

TOWN OF ORANGE
Commonwealth of Massachusetts

Special Town Meeting
December 8, 2022

FRANKLIN SS:

To the Constables of the Town of Orange, in the County of Franklin:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote on Town affairs, to meet at Orange Town Hall, Ruth B. Smith Auditorium, 6 Prospect Street, in said Orange, on Thursday, December 8, 2022 at 7:00 PM, then and there to act on the following articles:

ARTICLE 1: TRANSFER FROM FREE CASH A PRIOR YEAR'S BILLS

To see if the Town will vote to raise and appropriate, transfer from available funds including free cash, stabilization, borrow or otherwise provide the sum of \$640.00 for the payment of a prior year bill to United Elevator for service repair call; or take any action relative thereto.

To see if the Town will vote to raise and appropriate, transfer from available funds including free cash, stabilization, borrow or otherwise provide the sum of \$228.00 for the payment of a prior year bill to Johnson Controls for Fire Alarm Inspection for the Armory; or take any action relative thereto.

To see if the Town will vote to raise and appropriate, transfer from available funds including free cash, stabilization, borrow or otherwise provide the sum of \$4,466.66 for the payment of a prior year bill to Regional Resource Group; or take any action relative thereto.

To see if the Town will vote to raise and appropriate, transfer from available funds including free cash, stabilization, borrow or otherwise provide the sum of \$1,074.31 for the payment of a prior year bill to Athol Daily News; or take any action relative thereto.

To see if the Town will vote to raise and appropriate, transfer from available funds including free cash, stabilization, borrow or otherwise provide the sum of \$ 3,833.25 for the payment of a prior year bill to Split Excavating, Inc; or take any action relative thereto.

To see if the Town will vote to raise and appropriate, transfer from available funds including free cash, stabilization, borrow or otherwise provide the sum of \$938.28 for the payment of a prior year bill to Gelinas Company; or take any action relative thereto.

(Requires a 9/10 majority vote)

ARTICLE 2: CEMETERY LOT BUY BACK

To see if the Town will vote to authorize payment of \$600.00 from the Cemetery Sale of Lots account to Donald Pashek, 151 Linseed Rd, West Hatfield, MA 01088 to buy back the lot of his late mother, Block 19, Lot 8, space 4 in South Cemetery; or take any other action relative to.

ARTICLE 3: TRANSFER FROM AIRPORT MASTER PLAN UPDATE PROJECT TO AIRPORT LAYOUT PLAN UPDATE PROJECT

To see if the Town will vote to transfer and appropriate the sum of \$9,000.00 from the Airport's Master Plan Update Project account (Article 21 of June 2022 ATM) to pay the Town's local share portion of a \$166,667.00 federal and state grant for the Airport Layout Plan Update Project; or take any action relative thereto.

ARTICLE 4: FIRE DEPARTMENT HEADQUARTERS BOILER REPLACEMENT

To see if the Town will vote to raise and appropriate, transfer from available funds including free cash, stabilization, borrow or otherwise provide the sum of \$44,668.64 for the boiler replacement at the Fire Department headquarters. That to meet this appropriation, the Town Treasurer, with the approval of the Selectman, be hereby authorized to borrow said amount under and pursuant to M.G.L. c 44,s 7 (9): or take any other action relative thereto.

(Requires a 2/3 majority vote)

ARTICLE 5: ARTICLE: TO REPLACE UNREPAIRABLE POLICE CRUISER

To see if the Town will vote to raise and appropriate, transfer from available funds including free cash, stabilization, borrow or otherwise provide the sum of \$26,000.00 to pay the remaining cost of purchasing a Police Cruiser, and for the payment of all other costs incidental and related thereto including equipment, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, be hereby authorized to borrow said amount under and pursuant to M.G.L. c.44,s.7(9), and to issue bonds or notes of the Town: or take any other action relative thereto.

(Requires a 2/3 majority vote)

ARTICLE 6: TOWN TREASURER POSITION

To see if the Town will vote to raise and appropriate, transfer from available funds including free cash, stabilization, borrow or otherwise provide the sum of \$17,800 to fund the position of Town Treasurer for the remainder of the Fiscal Year (FY23); or take any other action relative thereto.

ARTICLE 7: CHANGE OF AGREEMENT BETWEEN ORANGE FIRE DEPARTMENT AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, AFL-CIO, CLC, LOCAL 4569

To see if the Town will vote to accept the memorandum of agreement between the Town of Orange and the International Association of Firefighters, AFL-CIO, CLC, Local 4569, adopting a new wage scale effective Dec. 9, 2022, and for the remainder of FY23 and FY24; or take any other action relative thereto.

ARTICLE 8: MEMORANDUM OF AGREEMENT BETWEEN THE TOWN OF ORANGE AND SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 888

To see if the Town will vote to accept the memorandum of agreement between the Town of Orange and the Service Employees International Union Local 888, adopting a new wage scale effective December 9, 2022, and for the remainder of the FY23 and FY24; or take any other action relative thereto.

ARTICLE 9: ESTABLISHMENT OF SEALER OF WEIGHTS AND MEASURES EXPENSE LINE

To see if the Town will vote to raise and appropriate, transfer from available funds, including free cash, stabilization, borrow or otherwise provide the sum of \$15,000 to establish a Sealer of Weights and Measures expense line for the purchase of weights and the salary of personnel; or take any other action relative thereto.

ARTICLE 10: PINEDALE BRIDGE RECONSTRUCTION PROJECT

To see if the Town will vote to raise and appropriate, transfer from available funds including stabilization or otherwise provide the sum of \$40,000 for Owner Project Management oversight on the Pinedale Bridge Reconstruction project; or take any other action relative thereto.

(Requires a 2/3 majority vote)

ARTICLE 11: SALE OF LAND AT RANDALL POND INDUSTRIAL PARK

To see if the Town will vote to authorize the Select Board to convey for Fair Market Value, in accordance with the law, a parcel of land owned by the Town, being a portion of the lot, owned by the Town located on Quabbin Boulevard, Lot 1A in the Randall Pond Industrial Park, more particularly described in a deed to the Town of Orange, dated January 21, 2001 and recorded in the Franklin County Registry of Deeds, Book 3949, Page 265, with a repair and maintenance plan for the catch basin restriction to be placed thereon, or take any other action relative thereto.

(Requires a 2/3 majority vote)

ARTICLE 12: ACCEPTANCE OF LAND ON GOVERNOR DUKAKIS DRIVE

To see if the Town will vote to authorize the Select Board to accept a gift of land of a portion of lots on Governor Dukakis Drive in the Orange Industrial Park, creating a building lot, in accordance with the law, for the purpose of erection of a water tower or take any other action relative thereto.

ARTICLE 13: ZONING MORATORIUM

To see if the Town will vote to amend the Town of Orange Zoning Bylaw by adding a new Section 7800, "TEMPORARARY MORATORIUM ON STAND-ALONE LARGE-SCALE BATTERY ENERGY STORAGE SYSTEMS", that would provide as follows, and further to amend the Table of Contents to add Section 7800, Temporary Moratorium on Stand-alone Large-scale Battery Energy Storage Systems; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format for the Code of Orange.

7800 Temporary Moratorium on Large-scale Battery Energy Storage Systems
7810 - Purpose
The Town of Orange recently has been the target of interest for the construction of stand-alone large--scale battery storage facilities. The regulation of stand-alone large-scale battery storage facilities raises complex legal, planning, and public safety issues, and the Town needs time to study and consider their regulation and address these issues.

The Town intends to adopt a temporary zoning moratorium on the use of land and structures in the Town for stand-alone large-scale battery storage facilities so as to allow the Town to address

the effects of such structures and uses in the Town, and to enact bylaws in a manner consistent with sound land use planning goals and objectives. During the moratorium, the Town will undertake a planning process to evaluate the impacts of stand-alone large--scale battery storage facilities on the health, safety and welfare of Town residents, in particular, the potential impact of these facilities on the Town's drinking water supply, and to consider appropriate amendments to its Zoning Bylaw to address said impacts, in accordance with state and federal law.

7820 - Definition

“Large-scale battery energy storage system” shall mean a series of containers or cabinets containing batteries and related equipment designed to store electrical energy for periodic resale to the wholesale energy market and/or other customers on the electrical grid. This includes all accessory equipment necessary for energy storage, including, but not limited to, inverters, transformers, cooling equipment, switching gear, metering equipment, transmission tie-lines, other power interconnection facilities and/or a project substation. Only systems with a capacity of 5MW/10MWh or greater will be included in this definition.

7830 - Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaws to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for stand-alone large-scale battery storage facilities in Town. The moratorium shall be in effect through December 31, 2023, or the date on which the Town adopts amendments to the Zoning Bylaw regulating stand-alone large-scale battery storage facilities, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to study, review, analyze and address what revisions to the Zoning Bylaw relative to stand-alone large--scale battery storage facilities are needed or desirable to allow for and regulate such use consistent with protecting the Town's natural resources and furthering its planning goals. or, take any action relative thereto.

(Requires a 2/3 majority vote)

ARTICLE 14: ZONING RECODIFICATION

To see if the Town will vote to amend the Zoning Bylaw Chapter 205 Section I through Section VI by adopting the Recodification of the existing Zoning Bylaws as shown in a 53-page document entitled “Town of Orange Zoning Bylaw,” on file in the Town Clerk's Office, the Community Development Department, and the Town of Orange Website at: <https://www.townoforange.org/planning-board>.

The purpose of the recodification is to make the Bylaw easier for users to navigate, simplify and update its language, and provide a better structure for predictability and flexibility in both the interests of current use and future adaptability, by:

- Reorganizing, repositioning, and renumbering portions of the Zoning Bylaw to enhance accessibility and adaptability;
- Rewriting provisions for existing nonconforming uses, structures, and lots to clarify applicability and the Town's legal powers in regard to nonconformities;
- Adding clear Site Plan Review standards to aid the Planning Board in the review process;
- Renaming and adding descriptions for each zoning district;

- Fixing an error where multifamily housing had erroneously been designated as “SP” in the CARD rather than “Y”;
- Editing sentence structure and word choice throughout, for clarity;
- Providing consistency with present State law;
- Eliminating redundant or unnecessary provisions; making amendments such as correcting spelling and typographical errors, and eliminating or updating outdated statutory references, and;
- Removing administrative procedures (such as plan submission procedures) that would be better suited to the Planning Board’s Rules and Regulations document.
- Streamlined and clarified the Use Regulation Schedule by rewording some entries and consolidating others.

And taking the following actions:

1. Deleting in their entirety the following provisions and all their subparts of the existing Zoning Bylaw:

Section I Purpose
 Section II Use and Dimensional Regulations Section III General Regulations
 Section IV Special Regulations Section V Administration Section VI Definitions

2. Substituting the following provisions and their subparts in the zoning article on file in the office of the Town Clerk and Community Development Department:

Section 1 Purpose and Authority Section 2 Definitions
 Section 3 Administration
 Section 4 Establishment of Districts Section 5 Use and Dimensional Regulations Section 6
 General Regulations
 Section 7 Special Regulations

Or do or take any other action relative thereto. On behalf of the Planning Board.
 (Requires a 2/3 majority vote)

ARTICLE 15: OUTDOOR MARIJUANA USE TABLE UPDATE

To see if the Town will vote to amend the Town of Orange Zoning Bylaw Use Regulation Schedule, Section 2234, to add a new use: outdoor marijuana cultivation, with proposed amendments being shown more particularly on a text placed on file with the Town Clerk, or to take any action relative thereto.

Rationale: Proposed insertion is to further support clarity for the presence of outdoor marijuana cultivation in town.

DISTRICT	A(c)	A(r)	B	C	D	CARD
<u>5134 Business Uses</u>						
Outdoor Marijuana Cultivation*	N	N	SP	N	SP	N

*Outdoor Cultivation means the cultivation of cannabis, outside of a structure, without the use of artificial lighting in the canopy area at any point in time. Cultivation within a hoop structure is considered outdoor cultivation. No artificial lighting is permissible for outdoor cultivation, including within hoop structures.

Hoop Structure means a single story, unoccupied building which is used exclusively for the growing and storage of food, herbs, ornamental crops or cannabis. Such a building must be open on one or more sides, be readily removable, be constructed of flexible material and have a cloth or plastic type membrane covering the frame; or take any other action relative thereto.

On behalf of the Planning Board.

(Requires 2/3 majority vote)

ARTICLE 16: AMMENDMENT OF OFFICIAL ZONING MAP

To see if the Town will vote to amend the map titled “Official Zoning Map of Orange, Massachusetts” dated 2010 by replacing it with the map entitled “Town of Orange Zoning Map”, dated 2021, on file in the Town Clerk’s Office, the Community Development Department, and the Town of Orange Website at: <https://www.townoforange.org/planning-board>; or do or take any other action relative thereto.

On behalf of the Planning Board.

(Requires a 2/3 majority vote)

ARTICLE 17: TRANSFER FROM SEWER I/I REMEDIATION ACCOUNT

To see if the Town will vote to transfer \$135,600.00 from the Sewer I/I Remediation account 220-000-3590-7534 to pay for expenditures of the costs of sewer replacement project on Blodgett Street; or take any action relative thereto.

ARTICLE 18: TRANSFER FROM TRANSFER STATION WINDOW STICKER REVENUE

To see if the Town will vote to transfer and appropriate the sum of \$5,000.00 from the Transfer Station Window Sticker Account to the Landfill Monitoring/Maintenance Account in accordance With M.G.L.c.44 s28C (f) to pay for expenditures of the cost of monitoring and maintenance of inactive landfill; or take any other action relative there to.

ARTICLE 19: ACQUIRE TEMPORARY EASEMENT FOR TULLY ROAD BRIDGE REPAIR

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift, eminent domain or otherwise for a sum of up to the fair market value, a temporary utility easement for the public purpose of erecting a temporary utility pole and utility lines on the property during the Pinedale Avenue over the Tully River Bridge project, to enter upon the land, erect a temporary utility pole, install utility lines, maintain and repair said lines on and over the land of Gerard M. and Alice J. LaMontagne, Assessors Map 221, Lot 116, Franklin County Registry of Deeds, Book 2123, Page 235, said temporary easement more particularly described on a Plan entitled “Temporary Utility Easement Plan, Tully Road, Orange, MA, dated 10/12/2022, prepared by Bayside Engineering, or take any other action relative thereto.

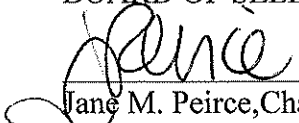
(Requires 2/3 majority vote)

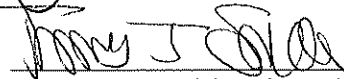
And you are directed to serve this Warrant by posting up attested copies thereof at the Post Office in Orange and Library in North Orange, fourteen days at least before the time of holding such election and by publishing attested copies thereof, in the local newspapers, in said Town, once at least before the time of holding said meeting.

Hereof fail not, and make due return of this Warrant with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid

Given under our hand this 16th day of November in the year of our Lord two thousand and twenty-two.


BOARD OF SELECTMEN


Jane M. Peirce, Chair


Thomas J. Smith, Vice-Chair

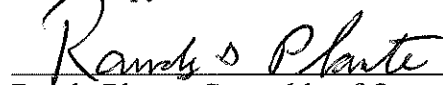
Patricia A. Lussier, Clerk

Richard P. Sheridan, Member

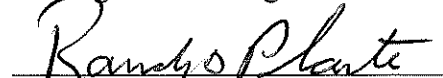

Andrew J. Smith, Member

Selectman, Town of Orange

A true copy. ATTEST:


Randy Plante, Constable of Orange
FRANKLIN,SS.

Pursuant to the within Warrant, I have notified and warned the inhabitants of the Town of Orange, by posting up attested copies of the same at the Post Office in Orange and the Library in North Orange fourteen days at least before the time of holding said meeting and by publishing attested copies thereof in the local newspapers, in said Town, once at least before the time of holding said meeting as within directed.


Randy Plante, Constable of Orange

11-17-22
Date