

## **SPECIAL TOWN MEETING-MAY 23, 2011/JUNE 6, 2011-PROCEEDINGS**

The Moderator Jay Byer opened the meeting on May 23, 2011 and received a motion to continue the meeting until June 6, 2011 due to the fact that the posting of the warrant hadn't been in accordance with our Bylaws.

The Moderator Jay Byer called the meeting to order on June 6, 2011, non residents were allowed into the meeting:

Brandon Moss, Town Counsel

Jean Berthold, Asst. Assessor

Christine Kuptsas, Treasurer

The Moderator noted that the warrant had been duly posted and properly served.

**ARTICLE 1** Voted to appropriate the sum of \$400,000 for the purpose of financing the following water pollution facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust. **2/3 vote needed**  
**UNANIMOUS VOICE VOTE**

**ARTICLE 2** Voted to transfer \$800.00 from Town Hall Services (199B) to Planning Board Expense Line Item (175B).  
**UNANIMOUS VOICE VOTE**

**ARTICLE 3** Voted to transfer \$2000 from Health Insurance (914B) to Street Lights Line Item (424B).  
**UNANIMOUS VOICE VOTE**

**ARTICLE 4** Voted to transfer \$14,000 from Town Hall Services (199B) to Town Hall Utilities Line Item (199E).  
**UNANIMOUS VOICE VOTE**

**ARTICLE 5** Voted to transfer \$175 from Town Hall Services (199B) to Selectmen's Expense Line Item (122B).  
**UNANIMOUS VOICE VOTE**

**ARTICLE 6** Voted to appropriate \$7000 from the Community Preservation Open Space Account into the Paddock Land Purchase Account.  
**UNANIMOUS VOICE VOTE**

**ARTICLE 7** Voted to transfer \$2500 from Health Insurance (914B) to Medicare Expenses Line Item (916B).  
**UNANIMOUS VOICE VOTE**

**ARTICLE 8** Voted to amend the Mendon Zoning By-Laws by making the following changes:  
1. In Section 4.02 , Site Plan Review, (c) to move the first paragraph only to Section 1.06, Provisions for Applying for a Special Permit, as subsection (f);  
2. To move Section 4.02 (d) in its entirety to Section 1.06 as subsection (g).  
2/3 vote needed  
**UNANIMOUS VOICE VOTE**

**ARTICLE 9** Voted to amend the Mendon Zoning By-Laws by deleting Section 4.02, Site Plan Review, in its entirety and replacing it with a new Section 4.02, Site Plan Review as written in the warrant, with the following changes:

In Section (b), add a new item (vii) as follows: Any new business, commercial or industrial use or structure, or any addition, alteration or expansion of an existing business, commercial or industrial use or structure in excess of five hundred square feet, in the Residential District.

In Section (h) (vi), in the last sentence, after the word “and” add the words “if any change in the existing ground elevation is proposed” and after the word “elevations,” add the words “shall be”.

In Section (j)(2)(5), in the first sentence, after the word “height,” strike “as measured from the adjacent grade to the top of the light fixture”.

Defeated a motion to remove the phrase “community economics,” from Section 4.02 Site Plan Review subsection (a) Purpose in the 3<sup>rd</sup> line.

**UNANIMOUS VOICE VOTE**

Voted to change the phrase in Section 4.02 (d)(iii) third and fourth lines from “in accordance with paragraph (i) below” to “in accordance with “section 4.02 (i) Waiver of Technical Compliance”.

**UNANIMOUS VOICE VOTE**

Voted to change Subsection 4.02(j) Performance Criteria subsection (i) first and second line, change “abutting properties or neighbored,” to “abutting properties or neighbors”.

**UNANIMOUS VOICE VOTE**

Defeated a motion to delete subsection 4.02 (j) Performance Criteria subsection (ix) entirely.

**MAJORITY VOICE VOTE**

Defeated a motion to change 4.02 (l) Modification of approved site plan, if the Planning Board decides that a public hearing is required, according to this subsection, the changes must be “approved at the public hearing”, instead of “within 90 days of the close of the public hearing” as specified in subsection 4.02(f)(ii)(3). I move that subsection 4.02(l) at(2) within the subparagraph be changed to read “or (2) a public hearing is held in accordance with and subject to the requirements of this section and that approval be as specified in subsection 4.02(f)(ii)(3).” With the final sentence (‘A copy of the ...’) being unchanged.

**MAJORITY VOICE VOTE**

The above changes are reflected with a strikethrough for the deleted words and the added words being italicized and bolded.

Section 4.02     Site Plan Review

(a)    Purpose.

To protect the health, safety, convenience and general welfare of the inhabitants of the Town of Mendon by providing for a review of plans for uses and structures which may impact traffic, municipal services, visual and natural environment, community economics, and community values in the Town.

(b)    Applicability.

The following types of activities, structures, and uses require site plan review by the Planning Board, except to the extent they are used for, or accessory to, a residential single family dwelling:

- a.     Any new building or structure.
- b.     Any addition or alteration to an existing building or structure which results in an increase of five hundred (500) square feet or more of gross floor area.
- c.     Any addition or alteration that results in one thousand (1000) square feet or more of impervious surface.
- d.     Any change in the existing use of land, building or structure to a non-single family residential use.
- e.     Any use or structure that requires a special permit or variance.

- f. Any land disturbance of more than 1 acre. Land disturbance shall include vegetation clearing or trimming, earth removal or relocation, and grading.

***g. Any new business, commercial or industrial use or structure, or any addition, alteration or expansion of an existing business, commercial or industrial use or structure in excess of five hundred square feet, in the Residential District.***

Site plan review shall not be used to prohibit uses or structures exempt under M.G.L. c. 40A, §3. However, these uses or structures may be subject to reasonable regulations concerning bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage requirements, and other requirements to the extent permitted by law.

(c) Building Permits.

- (i) No building permit can be issued for the proposed project unless an application for site plan review has been prepared in accordance with the requirements of this section and unless such application has been approved by the Planning Board.
- b. A temporary occupancy permit may be granted with the approval of the Planning Board subject to conditions for completion of work which shall include a requirement for surety, in an amount and form to be determined and imposed by the Planning Board.

(d) Application and Review Procedure.

- (i) Submission of Site Plan Review Application. The applicant shall file with the Planning Board, at a regularly scheduled meeting, the completed site plan review application form, along with eight (8) copies each of the submission materials specified in subparagraph h below (collectively, "Site Plan Review Application").
- b. Reasonable fees. Any fees required, in the amounts set forth in the Planning Board Rules and Regulations, as may be amended from time to time ("Planning Board Rules and Regulations"), shall be included with the Site Plan Review Application. The Board shall also require a deposit of money sufficient to cover any additional expenses associated with the public hearing and review of the Site Plan Review Application. The Planning Board is authorized, at the expense of the applicant, to retain a registered professional engineer, architect, landscape architect, attorney, or other professional consultants to review the Site Plan Review Application and to advise the Board on any or all matters pertaining thereto.
- c. No Site Plan Review Application shall be considered by the Planning Board until all information necessary for such review, as described herein, is fully provided, unless waivers are requested by the applicant and granted in writing by the Planning Board in accordance with paragraph ~~below~~ **section 4.02 (i) Waiver of Technical Compliance**. The Planning Board or its designated agent shall make a determination as to whether the Site Plan Review Application is complete within 7 business days of filing. If the Site Plan Review Application has been determined to be incomplete, the application shall be returned to the applicant either in person or by certified mail with a letter indicating that insufficient information has been provided making it impossible for the Planning Board to adequately review the application. An incomplete Site Plan Review Application shall not constitute a submittal and shall not be considered the start of any time limits within which the Board is required to act under this bylaw or M.G.L. c. 40A. If the submission has been determined to be complete, the applicant shall file the Site Plan Review Application with the Town Clerk. The Town Clerk shall time and date stamp said application to fix the date of submission ("Submission Date").

(e) Review by Other Boards.

Upon receiving a complete Site Plan Review Application and reasonable fees, the Planning Board shall transmit a complete set of plans each to the Board of Selectmen, Highway Department, Building Department, Police and Fire Departments, the Town Engineer, Board of Health, and such other departments, agencies, committees, boards, and town officials (collectively "Town Officials") as the Planning Board may determine necessary. The Town Officials shall, within 21 business days of receiving said copy, report to the Planning Board on:

- (i) The adequacy of the data and procedures used by the applicant to determine the impacts of the proposed development.
- b. The effects of the projected impacts of the proposed development on the surrounding neighborhood and the Town.
- c. Recommended conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development.

The Planning Board shall not render a decision on the Site Plan Review Application until it has received and considered all reports from the Town Officials, or until the 21 day period has expired, whichever is earlier.

(f) Review and Procedure.

- (i) Administrative Review for As of Right Uses and Structures.
  - i. Site plan review for uses and structures that are permitted in the Town as of right without the need for any zoning relief (i.e. special permit, variance, amendment, waiver, or other discretionary approval) shall be reviewed and acted upon at any regular meeting of the Planning Board. A public hearing shall not be required, however the Planning Board shall notify the applicant and the immediate abutters of the time and place when the Site Plan Review Application will be reviewed.
  - ii. The Planning Board shall render a decision on the Site Plan Review Application within 45 days of the Submission Date. A written decision shall be sent to the applicant with a copy to the Building Inspector.
  - iii. The applicant may request, and the Planning Board may grant by majority vote, an extension of the time limits set forth herein.
  - iv. The appeal of any administrative site plan review decision of the Planning Board shall be in accordance with the provisions of M.G.L.c. 40A, §17.

b. Site Plan Review.

- 1) For all uses and structures that are not permitted as of right, the Planning Board shall hold a public hearing on the Site Plan Review Application within 65 days after the Submission Date.
- ii. In instances where the use or structure requires both a Special Permit and Site Plan Review, and the Planning Board is the special permit granting authority, the applicant may submit a single application for review provided it meets both the Special Permit application requirements of Section 1.06 and the Site Plan Review submission requirements set forth herein. If the joint application is complete, the Planning Board shall hold concurrent hearings on the Special Permit and Site Plan Review. In such cases, M.G.L. c. 40A, §§ 9 and 11 shall govern the time frames and manner in which the Board is required to act.
- iii. The Planning Board shall render its decision on the Site Plan Review Application within 90 days of the close of the public hearing. A written decision shall be sent to the applicant with a copy to the Building Inspector.
- iv. The applicant may request, and the Planning Board may grant by majority vote, an extension of the time limits set forth herein.
- v. The appeal of any decision of the Planning Board hereunder shall be made in accordance with the provisions of M.G.L. c. 40A, §17.

(g) Final Action.

In reviewing the impacts of a proposed project, the Planning Board shall consider the information presented in the Site Plan Approval Application, all reports of the Town Officials, or acquired by the Planning Board on its own initiative or research. The Planning Board's final action, rendered in writing, shall consist of one of the following:

- (i) Approval of the site plan based upon a finding that the proposed site plan constitutes a suitable development and is in compliance with the site plan review criteria set forth herein;
- b. Approval of the site plan, subject to any conditions, modifications and restrictions as required by the Board at the expense of the applicant to promote the objectives of site plan review, mitigate impacts associated with the proposed project, and to ensure compliance with the performance criteria set forth herein;
- c. Disapproval of the site plan based upon a determination that the use is not allowed as of right or, for special permit uses, if the special permit for the particular use is denied;
- d. Disapproval based on a finding that the site plan fails to meet the performance criteria set forth herein; or
- e. Disapproval based on a finding that the site plan is so intrusive on the needs of the public in one regulated aspect and no form of reasonable conditions can be devised to satisfy the problem with the plan.

Any approval of the site plan granted shall require the majority vote of the Planning Board.

(h) Submission Materials.

The applicant shall submit the following materials for review as part of the Site Plan Review Application. The Planning Board may at any time request, at the expense of the applicant, additional plans, studies, reports and documentation necessary to review and analyze the project impacts and compliance with the performance criteria set forth in paragraph jbelow. Any plans required hereunder shall be prepared by qualified professionals, including a registered professional engineer and, where required by state law, a registered architect, and/or registered landscape architect.

- (i) A site plan at a scale of one inch equals twenty feet (1"=20'), or such other scales as may be approved by the Planning Board. The site plan shall contain the following items and information:
  - 1) Name of the project, property address, assessor's map and lot number, North arrow, datum, scale of the plan, lot lines, and zoning district boundaries.

- 2) Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan. If the applicant is not the owner, a notarized statement authorizing the applicant to act on the owner's behalf and disclosing the applicant's interest shall be submitted.
  - 3) All existing and proposed lot lines, easements, rights-of-way (including area in acres or square feet), and other encumbrances.
  - 4) All minimum dimensional requirements in the underlying district and setback distances.
  - 5) The location, dimensions, and uses of all existing and proposed buildings and structures on the property, including height and floor area.
  - vi. The location and width of all existing and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, and paths.
  - vii. Information on the location, size and type of existing and proposed parking, loading, storage, on-site snow storage, and service areas; parking calculations based on the requirements of Section 2.03 of the Mendon Zoning By-Laws, Provision of Parking.
  - viii. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on site and within 100 feet of the site.
  - ix. The location, height, intensity, and bulb type (e.g. fluorescent, sodium, incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
  - x. The location, height, size, materials, content, and design of all proposed signage.
  - xi. Indicate areas where ground removal or filling is proposed and give its approximate volume in cubic yards.
  - xii. Information on the location, size and capacity of existing and proposed utility systems, including: sewage or septic system; water supply system; telephone, cable and electrical systems; and storm drainage system, including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes and drainage swales. The Planning Board may also request soil logs, percolation tests and storm runoff calculations for large or environmentally sensitive developments. Location, type and screening details for all waste disposal containers shall also be shown. A landscape plan showing the limits of work, existing natural land features, trees, forest cover and water sources and all proposed changes to these features, including size and type of plant material.
- b. Elevation plans prepared at a scale of 1/4 inch equals one foot showing all elevations, exterior facades, and design features (such as scale, setbacks, roof and cornice lines, and other major design elements) for all proposed structure(s) and any additions or alterations to existing structures, and indicating the type and color of materials to be used.
- c. An isometric line drawing (projection) at the same scale as the site plan, showing the entire project and its relation to existing areas, buildings and roads for a distance of 200 feet from the property line. The isometric line drawing shall include names and addresses of all owners of record, lot lines, land uses, zoning districts, and the location of all structures within 200 feet of the property line. The location and name of all streets shall be shown and labeled to indicate whether the street is a public or private way.
- d. Plans to prevent pollution of surface or ground water, erosion of soil, both during and after construction, excessive runoff, excessive raising or lowering of the water table and flooding of properties, and any other information necessary to determine compliance with the Town of Mendon By-Laws, Chapter XVI, Stormwater Management By-Law.
- (v) Plan depicting existing and proposed topography at a two foot contour interval. All elevations shall Refer to the nearest United States Geodetic Bench Mark. The extent and location of all water Sources, including ponds, lakes, brooks, streams, wetlands, flood plains and drainage retention areas. If any portion of the parcel is within the one hundred year flood plain, the area will be shown and base flood elevations given.
- (vi) A copy of all permits, approvals, variances and applications applied for and obtained for the project and ***if any change in the existing ground elevation is proposed*** property, including applications for utility connection permits.
- (vii) For large developments, those exceeding 10,000 square feet of gross floor area or requiring more than 15 parking spaces, or for smaller developments located in high density areas, the Planning Board may also require a development impact assessment which shall include the following:
- 1) Traffic impact assessment. The assessment shall document existing traffic conditions in the vicinity of the proposed project, describe the volume and effect of projected traffic generated by the proposed project and identify measures proposed to mitigate any adverse impacts on traffic. The assessment shall include at a minimum:

1. Existing traffic conditions; average daily and peak hour volumes, average and peak speeds, sight distance, accident data and levels of service (LOS) of intersections and streets likely to be affected by the proposed development. Generally, such data shall be presented for all streets and intersections adjacent to or within 1,000 feet of the project property boundaries.
2. Projected impact of proposed development: project peak hour and daily traffic generated by the proposed project on roads and ways in the vicinity of the development; sight lines at the intersections, driveways and streets; existing and proposed traffic controls in the vicinity of the proposed development.
3. The projected traffic flow pattern, including vehicular movements at all streets and intersections likely to be affected by the project.
4. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities.
5. Traffic assessment data shall be no more than 2 years earlier than the Submission Date, unless, in the Planning Board's determination, an updated study is required due to substantial development in the area.

2) Environmental impact assessment. Describe the impacts of the proposed project with respect to on-site and off-site environmental quality. This assessment shall include at a minimum: Description and evaluation of potential quality of air, surface water and groundwater adjacent to or directly affected by the proposed development; on-site or off-site flooding, erosion and/or sedimentation resulting from alterations to the project site, including grading changes and increases in impervious areas; on-site or off-site hazards, radiological emissions or other hazardous materials; adverse impacts on temperature and wind conditions on the site and adjacent properties; impacts on solar access of adjacent properties; and off-site noise or light impacts.

6. Soil logs, percolation tests and storm runoff calculations.
7. Evaluation of the adequacy of existing or proposed systems and services for water supply and disposal of liquid and solid wastes.
8. Description of proposed measures for mitigation of any potential adverse impacts identified above.

3) Fiscal impact assessment. Describe the fiscal and economic impacts of the proposed project to the Town. This assessment shall include at a minimum:

- a) Projections of costs arising from increased demands on public services and infrastructure.
2. Projections of the impacts from increased tax revenue, employment (construction and permanent), and value of the public infrastructure to be provided.
3. Projections of the impacts of the proposed development on the values of adjoining properties.
4. Five-year projections of Town revenues and costs resulting from the proposed development.

4) Community impact assessment. Describe the proposed project's consistency and compatibility with the surrounding neighborhood, the character of the Town, and existing local and regional plans. This assessment shall include at a minimum:

- a) Evaluation of the relation of the proposed new or altered structure to the surrounding community in terms of character and intensity of the use (e.g., scale, materials, colors, setbacks, roof and cornice lines and other major design elements); and the location and configuration of proposed structures, parking areas and open space with respect to neighboring properties.
2. Identification of impacts on significant historical properties, and districts or areas of archaeological resources (if any) in the vicinity of the proposed development.
3. Evaluation of the proposed project's compatibility with existing local and regional plans.

(i) Waiver of Technical Compliance. Upon a written request from the applicant, the Planning Board, where such action is in the public interest and not inconsistent with the intent and purpose of this bylaw and the Planning Board Rules and Regulations, may waive any of the submission requirements set forth in paragraph habove. Such determination may be made by an affirmative vote of not less than a majority of the members of the Planning Board.

(j) Performance Criteria.

All proposed projects subject to site plan review shall conform to the following standards:

(i) Nuisances. The project shall not create any undue disturbance to the abutting properties or ~~neighbors~~ **neighbors**. including excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, or glare. Without limitation, the following standards shall apply: no fire and explosion hazards shall exist such as to produce dangerous exposure to adjacent property; no objectionable odors shall be observable beyond the property line to a greater degree than those generally existing

in the community; no noxious, toxic or corrosive fumes or gases shall be emitted; no residue of dust or smoke shall be detectable beyond the property line; no dangerous radiation shall be detectable at the property line; no persistent noise shall be detectable beyond the property line in excess of the average level of street and traffic noise generally heard at the point of observation, and no noise below such level shall be objectionable with respect to intermittence, beat frequency or shrillness; and no inherent or recurrently generated vibration shall be perceptible beyond the property line. The Planning Board may exempt temporary construction activities required for the proposed project from the above criteria.

- b. All exterior lighting shall be designed and installed in the following manner:
  - 1) General. Light fixtures shall be shielded so that light is directed onto the parking area and directed away from adjacent property and traffic. Lighting plans shall be designed to maintain safe light levels while avoiding off-site lighting and night sky pollution. Site lighting photometric plans shall be submitted that document light levels as measured at ground level. Light levels shall not exceed 0.5 footcandle at property lines.
  - ii. Fixture Style. The design and style of fixtures shall be reviewed and approved by the Planning Board. Design, color, shape, style, and materials shall match or complement the style and materials of the buildings served. All exterior lighting fixtures shall be “dark sky compliant” unless otherwise approved by the Planning Board.
  - iii. All exterior lighting, shall be on a time-clock or photo-sensor system and shall be set so that lights are on no earlier than one hour before the start of business and turned off no later than one hour after close-of business, unless needed for safety or security purposes as specifically demonstrated by the applicant to the satisfaction of the Planning Board, in which case the lighting shall be reduced to the minimum level necessary.
  - iv. Lighting Requirements. The lighting system shall provide not less than one footcandle overall average illumination with a minimum of .5 footcandle on the parking surface, except lots in business zones, which may provide not less than 0.75 footcandles overall average illumination. Higher minimum standards may be required in response to unique circumstances as determined by the Planning Board.
  - v. Height. No lighting located on property abutting the residence district or a lot used for residential purposes shall exceed twenty feet in height ~~as measured from the adjacent grade to the top of the light fixture~~. In all other locations not covered by the above, lighting shall not exceed the zoning district standard for the height of structures established by the Town’s bylaws.
- c. Electric, telephone, and other utility lines shall be placed underground where physically and environmentally feasible.
- d. Exposed storage areas, exposed machinery installations, service areas, loading areas, utility equipment, and similar accessory areas and structures shall be designed with such setbacks, screen plantings, or other screening methods, to prevent their being a hazard or being incongruous with the existing or contemplated environment and surrounding properties.
- e. Stormwater management systems shall be designed and maintained to discharge drainage from a site at a rate of flow equal to or less than pre-development conditions for all storm events. There shall be no adverse impacts to abutting properties from any change in runoff including erosion, silting, flooding, sedimentation or impacts to wetlands, ground water levels or wells.
- f. Insofar as possible, low impact development best management practice shall be utilized such that the sites natural features and environmentally sensitive areas, such as wetlands, native vegetation, mature trees, slopes, natural drainage courses, permeable soils, floodplains, woodlands and soils, are preserved.
- g. Groundwater recharge shall be maximized and ground water quality shall be protected. Adequate methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater shall be provided. This includes minimizing soil erosion both during and after construction.
- h. Snow storage areas shall not interfere with sight distances at points of ingress/egress to the site or pedestrian/vehicle circulation, nor shall it adversely impact surrounding water bodies streams, wetlands, or other resource areas as defined in M.G.L. c.131, §40, as amended.
- i. Proposed development shall be related harmoniously to the natural landscape and terrain, the surrounding townscape, and to the use, scale and siting of existing structures in the vicinity. The Planning Board may request use of similar building scale or mass, consistent use of façade materials, similar ground level detailing, color or signage, functional systems such as driveway or pedestrian way surfaces, signage, or landscaping, framing of outdoor open space and linkages, and the recognition of the importance of various buildings and features on the site. If the surrounding townscape is undeveloped or does not reflect the character of the Town, the Planning Board may direct the applicant to incorporate specific design and siting features as determined by the Planning Board to be appropriate. If the surrounding townscape is undeveloped or does not reflect the character of the Town, the Planning Board may direct the applicant to incorporate specific design and siting features as determined by the Planning Board to be appropriate. The proposed project shall be integrated into the existing landscape through design features, such as vegetative buffers, roadside planting and the retention of open space and agricultural land.
- j. The landscape shall be preserved in its natural state, insofar as practicable by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of the

neighboring developed areas. Where tree coverage does not exist or has been removed, new planting may be required.

- k. A landscaped strip of land shall be provided along the length of each property line bordering a street or way, or bordering a lot used for residential purposes, for a depth of six feet. The Planning Board, after careful review of the physical characteristics of the land involved, and the impacts of the proposed project, may require an increase in the width of said landscaped strip. The applicant shall specifically note the removal of any tree in excess of six inches in diameter (as measured four feet from the ground) on its plans, and any such proposed removal shall require the Planning Board's approval, which may be withheld. At least 5% of the interior area of that portion of the lot used for parking and loading shall be landscaped.
  - l. With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, driveways, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls), width of interior drives, and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of the proposed buildings and structures and the neighboring properties.
  - m. The proposed project shall conform with the provisions of the bylaws and any rules and regulations of the Town, the general laws of Massachusetts and all applicable rules and regulations of local, state and federal agencies.
- (k) Conditions, limitations and safeguards. In granting approval of an application, the Planning Board may impose conditions, limitations and safeguards which shall be in writing and shall be a part of such approval. Such conditions may include, among other matters and subjects:
- (i) Controls on the location and type of access to the site.
  - b. Requirements for off-site improvements to improve the capacity and safety of roads, intersections, pedestrian ways, water, sewer, drainage and other public facilities which are likely to be affected by the proposed development.
  - c. Requirements of donation and/or dedication of land for right-of-way to provide for future roadway and/or intersection widening or improvements.
  - d. Requirements for securing the performance of all work, including proposed off-site improvements, and stated conditions of approval, by either or both of the following methods:
    - 1) A performance bond, a deposit of money, negotiable securities or pass book in an amount determined by the Planning Board to be sufficient; and/or
    - ii. A covenant running with the land, executed and duly recorded by the owner of record, whereby the required improvements shall be completed before the property may be conveyed by other than a mortgage deed.
  - e. Reductions in the scale of the proposed development, including reductions in height, floor area or lot coverage.
  - f. Conditions to promote the objectives of site plan review, mitigate impacts associated with the proposed project, and to ensure compliance with the performance criteria set forth herein.
- (l) Modification of approved site plans.

Any changes to an approved site plan must be submitted to the Planning Board with a written description of the proposed modifications and reasons for such modification. No changes to an approved site plan shall be authorized unless (i) the Planning Board makes a written determination that the changes are minor and do not require a public hearing or (2) the changes are approved at a public hearing held in accordance with and subject to the requirements of this section. A copy of the Planning Board's determination and revised plans shall be filed with the Town Clerk and the Building Inspector.

- (m) Enforcement.
- (i) It shall be the duty of the Building Inspector to enforce the conditions of the site plan approval. However, the Planning Board may require, as a condition of approval, that its consulting engineer oversee construction of certain aspects of the development to ensure compliance with the approved site plan and decision.
  - (ii) The Planning Board may suspend any permit or license when work is not performed as required.
  - c. Any approval issued under this section shall lapse within eighteen months if a substantial use or construction thereof has not commenced and continued through to completion expeditiously, except for good cause; provided, however, that the Planning Board in its discretion and upon written application by the grantee of such rights may extend the time for an additional period not to exceed eighteen months; and provided, further, that the application for such extension is filed with the Planning Board prior to the expiration of the initial eighteen month period. If the permit granting authority does not grant such extension within thirty days of the date of application therefor, and upon the expiration of the initial eighteen month period, such rights may be reestablished only after



notice and a new hearing pursuant to the provisions of this section. The time required to pursue and await determination of a judicial appeal pursuant to M.G.L. c. 40A shall not be included within the initial eighteen month time limit.

- d. Planning Board Rules and Regulations. The Planning Board may periodically adopt and from time to time amend the Planning Board Rules and Regulations to include reasonable rules and regulations for the administration of site plan review. The Planning Board may also adopt reasonable administrative fees and technical review fees for site plan review.
- e. Severability. If any section or portion of this bylaw is ruled invalid, such ruling shall not affect the validity of the remainder of the bylaw, which provisions shall remain in full force and effect.

**UNANIMOUS VOICE VOTE**

**ARTICLE 10** Voted to amend the Mendon Zoning By-Laws by adding the following Section 5.04, Large-Scale Ground-Mounted Solar Photovoltaic Facilities Overlay District, with the following change:

In Section (j)(ii), replace the words, “No SPF that is not an accessory building” with the words, “No SPF or accessory buildings or structures to the SPF,”

Defeated a motion to amend Subsection 5.04(d) Definitions subsection (iii) Rated Nameplate Capacity: Replace the text “The maximum rated output of electric power production of the SPF in Direct Current (DC).” With “The nominal net (external) rated output of electric power production of the SPF in kilowatts (kW), kilovolt amperes (kVA), megawatts (MW), or megavoltamperes (MVA).”

**MAJORITY VOICE VOTE**

**The above changes are reflected with a strikethrough for deleted words and added words are italicized and bolded.**

**ARTICLE 10**

**Section 5.04 Large-Scale Ground- Mounted Solar Photovoltaic Facilities Overlay District**

- (a) Purpose.  
The purpose of this by-law is to permit new large-scale ground-mounted solar photovoltaic facilities by providing standards for the placement, design, construction, operation, monitoring, alteration, modification, repair, and removal of such facilities that address public safety and minimize impacts, including those on scenic, natural, and historic resources. This by-law also provides adequate financial assurance for the eventual decommissioning of such facilities.
- (b) Applicability.  
This Section 5.04 shall apply to the construction, operation, modification, alteration, and/or repair of large-scale ground-mounted solar photovoltaic facilities (SPFs) as defined below.
- (c) Location.  
The Solar Photovoltaic Facilities Overlay District (SPF District) shall be considered as overlying other zoning districts established by these Zoning By-Laws, as amended. The SPF District shall be shown on the Mendon, Massachusetts Zoning Map dated May 7, 2010 as amended, and shall consist of the following areas:
  - (i) Parcel 5 on assessor’s map 6, an area of 7.27 acres with frontage of 355 feet on Harrington Street;
  - (ii) Lot 4, an area of 31.87 acres with frontage of 969.19 feet on Milford Street on a plan entitled “Plan of Property Owned by the Town of Mendon, Milford Street and North Avenue, Mendon Massachusetts, made by Cullinan Engineering, dated October 18, 2006;
  - (iii) Parcel 28 on assessor’s map 13, an area of 29.8 acres at 28 Bellingham Street;
  - (iv) Parcel 32 on assessor’s map 18, an area of 12.73 acres at 32 Bellingham Street; and
  - (v) Parcel 18 on assessor’s map 13, an area of 11 acres at 18-R Bellingham Street. Sections of Parcels 28, 32, and 18 comprise the site of the Town Dump landfill and have frontage on a private road off Bellingham Street.
- (d) Definitions.
  - (i) As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for any zoning relief (i.e. special permit, variance, amendment, waiver, or other discretionary approval) except site plan review, if applicable.

- (ii) Large-Scale Ground- Mounted Solar Photovoltaic Facilities (herein referred to as SPF): A solar photovoltaic system that is structurally mounted on the ground and is not roof mounted, and has a minimum nameplate capacity of 250 kW DC, and any necessary appurtenances provided they are incidental and subordinate to the SPF and located on the same property.
  - (iii) Rated Nameplate Capacity: The maximum rated output of electric power production of the SPF in Direct Current (DC).
- (e) Required Permits and Approvals.  
SPFs shall be permitted in the SPF District upon the issuance of the following permits and approvals:
  - (i) SPFs occupying a total area of less than 5 acres and having a total rated nameplate capacity of less than 1250 kW shall be permitted as-of-right in the SPF District subject to Site Plan Review in accordance with Section 4.02 of the Town of Mendon Zoning By-Laws.
  - (ii) SPFs exceeding the acreage or capacity thresholds set forth above in the aggregate, either at initial construction or upon additions or modifications thereto, shall be permitted in the SPF District only upon the issuance of a special permit from the Planning Board in accordance with Section 1.06 of the Town of Mendon Zoning By-Laws, and subject to Site Plan Review in accordance with Section 4.02 of the Town of Mendon Zoning By-Laws.
  - (iii) No SPF shall be constructed without a building permit. The application for a building permit for a SPF must be accompanied by the required fee.
- (f) Compliance with Laws, Ordinances, and Regulations.
  - (i) The required permits and approvals for the construction, operation, alteration, repair, and removal of all SPFs shall be consistent with all applicable local, state and federal requirements including, but not limited to, all applicable safety, construction, electrical, and communications requirements. All buildings, structures, appurtenances and fixtures forming part of the SPF shall be constructed in accordance with the State Building Code.
  - (ii) Submission Materials.  
In addition to the Site Plan Review Application submission requirements of Section 4.02, the following materials must also be included in a Site Plan Review Application for SPFs:
    - 1) Blueprints or drawings of the solar photovoltaic installation showing the proposed layout of the system and any potential shading from nearby structures;
    - 2) One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
    - 3) Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
    - 4) Name, address, and contact information for proposed system installer;
    - 5) An operation and maintenance plan (See also Section 5.04(g));
    - 6) Proof of liability insurance; and a
    - 7) Description of financial surety that satisfies Section 5.04 (m).
  - (g) Operation & Maintenance Plan.  
The applicant shall submit a plan for the operation and maintenance of the SPFs which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures.
  - (h) Utility Notification.  
No large-scale ground -mounted SPF shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the facility is to be located has been informed of the solar photovoltaic facility's owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
  - (i) Landscaped Buffer Strip.  
A landscaped buffer strip is intended to protect the visual environment of the Town by providing, in a reasonable time, a visual barrier between the SPF and any street or way or any residential area. Screening shall consist of a combination of native plantings that is mostly evergreen and accented with deciduous materials in staggered rows. Deciduous trees shall be at least 2 inches in caliper (measured at breast height) and shall be expected to reach a height of 20 feet within 10 years after planting. Evergreen trees shall be a minimum of 6 to 8 feet in height at time of planting. Existing healthy plant material shall be preserved and may be substituted at the discretion of the Planning Board. A planting plan showing types and sizes and locations of material to be used shall be subject to approval of the

Planning Board. Plant materials shall be carefully maintained during establishment. Where considered appropriate, in the judgment of the Planning Board, walls and fences may be used in addition to plantings.

(j) Dimensional and Design Standards.

In addition to the design standards applicable under site plan review, SPF's shall be subject to the following criteria:

- (i) SPF's shall be set back a minimum of 50 feet from all streets and ways, and from each lot line of any property either located in the residential district or used for residential purposes.
- (ii) ~~No SPF that is not an accessory building~~ **No SPF or accessory buildings or structures to the SPF shall exceed 20 feet in height.**

(iii) Except as specifically set forth herein, any construction, installation, modification, alteration and/or repair of all or any part of an SPF shall comply with the Town's zoning by-laws concerning design criteria, the bulk and height of buildings and structures, lot area, setbacks, open space, parking and building coverage requirements applicable in the underlying zoning district.

(iv) Signage.

- 1) Signs on large- scale ground-mounted SPF's shall comply with the Town of Mendon's Sign By-Law. A sign shall be required to identify the owner and provide a 24-hour emergency contact phone number.
- 2) Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.
- (v) All appurtenant structures to SPF's including, but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall complement, whenever feasible, the general setback, roof line, arrangement of openings, color, and exterior materials, proportion and scale of existing buildings in the vicinity.

(k) Safety Standards.

(i) Emergency Services

The applicant shall submit a plan clearly marking all means of shutting down the SPF. The owner or operator shall identify a responsible person for public inquiries throughout the life of the facility.

(l) Abandonment or Decommissioning.

(i) Removal Requirements

Any large- scale ground-mounted SPF which has reached the end of its useful life or has been abandoned consistent with paragraph (l) (ii) of this by-law below 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:

- 1) Physical removal of all large- scale ground-mounted SPF's, structures, equipment, security barriers and transmission lines from the site.
- 2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- 3) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

(ii) Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the SPF shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the SPF fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and, at the cost of the owner or operator, shall physically remove the facility.

(m) Financial Surety.

Applicants proposing SPF's shall provide a form of financial surety satisfactory to the Planning Board to cover the cost of removal in the event the Town must remove the facility and restore the landscape. This surety shall be in an amount determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by satisfactory evidence submitted by the applicant. Such surety may be waived by the Planning Board for municipal or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated

with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. 2/3 vote needed  
**UNANIMOUS VOICE VOTE**

**ARTICLE 11** Voted to amend the Mendon Zoning By-laws by making the following changes:  
1. In Section 2.05, (i) Prohibited Uses, add the words: except for Large-Scale Ground-Mounted Solar Photovoltaic Facilities in the Large-Scale Ground Mounted Solar Photovoltaic Overlay District in accordance with Section 5.04, after the words: principal activity, as permitted under Section 5.04. 2. In Section 3.01, insert as item (a) (ii) (9) Large-Scale Ground-Mounted Solar Photovoltaic Facilities in the Large Scale Ground Mounted Solar Photovoltaic Overlay District. 3. In Section 4.01, insert as item (II) Large-Scale Ground-Mounted Solar Photovoltaic Facilities in the Large Scale Ground Mounted Solar Photovoltaic Overlay District  
**UNANIMOUS VOICE VOTE**

**ARTICLE 12** Voted to add Chapter XXVII of the Town of Mendon General Bylaws, entitled “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the “Stretch Energy Code”, including future editions, amendments or modifications thereto, a copy of which is on file with the Town Clerk.  
**MAJORITY VOICE VOTE**

**ARTICLE 13** Voted to amend the Mendon Zoning By-Laws and Zoning Map by expanding the Business District to include that portion of Lot 4 consisting of approximately 27.56 acres located off Milford Street and shown as being in the Residential District on a plan entitled “Plan of Property owned by the Town of Mendon, Milford Street and North Avenue, Mendon, Massachusetts” made by Cullinan Engineering, dated October 18, 2006, Recorded in the Worcester County Registry of Deeds in Plan Book 868, Plan 57.  
**UNANIMOUS VOICE VOTE**

The warrant was dissolved at 9:20pm. There were 51 voters in attendance. The tellers for the meeting were Kathryn Rich and Nancy Fleury. The officer on duty was Brian Massey.

A true copy. Attest:

Margaret Bonderenko  
Town Clerk