

# PLYMPTON SPECIAL TOWN MEETING

December 16, 2019

Moderator , Barry De Cristofano, declared there being a quorum present (35) and preparation, and posting of the warrant and the procedure was accomplished in accordance with the law and, therefore, the Special Town Meeting was called to order at 7:00 PM on the dot at the Dennett Elementary on a night with the waning Gibbus moon.

To save time with tonight's meeting the moderator asked if the Town was willing to have a synopsis of the Articles, rather than read all the text. Moved to a vote by John A. Traynor, Jr., 62 Crescent St. and seconded by Nathaniel B. Sides, 68 Winnetuxet Rd.

## **PASS UNANIMOUS**

**ARTICLE 1** To see if the Town will vote to amend the Plympton Zoning Bylaws by striking the existing Section 6.10 that regulates Solar Facilities and replacing it with a new and substantially revised Section 6.10 regulating Solar Energy Facilities, as follows:

### **6.10 SOLAR ENERGY FACILITIES**

#### **6.10.1 PURPOSE.**

**6.10.1.1** The purpose of this section is to establish requirements for Solar Energy Facilities as defined herein.

**6.10.1.2** The goals of this section are to:

- a. Promote the health, safety and general welfare of the community by allowing the generation of sustainable energy with as-of-right siting of Solar Energy Facilities, subject to the requirements of this section, in order to reduce air pollution and greenhouse gases, protect environmental resources, and foster sustainable economic development.
- b. Protect, conserve and improve the unique visual quality, aesthetics, and historic character of the Town of Plympton and minimize impacts on environmental, scenic, natural and historic resources, while simultaneously supporting the needs of the property owners.
- c. Provide standards for the placement, design, construction, operation, monitoring, modification and removal of Solar Energy Facilities. Such siting standards shall ensure that Solar Energy Facilities are designed to:
  - i. address public safety, through compliance with applicable dimensional requirements, design of project sites so as to prevent unauthorized access and development of an emergency response plan;

- ii. minimize impacts on natural resources, by avoiding land clearing and fragmentation of open space, preserving natural habitat, limiting the use of, and providing for, the containment of hazardous materials, and by satisfying applicable noise standards;
- iii. minimize visual impacts through limiting glare, proper lighting, landscaping and screening of the solar installation and appurtenant structure(s);
- iv. ensure compliance with all applicable local, state and federal statutes, regulations, codes, bylaws, rules and standards; and
- v. provide adequate financial assurance for the maintenance of new plantings and for the eventual decommissioning of such facilities.

## **6.10.2 Applicability.**

**6.10.2.1** These requirements apply to all Solar Energy Facilities proposed to be constructed or modified after the date of first publication of the notice of the public hearing on this section 6.10 , with the exception of any proposed Solar Energy Facility for which a public hearing is in process before the either the Planning Board or Conservation Commission on the date of the first publication of the notice of the public hearing on this Section 6.10 as required by G.L. c. 40A, §5.

**6.10.2.2** These requirements also pertain to physical modifications that alter the type, configuration, or size of Solar Energy Facilities, Project Sites or related equipment.

**6.10.2.3** In addition to the requirements of this section, new Solar Energy Facilities and proposed modifications to existing facilities may also require review by other boards and commissions, including but not limited to the Conservation Commission.

### **6.10.2.4 Zoning.**

Solar Energy Facilities that meet the requirements of section 6.10 are allowed as follows; provided however that only one form of Ground Mounted Solar Energy System shall be permitted on any Project Site.

**6.10.2.4.1** A Roof-Mounted Solar Energy System is allowed as-of-right on Project Sites in any zoning district.

**6.10.2.4.2** A Large-Scale Ground-Mounted Solar Energy System is allowed as of right on any Project Site between 10 and 20 acres in any zoning district. Large-Scale Ground Mounted Solar Energy Systems are allowed as of right in the Industrial Zone on any Project Site between 1 and 20 acres. Large-Scale Ground-Mounted Solar Energy Systems on Project Sites over 20 acres and under 1 acre are prohibited.

**6.10.2.4.3** Medium-Scale Ground Mounted and Pole Ground-Mounted Solar Energy Systems are allowed as-of-right in any zoning district on Project Sites between 8 and 20 acres or may be located in the Industrial Zone on any Project Site.

**6.10.2.4.4** A small Scale Ground Mounted is allowed as of right on a Project Sites of up to 60,000 feet in any zoning district.

**6.10.2.4.5** Dual Use Solar Energy Systems are allowed as of right on any Project Site which is in agricultural use pursuant to MGL c. 40A, § 3 and in accordance with the requirements of Section 6.10.2.4.

**6.10.2.4.6** Floating concentrated and floating photovoltaic solar energy systems are prohibited in all zones.

### **6.10.3 Definitions.**

**As-of-Right Siting.** As-of-Right Siting shall mean that the Solar Energy Facility may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval under this Bylaw. As-of-right Solar Energy Facilities must comply with the requirements of this section 6.10 and may be subject to non-discretionary site plan review by the Planning Board as set forth herein.

**Project Site.** A parcel or combination of parcels (including bogs), over which the Solar Energy Facility operator has control and on which the Solar Energy Facility is or will be located.

**Rated nameplate capacity.** The maximum rated output of electric power production equipment in direct current (DC). This output is typically specified by the manufacturer with a “nameplate” on the equipment.

**Site plan review.** Review by the Planning Board pursuant to the requirements set forth in this section 6.10.

**Solar Energy Facility.** As defined in this Bylaw, one of the types of Solar Energy Systems defined below along with related site access and improvements and appurtenant structures and equipment.

**Floating Concentrated Solar Energy System.** A solar photovoltaic installation that uses mirrors to redirect the solar power to a tower. These systems are referred to as floating concentrated solar power (floating CSP).

**Floating Photovoltaic Solar Energy System.** A solar power production installation mounted on a structure that floats on a body of placid water. The panels are affixed to buoyant structures that float above the surface and prevent the panels from being submerged. These systems are sometimes referred to as floating photovoltaic (FPV) or floatovoltaic systems.

**Ground-Mounted Solar Energy System.** A solar photovoltaic installation that is structurally mounted to the ground or installed in regulated wetland resource areas, and is not roof-mounted. These systems include small-, medium-, large-scale, dual use and pole-mounted systems.

**Dual Use Solar Energy System.** The installation of solar arrays over cultivated areas in a manner that is compatible with ongoing agricultural practices. This can include ground crops as well as installation in regulated wetland resource areas, including cranberry bogs.

**Large-Scale Ground-Mounted Solar Energy System.** A solar photovoltaic installation that occupies 40,000 square feet of surface area or more with a rated nameplate capacity of about 250kW DC or greater.

**Medium-Scale Ground-Mounted Solar Energy System.** A solar photovoltaic installation that occupies more than 1,750 but less than 40,000 square feet of surface area with a rated nameplate capacity of about 10 – 250 kW DC.

**Pole-Mounted Solar Energy System.** A solar photovoltaic installation ground-mounted on a pole of no more than 15 kW DC. Also referred to as “top of pole” (TOP) mounted solar arrays.

**Roof-Mounted Solar Energy System.** A solar photovoltaic installation that is structurally mounted to the roof of a building or structure.

**Small-Scale Ground-Mounted Solar Energy System.** A solar photovoltaic installation that occupies 1,750 square feet of surface area or less with a rated nameplate capacity of about 10 kW DC or less.

#### **6.10.4 General requirements.**

**6.10.4.1 All Ground-Mounted Solar Energy Facilities.** The review is subject to the following conditions:

- a. Site plan review. No Ground-Mounted Solar Facility shall be constructed, installed or modified as provided in this section without first obtaining site plan review and approval by the Plympton Planning Board in compliance with subsection 6.10.6 of this section.
- b. Monitoring and maintenance. The solar facility shall comply with subsection 6.10.6.5 of this section.
- c. Site control. The applicant shall submit with its application for site plan review, documentation of actual or prospective control of the Project Site sufficient to allow for installation and use of the proposed facility. Notice of change of ownership shall be given to the Planning Board in compliance with subsection 6.10.6.6 of this section.
- d. Parcels without frontage. Projects for landlocked parcels shall be considered as long as the following conditions can be met:
  - i) The owner has demonstrated a permanent easement to a public way and
  - ii) The parcel was landlocked prior to May 16, 2012.
- e. Financial surety. The applicant shall provide financial surety documentation if so required by the Planning Board as determined in compliance with subsection 6.10.6.7.3 of this section.
- f. Compliance with laws, ordinances and regulations. The construction and operation of all large-scale ground mounted solar 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.
- g. Proof of liability insurance. The applicant shall be required to:
  - i) provide evidence of liability insurance in an amount sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility and

- ii) post a bond covering failure of the plantings over the duration of the project.
- h. Design standards. The solar facility shall comply with subsection 6.10.6.2 design standards and subsection 6.10.6.3 environmental standards where applicable.

**6.10.4.2 Roof mounted solar facilities.** Roof mounted solar facilities shall be allowed as-of right with a building permit in all zones provided that they meet the following conditions:

- a. Compliance with laws, ordinances and regulations. The construction and operation of all roof mounted solar 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.
- b. Proof of liability insurance. The applicant shall be required to provide evidence of liability insurance to the building commissioner in an amount sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility.
- c. Structural engineering report. A structural engineering report may be required by the building commissioner illustrating the structural integrity of the structure and its ability to support the proposed roof mounted solar facility.
- d. Monitoring and maintenance. The solar facility shall comply with subsection 6.10.6.5 of this section.
- e. All roof-mounted Solar Collector Panels on a sloped roof will be subject to the following height limitations:
  - i. The top surface of any Solar Collector Panel mounted on a south-facing sloped roof shall not exceed 12 inches above the adjacent finished roof surface
  - ii. The top surface of any Solar Collector Panel mounted on a north -, east-, or west-facing sloped roof shall not exceed 24 inches above the adjacent finished roof surface and
  - iii. The top most point of any Solar Collector Panel mounted on a flat roof (1/2inch or less per foot slope) shall not exceed 30 inches above the adjacent finished roof surface on flat roofs with or without parapets.

**6.10.5 Siting Requirements for Ground Mounted Systems** (also see 6.10.6.3 Environmental Standards).

**6.10.5.1** All Ground-Mounted Solar Energy Systems shall be located on Project Sites, including bogs, that needs no substantial clearing of natural vegetation as set forth herein. The land must have been in that cleared condition for 5 years or more from the date of disturbance when proposing the solar project, unless that clearing is a result of natural forces such as a wildfire or flood.

**6.10.5.2** All screening requirements are in 6.10.6.2.1.

**6.10.5.3** Trees from no more than 10% of the size of the Project Site may be cut from the Project Site, for minor clearing such as shadowing, access, related appurtenant structures and equipment, maintenance or other minimal purposes. This cut area must be a contiguous area within the Project Site to avoid forest fragmentation.

**6.10.5.4** The visual impact of the Ground-Mounted Solar Energy Facility shall be negligible, as determined by the Planning Board, due to topography, tree lines, and/or vegetation. The facility, except for the access road, shall be set back at least 600' from a public way and cannot reasonably be seen from a residence or public way during all seasons of the year and shall meet other set-backs in accordance with 6.10.5.6.

**6.10.5.5 Security Fencing.** Security fencing shall be required to fully enclose the Ground- Mounted Solar Energy System and shall not be placed within the required setback. The fences shall ensure no unauthorized access and shall be wildlife friendly.

#### **6.10.5.6 Set-backs.**

**6.10.5.6.1** Large-Scale Ground-Mounted, Medium-Scale Ground-Mounted, Pole-Ground Mounted, and Dual Use Solar Energy Systems, including all related equipment and structures shall have front, side and rear yard setbacks of a minimum of 300 feet of vegetative buffer from the security fence to abutting properties, with the 150 feet being undisturbed closest to the residential property, and the other 150 feet being allowed to be selectively cleared.

A 150-foot minimum setback shall apply when the abutting parcel has the same owner and the same proposed use as that for the Project Site. The Planning Board may allow a lesser setback along a property line, where, in its judgment, the proposed Solar Energy System is not likely to negatively affect land use on the abutting property. The Planning Board may require a greater setback along a property line, where in its judgment the proposed Solar Energy Facility is likely to negatively affect land use on the abutting property. For these systems in the industrial zone, the Planning Board may not reduce the setback where the Project Site abuts a property in residential use.

**6.10.5.6.2** Small-Scale Ground-Mounted Solar Energy Systems and related equipment and structures shall have front, side and rear yard setbacks of a minimum of 100 feet vegetative buffer from the security fence to abutting properties, with the 50 feet being undisturbed closest to the residential property, and the other 50 feet being allowed to be selectively cleared.

A 50-foot minimum setback shall apply when the abutting parcel has the same owner and the same proposed use as that for the Project Site. The Planning Board may allow a lesser setback along a property line, where, in its judgment, the proposed Solar Energy System is not likely to negatively affect the abutting property. The Planning Board may require a greater setback along a property line, where in its judgment the proposed Solar Energy Facility is likely to negatively affect an existing or permitted land use on the abutting property.

**6.10.5.7 Appurtenant Structures.** All appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be subject to the set-back requirements of 6.10.5.6 and vegetative screening requirements in accordance with 6.10.6.2.1 to avoid adverse impacts on the neighborhood, abutting properties, and public ways.

#### **6.10.6 Site plan review.**

**6.10.6.1 Submittal requirements.** The project proponent is required to provide the Plympton Planning Board, the Plympton Conservation Commission and other Town Boards, as required, with the following:

- a. Application. Two original application forms and a designer's certificate.

b. Fees. All Ground Mounted Solar Energy Systems require a building permit fee of \$5 per \$1,000 of construction cost.

c. Siting and design. Eight full copies of a site plan. The plan shall be on 24" × 36" sheets at a scale of 1"=40' or 1"=200', as appropriate, on as many sheets as necessary. Site plans shall be prepared by a Massachusetts licensed professional engineer and/or a registered land surveyor, as applicable. The site plan shall include the following:

i) Location map. Copy of the most recent USGS quadrangle map, at a scale of 1:25,000, showing the proposed facility site and the area within at least two miles from the facility.

ii) Site plan. A one inch equals 200 feet plan of the Project Site, with contour intervals of no more than ten feet, showing the following:

a) Property lines and physical dimensions of the Project Site and adjacent parcels within 100 feet of the Project Site;

b) Location of permanent structures or buildings on the Project Site and on adjacent parcels of the project site;

c) Location and details of all security measures for the Project Site; and

d) Location of all existing and proposed roads, both public and private, on the Project Site.

e) Location of existing trees 10" caliper or better and existing tree/shrub masses.

f) Locations of wetlands and Priority Habitat Areas as defined by the Natural Heritage & Endangered Species Program (NHESP).

g) Locations of floodplains or inundation areas

iii) Project plan. A plan indicating all proposed changes to the landscape of the Project Site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures shall include the following:

a) Proposed changes to the landscape of the site, grading, removal of trees 10" caliper or more, vegetation to be removed or altered, amenities such as lighting or fencing, screening vegetation or structures, and wetlands delineation. Lighting shall be designed to minimize glare on abutting properties and be directed downward with full cutoff fixtures to reduce light pollution;

b) The views of the Project Site from residences and public ways from which the facility would be visible, and the proposed installation with the planned screening for the facility in place;

c) Location of the ground mounted solar system, type of mounting devices, access roads, lighting, ground equipment, fencing, electrical infrastructure, and associated equipment;

d) Plans for accessory buildings or other structures, and location and details of all planned security measures;

e) Layout and details of surfacing for access roads and parking including temporary roads and staging areas;

f) Any existing overhead utility lines; and

g) A list of any hazardous materials along with their Safety Data Sheets

(SDSs) proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment as appropriate.

d. Operation and maintenance plan. The applicant shall submit a plan for the operation and maintenance of the Solar Energy Facility. The plan shall include measures for maintaining safe access to the facility in all weather conditions, storm water controls, vegetation controls, and general procedures for operating and maintaining the facility and surrounding areas of the site.

e. Schematics.

- i) Schematic or blueprints of the ground mounted Solar Energy System, signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed structures and any shading from nearby structures;
- ii) Schematic or outline electrical diagram showing proposed solar panels, associated components and electrical interconnection methods, all with National Electrical Code<sup>®</sup> compliant disconnects and overcurrent devices;
- iii) Description of the major system components to be used including the photovoltaic panels, mounting system and inverter.

f. Compliance documents. The applicant will provide the following with the application:

- i) A description of the proposed financial surety that satisfies subsection 6.10.6.7.3 of this section;
- ii) A fully inclusive estimate of the costs associated with removal of the solar facility, prepared by a qualified third-party expert, which shall include a mechanism for calculating increased removal costs due to inflation.
- iii) Proof of liability insurance that satisfies subsection 6.10.4.1.g of this section;
- iv) Name, address, and contact information for:
  - a) Proposed system installer,
  - b) The landowner,
  - c) The project proponent, as well as all co-proponents; and
  - d) Any agents representing the applicant.
- v) The Planning Board may require additional information, data or evidence as it deems necessary pursuant to the site plan review process.
- vi) Evidence of utility notification that satisfies 6.10.6.1.g of this section and evidence of emergency services notification that satisfies 6.10.6.2.10.

g. Notification.

- i) Abutting Property Owners. Applicant shall mail notice of the public hearing on the application by certified mail, return receipt requested, at least 14 days before the day of the public hearing to all abutters and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent certified applicable tax list, which list the applicant shall obtain from the Plympton Assessor's Office.

The applicants must provide proof of the certified mail to the Planning Board.

Notice of the public hearing must also be published by the Planning Board, at the expense of the applicant, in a newspaper of general circulation in the Town of Plympton once in each of two consecutive weeks, the first publication to be not less than fourteen days



before the day of the hearing. The Planning Board shall post notice of the public hearing in a conspicuous place in town hall for a period of not less than fourteen days before the day of such hearing and mail that notice to the Planning Boards of every abutting city or town.

Publications and notices required by this section shall contain the name of the petitioner, a description of the area or premises, street address, if any, or other adequate identification of the location, of the Project Site, the date, time and place of the public hearing, the subject matter of the hearing, and the nature of action or relief requested if any.

ii) Utility notification. Before installation of the solar facility, the applicant shall inform the utility company that operates the electrical grid where the facility is to be located of its intent to install an interconnected generator and shall satisfy all interconnection agreements.

h. Waiver of documents. The Planning Board may waive any information requirements it deems to be unnecessary to the review of a particular plan.

i. Action by the Planning Board. The Planning Board shall open the public hearing on an application under this section within 65 days of the filing of the application and shall file its written decision on the application with the Town Clerk within 90 days after the close of the public hearing on the application. These deadlines may be extended by written agreement between the applicant and Planning Board. After a public hearing, determining if the site plan is in conformance with the requirements of this Bylaw, and considering the criteria set forth in this section, the Planning Board may approve, approve with modifications, or grant leave to withdraw a site plan application. A majority vote of the Planning Board is required for site plan approval. The Planning Board may deny an application that does not conform to the requirements of this Bylaw. Approval may be subject to any conditions, modifications and/or restrictions as the Planning Board may deem necessary.

j. Constructive approval. Failure by the Planning Board to file its written decision within said 90 days, or extended time, if applicable, shall be deemed to be a grant of the site plan approval. That constructive approval must be effectuated in the manner provided for constructive approval in G.L. c.40A, §9.

k. Appeals. Appeals of the site plan process shall be made with the Superior Court as provided in MGL Ch. 40A within twenty (20) days after the decision of the Planning Board has been filed with the Town Clerk.

l. Lapse Site plan approval shall lapse after two (2) years from the grant thereof if a substantial use thereof has not sooner commenced. Such approval may be extended in writing by the Planning Board upon written request of the applicant

#### **6.10.6.2 Design standards**

This section shall apply to all Ground-Mounted Solar Energy Systems

##### **6.10.6.2.1 Screening**

**6.10.6.2.1.1** All Ground Mounted Solar Energy Facilities shall be screened from abutting properties. Where the front, side or rear yard of a Project Site faces and/or abuts one or more residences or a public way, a landscape architectural plan will be required. The plan's object shall be to minimize to the greatest extent reasonable the visual impact of the facility. The plan shall show how, through the use of mature plantings, vegetation, berms, fencing, land contouring, and strategic placement of the solar panels and appurtenant structures, the facility will be screened from view from residences and public ways during all seasons of the year.

**6.10.6.2.1.2** Screening shall consist of landscaping, fence, grassed earthen berm, or some combination of these screening devices. If utilizing a natural buffer, it shall be maintained above the highest level of the solar panels. When a screen consists of plant materials, said materials shall provide screening at the time of planting and be of a type that will be expected to form a year-round, dense screen.

**6.10.6.2.1.3** Every abutting agricultural/residential property shall be visually and acoustically screened from the Solar Energy Facility through either existing vegetation or new plantings of not less than 8 feet in height at the time of planting staggered at a spacing of no more than 8 feet apart throughout the required setback dimensions. All required plantings shall be maintained throughout the project's life, and replaced as necessary. As an alternate to providing the required screening through vegetation, it is acceptable to increase the setback to ~~600~~ 1000 feet on the Project Site while providing an acceptable alternate screening such as a stockade fence and single row of vegetation in close proximity to the Solar Energy Facility (with the exception of its access).

**6.10.6.2.1.4** In other than the Industrial Zone, the provided screening shall obscure from view on all sides, all of the Solar Energy Facility (with the exception of its access) from adjacent properties, including upper levels of existing structures at the time of construction. Security fences, roadways, and equipment shall not be placed within the required setback, except for that which is required to access the site from an adjacent roadway, or to transmit the generated power to the grid.

**6.10.6.2.2 Control of Vegetation.** Herbicides may not be used to control vegetation at the Project Site. Mowing or the use of pervious pavers or geo-textile materials underneath the Solar Energy System is a possible alternative.

**6.10.6.2.3 Noise.** There shall be no increase in background noise measured at the property line of the Project Site or a noise-sensitive receptor (for example, a higher terrain location that may be impacted or a location with sensitive persons such as a school). A noise analysis must be provided by the applicant and approved by the Planning Board.

**6.10.6.2.4 Glare.** The solar panels shall be positioned in such a way that there is no possibility of glare on a residence or public way at any time during the day.

**6.10.6.2.5 Signage.** Signs on the Solar Energy Facility shall comply with the requirements of Section 6.1 of the Plympton Zoning Bylaws. Signage at all site entrances shall be required to identify the owner and provide a 24-hour emergency contact phone number. These signs shall not be used for the display of any advertising.

**6.10.6.2.6 Lighting.** Lighting of Solar Energy Facilities shall comply with the requirements of Section 6.9, Lighting Systems and Fixtures of the Plympton Zoning By-laws. Lighting shall be limited to that required for safety and operational purposes, and shall be shielded to eliminate glare from abutting properties, shall be directed downward and shall incorporate cut-off fixtures to reduce light pollution.

**6.10.6.2.7 Utility connections.** Reasonable efforts should be made to locate utility connections for Ground Mounted Solar Energy Facilities 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. All Solar Energy Facility installations shall conform to the requirements of the interconnection agreement and/or such further requirements as may be promulgated from time to time, as appropriate and as approved by the connecting utility.

**6.10.6.2.8 Appurtenant structures.** All appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers and substations, shall be architecturally compatible with each other. Structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts. Appurtenance structures shall not exceed 10' in height and shall meet the regulations for accessory structures as determined by the Building Department.

**6.10.6.2.9 Solar System Panel Height.** A Ground- Mounted Solar Energy System shall not exceed the maximum height of 12 feet, as measured from the ground to the top of the solar panel when at maximum vertical tilt. A Pole Mounted Solar Energy System shall not exceed the maximum height of 18 feet, as measured from the ground to the top of the solar panel when at maximum vertical tilt.

**6.10.6.2.10 Emergency services.** The applicant shall provide a copy of the project summary and site plan to the Plympton Fire and Police Departments. The applicant shall cooperate with the Fire and Police Departments in developing an emergency response plan. All means of disconnecting the Solar Energy Facility shall be clearly marked, and training required to allow emergency response personnel to safely shut down the facility in event of an emergency shall be provided at no cost to the Town as requested by the Town. Project Site access shall be conducive to emergency vehicle travel to allow for unimpeded access around the site at all times. Access requirements, not limited to gating, road widths and surfaces, etc. will be reviewed during the site plan review process, with approval being at the discretion of the Fire Chief. The applicant or facility owner shall identify a responsible person for public inquiries or complaints throughout the life of the project.

**6.10.6.2.11 Unauthorized access.** All Solar Energy Facilities shall be designed to prevent unauthorized access in compliance with any and all federal, state and local regulations. Electrical equipment shall be locked where possible. Where installed, video surveillance cameras shall be oriented in such a fashion so as to minimize capturing activity outside the Solar Energy Facility.

**6.10.6.2.11 Security for Screening.** Each applicant shall post cash security with the Town pursuant to G.L. c. 44, §53G½ in an amount determined by the Planning Board to secure the viability of the screening and plantings required by Section 6.10. That security shall be held for a period of 5 years following the issuance of an occupancy permit for any Solar Energy System and, may be used and applied, by the Planning Board to maintain or replace any necessary screening or plantings required hereunder.

### **6.10.6.3 Environmental standards.**

This section shall apply to all Ground-Mounted Solar Energy Systems.

**6.10.6.3.1 Land clearing.** Clearing of natural vegetation shall be limited to what is permitted in accordance with 6.10.5 for the construction, access to, operation and maintenance of the ground

mounted solar facility or otherwise prescribed by applicable laws, regulations and ordinances. Clear cutting is prohibited within the setback area unless pre-approved and with the understanding that trees and/or vegetation of significant size and screening ability will be planted and/or fencing installed in order to mitigate any visual or environmental impact on the abutters and/or the rural nature of the Town.

**6.10.6.3.2 Rare and endangered species.** The applicant shall provide evidence of compliance with the Massachusetts Endangered Species Act and requirements of the Commonwealth of Massachusetts Natural Heritage and Endangered Species Program. A significant number of such habitats and species sites have been designated in Plympton.

**6.10.6.3.3 Wetlands.** The applicant shall provide evidence of compliance with the Massachusetts Wetlands Protection Act, the Massachusetts Rivers Protection Act and the Town of Plympton Wetlands Protection Bylaw. Such evidence is subject to review by the Plympton Conservation Commission.

**6.10.6.3.4 Stormwater.** The applicant shall demonstrate compliance with all local, state and federal stormwater management laws and regulations.

**6.10.6.3.5 Erosion.** Solar Energy Facilities, including access driveways and any associated drainage infrastructure on original grades in excess of 15% is prohibited.

**6.10.6.3.6 Selective Clearing.**

**6.10.6.3.6.1** Selective clearing may be done with one or more of the following conditions:

- a. If the selective removal of a species of plant, a group of species of plants, a story or group of story in whole or in part does not affect the growth of other trees or plants, and is done according to criteria regarding minimum tree size for harvesting, specifications of the number, spacing and size classes of residual trees per area, and allowable cut.
- b. If vegetation or trees to be cut, trimmed or removed are those that restrict the effective functioning of the solar collectors and/or access to the solar field by routine and/or emergency services

**6.10.6.3.6.2** All trees scheduled to be removed shall be visibly marked or flagged by the Contractor prior to seeking confirmation from the Town. The Town agent/Engineer will inspect the identified trees and verify the limits of clearing and thinning prior to the Contractor proceeding with his cutting operation.

**6.10.6.4 Reserved.**

**6.10.6.5 Monitoring and maintenance.**

**6.10.6.5.1 Facility conditions.** The applicant shall maintain the Solar Energy Facility in good condition. Maintenance shall include, but not be limited to, vegetation upkeep, structural repairs and the integrity of security measures. Project Site access shall be maintained to a level acceptable to the local fire chief, local emergency planning committee and emergency medical services. The project owner shall be responsible for the cost of maintaining the Solar Energy Facility and any access road, unless accepted as a public way, and the cost of repairing any damage as a result of operation and construction. The project owner shall also be responsible for ensuring that the Solar Energy Facility does not at any time lower the quality of service supplied to nearby customers or cause safety problems to the interconnected electrical grid.

**6.10.6.5.2 Modifications.** All modifications to all Ground Mounted Solar Energy System, other than regular maintenance, made after issuance of the site plan review approval shall require approval by the Planning Board as provided in this section. Modifications to Roof-Mounted Solar Energy Systems require approval by the Building Inspector.

**6.10.6.5.3 Annual Reporting.** The owner or operator of the Solar Energy Facility shall submit an annual report demonstrating and certifying compliance with the Operation and Maintenance Plan in Section 6.10.6.1(d), the requirements of this Section 6.10 and the approved site plan, including but not limited to continued control of vegetation, compliance with noise standards, and adequacy of road access. The annual report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The report shall be submitted to the Board of Selectmen, Planning Board, Fire Chief, Building Inspector, Board of Health and the Conservation Commission no later than 45 days after the end of the calendar year.

**6.10.6.6 Change in ownership.** If the owner and/or operator of any Ground Mounted Solar Energy System changes, notice shall be given to the Planning Board with the contact information of the new owner/operator within one month of the change in ownership and/or operations.

**6.10.6.7 Abandonment or decommissioning.**

**6.10.6.7.1 Removal requirements.** All Ground-Mounted Solar Energy Systems which have reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the 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 solar panels, structures, equipment, security barriers and electrical lines from the site.
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- c. Restoration of the site, including but not limited to, stabilization or re-vegetation of the site as necessary to minimize erosion and restore habitat vitality. The Planning Board may allow the owner or operator to leave landscaping, or service roads in order to minimize erosion, disruption to vegetation and restoration of natural habitat.

**6.10.6.7.2 Abandonment.** Absent notice of a proposed date of decommissioning, the Ground Mounted Solar Energy System shall be considered abandoned when the facility fails to operate for more than one year without written consent of the Planning Board. The Planning Board shall determine in its decision what proportion of the facility is inoperable for the facility to be considered abandoned. If the applicant fails to remove the Ground Mounted Solar Energy System in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town shall have the authority, but not the obligation, to enter the Project Site and physically remove the System and any appurtenant structures or related equipment. .

**6.10.6.7.3 Financial surety.** The Planning Board shall require the applicant for all Ground-Mounted and Solar Energy Systems to provide a form of surety as determined by the Planning Board, either through cash bond or otherwise, to cover the estimated cost of removal in the event that the Town must remove the facility, of an amount and form determined to be reasonable by the Planning Board, not to exceed more than 125 percent of the estimated cost of removal and compliance with the additional requirements

set forth herein, in accordance with 6.10.6.7. 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, of the Solar Energy System including appurtenant structures and related equipment, prepared by a qualified third-party expert, which shall include a mechanism for calculating increased removal costs due to inflation.

#### **6.10.8 Peer Review and Consultants.**

The Planning Board may employ, pursuant to G.L. c.44, § 53G, at the cost of the applicant, peer review experts and similar consultants to review and comment to the Planning Board on any site plan application for a Solar Energy Facility.

#### **6.10.9 Conflicts with Zoning Bylaw.**

To the extent that any provision of this section 6.10 conflicts with any provision of the Zoning Bylaw generally, the provision of this section shall control.

#### **6.10.10 Severability.**

The provisions of this Section 6.10 are severable. The invalidity of any paragraph, subsection or provision of this Section 6.10 shall not invalidate any other paragraph, subsection or provision hereof.

Or take any action relative thereto.

### **PLYMPTON PLANNING BOARD**

#### **Recommended by Planning Board (4-0-1)**

**ARTICLE 1 VOTE** (On the motion of Ann Sobolewski, 255 Main St.) to see if the Town will vote to amend the Plympton Zoning Bylaws by striking the existing Section 6.10 that regulates Solar Facilities and replacing it with a new and substantially revised Section 6.10 regulating Solar Energy Facilities, and making and amendment on the floor to replace section 6.10.6.2.2 by deleting the first sentence and editing the section to read “The use of native, pollinator-friendly plants is encouraged. Mowing or the use of pervious pavers or geo-textile materials underneath the Solar Energy System is the preferred method of vegetation control”

Michelle Llanes, 392 Main St. stated she was appalled and felt that deadlines needed accountability, waivers were inappropriate, and she worried about abutter’s rights.

Ann Sobolewski addressed the waiver and questions about abutters and maps.

Linda Leddy, 44 West St. stated the Bylaw modifications make it more suitable for Plympton. The Bylaw Review Committee’s goal was to be in “the middle of the road” for drafting regulations.

John Traynor seconded adopting Article 1 as written in the warrant with the change on the floor for section 6.10.6.2.2.

## **6.10 SOLAR ENERGY FACILITIES**

### **6.10.1 PURPOSE.**

**6.10.1.1** The purpose of this section is to establish requirements for Solar Energy Facilities as defined herein.

**6.10.1.2** The goals of this section are to:

- a. Promote the health, safety and general welfare of the community by allowing the generation of sustainable energy with as-of-right siting of Solar Energy Facilities, subject to the requirements of this section, in order to reduce air pollution and greenhouse gases, protect environmental resources, and foster sustainable economic development.
- b. Protect, conserve and improve the unique visual quality, aesthetics, and historic character of the Town of Plympton and minimize impacts on environmental, scenic, natural and historic resources, while simultaneously supporting the needs of the property owners.
- c. Provide standards for the placement, design, construction, operation, monitoring, modification and removal of Solar Energy Facilities. Such siting standards shall ensure that Solar Energy Facilities are designed to:
  - i. address public safety, through compliance with applicable dimensional requirements, design of project sites so as to prevent unauthorized access and development of an emergency response plan;
  - ii. minimize impacts on natural resources, by avoiding land clearing and fragmentation of open space, preserving natural habitat, limiting the use of, and providing for, the containment of hazardous materials, and by satisfying applicable noise standards;
  - iii. minimize visual impacts through limiting glare, proper lighting, landscaping and screening of the solar installation and appurtenant structure(s);
  - iv. ensure compliance with all applicable local, state and federal statutes, regulations, codes, bylaws, rules and standards; and
  - v. provide adequate financial assurance for the maintenance of new plantings and for the eventual decommissioning of such facilities.

**6.10.2      Applicability.**

**6.10.2.1** These requirements apply to all Solar Energy Facilities proposed to be constructed or modified after the date of first publication of the notice of the public hearing on this section 6.10 , with the exception of any proposed Solar Energy Facility for which a public hearing is in process before the either the Planning Board or Conservation Commission on the date of the first publication of the notice of the public hearing on this Section 6.10 as required by G.L. c. 40A, §5.

**6.10.2.2** These requirements also pertain to physical modifications that alter the type, configuration, or size of Solar Energy Facilities, Project Sites or related equipment.

**6.10.2.3** In addition to the requirements of this section, new Solar Energy Facilities and proposed modifications to existing facilities may also require review by other boards and commissions, including but not limited to the Conservation Commission.

#### **6.10.2.4 Zoning.**

Solar Energy Facilities that meet the requirements of section 6.10 are allowed as follows; provided however that only one form of Ground Mounted Solar Energy System shall be permitted on any Project Site.

**6.10.2.4.1** A Roof-Mounted Solar Energy System is allowed as-of-right on Project Sites in any zoning district.

**6.10.2.4.2** A Large-Scale Ground-Mounted Solar Energy System is allowed as of right on any Project Site between 10 and 20 acres in any zoning district. Large-Scale Ground Mounted Solar Energy Systems are allowed as of right in the Industrial Zone on any Project Site between 1 and 20 acres. Large-Scale Ground-Mounted Solar Energy Systems on Project Sites over 20 acres and under 1 acre are prohibited.

**6.10.2.4.3** Medium-Scale Ground Mounted and Pole Ground-Mounted Solar Energy Systems are allowed as-of-right in any zoning district on Project Sites between 8 and 20 acres or may be located in the Industrial Zone on any Project Site.

**6.10.2.4.4** A small Scale Ground Mounted is allowed as of right on a Project Sites of up to 60,000 feet in any zoning district.

**6.10.2.4.5** Dual Use Solar Energy Systems are allowed as of right on any Project Site which is in agricultural use pursuant to MGL c. 40A, § 3 and in accordance with the requirements of Section 6.10.2.4.

**6.10.2.4.6** Floating concentrated and floating photovoltaic solar energy systems are prohibited in all zones.

#### **6.10.3 Definitions.**

**As-of-Right Siting.** As-of-Right Siting shall mean that the Solar Energy Facility may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval under this Bylaw. As-of-right Solar Energy Facilities must comply with the requirements of this section 6.10 and may be subject to non-discretionary site plan review by the Planning Board as set forth herein.

**Project Site.** A parcel or combination of parcels (including bogs), over which the Solar Energy Facility operator has control and on which the Solar Energy Facility is or will be located.

**Rated nameplate capacity.** The maximum rated output of electric power production equipment in direct current (DC). This output is typically specified by the manufacturer with a “nameplate” on the equipment.

**Site plan review.** Review by the Planning Board pursuant to the requirements set forth in this section 6.10.



**Solar Energy Facility.** As defined in this Bylaw, one of the types of Solar Energy Systems defined below along with related site access and improvements and appurtenant structures and equipment.

**Floating Concentrated Solar Energy System.** A solar photovoltaic installation that uses mirrors to redirect the solar power to a tower. These systems are referred to as floating concentrated solar power (floating CSP).

**Floating Photovoltaic Solar Energy System.** A solar power production installation mounted on a structure that floats on a body of placid water. The panels are affixed to buoyant structures that float above the surface and prevent the panels from being submerged. These systems are sometimes referred to as floating photovoltaic (FPV) or floatovoltaic systems.

**Ground-Mounted Solar Energy System.** A solar photovoltaic installation that is structurally mounted to the ground or installed in regulated wetland resource areas, and is not roof-mounted. These systems include small-, medium-, large-scale, dual use and pole-mounted systems.

**Dual Use Solar Energy System.** The installation of solar arrays over cultivated areas in a manner that is compatible with ongoing agricultural practices. This can include ground crops as well as installation in regulated wetland resource areas, including cranberry bogs.

**Large-Scale Ground-Mounted Solar Energy System.** A solar photovoltaic installation that occupies 40,000 square feet of surface area or more with a rated nameplate capacity of about 250kW DC or greater.

**Medium-Scale Ground-Mounted Solar Energy System.** A solar photovoltaic installation that occupies more than 1,750 but less than 40,000 square feet of surface area with a rated nameplate capacity of about 10 – 250 kW DC.

**Pole-Mounted Solar Energy System.** A solar photovoltaic installation ground-mounted on a pole of no more than 15 kW DC. Also referred to as “top of pole” (TOP) mounted solar arrays.

**Roof-Mounted Solar Energy System.** A solar photovoltaic installation that is structurally mounted to the roof of a building or structure.

**Small-Scale Ground-Mounted Solar Energy System.** A solar photovoltaic installation that occupies 1,750 square feet of surface area or less with a rated nameplate capacity of about 10 kW DC or less.

#### **6.10.4 General requirements.**

**6.10.4.1 All Ground-Mounted Solar Energy Facilities.** The review is subject to the following conditions:

- b. Site plan review. No Ground-Mounted Solar Facility shall be constructed, installed or modified as provided in this section without first obtaining site plan review and approval by the Plympton Planning Board in compliance with subsection 6.10.6 of this section.
- b. Monitoring and maintenance. The solar facility shall comply with subsection 6.10.6.5 of this section.

c. Site control. The applicant shall submit with its application for site plan review, documentation of actual or prospective control of the Project Site sufficient to allow for installation and use of the proposed facility. Notice of change of ownership shall be given to the Planning Board in compliance with subsection 6.10.6.6 of this section.

d. Parcels without frontage. Projects for landlocked parcels shall be considered as long as the following conditions can be met:

- iii) The owner has demonstrated a permanent easement to a public way and
- iv) The parcel was landlocked prior to May 16, 2012.

e. Financial surety. The applicant shall provide financial surety documentation if so required by the Planning Board as determined in compliance with subsection 6.10.6.7.3 of this section.

f. Compliance with laws, ordinances and regulations. The construction and operation of all large-scale ground mounted solar 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.

g. Proof of liability insurance. The applicant shall be required to:

- i) provide evidence of liability insurance in an amount sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility and
- ii) post a bond covering failure of the plantings over the duration of the project.

h. Design standards. The solar facility shall comply with subsection 6.10.6.2 design standards and subsection 6.10.6.3 environmental standards where applicable.

**6.10.4.2 Roof mounted solar facilities.** Roof mounted solar facilities shall be allowed as-of right with a building permit in all zones provided that they meet the following conditions:

d. Compliance with laws, ordinances and regulations. The construction and operation of all roof mounted solar 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.

e. Proof of liability insurance. The applicant shall be required to provide evidence of liability insurance to the building commissioner in an amount sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility.

f. Structural engineering report. A structural engineering report may be required by the building commissioner illustrating the structural integrity of the structure and its ability to support the proposed roof mounted solar facility.

d. Monitoring and maintenance. The solar facility shall comply with subsection 6.10.6.5 of this section.

e. All roof-mounted Solar Collector Panels on a sloped roof will be subject to the following height limitations:

- i. The top surface of any Solar Collector Panel mounted on a south-facing sloped roof shall not exceed 12 inches above the adjacent finished roof surface
- ii. The top surface of any Solar Collector Panel mounted on a north -, east-, or west-facing sloped roof shall not exceed 24 inches above the adjacent finished roof surface and
- iii. The top most point of any Solar Collector Panel mounted on a flat roof (1/2inch or less per foot slope) shall not exceed 30 inches above the adjacent finished roof surface on flat roofs with or without parapets.

**6.10.5 Siting Requirements for Ground Mounted Systems** (also see 6.10.6.3 Environmental Standards).

**6.10.5.1** All Ground-Mounted Solar Energy Systems shall be located on Project Sites, including bogs, that needs no substantial clearing of natural vegetation as set forth herein. The land must have been in that cleared condition for 5 years or more from the date of disturbance when proposing the solar project, unless that clearing is a result of natural forces such as a wildfire or flood.

**6.10.5.2** All screening requirements are in 6.10.6.2.1.

**6.10.5.3** Trees from no more than 10% of the size of the Project Site may be cut from the Project Site, for minor clearing such as shadowing, access, related appurtenant structures and equipment, maintenance or other minimal purposes. This cut area must be a contiguous area within the Project Site to avoid forest fragmentation.

**6.10.5.4** The visual impact of the Ground-Mounted Solar Energy Facility shall be negligible, as determined by the Planning Board, due to topography, tree lines, and/or vegetation. The facility, except for the access road, shall be set back at least 600' from a public way and cannot reasonably be seen from a residence or public way during all seasons of the year and shall meet other set-backs in accordance with 6.10.5.6.

**6.10.5.5 Security Fencing.** Security fencing shall be required to fully enclose the Ground- Mounted Solar Energy System and shall not be placed within the required setback. The fences shall ensure no unauthorized access and shall be wildlife friendly.

**6.10.5.6 Set-backs.**

**6.10.5.6.1** Large-Scale Ground-Mounted, Medium-Scale Ground-Mounted, Pole-Ground Mounted, and Dual Use Solar Energy Systems, including all related equipment and structures shall have front, side and rear yard setbacks of a minimum of 300 feet of vegetative buffer from the security fence to abutting properties, with the 150 feet being undisturbed closest to the residential property, and the other 150 feet being allowed to be selectively cleared.

A 150-foot minimum setback shall apply when the abutting parcel has the same owner and the same proposed use as that for the Project Site. The Planning Board may allow a lesser setback along a property line, where, in its judgment, the proposed Solar Energy System is not likely to negatively affect land use on the abutting property. The Planning Board may require a greater setback along a property line, where in its judgment the proposed Solar Energy Facility is likely to negatively affect land use on the abutting property. For these systems in the industrial zone, the Planning Board may not reduce the setback where the Project Site abuts a property in residential use.

**6.10.5.6.2 Small-Scale Ground-Mounted Solar Energy Systems** and related equipment and structures shall have front, side and rear yard setbacks of a minimum of 100 feet vegetative buffer from the security fence to abutting properties, with the 50 feet being undisturbed closest to the residential property, and the other 50 feet being allowed to be selectively cleared.

A 50-foot minimum setback shall apply when the abutting parcel has the same owner and the same proposed use as that for the Project Site. The Planning Board may allow a lesser setback along a property line, where, in its judgment, the proposed Solar Energy System is not likely to negatively affect the abutting property. The Planning Board may require a greater setback along a property line, where in its judgment the proposed Solar Energy Facility is likely to negatively affect an existing or permitted land use on the abutting property.

**6.10.5.7 Appurtenant Structures.** All appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be subject to the set-back requirements of 6.10.5.6 and vegetative screening requirements in accordance with 6.10.6.2.1 to avoid adverse impacts on the neighborhood, abutting properties, and public ways.

## **6.10.6 Site plan review.**

**6.10.6.1 Submittal requirements.** The project proponent is required to provide the Plympton Planning Board, the Plympton Conservation Commission and other Town Boards, as required, with the following:

- h. Application. Two original application forms and a designer's certificate.
- i. Fees. All Ground Mounted Solar Energy Systems require a building permit fee of \$5 per \$1,000 of construction cost.
- j. Siting and design. Eight full copies of a site plan. The plan shall be on 24" × 36" sheets at a scale of 1"=40' or 1"=200', as appropriate, on as many sheets as necessary. Site plans shall be prepared by a Massachusetts licensed professional engineer and/or a registered land surveyor, as applicable. The site plan shall include the following:
  - ii) Location map. Copy of the most recent USGS quadrangle map, at a scale of 1:25,000, showing the proposed facility site and the area within at least two miles from the facility.
  - ii) Site plan. A one inch equals 200 feet plan of the Project Site, with contour intervals of no more than ten feet, showing the following:
    - a) Property lines and physical dimensions of the Project Site and adjacent parcels within 100 feet of the Project Site;
    - b) Location of permanent structures or buildings on the Project Site and on adjacent parcels of the project site;
    - c) Location and details of all security measures for the Project Site; and
    - d) Location of all existing and proposed roads, both public and private, on the Project Site.
    - e) Location of existing trees 10" caliper or better and existing tree/shrub masses.
    - f) Locations of wetlands and Priority Habitat Areas as defined by the Natural Heritage & Endangered Species Program (NHESP).

g) Locations of floodplains or inundation areas

- iii) Project plan. A plan indicating all proposed changes to the landscape of the Project Site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures shall include the following:
- h) Proposed changes to the landscape of the site, grading, removal of trees 10" caliper or more, vegetation to be removed or altered, amenities such as lighting or fencing, screening vegetation or structures, and wetlands delineation. Lighting shall be designed to minimize glare on abutting properties and be directed downward with full cutoff fixtures to reduce light pollution;
  - i) The views of the Project Site from residences and public ways from which the facility would be visible, and the proposed installation with the planned screening for the facility in place;
  - j) Location of the ground mounted solar system, type of mounting devices, access roads, lighting, ground equipment, fencing, electrical infrastructure, and associated equipment;
  - k) Plans for accessory buildings or other structures, and location and details of all planned security measures;
  - l) Layout and details of surfacing for access roads and parking including temporary roads and staging areas;
  - m) Any existing overhead utility lines; and
  - n) A list of any hazardous materials along with their Safety Data Sheets (SDSs) proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment as appropriate.
- k. Operation and maintenance plan. The applicant shall submit a plan for the operation and maintenance of the Solar Energy Facility. The plan shall include measures for maintaining safe access to the facility in all weather conditions, storm water controls, vegetation controls, and general procedures for operating and maintaining the facility and surrounding areas of the site.
- l. Schematics.
- i) Schematic or blueprints of the ground mounted Solar Energy System, signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed structures and any shading from nearby structures;
  - ii) Schematic or outline electrical diagram showing proposed solar panels, associated components and electrical interconnection methods, all with National Electrical Code<sup>®</sup> compliant disconnects and overcurrent devices;
  - iii) Description of the major system components to be used including the photovoltaic panels, mounting system and inverter.
- m. Compliance documents. The applicant will provide the following with the application:
- i) A description of the proposed financial surety that satisfies subsection 6.10.6.7.3 of this section;
  - ii) A fully inclusive estimate of the costs associated with removal of the solar facility, prepared by a qualified third-party expert, which shall include a mechanism for calculating increased removal costs due to inflation.

- iii) Proof of liability insurance that satisfies subsection 6.10.4.1.g of this section;
- iv) Name, address, and contact information for:
  - a) Proposed system installer,
  - b) The landowner,
  - c) The project proponent, as well as all co-proponents; and
  - d) Any agents representing the applicant.
- v) The Planning Board may require additional information, data or evidence as it deems necessary pursuant to the site plan review process.
- vi) Evidence of utility notification that satisfies 6.10.6.1.g of this section and evidence of emergency services notification that satisfies 6.10.6.2.10.

n. Notification.

- i) **Abutting Property Owners.** Applicant shall mail notice of the public hearing on the application by certified mail, return receipt requested, at least 14 days before the day of the public hearing to all abutters and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent certified applicable tax list, which list the applicant shall obtain from the Plympton Assessor's Office.

The applicants must provide proof of the certified mail to the Planning Board.

Notice of the public hearing must also be published by the Planning Board, at the expense of the applicant, in a newspaper of general circulation in the Town of Plympton once in each of two consecutive weeks, the first publication to be not less than fourteen days before the day of the hearing. The Planning Board shall post notice of the public hearing in a conspicuous place in town hall for a period of not less than fourteen days before the day of such hearing and mail that notice to the Planning Boards of every abutting city or town.

Publications and notices required by this section shall contain the name of the petitioner, a description of the area or premises, street address, if any, or other adequate identification of the location, of the Project Site, the date, time and place of the public hearing, the subject matter of the hearing, and the nature of action or relief requested if any.

- ii) **Utility notification.** Before installation of the solar facility, the applicant shall inform the utility company that operates the electrical grid where the facility is to be located of its intent to install an interconnected generator and shall satisfy all interconnection agreements.

h. **Waiver of documents.** The Planning Board may waive any information requirements it deems to be unnecessary to the review of a particular plan.

i. **Action by the Planning Board.** The Planning Board shall open the public hearing on an application under this section within 65 days of the filing of the application and shall file its written decision on the application with the Town Clerk within 90 days after the close of the public hearing on the application. These deadlines may be extended by written agreement between the applicant and Planning Board. After a public hearing, determining if the site plan is in conformance with the requirements of this Bylaw, and considering the criteria set forth in this section, the Planning Board may approve, approve with modifications, or grant leave to

withdraw a site plan application. A majority vote of the Planning Board is required for site plan approval. The Planning Board may deny an application that does not conform to the requirements of this Bylaw. Approval may be subject to any conditions, modifications and/or restrictions as the Planning Board may deem necessary.

j. Constructive approval. Failure by the Planning Board to file its written decision within said 90 days, or extended time, if applicable, shall be deemed to be a grant of the site plan approval. That constructive approval must be effectuated in the manner provided for constructive approval in G.L. c.40A, §9.

k. Appeals. Appeals of the site plan process shall be made with the Superior Court as provided in MGL Ch. 40A within twenty (20) days after the decision of the Planning Board has been filed with the Town Clerk.

l. Lapse Site plan approval shall lapse after two (2) years from the grant thereof if a substantial use thereof has not sooner commenced. Such approval may be extended in writing by the Planning Board upon written request of the applicant

#### **6.10.6.2 Design standards**

This section shall apply to all Ground-Mounted Solar Energy Systems

##### **6.10.6.2.1 Screening**

**6.10.6.2.1.1** All Ground Mounted Solar Energy Facilities shall be screened from abutting properties. Where the front, side or rear yard of a Project Site faces and/or abuts one or more residences or a public way, a landscape architectural plan will be required. The plan's object shall be to minimize to the greatest extent reasonable the visual impact of the facility. The plan shall show how, through the use of mature plantings, vegetation, berms, fencing, land contouring, and strategic placement of the solar panels and appurtenant structures, the facility will be screened from view from residences and public ways during all seasons of the year.

**6.10.6.2.1.2** Screening shall consist of landscaping, fence, grassed earthen berm, or some combination of these screening devices. If utilizing a natural buffer, it shall be maintained above the highest level of the solar panels. When a screen consists of plant materials, said materials shall provide screening at the time of planting and be of a type that will be expected to form a year-round, dense screen.

**6.10.6.2.1.3** Every abutting agricultural/residential property shall be visually and acoustically screened from the Solar Energy Facility through either existing vegetation or new plantings of not less than 8 feet in height at the time of planting staggered at a spacing of no more than 8 feet apart throughout the required setback dimensions. All required plantings shall be maintained throughout the project's life, and replaced as necessary. As an alternate to providing the required screening through vegetation, it is acceptable to increase the setback to ~~600~~ 1000 feet on the Project Site while providing an acceptable alternate screening such as a stockade fence and single row of vegetation in close proximity to the Solar Energy Facility (with the exception of its access).

**6.10.6.2.1.4** In other than the Industrial Zone, the provided screening shall obscure from view on all sides, all of the Solar Energy Facility (with the exception of its access) from adjacent properties, including upper levels of existing structures at the time of construction. Security fences, roadways, and

equipment shall not be placed within the required setback, except for that which is required to access the site from an adjacent roadway, or to transmit the generated power to the grid.

**6.10.6.2.2 Control of Vegetation.** \* The use of native, pollinator-friendly plants is encouraged. Mowing or the use of pervious pavers or geo-textile materials underneath the Solar Energy System is the preferred method of vegetation control.

**6.10.6.2.3 Noise.** There shall be no increase in background noise measured at the property line of the Project Site or a noise-sensitive receptor (for example, a higher terrain location that may be impacted or a location with sensitive persons such as a school). A noise analysis must be provided by the applicant and approved by the Planning Board.

**6.10.6.2.4 Glare.** The solar panels shall be positioned in such a way that there is no possibility of glare on a residence or public way at any time during the day.

**6.10.6.2.5 Signage.** Signs on the Solar Energy Facility shall comply with the requirements of Section 6.1 of the Plympton Zoning Bylaws. Signage at all site entrances shall be required to identify the owner and provide a 24-hour emergency contact phone number. These signs shall not be used for the display of any advertising.

**6.10.6.2.6 Lighting.** Lighting of Solar Energy Facilities shall comply with the requirements of Section 6.9, Lighting Systems and Fixtures of the Plympton Zoning By-laws. Lighting shall be limited to that required for safety and operational purposes, and shall be shielded to eliminate glare from abutting properties, shall be directed downward and shall incorporate cut-off fixtures to reduce light pollution.

**6.10.6.2.7 Utility connections.** Reasonable efforts should be made to locate utility connections for Ground Mounted Solar Energy Facilities 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. All Solar Energy Facility installations shall conform to the requirements of the interconnection agreement and/or such further requirements as may be promulgated from time to time, as appropriate and as approved by the connecting utility.

**6.10.6.2.8 Appurtenant structures.** All appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers and substations, shall be architecturally compatible with each other. Structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts. Appurtenance structures shall not exceed 10' in height and shall meet the regulations for accessory structures as determined by the Building Department.

**6.10.6.2.9 Solar System Panel Height.** A Ground- Mounted Solar Energy System shall not exceed the maximum height of 12 feet, as measured from the ground to the top of the solar panel when at maximum vertical tilt. A Pole Mounted Solar Energy System shall not exceed the maximum height of 18 feet, as measured from the ground to the top of the solar panel when at maximum vertical tilt.

**6.10.6.2.10 Emergency services.** The applicant shall provide a copy of the project summary and site plan to the Plympton Fire and Police Departments. The applicant shall cooperate with the Fire and Police Departments in developing an emergency response plan. All means of disconnecting the Solar Energy Facility shall be clearly marked, and training required to allow emergency response personnel to safely shut down the facility in event of an emergency shall be provided at no cost to the Town as



requested by the Town. Project Site access shall be conducive to emergency vehicle travel to allow for unimpeded access around the site at all times. Access requirements, not limited to gating, road widths and surfaces, etc. will be reviewed during the site plan review process, with approval being at the discretion of the Fire Chief. The applicant or facility owner shall identify a responsible person for public inquiries or complaints throughout the life of the project.

**6.10.6.2.11 Unauthorized access.** All Solar Energy Facilities shall be designed to prevent unauthorized access in compliance with any and all federal, state and local regulations. Electrical equipment shall be locked where possible. Where installed, video surveillance cameras shall be oriented in such a fashion so as to minimize capturing activity outside the Solar Energy Facility.

**6.10.6.2.11 Security for Screening.** Each applicant shall post cash security with the Town pursuant to G.L. c. 44, §53G½ in an amount determined by the Planning Board to secure the viability of the screening and plantings required by Section 6.10. That security shall be held for a period of 5 years following the issuance of an occupancy permit for any Solar Energy System and, may be used and applied, by the Planning Board to maintain or replace any necessary screening or plantings required hereunder.

### **6.10.6.3 Environmental standards.**

This section shall apply to all Ground-Mounted Solar Energy Systems.

**6.10.6.3.1 Land clearing.** Clearing of natural vegetation shall be limited to what is permitted in accordance with 6.10.5 for the construction, access to, operation and maintenance of the ground mounted solar facility or otherwise prescribed by applicable laws, regulations and ordinances. Clear cutting is prohibited within the setback area unless pre-approved and with the understanding that trees and/or vegetation of significant size and screening ability will be planted and/or fencing installed in order to mitigate any visual or environmental impact on the abutters and/or the rural nature of the Town.

**6.10.6.3.2 Rare and endangered species.** The applicant shall provide evidence of compliance with the Massachusetts Endangered Species Act and requirements of the Commonwealth of Massachusetts Natural Heritage and Endangered Species Program. A significant number of such habitats and species sites have been designated in Plympton.

**6.10.6.3.3 Wetlands.** The applicant shall provide evidence of compliance with the Massachusetts Wetlands Protection Act, the Massachusetts Rivers Protection Act and the Town of Plympton Wetlands Protection Bylaw. Such evidence is subject to review by the Plympton Conservation Commission.

**6.10.6.3.4 Stormwater.** The applicant shall demonstrate compliance with all local, state and federal stormwater management laws and regulations.

**6.10.6.3.5 Erosion.** Solar Energy Facilities, including access driveways and any associated drainage infrastructure on original grades in excess of 15% is prohibited.

### **6.10.6.3.6 Selective Clearing.**

**6.10.6.3.6.1** Selective clearing may be done with one or more of the following conditions:

- a. If the selective removal of a species of plant, a group of species of plants, a story or group of story in whole or in part does not affect the growth of other trees or plants, and is done according

to criteria regarding minimum tree size for harvesting, specifications of the number, spacing and size classes of residual trees per area, and allowable cut.

b. If vegetation or trees to be cut, trimmed or removed are those that restrict the effective functioning of the solar collectors and/or access to the solar field by routine and/or emergency services

**6.10.6.3.6.2** All trees scheduled to be removed shall be visibly marked or flagged by the Contractor prior to seeking confirmation from the Town. The Town agent/Engineer will inspect the identified trees and verify the limits of clearing and thinning prior to the Contractor proceeding with his cutting operation.

**6.10.6.4 Reserved.**

**6.10.6.5 Monitoring and maintenance.**

**6.10.6.5.1 Facility conditions.** The applicant shall maintain the Solar Energy Facility in good condition. Maintenance shall include, but not be limited to, vegetation upkeep, structural repairs and the integrity of security measures. Project Site access shall be maintained to a level acceptable to the local fire chief, local emergency planning committee and emergency medical services. The project owner shall be responsible for the cost of maintaining the Solar Energy Facility and any access road, unless accepted as a public way, and the cost of repairing any damage as a result of operation and construction. The project owner shall also be responsible for ensuring that the Solar Energy Facility does not at any time lower the quality of service supplied to nearby customers or cause safety problems to the interconnected electrical grid.

**6.10.6.5.2 Modifications.** All modifications to all Ground Mounted Solar Energy System, other than regular maintenance, made after issuance of the site plan review approval shall require approval by the Planning Board as provided in this section. Modifications to Roof-Mounted Solar Energy Systems require approval by the Building Inspector.

**6.10.6.5.3 Annual Reporting.** The owner or operator of the Solar Energy Facility shall submit an annual report demonstrating and certifying compliance with the Operation and Maintenance Plan in Section 6.10.6.1(d), the requirements of this Section 6.10 and the approved site plan, including but not limited to continued control of vegetation, compliance with noise standards, and adequacy of road access. The annual report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The report shall be submitted to the Board of Selectmen, Planning Board, Fire Chief, Building Inspector, Board of Health and the Conservation Commission no later than 45 days after the end of the calendar year.

**6.10.6.6 Change in ownership.** If the owner and/or operator of any Ground Mounted Solar Energy System changes, notice shall be given to the Planning Board with the contact information of the new owner/operator within one month of the change in ownership and/or operations.

**6.10.6.7 Abandonment or decommissioning.**

**6.10.6.7.1 Removal requirements.** All Ground-Mounted Solar Energy Systems which have reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the 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 solar panels, structures, equipment, security barriers and electrical lines from the site.
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- c. Restoration of the site, including but not limited to, stabilization or re-vegetation of the site as necessary to minimize erosion and restore habitat vitality. The Planning Board may allow the owner or operator to leave landscaping, or service roads in order to minimize erosion, disruption to vegetation and restoration of natural habitat.

**6.10.6.7.2 Abandonment.** Absent notice of a proposed date of decommissioning, the Ground Mounted Solar Energy System shall be considered abandoned when the facility fails to operate for more than one year without written consent of the Planning Board. The Planning Board shall determine in its decision what proportion of the facility is inoperable for the facility to be considered abandoned. If the applicant fails to remove the Ground Mounted Solar Energy System in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town shall have the authority, but not the obligation, to enter the Project Site and physically remove the System and any appurtenant structures or related equipment. .

**6.10.6.7.3 Financial surety.** The Planning Board shall require the applicant for all Ground-Mounted and Solar Energy Systems to provide a form of surety as determined by the Planning Board, either through cash bond or otherwise, to cover the estimated cost of removal in the event that the Town must remove the facility, of an amount and form determined to be reasonable by the Planning Board, not to exceed more than 125 percent of the estimated cost of removal and compliance with the additional requirements set forth herein, in accordance with 6.10.6.7. 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, of the Solar Energy System including appurtenant structures and related equipment, prepared by a qualified third-party expert, which shall include a mechanism for calculating increased removal costs due to inflation.

#### **6.10.8 Peer Review and Consultants.**

The Planning Board may employ, pursuant to G.L. c.44, § 53G, at the cost of the applicant, peer review experts and similar consultants to review and comment to the Planning Board on any site plan application for a Solar Energy Facility.

#### **6.10.9 Conflicts with Zoning Bylaw.**

To the extent that any provision of this section 6.10 conflicts with any provision of the Zoning Bylaw generally, the provision of this section shall control.

#### **6.10.10 Severability.**

The provisions of this Section 6.10 are severable. The invalidity of any paragraph, subsection or provision of this Section 6.10 shall not invalidate any other paragraph, subsection or provision hereof.

### **PASS 2/3 MAJORITY**

**ARTICLE 2** To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court for special legislation, as set forth below, to exempt Matthew M. Clancy

from section 91 of Chapter 32 of the General Laws, so that the Board of Selectmen can appoint him to the position of Police Chief; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

**AN ACT EXEMPTING MATTHEW M. CLANCY FROM SECTION 91 OF CHAPTER 32 OF THE GENERAL LAWS**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**SECTION 1.** Notwithstanding the limitations set forth in Sections 91 (a)-(c) of Chapter 32 of the General Laws, the Board of Selectmen of the Town of Plympton may, as the appointing authority, appoint Matthew M. Clancy, a retired police chief of the police department of the Town of Duxbury, as the police chief for the Town of Plympton pursuant to Section 97A of Chapter 41 of the General Laws.

**SECTION 2.** The appointment of Matthew M. Clancy is necessary due to the unique and extenuating circumstances at the Plympton Police Department that gave rise to Matthew M. Clancy's appointment as interim police chief and necessitates the continuance of his services.

**SECTION 3.** Upon appointment by the Board of Selectmen as the police chief of the Town of Plympton, Matthew M. Clancy shall not be subject to Sections 91 (a)-(c) of Chapter 32 of the General Laws relative to the number of hours he shall be authorized to work and the maximum salary he shall be paid.

**SECTION 4.** Matthew M. Clancy shall not be deemed to have resumed active membership in any Massachusetts retirement system and said service shall not be counted as creditable service toward retirement. No further deductions shall be made from his regular compensation under Chapter 32 of the General Laws for service during the term of his appointment. Matthew M. Clancy shall not have his Duxbury retirement allowance and/or benefits subject to modification as a result of earnings from this appointment.

**SECTION 5.** Matthew M. Clancy shall be subject to Sections 100 and 111F of Chapter 41 of the General Laws. Any payments under said Section 111F of said Chapter 41 shall terminate in accordance with said Section 111F or at the conclusion of the employment term, whichever occurs sooner. Matthew M. Clancy shall not be subject to Sections 85H or 85H ½ of said Chapter 32 of the General Laws and shall not be eligible for any benefits pursuant to said Sections 85H or 85H ½ of said Chapter 32. Matthew M. Clancy shall be subject to Chapter 415 of the Acts of 1987.

**SECTION 6.** Matthew M. Clancy shall not be subject to Chapter 31, Section 99A of Chapter 41 or Chapter 150E of the General Laws.

**SECTION 7.** This act shall take effect upon its passage.

Or take any other action relative thereto.

**Board of Selectmen  
Recommended by BOS (2-0)**

**ARTICLE 2 VOTE** (On the motion of Christine Joy, 10 Dukes Brook Rd. and seconded by John A. Traynor, Jr.) To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court for special legislation, as set forth below, to exempt Matthew M. Clancy from section 91 of Chapter 32 of the General Laws, so that the Board of Selectmen can appoint him to the position of Police Chief; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

**AN ACT EXEMPTING MATTHEW M. CLANCY FROM SECTION 91 OF CHAPTER 32 OF THE GENERAL LAWS**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

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**SECTION 2.** The appointment of Matthew M. Clancy is necessary due to the unique and extenuating circumstances at the Plympton Police Department that gave rise to Matthew M. Clancy's appointment as interim police chief and necessitates the continuance of his services.

**SECTION 3.** Upon appointment by the Board of Selectmen as the police chief of the Town of Plympton, Matthew M. Clancy shall not be subject to Sections 91 (a)-(c) of Chapter 32 of the General Laws relative to the number of hours he shall be authorized to work and the maximum salary he shall be paid.

**SECTION 4.** Matthew M. Clancy shall not be deemed to have resumed active membership in any Massachusetts retirement system and said service shall not be counted as creditable service toward retirement. No further deductions shall be made from his regular compensation under Chapter 32 of the General Laws for service during the term of his appointment. Matthew M. Clancy shall not have his Duxbury retirement allowance and/or benefits subject to modification as a result of earnings from this appointment.

**SECTION 5.** Matthew M. Clancy shall be subject to Sections 100 and 111F of Chapter 41 of the General Laws. Any payments under said Section 111F of said Chapter 41 shall terminate in accordance with said Section 111F or at the conclusion of the employment term, whichever occurs sooner. Matthew M. Clancy shall not be subject to Sections 85H or 85H ½ of said Chapter 32 of the General Laws and shall not be eligible for any benefits pursuant to said Sections 85H or 85H ½ of said Chapter 32. Matthew M. Clancy shall be subject to Chapter 415 of the Acts of 1987.

**SECTION 6.** Matthew M. Clancy shall not be subject to Chapter 31, Section 99A of Chapter 41 or Chapter 150E of the General Laws.

**SECTION 7.** This act shall take effect upon its passage.

**PASS MAJORITY**

**ARTICLE 3** To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 90, Section 18B, which would allow the Board of Selectmen to establish designated safety zones on, at or near any way in the town which is not a state highway without Massachusetts Department of Transportation approval, or with Massachusetts Department of Transportation approval if the same is a state highway; such safety zones shall be posted as having a speed limit of 20 miles per hour; or take any other action relative thereto.

Mark Wallis , 98 Mayflower Rd., asked if this vote would effect State funding.

Mark E. Russo, answered “no”.

**Board of Selectmen  
Recommended by BOS (2-0)**

**ARTICLE 3 VOTE** (On the motion of Mark E. Russo, 140 Palmer Rd. and seconded by John A. Traynor, Jr.)To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 90, Section 18B, which would allow the Board of Selectmen to establish designated safety zones on, at or near any way in the town which is not a state highway without Massachusetts Department of Transportation approval, or with Massachusetts Department of Transportation approval if the same is a state highway; such safety zones shall be posted as having a speed limit of 20 miles per hour; or take any other action relative thereto.

**PASS MAJORITY**

**ARTICLE 4** To see if the Town will vote to transfer from available funds the sum of \$12,501.00 to pay the required twenty (20) percent match to purchase and equip an eight-passenger accessible van for the Council on Aging upon receipt of a Massachusetts Department of Transportation grant, or take any other action relative thereto.

**Council on Aging  
Recommended by BOS (2-0)**

**ARTICLE 4 VOTE** ( on the motion of John A. Traynor, Jr. and seconded by Christine Joy)To see if the Town will vote to transfer from the General Stabilization Account the sum of \$12,501.00 to pay the required twenty (20) percent match to purchase and equip an eight-passenger accessible van for the Council on Aging upon receipt of a Massachusetts Department of Transportation grant, or take any other action relative thereto.

John A. Traynor, Jr. stated that a grant was received for \$62,00.00.

Arthur B. Morin, Jr. asked, what happens to current van? Additional drivers?

John A. Traynor, Jr. answered, one paid driver, on volunteer.

## PASS UNANIMOUS

**ARTICLE 5** To see if the Town will vote to amend the Plympton General Bylaws, Article XXI, Rules and Regulations Relative to the Control of Dogs in Plympton, as follows:

- A. Amend the definition of “Non-Criminal Citation for Violation of Dog Control By-Laws” by increasing the fine amounts from twenty-five dollars (\$25) to fifty dollars (\$50.00) for a first offense; from fifty dollars (\$50) to one hundred dollars (\$100.00) for a second offense; from sixty dollars (\$60) to three hundred dollars (\$300.00) for a third offense; and from one hundred dollars (\$100) to five hundred dollars (\$500.00) for a fourth or subsequent offense, so that the paragraph will read as follows:

### Section 1 DEFINITIONS: *(last paragraph only)*

“Non-Criminal Citation for Violation of Dog Control By-Laws” may be pursued by the Dog Officer or the Board of Selectmen’s designee by writing and serving notice as provided for under G.L. c.40, §21D, as an alternative to initiating criminal proceedings, with the violator able to avoid an appearance before the District Court by paying an imposed amount disclosed in writing of fifty dollars (\$50.00) for a first offense, one hundred dollars (\$100.00) for a second offense, three hundred dollars (\$300.00) for a third offense and five hundred dollars (\$500.00) for a fourth or subsequent offense, in accordance with M.G.L. Chapter 140 Section 173A.

- B. Amend Section 10 Disturbing the Peace, as set forth below, with additions shown in bold and deletions shown in strikethrough:

### Section 10 DISTURBING THE PEACE:

If any person shall make a complaint in writing to the Animal Control Officer **or Board of Selectmen** that any dog owned or harbored within the Town of Plympton is a **Nuisance Dog or Dangerous Dog, as those terms are defined in Massachusetts General Laws, Chapter 140, Sections 136A and 157,** ~~nuisance by reason of biting, excessive barking, howling or any other manner that disturbs the quiet of the public, or is a source of annoyance to any sick person residing in the vicinity,~~ the Animal Control Officer shall investigate or cause to be investigated such complaint which may include an examination under oath of the complainant, submit a written report to the Selectmen of his/**her** findings and recommendations, together with the written complaint. Upon receipt of such report, the Selectmen **shall** ~~may~~ call a hearing, giving the owner or keeper of the dog due notice to appear, to interview, under oath, the complainant and the owner or keeper of the dog. The Selectmen after the hearing may make such order concerning the restraint, ~~muzzling, silencing, removing or disposing~~ **disposal** of such dog, **as authorized by Massachusetts General Laws, Chapter 140, Section 157,** dismissal of the complaint or such other action as may be deemed necessary. The Animal Control Officer, after investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed fourteen (14) days to enable the Selectmen to issue their order following receipt of the report of the Animal Control Officer.

If the Selectmen fail to act during the period of the interim order, upon expiration of the interim period, the order is automatically vacated. Any owner or keeper who fails to comply with an order with the Board of Selectmen, Animal Control Officer, or District Court shall face a complaint in the District Court or may pay a noncriminal disposition fine to the Town of fifty dollars (\$50.00) for a

first offense, ~~and one hundred dollars (\$100.00) for a second or subsequent offense,~~ **three hundred dollars (\$300.00) for a third offense and five hundred dollars (\$500.00) for a fourth or subsequent offense** under G.L c.40, §21D.

- C. Amend Section 11 Restraint or Muzzling by amending the last paragraph of the section to increase the fine amounts to three hundred dollars (\$300.00) for a third offense and five hundred dollars (\$500.00) for a fourth and subsequent offense, so that the last paragraph of Section 11 reads as follows:

All dogs must be muzzled or restrained within twelve (12) hours of issuance of such order. If the owner or keeper refuses or neglects to restrain or muzzle such dog as required, he may be fined fifty dollars (\$50.00) for the first offense, one hundred dollars (\$100.00) for the second offense, three hundred dollars (\$300.00) for a third offense and five hundred dollars (\$500.00) for a fourth or subsequent offense under G.L. c.40, §21D.

Or take any other action relative thereto.

**Bylaw Review Committee  
Recommended by BOS (2-0)**

**ARTICLE 5 VOTE** (On the motion of Alan H. Wheelock, 10 Center St. and seconded by John A. Traynor Jr.)To see if the Town will vote to amend the Plympton General Bylaws, Article XXI, Rules and Regulations Relative to the Control of Dogs in Plympton, as follows:

- D. Amend the definition of “Non-Criminal Citation for Violation of Dog Control By-Laws” by increasing the fine amounts from twenty-five dollars (\$25) to fifty dollars (\$50.00) for a first offense; from fifty dollars (\$50) to one hundred dollars (\$100.00) for a second offense; from sixty dollars (\$60) to three hundred dollars (\$300.00) for a third offense; and from one hundred dollars (\$100) to five hundred dollars (\$500.00) for a fourth or subsequent offense, so that the paragraph will read as follows:

**Section 1 DEFINITIONS:** *(last paragraph only)*

“Non-Criminal Citation for Violation of Dog Control By-Laws” may be pursued by the Dog Officer or the Board of Selectmen’s designee by writing and serving notice as provided for under G.L. c.40, §21D, as an alternative to initiating criminal proceedings, with the violator able to avoid an appearance before the District Court by paying an imposed amount disclosed in writing of fifty dollars (\$50.00) for a first offense, one hundred dollars (\$100.00) for a second offense, three hundred dollars (\$300.00) for a third offense and five hundred dollars (\$500.00) for a fourth or subsequent offense, in accordance with M.G.L. Chapter 140 Section 173A.

- E. Amend Section 10 Disturbing the Peace, as set forth below, with additions shown in bold and deletions shown in strikethrough:

**Section 10 DISTURBING THE PEACE:**

If any person shall make a complaint in writing to the Animal Control Officer **or Board of Selectmen** that any dog owned or harbored within the Town of Plympton is a **Nuisance Dog or Dangerous Dog, as those terms are defined in Massachusetts General Laws, Chapter 140, Sections 136A and 157,** ~~nuisance by reason of biting, excessive barking, howling or any other manner that disturbs the quiet of the public, or is a source of annoyance to any sick person residing in the vicinity,~~ the Animal Control Officer shall investigate or cause to be investigated such complaint which may include an examination under oath of the complainant, submit a written report



to the Selectmen of his/**her** findings and recommendations, together with the written complaint. Upon receipt of such report, the Selectmen **shall** ~~may~~ call a hearing, giving the owner or keeper of the dog due notice to appear, to interview, under oath, the complainant and the owner or keeper of the dog. The Selectmen after the hearing may make such order concerning the restraint, ~~muzzling, silencing, removing or disposing~~ **disposal** of such dog, **as authorized by Massachusetts General Laws, Chapter 140, Section 157**, dismissal of the complaint or such other action as may be deemed necessary. The Animal Control Officer, after investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed fourteen (14) days to enable the Selectmen to issue their order following receipt of the report of the Animal Control Officer.

If the Selectmen fail to act during the period of the interim order, upon expiration of the interim period, the order is automatically vacated. Any owner or keeper who fails to comply with an order with the Board of Selectmen, Animal Control Officer, or District Court shall face a complaint in the District Court or may pay a noncriminal disposition fine to the Town of fifty dollars (\$50.00) for a first offense, ~~and one hundred dollars (\$100.00) for a second or subsequent offense,~~ **three hundred dollars (\$300.00) for a third offense and five hundred dollars (\$500.00) for a fourth or subsequent offense** under G.L c.40, §21D.

F. Amend Section 11 Restraint or Muzzling by amending the last paragraph of the section to increase the fine amounts to three hundred dollars (\$300.00) for a third offense and five hundred dollars (\$500.00) for a fourth and subsequent offense, so that the last paragraph of Section 11 reads as follows:

All dogs must be muzzled or restrained within twelve (12) hours of issuance of such order. If the owner or keeper refuses or neglects to restrain or muzzle such dog as required, he may be fined fifty dollars (\$50.00) for the first offense, one hundred dollars (\$100.00) for the second offense, three hundred dollars (\$300.00) for a third offense and five hundred dollars (\$500.00) for a fourth or subsequent offense under G.L. c.40, §21D.

Or take any other action relative thereto.

Brian Kling (Animal Control Officer) Only changes for the fines to be minimal for Massachusetts State Law.

Ethan C. Stiles 85 West St., asked about striking out “muzzled and retrained”.

Brian Kling states, those Bylaws already existed.

Melissa Lunny, 4 Maple St. asked if muzzling needed to be done often.

Gregg Corbo (Town Council) states it is the authority of the Selectmen tot determine a nuisance dog at a hearing.

Ann M. Sobolewski stated, the change in fines is to be not less than what we are required by MGL to fine.

**PASS UNANIMOUS**

**ARTICLE 6** To see if the Town will vote to transfer from available Overlay Surplus fund the sum of \$270,000.00 for the purpose of reducing the Fiscal 2020 Interim tax rate, or take any other action relative thereto.

**Board of Assessors  
Recommended by BOS (0-2)**

**ARTICLE 6 VOTE** (on the motion of Ethan H. Stiles to pass over and Seconded by John A. Traynor, Jr.) To see if the Town will vote to transfer from available Overlay Surplus fund the sum of \$270,000.00 for the purpose of reducing the Fiscal 2020 Interim tax rate, or take any other action relative thereto.

**PASSED OVER**

**ARTICLE 7** To see if the Town will vote to transfer from available Overlay Surplus funds the sum of \$20,000 for the purpose of purchasing and installing an update for Assessors Computer-Assisted Mass Appraisal (“CAMA”) system software, which may include conversion to a new system, or take any other action relative thereto.

**Board of Assessors  
Recommended by BOS (0-2)**

**ARTICLE 7 VOTE** On the Motion of Ethan H. Stiles and seconded by Linda Leddy) To see if the Town will vote to transfer from available Overlay Surplus funds the sum of \$20,000 for the purpose of purchasing and installing an update for Assessors Computer-Assisted Mass Appraisal (“CAMA”) system software, which may include conversion to a new system, or take any other action relative thereto.

Finance Committee recommended 0-5.

Ethan H. Stiles stated, present system obsolete. Need for 2022 evaluation. Upgraded system will include BOTH real-estate and personal property evaluations.

John M. Schmid, 9 Cranberry Knoll asked, if delay in service is poor for the town?

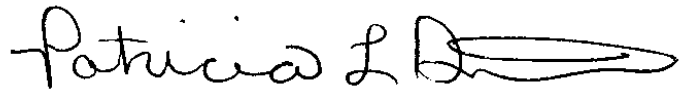
Kenneth A. Thompson, 127 Lake St, asked why the Selectmen recommended 0-2?

Christine Joy states, not appropriate for Special Town Meeting.

Wendy Jones (Assessor) stated current software is out dated from 2014. Upgrade warned 2 years ago.

**MOTION FAILED TO PASS**

Respectfully Submitted,

A handwritten signature in black ink, reading "Patricia L. Detterman". The signature is written in a cursive style, with the first name "Patricia" being the most prominent, followed by the middle initial "L." and the last name "Detterman". The signature is located at the top left of the page.

Patricia L. Detterman  
Town Clerk