

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

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August 31, 2018

Naida Parker, Town Clerk
Town of Rochester
One Constitution Way
Rochester, MA 02770

**Re: Rochester Annual Town Meeting of May 21, 2018 -- Case # 9007
Warrant Articles # 25, 26 and 27 (Zoning)**

Dear Ms. Parker:

Articles 26 and 27 - We approve Articles 26 and 27 from the May 21, 2018 Rochester Annual Town Meeting.

Article 25 - Pursuant to the provisions of Chapter 299 of the Acts of 2000, the Attorney General's deadline for decision on Article 25 has been extended to November 3, 2018. The signed extension agreement is filed with this decision.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Margaret J. Hurley

by: Margaret J. Hurley, Assistant Attorney General
Chief, Central Massachusetts Division
Director, Municipal Law Unit
Ten Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 x 4402

cc: Town Counsel Blair Bailey

TOWN OF ROCHESTER
ANNUAL TOWN MEETING
MAY 21, 2018

ARTICLE 26: ZONING BY-LAWS, SECTION XXI, LARGE-SCALE SOLAR PHOTOVOLTAIC INSTALLATIONS

To see if the town will vote to amend the Town of Rochester Zoning By-Laws, Section XXI, Large Scale Solar Photovoltaic Installations, as follows

Renumber the Section Heading:

Delete: "SECTION XXI LARGE-SCALE SOLAR PHOTOVOLTAIC INSTALLATIONS"

Insert: "SECTION XXII: LARGE SCALE SOLAR PHOTOVOLTAIC INSTALLATIONS"

Subsection 1.2. Applicability

Delete: "250 kW or greater" at the end of the first sentence.

Insert: "200 kW or greater" at the end of the first sentence.

Insert the Following:

"Within the Agricultural Residential District, Large-Scale ground mounted solar installations are not permitted within 300 feet of a way (as defined in G,L. Ch. 90, Section 1), unless existing topographic features of the landscape preclude observation of the entire solar installation from any portion of the way. Side and rear setbacks shall be 100 feet."

Or take any other action relative thereto.

Arnold Johnson moved, and it was duly seconded, that the Town vote to amend the Town of Rochester Zoning Bylaws Section XXI, Large Scale Solar Photovoltaic Installations, as follows

Renumber the Section Heading:

Delete: "SECTION XXI LARGE-SCALE SOLAR PHOTOVOLTAIC INSTALLATIONS"

Insert: "SECTION XXII: LARGE SCALE SOLAR PHOTOVOLTAIC INSTALLATIONS"

Subsection 1.2. Applicability

Delete: "250 kW or greater" at the end of the first sentence.

Insert: "200 kW or greater" at the end of the first sentence.

Insert the Following:

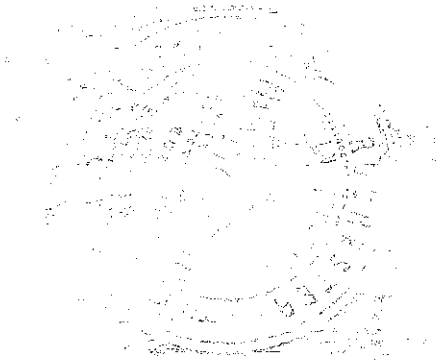
"Within the Agricultural Residential District, Large-Scale ground mounted solar installations are not permitted within 300 feet of a way (as defined in G,L. Ch. 90, Section 1), unless existing topographic features of the landscape preclude observation of the entire solar installation from any portion of the way. Side and rear setbacks shall be 100 feet."

Passed by 2/3 vote 2 opposed

A TRUE COPY ATTEST:

Naida L Parker

NAIDA PARKER, TOWN CLERK



ARTICLE 27: ZONING BY-LAWS, SECTION XVI, SITE PLAN REVIEW AND APPROVAL

To see if the town will vote to amend the Town of Rochester Zoning By-Laws, Section XVI, Site Plan Review and Approval, as follows

Section XVI: 1.9. Procedures and Decision

Delete:

Section 2. Uses Available by Special Permit

Insert the Following:

“Section 2. Uses Available by Special Permit

A Site Plan for a use available by special permit shall be reviewed by the Planning Board so as to provide notification of the decision thereupon to the applicant within sixty (60) days of its receipt. Such period may be extended upon the written request of the applicant. The decision of the Planning Board shall be upon a majority of those present and shall be in writing. No building permit shall be issued by the Building Commissioner and no use of a property permitted under a Special Permit shall commence prior to the receipt of: (1) a special permit from the special permit granting authority; and (2) the written approval of the site plan by the Planning Board, or unless sixty (60) days lapse from the date of the submittal of the site plan without action by the Planning Board.”

Or take any other action relative thereto.

Arnold Johnson moved and it was duly seconded, that the Town vote to amend the Town of Rochester Zoning Bylaws Section XVI, Site Plan Review and Approval, as follows

Section XVI: 1.9. Procedures and Decision

Delete:

Section 2. Uses Available by Special Permit

Insert the Following:

“Section 2. Uses Available by Special Permit

A Site Plan for a use available by special permit shall be reviewed by the Planning Board so as to provide notification of the decision thereupon to the applicant within sixty (60) days of its receipt. Such period may be extended upon the written request of the applicant. The decision of the Planning Board shall be upon a majority of those present and shall be in writing. No building

permit shall be issued by the Building Commissioner and no use of a property permitted under a Special Permit shall commence prior to the receipt of: (1) a special permit from the special permit granting authority; and (2) the written approval of the site plan by the Planning Board, or unless sixty (60) days lapse from the date of the submittal of the site plan without action by the Planning Board.”

Passed by Unanimous vote

Upon a motion duly made and seconded, it was unanimously voted to adjourn town meeting at 8:41 pm

A true copy attest:

A handwritten signature in cursive script that reads "Naida Parker".

**Naida Parker
Town Clerk**