

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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September 10, 2018

Karen M. LaCroix, Town Clerk
Town of Charlton
37 Main Street
Charlton, MA 01507

**Re: Charlton Annual Town Meeting of May 21, 2018 -- Case # 9050
Warrant Articles # 27 and 28 (Zoning)
Warrant Article # 20 (General)**

Dear Ms. LaCroix:

Articles 20 and 28 - We approve Articles 20 and 28 from the Charlton Annual Town Meeting of May 21, 2018.

Article 27 - The Attorney General's deadline for a decision on Article 27 has been extended pursuant to the provisions of Chapter 299 of the Acts of 2000. The signed extension agreement with Town Counsel 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
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cc: Town Counsel James Cosgrove
Attorney Jonathan Silverstein

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VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held **May 21, 2018**, the following business was transacted under **Article 28**:

ARTICLE 28. PROPOSED MORATORIUM – NON-MUNICIPAL LARGE SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS – BOARD OF SELECTMEN ARTICLE

To see if the Town will vote to amend the Charlton Zoning By-laws by adding an additional Section 5.21 such Section to be entitled "Temporary Moratorium on the Construction of Large Scale Ground Mounted Solar Photovoltaic Installations" and to read as follows:

A. Purpose:

(1) Based on a March, 2018 Solar Farm Report prepared at the request of and presented to the Charlton Board of Selectmen by the Charlton Building Inspector, the Town of Charlton currently has 20 Large Scale Ground Mounted Solar Photovoltaic Energy Installations, plus an additional five in the permitting stage. Charlton alone has over 50MW of solar power either completed, approved or proposed.

(2) In December, 2014, the DOER released Model Zoning for the Regulation of Solar Energy Installations. The model zoning documents were prepared to assist Massachusetts cities and towns in establishing reasonable standards to facilitate and regulate development of solar energy installations. Charlton has yet to develop zoning specific requirements as to such Installations, as defined in Section 200-2.1, other than the requirement of site plan review in all zoning districts set forth in Section 200-3.2 Use Regulation B6(t), and the town has experienced exponential growth of solar arrays. Therefore, there is an immediate, identified need to protect the interests of the town and its citizens by establishing long-term zoning bylaw standards and provisions to ensure that such uses and development will be consistent with the Town's long-term planning interests and Master Plan. It is crucial that the Town act now to establish a temporary moratorium on the use of land and the construction of structures related to such Large Scale Ground Mounted Solar Photovoltaic Installations and the issuance of building permits in connection with same.

B. Temporary Moratorium:

(1) Notwithstanding any other provision in the Town of Charlton Zoning Bylaw to the contrary, no building permit may be issued for the construction of any Large Scale Ground-Mounted Solar Photovoltaic Installation until adjournment of the business portion of the May 2019 annual town meeting. The purpose of this moratorium is to allow sufficient time to engage in a planning process 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. To the maximum extent legally permissible the Planning Board shall not accept any further application for a Large Scale Solar Photovoltaic Energy System during the aforementioned moratorium period, and were it legally required to do so any facility proposed in such an application shall be governed by the provisions of the Charlton Zoning Bylaw as amended before the moratorium period (including any extensions of same, if any) expires.

(2) For purposes of this Bylaw 'Large Scale Solar Photovoltaic Energy System' shall be as defined in Section 200-2.1 of the Charlton Zoning Bylaws, namely, as '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.' If any provision of this bylaw amendment shall be deemed illegal or unenforceable, such provision shall not affect any other provision hereof, all of which shall remain in full force and effect." ;

and to further vote to authorize the Board of Selectmen to form an advisory committee to research and study the subject of Large Scale Ground Mounted Solar Photovoltaic Installations as such relate to or may affect the Town of Charlton and its citizens and during the moratorium period to provide pertinent information and input from the community and other interested parties to the Planning Board at its public hearings on any possible zoning bylaws relating to such Installations;

or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

Motion: I move that Article 28 be accepted as printed.

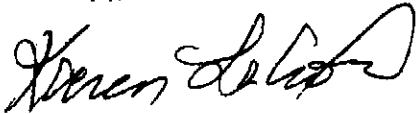
RECOMMENDATION OF THE BOARD OF SELECTMEN: BOS supports this motion.

RECOMMENDATION OF THE PLANNING BOARD: Planning Board approves this motion.

2/3rds Vote Needed.

Motion and second to change Section B, Subsection (one) by deleting "May 2019 annual town meeting" and replacing those words with the words "fall 2018 special town meeting". Motion defeated by Majority Voice Vote. Main Motion passes by necessary 2/3rds counted vote, YES 338, NO-63.

A True copy, Attest



Karen M. LaCroix

Town Clerk