

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF SCITUATE, MASSACHUSETTS

WARRANT

Plymouth ss.

TO: Either of the Constables of the Town of Scituate

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Scituate qualified to vote in elections and Town affairs that a SPECIAL TOWN MEETING will be held in the SCITUATE HIGH SCHOOL GYMNASIUM, 606 Chief Justice Cushing Highway on Monday, the 8th day of November, 2010, at 7:00 p.m. or as soon thereafter as the subject mater of this warrant can then and there be reached, and the Town Clerk is required to notify and warn the Town Meeting members then and there to meet and act on the following Articles:

ARTICLE 1.

To see if the Town will vote to transfer from available funds in the Treasury, the sum of \$481.00, or a greater or lesser sum, for the purpose of paying a Fiscal Year 2010 unpaid bill, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

ARTICLE 2.

To see if the Town will vote to transfer from available funds in the Treasury, the sum of \$274,680.00, or a greater or lesser sum, for the purpose of balancing the Fiscal Year 2011 budget pursuant to Article 5 of the April 12, 2010 Annual Town Meeting Warrant, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

ARTICLE 3.

To see if the Town will vote to transfer the sum of \$1,238.00, or a greater or lesser sum, from Board of Health Personal Services, for the purpose of fully funding Shellfish Warden Personal Services for Fiscal Year 2011, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

ARTICLE 4.

To see if the Town will vote to transfer the sum of \$16,100.00, or a greater or lesser sum, from available funds in the Legal Expense Litigation Account in the amount of \$10,000.00, and from Conservation Personal Services the amount of \$6,100.00, into Conservation Purchase of Services for the purpose of fully funding this account for Fiscal Year 2011, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

ARTICLE 5.

To see if the Town will vote to transfer from available funds in the General Liability Account the sum of \$50,000.00, or a greater or lesser sum, to the School Department budget pursuant to Article 5 of the April 12, 2010 Annual Town Meeting Warrant, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

ARTICLE 6.

To see if the Town will vote to transfer from available funds in the General Liability Account the sum of \$25,000.00, or a greater or lesser sum, and from available funds in the Treasury, the sum of \$10,000.00, or a greater or lesser sum, for the purpose of funding increased costs in Contract Bargaining and Other Services, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

ARTICLE 7.

To see if the Town will vote to transfer the sum of \$73,636.00, or a greater or lesser sum, from Golf Retained Earnings in the Golf Enterprise Fund, for the purpose of balancing expenditures to estimated revenues for Fiscal Year 2011, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

ARTICLE 8.

To see if the Town will to vote to transfer the sum of \$42,259.00, or a greater or lesser sum, from Transfer Station Retained Earnings, in the Transfer Station Enterprise Fund for the purpose of balancing expenditures to estimated revenues for Fiscal Year 2011, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

ARTICLE 9.

To see if the Town will vote to transfer the sum of \$107,315.00, or a greater or lesser sum, from Sewer Retained Earnings in the Sewer Enterprise Fund for the purpose of balancing expenditures to estimated revenues for Fiscal Year 2011, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

ARTICLE 10.

To see if the Town will vote to transfer the sum of \$219,732.00, or a greater or lesser sum, from Water Retained Earnings in the Water Enterprise Fund for the purpose of balancing expenditures to estimated revenues for Fiscal Year 2011, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

ARTICLE 11.

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$10,000.00, or a greater or lesser sum, and \$15,000.00 from DPW Engineering Personal Services, and \$3,300.00, or a greater or lesser sum, from Waterways Retained Earnings in the Waterways Enterprise Fund, and \$1,400.00, or a greater or lesser sum from Golf Retained Earnings in the Golf Enterprise Fund, totaling \$29,700.00 for the purpose of paying FY 2011 contractual obligations for professional employees, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

ARTICLE 12.

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$15,000.00, or a greater or lesser sum, for the purpose of funding Personal Services in the Information Technology Department, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

ARTICLE 13.

To see if the Town will vote to transfer from available funds in the Treasury, the sum of \$14,000.00, or a greater or lesser sum, for the purpose of paying increased costs of FY 2011 overtime in the Fire Department, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

ARTICLE 14.

To see if the Town will vote to authorize the Library Board of Trustees, on behalf of the Board of Selectmen, to apply for, accept and/or expend any state funds or grants which may be available to defray all or part of the cost of the design, construction and equipping of the library building/renovation project and to authorize the Library Trustees, on behalf of the Board of Selectmen, to accept and expend any such funds that may be received without further appropriation, or take any other action relative thereto.

*Sponsored by: Library Board of Trustees*

ARTICLE 15.

To see if the Town will vote to appropriate from available funds in the Treasury, the sum of \$52,665.00, or a greater or less sum, for the purpose of conducting an Investment Grade Audit in Town municipal and school facilities, or take any other action relative thereto.

*Sponsored by: Renewable Energy Committee*

ARTICLE 16.

To see if the Town will vote to authorize the Board of Selectmen to lease a portion of the Scituate Transfer Station/Landfill Property for up to twenty five (25) years for the

purpose of constructing and operating a solar array on the top of the Town's capped landfill, or take any other action relative thereto.

*Sponsored by: Renewable Energy Committee*

ARTICLE 17.

To see if the Town will vote to amend the Town of Scituate Zoning Bylaws by amending the following sections as follows below: Section 200, Definitions; and Section 400, Paragraph 420, Table of Use Regulations; and by adding a new Section 480, Ground-Mounted Solar Photovoltaic Installations.

**Green Communities Ground-Mounted Solar Photovoltaic Installations Bylaw**

1. Add the following new definitions to Section 200, 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 may 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 building commissioner.

**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.

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

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

2. Add to Section 400, Paragraph 420, Table of Use Regulations, Use Category 4. Industrial Uses, a new paragraph L. as follows:

	R-1	R-2	R-3	RM	GB	HB	C
Use Category							
L. Large scale ground mounted solar photovoltaic installation and appurtenant structures	N	N	N	N	N	N	Y

3. Add a new Section 480, Large Scale Ground Mounted Solar Photovoltaic Installations, as follows:

480. Large Scale Ground Mounted Solar Photovoltaic Installations

480.1 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.

480.2 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.

480.3 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.

A. 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.

B. 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.

C. Site Plan Review.

Ground-mounted large scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall be subject to site plan review by the Planning Board as described in Section 770 of this Bylaw prior to construction, installation or modification as provided in this section. In order to comply with the provisions of Section 22(c) of the Green Communities Act, site plan review for these large scale installations shall be expedited and no decision shall be rendered more than one year after the date of application. Application requirements shall be as provided below:

1. General. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed 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. 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 in 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 overcurrent 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

(b) Documentation of actual or prospective access and control of the project site (see also Section 480.3 D);

(c) An operation and maintenance plan (see also Section 480.3 E);

(d) Zoning district designation for the parcel(s) of land comprising the project site

(e) Proof of liability insurance; and

(f) Description of financial surety that satisfies Section 480.3 L 3.

The Planning Board may waive documentary requirements as it deems appropriate.

D. 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.

E. 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.

F. Utility Notification. No large scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Planning Board 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.

G. Dimension and Density Requirements.

1. Setback and Yard Requirements. For large scale ground-mounted solar photovoltaic installations, no solar panel shall be installed within thirty feet of the exterior line of any street or way, or nearer to the side or rear lines of its lot than the "Required Side Yard Distance" and "Required Rear Yard Depth" specified in the following table, provided, however, that where the lot abuts a Residential zoning district or the Saltmarsh and Tideland Conservation District, no solar panel shall be installed within fifty feet of the side or rear lines of its lot:

Required Side Yard Distance  
15 feet

Required Rear Yard Depth  
30 feet

2. Appurtenant Structures. All appurtenant structures to large scale ground-mounted solar photovoltaic installations shall be subject to regulation concerning the maximum bulk and height of structures, and the minimum lot area, setbacks,

open space, parking and building coverage requirements, which shall be the same as for structures in the Commercial zoning district. 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.

#### H. Design Standards.

1. Lighting. Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. 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. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

2. Signage. A sign consistent with the Town's sign bylaw shall be required to identify the owner and provide the business name for the company(ies) that own and operate the installation, their business address, the name of a contact person, and 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.

3. Utility Connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation 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.

#### I. Safety and Environmental Standards

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. 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.

2. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large – scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

#### J. Monitoring and Maintenance

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.

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

L. Abandonment or Decommissioning

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

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 Planning Board. 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.

3. Financial Surety. Proponents of large scale ground-mounted solar photovoltaic projects shall provide a form of surety acceptable to the Town Treasurer, 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 to be reasonable by the Planning Board, 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 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, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

*Sponsored by: Board of Selectmen, Planning Board*

## ARTICLE 18.

To see if the Town will vote to amend the General Bylaws of the Town by inserting a new Section 30355 entitled “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 120 AA of the Massachusetts Building Code, 780 CMR, the “Stretch Energy Code”, including amendments or modifications thereto, a copy of which is on file with the Town Clerk, or take any other action relative thereto.

### **SECTION 30355 STRETCH ENERGY CODE**

#### **Definitions**

**International Energy Conservation Code (IECC) 2009** – The international Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments.

**Stretch Energy Code** - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

#### **Purpose**

The purpose of 780 CMR 120 AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

#### **Applicability**

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

#### **Authority**

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix. 780 CMR 120 AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

#### **Stretch Code**

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Scituate General Bylaws, Chapter 30355.

The Stretch Code is enforceable by the Inspector of Buildings or Building Commissioner.

*Sponsored by: Board of Selectmen*

#### ARTICLE 19.

To see if the town will vote to amend the General Bylaws of the Town, Part 2, Organization, 20100 TOWN MEETINGS, Section 20140, by adding inserting the words "...or any other day that is in the best interest of the business of the Town" after the words: "The Selectmen may, in their discretion call a special town meeting to be held on any Monday..." or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

#### ARTICLE 20. **BY PETITION**

Shall the Town of Scituate revoke sections 3 to 7, inclusive of Chapter 44B of the General Laws (Community Preservation Fund) effective July 1, 2011, as approved by its legislative body. A summary of which appears below.

Section 3 to 7 of chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act ("ACT" establish a dedicated funding source to acquire, create and preserve open space, historic resource, land for recreational use, and community housing and to rehabilitate and restore such open space, historic resources, land for recreational use, and a community housing acquired or created as provided under said Act. In Scituate, the Act will be funded by an additional surcharge of 3% on the annual tax levy on real property and by matching funds provided by the Commonwealth. The following exemptions from such surcharge, permitted under Section 3(e) of said Act, will apply. (1) property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the community; (2) \$100,000 of the value of each taxable parcel of residential real property. The surcharge to be paid by a taxpayer receiving an abatement of real property authorized by Chapter 59 or any other law will be reduced in proportion to such abatement.

#### ARTICLE 21. **BY PETITION**

Does the Town of Scituate wish to adopt the following statute?

Chapter 60 Section 3C. city or town scholarship fund; deposits; distribution  
Section 3C. Any city or town which accepts the provision of this section or has previously accepted chapter one hundred and ninety-four of the acts of nineteen hundred and eighty-six is hereby authorized, subject to the approval of the commissioner, to design and designate a place on the municipal tax bills, or the motor vehicle excise tax bills, or to mail with such tax bills a separate form, whereby the taxpayers of said city or town can voluntarily check off, donate and pledge an amount not less than one dollar or such other designated amount which shall increase the amount otherwise due, and to establish a city or town scholarship fund, the purpose of which shall be to provide educational financial

aid to deserving city and town residents in accordance with this section and to establish a city or town education fund, the purpose of which shall be to provide supplemental education funding for local educational needs or to provide funding for existing adult literacy programs.

And you are directed to serve this Warrant by posting attested copies thereof, one at each of the Post Offices in Town and one at Town Hall fourteen (14) days at least before holding said meeting.

HEREOF fail not and make due return of the Warrant with your doings thereon unto the Town Clerk, on or before the time of holding said meeting

Given under our hands this 5th day of October 2010

\_\_\_\_\_  
John F. Danehey  
Chairman

\_\_\_\_\_  
Joseph P. Norton  
Vice-Chairman

\_\_\_\_\_  
Richard W. Murray  
Member

\_\_\_\_\_  
Shawn Harris  
Member

\_\_\_\_\_  
Anthony V. Vegnani  
Clerk

**BOARD OF SELECTMEN  
TOWN OF SCITUATE**