

TOWN OF SCITUATE
ADVISORY COMMITTEE

Report and Recommendations
for

SPECIAL TOWN MEETING

NOVEMBER 8, 2010

7:00 P.M.

HIGH SCHOOL GYMNASIUM

This Report is furnished for your information. Please bring it to all sessions
of Special Town Meeting.

REPORT OF THE ADVISORY COMMITTEE

TO THE VOTERS OF SCITUATE:

In accordance with the Town of Scituate Bylaws, the Advisory Committee submits its Report to the voters. This report contains the complete warrant for the Special Town Meeting, which will convene on November 8, 2010.

Open Town Meeting has been described as the purest form of democracy. All registered voters are entitled to attend, ask questions, express their opinions, and vote on all matters.

YOU ARE THE LEGISLATIVE BODY OF SCITUATE. The Board of Selectmen and the School Committee and other Town boards propose expenditures, Bylaw changes, zoning changes, etc. We, the Advisory Committee, recommend on each; but **ONLY YOU DECIDE WHAT PASSES AND WHAT DOES NOT.**

The 2010 Special Town Meeting places before the voters a total of **twenty-one (21)** articles for your consideration. The Advisory Committee urges you to become an active meeting member. Voice your opinion and seek any clarification necessary to make an informed vote on these articles.

RESPECTFULLY SUBMITTED,

THE SCITUATE ADVISORY COMMITTEE

Bob DeLorenzo, Chairman

Mark Sandham, Vice Chair

Anthony Antonello

Maura Curran

Kevin Dolan
Lincoln Heineman
Frank Judge

TOWN MEETING RULES AND DEFINITIONS

1. The conduct of Scituate's Town Meeting is bound by State law, the Town's Charter and By-laws, local tradition and the publication entitled, Town Meeting Time.
2. The Moderator presides over the Town Meeting, decides all questions of order and procedure, and announces the results of all votes. The results of all votes when announced by the Moderator shall be final except on a voice vote that may be questioned by seven (7) voters standing immediately after the announced results of a vote. In such a case, a teller-counted vote shall be taken without debate.
3. Non-voters will be seated in a special section unless permission is granted by the Town Meeting to be seated elsewhere. Non-voters may be allowed to address the Town Meeting with permission of the Moderator unless a majority of voters choose to deny such a privilege.
4. Articles in the Warrant give notice of the issues subject to discussion at a Town Meeting and establish the parameters of matters that can be debated and acted on. Amendments, motions and/or debate determined by the Moderator, with the advice of Town Counsel, to be "beyond the scope" of the articles may not be permitted.
5. In order for the Town Meeting to act on or discuss an article, a motion must be made. The Moderator will call for a motion on each article and, if no motion is made after the second call, the Moderator will "pass over" the article and move on to the next Article. In order to bring back a "passed over" article for a motion and discussion, there must be an approved "motion for reconsideration".
6. Articles may be postponed by a majority vote or advanced by a 2/3 vote.
7. To address the Town Meeting, a speaker must be recognized by the Moderator and once recognized, a speaker should first give his or her name and address for the record. No speaker will be recognized while another person is speaking except to raise "a point of order," which is used to question a ruling of the Moderator or the conduct of Town Meeting. Points of order are not to address the subject matter being discussed.
8. All matters shall be decided by a majority vote unless a 2/3 or greater vote is required. If more than a majority vote is required, the Moderator shall

announce the required percentage for passage before calling the vote.

9. The Moderator may set time limits on all presentations and may terminate debate on a motion when deemed appropriate. Debate on a motion may also be terminated by a voter “moving the question” which, if accepted by the Moderator as not being premature, shall be voted on without discussion or debate. A motion to “move the question” requires a 2/3 vote for passage.

10. Only two (2) amendments to a motion may be on the floor at any particular time. Amendments over six (6) words must be submitted to the Moderator in writing and, if over fifty (50) words, sufficient copies must be available to those attending at the entrance of the hall before the start of that particular session.

11. Generally, amendments shall be voted on in the order made and prior to the vote on the motion to be amended. However, amendments relating to amounts to be appropriated shall be voted on in a descending order until an amount gains approval.

12. A motion may be reconsidered once for a compelling reason by a 2/3 vote. No further reconsideration will be permitted. There may be no reconsideration of a vote at a subsequent session of the Town Meeting.

13. A resolution is a non-debatable, non-binding motion on any matter calling for a consensus of the Town Meeting. A resolution must be related to the content of an article. If a resolution is over ten (10) words, it must be submitted to the Moderator in writing and, if over fifty (50) words, sufficient copies must be available at the entrance of the hall for those attending.

14. When justice or order requires, the Moderator may make exceptions to these rules, in his or her discretion, as is deemed appropriate under the circumstances.

MUNICIPAL FINANCE TERMS

APPROPRIATION: An authorization by the Town Meeting to make obligations and payments from the treasury for a specific purpose.

ASSESSED VALUATION: A valuation set upon real or personal property by the Board of Assessors as a basis for levying taxes.

BETTERMENT: A betterment assessment is a charge for the cost of public improvements, which benefit a limited area, against real estate situated in that area.

BOND: A loan, typically over a year in maturity.

BOND AUTHORIZATION: The amount of money the Town Meeting approves for borrowing for a specific purpose.

BOND ISSUE: Generally, the sale of a certain number of bonds at one time by a governmental unit.

CAPITAL BUDGET: A plan of proposed capital outlays and the means of financing them for the current fiscal year.

CAPITAL OUTLAY: Expenditure for the purchase of property or equipment and for the construction or renovation of a facility and infrastructure.

CHERRY SHEET: A form showing all state and county charges and reimbursements to the town as certified by the Massachusetts Department of Revenue.

DEBT SERVICE: Payment of interest and repayment of principal to holders of the town's debt instruments.

ENTERPRISE FUND: Financing of services where all or most of the costs are paid for by users.

ENTERPRISE RETAINED EARNINGS: If during a fiscal year an Enterprise Fund produces a surplus, such surplus shall be kept in a separate account called "retained earnings." The Department of Revenue then certifies that surplus as an available fund that can be used for:

1. Operating costs to offset the need to increase user charges,
2. to fund capital improvements
3. to fund Enterprise Fund revenue deficits.

FISCAL YEAR: A 12-month period, commencing on July 1, to which the annual budget applies. (Abbreviated as “FY”)

FREE CASH: The excess of assets over liabilities, minus uncollected taxes of prior years, also referred to as “available cash.” The amount is certified annually by the Massachusetts Department of Revenue. Free Cash may be appropriated by vote of a Town Meeting.

GENERAL FUND: The major town-owned fund which is created with town receipts and which is charged with expenditures payable from such revenues.

GRANT: A contribution of assets by one governmental unit or other organization to another. Typically, these contributions are made to local governments from the state and federal government. Grants are usually made for specific purposes.

LEVY LIMIT: The amount of dollars a Town can raise by taxation under Proposition 2½.

LINE ITEM BUDGET: A format of budgeting, which organizes costs by type of expenditure - such as expenses, equipment and salaries.

OVERLAY: The overlay is the amount raised by the Assessors to be used for potential abatement of property taxes. The Overlay Surplus is the portion of each year’s overlay account no longer required to cover property tax abatements.

PROPERTY TAX LEVY: The amount produced by multiplying the assessed valuation of property by the tax rate. The tax rate is expressed “per thousand dollars” of assessed valuation.

RESERVE FUND: Money set aside by Town Meeting to be allocated by the Advisory Committee for extraordinary and unforeseen expenditures.

REVOLVING FUND (Ch. 44, Sec 53E ½): A Town may annually authorize the use of a revolving fund by separately accounting for the receipts received from a particular service or program and may expend from the revolving fund to provide such service or program without appropriation.

STABILIZATION FUND: A special account, which is invested until used and can only be utilized by Town Meeting appropriation.

**SPECIAL TOWN MEETING
8 NOVEMBER 2010**

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

Comments: The purpose of this article is to fund two unpaid bills for FY 2010. \$481.00 is for the cost of publication in the *Patriot Ledger* for the May 17, 2010 Special Town Meeting warrant.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (6-0) in support of this article.

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

Comments: The FY 11 budget approved at the April 12, 2010 is now short \$274,680.00. This is as a result of several factors, most notably a reduction of Cherry Sheet Aid of \$20,613 and reductions in estimated local receipts from projections of \$4,480,845.00 to \$4,276,778.00 (-204,067). The Town also had to decrease its New Growth estimate by \$50,000.00. This results in the total FY 11 budgetary shortfall of \$274,680.00. In order to have available revenues to fund all approved FY 11 expenditures, this amount must be transferred from Free Cash to re-balance the budget.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (6-0) in support of this article.

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 FY 11, or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: This article is to correct a budgetary error for the FY 11 Shellfish Department. The Assistant Shellfish Warden position was eliminated in the FY 11 budget but the amount reduced was more than necessary and cut into the Shellfish Warden stipend. The amount of the shortfall is \$1,238.00 to make the account whole again. These funds will be transferred from available funds in the Personal Services account for the Board of Health.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (6-0) in support of this article.

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 in the amount of \$6,100.00, into Conservation Purchase of Services for the purpose of fully funding this account for Fiscal Year 11, or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: This article transfers funds in the FY 11 Selectmen's Legal Expense budget, available as a result of the settlement of a pending court case, to Conservation Purchase of Services in the amount of \$10,000. The article also transfers \$6,100 in available funds in the Conservation Personnel Services line item to Conservation Purchase of Services for a total of \$16,100. This is the amount required to cover the cost of the Interim Conservation Agent (currently being paid from Conservation Technical Services) until a new agent is hired and funds due to the former Conservation Agent upon his resignation.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (6-0) in support of this article.

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

Comments: The Town's General Liability Insurance program was put out to competitive bid (across several insurance carriers), in May of this year. The final bid resulted in a reduction of \$75,000 from the Town's FY 11 budgeted amount. Since General Liability Insurance costs are part of the "fixed costs", and are shared on a proportional basis by both the Town (33%) and School Department (66%), this article will transfer these surplus funds into the FY 11 School Department budget in the amount of \$50,000 (\$75,000 x 66%).

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (6-0) in support of this article.

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

Comments: Similar to Article 5 above, the Town's proportional share (33%) of the General Liability Insurance surplus is \$25,000. Article 6 would transfer this amount, as well as an additional \$10,000 from Free Cash, into Contract Bargaining and Services, in order to pay for increased costs of Labor Counsel/Other Contract Bargaining. Currently, the Town is negotiating with three or our labor unions, and these funds will be applied to address these expenses.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (6-0) in support of this article.

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, 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

Comments: This article ensures that sufficient funds will be available in FY2011 to maintain the operation of the Widow's Walk Golf Course at the spending level approved by the April 12, 2010 Annual Town Meeting. This is accomplished by transferring \$73,636.00 from the Golf Course Retained Earnings Fund to the Golf Course Enterprise Fund. The retained earnings draw is necessary due to lowered revenue projections from pass-holder dues, and player, green, and cart fees. If this retained earnings draw and the draw proposed by Article 11 are approved, there will be \$97,323.00 remaining in the Golf Course Retained Earnings account. At the end of the fiscal year, any unexpended funds will revert to this account.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (6-0) in support of this article.

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

Comments: This article ensures that sufficient funds will be available in FY2011 to maintain the operation of the Transfer Station at the spending level approved by the April 12, 2010 Annual Town Meeting. This is accomplished by transferring \$42,259.00 from the Transfer Station Retained Earnings Fund to the Transfer Station Enterprise Fund. The retained earnings draw is necessary due to lowered revenue projections from sales of transfer station stickers and trash bags. If this retained earnings draw is approved, there will be \$55,678.00 remaining in the Transfer Station Retained Earnings account. At the end of the fiscal year, any unexpended funds will revert to this account.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (6-0) in support of this article.

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

Comments: This article ensures that sufficient funds will be available in FY2011 to maintain the operation of the Sewer Division at the spending level approved by the April 12, 2010 Annual Town Meeting. This is accomplished by transferring \$107,315.00 from the Sewer Retained Earnings Fund to the Sewer Enterprise Fund; this transfer is in addition to \$177,631.00 in retained earnings that were used to help balance the Sewer Division's original FY2011 budget. The current retained earnings draw is necessary due to lowered revenue projections from sewer use charges, sewer liens, interest income, and betterments. If this retained earnings draw is approved, there will be \$1,361,840.00 remaining in the Sewer Retained Earnings account. At the end of the fiscal year, any unexpended funds will revert to this account.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (6-0) in support of this article.

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

Comments: This article ensures that sufficient funds will be available in FY2011 to maintain the operation of the Water Division at the spending level approved by the April 12, 2010 Annual Town Meeting. This is accomplished by transferring \$219,732.00 from the Water Retained Earnings Fund to the Water Enterprise Fund. The retained earnings draw is necessary due to lower revenue projections from water use charges and interest income, but has been partially offset by higher revenue projections from water liens and water service installations. If this retained earnings draw is approved, there will be \$407,667.00 remaining in the Water Retained Earnings account. At the end of the fiscal year, any unexpended funds will revert to this account.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (6-0) in support of this article.

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, and \$1,400.00, or a greater or lesser sum from Golf Retained Earnings, 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

Comments: This article, totaling \$29,700.00 would fund contractual obligations for the professional staff union for FY 2011. The sources of these funds are \$10,000 from Free Cash; the \$15,000 from DPW Engineering Personal Services is available as a result of staff turnover; and the remaining amounts are from the respective Enterprise Funds. It should also be noted, this contract gives the Town permission to implement biweekly pay, calls for more flexibility in negotiating health care changes, and implements merit-based performance evaluations.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (6-0) in support of this article.

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 Personnel Services in the Information Technology Department, or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: This article would transfer \$15,000 from Free Cash to enable the Town to engage the IT Director position after the first of the year (2011). This position and the creation of the IT Department were approved at the 2010 Annual Town Meeting.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (6-0) in support of this article.

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

Comments: The FY 2011 budget cut \$93,000 from the Fire Department Personnel Services Account. This amount had been budgeted for two unfilled positions. However, the funds had been traditionally used as an offset to fund overtime. This article would transfer \$14,000.00 from Free Cash to make up a portion of the gap in the budget. A review of the Fire Department's staffing procedures is now underway.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (6-0) in support of this article.

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: Board of Selectmen; Library Board of Trustees

Comments: This article is subsequent to Town Meeting approval in April 2010 to appropriate \$45,000 to fund a feasibility study for a possible library expansion grant. This article requests Town Meeting approval in order to apply for a Public Library

Construction grant application. One of the prerequisites for the grant is a feasibility study that includes schematic drawings of the necessary improvements that would be made to the library. The grant will pay 60% of the first \$3,000,000 and 45% of the next \$3,000,000. Anything over \$3,000,000 will be funded at 30%. The grant deadline is January 27, 2011.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (6-0) in support of this article.

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 lesser 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: Board of Selectmen; Renewable Energy Committee

Comments: This article requests Town approval for an energy service company to conduct an energy audit to learn how Town municipal and school facilities could save money by implementing energy saving upgrades. The savings gained from applying the recommendations from the audit will pay for the capital investment of the upgrade. The amount of \$52,665.00 will be paid by the Town if the recommendations from the audit company are not implemented. The energy services company conducting the audit will also perform the work suggested.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (6-0) in support of this article.

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: Board of Selectmen; Renewable Energy Committee

Comments: This article requests permission to allow the Board of Selectmen to lease 15 acres of land on top of the closed landfill for 25 years for the purpose of constructing a solar array. Nine bids have been received from private companies to finance, design, construct and maintain a utility grade solar array on this capped landfill. No contract has been awarded to date. It has been estimated that this solar array would generate approximately 30% of the electrical needs of the Town.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (6-0) in support of this article.

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:

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

3. Add 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 E);

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

(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

Required Rear Yard Depth

15 feet

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

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.

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

Comments: The purpose of this article is to amend the Town's Zoning Bylaws to allow the flexibility needed to construct a Ground-Mounted Solar Photovoltaic Installation as outlined in Article 16. Approval of this Article is a necessary step to move Scituate closer to meeting the requirements of the Commonwealth's Green Communities Program providing Scituate with access to future State grants.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (6-0) in support of this article.

ARTICLE 18

To see if the Town will vote to amend the General Bylaws of the Town by inserting a new Chapter, 3055 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; Planning Board

Comments: The approval of Article 18 will allow the Town to amend the Scituate General Bylaws by adding the Stretch Code (780 CMR) to Chapter 30355, requiring builders to use energy-efficient materials for the construction of new homes. The purpose of 780 CMR is to provide a more energy-efficient alternative to the base energy code applicable to the relevant sections of Scituate’s existing building code. The stretch code allows Scituate to take action on energy use and climate change, yielding significant cost savings for residents and businesses. This code applies to residential homes and to new commercial buildings greater than 5000 square feet in size. Anticipated construction costs are estimated to rise approximately \$3000.00 for a typical single family home and by 1%-3% on commercial buildings. Case studies have shown that the costs would typically result in net savings to the homeowner in the first year due to energy bill savings greater than the increase in mortgage payments from construction and financing costs. Return on investment for commercial building owners is estimated at 1-2 years. The approval of this article is necessary to meet the requirements of the Commonwealth Green Communities Program, enabling Scituate to be designated a “Green Community”, which will provide Scituate with access to over \$8.0M in State grants.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (6-0) in support of this article.

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

Comments: The Town’s General Bylaws require that Special Town Meetings be scheduled on a Monday. For fall Town Meetings this has proven to be particularly difficult especially in view of primary and State elections. This article would simply allow the Board, at its discretion, to set a Special Town Meeting date other than on a Monday, if future calendars prove to be challenging for the scheduling of a meeting.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (6-0) in support of this article.

**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 resources, 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 is 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.

Comments: The Community Preservation Act was adopted by Scituate voters in 2002. As adopted by voters a 3% surcharge is assessed on all property tax bills with certain exemptions.

The program allows for an additional 3% surcharge on real estate taxes to fund eligible projects in the community that benefit recreation, conservation, historic preservation or affordable housing initiatives. The first \$100,000 of real estate is exempt.

Assessed Value of Home	FY10 Tax Rate 10.56	Real Estate Tax	3% CPC Surcharge (1st \$100,000 exempt)
\$ 500,000.00		\$5,280.00	\$126.72
\$ 450,000.00		\$4,752.00	\$110.88
\$ 400,000.00		\$4,224.00	\$95.04
\$ 350,000.00		\$3,696.00	\$79.20
\$ 300,000.00		\$3,168.00	\$63.36
\$ 250,000.00		\$2,640.00	\$47.52

As a community adopting the maximum three percent (3%) surcharge, our Town receives the maximum amount that can be recovered from the State in the form of matching funds. State contribution of matching funds has gone from 100% to a current level of between 30-40%.

Since its adoption the CPA has funded dozens of community projects that would not otherwise have been possible. This includes athletic fields, restoration and acquisition of historic properties and open space, as well as expanding the Town's inventory of affordable housing units.

To rescind the Town's approval of the CPA is a two-fold process. First, Town Meeting must approve an article to revoke its acceptance. If that passes, then a question is put on the Town election ballot asking voters to rescind its approval. If that happens then CPA would no longer apply. For the following fiscal year, taxpayers would see a reduction in their real estate tax bill based on the above chart on average home assessed values. The Town could rejoin at a future date by the same process: Town Meeting approval and an affirmative ballot vote.

While the Advisory Committee understands the current economic pressures facing our Town services and schools, we are concerned about revoking CPA for the following reasons:

- The loss of State matching funds: Revoking CPA would cause the Town to suffer the loss of State matching funds. Regardless of current levels of State contribution, the loss of the tax surcharge and the matching funds would be significant. Scituate has received close to \$5 million in state matching funds to date on surcharges of approx. \$6.7 million.
- The opportunity for future property or land acquisition available to the Town driven by the current economic hardship. CPA funds may be used towards those acquisitions and should the cost exceed the CPA Fund balance, a project could be funded by bonding against future CPA revenues. Revoking CPA eliminates that possibility.

Recommendation: The Advisory Committee does not recommend approval of this article.

Advisory Committee Vote: Unanimous vote (6-0) opposing this article.

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.

Comments: The city or town scholarship fund has been enacted by towns within the Commonwealth. Duxbury has established an education foundation through Massachusetts General Law (MGL) Chapter 60 Section C.

How would funds be collected? As there is no room on our tax bills for a check-off box, inserts will be distributed with the bills. The cost to the Town will be approx \$650 for each mailing. Amounts donated to the fund would be deposited into a special account in the general treasury and be in the custody of the Treasurer.

How would funds be used? Contributions to the scholarship fund are used for the purpose of providing educational financial aid to deserving town residents AND to establish a town educational fund for the purpose of providing supplemental educational funding for local education needs OR to provide funding for existing adult literacy programs.

How would the funds be managed? If a scholarship fund is established, a scholarship committee and educational fund committee would be established consisting of the Superintendent of Schools and no fewer than four (4) residents of the Town appointed by the Board of Selectmen to a term of three (3) years.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.