

COMMONWEALTH OF MASSACHUSETTS

TOWN OF CHESTER

ANNUAL TOWN MEETING

WARRANT

June 9, 2018

HAMPDEN, SS.

To any of the Constables in the Town of Chester in the County of Hampden:

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Chester qualified to vote in Elections and Town affairs to meet in the Chester Town Hall in said Town on Saturday, the ninth day of June, 2018, A.D. at 1:00 P.M. in the afternoon, then and there to act on the following articles:

ARTICLE 1:

To elect three or more Field Drivers and three or more Fence Viewers.

ARTICLE 2;

To authorize the Selectmen to appoint such other Town Officials as are not required to be chosen by ballot.

ARTICLE 3:

To see if the Town will vote to fix the salaries of all elected officials for the period of July 1, 2018 to June 30, 2019 as indicated below, or to take any other action relative thereto:

Selectman:	\$	2,150.64	<i>Electric Commissioner</i>	\$	700.00
<i>Selectman:</i>	\$	2,150.64	<i>Electric Commissioner</i>	\$	700.00
<i>Selectman:</i>	\$	2,150.64	<i>Electric Commissioner</i>	\$	700.00
Assessor Chair:	\$	1,970.55	Health Board:	\$	1,340.03
Assessor Vice Chair:	\$	1,970.55	Health Board:	\$	1,340.03
Assessor:	\$	538.44	Health Board:	\$	1,340.03
Tax Collector:	\$	18,650.21	Town Clerk	\$	6,478.70
Town Moderator:	\$	200.00	Town Treasurer	\$	10,876.80

ARTICLE 4:

To see if the Town will vote to authorize the Board of Selectmen, or other town Departments with the knowledge of the Board of Selectmen, to apply for and accept grants from the Federal Government, Commonwealth of Massachusetts or any other source, to execute any documents in connection with said applications and to expend said grant funds for purposes received without further appropriation, or take any other action relative thereto.

ARTICLE 5:

To see if the Town will vote to authorize the Treasurer, with the approval of the Selectmen, to sell at public auction, or at private auction to Government agencies, all or any of its property acquired by virtue of sale for non-payment of taxes, which sales have been confirmed by the Land Court or the Tax Commissioner, and to give deeds therefore, or take any other action relative thereto.

ARTICLE 6:

To see if the Town will vote to authorize the Treasurer, with the approval of the Selectmen, to borrow money from time to time in anticipation of the revenue of the financial year beginning July 1, 2018, and in accordance with the provisions of Mass. General Laws, Chapter 44, Section 4, and to issue notes as may be given for a period of less than one year in accordance with the provisions of Mass. General Laws, Chapter 44, Section 17, or take any other action relative thereto.

ARTICLE 7:

To see if the Town of Chester will vote to accept the Amendment to the Gateway Regional School District Agreement: Section IV D Assessment to Member Towns. Said Amendment is on file at the Selectmen and Town Clerk Offices, or to take any other action relative thereto.

ARTICLE 8:

To see if the town will vote to raise and appropriate, or transfer from available funds in the Treasury (free cash) the sum of \$40,890, or any other amount, for a one-time only payment to Gateway Regional School District to allow the School Assessment Stabilization Plan to be implemented by offsetting the imbalance of the assessment to the Town of Russell, or to take any other action relative thereto. This article to be contingent on all District towns approving the Stabilization Amendment in their FY 2019 Budgets.

ARTICLE 9:

To see if the Town will vote to raise and appropriate the sum of \$1,521,776, or any other amount, for the Town of Chester's contribution to the budget for the Gateway Regional School District for the period July 1, 2018 through June 30, 2019, or take any other action relative thereto. (Last year's figure – \$1,492,633.

ARTICLE 10:

To see if the Town will vote to raise and appropriate the sum of \$150,000, or any other amount, for vocational tuition and transportation for Chester students for the period July 1, 2018 through June 30, 2019, or to take any other action relative thereto. (Last year's figure – (159,309))

ARTICLE 11:

To see if the Town will vote to accept funds being provided by the Commonwealth of Massachusetts under the provisions of Mass. General Laws Chapter 90, to pay for such costs as allowed by appropriate legislation in connection with the maintenance, repair, and construction of Town ways and bridges, in the amount of \$233,111, with such funds to carry over from year to year until expended by the Town, or to take any other action relative thereto.

ARTICLE 12:

To see if the Town will vote to amend the general by-laws by adding a new section to establish and authorize revolving funds for use by certain town departments, boards, committees or officers under Massachusetts General Laws Chapter 44, Section 53E1/2, and to

amend the general by-laws by adding the following new general by-law as follows:

Departmental Revolving Fund By-law

1. Purpose. This bylaw establishes and authorizes revolving funds for use by town departments, boards, committees or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by Massachusetts General Laws Chapter 44, § 53E ½.

2. Expenditure Limitations. A department head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this bylaw without appropriation subject to the following limitations:
 - A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
 - B. No liability shall be incurred in excess of the available balance of the fund.
 - C. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen and the Finance Committee.

3. Interest. Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the general fund.

4. Procedures and Reports. Except as provided in Massachusetts General Laws Chapter 44, § 53E ½ and this bylaw, the laws, bylaws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this bylaw. The town accountant shall include a statement on the collections credited to each fund the encumbrances and expenditures charge to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board, committee or officer on appropriations made for its use.

5. Authorized Revolving Funds.

	Department Authorized to Use Account, Fees/Charge Information, Description and Purpose of Each Account	Fiscal Years
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	Board of Health: into which donations, receipts and fees charged for payment of a part time contract health agent shall be deposited and which may be used by said Board of Health and/or the Board of Selectmen to pay for the expenses incurred and such expenditures not to exceed \$3,000;	Fiscal Years 2019 and Subsequent years

or to take any other action relative thereto.

ARTICLE 13:

To see if the Town will vote to raise and appropriate the following sums of money (Moderator through Selectmen Miscellaneous) to defray charges and expenses of the Town, including debt service (principal and interest) and to provide a Reserve Fund, for the period July 1, 2018 to June 30, 2019 and further, to hear the report of the Finance Committee and act thereon, or to take any other action relative thereto.

ARTICLE 14

To see if the Town will vote to appropriate the income from the sale of electricity to private consumers, municipal building and jobbing for the Municipal Electric Light Department for the fiscal year beginning July 1, 2018 and to authorize that the whole be expended under the direction and control of the Board of Electric Light Commissioners and Manager, or to take any other action relative thereto.

ARTICLE 15:

To see if the Town will vote to accept a payment in lieu of taxes, in the amount of \$7,550.00, or any other amount, from the Chester Municipal Electric Light Department, to cover the cost of street lighting, or take any other action relative thereto.

ARTICLE 16:

To see if the Town will vote to raise and appropriate, or transfer from available funds in the Treasury (free cash), the amount of \$2,000, or any other amount, to fund the 2nd year of the Town Clerk's Records Preservation Project, or to take any other action relative thereto.

ARTICLE 17:

To see if the town will vote to raise and appropriate, or transfer from available funds in the Treasury (free cash) the amount of 75,000.00, or any other amount, to cover the snow and ice deficit for Fiscal year 2016, or to take any other action relative thereto.

ARTICLE 18:

To see if the town will vote to change its elected Town Clerk to become an appointed Town Clerk, or to take any other action relative thereto. (A yes vote will place this question on the official Annual Town Election ballot in 2019)

ARTICLE 19:

To see if the town will vote to change its elected Tax Collector to become an appointed Town Collector, or to take any other action relative thereto. (A yes vote will place this question on the official Annual Town Election ballot in 2019).

ARTICLE 20:

To see if the town will vote to change its elected Treasurer to become an appointed Treasurer, or to take any other action relative thereto. (A yes vote will place this question on the official Annual Town Election ballot in 2019)

ARTICLE 21

To see if the town will vote to change its elected Board of Assessors to become an Appointed Board of Assessors, or to take any other action relative thereto. (A yes vote will place this question on the official Annual Town Election ballot in 2019)

ARTICLE 22

To see if the Town will vote to amend Article 3, Section 2 of the 2006 Special Town Meeting which vote established a General Bylaw setting the date for the Annual Town Meeting, by changing the date from Saturday to Monday and the time from 1:00 p.m. to 7:00 p.m. so that Section 2 reads as follows:

The Annual Town Meeting shall be held on the second Monday in June of each year, commencing at 7:00 pm; or to take any other action relative thereto.

ARTICLE 23:

To see if the town will vote to raise and appropriate, or transfer from available funds in the Treasury (free cash) the amount of \$2,095, or any other amount, for the purpose of purchasing Dog Licensing Database Software to be utilized by the Town Clerk, the Animal control Officer, and the Police and Fire Department, or to take any other action relative thereto.

ARTICLE 24:

To see if the town will vote to amend the Town's current Dog Control By-Law as follows:

SECTION 5: LICENSES AND TAGS

Section 5:1

Strike the following: "annually. The license year shall be from April 1 to the following March 31 inclusive."

Replace with: "The license shall be valid for the same period that the rabies vaccination is current. The deadline to renew a license shall be 30 days following the expiration of the prior license. After that date a penalty will be added to the license fee, as posted in the Schedule of Fees in the office of the town Clerk."

Section 5:2 – strike "and the year of issue".

Section 5:3 – strike "at a cost of \$2.00".

Section 5:4- strike the section in its entirety. Replace with the following:

"A. The fee for every dog license issued in the Town shall be posted in the Schedule of Fees in the office of the Town Clerk.

B. Any dog acquired or moved into the Town shall be required to obtain a license within 30 days , or upon reaching the age of six months, whichever occurs last. After 30 days, the owner shall be subject to late fees as posted in the Schedule of Fes in the office of the Town Clerk.

C. Fee exemptions:

- 1.) No fee shall be charged for any service dog as defined by the American with Disabilities Act (ADA), provided that the dog has been trained and is in the actual service of a resident of the Town.
- 2.) Even if exempt from the licensing fee, all dogs in the Town must obtain a license following normal procedures, or will be subject to the fines and penalties posted in the Schedule of Fees in the office of the Town Clerk.

D. Kennel Licenses: Any owner or keeper of four or more dogs, six months of age or over, may elect to secure an annual kennel license after inspection by the Animal Control Officer. The fees for Kennel licenses shall be as per the fee schedule posted in the Town Clerk's office.

E. Once any dog license fee (individual or kennel) has been paid to the town, no fee or portion thereof shall be refunded.

ARTICLE 25:

To see if the Town will vote to raise and appropriate, or transfer from available funds in the treasury (free cash), the amount of \$1,000 or any other amount, for the purchase of election software to aid in counting the votes after an election, or to take any other action relative thereto.

ARTICLE 26:

To see if the town will vote to raise and appropriate the amount of \$12,300, or any other amount, to pay for the Town of Chester's share of the second year of salary and expenses for the Hilltown Collaborative Economic Director's department, or to take any other action relative thereto. (First year was paid for through a Community Compact state grant).

ARTICLE 27:

To see if the town will vote to raise and appropriate, or transfer from available funds in the Treasury (free cash), the amount of \$4,000, or any other amount, for the purchase a new "Christmas Tree" for the town park, or to take any other action relative thereto.

ARTICLE 28 To see if the town will vote to raise and appropriate, or transfer from available funds in the treasury, the sum of \$2,250.00, or any other amount, to defray the cost of continued improvements at the Ballfield on Emery St., or to take any other action relative thereto.

ARTICLE 29

To see if the Town will vote to amend the existing Town's Zoning Bylaw 5.8: "Large-Scale Ground-Mounted Solar Photovoltaic Installations" to clarify as it applies to installations of 250 kW DC or greater. The current bylaw states it applies to installations of '250 kW', although the intent is to apply the bylaw to all installations of greater capacity as well. This amendment revises the language in sections 5.8.1.1, 5.8.2, and 5.8.3.4 to specify '250 kW DC and greater'. Also, section 5.8.3.4.2 (iv) has been revised to read 'Massachusetts Electrical Code' instead of 'National Electrical Code'.

1. Amend the Chester Zoning Bylaw Section 5.8, “Large-Scale Ground-Mounted Solar Photovoltaic Installations” to read as follows:

5.8 Large-Scale Ground-Mounted Solar Photovoltaic Installations

5.8.1 Purpose

The purpose of this bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

5.8.1.1 Applicability

This section applies to large-scale (250 kW DC and greater) ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

Nothing in this bylaw should be construed to prevent the installation of accessory roof mounted solar photovoltaic installations.

5.8.2 Definitions

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development shall be subject to site plan review to determine conformance with local zoning bylaws. Projects cannot be prohibited, but can be reasonably regulated by the inspector of buildings, building commissioner or local inspector, or if there is none in a town, the board of selectmen, or person or board designated by local ordinance or bylaw.

Building Inspector: The inspector of buildings, building commissioner, or local inspector, or person or board designated by local ordinance or bylaw charged with the enforcement of the zoning ordinance.

Building Permit: A construction permit issued by an authorized building inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing ground-mounted large-scale solar photovoltaic installations.

Designated Location: The location designated by the Planning Board, in accordance with Massachusetts General Laws Chapter 40A, section 5, where ground-mounted large scale solar photovoltaic installations may be sited as-of right. Said location is shown on a Zoning Map, 'Zoning Map of Chester, Massachusetts', dated 1968 and amended in 2007, pursuant to Massachusetts General Laws Chapter 40A Section 4. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Town Clerk.

Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a nameplate capacity of 250 kW DC and greater.

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).

Site Plan Review: review by the Site Plan Review Authority to determine conformance with local zoning ordinances or bylaws.

Site Plan Review Authority: For purposes of this bylaw, Site Plan Review Authority refers to the Planning Board

Solar Photovoltaic Array: an arrangement of solar photovoltaic panels.

Zoning Enforcement Authority: Building Inspector.

5.8.3 General Requirements for all Large- Scale Solar Power Generation Installations

The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

5.8.3.1 Compliance with Laws, Ordinances and Regulations

The construction and operation of all large scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings

and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

5.8.3.2 Building Permit and Building Inspection

No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

5.8.3.3 Fees

The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit and a deposit sufficient to cover any expenses connected with review of site plans, including the costs of any engineering or planning consultant services necessary for review purposes.

5.8.3.4 Site Plan Review

Ground-mounted large scale solar photovoltaic installations with 250 kW DC and greater of rated nameplate capacity shall undergo site plan review by the Site Plan Review Authority prior to construction, installation or modification as provided in this section.

5.8.3.4.1 General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

5.8.3.4.2 Required Documents

Pursuant to the site plan review process, the project proponent shall provide the following documents (six copies should be provided):

- (a)** A site plan showing:
 - i.** Property lines and physical features, including roads, and contour lines at each two feet above mean sea level (AMSL), for the project site;
 - ii.** Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
 - iii.** Blueprints or drawings of the solar photovoltaic installation, signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts, showing the proposed layout of the system, dimensions, including height, for all buildings and structures, and any potential shading from nearby structures
 - iv.** One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code compliant disconnects and overcurrent devices;
 - v.** Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;

- vi. Name, address, and contact information for proposed system installer;
 - vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
 - viii. The name, contact information and signature of any agents representing the project proponent; and
- (b) Documentation of actual or prospective access and control of the project site (see also Section 5.8.3.5);
 - (c) An operation and maintenance plan (see also Section 5.8.3.6);
 - (d) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
 - (e) Proof of liability insurance;
 - (f) Description of financial surety that satisfies Section 5.8.3.12.3; and
 - (g) Landscape plan (see also section 5.8.3.10.2).

The Site Plan Review Authority may waive documentary requirements as it deems appropriate.

5.8.3.5 Site Control

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

5.8.3.6 Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the large- scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

5.8.3.7 Utility Notification

No large- scale ground –mounted solar photovoltaic installation shall be constructed until evidence has been given to the Site Plan Review Authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator’s intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

5.8.3.8 Dimension and Density Requirements

5.8.3.8.1 Setbacks

For large - scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

- (a) Front yard: The front yard depth shall be at least 75 feet;
- (b) Side yard. Each side yard shall have a depth at least 75 feet;
- (c) Rear yard. The rear yard depth shall be at least 75 feet;
- (d) Every abutting property shall be visually screened from the project through any one or combination of the following location, distance, plantings, existing vegetation and fencing (not to exceed 8 feet).

5.8.3.8.2 Appurtenant Structures

All appurtenant structures to large- scale ground-mounted solar photovoltaic installations shall, in addition to the setback requirements above, conform to the applicable building criteria in Table 2- Table of Intensity Regulations of the Chester Zoning By Law and/or section 4.2.4(c) of the Rt.20 Commercial Overlay District Zoning By Law Amendment. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

5.8.3.9 Design Standards

5.8.3.9.1 Lighting

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the solar photovoltaic installation shall be Dark Sky compliant.

5.8.3.9.2 Signage

Signs on large- scale ground-mounted solar photovoltaic installations shall comply with a municipality's sign bylaw. A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

5.8.3.9.3 Utility Connections

Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

5.8.3.9.4 Utility Service

The AC electric service must be three phase.

5.8.3.10 Safety and Environmental Standards

5.8.3.10.1 Emergency Services

The large-scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

5.8.3.10.2 Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the large – scale ground-mounted solar photovoltaic installation, and per practices of best management of natural areas or good husbandry of the land or forest, or otherwise prescribed by applicable laws, regulations, and bylaws.

Applicant shall submit a landscape plan detailing all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting and screening vegetation or structures. Lighting shall be designed to minimize glare on abutting properties and be directed downward with full cut-off fixtures to reduce light pollution.

5.8.3.11 Monitoring and Maintenance

5.8.3.11.1 Solar Photovoltaic Installation Conditions

The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to,

painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

5.8.3.11.2 Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

5.8.3.12 Abandonment or Decommissioning

5.8.3.12.1 Removal Requirements

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 5.8.3.12.2 of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a)** Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (b)** Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c)** Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

5.8.3.12.2 Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.

5.8.3.12.3 Financial Surety

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, in a form acceptable and approved by the Treasurer of the Town of Chester, 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 Site Plan Review Authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

5.8.3.12.4 Conflict with Other Laws

The provisions of this bylaw shall be considered supplemental of existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.

5.8.3.12.5 Severability

The invalidating of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

5.8.3.12.6 Penalties

Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by applicable law.

ARTICLE 30:

To see if the Town will vote to amend the Town’s Zoning Bylaw by adding a new Section 5.11: “Public Consumption of Marijuana or Tetrahydrocannabinol” in order to provide for the general welfare and safety of the community by providing guidance on recreational marijuana use in public.

1. Amend the Chester Zoning Bylaw by adding Section 5.11, “Public Consumption of Marijuana or Tetrahydrocannabinol”:

Section 5.11 PUBLIC CONSUMPTION OF MARIJUANA OR
TETRAHYDROCANNABINOL

5.11.1 Purpose

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. This law was amended on December 30, 2016 by extending certain deadlines by six months and the Cannabis Control Commission is required to issue regulations regarding implementation by March 15, 2018.

Personal use of recreational marijuana is allowed by state law, but current laws do not necessarily cover its public use, or restrictions to its public use, as they do for other restricted products such as alcohol or tobacco products. This bylaw provides clear guidance to both the public and law enforcement, for the general welfare and safety of the community, regarding the recreational use of marijuana and related products in public spaces.

5.11.2 Restrictions to the Public Consumption of Marijuana or Tetrahydrocannabinol

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, § 21, or by noncriminal disposition pursuant to G.L. c. 40, § 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this bylaw shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L., or to take any other action relative thereto.

You are hereby directed to serve this Warrant by posting true and attested copies thereof, one at the Town Hall, one at the U.S. Post Office, and one at Chester Center, (7) days at least, before the day and hour of holding said meeting.

Therefore, Fail Not and make due return of said Warrant with your doing thereon to the Town Clerk of the Town of Chester, at or before the day and hour of holding said meeting.

Given under our hands at Chester, this _____ day of _____, 2018

John Baldasaro, Chairman

Barbara Huntoon, Vice Chairman

Rene Senecal, Clerk

As per instruction in this Warrant, I have posted same, this _____ day of _____ 2018 at the Chester Town Hall, U.S. Post Office, and Chester Center.

Constable