



**SPECIAL TOWN MEETING WARRANT
COMMONWEALTH OF MASSACHUSETTS
November 19, 2018**

Plymouth, ss.

To the Constable(s) of the Town of Rochester in the County of Plymouth,
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 in elections and in Town affairs to meet at the Rochester Memorial School, 16 Pine Street in said Town on Monday, the 19th of November 2018 at seven p.m. (7:00 p.m.) in the evening to act on the following articles:

ARTICLE 1: CODIFICATION – BY-LAWS RENUMBERING/ORGANIZATION

To see if the Town will vote to amend the Rochester Zoning By-laws by re-numbering the headings sections thereof and amend certain non-zoning by-law sections listed below as follows, with the subsequent sections thereunder re-numbered accordingly:

Chapters:

- 18.00 Administration
 - 18.10 Board of Appeals
 - 18.20 Building Regulations
 - 18.21 Building Permits, Repairs, Fees
 - 18.22 Expiration of Building Permits
 - 18.23 Complaints
 - 18.24 Enforcement
- 19.00 General Zoning
 - 19.10 Purpose
 - 19.20 General Zoning Requirements
 - 19.30 Definitions
 - 19.40 Nonconforming Uses
 - 19.50 Orderly Development
 - 19.60 Temporary Moratorium Marijuana Retail Sale
- 20.00 Zoning Districts
 - 20.10 Industrial District
 - 20.20 General Commercial District
 - 20.30 Limited Commercial District
 - 20.40 Agricultural-Residential District
- 21.00 Zoning Overlay Districts
 - 21.10 Flood Plain District
 - 21.20 Sippican River Protection
 - 21.30 Groundwater Protection
- 22.00 Special Zoning
 - 22.10 Site Plan Review

- 22.20 Special Residential Development
- 22.30 Personal Wireless Service Facilities
- 22.40 Flexible Development
- 22.50 Large Scale Photovoltaic Installations
- 22.60 Signs
- 23.00 Non-Zoning Land Use By-Laws/Regulations
 - 23.10 Historic District
 - 23.20 Earth Removal
 - 23.30 Wetlands
 - 23.40 Right to Farm

ARTICLE 2: GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS OVERLAY DISTRICT

To see if the Town will vote to amend the Zoning Bylaw by adding a new Section 21.40, Ground Mounted Solar Photovoltaic Installations Overlay District, as set forth below or take any other action related thereto.

Section 21.40: Ground-Mounted Solar Photovoltaic Installations Overlay District

21.40.1 Purpose and Intent

21.40.1.1 The purpose of this Section 21.40: Ground-Mounted Solar Photovoltaic Installations Overlay District ("GMSP Overlay District") is to: create a zoning overlay district that allows the installation, operation, maintenance and decommissioning of Ground-Mounted Solar Photovoltaic (GMSP) Arrays as a permitted use in such district; to provide standards for the placement, design, construction, operation, monitoring, modification, maintenance and decommissioning of such installations; to establish the process and procedures for review and approval of an installation to address public safety, minimize impacts on scenic, natural and historic resources; and provide adequate financial assurance for the installation, operation, maintenance and decommissioning of GMSP installations.

21.40.1.2 All GMSP development in the GMSP Overlay District shall be per "As of Right Siting"

21.40.1.3 The requirements set forth in this Section 21.40 shall establish the set of standards that apply to the construction, operation, maintenance, and decommissioning of GMSP Installations in the GMSP Overlay District and the process and procedures for Site Plan review and approval of an application

for a GMSP Installation.

21.40.1.4 If an applicant does not receive GMSP Installation Site Plan Review approval or such approval lapses, then all requirements of the underlying district shall apply to the land and this alternative set of standards for the construction, operation, and/or repair of GMSP Installations shall not apply.

21.40.1.5 The Planning Board is the Site Plan Review Authority (SPRA) for all applications for GMSP Installations in the GMSP Overlay District defined in this article of the Bylaws.

21.40.1.6 An application for a GMSP Installation shall follow all Planning Board processes and procedures for review and approval of Large-Scale Solar Photovoltaic Installations by The Town of Rochester under Zoning Bylaws Section 22.50, with the exception of the requirements of Section 22.50 1.2, 1.4, and 1.14, unless either listed as an exception or modified by this article. With the exclusion of the reference to "Special Permit Approval", an application shall comply with the requirements paragraph 1.6 of Section 22.50.

21.40.2 Applicability

21.40.2.1 Section 21.40 shall apply to proposal(s) for Site Plan Review and approval of GMSP Installations and construction of approved GMSP installations in the GMSP Overlay District after the effective date of this Section 21.40. This Section 21.40 shall also apply to physical modifications that materially alter the type, configuration, or size of these installations or related equipment over the operational life of the installation.

21.40.2.2 Location of GMSP Overlay District: The GMSP Overlay District shall be comprised of Town Assessors Map 21, Lots 5A and 5B, and the land identified as 0 High Street. The GMSP Overlay District is shown on a map entitled "Town of Rochester," which map is hereby incorporated by reference in and made part of this Zoning Bylaw.

21.40.2.1 Areas for additional GMSP Overlay Districts may be added from time to time by vote at Town Meeting to amend this Bylaw article.

21.40.3 Definitions

21.40.3.1 As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval apart from Site Plan Review. As-of-Right development shall be subject

to Solar Photovoltaic Installations Site Plan Review.

21.40.3.2 Ground-Mounted Solar Photovoltaic (GMSP) Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC and a minimum area of one acre.

21.40.3.3 Site Plan Review Authority (SPRA): The Rochester Planning Board is the SPRA for GMSP Installations.

21.40.3.4 Solar Photovoltaic Installation Site Plan Review: A review and approval by the Site Plan Review Authority ("SPRA") to determine conformance with the Town's Zoning Bylaw Section 22.50, with the exceptions noted above

21.40.3.5 Nameplate Capacity: The maximum rated output of the electric power production of the photovoltaic system in Direct Current (DC).

21.40.4 Compliance with Laws, Bylaws and Regulations

21.40.4.1 The construction, installation operation, maintenance, decommissioning and interconnection with an electricity distribution utility of GMSP Installations shall comply with all applicable local, state and federal requirements, including but not limited to all applicable electrical, construction, noise, safety, environmental and communications requirements. No GMSP Installation shall be constructed, installed or modified without first obtaining a building permit.

21.40.4.2 Solar Photovoltaic Installation Site Plan Review: Prior to obtaining a building permit, construction, installation or modification, GMSP Installations shall undergo Solar Photovoltaic Installation Site Plan Review by the SPRA pursuant to Section 22.50 Large-Scale Solar Photovoltaic Installations, with the exception of those changes as described within this Section 21.40.

21.40.4.3 In accordance with Section 22(c) of the Massachusetts Green Communities Act, Solar Photovoltaic Installation Site Plan Review shall be expedited and no decision shall be rendered more than one (1) year after the date of filing of a complete application, as determined by the SPRA.

21.40.5 Application and Plan Requirements

21.40.5.1 Subject to submittal requirements detailed in

Section 22.50, a completed application for Solar Photovoltaic Installation Site Plan Review shall be filed with the SPRA. Along with receipt of an application, the SPRA may engage, at the applicant's cost, professional and technical consultants, including legal counsel, to assist the SPRA with its review of the application, in accordance with the requirements of G.L. c.44, §530. The SPRA may direct the applicant to deposit funds with the SPRA for such review at the time the application is determined to be complete, and may direct the applicant to add additional funds as needed upon notice. Failure to comply with this section shall be valid grounds for denying the application. Upon approval of the application, any excess amount attributable to the application processing by the SPRA, including any interest accrued, shall be refunded to the applicant.

21.40.5.2 Site Plan Review

The applicant shall follow the policies and procedures as defined by Section 22.50 of these Zoning Bylaws as may be modified by this Section 21.40.

ARTICLE 3: RENEWABLE OR ALTERNATIVE ENERGY RESEARCH AND DEVELOPMENT FACILITIES, OR MANUFACTURING FACILITIES OVERLAY DISTRICT

To see if the Town will vote to amend the Zoning Bylaw by adding a new Section 21.50, Renewable or Alternative Energy Research and Development Facilities and/or Manufacturing Facilities Overlay District, as set forth below or take any other action related thereto.

Section 21.50: Renewable or Alternative Energy Research and Development Facilities and/or Manufacturing Facilities Overlay District (RDMOD)

21.50.1 Purpose and Intent

21.50.1.1 The purpose of this Section 21.50, RDMOD, is to create a zoning overlay district that allows certain permitted uses involving renewable and alternative energy, to provide standards for the placement, design, construction, operation, monitoring, modification, and maintenance of such installations, to establish the process and procedures for review and approval of an installation, to address public safety, minimize impacts on scenic, natural and historic resources, and provide adequate financial assurance for the installation, operation, and maintenance of all Renewable or Alternative Energy Research and Development Facilities, or Manufacturing Facilities.

21.50.1.2 All development in the RRDMOD shall be per “As of Right Siting”.

21.50.1.3 The requirements set forth in this Section 21.50 shall establish the set of standards that apply to the construction, operation, and maintenance of Renewable or Alternative Energy Research and Development Facilities, or Manufacturing Facilities in the RDMOD and the process and procedures for Site Plan review and approval of an application for such facilities in the RDMOD.

21.50.1.4 If an applicant does not receive Renewable or Alternative Energy Research and Development Facilities, or Manufacturing Facilities Site Plan Review approval or such approval lapses, then all requirements of the underlying district shall apply to the land and this alternative set of standards for the construction, operation, and maintenance Renewable or Alternative Energy Research and Development Facilities, or Manufacturing Facilities of GMSP Installations shall not apply.

21.50.1.5 The Planning Board is the Site Plan Review Authority (SPRA) for all applications for Facilities in the RDMOD defined in this article of the Bylaws.

21.50.1.6 An application for Renewable or Alternative Energy Research and Development Facilities, or Manufacturing Facilities shall follow all Planning Board processes and procedures for a Site Plan Review as defined by The Town of Rochester Bylaws Section 22.10 Site Plan Review, unless either listed as an exception or modified by this article.

21.50.2 Applicability

21.50.2.1 Section 21.50 shall apply to proposal(s) for Site Plan Review and approval of Renewable or Alternative Energy Research and Development Facilities, or Manufacturing Facilities in the RRDMOD, after the effective date of this Section 21.50.

21.50.2.2 Location of RDMOD: The RDMOD shall be comprised of The Town of Rochester Industrial Zone in its entirety. The RDMOD is shown on a map entitled "Town of Rochester, Zoning Map", which map is hereby incorporated by reference in and made part of this Zoning Bylaw.

21.50.3 Definitions

21.50.3.1 As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval from Site Plan Review.

21.50.3.2 Site Plan Review Authority (SPRA): The Rochester Planning Board is the SPRA for Renewable or Alternative Energy Research and Development Facilities, or Manufacturing Facilities.

21.50.3.3 Renewable or Alternative Energy Research and Development Facilities, or Manufacturing Facilities Site Plan Review: A review and approval by the Site Plan Review Authority ("SPRA") to determine conformance with the Town's Zoning Bylaw.

21.50.3.4 Research and Development Facilities: Facilities used primarily for research, development, and/or testing of innovative information, concepts, methods, processes, materials or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical

components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses.

21.50.3.5 Manufacturing facilities: Those used primarily for heavy or light industry or the manufacture or assembly of a product including processing, blending, fabrication, assembly, treatment and packaging.

21.50.4 Compliance with Laws, Bylaws and Regulations

21.50.4.1 Renewable or Alternative Energy Research and Development Facilities, or Manufacturing Facilities Site Plan Review: Prior to obtaining a building permit, construction, installation or modification of Renewable or Alternative Energy Research and Development Facilities, or Manufacturing Facilities Installations shall undergo Site Plan Review by the SPRA pursuant to Section 22.10 of The Town of Rochester Bylaws, with the exception of those changes as described within this Section 21.50.

21.50.4.2 In accordance with Section 22(c) of the Massachusetts Green Communities Act, Renewable or Alternative Energy Research and Development Facilities, or Manufacturing Facilities Site Plan Review shall be expedited and no decision shall be rendered more than one (1) year after the date of filing of a complete application, as determined by the SPRA.

21.50.5 Application and Plan Requirements

21.50.5.1 Subject to submittal requirements detailed in the Planning Board's "Site Plan Review Application," a completed application for Renewable or Alternative Energy Research and Development Facilities, or Manufacturing Facilities Site Plan Review shall be filed with the SPRA. Along with receipt of an application, the SPRA may engage, at the applicant's cost, professional and technical consultants, including legal counsel, to assist the SPRA with its review of the application, in accordance with the requirements of G.L. c.44, §530. The SPRA may direct the applicant to deposit funds with the SPRA for such review at the time the application is determined to be complete, and may direct the applicant to add additional funds as needed upon notice. Failure to comply with this section shall be valid grounds for denying the application. Upon approval of the application, any excess amount attributable to the

application processing by the SPRA, including any interest accrued, shall be refunded to the applicant.

21.50.5.2 Site Plan Review

The applicant shall follow the Site Plan Review policies and procedures as defined by Section 22.10 of these Zoning Bylaws and the Site Plan Review Application, except as may be modified by this Section 21.50.

21.50.6 Allowed Renewable or Alternative Energy Activities in the RDMOD:

21.50.6.1 Renewable Energy

1. Solar-photovoltaic (PV) and thermal
2. Biomass power conversion or thermal technologies, including R&D related to, or the manufacture of wood pellets
3. Ultra-low emissions high efficiency wood pellet boilers and furnaces
4. Low impact Hydro-electric and kinetic
5. Ocean thermal, wave or tidal
6. Geothermal
7. Landfill gas
8. Fuel Cells that use Renewable Energy
9. Advanced biofuels

Alternative Energy

1. Combined Heat and Power
2. Electric and Hydrogen powered vehicles and associated technologies, including advanced batteries and recharging stations

ARTICLE 4: STRETCH ENERGY CODE GENERAL BY LAW

To see if the Town will vote to enact a Chapter of the Town of Rochester General Bylaws, entitled "Stretch Energy Code", for the purpose of regulating the design and construction of buildings for the effective use of energy, and adopt 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 July 1, 2019, as follows:

1. 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 the 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 the Massachusetts Building Code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of building built to this code.

2. 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. 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. 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 Rochester General Bylaws.

The Stretch Code is enforceable by the inspector of buildings or building commissioner and effective as of July 1, 2019, or take any other action relative thereto.

ARTICLE 5: ZONING BY-LAWS MULTI-FAMILY AMENDMENT

To see if the Town will vote to amend the Rochester Zoning By-laws as follows:

Delete paragraph 20.40.D.9. (a) and replace with new paragraph 20.40.D.9 (a) as follows:

Conversions of any dwelling that is not Permitted under (Section 20.40.C.16) that increases the number of dwelling units provided the dwelling has been occupied at least 7 years prior to the

application. Any increase in the structure floor area to accommodate additional dwelling units is not to exceed thirty percent (30%). Minimum lot size must be 87,120 Sq. Ft and the minimum Lot Frontage must be 225 linear contiguous feet. At least one dwelling unit shall remain owner occupied.

Delete section 20.40.D.9 paragraphs (b) through (g)

Replace with the following new section 20.40.C.16

20.40.C.16 Multifamily Dwellings

New construction and conversions of multifamily dwellings are permitted with the following conditions:

- a) Not more than one multifamily dwelling shall be constructed on a lot.
- b) All parking will be on site and no closer than 40 feet from any property line.
- c) At least one unit must be owner occupied.
- d) Multifamily dwellings shall not have more than 4 (four) dwelling units.
- e) One structure consisting of a two-family dwelling unit is permitted with the following conditions:
 - 1) Minimum lot size is 105,000 (one hundred five thousand) square feet.
 - 2) Minimum frontage on a public way of 300 (three hundred) feet measured at a 40 (forty) foot set-back line.
 - 3) Minimum side lot setbacks is fifty (50) feet.
 - 4) Minimum contiguous upland (non-wetlands) is 50,000 (fifty thousand) square feet within the Structure Placement Area.
 - 5) Structure is to be placed on the largest contiguous upland on the lot.
- f) One structure consisting of a three-family dwelling unit is permitted with the following conditions:
 - 1) Minimum lot size is 145,000 (one hundred forty five thousand) square feet.
 - 2) Minimum frontage on a public way of 370 (three hundred seventy) feet measured at a 40 (forty) foot set-back line.
 - 3) Minimum side lot setbacks is sixty (60) feet
 - 4) Minimum contiguous upland (non-wetlands) is 70,000 (seventy thousand) square feet within the Structure Placement Area.
 - 5) Structure is to be placed on the largest contiguous upland on the lot.
- g) One structure consisting of a four-family dwelling unit is permitted by right with the following conditions:
 - 1) Minimum lot size is 185,000 (one hundred eight five thousand) square feet.
 - 2) Minimum frontage on a public way of 450 (four hundred fifty) feet measured at a 40 (forty) foot set-back line.
 - 3) Minimum side lot setbacks is 70 (seventy) feet.
 - 4) Minimum contiguous upland (non-wetlands) is 90,000 (ninety thousand) square feet within the Structure Placement Area.
 - 5) Structure is to be placed on the largest contiguous upland on the lot.

ARTICLE 6: ACCESSORY STRUCTURE DIMENSIONAL TABLE

To see if the Town will vote to amend the Rochester Zoning By-laws as follows:

Delete the Table of Accessory Structure Dimensional Regulations in Section 20.4.C.2

Insert the following “Table of Accessory Structure Dimensional Regulations:

Type of accessory structure	floor area	Min. Front setback	Min. Side setback	Min. Rear setback	Min. Distance between structures
1. Major farm structure	no limit	100 ft	100 ft	100 ft	10 ft
2. Intermediate farm structure	800 sf *	60 ft	60 ft	60 ft	10 ft
3. Minor farm structure	675 sf *	40 ft	40 ft	40 ft	10 ft
4. Roadside farm stand	80 sf *	15 ft	10 ft	10 ft	10 ft
5. Accessory structure >150 sf	1,000 sf **	40 ft	40 ft	40 ft	10 ft
6. Accessory structure ≤ 150 sf *** (in rear yard only)	150 sf *	not allowed	10 ft	10 ft	10 ft
7. Garage	1,000 sf **	40 ft	40 ft	40 ft	10 ft
8. Guest house	300 sf *	40 ft	40 ft	40 ft	10 ft
9. Swimming pools	Not applicable	40 ft	40 ft	40 ft	10 ft
* Total gross floor area (TGFA)		includes all horizontal roof projections and all floors			
** Ground floor area (GFA)		includes all horizontal roof projections. No multiple stories or floors			
*** Not to be used for animals		no more than two structures per lot			

No accessory structure other than roadside stand shall be located within the front yard area or meet the minimum set back requirement, whichever is greater

[Changes to prior section are noted in Red.]

ARTICLE 7: ZONING BY-LAWS TEMPORARY STORAGE UNITS

To see if the Town will vote to amend the Rochester Zoning By-laws as follows:

Insert the following Definition into Section 19.3:

“Temporary Storage Unit: Any structure that does not require a foundation to include, but not limited cargo containers, tents, hoop and cloth enclosures, trash containers, recycling containers.”

Insert the following new section:

20.40.C.____: Temporary Storage Units are only allowed in the front yard area provided they comply with at least one of the following:

1. Units are used in conjunction with an active Building Permit for construction or renovation on the property where they are located.
2. Town sanctioned trash and recycling containers.
3. Farm stands as defined in Section 19.3 Definitions.
4. Short term use not to exceed seven (7) consecutive calendar days, not to exceed three (3) occurrences per year

ARTICLE 8: ZONING BY-LAWS AGRICULTURAL/RESIDENTIAL DISTRICT

To see if the Town will vote to amend the Rochester Zoning By-laws as follows:

Insert new Section “A” and “B” at the beginning of Section 20.40

A. Guiding Principle

Preserve the rural nature of Rochester while maintaining residential growth and value in a manner that is consistent with the Town’s Master Plan and the Right to Farm By-law.

B. Specific Objectives

1. Encourage and protect the agricultural interests.
2. Maintain residential housing growth consistent with a rural environment.
3. Accommodate in-home family businesses.
4. Allow diverse options that can promote open space.

5. Protect wildlife habitats.

Amend the remainder of Section 20.40, starting with the former paragraph “A”, assign new letters to the paragraphs sequentially starting with “C. Location”

ARTICLE 9: GENERAL BY-LAW AMENDMENT

To see if the Town will vote to amend General Regulation Section XI H. Boats by inserting the following: “A temporary waiver may be issued to allow use of combustion engine boats for scientific or environmental purposes as approved by the Board of Selectmen provided appropriate safeguards are in place”.

ARTICLE 10: UPDATE AND FUTURE MAINTENANCE OF PROPERTY REVALUATION SOFTWARE AND HARDWARE

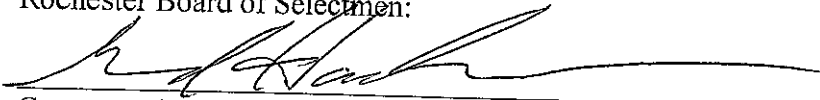
To see if the Town will vote to appropriate the sum of Eighteen Thousand Dollars (\$18,000) from available funds for the purpose of funding the update of VISION software, hardware, and/or storage services for the ongoing valuation of property in Rochester, or take any action relative thereto.

ARTICLE 11: GRANT WRITER/CONSULTANT

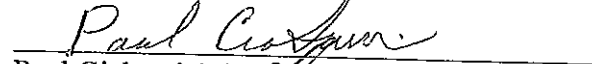
To see if the Town will vote to transfer Ten Thousand Dollars (\$10,000) from available funds for the purpose of obtaining the services of a grant writer/consultant to provide grant writing services to the Town, or take any other action in relation thereto.

Given under our hands **this 26th day of October 2018.**

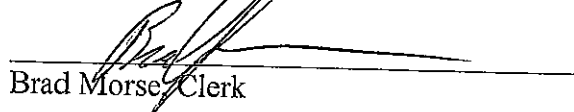
Rochester Board of Selectmen:



Greenwood Hartley III, Chairman



Paul Ciaburri, Vice Chairman



Brad Morse, Clerk

By virtue of this Warrant I have this day notified and warned the inhabitants of the Town of Rochester, qualified to vote in elections and Town affairs, to meet at Rochester Memorial School, 16 Pine Street, in said Town on Monday the **19th of November 2018** at the time and place for the purpose herein named by posting up attested copies thereon in the following places:

Rochester Post Office
Outside the Rochester Town Hall
Plumb Library
Council on Aging
Rochester Web Site

A true copy:

Attest



Constable

Oct 29, 2018