

**TOWN OF NORTON
WARRANT FOR THE SPECIAL TOWN MEETING
JANUARY 14, 2019
BRISTOL, SS.**

To Michael J. Mayer, Sr., or any of the Constables of the Town of Norton:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Norton, qualified to vote in Norton affairs, to meet in the Norton High School Auditorium, 66 West Main Street, in said Norton, on Monday, the 14th day of January, 2019, A.D., at seven o'clock in the evening, then and there to act on the following articles, viz:

ARTICLE 1

To see if the Town will vote to transfer from available funds a sum of money to pay unpaid bills for which obligation was incurred in prior fiscal years, or take any other action relative thereto.

(BOARD OF SELECTMEN)

ARTICLE 2

To see if the Town will vote to rescind the unissued portions of previously authorized borrowings, or take any other action relative thereto.

(BOARD OF SELECTMEN)

ARTICLE 3

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.

(TOWN COMMON REVITALIZATION COMMITTEE)

ARTICLE 4

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

(BOARD OF SELECTMEN)

ARTICLE 5

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.

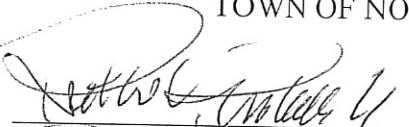
- A. Proponents of large-scale, ground-mounted solar photovoltaic installation shall provide a form of surety, either through escrow account, bond, or otherwise, to cover the estimated cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form 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 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.

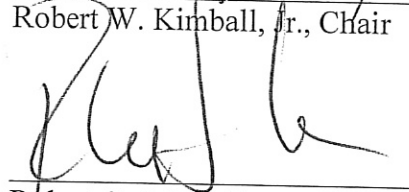
(PLANNING BOARD)

And you are hereby directed to serve this Warrant by posting attested copies of the body of same at Chartley Post Office, Norton Post Office, Norton Municipal Center, Norton Public Library, and three (3) other public places within the limits of said Town, fourteen (14) days at least, before the time of holding said meeting. Hereof, and fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of holding said meeting. Given under our hands and seals this 13th day of December in the year Two Thousand Eighteen.

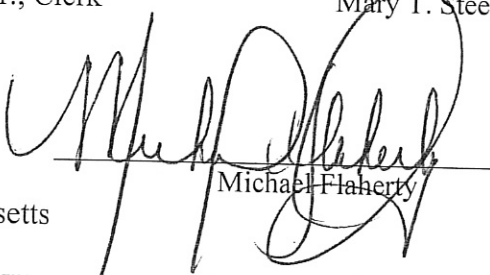
TOWN OF NORTON BOARD OF SELECTMEN, BY:


Robert W. Kimball, Jr., Chair


Bradford K. Bramwell, Vice Chair


Robert S. Salvo, Sr., Clerk


Mary T. Steele


Michael Flaherty

Norton, Massachusetts

I have served this Warrant by posting attested copies at Chartley Post Office, Norton Post Office, Norton Municipal Center, Norton Public Library, and three (3) other public places within the limits of said Town, fourteen (14) days at least before the time of holding said meeting.

ATTEST  CONSTABLE of Norton DATE 12/27/18