

ANNUAL TOWN MEETING JUNE 13, 2011

Pursuant to the warrant issued by the Board of Selectmen, duly served and legally posted by a constable of the Town, Moderator Aaron Burke opened the meeting immediately upon adjournment of the Special held ahead of the Annual, using the same tellers and rules.

Mr. Burke read his usual ground rules of identifying oneself, going to the microphone to speak and submitting motions in writing.

A motion was then made to allow non-residents to speak or to be heard- so moved and seconded and passed unanimously. Then he entertained a motion to waive the reading of the entire warrant, we began.

Article 1: It was voted that the Town raise and appropriate \$141,489.00 to pay the salaries of all elected officers as follows:

| | |
|-------------------------|-------------------|
| Selectmen- Chair | \$2,000.00 |
| Second Member | \$1,500.00 |
| Third Member | \$1,500.00 |
| TOTAL | \$5,000.00 |

| | |
|-------------------------|-------------------|
| Assessors- Chair | \$2,000.00 |
| Second Member | \$1,500.00 |
| Third Member | \$1,500.00 |
| TOTAL | \$5,000.00 |

| | |
|-------------------------------|-------------------|
| Board of Health- Chair | \$2,000.00 |
| Second Member | \$1,500.00 |
| Third Member | \$1,500.00 |
| TOTAL | \$5,000.00 |

| | |
|-----------------------------|-------------|
| Treasurer/ Collector | \$67,151.00 |
| Town Clerk | \$59,338.00 |

| | |
|---------------------------|---------------------|
| TOTAL | \$141,489.00 |
| Passed by Majority | |

Prior to taking up Article #2, Mr. Burke explained that he would be reading totals only from the warrant booklet and if someone had a question within that department, they should put a “hold” on it and we would return to all questions at the end of the reading.

Article 2: It was voted that the Town raise and appropriate \$6,744,433, transfer and appropriate \$85,000 from Reserve for Appropriation Sale of Land; transfer and appropriate \$16,515 from the Massachusetts Water Pollution Abatement Trust; transfer and appropriate \$3,000 from Expendable Cemetery Trust; transfer and appropriate \$25,000 from General Fund tax levy to Park Enterprise; transfer and appropriate \$25,000 from Park Retained Earnings, and appropriate Estimated Receipt of \$53,350 to Park Enterprise; transfer and appropriate \$113,000 from Landfill Enterprise Retained Earnings, and appropriate Estimated Receipts of \$277,700 to Landfill Enterprise; transfer and appropriate \$356,000 to Water Enterprise Fund from the Water Infrastructure Improvements Stabilization Fund; to defray town expenses for the fiscal period July 1, 2011 to June 30, 2012.

ARTICLE 2-TOWN EXPENSES

GENERAL GOVERNMENT - 100

| | |
|--|------------------|
| Selectmen Personnel | \$207,590 |
| Selectmen Expenses | \$13,000 |
| Finance Committee Expenses | \$900 |
| Accounting Personnel | \$109,972 |
| Accounting Expenses | \$75,075 |
| Assessors Personnel | \$126,093 |
| Assessors Expenses | \$31,020 |
| Treasurer & Collector Personnel | \$127,782 |
| Treasurer & Collector Expenses | \$32,600 |
| Law Expenses | \$40,000 |
| Wage & Personnel Board Expenses | \$700 |
| Town Clerk Personnel | \$47,961 |
| Town Clerk Expenses | \$1,380 |

| | |
|--|-----------------|
| Elections Expenses | \$13,650 |
| Registration Expenses | \$8,850 |
| Conservation Commission Personnel | \$15,500 |

| | |
|--|------------------|
| Planning Board Expenses | \$150 |
| Appeals Board Expenses | \$300 |
| Historic Town House Expenses | \$4,500 |
| Town Office & Fire Station Expenses | \$126,000 |
| Town Reports Expenses | \$600 |
| Cable TV Advisory Expenses | \$5,000 |
| Other General Government Expenses | \$11,002 |
| TOTAL – GENERAL GOVERNMENT – 100 | \$999,625 |

PUBLIC SAFETY – 200

| | |
|--|--------------------|
| Police Department Personnel | \$1,133,414 |
| Police Department Expenses | \$158,600 |
| Fire Department Personnel | \$815,527 |
| Fire Department Expenses | \$82,972 |
| Building Inspector Personnel | \$102,342 |
| Building Inspector Expenses | \$5,200 |
| Gas Inspector Expenses | \$11,000 |
| Plumbing Inspector Expenses | \$16,500 |
| Sealer of Weights & Measures Expenses | \$1,600 |
| Electrical Inspector Expense | \$22,000 |
| Animal Inspector Expense | \$6,000 |
| Emergency Management Expenses | \$5,000 |
| Animal Shelter/Dog Officer Personnel | \$72,232 |
| Animal Shelter/Dog Officer Expenses | \$17,731 |
| TOTAL - PUBLIC SAFETY – 200 | \$2,450,118 |

EDUCATION – 300

TOTAL COUNTY & STATE ASSMTS -800

MEMO \$154,536

UNCLASSIFIED – 900

Regional Assessment Expense

\$1,713

Unemployment Expense

\$25,000

Employee Benefits

\$1,366,074

Property & Liability Insurance Expense

\$160,000

TOTAL – UNCLASSIFIED – 900

\$1,707,323

GRAND TOTAL/TOWN EXP – 100-900

\$7,359,304

PARK ENTERPRISE / EXPENSE

Park Enterprise Personnel Expenses

\$45,000

Park Enterprise Expenses

\$58,350

TOTAL-PARK ENTERPRISE REVENUE

(\$103,350)

LANDFILL/TRANSFER ENTER EXPENSES

Landfill/Transfer Enterprise Personnel

\$158,461

Landfill/Transfer Enterprise Expense Exp

\$217,239

Landfill/Transfer Capped Expense

\$15,000

TOTAL-LANDFILL ENTERPRISE REV

(\$390,700)

WATER ENTERPRISE EXPENSES

Water Enterprise Personnel Expense

\$22,800

Water Enterprise Expense

\$333,200

TOTAL-WATER ENTERPRISE REVENUE

(\$356,000)

GRAND TOTAL:

\$21,073,202

90 Yes to 0 No

Article 3: It was voted that the Town raise and appropriate for the use of the Trustees for the County Co-operative Extension Service the sum of Two Hundred Dollars (\$200), and to set the length of the term of Town Director at one year as provided in MA General Laws Chapter 128, Sections 41 and 42. **Unanimous**

Article 4: It was voted that the Town raise and appropriate the sum of Seven Hundred Thirty Nine Thousand Three Hundred Forty Six Dollars (\$739,346.00) as the share of the Town of Lakeville in the Plymouth County Retirement Association. **Unanimous**

Article 5: It was voted that the Town raise and appropriate the sum of Eight Hundred Twenty Six Thousand Three Hundred Sixty Nine Dollars (\$826,369.00) as the Town's share of the 2011-2012 maintenance and operating budget for the Old Colony Regional Vocational High School District, to be used in conjunction with an appropriation for the same purpose by the Towns of Acushnet, Carver, Mattapoisett, and Rochester. **Unanimous**

Article 6: It was voted that the Old Colony Regional Vocational Technical High School District through the assessment of its member towns of Acushnet, Carver, Lakeville, Mattapoisett, and Rochester appropriate the sum not to exceed Two Million Five Hundred Thousand (\$2,500,000) Dollars for the replacement of the current urethane foam roof and renovation of existing science laboratory said sum to be expended under the direction of the Old Colony Regional School District School Building Committee and to meet said appropriation the District Treasurer with the approval of the Regional District School Committee is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the Old Colony Regional School District Committee acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Old Colony Regional School District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Old Colony Regional School District and further provided that the appropriation hereunder shall be subject to and contingent upon an affirmative vote of the member towns of Acushnet, Carver, Lakeville, Mattapoisett and

Rochester to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2 1/2), and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Old Colony Regional School District and the MSBA.

90 Yes to 0 No

Article 7: It was voted that the Town raise and appropriate the sum of Ten Million Nine Hundred Twenty Nine Thousand Six Hundred Thirty One Dollars and Sixty Five Cents (\$10,929,631.65) as the Town's share of the 2011-2012 maintenance and operating budget for the Freetown-Lakeville Regional School District, consisting of the Non-excluded Debt Assessment of Forty Eight Thousand Six Hundred Seventy Two Dollars and Eighty Nine Cents (\$48,672.89), the Excluded Debt Assessment of Seven Hundred Eighty Two Thousand One Hundred Forty Six Dollars and Seventy Eight Cents (\$782,146.78), the Operating Cost Assessment of Nine Million Five Hundred Forty Six Thousand Eight Hundred Fifty Three Dollars and Forty Two Cents (\$9,546,853.42), and the Transportation Assessment of Five Hundred Fifty One Thousand Nine Hundred Fifty Eight Dollars and Fifty Six Cents (\$551,958.56) to be used in conjunction with an appropriation for the same purpose by the Town of Freetown.

Unanimous

Article 8: It was voted that the Town raise and appropriate the sum of Two Hundred Ninety Three Thousand Eight Hundred Eighty Seven Dollars (\$293,887.00) for the payment of vocational education tuitions and related transportation for students enrolled in vocational educational programs **other than** at Old Colony Vocational School.

Unanimous

Article 9: It was voted that the Town raise and appropriate and/or transfer from available funds the sum of Five Thousand Dollars (\$5,000.00) to cover the cost of contractual obligations upon retirement of Town Employees.

Unanimous

Article 10: It was voted that the Town raise and appropriate and/or transfer from available funds the sum of Six Thousand (\$6,000) to cover the cost of hiring a consultant to perform an actuarial valuation for the Other Post Employment Benefits (OPEB) for GASB 45.

Unanimous

Article 11: It was voted that the Town raise and appropriate and/or transfer from available funds the sum of Five Thousand Dollars (\$5,000) for the purpose of adding to the Other Post Employment Benefits Liability Trust Fund (GASB 45), pursuant to the provisions of M.G.L. Chapter 32B, Section 20.

Passed by Majority

Article 12: It was voted that the Town raise and appropriate and/or transfer from available funds the sum of Eighteen Thousand Seven Hundred and Fifty Dollars (\$18,750.00) for the purpose of funding the Fiscal Year 2015 Recertification of Values as mandated by the Massachusetts Department of Revenue.

Unanimous

Article 13: It was voted that the Town hereby appropriate the sum of Two Hundred Thirteen Thousand Dollars (\$213,000.00) to pay costs of the following capital expenditures:

| | |
|---|------------------|
| Equipment, Technology and Licensing for Town Network | \$ 30,000 |
| Equipment for Fire Trucks- Hoses/Nozzles/Deck Guns | 20,000 |
| Radios & Equipment for Fire, Police and Highway Departments | 15,000 |
| One Ton Dump Truck for Highway Department | 53,000 |
| Vehicle Lift for Highway Barn | 7,000 |
| Notice of Intent (NOI) MS4 Stormwater Management Permit | 15,000 |
| One (1) New Police Cruiser | 30,000 |
| Re-pave Police Station Parking Lot | 20,000 |
| Repairs to Town Office Building/Fire Station | <u>23,000</u> |
| TOTAL | \$213,000 |

and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 and 8 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

75 Yes to 2 No

Article 14: It was voted that the Town raise and appropriate the sum of Two Thousand Seven Hundred Eleven Dollars (\$2,711.00) for the purpose of making payments on the fifth year of a five-year lease for one (1) Administrative Vehicle for the use of Office of the Assessors.

Unanimous

Article 15: It was voted that the Town accept under the provisions of General Laws, Chapter 90, Section 34, an apportionment in the amount of Three Hundred Sixty Eight Thousand Five Hundred Ninety Eight Dollars (\$368,598.00).

Unanimous

Article 16: To see if the Town will note to raise and appropriate and/or transfer from appropriated and/or unappropriated available funds in the treasury a sum of money for the purpose of adding to the Stabilization Fund pursuant to the provisions of General Laws Chapter 40, Section 5B, or take any action relative thereto.

A motion was made to postpone indefinitely, it was seconded, and the motion passed unanimously.

Article 17: It was voted that the Town raise and appropriate Fifty Thousand Dollars (\$50,000) to the Reserve Fund.

Unanimous

Article 18: It was voted that the Town transfer and appropriate the sum of Twenty Four Thousand Two Hundred Ninety Three Dollars and Eighty Cents (\$24,293.80) for the purpose of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that project and financing costs shall be repaid by the property owners, in accordance with those agreements, as well as take any other action necessary to carry out the projects.

Unanimous

Article 19: To see if the Town will vote to appropriate the sum of Thirty Million Eight Hundred Sixty Five Thousand Dollars (\$30,865,000) for the purpose of financing the construction of a Sewer Project for the shorefront communities on the Western side of Long Pond, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to

meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow Thirty Million Eight Hundred Sixty Five Thousand Dollars (\$30,865,000.00) and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Selectmen determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/ or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aide available for the project or for the financing thereof; that the Board of Selectmen, is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

Failed (0 Yes to 74 No)

Article 20: To see if the Town will vote to revise the town's outdoor lighting by-law. Lakeville's current outdoor lighting by-law no longer reflects modern outdoor lighting standards and technology. The current by-law contains out of date guidelines and technical inaccuracies that detract from its intended purpose. The revised by-law provides corrections and clearer guidelines for outdoor lighting fixtures in order to reduce the problems associated with excess glare and light trespass. In effect, the updated version of the by-law will protect nocturnal habitats and wild-life and the night sky in addition to providing better night-time security and energy savings, or take any other action thereto.

A motion was made to withdraw Article #20, it was seconded, and the motion passed by majority.

A motion was made to take the Articles out of order and have Articles #22, #23, #25, #26, and #24 precede Article #21. After much discussion, a vote was taken and the motion passed unanimous.

Article 22: It was voted that the Town amend the Zoning By-laws, Table of Use Regulations, Section 4.13, Industrial Uses, to eliminate the line “Research Laboratory” below “Dry-excluding genetic or biological research” and above “Wet-including genetic or biological research” because it is duplicative and redundant and to insert a new line “Renewable and Alternative Energy Research” below “Wet-including genetic or biological research” and above “sale of new or used construction or materials handling equipment” so as to allow “Renewable and Alternative Energy Research” as of right in the Industrial and Industrial-B districts, but prohibit it in the Residential and Business Districts, or take any other action relative thereto.

| | | | | |
|--|----|----|----|----|
| Research laboratory | | | | |
| Dry-excluding genetic or biological research | N | N | SP | SP |
| Research laboratory | | | | |
| Wet-including genetic or biological research | N* | N* | N* | N* |
| *(Adopted 6/13/05; approved by Attorney General 9/30/05) | | | | |
| Renewable and Alternative Energy Research | N | N | Y | Y |

66 Yes to 2 No

Article 23: It was voted that the Town amend the Zoning By-laws, Section 2.0 to insert new definitions for “Renewable and Alternative Energy Research and Development Facilities” and “Place for Manufacturing, Assembling, or Packaging of Goods” as follows:

Renewable and Alternative Energy Research and Development Facilities: Those facilities used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses.

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

65 Yes to 2 No

A motion was made to waive the reading of Article #25, it was seconded, and the motion passed unanimous.

Article 25: It was voted that the Town amend the Zoning By-laws to insert a new article, Article 10, entitled “Large-Scale Ground Mounted Solar Photovoltaic Installations Overlay District” as follows:

10.0 Large-Scale Ground-Mounted Solar Photovoltaic Installations Overlay District

10.1 Purpose

The purpose of this bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations. The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

10.1.1 Applicability This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

10.2 Definitions

10.2.1 As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development ***shall*** be subject to site plan review to determine conformance with local zoning ordinances or bylaws. Projects cannot be prohibited, but can be reasonably regulated by the Planning Board through Site Plan Review.

10.2.2 Building Inspector: The inspector of buildings, building commissioner, or local inspector, or person or board designated by local ordinance or bylaw charged with the enforcement of the zoning ordinance.

10.2.3 Building Permit: A construction permit issued by an authorized building inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing ground-mounted large-scale solar photovoltaic installations. Building Permits will be issued after Site Plan Review by the Planning Board.

10.2.4 Designated Location: The locations designated by Town Meeting, in accordance with Massachusetts General Laws Chapter 40A, section 5, where ground-mounted large scale solar photovoltaic installations may be sited as-of right. To include all I (Industrial Districts) as shown on the Lakeville Zoning Map (As Revised August 2009). This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Town Clerk.

10.2.5 Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

10.2.6 On-Site Solar Photovoltaic Installation: A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

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

10.2.8 Site Plan Review: Review by the Site Plan Review Authority to determine conformance with local zoning ordinances or bylaws.

10.2.9 Site Plan Review Authority: For purposes of this bylaw, Site Plan Review Authority refers to the body of local government designated as such by the municipality. ***The Planning Board is the Site Plan Review Authority.***

10.2.10 Solar Photovoltaic Array: An arrangement of solar photovoltaic panels.

10.2.11 Zoning Enforcement Authority: The person or board charged with enforcing the zoning ordinances or bylaws. The Building Commissioner is the Zoning Enforcement authority.

10.3 General Requirements for all Large Scale Solar Power Generation Installations.

The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

10.3.1 Compliance with Laws, Ordinances and Regulations

The construction and operation of all large scale solar photovoltaic installations 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 solar photovoltaic installation shall be constructed in accordance with the State Building Code.

10.3.2 Building Permit and Building Inspection

No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

10.3.3 Fees

The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit.

10.3.4 Renewable or Alternative Energy Research and development facilities, and renewable or alternative energy manufacturing facilities, subject to Site Plan Review by the Planning Board, pursuant to Section 7.3 and 10.3.5 Site Plan Review and subject to the dimensional requirements of Section 10.3.9 Dimension and Density Requirements. Said Site Plan Approval shall be an "expedited" application and permitting process under which said facilities may be sited within one (1) year from the date of initial application to the date of final approval by the Planning Board.

10.3.5 Site Plan Review

Ground-mounted solar ***photovoltaic installations shall undergo*** site plan review by the Site Plan Review Authority prior to construction, installation or modification as provided in this section.

10.3.5.1 General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

10.3.5.2 Required Documents

Pursuant to the site plan review process, the project proponent shall provide the following documents:

(A) A site plan showing:

- i. Property lines and physical features, including roads, for the project site;
- ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- iii. 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;
- iv. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices;
 - v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
 - vi. Name, address, and contact information for proposed system installer;
 - vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
 - viii. The name, contact information and signature of any agents representing the project proponent; and
 - (a) Documentation of actual or prospective access and Control of the project site (see also Section 10.3.6);
 - (b) An operation and maintenance plan (see also Section 10.3.7);
 - (c) 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);
 - (d) Proof of liability insurance; and
 - (e) Description of financial surety that satisfies Section 10.3.13.3

The Site Plan Review Authority may waive documentary requirements as it deems appropriate.

10.3.6 Site Control

The project proponent 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 photovoltaic installation.

10.3.7 Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

10.3.8 Utility Notification

No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Site Plan Review Authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

10.3.9 Dimension and Density Requirements

10.3.9.1 Setbacks

For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

- (a) Front yard: The front yard depth shall be at least 40 feet
- (b) Side yard: Each side yard shall have a depth at least 40 feet
- (c) Rear yard: The rear yard depth shall be at least 40 feet
- (d) Buffer Strips: As set forth in Section 5.2.5.1 & 5.2.5.2 when abuts a Residential District

10.3.9.2 Appurtenant Structures

All appurtenant structures to large-scale ground-mounted solar photovoltaic 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 such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

10.3.10 Design Standards

10.3.10.1 Lighting

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. ***All aspects of construction not specifically listed must comply with all municipal By-laws.*** Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. ***Lighting*** of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

10.3.10.2 Signage

Signs on large-scale ground-mounted solar photovoltaic installations shall comply with a municipality's sign bylaw. A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation. All Signage must conform with Section 6.6

10.3.10.3 Utility Connections

All utility connections from the solar photovoltaic installation ***shall be made underground***, depending on appropriate 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.

10.3.10.4 Installation

All aspects of installation not specifically listed must conform with existing Town By-laws.

10.3.11 Safety and Environmental Standards

10.3.11.1 Emergency Services

The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local 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.

10.3.11.2 Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be **limited to construction**, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws. Unit of clearing must be shown on Site Plan and be accepted by the ***Site Plan Review Authority***.

10.3.12 Monitoring and Maintenance

10.3.12.1 Solar Photovoltaic Installation Conditions

The large-scale ground-mounted solar photovoltaic installation 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 Medical Services. 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.

10.3.12.2 Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

10.3.13 Abandonment or Decommissioning

10.3.13.1 Removal Requirements

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 10.3.13.2 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 Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a)** Physical removal of all large-scale ground-mounted solar photovoltaic installations, 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 Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade

foundations in order to minimize erosion and disruption to vegetation.

10.3.13.2 Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the owner or operator of the large-scale ground-mounted solar photovoltaic 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.

10.3.13.3 Financial Surety

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, 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 by the*** Site Plan Review Authority, but in no event to exceed more than 125 percent of the cost of removal, ***disposal*** and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally-or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal ***and disposal***, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

65 Yes to 3 No

A motion was made to waive the reading of Article #26, it was seconded, and the motion passed unanimous.

Article 26: It was voted that the Town amend the Zoning By-laws to insert a new article, Article 11, entitled “Wind Energy Facilities” as follows:

11.0 Land Based Wind Energy Facilities

A. Purpose

The purpose of this by-law is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of wind facilities that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such facilities.

The provisions set forth in this by-law shall take precedence over all other by-laws, when considering applications related to the construction, operation, and/or repair of land-based wind energy facilities.

B. Applicability

This section applies to all utility-scale and on-site wind facilities proposed to be constructed after the effective date of this section. This section also pertains to physical modifications to existing wind facilities that materially alter the type, configuration, or size of such facilities or related equipment.

This section does not apply to offshore wind systems and private residential power systems.

C. Definitions

As-of-Right-Siting: As-of-Right-Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-Right development shall be subject to site plan review to determined conformance with local zoning by-laws as well as state and federal law. As-

of-Right development projects that are consistent with zoning by-laws and with state and federal law cannot be prohibited.

Building Inspector: The inspector of buildings, building commissioner, or local inspector charged with the enforcement of the state building code.

Building Permit: The permit issued in accordance with all applicable requirements of the Massachusetts State Building Code (780 CMR).

Height: The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

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.

Site Plan Review Authority: The Planning Board is hereby designated as the Site Plan Review Authority to review site plans.

Utility-Scale Wind Energy Facility: A commercial wind energy facility, where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.

Wind Energy Facility: All of the equipment, machinery, and structures together utilized to convert wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads

Wind Monitoring or Meteorological Tower: A temporary tower equipped with devices to measure wind speed and direction, to determine how much electricity a wind energy facility can be expected to generate.

Zoning Enforcement Authority: The building commissioner is the person or board charged with enforcing the zoning-by-laws within the Town of Lakeville.

D. General Requirements for all Wind Energy Facilities

The following requirements are common to all wind energy facilities to be sited in designated locations.

1. Compliance with Laws, Ordinances and regulations

The construction and operation of all such proposed wind energy facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.

2. Building Permit and Building Inspection

No wind energy system shall be erected, constructed, installed or modified as provided in this section without first obtaining a building permit.

3. Fees

The application for a building permit for a wind energy system shall be accompanied by the fee required for a building permit.

E. Site Plan Review

No wind energy facility shall be erected, constructed, installed or modified as provided in this section without first undergoing site plan review by the Site Plan Review Authority.

1. General

All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts.

2. Required Documents

Pursuant to the site plan review process, the project proponent shall provide the following documents:

- a. A site plan showing:

i. All property lines, physical features, existing and proposed topography at two (2) foot contour intervals of the site parcel;

ii. A site plan at a scale of not greater than 1" = 40' and to include a north arrow and locus on the plan;

iii. Outline of all existing buildings, including purpose (e.g. residence, garage, etc.) on site parcel and all adjacent parcels where practical, within 500 feet of the site parcel, including distances from the wind facility to each building shown;

iv. Location of the proposed tower, foundations, guy anchors, access roads, and associated equipment;

v. Location of all existing and proposed roads, both public and private, and including temporary roads or driveways, on the site parcel and adjacent parcels within 500 feet of the site parcel;

vi. Any existing overhead utility lines;

vii. Existing areas of tree cover, including average height of trees, on the site parcel and any adjacent parcels within a distance, measured from the wind turbine foundation, of 1.5 times the height of the wind turbine;

viii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting (other than FAA lights), screening vegetation or structures;

ix. Tower foundation blueprints or drawings signed by a Professional Engineer licensed

to practice in the Commonwealth of Massachusetts;

x. Tower blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts;

xi. One or three line electrical diagram detailing wind turbine, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over-current devices;

xii. Documentation of the wind energy facility's manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed), and foundation type/dimensions;

xiii. Name, address, phone number and signature of the applicant, as well as all co-applicants or property owners, if any;

xiv. The name, contact information and signature of any agents representing the applicant; and

xv. A maintenance plan for the wind energy facility;

- b. A locus map consisting of a copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed *facility* site, including turbine sites, and the area within at least two miles from the facility. Zoning district designation for the subject parcel should be included; submission of a copy of a zoning map with the parcel identified is suitable for this purpose;

- c. Proof of liability insurance;
- d. Certification of height approval from the FAA;
- e. A statement that evidences the wind energy facility's conformance with Section 11.24, K, 6 listing ambient sound levels at the site and maximum projected sound levels from the wind energy facility; and
- f. Description of financial surety that satisfies Section 11.24, M, 3.

The Site Plan Review Authority may waive documentary requirements as it deems appropriate.

F. Site Control

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

G. Operation & Maintenance Plan

The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the wind facility.

H. Utility Notification

No wind energy facility shall be installed until evidence has been given that the utility company that operates the electrical grid where the facility is to be located has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

I. Temporary Meteorological Towers (Met Towers)

A building permit shall be required for stand-alone temporary met towers. No site plan review shall be required for met towers.

J. Design Standards

1. Appearance, Color and Finish

Color and appearance shall comply with Federal Aviation Administration (FAA) safety requirements.

2. Lighting

Wind turbines shall be lighted only if required by the FAA. Lighting of other parts of the wind energy facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Except as required by the FAA, lighting of the wind energy facility shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

3. Signage

Signs on wind energy facilities 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.

Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

4. Utility Connections

Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections

from the wind energy facility underground, depending on appropriate 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.

5. Appurtenant Structures

All appurtenant structures to wind energy facilities shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking, and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and contained within the turbine tower whenever technically and economically feasible. Whenever reasonable, structures should be shaded from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.

6. Height

The maximum height of wind energy facilities shall not exceed 225 feet in height.

K. Safety and Environmental Standards

1. Emergency Services

The applicant shall provide a copy of the project summary, electrical schematic, and site plan to the police and fire departments, and/or the local emergency services entity designated by the local government. Upon request the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of disconnecting the wind energy facility shall be clearly marked. The applicant or facility owner shall identify a responsible person for public inquiries or complaints throughout the life of the project.

2. Unauthorized Access

Wind energy facilities shall be designated to prevent unauthorized access. For instance, the towers of wind turbines shall be designed and installed so that step bolts or other climbing features are not readily accessible to the public and so that step bolts or other climbing features are not installed below the level of 8 feet above the ground. Electrical equipment shall be locked where possible.

3. Setbacks

A wind turbine may not be sited within:

- a. A distance equal to three times (3x) the height of the wind turbine from buildings, critical infrastructure, or private or public ways that are not part of the wind energy facility;
- b. A distance equal to three times (3x) the height of the turbine from the nearest existing residential structure; or
- c. A distance equal to three times (3x) the height of the turbine from the nearest property line

4. Setback Waiver V

The Site Plan Review Authority may reduce the minimum setback distance as appropriate based on site-specific considerations, or written consent of the affected abutter(s), if the project satisfies all other criteria for the granting of a building permit under the provisions of this section.

5. Shadow/Flicker

Wind energy facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses.

6. Sound

The operation of the wind energy facility shall conform with the provisions of the Department of Environmental Protection's, Division of Air Quality Noise Regulations (310 CMR 7.10).

7. Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind energy facility or otherwise prescribed by applicable laws, regulations, and by-laws.

L. Monitoring and Maintenance

1. Wind Energy Facility Conditions

The applicant shall maintain the wind energy 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 Medical Services. The project owner shall be responsible for the cost of maintaining the wind energy facility and any access road(s), unless accepted as a public way.

2. Modifications

All material modifications to a wind energy facility made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

M. Abandonment or Decommissioning

1. Removal Requirements

Any wind energy facility which has reached the end of its useful life or has been abandoned shall be removed. The owner/operator shall physically remove the facility no more than 150 days after the date of discontinued operations. The applicant shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

a. Physical removal of all wind turbines, 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 Site Plan Review Authority may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption of vegetation.

2. Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the wind energy facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the applicant fails to remove the facility 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 facility.

3. Financial Surety

Applicants for utility-scale wind energy facilities shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the facility and remediate the landscape, in an amount and form determined to be reasonable by the Site Plan Review Authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. 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. The amount shall include a mechanism for calculating increased removal costs due to inflation.

64 Yes to 0 No

Article 24: It was voted that the Town amend the Town of Lakeville Zoning By-laws, Section 6.0 by adding a subsection 6.9 Expedited Permitting as follows:

Renewable or alternative energy research and development facilities and renewable or alternative energy manufacturing facilities and/or Renewable Energy Generation Facilities as identified in Sections(s) 2.0, subject to Site Plan Review by the Planning Board, pursuant to Section 6.7 (Site Plan Approval) and subject to the dimensional requirements of Section 5.0 (Dimensional Regulations). Said Site Plan Approval shall be an “expedited” application and permitting process under which said facilities may be sited within one (1) year, from the date of initial application to the date of final approval by the Planning Board; unless mutually agreed upon by both parties to extend time of approval. For the purposes of this section Renewable Energy shall be as defined in Section 2.0.

66 Yes to 0 No

Article 21: It was voted that the Town adopt the “Stretch Energy Code” set forth in the State Building Code at 780 CMR 120.AA (i.e., Appendix 120.AA), as it may be amended from time to time, and to amend the Town of Lakeville General By-laws by inserting a new Section entitled “Stretch Energy Code” as set forth below:

Stretch Energy Code

1. Adoption. The Town of Lakeville has adopted the provisions of 780 CMR 120.AA (i.e., Appendix 120.AA of the State Building Code or the “Stretch Energy Code”), as it may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.
2. Purpose. The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.

After a lengthy discussion, a non resident wish to speak on the article. A motion was made to allow him to be heard- so moved and seconded and passed by majority.

There was more discussion on the article, then a vote was taken and the article
Passed by Majority.

Article 27: It was voted that the Town accept Deerfield Lane as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift, purchase or eminent domain, an easement or fee simple in the way and any related easements as shown on the road layout plan drawn by Outback Engineering Incorporation on file with the Town Clerk entitled "Roadway As-Build Plan "Deerfield Crossing" dated February 23, 2011. **Passed by Majority**

Article 28: I move that the Town vote to accept Commercial Drive as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift, purchase or eminent domain, an easement or fee simple in the way and any related easements as shown on the road layout plan drawn by Field Engineering Co., Inc. on file with the Town Clerk entitled "Roadway Acceptance Plan, Commercial Drive and Riverside Drive, Lakeville, MA" dated August 17, 2010.

Passed by Majority

Article 29: It was voted that the Town accept Riverside Drive as a Town Way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by gift, purchase or eminent domain, an easement or fee simple in the way and any related easements as shown on the road layout plan drawn by Field Engineering Co., Inc. on file with the Town Clerk entitled "Roadway Acceptance Plan, Commercial Drive and Riverside Drive, Lakeville, MA" dated August 17, 2010.

Passed by Majority

Motion to dissolve came at 9:53 PM.

A true copy of the record

Attest: Janet Tracy, Town Clerk