

**WARRANT FOR SPECIAL TOWN MEETING  
COMMONWEALTH OF MASSACHUSETTS**

**County of Dukes County, ss**

To either of the Constables in the Town of Oak Bluffs, **Greetings:**

In the name of The Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Oak Bluffs who are qualified to vote in Town Affairs and Elections, to assemble at the **Oak Bluffs School, Tradewind Drive, Oak Bluffs, on Saturday, on November 14, 2020 at 12:00 PM**, then and there to hear the reports and act upon the following articles.

**Article 1.** To see if the Town will reaffirm and/or accept the provisions of Massachusetts General Laws (M.G.L.) Chapter 200A, Section 9A relative to the disposition of abandoned funds by the Town.

**Board of Selectmen and Treasurer/Collector**

**Executive Summary:** M.G.L Chapter 200A, §9A provides for an alternative procedure for the disposing of abandoned funds, known as Tailings, held in the custody of the town. As part of the adoption of our Financial Policy Manual, the tailings policy includes more efficient and expedited procedures for the disposing of these abandoned funds to the General Fund after there have been several attempts to notify the check recipient; however, such policies can only be enacted after the town meeting's adoption/reaffirmation of the acceptance of this statute.

**Finance and Advisory Board Recommendation: 5-yes,0 -no.**

**Article 2.** To see if the Town will vote to transfer from the Waterways Account the sum of \$53,320 (Fifty-three thousand three hundred twenty dollars) to fund the repair and upgrade of electrical services at the Town Marina, or take any other action relative thereto.

**Harbormaster**

**Executive Summary:** This article funds repair, replace and upgrade the electrical service at the Oak Bluffs Harbor Marina, including replacing the main power panel near the Harbormaster Office, replacing deteriorated service distribution centers along the harbor and adjacent to the bath house and raising service locations to outside of the flood zone.

**Finance and Advisory Board Recommendation: 4-yes, 1-no**

**Article 3.** To see if the Town will vote to appropriate from the Transportation Infrastructure Enhancement Surcharge Account the sum of \$19,097.40 (Nineteen thousand ninety-seven dollars and forty cents) for Wayfinding Signage, or take any other action relative thereto.

**Board of Selectmen**

**Executive Summary:** This article transfers funds received by the Town from the State surcharge for transportation services to be used for eligible purposes to support transportation

enhancements in our local community. The wayfinding account is programmed to provide coordinated directional signage consistent with the Streetscape Master Planning process. The total surcharge account balance is currently \$19,097.40.

**Finance and Advisory Board Recommendation: 4-yes, 1-no**

**Article 4.** To see if the Town will vote to raise and appropriate the sum of \$10,000 (Ten thousand dollars) to the Parks and Recreation Expenses Account to fund a shortfall in the Ocean Park Maintenance Contract, or take any other action relative thereto.

**Parks Commission**

**Executive Summary:** This article funds a shortfall in the Parks and Recreation budget for the Ocean Park Maintenance Contract. The increased contract amount was requested in the fiscal year 2021 budget by the Parks Commission. However, the final budget recommendation did not contain the required contract increase.

**Finance and Advisory Board Recommendation: 5-yes, 0-no**

**Article 5.** To see if the Town will vote to raise and appropriate the sum of \$55,000 (Fifty-five thousand dollars) to fund building maintenance projects for Library Repair and Maintenance and Kennebec Bathrooms Repair and Maintenance, or take any other action relative thereto.

**Board of Selectmen**

**Capital Program Committee**

**Executive Summary:** This article funds repair and maintenance projects at the Town Library estimated at \$20,000, and refurbishing the Kennebec Avenue Bathrooms in the amount of \$35,000 in conjunction with a routine scheduled maintenance program to protect and care for Town Buildings. Over time this care will help to avoid additional repair costs. These projects are recommended in the Capital Improvement Program.

**Finance and Advisory Board Recommendation: 7-yes, 0-no**

**Article 6.** To see if the Town will vote to raise and appropriate the sum of \$15,000 (Fifteen thousand dollars) for the purpose of replacing cabinets at the Senior Center, or take any other action relative thereto.

**Board of Selectmen**

**Capital Program Committee**

**Executive Summary:** This article funds the replacement of cabinets at the Senior Center, and is part of an ongoing effort by the Council on Aging Department to maintain and care for the Senior Center. This improvement is recommended in the Capital Improvement Program.

**Finance and Advisory Board Recommendation: 7-yes,0 -no**

**Article 7.** To see if the Town will vote to raise and appropriate the sum of \$50,000 (Fifty thousand dollars) to fund year one of a three-year lease agreement for the lease/purchase of a replacement dump truck for the Highway Department, or take any other action relative thereto.

**Board of Selectmen**

**Capital Program Committee**

**Executive Summary:** This article authorizes a lease/purchase and funds the year-one payment for a three-year lease/purchase of a new full-size dump truck to replace a 2001 GMC dump truck that is beyond its useful life. This is a primary piece of equipment for the Department in snow removal and hauling large loads. This project is recommended in the Capital Improvement Program.

**Finance and Advisory Board Recommendation: 7-yes, 0-no**

**Article 8.** To see if the Town will vote to raise and appropriate the sum of \$32,000 (thirty-two thousand dollars) for the purchase of a pickup truck for the Shellfish Department, or take any other action relative thereto.

**Board of Selectmen**

**Capital Program Committee**

**Executive Summary:** This article authorizes the purchase of a pickup truck for the Shellfish Department. The Department currently has one vehicle assigned to it, but has three employees. Some employees are required to use personal vehicles for Town work, which creates problems for accomplishing their mission such as hauling gear and performing enforcement duties. This project is recommended in the Capital Improvement Program.

**Finance and Advisory Board Recommendation: 5-yes, 2-no**

**Article 9.** To see if the Town will vote to raise and appropriate the sum of \$25,000 (twenty-five thousand dollars) for Ocean Park Bandstand maintenance, to be expended under the control of the Parks Commission, or take any other action relative thereto.

**Board of Selectmen**

**Parks Commission**

**Capital Program Committee**

**Executive Summary:** This article funds the maintenance and repair of the Town Bandstand to support the quality and enhance the longevity of this public infrastructure maintained by our Parks Department. This project is recommended in the Capital Improvement Program.

**Finance and Advisory Board Recommendation: 7-yes, 0-no**

**Article 10.** To see if the Town will vote to transfer the sum of \$17,400 (seventeen thousand four hundred dollars) from the Ferry Fee Account to purchase a low-speed vehicle for the Police Department, or take any other action relative thereto.

**Police Department**

**Executive Summary:** This article provides funding to purchase a support vehicle to assist the Police Department in managing traffic and events in the downtown area.

**Finance and Advisory Board Recommendation: 3-yes, 4-no**

**Article 11.** To see if the Town will vote to raise and appropriate the sum of \$40,000 (Forty thousand dollars) to the Comprehensive Zoning Bylaw Review Account to fund consulting costs

and any other costs incidental and related to the completion of a comprehensive zoning review and overhaul for the Town of Oak Bluffs, or take any other action relative thereto.

**Planning Board**

**Executive Summary:** The Planning Board intends to complete a comprehensive review of the Town's zoning bylaws, which requires funding to hire a specialized consultant. The Town's Zoning Bylaws have not had a professional review since at least 2003 and there are several inconsistencies and overlaps. The consultant will facilitate wide community outreach and final production of updated zoning bylaws that better reflect our town's needs and the impacts we face as a coastal community. In addition to engaging community volunteers and stakeholder representatives in data collection and organization, the Planning Board will also leverage the resources of the Martha's Vineyard Commission.

**Finance and Advisory Board Recommendation: 6-yes, 0-no, 1-abstain**

**Article 12.** To see if the Town will vote to appropriate the sum \$510,000 (Five Hundred Ten Thousand Dollars) to pay the costs of constructing a park and ride lot on Town property at the corner of County Road and Pennsylvania Avenue to relieve parking congestion in the Town, including preparing final design and specifications and all other costs incidental and related thereto; to determine whether this amount shall be raised by borrowing or otherwise provided, or take any other action relating thereto.

**Board of Selectmen**

**Capital Program Committee**

**Executive Summary:** This article funds the construction of a fifty-space park and ride lot to help relieve parking congestion in the Town. This project has been under study for several years and has been identified as a priority in the Board of Selectmen's Strategic Plan. This project is recommended in the Town's Capital Improvement Program to be funded by a debt exclusion.

**Finance and Advisory Board Recommendation: 2-yes, 5-no**

**2/3 Majority Required**

**Motion Article 12.** That the Town appropriates \$510,000 (Five Hundred Ten Thousand Dollars) to pay costs of constructing a park and ride lot on Town property at the corner of County Road and Pennsylvania Avenue to relieve parking congestion in the Town, including preparing final design and specifications and all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other enabling authority, and to issue bonds and notes of the Town therefor. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**Article 13.** To see if the Town will vote to appropriate the sum of \$200,000 (Two Hundred Thousand Dollars) to pay the Town's twenty percent matching costs for the Commonwealth of Massachusetts Seaport Economic Council Grant in the amount of \$1,000,000 (One Million Dollars) for traffic and streetscape improvements to beautify, reduce congestion and improve

pedestrian and port entry amenities in the North Bluff area, with said funds to be used for preparing final design and specifications, construction costs and all other costs incidental and related thereto; to determine whether this amount shall be raised by borrowing or otherwise provided, or take any other action relating thereto.

**Board of Selectmen**

**Capital Program Committee**

**Executive Summary:** This article funds the local match for the North Bluff Streetscape Improvement Grant awarded by the Seaport Economic Council in the amount of \$1,000,000 This project has been under study for several years through the Town's Streetscape Master Planning process. This project is recommended in the Town's Capital Improvement Program

**Finance and Advisory Board Recommendation: 5-yes, 0-no**

**2/3 Majority Required**

**Motion Article 13.** That the Town appropriates \$200,000 (Two Hundred Thousand Dollars) to pay costs associated with the Traffic and Streetscape Improvements to the North Bluff, to serve as matching funds for a grant from the Commonwealth of Massachusetts Seaport Economic Council , including preparing final design and specifications, construction costs and all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other enabling authority, and to issue bonds and notes of the Town therefor. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**Article 14.** To see if the Town will vote to appropriate the sum of \$1,300,000 (One Million Three Hundred Thousand dollars) to serve as a cost share to fund and pay costs, in conjunction with funding being sought through a grant program to fund at least fifteen percent of the total costs, of engineering to continue work on recommendations associated with the comprehensive wastewater management planning process including such work as the wastewater treatment facility upgrade design; additional wastewater planning work and all other costs incidental and relative thereto; and to determine whether this amount shall be raised by borrowing or otherwise provided, or take any other action relating thereto.

**Wastewater Commission**

**Executive Summary:** This article provides matching funds and financing approval for a potential grant from the US Department of Agriculture to perform Wastewater Engineering and Design in conjunction with the completion of the Town's Comprehensive Wastewater Management Plan (CWMP).

**Finance and Advisory Board Recommendation: 1-yes, 3-no, 1-abstain**

**Motion Article 14.** That the Town appropriates appropriate the sum of \$1.3 Million (One Million Three Hundred Thousand dollars) to serve as a cost share to fund and pay costs, in conjunction with funding being sought through a grant program to fund at least fifteen percent of the total costs, of engineering to continue work on recommendations associated with the comprehensive wastewater management planning process including such work as the wastewater

treatment facility upgrade design; additional wastewater planning work and all other costs incidental and relative thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other enabling authority, and to issue bonds and notes of the Town therefor. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**Article 15.** To see if the Town will vote to raise and appropriate \$4,398 (four thousand three hundred ninety-eight dollars) to cover the County of Dukes County FY2021 budget shortfall, or take any other action relative thereto.

**Dukes County Commission**

**Executive Summary:** This article seeks funding to cover Oak Bluffs share of the cost of administration of regional services and grants for the towns.

**Finance and Advisory Board Recommendation: 0-yes, 7-no**

**Article 16.** To see if the Town will vote to raise and appropriate \$7,389 (seven thousand three hundred eighty-nine dollars) to fund the Dukes County Stabilization Fund, or take any other action relative thereto.

**Dukes County Commission**

**Executive Summary:** This Article seeks to create a Stabilization Fund for Dukes County since all but \$50K each year is returned to the towns. The recommendation of the County Advisory Board is to have at least additional \$50K available to assure financial stability during the year. In FY2020, Dukes County for the first time ever, returned to the towns in compliance with MGL Ch 35, Sec. 30 any unreserved fund balance (öfree cashö) the county has after the end of FY2019 for said year in a form of a credit towards the tax levy for current year (FY2020) with the exception of 10% of the tax levy

**Finance and Advisory Board Recommendation: 0-yes, 7-no**

**Article 17.** To see if the Town will vote to amend the Town of Oak Bluffs General By-Laws by adopting in Chapter XIV Police the following section, öBB. Fishing Pier. No person shall jump, dive or swim from the Oak Bluffs Fishing Pier located off Seaview Avenue Extension. Penalty for violating this section shall be \$100.00 for the first offense and \$300.00 for the second or subsequent offense. This section shall be enforced by the Oak Bluffs Police Department.ö, or take any other action related thereto.

**Board of Selectmen**

**Executive Summary:** This article amends the Town's Bylaw to address a growing public safety problem involving jumping from the fishing pier which is in conflict with the purpose of the pier, is not safe and may cause grievous bodily harm.

**Article 18.** To see if the Town will vote to enact Chapter XXIX of the Town of Oak Bluffs Recodified General Bylaws, entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of 1 July 2021, a copy of which is on file with the Town Clerk, or take any other action relative thereto.

## Section - Stretch Energy Code

Section.1 ó Definitions

Section.2 ó Purpose

Section.3 ó Applicability

Section.4 ó Stretch Code

### 1 ó Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for establishment of minimum design and construction requirements for energy efficiency, and is updated on a three year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

### 2 ó Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

### 3 ó Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

### 4 ó Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Oak Bluffs Recodified General Bylaws Chapter

XXIX. The Stretch Code is enforceable by the inspector of buildings or building commissioner and effective as of 1 July 2021.

**Energy Committee**

**Board of Selectmen**

**Executive Summary:** This Article seeks to adopt the Stretch Code of the Massachusetts Building Code as a prerequisite to making an application with the Executive Office of Environmental and Energy Resources for Green Community Status.

**Article 19.** To see if the Town will vote to amend Section 12 of the Oak Bluffs Zoning By-law governing Solar By Right by adopting the following language, and inserting it as Section 12.7, or take any other action relating thereto.

**12.7 Large-Scale Ground-Mounted Solar Photovoltaic Installations, As-of-Right**

**12.7.1 Purpose**

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

**A. District Boundaries (Designated Area).** The large-scale ground-mounted solar photovoltaic installation district shall be described as follows: Town of Oak Bluffs, Map 29, Parcels 155, 156, 157, 161, 164 and 165.

**12.7.2 Applicability**

This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section [*voted April 14, 2015, approved August 4, 2015 and published June 10, 2015*]. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment. This section does not apply to solar photovoltaic installations that are smaller than 250kW or those which are not ground mounted.

**12.7.3 Permitted Use**

A. Solar Installations

**12.7.4 Definitions**

**Solar Installation:** Solar Installation means a large-scale ground-mounted solar photovoltaic system that is structurally mounted on the ground and is not roof mounted, that has a minimum rated nameplate capacity of 250kW (DC) or more (where the nameplate capacity is the maximum rated output of electrical power production of the photovoltaic system in direct current).



**As-of-Right Siting:** As-of-Right shall mean that the development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to site plan review to determine conformance with local zoning ordinances or bylaw. 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 selectman, 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(s) designated by (the community's local legislative body), in accordance with the Massachusetts General Laws Chapter 40A, Section 5, where ground-mounted large scale solar photovoltaic installations may be sited as-of-right. Said location(s) are shown on a Zoning Map 29, Parcels 155, 156, 157, 161, 164 & 165 pursuant to Massachusetts General Laws Chapter 40A, Section 4. This map is hereby made a part of the 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 minimum nameplate capacity of 250kW DC.

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

**Rated Nameplate Capacity:** The maximum rated output of electrical 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 bylaws.

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

**Zoning Enforcement Authority:** The person or board charged with enforcing the zoning ordinances or bylaws.

### **12.7.5 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.

#### **A. Compliance with Laws, Ordinances and Regulations:**

The construction and operation of all large scale solar photovoltaic installations shall be in compliance 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.

#### **B. Building Permit:**

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

### **C. 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.

#### **12.7.6 Site Plan Review:**

Ground-mounted large scale solar photovoltaic installations with 250kW or larger of rated nameplate capacity shall undergo site plan review by the Planning Board prior to construction, installation, or modification as provided in this section.

##### **12.7.6.1 General:**

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

##### **12.7.6.2 Required Documents:**

Pursuant to the site plan review process, the project proponent shall provide the following documents:

A project summary, together with a site plan showing:

property lines and physical features, including roads, for the project site;

proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures; and the zoning district designation for the parcel(s) of land comprising the project site;

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 (including the location of each item of electrical equipment) and any potential shading from nearby structures;

one-or three-line electrical diagram detailing the solar photovoltaic installation, associated components and the electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;

Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;

Name, address, and contact information for the proposed installer;

Name, address, phone number, and signature of the applicant(s), any agent(s) representing the applicant(s), and the owner(s)/developer(s) if the applicant is not the owner of the developer.

Such data must be provided for all co-applicants and co-owners, if any;

Description, with accompanying documentation, of proposed access control arrangements for the project site both for the construction phase and the operation of the installation thereafter;

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);

Proof of liability insurance, including an estimate of the total costs associated with decommissioning the Solar Installation in accordance prepared by a qualified engineer, which costs shall include a mechanism for calculating increased costs due to inflation and potential regulatory changes; and

A public outreach plan, including a project development timeline, which indicates how the applicant will inform abutters and the community. All plans, maps, blueprints and drawings

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

The Planning Board may waive documentary requirements as it deems appropriate.

#### **12.7.7 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.

#### **Operation & Maintenance Plan:**

The project proponent shall submit a plan for the operation and maintenance of the large-scale ground mounted solar photovoltaic system, 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.

#### **Utility Notification**

No large scale ground mounted solar photovoltaic installation shall be constructed until evidence has been given to the Planning Board 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 operators' intent to install an interconnected customer-owned generator. Off grid systems shall be exempt from this requirement.

#### **12.7.10 Setbacks:**

For large scale ground mounted solar photovoltaic installations, front, side and rear setbacks shall follow local guidelines. If any portion of the lot abuts a Conservation-Recreation or Residential District, the front, side or rear setbacks shall not be less than 50 feet.

#### **12.7.11 Appurtenant Structures:**

All appurtenant structures to large scale ground mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. 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.

#### **12.7.12 Design Standards**

##### **A. Lighting:**

Lighting of large-scale ground mounted 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 shielded from abutting properties. Where feasible, lighting of the installation shall be directed downward and shall incorporate fully cut-off fixtures to reduce light pollution.

**B. Signage:**

Signs on large scale ground mounted solar photovoltaic installations shall comply with the town sign bylaw and shall be required to identify the facilities owner and operator, if different, and provide a 24-hour emergency contact phone number. The solar photovoltaic installation shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

**C. Utility Connections:**

Reasonable efforts, as determined by the Planning Board, 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.

**D. Noise:**

The Planning Board may require some or all associated electrical equipment to be located in a sound-insulating enclosure to reduce acoustic noise. The location of the enclosure must be approved by the Planning Board. Any such equipment which the Board does not require to be so located must comply with the provisions of the bylaw. The Board may also require that the applicant perform and provide the results of a sound impact assessment.

**12.7.13 Safety and Environmental Standards**

**A. 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 installation shall be clearly marked. The owner or operator shall identify and provide contact details for the person responsible for public inquiries and shall update this information throughout the life of the installation, as required.

**B. 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 or what is otherwise prescribed by applicable laws, regulations, and bylaws.

**12.7.14 Monitoring and Maintenance**

**A. Solar Photovoltaic Installation Conditions:**

The large-scale ground mounted solar photovoltaic installation owner or operator shall monitor access to and safety of the site and shall maintain the facilities in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, integrity of security measures, and landscape maintenance. 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 installation and site and any access road(s), unless accepted as a public way.

**B. Modifications:**

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Planning Board.

### **12.7.15 Decommissioning Requirements**

#### **A. Discontinuance of Operations:**

Any Solar Installation that has reached the end of its useful life shall be decommissioned. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for decommissioning. The owner shall complete decommissioning of the installation no more than 150 days after the proposed date of discontinued operations. Decommissioning shall consist of:

physical removal of the Solar Installation, all structures, equipment, security barriers and transmission lines from the site;

disposal (including recycling to the extent possible) of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and

stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

#### **B. Abandonment:**

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Solar Installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. The owner of an abandoned Solar Installation must complete the decommissioning of the installation within 150 days of the date the installation has been deemed abandoned.

#### **C. Lease Expiry:**

If, upon expiry of any term of the ground lease for the Solar Installation, the lease is not renewed, the owner of the Solar Installation must complete the decommissioning of the installation within 150 days of the expiry of the lease.

#### **D. Failure to Decommission:**

If the owner of the Solar Installation fails to complete the decommissioning as required, the Town may enter the property and physically remove the installation and otherwise complete the decommissioning.

#### **E. Financial Surety:**

The owner of a Solar Installation shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of decommissioning in the event the Town must decommission the installation. The Planning Board shall determine the amount and form of the surety. Such surety will not be required for Town-or State-owned facilities.

### **Planning Board**

**Executive Summary:** This Article amends the Town Zoning Bylaw by creating new regulations for Solar Development bylaw that are in compliance with the Commonwealth of Massachusetts standards for receiving Green Community status.

#### **Two-Thirds Majority**

HEREIN FAIL NOT AND GIVE PUBLIC NOTICE BY CAUSING THIS NOTICE TO BE POSTED IN TWO (2) OR MORE PLACES IN THE TOWN AT LEAST FOURTEEN (14) DAYS BEFORE THE TIME OF SAID MEETING AND MAKE DUE RETURN OF THIS WARRANT WITH YOUR DOINGS TO THE TOWN CLERK AT THE TIME AND PLACE SPECIFIED.

GIVEN UNDER OUR HANDS THIS \_\_\_\_\_ DAY OF OCTOBER, 2020.

\_\_\_\_\_  
Jason Balboni, Chairman

\_\_\_\_\_  
Gregory A. Coogan

\_\_\_\_\_  
Gail M. Barmakian

\_\_\_\_\_  
Brian Packish,

\_\_\_\_\_  
Ryan Ruley

BOARD OF SELECTMEN  
TOWN OF OAK BLUFFS

PURSUANT TO THE FOREGOING INSTRUCTIONS, I HEREBY NOTIFY AND WARN THE INHABITANTS OF THE TOWN OF OAK BLUFFS, QUALIFIED TO VOTE AS EXPRESSED IN THIS WARRANT TO VOTE AT THE TIME AND PLACE SPECIFIED.

Attest:

\_\_\_\_\_  
Constable

OFFICER'S RETURN

COUNTY OF DUKES COUNTY, ss

IN ACCORDANCE WITH THE FOREGOING INSTRUCTIONS, I HEREBY CERTIFY THAT I DID ON THE \_\_\_\_\_ DAY OF OCTOBER, 2020 GIVE PUBLIC NOTICE BY CAUSING ATTESTED COPIES OF THIS WARRANT TO BE POSTED IN TWO (2) OR MORE PLACES IN THE TOWN OF OAK BLUFFS, AND I HEREBY MAKE RETURN OF THIS WARRANT THIS \_\_\_\_\_ DAY OF OCTOBER 2020.

Attest:

\_\_\_\_\_  
Constable