

STM Warrant - Nov. 14, 2011

TOWN OF SAUGUS

Essex, ss.

To the Constable of the Town of Saugus

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Saugus, qualified to vote in Town affairs for the Special Town Meeting at the Saugus Town Hall located at 298 Central Street on November 14, 2011 at 7:30 PM to hear and act on the following articles: viz;

Article 1. To hear and act on reports of Committees.

Article 2. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund the FY2012 Group Health appropriation or to take any other action relative thereto. (Town Manager)

Article 3. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund the FY2012 Vocational School Assessment appropriation or to take any other action relative thereto. (Town Manager)

Article 4. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund the FY2012 Unemployment Compensation appropriation or to take any other action relative thereto. (Town Manager)

Article 5. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund the FY2012 Building Maintenance appropriation or take any other action relative thereto. (Town Manager)

Article 6. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund the FY2012 Medicare Tax appropriation or to take any other action relative thereto. (Town Manager)

Article 7. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund the FY2012 Tax Title appropriation or to take any other action relative thereto. (Town Manager)

Article 8. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund the FY2012 Legal Litigation appropriation or take any other action relative thereto. (Town Manager)

Article 9. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund the FY2012 Police Department Overtime appropriation or take any other action relative thereto. (Town Manager)

Article 10. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the FY2012 Fire Department Overtime appropriation or take any other action relative thereto. (Town Manager)

Article 11. To see if the Town of Saugus will vote to authorize the Board of Selectmen to grant an easement to T-Mobile Northeast LLC and Massachusetts Electric Company and their successor's and assigns for the purpose of placing aerial and or underground facilities to service a telecommunications site and to T-Mobile Northeast LLC for the transmission of telecommunications, intelligence and electricity in, on and over a certain parcel of land to service said site. Location described as 515 Main Street, Saugus, Massachusetts, as shown in drawing filed in the Town Clerk's Office. Parcel of land shown on Map 013.B, block 0002, lot

0001.0. Recorded Deed 3457, Page 174, at the Essex South District Registry of Deeds, Salem, Massachusetts. (Town Manager)

Article 12. To see if the Town will vote to accept Massachusetts General Law Chapter 41 Section 108P allowing a collector or a treasurer who has completed the necessary courses of study and training and has been awarded a certificate by the Massachusetts Collectors and Treasurers Association as a certified Massachusetts municipal collector or a certified Massachusetts municipal treasurer or a certified Massachusetts district treasurer, shall receive as compensation from such city, town or district, in addition to the regular annual compensation paid by such city, town or district for services in such office, an amount equal to 10% of such regular annual compensation, but not more than \$1,000.00 per year. A collector or treasurer who has been awarded both certificates referred to above shall receive such additional compensation for only one such certificate. In order to qualify for such additional compensation, a collector or treasurer shall submit to the Mayor or the Board of Selectmen of such city or town, or the governing board of a district proof of the award of either or both such certificates. The additional compensation provided in this section shall be prorated for any 12 month period in which an eligible person does not hold the office of collector or treasurer for 12 consecutive months. Such additional compensation shall be discontinued when certification is discontinued or withdrawn. (Town Manager)

Article 13. To see if the Town will vote to accept Massachusetts General Law Chapter 32, section 20, which authorizes the Town to establish an Other Post Employment Benefits Liability Trust Fund to reduce the unfunded liability of health care and other post employment benefits to meet the normal cost of all such future benefits for which the Town of Saugus is obligated, and raise and appropriate a sum of money for deposit in said Trust Fund, or take any other action thereon or relative thereto. (Town Manager)

Article 14. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be deposited in a targeted stabilization fund (Snow & Ice Deficit Fund) or take any other action thereon or relative thereto. (Town Manager)

Article 15. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of purchasing a new police cruiser. (Town Manager)

Article 16. To see if the Town will vote to authorize the Treasurer with the approval of the Board of Selectmen, to borrow a certain amount at 0% interest from the MWRA Local Pipeline Assistance Program Fiscal Year 2013 for the purpose of designing and constructing improvements to water pipelines or to take any other action relative thereto. (Town Manager)

Article 17. To see if the Town will vote to amend Section 601.00 of the Town Bylaws by adding the following section:

Any residence may place out for solid waste collection on their regular weekly collection day up to two additional 45 gallon barrels. Any such additional barrel(s) must contain a sticker displayed on said barrel(s) which stickers may be purchased at the Town Hall at a price of \$2.00 per sticker. Said barrel(s) may be placed out for collection on a weekly basis in addition to the current three barrel per residence limit. (Town Manager)

Article 18. To see if the Town will vote to appropriate a sum of money for the laying and relaying of water mains and pipelines along Route 1, including all costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto. (Town Manager)

Article 19. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to purchase a vehicle for the Building Maintenance Department, or to take any other action relative thereto. (Town Manager)

Article 20. To see if the Town will vote to amend the Town Bylaws under Section 809.00 Sealing Fees for Weighing and Measuring Devices by increasing the fees as follows:

Balance & Scales

Over 10,000 lbs \$150.00

5,000 to 10,000 lbs 60.00

1,000 to 5,000 lbs 40.00

100 to 1,000 lbs 35.00

Under 100 lbs 30.00

Weights

Avoirdupois (each) 2.00

Metric (each) 2.00

Apothecary (each) 2.00

Troy (each) 2.00

Liquid Measuring

Gasoline (inlet $\frac{1}{2}$ " - 1") 25.00

Vehicle Tank (oil truck) 75.00

Other Devices

Taxi Meters 25.00

Fabric Measuring 20.00

Wire-Rope Cordage 20.00

Reverse Vending 15.00

Electronic Checkout Systems

Less than 4 Units 75.00

4 – 11 Units 150.00

More than 11 Units 200.00

Adjusting Fees

Weighing Device 5.00

Measuring Device 20.00

(Town Manager)

Article 21. To see if the Town will vote to raise and appropriate a sum of money for capital improvements to the Town’s sanitary sewer system, including all costs thereof as defined in Section 1, of Chapter 29C of the Massachusetts General Laws, as amended; to determine whether this appropriation shall be raised by borrowing from Massachusetts Water Pollution Abatement Trust or otherwise; and to take any other action relative thereto. (Town Manager)

Article 22. To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen to raise and appropriate by borrowing or otherwise a sum of money for the purpose of funding the Lincoln Avenue Reconstruction Project, from Clifftondale Square to the City of Revere line, or to take any other action relative thereto. (Town Manager)

Article 23. To see if the Town will vote to amend the Town of Saugus Zoning Bylaws to include Article XVI: Wind Energy Conversion Facilities as follows:

16. Article XVI – Wind Energy Conversion Facilities

16.1) Purpose

The purpose of this by-law is to provide alternative renewable energy for residence and business owners of the Town of Saugus and to regulate and provide criteria for the construction and operation of wind energy conversion facilities in order to address public health, safety, and welfare and minimize impacts on scenic, natural, and historic resources of the Town.

16.2) Applicability

Wind energy conversion facilities shall be placed, constructed, modified, or operated only in conformance with the provisions of this section and other applicable sections of this bylaw.

16.3) Definitions

Clear area: Area surrounding a wind turbine to be kept free of habitable structures

Distributed Generation:

Energy generation that is located at or near the end-user

Height: The height of a turbine measured to the tip of the blade at its highest point

Nacelle: The frame and housing at the top of the tower that encloses the gearbox and generator and protects them from the weather.

Rotor: The blades and hub of the wind turbine that rotate during turbine operations.

Special Permit Granting Authority (SPGA): Board designated by zoning ordinance or bylaw with the authority to issue special permits.

Wind energy conversion facility: All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, all transmission, storage, collection and supply equipment, substations, transformers, site access, service roads and machinery associated with the use. A wind energy conversion facility may consist of one or more wind turbines.

Wind Monitoring or Meteorological (“test” or “met”) Towers: Tower used for supporting anemometer, wind vane and other equipment to assess the wind resource at a predetermined height above the ground.

Wind Turbine: A device that converts kinetic energy of the wind into rotational energy to turn an electrical generator shaft. A wind turbine typically consists of a rotor, nacelle and supporting tower.

16.4) General Requirements

16.4.1) Wind Monitoring or Meteorological Tower

Wind monitoring or meteorological towers shall be permitted in all zoning districts subject to issuance of a building permit for a temporary structure and subject to reasonable regulations concerning the bulk and height of structures and determining yard-size, lot area, setbacks, open space, parking, and building coverage requirements.

a) Setbacks. Wind monitoring or meteorological towers shall comply with the building setback requirements of the zoning district in which they are located. Additionally, wind monitoring or meteorological towers shall be set back a distance of at least 1.5 times the overall height of the tower from the nearest property line. Any supporting structure including guy wires shall not be located closer to any property line or street line than the distance equal to the minimum

building setback required for the zoning district in which the tower is located.

b) Time Limit – A wind monitoring device is a temporary structure. Depending on the project and the purposes of the data acquisition, the tower will be limited to three years once the construction has commenced.

16.4.2) Small Scale Wind Energy Conversion Devices.

No small scale wind energy conversion device (as defined as 100 kW or less) shall be erected, constructed, installed or modified without first obtaining a building permit. The Board of Selectmen may issue a permit only if the small scale wind energy conversion device complies with this section. If the device does not comply with one or more of the following requirements, the applicant shall be required to obtain a special permit from the Planning Board waiving such requirement(s) after finding that such a waiver(s) will not deviate from the intent of this article or be detrimental or injurious to the public. In no event should the Planning Board grant a waiver of height requirements that is higher than 65 feet:

a) Setbacks. Small scale wind energy conversion devices shall comply with the building setback requirements of the zoning district in which they are located. Additionally, small scale wind energy conversion devices shall be set back a distance of least 1.5 times the overall height of the device from the nearest property line. Any supporting structure including guy wires shall not be located closer to any property line or street line than the distance equal to the minimum building setback required for the zoning district in which the facility is located.

b) Height. No small scale wind energy conversion device shall be higher than 65 feet in all land located in B-2, B-3, I-1 and I-2 zoning districts. All other zoning districts (R-1, R-2, R-3, R-4, B-3) shall not exceed the maximum height restrictions for the given district as stated in the Table of Dimensional and Density Regulations, unless a special variance permit is granted by the Planning Board or the Zoning Board of Appeals.

c) Number. The number of small scale wind energy conversion devices should not exceed 2.

d) Lighting. There should be lighting if required by the FAA affixed to a small scale wind energy conversion device.

e) Aesthetics. The small scale wind energy conversion device shall be painted a non-reflective color that blends with its surroundings.

f) Signage and advertising. Signs on the small scale wind energy conversion device shall be limited to:

- Those necessary to identify the owner, provide 24 hour emergency contact phone number, and warn of any danger.

- Educational signs providing information about the facility and the benefits of renewable energy.
- Reasonable identification of the manufacturer of the wind energy conversion device.

g) Noise. The small scale wind energy conversion device and associated equipment shall comply with the provisions of the Massachusetts Department of Environmental Protection's ("DEP") Division of Air Quality Noise Regulations (310 CMR 7.10).

h) Connection to the power grid. Approval of a wind-energy device neither permits nor denies access to the power grid.

i) Unauthorized access. Small scale wind energy conversion devices and associated parts shall be designed to prevent unauthorized access.

16.4.3) Large Scale Wind Energy Conversion Devices.

No large scale wind energy conversion device (> or = 1 MW) shall be erected, constructed, installed or modified without a special permit from the Planning Board as provided herein.

23799. Special Permit

No wind facility shall be erected, constructed, installed or modified as provided in this section without first obtaining a permit from the Planning Board. The construction of a wind facility shall be permitted in any zoning district subject to the issuance of a Special Permit and provided that the use complies with all requirements set forth of this section. All such wind energy facilities shall be constructed and operated in locations that minimize any adverse visual, safety, and environmental impacts. No special permits shall be granted unless the special permit granting authority finds in writing that:

cix. the specific site is an appropriate location for such use;

- cix. the use will not adversely affect the neighborhood;

- cix. there will be no serious hazard to pedestrians or vehicles from the use;

- cix. no nuisance will be created by the use; and

- cix. adequate and appropriate facilities will be provided for the proper operation of the use.

Such permits may also impose reasonable conditions, safeguards and limitations on time and use and may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the wind facility, should they occur.

1. Compliance with Laws, Ordinances and Regulations

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

23799. Proof of Liability Insurance

The applicant shall be required to provide evidence of liability insurance in an amount sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility.

1. Site Control

The applicant shall submit documentation of the legal right to install and use the proposed

facility at the time of its application for a special permit. Documentation shall also include proof of control over setback areas and access roads, if required. Control shall mean the legal authority to prevent the use or construction of any structure within this setback area for human habitation.

23799. General Siting Standards

- Height

Wind facilities shall be no higher than 400 feet above the natural grade, provided that wind facilities may exceed 400 feet if:

cix. that applicant demonstrates by substantial evidence that such height reflects industry standards for a similarity sited wind facility.

cix. that such excess height is necessary to prevent financial hardship to the applicant and

cix. satisfies all other criteria for the granting of a special permit under the provisions of this section.

- Setbacks

Wind turbines shall be set back a distance equal to 1.5 times the overall blade tip height of the wind turbine from the nearest existing residential or commercial structure and 100 feet from the nearest property line and private or public way.

23799. Design Standards

- Color & Finish

Turbines shall be a neutral, non-reflective exterior color designed to blend with the surrounding environment.

The color selected will be reviewed by the SPGA and determined if it is appropriate for the specific site.

23799. Lighting and Signage

Lighting

Wind turbines shall be lit only if required by the Federal Aviation Administration. Lighting of other parts of the wind facility, such as appurtenant structures, shall be limited to that required for safety purposes, and shall be reasonably shielded from abutting properties. In general, the FAA only requires lighting for structures above 200 ft, but this will depend on topography and relation to airfields or flight paths. Current research indicates that solid (non-blinking) red lights on turbines, as well as white flood lights, may attract birds and bats, particularly in stormy conditions. In all cases, the FAA determinations will be made on a case-by case basis and must be strictly adhered to by developers.

1. Signage

Signs on the wind facility shall comply with the requirements of the town's sign regulations, and shall be limited to:

- Those necessary to identify the owner, provide a 24 hr emergency contact phone number, and warn of any danger.

- Educational signs providing information about the facility and the benefits of renewable energy.

1. Advertising

Wind Turbines should not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind facility or any funding sources.

23799. Utility Connections

All utility connections from the wind facility site shall be underground unless further studies conclude the soil conditions, shape, or topography of such site would be unreasonable or if the utility provider requires the connections to be above ground. Electrical transformer for utility interconnections may be above ground if required by the utility provider.

23799. Appurtenant Structures

All appurtenant structures to such wind facilities shall be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be contained within the turbine tower unless technically unfeasible. Structures shall only be used for housing of equipment for this particular site. Whenever reasonable, structures should be shaded from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.

23799. Support Towers

Monopole towers are the preferred type of support for the Wind Facilities.

23799. Safety, Aesthetic and Environmental Standards

- Emergency Services

The applicant shall provide a copy of the project summary and site plan to the local emergency services. Upon request the applicant shall cooperate with local emergency services in developing an emergency response plan.

- Unauthorized Access

Wind turbines or other structures part of a wind facility shall be designed to prevent unauthorized access.

23799. Shadow/Flicker

Wind facilities shall be sited in a manner that does not result in significant shadowing or flicker impacts. Flicker studies will be completed during the Feasibility Study.

Wind turbines and their rotors cast shadows like any other tall structure, usually within close proximity of the turbine. Flicker can occur when the sun shines through moving rotor blades, typically when the sun is low in the sky at certain times of year, depending on latitude and topography. Concerns about temporary shadow flicker are usually perceived as a nuisance rather than a safety concern. A maximum of 30 hours of annual exposure would be allotted for flicker. When possible, turbines may be moved/shut off to reduce significant impacts on neighbors, or the effects may be mitigated with buffer plantings.

23799. Noise

The wind facility and associated equipment shall conform with the provisions of the Department of Environmental Protection's Division of Air Quality Noise Regulations (310 CMR 7.10), unless the Department and the Special Permit Granting Authority agree that those provisions shall not be applicable. A source of sound will be considered to be violating these regulations if the source:

- Increases the broadband sound level by more than 10 dB(A) above ambient, or
- Produces a "pure tone" condition – when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

These criteria are measured both at the property line and at the nearest inhabited residence. Ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours. The ambient may also be established by other means with consent from DEP. An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards.

23799. Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind facility.

23799. Monitoring and Maintenance

As required by applicable laws or regulations.

23799. Facility Conditions

The applicant shall maintain the wind facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The project owner shall be responsible for the cost of maintaining the wind facility and access road, unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction.

23799. Modifications

All modifications to a wind facility made after issuance of the special permit shall require approval by the special permit granting authority as provided in this section.

t) The Board of Selectmen shall be the Special Permit Granting Authority.

16.4.4) Abandoned or Decommissioning

23799. Removal Requirements

Any wind facility which has reached the end of its useful life or has been abandoned shall be removed. When the wind 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 shall physically remove the wind facility no more than 150 days after the date of discontinued operations. At the time of removal, the wind facility site shall be restored to its natural state or any state or any other legally authorized use. More specifically, decommissioning shall consist of:

- Physical removal of all wind turbines, structures, equipment, security barriers and Transmission lines from the site.

- Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.
- Stabilization or re-vegetation of the site necessary to minimize erosion. The special permit granting authority may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

1. 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 special permit granting authority. The special permit granting authority 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 wind 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.

23799. Financial Surety

The special permit granting authority may require the applicant for commercial scale wind facilities 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 special permit granting authority, but in no event to exceed more than 125% of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipality or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for Cost of Living Adjustment.

23799. Term of Special Permit

A special permit issued for a wind facility shall be valid for 25 years, unless extended or renewed. The time period may be extended or the permit renewed by the special permit

granting authority upon satisfactory operation of the facility. At the end of that period, the wind facility shall be removed as required by this section.

The applicant or facility owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

16.4.5) Application Process and Requirements

23799. Application Procedures

23799. General

The application for a wind facility shall be filed in accordance with the rules and regulations of the special permit granting authority concerning special permit.

23799. Application

Each application for a special permit shall be filed by the applicant with the city or town clerk pursuant to section 9 of chapter 40A of the Massachusetts General Laws.

23799. Required Documents

The applicant shall provide the special permit granting authority with a copy of the application. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts. Included in the application shall be:

- Name, address, phone number and signature of the applicant, as well as all co-applicants

or property owners, if any.

- The name, contact information and signature of any agents representing the applicant.
1. Documentation of the legal right to use the wind facility site, according to the requirements set forth in 3.4 of this section.

16.4.6) Location Map

Copy of the portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed facility site, including turbine sites, and the area within at least two miles from the facility.

23799. Siting and Design

23799. Site Plan

One inch equals 200 feet plan of the proposed wind facility site, with contour intervals of no more than 10 feet, showing the following:

1. Property lines for the site parcel and adjacent parcels within 300 feet.
23799. Outline of all existing buildings, including purpose (e.g. residence, garage, etc) on site parcel and all adjacent parcels within 300 feet, include distances from the wind facility to each building shown.
23799. Location of all roads, public and private on the site parcel and adjacent parcels within 300 feet, and proposed roads or driveways, either temporary or permanent.

23799. Existing areas of tree cover, including average height of trees, on the site parcel and adjacent parcels within 300 feet.

23799. Proposed location and design of wind facility, including all turbines, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, exterior lighting, etc.

16.4.7) Operations and Maintenance Plan

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

(Alternative Energy Committee)