

**WARRANT FOR ANNUAL TOWN
MEETING TOWN OF
LANESBOROUGH
COMMONWEALTH OF
MASSACHUSETTS FISCAL
YEAR 2024**

BERKSHIRE, ss.

June 13, 2023

To any of the Police Officers of the Town
of Lanesborough:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Lanesborough, qualified to vote in Town affairs, to meet at the Lanesborough Elementary School property, 188 Summer Street in said Lanesborough on June 13, 2023 at 6:00 p.m., then and there to act on the following Articles of business, Article 2 through 28 and action on Article 1, will take place on Tuesday, June 20, 2023, at the Town Hall at 83 North Main Street, Lanesborough and the polls will be open at noon and close at 8:00 p.m.

ARTICLE 1. To elect the necessary Town Officers on one ballot;
Board of Selectmen, one, three-year term,
Finance Committee, one, three-year term,
Library Trustee, one, three-year term,
Planning Board, one, five-year term.

ARTICLE 2. To fix the compensation of all elected Town Officers as provided by G.L. c. 41, § 108, as amended, and to hear the budget, act thereon and raise and appropriate, borrow or transfer from available funds a sum or sums of money to defray charges and expenses of the Town for the ensuing year, or take any other action relative thereto.

(Select Board – Yes)
(Finance Committee – 4-0-0)

ARTICLE 3: To see if the Town will **transfer and expend** from the Local Access Television Enterprise Fund Retained Earnings **\$3,517.08** to cover unforeseen costs for the Local Access Television Enterprise for Fiscal Year 2023, or take any other action relative thereto.

(Select Board – Yes)
(Finance Committee – 4-0-0)

ARTICLE 4: To see if the Town will vote to **appropriate** for the operation of the Local Access Television Enterprise Fund **\$20,700.00** for salaries and expenses, to be raised as follows: Departmental Receipts - **\$20,700.00**; or take any other action relative thereto.

(Select Board – Yes)
(Finance Committee – 4-0-0)

ARTICLE 5: To see if the Town will vote, pursuant to the provisions of G.L. c.40, §5B, to create a new special purpose stabilization fund, to be known as the Opioid Settlement Stabilization Fund, which may be expended for all of the purposes allowed by law, including those outlined in applicable opioid-litigation settlement documents, a document prepared by the Substance Abuse Bureau of the Commonwealth’s Office of Health and Human Services Department, found at <https://www.mass.gov/doc/massachusetts-abatement-terms/download> entitled “Abatement Strategies”, and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds; and further, to adopt the last paragraph of said §5B and dedicate to such fund, without further appropriation, 100% of the opioid litigation settlement funds received by the Town; and further, to transfer from available funds a sum of money equal to that received by the Town from opioid litigation settlements resulting from the Town’s participation in the national Opioid Multi-District Litigation into said Opioid Settlement Stabilization Fund; or take any other action related thereto.

2/3rds vote required
(Select Board – Yes)
(Finance Committee – 4-0-0)

ARTICLE 6: To see if the Town will vote to **appropriate and transfer** from Free Cash the sum of **\$25,436.07** into the Opioid Settlement Stabilization Fund in Fiscal Year 2024.

Note: These funds were received in Fiscal Year 2023 and are being closed to free cash.

(Select Board – Yes)
(Finance Committee – 4-0-0)

ARTICLE 7: To see if the Town will vote to **appropriate and transfer** from Free Cash the sum of **\$410,000.00** for the repaving of the Lanesborough Elementary School parking lot, or take any other action relative thereto.

(Select Board – Yes)
(Finance Committee – 4-0-0)

ARTICLE 8: To see if the Town will approve the borrowing authorized by the Mount Greylock Regional School District for an amount up to \$800,000 for the purpose of completing the Field and Track Project at Mount Greylock Regional School, pursuant to Chapter 71, Section 16(d) of the General Laws, and the District Agreement, as amended, or pursuant to any other enabling authority.

(Select Board – Yes)
(Finance Committee – 4-0-0)

ARTICLE 9: To see if the Town will vote, pursuant to M.G.L. c.71, s.16 G ½, to establish a Stabilization Fund for the purpose of capital maintenance or improvements for the Mount Greylock Regional School District or take any other action relative thereto.

2/3rds vote required
(Select Board – Yes)
(Finance Committee – 3-1-0)

ARTICLE 10: To see if the Town will vote to **appropriate and transfer** from the town's stabilization fund the sum of **\$40,000.00** for the redesign of the new public safety building or take any other action relative thereto.

Note: At the 2021 ATM for FY22 the Town voted to appropriate and transfer \$108,000 for this purpose, which has not since been used.

2/3rds vote required
(Select Board – Yes)
(Finance Committee – 4-0-0)

ARTICLE 11: To see if the Town will vote to rescind authorized and unissued debt as follows:

<u>Town Meeting Vote</u>	<u>Project</u>	<u>Total Debt Authorization</u>	<u>Amount to be Rescinded</u>
ATM 6-8-2021 Article 7	Ambulance	\$251,000.00	\$169,724.00

(Select Board – Yes)
(Finance Committee – 4-0-0)

ARTICLE 12: To see if the Town will vote to **appropriate** for the operation of the Ambulance Enterprise **\$108,960.00**, to be raised from Ambulance Enterprise user fees, or take any other action relative thereto.

(Select Board – Yes)
(Finance Committee – 4-0-0)

ARTICLE 13: To see if the Town will vote to **appropriate and transfer** from Free Cash the sum of **\$50,000.00** to construct a gazebo/pavillion and seating to be located at Laston Park or take any other action relative thereto.

(Select Board – Yes)
(Finance Committee – 4 no action)

ARTICLE 14: To see if the Town will vote to **appropriate and transfer** from Free Cash the sum of **\$14,546.00** for the leasing of a police vehicle or take any other action relative thereto.

(Select Board – Yes)
(Finance Committee – 4-0-0)

ARTICLE 15: To see if the Town will vote to **appropriate and transfer** from Free Cash **\$100,000.00** to be used by the Assessor to reduce the tax rate for Fiscal Year 2024, or take any other action relative thereto.

(Select Board – Yes)
(Finance Committee – 4-0-0)

ARTICLE 16: To see if the Town will vote to change the appointed members of Lanesborough's Agricultural Committee from three voting members and two alternate members to five voting members effective immediately or take any other action relative thereto.

(Select Board – Yes)

ARTICLE 17: To see if the Town will vote to acquire, by gift or otherwise, two parcels of land owned by the Helen S. Koziara Revocable Trust, or the then current owner, being 88 Bangor Street (Lots #444 and 445) and 5 Algonquin Street (Lots #618, #619, #620), or take any other action relative thereto.

(Select Board – Yes)

ARTICLE 18: Accept deed in lieu of foreclosure – 23 Wabasso street.

To see if the Town will vote to accept a deed in lieu of foreclosure from Timothy Barnaby, or from the then current owner(s), pursuant to the provisions of G.L. Chapter 60, Section 77C, to a parcel of land identified as Assessor’s Map 113, Lot 42, said property described in a deed recorded with the Berkshire North County Registry of Deeds in Book 1167, Page 31, located at 23 Wabasso Street, which is subject to tax taking(s) held by the Treasurer/Collector for unpaid real estate taxes, said parcel to be under the care, custody, control and management of the Board of Selectmen for general municipal purposes and for the purposes of conveyance, and to authorize the Board of Selectmen to accept and record the deed and convey said parcel, provided the Board of Selectmen determines that the deed and the acceptance shall comply with the provisions of G.L. Chapter 60, Section 77C, or take any other action relative thereto.

(Select Board – Yes)

ARTICLE 19: To see if the Town will vote to **appropriate and transfer** from funds to be received from the Baker Hill Road District, the sum of **\$289,583.00** to the Baker Hill Road District Police Salaries and Expenses Account for Fiscal Year 2024 and to **appropriate and transfer** from funds to be received from the Baker Hill Road District, the sum of **\$44,000.00** to the Ambulance Department within the General Fund for Fiscal Year 2024 pursuant to the provisions of G.L. Chapter 44, Section 53E, or take any other action relative thereto.

(Select Board – Yes)

(Finance Committee – 4-0-0)

ARTICLE 20: To see if the Town will vote to **appropriate** for the operation of the Sewer Enterprise **\$67,860.00** for expenses and budgeted surplus, to be raised as follows: Departmental Receipts - \$67,860.00 – or take any other action relative thereto.

(Select Board – Yes)

(Finance Committee – 4-0-0)

ARTICLE 21: To see if the Town will vote to **appropriate and transfer** from Free Cash the sum of **\$50,000.00** to pay the Town’s contribution to the Other Post-Employment Benefits Liability Trust Fund, or take any other action relative thereto.

(Select Board – Yes)

(Finance Committee – 4-0-0)

ARTICLE 22: To see if the Town of Lanesborough, MA will vote to accept Massachusetts General Laws Chapter 59, Section 5, Clause 41C which authorizes an annual increase in the income (gross receipts) and asset (whole estate) limits for exemptions granted to senior citizens, surviving spouses and surviving minors under Massachusetts General Laws Chapter 59, Section 5, Clause 41C by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of

Revenue, to be effective for exemptions granted for any fiscal year 2024 beginning on or after July 1, 2023.

(Select Board – Yes)

ARTICLE 23: To see if the Town of Lanesborough, MA will vote to adjust the eligibility factors/amounts for the poverty tax exemption for senior citizens under Massachusetts General Laws Chapter 59, Section 5, Clause 41C to be effective as follows: By increasing the gross receipts limit by the amount allowable in accordance with the cost of living adjustment (COLA) increase for 2022 of 8.7% to: In a household containing the applicant and his or her spouse the combined gross receipts of the couple to increase from \$30,000.00 to \$32,610.00. In a household containing the applicant, the gross receipts to increase from \$20,000.00 to \$21,740.00. By increasing the assess limit by the amount allowable in accordance with the COLA increase for 2022 of 8.7% to: In a household containing the applicant and his or her spouse, the combined assets of the couple to increase from \$55,000.00 to \$59,785.00. In a household containing the applicant, the asset limit to increase from \$40,000.00 to \$43,480.00.

(Select Board – Yes)

ARTICLE 24: CITIZEN PETITIONS (1) To see if the Town will vote on the Citizen’s Petition to adopt and put in place a by-law requiring the Chair position of the Lanesborough Select Board to rotate between each elected member for a one-year term, with the Chair position to be held for the year their term is up, and with each consecutive yearly term starting on the date of Swearing In of newly elected and/or re-elected Select Board members and rotating between elected member for the year their term is up for one year each year thereafter.

ARTICLE 25: CITIZEN PETITIONS (2) To see if the Town will vote on the Citizen’s Petition to adopt and put in place a by-law requiring all elected and appointed officials and all Town employees to complete Diversity, Equity and Inclusion, and Sexual Harassment training along with required State Open Meeting Law and Ethics training annually, or act on any action relative thereto.

ARTICLE 26: CITIZEN PETITIONS (3) To see if the Town will vote on the Citizen’s Petition attached to this warrant as Exhibit A

ARTICLE 27: CITIZEN PETITIONS (4) To see if the Town will vote on the Citizen’s Petition attached to this warrant as Exhibit B.

ARTICLE 28: 2023 ZONING AMENDMENT PROPOSALS: To see if the Town will Vote to amend the Town of Lanesborough Zoning Bylaws as follows: Article IV, Sec 165 29 Sign bylaw, Sec 165 41C2 Accessory Dwelling Units, Sec 165-12 Frontage Requirements RA Zone. A copy of the amendments is attached to this warrant at Exhibit C

2/3 vote required
(Select Board – Yes)
(Planning Board – Yes)


The business meeting at which Articles 2 through 28 will be acted upon will commence at 6:00 p.m., Tuesday, June 13, 2023 at Lanesborough Elementary School, 188 Summer Street in said Lanesborough. The election, or action on Article 1, will take place on Tuesday, June 20, 2023, at 83 North Main Street, Lanesborough and the polls will be open at noon and close at 8:00 p.m.

You are hereby directed to serve this Warrant by posting True Attested copies thereof in three public places and convenient places in the Town, at least seven days before the time of holding said meeting.

TOWN OF LANESBOROUGH BOARD OF SELECTMEN

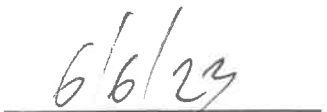
 John Goerlach, Chair

 Michael Murphy

 Timothy Sorrell

I have posted true and attested copies of said Warrant at the Lanesborough Post Office, the Lanesborough Town Hall and the Bob's Country Kitchen.


Police Officer


Date


Ruth Knysh
Town Clerk


Date

Exhibit A

PETITION FOR ARTICLE FOR TOWN MEETING

The undersigned registered voters of the Town of Lanesborough request that the following article be placed in the warrant for the annual town meeting scheduled to commence on ~~May~~ ^{June 13,} 2023.

Article #TBD: To see if the town will vote to: To hear the report of the Board of Selectmen relative to the laying out and the widening and relocation of the following named streets under the provisions of Chapter 82 of the *Massachusetts General Laws*, and to see if the Town will vote to accept such streets as and for public ways and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain any land or interest in land necessary for such laying out, and act on all manners relating thereto:

The roads referred to in this warrant article shall consist of the paved road running in a generally east-west direction, lying easterly of state highway Route 7, northerly of the town line between the town of Lanesborough and the city of Pittsfield westerly of state highway Route 8 and more particularly bounded and described as follows:

PARCEL ONE Beginning at an iron pipe on the easterly side of Route 7, said iron pipe being southerly along said sideline a distance of 683.03 feet from a Massachusetts Highway Bound in the easterly sideline of Route 7; thence along land of Baker Farm Associates S89°24'04"E a distance of 261.00 feet to a point; thence the following thirteen courses through land of Berkshire Mall Group: S00°35'56"W a distance of 10.00 feet to a point, S89°24'04"E a distance of 936.30 feet to a point, easterly on a curve to the right of radius 730.00 feet an arc length of 201.44 feet to a point, S73°35'25"E a distance of 99.97 feet to a point, easterly and northeasterly on a curve to the left of radius 520.00 feet an arc length of 294.94 feet to a point, N73°54'44"E a distance of 140.97 feet to a point, northeasterly on a curve to the right of radius 1280.00 feet an arc length of 541.00 feet to a point, northeasterly on a curve to the right of radius 2530.00 feet an arc length of 425.07 feet to a point, northeasterly on a curve to the right of radius 1280.00 feet an arc length of 488.54 feet to a point, S50°22'37"E a distance of 147.75 feet to a point, northeasterly on a curve to the left of radius 920.00 feet an arc length of 1005.00 feet to a point, N67°02'00"E a distance of 205.14 feet to a point, easterly on a curve to the right of radius 605.00 feet an arc length of 742.61 feet to a point; thence thru land of Berkshire Mall Group and land now or formerly of Basil A. Petricca S42°38'20"E a distance of 1666.68 to a point on the westerly sideline of Partridge Road, an 1860 County Way; thence along said westerly sideline of Partridge Road S17°04'29"W a distance of 69.48 feet to a point; thence thru land now or formerly of said Petricca and Berkshire Mall Group N42°38'20"W a distance of 1701.73 feet to a point; thence the following fourteen courses along land of Berkshire Mall Group, southwesterly and northwesterly on a curve to the left of radius 545.00 feet an arc length of 668.96 feet to a point, S67°02'00"W a distance of 205.14 feet to a point, northwesterly and southwesterly on a curve to the right of radius 980.00 feet an arc length of 1070.55 feet to a point, N50°22'37"W a distance of 147.75 feet to a point, southwesterly and northwesterly on a curve to left of radius 1220.00 feet an arc length of 465.64 feet to a point, northwesterly and westerly on a curve to the left of radius 2470.00 feet an arc length of 414.99 feet to a point, westerly on a curve to the left of radius 1220.00 feet an arc length of 515.64 feet to a point, S73°54'44"W a distance of 140.97 feet to a point, westerly on a curve to the right of radius 580.00 feet an arc length of 328.97 feet to a point, N73°35'25"W a distance of 99.97 feet to a point, westerly on a curve to the left of radius 670.00 feet an arc length of 184.89 feet to a point, N89°24'04"W a distance of 936.30 feet to a point, S00°35'56"W a distance of 10.00 feet to a point, N89°24'04"W a distance of 261.00 feet to a point on the aforementioned easterly sideline of

Route 7; thence along said easterly sideline $N00^{\circ}35'55''E$ a distance of 80.00 feet to the point of beginning.

PARCEL TWO Beginning at a point on the easterly sideline of Partridge Road, an 1860 County Way, said point being $S42^{\circ}38'20''E$ a distance of 76.42 feet crossing Partridge Road from the end of the fourteenth course in the above described parcel; thence through land now or formerly of Basil A Petricca $S42^{\circ}38'20''E$ a distance of 730.90 feet to a point; thence through land now or formerly of said Petricca and Berkshire Mall Group, southeasterly on a curve to the left of radius 470.00 feet an arc length of 147.29 feet to a point; thence the following nine courses through land of Berkshire Mall Group, $S76^{\circ}56'28''E$ a distance of 814.67 feet to a point, northeasterly and on a curve to the left of radius 70.00 feet an arc length of 35.40 feet to a point, $N30^{\circ}50'55''E$ a distance of 60.62 feet to a point, easterly on a curve to the left of radius 570.00 feet an arc length of 201.17 feet to a point, northeasterly on a curve to the left of radius 370.00 feet an arc length of 321.82 feet to a point, northeasterly on a curve to the left of radius 520.00 feet an arc length of 30.02 feet to a point, $S36^{\circ}11'28''E$ a distance of 61.87 feet to a point, southeasterly on a curve to the left of radius 370.00 feet an arc length of 121.08 feet to a point, southeasterly on a curve to the left of radius 1370.00 feet an arc length of 526.04 feet to a point; thence through land of Berkshire Mall Group, through land of the Boston and Maine Railroad, and through land of Berkshire Mall Group, $S76^{\circ}56'28''E$ a distance of 122.78 feet to a point; thence the following two courses through land of Berkshire Mall Group, northeasterly on a curve to the left of radius 120.00 feet an arc length of 76.13 feet to a point; $N66^{\circ}42'31''E$ a distance of 13.66 feet to a point on the westerly sideline of Route 8, a 1956 State Highway; thence along said westerly sideline $S23^{\circ}31'19''E$ a distance of 70.00 feet to a point; thence through land of Berkshire Mall Group, $S66^{\circ}42'31''W$ a distance of 59.44 feet to a point; thence through land of Berkshire Mall Group, through land of Boston and Maine Railroad, and through land of Berkshire Mall Group, $N76^{\circ}56'28''W$ a distance of 198.74 feet to a point; thence the following seven courses through land of Berkshire Mall Group, northwesterly on a curve to the right of radius 1430.00 feet an arc length of 549.08 feet to a point, $N69^{\circ}45'07''W$ a distance of 183.87 feet to a point, southwesterly on a curve to the right of radius 430.00 feet an arc length of 263.99 feet to a point, northwesterly on a curve to the right of radius 630.00 feet an arc length of 159.16 feet to a point, $S30^{\circ}50'55''W$ a distance of 0.55 feet to a point, southwesterly on a curve to the right of radius 130.00 feet an arc length of 92.67 feet to a point, $N76^{\circ}56'28''W$ a distance of 842.74 feet to a point; thence through land of Berkshire Mall Group and through land now or formerly of said Basil A. Petricca northwesterly on a curve to the right of radius 530.00 feet an arc length of 174.76 feet to a point, thence through land now or formerly of said Petricca, $N42^{\circ}38'20''W$ a distance of 695.86 feet to a point on the easterly sideline of said Partridge Road; thence along said sideline $N17^{\circ}04'29''E$ a distance of 69.48 feet to the point of beginning.

RECEIVED
APR 12 2023

BY: _____

Exhibit B

ARTICLE : To see if the Town will vote to petition the Massachusetts General Court for special legislation, as set forth below, to allow for a recall election by law, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approve amendments to the bill before enactment by the General Court, and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or take any other action relative thereto.

An Act establishing recall elections in the town of Lanesborough.

SECTION 1. Any holder of elective office in the Town of Lanesborough may be recalled by the registered voters of Lanesborough as herein provided, for the following reasons: lack of fitness (insobriety while performing official functions, being placed under guardianship or conservatorship by a probate court); neglect of duties; corruption (conviction of a felony involving moral turpitude, conviction of bribery or extortion); misfeasance (willful performance of official acts in an unlawful manner); or violation of oath. In no case shall the exercise of discretion in voting or acting on matters before the office holder constitute grounds for recall.

SECTION 2. Any ten (10) registered voters of the Town may file an affidavit with the Town Clerk containing the name of the officer sought to be recalled and a statement of the grounds for the recall. The Town Clerk shall thereupon deliver to said voters a sufficient number of copies of printed form petition blanks addressed to the Select Board demanding such recall. The blanks shall be issued under the signature and official seal of the Town Clerk. They shall be dated and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, and the grounds for the recall as stated in the affidavit. In addition, the petitions shall demand the election of a successor to said office. A copy of the petition shall be entered in the record book to be kept in the office of the Town Clerk. The recall petition shall be returned and filed with the Town Clerk on or before the first (1st) workday following twenty (20) days after the filing of the affidavit. Said petition, before being returned and filed with the Town Clerk shall be signed by one hundred (100) of the registered voters of the town, who shall add to their signatures the street and number, if any, of their residences. Within twenty- four (24) hours of receipt of the petition the Town Clerk shall submit the petition to the registrars of voters in the town and the registrars shall within fourteen (14) days certify thereon the number of signatures which are names of registered voters of the Town. If their certification shows the petition to be insufficient, the Town Clerk shall return the petition to the voters seeking the recall, without prejudice, however, to the filing of a new affidavit for the same purpose.

SECTION 3. If the petition shall be found and certified by the Town Clerk, to be sufficient, he/she shall submit the same with this certification to the Select Board within seven (7) days and the Board shall within seven (7) days give written notice of the receipt of the certificate to the officer sought to be recalled, and shall, if the officer does not resign within seven (7) days thereafter, order an election to be held on a date to be fixed by them not less than sixty (60) nor more than ninety (90) days after the date of the Town Clerk's certification that a sufficient petition has been filed, provided, however, that if any other town election is scheduled to occur within one-hundred (100) days of said certificate, the Board of Selectmen may, in its discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the elections shall nevertheless proceed as provided herein.

SECTION 4. Any officer sought to be recalled may be a candidate to succeed himself/herself and, unless he/she specifically request otherwise in writing, the Town Clerk shall place his/her name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of same shall be in accordance with the provisions of law relating to elections unless otherwise provided in this act

SECTION 5. The incumbent shall continue to perform the duties of his/her office until the recall election. If then re-elected he/she shall continue in the office for the remainder of his/her unexpired term subject to recall as before, except as provided in section 7. If not re-elected in the recall election, he/she shall be deemed removed from office upon the qualification of his/her successor, who shall hold office during the unexpired term. If the successor fails to qualify within seven (7) days after receiving written certified notification of his/her election, the incumbent shall thereupon be deemed recalled and the office vacant

SECTION 6. Ballots used in a recall election shall submit the following propositions in order indicated:-

For the recall of (Name Officer)

Against the recall of (Name of Officer)

Under the proposition shall appear the word "candidates", the direction to voters required by MGL Chapter 54, Section 42, and beneath this the names of candidates nominated as herein before provided. Except as otherwise required by this Chapter, ballots shall take such form as the Town Clerk shall deem appropriate and shall not be inconsistent with ballots utilized in other municipal elections.

If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the

highest number of votes shall be deemed elected. If a majority of votes on the question is in the negative, the ballot for the candidates need not be counted.

SECTION 7. No recall petition shall be filed against an officer of the Town within six (6) months after he/she takes office, nor in the case of an officer subjected to a recall election and not recalled thereby, until at least twelve (12) months after that election.

SECTION 8. No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him/her shall be appointed to any town office within one (1) year after such recall or such resignation.

SECTION 9. All holders of elective office as of the effective date of this act shall be subject to the provision set forth herein.

Exhibit C

2023 Zoning Amendment Proposals

Lanesborough Planning Board

Proposed by the Planning Board

Forwarded to the Select Board March 20, 2023

ARTICLE A - UPDATED SOLAR BYLAW

To see if the Town will vote to amend the Town of Lanesborough Zoning Bylaw Use Regulation Table, Ch. 165 - Article IV, by deleting the struck through language and added the italicized language;

ACCESSORY USES	R	RA	B	LB	MR	I
<i>Accessory Solar Photovoltaic Installation</i>	✓	✓	✓	✓	✓	✓
<i>Energy Storage System</i>	✓	✓	✓	✓	✓	✓

INDUSTRIAL USES	R	RA	B	LB	MR	I
Large Scale Solar Photovoltaic Installation	PBP	PBP	PBP	PBP	PBP	PBP
Small Scale Solar Photovoltaic Installation	✓	✓	✓	✓	✓	✓
<i>Utility Scale Solar Photovoltaic Installation</i>	<i>PBP</i>	<i>PBP</i>	<i>PBP</i>	<i>PBP</i>	<i>PBP</i>	<i>PBP</i>
<i>Energy Storage System</i>	<i>PBP</i>	<i>PBP</i>	<i>PBP</i>	<i>PBP</i>	<i>PBP</i>	<i>PBP</i>

To see if the Town will vote to amend the Town of Lanesborough Zoning Bylaw by deleting Chapter 163-39 in its entirety and replacing with the following section;

Ch 165-39. SOLAR PHOTOVOLTAIC INSTALLATIONS & ENERGY STORAGE

1. **PURPOSE.** The purpose of this section is to provide a permitting process for solar photovoltaic installations and energy storage systems so that they may be installed and

utilized in a cost-effective, efficient, and timely manner to increase the use of distributed generation; to integrate these installations into the community in a manner that minimizes their impacts on the character of neighborhoods, on property values, and on the scenic, historic, and environmental resources of the Town; and to protect health and safety, while allowing solar photovoltaic technologies to be utilized.

2. **APPLICABILITY.** This section applies to solar photovoltaic installations and energy storage systems proposed to be constructed after the effective date of this bylaw. This section also applies to material modifications that alter the type, number, configuration or size of the solar photovoltaic installation.
3. **DEFINITIONS.**

Utility Scale Solar Photovoltaic Installation – A ground mounted solar photovoltaic installation that is the primary use of a lot and where the electricity generated by the system is sold to the regional electric grid for primary use off site.

Impervious Area of a Solar Panel - The area of impervious surface of a solar panel shall include the area of impervious footings and other structures providing the panel with physical attachment to the ground.

Accessory Solar Photovoltaic Installation – Any size building or roof mounted solar photovoltaic installation, parking lot canopy solar photovoltaic installation, or a ground mounted solar photovoltaic installation that occupies less than one acre of a lot and the electricity generated is used primarily for on-site consumption.

Solar Photovoltaic Installation – A device, structure, or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, generation of electricity, or water heating. This includes appurtenant equipment for the collection, storage and distribution of electricity to buildings or to the electric grid.

Energy Storage System: One or more devices, capable of storing energy in order to supply electrical energy at a future time, not to include standard consumer products, an electric motor vehicle, or a whole home battery backup system.

Material Modifications : Any change to a solar photovoltaic installation that changes the system output in wattage or the footprint of the system.

4. UTILITY SCALE SOLAR PHOTOVOLTAIC INSTALLATIONS.

- A. **USE REGULATIONS.** Utility scale solar photovoltaic installations may only be constructed or materially modified after the issuance of a special permit from the Planning Board in accordance with this section and SECTION IX B. – SPECIAL PERMITS, in all zoning districts.
- B. **SITING PREFERENCE.** Utility scale solar photovoltaic installations shall not be sited in any area identified in the Massachusetts Scenic Landscape Inventory, as it may be amended, as noteworthy or distinctive. The installation shall be located as to avoid impacts to mature forest or prime agricultural lands to the maximum extent practicable. If disturbance to mature forest is unavoidable, one tree per acre of disturbance shall be planted elsewhere on site or in Lanesborough at the direction of the Tree Warden.
- C. **COMPLIANCE.** The construction, maintenance, operation, modification and removal of the large scale solar photovoltaic installation shall comply with all applicable local, state, and federal requirements.
- D. **SITE CONTROL.** The applicant shall demonstrate legal control over the proposed site sufficient to allow for the construction and operation of the large scale solar photovoltaic installation.
- E. **UTILITY PROVIDER CONDITIONAL APPROVAL.** The applicant shall demonstrate that it has received conditional approval to connect the large scale solar photovoltaic installation to the electric grid from the utility provider. Off-grid installations are exempt from this requirement.
- F. **OPERATION & MAINTENANCE.** The owner/operator of the utility scale solar photovoltaic installation shall maintain the large scale solar photovoltaic installation and the site in good condition. This includes, but is not limited to the maintenance of access roads, stormwater control measures, security measures and vegetation screening.
- G. **LIABILITY INSURANCE.** Proof of liability insurance in an amount and form acceptable to the Planning Board shall be maintained until the large scale solar photovoltaic installation has been removed. All subsequent owners/operators shall continue to

provide proof of liability insurance in the form and amount approved by the Planning Board to the Building Inspector on an annual basis.

H. FINANCIAL SURETY.

- (i) Applicants seeking to construct a utility scale solar photovoltaic installation shall provide a form of surety to cover the cost of removal and restoration of the site in the event the site is abandoned. The amount and form of surety shall be determined by the Planning Board, but in no event shall the amount exceed one-hundred twenty-five (125%) percent of the estimated cost of removal. Applicants shall submit a fully inclusive cost estimate, which accounts for inflation, of the costs associated with the removal of the large scale solar photovoltaic installation prepared by a qualified engineer.
- (ii) No less than ninety (90) days prior to the expiration of any financial surety required by this bylaw, the current operator of the large scale solar photovoltaic installation shall provide the Building Inspector with renewed, extended or replacement financial surety in an amount and form determined by the Planning Board in accordance with this bylaw.

I. DESIGN REQUIREMENTS

- (i) Height – Utility scale solar photovoltaic installations shall not exceed fifteen feet (15') in height.
- (ii) Setbacks – Utility scale solar photovoltaic installations shall comply with the setback requirements set forth in § 165-12 Dimensional requirements.
- (iii) Lighting – No lighting of the solar photovoltaic installation is permitted, except for manually operated emergency lights for use only when operating personnel are on site.
- (iv) Screening – All utility scale solar photovoltaic installations shall be screened with dense native vegetation from all adjoining properties and public and private ways.
- (v) Vegetation Clearing – The clearing of vegetation shall be limited to that which is necessary for the construction, operation, maintenance,

modification and removal of the utility scale solar photovoltaic installation.

- (vi) **Habitat Fragmentation** – All utility scale solar photovoltaic installations shall, to the fullest extent practicable, be clustered and located in or adjacent to areas of the site where the land has already been cleared to avoid habitat fragmentation.
- (vii) **Security Measures** – Utility scale solar photovoltaic installations shall be secured with a six (6) foot high fence constructed to prevent unauthorized persons from accessing the solar photovoltaic installation. The Board may waive this requirement if presented with reasonable alternative security measures, and finds that the waiver would serve interests promoting agriculture or preventing habitat fragmentation.
- (viii) **Signs** – The owner/operator shall install signs at the utility scale solar photovoltaic installation as determined by the Planning Board in order to protect public safety.
- (ix) **Emergency Access** – Utility scale solar photovoltaic installations and access roads shall be constructed and maintained to allow for safe access by emergency vehicles.
- (x) **Emergency Response Plan** – Upon the request of the fire chief or police chief, the owner/operator of a utility scale solar photovoltaic installation shall cooperate with all local public safety officials to develop and occasionally update an emergency response plan.
- (xi) **Underground Utilities** – Wherever feasible all on-site utilities shall be located underground except where the utilities connect into the electric grid at the property boundary.
- (xii) **Maximum % Coverage** – All impervious surfaces of a utility scale solar photovoltaic installation, including solar photovoltaic panels shall be included in the Maximum Lot Coverage (%) requirement in § 165-12 Dimensional requirements. unless the utility scale solar photovoltaic installation or part thereof is installed over an impervious surface that is already included in the calculation.

J. FILING REQUIREMENTS. Applicants seeking to construct or modify a utility scale solar photovoltaic installation shall submit the following information to the Planning Board. All maps to be submitted must be drawn at appropriate scales and be signed by a registered professional engineer or licensed surveyor. The Planning Board may, in its discretion, waive any of the filing requirements.

- (i) Contact Information – Provide the applicant’s and property owner’s name, address, phone number, email address, and signature.
- (ii) Site Identification – Provide the address and the map, lot and block number of the proposed site.
- (iii) Site Plans – Provide site plans showing the following:
 - (1) Property lines of the proposed site.
 - (2) Elevation contour lines at two-foot or five-foot vertical intervals.
 - (3) Outlines of all existing and proposed buildings and structures on the proposed site, including distances from the proposed utility scale solar photovoltaic installation.
 - (4) Existing and proposed access roads, driveways, public ways, private ways, and recreational trails on the proposed site.
 - (5) Detailed layout of the proposed utility scale solar photovoltaic installation, including but not limited to panel mounts, foundations, appurtenant equipment and fencing.
 - (6) Detailed layout of the electric infrastructure to connect the utility scale solar photovoltaic installation to the electric grid or net metering equipment.
 - (7) Delineation of all wetland resources and associated buffer areas.
 - (8) Locations of rare, threatened or endangered species existing on the site.
 - (9) Proposed changes to the site, including grading, cut and fill, landscaping, native vegetation for screening and vegetation to be removed or altered.
 - (10) Engineering controls at the site and on the access road to control erosion and sedimentation both during construction and after construction as a permanent measure. Such engineering controls shall conform to the Massachusetts Department of Environmental Protection’s Stormwater Policy.

(iv) Technical Information – Provide the following information:

- (1) Blueprints or drawings of the utility scale solar photovoltaic installation signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the installation and any potential shading from nearby trees or structures.
- (2) One or three line electrical diagram detailing the solar photovoltaic installation, appurtenant equipment and electrical interconnection methods with all National Electric Code compliant devices.
- (3) Documentation of the utility scale solar photovoltaic installation components to be used, including but not limited to solar photovoltaic panels, panel mounts and inverter.

(v) Information sufficient to show that the proposed utility scale solar photovoltaic will conform to SECTION VIII N. 5. C. through SECTION VIII N. 5. G.

K. TECHNICAL REVIEW. Upon receipt of an application for a utility scale solar photovoltaic installation, the Planning Board may engage professional and technical consultants, at the applicant's expense, pursuant to M.G.L. Chapter 44 § 53G to assist the Planning Board with its review of application materials. The Planning Board may require the applicant to deposit funds with the Planning Board for such review at the time the application is accepted and to add additional funds as needed upon notice. Failure to comply with this section may be grounds for denying the special permit application. Upon the approval or denial of the application, any excess amounts in the account attributable to the application process, including any interest accrued shall be refunded to the applicant.

L. ABANDONMENT & REMOVAL.

- (i) A utility scale solar photovoltaic installation shall be deemed abandoned when the installation has not been in operation for a period of twelve (12) months.
- (ii) After twelve (12) months of non-operation, the Building Inspector shall provide written notification to the owner/operator that the installation is

presumed to be abandoned. The owner/operator has thirty (30) days to rebut the presumption of abandonment by submitting evidence to the Building Inspector that the installation has been in operation during the relevant twelve (12) month period.

- (iii) If the owner/operator does not respond within the thirty (30) day appeal period or does not submit evidence that, in the discretion of the Building Inspector, proves that the installation has been in operation for the relevant twelve (12) month period, then the installation shall be deemed abandoned. The Building Inspector shall provide written notification of abandonment to the owner/operator.
- (iv) The owner/operator of the utility scale solar photovoltaic installation shall remove the installation and restore the site within one-hundred eighty (180) days of the date of the written notification of abandonment. Removal of the installation shall include the removal and proper disposal of all hazardous waste and substances from the site in accordance with all applicable federal, state and local regulations. If the owner/operator fails to remove the installation within one-hundred eighty (180) days, the Town shall have the right, , to enter onto the proposed site and physically remove the installation and restore the site at the sole expense of the owner/operator or if the equipment is on Town land to sell the equipment.

M. LAPSE OF APPROVAL. Any special permit shall automatically lapse if the utility scale solar photovoltaic installation is not installed and functioning within two (2) years or the installation is abandoned as defined in SECTION VIII N.5.K.

The Planning Board recommends Town Meeting adopt this article by a vote of 3 in favor and 1 opposed.

ARTICLE B - PERMITTING ADDITIONAL BUSINESS SIGNAGE

To see if the Town will vote to amend the Town of Lanesborough Zoning Bylaw , Section 165-29 Signs, by inserting the following italicized language in (G)(2)

Blinking lights, blinking illuminated signs, signs with moving parts, and signs making noises shall not be permitted. Two banner signs, not including feather flags, are allowed per business with a total area not to exceed 25% of the street facing facade. Open signs, Closed signs, Menu

signs, and one sandwich board type sign are allowed per business. These sign types shall not count toward the total allowable signage area.

The Planning Board unanimously recommends Town Meeting adopt this article.

ARTICLE C - ACCESSORY DWELLING UNITS

To see if the Town will vote to amend the Town of Lanesborough Zoning Bylaw , Section 165-41(c)(2) by deleting the provision in its entirety and replacing with the below.

~~(2) A detached accessory dwelling unit shall be limited to 900 square feet gross floor area and may be increased to 1/3 of the gross floor area of the principal dwelling on the site if it is larger but in no instance exceed 1,200 square feet gross floor area.~~

(2) A detached accessory dwelling unit shall comply with all applicable standards in § 165-12 Dimensional requirements.

The Planning Board recommends Town Meeting adopt this article

ARTICLE D - REDUCED FRONTAGE REQUIREMENT, RA ZONE

To see if the Town will vote to amend the Town of Lanesborough Zoning Bylaw , Section 165-12 by reducing the required road frontage in the RA Zone for Single Dwelling Unit and for a Double Dwelling Unit from 200 feet to 100 feet.

The Planning Board recommends Town Meeting adopt this article