

Town Warrant
Commonwealth of Massachusetts
May 5, 2014

ESSEX, ss. To the Constables of the Town of Georgetown, in the County of Essex,
Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the said Town, qualified to vote in the elections and in Town affairs to meet at the Georgetown Middle/High School, 11 Winter Street on the 5th day of May, 2014 (Monday) at 7 o'clock P.M. then and there to act on the articles of this warrant, and further, to meet at the Penn Brook School Gymnasium, 68 Elm Street in said Town, on the 12th day of May, 2014 (Monday), where the polls will be open from 8 o'clock A.M. until 8 o'clock P.M., to vote by ballot for the following officers: two Selectmen, one Assessor, two School Committee Members, one Light Commissioner, one Water Commissioner, and two Peabody Library Trustees, and one Planning Board Member for five years, and to vote by ballot for the following:

Ballot Question

QUESTION # 1

Shall the Town of Georgetown be allowed to exempt from the provisions of Proposition two and one-half, so called, the amounts required to pay for the bonds issued in order to renovate and repair the Georgetown Middle – High School located at 11 Winter Street, as described in the Project Funding Agreement?

_____ Yes _____ No

Article 1: Town Officers and Committee Reports (ATM14-01)

To hear and act on the reports of the Town Officers and Committees.

Article 2: Middle/High School (ATM14-02)

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Committee for the renovation and repair of the Georgetown Middle/High School located at 11 Winter Street, as described in the Project Funding Agreement and Total Project Budget, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the

Project shall not exceed the lesser of (1) 52.13% of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; or take any other action in relation thereto.

A 2/3 vote is required to approve this article.

Article 3: General Operating Budget/Reserve Fund (ATM14-03)

To see if the Town will raise and appropriate, or appropriate by transfer from available funds, a sum of money to defray charges and expenses of the Town, including debt and interest and including support of the schools, to fix salaries of the several elected offices of the Town, as provided by Section 108, Chapter 41, General Laws, as amended, and to provide for a reserve fund for the ensuing year, as set forth in the Finance and Advisory Board Proposed Budget and Town Meeting Warrant for the Fiscal Year beginning July 1, 2014, or take any other action in relation thereto.

Article 4: Stabilization Fund (ATM14-04)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to the Stabilization Fund, or take any other action in relation thereto.

A 2/3 vote is required to approve this article.

Article 5: Capital Fund (ATM14-05)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum not to exceed \$50,000 to be added to the Capital Fund, a special purpose stabilization fund created by vote of the May 4, 2009 Annual Town Meeting pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 5B, said funds to be further appropriated by Town Meeting for improvements and/or repairs to municipal buildings and infrastructure, or take any other action in relation thereto.

A 2/3 vote is required to approve this article.

Article 6: Water Department Operating Budget (ATM14-06)

To see if the Town will appropriate the receipts and available funds of the Water Department Enterprise Fund for the operation of the Water Department under the direction of the Water Commissioners for the Fiscal Year beginning July 1, 2014, or take any other action in relation thereto.

Article 7: Water Department Budget (ATM14-40)

To see if the Town will vote to appropriate from the Water Department Enterprise Fund Retained Earnings, the sum of two hundred and fifty thousand dollars (\$250,000) to be expended under the direction of the Board of Water Commissioners for costs associated with water system improvements, or take any other action in relation thereto.

Article 8: Fire Department Ambulance Operating Budget (ATM14-07)

To see if the Town will appropriate the receipts and available funds of the Fire Department Ambulance Enterprise Fund for the operation of the Town's ambulance service under the

direction of the Selectmen and Fire Chief for the Fiscal Year beginning July 1, 2014, or take any other action in relation thereto.

{BEGIN CONSENT CALENDAR}

Article 9: Municipal Light Department Continuation of Operation (ATM14-08)

To see if the Town will appropriate receipts of the Municipal Light Department for the operation of said Department under the direction and control of the Municipal Light Board, as defined in Section 34, Chapter 164, General Laws, for the Fiscal Year beginning July 1, 2014, or take any other action in relation thereto.

Article 10: Zoning Board of Appeals Revolving Fund (ATM14-09)

To see if the Town will vote to continue the Zoning Board of Appeals Revolving Fund as authorized by Chapter 44, Section 53E ½ of Massachusetts General Laws. This fund shall be funded by applicants' fees to be expended without further appropriation for the purpose of application review including, but not limited to review services, clerical, legal expenses, equipment and office supplies. The Zoning Board of Appeals may expend from this account an amount not to exceed \$20,000 for the Fiscal Year beginning July 1, 2014; or take any other action in relation thereto.

Article 11: Road Machinery Fund (ATM14-10)

To see if the Town will vote to continue the Road Machinery Fund as authorized by Chapter 44, Section 53E ½ of the Massachusetts General Laws. This fund shall be funded by payments for rental of Highway machinery and shall be expended without further appropriation for the purpose of purchasing highway equipment. The Highway Surveyor, with approval of the Board of Selectmen, may expend from this account an amount not to exceed \$25,000, or the balance in the account, whichever is lesser, for the Fiscal Year beginning July 1, 2014; or take any other action in relation thereto.

Article 12: Conservation Commission Revolving Fund for Camp Denison (ATM14-11)

To see if the Town will vote to continue a Conservation Commission Revolving Fund for Camp Denison as authorized by Chapter 44, Section 53E ½ of Massachusetts General Laws. This fund shall be funded by program fees, facility use charges and outside vendor charges to be expended without further appropriation for the purpose of maintaining the support of the land and facilities including, but not limited to utilities, seasonal staff, legal expenses, equipment and office supplies. The Conservation Commission may expend from this account an amount not to exceed \$25,000 for the Fiscal Year beginning July 1, 2014; or take any other action in relation thereto.

Article 13: Local Access Programming (ATM14-12)

To see if the Town will vote to continue a Cable Television Revolving Fund as authorized by Chapter 44, Section 53E ½ of Massachusetts General Laws. This fund shall be funded by the Annual License Fee and the PEG Capital Funding (Section 7.4 of the contract) paid by Comcast and Verizon to the Town to be expended without further appropriation for the purpose of Local Access Programming, including but not limited to, utilities, salaries, equipment, maintenance and office supplies. The Cable Advisory Committee, with the approval of the Board of Selectmen,

may expend from this account an amount not to exceed \$100,000 for the Fiscal Year beginning July 1, 2014; or take any other action in relation thereto.

Article 14: Chapter 90 Reimbursement, Transportation Bond (ATM14-13)

To see if the Town will appropriate the sum of \$304,530 (three hundred four thousand five hundred thirty dollars), or any other sum to be reimbursed by the Commonwealth of Massachusetts under the Transportation Bond issue, to be spent by the Highway Surveyor, with approval of the Board of Selectmen, under the provisions of Chapter 90 of the General Laws, or take any other action in relation thereto.

Article 15: Conservation Department, Conservation Restriction Revolving Fund(ATM14-14)

To see if the Town will vote to continue a Georgetown Conservation Restriction Revolving Fund as authorized by Chapter 44, Section 53E ½ of the Massachusetts General Laws. This fund shall be funded by fees and donations to be expended without further appropriation for the purpose of inspecting the condition of land for which the Georgetown Conservation Commission is the holder of Conservation Restrictions including, but not limited to staff expenses, legal expenses, equipment and supplies. The Conservation Commission may expend from this account an amount not to exceed \$1,000 for the Fiscal Year beginning July 1, 2014; or take any other action in relation thereto.

Article 16: Fire Department, Fire Alarm Revolving Fund (ATM14-15)

To see if the Town will vote to continue a Georgetown Fire Department Revolving Fund as authorized by Chapter 44, Section 53E ½ of the Massachusetts General Laws. This fund shall be funded by the annual fees charged for connection to the Municipal Fire Alarm system to be expended without further appropriation for the purpose of maintaining the Municipal Fire Alarm System. The Fire Department may expend from the account an amount not to exceed \$10,000 for the Fiscal Year beginning July 1, 2014; or take any other action in relation thereto.

Article 17: Inspections Department, Revolving Fund (ATM14-16)

To see if the Town will vote to continue an Inspections Department Revolving Fund as authorized by Chapter 44, Section 53E ½ of the Massachusetts General Laws. This fund shall be funded by fees associated with electronic permit tracking software when permits are issued by the Town of Georgetown. Funds to be expended without further appropriation for the purpose of funding permit tracking software fees, training, computer upgrades, data storage, and electronic data conversion of existing paper files and contract work associated with the electronic permitting system. The Inspections Department may expend from this account an amount not to exceed \$12,000 for the fiscal year beginning July 1, 2014, or take any other action in relation thereto.

{END CONSENT CALENDAR}

Article 18: Fire Department, Ladder Truck Payment (ATM14-17)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$77,000 (seventy seven thousand dollars) for the Fiscal Year 2015 lease payment for the Fire Department ladder truck, or take any other action in relation thereto.

Article 19: Fire Department, Rehabilitation of Ambulance 11 (ATM14-41)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$92,000 (ninety two thousand dollars) for the Rehabilitation and equipping of Ambulance 11 for the Fire Department, or take any other action in relation thereto.

Article 20: Other Post-Employment Benefits Trust Fund (ATM14-18)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum not to exceed \$50,000 (fifty thousand dollars) to be added to the Other Post-Employment Benefits Liability Trust Fund, created by vote of the May 7, 2012 Annual Town Meeting pursuant to the provisions of G.L. c.32B, §20, or take any other action in relation thereto.

Article 21: Heat Pump Replacement Middle High Schools (ATM14-19)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$200,000 (two hundred thousand dollars) to replace the Heat Pumps on the Middle High School roof, or take any other action in relation thereto.

Article 22: Replace Town Hall Fence (ATM14-20)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$50,000 (fifty thousand dollars) to replace the fence at the Town Hall, or take any other action in relation thereto.

Article 23: Replace Car-1 - Fire Department (ATM14-21)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$35,000 (thirty-five thousand dollars) to purchase and equip a replacement for Car-1 of the Fire Department, or take any other action in relation thereto.

Article 24: Exhaust System Expansion – Fire Department (ATM14-22)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,000 (twenty thousand dollars) for the expansion of the source capture vehicle exhaust system at the Central Fire Station, including all costs incidental and related thereto, or take any other action in relation thereto in relation thereto.

Article 25: One-Ton Dump Truck – Highway Department (ATM14-23)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$64,000 (sixty-four thousand dollars) to purchase and equip a one-ton dump truck for the Highway Department, or take any other action in relation thereto.

Article 26: MHS Parking Lot Stairs (ATM14-24)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$40,000 (forty thousand dollars) for the replacement of the parking lot stairs at the Middle High Schools including all costs incidental and related thereto, or take any other action in relation thereto.

Article 27: Police Radar Units (ATM14-25)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$10,200 (ten thousand two hundred dollars) for the purchase and installation of Police Radar units, or take any other action in relation thereto.

Article 28: Local Option Meals Excise (ATM14-26)

To see if the Town will vote to accept G.L. c. 64L, §2(a) to impose a local meals excise tax of .75% of the gross receipts from the vendor on the sale of restaurant meals, such excise to be effective on and after July 1, 2014, or take any other action in relation thereto.

Article 29: Easement 104 Elm Street (ATM14-27) (submitted by Town Counsel)

To see if the Town will vote to transfer from the School Committee for school purposes to the Board of Selectmen for the purpose of conveyance, and authorize the Board of Selectmen to grant, a non-exclusive easement in a certain portion of Town property at 68 Elm Street, shown as Lot 10-A-45 on the Town of Georgetown Assessors' Maps, which property is the site of the Penn Brook Elementary School, to the owner of abutting property located at 104 Elm Street for access and parking purposes incidental to the use of said abutting property and consistent with continued use of the easement property for school purposes, and for such consideration and upon such terms and conditions as the Board of Selectmen deems necessary and proper, which consideration may take the form, in part, of a release deed from the owner of 104 Elm Street of all the owner's right, title and interest in the school property, or take any other action relative thereto.

A 2/3 vote is required to approve this article.

Article 30: Personnel By-law Amendment (ATM14-28) (Submitted by Selectmen/DoR)

To see if the Town will vote to amend Chapter 105 of the Town's By-law, Personnel Policies, by deleting the existing bylaw and replacing it with the following revised bylaw, or take any other action in relation thereto.

Chapter 105. PERSONNEL POLICIES

[HISTORY: Adopted by the Town of Georgetown 5-4-1974 Annual Town Meeting, Art. 28; amended in its entirety 5-5-1986 Annual Town Meeting, Art. 14, and 5-2-1994 Annual Town Meeting, Art. 24, and 10-23-2000 Special Town Meeting, Art. 3. Subsequent amendments noted where applicable.]

§ 105-1. Purpose and intent.

The purpose of this chapter is to establish fair and equitable personnel policies and a system of personnel administration based on merit principles that ensure uniform, efficient application of those policies.

§ 105-2. Application.

All employees of the Town, excluding elected officials and employees of the School Department, shall be subject to the provisions of this chapter and personnel policies adopted pursuant thereto. To the extent that the terms of any collective bargaining agreement conflict

with any provision of this chapter or personnel policies adopted pursuant thereto, the provisions of the collective bargaining agreement shall prevail.

§ 105-3. Personnel Administration.

The Town Administrator shall serve as the Town's Personnel Officer responsible for the administration of the personnel system and development of a human resources system which meets the needs of the Town. In this capacity, the Town Administrator, upon approval by the Board of Selectmen, shall have the authority to carry out the following functions, including, but not limited to:

- Appointment and removal of employees (excluding employees who by statute are appointed by officials other than the Board of Selectmen)
- Annual review of compensation and benefits
- Development of methods and standards for selection and appointment of personnel
- Development and administration of performance standards
- Supervision of performance appraisals
- Other functions as circumstances necessitate

§ 105-4. Personnel system.

The personnel policies adopted pursuant to this Chapter shall establish a personnel system which shall include, but need not be limited to, the following elements:

- Method of administration: a system which assigns responsibility for the personnel system, including maintenance of personnel records, implementation of effective recruitment and selection processes, maintenance of the classification and compensation plans, oversight of the application of policies, and periodic review and evaluation of the personnel system
- Classification and compensation plan(s), as deemed appropriate;
- Recruitment and selection policies
- Central record keeping system
- Rights and obligations of employees
- Other elements of a personnel system as deemed appropriate and necessary

§ 105-5. Adoption of Policies.

The Personnel Officer, subject to review and approval by the Board of Selectmen, shall be empowered and authorized by this chapter to adopt personnel policies that modify the rights, benefits and obligations of employees subject to this chapter.

§ 105-6. Severability.

The provisions of this chapter and the policies adopted pursuant thereto are severable. In the event any provision of this chapter or any policy adopted pursuant thereto is held invalid, the remaining provisions of the chapter or policy shall remain in full force and effect.

Article 31: Community Preservation Committee (ATM14-29) (Submitted by CPC)

A: Community Preservation General Budget

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2015 Community Preservation budget and to appropriate, pursuant to G.L. Ch. 44B §6, from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2015; and further, pursuant to G.L. Ch. 44B §6, to reserve for future appropriation from Community Preservation Fund estimated annual revenues the following amounts as recommended by the Community Preservation Committee: a sum of money for open space, including land for recreational use; a sum of money for historic resources; and a sum of money for community housing; as well as sum of money to be placed in the 2015 Budgeted Reserve for general Community Preservation Act projects or purposes recommended by the Community Preservation Committee, as follows:

Reservations:

\$78,000 (>10% of the estimated FY revenues) for open space, including land for recreational use; and

\$78,000 (>10% of the estimated FY revenues) for historic resources; and

\$78,000 (>10% of the estimated FY revenues) for community housing.

Appropriations:

\$21,000 (less than 5% of the estimated FY revenues) to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for the Fiscal Year;

\$172,000 (One Hundred Seventy Two Thousand dollars) from Undesignated Funds and \$78,000 (Seventy Eight Thousand dollars) from the Open Space / Recreational Land Reserve for a total of \$250,000 for the Debt Service, principal and interest payments and any and all costs incidental and related to the Bond notes and instruments incurred by the Community Preservation Fund related to the Articles previously appropriated at Annual Town Meeting in 2013 (Articles 27(H) ATM 5-6-13 and 27(I) ATM 5-6-13); or take any other action in relation thereto.

B: Community Preservation Community Housing Category, “Affordable Housing Trust Grant”

To see if the Town will vote, pursuant to G.L. c. 44B, to appropriate from Community Preservation Fund Community Housing Reserve Account, the amount of \$100,000 (One Hundred Thousand dollars) as a grant to the Georgetown Affordable Housing Trust for the purposes of Affordable Housing initiatives consistent with the Trust’s Articles of Incorporation and the accepted Town of Georgetown Affordable Housing Production Plan and to authorize the Board of Selectmen and the Community Preservation Committee to enter into a grant agreement with the Georgetown Affordable Housing Trust setting the terms for such grant, which may include a requirement that the owners of any dwellings subsequently receiving any of these appropriated monies from the Trust grant to the Town an Affordable Housing Restriction in said

dwellings, and further, to authorize the Board of Selectmen to accept such restrictions; or take any other action in relation thereto.

C: Community Preservation Historic Resources Category, “Flagpoles Installation and Restoration”

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from Community Preservation Fund Historic Reserve Account, the amount of \$6,700.00 (Six Thousand Seven Hundred Dollars) to the Georgetown Historical Commission and the Georgetown Parks and Recreation Commission for the costs related to the restoration and installation of Flagpoles at Union Cemetery and Harry Murch Park; and to authorize the Board of Selectmen and the Parks and Recreation Commission, in consultation with the Community Preservation Committee, to enter into all agreements and execute any and all instruments for any grants to defer the costs associated with this initiative. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation Historic Reserve only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

D: Community Preservation Historic Resources Category, “Pentucket Pond Vista View Restoration and Rehabilitation”.

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from Community Preservation Fund Historic Reserve Account \$62,000.00 (Sixty Two Thousand dollars) for the restoration and rehabilitation of the Historic Vista View of Pentucket Pond located on Pond Street; and to authorize the Board of Selectmen, in consultation with the Community Preservation Committee, to enter into all agreements and execute any and all instruments for any grants to defer the costs associated with this initiative. Any funds from this appropriation remaining unspent after a period of eight months from the date of the approval of this article will be returned to the Community Preservation fund Historic Reserve only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

E: Community Preservation Open Space / Recreational Land Category “Rehabilitation of American Legion Park (Phase 2)”.

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund Undesignated funds the amount of \$ 29,800.00 (Twenty Nine Thousand Eight Hundred dollars) to further fund the ongoing engineering, permitting and implementation of improvements as recommended by the Georgetown Park and Recreation Commission, including all costs incidental and related to the rehabilitation of the American Legion Park. This will include the replacement of playground equipment; improvements to comply with the Americans with Disabilities Act and other federal, state or local building, access, and safety codes; and further to authorize the Board of Selectmen and Park and Recreation Commission, in consultation with the Community Preservation Committee, to enter into any and all agreements and execute any and all instruments for any grants to defer the costs associated with the rehabilitation of this Facility. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation Open Space / Recreational Land Reserve only after a vote by the Community

Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

F: Community Preservation Open Space / Recreational Land Category “West St. Soccer Fields Rehabilitation (Phase 1)”.

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund Undesignated Funds the amount of \$10,000 (Ten Thousand Dollars) to fund the engineering, permitting and implementation of improvements, as recommended by the Parks and Recreation Commission, to the West Street fields, including all costs incidental and related thereto; and further to authorize the Board of Selectmen, Parks and Recreation Commission and the Georgetown Water Commission, in consultation with the Community Preservation Committee, to enter into any and all agreements and execute any and all instruments for any grants to defer the costs associated with the rehabilitation. Any funds from this appropriation remaining unspent after a period of eight (8) months from the date of the approval of this article will be returned to the Community Preservation fund Open Space / Recreational Land Reserve only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

Article 32: Community Preservation Committee Bylaw Amendment (ATM14-30) (Submitted by CPC)

To see if the Town will vote to amend Section 44-2 of the Town’s Bylaw, Community Preservation Committee, by deleting Section 44-2(B) as it currently reads (in italics below);

The Community Preservation Committee shall make one or more recommendations at the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition and preservation of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, creation and preservation of land for natural resources and conservation purposes; for the creation, preservation and support of affordable housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and affordable housing that is acquired or created as provided in this section. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

and inserting in its place the following wording :

The community preservation committee shall make recommendations at the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created as provided in this section; provided, however, that funds expended pursuant to this chapter shall not be used for maintenance. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing

buildings or construction of new buildings on previously developed sites. With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited. The community preservation committee shall keep a full and accurate account of all of its actions, including its recommendations and the action taken on them and independent records of all appropriations or expenditures made from the Community Preservation Fund, and shall approve all expenditures from the fund at public meetings. The committee shall also keep records of any real property interests acquired, disposed of or improved by the city or town upon its recommendation, including the names and addresses of the grantor's or grantees and the nature of the consideration. The records and accounts shall be public records. Or take any other action in relation thereto.

Article 33: FINGERPRINTING BY-LAW (ATM14-31) (Submitted by Police Dept)

To see whether the Town will vote, as authorized by Chapter 256 of the Acts of 2010, codified as Chapter 6, Section 172 B ½, General Laws, to enact a by-law as set forth below enabling the Police Department to conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses:

1. Hawking and Peddling or other Door-to- Door Salespeople (Solicitors)
2. Manager of Alcoholic Beverage License
3. Owner or Operator of Public Conveyance
4. Dealer of Second-hand Articles
5. Pawn Dealers
6. Hackney Drivers
7. Ice Cream Truck Vendors

and to authorize the Board of Selectmen to, adopt appropriate policies and procedures to effectuate the purposes of this by-law, or take any other action relative thereto.

ARTICLE : FINGERPRINTING BY-LAW

Criminal History Check Authorization:

A. Civil Fingerprinting. The Police Department shall, as authorized by Massachusetts General Law Chapter 6, Section 172 B ½, conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses:

1. Hawking and Peddling or other Door-to- Door Salespeople
2. Manager of Alcoholic Beverage License
3. Owner or Operator of Public Conveyance
4. Dealer of Second-hand Articles
5. Pawn Dealers
6. Hackney Drivers
7. Ice Cream Truck Vendors

At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's criminal history records and obtain

the individual's consent. The Police Chief shall periodically check with the Executive Office of Public Safety and Security ("EOPSS") to ensure the Town remains in compliance with guidance issued by that office.

Upon receipt of the fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this by-law to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), and/or the Federal Bureau of Investigation (FBI) or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in this by-law.

B. Authorization to Conduct Fingerprint-Based Background Checks, and to Utilize Such Information for Purposes of the Bylaw. The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including FBI records, consistent with this by-law. The Town authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with this by-law. The State and FBI criminal history will not be disseminated to unauthorized entities.

C. Notice to Appropriate Licensing Authority. The Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town as listed. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability, or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense.

D. Promulgation of Regulations. The Board of Selectmen is authorized to promulgate regulations for the implementation of the proposed by-law.

E. Use of Criminal Record by Licensing Authorities. Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this by-law. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny application for, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this by-law.

F. Fees:

The fee charged by the Police Department for the purpose of conducting fingerprint- based criminal record background checks shall be one hundred dollars (\$100). A portion of the fee, as specified in Mass. Gen. Laws Chapter 6, Section 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town to be expended by the Police Department to help offset costs associated with the administration of the fingerprinting system.

G. Effective Date:

This by-law shall take effect upon approval by the Attorney General, and compliance with the requirements of G.L. c.40 , §32.

Article 34: §165 - 69 Accessory Apartments (ATM14-32) (Submitted by Affordable Housing Task Force)

To see if the Town will vote to amend the Zoning Bylaw, §165-69 *Accessory Apartments*, by DELETING the following text:

Section 165-69(B) “The special permit shall be issued to the owner of the property.”

and INSERTING the following text:

Section 165-69(A) (2) “Meeting the need for affordable housing by conditioning the special permit to require the acceptance of the apartment on the State Subsidized Housing Inventory “SHI” by the State Department of Housing and Community Development. Requirements may include, but not be limited to, deed riders and other restrictions, limitations and reviews as deemed necessary by DHCD and the permitting authority. Permit shall expire if the unit no longer is accepted for inclusion on the SHI.”

Section 165-69(B) “In the case where a special permit is issued under the criteria in Section (A) (1),” or take any other action in relation thereto.

A 2/3 vote is required to approve this article.

Article 35: Solar Energy Facilities (ATM14-35) (Submitted by Planning)

To see if the Town will vote to amend the Zoning Bylaw by inserting a new bylaw, Article XXIV Solar Energy Facilities, as set forth below, applicable to solar photovoltaic installations, 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 to provide adequate financial assurance for the eventual decommissioning of such installations, or take any other action in relation thereto.

A 2/3 vote is required to approve this article.

ARTICLE XXIV Solar Energy Facilities

§ 165-135 Purpose and Intent.

- A. The purpose of this bylaw is to promote the creation of new solar photovoltaic installations, herein referred to as a Solar Energy Facility, by providing 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 to provide adequate financial assurance for the eventual decommissioning of such installations.
- B. Provisions set forth in this section shall take precedence over all other sections when considering applications related to the construction, operation, expansion, repair, and/or removal of ground-mounted solar photovoltaic installations.

§ 165-136 Scope of Authority.

- A. The Planning Board will act as the Permit Granting Authority (PGA) for all Solar Energy Facility applications.

§ 165-137 Applicability.

- A. This section applies to a Solar Energy Facility proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment after approval by the PGA.
- B. Construction and use of a Solar Energy Facility or any part thereof shall be subject to the requirements set forth in this section and as permitted for in any zoning district as allowed for in the Use Regulation Schedule.
- C. Nothing in this section shall be construed to prevent the installation of accessory roof-mounted, solar photovoltaic installations on residential structures. Installation on residential structures shall not require Site Plan Approval.

§ 165-138 Definitions.

The following terms as used in this ordinance are defined as follows;

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development shall be subject to Site Plan Approval to determine conformance with local zoning ordinances or bylaws. Projects cannot be prohibited, but can be reasonably regulated by the Building Inspector and PGA as designated by local ordinance or bylaw.

Building Permit: A construction permit issued by an authorized Building Inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing Solar Energy Facility.

Commercial Solar Energy Facility: A ground mounted and/or roof mounted solar photovoltaic installation where the primary use is electrical generation to be sold to the wholesale electricity markets. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, appurtenant structures, transformers, service and access roads utilized in connection with the conversion of solar energy into electrical power by a production facility.

Designated Location: Location(s) shown on the Town of Georgetown Zoning and Overlay Districts Map pursuant to Massachusetts General Laws Chapter 40A Section 5. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Georgetown Town Clerk and Planning Office.

Ground Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted.

On-Site Solar Energy Facility: A ground mounted and/or roof mounted solar photovoltaic installation

for the purpose of electrical generation where the facility is an accessory use to the principal use of the property. An on-site solar energy facility will generate electricity to be primarily consumed by the principal use of the parcel. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, appurtenant structures, transformers, service and access roads utilized in connection with the conversion of solar energy into electrical power by a production facility.

Permit Granting Authority (PGA): For the purpose of this bylaw, the Planning Board shall act as the body of local government designated as the Permit Granting Authority (PGA) for Solar Energy Facility projects that require Site Plan Approval.

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 PGA to determine conformance with local zoning ordinances or bylaws.

Solar Energy Facility: For the purpose of this bylaw, a Solar Energy Facility shall consider both on-site solar energy facilities and commercial solar energy facilities. Such facility shall include, but is not limited to, transmission, storage, collection and supply equipment, substations, appurtenant structures, transformers, service and access roads utilized in connection with the conversion of solar energy into electrical power.

Zoning Enforcement Authority: The person or board charged with enforcing the zoning ordinances or bylaws.

§ 165-139 General Provisions.

An application for a Solar Energy Facility shall be reviewed by the PGA for consistency with the provisions of this section. All proponents are required to provide a Site Plan Approval application to the PGA along with compliance, or a written waiver request, to each of the following requirements in order to be deemed a complete application:

A. Administration:

Prior to construction, installation or modification of an existing Solar Energy Facility, a Site Plan Approval application shall be made pursuant to the provisions of Section §165-83 in addition to the provisions of Section §165-140.

B. Compliance with Zoning Laws, Ordinances and Regulations:

The construction and operation of all Solar Energy Facilities 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 Energy Facility shall be constructed in accordance with the State Building Code.

- (1) A Solar Energy Facility may be erected upon the issuance of an affirmative Site Plan Approval decision by the PGA;
- (2) All setback, yard, buffer and screening requirements applicable in the zoning district in which the installation is located shall apply.
- (3) All security fences surrounding the installations shall be set back from the property line a distance equal to the setback requirement applicable to buildings within the zoning district in which the installation is located.
- (4) The visual impact of the Solar Energy Facility, including all accessory structures and appurtenances, shall be mitigated. All accessory structures and appurtenances shall be architecturally compatible with each other. Whenever reasonable, structures shall be shaded from view by vegetation and/or joined and clustered to avoid adverse visual impacts. Methods such as the use of landscaping, natural features and fencing may be utilized

- (5) Lighting shall not be permitted unless required by the PGA or required by the State Building Code. Where used, lighting shall be directed downward and full cut-off fixtures shall be used.
- (6) All utility connections from the Solar Energy Facility shall be underground unless specifically permitted otherwise by the PGA in the site plan approval. Electrical transformers and inverters to enable utility interconnections may be above ground if required by the Town of Georgetown Light Department.
- (7) Installation of a Solar Energy Facility must meet the requirements of the "Qualifying Facility Power Purchase Rate" and "Standards for Interconnecting Distributed Generation" as published by the Town of Georgetown Light Department.
- (8) Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the commercial solar photovoltaic installation or otherwise prescribed by applicable laws, regulations and bylaws.
- (9) The Solar Energy Facility's owner and/or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, continued compliance with landscaping and screening requirements, and integrity of security measures. The owner or operator shall be responsible for the maintenance of any access roads serving the installation.

C. Fees:

A Site Plan Approval application for a Solar Energy Facility must be accompanied by the filing fee established by the PGA.

D. General:

All plans and maps shall be prepared, stamped and signed by a professional civil engineer licensed to practice in the Commonwealth of Massachusetts.

E. Site Plan Approval:

A Solar Energy Facility shall undergo Site Plan Approval review by the PGA prior to construction, installation or modification as provided in this section and Section §165-83.

F. Submission Requirements and Required Documents:

- (1) As part of the Site Plan Approval process, the applicant shall demonstrate to the PGA's satisfaction that the following design process was followed in determining the layout of a proposed on-site solar photovoltaic installation;
 - (a) Understanding the development site: The first step is to inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other;
 - (b) Evaluating site context: The second step is to evaluate the site in its larger context by identifying physical (e.g., stream corridors, wetlands), transportation (e.g. road and bicycle networks), and cultural (e.g., recreational opportunities) connections to surrounding land uses and activities;
- (2) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of the Town of Georgetown Zoning and Overlay Districts Map with the parcel(s) identified is suitable for this purpose);
- (3) A Proof of Liability Insurance that satisfies Section §165-139(J);
- (4) A Description of Financial Surety that satisfies Section §165-139(K);
- (5) An Operation and Maintenance Plan that satisfies Section §165-139(L);
- (6) A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required Site Plan Approval notification procedures and

otherwise inform abutters and the community;

- (7) **Proposed Installation Plan:** In addition to the information required pursuant to Section §165-83, a Proposed Installation Plan drawn at a scale of 1" = 40' shall be submitted. This plan shall be prepared by a registered Professional Engineer, licensed to practice in the Commonwealth of Massachusetts and who shall sign and place their seal upon such a plan and all pertinent documents, shall include the following information:
- (a) Property lines and physical features, including roads, for the project site;
 - (b) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
 - (c) Blueprints or drawings of the solar photovoltaic installation signed by a professional physical engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
 - (d) 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;
 - (e) Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
 - (f) Name, address, and contact information for proposed system installer;
 - (g) Name, address, phone number and signature of the project proponent(s) and property owners;
 - (h) The name, contact information and signature of any agents representing the project proponent;
 - (i) Location of the proposed solar system panels, arrangement of arrays, appurtenant structures, transmission infrastructure, foundations, and associated ground equipment, fencing, exterior lighting and access to them for maintenance and emergencies;
 - (j) Outline of all existing buildings, including purpose (e.g. residence, garage, storage shed, etc.) on site parcel and all adjacent parcels within 300 feet. Distance from the Solar Energy Facility to each building shall also be shown on the plan;
 - (k) Any overhead utility lines;
 - (l) The right-of-way of any public road that is contiguous with the property and provides the required frontage for the subject property;
 - (m) Proposed service and access driveway and roads, either temporary or permanent; and
 - (n) Location and approximate height of tree cover and any potential shading from nearby structures or vegetation.
 - (o) Designation of NHESP Estimated Habitats of Rare Wildlife and NH Priority Habitats of Rare Species zones if applicable
- (8) **Electrical Diagrams:** One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code (NEC) compliant disconnects and over current devices;
- (9) **Component Description:** Documentation of the major system components to be used, specifications of the photovoltaic panels including manufacturer and model, mounting system, collection, storage and supply equipment, and other associated components required for the conversion of solar energy into electrical energy production;
- (10) **Contact Information:** Name, address, and contact information for proposed system design

engineer and installer and project proponent(s) and operator of the Solar Energy Facility, if different from Property Owner;

- (11) **Legal Documents:** Copies of existing and proposed legal documents pertaining to public and private easements, covenants, agreements and permits affecting the use of the site parcel; and
- (12) The PGA may waive the aforementioned document requirements as it deems appropriate.

G. Commercial Solar Energy Facilities:

For review of a Commercial Solar Energy Facility the PGA may also require the following documents be provided in addition to those noted above;

- (1) **Visualizations:** The PGA may select up to four sight lines, including from the nearest building with a view of the Solar Energy Facility for pre- and post-construction view representations. Sight lines for the view representations shall be selected from populated areas proximate to the proposed Solar Energy Facility. View representations shall have the following characteristics:
 - (a) View representations shall be in color and shall include actual pre- construction photographs and accurate post-construction simulations of the height and breadth of the Solar Energy Facility (e.g. superimpositions of the Solar Energy Facility onto photographs of existing views);
 - (b) All sight line view representations will include existing, or proposed, buildings or tree coverage;
 - (c) Include description of the technical procedures followed in producing the visualization (distances, angles, lens, etc.);
- (2) **Technical Documentation:**
All supporting documents and calculations used for the design of the Solar Energy Facility in order to reach the nameplate capacity of the proposed facility.
- (3) **Structural Drawings:**
Engineering drawings for foundations and structures with a report from a registered physical engineer showing that the installation of all structures for the proposed Solar Energy Facility shall be in accordance with the most recent version of the State Building Code

H. Utility Notification:

No Solar Energy Facility shall be constructed until evidence, given to and found satisfactory by the PGA, that the utility company that operates the electrical grid where the installation is to be located has been informed of the Solar Energy Facility owner's or operator's intent to install an interconnected customer-owned generator as well as documentation from said utility that it can and will connect the proposed customer-owner generator into its power grid.

I. Safety Standards:

Upon request by the PGA, the Solar Energy Facility owner and/or operator shall cooperate with local emergency services in developing an emergency response plan. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

- (1) **Emergency Services Plan:** Prior to issuance of a building permit, the Solar Energy Facility owner and/or operator shall provide a written plan including but not limited to a project summary, electrical schematic, and site plan to the Town's local safety officials including the Police Chief, Fire Chief and Building Inspector. The PGA shall confirm adequacy of emergency access and safety procedures with the local safety officials prior to approval of any Site Plan for the Solar Energy Facility.
- (2) **Unauthorized Access:** The Solar Energy Facility shall be designed to allow access within the area of proposed limit of work to authorized personnel only. Electrical equipment shall be locked where possible.

J. Proof of Liability Insurance:

The applicant shall be required to provide evidence of liability insurance in an amount, and for the duration, sufficient to cover loss or damage to persons and property occasioned by the failure of the facility;

K. Financial Surety:

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the facility and remediate the landscape. The surety shall be in an amount and form determined to be reasonable by the PGA but not in an amount to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent and confirmed by the PGA.

The proponents shall provide a security sufficient to cover the cost of removal for the first ten (10) year period. For every five (5) year term thereafter, the proponent shall return to the PGA to renew the surety in the amount sufficient to cover the costs of removal of the facility for the next five (5) year term. The applicant shall submit a fully inclusive estimate of the costs associated with removal of the facility as outlined in this section. The estimate of cost shall be prepared by a professional civil engineer and shall include a mechanism for cost of living adjustments.

Such surety will not be required for municipal and state-owned facilities.

L. Operations and Maintenance Plan:

The project proponent shall submit a plan for the operation and maintenance of the Solar Energy Facility. This plan shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation

§ 165-140 Site Plan Approval Review Criteria and Procedures.

The PGA may grant a Site Plan Approval that would require certain requirements be met as conditions of approval. Those certain requirements are inclusive of but may not be outlined in the following section.

A. Criteria:

In the review and evaluation of an application and in making a final determination in writing, the PGA shall consider but not be limited to the following as it pertains to a Solar Energy Facility;

- (1) Complies with all requirements set forth in this section;
- (2) Minimizes visual impact by controlling off-site visibility of parking, storage, or other outdoor service areas viewed from public ways and places or land residentially used or zoned;
- (3) Minimizes the volume of cut and fill, the number of removed trees that are six (6) inches or more in caliper, the area of wetland vegetation displaced, soil erosion, and threat of air and water pollution;
- (4) Provides adequate storm water management and other utilities consistent with the functional requirements of the Town of Georgetown Subdivision Rules and Regulations, Department of Environmental Protection, Massachusetts Stormwater Management Handbook (as revised);
- (5) Minimizes obstruction of scenic views from publicly accessible locations;
- (6) Maximizes pedestrian and vehicular safety on-site, including points of ingress and egress;
- (7) Minimizes glare from headlights and lighting intrusion;
- (8) Minimizes unreasonable departure from character, materials, and scale of buildings in the vicinity, as viewed from public ways and places or premises residentially used or zoned;
- (9) Ensures compliance with the provisions of the Town of Georgetown's Zoning Bylaw, including parking, signs, landscaping, environmental standards and other pertinent sections;

- (10) Nuisance is not expected to be created by the use;
- (11) Adequate and appropriate facilities have been and will be provided for the proper operation and maintenance of the use;
- (12) Provides adequate access to each structure for emergency service equipment;
- (13) Facility shall be constructed and operated in a manner that minimizes adverse visual, safety and environmental impacts;
- (14) Every abutting property is visually screened from the project through one or a combination of location, distance, plantings, existing vegetation and fencing (not to exceed 6 feet).

B. Waivers:

The PGA may waive, by an affirmative majority vote, any of the submittal and design requirements if it determines that strict compliance with those submittal and design requirements, because of the size or unusual nature of proposed building(s), structure(s), or lay of the land, may not be in the best interest of the Town and general public.

C. Final Action:

No Solar Energy Facility shall be erected, constructed, installed or modified as provided in this section without first obtaining a Site Plan Approval decision from the PGA and a building permit from the Building Inspector.

D. Modifications to Approved Site Plans:

All material modifications to a Solar Energy Facility made after issuance of the required permit shall require approval by the PGA as provided in this section. Modifications to an approved Site Plan and/or Proposed Installation Plan shall be allowed upon submission of a written description to the PGA of the proposed modifications. The request for modification shall be subject to the submittal, review and hearing procedures as required for new filings unless the PGA finds that the proposed modifications satisfy the review criteria and the Site Plan and/or Proposed Installation Plan as modified would be consistent with the originally approved plan and therefore a new public hearing may not be required.

E. Appeals:

The decision of the PGA and/or Building Inspector made on any project subject to the provisions of this section may be appealed pursuant to the provisions of Chapter §165-98 of Town of Georgetown's Zoning Bylaw.

F. Enforcement:

Enforcement of violations of any approvals and conditions of approvals, including violations of any development and/or performance standards identified in this Section shall be governed by Section §165-97 of the Town of Georgetown Zoning Bylaw.

G. Severability:

The invalidity of any section or provision of this Bylaw by a Court or Agency of competent jurisdiction shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

H. Issuance of Building Permit:

No building permit for a Solar Energy Facility shall be issued until the PGA has rendered its decision on the Site Plan Approval application. Any site clearing or disturbance done on a site ultimately proposed to be a Solar Energy Facility without a Building Permit shall be deemed improper clearing, a violation of the provisions of the Town of Georgetown Zoning Bylaw and shall be enforced pursuant to the provisions of Article XVI of the Town of Georgetown Zoning Bylaw.

I. Expiration:

A permit issued pursuant to this ordinance shall expire if;

- (1) A Solar Energy Facility is not installed and operational within 48 months from the date the permit is issued; or,

(2) A Solar Energy Facility is abandoned or deemed abandoned pursuant to this ordinance.

J. Violations:

It shall be unlawful for any person to construct, install, or operate a Solar Energy Facility that is not in compliance with this Section or with any condition contained in a permit issued pursuant to this Section. Solar energy facilities installed prior to the adoption of this Section are exempt until any alterations or expansion to the existing systems are made at which time the provisions of this ordinance shall apply to such alterations and expansions.

§ 165-141 Development and Performance Standards.

Any proposed Solar Energy Facility shall be subject to development and performance standards, as set forth below, for the placement, design, construction, monitoring, modification and removal. Such development and performance standards exist to address public safety and minimize impacts on scenic, natural and historic resources of the Town. Whereas all projects must demonstrate compliance with applicable provisions of Section §165, the following standards shall be in addition to or take precedence over design standards of Section §165-83 and Appendix 4 Intensity of Use Schedule:

A. Dimension and Density Requirements.

(1) **Setbacks:** The purpose of setbacks is to mitigate adverse impacts on abutting properties. For a Solar Energy Facility, compliance with front, side and rear setbacks shall be as follows:

- (a) Front yard: The front yard shall have a depth of at least 20 feet from the property line.
- (b) Side yard: Each side yard shall have a depth at least 20 feet from the property line provided, however, where the locus abuts a conservation use, recreational use or residential district, the side yard shall not be less than 50 feet;
- (c) Rear yard: The rear yard depth shall be at least 20 feet from the property line provided, however, that where the locus abuts a conservation use, recreation use or residential district, the rear yard shall not be less than 50 feet;

(2) The PGA may grant a waiver from setback requirements if the applicant can demonstrate:

- (a) Failing to do so would render the siting of the Solar Energy Facility unfeasible; and
- (b) The waiver will not impede access or egress for maintenance personnel or emergency responders; and
- (c) The waiver will not adversely affect the intent of this bylaw section in terms of development and design standards.

B. Design Standards.

(1) **Lighting:** Lighting of a Solar Energy Facility shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of a Solar Energy Facility shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

(2) **Landscaping:** Applicant shall submit a Landscape Plan detailing the following:

- (a) All proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, area of vegetative clearing, all proposed vegetative screening and/or fencing and planting, exterior lighting and structures;
- (b) Planting design shall include details of the types and size of plant materials. To the extent feasible or practicable, landscaping shall be designed in an environmentally sensitive

manner with non-invasive drought tolerant native plants, so as to reduce irrigation needs and heating and cooling needs;

- (c) All landscaped areas shall be properly maintained and monitored for at least two growing seasons. Shrubs or trees that die shall be replaced by the applicant or property owner within one growing season. The long term maintenance of approved landscaping shall be the responsibility of the individual or entity identified in the application for facilities maintenance purposes.

(3) **Signage:** Signs on a Solar Energy Facility shall comply with the provisions of Article X of Town of Georgetown Zoning Bylaws and shall be limited to:

- (a) Location, materials and details of proposed signs shall be submitted;
- (b) A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number;
- (c) A Solar Energy Facility shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation;
- (d) Educational signs providing information about the facility and the benefits of renewable energy;
- (e) Any proposed sign(s) shall be permitted as part of the site plan approval.

C. **Appurtenant Structures:**

All appurtenant structures to a Solar Energy Facility shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, and open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from off-site view by vegetation and joined and/or clustered to avoid adverse visual impacts. Architectural elevation drawings for structures exceeding 500 square feet of gross floor area shall be submitted as part of the Site Plan Approval application.

D. **Utility Connections:**

Reasonable efforts, as determined by the PGA, shall be made to place all utility connections from the Solar Energy Facility underground, depending on appropriate 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.

E. **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 solar energy facilities and per best management practices for natural and/or developed areas and otherwise prescribed by applicable laws, regulations, and bylaws. In particular but not limited to Town of Georgetown's Chapter §49 Earth Removal and Chapter §57 Erosion and Stormwater Control. The limit of work will be shown on the approved Site Plan and Proposed Installation Plan.

F. **Natural Buffer and Wildlife Corridors:**

An undisturbed buffer shall be part of the setback area and maintained between the Solar Energy Facility and the property line. This buffer would only be required on those projects that abut residential district. The natural buffer should be maintained at or slightly above the highest level of the solar panels. If the natural vegetative visual buffer would have a detrimental effect on the ability to generate power, an alternative screening buffer pursuant to Section §165-142 may be proposed. A Solar Energy Facility shall be designed and constructed to optimize the existence and maintenance of natural buffers and wildlife corridors.

G. **Operation, Monitoring and Maintenance:**

- (1) **Solar Photovoltaic Installation Conditions:** The Solar Energy Facility 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 facility and any access road(s), unless accepted as a public way.
- (2) **Operation and Maintenance Plan:** As required in and to satisfy Section 165-139(L);
- (3) **Minimum Maintenance Responsibilities:** The applicant, owner or operator shall maintain the facility in good condition. The individual or entity responsible for maintenance shall be clearly identified in the application. 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 Fire Chief and other public safety officials. The owner or operator shall be responsible for the cost of maintaining the Solar Energy Facility and any access road(s) and the cost of repairing any damage occurring as a result of operation and construction. The owner and/or operator shall be responsible for all activities identified on said plan until the facility is abandoned or decommissioned;

H. Removal / Decommissioning / Discontinuance:

- (1) **Removal Requirements:** Any Solar Energy Facility that has reached the end of its useful life or has been discontinued shall be removed. The owner or operator shall have completely physically removed the installation no more than 150 days after the date of discontinued operations. At least thirty (30) days prior to the proposed date of discontinuation of operations, the owner or operator shall notify the PGA and the Building Inspector by Certified Mail of the proposed date of discontinued operations and include plans for removal.
- (2) **Decommissioning:** shall consist of:
 - (a) Physical removal of all solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site;
 - (b) Any municipal utility connections shall be disconnected to the satisfaction of the Municipal Light Department, Highway Surveyor and Fire Department;
 - (c) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 - (d) Stabilization or re-vegetation of the site as necessary to minimize erosion. The PGA may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- (3) **Abandonment:** Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered discontinued when it fails to operate for more than a two (2) year period without the written consent of the PGA. If the owner and/or operator of a Solar Energy Facility fail to remove the installation in accordance with the requirements of this section within 150 days of discontinuance or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

Article 36: Registered Marijuana Dispensary (ATM14-37) (Submitted by Planning)

To see if the Town will vote to amend the Zoning Bylaw by inserting a new article, Article XVIII Registered Marijuana Dispensary, as set forth below, to provide zoning bylaw standards for a medical marijuana treatment center, a a non-profit entity, as defined by Massachusetts law only, registered with the Department of Public Health that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments),

transfers, transports, sells, distributes, dispenses or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers, or take other action in relation thereto.

A 2/3 vote is required to approve this article.

ARTICLE XVIII Registered Marijuana Dispensary

§ 165-156 Purpose and Intent.

- A. To provide for the placement of a Registered Marijuana Dispensary ("RMD"), in accordance with the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq., in locations suitable for lawful medical marijuana facilities and to minimize adverse impacts of a Registered Marijuana Dispensary on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of RMDs.
- B. Provisions set forth in this section shall take precedence over all other sections of the Bylaw when considering applications related to the construction, operation, expansion, repair, and/or removal of lawful RMD facilities.

§ 165-157 Establishment and Delineation of a Medical Marijuana Overlay District.

A. Establishment:

For the purposes of this Bylaw, there is hereby established a Medical Marijuana Overlay District ("MMOD"). Within the MMOD, all requirements of the underlying district(s) remain in effect, except where these regulations provide an alternative to such requirements. Land within the MMOD may be used either for (1) a Registered Marijuana Dispensary ("RMD"), in which case the requirements set forth in this section shall apply; or (2) a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the MMOD are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the MMOD conflict with the requirements of the underlying district, the requirements of the MMOD shall control.

B. Delineation:

The MMOD is delineated and shown on the official zoning map of the Town of Georgetown and the Town of Georgetown Zoning & Overlay Districts Map on file with the Planning Office.

§ 165-158 Scope of Authority.

- A. The Planning Board shall act as the Special Permit Granting Authority (SPGA) for all Registered Marijuana Dispensary applications.

§ 165-159 Applicability.

- A. The cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for medical use is prohibited unless permitted by Special Permit as a Registered Marijuana Dispensary under this Section, except as otherwise provided herein.
- B. No Registered Marijuana Dispensary facility use shall be established except in compliance with the provisions of this zoning bylaw section and all other sections of the Town of Georgetown's Bylaws.
- C. Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

§ 165-160 Definitions.

Where not expressly defined in the Zoning Bylaws, terms used in the MMOD Bylaw shall be interpreted as defined in the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq. and the Department of Public Health Regulations promulgated thereunder, 105 CMR 725.001, et seq., and otherwise by their plain language. The following terms as used in this ordinance are defined as follows;

Marijuana: In addition to the Commonwealth's definition under Chapter §94C of Mass General Laws, a definition of marijuana shall include: Marijuana, Marihuana, Cannabis, Hashish, Cannabis seeds, THC (tetrahydrocannabinol) and its derivatives and extracts as well as any substances containing THC whether in plant, including its flowers, oil, resin, solid, liquid or aerosol form.

Marijuana Cultivation: The process of propagation, including germination, using soil, hydroponics, or other mediums to generate growth and maturity. The intended process of bringing a plant or other grown product to maturity for harvesting, sale, refining or use as an ingredient in further manufacturing or processing. This definition encompasses marijuana cultivation related to RMD facilities.

Registered Marijuana Dispensary: Also referred to and known as a Medical Marijuana Treatment Center, means a not-for-profit entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products ("MIPs"), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana

§ 165-161 General Provisions.

An application for a RMD and/or Medical Marijuana Treatment Center shall be reviewed by the SPGA for consistency with the provisions of this section. All proponents are required to provide a Site Plan Approval application to the SPGA demonstrating compliance with, or a written waiver request for, each of the following requirements in order to be deemed a complete application:

- A. **Administration:**
Prior to construction, installation or modification of an RMD, a Site Plan Approval application shall be made pursuant to the provisions of Section §165-83 in addition to the provisions of this Article.
- B. **Compliance with Zoning Laws, Ordinances and Regulations:**
The construction and operation of any RMD shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements.
- C. **Fees:**
A Site Plan Approval application for a Registered Marijuana Dispensary must be accompanied by the filing fee established by the SPGA.
- D. **General:**
All site and structural plans and maps shall be prepared, sealed and signed by a professional civil engineer licensed to practice in the Commonwealth of Massachusetts. All building plans and elevations shall be prepared, sealed and signed by an architect licensed to practice in the Commonwealth of Massachusetts.
- E. **Submission Requirements and Required Documents:**
 - (1) As part of the Special Permit and Site Plan Approval process, the applicant shall demonstrate to the SPGA's satisfaction that the following design process was followed in determining the location of a proposed RMD;

- (a) Understanding potential development sites: The first step is to inventory existing potential sites;
- (b) Evaluating the proposed development site: The second step is to evaluate the proposed site in its larger context by taking care to identify eligible locations as described in Section 165-161(I) and beneficial or detrimental connections to surrounding land uses and activities;
- (2) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
- (3) A Proof of Liability Insurance that satisfies Section §165-161(G);

F. Safety Standards:

Upon request by the SPGA, the owner and/or operator shall cooperate with local emergency services in developing an emergency response plan. The owner or operator shall identify a responsible person for public inquiries throughout the life of the facility.

- (1) **Emergency Services Plan:** Prior to issuance of a building permit, the Registered Marijuana Dispensary owner and/or operator shall provide a written plan including but not limited to a project summary to the Town's Board of Selectmen, local safety officials including the Police Chief, Fire Chief and Building Inspector. The SPGA shall confirm adequacy of emergency access and safety procedures with the local safety officials prior to approval of any Site Plan for the Registered Marijuana Dispensary.
- (2) **Unauthorized Access:** The Registered Marijuana Dispensary shall be designed to allow access within the area of the RMD to authorized personnel as well as state and municipal emergency personnel only.

G. Proof of Liability Insurance:

The applicant shall be required to provide evidence of liability insurance in an amount, and for the duration, sufficient to cover loss or damage to persons and property occasioned by the failure of the facility;

H. Eligible Locations:

Any RMD facility permitted under this Section shall be located only in a zoning district that is designated for its use within this Zoning Bylaw. No RMDs use shall be located within 300 linear feet of a property line where the following zoning district, activity or use occurs, whether within the municipal borders of the Town of Georgetown or adjoining municipality;

- (1) Any Residential District as defined by Chapter §165
- (2) School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
- (3) Any child care facility;
- (4) Library;
- (5) Playground;
- (6) Public Park;
- (7) Youth center;
- (8) Public swimming pool;
- (9) Religious institution;
- (10) Video arcade facility;
- (11) Similar facility in which minors commonly congregate;

- (12) Any other Registered Marijuana Dispensary;
- (13) Any drug or alcohol rehabilitation facility;
- (14) Any correctional facility, half-way house or similar facility; or

I. Separation:

Distances shall be calculated by direct measurement from the nearest property line of the land used for school or child care purposes or places where minors frequent or any other use listed above in Section 165-161(H) to the nearest point of the property line of the proposed RMD parcel. The distance requirement may be reduced by twenty-five percent or less, but only if:

- (1) The applicant demonstrates that the RMD would otherwise be effectively prohibited within the municipality;
- (2) With regard to locations protected pursuant to Section 165-16(H(1)-(11), the applicant demonstrates that the RMD will employ adequate security measures to prevent diversion of medical marijuana to minors who are not qualifying patients pursuant to 105 CMR 725.004.

J. Visibility: There shall be no visual proof or visibility of use activities, products or treatment occurring within or on the premises of a RMD from the exterior of such facility or premises.

§ 165-162 Special Permit Review Procedures and Criteria.

The SPGA may grant a Special Permit and a Site Plan Approval and require that certain requirements be met as conditions of approval.

A. Procedure:

The Planning Board shall be the Special Permit Granting Authority (SPGA) for a RMD special permit application.

B. Criteria:

In the review and evaluation of an application and in making a final determination in writing, the SPGA shall consider but not be limited to the following as it pertains to a Registered Marijuana Dispensary;

- (1) Complies with all requirements set forth in this section;
- (2) Minimizes visual impact by controlling off-site visibility of parking, storage, or other outdoor service areas viewed from public ways and places or land residentially used or zoned;
- (3) Provides adequate storm water management and other utilities consistent with the functional requirements of the Town of Georgetown Subdivision Rules and Regulations, Department of Environmental Protection, Massachusetts Stormwater Management Handbook (as revised);
- (4) Maximizes pedestrian and vehicular safety on-site, including points of ingress and egress;
- (5) Minimizes glare from headlights and lighting intrusion;
- (6) Minimizes unreasonable departure from character, materials, and scale of buildings in the vicinity, as viewed from public ways and places or premises residentially used or zoned;
- (7) Ensures compliance with the provisions of the Town of Georgetown's Zoning Bylaw, including parking, signs, landscaping, environmental standards and other pertinent sections;
- (8) Specific use is an appropriate location for such a use;
- (9) Nuisance is not expected to be created by the use;
- (10) Provides adequate access to each structure for emergency service equipment;
- (11) Facility shall be constructed and operated in a manner that minimizes adverse visual, safety and environmental impacts;
- (12) Proposed RMD use shall does not create a nuisance to abutters or to the surrounding area, or

which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

C. Special Permit Conditions:

The SPGA may impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's RMD, the SPGA may include the following conditions in any special permit granted under this Bylaw;

- (1) Hours of Operation, including dispatch of home deliveries;
- (2) The permit holder shall file a copy of any Incident Report required under 105 CMR 725.110(F) with the Zoning Enforcement Officer and the SPGA within 24 hours of creation by the RMD. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations;
- (3) The permit holder shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by DPH or the Division of Administrative Law Appeals, as applicable, regarding the RMD with the Zoning Enforcement Officer and SPGA within 48 hours of receipt by the RMD;
- (4) The special permit shall lapse within five years of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted at least 120 days prior to the expiration of the special permit;
- (5) The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the RMD;
- (6) The special permit shall lapse upon the expiration or termination of the applicant's registration by Department of Public Health ("DPH");
- (7) The permit holder shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of the cessation of operation of the RMD or the expiration or termination of the permit holder's registration with DPH.

D. Application:

In addition to the materials required under Town of Georgetown Article XIII of Chapter 165, the applicant shall include:

- (1) A copy of its registration as an RMD from the Massachusetts Department of Public Health ("DPH");
- (2) A detailed floor plan of the premises of the proposed RMD that identifies the square footage available and describes the functional areas of the RMD, including areas for any preparation of MIPs;
- (3) Detailed site plans that include the following information;
 - (a) Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this Bylaw and Chapter 165 of Town of Georgetown Zoning bylaws;
 - (b) Convenience and safety of vehicular and pedestrian movement off the site, if off-site vehicular and pedestrian traffic can reasonably be expected to substantially affected by on-site changes;

- (c) Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;
 - (d) Design and appearance of proposed and/or existing buildings, structures, freestanding signs, screening and landscaping; and
 - (e) Adequacy of water supply, surface and subsurface drainage and light.
- (4) Description of the security measures, including employee security policies, approved by DPH for the RMD;
 - (5) Copy of the emergency procedures approved by DPH for the RMD;
 - (6) Copy of the policies and procedures for patient or personal caregiver home-delivery approved by DPH for the RMD;
 - (7) Copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between RMDs approved by DPH;
 - (8) Copy of proposed waste disposal procedures; and
 - (9) Description of any waivers from DPH regulations issued for the RMD.
 - (10) Distance in linear foot from property line to property line of any zoning district, activity or use occurs as described in Section §165-161(H);

E. Notification:

Any new applications sought under this Section must be publically advertised for a period of no less than fourteen (14) days, not including the date of the required special permit public hearing. Abutters within three hundred (300) feet shall be notified in writing of said application, and include any and all dates and locations of public hearings on said application.

The SPGA shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, the Highway Department, Board of Water Commissioners, and the Planning Board. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.

F. Waivers:

The SPGA may waive, by an affirmative majority vote, any of the submittal and design requirements if it determines that strict compliance with those submittal and design requirements, because of the size or unusual nature of proposed building(s), structure(s), lay of the land, may not be in the best interest of the Town, the general public and/or an undue hardship on the applicant.

Applicant may request an exemption from special permit requirements if the RMD is able to demonstrate that they are protected pursuant to the agricultural exemption under G.L. c.40A §3 and are not required to obtain a special permit, but shall apply for Site Plan Approval pursuant to Section §165-83.

G. Final Action:

After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the SPGA may act upon such a special permit. No RMD shall be erected, constructed, installed or modified as provided in this section without first obtaining a Site Plan Approval decision from the SPGA and a building permit from the Building Inspector.

H. Modifications to Approved Site Plan:

All material modifications to a RMD made after issuance of the required permit shall require approval by the SPGA as provided in this section. Modifications to an approved Site Plan shall be allowed upon submission of a written description to the SPGA of the proposed modifications. The

request for modification shall be subject to the submittal, review and hearing procedures as required for new filings unless the SPGA finds that the proposed modifications satisfy the review criteria and the Site Plan as modified would be consistent with the originally approved plan and therefore a new public hearing may not be required.

- I. **Appeals:**
The decision of the SPGA and/or Building Inspector made on any project subject to the provisions of this section may be appealed pursuant to the provisions of Chapter §165-98 of Town of Georgetown's Zoning Bylaw.
- J. **Enforcement:**
Enforcement of violations of any approvals and conditions of approvals, including violations of any development and/or performance standards identified in this Section shall be governed by Section §165-97 of the Town of Georgetown Zoning Bylaw.
- K. **Severability:**
The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.
- L. **Issuance of Building Permit:**
No building permit for a RMD shall be issued until the SPGA has rendered its decision on the Special Permit and Site Plan Approval application and the appeals period pursuant to G.L. c.40A §17 has lapsed or any appeal taken has been finally resolved. Any site clearing or disturbance done on a site ultimately for the purpose of a RMD without a building permit shall be deemed improper clearing, a violation of the provisions of the Town of Georgetown Zoning Bylaw and shall be enforced pursuant to the provisions of Article XVI of the Town of Georgetown Zoning Bylaw.
- N. **Expiration:**
A permit issued pursuant to this ordinance shall expire if;
 - (1) A RMD is not installed and operational within 48 months from the date the permit is issued; or,
 - (2) A RMD is abandoned or deemed abandoned pursuant to this Bylaw.
- O. **Violations:**
It shall be unlawful for any person to construct, install, or operate a RMD that is not in compliance with this Section or with any condition contained in a permit issued pursuant to this Section.

§ 165-163 Development and Performance Standards.

Any proposed RMD shall be subject to development and performance standards, as set forth below, for the placement, design, construction, monitoring, modification and removal. Such development and performance standards exist to address public safety and minimize impacts on resources of the Town. Whereas all projects must demonstrate compliance with applicable provisions of Section §165, the following standards shall be in addition to or take precedence over design standards of Section §165-83 and Appendix 4 Intensity of Use Schedule:

- A. **Dimension and Density Requirements.**
 - (1) **Setbacks:** The purpose of setbacks is to mitigate adverse impacts on abutting properties. For Registered Marijuana Dispensaries, compliance with front, side and rear setbacks shall be as follows:
 - (a) Front yard: The front yard shall have a depth at least 20 feet from the property line provided, however, where the locus abuts a conservation use, recreational use or residential use district, the front yard shall not be less than 50 feet;
 - (b) Side yard: Each side yard shall have a depth at least 20 feet from the property line provided, however, where the locus abuts a conservation use, recreational use or residential district, the side yard shall not be less than 50 feet;

- (c) Rear yard: The rear yard depth shall be at least 25 feet from the property line provided, however, that where the locus abuts a conservation use, recreation use or residential district, the rear yard shall not be less than 50 feet;

(2) The SPGA may grant a waiver from setback requirements if the applicant can demonstrate:

- (a) Failing to do so would render the siting of the RMD unfeasible; and
- (b) The waiver will not impede access or egress for maintenance personnel or emergency responders; and
- (c) The waiver will not adversely affect the intent of this bylaw section in terms of development and design standards.

B. Design Standards.

- (1) **Lighting:** Lighting of a RMD shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the RMD shall be per Massachusetts Department of Public Health regulations. .
- (2) **Landscaping:** Applicant shall submit a Landscape Plan detailing the following:
 - (a) All proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, area of vegetative clearing, all proposed vegetative screening and/or fencing and planting, exterior lighting and structures;
 - (b) Planting design shall include details of the types and size of plant materials. To the extent feasible or practicable, landscaping shall be designed in an environmentally sensitive manner with non-invasive drought tolerant native plants, so as to reduce irrigation needs and heating and cooling needs;
 - (c) All landscaped areas shall be properly maintained and monitored for at least two growing seasons. Shrubs or trees that die shall be replaced by the applicant or property owner within one growing season. The long term maintenance of approved landscaping shall be the responsibility of the individual or entity identified in the application for facilities maintenance purposes.
- (3) **Signage:** Signs on a RMD shall comply with the provisions of Article X of Town of Georgetown Zoning Bylaws and shall be limited to:
 - (a) Location, materials and details of proposed signs shall be submitted;
 - (b) A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number;
 - (c) Facility shall not be used for displaying any advertising except for reasonable identification of the operator;

C. 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 RMD and per best management practices and otherwise prescribed by applicable laws, regulations, and bylaws, particularly but not limited to Town of Georgetown's Chapter §49 Earth Removal and Chapter §57 Erosion and Stormwater Control. The limit of work shall be shown on the submitted Site Plan.

D. Operation and Maintenance:

The applicant, owner or operator shall maintain the facility in good condition. The individual or entity responsible for maintenance shall be clearly identified in the application. 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 Fire Chief and other public safety officials. The owner or operator shall be responsible for the cost of maintaining the RMD and any access road(s) and the cost of repairing any damage occurring as a result of operation and construction. The owner and/or operator shall be responsible for all activities identified on said plan until the facility is closed.

E. Removal and Decommissioning:

- (1) **Removal Requirements:** Any RMD that will be closed, has been closed or is determined to be abandoned in a manner consistent with Article XV of Town of Georgetown's zoning bylaw shall be removed. The owner or operator shall have completely physically removed the facility, as it pertains to the interior of the structure and specialized to the use of a RMD, no more than 150 days after the date of discontinued operations. At least thirty (30) days prior to the proposed date of discontinuation of operations, the owner or operator shall notify the SPGA and the Building Inspector by Certified Mail of the proposed date of discontinued operations and include plans for removal.
- (2) **Decommissioning:** shall consist of:
 - (a) Physical removal of all specialized structures and equipment required for a RMD facility;
 - (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;

Article 37: §165 - 7 Definitions (ATM14-33) (Submitted by Planning)

To see if the Town will vote to amend the Zoning Bylaw, §165-7 Definitions and Word Usage, by DELETING the following definition:

PLANNED UNIT DEVELOPMENT – A tract developed in accordance with Article VII.

and INSERTING the following new definitions in appropriate alphabetical order:

ACCESSORY APARTMENT – A self-contained living area, including kitchen, within an owner occupied single-family property, for a relative(s) thru blood or marriage or for rental to a unrelated person as an affordable housing unit.

MEDICAL OFFICE – A suite of rooms that may include a laboratory where a physician or group of medical practitioners receive and treat patients on an ongoing basis and otherwise provide health services to consumers.

OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD) – Method of planning residential development that conserves open space in a manner that maximizes the protection of natural resources (wetlands, forests, agriculture lands, open space) while providing for new construction.

REGISTERED MARIJUANA DISPENSARIES – Not-for-profit entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, a registered marijuana dispensary refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

SOLAR ENERGY FACILITIES – A solar photovoltaic installation consisting of a single module or unit or an aggregation of such units that generates electric energy which is independently metered.

WIND ENERGY FACILITY – All of the equipment, machinery and structures that together are utilized to convert wind to electricity. This includes, but is not limited to, developer-owned electrical equipment, storage, collection and supply equipment, service and access roads and one or more wind turbines.

or take any other action in relation thereto.

A 2/3 vote is required to approve this article.

Article 38: §165 - 11 Use Regulations and Intensity of Use Schedule (ATM14-34) (Submitted by Planning)

To see if the Town will vote to amend the Zoning Bylaw by amending the text of §165-11 – *Use Regulations and Intensity of Use Schedule*, by DELETING the specified uses as follows:

Appendices

A.3 Use Regulation Schedule

	RA	RB	CA	CB	CC	IA	IB	RC
Other Uses:								
Commercial Radio and Television Transmission	O	A	O	O	O	O	A	A
Signs	P	P	P	P	P	P	P	P
Temporary Structures	P	P	P	P	O	P	P	P
Pipe Organ Making	O	O	P	O	O	O	O	O
Housing for Elderly	P	A	A	A	A	A	P	A

D = Special Permit by Planning Board, O = An excluded or prohibited use, P = A permitted use

and INSERTING the following uses in the categories indicated in appropriate alphabetical order:

	RA	RB	CA	CB	CC	IA	IB	RC
Business Uses:								
Registered Marijuana Dispensary	O	O	D	D	D	D	D	O
Pipe Organ Making	O	O	P	O	O	O	O	O
Signs	P	P	P	P	P	P	P	P
Solar Energy Facilities	P	P	P	P	P	P	P	P
Wind Energy Facilities	P	P	P	P	P	P	P	P

Industrial Uses:

Commercial Radio and Television Transmission	O	A	O	O	O	O	A	A
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Residential Uses:

Housing for Elderly	P	A	A	A	A	A	A	A
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Rural Uses:

Temporary Structures	P	P	P	P	O	P	P	P
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D = Special Permit by Planning Board, O = An excluded or prohibited use, P = A permitted use

or take any other action in relation thereto.

A 2/3 vote is required to approve this article.

Article 39: Street Acceptance – Harmony Lane (ATM14-39) (Submitted by Planning)

To see if the Town will vote to accept as a public way the roadway known as “Harmony Lane” as heretofore laid out by the Board of Selectmen and shown on a plan on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase,

gift, eminent domain or otherwise, rights sufficient to use said Harmony Lane for all purposes for which public ways are used in the Town of Georgetown, or to take any other action in relation thereto.

Article 40: Amend Zone Designations of Map 10B, Lot 34 aka 5 Elm St-Citizen Petition
(ATM14-38) (Submitted by John Maglio)

To see if the Town will vote to amend Town of Georgetown's Zoning Bylaw §165 Article I – General Provisions, Section §165-2 Designation of Districts and Section §165-3 Description of Districts with the Removal of zone designation Commercial B (CB) from portions of land described by the Town's Assessor as Map 10B Lot 34 and Replace same portions of land with zone designation Residential A (RA).

A 2/3 vote is required to approve this article.