

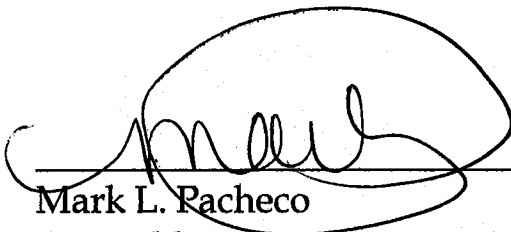
Town of Dighton



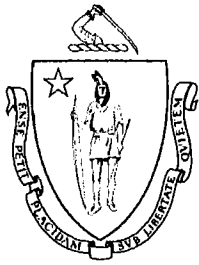
RETURN OF SERVICE

I have served Attorney General Letter and Bylaw approval/update
Per MGL 40 Section 42 and this packet has been posted at:

- Dighton Town Hall
- North Dighton Post Office
- Dighton Post Office
- Dighton Water District-Williams ST
- 207 Main Street

A handwritten signature in black ink, appearing to read "Mark L. Pacheco", is written over a horizontal line. The signature is stylized and cursive.

Mark L. Pacheco
Constable
March 07, 2023



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

February 17, 2023

Mark Pacheco, Town Clerk
Town of Dighton
979 Somerset Ave
Dighton, MA 02715

Re: Dighton Special Town Meeting of November 1, 2022 -- Case # 10791
Warrant Article # 22 (Zoning)
Warrant Article # 20 (General)

Dear Mr. Pacheco:

Article 20 – We approve Article 20 from the November 1, 2022 Dighton Special Town Meeting.

Article 22 - Under Article 22 the Town amended the zoning by-laws to add a new Section 4600, “Solar Electric Generating Facilities,” that regulates the installation of large and small-scale ground-mounted solar installations. We approve Article 22 except for the text in Section 4655 that prohibits the application of herbicides, that we disapprove because it is preempted by state law. Our comments regarding Article 22 are provided below.

I. Summary of Article 22

Under Article 22 the Town amended the zoning by-laws by deleting Section 4600 in its entirety and inserting a new Section 4600, “Solar Electric Generating Facilities.” In addition, the town amended Section VI, “Definitions,” to add new definitions for the terms: (1) energy storage; (2) large-scale ground-mounted solar electric installation; and (3) small-scale ground-mounted solar electric installation.

Large-scale and small-scale ground mounted solar electric installations (“solar installations”) are allowed as of right with site plan review in all zoning districts of the Town with two exceptions: (1) the use is prohibited in the open space/recreation district and (2) the use requires a special permit in the residential district. Section 4620. Solar installations mounted to a building are exempt from the by-law. Section 4620. In addition, accessory roof-mounted solar installations and solar installations on municipal property are allowed in all districts. Sections 4621 and 4622. Large-scale solar installations require a minimum lot size of eight (8) acres. Section 4630(a). Small-scale solar installations must comply with the required minimum lot size in the district where located, except that a small-scale solar installation that exceeds

50kW DC “shall not be located on a parcel of land which is less than two (2) acres.” Section 4631 (b). The by-law also imposes requirements on a solar installation including the submission of documents, design and site standards, decommissioning, and surety requirements. Sections 4640, 4650 and 4680.

Because the by-law amendments under Article 22 do not present a clear conflict with state law or the Constitution, we approve them. See Amherst v. Attorney General, 398 Mass. 793, 795-96 (1986) (requiring inconsistency with state law or the constitution for the Attorney General to disapprove a by-law.) However, the Town must apply the by-law consistent with the solar protections in G.L. c. 40A, § 3, as explained below.

II. Attorney General’s Standard of Review of Zoning By-laws

Our review of Article 22 is governed by G.L. c. 40, § 32. Pursuant to G.L. c. 40, § 32, the Attorney General has a “limited power of disapproval,” and “[i]t is fundamental that every presumption is to be made in favor of the validity of municipal by-laws.” Amherst, 398 Mass. at 795-96. The Attorney General does not review the policy arguments for or against the enactment. Id. at 798-99 (“Neither we nor the Attorney General may comment on the wisdom of the town’s by-law.”) Rather, to disapprove a by-law (or any portion thereof), the Attorney General must cite an inconsistency between the by-law and the state Constitution or laws. Id. at 796. “As a general proposition the cases dealing with the repugnancy or inconsistency of local regulations with State statutes have given considerable latitude to municipalities, requiring a sharp conflict between the local and State provisions before the local regulation has been held invalid.” Bloom v. Worcester, 363 Mass. 136, 154 (1973). “The legislative intent to preclude local action must be clear.” Id. at 155. Massachusetts has the “strongest type of home rule and municipal action is presumed to be valid.” Connors v. City of Boston, 430 Mass. 31, 35 (1999) (internal quotations and citations omitted).

Article 22, as an amendment to the Town’s zoning by-laws, must be accorded deference. W.R. Grace & Co. v. Cambridge City Council, 56 Mass. App. Ct. 559, 566 (2002) (“With respect to the exercise of their powers under the Zoning Act, we accord municipalities deference as to their legislative choices and their exercise of discretion regarding zoning orders.”). When reviewing zoning by-laws for consistency with the Constitution or laws of the Commonwealth, the Attorney General’s standard of review is equivalent to that of a court. “[T]he proper focus of review of a zoning enactment is whether it violates State law or constitutional provisions, is arbitrary or unreasonable, or is substantially unrelated to the public health, safety or general welfare.” Durand, 440 Mass. at 57 (2003). “If the reasonableness of a zoning bylaw is even ‘fairly debatable, the judgment of the local legislative body responsible for the enactment must be sustained.’” Id. at 51 (quoting Crall, 362 Mass. at 101). However, a municipality has no power to adopt a zoning by-law that is “inconsistent with the constitution or laws enacted by the [Legislature].” Home Rule Amendment, Mass. Const. amend. art. 2, § 6.

III. The Amendments Adopted Under Article 22 Must be Applied Consistent with G.L. c. 40A, § 3 Protected Uses

The Town cannot apply the by-law amendments in a way that would interfere with any of the potentially applicable protections in G.L. c. 40A, § 3. In adopting G.L. c. 40A, § 3, (“Section

3”), the Legislature determined that certain land uses are so important to the public good that the Legislature has found it necessary “to take away” some measure of municipalities’ “power to limit the use of land” within their borders. Attorney General v. Dover, 327 Mass. 601, 604 (1950) (discussing predecessor to G.L. c. 40A, § 3); see Cnty. Comm’rs of Bristol v. Conservation Comm’n of Dartmouth, 380 Mass. 706, 713 (1980) (noting that Zoning Act as a whole, and G.L. c. 40A, § 3, specifically, aim to ensure that zoning “facilitate[s] the provision of public requirements”). To that end, the provisions of Section 3 “strike a balance between preventing local discrimination against” a set of enumerated land uses while “honoring legitimate municipal concerns that typically find expression in local zoning laws.” Trustees of Tufts Coll. v. City of Medford, 415 Mass. 753, 757 (1993). Over the years, the Legislature has added to the list of protected uses, employing different language—and in some cases different methods—to limit municipal discretion to restrict those uses.

The Town must apply the by-law consistent with G.L. c. 40A, § 3. Solar energy facilities and related structures have been protected under Section 3 since 1985, when the Legislature passed a statute codifying “the policy of the commonwealth to encourage the use of solar energy.” St. 1985, c. 637, §§ 7, 8. Id. § 2. Section 3’s solar provision grants zoning protections to solar energy systems and the building of structures that facilitate the collection of solar energy as follows:

No zoning . . . bylaw shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.

The Supreme Judicial Court recently reaffirmed the Section 3 solar protections in Tracer Lane II v. City of Waltham, 489 Mass. 775 (2022). In ruling that Section 3’s protections required Waltham to allow an access road to be built in a residential district for linkage to a solar project in Lexington, the Court explicitly noted that “large-scale systems, not ancillary to any residential or commercial use, are key to promoting solar energy in the Commonwealth.” Id. at 782 (citing Executive Office of Energy and Environmental Affairs, Massachusetts 2050 Decarbonization Roadmap, at 4, 59 n.43 (Dec. 2020) (“the amount of solar power needed by 2050 exceeds the full technical potential in the Commonwealth for rooftop solar, indicating that substantial deployment of ground-mounted solar is needed under any circumstance in order to achieve [n]et [z]ero [greenhouse gas emissions by 2050]”)). The Court explained that whether a by-law facially violates Section 3’s prohibition against unreasonable regulation of solar systems and related structures will turn in part on whether the by-law promotes rather than restricts this legislative goal. Id. at 781. While municipalities do have some “flexibility” to reasonably limit where certain forms of solar energy may be sited, the validity of any restriction ultimately entails “balanc[ing] the interest that the . . . bylaw advances” against “the impact on the protected [solar] use.” Id. at 781-82.

Given this Office’s limited review of zoning by-laws, we cannot conclude that Article 22 constitutes an unreasonable regulation of solar energy in contravention of G.L. c. 40A, § 3. Both large-scale and small-scale ground mounted solar installations are allowed by right (with site plan approval) in all the zoning districts in the Town, except for the open space/recreation district

where they are prohibited and the residential district where they require a special permit. Therefore, the by-law appears to promote the use of solar installations. However, the Town must apply the by-law consistent with G.L. c. 40A, § 3 to ensure that both large-scale and small-scale solar installations are allowed consistent with the protections granted to solar uses in G.L. c. 40A, § 3. In particular, if the by-law provisions (such as the 8 acre minimum lot size for large-scale ground-mounted solar installations or the two acre minimum lot size for small-scale ground-mounted solar installations that exceed a name-plate capacity of 50kW DC) are used to deny solar projects, or are otherwise applied in ways that make it impracticable or uneconomical to build solar energy systems, such application would run a serious risk of violating G.L. c. 40A, § 3. The Town should consult with Town Counsel with any questions on this issue.

IV. The By-law's Prohibition on Herbicides is Preempted by G.L. c. 132B

Section 4655 prohibits the use of herbicides to control vegetation at a solar installation as follows, with emphasis added:

4655. Control of Vegetation. **Herbicides may not be used to control vegetation at the solar electric installation.** Mowing, grazing or using geotextile materials underneath the solar array are possible alternatives. Removal of existing trees on the site should be minimized to the maximum extent feasible; the Planning Board, pursuant to the Special Permit and/or Site Plan Review process, may require that replacement trees be planted outside the Facility unless the owner is subject to the fee requirement in Section 4680.

We disapprove the text above in bold and underline ("Herbicides may not be used to control vegetation at the solar electric installation") because it is preempted by the Massachusetts Pesticide Control Act ("Act"), either expressly (by the 1994 amendment) or impliedly (because "the purpose of the [Act] would be frustrated [by the by-law] so as to warrant an inference that the Legislature intended to preempt the field.") See St. George Greek Orthodox Cathedral of Western Massachusetts, Inc. v. Fire Department of Springfield, 462 Mass. 120, 125-126 (2012) (quoting Wendell v. Attorney General, 394 Mass. 518 (1985)).

General Laws Chapter 132B establishes the Massachusetts Department of Agricultural Resources' (MDAR) "exclusive authority in regulating the labeling, distribution, sale, storage, transportation, use and application, and disposal of pesticides in the commonwealth..." G.L. c. 132B, § 1. General Laws Chapter 132B, Section 2 defines "Pesticide" to include herbicides, as follows: "a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant..." The Act establishes a Pesticide Board within MDAR (Section 3) and authorizes the Pesticide Board to register pesticides for use in the Commonwealth if the Board determines that "a pesticide, when used in accordance with its directions for use, warnings and cautions and for the uses for which it is registered...will not generally cause unreasonable adverse effects on the environment..." (Section 7). The Act prohibits application of a registered pesticide in a way that is inconsistent with its labeling or other restrictions imposed by the MDAR (Section 6A).

1. Express Preemption

The Pesticide Control Act includes an express statement of intention to preempt local regulation of the application of pesticides: “The exclusive authority in regulating the labeling, distribution, sale, storage, transportation, use and application, and disposal of in the commonwealth shall be determined by this chapter.” G.L. c. 132B, § 1, as amended by Chapter 264 of the Acts of 1994. Further, MDAR has confirmed the preemptive effect of the Act and regulations in the area of pesticide application.¹

Based upon the clear language of the Act, we determine that the text “Herbicides may not be used to control vegetation at the solar electric installation,” is expressly preempted and therefore disapprove this text. Moreover, even if the by-law was not expressly preempted, this section of the Town’s by-law is impliedly preempted by the Act and Regulations, as explained below.

2. Implied Preemption

The purpose of the Act and Regulations is to have centralized and uniform regulations for the use of pesticides in the state. Wendell, 394 Mass. at 518 (town by-law regulating the use of pesticides in town frustrates the statutory purpose of centralized regulation of pesticide use). By prohibiting herbicide application, the by-law imposes an additional layer of regulation at the local level. This additional local regulation prevents the achievement of a statewide determination of the reasonableness of the use of a specific pesticide in particular circumstances that frustrates the purpose of the Act. Id. at 529.

In addition, the use of pesticide application on private property is comprehensively addressed in the Act and Regulations. The comprehensive delegation of authority to MDAR to determine appropriate pesticide regulation in the Commonwealth reflects the legislative intent that there is no room for local regulation on this subject. See Doe v. City of Lynn, 472 Mass. 521 (2015) (ordinance imposing residency and location restrictions on sex offenders preempted by comprehensive statutory scheme governing the oversight of sex offenders); and Boston Edison Co. v. Town of Bedford, 444 Mass. 775 (2005) (town by-law imposing fines for failure to remove utility poles preempted by the comprehensive, uniform state regulation of utilities in G.L. c. 164).

Because G.L. c. 132B, § 1 provides that the Act and Regulations establish MDAR’s exclusive authority and because the Act and Regulations comprehensively regulate the topic of pesticide applications on private property, the by-law text in Section 4655 prohibiting herbicides at a solar installation is preempted by state law. For this reason, we disapprove the text shown above in bold and underline (“Herbicides may not be used to control vegetation at the solar electric installation.”)

¹ We disapproved similar prohibitions in decisions issued to the Towns of Hopkinton on April 19, 2022 (Case # 10454) and Belchertown on November 14, 2022 (Case # 10613).

V. Additional Comments on the Solar Installation Provisions of Article 22

1. Section 4656 – Fire Department Training

Section 4656 requires the building and system to be approved by the Dighton Fire Chief and requires the applicant of a large-scale solar installation to “provide specialized emergency response funding for training of Dighton Fire Department staff prior to grid inter-connection.”

In applying this Section, the Town cannot impose fees or costs for fire suppression services. See Freetown v. New Bedford Wholesale Tire, 384 Mass. 60, 61 (1981) (town lacked authority to recover town’s expense in fighting a fire.) “Safeguards against fire are maintained ‘for the benefit of the public and without pecuniary compensation or emolument.’” Id. at 61 citing Tainter v. Worcester, 123 Mass. 311, 316 (1877). Moreover, in Emerson College v. Boston, 391 Mass. 415 (1984) the court held that fees imposed for fire protection against the owners of certain buildings were unlawful, in part, because the benefits of “augmented” fire protection are not limited to owners of certain properties. “The capacity to extinguish a fire in any particular building safeguards not only the private property interests of the owner, but also the safety of the building’s occupants as well as that of surrounding buildings and their occupants.” Id. at 425.

Therefore, Section 4656, including the provision that the applicant will “provide specialized emergency response funding for training of Dighton Fire Department staff,” cannot be applied in a way that requires the applicant to pay for necessary fire protection services. The Town should consult with Town Counsel with any questions on this issue.

2. Section 4681 – Removal Requirements

Section 4681 requires a large-scale solar installation that has reached the end of its useful life or has been abandoned to be removed. If it is not removed by the owner, the by-law authorizes that “[t]he cost for the removal will be charged to the property owner in accordance with the provisions of M.G.L. 139, Section 3A as a tax lien on the property.” We approve this text. However, the Town must ensure that it is applied consistent with G.L. c. 139, including Section 3A, that provides as follows:

If the owner or his authorized agent fails to comply with an order issued pursuant to section three and the city or town demolishes or removes any burnt, dangerous or dilapidated building or structure or secures any vacant parcel of land from a trespass, a claim for the expense of such demolition or removal, including the cost of leveling the lot to uniform grade by a proper sanitary fill, or securing such vacant parcel shall constitute a debt due the city or town upon the completion of demolition, removal, or securing and the rendering of an account therefor to the owner or his authorized agent, and shall be recoverable from such owner in an action of contract.

General Laws Chapter 139, Section 3A establishes that certain costs incurred by a town (those costs associated with the removal of burnt, dangerous, or dilapidated buildings or

structures, or the securing of vacant parcels that are subject to an order issued pursuant to G.L. c. 139, § 3) constitute a debt due the town, which are recoverable in a contract action. The Town may utilize the provisions of G.L. c. 139, § 3A only where authorized by G.L. c. 139. According to the Department of Revenue, the expenses incurred by the Town may be considered a charge for purposes of G.L. c. 40, § 58, the municipal charges lien statute. However, in order to utilize the provisions of G.L. c. 40, § 58 the Town will need to either: (1) amend the bylaw to specify that the costs will be liens for purposes of G.L. c. 40, § 58, or (2) take a separate vote authorizing the use of G.L. c. 40, § 58 for charges incurred under the by-law. The Town should consult with Town Counsel with any questions on this issue.

3. Section 4683 – Financial Surety

Section 4683 requires the applicant for a large-scale solar installation to provide a form of surety to cover the cost of removal and remediation of the landscape. General Laws Chapter 44, Section 53 requires that performance security funds of the sort contemplated here must be deposited with the Town Treasurer and made part of the Town's general fund (and subject to future appropriation), unless the Legislature has expressly made other provisions that are applicable to such receipt. General Law c. 44, Section 53G ½ does allow the deposit of surety proceeds into a special account under certain circumstances, as follows:

Notwithstanding section 53, in a...town that provides by by-law...rule, regulation or contract for the deposit of cash, bonds, negotiable securities, sureties or other financial guarantees to secure the performance of any obligation by an applicant as a condition of a license, permit or other approval or authorization, the monies or other security received may be deposited in a special account. Such by-law...rule or regulation shall specify: (1) the type of financial guarantees required; (2) the treatment of investment earnings, if any; (3) the performance required and standards for determining satisfactory completion or default; (4) the procedures the applicant must follow to obtain a return of the monies or other security; (5) the use of monies in the account upon default; and (6) any other conditions or rules as the...town determines are reasonable to ensure compliance with the obligations. Any such account shall be established by the municipal treasurer in the municipal treasury and shall be kept separate and apart from other monies. Monies in the special account may be expended by the authorized board, commission, department or officer, without further appropriation, to complete the work or perform the obligations, as provided in the by-law...rule or regulation. This section shall not apply to deposits or other financial surety received under section 81U of chapter 41 or other general or special law.

For the Town to deposit performance bond proceeds into a special account, the Town must comply with the requirements of G.L. c. 44, § 53G ½. Otherwise, surety proceeds must be deposited into the Town's general fund pursuant to G.L. c. 44, § 53. The Town should consult with Town Counsel with any questions regarding the proper application of Section 4683.

VI. Additional Comments on the Energy Storage Provisions of Article 22

Under Article 22, the Town amended Section VI, "Definitions," to add a definition for "Energy Storage" as follows:

Very truly yours,

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

Nicole B. Caprioli

By: Nicole B. Caprioli
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4418

cc: Town Counsel David T. Gay



A TRUE COPY ATTEST

Town of Dighton
SPECIAL TOWN MEETING

TOWN CLERK

Warrant

November 1, 2022

BRISTOL, SS.

To either of the Constables of the Town of Dighton in the County of Bristol,

GREETINGS:

In the name of the Commonwealth of Massachusetts you are directed to notify and warn the inhabitants of the Town of Dighton qualified to vote in elections and Town Affairs to meet at Dighton Middle School on Tuesday, November 1, 2022 at 7:00 P.M.; then and there to act on the following articles:

ARTICLE 1. To hear reports of the Town Officials and act thereon.

ARTICLE 2. To see if the Town will vote to raise and appropriate and/or transfer from available funds the amount of \$4,257.19 to pay prior year bills, or take any other action relative thereto.

PRIOR YEAR BILLS	DEPARTMENT	AMOUNT
NAPA Auto Parts	Police Department	\$28.71
McKesson	Police Department	\$2,352.77
TCI Press	Town Reports	\$1,875.71

Finance Committee Recommends
Board of Selectmen Recommends

ARTICLE 3. To see if the Town will vote to transfer from available funds a sum not to exceed \$597,925.00 to make the payment on the bond of the Police Station and to reduce the tax rate, or take any other action relative thereto.

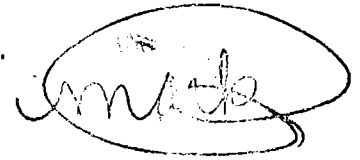
Finance Committee Recommends
Board of Selectmen Recommends

ARTICLE 4. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund Fiscal Year 2021, Fiscal Year 2022 and Fiscal Year 2023 personnel expenses for employees covered under the recently settled Dighton Dispatchers

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collective bargaining agreement, or take any other action relative thereto.

Finance Committee Recommends
Board of Selectmen Recommends



TOWN CLERK

ARTICLE 5. To see if the Town will vote to raise and appropriate and/or transfer from available funds the amount of \$150,000.00 to be expended by the Fire Chief to fund a Fire Station feasibility study, or take any other action relative thereto.

Finance Committee Recommends
Board of Selectmen Recommends

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer from available funds the amount of \$75,500.00 to be expended by the Police Chief for the purchase of one fully equipped police vehicle including computer, firearm (Patrol Rifle), radio, antenna and any related accessories, or take any other action relative thereto.

Finance Committee Recommends
Board of Selectmen Recommends

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer from available funds the amount of \$30,000.00 to be expended by the Parks and Recreation Commission to install a new asphalt parking lot and all associated construction relative to the Tennis/Basketball court facility located at 1551 Somerset Avenue, or take any other action relative thereto.

Finance Committee Recommends
Board of Selectmen Recommends

ARTICLE 8. To see if the Town will vote to raise and appropriate and/or transfer from available funds the amount of \$15,000.00 to be expended by the Highway Superintendent to provide design and engineering services and related drainage upgrades on certain portions of Hart Street, or take any other action relative thereto.

Finance Committee Recommends
Board of Selectmen Recommends

ARTICLE 9. To see if the Town will vote to raise and appropriate and/or transfer from available funds the amount of \$105,000.00 to be expended by the Highway Superintendent to purchase one light duty dump truck with snow plow and any related equipment, or take any other action relative thereto.

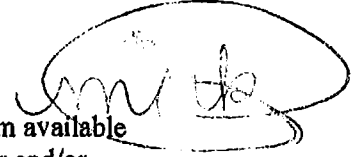
Finance Committee Recommends
Board of Selectmen Recommends

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$75,000.00 to be expended by the Town Administrator to install a railing system on the existing walkway at Town Hall and to construct a stairway from the parking area to the walkway, or take any other action relative thereto.

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Finance Committee Recommends
Board of Selectmen Recommends

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$13,000.00 to be expended by the Town Administrator and/or Board of Health for a Point-of-Sale system for the Transfer Station and related functions, or take any other action relative thereto.



TOWN CLERK

Finance Committee Recommends
Board of Selectmen Recommends

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money not to exceed \$267,000.00 to be expended by the Highway Superintendent for services related to Final Design and Permitting for the Pleasant Street Muddy Cove Bridge Project, or take any other action relative thereto.

Finance Committee Recommends
Board of Selectmen Recommends

ARTICLE 13. To see if the Town will vote to approve a transfer from the Municipal Waterway's account #240-3-295-0000-20-5961 to the Harbormaster's account #010-0-295-0000-70-5240 Equipment Repairs and Maintenance in the amount of \$5,000.00 to be expended by the Harbormaster for required maintenance of the town patrol boat, or take any other action relative thereto.

Finance Committee Recommends
Board of Selectmen Recommends

ARTICLE 14. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$90,000.00 to the "Other Post-Employment Benefits Liability Trust Fund" established to cover the unfunded actuarial liability for retirees' health care and life insurance benefits, or take any other action relative thereto.

Finance Committee Recommends
Board of Selectmen Recommends

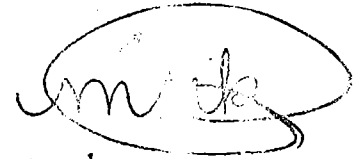
ARTICLE 15. To see if the Town will vote to rescind the vote for Article 11 of the November 1, 2021 Special Town Meeting to transfer from Free Cash a sum not to exceed \$40,000.00 to be expended by the Dighton Trails Committee to fund a feasibility study to provide viable options and initial concepts to connect the future 2-mile DCR Sweet's Knoll Trail to the north and south with on-road and off-road trail options to connect the Town of Dighton to the Taunton River Trails network north across the Three Mile River to Taunton and south along the waterfront to Somerset, or take any other action relative thereto.

Board of Selectmen Recommends

ARTICLE 16. To see if the Town will vote to transfer from available funds a sum not to exceed \$650,000.00 to the Capital Stabilization Account, or take any other action relative thereto.

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Finance Committee Recommends
Board of Selectmen Recommends



ARTICLE 17. To see if the Town will vote to transfer from available funds a sum not to exceed \$425,000.00 to the Stabilization Account, or take any other action relative thereto.

TOWN CLERK

Finance Committee Recommends
Board of Selectmen Recommends

ARTICLE 18. To see if the town will vote to amend the Town of Dighton General Bylaws by adding a new Article to be inserted after Article XXXVIII as follows:

“Article XXXX, ELECTED AND APPOINTED BOARD AND COMMITTEE STIPENDS

The Board of Selectmen and Finance Committee shall annually propose and recommend salaries/stipends for applicable elected and appointed board and committee members and, based on the town’s fiscal position, review such salaries for periodic wage adjustments no shorter than once every three years. Said salaries and stipends for such elected and appointed board and committee members who have served as a member of the same applicable board or committee for longer than three (3) years may receive an additional salary/stipend rate representing an additional ten (10) percent of the base salary/stipend. Only elected and appointed board and committee members who have demonstrated compliance with all local town and state requirements shall be eligible to receive said salary/stipend.”

or take any other action relative thereto.

Board of Selectmen Recommends

ARTICLE 19. To see if the Town will vote, consistent with Section VII and Section VIII of the existing Bristol-Plymouth Regional Vocational Technical School District Agreement among the Towns of Berkley, Bridgewater, Dighton, Middleborough, Raynham and Rehoboth, to approve the amendment and re-statement of the Bristol-Plymouth Regional Vocational Technical School District Agreement, to include the Town of Freetown as a member town as initiated and approved by a vote of the Regional School Committee and submitted to the Board of Selectmen of each member town, or take any other action relative thereto.

Board of Selectmen Recommends

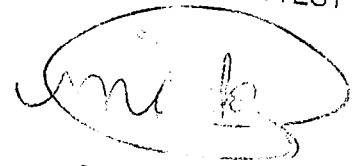
ARTICLE 20. To see if the Town will vote to amend the Town of Dighton General Bylaws by adding a new Article as follows:

General Bylaw Guidance:

To allow the Town Clerk to modify titles, captions and alphanumeric identifiers in the Town of Dighton’s General Bylaws that are not part of the bylaw, but administrative prerogatives of the Town Clerk and may be amended by only the Town Clerk. Also, whole sections of the bylaw may be repositioned by the Town

Clerk provided that no substantive changes result,
or take any other action relative thereto.

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TOWN CLERK

Board of Selectmen Recommends

ARTICLE 21. To see if the Town will vote to adopt Massachusetts Department of Revenue optional cost of living adjustments for surviving spouses and blind persons under clauses 17, 17C, 17c ½, 17D, 37 and 37A of M.G.L. Chapter 59, Section 5, or take any other action relative thereto.

Board of Selectmen Recommends

ARTICLE 22. To see if the Town will vote to delete in its entirety Section 4600. Ground-Mounted Solar Photovoltaic Installations and replace with a new Section 4600. Solar Electric Generating Facilities and to see if the Town will vote to amend Zoning Bylaws by modifying and adding the following terms and definitions in proper alphabetical order to SECTION VI. DEFINITIONS, or take any action thereon.

4600. SOLAR ELECTRIC GENERATING FACILITIES

4610. Purpose.

The purpose of this Section is:

- A. to provide standards for the placement, design, construction, operation, monitoring, modification and removal of Large-Scale and Small-Scale Ground-Mounted Solar Electric Installations (see Section VI. Definitions);
- B. to minimize the adverse impacts of Large-Scale and Small-Scale Ground-Mounted Solar Electric Installations on adjacent properties and residential neighborhoods;
- C. to minimize impacts on scenic, natural and historic resources; and
- D. to provide adequate financial assurance for complete construction of approved plans and for the eventual decommissioning of such installations.

The provisions set forth in this Section shall take precedence over all other provisions of this Bylaw when considering applications related to the construction, operation, and/or repair of Large-Scale and Small-Scale Ground-Mounted Solar Electric Installations.

4620. Applicability.

The provisions set forth in this Section shall apply to the construction, operation, repair and/or removal of any Large-Scale and Small-Scale Ground-Mounted Solar Electric Installations proposed after the effective date of this Section. Such installation may proceed following issuance of a Site Plan Review Approval by the Planning Board in accordance with Section 5400 hereof and the requirements of this Section 4600 as of right as set forth in the Table of Use Regulations without the need for a special permit, variance, zoning amendment, waiver, or other discretionary approval, except that where there is proposed a Large-Scale and Small-Scale Ground Mounted Solar Electric Installation in a Residential District then said installation shall also be subject to the Special Permit process as set forth in 5300 hereof. Any modification of any existing Large-Scale and Small-Scale Ground Mounted Solar Electric Installation that materially alters the type, configuration, or size of such facility or related equipment shall also be subject to this Section.

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Except as defined hereunder and any system which is mounted on a building and to which the bylaw does not apply, no other solar electric installation shall be permitted in any district.

4621. Accessory Roof-Mounted Solar Photovoltaic Installations.

Nothing in this Section 4600 shall be construed to prevent the installation, pursuant to M.G.L. c. 40A, s. 3, of accessory roof-mounted solar photovoltaic installations in any district.

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4622. Exemption for Municipal Land.

Large-Scale and Small-Scale Ground-Mounted Solar Electric Installations shall be allowed to be constructed upon any municipal property meeting the requirements of this bylaw regardless of the Zoning District.

4630. General Requirements.

The following requirements are common to all Large-Scale and Small-Scale Ground-Mounted Solar Electric Installations:

4631. Minimum Lot Size:

- a. A Large-Scale Ground-Mounted Solar Electric Installation system may not be located on a parcel of less than eight (8) acres.
- b. A Small-Scale Ground-Mounted Solar Electric Installation system may not be located on a parcel of land less than the minimum lot size required under this bylaw for the district in which it is located. Notwithstanding the foregoing any Small-Scale Ground Mounted System which exceed a name-plate capacity of 50 kW Direct Current (DC) shall not be located on a parcel of land which is less than two (2) acres.

4632. Compliance with Laws, Ordinances and Regulations. The construction and operation of all such proposed Large-Scale and Small-Scale Ground Mounted Solar Electric Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to, all applicable safety, construction, and environmental, electrical, communications. All buildings and fixtures forming part of a solar electric installation shall be constructed in accordance with the Massachusetts State Building Code.

4633. Site Plan Review, Building Permit. No Large-Scale and Small-Scale Ground-Mounted Solar Electric Installation shall be erected, constructed, installed or modified as provided in this Section without first obtaining approval from the Planning Board for Site Plan Approval pursuant to Section 5400 and Section 4600 of this Bylaw and without first obtaining a building permit, and all other applicable permits required by law, and paying any required fees. Any Site Plan Review Application must include documentation showing review and approval from the Fire Chief and Police Chief. In the event Site Plan Review is not completed by the Planning Board one year from the date of a completed application as determined by the Planning Board, the application shall be deemed approved. In addition to the above, any Large-Scale and Small-Scale Ground-Mounted Solar Electric Installation proposed in the Residential District must also receive a Special Permit in accordance with Section 5300 of this bylaw.

4634. Fees. The application for a building permit for a Large-Scale Ground-Mounted Solar Electric Installation must be accompanied by the fee required in accordance with the

Planning Board Fee Schedule.

4635. Special Permit Granting Authority. The Planning Board shall be the Special Permit Granting Authority hereunder.

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[Signature]

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4640. Submittal to the Planning Board.

An application for Site Plan Review for a Large-Scale Ground-Mounted Solar Electric Installations shall include the following information. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts.

- a. Blueprints or drawings of the solar photovoltaic installation 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
- b. A copy of an Interconnection Application filed with the utility including a one- or three-line electrical diagram detailing the solar electric installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
- c. Documentation of the major system components to be used, including the electric generating components, transmission systems, mounting system, inverter, etc.;
- d. Name, address, and contact information for proposed system installer;
- e. Name, address, phone number and signature of the project proponent, as well as, all co-proponents or property owners, if any;
- f. The name, contact information and signature of any agents representing the project proponent;
- g. Documentation of actual or prospective access and control of the project site;
- h. An operation and maintenance plan (see Section 4642);
- i. Proof of liability insurance;
- j. Evidence that the utility company that operates the electrical grid where the installation is to be located has been informed of the applicant's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement;
- k. Locations of wetlands and Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP);
- l. Locations of Floodplains or inundation areas for moderate or high hazard dams;
- m. A list of any hazardous materials proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment, as appropriate;
- n. A detailed impact study for the Utility Interconnection including information on the location and type of any poles, transformers or other electrical components required by the utility to support the proposed solar facility including electrical equipment upgrades outside the facility to allow the site to connect to the grid including any necessary tree trimming. The list of abutters shall include abutters within a 300' radius of these changes;
- o. Documentation by an acoustical engineer of the noise levels projected to be generated by the installation;
- p. Description of financial surety that satisfies Section 4690.

4641. Site Control. The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar electric installation. Control shall include the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

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4642. Operation and Maintenance Plan. The applicant shall submit to the Planning Board a plan for maintenance of access roads and storm water controls, as well as, general procedures for operational maintenance of the installation.

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4650. Design Standards.

The following standards shall apply to any Large-Scale Ground-Mounted Solar Electric Installation.

4651. Lighting. Lighting of Large-Scale Ground Mounted Solar Electric Installation, including energy storage systems, shall be *Dark Sky* compliant and consistent with local, state and federal law. Lighting of other parts of the installation, such as accessory structures, shall be limited to that required for safety and operational purposes, and shall not cast measurable light onto adjacent properties or into the night sky. Lighting of the solar electric installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

4652. Signage. Signs on such installations shall comply with the Town's sign by-law. The following signs shall be required:

- a. Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.
- b. Educational signs providing information about the facility and the benefits of renewable energy.
- c. Installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the facility.

4653. Utility Connections. The Planning Board may require as a condition of site plan approval that all utility connections from the solar photovoltaic installation shall be underground, after considering 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.

4654. Roads. Access roads shall be constructed to minimize grading, removal of stone walls or trees and minimize impacts to environmental or historic resources.

4655. Control of Vegetation. Herbicides may not be used to control vegetation at the solar electric installation. Mowing, grazing or using geotextile materials underneath the solar array are possible alternatives. Removal of existing trees on the site should be minimized to the maximum extent feasible; the Planning Board, pursuant to the Special Permit and/or Site Plan Review process, may require that replacement trees be planted outside the Facility unless the owner is subject to the fee requirement in Section 4680.

4656. Hazardous Materials. Hazardous materials stored, used or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by the MassDEP pursuant to MassDEP regulations 310 CMR 30.000 and shall meet all requirements of the MassDEP including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment. If hazardous materials are utilized within the solar electric equipment, then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required.

In order to protect water supplies and preserve public safety associated Energy Storage Systems should not be located in the Zone 1 of any public water supply and should be located above the 100-year flood plain. The Energy Storage Systems must be located within a structure with the following features: an acid resistant membrane floor, for potential leaks of hazardous materials; a temperature and humidity-maintained environment; a smoke/fire detection system, UL approved monitoring system, fire alarm fire suppression system, a thermal runaway system, and a local disconnect point or emergency shutdown feature.

The building and systems must be approved by the Dighton Fire Chief and must be designed and installed in accordance with all applicable State codes and safety requirements, as well as, safety measures recommended by the National Fire Protection Association. The applicant will provide specialized emergency response funding for training of Dighton Fire Department staff prior to grid inter-connection. Periodic inspections to ensure the integrity of the batteries, other equipment, and the containment systems, may be required as a condition of the Special Permit and the Site Plan Review.

4657. Noise. Noise generated by Large-Scale Ground-Mounted Solar Electric Installations and associated equipment and machinery shall conform to applicable state and local noise regulations, including the MassDEP's Division of Air Quality noise regulations, 310 CMR 7.10. A source of sound will be considered in violation if the source:

- a. increases the broadband sound level by more than 10 db(A) above ambient; or produces a "pure tone" condition, when an octave band center frequency sound pressure level exceeds the two (2) adjacent center frequency sound pressure levels by three (3) decibels or more.

Said criteria are measured both at the property line and at the nearest inhabited residence. "Ambient" is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours, unless established by other means with the consent of the MassDEP.

4658. Accessory Structures. All accessory structures to Large-Scale Ground Mounted Solar Electric Installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All building setbacks shall be in conformance with Appendix B. All such accessory structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. To the maximum extent feasible, structures which are visible or directly adjacent to residentially zoned or occupied properties or which are adjacent to a public way shall be screened from view by landscaping or other means and/or joined or clustered to avoid adverse visual impacts.

4659. Dimensional and Density Requirements; Setbacks.

- a. For Large-Scale Ground-Mounted Solar Electric Installations, front, side and rear setbacks for system components shall be as follows:
 - I. Front yard. The front yard depth shall be at least 75 feet and shall be measured from the roadway right of way center line; provided, however, that where the lot abuts a Residential district, the front yard shall not be less than 100 feet.
 - II. Side yard. Each side yard shall have a depth at least 75 feet, and at least 100 feet

from any dwelling on another parcel as measured from the closest point of the array or any accessory structure to the dwelling.

- III. Rear yard. The rear yard depth shall be at least 75 feet, and at least 100 feet from any dwelling on another parcel as measured from the closest point of the array or any accessory structure to the dwelling.

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- IV. Buffers. A natural buffer shall be provided around the entire facility, including the Large-Scale Ground-Mounted Solar Electric Installation and any accessory structures, for the purpose of screening from view the same by a person standing at ground level, from adjacent streets and properties. Such buffering can be existing vegetation or landforms, or new plantings. Said buffer shall be at least 30 feet deep and shall be continuous, save only where access drives must pass through the buffer. Said buffer shall conform with setback requirements in Appendix B. Such vegetation shall be of a type that will grow to at least 10 feet within five years of the completion of construction of the Large-Scale Ground-Mounted Solar Electric Installation. When vegetation is planted, at least 75% of such planted vegetation shall be evergreen species. Landscape plans, showing existing and proposed vegetation shall be provided as part of the Site Plan, with specifications as to type and size noted so that it can be clearly understood what will be planted.

- b. For Small-Scale Ground Mounted Solar Electric Installations, front, side and rear setbacks for system components shall be in accordance with the setbacks required for accessory structures within the district in which it is located, but in all events shall be at least 100 feet from any dwelling on another parcel.
- c. For Energy Storage Installations, in order to secure public safety concerns the following shall be as follows:
- i. Fire Department must have access to a municipal maintained public water supply within 800 feet of the center point of the Battery Energy Storage System modules, but at no time should be located any closer than 100 feet from nearest Battery Energy Storage System. Adequate water supply shall be determined by the applicable public water supplier and the Dighton Fire Chief.
 - ii. No less than 200 feet from any property line
 - iii. No less than 100 feet from the tree line/vegetative buffer
- d. Waivers: Notwithstanding the aforementioned setback requirements, the Planning Board, as appropriate, shall have the authority to waive setback requirements based on site-specific conditions, and only after review of substantial evidence, including but not limited to, detailed engineering reports or product engineering certification, which demonstrate that safety concerns have been minimized and that setbacks have been complied with to a reasonable extent.

4660. Safety and Environmental Standards

The following standards shall apply to any Large-Scale Ground-Mounted Solar Electric Installations.

4661. Emergency Services. The Large-Scale Ground-Mounted Solar Electric Installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request the owner or operator shall

cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

4662. Unauthorized Access. Installations shall be surrounded by security fencing of at least eight (8) feet or other suitable barrier approved by the Planning Board including locked gates to prevent unauthorized access. Electrical equipment shall be locked where possible. Keys for all locks on the premises must be stored in a Knox Box maintained and approved by the Fire Department for use in the case of an emergency.

4663. Land Clearing, Soil Erosion and Habitat Impacts. Given the nature of the need for no shadowing and maximum exposure of the solar panels to the sun, clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the installation or otherwise prescribed by applicable laws, regulations, and bylaws. Such installations shall not occur on any slopes greater than 15% in order to minimize erosion. All facilities must be located at least 100 feet from any wetland or Priority Habitat Area as delineated in accordance with the Massachusetts Endangered Species Act Regulations at 321CMR 10.00 or successor regulation.

4670. Monitoring, Maintenance and Reporting

4671. Solar Electric Installation Conditions. The owner or operator of the Large-Scale Ground-Mounted Solar Electric Installation shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Management Director. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

4672. Modifications. All material modifications to a solar electric installation made after issuance of the required building permit shall require approval by the Planning Board.

4673. Annual Reporting. The owner or operator of the installation shall submit an Annual Report which certifies compliance with the requirements of this bylaw and their approved site plan including control of vegetation, noise standards, and adequacy of road access. The Annual Report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The Annual Report shall be submitted to the Board of Selectmen, Planning Board, Dighton Fire Chief, Emergency Management Director, Building Commissioner, Board of Health, Stormwater Committee and the Conservation Commission no later than 45 days after the end of the calendar year.

4680. Abandonment or Decommissioning

4681. Removal Requirements. Any Large-Scale Ground-Mounted Solar Electric Installation which has reached the end of its useful life or has been abandoned consistent with Section 4680 of this bylaw shall be removed. The owner or operator shall physically remove the installation within 150 days of abandonment or the proposed date of decommissioning and if not, the town retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous or decommissioned Large-Scale Ground Mounted Solar Electric

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Installation. As a condition of Site Plan or Special Permit approval, an applicant shall agree to allow entry to remove an abandoned or decommissioned installation. The cost for the removal will be charged to the property owner in accordance with the provisions of M.G.L. 139, Section 3A as a tax lien on the property. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

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- (a) Physical removal of all Large-Scale Ground-Mounted Solar Electric Installation, structures, equipment, security barriers and transmission lines from the site, including any materials used to limit vegetation.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

4682. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar electric installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the Large-Scale Ground Mounted Solar Electric Installation fails to remove the installation in accordance with the requirements of this Section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

4683. Financial Surety. The applicant for a Large-Scale Ground-Mounted Solar Electric Installation shall provide a form of surety, either through escrow account, bond or other form of surety approved by the Planning Board to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than one-hundred twenty-five percent (125%) of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant and the Town. Such surety will not be required for municipally- or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer at the time of application for Site Plan Review. The amount shall include a mechanism for calculating increased removal costs due to inflation.

SECTION VI. DEFINITIONS:

Energy Storage: The capture of energy produced at one time for use at a later time. A device that stores energy is generally called an accumulator or battery. Energy comes in multiple forms including radiation, chemical, gravitational potential, electrical potential, electricity, elevated temperature, latent heat and kinetic.

Large-Scale Ground-Mounted Solar Electric Installation: A solar photovoltaic system, including ground mounted hot water collectors or other solar collector, on a parcel of at least eight (8) acres that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW Direct Current (DC).

Small-Scale Ground Mounted Solar Electric Installation: A solar photovoltaic system including

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ground mounted hot water collectors or other solar collector, on a parcel of land which meets the minimum lot area requirements for the district in which it is located and which system has a nameplate capacity no larger than that which is necessary to provide enough energy sufficient to operate the structure or use located on the same parcel upon which it is located.

ARTICLE 23. To see if the Town will vote to accept as Town roadways known as Galway Drive, Waterford Circle and Kerry Lane as described below:

Outside Perimeter of Galway Drive, Waterford Circle and Kerry Lane:

Beginning at a concrete bound on the westerly side of Pine Street and the easterly side of Galway Drive, on the easterly side of the premises hereby conveyed, and thence running

SOUTH 22° 23' 06" WEST by Pine Street, a distance of 60.00 feet to a concrete bound; thence turning and running

NORTH 67° 37' 00" WEST, a distance of 355.00 feet to a concrete bound; thence turning and running

NORTH 22° 23' 00" EAST, a distance of 15.00 feet to a concrete bound; thence turning and running

NORTH 67° 37' 00" WEST, a distance of 213.07 feet to a concrete bound; thence continuing

Along a curve to the left having a radius of 30.00 feet, a distance of 45.41 feet to a concrete bound; thence continuing

SOUTH 25° 39' 10" WEST, a distance of 457.77 feet to a concrete bound; thence turning and running

Along a curve to the right having a radius of 170.00 feet, a distance of 267.04 feet to a concrete bound; thence continuing

NORTH 64° 20' 50" WEST, a distance of 150.00 feet to a concrete bound; thence continuing

Along curve to the right having a radius of 170.00 feet, a distance of 267.04 feet to a concrete bound; thence continuing

NORTH 25° 39' 10" EAST, a distance of 736.70 feet to a concrete bound; thence continuing

Along a curve to the left having a radius of 280.00 feet, a distance of 48.33 feet to a concrete bound; thence continuing

NORTH 15° 45' 50" EAST, a distance of 549.60 feet to a concrete bound; thence continuing

Along a curve to the left having a radius of 30.00 feet, a distance of 41.89 feet to a concrete bound; thence continuing

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NORTH 64° 14' 10" WEST, a distance of 188.49 feet to a concrete bound; thence continuing

Along a curve to the left having a radius of 30.00 feet, a distance of 29.45 feet to a concrete bound; thence continuing

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Along a curve to the right having a radius of 60.00 feet, a distance of 306.31 feet to a concrete bound; thence continuing

Along a curve to the left having a radius of 30.00 feet, a distance of 29.45 feet to a concrete bound; thence continuing

SOUTH 64° 14' 10" EAST, a distance of 471.11 feet to a concrete bound; thence continuing

Along a curve to the right having a radius of 170.00 feet, a distance of 221.32 feet to a concrete bound; thence continuing

SOUTH 10° 21' 20" WEST, a distance of 607.83 feet to a concrete bound; thence continuing

Along a curve to the right having a radius of 320.00 feet, a distance of 85.44 feet to a concrete bound; thence continuing

NORTH 25° 39' 10" EAST, a distance of 36.72 to a concrete bound; thence continuing

Along a curve to the left having a radius of 30.00 feet, a distance of 48.84 feet to a concrete bound; thence continuing

SOUTH 67° 37' 00" EAST, a distance of 176.78 feet to a concrete bound; thence turning and running

NORTH 22° 23' 00" EAST, a distance of 4.98 feet to a concrete bound; thence turning and running

SOUTH 67° 37' 00" EAST, a distance of 385.57 feet to the point of beginning.

Inside perimeter of Waterford Circle:

The inside perimeter of Waterford Circle begins at a concrete bound located on the northwest corner of Lot 60 as shown on the Plan; and thence running

NORTH 25° 39' 10" EAST, a distance of 736.70 feet to a concrete bound; thence continuing

Along a curve to the left having a radius of 320.00 feet, a distance of 55.23 feet to a concrete bound; thence continuing

NORTH 15° 45' 50" EAST, a distance of 508.13 feet to a concrete bound; thence continuing

Along a curve to the right having a radius of 50.00 feet, a distance of 87.27 feet to a concrete bound; thence continuing

SOUTH 64° 14' 10" EAST, a distance of 157.24 feet to a concrete bound; thence continuing

Along a curve to the right having a radius of 130.00 feet, a distance of 169.24 feet to a concrete bound; thence continuing

SOUTH 10° 21' 20" WEST, a distance of 607.83 feet to a concrete bound; thence continuing

Along a curve to the right having a radius of 280.00 feet, a distance of 74.76 feet to a concrete bound; thence continuing

SOUTH 25° 39' 10" WEST, a distance of 594.66 feet to a concrete bound; thence continuing

Along a curve to the right having a radius of 130.00 feet, a distance of 204.20 feet to a concrete bound; thence continuing

NORTH 64° 20' 50" WEST, a distance of 150.00 feet to a concrete bound; thence continuing

Along a curve to the right having a radius of 130.00 feet, a distance of 204.20 feet to the point of beginning.

Having an area of _____ square feet (_____ acres).

Board of Selectmen Recommends

ARTICLE 24. To act upon any other business that lawfully may be introduced at said meeting.


And you are directed to serve this warrant by posting attested copies thereof at each of the post offices, at the Town Hall and at the main Fire Station, all in said Dighton, fourteen days 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.

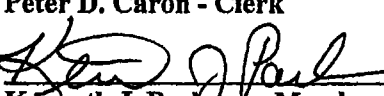
Given under our hands this ____ day of October in the year of our Lord the Two Thousand Twenty-two.

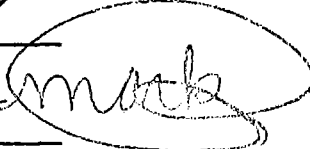
BOARD OF SELECTMEN

A TRUE COPY ATTEST


Leonard E. Hull - Chairman


Peter D. Caron - Clerk


Kenneth J. Pacheco - Member


TOWN CLERK

A true copy

Attest:


TOWN CLERK

Posted as directed:


CONSTABLE

Date: October 17 2002