

01-2019

**SPECIAL TOWN MEETING  
JANUARY 14, 2019**

The Special Town Meeting was called to order by Moderator William A. Gouveia at 7:00 PM at the Norton High School Auditorium and motion was made to move the meeting to the Norton High School Gymnasium.

Welcome to tonight's Special Town Meeting. I am Town Moderator Bill Gouveia. With me is Town Clerk, Lucia Longhurst.

To begin tonight's meeting, I ask you to please all rise and join me in the Pledge of Allegiance.

Thank you. Now I would first like to go over some of the rules for this meeting in this new venue.

- I ask everyone to please find a seat for this meeting. Standing in the back and on the sides creates problems both on a noise level and in counting standing votes. There are plenty of seats, please find one.
- If you are not a registered voter in the Town of Norton, you are welcome to visit but must sit in the section of seats marked in for that reason. If you are registered voter, please sit anywhere else, because your vote will not be counted if you are sitting in the non-voting section.
- If you wish to address this meeting, you must do so only after being recognized by the Moderator. There are two microphones located up front here. Please move to one of those if you wish to speak and wait to be recognized. When speaking, please identify yourself by name and address for the record. Please try and keep your remarks brief and to the point, and confine them only to the matter under consideration at the time.
- All speakers at this meeting will be treated with courtesy by the Moderator and everyone else in the room. No speaker will be allowed to use the meeting for personal attacks on any individual. All remarks will be directed towards the Moderator, and while I will allow questions to be asked of individuals, I will not allow cross-examination type discussions from the floor.
- In recognizing people to speak, I will endeavor to call upon those who have not yet spoken on a topic before recognizing those who have already spoken. I will recognize motions to move the question, but if in my opinion there are still people waiting to speak who may add to the discussion, I will exercise my authority to not accept a motion to move the question under those circumstances.

01-2019

- If a standing vote is required, you will be instructed to stand at your seats until your vote is counted. If a ballot vote is required, you will be given instructions by the Moderator and or the town Clerk as to how to proceed.
- If you wish to make an amendment to any motion, you must do so in writing and present it to the Moderator. Please prepare your amendment in writing and bring it to me up here. If you are moving an article that has not been recommended and moved by the Finance Committee, you must also present that motion to the Town Clerk in writing.
- I remind you all that no motion to reconsider any article will be accepted by the Moderator until at least three articles following the article being reconsidered have been acted upon by this meeting. If the article is one of the last three on the warrant, I will accept any motions to reconsider them prior to adjourning. Please be aware that any article you act upon tonight can be reconsidered as few as three articles later.
- There may be requests this evening to allow non-voters to speak on certain articles. This must be done by a Motion voted upon by this meeting. While it is the right and the decision of the meeting to allow or not allow non-residents to speak, please keep in mind they may have information to add to the discussion. All non-voters must approach the moderator if they wish to be heard.

Town Clerk Lucia B. Longhurst read the call and return of service from the Constable as written in the warrant.

01-2019

MOTIONS FOR THE JANUARY 14, 2019, SPECIAL TOWN MEETING

ARTICLE 1

No Action.

ARTICLE DECLARED LOST AS DECLARED BY THE MODERATOR

ARTICLE 2

I Richard Dorney move that the Town vote to rescind the unissued portions of previously authorized borrowings, as follows:

TOWN MEETING	ARTICLE NUMBER	PURPOSE	AMOUNT AUTHORIZED	UNISSUED PORTION TO BE RESCINDED
06/06/11 STM	1	Norton High School Renovations, Repairs, and Expansion Project	\$ 33,990,231.00	\$ 19,395,111.00
10/07/13 Fall ATM	12	Land Acquisition - Crane Farm	\$ 400,000.00	\$ 140,800.00
02/24/14 STM	6	Land Acquisition - Erikson	\$ 225,000.00	\$ 5,000.00
05/11/15 ATM	10	Norton Reservoir Dam Spillway Improvement Project	\$ 879,400.00	\$ 1,400.00
05/11/15 STM	8	L. G. Nourse Elementary School Sewer Connection	\$ 440,000.00	\$ 195,000.00

ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

01-2019

### ARTICLE 3

I Richard Dorney move to approve Article 3 as printed in the Warrant for the January 14, 2019, Special Town Meeting.

#### **As printed in the warrant:**

To see if the Town will vote to expand the use of the funds appropriated under Article 14 of the October 23, 2017, Annual Town Meeting for the Norton Town Common fence repair project located in the historic district on the parcel of land identified as Lot 13 on Assessor's Map 17 at the intersection of Route 123 and Route 140, to, in addition to the purposes authorized by Town Meeting in Article 14 of the October 23, 2017, Annual Town Meeting, also include improvements to the Town Common grounds, gazebo, light fixtures, benches, and any professional and/or technical services, and all other incidental and related costs associated with the Project, and to authorize the Board of Selectmen to take such actions and execute such documents and agreements as are necessary to effectuate the purpose of this article, including contracts with terms in excess of three years, or take any other action relative thereto.

### ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

### ARTICLE 4

I Richard Dorney move to approve Article 4 as printed in the Warrant for the January 14, 2019, Special Town Meeting.

#### **As printed in the warrant:**

To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into Payment in Lieu of Taxes, also known as a "PILOT Agreement", pursuant to the provisions of G.L. Chapter 59, Section 38H(b), and any other enabling authority, in form as is acceptable to the Board of Selectmen, between the Town of Norton and Next Sun Energy, its successor, assignee or affiliate, on such terms and conditions and for such term not to exceed twenty (20) years as negotiated by the Board of Selectmen for payment of taxes related to personal and/or real property associated with construction and operation of a solar renewable energy generation facility to be installed, owned, and operated by Next Sun Energy, on land owned by Fairland Farm LLC, and described more particularly below; and further, to authorize the Board of Selectmen and Town Manager to take such action as many be necessary to carry out the vote taken hereunder, or take any other action relative thereto:

MAP	LOT	STREET
6	11	210 Bay Road

*Several residents were confused and thought the solar panels were going to be put on the cranberry bogs located on Bay Road. Mr. Yunits explained that this location was not definite and this article was to approve the "PILOT agreement" for solar panels and this didn't mean that the location was going to be on Bay Road. Mr. Yunits also explained that it has to go through the site plan process.*

*Motion was made by Denise Luciano to move the question. It was voted and approved to move the question by 2/3rds vote as required.*

ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 5

I Richard Dorney move that the Town vote to amend the Norton Zoning Bylaws, Chapter 175 of the General Code, Article XXII – Large-Scale, Ground-Mounted Solar Photovoltaic Installations, with text to be deleted shown in bold strikethrough, and text to be inserted shown in bold underline, all as printed in the Warrant for the January 14, 2019, Special Town Meeting.

**As printed in the warrant:**

To see if the Town will vote to amend the Norton Zoning Bylaws, Chapter 175 of the General Code, Article XXII – Large-Scale, Ground-Mounted Solar Photovoltaic Installations, with text to be deleted shown in bold strikethrough, and text to be inserted shown in bold underline, as follows, or take any other action relative thereto:

Article XXII: Large-Scale, Ground-Mounted Solar Photovoltaic Installations

§ 175-22.0. Purpose.

The purpose of this article is to provide for the creation of large-scale, ground-mounted solar photovoltaic facilities or installations by establishing 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 that provide adequate financial assurance for the eventual decommissioning of such installations.

§ 175-22.1 Definitions.

In addition to definitions generally applicable to the Zoning Bylaw as set forth in § 175-2.2, for purposes of this article, the following terms shall have the meanings indicated.

AS-OF-RIGHT SITING—Development may proceed as an allowed use without the need for a special permit, amendment, waiver or other discretionary approval. As-of-right development for large-scale, ground-mounted solar photovoltaic system is subject to site plan review to determine conformance with the Norton Zoning Bylaw.

**BUILDING PERMIT** — A construction permit issued by the Building Inspector that is evidence the project is consistent with state and federal building codes as well as local zoning bylaws.

**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.

**RATED NAMEPLATE CAPACITY** — The maximum rated output of electric power production of the photovoltaic system in direct current (DC).

**SITE PLAN APPROVAL** — Review by the Planning Board to determine conformance with the site plan approval requirements of the Zoning Bylaw, Article XV, and this article.

**SITE PLAN APPROVAL AUTHORITY** — The Planning Board.

**ZONING ENFORCEMENT AUTHORITY** — The Building Inspector.

§ 175-22.2 **General requirements for all power generation installations.**

- A. Compliance with laws, bylaws 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.
- B. Building permit and building inspection. No large-scale, ground mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.
- C. Fees. The application for site plan approval and for a building permit shall be accompanied by the appropriate fee(s).

- D. Site plan review. Large-scale, ground-mounted solar photovoltaic installations shall be subject to site plan approval by the Norton Planning Board as provided for in the Norton Zoning Bylaw, Article XV, Site Plan Approval, and this article. As-of-right siting development may proceed as an allowed use without the need for a special permit, amendment, waiver or other discretionary approval.
- ~~E. Special permit. Large-scale, ground-mounted solar photovoltaic installations located within the Residential 80 or Residential 60 Zoning District shall be allowed only upon grant of a special permit from the Norton Planning Board.~~
- E. Smaller-scaled ground or building-mounted solar installations, which are a accessory to an existing residential or non-residential structure do not need not to comply with this section, but shall require a building permit and must comply with other applicable provisions of this Bylaw as determined by the Building Commissioner in conjunction with the Director of Planning and Economic Development.
- F. Public notification. The project proponent for a large-scale, ground-mounted solar photovoltaic installation shall provide notice of the time, date, and location of the site plan approval hearing before the Planning Board pursuant to the notice provisions of MGL c. 40A, § 11, Notice Requirements for Public Hearing, Paragraphs (1) and (2).
- G. Plans. All plans and maps required by this article shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts.
- H. Required documents.
- (1) Pursuant to the site plan approval process, the project proponent(s) shall provide the following documents:
- (a) Site plan showing:
- [1] Property lines and physical features, including wetland resource areas and roads, for the project site; **[Amended 10-17-2016 FTM by Art. 14]**
- [2] Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;

- [3] Blueprints or drawings of the solar photovoltaic installation signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
  - [4] 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;
  - [5] Documentation of the major system components to be used, including the photovoltaic panels, mounting system, and inverter; Name, address, and contact information for the proposed system installer, if known at the time of application;
  - [6] Name, address and contact information for the proposed system installer, if known at the time of installation.
  - [7] Name, address, phone number and signature of the project proponent, as well as all co-proponents and property owners, if any;
  - [8] The names, 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 § 175-22.2I);
  - (c) An operation and maintenance plan (see § 175-22.2J);
  - (d) Zoning district designation for the parcel(s) of land comprising the project site [submission or a copy of a zoning map with the parcel(s) identified is suitable for this purpose];
  - (e) Proof of liability insurance; the project proponent shall be required to provide evidence of liability insurance in an amount sufficient to cover loss or damage to persons and property pursuant to industry standards;
  - (f) Description of financial surety that satisfies § 175-22.7;



(g) A public outreach plan, including a project development time line, which indicates how the project proponent will meet the required site plan approval notification procedures and otherwise inform abutters and the community;

(h) A stormwater management checklist, drainage report and construction-term stormwater management plan. Solar array projects are subject to Massachusetts DEP Stormwater Standards. The arrays are considered impervious surface and peak rate of runoff control must be provided.  
**[Amended 10-17-2016 FTM by Art. 14]**

(2) The Planning Board may waive the above-cited documentary requirements as it deems appropriate.

- I. 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 large-scale, ground-mounted solar photovoltaic installation.
- J. Operation and maintenance plan. The project proponent shall submit a plan for the operation and maintenance of the largescale, ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operation and maintenance of the installation.
- K. Utility notifications. No large-scale, ground-mounted solar photovoltaic installation shall be constructed until evidence has been provided 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's or operator's intent to install an interconnected customer-owned generator into its power grid. Off-grid systems shall be exempt from this requirement.

**§ 175-22.3 Location, setback and screening requirements.**

- A. Designated location. Large-scale, ground-mounted solar photovoltaic installations shall be allowed as follows: on no less than two acres within the Commercial and Industrial Zoning Districts; and on no less than five acres within the Residential 60 and Residential 80 Zoning Districts, subject to the provisions of this article. Solar installations shall not be allowed within "bordering vegetated wetland," "bordering land subject to flooding" or "riverfront area," all as defined in the Massachusetts

Wetland Protection Act Regulations, 310 CMR 10.55(2) or 310 CMR 10.57(2), respectively. Notwithstanding the foregoing, installations which qualify as an Agricultural Solar Tariff Generation Unit (ASTGU) under the Massachusetts Department of Energy Resources Solar Massachusetts Renewable Target (SMART) program pursuant to 225 CMR 20.00 (Regulatory Provisions Specific to ASTGUs), located on cranberry bogs that are active at the time of the submittal of the application may be allowed within areas subject to the Massachusetts Wetlands Protection Act or any other Town Wetland Bylaw. Nothing herein shall supersede or eliminate applicable requirements of the Massachusetts Wetlands Protection Act and any other Town Wetland Bylaw with respect to such installations.

- B. Setbacks. For large-scale, ground-mounted solar photovoltaic installations, front, side and rear setbacks, inclusive of photovoltaic array and accessory/appurtenant structures, shall be as follows:

(1) Front yard:

- (a) Industrial Zoning District: 50 feet.
- (b) Commercial Zoning District: 50 feet.
- (c) Residential 60 Zoning District: 75 feet.
- (d) Residential 80 Zoning District: 75 feet.

(2) Side yard:

- (a) Industrial Zoning District: 40 feet.
- (b) Commercial Zoning District: 30 feet.
- (c) Residential 60 Zoning District: 50 feet.
- (d) Residential 80 Zoning District: 50 feet.

(3) Rear yard:

- (a) Industrial Zoning District: 40 feet.
- (b) Commercial Zoning District: 30 feet.
- (c) Residential 60 Zoning District: 50 feet.
- (d) Residential 80 Zoning District: 50 feet.

- C. Accessory/Appurtenant structures. All accessory or 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.

- D. Visual screening. A large-scale, ground-mounted solar photovoltaic facility [including appurtenant structures and access drive(s) for such facility] shall provide visual screening in the form of plantings, existing vegetation, earthen berms, fencing, or a combination thereof, between the facility and the adjacent use. The size, configuration and design of the visual screening shall be determined by the Planning Board based upon the characteristics of the project site and the proximity, type and intensity of the adjacent use. A facility that is adjacent to residential use(s) shall require more intensive screening, unless the Planning Board determines that such more intensive screening is not needed in the circumstances.

**§ 175-22.4. Design standards.**

- A. Lighting. Lighting of large-scale, ground-mounted solar photovoltaic installations shall be consistent with federal and state law and shall conform to the standards and requirements of the Norton Zoning Bylaw, Article XX, Lighting.
- B. Signage.
- (1) Signs on large-scale, ground-mounted solar photovoltaic installations shall comply with the Town of Norton Zoning Bylaw. A sign consistent with the Zoning Bylaw shall be required to identify the owner and provide a twenty-four-hour emergency contact phone number.
- (2) Large-scale, ground-mounted solar photovoltaic installations shall not be used for displaying and advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.
- C. Utility connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the large-scale, ground-mounted solar photovoltaic installation underground, depending on appropriate soil conditions, shape, 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.

**§ 175-22.5. Safety and environmental standards.**

- A. Emergency services. The large-scale, ground-mounted solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- B. Land clearing and soil erosion. 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. Land alterations exceeding one acre shall comply with the Environmental Protection Agency's (EPA's) National Pollutant Discharge Elimination System (NPDES) Stormwater Discharges from Construction Activities. A stormwater pollution prevention plan (SWPPP) shall be submitted to the Conservation Director for review and comment a minimum of 45 days prior to the commencement of work. Sediment controls shall be properly installed and maintained until the project is stabilized. All disturbed areas shall be permanently stabilized prior to final approval. **[Amended 10-17-2016 FTM by Art. 14]**

**§ 175-22.6. Monitoring and maintenance.**

- A. 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.
- B. Modifications. All material modifications to large-scale, ground mounted solar photovoltaic installations made after issuance of the required building permit shall require site plan approval by the Planning Board.
- C. 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 § 175-22.6D 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:

- (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, state, and federal waste disposal regulations.
- (3) Permanent stabilization or revegetation 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.

D. Abandonment.

- (1) 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.
- (2) 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, after receipt of an appropriate court order or to the extent otherwise authorized by law, may enter the property and physically remove the installation.

**§ 175-22.7. Financial surety.**

- A. Proponents of large-scale, ground-mounted solar photovoltaic installation shall provide a form of surety, either through escrow account, bond, or otherwise, to cover the estimated 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% of the estimated cost of removal and compliance. Such surety shall not be required for municipally or state-owned facilities. The project proponent shall submit, for the Planning Board's determination, 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.
- B. The Planning Board will work with the project proponent to develop a financial instrument in the amount as determined above to ensure satisfactory removal of the facility and whose terms are sufficiently flexible to provide financial

01-2019

feasibility for the project proponent. Such an instrument may provide for initially smaller amounts of surety in the early years of the project's useful life and increasing in amount as the project nears the end of its useful life.

*Questions were raised by residents living on Bay Road about putting the solar panels in the cranberry bogs and how it could affect the health of children and what damage it may cause.*

*The residents were also unhappy about not being properly notified. Stephen Jurczyk, of the Planning Board explained that the that public hearing notice was published in the Sun Chronicle on December 4<sup>th</sup> and 11<sup>th</sup>, 2018, and notices were sent to all parties and posted in the Town Hall in accordance with the law.*

*On December 18, 2018 the Planning Board voted to approve by a vote of 5 -0.*

*Mr. Yunits explained that the town is trying to get approved to become a green community and we needed solar to do this. He encouraged the residents to go to the planning board to look at the site plans and explained that there will be notices to abutters and wetland filings with the Conservation Commission.*

*He also explained that the cranberry bogs must remain active and that they can still grow under solar panels. The panels will be 9 – 10 feet high above the cranberries.*

ARTICLE PASSES BY 2/3 VOTE AS DECLARED BY THE MODERATOR

At 8:05 p.m. the Special Town Meeting was concluded and the Moderator declared the meeting ADJOURNED.

A true record. Attest:

Lucia B. Longhurst  
Town Clerk

01-2019