



Town of Otis, Massachusetts Annual Town Meeting Minutes May 18, 2021

Selectboard: William Hiller Chair, Larry Southard, Gary Thomas
Finance Board: Therese Gould Chair, Jill Moretz, Absent Walter Engels
Moderator: Blake Middleton
Town Administrator: Brandi Page
Town Clerk: Lyn O'Brien
Town Counsel: Jeremia Pollard
Board of Registrars: Marjorie Middleton, Emily Piacquadio, Jill Moretz

Total Registered Voters: 1204
Total Registered Voters in Attendance: 142

Meeting called to order by the Moderator at 6:08 pm in the Otis Town Hall parking lot.

The Moderator asked everyone to shut off their cell phones. The Moderator asked for discussion that each voter state their name and street.

The Moderator confirmed with the Town Clerk a quorum was present.

The Pledge of Allegiance was said.

A moment of silence was held for those who have passed away.

A motion was made to dispense with the reading of the remainder of the warrant and proceed to act on Article 1.

The motion was seconded.

The motion passed.

ARTICLE 1: Town Reports

To receive the reports of the various Town Officers and act thereon.

A motion was made to accept Article 1

The motion was seconded

Article 1 passed, unanimous

ARTICLE 2: General Fund Operating Budget

To raise and appropriate such money as may be necessary to defray the Town's expenses for this fiscal year. See appropriations list attached at end of Warrant. \$5,807,974.35

A motion was made to accept Article 2

The motion was seconded

Article 2 passed, unanimous

ARTICLE 3: Revolving Funds

To see if the Town will establish limits on revolving funds in accordance with G.L. c. 44, § 53E 1/2 as follows:

Plumbing & Gas Inspector	\$15,000.00
Wire Inspector	\$15,000.00
Fire Department Inspections	\$6,000.00
Sanitation Inspector	\$9,000.00
Recreation Commission	\$5,000.00
Demolition Debris Removal	\$25,000.00
Cemetery	\$2,000.00
Tax Title	\$10,000.00

A motion was made to accept Article 3
The motion was seconded
Article 3 passed, unanimous

ARTICLE 4: Debt Service

To see if the Town will vote to appropriate the sum of \$166,077.37 for the purpose of paying the principal and interest due in fiscal 2022 for the John Deere Grader and Dump/Plow Truck and further, to provide for said appropriation, take said sum from Free Cash.

A motion was made to accept Article 4
The motion was seconded
Article 4 passed, unanimous

ARTICLE 5: Wind Debt Service

To see if the Town will vote to appropriate the sum of \$432,197.50 in FY22 for paying the principal and interest for the Wind Project Bond; funds to be transferred from the Wind Municipal Light Plant.

A motion was made to accept Article 5
The motion was seconded
Article 5 passed, unanimous

ARTICLE 6: Broadband Debt Service

To see if the Town will Vote to appropriate the sum of \$214,375.00 for paying the principal and interest due in FY22 on funds borrowed for the Otis Fiber Bond; funds to be transferred from the Wind Municipal Light Plant.

A motion was made to accept Article 6
The motion was seconded
Discussion: Are the funds available? Yes.
Article 6 passed, unanimous

ARTICLE 7: Rescind Borrowing

To see if the Town will vote to rescind unused borrowing in the amount of \$23,750.00 for the Grader purchase.

A motion was made to accept Article 7
The motion was seconded
Article 7 passed, unanimous, declared by the Moderator for 2/3rds vote.

A motion was made to move Article 26 to the next article to be voted on.

The motion was seconded.

Discussion: Why not the order that the warrant was prepared? Bill Hiller said it was recommended it be moved after Article 7.

A hand count was taken Yes- 60 No 49

The motion passed to move to Article 26.

Article 26: Citizen Petition 1

To see if the town will vote to transfer ownership of St. Paul's Church, 13 Monterey Rd, Map 10D Lot 3 to the Otis Preservation Trust, (OPT) to allow for renovation of the structure without the constraints inherent in municipal ownership. If, upon passage of this article the Otis Preservation Trust declines to take ownership of the property, the town reserves the right to pursue other entities to promote such transfer.

A motion was made to accept Article 26

The motion was seconded

Discussion: Voters expressed their support based on the historic significance of this church for the Town. Voters also expressed their concerns about using taxpayer money to repair to church. Lynne Geane the OPT President gave some background on the fundraising efforts of the committee.

A hand count was taken Yes- 54, No 72

Article 26 failed

ARTICLE 8: Road Repair and Paving

To see if the Town will vote to appropriate the sum of \$263,000.00 for the purpose of repairing and paving portions of Judd Road, Ed Jones Road, Merritt Road and Dimmock Road including costs incidental and related thereto, and further to provide for said appropriation, take said sum from Stabilization.

A motion was made to accept Article 8

The motion was seconded

Discussion: How far is Merritt Road going to be fixed? Derek Poirier, Highway Superintendent stated they are going to be paved as much as they are now and that is the same for all of the roads listed.

Article 8 passed, unanimous, declared by the Moderator for 2/3rds vote.

ARTICLE 9: Town Ways and Bridges-CH90

To see if the Town will vote to accept any and all funds being provided by the Commonwealth of Massachusetts Division of Transportation (Mass DOT), under provisions of Chapter 90 of the Massachusetts General Laws, to pay for such costs as allowed by appropriate legislation in connection with the maintenance, repair and construction of Town ways and bridges, or to take any other action relative thereon.

A motion was made to accept Article 9

The motion was seconded

Article 9 passed, unanimous

ARTICLE 10: Pumper Fire Truck

To see if the Town will vote to authorize the Treasurer to borrow the sum of \$500,000.00 for the purpose of buying a new Pumper Fire Truck.

A motion was made to accept Article 10

The motion was seconded

Article 10 passed, 1 opposed, declared by the Moderator for 2/3rds vote

ARTICLE 11: Paper Compactor

To see if the Town will vote to appropriate the sum of \$25,000.00 for the purpose of purchasing and installing a paper compactor at the Transfer Station, and further to provide for said appropriation to take said sum from Free Cash.

A motion was made to accept Article 11

The motion was seconded

Article 11 passed, 1 opposed

ARTICLE 12: Turn Out Gear

To see if the Town will vote to appropriate the sum of \$70,000.00 for the purpose of purchasing Turn Out Gear for Fire Personnel, and further to provide for said appropriation to take said sum from Free Cash.

A motion was made to accept Article 12

The motion was seconded

Article 12 passed unanimous

ARTICLE 13: Highway Truck

To see if the Town will vote to appropriate the sum of \$70,000.00 for the purpose of purchasing a truck for the Highway Department with sander and plow, and further to provide for said appropriation to take said sum from Free Cash.

A motion was made to accept Article 13

The motion was seconded

Discussion: What kind of truck? Derek Poirier stated it would be for a pickup truck.

Article 13 passed, 2 opposed

ARTICLE 14: Knox Trail

To see if the Town will vote to appropriate the sum of \$5,000.00 for the purpose of continued work on the Knox Trail toward Historic Designation, and further to provide for said appropriation to take said sum from Free Cash.

A motion was made to accept Article 14

The motion was seconded

Discussion: Tom Ragusa thanked the Selectboard for this article. He has worked on this project since the 1970's. 90% of the trail is on State Property. The money will be used for improvements and to encapsulate the 65-mile stone for future generations.

Article 14 passed unanimous

ARTICLE 15: Tannery Road Layout

To See if the Town will vote to accept the layout of Tannery Road as shown on plans dated May 3, 2021, prepared by GCG Associates, Inc., entitled "Tannery Road 2021 Road Layout Plan", which plans are available for review at the Town Clerk's Office.

A motion was made to accept Article 15

The motion was seconded

Article 15 passed, unanimous

ARTICLE 16: Tannery Road ROW Acquisitions

To authorize the Board of Selectmen to acquire the following land parcels and or rights in land parcels for the purpose of obtaining a secure and public right of way. This will allow for the construction and roadway safety improvements for the Tannery Road Bridge Replacement.

	Total #	Parcel Area (Square Feet)
In Fee	2	7362
Permanent Easements	6	1599
Temporary Easements	7	3877

Further that the Selectmen may acquire these parcels, or modification of these parcels or other required parcels through all legal means. This includes donations, purchase or eminent domain. The subject parcels are currently identified on plans dated May 3, 2021, prepared by GCG Associates, Inc., entitled “Tannery Road 2021 Easement Plan”, which plans are available for review at the Town Clerk’s Office.

A motion was made to accept Article 16

The motion was seconded

Article 16 passed, unanimous, declared by the Moderator for 2/3rds vote.

ARTICLE 17: Waste Water Enterprise Fund

To see if the Town will vote to appropriate \$67,010.00 for the operation and maintenance of the municipal sewer system and to meet the appropriation, and further to provide for said appropriation transfer funds from the sewer user fees.

A motion was made to accept Article 17

The motion was seconded

Article 17 passed unanimous

ARTICLE 18: Post Retirement Benefits

To see if the Town will vote to offer the post-employment health insurance benefit under M.G.L. Chapter 32 & 32B for vested employees, defined as at least 10 years continuous municipal employment, who qualify for retirement. This is for the employee only and carries no survivorship. The employee contribution is 50% with the Town being 50%.

A motion was made to amend Article 18 **To see if the Town will vote to offer the post-employment health insurance benefit under M.G.L. Chapter 32 & 32B for vested employees, defined as at least 10 years continuous municipal employment, who qualify for retirement. This is for the employee only and carries no survivorship. The employee contribution is 25% with the Town being 75%.**

Discussion: Karen Fink, Treasurer said this is currently what employees contribute. This will help attract employees going forward. This is not retroactive to past retirees.

The motion was seconded.

The amendment to Article 18 passed, 3 opposed

A motion was made to accept Article 18

The motion was seconded

Article 18 passed unanimous

ARTICLE 19: Appointed Treasurer

To see if the Town will vote to have its elected Treasurer become and appointed Treasurer of the Town under M.G.L. Ch. 41 Sec 1B.

A motion was made to accept Article 19

The motion was seconded

Discussion: Why and who will make the appointment. The Selectboard will make the appointment. This was recommended by the Department of Revenue. The appointed position no longer will have the Otis residency requirement which will give the town more success filing the position in the future.

What is the term? 1 Year

Article 19 passed, 4 opposed

ARTICLE 20: Local Room Occupancy Excise

To see if the Town will vote to adopt Massachusetts General Law chapter 64G Section 3A to accept local room occupancy excise and further to establish the local rate at 6%.

A motion was made to accept Article 20

The motion was seconded

Discussion: What does this apply to? Short term rental properties. Otis would know where these homes are and get benefits of the tax. 6% is the maximum amount.

Will this apply to RV parks? No

Article 20 passed, 7 opposed

ARTICLE 21: Solar Bylaw

To see if the Town will vote to amend the Zoning Bylaws of the Town of Otis to include the following:

SECTION VIII: COMMERCIAL GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

6.8 PURPOSE

The purpose of this Section is to provide standards for the Placement, design, construction, operation, monitoring, modification and removal of Medium and Large Ground Mounted Solar Photovoltaic installations that address public safety and minimize impacts on scenic, natural and historic resources.

6.8.1 Definitions

PROJECT PROPONENT: The applicant, property owner, facility developer, operator and management entity, jointly and severally, of a project. Each of the responsible parties shall be responsible for adhering to the requirements set forth in this bylaw.

RATED NAMEPLATE CAPACITY: The maximum rated output of Electric power production of a Photovoltaic system in Direct Current (DC).

SOLAR PHOTOVOLTAIC INSTALLATION, GROUND MOUNTED: A solar photovoltaic system that is structurally mounted on the ground and is not roof mounted.

SOLAR PHOTOVOLTAIC INSTALLATION, MEDIUM & LARGE SCALE GROUND MOUNTED: A solar photovoltaic system that is structurally mounted on the ground and is not roof mounted, and has a rated nameplate capacity greater than 120 KW DC.

SOLAR PHOTOVOLTAIC INSTALLATION, ROOF MOUNTED: A solar photovoltaic system that is structurally mounted on the roof of a building.

6.9 APPLICABILITY

6.9.1 This Section applies to all 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.

6.9.2 All Ground Mounted Solar Photovoltaic Installations shall require a Special Permit and Site Plan Approval issued by the Planning Board in accordance with this section and all existing town bylaws.

6.10 GENERAL REQUIREMENTS FOR ALL GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

6.10.1 Site Plan Review – All Ground Mounted Solar Photovoltaic Installations shall undergo site plan review prior to construction, installation or modification. In addition, the following shall be required:

6.10.1.1 General – All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.

6.10.1.2 Required Documents – Pursuant to the site plan review process, the Project Proponent shall provide the following documents:

6.10.1.2.1 A site plan showing:

6.10.1.2.1.1 Property lines and physical features, including roads for the project site

6.10.1.2.1.2 Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures

6.10.1.2.1.3 Blueprints or drawings of the Ground Mounted Solar Photovoltaic Installations signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures

6.10.1.2.1.4 One or three line electrical diagram detailing the Ground Mounted Solar Photovoltaic Installations, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code compliant disconnects and overcurrent devices

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

6.10.1.2.1.6 Name, address, and contact information for proposed Ground Mounted Solar Photovoltaic Installation's installer

6.10.1.2.1.7 Name, address, phone number and signature of the Project Proponent

6.10.1.2.1.8 The name, contact information and signature of any agents representing the Project Proponent

6.10.1.2.2 Erosion and sediment control plan

6.10.1.2.3 Proof of liability insurance and builder's risk insurance

- 6.10.1.2.4 A public outreach plan, including a project development timeline, which indicates how the Project Proponent will meet the required site plan review notification procedures and otherwise inform abutters and the community
- 6.10.1.2.5 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 Ground Mounted Solar Photovoltaic Installations
- 6.10.1.2.6 Operation and Maintenance Plan – The Project Proponent shall submit a plan for the operation and maintenance of the 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
- 6.10.1.2.7 Abandonment and Decommissioning Plan – The Project Proponent shall submit a Decommissioning Plan. Any Ground Mounted Solar Photovoltaic Installation which has reached the end of its useful life or has been abandoned (i.e., when either it fails to be completed within a commercially reasonable time (such that power generation can commence), or it fails to operate for an elapsed time of more than one year without the written consent of the Planning Board) shall physically remove the installation within 150 days of abandonment or the proposed date of decommissioning. The Project Proponent shall notify the Planning Board by certified mail of the proposed date of the discontinued operations and plans for removal. The Abandonment and Decommissioning Plan shall include a detailed description of how all of the following will be addressed:
- 6.10.1.2.7.1 Physical removal of all structures; equipment, building, security barriers and transmission lines from the site, including any materials used to limit vegetation
- 6.10.1.2.7.2 Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations
- 6.10.1.2.7.3 Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the Project Proponent to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation
- 6.10.1.2.7.4 Financial surety for decommissioning – Proponents of Ground Mounted Solar Photovoltaic Installations shall provide a form of surety, either through escrow account, bond or other form of surety approved by the Planning Board to cover the estimated cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount ad form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirement set forth herein, as determined by the project proponent and the Town. Such surety will not be required for municipal or state-owned facilities. The project proponent shall submit a fully inclusive detailed itemized cost estimate of the Town’s estimated costs (including “prevailing wages”) associated with removal and full decommissioning of the facility and site, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation during the life of the facility, and the Planning Board may at any time require an increase in surety or a change in the form or security as may be required to ensure continued satisfaction of the requirements of this section. Said estimated cost shall not include or deduct the value of

material recycling. Said surety in its full amount shall be presented to the Planning Board prior to the Project Proponent applying for Building Permits or the commencement of construction

- 6.10.1.2.7.5 All legal documents required to enable the Town to exercise its rights and responsibilities under the plan to decommission the site, enter the property and physically remove the installation

6.10.2 Utility Notification – No Ground Mounted Solar Photovoltaic Installation shall be constructed until evidence has been provided to the Building Inspector that the utility company that operates the electrical grid where the installation is to be located has been informed of the Project Proponent’s intent to install the Ground Mounted Solar Photovoltaic Installation and connect it to the grid. Off grid systems shall be exempt from this requirement.

6.10.3 Dimension and Density Requirement – Ground Mounted Solar Photovoltaic Installations shall comply with the same dimension and density requirements required in the underlying district except that for such facilities of 120 kw or greater the following shall apply:

- 6.10.3.1 Front, rear and side yard setbacks shall be a minimum 100 feet

- 6.10.3.2 Access roads or driveways shall be setback at least 25 feet from side and rear lot lines

- 6.10.3.3 The height of the structures at the tallest point shall not exceed twenty- five feet

- 6.10.3.4 The minimum lot size for a medium or large scale ground mounted photovoltaic installation is twelve (12) acres

6.10.4 Structures – All structures for medium or large scale Ground Mounted Solar Photovoltaic Installations shall be subject to existing bylaws. All appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other.

6.10.5 Visual Impact Mitigation – The plan for a Ground Mounted Solar Photovoltaic Installation shall be designed to maximize the preservation of on-site and abutting natural and developed features. In natural (undeveloped) areas, existing vegetation shall be retained to the greatest extent possible, especially where such vegetation provides a benefit to the natural environment. In developed areas, the design of the installation shall consider and incorporate human-designed landscape features to the greatest extent, including contextual landscaping and landscape amenities that complement the physical features of the site and abutting properties. Whenever reasonable, structures should be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts and be architecturally compatible with each other. Vegetation shall be of varieties native to New England and a mix of deciduous and evergreen species. Vegetative screening shall reach a mature form to effectively screen the installation within five years of installation. The mature height of the vegetated screening shall be such that the installation’s structures are not apparent to a person upon any public road and viewing the installation from a height of 10 feet. Planting of the vegetative screening shall be completed prior to final approval of the photovoltaic installation by the Building Inspector.

6.10.6 Design Standards – Projects shall be designed to:

- 6.10.6.1 Minimize the volume of cut and fill, the number of removed trees 10” caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of storm water flow increase from the site, soil erosion and threat of air and water pollution
- 6.10.6.2 Maximize pedestrian and vehicular safety both on the site and entering and exiting the site
- 6.10.6.3 Minimize obstruction of scenic views from publicly accessible locations
- 6.10.6.4 Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned
- 6.10.6.5 Minimize glare from headlights and light trespass
- 6.10.6.6 Ensure adequate access to each structure for fire and service equipment and adequate provision for utilities and storm water drainage
- 6.10.6.7 Site Lighting – Lighting of 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 reasonably shielded from abutting properties. Where feasible, lighting of the Ground Mounted Solar Photovoltaic Installation shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.
- 6.10.6.8 Signage – No signage on Ground Mounted Solar Photovoltaic Installations is permitted other than those required to identify voltage and electrocution hazards as well as the owner, and provide a 24-hour emergency contact phone number. Ground Mounted Solar Photovoltaic Installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of Ground Mounted Solar Photovoltaic Installation.
- 6.10.6.9 Utility Connections – Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the Ground Mounted 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.
- 6.10.6.10 Lighting—Outdoor light levels shall not exceed 1 foot-candle along property lines, nor 10 foot-candles for any location on the property. Any light poles, new or existing, may not exceed 18’ in overall height. All outdoor light fixtures must be shielded with light aimed downward to prevent light trespass onto adjacent properties (Dark Sky compliant). The Special Permit Granting Authority may modify this requirement if,

upon recommendation by the Police Chief, it is required for adequate safety and security.

6.10.7 Safety and Environmental Standards

- 6.10.7.1 Emergency Services – The Ground Mounted Solar Photovoltaic Installation Project Proponent shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the Project Proponent shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the Ground Mounted Solar Photovoltaic Installation shall be clearly marked. The Project Proponent shall identify a responsible person for public inquiries throughout the life of the installation.
- 6.10.7.2 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 Ground Mounted Solar Photovoltaic Installation or otherwise prescribed by applicable laws, regulations, and bylaws. Such installations shall not occur on any slopes greater than 15 degrees in order to minimize erosion. No more than 50% of the land parcel utilized for Ground Mounted Solar Photovoltaic Installations shall contain land requiring clearing of forest.
- 6.10.7.3 No topsoil shall be removed from the land parcel under consideration for Ground Mounted Solar Photovoltaic Installation. If earthworks operations are required, topsoil shall be stockpiled within the property bounds and protected against erosion until such earthwork operations are completed and topsoil can be re-spread over parcel. Earthworks shall be planned to limit export of soil material (non-topsoil) to 1000 cubic yards per acre affected by installation. A detailed earthworks estimate is a required submittal component proving this quantity is maintained.
- 6.10.7.4 Impact on Agricultural and Environmentally Sensitive Land- The Ground Mounted Solar Photovoltaic Installation shall be designed to minimize impacts to agricultural and environmentally sensitive land and to be compatible with continued agricultural use of the land whenever possible. No more than 50% of the total land area proposed for the Ground Mounted Solar Photovoltaic Installation may be occupied by the solar panels, with the remainder of the land remaining as undeveloped open space left in its natural state.
- 6.10.7.5 Vegetation Management – Herbicides, pesticides, or chemical fertilizers shall not be used to manage vegetation at the Ground mounted Solar Photovoltaic Installation. Mowing, grazing or using geotextile materials underneath the solar array are possible alternatives. Low growing grasses are optimal. Other grasses must be regularly mowed or grazed so as to minimize the amount and height of “fuel” available in case of fire.
- 6.10.7.6 All land associated with the Ground Mounted Solar Photovoltaic Installation shall be covered and grown in natural vegetation. All ground surface areas beneath solar arrays and setback areas shall be pervious to maximize onsite infiltration of storm water. Impervious paving of areas beneath solar arrays is prohibited. To the greatest

extent possible, a diversity of plant species shall be used, with preference given to species that are native to New England. Use of plants identified by the most recent copy of the “Massachusetts Prohibited Plant List” maintained by the Massachusetts Department of Agricultural Resources is prohibited.

6.10.8 Monitoring and Maintenance

6.10.8.1 Maintenance – The Project Proponent shall maintain the Ground Mounted Solar Photovoltaic Installation in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, fencing and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The Project Proponent shall be responsible for the cost of maintaining the Ground Mounted Solar Photovoltaic Installation and any access road(s) not accepted as public ways.

6.10.8.2 Modifications – All material modifications to a Ground Mounted Solar Photovoltaic Installation made after issuance of the required building permit shall require approval by the Special Permit and Planning Board.

6.10.9 Outside Consultant Fees – In accordance with G.L. c.44, §53G, the Planning Board is authorized to retain such registered professional engineers, architects, landscape architects, attorneys, or other professional consultants as may be necessary in the Planning Board’s opinion to review and advise the Board on any or all aspects of applications submitted under this Section

VII. The applicant shall be responsible for the cost of such review, and the Planning Board may request the applicant to deposit funds for such review with the Planning Board in advance of such review and to replenish such funds as necessary at the Planning Board’s request. Failure to provide such funds or to pay costs of such professional review when due shall be good grounds for denial of an application.

6.10.10 Waivers – The Planning Board may, upon the prior written request of the applicant and by a 2/3 majority affirmative vote of the members of the Board, waive any of the requirements of this Section VIII, but must state their reasons for doing so in writing as part of their decision.

A motion was made dispense with the reading of Article 21

The motion was seconded

The motion to dispense with the reading passed

A motion was made to accept Article 21 as published in the warrant

The motion was seconded

Discussion: What is the purpose? These are bylaws for large solar fields. It also requires them to put money aside to decommission it in the future. It shields the solar fields from the road.

Planning Board Report: They approve this unanimously and highly recommend to pass the bylaw as written.

Does this bylaw apply retroactively to previous applicants? No

Article 21 passed unanimous, declared by the Moderator for 2/3rds vote.

ARTICLE 22: Flood Plain Bylaw

To see if the Town will vote to amend the Zoning Bylaws of the Town of Otis to include the following:

Section 8.0 Special Districts

8.1 Floodplain Overlay District (FPOD)

8.1.1 Purpose. The purpose of the Floodplain Overlay District is to:

- 1) Ensure public safety through reducing the threats to life and personal injury.
- 2) Eliminate new hazards to emergency response officials.
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding.
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding.
- 5) Eliminate costs associated with the response and cleanup of flooding conditions.
- 6) Reduce damage to public and private property resulting from flooding waters.

8.1.2

The Floodplain District is herein established as an overlay district.

The District includes all special flood hazard areas designated on the Town of Otis's Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program, dated December 15/1983. These maps indicate the 1%-chance regulatory floodplain. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Flood Insurance Study (FIS) report dated June 15, 1983. The effective FIRM, FIRM, and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official and Conservation Commission.

8.1.3 Abrogation and greater restriction section

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

8.1.4 Disclaimer of liability

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

8.1.5 Severability section

If any section, provision or portion of this bylaw [ordinance] is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

8.1.6 Designation of community Floodplain Administrator

The Town of Otis hereby designates the position of Inspector of Buildings / Building Commissioner to be the official floodplain administrator for the Town.

8.1.7 Requirement to submit new technical data

If the Town/City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town/City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114

8.1.8 Variances to building code floodplain standards

The Town of Otis will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town of Otis shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

8.1.9 Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

8.1.10 Permits are required for all proposed development in the Floodplain Overlay District

The Town of Otis requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

8.1.11 Assure that all necessary permits are obtained

The Town of Otis permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits and must submit the completed checklist demonstrating that all necessary permits have been acquired.

8.1.12 Subdivision proposals

All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

- (a) Such proposals minimize flood damage.
- (b) Public utilities and facilities are located & constructed so as to minimize flood damage.
- (c) Adequate drainage is provided.

8.1.13 Base flood elevation data for subdivision proposals

When proposing subdivisions or other developments greater than 10 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

8.1.14 Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for flood proofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

8.1.15 Floodway encroachment

In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town of Otis Flood Insurance Rate Map (FIRM) encroachments are prohibited

in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

8.1.16 Watercourse alterations or relocations in riverine areas

In a riverine situation, the Floodplain Administrator shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator

Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th floor
Boston, MA 02114

- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

8.1.17 AO and AH zones drainage requirements

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

8.1.18 Recreational vehicles

In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

8.1.21 Definitions. In the FPOD the following terms shall be as defined.

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated a Zone A, AO, AH, AL-30, AE or A99.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded on any given year.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study

program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM.) An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations.

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.
- [US Code of Federal Regulations, Title 44, Part 59]

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than basement area, is not considered a buildings lowest floor, Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of FFIP Regulations 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]

ONE HUNDRED-YEAR FLOOD see Base Flood

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
 - (b) 400 square feet or less when measured at the largest horizontal projection;
 - (c) Designed to be self-propelled or permanently towable by a light duty truck; and
 - (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- [US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimension of the structure.

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing

portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

ZONE A means an area of special flood hazard without water surface elevations determined

ZONE A1-30 and ZONE AE means area of special flood hazard with water surface elevations determined

ZONE AH means areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined

ZONE AO means area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.)

ZONE A99 means area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)

ZONES B, C, AND X means areas of minimal or moderate flood hazards or areas of future-conditions flood hazard. (Zone X replaces Zones B and C on new and revised maps.)

ZONE V means area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area)

ZONE V1-30 and ZONE VE (for new and revised maps) means area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area)

8.1.22 PERMITTED USES. The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged, provided they are permitted in the underlying district and do not require structures, fill, or storage of materials or equipment.

1. Agricultural uses such as farming, grazing, truck farming, horticulture, etc.;
2. Forestry or nursery uses;
3. Outdoor recreational uses, including fishing, boating, play areas, etc.;
4. Conservation of water, plants, and wildlife;
5. Wildlife management areas, foot, bicycle, and or horse paths;
6. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises;
7. Buildings lawfully existing prior to the adoption of these provisions.

8.1.23 Local Enforcement. Enforcement of this bylaw rests with the Floodplain Administrator.

A motion was made dispense with the reading of Article 22

The motion was seconded

The motion to dispense with the reading passed

Discussion: This bylaw has been updated from the 1980 to 2021.

Planning Board Report: They approve this unanimously and highly recommend to pass the bylaw as written.

A motion was made to accept Article 22 as published in the warrant

The motion was seconded

Article 22 passed, 1 opposed, declared by the Moderator for 2/3rds vote

Article 23: St. Paul's Church Property Use

To see if the Town will vote to accept the use of St Paul's Episcopal Church, which was transferred to Town ownership in November 2019, as a Community Center for the benefit of the community at large for social, cultural, educational, and recreational purposes.

A motion was made to accept Article 23

The motion was seconded

Discussion: Various thoughts from voters regarding calling this a community center. Discussion about the naming rights of the building after a donor was discussed. Seasonal use of the building was discussed and what type of events it may be used for. Is this required for fundraising?

Historical Commission member Sonia Morrison said yes.

A motion was made to table this to next year.

The motion was seconded.

A count was done for a 2/3rds vote, Yes 64, No 42.

The motion the table Article 23 failed.

A count was done to accept Article 23.

Yes 50, No 58

Article 23 failed

Article 24: Community Center Account

To see if the Town will vote to use the \$70,000 remaining in the Community Center account for the restoration and repair of the St. Paul's Episcopal Church and property, or take any other action

relative thereto. An affirmative vote will allow the use of said funds for this property and have them established in an appropriately named capital account for this purpose. A no vote would return this amount to the general fund.

A motion was made to accept Article 24

The motion was seconded

Discussion: The original intention was to build a recreational facility on the 100-acre park. Why doesn't this money stay in the fund it is? Department of Revenue stated it will need to go into the general fund.

A count was taken

Yes 44, No 62

Article 24 failed.

Article 25: East Otis School House Grant Requirement

To see if the Town will vote to raise and appropriate an additional 25% of the East Otis School House Project in the amount of \$44,567.50 for the purpose of ensuring cash flow and to meet the requirements set forth in the Massachusetts Preservation Projects Fund Grant application through the Massachusetts Historical Commission. Approval is contingent upon an award of grant and the reimbursement of \$44,567.50 to the general fund at the close out of the grant.

A motion was made to accept Article 25

The motion was seconded

Article 25 passed, 3 opposed

Article 27: Citizen Petition 2

To see if the Town will vote to Amend Bylaw 6.5 WIRELESS COMMUNICATION FACILITIES, Section 6.5.3-1 Exemptions, by adding the word "exclusively" between the words "used" and "for" in the existing text. The Amended text will read: 6.5.3-1 "Wireless communication facilities used exclusively for Town or State emergency services." Or take any other action thereon.

A motion was made to accept Article 27

The motion was seconded

Discussion: This needs to have a public hearing. The planning board report comes after the public meeting. This will get rejected by the Attorney General because it needs to go through the proper procedures.

Article 27 passed, 7 opposed, declared by the Moderator for 2/3rds vote

A motion was made to adjourn the meeting.

The motion was seconded.

The meeting adjourned at 8:17 pm.

Respectfully submitted,

Lyn O'Brien, Town Clerk