

RESULTS OF SPECIAL
TOWN MEETING

SEPTEMBER 25, 2014

There were fifty-five (55) Town of Buckland voters in attendance, (quorum being (7) seven, at the Special Town Meeting held at the Buckland Town Hall. Phoebe Walker served in her capacity as Moderator working from a warrant posted and dated September 11, 2014 by Constable, Robert D. Howson. The meeting was called to order at 7:05pm.

John Gould, representing the Planning Board, made a presentation regarding the proposed by-law for Small Wind Energy Facility.

ARTICLE 1: The Town voted to amend its existing Protective Zoning Bylaws by adopting a new Section XIII: Small Wind Energy Facility Bylaw which would allow, by Special Permit only, small wind energy facilities with a height of up to 120 feet and a Rated Nameplate Capacity of no more than 250 kW and very small wind energy facilities with a height of up to 100 feet and a Rated Nameplate Capacity of no more than 25 kW in the Rural Residential, Commercial, Industrial and Historic Industrial zoning districts; Large wind energy facilities with a height greater than 120 feet or generating more than 250 kW would be prohibited in all districts; related changes to Section IV: Use Regulations; related changes to Section II: Definitions; and related changes to Section XII: Site Plan Review. Site Plan Review would be required for all small wind energy facilities except for roof mounted systems that do not exceed 8 feet in height and do not exceed maximum building height requirements. The proposed amendments are in the form available at Town Meeting labeled "Town Meeting Version" and dated August 6, 2014.

YES 43 NO 6

NEW SECTION OF ZONING BYLAWS

SECTION XIII: Small Wind Energy Facility Bylaw

SECTION XIII: SMALL WIND ENERGY FACILITY BYLAW

13-1 Purpose.

The purpose of this bylaw is to facilitate the responsible development of the town's wind energy resources by providing standards for the design, placement, construction, monitoring, modification and removal of Small or Very Small Wind Energy Facilities that address public health and safety, minimize impacts on property values and the scenic, natural and historic resources of the town, and provide adequate financial assurances for decommissioning.

13-2 Applicability.

This bylaw applies to all Small and Very Small Wind Energy Facilities to be constructed after the effective date of this bylaw. This bylaw also applies to physical modifications to any existing

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Small or Very Small Wind Energy Facility that materially alter its type, number, location, height or configuration. Large wind energy facilities defined below are prohibited in all zoning districts (see Section IV – Use Regulations).

13-3 Definitions.

HEIGHT – The distance between the natural grade of the land measured vertically to the tip of the wind turbine blade at its highest point.

LARGE WIND ENERGY FACILITY – A wind energy facility with a height greater than 120 feet or with a Rated Nameplate Capacity of more than 250 kW of electricity.

RATED NAMEPLATE CAPACITY - The maximum rated output of electric power production of the Electric system in Alternating Current (AC) or Direct Current (DC).

SMALL WIND ENERGY FACILITY – A wind energy facility with a height equal to or less than 120 feet with a Rated Nameplate Capacity of no more than 250 kW of electricity.

VERY SMALL WIND ENERGY FACILITY – A wind energy facility with a height equal to or less than 100 feet with a Rated Nameplate Capacity of no more than 25 kW of electricity.

WIND ENERGY FACILITY – All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, towers, wind turbines, foundations, stormwater control measures, service roads and other appurtenant structures, facilities and equipment.

WIND TURBINE – A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a nacelle body and a rotor with two or more blades.

13-4 Use Regulations.

Small or Very Small Wind Energy Facilities may only be installed as an accessory use to a residential or non-residential use. No Small or Very Small Wind Energy Facility shall be erected, constructed, or installed without first obtaining a special permit from the Special Permit Granting Authority (“SPGA”). The SPGA for a Small or Very Small Wind Energy Facility is the Planning Board. Physical modifications to an existing Small or Very Small Wind Energy Facility that materially alter its type, number, location, height or configuration shall also require a

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special permit from the SPGA. In addition, Small and Very Small Wind Energy Facilities are subject to Site Plan Review.

13-5 General Requirements.

- a) Compliance.** The construction, operation, modification and removal of all Small and Very Small Wind Energy Facilities shall comply with all local, state and federal laws.
- b) Site Control.** The applicant shall demonstrate actual control over and legal access to the proposed site sufficient to allow for the construction and operation and, if necessary, removal of a Small or Very Small Wind Energy Facility.
- c) Utility Notification.** The applicant shall demonstrate that ISO New England or the utility company that controls the electric grid in the area of the proposed site has been informed of the applicant's intent to install an interconnected Small or Very Small Wind Energy Facility. Off-grid Small or Very Small Wind Energy Facilities shall be exempt from this requirement.
- d) Operation & Maintenance.** The operator of a Small or Very Small Wind Energy Facility shall maintain the facility, access road(s) and stormwater control measures in good condition.
- e) Contingency Plan.** The applicant shall submit a contingency plan that outlines the protocols to be followed to mitigate adverse impacts to the town, its residents and the environment. At a minimum, the plan shall include mitigation steps to address the possibility of excessive noise or shadow and flicker.
- f) Liability Insurance.** The operator of the Small or Very Small Wind Energy Facility shall obtain and keep current an insurance policy, against loss or damage to persons or property, including personal injury or death resulting from the Small or Very Small Wind Energy Facility. The SPGA shall determine the minimum amount of liability insurance required. The operator of the Small or Very Small Wind Energy Facility shall provide the SPGA with proof of liability insurance, in the amount determined by the SPGA, prior to the issuance of a building permit.
- g) Removal Plan & Cost Estimate.** The applicant shall submit a detailed plan for the removal of the Small or Very Small Wind Energy Facility and restoration of the site to its pre-existing condition upon abandonment or decommissioning. The removal plan shall be prepared by a qualified licensed professional engineer and shall include an estimate of the anticipated removal and site restoration costs that includes a mechanism to account for inflation.

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h) Financial Surety. The operator of the Small or Very Small Wind Energy Facility shall provide the SPGA with the following prior to the issuance of a building permit:

1. Surety to ensure that the proposed Small or Very Small Wind Energy Facility site is properly stabilized to protect downslope properties and public ways. The amount and form of the surety shall be determined by the SPGA.
2. Surety to cover the cost of removal of the Small or Very Small Wind Energy Facility and the restoration of the site in the event the town must remove the facility and restore the site.
3. Surety to cover costs associated with the Contingency Plan.

The amount and form of surety shall be determined by the SPGA, but in no event shall the amount be less than one-hundred twenty-five (125%) percent of the total estimated cost of removal. Every five years the amount of the surety will be evaluated against that rate of inflation and the SPGA may require an increase in the amount. No less than ninety (90) days prior to the expiration of any financial surety required by this bylaw or within 60 days after it has been determined that the surety amount must be increased to keep pace with inflation, the current operator of the Small or Very Small Wind Energy Facility shall provide the SPGA with renewed, extended, increased or replacement financial surety in an amount and form determined by the SPGA in accordance with this bylaw. Acceptable forms of financial surety include cash, irrevocable letter of credit, or a bond.

i) NHESP Letter. The applicant shall petition the Massachusetts Natural Heritage & Endangered Species Program ("NHESP") for a letter of determination as to the possible existence of rare or endangered species and species of special concern at the proposed site.

13-6 Design Standards.

a) Height. No Small Wind Energy Facility shall exceed 120 feet in height. A Very Small Wind Energy Facility shall not exceed 100 feet in height.

b) Appearance. All Small and Very Small Wind Energy Facilities shall be finished a neutral (white or gray) non-reflective color in order to be less visually obtrusive.

c) Signage. All signs shall comply with the Town of Buckland's sign bylaw (Section 8-3). A sign should provide 24-hour contact information for emergencies.

d) Lighting. Small or Very Small Wind Energy Facilities shall contain a beacon light only if

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required by the Federal Aviation Administration. A Small or Very Small Wind Energy Facility may include lights necessary for the safe operation of the facility. All operational lighting shall be directed downwards and screened from roadways and abutting properties

with native vegetation. Evidence of the FAA requirement for the facility shall be submitted with the application.

e) Shadow & Flicker. All Small or Very Small Wind Energy Facilities shall be located in areas that do not result in any shadowing or flickering on off-site inhabited buildings. The applicant has the burden of proving that any shadowing or flickering on off-site inhabited buildings will not occur.

f) Appurtenant Structures & Equipment. All appurtenant structures and equipment that are part of a Small or Very Small Wind Energy Facility shall comply with the dimensional requirements of the underlying zoning district, including but not limited to setbacks and height.

g) Noise Regulations. Noise generated by Small or Very Small Wind Energy Facilities and appurtenant equipment shall comply with the provisions of the Massachusetts Department of Environmental Protection's, Division of Air Quality Noise Regulations (310 CMR 7.10), as amended, as well as and local regulations. A source of sound will be considered in violation of this bylaw if the source:

- a. increases the broadband sound level by more than 5 db(A) above ambient; or
- b. produces a "pure tone" condition, when an octave band center frequency sound pressure level exceeds the two (2) adjacent center frequency sound pressure levels by three (3) decibels or more; or
- c. results in sound or noise levels greater than 30 db(A) (*typical range 30-50 db(A) for rural or quiet residential areas*); or
- d. results in excessive low frequency noise

Said criteria are measured both at the property line and at the nearest inhabited residence. "Ambient" is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours, unless established by other means with the consent of the Planning Board.

h) Setbacks.

1. No Small or Very Small Wind Energy Facility shall be located within ½ mile (2,640 feet) of the nearest off-site inhabited building in existence on the date the application is

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received by the SPGA. The SPGA may reduce the setback requirement from off-site inhabited buildings for a Very Small Wind Energy Facility upon written request from the applicant but only if written permission is granted by all abutters within ½ mile of the proposed Very Small Wind Energy Facility.

2. All Small and Very Small Wind Energy Facilities shall be set back a distance equal to the lesser of 360 feet or 3 times the height of the Small or Very Small Wind Energy Facility from property lines, on-site inhabited buildings, public rights of way and recreational trails. The SPGA may reduce the setback requirement from property lines for either Small or Very Small Facilities upon written request from the applicant but only if written permission is granted by all abutters within 300 feet of the property lines.

i) Unauthorized Access. All Small and Very Small Wind Energy Facilities shall be constructed to prevent unauthorized persons from gaining access to the facility.

j) Emergency Response Access. Access to the Small or Very Small Wind Energy Facility shall be maintained to allow for safe access by local emergency vehicles. Local public safety officials shall be provided with the ability to access the facility as needed to respond to emergencies.

k) Habitat Fragmentation. To the maximum extent possible, Small and Very Small Wind Energy Facilities, and any associated roadways or transmission lines shall be located in or adjacent to areas where land is already cleared to avoid habitat fragmentation.

l) Vegetation Clearing. The clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the Small or Very Small Wind Energy Facility, and any associated roadways or transmission lines. Revegetation shall be provided for restoration areas required for construction but not necessary for ongoing maintenance and operations. Only native species typically found in the facility's environment may be used for restoration.

m) Wetlands. All Small and Very Small Wind Energy Facilities and any associated roadways or transmission lines shall be constructed in compliance with all applicable local, state and federal laws pertaining to wetlands.

n) Wildlife. All Small and Very Small Wind Energy Facilities and any associated roadways and transmission lines shall be constructed to avoid or minimize impacts to wildlife, with particular attention paid to avian and bat species, as well as rare species, endangered species and species of special concern.

o) Stormwater Management. All stormwater controls installed at the Small or Very Small Wind Energy Facility site and on associated roadways shall be constructed and managed

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according to the Massachusetts Stormwater Policy. Impervious surfaces shall be minimized to the maximum extent feasible.

p) Invasive Species Management. The applicant and subsequent Small or Very Small Wind Energy Facility operator shall utilize best management practices during construction and post-construction to control the introduction of invasive species at the Small or Very Small Wind Energy Facility Site and along the associated roadways and transmission lines.

q) Visual Impacts. The Small or Very Small Wind Energy Facility shall be designed to minimize visual impacts to adjacent roads and abutting properties whether developed or not. Natural vegetation shall be preserved to the maximum extent feasible and vegetative buffers should be provided to blend the equipment into the surroundings in order to minimize the visual impacts of the Small or Very Small Wind Energy Facility from public and private roads open to the public and abutting properties.

13-7 Small and Very Small Wind Energy Facility Site Studies.

a) Balloon/Crane Test. Within twenty (21) days after the filing of an application to construct a Small or Very Small Wind Energy facility the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of the proposed Small or Very Small Wind Energy Facility if taller than 80 feet. The balloon or crane shall remain raised in place for a period of at least three (3) consecutive days including a weekend day between sunrise and sunset. The date, time and location of such test shall be advertised in a newspaper of general circulation in the town at least seven (7) days prior to the date of the test.

b) Sight Line Simulations. The SPGA shall select up to four (4) locations from which the applicant shall prepare and submit sight line simulations from the chosen location to the proposed Small or Very Small Wind Energy Facility site. All simulations shall be in color and provide an accurate representation of the height, width and breadth of the proposed Small or Very Small Wind Energy Facility.

c) Project Viewshed Map. The applicant shall submit as part of its application a viewshed map showing all areas within one (1) mile of the proposed Small Wind or Very Small Energy Facility site that will be within sight distance including streets, National Historic Districts, Scenic Byways, historic sites and structures, recreational resources, publicly owned land, and other local landmarks.

d) Noise Analysis. The applicant shall submit as part of its application the results of a noise analysis to the SPGA. The noise analysis shall be conducted in accordance with industry standards and certified by a qualified independent acoustical licensed professional engineer.

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The noise analysis shall contain sufficient information for the SPGA to determine whether the operation of the proposed Small or Very Small Wind Energy Facility will comply with Massachusetts Department of Environmental Protection's, Division of Air Quality Noise

Regulations (310 CMR 7.10) and local regulations (see 13-6 g)). In completing the noise analysis, the acoustical licensed professional engineer shall consider the unique topography of the surrounding area, prevailing wind direction and atmospheric conditions, such as high wind shear or thermal inversion that may affect the propagation of sound emitted from the Small or Very Small Wind Energy Facility. The Noise Analysis shall also include an analysis of any expected impacts of low frequency noise.

e) Shadow & Flicker Analysis. The applicant shall conduct a shadow and flicker analysis and submit its findings to the SPGA as part of its application demonstrating that any shadowing or flickering on off-site inhabited buildings will not occur.

f) Avian & Bat Species Study and Analysis. An avian and bat species study and analysis shall be conducted and certified by a qualified independent wildlife biologist acceptable to the SPGA. The avian and bat species study and analysis shall contain sufficient information to fully characterize and determine the risk posed by the proposed Small or Very Small Wind Energy Facility to avian and bat species. The study and analysis may be required to be conducted at certain times of the year depending on the species and this may impact the timing of the application. The applicant shall submit the results of an avian and bat species study and analysis to the SPGA as part of its application.

13-8 Pre-application Conference.

Prior to the submission of an application for the construction or modification of a Small or Very Small Wind Energy Facility, applicants are strongly encouraged to meet with the SPGA at a public meeting to discuss the proposed facility project and to clarify the filing requirements and permitting process.

13-9 Procedures.

Upon receipt of a complete application for a Small or Very Small Wind Energy Facility, the SPGA shall review and take action upon the application in accordance with the Special Permit procedures set forth in Section IX, the Site Plan Review procedures set forth in Section XII, and this section.

13-10 Reasonable Conditions & Mitigation.

The SPGA may impose reasonable conditions, safeguards and limitations on time and use and may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the Small or Very Small Wind Energy Facility should they occur.

13-11 Application Requirements.

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The applicant shall submit the following required information as part of the application for a Small or Very Small Wind Energy Facility Special Permit. All site plans shall be signed and sealed by a licensed professional engineer or licensed surveyor.

a) Contact Information. Name, address, phone number, e-mail and signature of the applicant, as well as all co-applicants or property owners, and the name, contact information, and the signature of any agents representing the applicant.

b) Site Identification. Identify the location of the proposed Small or Very Small Wind Energy Facility. Provide the street address, if any, and the tax map and parcel number(s).

c) Location Map. A relevant portion of the most recent USGS Quadrangle Map at a scale of 1 inch = 25,000 feet or similar scale showing the proposed Small or Very Small Wind Energy Facility site and any associated roadways or transmission lines and the area within a one (1) mile radius of the proposed site.

d) Vicinity Map. A map of the proposed Small or Very Small Wind Energy Facility site at a scale of 1 inch = 300 feet or similar scale, with existing contour intervals no greater than ten (10') feet showing the entire area within a one thousand (1000') foot radius of the proposed Small or Very Small Wind Energy Facility and showing the following:

1. Existing topography, public and private roads, recreation trails, property lines of all abutters within one thousand (1000') feet, structures including their use, historic sites, cultural sites, wetlands, known bat hibernacula, known critical habitat areas, other environmentally sensitive areas, location of existing and any proposed electric transmission lines, transformers, substations, and access easements.

e) Site Plan. A site plan with a scale of 1 inch = 40 feet, unless otherwise noted with contour intervals no greater than two (2') feet showing the following:

1. Property lines of the proposed Small or Very Small Wind Energy Facility site and adjacent parcels within three (3) times the height of the Small or Very Small Wind Energy Facility. Use scale of 1 inch = 100 feet;
2. Outline of all existing structures, including their uses, located within three (3) times the height of the Small or Very Small Wind Energy Facility with distances to the Small or Very Small Wind Energy Facility listed. Use scale of 1 inch = 100 feet;
3. Existing and proposed public and private roads, driveways, and recreational trails within three (3) times the height of the Small or Very Small Wind Energy Facility. Use scale of 1 inch = 100 feet;
4. Representations, dimensioned and to scale, of the proposed Small or Very Small Wind Energy Facility including, but not limited to, tower foundations, guy anchors, cable locations, associated equipment and structures, fencing, electric transmission infrastructure and access roads;

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5. All proposed changes to the existing site and any associated access roads and transmission lines, including but not limited to areas of temporary clearing, areas of permanent clearing, areas of grading, and areas of cut and fill;

6. Delineation of all wetland resource areas and buffers on the proposed Small or Very Small Wind Energy Facility site and any associated access roads and transmission lines;

7. Location of known habitat areas for rare species, endangered species and species of special concern including Priority Habitat areas identified by the NHESP; and

8. A cross section of any proposed access road indicating its width, crown, depth of gravel, drainage, and paving or other surface material.

f) Elevations. Siting elevations or views at grade from north, south, west and east for a distance equal to 1.5 times the height of the Small or Very Small Wind Energy Facility around the proposed Small or Very Small Wind Energy Facility. Elevations shall be at one quarter inch equals one foot or similar scale and show the following:

1. The proposed Small or Very Small Wind Energy Facility and any associated equipment, existing and proposed structures, and security barriers with total elevation dimensions.

2. Existing and proposed trees and shrubs at the time of application with approximate elevations dimensioned.

g) Technical Information.

1. Documentation of the Small or Very Small Wind Energy Facility's nameplate capacity, manufacturer, model number, tower height, rotor diameter, braking mechanisms, other safety mechanisms, tower type, color, foundation type and foundation dimensions.

h) Stormwater Control Plans. Site plans showing the drainage of surface water and plans to control erosion and sedimentation, during construction and as a permanent measure, which show conformance to the Massachusetts Stormwater Policy.

i) Other Information.

1. Documents establishing legal access to and control of the proposed Small or Very Small Wind Energy Facility site as required by § 13-5 b).

2. Documents demonstrating that the applicant has notified ISO-New England or the local electric supplier as required by §13-5 c).

3. Operation and maintenance plan as required by § 13-5 d).

4. Plans and costs estimates for the removal of the Small or Very Small Wind Energy Facility as required by § 13-5 g).

5. Studies and materials required by §13-7.

6. Contingency plan as required by §13-5 e).

7. Certification of height approval from the FAA if required, including required lighting.

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8. NHESP letter as required by § 13-5 i).

13-12 Waiver.

Upon written request of the applicant, the SPGA may waive any of the application requirements contained in § 13-11, as the SPGA, in its discretion, deems appropriate.

13-13 Abandonment & Removal of Small or Very Small Wind Energy Facilities.

a) The most recent operator shall remove the Small or Very Small Wind Energy Facility, or any part thereof, at the end of its useful life or when it has been abandoned, as defined herein, and shall restore the site in accordance with its removal plan. The most recent operator shall

notify the Building Inspector by certified mail of the proposed date of discontinuance. Absent notice of a proposed date of discontinuance, the Small or Very Small Wind Energy Facility shall be considered abandoned if it is not operated for a period of six (6) months.

b) The most recent operator shall physically remove the Small or Very Small Wind Energy Facility and restore the site within one-hundred eighty days (180) days from the date of discontinuance or abandonment. If the most recent operator fails to remove the Small or Very Small Wind Energy Facility within the one-hundred eighty (180) day period, the Town shall have the right, after receipt of an appropriate court order, to enter onto the site and physically remove the Small or Very Small Wind Energy Facility and restore the site at the sole expense of the most recent operator. As a condition of Special Permit approval, an applicant shall agree to allow entry to remove an abandoned or decommissioned installation. The Town's cost for the removal will be charged to the property owner in accordance with the provisions of M.G.L. 139, Section 3A as a tax lien on the property or covered by the Financial Surety (Section 13-5 h) provided by the applicant.

13-14 Technical Review.

Upon receipt of an application for a Small or Very Small Wind Energy Facility special permit, the SPGA may retain independent professional and technical consultants, including legal counsel, at the applicant's expense, pursuant to M.G.L. Chapter 44 §53G, to assist the SPGA with its review of application materials and to monitor the construction project to ensure that all work is conducted in accordance with approved plans and conditions. The SPGA may direct the applicant to deposit funds with the SPGA for such review at the time the application is accepted, and to add funds as needed upon notice. Failure to comply with this section shall be good grounds for denying the application. Upon approval or disapproval of the application, any excess

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amount in the account attributable to the application processing, including any interest accrued, shall be refunded to the applicant.

13-15 Lapse of Approval.

Any Special Permit approved to construct, operate or modify a Small or Very Small Wind Energy Facility pursuant to this bylaw shall automatically expire if:

- a) The Small or Very Small Wind Energy Facility is not installed and operating within two (2) years from the date of approval or if construction has not commenced within one (1) year; or
- b) The Small or Very Small Wind Energy Facility is abandoned or discontinued.

13-16 Violations.

It is unlawful for any person or entity to construct, install, modify or operate a Small or Very Small Wind Energy Facility that is not in compliance with this bylaw or with any condition contained in a Special Permit, issued pursuant to this section. Complaints regarding flicker or noise impacts shall be filed with the Board of Health. The Board of Health may hire an independent consultant, at the expense of the owner and/or operator, to conduct a noise or flicker

analysis and will report any violations to the Planning Board and Building Inspector. In the event of a violation, the Planning Board will review the conditions of the Special Permit and may impose mitigation measure including those contained in the Contingency Plan to ensure compliance with the Special Permit and this bylaw.

13-17 Penalties.

Any person or entity that fails to comply with any provision of this bylaw or any condition contained in a special permit, issued pursuant to this section shall be subject to enforcement and penalties as allowed by applicable law.

13-18 Severability.

The provisions of this bylaw are severable, and the invalidity of any section, subdivision, subsection, paragraph or other part of this bylaw shall not affect the validity or effectiveness of the remainder of this bylaw.

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Proposed changes to SECTION IV: USE REGULATIONS (proposed additions are in *italics* and deletions are underlined and in brackets)

Y = Yes, the use is permitted by right in that zoning district.

N = No, the use is not permitted in that zoning district.

SP = The use is allowed in that zoning district only if a special permit has been granted by the Zoning Board of Appeals.

SPP = The use is allowed in that zoning district only if a special permit has been granted by the Planning Board.

SPR = The use requires Site Plan Review

VC = Village Commercial

VR = Village Residential

RR = Rural Residential

C = Commercial

I = Industrial

HI = Historic Industrial

Industrial Uses (cont.)	VC	VR	RR	C	I	HI
<u>[Wind or]</u> Hydro Electric Generating Facilities	N	N	SP	SP	SP	SP
Ground-Mounted Solar Electric Generating Installations occupying 1,000 square feet or less ^{1, 2}	SPR	SPR	SPR	SPR	SPR	SPR
Large-Scale Ground-Mounted Solar Electric Generating Installations occupying more than 1,000 square feet up to 1 acre ^{2,3} (see Section XIV)	N	N	SPP	SPP	SPP	SPP

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Large-Scale Ground-Mounted Solar Electric Generating Installations occupying more than 1 acre up to five acres provided that the business and/or residence on the property utilizes at least 51% of the electricity generated annually based on the documented average annual electricity consumption of the existing business or residence on the property over the previous 3 years (see Section XIV) ^{2, 3}	N	N	SPP	SPP	SPP	SPP
Large-Scale Ground-Mounted Solar Electric Generating Installations occupying greater than 5 acres (see Section XIV)	N	N	N	N	N	N
Other Non-Nuclear Electric Generating Facilities	N	N	N	N	SP	SP
<i>Very Small and Small Wind Energy Facilities (see Section XIII)</i> ^{3, 4}	<i>N</i>	<i>N</i>	<i>SPP</i>	<i>SPP</i>	<i>SPP</i>	<i>SPP</i>
<i>Large Wind Energy Facility (see Section XIII)</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>
Transmission Lines, Substations and Switchyards	N	N	SP	SP	SP	SP

1 - Ground-Mounted Solar Electric Generating Installations occupying 1,000 square feet or less which are an accessory use to a residential or non-residential use are allowed "by right" (Yes) but require Site Plan Review.

2 - Solar power generating facilities attached to a roof or wall of a structure are allowed "by-right" but require a building permit and must comply with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements.

3 - Requires Site Plan Review (see Section XII)

4 - *Roof mounted Small or Very Small Wind Energy Facilities that are an accessory use to a residential or non-residential use that are not taller than 8 feet and do not exceed the maximum building height requirements (see Section 5-2 Dimensional Schedule) and that comply with the noise and flicker requirements of this bylaw are allowed "by-right" but require a building permit and must comply with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements.*

Proposed changes to SECTION XII: SITE PLAN REVIEW (proposed additions are in *italics*)

- a) Purpose. The purpose of Site Plan Review is to ensure that new development is designed in a manner which reasonably protects the environmental and scenic qualities of the neighborhood and the Town.
- b) Site Plan Review Process. The Site Plan Review process will be conducted by the Planning Board.

- c) **Applicability.** Site Plan Review shall be required for Cluster Developments (see Section 6-2) and may be required for Cluster Developments for Commercial Uses (see Section 6-3). Site Plan review shall also be required for all Ground-Mounted Solar Electric Generating Facilities *and all Small or Very Small Wind Energy Facilities except for Roof mounted Small or Very Small Wind Energy Facilities that are allowed by-right pursuant to Section IV Use Regulations – Footnote 4.*
- d) **Procedures.** An applicant for Site Plan Review shall file a completed application with the Town Clerk. The Town Clerk shall acknowledge receipt of the plans by signing and dating the application form. The application submitted to the Town Clerk shall include seven (7) copies each of an application form, Preliminary Plan for the project, and any narrative documents as outlined in the submittal requirements. Upon receipt of the application, the Town Clerk shall transmit copies of the application to the Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, the Highway Superintendent, Historical Commission, the Fire Chief and the Police Chief. These Town Boards and municipal officials shall have 45 days from the date the completed application is received by the Town Clerk to report to the Planning Board their findings and recommendations, and they can attend the public hearing(s). No building permits for projects requiring Site Plan Review shall be issued until the Planning Board has approved the Site Plan or unless the required time period for taking action on a Site Plan has lapsed without action from the Planning Board. The applicant is also responsible for obtaining all applicable permits or approvals that may be required for the project from other Town Boards or municipal officials.
- e) **Public Hearing.** The Planning Board shall hold a public hearing within 65 days after the filing of a completed application and shall take final action on an application for Site Plan Review within 90 days of the close of the public hearing. Notice and posting of the public hearing shall comply with the provisions of M.G.L. Chapter 40A, Section 11, regarding notice for public hearings. To the extent permitted by law, the public hearing should be coordinated with any other public hearing required.

Proposed changes to SECTION II: DEFINITIONS (proposed addition is in *italics*)

ACCESSORY USE: any building *or structure* whose use is incidental and accessory to the use of the principal building or structure.

The Board of Selectmen voted to take no action.

The Finance Committee took no action.

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ARTICLE 2: The Town voted to authorize the Board of Selectmen to sign the lease for the parcel of land located at 2 Sears Street for no more than 2 years and upon such terms and conditions as the Board of Selectmen shall determine to be appropriate and raise and appropriate \$40,000 to pay the rent through June 30, 2015.

The Board of Selectmen voted in favor of this article 3-0.

The Finance Committee voted in favor of this article 4-0.

ARTICLE 3: The Town voted and passed unanimously to expend up to \$20,000 from Stabilization for the purpose of making such alterations and improvements to the 2 Sears Street property as may be advisable to accommodate Highway Department operations.

The Board of Selectmen voted in favor of this article 3-0.

The Finance Committee voted in favor of this article 4-0.

ARTICLE 4: The Town voted and passed the following resolution:

BUCKLAND COMMUNITY RIGHTS RESOLUTION

Whereas representatives from large-scale energy infrastructure projects have approached landowners in neighboring Franklin County towns regarding, but not limited to, the proposed routing of a high-pressure natural gas pipeline to carry shale gas through 9 Franklin county towns – potentially through 76 properties in Ashfield alone; and

Whereas landowners in Franklin County towns have been approached without advance notice from town officials or police due to there currently being no regulation requiring a corporation, county or state to contact local authorities prior to contacting property owners; and

Whereas landowners in Franklin County towns are being asked to permit surveying or to sign agreements to lease land; and

Whereas it is possible that the proposed routing of a high-pressure natural gas pipeline could shift to run through Buckland properties; and

Whereas there exists the inherent right of the residents of Buckland to govern their own community, including, without limitation, the Declaration of Independence's declaration that governments are instituted to secure the rights of people, and the recognition within the State Constitution that all power is inherent in the people.

RESULTS OF SPECIAL
TOWN MEETING

SEPTEMBER 25, 2014

BE IT THEREFORE RESOLVED THAT WE CALL UPON OUR LEADERS TO ADOPT RULES, BYLAWS, OR TAKE SUCH OTHER ACTION AS NECESSARY

TO SUPPORT the right of the people of Buckland to hold public hearings and make motions to vote on all corporate, state or federal energy infrastructure and other large-scale projects within the town as they arise. Such projects may include, but are not limited to: pipeline construction, pipeline compression station construction, resource extraction, the removal of ground water for bottling and export, transmission line expansion, and the dumping of toxic fracking wastewater from neighboring states or toxic wastewater produced or collected at natural gas compression stations.

TO DEFEND majority rule, as determined by that vote, as the ultimate authority in approving such projects, affirming the rights of the people who live here over the rights of an absentee entity.

TO PROHIBIT any activity by the developers of such projects in Buckland before the people of Buckland have had the opportunity to put motions to vote, and only then if the majority has ruled in favor of allowing the project. Activities include, but are not limited to, surveying or photographing private property, negotiating leases, blasting, removing trees and road construction.

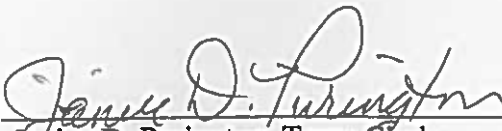
TO ENSURE that our Select Board is informed of any proposed project prior to any contact with landowners and that the residents of Buckland learn of each proposal first through their elected officials.

TO PROTECT the right of Buckland farms, businesses and companies to engage in resource harvesting and/or industrial activity as currently permitted in our by-laws.

*The Board of Selectmen voted to take no action on this article.
The Finance Committee took no action on this article.*

The meeting dissolved at 8:33pm

Attest:


Janice D. Purington, Town Clerk