

**TOWN OF AUBURN
ANNUAL TOWN MEETING
OCTOBER 23, 2018**

At 7:10 PM Moderator Chester Stencil Jr. called the meeting to order in the Auburn High School Auditorium with a quorum present. The Moderator appointed Carolyn Vangel Corriveau, Robert Moffatt, John Stencil, Gregory Bohling, Ellen Gaboury and Deborah Kozik as counters who were sworn in by the Town Clerk.

In compliance with the provisions of the Auburn Charter, copies of the warrant along with the recommendation of the Finance Committee were mailed to each Town Meeting Member on October 3, 2018. Constable Robert Tatro posted attested copies of the warrant in at least two conspicuous places in each precinct on October 3, 2018.

Members present: 82

Article 1: REPORTS OF COMMITTEES

Finance Committee Report

Good evening.

When we last met in May 2018, Town Meeting approved a \$67 million budget for fiscal 2019, which included a tax levy increase of almost 1.5%.

Proposed significant revisions to the budget before you tonight include \$104K in net additions to Article #2 (the Operating Budget). In addition approval is requested to use of a total of \$731K in eligible Free Cash, including adding \$300K to the Stabilization Fund, \$100K to OPEB Liability Trust Fund, \$100K for new playground equipment at Franklin Park and the Boyce Street Tot Lot, \$150K to begin resurfacing/reconstructing municipal parking lots, \$47,200 for rehabilitation of the Leesville Pond Dam area, and \$33,500 for the municipal website replacement.

After recalculating expected revenue sources, including final Cherry Sheet contributions from the Beacon Hill, the proposed budget is now \$67.4 million, which includes a tax levy increase of only 0.8%.

Regarding the Warrant Articles, the Finance Committee takes the following position:

All Articles except Article 14 we recommend approval; Articles 14 defer to the petitioners due to its initial non-financial impact.

Just a few comments on certain articles:

- **Article 2** increases the operating budget by \$104K, the largest increases are \$25K each in the Salt & Calcium and Medicare accounts, a \$20K increase to Gas/Oil/Diesel account, a \$15K increase in Insurance & Bonds, and a \$14K increase in Solid Waste Collection. The Finance Committee recommends approval.
- **Article 7** requests to repurpose \$51K from unexpended bond proceeds to the police department for multiple purposes not already designated in their Capital Improvement budget. These funds became available after the successful completion of multiple projects/purposes resulted in surplus balances. The Finance Committee recommends approval.

Respectfully submitted,

Kevin Hussey, Chairman

Anne Cavanaugh, Vice Chair

Malory O'Brien

Edward Coleman

Kevin Kennedy

Kimberly Holstrom

Trevor Sansoucy

Board of Selectmen Report

Articles 5, 6 and Articles 9 through 12 use Free Cash and were unanimously supported by the Board of Selectmen. This is another instance where the Board of Selectmen, Finance Committee and School Committee worked together to develop strong financial policies. These policies are working and we thank Town Meeting for their work on these articles.

The Board of Selectmen makes the following recommendations on the Special Town Meeting Warrant.

Article 2. The Board of Selectmen voted to recommend approval.

Article 3. The Board of Selectmen voted to recommend approval.

Article 4. The Board of Selectmen voted to recommend approval.

Articles 5 and 6. The Board of Selectmen voted to recommend approval.

Article 7. The Board of Selectmen voted to recommend approval.

Article 8. The Board of Selectmen voted to recommend approval.

Article 9. The Board of Selectmen voted to recommend approval.

Articles 10 through 12. The Board of Selectmen voted to recommend approval.

Article 13. The Board of Selectmen voted to recommend approval.

Article 14. The Board of Selectmen voted to recommend approval.

Doreen M. Goodrich, Chairman

Kenneth A. Holstrom, Vice Chairman
Lionel R. Berthiaume

Daniel S. Carpenter
Tristan J. Laliberte

Article 2. I move that the Town Meeting vote to amend Article 3 of the May 1, 2018 Annual Town Meeting as follows: Increase Line Item #011552-5305 MIS Hardware/Software from \$118,120.00 to \$118,870.00; Increase Line Item #011611-511122 State Certification Stipend from \$0 to \$1,000.00; Increase Line Item #011612-542102 Miscellaneous Supplies from \$770.00 to \$1170.00; Increase Line Item #011622-542102 Supplies from \$10,350.00 to \$11,550.00; Increase Line Item #011992-5740 Insurance and Bonds from \$785,000.00 to \$800,000.00; Increase Line Item #011992-5480 Gas/Oil/Diesel from \$180,000.00 to \$200,000.00; Increase Line Item #01303-5691 Norfolk Assessment from \$62,149.00 to \$63,682.00; Increase Line Item #014250-553302 Salt and Calcium from \$232,000.00 to \$257,000.00; Increase Line Item #014332-5293 Solid Waste Collection from \$724,356.00 to \$738,356.00; Increase Line Item #019101-5178 Medicare from \$465,000.00 to \$490,000.00; and further to approve an amended FY2019 budget for the Town of Auburn of \$63,222,112.00.

By Kimberley A. Holstrom
Seconded by Melinda Kemp

Vote on Article 2, by majority in favor

Article 3. I move that the Town Meeting vote to appropriate \$1,850.00 from the State Primary Election Account #251007 5700 for an updated assessment on records management.

By William Bylund
Seconded by Thomas Dufour

Vote on Article 3, by majority in favor

Article 4. I move that the Town Meeting vote to appropriate the sum of \$9,700.00 from general fund revenues for turnout gear washing machines.

By Joe Martin
Seconded by Gregory Bohling

Vote on Article 4, by majority in favor

Article 5. I move Town Meeting vote on article as read by the moderator.

By Anne Cavanaugh
Seconded by Thomas Dufour

Vote on Article 5, by majority in favor

Article 5. As printed in the warrant

To see if the Town Meeting will vote to appropriate the sum of \$300,000.00 from Free Cash to the Town Stabilization Fund; or act on anything relative thereto.

Article 6. I move Town Meeting vote on article as read by the moderator.

By J. Laurence Ciccolo

Seconded by Kimberley A. Holstrom
Vote on Article 6, by majority in favor

Article 6. As printed in the warrant

To see if the Town Meeting will vote to appropriate the sum of \$100,000.00 from Free Cash to the Town OPEB (Other Post-Employment Benefits Liability Trust Fund); or act on anything relative thereto.

Article 7. I move that the Town Meeting vote to repurpose unexpended bond proceeds as printed in the October 23, 2018 Special Town Meeting Warrant totaling \$51,302.25 for Police Replace Weapons (46,702.39) and Police Accident Reconstruction Equipment (4,599.86).

By Ellen M. Ethier

Seconded by Joe Martin

Vote on Article 7, unanimous in favor

Article 7. As printed in the warrant:

To see if Town Meeting will vote to repurpose the following unexpended bond proceeds

From:

302007-589039	A18ATM15	Highway Ventilation	152.70
302011-581141	A3ATM10	COA-Addition Entry	185.42
302012-581233	A3ATM11	COA-Replace Generator	10,041.43
302012-581252	A18ATM1	Highway Ventilation	179.54
302013-581348	A3ATM12	COA New Bath Fixtures	593.74
302013-581373	A12FTM14	COA-Handicap Improvements	6,894.24
302013-581341	A3ATM12	DPW Mini Excavator	1,799.75
302013-581345	A3ATM12	DPW Landfill Roof	932.02
302013-581347	A3ATM12	Cemetery 1 Ton Pickup	2.50
302013-581371	A20ATM14	Parks Standup Mower	14.84
302014-581422	A4ATM13	Police Computer Hardware	124.32
302014-581424	A4ATM13	Engineer Mini Excavator	689.67
302014-581461	A18FTM14	Walk Behind Mower	146.00
302015-581535	A3ATM14	COA-Handicap Rear Door	6,000.00
302015-581534	A3ATM14	Cemetery Restrooms Improve	13.15
302015-581537	A3ATM14	Lemansky Dugouts	6,712.48
302016-581623	A3ATM15	Carpet Pheasant Court	11,242.70

302016-581627 A3ATM15 Police Alcohol Detection Equip. 5,577.75

Total: **\$51,302.25**

To: Police Replace Weapons 46,702.39
 Police Accident Reconstruction Equipment 4,599.86

Article 8. I move that the Town Meeting vote to appropriate \$40,000.00 from Overlay Surplus for miscellaneous building facility improvements as printed in the October 23, 2018 Special Town Meeting Warrant.

By Ronald E. Prouty

Seconded by John Stencil

Vote on Article 8, by majority in favor

Article 9. I move that the Town Meeting vote to appropriate \$33,500.00 from Free Cash for the purchase of modern websites for the Town of Auburn, Auburn Fire-Rescue Department, Auburn Public Library, and Pakachoag Golf Course.

By Gregory Bohling

Seconded by Mark Maass

Vote on Article 9, by majority in favor

Article 10. I move that the Town Meeting vote to appropriate \$100,000.00 from Free Cash for new playground equipment at Franklin Park and the Boyce Street Tot Lot.

By Carolyn Vangel Corriveau

Seconded by Carl Westerman

Vote on Article 10, by majority in favor

Article 11. I move that the Town Meeting vote to appropriate \$150,000.00 from Free Cash to resurface or reconstruct municipal parking lots.

By Roberta Baker

Seconded by Eric Otterson

Vote on Article 11, by majority in favor

Article 12. I move that the Town Meeting vote to appropriate \$47,200.00 from Free Cash to provide grant matching funds for the rehabilitation of Leesville Pond Dam.

By Charles Baker

Seconded by Alan Cooper

Vote on Article 12, by majority in favor

Article 13. I move Town Meeting vote on article as read by the moderator.

By Maryellen Paquette

Seconded by Barbara Granger
Vote on Article 13, by majority in favor

Article 13. As printed in the warrant

To see if the Town Meeting will vote to appropriate \$5,000.00 from available funds Dog Licenses, #261018 to the Kennel Revolving Account #2470-4840 as seed money for the purpose of animal care, veterinary medical expenses and maintenance; or act on anything relative thereto.

Article 14. I move Town Meeting vote on article as read by the moderator.

By Andrew Paquette

Seconded by Jeffrey LaBonte

Ellen Ethier made a motion requesting that the by-law be amended to include a buffer zone to protect residents who would reside near a solar project but stated she was unsure how to write an amendment to the article.

Thomas Dufour moved that Town Meeting vote to pass by article 14 of the October 23, 2018 Special Town Meeting until May 2019 Annual Town Meeting to address the buffer concerns.

Seconded by Daniel Largess

Thomas Healey asked what the follow-up would be and Michael Marin asked that the article be passed to afford a layer of protection to the town that currently does not exist for solar projects.

Joe Martin made a motion to move the motion to pass by.

Seconded by Melinda Kemp

Further discussion ensued at which point Joe Martin rescinded his motion to move the motion to pass by.

Thomas Dufour then withdrew his motion to pass by Article 14.

Ellen Ethier made a motion that the Town meeting vote to amend Article 14 to increase the buffer zone to 100 feet on solar farms on all 4 sides.

Seconded by Joe Martin

Vote to amend Article 14, by majority NOT in favor

A vote was taken on Article 14 as it was written.

Vote on Article 14, in favor YES 73 NO 1

Article 14. As printed in the warrant:

To see if the Town Meeting will vote to amend the Town of Auburn Zoning Bylaws by adding new Solar Bylaws as follows:

I. Amend Section 3.1 of the Auburn Zoning Bylaws to add new Section 3.2.1.7 and Section 3.2.1.8 for Medium and Large-Scale Ground Mounted Solar Energy Systems as follows:

3.1 Table of Principal Uses

Section	Land Use Classification	Standards and Conditions	Zoning Districts												
			RA	RB	RC	RR	RO	LB	HB	GI	IA	IP	OS	RM	
3.2.1	EXTENSIVE USES														
3.2.1.7	Medium-Scale Ground Mounted Solar Energy System	See section 3.10	N	SPA	SPA	SPA	N	N	N	SPA	SPA	SPA	N	N	
3.2.1.8	Large-Scale Ground Mounted Solar Energy System	See Section 3.10	N	SP	SP	SP	N	N	N	SP	SP	SP	N	N	

II. Amend Section 3.2 of the Auburn Zoning Bylaws to add new Section 3.2.1.7 and Section 3.2.1.8 for Medium and Large-Scale Ground Mounted Solar Energy Systems as follows:

3.2 Description of Uses

3.2.1.7 Medium-Scale Ground Mounted Solar Energy Systems – See Section 3.10

3.2.1.8 Large-Scale Ground Mounted Solar Energy Systems – See Section 3.10

III. Amend Section 3.9 of the Auburn Zoning Bylaws to add new Section 3.9.4.7 and Section 3.9.4.8 for Roof-Mounted and Small-Scale Ground Mounted Solar Energy Systems as follows:

3.9 Accessory Use Regulations

Accessory uses shall be permitted in all districts on the same lot with the principal use subject to the following provisions. An accessory use is a use which is subordinate to and customarily associated with the principal use and is located on the same lot as the principal building or use. (5/6/93)

3.9.4 Accessory Uses Permitted in any Zoning District:

3.9.4.7 Roof-Mounted Solar Energy System - An Active Solar Energy System that is structurally mounted to the roof of a building or permanent structure.

3.9.4.8 Small-Scale Ground-Mounted Solar Energy System - An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less) which may be located no closer than the setback requirements of the applicable zoning district. All ground-mounted solar energy systems in residential districts shall be installed in either the side yard or rear yard to the extent practicable.

IV. Create new Section 3.10 of the Auburn Zoning Bylaws to define and govern Ground-Mounted Solar Energy Systems as follows:

3.10 Ground-Mounted Solar Energy Systems

The purpose of this bylaw is to provide reasonable regulations pertaining to Ground-Mounted, Solar Energy Systems (see Section 3.10.1 - Definitions). These regulations shall include, but are not limited to, standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that protect public health, safety and welfare; minimize impacts on residential properties and neighborhoods; protect natural resources, including wildlife habitat and corridors; and preserve scenic, historical, and cultural resources.

3.10.1 Definitions

Photovoltaic System (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.

Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

Solar Access: The access of a solar energy system to direct sunlight.

Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System, Active: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means. Solar energy systems shall not be included in calculations for lot coverage or impervious cover.

Solar Energy System, Grid-Intertie: A photovoltaic system that is connected to an electric circuit served by an electric utility.

Solar Energy System, Ground-Mounted: An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small or large-scale).

Solar Energy System, Small-Scale: An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

Solar Energy System, Medium-Scale: An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 - 250 kW DC).

Solar Energy System, Large-Scale: An Active Solar Energy System that occupies 40,000 square feet or more of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

Solar Energy System, Off-Grid: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.

Solar Energy System, Passive: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Solar Energy System, Roof-Mounted: An Active Solar Energy System that is structurally mounted to the roof of a building or structure.

3.10.2 Applicability

This section applies to Medium-Scale and Large-Scale, Ground-Mounted, Solar Energy Systems occupying land covered by solar panels including associated equipment and appurtenant structures. This section shall also pertain to physical modifications that materially alter the type, configuration, or size of Ground-Mounted Solar Energy Systems or related equipment ("Material Modifications").

3.10.2.1 Small-Scale Ground-Mounted, Solar Energy Systems which are an accessory structure to a residential or Non-residential use do not need to comply with this section, but require a building permit, and must comply with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements and other provisions of the Zoning Bylaws, such as setback requirements.

3.10.2.2 Medium-Scale, Ground-Mounted, Solar Energy Systems shall require Site Plan Approval in accordance with the Auburn Zoning Bylaws in addition to meeting the requirements of this Section. An Installation may be permitted on one or more adjacent parcels under common ownership (including those separated by a roadway) in the Residential B (RB), Residential C (RC), Residential (RR), General Industrial (GI), Industrial A (IA), and Industrial P (IP) Zoning Districts by Site Plan Approval as indicated in the Table of Principle Uses

(Section 3.2.1.7).

3.10.2.3 Large-Scale, Ground-Mounted, Solar Energy Systems shall require a Special Permit from the Zoning Board of Appeals in accordance with Section 9.3 of the Auburn Zoning Bylaws in addition to meeting the requirements of this Section. An Installation may be permitted on one or more adjacent parcels under common ownership (including those separated by a roadway) in the Residential B (RB) Residential C (RC), Residential (RR), General Industrial (GI), Industrial A (IA), and Industrial P (IP) Zoning Districts by Special Permit as indicated in the Table of Principle Uses (Section 3.2.1.8).

3.10.3 Changes of Covenant, Use, Restrictions, or Designations for Large Scale Projects

No Ground-Mounted Solar Energy Systems of any size shall be installed in violation of covenants created by a Homeowner's Association, Condo Association, or other neighborhood governing structure that applies to a grouping of parcels of residential land.

No Large-Scale, Ground-Mounted, Solar Energy Systems shall be permitted if any of the following are needed or true unless disclosed with the initial Site Plan Approval or Special Permit Application:

3.10.3.1 Change in restrictive covenants recorded or on the deed (MGL 184, Sec. 26)

3.10.3.2 Change in restrictions or conditions recorded or on the deed (MGL 184, Sec. 26)

3.10.3.3 Change in conservation restriction in the form of a restriction, easement, covenant, condition, or right (MGL 184, Sec. 31)

3.10.3.4 Any change of use or designation of the parcel including but not limited to MGL 61, MGL 61A, or MGL 61B.

In the event any of the items are true, such notice must be submitted at the time of Site Plan Approval or Special Permit Application. In the event of a change which allows the Town of Auburn a Right of First Refusal, the Town of Auburn's Board of Selectmen and all potential assignees must waive the Right of First Refusal before the Site Plan Approval or the Special Permit Application will be considered complete and the required periods for holding a public hearing on such application will begin to run.

3.10.4 General Requirements for all Ground-Mounted Solar Energy Systems

The following requirements are common to all Ground-Mounted, Solar Energy Systems

3.10.4.1 Compliance with Laws, Bylaws and Regulations

The construction and operation of all Ground-Mounted, Solar Energy Systems 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 the installation shall require a building permit and shall be constructed in accordance with the Massachusetts State Building Code.

3.10.4.2 The emergency response guide shall be provided to the Auburn Fire Department along with emergency contact information. Keys to all gate locks shall be provided to the Auburn Fire Department.

3.10.4.3 Prior to commencement of construction activities, a complete copy of the Stormwater Pollution Prevention Plan (SWPPP) shall be provided to the Town Engineer, Zoning Enforcement Officer, Planning Board, Conservation Commission, and emergency services. The SWPPP shall include the names, addresses, and contact information, including 24-

hour emergency contact information for all construction-period project operators including the project owner and all project contractors and/or subcontractors. Changes and updates to the site operator contact information must be provided in writing to the Zoning Enforcement Officer within one business day of any changes/updates.

- 3.10.4.4 Prior to final approval by the Electrical Inspector and Zoning Enforcement Officer, an Operations and Maintenance (O&M) handbook shall be submitted to the Town Engineer, Building Commissioner, and emergency services, that includes the names, addresses, and contact information for the site owner and the site operator (if different), a description of emergency response measures including procedures for shutting down the Installation, a checklist of inspection items, a schedule for implementing routine and emergency maintenance activities, and a long term pollution prevention plan consistent with the requirements of the MassDEP Stormwater Management Standards.

At such time that the responsible party(ies) transition or change, an updated O&M plan shall be submitted to the Town Engineer, Building Commissioner, and emergency services within five business days of the change.

- 3.10.4.5 Emergency shut-off procedures must be clearly indicated at each ingress point to the site. Each ingress point shall restrict access to authorized personnel only.

- 3.10.4.6 If earthwork activities require that material including, but not limited to, clean fill, loam, sand, and/or gravel be imported from off site, such material must be clean and without contamination by hazardous substances or invasive species and must be obtained from a source approved by the Auburn Department of Public Works. The applicant shall submit a detailed manifest describing the source of the material and shall provide the results of materials testing demonstrating that no hazardous substances or invasive species contaminate the material. If a manifest or material testing information is not provided, the material must be removed and replaced at the applicant's expense.

3.10.4.7 Prior to final approval by the Building Commissioner, all landscape areas must be complete in accordance with the Landscape Plan (Section 3.10.7.4).

3.10.5 Site Plan Approval

Ground-Mounted Solar Energy Systems shall undergo Site Plan Approval (Section 9.4) by the Planning Board prior to construction, installation or modification as provided in this section. All plans and maps shall be prepared, stamped, and signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts. The following documents shall be provided in addition to or in coordination with those required for Site Plan Review (Section 9.4):

3.10.5.1 Proof of liability insurance;

3.10.5.2 Description of financial surety that satisfies Section 3.10.13.3;

3.10.5.3 All items required as part of section 9.4 of the Auburn Zoning Bylaw with the addition of the following:

- (a) Proposed changes to the landscape of the site including grading, vegetation clearing and planting, screening, and new structures, including their height;
- (b) Locations of Permanently Protected Open Space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and "Habitat of Potential Regional or Statewide Importance" also known as "Important Habitat" mapped by the DEP;
- (c) Locations of local or National Historic Districts;
- (d) A list of any hazardous materials proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment;
- (e) Blueprints or drawings of the solar energy system signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
- (f) One- or three-line electrical diagram detailing the solar energy system, associated components, and electrical interconnection methods, with all National Electrical Code-compliant disconnects and overcurrent devices;

- (g) Documentation of the major system components to be used, including the electric generating components, transmission systems, mounting system, inverter, etc.
- (h) Name, address, and contact information for the proposed system installer;
- (i) Name, address, phone number and signature of the property owners, the applicant, the developer, and any other party that produced material to support the Special Permit Application or the Site Plan;
- (j) The name, contact information and signature of any agents representing the owner or applicant;
- (k) Provision of water including that needed for fire protection;
- (l) Zoning district designation and zoning overlay(s) for the parcel(s) of land comprising the project site (submission of a paper copy of a zoning map with the parcel(s) identified is suitable for this purpose);
- (m) An operation and maintenance plan (see Section 3.10.7.1);

3.10.6 Site Control

The Site Plan application shall include documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar energy system.

3.10.7 Operation & Maintenance Plans, Landscape Plans

3.10.7.1 Operation & Maintenance Plan - The Site Plan application shall include a plan for the operation and maintenance of the Large-Scale, Ground-Mounted, Solar Energy System, which shall include measures for maintaining safe access to the installation, stormwater and vegetation controls, as well as general procedures for operational maintenance of the installation.

3.10.7.2 Landscaping & Buffering - Landscaping shall be provided and maintained in accordance with the Site Plan approved by the Planning Board and incorporated as part of the plans on which the Permit is based.

3.10.7.3 Landscaping shall be provided and maintained on the site to screen the Installation, the accessory facilities, and appurtenant structures as determined by the Planning Board. Landscape screening shall be provided adjacent to:

(a) Abutting properties where a front, side, or rear lot line of the Installation site adjoins (or is separated by a public way from) a residential district or an existing residential use;

(b) Abutting public ways.

3.10.8 Utility Notification

No Ground-Mounted, Solar Energy Systems shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar energy system owner or operator's intent to install an interconnected facility. Off-grid systems shall be exempt from this requirement.

3.10.9 Dimensional and Height Requirements

3.10.9.1 Setbacks - For Ground-Mounted Solar Energy Systems, front, side and rear setbacks and setbacks from property lines shall be consistent with Section 5.4 of the Auburn Zoning Bylaws within the applicable zoning district.

3.10.9.2 Appurtenant Structures - All appurtenant structures to Ground-Mounted, Solar Energy Systems shall be subject to the Town's Zoning Bylaw requirements concerning the bulk of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, fencing, transformers, and substations, shall be architecturally compatible with each other. Structures shall be screened

from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

3.10.9.3 Height of Structures - The height of any structure associated with a Ground-Mounted, Solar Energy System shall not exceed 15 feet. The height of any solar panel from ground level shall not exceed 10 feet.

3.10.10 Design and Performance Standards

3.10.10.1 Lighting - Outdoor lighting including lighting on the exterior of a building or lighting in parking areas shall be arranged to minimize glare and light spilling over the neighboring properties. Except for low level intensity pedestrian lighting, other lighting shall be designed and located so that:

- (a) The luminaire (LED) has an angle of cutoff less than 76 degrees;
- (b) A line drawn from the height of the luminaire (LED) along the angle of cutoff intersects the ground at a point within the development site;
- (c) The bare light bulb, lamp or light source is completely shielded from direct view at any point five feet above the ground on neighboring properties or streets.
- (d) Lighting shall be directional to preclude light pollution of neighbors or the night sky and shall be "Dark Sky" compliant and meet International Dark Sky FSA certification requirements;
- (e) The owner/operator shall be responsible for maintenance of lighting systems. Lighting shall not be kept on at night unless there is an emergency or is required for safety purposes as determined by the Building Commissioner.

3.10.10.2 Signage - Signs on Ground-Mounted, Solar Energy Systems shall comply with all applicable requirements of the Zoning Bylaws. A sign shall be required to identify only the owner and provide a 24- hour emergency contact phone number. Solar electric installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar electric installation.

- 3.10.10.3 Utility Connections - Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar electric installation 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.
- 3.10.10.4 Access Roads - Access roads shall be constructed to minimize grading, removal of stone walls or trees and minimize impacts to environmental or historic resources as approved by the emergency services departments in the Town of Auburn (e.g., Fire, Police and DPW).
- 3.10.10.5 Vegetation Management - Herbicides may not be used to control vegetation at the solar energy system.
- 3.10.10.6 Hazardous Materials - Hazardous materials stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by the DEP pursuant to MassDEP regulations 310 CMR 30.000 and shall meet all requirements of the DEP including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment. If any hazardous materials, including, but not limited to, lithium ion (storage batteries) are used within the solar electric equipment, then impervious containment areas capable of controlling and containing any release of hazardous materials to the environment and to prevent potential contamination of groundwater are required. A list of any hazardous materials proposed to be located on the site and a plan to prevent their release shall be provided to the Planning Board and Fire Chief. The use of Cadmium Telluride solar panels is prohibited in Auburn.
- 3.10.10.7 Noise - Noise generated by Ground-Mounted, Solar Energy Systems and associated equipment and machinery shall conform at a minimum to applicable state and local noise regulations, including the DEP's Division of Air Quality noise regulations, 310 CMR 7.10.

3.10.10.8 Visual Impacts - The installation including all accessories and appurtenant structures shall be designed to minimize visual impacts, including preserving natural vegetation to the maximum extent possible, blending in equipment with the surroundings, and adding vegetative buffers to provide an effective visual barrier from adjacent roads and to screen abutting residential properties, whether developed or not. Siting shall be such that the view of the solar energy system from other areas of Town shall be as minimal as possible, in the judgment of the Planning Board.

3.10.11 Safety and Environmental Standards

3.10.11.1 Emergency Services - A copy of the project summary, electrical schematic, and Site Plan shall be provided to the Auburn Fire Chief. The owner or operator shall cooperate with local emergency services to develop an emergency response plan. All means of shutting down the solar electric installation shall be clearly marked. A responsible person shall be identified for public inquiries throughout the life of the installation.

3.10.11.2 Land Clearing, Soil Erosion, and Impacts - The facility shall be designed to minimize impacts to agricultural land and shall be compatible with continued agricultural use to the maximum extent possible. The facility shall be designed to minimize impacts to environmentally sensitive land. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Ground-Mounted, Solar Energy System or otherwise prescribed by applicable laws, regulations, and bylaws. The design shall minimize the use of concrete and other impervious materials to the maximum extent possible. Locating GroundMounted Solar Energy Systems on grades in excess of 15% shall be avoided to the maximum extent possible.

3.10.11.3 Habitat Impacts - Ground-Mounted, Solar Energy Systems shall not be located on Permanently Protected Open Space or Priority Habitat and BioMap 2 Critical Natural Landscape Core Habitat areas mapped by the Natural Heritage and Endangered Species Program (NHESP) and shall be designed to minimize impacts to "Habitat of

Potential Regional or Statewide Importance" also known as "Important Habitat" mapped by the DEP to the maximum extent possible.

3.10.12 Monitoring, Maintenance, and Reporting

3.10.12.1 Solar Energy System Conditions - The facility shall be maintained in good condition. Maintenance shall include, but not be limited to, painting, landscaping, structural repairs, and maintaining the integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Building Commissioner. The property owner and the owner/operator of the facility shall together be responsible for the cost of maintaining the solar energy system and any access road(s).

3.10.12.2 Modifications - All Material Modifications to a solar energy system made after issuance of the required building permit shall require approval by the Planning Board.

3.10.12.3 Annual Reporting - The Annual Report, which certifies compliance with the requirements of this bylaw and the approved site plan, including control of vegetation, noise standards, and adequacy of road access shall be submitted by the owner/operator to the Building Commissioner no later than 45 days after the end of the calendar year. The Annual Report shall also provide information on the maintenance completed during the course of the year, the amount of electricity generated by the facility, and the amount of surety available for decommissioning or indemnification (see Section 3.10.13.3).

3.10.13 Abandonment, Decommissioning, Financial Surety, & Indemnification

3.10.13.1 Removal Requirements - Any Ground-Mounted, Solar Energy System which has reached the end of its useful life or has been abandoned consistent with Section 3.10.13.2 of this bylaw, shall be removed. The owner or operator shall apply for building permits to remove the solar energy system no more than 180 days after the date of discontinued operations. The Planning Board, Town Engineer and

the Building Commissioner shall be notified by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all Ground-Mounted, Solar Energy Systems, structures, equipment, security barriers and transmission lines from the site;
- (b) Proper disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion as approved by Town Engineer. The Town Engineer may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

3.10.13.2 Abandonment - Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. Upon written request from the Building Commissioner addressed to the contact address provided and maintained by the owner and operator as required in this bylaw, the owner or operator shall provide evidence to the Building Commissioner demonstrating continued use of the installation. Failure to provide such evidence within thirty (30) days of such written request shall be conclusive evidence that the installation has been abandoned. If the owner or operator of the Ground-Mounted, Solar Energy System fails to remove the installation in accordance with the requirements of this section, the Town retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous or decommissioned Ground-Mounted, Solar Energy System. The applicant, Installation owner, and/or landowner shall agree to allow entry to remove an abandoned or decommissioned installation. The Town's cost for the removal will be charged to the property owner in accordance with the provisions of M.G.L. 139, Section 3A as a tax lien on the property.

3.10.13.3 Financial Surety - A form of surety shall be provided and thereafter maintained, either through an escrow account, bond or other form of surety approved by the Planning Board to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than

150 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent and the Town. Such surety will not be required for municipal or state-owned facilities. A fully inclusive estimate of the costs associated with removal, prepared by a licensed Professional Engineer shall be submitted to the Town Engineer for review. The amount shall include a mechanism for calculating increased removal costs due to inflation. The owner shall increase or replenish the surety as necessary to maintain an adequate amount, as determined by the Planning Board in accordance with the requirements of this bylaw.

3.10.13.4 Indemnification - The owner/operator shall indemnify and hold harmless the Town of Auburn and/or any of its citizens from any and all liabilities, losses and/or damages, including reasonable attorney fees, resulting from the failure of the owner/operator to comply with the terms of this by-law and/or negligence in the operations and maintenance of any structures built in accordance with it. Any surety provided for in this by-law shall be available for the aforementioned indemnification.

3.10.14 Severability

The provisions of this bylaw are severable, and the invalidity of any section, subdivision, subsection, paragraph or other part of this bylaw shall not affect the validity or effectiveness of the remainder of this bylaw. For any provision of this bylaw that conflicts with another state or local bylaw, the most restrictive provision shall apply.

;or act on anything relative thereto.

Meeting dissolved on a motion by Charles A. Baker and seconded by Ellen Gaboury at 8:15 PM.

A True Copy Attest:



Debra A. Gremo, CMC/CMMC

Town Clerk