; preparation of conceptual plans and drawings; and preparation of preliminary project cost estimates. Selection of said firm or firms shall be made pursuant to applicable laws and regulations.

The amount of \$73,679.68 represents the total resulting from the transfer of \$3,286.25 or any other balance remaining from Article 17 voted at the Special Town Meeting in June 1996 to fund the Hale School addition; the transfer of the sum of \$22,449.59 or any other remaining balance from Article 29 voted at the Annual Town Meeting in May 2004 to fund the purchase of a modular classroom building at the Pompositticut School; the transfer of the sum of \$38,392.30 or any other balance remaining from Article 1 voted at the Special Town Meeting in December 2005 to fund the purchase of a modular classroom building at the Center School; the transfer of the sum of \$8,171.54 or any other remaining balance from Article 26 voted at the Annual Town Meeting in May 2003 to fund various capital improvements to both the Pompositticut School and Center School; the transfer of \$1,380.00 or any other remaining balance from Article 34-9 voted at the Annual Town Meeting in May 2009 to fund roof repairs at the Hale School.

The Finance Committee and Capital Planning Committee were in favor of the article.

Michael Busch of the Pompo Use Study Committee reported the structure is in good shape and use opportunities have been identified that include a Council on Aging center, food pantry, recreational facility, Girl and Boy Scouts, adult education. 31,000 sq. ft. will be available.

ARTICLE 5. Fire Station Improvement Pre-Design Funds

On motion of Selectman Ryan, it was voted unanimously to appropriate and transfer from Free Cash the sum of \$70,000.00 for the purpose of hiring a professional consulting firm or firms to provide pre-design architectural and engineering services related to the possible new construction, reconstruction, expansion, and/or renovation of the Fire Station. Selection of said firm or firms shall be made pursuant to applicable laws and regulations. The consulting services to be provided will include but not be limited to a technical evaluation of the building's mechanical, electrical and structural systems as well as overall building condition; a building and site space use needs analysis; preparation of conceptual plans and drawings; and preparation of preliminary project cost estimates.

The Finance Committee and Capital Planning Committee were in favor of the article.

Fire Chief Michael McLaughlin provided an overview of Fire Department needs. The existing structure does not support modern-day fire apparatus, and there is no room for expansion.

ARTICLE 6. Randall Library Improvement Pre-Design Funds

On motion of Selectman James Salvie, it was voted by majority to appropriate and transfer from Free Cash the sum of \$70,000.00 for the purpose of hiring a professional consulting firm or firms to provide pre-design architectural and engineering services related to the possible new construction, reconstruction, expansion, and/or renovation of the Randall Library. Selection of said firm or firms shall be made pursuant to applicable laws and regulations. The consulting services to be provided will include but not be limited to a technical evaluation of the building's mechanical, electrical and structural systems as well as overall building condition; a building and site space use needs analysis; preparation of conceptual plans and drawings; and preparation of preliminary project cost estimates.

The Finance Committee and Capital Planning Committee were in favor of the article.

Library Trustee Timothy Reed spoke to the article, citing water leaks, lack of storage, need for more space, etc.

Assistance Moderator Elizabeth Painter assumed the gavel.

ARTICLE 7. Street Acceptance – Cardinal Court

On motion of Selectman Gary Bernklow, it was voted unanimously to accept the laying out of the entire length of the following named street and establish it as a town way, together with all drainage and other easements related thereto and included in the Order of Layout, the boundaries and measurements shown on the plan referred to in the description, which plan shall be included in the Order of Layout of the Selectmen to be adopted with respect to such way and related easements and filed in the office of the Town Clerk in accordance with the provisions of Massachusetts General Laws Chapter 82, Section 21-23,

Cardinal Court, as shown on the plans entitled:

- “Definitive Subdivision Plan, Wildlife Woods,” dated May 15, 1997, which plan is recorded with Middlesex South District Registry of Deeds as Plan No. 1013 of 2000 in Record Book 31831, Page 286, and
- “Roadway As-Built Fox Court and Cardinal Court, Wildlife Woods, Stow MA,” dated October 24, 2003, and
- “Roadway As-Built Detention Basins,” dated October 24, 2003,

And to authorize the Selectmen to acquire by purchase, eminent domain, gift, or otherwise for highway purposes the fee or any lessor interests that may be necessary for such town ways.

The Finance Committee was in favor of the article. Selectman Salvie explained that this road and those following were accepted by the May 2004 Annual Meeting but the acceptance process was not completed with recording at the Registry of Deeds.

ARTICLE 8. Street Acceptance – Cricket Court

On motion of Selectman Spear, it was voted unanimously to accept the laying out of the entire length of the following named street and establish it as a town way, together with all drainage and other easements related thereto and included in the Order of Layout, the boundaries and measurements shown on the plan referred to in the description, which plan shall be included in the Order of Layout of the Selectmen to be adopted with respect to such way and related easements and filed in the office of the Town Clerk in accordance with the provisions of Massachusetts General Laws Chapter 82, Section 21-23,

Cricket Court, as shown on the plans entitled:

- “Definitive Subdivision Plan, Wildlife Woods,” dated May 15, 1997, which plan is recorded with Middlesex South District Registry of Deeds as Plan No. 1013 of 2000 in Record Book 31831, Page 286, and
- “Roadway As-Built Salamander Lane and Cricket Court, Wildlife Woods, Stow MA,” dated October 24, 2003, and
- “Roadway As-Built Detention Basins,” dated October 24, 2003,

And to authorize the Selectmen to acquire by purchase, eminent domain, gift, or otherwise for highway purposes the fee or any lessor interests that may be necessary for such town ways.

The Finance Committee was in favor of the article.

ARTICLE 9. Street Acceptance – Fox Court

On motion of Selectman Bernklow, it was voted unanimously to accept the laying out of the entire length of the following named street and establish it as a town way, together with all drainage and other easements related thereto and included in the Order of Layout, the boundaries and measurements shown on the plan referred to in the description, which plan shall be included in the Order of Layout of the Selectmen to be adopted with respect to such way and related easements and filed in the office of the Town Clerk in accordance with the provisions of Massachusetts General Laws Chapter 82, Section 21-23,

Fox Court, as shown on the plans entitled:

- “Definitive Subdivision Plan, Wildlife Woods,” dated May 15, 1997, which plan is recorded with Middlesex South District Registry of Deeds as Plan No. 1013 of 2000 in Record Book 31831, Page 286, and
- “Roadway As-Built Fox Court and Cardinal Court, Wildlife Woods, Stow MA,” dated October 24, 2003, and
- “Roadway As-Built Detention Basins,” dated October 24, 2003,

And to authorize the Selectmen to acquire by purchase, eminent domain, gift, or otherwise for highway purposes the fee or any lessor interests that may be necessary for such town ways.

The Finance Committee was in favor of the article.

ARTICLE 10. Street Acceptance – Salamander Lane

On motion of Selectman Salvie, it was voted unanimously to accept the laying out of the entire length of the following named street and establish it as a town way, together with all drainage and other easements related thereto and included in the Order of Layout, the boundaries and measurements shown on the plan referred to in the description, which plan shall be included in the Order of Layout of the Selectmen to be adopted with respect to such way and related easements and filed in the office of the Town Clerk in accordance with the provisions of Massachusetts General Laws Chapter 82, Section 21-23,

Salamander Lane, as shown on the plans entitled:

- “Definitive Subdivision Plan, Wildlife Woods,” dated May 15, 1997, which plan is recorded with Middlesex South District Registry of Deeds as Plan No. 1013 of 2000 in Record Book 31831, Page 286, and
- “Roadway As-Built Salamander Lane and Cricket Court, Wildlife Woods, Stow MA,” dated October 24, 2003, and
- “Roadway As-Built Detention Basins,” dated October 24, 2003,

And to authorize the Selectmen to acquire by purchase, eminent domain, gift, or otherwise for highway purposes the fee or any lessor interests that may be necessary for such town ways.

The Finance Committee was in favor of the article.

ARTICLE 11. Street Acceptance – Wildlife Way

On motion of Selectman Charles Kern, it was voted unanimously to accept the laying out of the entire length of the following named street and establish it as a town way, together with all drainage and other easements related thereto and included in the Order of Layout, the boundaries and measurements shown on the plan referred to in the description, which plan shall be included in the Order of Layout of

the Selectmen to be adopted with respect to such way and related easements and filed in the office of the Town Clerk in accordance with the provisions of Massachusetts General Laws Chapter 82, Section 21-23,

Wildlife Way as shown on the plans entitled:

- “Definitive Subdivision Plan, Wildlife Woods,” dated May 15, 1997, which plan is recorded with Middlesex South District Registry of Deeds as Plan No. 1013 of 2000 in Record Book 31831, Page 286, and
- “Roadway As-Built Wildlife Way, Sta – 0+12 to Sta 9+00, Wildlife Woods, Stow, MA,” dated October 24, 2003, and
- “Roadway As-Built Wildlife Way, Sta 9+00 to Sta 18+41.28, Wildlife Woods, Stow, MA,” dated October 24, 2003, and
- “Roadway As-Built Detention Basins, Wildlife Woods, Stow, MA,” dated October 24, 2003,

And to authorize the Selectmen to acquire by purchase, eminent domain, gift, or otherwise for highway purposes the fee or any lessor interests that may be necessary for such town ways.

The Finance Committee was in favor of the article.

ARTICLE 12. Street Acceptance – Woodpecker Court

On motion of Selectman Ryan, it was voted unanimously to accept the laying out of the entire length of the following named street and establish it as a town way, together with all drainage and other easements related thereto and included in the Order of Layout, the boundaries and measurements shown on the plan referred to in the description, which plan shall be included in the Order of Layout of the Selectmen to be adopted with respect to such way and related easements and filed in the office of the Town Clerk in accordance with the provisions of Massachusetts General Laws Chapter 82, Section 21-23,

Woodpecker Court as shown on the plans entitled:

- “Definitive Subdivision Plan, Wildlife Woods,” dated May 15, 1997, which plan is recorded with Middlesex South District Registry of Deeds as Plan No. 1013 of 2000 in Record Book 31831, Page 286, and
- “Roadway As-Built Woodpecker Court, Wildlife Woods, Stow MA,” dated October 24, 2003, and
- “Roadway As-Built Detention Basins,” dated October 24, 2003,

And to authorize the Selectmen to acquire by purchase, eminent domain, gift, or otherwise for highway purposes the fee or any lessor interests that may be necessary for such town ways.

The Finance Committee was in favor of the article.

Moderator David Walrath returned to the podium to continue the meeting.

ARTICLE 13. Zoning Bylaw Amendment – Commercial Solar Photovoltaic Renewal Energy Installations

On motion of Selectman Gary Bernklow, it was voted unanimously to amend the Zoning Bylaw by amending Sections 1.3 by adding new definitions; amending Section 8 by adding a new subsection 8.10; amending Section 3 by adding new subsections 3.1.2.7, 3.2.3.6, 3.3.2.10, 3.5.1.4, 3.6.1.4, 3.7.3 and 3.7.3.1; and amending Section 3.10 Industrial Uses in the Table of Principal Uses, to read in their entirety as printed in the warrant in subsections (A), (B), (C), (D), (E), (F), (G), (H) and (I) of this article, except

that Section 8.10.4.3 shall read: “Utility Connections – All utility connections from the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS shall be underground unless specifically permitted otherwise by a Special Permit/Site Plan Approval Decision. Electrical transformers, inverters, switchgear and metering equipment to enable utility interconnections may be above ground if required by the utility provider.”; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw.

A. Amend Section 1.3 by adding new definitions “COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION” and “NAMEPLATE CAPACITY” to read in their entirety as follows:

COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY 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. A COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION shall be considered a Principal Use as the Zoning Bylaw defines that phrase.

NAMEPLATE CAPACITY – The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

B. Amend Section 8 by adding a new Section 8.10 to read in its entirety as follows:

8.10 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS

8.10.1 Purpose - The purpose of this section is to promote the creation of new COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address and protects public safety, minimizes undesirable impacts on residential property and neighborhoods, protects scenic, natural and historic resources, does not diminish abutting property values and provides adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS.

8.10.2 Applicability - No COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION shall be ERECTED or installed except in compliance with the provisions of this Section and other applicable Sections of the Zoning Bylaw, as well as state and federal law. Such use shall not create a nuisance, which is discernible from other properties by virtue of noise, vibration, smoke, dust, odors, heat, glare and radiation, unsightliness or other nuisance as determined by the Special Permit/Site Plan Approval Granting Authority.

8.10.2.1 The construction and use of a COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION with 250 kW or larger of rated NAMEPLATE CAPACITY

within the Industrial, Commercial District and Refuse Disposal District shall undergo site plan review by the Planning Board prior to construction, installation or modification as provided in this section.

- 8.10.2.2 Construction and use of a COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION with 250 kW or larger of rated NAMEPLATE CAPACITY in the Residential, Business and Recreation Conservation District shall be subject to Special Permit and Site Plan Approval from the Planning Board in accordance with the additional requirements specified herein.
- 8.10.2.3 This section also pertains to physical modifications that materially alter the type, configuration or size of these installations or related equipment throughout the useful life of the system or where alterations may impact abutters.

8.10.3 General Requirements

- 8.10.3.1 **Lot Requirements** - A COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION may be permitted on a lot, which contains an area of not less than three (3) acres.
- 8.10.3.2 **Visual Impact** - The visual impact of the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, including all accessory structures and appurtenances, shall be mitigated. All accessory structures and appurtenances shall be architecturally compatible with each other. Structures shall be shielded from view and/or joined and clustered to avoid adverse visual impacts as deemed necessary by and in the sole opinion of the Special Permit/Site Plan Approval Granting Authority. Methods such as the use of landscaping, natural features and opaque fencing shall be utilized.
- 8.10.3.3 **Compliance with Laws, Ordinances and Regulations** - The construction and operation of all COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS shall be consistent with all applicable local regulations and bylaws, and 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 RENEWABLE ENERGY INSTALLATION shall be constructed in accordance with the State Building Code.
- 8.10.3.4 **Utility Notification** - No COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION shall be constructed until evidence has been given to the Special Permit/Site Plan Approval Granting 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. Proof of a mutual agreement with the utility company shall be provided to the Special Permit/Site Plan Approval Granting Authority. Off-grid systems shall be exempt from this requirement. If the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION goes on grid, it shall comply with this requirement.

- 8.10.3.5 **Maintenance** - The COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY 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, Police Chief, Emergency Medical Services and Special Permit/Site Plan Approval Granting Authority. 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.
- 8.10.3.6 **Emergency Services** - The COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief. The owner or operator shall provide an emergency response plan. The emergency response plan is subject to the approval of the Special Permit/Site Plan Approval Granting Authority, the Fire Department and the Police Department, and shall include at a minimum, explicit instructions on all means of shutting down the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, which shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- 8.10.3.7 **Safety and Security** – Safety and measures of security shall be subject to the approval of the Special Permit/Site Plan Approval Granting Authority, the Fire Department and the Police Department.

8.10.4 Design Standards

- 8.10.4.1 **Lighting** - Lighting of the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, including all accessory structures and appurtenances shall not be permitted unless required by the Special Permit/Site Plan Approval Granting Authority, Special Permit/Site Plan Approval Decision or required by the State Building Code. Where used, lighting shall comply with the requirements of Section 3.8.1.5 (exterior lighting) of the Zoning Bylaw.
- 8.10.4.2 **Signs and Advertising** - Section 6.3 (Signs) of the Zoning Bylaw does not apply to this Section. Signage for COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS shall be limited in size as determined by the Special Permit/Site Plan Approval Granting Authority.

COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS shall not be used for displaying any advertising except for reasonable identification of the owner or operator of the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION and emergency contact information.

- 8.10.4.3 **Utility Connections** - All utility connections from the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS shall be underground unless specifically permitted otherwise by a Special Permit/Site Plan Approval Decision. Electrical transformers, inverters, switchgear and metering equipment to enable utility interconnections may be above ground if required by the utility provider.

8.10.4.4 **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 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION or otherwise prescribed by applicable laws, regulations and bylaws.

8.10.4.5 **Appurtenant Structures** - All appurtenant structures to COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS shall be subject to all applicable bylaws and regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements.

8.10.5 Modifications

All substantive material modifications to a COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION made after issuance of the Special Permit/Site Plan Approval Decision shall require modification to the Special Permit/Site Plan Approval Decision.

8.10.6 Abandonment and Removal

8.10.6.1 **Abandonment** - Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION shall be considered abandoned when it fails to operate for more than one year without the written consent of the Special Permit/Site Plan Approval Granting Authority. If the owner or operator of the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY 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.

8.10.6.2 **Removal Requirements** - Any COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY 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 Special Permit/Site Plan Approval Granting Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

1. Physical removal of all COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, structures, equipment, security barriers and transmission lines 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 Special Permit/Site Plan Approval Granting Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

8.10.7 Financial Surety

Proponents of COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION projects shall provide 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

installation and remediate the landscape, in an amount and form determined to be reasonable by the Special Permit/Site Plan Approval Granting Authority, but in no event to exceed more than 150 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. 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.

Before issuance of any building permits for the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, such construction and installation shall be secured in accordance with performance guarantee requirements of the Town of Stow Rules and Regulations Governing the Subdivision of Land to the extent applicable and/or the regulations adopted pursuant to the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION Bylaw for this purpose.

8.10.8 Special Permit and Site Plan Approval Decisions

Special Permit and Site Plan Approval decisions shall conform to the requirements of this Section, section 9.2 and 9.3 of the Zoning Bylaw and other relevant Sections of the Zoning Bylaw.

All COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION Special Permit and Site Plan Approval Decisions shall be valid for a twelve (12) month period unless renewed or extended by the Special Permit/Site Plan Approval Granting Authority following application made by the applicant. There is no limit to the number of renewals or extensions the special Permit/Site plan Approval Granting Authority may grant for a COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION.

C. Amend Section 3.1.2 (Recreation–Conservation District Uses subject to Special Permit granted by the Planning Board) by adding new section 3.1.2.7 to read in its entirety as follows:

3.1.2.7 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS

D. Amend Section 3.2.3 (Residential Uses subject to Special Permit granted by the Planning Board) by adding new section 3.2.3.6 to read in its entirety as follows:

3.2.3.6 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS

E. Amend Section 3.3.2 (Business Uses subject to Special Permit granted by the Planning Board) by adding new section 3.3.2.10 to read in its entirety as follows:

3.3.2.10 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS

F. Amend Section 3.5 (Commercial District Uses) by adding new section 3.5.1.4 to read in its entirety as follows:

3.5.1.4 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS

G. Amend Section 3.6 (Industrial District Uses) by adding new section 3.6.1.4 to read in its entirety as follows:

3.6.1.4 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS

H. Amend Section 3.7 (Refuse Disposal District Uses) by adding new sections 3.7.3 and 3.7.3.1 to read in its entirety as follows:

3.7.3 Uses permitted subject to Site Plan Approval by the Planning Board:

3.7.3.1 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS

I. Amend Section 3.10 by amending the Industrial Uses in the Table of Principal Uses by adding “COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS” so that the Industrial uses section of the table reads in its entirety as follows:

Principal Uses	Residential	Business	Compact Business	Industrial	Commercial	Recreation Conservation	FloodPlain Wetlands	Refuse Disposal	Site Plan Approval
INDUSTRIAL USES									
Manufacturing Enterprises	N	N	N	SPP	N	N	N	SPP	(3)
Research Laboratories W/Incidental Assembly or Manufacture	N	N	N	SPP(2)	N	N	N	SPP (2)	(3)
Sanitary Landfill	N	N	N	N	N	N	N	SPS	(3)
Refuse Transfer Station	N	N	N	N	N	N	N	SPS	(3)
Refuse Incinerator	N	N	N	N	N	N	N	SPS	(3)
Commercial Solar Photovoltaic Energy Renewable Installation	SPP	SPP	N	Y	Y	SPP	N	Y	(3)

Report of the Planning Board:

The Planning Board held a duly noticed Public Hearing on September 13, 2011 in the Stow Town Building to consider amendments to the Zoning Bylaw in order to permit COMMERCIAL SOLAR RENEWABLE ENERGY PHOTOVOLTAIC INSTALLATIONS by amending Sections 1.3 (Definitions); 3.1.2 (Recreation-Conservation District Uses), 3.2.3 (Residential District Uses), 3.3.2 (Business District Uses), 3.5 (Commercial District Uses), 3.6 (Industrial District Uses), 3.7.3 and 3.7.3.1 (Refuse Disposal District Uses), 3.10 (Table of Principal Uses), 8.10 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS.

At its meeting on October 11, 2011 the Planning Board voted to recommend that Town Meeting ADOPT Article 13 of the November 7, 2011 Special Town Meeting.

This article proposes to establish Commercial Solar Photovoltaic Renewable Energy installations as an allowed use subject to Site Plan Approval in the Industrial, Commercial and Refuse Disposal Districts and subject to Special Permit and Site Plan Approval in the Recreation-Conservation, Residential and Business Districts. This use is in keeping with the Green Communities Act which purpose is to provide for renewable and alternative energy and energy efficiency in the Commonwealth. Solar energy does not add to the production of global greenhouse emissions, acid rain or smog. The proposed bylaw is intended to promote Commercial Solar Photovoltaic Renewable Energy Installations while establishing standards that address and protects public safety, minimizes undesirable impacts on residential property and neighborhoods, protects scenic, natural and historic resources and does not diminish abutting property.

On motion of Selectman James Salvie, it was voted unanimously at 9:31 p.m. to dissolve the meeting.

Checkers at the Door: Josephine Crowell, Janet Derby, Carol Dudley, Elizabeth MacGilvra, Betty Sauta

Tellers: Robert Aldape, Maureen Busch, Stephen Dungan, Steve Jelinek, Kathleen O'Brien, Donald Rising, Marcia Rising, Debra Seith, Kathleen Sferra, Dwight Sipler, Ellen Sturgis, Robert Walrath, Pamela Weathers

Timekeeper: Catherine Desmond

Number of Voters Checked: 160

Number of Registered Voters: 4,732

Turnout Percentage: 3.4%

The amendment to the Zoning Bylaws adopted under Article 13 was approved by the Attorney General on December 9, 2011. Posted as a Town Bulletin on December 20, 2011.

A true copy. Attest: Linda E. Hathaway, Town Clerk of Stow