

**TOWN WARRANT
FOR THE ANNUAL TOWN MEETING
FY' 2026
THE COMMONWEALTH OF MASSACHUSETTS**

FRANKLIN SS.

To either of the Constables of the Town of Shelburne in the County of Franklin

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 **Buckland Shelburne Elementary School, 75 Mechanic Street** in said **Shelburne on Tuesday, May 6, 2025, at 6:30 o'clock in the evening**, then and there to act on the following articles:

ARTICLE 1. To hear the annual reports of the officers of the Town and to act thereon.

ARTICLE 2. To see if the Town will vote to set the salaries of the Elected Officials within the Town in accordance with MGL. Chapter 41, Section 108 as follows, or take any other action relative thereto.

Moderator	\$ 209	Town Clerk	\$34,464
Chairman, Select Board	\$3,638	Tree Warden	\$ 1,129
Select Board Member	\$3,271	School Committee	\$ 458
Select Board Member	\$3,271	School Committee	\$ 458
Chairman, Board of Assessors	\$1,852		
Assessor	\$1,565		
Assessor	\$1,565		

ARTICLE 3. To see if the Town will vote to authorize the Treasurer, with the approval of the Select Board, to borrow money from time to time in anticipation of revenue of the financial year beginning July 1, 2025, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 4, and to issue a note or notes therefore, payable within one year, and to renew any note or notes as may be given for a period of less than one year, in accordance with General Laws Chapter 44, Section 17, or take any other action relative thereto.

ARTICLE 4. To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectboard, to enter into compensating balance agreements for Fiscal Year 2026, pursuant to M.G.L. c.44, section 53F, or take any other action relative thereto.

ARTICLE 5. To see if the Town will vote to authorize the Select Board to apply for, execute contracts and expend Massachusetts Small Cities Program grants, MassWorks grant, or monies, or any Federal or State grants or monies, received as set forth in the appropriate application, or take any action relative thereto.

ARTICLE 6. To see if the Town will vote to accept and appropriate any and all funds provided to the Town by the State under Chapter 90 and such other funds as the Commonwealth of Massachusetts Department of Transportation may provide, and to authorize the Select Board to enter into contracts with Commonwealth of Massachusetts Department of Transportation for Chapter 90 monies allocated to the Town by the State, or take any action relative thereto.

ARTICLE 7. To see if the Town will vote to appropriate sums of money for the following purposes and to raise the required amounts by taxation, or otherwise provide, or take any other action relative thereto.

Omnibus Article #7

4/23/2025	2025	2025	2025	2026	2026	Increase
	Request	Adjusted	Final	Request	Final	Decrease
GENERAL GOVERNMENT	1,052,410	213	1,052,623	1,238,126	1,238,126	17.6%
114 5100 Moderator's Salary	202		202	209	209	3.5%
122 5100 Selectboard Salaries	9,835		9,835	10,180	10,180	3.5%
122 5110 General Government Salaries	200,495		200,495	221,673	221,673	10.6%
840 919 4540 Other Post Employ Benefits Trust	15,000		15,000	15,000	15,000	0.0%
122 5400 Selectboard's Expense	1,950		1,950	1,950	1,950	0.0%
131 5400 Finance Committee Expense	145		145	150	150	3%
132 5400 Reserve Account	2,700		2,700	2,700	2,700	0.0%
135 5401 Accounting Services	42,710		42,710	43,184	43,184	1.1%
135 5402 Audit Town Records	25,500		25,500	25,500	25,500	0.0%
141 5110 Assessor's Salary	4,813		4,813	4,982	4,982	3.5%
141 5400 Assessor's Expense	9,020		9,020	11,020	11,020	22.2%
141 5403 Assessor's Contracted Services	16,599		16,599	33,500	33,500	101.8%
145 5400 Treasurer/Coll. Expense	13,082		13,082	13,661	13,661	4.4%
145 5405 Payroll Expense	4,175		4,175	5,000	5,000	19.8%
145 5404 Tax Title	5,000		5,000	5,000	5,000	0.0%
146 5111 Staff Certifications	1,000		1,000	1,000	1,000	0.0%
146 5406 Town Collection Software & Maint.	14,050		14,050	14,255	14,255	1.5%
151 5400 Legal Expense	9,500		9,500	9,500	9,500	0.0%
161 5100 Town Clerk's Salary	26,708		26,708	34,464	34,464	29.0%
161 5400 Town Clerk's Expense	1,500		1,500	5,100	5,100	240%
161 5407 Town Reports	1,200		1,200	1,200	1,200	0.0%
161 5408 Preservation of Town Records	0		0	7,000	7,000	100.0%
162 5400 Election Expense	12,450		12,450	12,350	12,350	-0.8%
162 5409 Registrars	2,150		2,150	2,350	2,350	9.3%
171 5400 Conservation Commission	3,078		3,078	3,241	3,241	5.3%
172 5429 APR Local Match	1,250		1,250	1,250	1,250	0.0%
172 5431 Land Preservation	1,250		1,250	1,250	1,250	0.0%
175 5400 Planning Board	6,906		6,906	7,032	7,032	1.8%
176 5400 Zoning Board Expense	2,829		2,829	2,908	2,908	2.8%
182 5442 S.F. Beautification Account	3,164		3,164	3,175	3,175	0.3%
182 5444 Bridge St. Pocket Park Lease	3,700		3,700	4,245	4,245	14.7%
192 5400 Town Office Expense	14,300		14,300	14,300	14,300	0.0%
192 5411 Computer Account	29,951		29,951	37,094	37,094	23.8%
192 5412 Town Web Site	1,350		1,350	1,350	1,350	0.0%
192 5430 Memorial Hall Expense	19,145		19,145	19,145	19,145	0.0%
192 5450 Memorial Hall Internet Access	3,200		3,200	3,200	3,200	0.0%
192 5460 Elevator Maintenance Account	10,500		10,500	10,500	10,500	0.0%
192 5470 Town-Wide Notification Sys.	2,660	213	2,873	2,873	2,873	0.0%
193 5400 Property & Liability Insurance	51,000		51,000	53,550	53,550	5.0%
193 5413 Officers Bonding	1,000		1,000	1,000	1,000	0.0%
199 5400 Longevity Pay	4,000		4,000	3,000	3,000	-25.0%
752 5900 Interest Expense	8,600		8,600	8,600	8,600	0.0%
830 5310 FRCOG - Core	15,153		15,153	15,067	15,067	-0.6%
830 5340 FRCOG - Highway	2,850		2,850	2,990	2,990	4.9%
830 5350 FRCOG - Reg. Health Services	12,763		12,763	13,100	13,100	2.6%
911 5400 County Retirement	144,924		144,924	180,927	180,927	24.8%
912 5400 Worker's Compensation	39,304		39,304	41,270	41,270	5.0%
913 5400 Un-Employment Insurance	1,600		1,600	2,100	2,100	31.3%
914 5436 Health Insurance	228,403		228,403	297,285	297,285	30.2%
914 5437 Life Insurance	746		746	746	746	0.0%
916 5400 Medicare	19,000		19,000	26,000	26,000	36.8%

Omnibus Article #7

	2025	2025	2025	2026	2026	Increase
	Request	Adjusted	Final	Request	Final	Decrease
PUBLIC SAFETY	631,715	0	631,715	748,847	748,847	18.5%
210 5110 Police Department Salaries	497,593		497,593	610,713	610,713	22.7%
210 5400 Police Department Expense	88,620		88,620	91,700	91,700	3.5%
210 5130 Constable	138		138	142	142	3%
220 5110 Fire Marshall	68		68	70	70	3%
220 5414 Forest Fires	50		50	50	50	0.0%
291 5100 Emergency Management Dir.	1,764		1,764	1,826	1,826	3.5%
291 5400 Emergency Mgmt Expense	2,925		2,925	3,484	3,484	19.1%
292 5100 Animal Control Officer	6,036		6,036	6,057	6,057	0.3%
292 5400 Animal Control Expense	800		800	800	800	0.0%
294 5110 Tree Warden	1,091		1,091	1,129	1,129	3.5%
294 5415 Shade Tree Maintenance	7,538		7,538	7,764	7,764	3.0%
294 5416 Shade Tree Replacement	672		672	692	692	3.0%
424 5400 Street Lights	24,420		24,420	24,420	24,420	0.0%
EDUCATION	3,036,437	17,439	3,053,876	3,162,258	3,162,258	3.5%
310 5100 School Committee Stipends	1,329		1,329	1,376	1,376	3.5%
310 5400 Mohawk Trail Reg. School	2,878,155		2,878,155	2,964,395	2,964,395	3.0%
320 5438 Vocation Tuition & Transport	0		0	0	0	
320 5417 Franklin County Tech School	156,953	17,439	174,392	196,487	196,487	12.7%
HIGHWAYS	566,283	-	590,606	669,676	669,676	13.4%
422 5120 Highway Salaries	285,605		309,928	326,830	326,830	5.5%
422 5360 Highway Grant Writing & Administration	13,200		13,200	15,600	15,600	18.2%
422 5400 Highway Maintenance	101,850		101,850	162,005	162,005	59.1%
423 5400 Snow & Ice Removal	129,000		129,000	129,000	129,000	0.0%
422 5418 Buildings & Grounds	30,248		30,248	29,861	29,861	-1.3%
422 5420 EV Charging Stations	6,380		6,380	6,380	6,380	0.0%
HEALTH-SANITATION	127,373	0	127,373	129,372	129,372	1.6%
241 5400 Building Inspection Program	7,600		7,600	7,873	7,873	3.6%
293 5400 Animal Inspector	980		980	1,014	1,014	3.5%
439 5419 Solid Waste Management Dist.	9,086		9,086	9,564	9,564	5.3%
433 5400 Refuse Collection	92,571		92,571	93,492	93,492	1.0%
439 5439 Hazardous Waste Day	2,500		2,500	2,500	2,500	0.0%
440 5100 Sewer Commissioner Salaries	1,067		1,067	1,099	1,099	3.0%
512 5100 Board of Health Salaries	1,566		1,566	1,614	1,614	3%
512 5400 Board of Health Expense	7,003		7,003	6,966	6,966	-0.5%
512 5443 Mosquito Control District	5,000		5,000	5,250	5,250	5.0%
RECREATION	39,499	0	39,499	48,200	48,200	22.0%
630 5428 Recreation	2,137		2,137	6,677	6,677	212.4%
630 5427 Cowell Gym Maintenance	35,852		35,852	40,000	40,000	11.6%
692 5434 Bridge of Flowers	410		410	423	423	3%
692 5433 Military Band	1,100		1,100	1,100	1,100	0.0%
HUMAN SERVICES	221,845	0	221,845	253,641	249,456	12.4%
491 5400 Care of Hill Cemetery	11,700		11,700	11,700	11,700	0.0%
543 5422 Care of Veteran's Graves	845		845	845	845	0.0%
543 5400 Veteran's Benefits	15,000		15,000	15,000	15,000	0.0%
543 5423 Veteran's Center	5,682		5,682	5,846	5,846	2.9%
541 5400 W. County Senior Service District	107,972		107,972	136,216	136,216	26.2%
541 Council on Aging	0		0	1,000	1,000	100.0%
610 5424 Shelburne Free Public Library	39,296		39,296	40,671	40,671	3.5%
610 5425 Arms Library	40,500		40,500	41,513	37,328	-7.8%
692 5432 Memorial Day	850		850	850	850	0.0%

Omnibus Article #7

BUDGET SUMMARY TOTALS	5,675,562	0	5,717,537	6,250,120	6,245,935	9.2%
General Government	1,052,410		1,052,623	1,238,126	1,238,126	17.6%
Public Safety	631,715		631,715	748,847	748,847	18.5%
Education	3,036,437		3,053,876	3,162,258	3,162,258	3.5%
Highways	566,283		590,606	669,676	669,676	13.4%
Health & Sanitation	127,373		127,373	129,372	129,372	1.6%
Recreation	39,499		39,499	48,200	48,200	22.0%
Human Services	221,845		221,845	253,641	249,456	12.4%

ARTICLE 8. To see if the Town will vote to appropriate the sum of \$52,945 to be used to fund the Mohawk Trail Regional School District capital budget for fiscal year 2026; to meet this obligation transfer \$500 from the Quintus Allen Trust Fund and raise and appropriate the balance of \$52,445 (*debt exclusion applies*) or take any other action relative thereto.

ARTICLE 9. To see if the Town will vote to appropriate the sum of \$6,207 from the Stabilization Account #830-919-5400 for Shelburne's share of a new water heater at the Mohawk Trail Regional High School, or take any other action relative thereto.

ARTICLE 10. To see if the Town will vote to transfer the sum of \$35 from the Ozro Miller Trust Fund Account, said sum to be placed in the Memorial Day Expense Account # 001-692-5432, or take any other action relative thereto.

ARTICLE 11. To see if the Town will vote to transfer the sum of \$1,476 from the Cowell Gym User Fee Account #245-630-5400; said sum to be added to the Recreation Account #001-630-5428 and shall be used to supplement the Cowell Gym Director's Salary, or take any other action relative thereto.

ARTICLE 12. To see if the Town will vote to approve the following Revolving Fund Accounts in accordance with the Town of Shelburne Town By-laws Section 8 entitled: Departmental Revolving Funds or take any other action relative thereto.

Town Clerk	\$2,500	Open Space Committee	\$2,000
Board of Health	\$2,000	Agricultural Commission	\$4,000
Zoning Board	\$1,000	Conservation Commission	\$1,000

ARTICLE 13. To see if the Town will vote to transfer the sum of \$181,887 from the Stabilization Account #830-919-5400 to fund the following capital expenditures, or take any other action relative thereto.

- **Franklin County Technical School Capital Budget** **\$ 6,575.00**
Fifth Year Payment on Capital Improvement Projects
- **Roof Replacement/Repair Stabilization Account #831-919-4540** **\$ 5,000.00**
For future repair of replacement of town-owned roofs
- **Municipal Vehicle Stabilization Account #832-919-4540** **\$ 35,000.00**
For replacement of town-owned vehicles.
- **Highway Equipment Stabilization Account #833-919-4540** **\$ 35,000.00**
For purchase of Highway Equipment in subsequent years.
- **Police Station/Municipal Building** **\$ 40,513.00**
Payment 7 of 10 for purchase of building.
- **Highway Dump Truck with Plow & Sander** **\$ 54,799.00**
Payment 3 of 4
- **Engineering & Design for Emergency Generator** **\$ 5,000.00**
For proposed emergency shelter

ARTICLE 14. To see if the Town will vote to transfer \$20,000 from the Housing Trust Fund Account # 248-691-5400 for a portion of expenses relating to the West County Food Pantry, or take any other action relative thereto.

As matched by the Town of Buckland.

ARTICLE 15. To see if the Town will vote to transfer \$40,500 from the Stabilization Account #830-919-5400 to the Cowell Gym Maintenance and Repair Account # 001 630 5806 to be used for a variety of improvement projects/deferred maintenance at the Cowell Gymnasium (repair of bleachers, gymnasium floor, repairs to TAB room, etc.), or take any other action relative thereto.

ARTICLE 16. To see if the Town will vote to approve the purchase a 2025/2026 Ford Hybrid Interceptor Police Utility Vehicle (to replace 2014 cruiser) for \$70,000. To meet this obligation, transfer \$35,000 from the Vehicle Stabilization Account #832 919 5400; transfer \$30,000 from the Town of Buckland's Shared Police Services Efficiency and Regionalization Community Compact Grant Account 418-422-5400, and \$5,000 to be reimbursed by the Town of Buckland per the Shared Police Services Agreement or take any other action relative thereto.

ARTICLE 17. To see if the Town will vote to approve the purchase Bullet Proof Vests for the Police Department for \$9,000 (replacing expired vests). To meet this obligation, transfer \$4,500 from the Stabilization Account 830-919-5400 and \$4,500 to be reimbursed by the Town of Buckland per the Shared Police Services Agreement or take any other action relative thereto.

ARTICLE 18. To see if the Town will vote to approve the purchase of a new 2025 Western Star Six Wheel Dump Truck in the amount of \$326,000 for the Highway Department and to meet this obligation, transfer the first payment of \$83,130 from the Highway Equipment Stabilization Account #833 919 4540 and finance the remaining balance over a four-year period, or take any other action relative thereto. *(This vehicle will replace a 2005 International Dump Truck)*

ARTICLE 19. To see if the Town will vote to approve the purchase of a 2025 International Dump Truck with Stainless Steel Body & Plow in the amount of \$196,038 for the Highway Department and to meet this obligation, utilize \$150,000 in Chapter 90 funding and transfer the sum of \$46,038 from the Stabilization Account #830 919 5400, or take any other action relative thereto. *(This vehicle will replace the 2017 Chevy One Ton Pick-up)*

ARTICLE 20. To see if the Town will vote to transfer from the Stabilization Account # 830 919 5400 the sum of \$7,520 for the purchase of a Stainless Steel Plow for the Highway Department, or take any other action relative thereto. *(This will replace 2018 plow)*

ARTICLE 21. To see if the Town will vote to raise and appropriate by taxation, the sum of \$2,000. Said sum will serve as a financial contribution to the FY'26 Rural Downtown Coordinator Pilot Project (a grant funded program) that will provide a shared Downtown Coordinator position amongst the towns of Buckland, Montague, Northfield, and Shelburne for an 18 month period, or take any other action relative thereto. *Funds will be matched by the Town of Buckland.*

ARTICLE 22. To see if the Town will vote to transfer the sum of \$10,000 from the Housing Trust Fund Account 248-691-5400. Said sum shall be used to complete pre-development environmental assessments of a town-owned tax title property located at 49 Mechanic Street, or take any other action relative thereto.

ARTICLE 23. To see if the Town will vote to transfer the sum of \$21,000 from the Cowell Fees Reserved for Appropriation Account # 245-630-5963 for the renewal of the Outdoor Courts at Cowell Gymnasium, or take any other action relative thereto.

ARTICLE 24. To see if the Town will **vote to appropriate or reserve** from the **Community Preservation Fund** annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in fiscal year 2026, with each item to be considered a separate appropriation, or take any other action relative thereto.

Appropriations:

From FY 2026 estimated revenues for Committee Administrative Expenses \$ 7,200

Reserves:

From FY 2026 estimated revenues for Historic Resources Reserve \$ 14,400

From FY 2026 estimated revenues for Community Housing Reserve \$ 14,400

From FY 2026 estimated revenues for Open Space Reserve \$ 14,400

From FY 2026 estimated revenues for FY25 Budgeted Reserve \$ 93,600

ARTICLE 25. To see if the Town will **vote to appropriate \$100,000 in Community Preservation Funds for Phase One of the Buckland-Shelburne Elementary School Playground Restoration Project.** To meet this obligation, **transfer \$22,500 from the Open Space/Recreation Reserve Account and \$77,500 from the Budgeted Reserve Account,** or take any other action relative thereto.

ARTICLE 26. To see if the Town will **vote to appropriate \$45,000 in Community Preservation Funds to the Arms Library LULA Replacement Project.** To meet this obligation, **transfer \$22,500 from the Historic Resources Reserve Account, and \$22,500 from the Undesignated Reserve Account,** or take any other action relative thereto.

ARTICLE 27. To see if the Town will **vote to appropriate \$8,000 in Community Preservation Funds to the Hill Cemetery Restoration Project.** To meet this obligation, **transfer \$8,000 from the Budgeted Reserve Account,** or take any other action relative thereto.

ARTICLE 28. To see if the Town will **vote to appropriate \$1,000 from the Community Preservation Funds Undesignated Revenue Account to purchase a bulletin board for the Cowell Gym Outdoor Courts,** or take any other action relative thereto.

ARTICLE 29. To see if the Town will **vote to transfer \$353,986 in Free Cash to the Unrestricted Stabilization Account # 830-919-5400,** or take any other action relative thereto.

ARTICLE 30. To see if the Town will **vote to raise, appropriate, or otherwise provide, the sum of \$197,360,** said sum is the **Town of Shelburne's share of the cost of Operation & Maintenance of the Shelburne Falls Wastewater Treatment Facility** which, will be raised by anticipated revenue from Shelburne User Assessments, or take any other action relative thereto.

ARTICLE 31. To see if the Town will **vote to raise, appropriate, or otherwise provide the sum of \$33,972,** said sum is the **Town of Shelburne's share of Operation & Maintenance of the Shelburne Pumping Station** which, will be raised by anticipated revenue from Shelburne User Assessments, or take any other action relative thereto.

ARTICLE 32. To see if the Town will **vote to transfer the sum of \$46,250 from the Sewer Enterprise Account #610-001-3550;** said sum to pay the **Town's share of Capital Expenses/Repairs related to the operations of the Sewer Treatment Plant (Clarifier Wall Repair, Crawler Camera, and Truck Replacement),** or take any other action relative thereto.

ARTICLE 33. To see if the Town will **vote to add the following language to the General By-Laws of the Town of Shelburne** entitled: **Address Assignment** as follows, or take any other action relative thereto.

- Section 1. The Selectboard shall promulgate regulations establishing addressing standards and governing the numbering of properties. All properties, buildings and structures are required to have a valid address.
- Section 2. The regulations promulgated by the Selectboard shall designate a Town official(s) as the sole authority to assign and modify addresses for all taxable and non-taxable properties.
- Section 3. The Town of Shelburne will maintain an up-to-date Master Address Table using the addresses assigned by the Selectboard's designated Town official(s) and parcel identification numbers for all taxable and non-taxable properties. No one may publicly use or list an address for a property, building, or structure located within the Town of Shelburne for any purpose, unless that address is included in the Master Address Table.

ARTICLE 34. To see if the Town will vote to add the following language to the General Bylaws of the Town of Shelburne or take any other action relative thereto.

SHORT TERM RENTAL BYLAW

Section 1. Definitions

Short-Term Residential Rental: Rental of a single-family, two-family, or multi-family property or rooms in one of these properties for overnight accommodations for not more than 31 consecutive days. Short-term residential rentals include traditional Bed & Breakfasts, but do not include motels, hotels or inns.

Owner Occupied Residential Rental: A residential property that is the primary residence of the property owner and where they reside for at least nine (9) months of the year.

Owner of residential real estate: One or more individuals who has/have some property interest and legal authority over a residential property.

Section 2. Purpose

The purpose of this chapter is to allow for short-term residential rentals while ensuring public safety, preventing possible nuisances for abutters, minimizing reductions to available long term (greater than 31 days) rental housing, and preserving the character of the town's neighborhoods. It will assist the town in the enforcement of state and local health and safety regulations and provide a method of correcting violations requiring immediate attention.

Section 3. Short Term Rental Registration

- 3.1 Owners of residential properties shall not offer short-term residential rentals unless they are
- a. registered with the Commonwealth of Massachusetts and the Town of Shelburne in accordance with this bylaw and with the Commonwealth of Massachusetts Department of Revenue pursuant to the applicable provision of General Laws Chapter 64G, and
 - (b) fully compliant with all requirements of this bylaw and any regulations adopted hereunder.
 - (c) compliant with state law and regulations
 - (d) compliant with the Shelburne zoning bylaws regarding short term residential rentals.
- 3.2 To become registered, the owner shall submit a completed Short-term Residential Rental Application form to the Town Clerk which shall include:
- (a) contact information for the owner and an agent designated by the owner either of which shall be available within two (2) hours on a 24/7 basis to respond to any disturbances or emergencies associated with the short-term residential rental;
 - (b) attestation of possession of liability insurance coverage for the short-term residential rental in compliance with Massachusetts General Laws, Chapter 175, Section 4,
 - (c) Massachusetts Department of Revenue Occupancy Excise Registration.
- 3.3 The applicant must work with the town's Health Agent, Building Inspector, and Fire Chief, to schedule required sanitation, building, and fire safety inspections of the property. Fees may apply for inspections and permits.
- 3.4 Upon receipt of a completed registration form, applicable certificates of compliance with sanitation, building, and fire safety inspections, and the associated fee, the Town Clerk shall issue a certificate of registration with a unique registration number.
- 3.5 Registrations shall expire on December 31 of each year. All renewals shall require a new application to be submitted and payment of the associated fee. Owners who wish to have their renewal take effect on January 1 following the expiration of their registration should apply at least by December 1 before the expiration of their registration. Renewal shall be conditional upon compliance with the provisions of this bylaw and any associated regulations during the preceding year and at the time of the renewal.
- 3.6 Non-Transferability: Short-term residential rental registrations shall be granted solely and personally to the applying owner and shall not be transferable or assigned to any other person, legal entity, or address. The registrations shall not run with the property; and it shall terminate upon sale or transfer of the property.

Section 4. Regulations

- 4.1 Pursuant to M.G.L. Chapter 111, Section 31, the Board of Health may promulgate regulations to carry out and enforce the provisions of this bylaw. Such regulations may include, but are not limited to, requirements to ensure that the short-term rental operates consistent with sanitary code requirements.
- 4.2 The town-issued registration number shall be included on any listing offering the short-term rental for rent.

4.3 The owner of each short-term residential rental shall keep a register containing the name of every person occupying each short-term rental, their phone number, and the dates of occupancy. The register shall be retained for two (2) years and shall be made available upon request to the Board of Health, Building Inspector, fire department, or other duly appointed or authorized code compliance staff of the Town of Shelburne.

4.4 A short-term residential rental property shall maintain compliance with all applicable Federal, state and local laws. It shall have no outstanding building, electrical, plumbing, mechanical, fire, health, housing or zoning violations at the time of registration. The owner must be current with Shelburne town taxes. A registration may be suspended or revoked if such violations arise within the registration period and are not corrected in a timely manner.

4.5 The owner shall not allow short-term residential renters to create or become a nuisance (including but not limited to loud noise or music, excessive traffic, or other disturbances) to the surrounding neighborhood.

4.6 The owner is responsible for informing renters of the Shelburne winter parking ban.

Section 5. Complaint Process and Enforcement

5.1 The Board of Health, or its designee, shall be the “enforcing person” for this bylaw. The enforcing person may issue orders as appropriate to aid in the enforcement of this bylaw and the regulations adopted hereunder, and may enforce these provisions in equity, including the request for injunctive relief in a court of competent jurisdiction and by noncriminal disposition pursuant to G.L. c. 40, §21 D. Failure to comply with any order issued hereunder shall be punishable by a fine of \$300.00. Each day of continued noncompliance shall constitute a separate violation. The imposition of a fine shall not be construed to prevent enforcement of any other bylaws, laws or regulations nor prevent other enforcement measures or fines, including civil or legal action against the owner to require compliance with the order.

5.2 Upon receipt of a complaint from any person alleging that the condition, operation, or use of a short-term residential rental is in violation of this bylaw, or otherwise, as the enforcing person may determine in its discretion, the enforcing person may request an inspection of the short-term residential rental property by each official or board with jurisdiction to address the alleged violation. The owner shall make a good faith effort to arrange access by authorized town personnel to the short-term residential rental property for the purpose of conducting inspections within twenty-four (24) hours of receiving a request.

5.3 Upon a hearing by the enforcing person with notice to the owner, the enforcing person may suspend or revoke a short-term residential rental license upon its determination that the owner is in violation of this bylaw and has failed or is unable to cure the violation within the time required.

Section 6. Severability

If any part of this bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this bylaw. The Town of Shelburne declares the provisions of this bylaw to be severable.

ARTICLE 35. To see if the town will vote to add the following to the Shelburne Zoning Bylaws and revise the Definitions and Table of Use Regulations as shown, or take any other action relative thereto.

SECTION 22 - SHORT TERM RENTALS

22.1 Purpose: The purpose of this chapter is to allow for short term residential rentals while ensuring public safety, preventing possible nuisances for abutters, minimizing reductions to available long term (greater than 31 days) rental housing, and preserving the character of the town's neighborhoods.

22.2 Initial Compliance Period: Upon the effective date of this bylaw, existing short-term residential rentals will have the ability to continue to operate based on the conditions below:

A. All existing owner-occupied short-term residential rentals must meet the requirement and standards of this bylaw within six (6) months of the effective date of this bylaw.

B. Non-owner occupied short-term rentals are not permitted in Shelburne, with the following exception; All existing non-owner occupied short-term residential rentals which have been and are (a) registered with the Massachusetts Department of Revenue's Public Registry of Lodging Operators and (b) inspected and determined to be in compliance with the sanitation code by the Board of Health, or its designee, the FRCOG Cooperative Public Health Service per M.G.L. Chapter 111, Section 30, as of the effective date of this ordinance, which shall be July 1, 2025, are permitted to continue in operation provided they meet the standards of this bylaw within six (6) months of the effective date of this bylaw, and continue to be in compliance with the terms of this bylaw.

22.3 No more than two (2) adults may occupy each room for overnight accommodation.

22.4 A minimum of one (1) off-street parking space shall be provided for each room held for overnight accommodation not to exceed a total of two (2) parking spaces for all rooms, unless an alternate parking plan is approved by Special Permit from the Zoning Board of Appeals, guided by the purpose of this section and the general criteria for Special Permits.

22.5 The short-term residential rental shall not be used for large events, such as weddings, or other large parties unless a specific Special Permit has been granted permitting such use, guided by the purpose of this section and the general criteria for Special Permits. Properties may not be listed on any advertising site in a manner inconsistent with this ordinance. A large event is defined as more than three times the number of rental occupants of the short-term residential rental.

22.6 Outdoor lighting to guide visitors to their accommodations shall be pedestrian in scale and shall be directed downward to shield abutting properties from impacts. Lighting shall incorporate full cut-off fixtures to reduce light pollution and fixtures shall be "dark sky" compliant and meet International Dark Sky FSA certification requirements.

22.7 Smoke and carbon monoxide alarms must be provided for the short-term residential rental in compliance with the current (as of the date of application) edition of the Massachusetts Building Code (780 CMR)

Definitions:

Short-Term Residential Rental: Rental of a single-family, two-family, or multi-family property or rooms in one of these properties for overnight accommodations for not more than 31 consecutive days. Short-term residential rentals include traditional Bed & Breakfasts, but do not include motels, hotels or inns.

Owner Occupied Residential Property: A residential property that is the primary residence of the property owner and where they reside for at least 9 months of the year.

Owner of Residential Real Estate: One or more individuals who has/have some property interest and legal authority over the residential property.

The following definition is deleted from Section 2:

~~**Short Term Vacation Rental:** a furnished dwelling unit that is rented by the owner to another party for a period of not more than 31 consecutive days.~~

4.3 TABLE OF USE REGULATIONS:

Commercial/Business Uses	RA	VR	VC	C	I	See
Short term Vacation Rental, Tourist Home**	Y	Y	Y	Y	Y	
Short Term Residential Rentals with 1-2 rooms for overnight accommodations available to rent, with or without kitchen facilities, in an owner-occupied residential property	Y	Y	Y	Y	Y	
Short Term Residential Rentals with 3-4 rooms for overnight accommodations available to rent, with or without kitchen facilities, in an owner-occupied residential property.	SP	SP	SP	SP	SP	
Short Term Residential Rentals with 5 rooms or more for overnight accommodations available to rent, with or without kitchen facilities, in an owner-occupied residential property.	N	N	N	N	N	
Short Term Residential Rentals with any number of rooms for overnight accommodations available to rent, with or without kitchen facilities, in a non-owner occupied residential property	N	N	N	N	N	

ARTICLE 36. To see if the Town will vote to rescind the definition of Accessory Apartment, replace it with the following language, and revise the Table of Use Regulations accordingly, or take any other action relative thereto:

Accessory Dwelling Unit: A self-contained housing unit inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than half the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including, but not limited to, additional size restrictions and restrictions or prohibitions on Short-term Rental; The ADU must have a minimum of one (1) off-street parking space provided in addition to the off-street parking spaces required for the principal dwelling unless the ADU is within a half mile radius of a transit station or bus station. (See regulation, 760 CMR 71.00). Not more than one curb cut or driveway access shall be permitted for the lot, unless the Town's normal curb cut approval process determines that a second driveway will improve public safety and not detract from the character of the road.

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SECTION 2.0 – DEFINITIONS

~~Accessory Apartment: an additional dwelling unit consisting of no more than four rooms and no more than 800 square feet of living area in a pre-existing single-family home or on the same lot. An Accessory Apartment may also be located in a pre-existing conforming or non-conforming accessory structure such as a garage or barn provided there is no expansion of square footage of the accessory structure. The Accessory Apartment shall be occupied by no more than two people. The owner of the property shall permanently occupy the principal or accessory residence. Adequate off-street parking shall be provided in accordance with Section 11 and parking shall be to the side or rear of the principal structure to the maximum extent possible.~~

4.3 TABLE OF USE REGULATIONS:

Residential Uses	RA	VR	VC	C	I
Accessory Apartment Dwelling	Y	Y	Y	Y	SP Y

ARTICLE 37. To see if the Town will vote to add the following to the Shelburne Zoning Bylaws and revise the Table of Use Regulations as indicated or take any other action relative thereto.

Energy Generation Uses	RA	VR	VC	C	I	See
Premises-Use Wind Energy Systems	SP	SP	SP	SP	SP	Sec. 17
Solar panel building-mounted systems	Y	Y	Y	Y	Y	
Commercial electric generating facilities	SP	SP	SP	SP	SP	
Coal fired electric generating facilities	N	N	N	N	N	
Nuclear powered electric generating facilities	N	N	N	N	N	
Wind powered electric generating systems not covered in Section 17	N	N	N	N	N	
Large-Scale Ground-Mounted Solar-Electric Generating Installation (LSSI)	SP	N	N	SP	SP	Sec. 19
Small-scale ground-mounted solar energy generating facility	SP	SP	SP	SP	Y	
Battery Energy Storage Facility	SP	N	N	SP	SP	Sec. 23

SECTION 23.0 BATTERY ENERGY STORAGE SYSTEMS - BESS

23.1 Purpose: The purpose of this bylaw is to reasonably regulate Battery Energy Storage Systems (BESS) installations by providing standards for the placement, design, construction, operation, monitoring, modification, and removal of such installations so as to protect the public health, safety and welfare, minimize impacts on scenic, natural, and historic resources, and ensure adequate financial assurance for the eventual decommissioning of such installations.

23.2 Applicability

This bylaw applies to all BESS installations proposed to be constructed after the effective date of this bylaw. It also pertains to physical modifications that materially alter the type, configuration, or size of existing installations, as determined by the Building Inspector or designee.

23.2.1 BESS shall require a Special Permit in accordance with Section 6 of the Zoning Bylaws of the Town of Shelburne. The ZBA is the Special Permit granting Authority for this Section. BESS proposed in conjunction with solar systems shall also comply with this section. This bylaw regulates systems with a rated capacity greater than 250 kW. Systems smaller than 250 kW or coupled with residential solar arrays are exempt.

23.3 Definitions

Battery Energy Storage System (BESS): An energy storage system consisting of an array of batteries to provide electrical power during outages and supplemental resources during times of high demand. For the purposes of this definition, a BESS shall not be considered a Public Utility and Facility.

Building Inspector: The inspector of buildings, building commissioner, or local inspector, or representative of the Franklin County Cooperative Inspection Program, designated by the Town of Shelburne and charged with the enforcement of the zoning bylaw.

Building Permit: A required approval of a project issued by the Town's designated Building Inspector, which is consistent with all applicable building codes and meets the criteria set forth under the local zoning bylaws.

Energy Storage System: One or more devices, assembled and capable of storing energy to supply electrical energy at a future time to the local power loads, to the utility grid, or for grid support.

Rated Nameplate Capacity: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.

Special Permit Granting Authority (SPGA): The Special Permit Granting Authority (SPGA) shall be the Zoning Board of Appeals, by this section, for the issuance of Special Permits to construct and operate BESS (Primary Use Solar and Wind Energy Systems).

23.4 GENERAL REQUIREMENTS FOR ALL BESS

The following requirements are common to all BESS. The requirements established in this bylaw shall supersede all other requirements which may impact the development of BESS in the existing Town of Shelburne Zoning Bylaw and/or Subdivision Control Plan.

23.4.1 Compliance with Laws, Bylaws, and Regulations - The construction and operation of all BESSs shall be consistent with all applicable local, state, and federal requirements, including, but not limited to, all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a BESS installation shall be constructed in accordance with the Massachusetts State Building Code.

23.4.2 Building Permit - A building permit and an electrical permit shall be required for the installation or modification of all battery energy storage systems. The applicant must provide evidence to the Building Inspector that the installation complies with the building codes and other local regulations.

23.4.3 Special Permit - A Special Permit shall be required from the Special Permit Granting Authority (SPGA) for the construction and operation of a BESS. The SPGA, as defined, will review the application to ensure it aligns with zoning bylaws and local regulations.

23.4.4 Pre-Application Conference - Before applying for a building or special permit, the applicant shall schedule a pre-application conference with the Special Permit Granting Authority (SPGA), Building Inspector, and other relevant town officials. This meeting is to discuss the proposed project, address potential concerns, and identify requirements for compliance with the zoning bylaw.

23.4.5 Utility Notification - No BESS shall be constructed until evidence has been provided to the SPGA that the utility company responsible for the electrical grid where the installation is to

be located has been informed of the BESS owner's or operator's intent to install an interconnected customer-owned BESS. Off-grid systems are exempt from this requirement.

23.4.6 Proof of Liability Insurance - The applicant for a Building Permit for a BESS shall be required to provide an initial certificate of liability insurance to the Building Inspector and an annual certificate of liability insurance to the Town Clerk for the duration of the installation.

23.4.7 Site Control - At the time of its application for a Building Permit, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Documentation shall also include proof of control over setback areas and access roads, if required. Control shall mean the legal authority to prevent the use or construction of any structures for human habitation within the setback areas.

23.4.8 Operation and Maintenance Plan - The project proponent shall submit a plan for the operation and maintenance of the BESS, which shall include measures for maintaining safe access to the installation, stormwater and vegetation controls, as well as general procedures for operational maintenance of the installation.

23.4.9 Landscape Plan - The project proponent shall submit a Landscape Plan detailing all proposed changes to the landscape of the site, including vegetation removal and screening of structures. The Landscape Plan shall show the type and location of vegetation to be removed and vegetation proposed to screen the installation, including appurtenant structures, from public ways and adjacent properties as deemed appropriate by the SPGA. To the greatest extent feasible, the vegetative screen shall be composed of the existing vegetation and native trees and shrubs.

23.4.10 Grading Plan - The project proponent shall submit a Grading Plan detailing all proposed grading, soil erosion and run-off control, and temporary or permanent access roads.

23.5 GENERAL SITING STANDARDS

23.5.1 Setbacks - For all BESS, regardless on the Zoning District where located the following setbacks from property lines shall apply:

- A. Front Yard:** The front yard depth shall not be less than 50 feet.
- B. Side Yard:** Each side yard shall have a depth of at least 50 feet
- C. Rear Yard:** The rear yard depth shall not be less than 50 feet

23.5.2 Appurtenant Structures - All appurtenant structures associated with BESS shall adhere to the following requirements:

- These structures shall be subject to regulations concerning the bulk and height of structures, lot area, and setbacks as specified in Section 23.5.1, as well as open space, parking, and building coverage requirements.
- Appurtenant structures, including but not limited to equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and with the rural character of surrounding structures in the area.
- Structures should be screened from view by vegetation and/or clustered or joined in a way that minimizes adverse visual impacts.

23.5.3 Height of Structures - The height of any structure associated with an BESS shall not exceed 35 feet.

23.6 DESIGN AND PERFORMANCE STANDARDS

23.6.1 Lighting - Lighting of BESS shall comply with all applicable local, state, and federal laws. Lighting of appurtenant structures within the installation shall be limited to what is necessary for safety and operational purposes and shall be reasonably shielded from abutting properties. Lighting of the BESS itself shall be directed downward and must incorporate full cut-off fixtures to reduce light pollution. Additionally, such fixtures shall be "dark sky" compliant and meet International Dark Sky FSA certification requirements. The owner/operator shall be responsible for the maintenance of the lighting systems.

23.6.2 Signage - Signs on BESS installations shall comply with Shelburne's sign regulations, Section 9 of this Zoning Bylaw. One (1) sign consistent with Section 9 shall be required to identify the owner and provide a 24-hour emergency contact phone number. BESS installations shall not be used for displaying any advertising, except for reasonable identification of the manufacturer or operator of the installation.

23.6.3 Utility Connections - Reasonable efforts, as determined by the SPGA, shall be made to place all utility connections from the BESS underground, depending on the appropriate soil conditions, shape, and topography of the site, as well as any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

23.6.4 Roads - Access roads to BESS installations shall be constructed to minimize grading, stormwater/runoff control, removal of stone walls or trees, and to minimize impacts to environmental, wetland, or historic resources. (See Scenic Road restrictions – M.G.L. Chapter 40 Section 15C).

23.6.5 Control of Vegetation - Except in the case of invasive plants listed by the Massachusetts Invasive Plant Advisory Group, herbicides may not be used to control vegetation at the BESS. Mowing, grazing, or the use of pervious pavers or geotextile materials underneath the battery energy storage system are possible alternatives. Invasive plant species must be controlled using best management practices and effective methods that are least detrimental to the environment.

23.6.6 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 Massachusetts Department of Environmental Protection (DEP) pursuant to DEP regulations 310 CMR 30.000 and shall meet all requirements of the DEP, 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 BESS equipment, then impervious containment areas capable of controlling any release to the environment and preventing potential contamination of groundwater are required. A list of any hazardous materials located on the site and a plan to prevent their release shall be provided to the Fire Chief at the time of application and on an annual basis.

23.6.7 Noise - Noise generated by BESS installations and associated equipment and machinery shall conform at a minimum to applicable state and local noise regulations, including the DEP's Division of Air Quality noise regulations, 310 CMR 7.10. In addition, for the purposes of this bylaw, a source of sound will be considered in violation of this bylaw if the source:

- A. Increases the broadband sound level by more than 5 dB(A) above the pre-construction ambient noise level;
- B. 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; or
- C. Results in sound or noise levels greater than 33 dBA.

Said criteria are measured both at the property line and at the nearest inhabited residence. In addition, the said criteria shall be measured at any property line that is subject to sound elevations higher than ambient sound as a result of higher or lower topography, in the opinion of the acoustical engineer paid for by the applicant and approved by the SPGA. "Ambient" is defined as the background A-weighted sound level that is exceeded 90% of the time, measured during the quietest part of the day or night. All testing required by this bylaw shall be done by a licensed professional acoustical engineer chosen by the SPGA and paid for by the applicant. All testing shall be done in accordance with the professional standards of the appropriate accrediting agencies.

23.6.8 Visual Impacts - The BESS shall be designed to minimize visual impacts, including preserving natural vegetation to the maximum extent practicable, using vegetative buffers (not fences) to provide an effective visual barrier from any public roads and to visually screen abutting residential properties, whether developed or not. Landscaping shall be maintained by the owner/operator of the BESS. Siting shall be such that the system's visual impact is minimized from surrounding areas.

23.7 SAFETY AND ENVIRONMENTAL STANDARDS

23.7.1 Emergency Services - The BESS owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief. The owner or operator shall cooperate with local emergency services to develop an emergency response plan. All means of shutting down the BESS shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation. The Operator will provide a description of the safety measures in place and a copy of the response.

23.7.2 Land Clearing, Soil Erosion and Farmland Impacts - To the maximum extent feasible, the facility should be located to minimize impacts to agricultural land and should be compatible with continued agricultural use. The facility shall be designed to minimize impacts to environmentally sensitive land. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the BESS or otherwise prescribed by applicable laws, regulations, and bylaws. The design shall minimize the use of concrete and other impervious materials to the maximum extent possible. Locating BESS on grades in excess of 10% should be avoided to the maximum extent feasible.

23.7.3 Habitat Impacts - To the maximum extent feasible, BESS should not be located on Permanently Protected Open Space, Chapter 61 lands, Priority Habitat and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage and Endangered Species Program (NHESP), and "Important Wildlife Habitat" mapped by the DEP.

23.7.4 Wetlands Impacts - The facilities, including the BESS and access roads, shall meet the wetland buffer and river protection standards set forth by the Massachusetts Wetland Protection Act Regulations (310 CMR 10.0), and any additional local wetlands protection bylaws.

23.7.5 Security Fencing

BESS and related equipment typically require a 6' chain link fence with 1' barbed wire to prevent unauthorized access unless alternative security is approved by the SPGA.

23.8 MONITORING, MAINTENANCE AND REPORTING

23.8.1 Battery Energy Storage System Conditions - The BESS owner or operator 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 BESS and any access road(s).

23.8.2 Modifications - All modifications (excluding routine repairs and maintenance) to an installation after issuance of Building Permit and Special Permit shall require approval by the Building Inspector and SPGA.

23.8.3 Annual Reporting - The owner or operator of the BESS shall submit an Annual Report that certifies continued compliance with the requirements of the special permit and reports the amount of electricity stored by the facility. The Annual Report shall be submitted to the Selectboard and SPGA no later than 90 days after the end of the calendar year.

23.9 ABANDONMENT, DECOMMISSIONING, FINANCIAL SURETY & INDEMNIFICATION

23.9.1 Removal Requirements - Any BESS which has reached the end of its useful life or has been abandoned consistent with Section 23.9.3 of this bylaw, shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the SPGA by certified mail of the proposed date of discontinued operations and plans for removal.

23.9.2 Decommissioning - Decommissioning shall consist of:

A. Physical removal of all BESS, structures, equipment, security barriers, and transmission lines from the site.

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 SPGA may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

23.9.3 Abandonment - Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the BESS shall be considered abandoned when it fails to operate for more than one year without the written consent of the SPGA. If the owner or operator of the BESS 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 retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned BESS. As a condition of Special Permit approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation. The Town's 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.

23.9.4 Financial Surety - Proponents of BESS shall provide a form of surety, either through an escrow account, bond, or other form of surety approved by the SPGA to cover the cost of removal in the event the town must remove the installation and stabilization or re-vegetation of the landscape, in an amount and form determined to be reasonable by the SPGA, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein. Such surety will not be required for municipal or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, stabilization, and re-vegetation, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

23.9.5 Indemnification - The owner/operator shall indemnify and hold harmless the Town of Shelburne and/or any of its citizens from any and all liabilities, losses, and/or damages, including reasonable attorney fees, resulting from the failure of the owner/operator to comply with the terms of this by-law and/or negligence in the operations and maintenance of any structures built in accordance with it. Any surety provided for in this by-law shall be available for the aforementioned indemnification. The current owner is obligated to maintain the surety in its original amount. The developer and/or any subsequent owner shall adhere to the reporting requirements for the indemnification funds as stipulated by the SPGA at the time of the application for a Special Permit. Reporting requirements shall include, but are not limited to, an annual reporting of fund balances and compliance with the type of investments allowed by the SPGA.

23.10 SPECIAL PERMIT PROCESS, REQUIREMENTS & ENFORCEMENT

23.10.1 Building Permit and Building Inspection - No BESS shall be constructed, installed, or modified as provided in this section without first obtaining a building permit and paying any required fees.

23.10.2 Application Requirements - Each application for a Special Permit shall be filed by the applicant with the Town Clerk pursuant to Section 9 of Chapter 40A of the Massachusetts General Laws and in accordance with the "Town of Shelburne: Special Permit or Variance or other Zoning Relief. Overview and Instruction for Filing." A complete Special Permit application to the SPGA is required. All plans and maps shall be prepared, stamped, and signed by a Professional Engineer licensed to practice in Massachusetts. Any application for a BESS shall contain the following:

23.10.2 A. Completed Application

23.10.2. B. Required Documents

The project proponent shall provide the following documents in addition to or in coordination with those required for Special Permit Review under Section 6 of this bylaw:

1. Architectural, Engineering, and Site Plans showing:
 - a. A title sheet with the following:
 - b. A title labeling the company, type of proposal, and location.
 - c. A locus map showing all major roadways within 2000 feet.
 - d. A map showing other existing or proposed BESS within 1,000 feet.
 - e. A sheet index describing all parties involved in the project.
 - f. A project summary block labeling the applicant, facility address, owner, deed reference, facility parcel number, and current zoning district.
 - g. Property lines, map and lot from the Assessor's records, and physical features, including roads and topography, for the project site;
 - h. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening, vegetation or structures including their height;
 - i. Locations of wetlands, Priority Habitat Areas and Biomap 2 Critical Natural Core Habitat defined by the Natural Heritage & Endangered Species Program (NHESP), "Important Habitat Areas" defined by the DEP, and Permanently Protected Open Space, on or within 100 feet of the property boundary.
 - j. Locations of floodplains or inundation areas for moderate or high hazard dams;
 - k. Locations of local or National Historic Districts;
 - l. 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;
 - m. Blueprints or drawings of the BESS 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;
 - n. One or three line electrical diagrams detailing the BESS, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 - o. Documentation of the major system components to be used, including the electric generating components, transmission systems, mounting system, inverter, etc.;
 - p. Name, address, and contact information for proposed system installer;
 - q. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
 - r. The name, contact information and signature of any agents representing the project proponent;
 - s. Documentation of actual or prospective access and control of the project site;
 - t. Provision of water including that needed for fire protection; and
 - u. Locations of woodland areas with trees 6" caliper or larger and showing which portions of the woodlands will remain in place and those areas where woodlands will be removed.
2. An operation and maintenance plan (see Section 23.4.8);
3. Landscape plan (see Section 23.4.9) and Grading Plan (see Section 23.4.10);
4. Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
5. Proof of liability insurance (See Section 23.4.6);
6. Description of financial surety (see Section 23.9.4);

7. Sight line representation. A sight line representation shall be drawn from that portion of any public road within one (1) mile that would have the clearest view of the proposed facility, and the closest facade of each residential building (viewpoint) within one (1) mile of the highest point (visible point) of the BESS. Each sight line shall be depicted in profile, drawn at a scale appropriate to represent the sightline. The profiles shall show all intervening trees and buildings;
8. Existing (before condition) and proposed (after condition) photographs. Each sight line shall be illustrated by one four-inch by six-inch color photograph of what can currently be seen from any public road within one (1) mile. Each of the existing condition photographs shall have the proposed BESS superimposed on it to show what will be seen from public roads if the BESS is built; and
9. Documentation provided by a licensed professional acoustical engineer, approved by the SPGA and paid for by the applicant, of projected noise levels to be generated by the BESS.
10. Pesticide Use Plan (see Section 23.6.5).

23.10.3 Pre-Application Meeting - Any other drawings, photographs, or materials deemed necessary by the SPGA at a strongly encouraged pre-application meeting to discuss the project, process, waivers, and submittal requirements.

23.10.4 Procedure – Upon receipt of a complete application for a Special Permit for a BESS, the SPGA shall review and take action upon the application in compliance with M.G.L. Chapter 40A.

23.10.5 Special Permit Approval Criteria – After notice and public hearing and after due consideration of the evidence submitted, the SPGA may grant a Special Permit provided that it finds that:

- A. The proposed BESS complies with the purposes and intent of this Section, the Special Permit requirements of Section 6 and all other provisions of these Bylaws.
- B. The application information submitted is sufficient for the SPGA to consider approval of the Special Permit request.
- C. Documentation regarding potential environmental, community, and public safety impacts provide sufficient assurance that the project will not result in substantial adverse effects.

23.10.6 Independent Consultants – Upon submission of an application for a special permit, the SPGA will be authorized to hire outside consultants at the expense of the applicant, pursuant to section 53G of Chapter 44 of the Massachusetts General Laws.

23.10.7 Expiration – A permit issued pursuant to this bylaw shall expire if:

- A. The BESS is not installed and functioning within 24 months from the date the permit is issued; the SPGA can extend the permit based upon evidence of progress and due diligence, or
- B. The BESS is abandoned.

23.11 VIOLATIONS

It is unlawful for any person to construct, install, or operate a BESS that is not in compliance with this bylaw or with any condition contained in a Building Permit, or Special Permit issued pursuant to this bylaw. Such systems installed prior to the adoption of this bylaw are exempt.

23.12 ADMINISTRATION AND ENFORCEMENT

This bylaw shall be administered and enforced by the Building Inspector or other official as designated. The Building Inspector may enter any property for which a building permit and special permit has been issued under this bylaw to conduct an inspection to determine whether the conditions stated in the permit have been met. If the permit holder is found not to be in compliance, the Building Inspector may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the BESS should they occur. The Building Inspector may request submittal of a mitigation plan outlining measures to address unforeseen adverse impacts. The BESS shall cease to operate if found to not be in compliance with the requirements of the special permit, until such time as the Building Inspector has determined compliance.

23.13 PENALTIES

Any person who fails to comply with any provision of this bylaw or a permit issued pursuant to this bylaw shall be subject to enforcement and penalties as allowed by applicable law.

23.14 WAIVER OF COMPLIANCE

The SPGA may waive strict compliance with the requirements set forth in this Section of the Bylaw when in its judgment the application for said waiver meets all of the following criteria:

1. in the public interest,
2. not inconsistent with the intent of Section 19 of the Zoning Bylaw, and
3. is justified due to unusual circumstances relating to the lot, land, or the BESS.

Any waiver request must be made in writing at the time of application with supporting documentation.

23.15 SEVERABILITY

The provisions of this bylaw are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the bylaw.

ARTICLE 38. To see if the Town will vote to accept MGL Chapter 59, Section 5, Clause 22J, which authorizes an annual increase in the amount of the exemption granted under MGL Chapter 59, Section 5, Clause 22, Clause 22A, Clause 22B, Clause 22C, Clause 22E, and Clause 22F by 80% of the personal exemption amount, subject to the conditions in Clause 22J, to be effective for applicable exemptions granted for any fiscal year beginning on or after July 1, 2025, or take any other action relative thereto.

(This article is recommended by both the Select Board and Board of Assessors.)

ARTICLE 39. To see if the Town will vote to adopt and enact the amendments to the Franklin Regional Council of Governments (FRCOG) Charter, said amendment(s) having been proposed by a two-thirds majority of the weighted vote of the full membership of the FRCOG Council and a majority vote of the FRCOG Executive Committee, with said amendment(s) taking full effect immediately upon adoption by two-thirds of the member towns unless a later effective date is otherwise specified; or take any action relative thereto. A two-thirds majority vote by this town meeting is required for adoption and enactment of this article.