



# **ARTICLES OF THE WARRANT**

**FOR THE**

**BOURNE SPECIAL TOWN MEETING**

**MONDAY, OCTOBER 17, 2011**

**7:00 P.M.**

**BOURNE HIGH SCHOOL AUDITORIUM**

**Special Town Meeting**  
**October 17, 2011**

**RESOLUTION – BOURNE RULE**

Mr. Moderator, on behalf of the Board of Selectmen, I move the following Resolution:

**RESOLUTION:** Be It Resolved that, at the commencement of this special town meeting, the Moderator shall ask the Finance Committee and the Board of Selectmen to certify whether or not the total of all Finance Committee funding recommendations on all matters voted at the May 2011 annual town meeting and prior special town meetings, and contained in the warrant for this special town meeting if voted are equal to the maximum property tax levy limit for the Town of Bourne established by law for FY 2012. If the answer is in the negative, the Finance Committee and the Board of Selectmen shall certify the dollar amount which exceeds the Finance Committee dollar recommendations on all of the articles in the warrant, but is less than the maximum tax levy limit, which certified dollar amount shall be available for appropriation by this special town meeting. If the answer is in the affirmative, then during this special town meeting any motion to raise and appropriate funds in order to increase any appropriation recommended by the Finance Committee must state an equal dollar reduction in another recommended appropriation or appropriations. A recommendation of indefinite postponement by the Finance Committee shall be construed as a zero dollar funding recommendation.

VOTED: the Ayes have it; motion passes; declared a unanimous vote.

## STATEMENT OF THE MODERATOR TOWN MEETING PROCEDURES

1. At the beginning of the meeting the Moderator designates rows of seats in the left rear section of the auditorium for seating of *non-voters*.
2. Moderator rulings and procedure at the Town meeting are governed by Federal and Massachusetts laws, the Town Charter, Town Bylaws, and “Roberts Rules of Order” as interpreted in the book entitled *Town Meeting Time*.
3. The Moderator will not entertain shouted motions from the floor to Move the Question, or to challenge a quorum, or for any other purpose. Any person wishing to speak must rise and be first recognized by the Moderator. If a person is physically challenged, please so advise the Moderator, and the tellers will provide a portable microphone so that person can speak from his/her seat.
4. Large print town meeting handbooks are available for individuals with limited eyesight. Individuals with hearing difficulty need to contact the selectmen’s office at town hall at least three business days prior to the town meeting so that language signers can be made available for the meeting.
5. Before speaking, state your name clearly for the record. Speak concisely and speak to the motion on the floor. Speak only long enough to make your point. Do not repeat what prior speakers have already said.
6. The Moderator will not tolerate personal attacks, cat-calling, applause, booing, heckling, or any other form of disruption during the meeting. Pursuant to Massachusetts law, any person disrupting the town meeting may be caused by the Moderator to be removed from the meeting by the Sergeant-at-Arms or a Constable.
7. The meeting is video taped by the local cable television company for later re-broadcast on the local cable access channel.
8. There is a stenographer keeping an official written transcript of the meeting.
9. If there is a counted, standing vote, or a secret ballot, voters must have their voter tag visible and be in a seat in the voter’s section in order to be counted. The tellers will not count anyone not in a seat in the voter’s section or anyone without a voter tag.

10. Fifteen or more registered voters may request a secret ballot. In the event of a secret ballot, the doorkeepers will call everyone into the auditorium, and close the doors. You may leave the auditorium at any time, but you will not be allowed to return until the Moderator declares that vote casting is concluded.
11. All motions, other than strictly parliamentary or procedural motions, must be in writing, and must be in proper legal form. If you need assistance, please ask for it, and the deputy moderator will help you.
12. Pursuant to Bourne Town Bylaw, notice of intention to reconsider action on an article may only be given *within one hour of continuous meeting time*. Depending on the hour the vote is taken and officially recorded by the Town Clerk, this one hour may carry over to a subsequent session of the same town meeting in which the original vote is taken. The subsequent session of town meeting may reconvene several days after the original vote is taken.
13. Because it is a matter of long time custom and practice in the Town of Bourne, the Moderator will not allow notice of intention to reconsider or a motion to reconsider a vote except from a voter *who voted on the prevailing side of the original vote*.
14. It is solely within the discretion of the Moderator to allow non-voters to address the town meeting. It has been a matter of long time custom and practice in Bourne that the Moderator will allow non-voters to address the town meeting.
15. A town meeting is a public meeting. There are no expectations of privacy at a public meeting. A transcript of the meeting is kept. The meeting is video-taped by the local cable access channel. Press photographers are present taking photographs, including photographs of standing, counted votes. The Moderator does not allow photography *at the ballot boxes* of person's casting votes during a secret ballot.
16. Persons running for public office, and their supporters, must remain not less than 50 feet from the outside entrance to the auditorium, except when they themselves are entering the town meeting for the purpose of attending the meeting, or when they are actually in attendance at the meeting.

Robert W. Parady  
Town Meeting Moderator

## **SOME ABC'S ABOUT TOWN MEETING**

### **THE PLAYERS**

As you face the front of the auditorium, you see before you various officials and resource people in the following approximate positions: In the middle is the Moderator, an elected town official who conducts the meeting. Beside and behind him is the Town Clerk and staff who record the proceedings. Seated from left to right: Finance Committee; School Committee; Planning Board; Town Counsel; Town Administrator and Board of Selectmen.

### **WHO MAY VOTE**

All registered voters of the Town of Bourne who have been checked in at the registration desks, and display their identification tag.

### **THE QUORUM**

Two hundred (200) voters present constitute a quorum required for commencing the business of Town Meeting.

### **THE WARRANT**

The official listing of articles compiled, publicly posted and distributed to voters at Town Meeting.

### **ARTICLES**

Articles are the individual subjects to be acted on by Town Meeting. They have been submitted by Town Boards and Departments, by the Selectmen, and by private petition endorsed by ten or more registered voters (for an annual town meeting).

### **ORDER OF BUSINESS**

The Moderator determines when a quorum is present and calls the meeting to order. Following the pledge of allegiance and invocation, the Moderator reviews the basic rules under which the meeting will be conducted. Special Resolutions are presented and acted upon. The Moderator then proceeds with the reading of the first article drawn at random by the Town Clerk, invites motions, discussion and vote. This procedure is followed for each article until the warrant has been

completed. If necessary, due to time constraints, additional meetings will be scheduled.

### **MOTIONS**

Following the reading of each article by the Moderator, he will usually ask if the Finance Committee has a recommendation and a motion to offer. This is because Town Bylaw requires the Finance Committee to review and make recommendations on all articles in the warrant. On articles presented by the Planning Board, the Moderator will ask them to present a report, recommendation and motion. Motions not related to subjects in the warrant or to the conduct of the meeting are not permitted.

### **INDEFINITE POSTPONEMENT**

A motion to indefinitely postpone action on an article is a motion not to take positive action at this town meeting.

### **NEGATIVE RECOMMENDATIONS**

If the action recommended by the Finance Committee on an article other than zoning bylaw articles is negative, the Moderator will ask if any voter present wishes to make a positive motion. If so, the person making the motion must also be prepared to submit the motion in writing to the Moderator.

### **AMENDMENTS**

Any voter present may request to be recognized by the Moderator for purposes of offering an amendment to any motion under discussion. The motion must be in writing and include the specific words to be deleted in the original motion as well as **those to be substituted**.

### **PARTICIPATION**

If you have a question of clarification concerning an article or motion under discussion, or wish to participate in such discussion, please do so. To be recognized by the Moderator, raise your hand or if necessary, stand in place. When recognized, step to the nearest microphone as quickly as possible and state your name. Speak slowly and clearly into the microphone. Be as concise and brief as possible, and by all means stick to the point at hand.

## **VOTING**

Generally, after appropriate motion and discussion, if any, the Moderator will call for a voice vote. If he is not clear as to which response constitutes a majority, he will call for a show of hands, which will be counted by designated checkers. On votes requiring other than a majority, if the result is not unanimous, a show of hands is required. On certain occasions, a secret ballot may be taken if requested by at least 15 voters.

## **DEFINITIONS**

For the benefit of those who may not be familiar with some of the financial terms appearing in or used in the course of considering various articles, the following much simplified definitions maybe helpful:

### **GENERAL FUND**

The account in which general and/or undesignated revenues are deposited for use in paying the general expenses of the Town.

### **STABILIZATION FUND**

Monies appropriated by the Town to fund capital expenditures for equipment, land, or large-scale projects or for any other lawful purposes. An appropriation both into and from the Stabilization Fund requires a 2/3 vote.

### **RESERVE FUND**

Monies appropriated by the Town to cover extraordinary or unforeseen expenses during the fiscal year as approved by the Finance Committee.

### **FREE CASH**

The amount of the Town's surplus revenue over and above uncollected taxes of prior years.

### **RAISE AND APPROPRIATE**

The authority voted by the Town to raise by taxation and spend Town Funds for purposes stated in various articles in the warrant. The dollar amount, which can be raised by taxation, is limited by Proposition 2-1/2. After the

setting of the tax rate, no funds may be raised and appropriated by taxation at a special town meeting.

### **TAX LEVY**

The maximum amount of money that by State law may be raised through property taxes in any given year. The Tax Levy is by far the largest of a number of revenue sources for the Town, accounting for over half of the total. The maximum tax levy is limited by Proposition 2 1/2.

### **TAX RATE**

The dollar amount per \$1000 of property valuation required to collect the Tax Levy through property tax bills.

### **THE BOURNE RULE**

The "Bourne Rule" controls unlimited spending by town meeting in violation of Proposition 2-1/2. The rule, adopted at the beginning of town meeting by resolution, requires any amendment seeking funding in excess of the amount recommended by the Finance Committee to state an equal dollar reduction in another appropriation or appropriations in order to maintain all spending in balance so that the tax levy will not exceed the maximum levy limit imposed by Proposition 2-1/2.



**ARTICLE 1:** To see if the Town will vote, upon the recommendation of the **Community Preservation Committee**, to appropriate a sum of money for the following Community Preservation Fund purpose(s): to engage the services of an individual, company or non-profit organization to provide Conservator Services on the methods that should be used in preserving an historic painting located at 36 County Road, Bourne MA, 02532, including costs incidental and related thereto; to see if the Town will vote to authorize the acquisition of the historic ceiling upon approval from the property owner; to see if the Town will vote to authorize permission to utilize any method available for the preservation of the historic ceiling; and further the Historic Commission and the Community Preservation Committee are hereby authorized and directed to take any and all acts necessary to implement this vote, or take any other action in relation thereto.

***Sponsor – Community Preservation Committee***

**MOTION:** We move that the Town vote, on the recommendation of the Community Preservation Committee, to appropriate the sum of \$2,000.00 from the Historic Resources reserves of the Community Preservation Fund for the purpose of engaging an individual, company or non-profit organization to provide Conservator Services on the methods that should be used in preserving an historic painting located at 36 County Road including costs incidental and related thereto; and further the Historic Commission and the Community Preservation Committee are hereby directed and authorized to take any and all acts necessary to implement this vote.

VOTED: the AYES have it; motion passes.

**ARTICLE 2:** To see if the Town vote to accept the provisions of Massachusetts **General Laws, Chapter 41, Section 108P**, relative to additional compensation for Collectors or Treasurers, or take any other action in relation thereto.

***Sponsor – Town Administrator***

**MOTION:** We move the town so vote.

VOTED: the AYES have it; motion passes; declared a Unanimous VOTE.

**ARTICLE 3:** To see if the Town will vote to authorize the Board of Selectmen to grant to Norman and Katherine Wagner, and their successors in title, a **perpetual easement** to maintain, repair and replace a subsurface sewage disposal system serving 135 Circuit Avenue as shown on the plan on file with the Town Clerk's Office, or take any other

action relative thereto.

***Sponsor – Board of Selectmen***

**MOTION:** We move that the Town authorize the Board of Selectmen to grant a perpetual easement to Norman and Katherine Wagner, their heirs and successors, to maintain, repair and replace a subsurface sewage disposal system serving 135 Circuit Avenue as shown on a plan on file in the Town Clerk's Office.

VOTED: AYES 229; NAYS 4; declared the motion passes.

**ARTICLE 4:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to **repair and resurface Club House Drive, Vesper Drive and Fairway Circle, Pocasset** pursuant to petitions submitted by abutters under Section 3.1.28 of the Town of Bourne By-laws, said funds to be repaid to the Town through betterment assessments to abutters as provided in Section 3.1.28 of the Town of Bourne By-laws and under Massachusetts General Laws, or take any other action in relation thereto.

***Sponsor: Board of Selectmen***

**MOTION:** We move that the sum of \$580,000.00 be appropriated to repair and resurface Clubhouse Drive, Vesper Drive and Fairway Circle, Pocasset; and we further move that the Town vote to authorize the Town Treasurer with the approval of the Board of Selectmen to borrow the sum of \$580,000.00 under and pursuant to Chapter 44, Sections 7(5) and 7(6) of the General Laws, as amended, and supplemented, or any other enabling authority, and to issue bonds or notes of the Town therefore, said funds to be repaid to the Town through betterment assessments to abutters as provided in Section 3.1.28 of the town of Bourne Bylaws and under provisions of Massachusetts General Laws.

VOTED: AYES 244; NAYS 4; declared the motion passes.

**ARTICLE 5:** To see if the Town will vote to transfer any sums of money received from the **ISWM Host Community Fees** in excess of \$450,000.00 to a fund entitled "Capital Expenditure Stabilization Reserve Fund", or take any other action in relation thereto.

***Sponsor: Board of Selectmen***

**MOTION:** We move that the Town vote to direct and dedicate any additional monies received from the ISWM Host Community Fee in excess of \$450,000.00 per year into a fund entitled the Capital Stabilization Fund.

VOTED: the AYES have it; motion passes; declared a unanimous vote.

**ARTICLE 6:** To see if the Town will vote to authorize a revolving fund account pursuant to **MGL Chapter 44, §53E1/2** for the Council on Aging into which monies received by the Town from Council on Aging activities, are deposited and from which the Council on Aging shall expend funds solely for the Council on Aging activities, not to exceed \$150,000 in the fiscal year 2012, or to take any other action relative thereto.

**Sponsor:** *Board of Selectmen*

**MOTION:** We move this article be indefinitely postponed.

VOTED: the AYES have it; motion passes.

**ARTICLE 7:** To see if the town will vote to raise and appropriate, transfer from available funds or borrow, a sum of money to **supplement the Town of Bourne Fiscal Year 2012 annual budget** as voted at the 2011 Annual Town Meeting, to the following line items in the Budget as identified herein, or take any other action in relation thereto.

Selectmen Expenses  
Town Administrator Expenses  
Human Resource Expenses  
Community Building Expenses  
Fire Department Expenses  
Fire Department Wages  
Emergency Preparedness Wages  
Lifeguard Wages  
Lifeguard Expenses  
Police Expenses  
DPW Expenses  
Human Service Organizations  
Fuel & Gasoline Expenses

**Sponsor:** *Board of Selectmen*

**MOTION:** We move that the Town vote to appropriate the sum of \$144,395.00 to supplement the following budgets and to meet this appropriation to transfer \$144,395.00 from Free Cash.

Selectmen Expenses	\$3,000.00
Town Administrator Expenses	\$2,000.00
Human Resource Expenses	\$6,000.00
Community Building Expenses	\$7,500.00
Fire Department Expenses	\$17,500.00
Fire Department Wages	\$6,000.00
Emergency Preparedness Wages	\$7,000.00
Lifeguard Wages	\$10,000.00
Lifeguard Expenses	\$20,000.00
Police Expenses	\$2,500.00
DPW Expenses	\$2,500.00
Human Service Organizations	\$5,395.00
Fuel & Gasoline Expenses	\$55,000.00
	\$144,395.00

***VOTED: the AYES have it; motion passes; declared a unanimous vote.***

**ARTICLE 8:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding **capital improvements and capital projects**, or take any other action in relation thereto.

***Sponsor: Capital Outlay Committee***

**MOTION:** We move that the Town vote to appropriate the sum of \$395,000.00 for the capital projects listed below and to meet this appropriation we move to transfer \$20,000.00 from free cash and \$375,000.00 from ISWM Phase 2A/3A Closure Fund.

ITEM	DEPARTMENT	PROJECT/DESCRIPTION	AMOUNT	MGL BORROW STATUTE	FUNDING SOURCE
1.	Library	Heating System	\$ 20,000.00		Free Cash
2.	ISWM	Installation of 8 Vertical Gas Collection Wells	\$ 375,000.00		Transfer from Phase 2A/3A Closure Fund
			<b>\$ 395,000.00</b>		

**VOTED: the AYES have it; motion passes; declared a unanimous vote.**

**ARTICLE 9:** To see if the Town will vote to amend the Bourne Zoning Bylaw by adding the following **Section 3390 relative to Storage Trailers & Storage Containers**, or take any other action relative thereto.

***Sponsor: Planning Board***

### **3390 STORAGE TRAILERS & STORAGE CONTAINERS**

Storage trailers and storage containers are permitted in residential districts or residentially used properties located in a commercial district only if they comply with the following restrictions, requirements and limitations.

Storage Trailer Storage Container definition: a container, including what is sometimes referred to as storage “pod” or “portable on demand units”; any box van that has been disconnected from a chassis; and similar intermodal type shipping/cargo containers, that are (a) designed and commonly used for storing, shipping or transporting products and materials, and (b) are typically transported by a separate motorized vehicle or upon a trailer.

#### **3391. Short-Term Loading and Unloading.**

- a) Up to three (3) trailers or containers may be placed on a property to be loaded or unloaded at the same time.
- b) The trailers or containers shall not be on the property for a period of more than seventy-two (72) hours.
- c) The trailers or containers shall be sited on a hard surface and meet all other requirements for placement of containers.
- d) The use of trailers or containers for loading and unloading shall not be counted towards the 60-day limitation set below.

#### **3392. Short-term Storage.**

- a) Before placement of storage trailers or storage containers a building permit must be obtained from the Inspector of Buildings.
- b) Only one (1) one storage trailer or storage container may be located on a property at any given time.
- c) No storage trailer or storage container shall be located on a property for a period of more than sixty (60) consecutive days. No property shall be permitted to have a storage trailer or storage container more than two (2) 60-day periods in any 12-month period.
- d) The storage trailer or storage container shall be located in a legal parking space on the property.
- e) No storage trailer or storage container shall be located within fifteen (15) feet of the edge of pavement or back of curb of any street.

- f) No storage trailer or storage container shall be used in conjunction with or associated with a home occupation.(See §4110)
- g) No hazardous materials shall be stored in a storage trailer or storage container placed on the property.

**3393. Construction Projects.** Storage trailers and storage containers are permitted in conjunction with construction projects subject to the following restrictions, requirements and limitations.

- a) The use of storage trailers and storage containers is limited to the storage of tools or building supplies needed for a construction project or personal property of the owner or tenant of the building on the property that is being built on or remodeled.
- b) All storage trailers and storage containers shall be located on the property where the work is being performed.
- c) In non-residential zoning districts, storage trailers and storage containers used in conjunction with construction projects must be located on the property in such a manner so as to not occupy:
  - i. open space:
  - ii. easements:
  - iii. stormwater detention facilities:
  - iv. perimeter landscaping areas
  - v. required parking
- d) No storage trailer or storage container may be stacked one on top of another storage trailer or storage container or on top of any building.
- e) All storage trailers or storage containers shall be removed from the property within fourteen (14) days of completing the construction project; removal time may be extended at the discretion of the Inspector of Buildings.
- f) No hazardous materials shall be stored in the storage trailer or storage container placed on the property.

**3394. Nonconforming Storage Trailers and Storage Containers.**



Storage trailers and storage containers that are not lawfully conforming at the time of the adoption of this bylaw must come into compliance or be removed by April 17, 2011.

**MOTION:** We move the Town so vote.

The following Amendment to the main motion was offered by George Slade of the Finance Committee: I move to amend Article 9 by changing the date in Section 3394 from April 17, 2011 to April 17, 2012.

**VOTE ON THE AMENDMENT: the AYES have it; motion passes; declared a unanimous vote.**

**VOTE ON THE MAIN MOTION AS AMENDED: AYES 196; NAYS 16; declared the motion as amended passed by more than a 2/3rds vote.**

**ARTICLE 10:** To see if the Town will vote to amend the **Bourne Zoning Bylaw** relative to Solar Photovoltaic Systems as follows, or take any other action relative thereto.

*Sponsor – Planning Board*

### **1. SECTION 2100. ESTABLISHMENT OF DISTRICTS**

*Amend subsection 2110 “Type of Districts” by adding a new “SOLAR PHOTOVOLTAIC OVERLAY DISTRICT at the end of the list of type of districts after Marine Overlay District” as follows:*

2110. Types of Districts. For Purposes of the Bylaw, the Town of Bourne is hereby divided into the following types of districts:

**SOLAR PHOTOVOLTAIC OVERLAY DISTRICT**

**SPOD**

### **2. SECTION 2140. District Purposes. District purposes are as follows:**

*Add the new Solar Photovoltaic purpose after the “Marine Center Overlay District” as follows;*

**SOLAR PHOTOVOLTAIC OVERLAY DISTRICT SPOD:** To promote the goals of the Local Comprehensive Plan and the Commonwealth of Massachusetts Green Communities Act, by providing expedited project plan review and design standards for large-scale, ground-mounted solar photovoltaic systems.

**3. SECTION 2220. Use Regulation Schedule**

*Add a new other principal use “Ground-Mounted Solar Photovoltaic Systems” in the use regulation schedule after “All other uses” as follows:*

<b>DISTRICT</b>	<b>R40 R80</b>	<b>V-B B-1</b>	<b>B-2 B-4</b>	<b>B-3</b>	<b>GD</b>
<b>OTHER PRINCIPAL USES</b>					
All other uses	No	No	No	No	No
<b>Solar Photovoltaic Systems Ground-Mounted</b>	<b>No<sup>13</sup></b>	<b>No</b>	<b>No<sup>13</sup></b>	<b>SPR<sup>12</sup></b>	<b>No</b>

#### **4. SECTION 2220 FOOTNOTES Use Regulation Schedule**

*Add a new footnote number “13” to Section 2220 Use Regulation Schedule as follows:*

12. Site Plan Review (SPR) shall adhere to the same requirements of Section 1230 excluding special permit criteria
13. Except “Yes” in the Solar Photovoltaic Overlay District, as permitted under the provisions of Section 3470

#### **5. SECTION 3470. SOLAR PHOTOVOLTAIC SYSTEM (SPS) Ground Mounted**

*Add a new section 3470 Solar Photovoltaic System (SPS) Ground mounted as follows:*

##### **3470. SOLAR PHOTOVOLTAIC SYSTEM (SPS) Ground Mounted**

**3471. Purpose.** The purpose of this section is to promote the goals of the Local Comprehensive Plan and the Commonwealth of Massachusetts Green Communities Act, by providing expedited project plan review and design standards for large-scale, ground-mounted solar photovoltaic systems.

The provisions set forth in this section provide standards for the placement, design, construction, operation, monitoring, modification and removal of large-scale ground-mounted solar systems that address public safety, minimize impacts on scenic, natural and historic resources and for providing adequate financial assurance for the eventual decommissioning of such installations.

**3472. Applicability.** This section applies to large-scale (250 kW or larger), ground-mounted solar photovoltaic systems. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

**3473. District Established.** A Solar Photovoltaic Overlay District (SPOD) is hereby established, and shall be considered as superimposed over any other districts established by this section, and as shown on the map entitled “Solar Photovoltaic System Overlay Districts” dated August 26, 2011, included herein.

**3474. Definitions.** These definitions shall apply to Section 3470 exclusively:

**a) Solar Photovoltaic System (SPS)**

A large-scale solar photovoltaic system that is structurally mounted on the ground, not roof-mounted, and has a nameplate capacity of at least 250 kW direct current (DC).

**b) Off-Grid System**

A solar photovoltaic system where all energy generated on the installation site is consumed on that site and does not send any energy into the electrical grid for distribution.

**c) Rated Nameplate Capacity**

The maximum rated output of electric power production of the photovoltaic system in direct current (DC).

**3475. Application and Review.**

(1) Before being approved or disapproved by the Inspector of Buildings, the SPS of 250 kW or larger of rated nameplate capacity shall undergo Site Plan Review (SPR) by the Planning Board.

(2) Required Submittals. The project proponent shall provide the following:

A. A site plan prepared by a registered professional engineer licensed to practice in Massachusetts; in addition the site plan shall include the following:

- 1) Property lines and physical features, including roads, for the project site;
  - 2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
  - 3) Drawings of the SPS 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 system, 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 (PV) panels, mounting system, and inverter;
  - 6) Name, address, and contact information for proposed system installer;
  - 7) Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
  - 8) The name, contact information and signature of any agents representing the project proponent; and
- B.** Documentation of control of the project site (see § 3476 below);
- C.** An operation and maintenance plan (also §3477 below);
- D.** Zoning district designation for the parcel(s) of land comprising the project site;
- E.** Description of financial surety that satisfies §3484 (3) below.

**3476. Site Control.** The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic system.

**3477. Operation and Maintenance Plan.** The project proponent shall submit a plan for the operation and maintenance of the ground-mounted solar photovoltaic system, which shall include specific measures for maintaining safe access to the installation, a stormwater management plan, and general procedures for and frequency of operational maintenance of the installation.

**3478. Utility Notification.** No ground-mounted solar photovoltaic system shall receive a building permit until an executed interconnect agreement with the utility company operating the electrical grid, has been submitted to the Inspector of Buildings. Off-grid systems are exempt from this requirement.

**3479. Dimensional Requirements.** SPS are subject to the front, side and rear yard setbacks as set forth in the underlying zoning district(s), however a fifty (50) foot setback is required when adjacent to conservation lands or residentially zoned or used lands.

**3480. Design Standards.**

- a) **Lighting.** Lighting shall be consistent with Section 3450. Lighting of other parts of the system, such as accessory structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.
- b) **Signage.** Signs on SPS are restricted as provided in Section 3200 for the underlying district. A sign shall be required to identify the owner and provide a twenty-four-hour emergency contact phone number. SPS shall not be used for displaying any advertising.
- c) **Accessory Structures.** All structures accessory to SPS shall be subject to regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. To avoid adverse visual impacts, all such accessory structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally

compatible with each other, multiple accessory structures shall be clustered to the greatest extent feasible and views of such structures to residential properties and roadways shall be screened with landscaping.

**3481. Utility Connections.** All utility connections from the SPS shall be placed underground. In performing site plan review, the Planning Board may waive this requirement, taking in consideration of the 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.

**3482. Safety and Environmental Standards.**

- a) **Emergency services.** The 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 SPS 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, soil erosion and habitat impacts.** Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the SPS or otherwise prescribed by applicable laws, regulations, and bylaws.

**3483. Monitoring and Maintenance.**

- a) **Conditions.** The 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 at the level approved during site plan review. The owner or operator shall be responsible for the cost of maintaining the SPS.
- b) **Modifications.** All material modifications made after site plan review approval or the issuance of the required building permit shall require an amended site plan review approval.

**3484. Abandonment or decommissioning.**

- 1) Removal requirements.** Any SPS which has reached the end of its useful life or has been abandoned consistent with this section 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 Inspector of Buildings by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

  - a) Physical removal of all components of the SPS, including but not limited to structures, equipment, security barriers and transmission lines from the site.
  - b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  - c) Stabilization or revegetation of the site as necessary to minimize erosion. The Inspector of Buildings may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- 2) Abandonment.** Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the SPS shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the SPS fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.
- 3) Financial Surety.** A form of surety shall be provided, either through escrow account, bond or otherwise, to cover the cost of removal and disposal in the event the Town must remove the SPS and remediate the landscape, in an amount and in a form acceptable to the Town Counsel 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 project proponent. Such surety will not be required for municipally or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The



amount shall include a mechanism for pro rating removal costs as they may be affected by inflation or changes to disposal regulations.

**MOTION:** We move that the Town vote to Amend the Bourne Zoning By-Law by adopting provisions regulating Solar Photovoltaic Systems as printed in the Warrant and further to adopt a Zoning Map entitled “Town of Bourne Solar photovoltaic System Overlay Districts” dated August 26,2011, on file at the Office of the Town Clerk and as printed on Pages 28 through 31 of the Voters Handbook.

THE FOLLOWING AMENDMENT TO THE MAIN MOTION WAS PRESENTED BY CHRISTOPHER FARRELL, CHAIRMAN OF THE PLANNING BOARD, AS FOLLOWS:

#### Section 3478. 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 are exempt from this requirement.

VOTED: the Ayes have it; declared the motion passes.

A SECOND AMENDMENT TO THE MAIN MOTION AS AMENDED WAS PRESENTED BY CHRISTOPHER FARRELL, CHAIRMAN OF THE PLANNING BOARD AS FOLLOWS:

#### 3478 UTILITY NOTIFICATION

In the first sentence of this Section: delete the word ”installation” and insert the word “system”.

VOTED: the Ayes have it; the motion passes; declared a unanimous vote.

The Main Motion as amended now reads:

#### 3478. Utility Notification

No large-scale ground-mounted solar photovoltaic system 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 are exempt from this requirement.

VOTED: Ayes 170; Nays 45; declared the motion passes.

**ARTICLE 11:** To see if the Town will vote to authorize the Board of Selectmen to transfer and **convey Town owned parcels of land**, to the Conservation Commission, said parcels to be held under the care, custody and control of the Conservation Commission pursuant to General Laws Chapter 40, Section 8C, for open space and related purposes, or take any action in relation thereto.

***Sponsor: Board of Selectmen, Planning Board and Conservation Commission***

Assessors Map_Parcel	Loc #	Loc Street	Acres	SF	Voted at 6/21/2011 Joint Meeting (all votes unanimous)
43.3_018.00	0	CIRCUIT AVE	0.060	2,570	Retain and Transfer to ConCom
44.1_146.01	0	DOLLINS RD	0.320	14,000	Retain and Transfer to ConCom

26.1_034.00	20	LAMONT RD	0.212	9,213	Retain and Transfer to ConCom
23.4_015.00	0	MONUMENT NECK aka BELL RD	0.180	8,000	Retain and Transfer to ConCom
44.1_146.00	0	RICE AVE	0.110	4,966	Retain and Transfer to ConCom
07.4_058.00	50	SACHEM DR	0.540	23,630	Retain and Transfer to ConCom
Assessors Map_Parcel	Loc #	Loc Street	Acres	SF	Voted at 6/21/2011 Joint Meeting (all votes unanimous)
38.3_375.00	792	SHORE RD	0.147	6,403	Retain and Transfer to ConCom
38.3_359.00	796	SHORE RD	0.144	6,273	Retain and Transfer to ConCom
19.3_122.00	15	STUDIO DR	0.240	10,275	Retain and Transfer to ConCom
19.3_123.00	11	VAN BUMMEL RD	0.240	10,298	Retain and Transfer to ConCom

**MOTION:** We move the Town so vote.

VOTED: the Ayes have it; motion passes; declared a unanimous vote.

**ARTICLE 12:** To see if the Town will vote to appropriate or transfer from available funds a sum of money as matching funds to anticipated federal grant

funding from the National Resources and Conservation Service of the United States Department of Agriculture for the purpose of the restoration of the **Bournedale Herring Run**, so called, or take any action in relation thereto.

*Sponsor: Town Administrator*

**MOTION:** We move that the town vote to transfer the sum of \$150,000 from the Stabilization Fund for the purpose of this article.

VOTED: the AYES have it; motion passes; declared a unanimous vote.

**ARTICLE 13:** To see if the Town will vote to authorize the Board of Selectmen to transfer and convey, on terms deemed to be in the best interest of the Town, 143 **Old Plymouth Road, Map 7.3, Parcel 18.01**, to the Affordable Housing Trust for the purposes of providing affordable housing. As shown on a plan on file at the office of the Town Clerk, or take any other in relation thereto.

*Sponsor: Board of Selectmen, Planning Board and Conservation Commission*

**MOTION:** We move that the Town vote to authorize the Board of Selectmen to convey, on terms and conditions deemed to be in the best interest of the Town, town owned land located at 143 Old Plymouth Road, shown on Assessors Map 7.3 as Parcel 18.01, as shown on a plan on file at the office of the Town Clerk to the Affordable Housing Trust for the purposes of providing affordable housing.

VOTED: the AYES have it; motion passes; declared a unanimous vote.

**ARTICLE 14:** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow, a sum of money to continue the consulting services of the **Energy Coordinator**, previously funded by grant funds, or take any action in relation thereto.

*Sponsor: Board of Selectmen*

**MOTION:** We move that the Town vote to appropriate the sum of \$15,000.00 to continue the consulting services of the Energy Coordinator and to meet this appropriation to transfer the sum of \$15,000.00 from Free Cash.

VOTED: the AYES have it; declared the motion passes.

**ARTICLE 15:** To see if the Town will vote to designate any funds derived from the Town of Bourne's **surplus property and equipment auction** to be conducted in the current fiscal year to an account earmarked for the future construction of a new Public Works Facility, or take any action in relation thereto.

***Sponsor: Town Administrator***

**MOTION:** We move the town indefinitely postpone this article.

VOTED: the AYES have it; motion passes; declared the motion passes.

**ARTICLE 16:** To see if the Town will vote to designate any funds derived from the sale of the **Coady School** to an account earmarked for the future construction of a new Public Works Facility, or take any action in relation thereto.

***Sponsor: Town Administrator***

**MOTION:** We move the town indefinitely postpone this article.

VOTED: the AYES have it; motion passes; declared a unanimous vote.

**ARTICLE 17:** To see if the Town will vote to authorize the Board of Selectmen to issue a **Request for Proposals** to lease Town owned parcels of land and a building, on portions of the property shown as Parcel 9 on Bourne Assessor's Map 32, and shown on a Plan, a copy of which is on file at the office of the Town Clerk, for the purpose of developing alternative, integrated solid waste management facilities, for a period of up to 25 years on terms and conditions established by the Board of Selectmen and further to authorize the Board of Selectmen to enter into and negotiate a lease of said parcels and building for the purposes of this Article, or take any action in relation thereto.

***Sponsor: Board of Selectmen***

**MOTION:** We move the Town vote to authorize the Board of Selectmen to issue a Request for Proposals to lease Town owned parcels of land and a building, identified as Parcel 9 on Bourne Assessor's map 32, for the purpose of developing alternative, integrated solid waste management facilities, for a period of up to 25 years on terms and conditions established by the Board of Selectmen and further to authorize the Board of Selectmen to enter into and negotiate a lease of said parcels and building.

VOTED: AYES 156; NAYS 3: declared the motion passes by more than a 2/3rds vote.

**ARTICLE 18:** To see the if the Town will vote to authorize the Board of Selectmen to issue a **Request for Proposals** to lease a Town owned parcel of land, on portions of the property shown as Parcel 13 on Bourne Assessor's Map 28, and shown on a Plan, a copy of which is on file at the office of the Town Clerk, for the purpose of developing a landfill gas utilization facility for a period of up to 25 years on terms and conditions established by the Board of Selectmen and further to authorize the Board of Selectmen to enter into and negotiate a lease of said parcel for the purposes of this Article, or take any action in relation thereto.

***Sponsor: Board of Selectmen***

**MOTION:** We move the Town vote to authorize the Board of Selectmen to issue a Request for Proposals to lease a Town owned parcel of land, identified as Parcel 13 on Bourne Assessor's Map 28, for the purpose of developing a landfill gas utilization facility for a period of up to 25 years on terms and conditions established by the Board of Selectmen and further to authorize the Board of Selectmen to enter into and negotiate a lease of said parcel.

VOTED: AYES 238; NAYS 2; declared the motion passes by more than a 2/3rds vote.

**ARTICLE 19:** To see if the town will vote to appropriate, borrow or transfer from available funds a sum of money to fund the costs related to payment of **accrued contractual compensated absences** upon retirement, or take any other action in relation thereto.

***Sponsor: Board of Selectmen***

**MOTION:** We move that the Town vote to appropriate the sum of \$100,000.00 to help fund costs related to payment of accrued contractual compensated absences upon retirement and to meet this appropriation to transfer the sum of \$100,000.00 from Free Cash.

VOTED: the AYES have it; declared the motion passes.

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