

APPENDIX G

RECREATION AND PARKS REVOLVING ACCOUNT

	FY2009 Actual	FY2010 Budgeted	FY2010 Projected	FY2011 Budgeted
<u>GENERAL REVENUE</u>				
Concessions	\$ 1,317	\$ 1,500	\$ 190	\$ -
Fields	\$ 24,645	\$ 26,000	\$ 11,993	\$ 24,000
Park	\$ -		\$ -	\$ -
Facilities	\$ 13,888	\$ 17,500	\$ 15,890	\$ 13,000
Total	\$ 39,849	\$ 45,000	\$ 28,072	\$ 37,000
<u>PROGRAM REVENUE</u>				
Adult	\$ 11,284	\$ 13,000	\$ 12,569	\$ 16,765
Youth	\$ 39,125	\$ 75,210	\$ 45,258	\$ 72,769
Patton Park	\$ 70,715	\$ 67,500	\$ 86,350	\$ 111,600
Pool	\$ 16,707	\$ 17,000	\$ 16,485	\$ 13,000
Special Events	\$ 30		\$ 45	\$ -
SIPP				
Total	\$ 137,861	\$ 172,710	\$ 160,707	\$ 214,134
<u>OTHER REVENUE SOURCES</u>			\$ 37,227	
TOTAL REVENUE	\$ 174,069	\$ 217,710	\$ 226,006	\$ 251,134
<u>GENERAL EXPENSE</u>				
Concessions	\$ 1,011	\$ 2,060	\$ -	\$ -
Fields	\$ 18,930	\$ 14,500	\$ 11,000	\$ 15,800
Park	\$ 778	\$ 14,810	\$ 55	\$ 1,500
Facilities	\$ 12,427	\$ 17,117	\$ 1,300	\$ 16,150
Utilities	\$ 19,670	\$ 19,870	\$ 9,968	\$ 10,125
Office	\$ 6,240	\$ 11,070	\$ 8,263	\$ 11,215
Medicare Tax	\$ 845		\$ 1,000	\$ 1,500
Total	\$ 59,901	\$ 79,427	\$ 31,586	\$ 56,290
<u>PROGRAM EXPENSE</u>				
Adult	\$ 10,982	\$ 12,000	\$ 9,500	\$ 15,600
Youth	\$ 32,361	\$ 56,893	\$ 15,496	\$ 64,217
Patton Park	\$ 28,015	\$ 38,542	\$ 49,464	\$ 53,700
Pool	\$ 21,718	\$ 29,698	\$ 30,409	\$ 30,600
Special Events	\$ 6,771	\$ 1,150	\$ 2,699	\$ 3,200
SIPP	\$ -		\$ -	\$ -
Refunds	\$ (3,641)		\$ -	\$ -
Total	\$ 96,206	\$ 138,283	\$ 107,567	\$ 167,317
TOTAL EXPENSE	\$ 156,106	\$ 217,710	\$ 139,153	\$ 223,607

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RECREATION AND PARKS REVOLVING ACCOUNT

	FY2009 Actual	FY2010 Budgeted	FY2010 Projected	FY2011 Budgeted
Total Revenue	\$ 174,069	\$ 217,710	\$ 226,006	\$ 251,134
Total Expense	\$ 156,106	\$ 217,710	\$ 139,153	\$ 223,607
Balance	\$ 17,963		\$ 86,853	\$ 27,527

APPENDIX H

OFF STREET PARKING AND LOADING AREAS

Note: Words in italics will be deleted and words in bold will be added.

VI.D. Off-Street Parking and Loading Areas (proposed to be amended May 2010 section d.

1. Off-street parking spaces and loading areas shall be required in at least the ratio specified below for the following uses of land and buildings:

- a. Dwellings: one parking space for each dwelling unit therein.
- b. Places of public assembly not including churches; one parking space for each three seats therein.
- c. Schools: one parking space for each classroom therein, plus one space for each two employees or staff positions other than teachers; and where an auditorium is provided, one space for each three seats therein.
- d. Other service establishments and retail businesses: one parking space of three hundred (300) square feet for each *one* **three** hundred (**300** *100*) square feet or fraction thereof of gross floor area, excluding basement storage area.
- e. Other uses requiring off-street parking and loading space: Space in accordance with anticipated needs as determined by Board of Appeals with the advice of the Planning Board.

APPENDIX I

COMMERCIAL OVERLAY DISTRICT

Note: Words in bold will be added

G. Commercial Overlay District (added May 2009, Proposed to be amended May 2010 Sections 2.0, 3.0 and 4.0)

2.0 Applicability and Location

The Commercial Overlay District shall consist of the area designated as such on the Hamilton Zoning Map dated 2001 and amended by approval of Town Meeting in May 2009, and incorporated by reference herein.

In the Commercial Overlay District, all requirements of the underlying district shall remain in effect except where this COD bylaw provides an alternative to such requirements, in which case these regulations shall supersede. In the event that an applicant wishes to develop in accordance with this COD bylaw hereunder, the rules and regulations of the Commercial Overlay District shall apply, and **if required**, by filing an application for a Special Permit under this Section V.G , the owner shall be deemed to accept and agree to them. In such event, where the provisions of the Commercial Overlay District are silent on a zoning regulation that applies in the underlying district, the requirements of the underlying district shall apply.

If the proponent elects to proceed under the zoning provisions of the underlying district, the zoning bylaws applicable in the underlying district shall control and the provisions of the Commercial Overlay District shall not apply.

3.0 Permitted Uses

The following uses shall be permitted **by right under Site Plan Review** in the COD:

- **Wind Energy Facilities (Refer to Section VI.I.A of the Zoning By-law)**

The following uses shall be permitted **by issuance of a special permit** in the COD:

- Research and development
- Light manufacturing and assembly
- Office
- Medical
- Life Sciences
- Biotechnology
- Ancillary retail and commercial services that serve the primary uses
- Public Spaces
- Athletic facilities
- Accessory infrastructure facilities.

COMMERCIAL OVERLAY DISTRICT

- Communication Towers and Telecommunications Antenna Facilities (This COD bylaw shall supersede Section VI.J of the Zoning By-law)

4.Administration

The Planning Board shall be the Special Permit Granting Authority **and Site Plan Review authority** in the COD. An applicant may file an application with the Planning Board in conformance with M.G.L. Chapter 40A, (the Zoning Act) Sections 9 and 11, this Bylaw section, and Planning Board COD Rules and Regulations.

APPENDIX J

SITE PLAN REVIEW

Note: Words in bold will be added – all of section 7

VI. H. Site Plan Review (Amended May 18, 1989)(Amended May 6, 2006, Section 3.a.)(Proposed to be Amended May, 2010, Section 2.c.7)

c. Exemptions from Site Plan Review (Note: Building Permit and any required Health, Conservation or other permits still required where applicable)

1. Interior alterations shall not require Site Plan Review UNLESS the alterations increase the floor area within the building devoted to any of the uses listed in item 2.a above (Projects Requiring Approval), AND/OR change the number of separately leasable or saleable spaces within the building. (Conversion of the interior of a residential building to any of the uses listed in 2.a above would require Site Plan Review). Examples of exempt interior alterations are: paneling, shelving, partitions other than those creating new commercial units, counters, flooring and general interior decoration. (Amended November 13, 1990)
2. Repairs, re-painting, re-siding, re-roofing and window replacement shall not require Site Plan Review unless the activity also increases floor area.
3. Replacement of parts of a partially damaged building that would normally require Site Plan Review under a) above with generally identical portions shall not require Site Plan Review. [Total replacement of a destroyed building that would normally require Site Plan Review under a) above shall require Site Plan Review.]
4. Demolition shall not require Site Plan Review. (Note: Demolition in the Town Historic District does require Historic District Commission review.)
5. Change of tenant of commercial building shall not require Site Plan Review unless there is also an amount of new construction triggering Site Plan Review under b) above.
6. Customary home occupations permitted under Sec. V.A.8 of this By-law shall not require Site Plan Approval. (Added November 13, 1990)
7. **Town house or multi-family housing developed under the OSFPD (V. A. 12) or Senior Housing (V. E.) By-law or uses permitted by Special Permit within the Commercial Overlay District shall not require Site Plan Review. Wind Energy Facilities in the Commercial Overlay District shall require Site Plan Review under the Planning Board.**

WIND ENERGY CONVERSION SYSTEMS

APPENDIX K

Note: VI.I Wind Energy Conversion Systems will be deleted from the current Zoning By-law and replaced with the following:

VI.I Wind Energy Facilities

Purpose

The purpose of this bylaw section is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of wind facilities that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such facilities.

The provisions set forth in this bylaw shall take precedence over all other zoning bylaw sections when considering applications related to the construction, operation, and/or repair of land-based wind energy facilities.

Applicability

This section applies to all utility-scale and on-site wind energy facilities proposed to be constructed after the effective date of this section. This section also pertains to physical modifications to existing wind energy facilities that materially alter the type, configuration, or size of such facilities or related equipment.

Definitions

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 if the project is located in the designated location (Commercial Overlay District). As-of-right development will be subject to non-discretionary site plan review to determine conformance with local zoning bylaws as well as state and federal law. As-of-right development projects that are consistent with zoning bylaws and with state and federal law cannot be prohibited, but may be subject to reasonable conditions.

Designated Location: The location designated in accordance with M.G.L. c 40A section 5, where wind energy facilities may be sited as-of-right is in the Commercial Overlay District (COD). Said location is shown on the Hamilton Zoning Map, which may be revised from time to time. This map is part of the Zoning By-law and is on file in the Office of the Town Clerk.

Height: The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

Rate Nameplate Capacity: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.

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Site Plan Review Authority: When the wind energy facility is located within the Designated Location, the Site Plan Review Authority will be the Planning Board.

Special Permit Granting Authority. When the wind energy facility is located outside the Designated Location, the Special Permit Granting Authority will be the Zoning Board of Appeals.

Small Scale Wind Energy Facility: A wind energy facility with a blade-tip height up to 150 feet as measured from existing average grade.

Utility-Scale Wind Energy Facility: A commercial wind energy facility, where the primary use of the facility is electrical generation which may or may not be sold to the wholesale electricity markets and has a blade-tip height over 150 feet as measured from existing average grade.

Wind Energy Facility: All of this equipment, machinery and structures together utilized to convert wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more Wind Turbines.

Wind Monitoring or Meteorological Tower: A temporary tower equipped with devices to measure wind speed and direction, to determine how much electricity a wind energy facility can be expected to generate.

Wind Turbine: A device that converts kinetic wind energy into rotational energy to drive an electrical generator. A Wind Turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

General Requirements for all Wind Energy Facilities

The following requirements are common to all Wind Energy Facilities to be sited in Designated Locations through Site Plan Review or outside the Designated Location through special permit.

Compliance with Laws and Regulations

The construction and operation of all such proposed Wind Energy Facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.

Building Permit and Building Inspection.

No wind energy system shall be erected, constructed, installed or modified as provided in this section without first obtaining a building permit.

Fees

The application for a building permit for a Wind Energy Facility must be accompanied by the fee required for a building permit as established by the Building Department.

WIND ENERGY CONVERSION SYSTEMS

Site Plan Review

No Wind Energy Facility shall be erected, constructed, installed or modified as provided in this section without first undergoing Site Plan Review by the Planning Board if the project is located in the Designated Location (COD).

Special Permit

No Wind Energy Facility shall be erected, constructed, installed or modified as provided in this section without first obtaining a special permit by the Zoning Board of Appeals if the project is located outside the Designated Location (COD).

VI.I. A Wind Energy Facilities in Commercial Overlay District – Use Permitted By-Right with Site Plan Review

Administration

Placement of Wind Energy Facilities on any property in the designated location, Commercial Overlay District (COD) located in the Town of Hamilton, as described on the Hamilton Zoning Map, shall be a permitted use, however, will require Site Plan Review Section VI. H. under the authority of the Planning Board, in addition to a building permit and any relevant electrical permits. Site Plan Review requires a public hearing with a timeframe limit of 120 days from application to the end of any appeal period.

1. Utility Scale Wind Energy Facilities with Site Plan Review

a. Submittal Requirements

The applicant shall submit a plan and supporting data, which shall bear the seal and signature of a registered professional engineer licensed to practice in Massachusetts. Submissions shall include the following:

1. A plan showing:
 - a. Property lines of the applicant and abutters within 500 feet;
 - b. Proposed location of the Wind Turbine;
 - c. Location and uses (residence, garage, shed, etc.) of the proposed and abutters' buildings within 500 feet including distance from the proposed wind turbine to each of the buildings;
 - d. Overhead transmission and distribution lines, and any radio or telecommunications towers within 500 feet of the Wind Turbine;
 - e. Drainage or utility easements crossing within 500 feet of proposed power or control lines to or from the Wind Turbine;
 - f. Location of guy wire anchors, if any;

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- g. Location of all ways, driveways or roads, public or private, temporary or permanent within 500 feet of the proposed wind turbine;
 - h. Existing areas of tree cover, including average height of trees, on the site parcel and any adjacent parcels within a distance measured from the Wind Turbine foundation, of 1.2 times the height of the Wind Turbine;
 - i. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting (other than FAA lights), screening vegetation or structures;
2. A dimensional representation of the Wind Turbine mounted on its support structure, including foundation dimensions (both surface and depth), foundation materials, method of attaching tower to foundations, wind turbine dimensions including, tower height and rotor diameter, and clearance distances of blades to ground and nearest structure to be prepared by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts;
3. Statement as to whether the proposed Wind Turbine is a tested production model, or an experimental, one-of-a kind or prototype design including manufacturer and model;
4. Wind Turbine design data including manufacturer's specifications and installation/operation instructions; certification by the manufacturer or a registered engineer that tower design is sufficient to withstand wind load requirements for structures as established by the Massachusetts Building Code;
5. Site-specific wind speed data including the monthly mean wind-speed for a period no less than 6 months;
6. An operation and maintenance plan for the Wind Turbine and associated buildings, vegetation and roadways;
7. One or three line electrical diagram detailing Wind Turbine, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over-current devices;
8. A location map consisting of a copy of a portion of the most recent USGS Quadrangle Map at a scale of 1:25,000 showing the proposed facility site, including turbine site, and the area within at least two miles from the facility.
9. Documentation of actual or prospective access and control of the project site;
10. Proof of liability insurance;
11. Certification of height approval from the FAA;
12. Statement that evidences the Wind Energy Facility's conformance with the provisions of the Department of Environmental Protection's, Division of Air Quality Noise Regulations (310 CMR 7.10);

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13. Description of financial surety in the form of either an escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the facility and remediate the landscape, in an amount and form determined to be reasonable by the Site Plan Review Authority (Planning Board), but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

b. Utility Scale Wind Turbine Standards

1. **Setback:** A Wind Turbine may not be sited within: a distance equal to the height of the Wind Turbine from buildings, critical infrastructure, or private or public ways that are not part of the Wind Energy Facility; three (3x) the height of the turbine from the nearest existing residential or commercial structure; or one point five times (1.5x) the height of the turbine from the nearest property line. The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations, or written consent of the affected abutter(s), if the project satisfies all other criteria for the granting of a building permit under the provisions of this section.
2. **Height:** The height of Wind Turbine shall not exceed 450 feet in height.
3. **Minimum blade height:** Minimum blade elevation shall be not less than 15 feet above the ground at the lowest point of blade arc.
4. **Sound:** The operation of the Wind Energy Facilities shall conform with the provisions of the Department of Environmental Protection's Division of Air Quality Noise Regulations (310 CMR 7.10).
5. **Labeling Requirements:** Signs on Wind Energy Facilities shall comply with the Town's sign by-law.

The following signs are required:

- a. At least one sign shall be posted near ground level on the tower structure warning of high voltage and any danger;
- b. Signage necessary to identify the owner, including a 24-hour emergency contact phone number;
- c. Educational signs providing information about the facility and the benefits of renewable energy.

In addition, the following information shall be posted on a label on the generator or alternator of the Wind Turbine, and on the Wind Turbine control panel:

- d. Maximum power output of system and wind speed at which it is achieved;

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- e. Nominal voltages and maximum current;
- f. Manufacturer's name and address, model number and serial number;
- g. Normal and emergency shutdown procedures;
- h. Maximum wind speed the Wind Turbine, in automatic unattended operation, can sustain without damage to structural components, or loss of ability to function normally.

Wind Turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

- 6. Safety: The design of the proposed Wind Turbine shall be such that:
 - a. In the event of loss of utility power, wind turbine shall not back feed a dead power line;
 - b. In the event of high wind speeds, wind turbine shall brake or feather below survival wind speed;
 - c. In the event of blade imbalance, Wind Turbine shall be able to support added blade weight of at least 10% at the tip of any blade;
 - d. The applicant shall provide a copy of the project summary, electrical schematic and site plan to the police and fire departments. Upon request the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of disconnecting the Wind Energy Facility shall be clearly marked. The applicant or facility owner shall identify a responsible person for public inquiries or complaints throughout the life of the project and that responsible person's contact information shall be provided to the Town Manager, Police and Fire Departments;
 - e. Wind Energy Facilities shall be sited in a manner that minimizes showing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses.
- 7. Wind Capacity. The Wind Turbine, inclusive of its supporting structure, shall be designed to withstand a wind speed of at least 120 miles per hour.
- 8. Access: To prevent unauthorized climbing, tower access shall be restricted by EITHER:
 - a. A secured fence and locked gate, both at least 6 feet high, constructed around the perimeter of the base of the supporting structure, provided that such barrier is not required for any wind

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- turbine erected on dwelling or other structure which provides no opportunity for climbing for at least 6 feet;
- b. OR removal of climbing apparatus on the support structure to at least 10 feet above the ground;
 - c. OR anti-climbing shrouds over the bottom portion of the structure.
9. Electrical equipment shall be locked.
 10. Building Code: Tower construction shall conform with the Massachusetts State Building Code as applicable.
 11. Guy Wires. If the tower is to be supported by guy wires, fencing must be provided to prevent grazing animals from rubbing against the wires, as uneven tension on wires can make tower unstable.
 12. Electromagnetic Interference with radio frequency communication, traceable to the operation or location of the Wind Turbine, shall be limited in accordance with all applicable sections of the Federal Communications Commission specifications.
 13. Appearance, color and finish. Color and appearance shall comply with Federal Aviation Administration (FAA) safety requirements.
 14. Lighting. Wind Turbines shall be lighted only if required by the FAA. Lighting of other parts of the Wind Energy Facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Except as required by the FAA, lighting of the Wind Energy Facility shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
 15. Utility Connections. Reasonable efforts, as determined by the Site Plan Review Authority (Planning Board), shall be made to place all utility connections from the Wind 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.
 16. Appurtenant Structures. All appurtenant structures to Wind Energy Facilities shall be subject to reasonable regulations concerning the bulk and height 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, transformers, and substations, shall be architecturally compatible with each other and shall be contained within the turbine tower whenever technically and economically feasible. Whenever reasonable, structures should be shaded from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.
 17. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to that which is necessary for the construction operation and

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maintenance of the Wind Energy Facility or otherwise prescribed by applicable laws, regulations and bylaws.

18. **Monitoring and Maintenance.** The applicant shall maintain the Wind Energy 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 local emergency services. The project owner shall be responsible for the cost of maintaining the Wind Energy Facility and any access road(s).
19. **Modification.** All substantial modifications to a Wind Energy Facility made after issuance of the required building permit shall require approval by the Site Plan Review Authority (Planning Board).
20. **Abandonment.** Any Wind Energy Facility which has reached the end of its useful life or has been abandoned shall be removed. The owner/operator shall physically remove the facility no more than 150 days after the date of discontinued operations. The applicant shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - a. Physical removal of all Wind Turbines, structures, equipment, security barriers and transmission lines from the site;
 - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosions and disruption of vegetation;
 - d. Decommissioning shall occur after one year of discontinued use without Planning Board written consent. If the applicant fails to remove the facility in accordance with the requirements of this section within 150 days of abandonment or proposed date given by the applicant, the town may enter the property and physically remove the facility at the applicant's cost through the financial surety set by town and applicant during Site Plan Review.

I. B. Wind Energy Facilities by Special Permit

Administration

Placement of Wind Energy Facilities on any property in the Town of Hamilton (except the Commercial Overlay District, refer to I.B) shall require a special permit from the Board of Appeals, in addition to a building permit and any relevant electrical permits. Other permits or certificates under other town by-laws or regulations may be required. Permit procedure shall be as set forth in Section IX of this Bylaw.

WIND ENERGY CONVERSION SYSTEMS

1. Small Scale Wind Energy Facilities

The applicant shall submit a plan and supporting data, which shall bear the seal and signature of a registered professional engineer licensed to practice in Massachusetts. Submissions shall include the following:

a. Submittal Requirements

1. A plan showing:
 - a. Property lines of the applicant and abutters within 300 feet;
 - b. Proposed location of the Wind Turbine;
 - c. Location and uses (residence, garage, shed, etc.) of the proposed and abutters' buildings within 300 feet including distance from the proposed Wind Turbine to each of the buildings.
2. A dimensional representation of the Wind Turbine mounted on its support structure, including foundation dimensions (both surface and depth), foundation materials, method of attaching tower to foundations, Wind Turbine dimensions including, tower height and rotor diameter, and clearance distances of blades to ground and nearest structure to be prepared by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts;
3. Certification: Small scale wind turbines must be approved by a small wind certification program recognized by the American Wind Energy Association;
4. Wind Turbine design data including manufacturer's specifications and installation/operation instructions; certification by the manufacturer or a registered engineer that tower design is sufficient to withstand wind load requirements for structures as established by the Massachusetts Building Code.

b. Small Scale Wind Turbine Standards

1. **Setback:** A Wind Turbine may not be sited within one and one-half times (1.5x) the height of the wind turbine from the nearest property line. A Wind Turbine may not be sited within a distance equal to (1x) the height of the Wind Turbine from critical infrastructure, or private or public ways.

Setbacks distances of the Wind Turbine may be reduced by the Special Permit Granting Authority based on site specific criteria and if the project is consistent with Special Permit granting criteria and only after review of substantial evidence, including but not limited to detailed engineering reports or product engineering certification, which demonstrate that safety concerns have been minimized and that setbacks have been complied with to the maximum extent practicable. Setbacks for other than the Wind Turbine shall comply with the by-laws of the Town of Hamilton.

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No part of the small Wind Energy Facility support structure, including guy wire anchors, may extend closer to the property boundaries than the standard structure setbacks for the zoning district in which the land is located.

2. Height: The height of a Wind Turbine shall be no greater than 150 feet.
3. Sound: The operation of the Wind Energy Facility shall conform with the provisions of the Department of Environmental Protection's, Division of Air Quality Noise Regulations (310 CMR 7.10).
4. Access: To prevent unauthorized climbing, tower access shall be restricted by EITHER:
 - a. A secured fence and locked gate, both at least 6 feet high, constructed around the perimeter of the base of the supporting structure, provided that such barrier is not required for any wind turbine erected on dwelling or other structure which provides no opportunity for climbing for at least 6 feet;
 - b. OR removal of climbing apparatus on the support structure to at least 10 feet above the ground;
 - c. OR anti-climbing shrouds over the bottom portion of the structure.
5. Compliance is Required with the following:
 - a. Regulations of the Federal Communications Commission (FCC);
 - b. Massachusetts Uniform Building Code;
 - c. Regulations of the Federal Aeronautical Administration (FAA);
 - d. National Electric Code;
 - e. Regulations of the Federal Energy Regulatory Commission.
6. Utility Notification: No Wind Energy Facility shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator and an interconnection agreement has been approved by the utility. Off-grid systems shall be exempt from this requirement.
7. Special Permit Approval Criteria: Any Special Permit granted for a Small Scale Wind Energy Facility shall meet the following conditions:
 - a. The specific site is an appropriate location for such use including but not limited to consideration of sound, flicker and visual impact;

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- b. The use will not pose a significant adverse impact to the health and safety of the neighborhood;
 - c. There will be no serious hazard to persons or vehicles from the use;
 - d. Adequate and appropriate infrastructure will be provided for the proper operation of the small scale wind energy conversion system.
8. **As-Built Plan:** The facility shall not commence operation until an “As-Built” plan and a certificate of compliance have been submitted to the Special Permit Granting Authority and the Building Inspector represents that the facility has been constructed substantially in compliance with the plan approved by the Special Permit Granting Authority. Said certificate and plan shall be signed and stamped by a registered professional engineer licensed in the Commonwealth of Massachusetts.
9. **Abandonment:** A Small Wind Energy Facility will be considered to be abandoned if it is inoperable for a period of one year, or considered hazardous by the Building Inspector. Once a small scale wind energy facility is designated as abandoned or hazardous, the owner shall immediately physically remove the installation, which shall include, but not be limited to:
- a. Removal of small scale wind energy facility, any equipment shelters and security barriers from the subject property;
 - b. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations;
 - c. Restoration of the subject property to its natural condition, except that any landscaping and grading may remain in the after-condition.

2. Utility Scale Wind Energy Facilities

The applicant shall submit a plan and supporting data, which shall bear the seal and signature of a registered professional engineer licensed to practice in Massachusetts.

a. Submittal Requirements

Please refer to plan submittal requirements listed under VI.I.A. Wind Energy Facilities in Commercial Overlay District – Use Permitted By Right with Site Plan Review and note that when plan requirements require details within 500 feet, the extent of inclusion will be revised to be 300 feet for a Utility Scale Wind Energy Facility application for Special Permit.

b. Utility Scale Wind Turbine Standards

Please refer to all standards as listed in VI.I.A. Wind Energy Facilities in Commercial Overlay District – Use Permitted By Right with Site Plan Review and note that The Zoning Board of Appeals may reduce the minimum setback distance as appropriate based on site-specific consideration or written consent of the affected abutter(s) if the project

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satisfies all other criteria for the granting of a building permit under the provisions of this section.

1. Utility Connections: Reasonable efforts, as determined by the Special Permit Granting Authority, shall be made to place all utility connections from wind energy facilities underground as depending on appropriate soil conditions, shape and topography of the site and any requirements of the utility provider.
2. Modification: All material modifications to a Utility Scale Wind Energy Facility made after issuance of the required building permit shall require approval by the Special Permit Granting Authority.
3. Abandonment: Any Utility Scale Wind Energy Facility which has reached the end of its useful life or has been abandoned shall be removed. The owner/operator shall physically remove the facility no more than 150 days after the date of discontinued operations. The applicant shall notify the Zoning Board of Appeals by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - a. Physical removal of all Wind Turbines, structures, equipment, security barriers and transmission lines from the site;
 - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Zoning Board of Appeals may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosions and disruption of vegetation;
 - d. Decommissioning shall occur after one year of discontinued use without the Zoning Board of Appeals written consent. If the property owner fails to remove the facility in accordance with the requirements of this section within 150 days of abandonment or proposed date given by the applicant, the town may enter the property and physically remove the facility at the applicant's cost through the financial surety set by town and applicant during Special Permit Approval.

APPENDIX L

FINANCE AND ADVISORY COMMITTEE

Note: Current Town By-Law text is in bold letters; proposed changes are not in bold.

Section 4. The duties of the Finance and Advisory Committee shall include the following:

(a) To review the annual budgets of each department and officer of the Town in such detail as the Finance and Advisory Committee may determine;

(i) At the start of the budget process and after consultation with the Board of Selectmen (BOS), Town Manager and Finance Director, the Finance Committee, in conjunction with the Town Manager, will develop expense and capital budget guidelines based on projected revenue and a calendar of events for the budgeting process.

(ii) In cooperation with the Town Manager and Finance Director, review and advise in the preparation of the annual budget.

(iii) After conferring with the Town Manager, recommend to the BOS the allocation of the Levy Limit increase and the forecasted increase in revenue from new growth that will be divided between the Town operating budget and the Hamilton Wenham Regional School District (HWRSD) budget.

(iv) Review, analyze and recommend to the BOS and at Town Meeting, budgets developed by the Town Manager for the town, HWRSD, and joint Hamilton/Wenham programs.

(b) To review at any time and from time to time during the year at the discretion of the Finance and Advisory Committee the operation of and the books, accounts and records of any department or officer of the Town;

(i) Review with the Town Manager all changes to revenues, borrowing and expenditures during the fiscal year and advise the BOS according to the Finance Committee's statutory role to provide recommendations on all Town financial matters.

(ii) Approve Reserve Fund Transfers and recommend to the Town Manager and the BOS the use of the Stabilization Fund and Municipal Relief transfers in the General Fund and Enterprise Fund(s).

(iii) Together with the Town Manager and Finance Director, meet annually with the Town's auditors to review the annual financial statements and Management Letter.

(iv) Review and recommend all financial policies and procedures.

(c) To report to all Town Meetings recommended action to be taken by the meeting on all Articles in the Warrant, except with respect to elections or appointments.

(i) Deliver an annual report to the Town Meeting of the Town's financial condition.

(d) In cooperation with the Town Manager, the Finance and Advisory Committee will coordinate financial relationships and agreements with the Wenham Finance and Advisory Committee, the Hamilton Wenham Regional School Committee, the Capital Management Committee, the Budget Process Committee and the Hamilton Board of Assessors.

AMENDMENT TO HWRSD AGREEMENT

APPENDIX M

Amendment to the Agreement between the Towns of Hamilton and Wenham with respect to the establishment of a Regional School District

Note: Changes are in italics and underlined.

The Agreement between the Towns of Hamilton and Wenham with respect to the establishment of the Hamilton-Wenham regional school district (the "Agreement") is hereby amended as follows:

SECTION 1. Paragraph G of Section I of the Agreement is amended in its entirety to read as follows:-

(G) ORGANIZATION

At the first regular meeting of the Committee following the annual district election in each year, commencing in the year in which the members have been first elected as provided in Subsection I (C), the Committee shall organize and choose by ballot a chairman and a vice-chairman from its own membership. *At the same meeting or at any other meeting, the Committee shall appoint a secretary and a treasurer who may be the same person, but who need not be members of the Committee* and such other officers as it deems advisable and determine the terms of office for its officers (except the chairman and vice chairman who shall be elected as provided above).

SECTION 2. Section II of the Agreement is amended in its entirety to read as follows:-

SECTION II: TYPE OF REGIONAL SCHOOL DISTRICT

The regional school district shall consist of all grades, *Pre-Kindergarten* through Twelve. The Committee may establish and maintain vocational education courses, acting as trustees therefore, in accordance with the provisions of Chapter 74 of the General Laws and any amendments or additions thereto.

SECTION 3. Section III, paragraph A of the Agreement is hereby amended by deleting the words "Center Junior High School" and inserting in place thereof the words "Center School Building."

SECTION 4. Section IV of the Agreement is hereby amended by amending paragraphs (A)(2) and A(3) in their entirety to read as follows:-

AMENDMENT TO HWRSD AGREEMENT

SECTION IV: APPORTIONMENT AND PAYMENT OF COSTS

(A) DEFINITION OF COSTS

(2) Special Operating Costs

Special operating costs shall include the net cost of evening, graduate and extension courses or any other types of courses, including vocational education programs, which are offered by the District to persons other than pupils attending a regular district, comprehensive school program in any of the grades PreK-12, inclusive.

(3) Operating Costs

Operating costs shall consist of all costs of the District other than capital costs and special operating costs.

SECTION 5. Section V of the Agreement is hereby amended in its entirety to read as follows:-

SECTION V: TRANSPORTATION

School transportation shall be provided by the Regional School District *in accordance with the General Laws*, and the cost thereof shall be apportioned to the member towns as an operating expense.

SECTION 6. Section IX of the Agreement is hereby amended in its entirety to read as follows:-

SECTION IX: AUTHORIZATION OF DEBT

The incurring of indebtedness by the District, other than temporary debt in anticipation of revenue, shall be authorized pursuant to the provisions of Chapter 71, Section 16(d), of the General Laws and this Section IX, and no such debt shall be incurred unless written notice of the amount of the debt and the general purposes for which it was authorized shall be given to the board of selectmen of each member town, nor until the expiration of sixty days from the date on which the Committee votes to authorize said debt. If, during said sixty-day period, any member town holds a town meeting for the purpose of expressing approval or disapproval of the proposed indebtedness and less than ~~two-thirds~~ a majority of the voters present and voting at said meeting vote to approve the amount of the indebtedness authorized by the Committee, such debt shall not be incurred.

SECTION 7. Section X of the Agreement is hereby amended in its entirety to read as follows:- :

Delete the words "Massachusetts Department of Education" and inserting in place thereof the words "Massachusetts Department of Elementary and Secondary Education."

AMENDMENT TO HWRSD AGREEMENT

SECTION 8. *Section XII of the Agreement is hereby amended in its entirety to read as follows:-*

SECTION XII: EMPLOYMENT OF TEACHERS

Any teacher whose position is superseded by reason of the establishment and operation of the District and is serving at the discretion (tenure) of a local school committee of a member town on the June 1 next preceding the year in which the District assumes jurisdiction of the pupils in the grades being taught by such teacher, shall be employed by the Committee to serve at its discretion (on tenure). Any teacher in any of the grades from Pre-Kindergarten through Grade Twelve who is employed by a local school committee of a member town on the June 1 next preceding the year in which the District assumes jurisdiction of the pupils in the grades being taught by such teacher, shall be given preferred consideration for a similar position in the District schools to the extent that such positions exist.

SECTION 9. *Section XIII, of the Agreement is hereby amended in its entirety to read as follows:-*

SECTION XIII: EFFECTIVE DATE AND JURISDICTION

This amended Agreement shall take effect upon the affirmative vote of each of the Towns of Hamilton and Wenham at town meeting held in each such town, and shall thereupon supersede the District Agreement executed as of May 2, 1959, as amended in 1995 and in 2000. This Amendment shall become effective on July 1, 2000 2010, providing that this Amendment has been approved by the Committee, accepted by the Member Towns and approved by the Commissioner of Elementary and Secondary Education.

SECTION 10: *The balance of the HW Regional School District Agreement shall be unchanged.*