

TOWN OF BLACKSTONE
RESULTS OF ANNUAL TOWN MEETING
MAY 31, 2011

The meeting was called to order at 7:30 p.m. by Moderator Frederick J. Stone, who declared a quorum. There were 149 registered voters present and voting at the start of the meeting.

A motion was duly made and seconded to dispense with the reading of the warrant for the Annual Town Meeting.

UNANIMOUS VOICE VOTE

A motion was duly made and seconded to waive Chapter 5, Section 8, of the Town Bylaws to allow the following nonresidents to participate in discussion at the Annual Town Meeting: Daniel Keyes, Town Administrator; Patrick J. Costello, Esq., Louison, Costello, Condon & Pfaff, LLP; Harold Gould, Esq.; Patricia Salamone, Assistant Assessor; Catherine Antonellis, Accountant; Suzanne Moquin, Accountant; Karen Albright, COA Director; Julie Lepore, Library Director; Gino Carlucci, TGC Associates, Franklin, MA; Dr. Michael F. Fitzpatrick, Superintendent-Director, Blackstone Valley Vocational Regional School District; Kimberly Shaver-Hood, Superintendent of Schools; and the Millville Representatives of the B-M Regional School District.

UNANIMOUS VOICE VOTE

A motion was duly made and seconded to take all votes requiring a two-thirds majority in the same manner as when a majority vote is required (as permitted by G. L. Ch. 39, Section 15, as amended by Acts of 1996, Ch. 448, Section 2).

UNANIMOUS VOICE VOTE

ARTICLE 1. Upon motion duly made and seconded, it was voted that the Town vote to authorize the Collector to use all means of collecting taxes that a Treasurer may use when appointed Collector.

UNANIMOUS VOICE VOTE

ARTICLE 2. Upon motion duly made and seconded, it was voted that the Town vote to authorize the Board of Selectmen to dispose of various obsolete and/or inoperative equipment, scrap materials, etc., or to auction or sell any excess equipment that may be on hand in any Town Department.

UNANIMOUS VOICE VOTE

ARTICLE 3. Upon motion duly made and seconded, it was voted that the Town vote to appropriate \$20,496,851 to fund the salaries of all elected and appointed Town officials and to defray Town expenses for all departments including the Reserve Fund for the fiscal year beginning July 1, 2011, and ending June 30, 2012, and that said appropriations be funded as follows:

| | | |
|------|--------------|--|
| That | \$13,771,873 | raised from FY'12 Taxation net Estimated Overlay (Abatements & Exemptions) |
| That | \$1,241,440 | raised from FY'12 Projected State Revenue Ch 70 Lottery Net Lig Meg |
| That | \$906,577 | raised from FY'12 Estimated Local Receipts |
| That | \$1,827,365 | transferred from Capital Trust |
| That | \$200,000 | transferred from Ambulance Receipts Reserved Fund |
| That | \$2,623 | transferred from Septic Loan Betterment Receipts Reserved Fund |
| That | \$1,328,414 | raised from Water/Sewer Enterprise Fund Revenue Funds |
| That | \$0 | transferred from the Water/Sewer Enterprise Fund Certified Retained Earnings |
| That | \$376,984 | raised from Recycling Center Enterprise Fund Revenues |
| That | \$0 | transferred from Stabilization |
| That | \$841,575 | use of Free Cash |

UNANIMOUS VOICE VOTE

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| 01114 MODERATOR | | |
| SALARIES | \$550 | |
| EXPENSES | 0 | |
| TOTAL | \$550 | UNANIMOUS VOICE VOTE |
| 01122 SELECTMEN | | |
| SALARIES | \$22,626 | |
| EXPENSES | \$34,850 | |
| TOTAL | \$57,476 | UNANIMOUS VOICE VOTE |

A motion was duly made and seconded to amend the Account No. 01123 Administration, Line Item 51140, to \$4,500 for a Salary Total of \$136,437.

MAJORITY VOICE VOTE IN FAVOR OF AMENDMENT

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|--------------------------------|-----------|-------------------------------|
| 01123 ADMINISTRATION | | |
| SALARIES | \$136,437 | |
| EXPENSES | \$11,725 | |
| TOTAL | \$148,162 | MAJORITY VOICE VOTE (Amended) |
| 01131 FINANCE COMMITTEE | | |
| SALARIES | \$1,248 | |
| EXPENSES | \$1,650 | |
| TOTAL | \$2,898 | UNANIMOUS VOICE VOTE |
| 01132 RESERVE FUND | | |
| TRANSFER TO GENERAL FUND | \$60,000 | |
| TOTAL | \$60,000 | UNANIMOUS VOICE VOTE |
| 01133 CAPITAL OUTLAY COMMITTEE | | |
| SALARIES | \$1,000 | |
| EXPENSES | \$5,600 | |
| TOTAL | \$6,600 | MAJORITY VOICE VOTE |
| 01135 TOWN ACCOUNTANT | | |
| SALARIES | \$85,782 | |
| EXPENSES | \$12,600 | |
| TOTAL | \$98,382 | UNANIMOUS VOICE VOTE |
| 01141 ASSESSORS | | |
| SALARIES | \$93,130 | |
| EXPENSES | \$44,250 | |
| TOTAL | \$137,380 | UNANIMOUS VOICE VOTE |
| 01145 COLLECTOR/TREASURER | | |
| SALARIES | \$109,822 | |
| EXPENSES | \$36,788 | |
| TOTAL | \$146,610 | UNANIMOUS VOICE VOTE |
| 01151 TOWN COUNSEL | | |
| EXPENSES | \$90,000 | |
| TOTAL | \$90,000 | UNANIMOUS VOICE VOTE |
| 01155 DATA PROCESSING | | |
| EXPENSES | \$134,349 | |
| TOTAL | \$134,349 | UNANIMOUS VOICE VOTE |

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| 01158 COPIER | | |
| EXPENSES | \$15,876 | |
| TOTAL | \$15,876 | UNANIMOUS VOICE VOTE |
| 01159 BONDS & INSURANCE | | |
| EXPENSES | \$154,202 | |
| TOTAL | \$154,202 | UNANIMOUS VOICE VOTE |
| 01161 TOWN CLERK | | |
| SALARIES | \$99,594 | |
| EXPENSES | \$7,325 | |
| TOTAL | \$106,919 | UNANIMOUS VOICE VOTE |
| 01162 ELECTIONS | | |
| SALARIES | \$5,600 | |
| EXPENSES | \$14,100 | |
| TOTAL | \$19,700 | UNANIMOUS VOICE VOTE |
| 01163 BOARD OF REGISTRARS | | |
| SALARIES | \$1,850 | |
| EXPENSES | \$3,700 | |
| TOTAL | \$5,550 | UNANIMOUS VOICE VOTE |
| 01171 CONSERVATION COMMISSION | | |
| SALARIES | \$3,745 | |
| EXPENSES | \$480 | |
| TOTAL | \$4,225 | UNANIMOUS VOICE VOTE |
| 01175 PLANNING BOARD | | |
| SALARIES | \$8,320 | |
| EXPENSES | \$18,011 | |
| TOTAL | \$26,331 | UNANIMOUS VOICE VOTE |
| 01176 ZONING BOARD | | |
| SALARIES | \$4,682 | |
| EXPENSES | \$3,707 | |
| TOTAL | \$8,389 | UNANIMOUS VOICE VOTE |
| 01182 INDUST & ECONO DEVELOP | | |
| SALARIES | \$500 | |
| EXPENSES | \$14,500 | |
| TOTAL | \$15,000 | UNANIMOUS VOICE VOTE |
| 01184 CENTRAL MASS PLANNING | | |
| EXPENSES | \$2,122 | |
| TOTAL | \$2,122 | UNANIMOUS VOICE VOTE |
| 01190 GENERAL | | |
| EXPENSES | \$180,175 | |
| TOTAL | \$180,175 | UNANIMOUS VOICE VOTE |

A motion was duly made and seconded to amend the Account No. 1192 Public Building Maintenance, Line Item 52400 Repair and Maintenance, from \$45,000 to \$51,200 for a department total of \$296,700.

MAJORITY VOICE VOTE IN FAVOR OF AMENDMENT

After discussion, a vote was taken on the main motion.

MAJORITY VOICE VOTE TO DEFEAT

A motion was duly made and seconded to reconsider the vote.

MAJORITY VOTE TO RECONSIDER

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|-----------------------------|-------------|-----------------------------------|
| 01192 PUBLIC BUILDING MAINT | | |
| EXPENSES | \$296,700 | |
| TOTAL | \$296,700 | UNANIMOUS VOICE VOTE (Amended) |
| 01195 TOWN REPORT | | |
| EXPENSES | \$3,000 | |
| TOTAL | \$3,000 | UNANIMOUS VOICE VOTE |
| 01210 POLICE DEPARTMENT | | |
| SALARIES | \$1,058,887 | |
| EXPENSES | \$105,319 | |
| TOTAL | \$1,164,206 | UNANIMOUS VOICE VOTE |
| 01211 POLICE DISPATCHERS | | |
| SALARIES | \$170,941 | |
| EXPENSES | \$1,050 | |
| TOTAL | \$171,991 | UNANIMOUS VOICE VOTE |

A motion was duly made and seconded to amend Account No. 1220 Fire Department, Line Item 51120 Wages F-T FF/EMT by an additional \$14,416 and Line Item 51310 Overtime by an additional \$8,251 for an additional total of \$22,667 and a Salary Total of \$605,815.

MAJORITY VOICE VOTE TO AMEND

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|------------------------------|-----------|----------------------------------|
| 01220 FIRE DEPARTMENT | | |
| SALARIES | \$605,815 | |
| EXPENSES | \$23,140 | |
| TOTAL | \$628,955 | MAJORITY VOICE VOTE (AMENDED) |
| 01221 FIRE STATION 2 | | |
| EXPENSES | \$0 | |
| TOTAL | \$0 | UNANIMOUS VOICE VOTE |
| 01222 FIRE STATION 3 | | |
| EXPENSES | \$0 | |
| TOTAL | \$0 | UNANIMOUS VOICE VOTE |
| 01231 AMBULANCE SERVICE | | |
| SALARIES | \$14,870 | |
| EXPENSES | \$36,000 | |
| TOTAL | \$50,870 | UNANIMOUS VOICE VOTE |
| 01241 MUNICIPAL INSPECTOR | | |
| SALARIES | \$26,690 | |
| EXPENSES | \$22,220 | |
| TOTAL | \$48,910 | UNANIMOUS VOICE VOTE |
| 01243 PLUMBING/GAS INSPECTOR | | |
| SALARIES | \$12,200 | |
| EXPENSES | \$889 | |
| TOTAL | \$13,089 | UNANIMOUS VOICE VOTE |

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| 01244 SEALER WEIGHTS/MEASURES | | |
| SALARIES | \$0 | |
| EXPENSES | \$2,000 | |
| TOTAL | \$2,000 | UNANIMOUS VOICE VOTE |
| 01245 ELECTRICAL INSPECTOR | | |
| SALARIES | \$7,295 | |
| EXPENSES | \$606 | |
| TOTAL | \$7,901 | UNANIMOUS VOICE VOTE |
| 01291 EMERGENCY MANAGEMENT | | |
| SALARIES | \$900 | |
| EXPENSES | \$13,000 | |
| TOTAL | \$13,900 | UNANIMOUS VOICE VOTE |
| 01292 ANIMAL CONTROL | | |
| SALARIES | \$18,300 | |
| EXPENSES | \$7,670 | |
| TOTAL | \$25,970 | UNANIMOUS VOICE VOTE |
| 01294 FORESTRY | | |
| SALARIES | \$5,000 | |
| EXPENSES | \$18,200 | |
| TOTAL | \$23,200 | UNANIMOUS VOICE VOTE |

A motion was duly made and seconded to amend the budget line item #713, Education – BMR, Column AE, Department Total to read \$7,335,539.

After much discussion, the Moderator called for a vote on whether or not to continue discussion.

MAJORITY VOICE VOTE TO TAKE A VOTE

MAJORITY VOICE VOTE NOT TO AMEND (CHALLENGED)

YES 44 NO 82

MAJORITY HAND COUNT NOT TO AMEND

| | | |
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| 01300 EDUCATION – B. M. R. | | |
| EXPENSES | \$7,420,884 | |
| TOTAL | \$7,420,884 | MAJORITY VOICE VOTE |
| 01301 BLACKSTONE VALLEY VOC | | |
| SALARIES | \$1,500 | |
| EXPENSES | \$771,423 | |
| TOTAL | \$772,923 | UNANIMOUS VOICE VOTE |
| 01303 VOCATIONAL TUITION | | |
| EXPENSES | \$234,495 | |
| TOTAL | \$234,495 | UNANIMOUS VOICE VOTE |
| 01411 CONSULTING | | |
| EXPENSES | \$5,000 | |
| TOTAL | \$5,000 | UNANIMOUS VOICE VOTE |
| 01412 ENGINEERING | | |
| SALARIES | \$0 | |

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| EXPENSES | \$15,000 | |
| TOTAL | \$15,000 | MAJORITY VOICE VOTE |
| 01420 PUBLIC WORKS SUPT | | |
| SALARIES | \$26,667 | |
| EXPENSES | \$0 | |
| TOTAL | \$26,667 | UNANIMOUS VOICE VOTE |
| 01421 HIGHWAY LABOR | | |
| SALARIES | \$234,196 | |
| TOTAL | \$234,196 | UNANIMOUS VOICE VOTE |
| 01422 HIGHWAY OPERATIONAL | | |
| EXPENSES | \$34,900 | |
| TOTAL | \$34,900 | UNANIMOUS VOICE VOTE |
| 01423 SNOW & ICE REMOVAL | | |
| SALARIES | \$27,469 | |
| EXPENSES | 83,166 | |
| TOTAL | \$110,635 | UNANIMOUS VOICE VOTE |
| 01424 STREET LIGHTING | | |
| EXPENSES | \$85,000 | |
| TOTAL | \$85,000 | UNANIMOUS VOICE VOTE |
| 01428 MECHANICAL REPAIRS | | |
| EXPENSES | \$60,000 | |
| TOTAL | \$60,000 | UNANIMOUS VOICE VOTE |
| 01429 CONSTRUCTION & MAINTENANCE | | |
| EXPENSES | \$302,500 | |
| TOTAL | \$302,500 | UNANIMOUS VOICE VOTE |
| 01432 STREET CLEANING | | |
| EXPENSES | \$3,000 | |
| TOTAL | \$3,000 | UNANIMOUS VOICE VOTE |
| 01433 WASTE COLLECTION | | |
| SALARIES | \$15,300 | |
| EXPENSES | \$515,207 | |
| TOTAL | \$530,507 | UNANIMOUS VOICE VOTE |
| 01510 BOARD OF HEALTH | | |
| SALARIES | \$22,810 | |
| EXPENSES | \$65,997 | |
| TOTAL | \$88,807 | UNANIMOUS VOICE VOTE |
| 01541 COUNCIL ON AGING | | |
| SALARIES | \$134,968 | |
| EXPENSES | \$9,900 | |
| TOTAL | \$144,868 | UNANIMOUS VOICE VOTE |
| 01543 VETERANS | | |
| SALARIES | \$4,200 | |
| EXPENSES | \$50,870 | |
| TOTAL | \$55,070 | UNANIMOUS VOICE VOTE |

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| 01610 LIBRARY DEPARTMENT | | |
| SALARIES | \$164,724 | |
| EXPENSES | \$144,495 | |
| TOTAL | \$309,219 | UNANIMOUS VOICE VOTE |
| 01650 PARKS | | |
| SALARIES | \$53,212 | |
| EXPENSES | \$39,850 | |
| TOTAL | \$93,062 | UNANIMOUS VOICE VOTE |
| 01691 HISTORICAL COMMISSION | | |
| EXPENSES | \$1,505 | |
| TOTAL | \$1,505 | UNANIMOUS VOICE VOTE |
| 01692 MEMORIAL DAY/INDEPENDENCE DAY | | |
| EXPENSES | \$5,600 | |
| TOTAL | \$5,600 | UNANIMOUS VOICE VOTE |
| 01693 CULTURAL COUNCIL | | |
| SALARIES | \$625 | |
| EXPENSES | \$276 | |
| TOTAL | \$901 | UNANIMOUS VOICE VOTE |
| 01710 RETIREMENT OF DEBT | | |
| EXPENSES | \$954,224 | |
| TOTAL | \$954,224 | UNANIMOUS VOICE VOTE |
| 01751 LONG TERM DEBT/INTEREST | | |
| EXPENSES | \$557,756 | |
| TOTAL | \$557,756 | UNANIMOUS VOICE VOTE |
| 01752 SHORT TERM DEBT/INTEREST | | |
| EXPENSES | \$10,000 | |
| TOTAL | \$10,000 | UNANIMOUS VOICE VOTE |
| 01810 CHERRY SHEET ASSESSMENTS | | |
| EXPENSES | \$37,409 | |
| TOTAL | \$37,409 | UNANIMOUS VOICE VOTE |
| 01910 SPECIAL RETIREMENT | | |
| EXPENSES | \$6,360 | |
| TOTAL | \$6,360 | UNANIMOUS VOICE VOTE |
| 01911 COUNTY RETIREMENT | | |
| EXPENSES | \$357,362 | |
| TOTAL | \$357,362 | UNANIMOUS VOICE VOTE |
| 01913 UNEMPLOYMENT COMP | | |
| EXPENSES | \$85,000 | |
| TOTAL | \$85,000 | UNANIMOUS VOICE VOTE |
| 01914 HEALTH INSURANCE | | |
| EXPENSES | \$380,815 | |
| TOTAL | \$380,815 | UNANIMOUS VOICE VOTE |

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| 01915 LIFE INSURANCE | | |
| EXPENSES | \$2,200 | |
| TOTAL | \$2,200 | UNANIMOUS VOICE VOTE |
| 01916 MATCHING MEDICARE | | |
| EXPENSES | \$49,000 | |
| TOTAL | \$49,000 | UNANIMOUS VOICE VOTE |
| 01918 COMPENSATED BALANCES | | |
| EXPENSES | \$30,000 | |
| TOTAL | \$30,000 | UNANIMOUS VOICE VOTE |
| 01919 COMPENSATED ABSENCE | | |
| EXPENSES | \$25,000 | |
| TOTAL | \$25,000 | UNANIMOUS VOICE VOTE |
| 01960 CAPITAL TRUST | | |
| TRANSFER TO CAPITAL TRUST | \$1,890,000 | |
| TOTAL | \$1,890,000 | UNANIMOUS VOICE VOTE |
| GENERAL FUND TOTAL | \$18,791,453 | |
| WATER AND SEWER ENTERPRISE | | |
| 60132 SEWER RESERVE FUND | | |
| 59610 SEWER RESERVE FUND | \$15,000 | |
| TOTAL TRANSFER | \$15,000 | UNANIMOUS VOICE VOTE |
| 60441 SEWER SALARIES | | |
| SALARIES | \$108,834 | |
| TOTAL SALARIES | \$108,834 | UNANIMOUS VOICE VOTE |
| 60442 SEWER MAINTENANCE | | |
| EXPENSES | \$434,763 | |
| TOTAL | \$434,763 | UNANIMOUS VOICE VOTE |
| TOTAL SEWER | \$558,597 | |
| 61132 WATER RESERVE FUND | | |
| 59610 WATER RESERVE FUND | \$25,000 | |
| TOTAL TRANSFER | \$25,000 | UNANIMOUS VOICE VOTE |
| 61450 WATER DEPARTMENT LABOR | | |
| SALARIES | \$125,081 | |
| EXPENSES | \$0 | |
| TOTAL | \$125,081 | UNANIMOUS VOICE VOTE |
| 61451 WATER ADMINISTRATION | | |
| SALARIES | \$68,180 | |
| TOTAL | \$68,180 | UNANIMOUS VOICE VOTE |
| 61452 WATER CONST & MAINTENANCE | | |
| EXPENSES | \$486,556 | |

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| TOTAL | \$486,556 | UNANIMOUS VOICE VOTE |
| 61710 RETIREMENT OF DEBT | | |
| EXPENSES | \$45,000 | |
| TOTAL | \$45,000 | UNANIMOUS VOICE VOTE |
| 61751 LONG TERM DEBT INTEREST | | |
| EXPENSES | \$18,000 | |
| TOTAL | \$18,000 | UNANIMOUS VOICE VOTE |
| 61820 MASS FED SAFE DRINKING WTR ASSESSMENT | | |
| EXPENSES | \$2,000 | |
| TOTAL | \$2,000 | UNANIMOUS VOICE VOTE |
| TOTAL WATER | \$769,817 | |
| TOTAL WATER/SEWER ENTERPRISE | \$1,328,414 | |
| RECYCLING CENTER ENTERPRISE | | |
| 65132 RECYCLING RESERVE FUND | | |
| RECYCLING RESERVE FUND | \$15,000 | |
| TOTAL TRANSFER | \$15,000 | UNANIMOUS VOICE VOTE |
| 65433 RECYCLING ADMINISTRATION | | |
| SALARY TOTAL | \$210,922 | |
| EXPENSE TOTAL | \$151,062 | |
| TOTAL RECYCLING | \$376,984 | UNANIMOUS VOICE VOTE |
| TOTAL GENERAL FUND/WATER & SEWER & RECYCLING BUDGETS | \$20,496,851 | |

A motion was duly made and seconded to reconsider Article 3, BMR Education Budget.
MAJORITY VOICE VOTE NOT TO RECONSIDER

There was a motion made and seconded to waive the reading of Article 4 as recommended.
UNANIMOUS VOICE VOTE

ARTICLE 4. Upon motion duly made and seconded, it was voted that the Town vote to authorize the members of Boards and Committees of the Town of Blackstone to be compensated for their services and to set the amount of said compensation; said compensation set by town meeting to be paid in four (4) equal installments provided, however, that no such installment shall be paid a) to a member who has not attended at least 60% of the meetings of the respective Boards and Committees (excluding, however, any meetings not attended by such member due to the provisions of Massachusetts General Laws Chapter 268A) in the twelve (12) month period prior to March, June, September and December, as the case may be, if such member has been a member for twelve (12) or more months prior to each of said dates; or b) to a member who has not attended at least 60% of the meetings of the various Boards and Committees (excluding, however, any meetings not attended by such member due to the provisions of Massachusetts General Laws Chapter 268A) in the period prior to each of said dates if such member has not been a member for twelve (12) or more months prior to each of said dates.

UNANIMOUS VOICE VOTE

There was a motion made and seconded to waive the reading of Article 5. The moderator indicated that the following wording had been omitted from the article and should be inserted at the end: "if such member has not been a member for twelve (12) or more months prior to each of said dates."

UNANIMOUS VOICE VOTE

ARTICLE 5. Upon motion duly made and seconded, it was voted that the Town vote to authorize the members of the Blackstone-Millville Regional District School Committee to be compensated for their services as such members and to set the amount of said compensation at \$1500.00 per member and \$1,800.00 for the Chairman, such compensation to be paid in three (3) equal installments in the months of July, November and March provided, however, that no such installment shall be paid a) to a member who has not attended at least 60% of the meetings of the District School Committee (excluding, however, any meetings not attended by such member due to the provisions of Massachusetts General Laws Chapter 268A) in the twelve (12) month period prior to July 1, November 1 or March 1, as the case may be, if such member has been a member for twelve (12) or more months prior to each of said dates; or b) to a member who has not attended at least 60% of the meetings of the District School Committee (excluding, however, any meetings not attended by such member due to the provisions of Massachusetts General Laws Chapter 268A) in the period prior to each of said dates *if such member has not been a member for twelve (12) or more months prior to each of said dates.*

UNANIMOUS VOICE VOTE

Regarding Article 6, a motion was duly made and seconded to amend the Finance Committee's recommendation to take no action to a positive vote to approve the use of \$184,109.65 being the remaining unused balance of the \$270,000 borrowing authorized by vote of the Blackstone-Millville Regional District School Committee on September 6, 2007, which borrowing was initially approved by the District School Committee and the member towns of the Regional School District to pay the costs of the sewer project at the Regional High School, to pay the costs of various additional capital repairs to the Regional High School to the extent such funds are no longer needed to complete the sewer project initially contemplated by the said vote.

MAJORITY VOICE VOTE TO AMEND

ARTICLE 6. Upon motion duly made and seconded, it was voted that the Town vote to approve the use of \$184,109.65 being the remaining unused balance of the \$270,000 borrowing authorized by vote of the Blackstone-Millville Regional District School Committee on September 6, 2007, which borrowing was initially approved by the District School Committee and the member towns of the Regional School District to pay the costs of the sewer project at the Regional High School, to pay the costs of various additional capital repairs to the Regional High School to the extent such funds are no longer needed to complete the sewer project initially contemplated by the said vote.

MAJORITY VOICE VOTE TO DEFEAT (CHALLENGED)

YES 62 NO 53

MAJORITY HAND COUNT TO APPROVE

ARTICLE 7. Upon motion duly made and seconded, it was voted that the Town vote to raise and appropriate and/or transfer from any available funds a sum of money to overlay town streets and roads to be determined by the Board of Selectmen, or for the construction, reconstruction and improvements of public ways and street drainage systems and to determine how such sums may be raised, whether by advancement from Town Treasury, or by borrowing in anticipation of reimbursement by the Commonwealth by the Treasurer, with approval of the Board of Selectmen.

UNANIMOUS VOICE VOTE

ARTICLE 8. Upon motion duly made and seconded, it was voted that the Town vote to authorize the Board of Selectmen to enter into contracts for the construction, reconstruction and improvements of public ways, street drainage systems and sidewalks throughout the Town.

UNANIMOUS VOICE VOTE

ARTICLE 9. Upon motion duly made and seconded, it was voted that the Town vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement or easements for the purpose of construction, installation, maintenance and repair of municipal drainage, sewer water systems, and roadway, and to raise and appropriate or transfer from any available funds a sum of money to fund such acquisitions.

UNANIMOUS VOICE VOTE

ARTICLE 10. Upon motion duly made and seconded, it was voted that the Town vote to accept Clause 56 of General Laws Chapter 59, Section 5, which would allow members of the Massachusetts national guard or military reservists who are on active duty to obtain a reduction of all or part of their real and personal property taxes for any fiscal year they are serving in a foreign country, to be effective beginning in fiscal year 2012.

UNANIMOUS VOICE VOTE

ARTICLE 11. Upon motion duly made and seconded, it was voted that the Town vote to accept Clause 57 of General Laws Chapter 59, Section 5, which allows seniors who receive “circuit breaker” tax credits on their Massachusetts state income taxes to obtain a reduction of their real estate taxes, to be effective beginning in fiscal year 2012.

MAJORITY VOICE VOTE

ARTICLE 12. Upon motion duly made and seconded, it was voted that the Town vote to transfer and appropriate from the Blackstone Valley Recycling Enterprise Retained Earnings account a sum of money not to exceed \$65,000 for the purchase of a sorting facility.

UNANIMOUS VOICE VOTE

ARTICLE 13. Upon motion duly made and seconded, it was voted that the Town vote to transfer and appropriate the sum of \$20,433.14 from the Blackstone Valley Regional Recycling Center Enterprise Retained Earnings account to the Capital Fund as reimbursement of the remaining balance of the sum previously transferred from the Capital Fund to purchase a skid loader.

UNANIMOUS VOICE VOTE

ARTICLE 14. Upon motion duly made and seconded, it was voted that the Town vote to transfer and appropriate the sum of \$23,284.18 from the Blackstone Valley Regional Recycling Center Enterprise Retained Earnings account to the Capital Fund as reimbursement of the remaining balance of the sum previously transferred from the Capital Fund to purchase a four wheel drive truck.

UNANIMOUS VOICE VOTE

A motion was duly made and seconded to amend the Warrant Article 15 from “a sum of money not to exceed \$15,000.00 for the purchase of a new grass mower for Parks and Recreation” to “a sum of money not to exceed \$15,000.00 for the purchase of 2 new grass mowers for Parks and Recreation.”

UNANIMOUS VOICE VOTE TO AMEND

ARTICLE 15. Upon motion duly made and seconded, it was voted that the Town vote to transfer from Free Cash a sum of money not to exceed \$15,000 for the purchase of 2 new grass mowers for Parks and Recreation. (Amended)

MAJORITY VOICE VOTE

A motion was duly made and seconded to amend Warrant Article 16 to add the following language after “crewcab truck”: and/or a grass mower for Parks and Recreation.”

MAJORITY VOICE VOTE TO AMEND

ARTICLE 16. Upon motion duly made and seconded, it was voted that the Town vote to transfer from Free Cash a sum of money not to exceed \$30,000 for the purchase of a crewcab truck and/or a grass mower for the Parks and Recreation. (Amended)

MAJORITY VOICE VOTE

ARTICLE 17. Upon motion duly made and seconded, it was voted that the Town vote to appropriate \$350,000 to pay costs of purchasing a new pumper fire truck and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, that \$50,000 be transferred from the Ambulance Reserved Receipts Account as a down payment on said vehicle, and further that the Treasurer, with the approval of the Selectmen, is authorized to borrow \$300,000 under and pursuant to Chapter 44, Section 7 (9) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

SECRET BALLOT
YES 80 NO 24

ARTICLE 18. Upon motion duly made and seconded, it was voted that the Town vote to transfer from Ambulance Reserved Receipts a sum of money in the amount of \$28,778.34 to for the purchase of a software upgrade for the Ambulance / Fire Department.

UNANIMOUS VOICE VOTE

ARTICLE 19. Upon motion duly made and seconded, it was voted that the Town vote to transfer from Free Cash a sum of money not to exceed \$30,000 for the purchase on a new police vehicle.

UNANIMOUS VOICE VOTE

ARTICLE 20. Upon motion duly made and seconded, it was voted that the Town vote to transfer from free Cash a sum of money not to exceed \$25,000 for the purchase of replacement R/S Dump Bodies for the Department of Public Works.

UNANIMOUS VOICE VOTE

ARTICLE 21. Upon motion duly made and seconded, it was voted that the Town vote to transfer from Free Cash a sum of money not to exceed \$24,000 for the purchase of two snowplows for the Department of Public Works.

UNANIMOUS VOICE VOTE

ARTICLE 22. Upon motion duly made and seconded, it was voted that the Town vote to amend the Blackstone General Bylaws by adding Section 110 Stormwater Management and Land Disturbance Bylaw as follows:

CHAPTER 110

STORMWATER MANAGEMENT AND LAND DISTURBANCE BYLAW

SECTION 1. PURPOSE

The purposes of this chapter are to protect water resources, prevent pollutants from entering the Town’s municipal separate storm sewer system (MS4), prohibit and remove illicit connections and unauthorized discharges to the MS4, promote the infiltration and recharge of groundwater, ensure that soil erosion and sedimentation control measures and runoff control practices are incorporated into the site planning and design process and are implemented and maintained, comply with state and federal statutes and

regulations relating to discharges and establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

SECTION 2. DEFINITIONS

AGRICULTURE: The normal maintenance or improvement of land in agricultural use, as defined by the Massachusetts General Laws, Chapter 128, Section 1A.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC): A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

CONSTRUCTION AND WASTE MATERIALS: Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

CLEARING: Any activity that removes the vegetative surface cover.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS: Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

ILLCIT CONNECTION: A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal separate storm sewer drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this by-law.

ILLCIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 4. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to Section 4, subsection A (4), of this by-law.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water from infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

MASSACHUSETTS ENDANGERED SPECIES ACT: (G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the “taking” of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state

regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 §. 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or municipal storm drain system: The system of conveyances designed or used for collecting or conveying, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Blackstone.

PRIORITY HABITAT OF RARE SPECIES: Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STORMWATER: Snowmelt runoff, surface water runoff and drainage.

STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground stream.

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands Protection Act G.L. c. 131, § 40 and in the Town's Wetland Bylaw.

SECTION 3. AUTHORITY

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34

SECTION 4. APPLICABILITY

This bylaw shall apply to:

A. The Town's municipal separate storm water sewer system as follows:

(1) **Illicit Discharges.** No person shall dump, discharge, cause or allow to be discharged any pollutant or non-discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth.

(2) **Illicit Connections.** No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

(3) Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow into or out of the municipal storm drain system without prior written approval from the Director of Public Works.

(4) The following non- discharges or flows are exempt from the prohibition of non- discharges provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:

- (a) Waterline flushing;
- (b) Flow from potable water sources;
- (c) Springs;
- (d) Natural flow from riparian habitats and wetlands;
- (e) Diverted stream flow;
- (f) Rising groundwater;
- (g) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
- (h) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
- (i) Discharge from landscape irrigation or lawn watering;
- (j) Water from individual residential car washing;
- (k) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (l) Discharge from street sweeping;
- (m) Dye testing, provided verbal notification is given to the Director of Public Works prior to the time of the test;
- (n) Non- discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Massachusetts Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- (o) Discharge for which advanced written approval is received from the Director of Public Works as necessary to protect public health, safety, welfare or the environment.

B. Land Disturbance activities as follows:

- (1) All activities that result in the disturbance of land whose actual dimensions of disturbance total 20,000 or more square feet, or are part of a phased plan that will ultimately result in

disturbance of 20,000 or more square feet and that are associated with a building permit or driveway permit.

(2) Except as authorized by the Planning Board in a Land Disturbance Permit or as otherwise provided in this bylaw, no person shall perform any activity that results in disturbance of 20,000 square feet or more of land. Disturbance shall be construed to mean the removal of vegetation, mineral substances or other natural or man-made materials that exposes loose soil making it vulnerable to erosion.

C. The following activities are exempt from the requirement to obtain a separate Land Disturbance Permit:

(1) Normal maintenance and improvement of land in agricultural use, as defined by the General Laws, Chapter 128, Section 1A.

(2) Storm water discharges that demonstrate compliance with the Massachusetts Storm Water Management Policy resulting from the above activities that are subject to jurisdiction under:

(a) the Wetlands Protection Act and an Order of Conditions issued by the Conservation Commission;

(b) a permit from the Board of Health for a new or replacement septic system or well.

(3) For projects subject to Site Plan review, a Planning Board Special Permit or approval under the Subdivision Control Law, a Land Disturbance Permit shall be reviewed and issued by the Planning Board simultaneously as part of those other review and approval processes.

SECTION 5. RESPONSIBILITY FOR ADMINISTRATION

A. The Director of Public Works under the direction of the Town Administrator and Board of Selectmen shall administer, implement and enforce this bylaw as it pertains to illicit discharges and connections.

B. The Planning Board shall administer, and implement this bylaw as it pertains to land disturbance. Enforcement shall be the responsibility of the Building Inspector or other agent that may be designated in writing by the Planning Board.

C. Rules and Regulations. The Director of Public Works and the Planning Board may each adopt and periodically amend rules and regulations to effectuate the purposes of this by-law. Failure to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law. The Conservation Commission, Planning Board and Board of Health shall ensure that their rules and regulations require compliance with the purposes of this section for projects that are within their jurisdiction and exempt from the permitting provisions of this section.

D. Waiver. The Director of Public Works and the Planning Board may waive strict compliance with any requirement of this by-law under their jurisdiction or the rules and regulations promulgated hereunder based on the scale, nature and location of the proposed activity, where:

(1) such action is allowed by federal, state and local statutes and/or regulations,

(2) is in the public interest, and

(3) is not inconsistent with the purpose and intent of this by-law.

SECTION 6. PERMITS and PROCEDURE

A. Application. A completed application for a Land Disturbance Permit shall be filed with the Planning Board. A permit must be obtained prior to the commencement of land disturbing activity that may result in the disturbance of an area of 20,000 square feet or more. The Land Disturbance Permit Application package shall include:

- (1) a completed Application Form with original signatures of all owners;
- (2) seven (7) copies of the Erosion and Sediment Control Plan as specified in Section 7 of this bylaw;
- (3) one (1) copy of the Application Form to be filed with the Town Clerk by the Planning Board.

B. Entry. The filing of an application for a permit hereunder shall grant to and vest in the Planning Board or its agent, permission to enter the site described in such application to verify the information in the application and to inspect for compliance with permit conditions.

C. Other Boards. Following a determination of completeness, the Planning Board shall submit a copy of the Application Form to the Town Clerk, and shall provide one copy of the Application package to the:

- (1) Conservation Commission,
- (2) Department of Public Works, and
- (3) Board of Health.
- (4) Board of Selectmen

These entities shall provide comments to the Planning Board and/or sign-off on the Application within 21 days of receipt of the Application package, unless an extension is granted by the applicant. Failure to provide comments within the specified time shall be interpreted as no opposition to the Application. Each Board and Commission may delegate sign-off authority to its Chairman or other designated member

D. Information requests. The applicant shall submit all additional information requested by the Planning Board, as said Planning Board shall deem necessary in order for it to issue a decision on the Application.

E. Action by the Planning Board.

The Planning Board may:

- (1). Approve the Land Disturbance Permit Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this by-law;
- (2). Approve the Land Disturbance Permit Application and issue a permit with conditions, modifications or restrictions that the Planning Board determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this by-law;

(3). Disapprove the Land Disturbance Permit Application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this by-law.

G. Failure of the Planning Board to take one of the above referenced three actions upon an Application within 45 days of receipt of a completed Application shall be deemed an approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without the Planning Board's action, the Land Disturbance Permit shall be issued by the Planning Board.

H. Fee Structure. Each Application must be accompanied by the appropriate application fee as established by the Planning Board. Applicants shall pay review fees as determined by the Planning Board sufficient to cover any expenses connected with the review of the Land Disturbance Permit Application before the review process commences. The Planning Board is hereby authorized to retain a Registered Professional Engineer or such other professional consultants as it may deem necessary to advise the Planning Board on any or all aspects of the Application and a reasonable fee for the employment of such consultants may be imposed in accordance with the provisions of G.L. c44, Section 53G, or any other enabling authority.

I. Project Changes. The permittee, or its agent, must notify the Planning Board in writing of any change or alteration of a permitted land-disturbing activity authorized in a Land Disturbance Permit before any change or alteration occurs. If the Planning Board determines that the change or alteration is significant, based on the design requirements listed in Section 7.B. and accepted construction practices, the Planning Board may in its discretion require that an amended Land Disturbance Permit application be filed. If any change or alteration from activities permitted by the Land Disturbance Permit occurs during any land disturbing activities, the Planning Board may require the installation of interim erosion and sedimentation control measures before approving any such change or alteration.

SECTION 7. EROSION AND SEDIMENT CONTROL PLAN

A. The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material and information as the Planning Board shall deem necessary to show that the proposed development will comply with the design requirements listed in Section 7.B. below.

B. The design requirements of the Erosion and Sediment Control Plan shall:

- (1). Minimize the total area of disturbance;
- (2). Sequence activities to minimize simultaneous areas of disturbance;
- (3). Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Management Policy;
- (4). Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
- (5). Divert uncontaminated water around disturbed areas;
- (6). Maximize groundwater recharge;
- (7). Install and maintain all Erosion and Sediment Control measures in accordance with the manufacturers specifications and good engineering practices;

- (8). Prevent off-site transport of sediment;
- (9). Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely in conjunction with the permitted project are considered a part of the project);
- (10). Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
- (11). Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
- (12). Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;
- (13). Properly manage on-site construction and waste materials; and
- (14). Prevent off-site vehicle tracking of sediments.

C. Erosion and Sedimentation Control Plan Content. The Plan shall contain the following information:

- (1). Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
- (2). Title, date, north arrow, names of abutters, scale, legend, and locus map;
- (3). Location and description of natural features including:
 - (a) Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;
 - (b) Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities; and
 - (c) Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.
- (4). Lines of existing abutting streets showing drainage and driveway locations and curb cuts;
- (5). Existing soils, volume and nature of imported soil materials;
- (6). Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed;

- (7). Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
- (8). Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);
- (9). Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
- (10). Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
- (11). Location and description of industrial discharges, including discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit;
- (12). Runoff calculations in accordance with the Department of Environmental Protection's Management Policy;
- (13). Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
- (14). A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to weather and persons, and spill prevention and response;
- (15). A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
- (16). Unless waived by the Planning Board, plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sediment Control; and
- (17). Such other information as is required by the Planning Board.
- (18). The Planning Board shall have the authority to waive one or more of the above requirements when it deems it to be in the best interest of the Town to do so based on the scale, nature and location of the proposed activity and upon a finding that the intent of this section is still achieved.

SECTION 8. INSPECTION AND SITE SUPERVISION

A. Pre-construction Meeting. Prior to starting clearing, excavation, construction, or land disturbing activity the applicant, the applicant's technical representative, the general contractor or any other person with authority to make changes to the project, shall meet with the Planning Board or its designated agent, to review the permitted plans and their implementation, the requirements of this bylaw and the schedule of required inspections.

B. Board Inspection. The Planning Board or its designated agent, shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein

the work fails to comply with the Land Disturbance Permit as approved. The Permit and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the Planning Board, shall be maintained at the site at all times during the progress of the work. In order to obtain inspections, the permittee shall notify the Planning Board or its designated agent and request an inspection at least two (2) working days before each of the following events:

- (1). Erosion and sediment control measures are in place and stabilized;
- (2). Site Clearing has been substantially completed;
- (3). Rough Grading has been substantially completed;
- (4). Final Grading has been substantially completed;
- (5). Close of the Construction Season; and
- (6). Final Landscaping (permanent stabilization) and project final completion.

The Planning Board will make every effort to complete the required inspections as soon as possible following a request. Also, based on the scale, nature and location of the permitted activity, the Planning Board may combine or reduce the number of inspections required as it may deem appropriate.

C. Permittee Inspections. The permittee or his/her agent shall conduct and document inspections of all control measures no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures. The permittee or his/her agent shall submit monthly reports of such inspections to the Planning Board or its designated agent in a format approved by the Planning Board.

D. Access Permission. To the fullest extent permitted by state law, or if authorized by the owner or other party in control of the property, the Planning Board its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as the Planning Board deems reasonably necessary to determine compliance with the permit.

SECTION 9. SURETY

Prior to the start of land disturbance activity, the Planning Board may require the permittee to post a surety bond, irrevocable letter of credit, cash, or other acceptable form of performance security. The form of the security shall be approved by town counsel, and shall be in an amount deemed sufficient by the Planning Board to ensure that the work will be completed in accordance with the permit. If the project is phased, the Planning Board may release part of the security as each phase is completed in compliance with the permit but the security shall not be fully released until the Planning Board has received the final report as required by Section 10 and issued a certificate of completion.

SECTION 10. FINAL REPORTS

Upon completion of the work, the permittee shall submit a report (including certified as-built construction plans) from a Professional Engineer (P.E.), surveyor, or Certified Professional in Erosion and Sediment Control (CPESC), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any

discrepancies should be noted in the cover letter. Based on the scale, nature and location of the permitted activity, the Planning Board may waive the requirement that final report be submitted by a professional and may authorize submission of a substitute affidavit by the owner attesting that the work has been completed in accordance with the conditions of the permit.

SECTION 11. ENFORCEMENT

A. The Building Inspector or an authorized agent of the Planning Board shall enforce this by-law, any regulations, orders, violation notices, and enforcement orders issued pursuant hereto, and may pursue all civil and criminal remedies for such violations.

B. Orders

(1). the Building Inspector or an authorized agent of the Board may issue a written order to enforce the provisions of this by-law or the regulations hereunder, which may include an order:

(a) to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the land-disturbance permit has been confirmed;

(b) for maintenance, installation or performance of additional erosion and sediment control measures;

(c) for monitoring, analyses, and reporting

(d) for remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.

(2). If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, in the event the violator or property owner fails to promptly abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work as may be necessary to abate or remediate such violation, and the property owner shall reimburse the Town's expenses.

(3). Within thirty (30) days after the Town's completion of all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town, including administrative costs in furtherance of such abatement and remediation. The violator or property owner may file a written protest objecting to the amount or basis of such costs with the Planning Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Planning Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction confirming such costs, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs pursuant to the provisions of G.L. c40, section 57. Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in G.L. Ch. 59, § 57, after the thirty-first day following the day on which the costs became due.

C. Criminal Penalty. Any person who violates any provision of this by-law, regulation, order or permit issued there under, shall be punished by a fine of not more than \$200. Each day or part thereof that such violation occurs or continues unabated shall constitute a separate offense for the purposes of this section.

D. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch.. 40, 21D and Article VII, Section 5-49 of the Code of the Town of Blackstone, in which case the Director of Public Works (for violations pertaining to illicit discharges) or Building Inspector or the designated agent of the Planning Board (for violations pertaining to land disturbance activities) shall be the enforcing person. The penalty for the 1st violation shall be \$50. The penalty for the 2nd violation shall be \$100. The penalty for the 3rd and each subsequent violation shall be \$200. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

E. Appeals. The decisions or orders of the Planning Board shall be appealable to the Board of Appeals. Such appeals shall be filed within 30 days of the decision or order. Further relief shall be to a court of competent jurisdiction.

F. Remedies Not Exclusive. The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 12. CERTIFICATE OF COMPLETION

The Planning Board or its designated agent shall issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this bylaw.

SECTION 13. SEVERABILITY

If any provision, paragraph, sentence, or clause of this by-law shall be held invalid or unenforceable for any reason, all other provisions shall continue in full force and effect.

UNANIMOUS VOICE VOTE

ARTICLE 23. Upon motion duly made and seconded, it was voted that the town vote to amend Section 123-24, Definitions and Word Usage, of the Blackstone Zoning Bylaws by adding the following definitions:

Assisted Living Facility - A residential facility certified by the Massachusetts Department of Elder Affairs, which provides a combination of housing, meals and personalized support services for activities of daily living, but not providing the level of care of a skilled nursing facility.

Frontage – That portion of a lot that abuts the right-of-way of a street.

Paper Street – A road or street which appears on an Assessor’s Map but which has not been constructed on the ground and therefore does not provide frontage for a lot.

TWO-THIRDS MAJORITY VOICE VOTE

ARTICLE 24. Upon motion duly made and seconded, it was voted that the Town vote to amend Section 123-10, Nonconforming Uses and Structures, of the Blackstone Zoning Bylaws by adding the following to the Item C, Abandonment:

A non-residential use shall be considered abandoned if the building or structure in which the nonconforming use takes place is voluntarily demolished prior to obtaining a special permit to replace it from the Board of Appeals, or if the premises are voluntarily devoted to another use. It shall be considered discontinued when characteristic equipment or furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment or furnishings within

two years unless other facts can document intention to resume the activity within two years. Such facts may include, but are not limited to:

1. obtaining permits or licenses related to operation of the nonconforming use,;
2. undertaking renovations clearly intended to facilitate continued operation of the nonconforming use;
3. ordering equipment and/or supplies associated with the nonconforming use.

A residential use shall be considered abandoned or discontinued if:

1. the building or structure is voluntarily demolished prior to obtaining a special permit to replace it from the Board of Appeals; or
2. during a consecutive two year period, all of the following four conditions have occurred: (a) the property has been uninhabited by any authorized person(s); (b) property taxes are unpaid; (c) utility services are discontinued; and (d) no significant maintenance activity can be documented during the two-year period.

UNANIMOUS VOICE VOTE

ARTICLE 25. Upon motion duly made and seconded, it was voted that the Town vote to amend Section 123-11, Use Schedule, of the Blackstone Zoning Bylaws by adding the following to Institutional Uses:

| | | | | |
|--------------------------|-----------------|------------|----------|----------|
| | R-1, R-2 | R-3 | C | I |
| Assisted Living Facility | BA | BA | BA | BA |

UNANIMOUS VOICE VOTE

ARTICLE 26. Upon motion duly made and seconded, it was voted that the Town vote to amend Section 123-23, Special Regulations, of the Blackstone Zoning Bylaws by adding the following:

123-23.5 Wind Energy Facilities

A. Purposes

The purpose of this by-law is to provide for the construction and operation of wind energy facilities and to provide standards for the placement, design, construction, monitoring, modification and removal of wind facilities that address public safety, minimize impacts on scenic, natural and historic resources of the town and provide adequate financial assurance for decommissioning. The provisions set forth in this section shall take precedence over all other sections when considering applications related to the construction, operation, and/or repair of wind energy facilities.

B. Applicability

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

C. General Requirements for all Wind Energy Facilities

(1) Exemptions

Wind turbines constructed, reconstructed, or renovated for the primary purpose of generating power for use as part of a commercial agriculture operation shall be considered a structure pursuant to MGL, c. 40A, §3 and, therefore, shall be exempt from this by-law.

(2) A permit shall be granted unless the Planning Board finds in writing that there is substantial evidence that:

- (a) the specific site is not an appropriate location for such use;

- (b) there is expected to be a serious hazard to pedestrians or vehicles from the use;
- (c) a nuisance is expected to be created by the use; and
- (e) adequate and appropriate facilities will be not provided for the proper operation and maintenance of the use.

(3) Permit Needed

The following wind energy facilities shall require a special permit from the Planning Board:

- (a) Small Wind -Meteorological towers
- (b) Large Wind -Utility scale, on-site wind use
- (c) Building Integrated Wind

(4) Compliance with Laws, Ordinances and Regulations

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

(5) Proof of Liability Insurance

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

(6) Site Control

At the time of its application for a special or building permit, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Documentation shall also include proof of control over setback areas and access roads, if required. Control shall mean the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

(7) Utility Notification

No wind energy facility shall be installed until evidence has been given to the Planning Board that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

(8) Temporary Meteorological Towers (Met Towers)

Met towers shall be permitted under the same standards as a small wind system, except that the requirements apply to a temporary structure. A permit for a temporary met tower shall be valid for a maximum of 3 years after which an extension may, in the discretion of the Planning Board, be granted.

Small anemometers installed directly on buildings shall not require a building or special permit.

(9) Design Standards

- (a) Appearance, Color and Finish - FAA safety consideration on color and appearance should be respected. Where applicant is seeking a non-standard color in an area not regulated by the FAA, the permit granting authority shall have authority to regulate color of turbine.
- (b) Lighting - Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the wind energy facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.
- (c) Signage - Signs on the wind energy facility shall comply with the requirements of the Town's sign regulations, and shall be limited to those necessary to identify the owner, provide a 24-hour emergency contact phone number,

and warn of any danger as well as educational signs providing information about the facility and the benefits of renewable energy.

- (d) Advertising - Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.
- (e) Utility Connections - Reasonable efforts shall be made to locate utility connections from the wind energy facility underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- (e) Appurtenant Structures - All appurtenant structures to such wind energy facilities shall be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall be contained within the turbine tower whenever technically and economically feasible. Whenever reasonable, structures should be shaded from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.

(10) Safety and Environmental Standards

- (a) Emergency Services - The applicant shall provide a copy of the project summary, electrical schematic, and site plan to the local emergency services entity, as designated by the Planning Board. Upon request the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of disconnecting the wind energy facility shall be clearly marked. The applicant or facility owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
- (b) Unauthorized Access - Wind turbines or other structures part of a wind energy facility shall be designed to prevent unauthorized access. For instance, the tower shall be designed and installed so as to not provide step bolts or other climbing means readily accessible to the public for a minimum height of 8 feet above the ground. Electrical equipment shall be locked where possible.
- (c) Shadow/Flicker - Wind energy facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses.
- (d) Sound - The wind facility and associated equipment shall conform with the provisions of the Department of Environmental Protection's, Division of Air Quality Noise Regulations (310 CMR 7.10), unless the Department and the Planning Board agree that those provisions shall not be applicable. A source of sound will be considered to be violating these regulations if the source either increases the broadband sound level by more than 10 dB(A) above ambient, or produces a "pure tone" condition – when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

These criteria are measured both at the property line and at the nearest inhabited structure. Ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours. The ambient may also be established by other means with consent from DEP. An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards, if required by the Planning Board. The

Planning Board, in consultation with the Department, shall determine whether such violations shall be measured at the property line or at the nearest inhabited residence.

- (e) Land Clearing, Soil Erosion and Habitat Impacts - Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind facility and is otherwise prescribed by applicable laws, regulations, and ordinances.

(11) Monitoring and Maintenance

- (a) Facility Conditions - The applicant shall maintain the wind energy facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief and Emergency Medical Services. The project owner shall be responsible for the cost of maintaining the wind energy facility and any access road(s), unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction.
- (b) Modifications - All material modifications to a wind energy facility made after issuance of the permit shall require approval by the Planning Board as provided in this section.

(12) Abandonment or Decommissioning

- (a) Removal Requirements - Any wind energy facility which has reached the end of its useful life or has been abandoned shall be removed. When the wind energy facility is scheduled to be decommissioned, the applicant shall notify the Town by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the wind facility no more than 150 days after the date of discontinued operations. At the time of removal, the wind facility site shall be restored to the condition it was in before the facility was constructed or any other legally authorized use.

More specifically, decommissioning shall consist of: physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site; disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations; and stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

- (b) Abandonment - Absent notice of a proposed date of decommissioning, the facility shall be considered abandoned when the facility fails to operate for more than one year without the 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 wind energy facility 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 to exercise any remedies available under applicable law to compel such removal.

(13) Expiration

A permit issued pursuant to this ordinance shall expire if: (a) The wind energy facility is not installed and functioning within 48-months from the date the permit is issued; or, (b) The wind energy facility is abandoned.

(14) Violations

It is unlawful for any person to construct, install, or operate a wind energy system that is not in compliance with this bylaw or with any condition contained in a permit issued pursuant to this bylaw.

Wind energy systems installed prior to the adoption of this bylaw are exempt from the provisions hereof.

D. Requirements for Small Wind Energy Facilities

(1) Special Permit Required

No small wind energy system shall be erected, constructed, installed or modified as provided in this section without first obtaining a special permit from the Planning Board. All such wind energy systems shall where economically feasible, be constructed and operated in a manner that, minimizes adverse visual, safety and environmental impacts. The construction of a small wind facility shall be permitted in any zoning district subject to the issuance of a special permit and provided that the use complies with all applicable requirements set forth in this Section 123-23.5

(2) Height

Small wind turbines shall be no higher than 250 feet above the current grade of the land, as measured at the uppermost point of the rotor's swept area. A small wind turbine may exceed 250 feet if:

- (a) the applicant demonstrates by substantial evidence that such height reflects industry standards for a similarly sited wind facility;
- (b) such excess height is necessary to prevent financial hardship to the applicant, and
- (c) the facility satisfies all other criteria for the granting of a building permit under the provisions of this section.

(3) Setbacks

Small wind turbines shall be set back a distance equal to a minimum of 1.5 times the overall blade tip height of the wind turbine from the nearest property line and any abutting private or public way.

(4) Setback Waiver

The Planning Board may reduce the minimum setback distance as it may deem appropriate, based on site-specific considerations, or written consent of the affected abutter(s), if the project satisfies all other criteria for the granting of a special permit under the provisions of this section.

(5) Application Process & Requirements

A building permit shall be required for the installation of a small wind energy system.

- (a) General Required Documents - The building permit application shall be accompanied by deliverables including the following: (i) A plot plan showing: property lines and physical dimensions of the subject property within 2 times the total height of the wind turbine from the proposed tower location; (ii) location, dimensions, and types of existing major structures on the property; (iii) location of the proposed wind system tower, foundations, guy anchors and associated equipment; (iv) the right-of-way of any public road that is contiguous with the property; (v) Any overhead utility lines and (vi) location and approximate height of tree cover.
- (b) Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
- (c) One or three line electrical diagram detailing wind turbine, associated components, and electrical interconnection methods, with all NEC compliant disconnects and overcurrent devices.
- (d) Foundations for towers less than or equal to 160ft must have blueprints or drawings signed by a Professional Engineer.
- (e) Foundations for towers greater than 160ft must have blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.

- (f) Name, address, phone number and signature of the applicant, as well as all co- applicants or property owners, if any.
- (g) The name, contact information and signature of any agents representing the applicant.
- (h) A plan for maintenance of the small wind energy facility.

(6) Fees

The application for a special permit for a wind energy system must be accompanied by the applicable special permit fee.

E. Requirements for Large Wind Energy Facilities (Utility and On-Site Projects)

(1) Special Permit

No wind energy facility over 100 kilowatts of rated nameplate capacity shall be erected, constructed, installed or modified as provided in this section without first obtaining a permit from the Planning Board. The construction of a wind energy facility shall be permitted subject to the issuance of a Special Permit and provided that the use complies with all requirements set forth in the Sections 123-23.5. All such wind energy facilities shall, where economically feasible, be constructed and operated in a manner that minimizes adverse visual, safety, and environmental impacts.

(2) Financial Surety

The Planning Board may require the applicant for utility scale wind facilities to provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal of the permitted facilities in the event the Town must remove the same. Said surety shall be in an amount and form determined by the Planning Board, but shall in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The surety amount shall include a mechanism for periodic Cost of Living Adjustment.

(3) Height

Large wind energy facilities shall be no higher than 450 feet above the current grade of the land, provided that wind facilities may exceed 450 feet if:

- (a) the applicant demonstrates by substantial evidence that such height reflects industry standards or manufacturer recommendations for a similarly sited wind facility;
- (b) if applicant can demonstrate significant financial gain due to additional height, and
- (c) the facility satisfies all other criteria for the granting of a building permit under the provisions of this section.

(4) Setbacks

Large wind turbines shall be set back a distance equal to 3 times the overall blade tip height of the wind turbine from the nearest existing residential or commercial structure and from the nearest property line and private or public way.

The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations, or written consent of the affected abutter(s), if the project satisfies all other criteria for the granting of a special permit under the provisions of this section.

(5) Required Supporting Documentation

The applicant shall provide the special Planning Board with a description of the proposed project, which shall include:

- (a) General - All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts. Included in the application shall be: (i) Name, address, phone number and signature of the applicant, as well as all co- applicants or property owners, if any; (ii) The name, contact information and signature of any agents representing the applicant; and (iii) Documentation of the legal right to use the wind facility site.
- (b) Technical Documentation - The applicant shall, at a minimum, submit the following technical documentation regarding the proposed wind energy facility to the Planning Board: (i) Wind energy facility technical specifications, including manufacturer and model, rotor diameter, tower height/type, foundation type/dimensions; (ii) Tower foundation blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts; (iii) Tower blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts; and (e) Electrical schematic
- (c) Location Map: Utility Scale Projects -- The applicant shall submit to the Planning Board a copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed facility site, including turbine sites, and the area within at least two miles from the facility. Zoning district designation for the subject parcel should be included; however a copy of a zoning map with the parcel identified is suitable.
- (d) Site Plan - A one inch equals 200 feet plan of the proposed wind facility site, with contour intervals of no more than 10 feet, showing the following:
 - (i) Property lines for the site parcel and adjacent parcels within 300 feet; (ii) Outline of all existing buildings, including purpose (e.g. residence, garage, etc.) on site parcel and all adjacent parcels within 500 feet, including distances from the wind facility to each building shown; (iii) Location of all roads, public and private on the site parcel and adjacent parcels within the setback distance of 1.2 times the blade tip height, and proposed roads or driveways, either temporary or permanent; and (iv) Existing areas

of tree cover, including average height of trees, on the site parcel and adjacent parcels within the setback distance of 1.2 times the blade tip height.
- (e) Proposed location and design of wind facility, including all turbines, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, exterior lighting, etc.
- (f) Location of viewpoints referenced below in Subsection E.5.6 and E.5.7 of this section.

(6) Visualizations: Utility Scale Projects

The Planning Board may select up to four sight lines, including from the nearest building with a view of the wind facility, for pre- and post-construction view representations. Sites for the view representations shall be selected from populated areas or public ways within a 2-mile radius of the proposed wind energy facility. View representations shall have the following characteristics:

- (a) View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the wind facility (e.g. superimpositions of the wind facility onto photographs of existing views).
- (b) All view representations will include existing, or proposed, buildings or tree coverage.
- (c) Include description of the technical procedures followed in producing the visualization (distances, angles, lens, etc.).

(7) Visualizations: On-Site Projects

The Planning Board may select up to three sight lines, including from the nearest building with a view of

the wind facility, for pre- and post-construction view representations. Sites for the view representations shall be selected from populated areas or public ways within a 2-mile radius of the proposed wind energy facility. View representations shall have the following characteristics:

- (a) View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the wind facility (e.g. superimpositions of the wind facility onto photographs of existing views).
- (b) All view representations will include existing, or proposed, buildings or tree coverage.
- (c) Include description of the technical procedures followed in producing the visualization (distances, angles, lens, etc.).

(8) Operation & Maintenance Plan

The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the wind facility.

(9) Compliance Documents

The applicant will provide with the application:

- (a) description of the proposed financial surety that satisfies subsection E (2) of this section;
- (b) proof of liability insurance that satisfies subsection C (5) of this section;
- (c) certification of height approval from the FAA;
- (d) a statement that satisfies subsection C (10)(d), listing existing and maximum projected sound levels from the wind energy facility.

(10) Landscape Plan

A plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting, other than FAA lights, screening vegetation or structures. Lighting shall be designed to minimize glare on abutting properties and except as required by the FAA be directed downward with full cut-off fixtures to reduce light pollution.

F. Requirements for Building Integrated Wind Energy Facility

(1) Special Permit Granting Authority

No building integrated wind energy facility shall be erected, constructed, installed or modified as provided in this section without first obtaining a permit from the Planning Board. The construction of a building integrated wind energy facility shall be permitted subject to the issuance of a Special Permit and provided that the use complies with all requirements set forth in this Section 123-23.5. All such wind energy facilities shall, where economically feasible, be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts.

(2) Required Supporting Documentation for Building Integrated Wind Energy Facilities

The special permit application submitted to the Planning Board must, at a minimum, include:

- (a) Analysis and design documents, completed by a structural engineer registered to practice in the Commonwealth of Massachusetts, demonstrating that the proposed building is structurally sufficient to support the permanent installation of the proposed building integrated wind energy facility. At a minimum, the analysis should address vibration, wind load, and ice load.
- (b) Elevation drawings of building with building integrated wind energy facility installed,

viewed from north, south, east, and west.

- (c) Building schematic detailing point(s) of connection and associated supports for the building integrated wind energy facility.
- (d) Schematic of attachment method for connecting the building integrated wind energy facility to the building.
- (e) Specification sheets for wind turbine and all related components (inverters, controllers, disconnects, etc.)
- (f) One or three line electrical diagram detailing wind turbine, associated components, and electrical interconnection and overcurrent devices.

G. Independent Consultants

Upon submission of an application for a special permit, the Planning Board will be authorized to hire outside consultants, pursuant to section 53G of chapter 44 of the Massachusetts General Laws.

A motion was duly made and seconded to move the question.

UNANIMOUS VOTE TO MOVE THE QUESTION

TWO-THIRDS MAJORITY VOICE VOTE

ARTICLE 27. Upon motion duly made and seconded, it was voted that the town vote to amend Section 123-24, Definitions and Word Usage, of the Blackstone Zoning Bylaws by adding the following definitions:

Utility-Scale Wind Facility: A commercial wind facility, where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.

On-Site Wind Facility: A wind project, which is located at a commercial, industrial, agricultural, institutional, or public facility that will generate electricity on-site.

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

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

Wind Energy Facility: All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

Wind Monitoring or Meteorological Tower: A temporary tower equipped with devices to measure wind speeds and direction, used to determine how much wind power a site can be expected to generate.

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

Small Wind Energy System: All equipment, machinery and structures utilized in connection with the conversion of kinetic energy of wind into electrical power. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and access roads, and one or more wind turbines, which have a total rated nameplate capacity of not more than 100kW/ 0.1MW.

Large Wind Facility: equipment, machinery and structures utilized in connection with the conversion of kinetic energy of wind into electrical power with a rated output of electrical power production equipment of greater than 100kW/0.1MW.

Building Integrated Wind Energy Facility: A wind energy facility shall be considered to be building integrated if it is designed to be permanently mounted on a building or other inhabitable structure. This definition applies to wind turbines of any capacity that are designed to be operated in direct contact with a

building. This definition also covers, for the purposes of this zoning provision, other wind energy facilities primarily used for land-based applications which may be permanently mounted and operated on a building.

UNANIMOUS VOICE VOTE

ARTICLE 28. Upon motion duly made and seconded, it was voted that the Town vote to amend Section 123-11, Use Schedule, of the Blackstone Zoning Bylaws by adding the following to Industrial Uses:

| | | | | |
|-------------------------------------|-----------------|------------|----------|----------|
| Wind Energy Facility | R-1, R-2 | R-3 | C | I |
| in accordance with Section 123-23.5 | PB | PB | PB | PB |

TWO-THIRDS MAJORITY VOICE VOTE

ARTICLE 29. Upon motion duly made and seconded, it was voted that the Town vote to authorize the Board of Selectmen to conduct a water and sewer rate study mandated by the DEP and to transfer from Water / Sewer Enterprise Fund Retained Earnings a sum of money not to exceed \$22,000, for this purpose.

UNANIMOUS VOICE VOTE

ARTICLE 30. Upon motion duly made and seconded, it was voted that the Town vote to transfer from Free Cash a sum of money in the amount of \$100,000, for the planning and engineering of a stormwater management program to comply with EPA’s NPDES Phase II Comprehensive Stormwater Management Program.

UNANIMOUS VOICE VOTE

ARTICLE 31. Upon motion duly made and seconded, it was voted that the Town vote to transfer and authorize use of a portion of the Town-owned parcel of land commonly referred to as “Veterans Park”, as more particularly described in the Quitclaim Deed to the Town of Blackstone, dated December 30, 1997 and recorded at the Worcester County Registry of Deeds at Book 19487, Page 121, for the purpose of lease for construction, operation and maintenance of a Solar Photovoltaic Renewable Energy Facility; and to authorize the Board of Selectmen to enter into a long term lease and other agreements in furtherance of this use upon such terms and conditions as the Selectmen shall deem to be in the interest of the Town.

HAND-COUNT VOTE

YES 35 NO 31

MOTION FAILS (NOT TWO-THIRDS MAJORITY)

ARTICLE 32. Upon motion duly made and seconded, it was voted that the Town vote to transfer zero dollars to the stabilization fund.

UNANIMOUS VOICE VOTE

ARTICLE 33. Upon motion duly made and seconded, it was voted that the Town vote to TAKE NO ACTION on this article.

Original Article:

To see if the Town will vote to accept a petition with twenty-one (21) signatures to Amend the Zoning By-Law, Section 123-12.C (I)(a) from “...(50) feet of frontage on a street” to “...(40) feet of frontage on a street”.

MAJORITY VOICE VOTE

ARTICLE 34. Upon motion duly made and seconded, it was voted that the Town vote to TAKE NO ACTION on this article.

Original Article:

*To see if the Town will vote to accept a petition with twenty-one (21) signatures to insert in the Blackstone Zoning By-Laws under Article V. Section 123.24 Definitions and Word Usage, the following definition: "Loss of Light and Air: As interpreted by the Courts, is **not** an aggrievement under any chapter in the Blackstone Zoning By-Laws and is **not** intended to conflict with current setbacks and height restrictions ad defined in Zoning By-Laws."*

MAJORITY VOICE VOTE

ARTICLE 35. Upon motion duly made and seconded, it was voted that the Town vote to TAKE NO ACTION on this article.

Original Article:

*To see if the Town will vote to accept a petition with twenty-one (21) signatures to amend Article V. Section 123.24 Definitions and Word Usage "Dwelling: A unit within a building whose intent was to be used for habitation. A dwelling in a Residential Zone is **not** to be considered a non-conforming use or structure pursuant to Section 123-10 A.B.C."*

UNANIMOUS VOICE VOTE

MODERATOR'S APPOINTMENTS

Finance Committee

| <u>Name</u> | <u>Term</u> |
|---------------------|----------------------------------|
| Normand A. Bergeron | 3 years to expire 2014 |
| William B. Macy | 3 years to expire 2014 |
| Nicholas Ensko | 3 years to expire 2014 |
| Brian J. Davidge | Unexpired 3 years to expire 2012 |

On a motion duly made and seconded, it was voted to dissolve the warrant and to adjourn the meeting at 11:42 p.m.

Marianne E. Staples, C.M.M.C.
Town Clerk of Blackstone