

**Commonwealth of Massachusetts
Annual Town Meeting**

Middlesex, ss:

To: Constable of the Town of Ashby in said County:

Greeting:

In the name of the Commonwealth, you are hereby directed to notify and warn the inhabitants of the Town of Ashby, qualified to vote in elections and town affairs, to meet at the Ashby Elementary School, 911 Main Street in said Ashby, Saturday, May 2, 2015 at 9:30 a.m. to act on the following articles:

ANNUAL TOWN MEETING ARTICLES

Article 1. To see if the Town will vote to elect all other town officers not required to be on the official ballot.

Brief Explanation: *This article allows the voters at Town Meeting to elect officials to open elected positions that are not filled at the time of the Town Meeting. This typically consists of a Field Driver, but could be any other open position.*

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 2. To see if the Town will vote to hear the reports of the various town officials and committees.

Brief Explanation: *In response to this motion, the Town Moderator usually asks if the Town Meeting will vote to dispense with the reading of all the annual reports that appear in the Town Annual Report.*

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 3. To see if the Town will vote to authorize the Treasurer to borrow funds as necessary in anticipation of revenue, in accordance with Chapter 44, Sections 23 to 27 of the Massachusetts General Laws; or take any other action relative thereto.

Brief Explanation: *This article allows the Town Treasurer to take out short term loans throughout the fiscal year if necessary to address cash flow timing issues.*

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 4. To see if the Town will vote to accept the following sums in trust, the income therefrom to be expended for the perpetual care of lots as follows:

Glenwood Cemetery

Amount	Name	Ave.	Lot	Section
\$200.00	Robert & Mary Jane Purvis	E	28	Lyman II
\$400.00	Cynthia Honkala	E	4	Lyman II

or take any other action relative thereto.

Brief Explanation: *The Cemetery Commissioners are responsible to report all monies collected from the sale of lots for perpetual care during the year so that the voters at Town Meeting can formally accept the funds for the Town.*

Finance Committee action: Approved Disapproved No Action

Article 5. To see if the Town will vote to authorize the renewal of the Cemetery Burial and Foundations Revolving Fund in accordance with Massachusetts General Laws, Chapter 44, Section 53E½, to receive monies collected for burials, said funds to be expended by the Cemetery Commissioners to pay for said burials to be performed, for grave foundations, and for general cemetery maintenance and improvements with total expenditures not to exceed \$15,000; or take any other action relative thereto.

Brief Explanation: *This motion asks the voters to renew their authority to the Cemetery Commissioners to maintain a revolving account for the specific purpose of maintaining the cemeteries.*

Finance Committee action: Approved Disapproved No Action

Article 6. To see if the Town will vote to authorize the renewal of the Library Books Revolving Fund in accordance with Massachusetts General Laws, Chapter 44, Section 53E½, to receive monies collected for book late fees and replacement fees, said funds to be expended by the Library Trustees to pay for book and media repairs, replacements, supplies and expenses with total expenditures not to exceed \$3,000; or take any other action relative thereto.

Brief Explanation: *This motion asks the voters to renew their authority to the Library Trustees to maintain a revolving account for the specific purpose of maintaining library books and media.*

Finance Committee action: Approved Disapproved No Action

Article 7. To see if the Town will vote to appropriate all funds received from the state under the provisions under the “Chapter 90” program to provide for eligible road resurfacing and/or other improvement projects for Town roads; said sum to be 100% reimbursable by the Commonwealth under the provisions of the “Chapter 90” program; or take any other action relative thereto.

Brief Explanation: *This article asks the voters to formally accept the state funding granted to the Town for road work.*

Finance Committee action: Approved Disapproved No Action

Article 8. To see if the Town will vote to appropriate from available funds the sum of \$31,032 for the purpose of operating the Ashby Recycling Center & Transfer Station for FY2016, or take any other action relative thereto.

Brief Explanation: *This article is the proposed annual budget of the Recycling Center and Transfer Station (RCTS) for FY16; funding is derived from the funds generated by the RCTS, and does not come from the tax levy.*

Finance Committee action: Approved Disapproved No Action

Article 9. To see if the Town will vote to appropriate from Overlay Surplus the sum of \$80,000, said monies to be applied to the Town’s FY16 Overlay; or take any other action relative thereto.

Brief Explanation: *Each fiscal year, the Town sets aside estimated funding (“the Overlay”) to cover projected tax revenue lost due to abatements and other factors. Over time, those funds are expended accordingly, but, because the originally requested amounts were only estimates in the first place, there can be balances remaining for prior years. The Assessors may release those excess funds, and they become “the Overlay Surplus”. This article uses applied surplus monies set aside for the Overlay in prior fiscal years to provide the Overlay required for FY16 – without needing to tap any other funding source within the Town’s limited resources.*

Finance Committee action: Approved Disapproved No Action

Article 10. To see what sum of money the Town will vote to raise and appropriate or transfer from available funds to defray the expenses of the Town for the fiscal year commencing July 1, 2015 and to set the salaries of elected officials; or take any other action relative thereto.

Brief Explanation: *This article will establish a departmentalized budget that has been proposed by the Finance Committee and the Board of Selectmen after careful deliberation.*

Finance Committee action: Approved Disapproved No Action

Amounts shown for prior fiscal years may include funds received through warrant articles, reserve fund transfers, etc. as well as transfers out and do not necessarily reflect budget amounts voted initially by Town Meeting.

TOWN OF ASHBY		FY14	FY15	FY16
	LINES	SPENT	BUDGET	FINCOM RECOMMEND
<u>Administration</u>				
<u>1</u>	Salaries & Wages	\$ 51,156.71	\$ 51,156.71	\$ 52,691.41
<u>2</u>	Expenses	\$ 6,246.76	\$ 6,550.00	\$ 6,550.00
		\$ 57,403.47	\$ 57,706.71	\$ 59,241.41
<u>Town Administrator</u>				
<u>3</u>	Salaries & Wages	\$ 38,000.00	\$ 38,000.00	\$ 39,140.00
		\$ 38,000.00	\$ 38,000.00	\$ 39,140.00
<u>Finance Committee</u>				
<u>4</u>	Expense Budget	\$ 155.00	\$ 500.00	\$ 500.00
<u>5</u>	Reserve Fund	\$ 33,945.38	\$ 31,000.00	\$ 41,000.00
		\$ 34,100.38	\$ 31,500.00	\$ 41,500.00
<u>Town Accountant</u>				
<u>6</u>	Salaries & Wages	\$ 33,457.36	\$ 33,457.36	\$ 33,960.00
<u>7</u>	Clerical	\$ 2,545.82	\$ 5,000.00	\$ 4,100.00
	Expenses	\$ 24,522.59	\$ 24,400.00	\$ 24,523.60
		\$ 60,525.77	\$ 62,857.36	\$ 62,583.60
<u>Board of Assessors</u>				
<u>10</u>	Assessing Services	\$ 27,800.00	\$ 28,500.00	\$ 22,000.00
<u>11</u>	Wages	\$ 15,036.93	\$ 17,100.78	\$ 20,897.60
	Expenses	\$ 4,612.37	\$ 5,280.00	\$ 7,590.00
		\$ 47,449.30	\$ 50,880.78	\$ 50,487.60
<u>Treasurer</u>				
<u>15</u>	Salaries & Wages	\$ 25,643.07	\$ 25,643.07	\$ 26,382.36
	Expenses	\$ 6,464.43	\$ 13,826.00	\$ 13,826.00
		\$ 32,107.50	\$ 39,469.07	\$ 40,208.36
<u>Tax Collector</u>				
<u>18</u>	Salaries & Wages	\$ 32,435.41	\$ 32,435.41	\$ 32,435.41
	Expenses	\$ 13,571.41	\$ 12,828.75	\$ 13,153.44
		\$ 46,125.82	\$ 45,264.16	\$ 45,588.85
<u>Legal Services</u>				
<u>21</u>	Expenses	\$ 41,284.79	\$ 27,000.00	\$ 30,000.00
		\$ 41,284.79	\$ 27,000.00	\$ 30,000.00
<u>Technology and Systems</u>				
<u>22</u>	Expenses	\$ 38,485.11	\$ 43,000.00	\$ 43,000.00
		\$ 53,299.97	\$ 43,000.00	\$ 43,000.00
<u>Town Clerk</u>				
<u>23</u>	Town Clerk Salary	\$ 29,543.11	\$ 31,143.11	\$ 32,077.40
<u>24</u>	Clerical	\$ 5,900.18	\$ 7,191.15	\$ 7,647.64
<u>25</u>	Election and Registrar Stipend	\$ 4,172.75	\$ 6,127.13	\$ 6,127.13
	Expenses	\$ 5,538.89	\$ 10,837.00	\$ 10,837.00
		\$ 45,154.93	\$ 55,298.39	\$ 56,689.17
<u>Town Reports</u>				
<u>30</u>	Expenses	\$ 1,407.08	\$ 1,600.00	\$ 1,600.00
		\$ 1,407.08	\$ 1,600.00	\$ 1,600.00

<u>Conservation Commission</u>				
<u>31</u>	Expenses	\$ 690.85	\$ 1,700.00	\$ 1,700.00
		\$ 690.85	\$ 1,700.00	\$ 1,700.00
<u>Planning</u>				
<u>32</u>	Expenses	\$ 646.80	\$ 750.00	\$ 750.00
		\$ 646.80	\$ 750.00	\$ 750.00
<u>Zoning</u>				
<u>33</u>	Zoning Bd Expense	\$ 370.98	\$ 580.00	\$ 580.00
		\$ 370.98	\$ 580.00	\$ 580.00
<u>Land Use</u>				
<u>34</u>	Agent Budget	\$ 8,671.25	\$ 10,000.00	\$ 10,000.00
	Expenses	\$ 1,524.50	\$ 1,651.59	\$ 1,675.38
		\$ 10,195.75	\$ 11,651.59	\$ 11,675.38
<u>Town Office</u>				
	Expenses	\$ 42,533.70	\$ 46,170.00	\$ 60,020.00
		\$ 43,698.20	\$ 46,170.00	\$ 60,020.00
<u>Town Clock</u>				
<u>40</u>	Stipend	\$ 500.00	\$ 500.00	\$ 500.00
		\$ 500.00	\$ 500.00	\$ 500.00
<u>Municipal Buildings/Grounds</u>				
<u>47</u>	Wages/Stipend	\$ 3,470.48	\$ 3,900.00	\$ 4,005.00
	Expenses	\$ 11,988.57	\$ 16,100.00	\$ 16,100.00
		\$ 25,798.40	\$ 20,000.00	\$ 20,105.00
<u>Police</u>				
<u>49</u>	Police Chief Wages	\$ 63,870.52	\$ 84,278.00	\$ 84,278.00
<u>50</u>	Wages - Coverage	\$ 383,852.20	\$ 419,739.22	\$ 445,952.49
	Expenses	\$ 118,994.78	\$ 160,923.29	\$ 188,826.56
		\$ 566,717.50	\$ 664,940.51	\$ 719,057.05
<u>Fire</u>				
<u>54</u>	Chief Salary	\$ 54,540.83	\$ 54,540.83	\$ 56,177.05
<u>55</u>	Firefighters Wages	\$ 11,905.29	\$ 13,637.33	\$ 14,500.00
<u>56</u>	FF/ EMT Wages	\$ 38,941.20	\$ 38,963.81	\$ 40,132.72
<u>57</u>	Firefighter Stipends	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
<u>58</u>	FF/EMT Overtime	\$ 8,140.00	\$ 5,000.00	\$ 8,000.00
	Expenses	\$ 41,417.63	\$ 38,222.70	\$ 45,897.70
		\$ 171,541.44	\$ 155,364.67	\$ 169,707.47
<u>Waste Oil</u>				
<u>62</u>	Stipend	\$ 1,262.67	\$ 1,164.65	\$ 1,164.65
<u>63</u>	Expenses	\$ 440.30	\$ 950.00	\$ 950.00
		\$ 1,702.97	\$ 2,114.65	\$ 2,114.65
<u>EMS</u>				
<u>64</u>	Wages - Coverage	\$ 10,512.92	\$ 12,170.89	\$ 13,000.00
<u>65</u>	Stipend - training	\$ 4,215.00	\$ 4,215.00	\$ 4,215.00
	Expenses	\$ 36,773.00	\$ 37,123.00	\$ 43,123.00
		\$ 51,528.92	\$ 53,508.89	\$ 60,338.00
<u>Emergency Management</u>				

67(2)	Salaries & Wages	\$ 623.95	\$ 626.20	\$ 644.99
68	Expenses	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
		\$ 1,623.95	\$ 1,626.20	\$ 1,644.99
E-911				
69	Expenses	\$ 100.00	\$ 100.00	\$ 100.00
		\$ 100.00	\$ 100.00	\$ 100.00
Hazardous Waste Coord.				
69(2)	Stipend	\$ 28.82	\$ 345.86	\$ 345.86
		\$ 28.82	\$ 345.86	\$ 345.86
Building Inspector				
70	Salaries & Wages	\$ 10,629.54	\$ 10,629.54	\$ 10,948.43
71	Expenses	\$ -	\$ 907.74	\$ 907.74
		\$ 10,629.54	\$ 11,537.28	\$ 11,856.17
Plumbing Inspector				
72	Salaries & Wages	\$ 6,287.24	\$ 6,287.24	\$ 6,475.86
73	Expenses	\$ 105.00	\$ 165.00	\$ 165.00
		\$ 6,392.24	\$ 6,452.24	\$ 6,640.86
Electrical Inspector				
74	Salaries & Wages	\$ 6,287.24	\$ 6,287.24	\$ 6,475.86
75	Expenses	\$ -	\$ 1,200.00	\$ 1,200.00
		\$ 6,287.24	\$ 7,487.24	\$ 7,675.86
Dog Officer				
76	Salaries & Wages	\$ 14,283.79	\$ 14,283.79	\$ 14,712.30
77	Expenses	\$ 1,479.38	\$ 1,500.00	\$ 1,500.00
		\$ 15,763.17	\$ 15,783.79	\$ 16,212.30
Emergency Dispatch				
78	Salaries & Wages	\$ 170,998.16	\$ 176,083.97	\$ 208,006.96
79	Expenses	\$ 1,961.57	\$ 2,297.04	\$ 6,694.04
		\$ 173,631.73	\$ 178,381.01	\$ 214,701.00
Monty Tech				
80	Assessment	\$ 327,562.00	\$ 389,951.00	\$ 359,204.00
		\$ 327,562.00	\$ 389,951.00	\$ 359,204.00
NMRSD				
	Assessment	\$ 2,941,144.00	\$ 2,982,562.00	\$ 3,123,301.00
		\$ 2,941,144.00	\$ 2,982,562.00	\$ 3,123,301.00
Highway				
83 (2)	Wages Supt.	\$ 50,091.12	\$ 61,000.00	\$ 62,830.00
84	Wages - Regular	\$ 148,553.20	\$ 160,233.12	\$ 160,233.12
85	Wages -Overtime	\$ 585.60	\$ 2,000.00	\$ 2,000.00
	Expenses	\$ 178,772.00	\$ 152,201.00	\$ 158,601.00
		\$ 547,152.92	\$ 375,434.12	\$ 383,664.12
Snow & Ice				
91	Winter Operation Wages	\$ -	\$ -	\$ -
92	Winter Overtime	\$ 34,092.03	\$ 13,000.00	\$ 13,000.00
93	Winter Expenses	\$ 154,192.30	\$ 87,000.00	\$ 87,000.00
		\$ 188,284.33	\$ 100,000.00	\$ 100,000.00
Street Lights				

94	Expense	\$ 692.76	\$ 800.00	\$ 1,080.00
		\$ 692.76	\$ 800.00	\$ 1,080.00
Tree Warden				
95	Expenses	\$ 2,200.00	\$ 2,000.00	\$ 2,000.00
		\$ 2,200.00	\$ 2,000.00	\$ 2,000.00
Cemetery				
96	Wages - Coverage	\$ 8,349.62	\$ 8,670.53	\$ 8,930.65
97	Expense	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
		\$ 10,409.62	\$ 10,670.53	\$ 10,930.65
Board of Health				
	Expenses	\$ 11,007.33	\$ 18,282.00	\$ 17,991.02
		\$ 11,007.33	\$ 18,282.00	\$ 17,991.02
Animal Inspector				
102	Stipend	\$ 420.24	\$ 420.24	\$ 420.24
		\$ 420.24	\$ 420.24	\$ 420.24
Council on Aging				
103	Wages	\$ 2,184.63	\$ 2,184.63	\$ 2,250.00
103A	Expense	\$ 1,657.20	\$ 1,850.00	\$ 1,850.00
		\$ 3,841.83	\$ 4,034.63	\$ 4,100.00
Veterans' Services				
104	Salaries & Wages	\$ 1,749.05	\$ 1,749.05	\$ 1,801.52
	Expenses	\$ 41,878.21	\$ 42,000.00	\$ 42,000.00
		\$ 43,627.26	\$ 43,749.05	\$ 43,801.52
Library				
107	Librarian Salary	\$ 17,648.00	\$ 22,550.40	\$ 25,152.00
108	Library Assistant Wages	\$ 19,365.82	\$ 18,741.13	\$ 19,303.36
	Expenses	\$ 41,507.16	\$ 43,726.82	\$ 45,117.00
		\$ 100,228.24	\$ 85,018.35	\$ 89,572.36
Band Concerts				
113	Expenses	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00
		\$ 7,500.00	\$ 7,500.00	\$ 7,500.00
July 3rd				
114	Expenses	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
		\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
Allen Field				
115	Expenses	\$ 664.20	\$ 1,400.00	\$ 1,800.00
		\$ 740.37	\$ 1,400.00	\$ 1,800.00
Town Common				
116	Expenses	\$ 1,967.31	\$ 4,025.00	\$ 4,550.00
		\$ 1,967.31	\$ 4,025.00	\$ 4,550.00
Debt Service				
118	Temporary Loan Interest	\$ -	\$ 1,000.00	\$ 1,000.00
		\$ -	\$ 1,000.00	\$ 1,000.00
Middlesex Retirement				
123	Middlesex Retirement System	\$ 141,772.00	\$ 153,299.00	\$ 163,640.00
		\$ 141,772.00	\$ 153,299.00	\$ 163,640.00
Unemployment				

124	Unemployment Compensation	\$ 429.45	\$ 2,000.00	\$ 10,000.00
		\$ 1,428.08	\$ 2,000.00	\$ 10,000.00
Employee Ins. Benefits				
125	Employee Benefits Expense	\$ 320,057.50	\$ 350,543.13	\$ 408,674.79
		\$ 320,057.50	\$ 350,543.13	\$ 408,674.79
Workers Compensation				
126	Insurance Not Health	\$ 5,441.57	\$ 11,000.00	\$ 11,000.00
		\$ 5,441.57	\$ 11,000.00	\$ 11,000.00
Insurance P & C				
127	Liability P&C, E,F&P	\$ 66,081.36	\$ 80,000.00	\$ 80,000.00
		\$ 66,081.36	\$ 80,000.00	\$ 80,000.00
FICA				
128	Employee Costs	\$ 20,307.39	\$ 23,740.00	\$ 25,010.00
		\$ 20,307.39	\$ 23,740.00	\$ 25,010.00
	Total	\$ 6,287,773.62	\$ 6,280,199.45	\$ 6,626,203.28

Setting of Elected Salaries under Article 10:

- a. Town Clerk: \$32,077.40
- b. Town Collector: \$32,435.41 (Includes \$1,000 certification stipend)
- c. Town Treasurer: \$26,382.36 (Includes \$1,000 certification stipend)

Article 11. *By petition:* To see if the Town will vote to accept the following Bylaw or take any action there on:

The purpose of this investment policy is to set general guidelines for the investment of the Town of Ashby's available general, enterprise, and agency funds in a manner that ensures the following: The preservation of capital of the overall portfolio through diversification and prudent selection of investment instruments; sufficient liquidity to meet all operating and debt service requirements and cash flow characteristics of the portfolio.

1. The primary objectives, in priority order, of investment activities shall be safety, liquidity, and yield.
2. The Town funds shall be the responsibility of the Treasurer.
3. Massachusetts General Laws, Chapter 44, Section 55B, requires that all funds of the Town which are not required to be kept liquid for purposes of immediate distribution shall be invested at the highest possible rate reasonably available while meeting the daily cash requirements for the operation of the Town's business.
4. The Town of Ashby will invest in securities limited to Massachusetts General Laws, Chapter 44, and Section 55B. These investment options are: Certificate of Deposit (CD's) with maturity of less than 90 days, Pooled Investment Fund operated under the authority of the State Treasurer, and U.S. Treasury Instruments or the U.S. Government Agency obligation with a maturity of less than one year.
5. The Town of Ashby will diversify its investments by security type, institution and maturity.

6. It is the responsibility of the Treasurer to assess the financial condition of the banks that the Town of Ashby invests in according to Massachusetts General Laws, Chapter 44, and Section 55B.
7. The Town Treasurer shall prepare an investment report yearly for the Finance Committee that includes a detailed management summary that provides a clear picture of the status of the current investment portfolio. The report shall include the weighted average yield, diversification by Financial Institution, diversification by Security type and Current Fund balances.
8. Investments shall be made with judgment and care, under circumstances prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.
9. The Treasurer shall be responsible for the investment of all Public Funds. There are no provisions in MGL allowing for the custody of Public Funds to be delegated by Town Official, citizens or investment brokers.

Finance Committee action: Approved Disapproved No Action

Article 12. To see if the Town will vote to amend the By-laws of the Town of Ashby, by deleting the text of Section 4.1 of Article V (“Financial Affairs”), authorizing the Collector to retain certain fees relating to issuance of certificates, in its entirety and replacing same with the following new text:

Section 4.1. Pursuant to the provisions of MGL, Chapter 40, s.21 (13), the Collector of Taxes shall pay all fees received by virtue of his/her office into the Town Treasury.

And further, to appropriate from available funds, the sum of \$10,000, to supplement the amount voted under line item 18 of Article 10 of this warrant; \$7,500 of said monies to be accounted as supplemental to the sum voted under Article 10 of this warrant as the salary for the Town Collector, and the balance to provide for hourly compensation of other individuals to provide coverage in the Collector’s office, as needed; or take any other action relative thereto.

Brief Explanation: *MGL, Ch. 60, s. 23 authorizes Tax Collectors in towns under 5,000 in population, subject to local authorization, to retain Municipal Lien Certificate fees as part of the position’s overall compensation; other fees were retained automatically (i.e. Town approval not required) under MGL Ch. 40, s. 21 (13). The Town of Ashby passed an authorizing by-law relative to the MLC fees in 1977; the resulting process employed in Ashby has been vetted by counsel (and others) several times since, and found to be perfectly legal and proper. The effect of this article is to eliminate the current practice by having all the subject fees pass to the Town as revenue, and to appropriate additional funds (based on a five-year average of fees collected and retained by the Collector) to maintain the total compensation for the Collector’s position as salary, near to the level previously authorized by the Town.*

Finance Committee action: Approved Disapproved No Action

Article 13. ***By petition:*** To see if the Town will vote to rescind the vote of the 1977 Annual Town Meeting, Article 24 in reference to MGL Chapter 60, Section 23 and vote to remove the fees now paid to the Tax Collector. The revenue received to be placed in the General Fund or take any action thereto.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 14. ***By petition:*** To see if the Town will vote to amend the zoning map by extending Residential/Commercial District A northwesterly along Fitchburg State Road so as to include a portion of Greenville Road as shown on the map entitled Proposed Zoning Map Amendment, May 2, 2015; or take any action relative thereto.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 15. To see if the Town will vote to amend the Ashby Zoning By-law, Section 4.5 Site Plan Permits, as shown below, with the new provisions being added shown in bold, deleted text being shown with a strike out, and the text not being changed shown in regular type for informational purposes only:

4.5 Site Plan ~~Permits~~:

A Site Plan ~~Permit~~ granted by the Planning Board in accordance with the standards set forth in Section 12.5 of this by-law shall be required for the following uses:

4.5.1 The initial development of land in the Industrial District.

4.5.2 The initial development of land for commercial uses **or mixed residential-commercial uses** in the Residential/Commercial district and Residential/Agricultural district.

4.5.3 The expansion of any building used for commercial or industrial uses by more than 1000 square feet of gross floor area.

4.5.4 Site Plan review required for uses other than single family homes in section 9.8 Ashby Village Center Overlay District.

Or take any other action relative thereto.

Brief Explanation: *This amendment to the Zoning By-law removes the word permit from section 4.5 in recognition of the fact that site plan review is not a discretionary permitting process. It also adds references to site plan review requirements in section 9.8 Village Center Overlay District, which was adopted last year.*

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 16. To see if the Town will vote to amend the Ashby Zoning By-law by adding the following section:

9.9 Solar Energy Systems

9.9.1 Intent and Purpose

The purpose of the Ashby Solar Energy Systems Bylaw (hereafter ‘the bylaw’) is to provide for the construction and operation of solar energy systems and to establish standards for the placement, design, construction, monitoring, modification and removal of solar energy systems that address public safety, minimize impacts on scenic, natural and historic resources of the Town, and provide adequate financial assurance for decommissioning. The provisions set forth in this section shall take precedence over all other sections of the Ashby Zoning Bylaws when considering applications related to the construction, operation and/or repair of solar energy systems.

9.9.2 Establishment

The Ashby Solar Energy Systems Bylaw is adopted pursuant to MGL Chapter 40A. This bylaw applies to the installation, siting and approval of solar energy systems within the various zoning districts of the Town.

9.9.3 Definitions

Photovoltaic System (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.

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

Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

Solar Energy System, Active: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Energy System, Ground-Mounted: An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

Solar Energy System, Large-Scale: An Active Solar Energy System that occupies 40,000 or more square feet of area.

Solar Energy System, Medium-Scale: An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of area.

Solar Energy System, Roof-Mounted: An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).

Solar Energy System, Small-Scale: An Active Solar Energy System that occupies 1,750 sq.ft. or less of area.

9.9.4 Authority

The Planning Board shall act as the administering authority for any Site Plan Review procedure associated with this bylaw according to Section 12.5. The Planning Board shall also serve as the Special Permit Granting Authority for any use that requires a Special Permit under the terms of this bylaw.

9.9.5 Solar Energy Use Provisions

The following table of uses describes what type of solar energy systems are allowed by right (Y), allowed through site plan review (Site Plan), allowed by Special Permit with Site Plan review (SP), or prohibited (PR) in each of Ashby's four major zoning districts. Descriptions of what constitutes roof mounted, small-scale ground, medium-scale ground, and large-scale ground systems are found in the Definitions section of this bylaw.

Principal Use	Residential – Agricultural	Residential – Commercial (A and B)	Residential	Industrial
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Small-Scale Ground-Mounted Solar Energy Systems	Y	Y	Y	Y
Medium-Scale Ground-Mounted Solar Energy Systems	SP	SP	SP	Site Plan
Large-Scale Ground-Mounted, Solar Energy Systems	SP	SP	PR	Site Plan
Accessory Use	Residential – Agricultural	Residential – Commercial (A and B)	Residential	Industrial
Roof-mounted Solar Energy Systems*	Y	Y	Y	Y
Small-Scale Ground Mounted System	Y	Y	Y	Y
Medium-Scale Ground Mounted System	Site Plan	Residential/Commercial A: Site Plan Residential/Commercial B: SP	SP	Site Plan
Large-Scale Ground Mounted System	PR	PR	PR	PR

Y = Permitted By-Right with building permit

Site Plan = Requires Site Plan review and approval

SP = Requires Special Permit *and* Site Plan review

PR = Prohibited

* Roof mounted systems to serve an individual residential, commercial or industrial structure

9.9.6 Dimensional, Design and General Requirements

9.9.6.1 General Requirements for all solar energy systems

The following requirements are common to all solar energy systems:

9.9.6.1.1 Compliance with laws: The construction and operation of all proposed solar energy systems shall be consistent with all applicable local, state and federal

requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.

9.9.6.1.2 Construction Deadlines. If the solar energy system is not installed and functioning within 24 months from the date the building permit is issued, the solar energy system is considered abandoned unless an extension of the special permit has been approved.

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

9.9.6.1.4 Modifications: All material modifications, including but not limited to alterations to the type, size, location or configuration of a solar energy system, made after issuance of any approval issued pursuant to this bylaw shall require approval by the Planning Board as provided in this bylaw.

9.9.6.2 Roof Mounted Solar Energy Systems

9.9.6.2.1 Roof mounted solar energy systems shall not be erected, constructed, installed or modified without first obtaining a building permit from the Ashby Building Inspector.

9.9.6.2.2 Roof mounted solar energy systems that are not flush mounted to an existing roof but are "slanted or tilted" to meet desired angles must not exceed the overall building height limits of the underlying district. The height shall be measured to the highest protruding point of the solar system at its fullest extension.

9.9.6.3 Small and Medium Scale Ground Mounted Systems

9.9.6.3.1 Small and medium scale ground-mounted solar energy systems shall not be erected, constructed, installed or modified as provided in this section without first obtaining a building permit from the Ashby Building Inspector.

9.9.6.3.2 Small and medium scale ground-mounted solar energy systems shall meet the setbacks for buildings from all property lines in the district in which they are located.

9.9.6.3.3 All small and medium scale ground-mounted solar energy systems in residential districts shall be installed either in the side yard or rear yard.

9.9.6.3.4 All medium-scale ground mounted solar energy systems shall not increase stormwater runoff or increase the impervious area of a lot as compared to pre-development levels.

9.9.6.3.5 Whenever possible, utility lines for medium-scale ground-mounted systems shall be located underground unless the presence of ledge and/or wetlands or other obstacles prevents such location.

9.9.6.4 Large-Scale Ground Mounted Systems

9.9.6.4.1 Large-scale ground mounted solar energy systems shall adhere to the same setbacks as are required for principal buildings in the underlying Ashby zoning districts.

9.9.6.4.2 Whenever possible, utility lines for large-scale ground-mounted systems shall be located underground unless the presence of ledge and/or wetlands or other obstacles prevents such location.

9.9.6.4.3 Siting Criteria for large-scale ground mounted solar energy systems:

Large-scale ground mounted solar energy systems shall be located so as to minimize the potential impacts on the following:

- a. Visual/aesthetic: Large-Scale Solar Energy Systems shall, when possible, be sited off ridgelines to locations where their visual impact is least detrimental to valuable historic and scenic areas, and established residential areas;
- b. General health, safety, and welfare of residents;
- c. Natural habitats, forests and wetlands;
- d. Lands with prime agricultural soils;
- e. Glare from the solar panels onto any abutting or nearby properties;
- f. Potential vehicular traffic conflicts; and
- g. Diminution of residential property values;

9.9.7 Planning Board Action / Findings

The Ashby Planning Board may approve solar energy systems requiring either site plan approval and/or a special permit subject to the applicable general Site Plan Review Criteria, found in Section 12.5.5 of the Ashby Zoning Bylaw; as well as satisfactorily meeting the siting criteria of section 9.9.6.4.3 of this section in the case of large-scale ground mounted solar energy systems.

9.9.8 Regulations

After public notice and public hearing, the Ashby Planning Board may promulgate regulations to achieve the purposes and assist in the implementation of this bylaw. Such regulations will be added to Ashby's Rules and Regulations for Site Plan Approval.

Failure to promulgate such regulations, or the invalidation by a court of law of one or more of such regulations, shall not act to suspend or invalidate any provision of this bylaw.

9.9.9. Plan Submittal Requirements.

Plan submittal requirements are specified in the accompanying solar energy systems regulations as adopted by the Ashby Planning Board.

9.9.10 Site Plan Review

The site plan review standards for solar energy projects in Ashby are found in the Town of Ashby Rules and Regulations for Site Plan Approval and in Section 12.5 of the Ashby Zoning Bylaws.

9.9.11 Special Permits

Applicants for medium and large-scale ground mounted solar energy systems requiring a Special Permit pursuant to section 9.9.5 of this bylaw, shall adhere to the Special Permit criteria and procedures found in section 12.3 of the Ashby Zoning Bylaws, the requirements for Site Plans as specified in Section 9.9.8 and 9.9.9 above.

9.9.11.1 Expiration. A special permit issued pursuant to this bylaw shall expire if: i) the solar energy system is not installed and functioning within 24 months from the date the permit is issued; or ii) the solar energy system is abandoned. The Ashby Planning Board

may extend the special permit if it deems there are unique circumstances that justify a delay in the installation and/or functioning of the solar energy system.

9.9.12 Operation, Monitoring and Maintenance

These operation, monitoring and maintenance requirements shall apply to medium-scale and large-scale ground mounted solar energy systems developed as the principal use of a lot.

9.9.12.1 Facility Conditions. The medium-scale or large-scale ground mounted solar energy systems owner or operator shall maintain the facility in good condition. Maintenance shall address all elements of the project, including but not limited to, structural repairs, landscaping and screening, fencing and other security measures, stormwater management, and access. The project owner shall be responsible for the cost of maintaining the solar energy system and any access road(s), and the cost of repairing any damage occurring as a result of operation and construction.

9.9.12.2 Operation and Maintenance Plan. The project applicant shall submit a plan for the operation and maintenance of the large-scale solar energy system as part of the special permit application. This plan shall include measures for maintaining safe access to the installation, stormwater management control, and general procedures for operational maintenance of the facility.

9.9.12.3 Modifications. All material modifications to a solar energy facility made after issuance of the permit shall require approval by the special permit granting authority as provided in this bylaw.

9.9.13 Abandonment and Decommissioning

These abandonment and decommissioning requirements shall apply to medium-scale and large-scale ground mounted solar energy systems developed as the principal use of a lot.

9.9.13.1 Removal requirements. Any medium-scale or large-scale ground mounted solar energy system which has reached the end of its useful life or has been abandoned shall be removed. When the solar energy system is scheduled to be decommissioned, the owner or operator shall notify the Town by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the solar system installation no more than 150 days after the date of discontinued operations. At the time of removal, the solar system site shall be restored to the state it was in before the system was constructed or to any other legally authorized use, subject to all Town approvals.

More specifically, decommissioning shall consist of the following:

- a. Physical removal of all solar photovoltaic installations, including structures, equipment, security barriers, and transmission lines from the site;
- b. Any utility connections shall be disconnected to the satisfaction of the Ashby Fire Department and the Town's Wiring Inspector;
- c. Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations and standards; and
- d. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner/operator to leave landscaping or any designated below-grade foundations in order to minimize erosion and disruption to vegetation.

9.9.13.2 Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, a large-scale ground mounted solar energy system shall be considered abandoned when it ceases to operate for more than twelve (12) months, without written consent of the Planning Board. "Cease to operate" is defined as not performing the normal functions associated with the large-scale solar energy system and its equipment on a continuous and ongoing basis for a period of one year. The Planning Board shall provide written notification of abandonment to the owner/operator.

If the owner/operator fails to remove the solar energy system in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town shall have the authority to enter the property, to the extent it is duly authorized by law, and physically remove the solar energy system.

9.9.13.3 Financial Surety Applicants for principal-use medium-scale and large-scale ground-mounted solar energy system projects shall provide a form of surety to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount determined to be reasonable by the Ashby Planning Board and the applicant.

The applicant may choose to provide the surety in the form of a bond or escrow account. In no event shall the amount exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant and the Ashby Planning Board. Such surety will not be required for municipally- or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The estimated cost of removal shall include a mechanism for calculating increased removal costs due to inflation.

9.9.14 Severability

If any section or provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby.

9.9.15 Conflict with Other Laws

All development activities undertaken through this solar energy systems bylaw shall comply with all applicable laws, regulations, and standards of the Town of Ashby. In the event of a conflict between this bylaw and any section of the zoning bylaw the provisions of this section shall control, provided it is consistent with state and federal law; or take any other action relative thereto.

Brief Explanation: *The current Zoning By-law prohibits solar energy systems except as accessory to a single family dwelling. The proposed amendment would permit small, medium or large scale solar energy systems in all districts by right or by special permit and would regulate such systems.*

Finance Committee action: Approved Disapproved No Action

Article 17. To see what sum of money the Town will vote to appropriate from available funds for deposit into the Stabilization Fund; or take any other action relative thereto.

Brief Explanation: *This article allows Town Meeting to deposit any or all monies available and not otherwise appropriated or committed into the Stabilization Fund.*

Finance Committee action: Approved Disapproved No Action

And you are hereby directed to serve this warrant by posting an attested copy in at least three (3) public places in said Ashby seven (7) days at least before holding of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon, to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this _____ day of _____, 2015.

Janet Flinkstrom, Chair

Michael McCallum, Member

Mark Haines, Clerk

ASHBY BOARD OF SELECTMEN

By virtue of this precept, I have posted three (3) attested copies of the foregoing warrant in three (3) public places in said Ashby at least seven days before the time of said Annual Town Meeting.

Date: _____

William Davis
Constable of Ashby