

TOWN OF LEICESTER SPECIAL TOWN MEETING NOVEMBER 8, 2011

The following is a report of the Doings of the Special Town Meeting held in the Town of Leicester on Tuesday, November 8, 2011. The Moderator, Donald A. Cherry, Jr., opened the meeting at 7:10 pm with 50 voters present stating "A quorum being present, the meeting will come to order. I would remind you that, per General By-Laws of the Town of Leicester, this meeting is open only to Registered Voters of the Town of Leicester. If you are not a registered voter, or not a resident of Leicester, please take a seat to my left, behind the press table. If you are under the age of 18, you may remain with your party. Any person who is employed as an attorney by another interested in any matter under discussion at a Town Meeting shall disclose the fact of his employment before speaking thereon."

The Moderator asked that we all rise and join him in The Pledge of Allegiance. Then he asked that we observe a moment of silence to commemorate the service and sacrifice of our armed forces who defend our liberties and freedoms, and the members of our emergency management services who work to keep us safe in our communities.

The Moderator asked that all in attendance give a big round of applause to the Board of Health for the purchase and installation of a defibrillator at the Town Hall. Dianna Provencher asked that all veterans in the auditorium please stand and that all in attendance give a round of applause for them. The Moderator offered condolences on the recent loss of Superintendent Paul Soojian's wife and relayed that our thoughts and prayers remain with the family.

He reminded all present that a Convention of the Boards, which is a working meeting of the three major boards in town; Selectmen, Financial Advisory and School Committee will be held in this same room one week from tonight, Tuesday, November 15th at 7 PM. This is a posted meeting falling under MA General Law for open meetings. Members of the public are welcome to attend.

Douglas Belanger moved that the Town vote to dispense with the reading of the Warrant, which is in the hands of the voters. VOTED UNANIMOUSLY

Douglas Belanger moved that the Town vote to dispense with a hand count by tellers on motions requiring a two-thirds vote, except when the vote or the method of voting is challenged or when in the opinion of the Moderator, a hand count is necessary to establish a quantum of vote, or when the vote involves the potential to borrow money. VOTED UNANIMOUSLY

ARTICLE 1. Richard Antanavica moved that the Town amend the vote taken on Article 31 (2012 budget) of the May 2011 Annual Town Meeting in the following particulars:

- a. The sum of \$5,000. be transferred from Free Cash in the Treasury to the Veterans Services Account to fund veterans' benefits.
- b. The sum of \$50,000. be transferred from Free Cash in the Treasury to the Selectmen's Account to fund installation of a generator and related expenses at the Senior Center.
- c. The sum of \$181,326. be transferred from Free Cash in the Treasury and applied to the funds required for the 2012 annual operating budget. VOTED UNANIMOUSLY

ARTICLE 2. Sandra Wilson moved that the Town vote to transfer the sum of \$64.24 from Free Cash in the Treasury to pay a Council on Aging bill from Verizon, which is from a prior fiscal year. VOTED UNANIMOUSLY

ARTICLE 3. Thomas E. Buckley III moved that the Town vote to transfer the sum of \$20,000. from Free Cash in the Treasury to fund the Town's Stormwater management obligations, which funds are to be managed by the Board of Selectmen. VOTED UNANIMOUSLY

ARTICLE 4. Dianna Provencher moved that the Town vote to transfer from Free Cash in the Treasury the sum of \$10,000. to fund the study and repair of Town owned dams, which funds are to be managed by the Board of Selectmen. VOTED BY A SIGNIFICANT MAJORITY

ARTICLE 5. Jason Grimshaw moved that the Town vote to amend the Town's Zoning Bylaw by adding Section 5.14, "Large Scale Ground-mounted Solar Photovoltaic Installations", the provisions of which are in the hands of the voters.

5.14 Large-Scale Ground-Mounted Solar Photovoltaic Installations

1.0 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.

2.0 Definitions

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 equal or greater than 250 kW DC.

Small-Scale Solar Photovoltaic Installation: A solar photovoltaic system that has a minimum nameplate capacity of less than 250 kW DC.

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

3.0 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.

4.0 General Requirements

Ground-mounted large scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo site plan review by the Planning Board prior to construction, installation or modification as provided in this section. Large-scale ground-mounted solar photovoltaic installations shall require a special permit in the following districts: Residential 1(R1), Residential (R2), Neighborhood Business (NB), and Central Business (CB).

Applications for large-scale ground-mounted solar photovoltaic installations shall be filed in accordance with the Leicester Planning Board Rules and Regulations for Site Plan Review Applications and/or Special Permit Applications, as applicable. Where a special permit is required, the Planning Board shall use the general standards for Special Permit Approval contained in the Planning Board Rules and Regulations for Special Permit Applications.

5.0 Development Standards for Large Scale Solar Photovoltaic Installations

Unless otherwise expressly provided by this section of the bylaw all requirements of the underlying zoning district shall apply. In addition, the following standards shall apply to all large-scale ground-mounted solar photovoltaic installations:

5.1 Compliance with Laws, Ordinances and Regulations

The construction and operation of all large scale ground-mounted 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. No large-scale solar photovoltaic installation shall be

constructed, installed or modified as provided in this section without first obtaining a building permit.

5.2 Dimensional Requirements

Dimensional requirements (lot size, setback, etc.) shall follow the requirements of the applicable zoning district, except that minimum frontage shall be fifty (50) feet.

5.3 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.

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.

5.4 Accessory Structures

Accessory structures to large-scale ground-mounted solar photovoltaic installations, 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.

5.5 Lighting

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as accessory structures, shall be limited to that required for safety and operational purposes, and shall 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.

5.6 Signage

Signs on large-scale ground-mounted solar photovoltaic installations shall comply with Leicester's sign bylaw. A sign 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.

5.7 Emergency Services

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

5.8 Land Clearing

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.

5.9 Monitoring and Maintenance

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.

5.10 Abandonment or Decommissioning

A. Removal Requirements

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned shall be removed. When the facility is scheduled to be decommissioned, the applicant shall notify the town by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the solar facility no more than 150 days after the date of discontinued operations. At the time of removal, the solar facility site shall be restored. More specifically, decommissioning shall consist of:

1. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
2. Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.
3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

B. Abandonment

Absent notice of a proposed date of decommissioning, the facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of the Planning Board. The Planning Board shall determine in its decision what proportion of the facility is inoperable for the facility to be considered abandoned. If the applicant fails to remove the solar facility in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town shall have the authority to enter the property and physically remove the facility at the owner's expense. The Town may, at its option, impose a lien on the property according to statute for the removal of the solar facility.

C. Financial Surety

The Planning Board may require the applicant for large-scale ground-mounted solar photovoltaic installations to 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, of an amount and form determined to be reasonable by the Planning Board. Such surety will not be required for municipally or state-owned facilities. VOTED UNANIMOUSLY

Note: James Reinke made an amendment regarding the glare from the ground-mounted solar photovoltaic. This was not seconded.

ARTICLE 6. Jason Grimshaw moved that the Town vote to amend the Town's Zoning Bylaw Section 3.2.05 TRANSPORTATION, COMMUNICATION, UTILITY by adding "Large Scale Ground-mounted Solar Photovoltaic Installation and Small Scale Solar Photovoltaic Installation" as permitted uses, the provisions of which are in the hands of the voters.

Amend Section 3.2.05 as shown below:

<u>USE</u>	<u>SA</u>	<u>R1</u>	<u>R2</u>	<u>B</u>	<u>I</u>	<u>BI-A</u>	<u>HB-1</u>
7. Large-Scale Ground-Mounted Solar Photovoltaic Installation	Y	SP	SP	Y	Y	Y	Y
8. Small-Scale Solar Photovoltaic Installation	Y	Y	Y	Y	Y	Y	Y

VOTED UNANIMOUSLY

ARTICLE 7. Jason Grimshaw moved that the Town vote to amend the Town's Zoning ByLaw Section 3.30 Business Residential 1 (BR-1) Zone by adding language to paragraph kk: Solar Photovoltaic Installation, the provisions of which are in the hands of the voters.

Amend Section 3.30, Business-Residential 1 (BR-1) Zone, by adding the following text at the end of the section:

kk: Solar Photovoltaic Installations

VOTED UNANIMOUSLY

ARTICLE 8. Jason Grimshaw moved that the Town vote to amend the Town's Zoning Bylaw Section 3.34, Central Business District (CB) Zone by adding the language: "Large Scale Ground-Mounted Solar Photovoltaic Installations are allowed by special permit from the Planning Board and Small-Scale Solar Photovoltaic Installations are permitted by-right in the Central Business District," the provisions of which are in the hands of the voters.

Amend Section 3.34, Central Business District (CB) by adding the following text at the end of the section:

Large-Scale Ground-Mounted Solar Photovoltaic Installations are allowed by special permit from the Planning Board in the Central Business District. Small-Scale Solar Photovoltaic Installations are permitted by-right. VOTED UNANIMOUSLY

ARTICLE 9. Jason Grimshaw moved that the Town vote to amend the Town's Zoning Bylaw Section 5.2.02.1 Projects Requiring Site Plan Review by adding a new subparagraph "g. Large Scale Ground-mounted Solar Photovoltaic Installation", the provisions of which are in the hands of the voters.

Amend Section 5.2.02.1. (Projects Requiring Site Plan Review), by adding a new subparagraph g. as follows:

g. Large-Scale Ground-Mounted Solar Photovoltaic Installations
VOTED UNANIMOUSLY

Douglas Belanger moved that the Special Town Meeting adjourn. VOTED UNANIMOUSLY

Meeting adjourned at 8:01 pm with 69 voters present.

Respectfully submitted,

Deborah K. Davis
Leicester Town Clerk