



TOWN OF LUNENBURG

SPECIAL TOWN MEETING WARRANT

December 1, 2009

Worcester, ss:

To: John E. Baker, Constable of the Town of Lunenburg, in the County of Worcester, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Lunenburg, qualified to vote in elections and town affairs, to meet in the Lunenburg High School Auditorium in said Lunenburg on Tuesday, the 1st day of December next, at 7:00 o'clock in the evening (7:00 P.M.), and then and there to act on the following articles, viz:

SPECIAL TOWN MEETING WARRANT

ARTICLE 1. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the FY09 & FY10 Police Officers Collective Bargaining Agreement dated July 1, 2008 – June 30, 2010 with IBPO Local 353, AFL-CIO; or take any other action relative thereto. *Submitted by Town Manager. Board of Selectmen & Finance Committee recommendations @ Town Meeting.*

ARTICLE 2. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the Public Employees Local Union 39 Collective Bargaining Agreement dated July 1, 2009 – June 30, 2012 with Laborers' International Union of North America AFL-CIO; or take any other action relative thereto. *Submitted by Town Manager. Board of Selectmen & Finance Committee recommendations @ Town Meeting.*

ARTICLE 3. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to provide a 4 % increase in FY2010 for all Town Employees under Salary Administration Plan that are already in the Merit portion of the Grade who would not be getting a step increase; or take any other action relative thereto. *Submitted by Personnel Board. Board of Selectmen & Finance Committee recommendations @ Town Meeting.*

ARTICLE 4. To see if the Town will vote to raise and appropriate from available funds all sums of money necessary to amend the amounts voted for the Town's FY'10 Budget, under Article 6 of the May 2, 2009 Annual Town Meeting Warrant; or take any other action relative thereto. *Submitted by Town Mgr. Board of Selectmen & Finance Committee recommendations @ Town Meeting.*

ARTICLE 5. To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of \$6,460.08 for payment of prior year expenses, or take any other action relative thereto. *Submitted by Town Manager.*

ARTICLE 6. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Sewer Department Enterprise Fund; or take any other action relative thereto. *Submitted by Sewer Commission. Board of Selectmen & Finance Committee recommendations @ Town Meeting.*

ARTICLE 7. To see if the Town will vote to revoke acceptance of M.G.L. Chapter 41, §108L, Police Career Incentive Pay Program, the so-called Quinn Bill, which was accepted under Article 25 at the May 8, 1999 Annual Town Meeting; and to further authorize the Board of Selectmen and/or Town Manager to take such action, including the filing of a petition with the general court for special legislation, as may be deemed necessary to confirm such revocation is effective; or take any other action relative thereto. *Submitted by Board of Selectmen. Board of Selectmen & Finance Committee recommendations @ Town Meeting.*

ARTICLE 8. To see if the Town will vote to accept M.G.L, Chapter 64L, §2(a) to impose local meals excise; or take any other action relative thereto. *Submitted by Board of Selectmen. Board of Selectmen recommendation @ Town Meeting, Finance Committee recommends disapproval.*

ARTICLE 9. To see if the Town will vote to petition the Massachusetts General Court to enact the following special act:
AN ACT ENABLING THE TOWN OF LUNENBURG TO ACQUIRE THE PROPERTY OF ITS INDEPENDENT OPERATING ELECTRIC UTILITY COMPANY

Section 1. Notwithstanding the provisions of Chapter 164 of the General Laws or any other General or Special law to the contrary, the Town of Lunenburg may acquire the real and personal property of its independent operating electric utility company (IOU) in accordance with the provisions of General Laws Chapter 79 and/or Chapter 80A.

Section 2. This act shall take effect upon its passage.

Provided, that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition; or take any other action relative thereto. *Submitted by Utility Task Force Committee. Board of Selectmen recommendation @ Town Meeting, Finance Committee, no financial impact.*

ARTICLE 10. To see if the Town will vote to transfer the care, custody, management and control of the property shown on Town Assessor's Map 115, Parcel 16 from the Board of Selectmen for the purpose for which it is currently held to the Board of Selectmen for the same purpose and also for the purpose of granting a non-exclusive perpetual easement over the above-referenced property to Tri-Town Landing Limited Partnership and Great Bridge Properties, LLC, shown as "License Area" on a plan entitled "Plan of Land in Lunenburg, Massachusetts, Prepared for Great Bridge Properties," prepared by Hannigan Engineering, Inc., dated September 14, 2009, a copy of which is on file with the Town Clerk, and will authorize the Board of Selectmen to grant such an easement for purposes of installing, maintaining, repairing, replacing gas and electrical conduits, water pipes and drainage facilities, upon such conditions and for such consideration, which may be nominal consideration, or take any action relative thereto. *Submitted by Board of Selectmen. Board of Selectmen recommendation @ Town Meeting. Finance Committee, no financial impact.*

ARTICLE 11. To see if the Town will vote to authorize the Board of Selectmen to acquire, on behalf of the Town, by gift, purchase, eminent domain or otherwise, a ten (10) foot wide non-exclusive perpetual easement, over a certain parcel of land located on the northerly side of Young's Road from Tri-Town Landing Limited Partnership, shown as "Easement Area" on a plan entitled "Plan of Land in Lunenburg, Massachusetts, prepared for Great Bridge Properties," prepared by Hannigan Engineering, Inc., dated September 14, 2009, a copy of which is on file with the Town Clerk, for purposes of vehicular and pedestrian access and egress and installation and maintenance and repair of utilities in said "Easement Area," or take any other action relative thereto. *Submitted by Board of Selectmen. Board of Selectmen recommendation @ Town Meeting. Finance Committee, no financial impact.*

ARTICLE 12. To see if the Town will vote to amend the Protective Bylaw Section 6.6. PERFORMANCE STANDARDS by deleting section 6.6.6. in its entirety and replacing with the following sections:

6.6.6. Wind Energy Systems

6.6.6.1. Wind Energy Systems (WES) are subject to a Development Plan Review granted by the Planning Board and to the following conditions, unless waived or adjusted by the Planning Board as is consistent with the purposes of this Section.

a) Area and Height.

A Small Wind Energy System (SWES) shall be located on a parcel of forty thousand (40,000) square feet minimum or on Town owned property. For a SWES the blade tip height, defined as combined tower and turbine height, shall not exceed eighty (80) feet measured from the average elevation of the existing grade at the base of the tower to the highest reach of the blade tip of the turbine.

A Commercial Wind Energy System (CWES) is located on a minimum of 400,000 square feet (10 building acres) or on Town owned property. The maximum height shall be determined by the Planning Board and/or according to manufacturer recommendation, not to exceed FAA Regulations.

b) Setback.

A SWES and CWES minimum horizontal distance shall be measured from the base of the tower structure to any property line or road right-of-way and shall be the greater of either the blade tip height plus ten (10) feet or the "fall zone", as determined by the Wind Turbine Chart or Engineering Standards supplied by the manufacturer. No part of any WES, including guy wire and anchors, may extend closer to the property boundaries than the setback for the zoning district in which it is located, as provided in the dimensional table in Section 5.0. of this bylaw.

c) Security.

The system is to be designed to prevent unauthorized access.

d) Appearance and Design.

The system shall be of monopole design with appropriate bracings, unless otherwise approved by the Planning Board, and a non-reflective exterior color designed to blend with the surrounding environment. No logos, designs, decorations, or writing shall be visible at or beyond the property line so that the visual character of surrounding neighborhoods and the community is minimally affected by site selection, turbine design or appearance, buffering, screening or lighting.

e) Cables.

All electrical cables from the tower base on all connected facilities are to conform to the Massachusetts Electrical Code as directed by the Building Official.

6.6.6.2. Construction, Operation and Maintenance.

a) An Application for a Wind Energy System:

A review for a Wind Energy System (WES) shall include a plan for the general procedures for safe and effective operation and maintenance of the facility and the following:

1. SWES. A schematic plan to scale showing placement of the tower distance to all property lines and abutting dwellings, proposed elevations, public and private roads, above ground utility lines, any other significant features and any measures designed to mitigate the impact of SWES. Any portion of these requirements may be waived by the Planning Board, if, in its opinion, the engineering/manufacturing information submitted is sufficient for the Board to make a decision.

2. CWES. A site plan, which is prepared to scale, stamped by a professional land surveyor, registered landscape architect or licensed civil engineer, showing, in addition, to other applicable requirements for a Site Plan, the location of the proposed WES and any associated buildings or appurtenances, distances to all property lines and abutting dwellings, existing and proposed structures, existing and proposed elevations, public and private roads including temporary access roads, above and below ground utility lines, any other significant features or appurtenances, and any measures designed to mitigate the impacts of the WES. Any portion of these requirements may be waived by the Planning Board, if in its opinion, the engineering/manufacturing information submitted is sufficient for the Board to make a decision.
2. A plan for the construction, operation, maintenance and removal of wind facilities, which shall be consistent with all other applicable Town, State and Federal requirements, including all applicable health and safety regulations shall be submitted to the Planning Board. Evidence shall be submitted to the Planning Board that the utility has been informed of the customer's plans and approval for an intertie agreement has been obtained.

b) Codes.

Building Permit Applications for small wind energy systems shall comply with the State Building Code and all applicable State Electrical Codes.

c) Noise.

Wind Energy Systems shall comply with the Massachusetts noise regulations (310 CMR 7.10).

d) Height.

WES towers shall comply with the above applicable section or with applicable FAA regulations, whichever is more restrictive.

e) Abandonment.

Unless authorized by written approval from the Planning Board, a WES shall be considered to be abandoned if it is not operated for a period of two (2) years, and shall be removed. If it is designated a safety hazard by the Building Commissioner, the owner shall correct the hazard or remove the WES within ninety (90) days. If the property owner fails to correct the safety hazard or to remove the wind energy system in accordance with the requirements, the Town may physically remove the WES at the owner's expense.

f) Removal.

Removal of a WES, any equipment shelters, and security barriers from the subject property requires proper disposal of the waste materials from the site in accordance with Local and State solid waste disposal regulations and restoration of the location of the WES to a stable condition with vegetation sufficient to prevent erosion and sedimentation.

g) Fees.

SWES. The applicant shall pay all costs, including application fee, review and inspecting fees as deemed appropriate by the Planning Board Fee Schedule.

CWES. The applicant shall pay all costs, including application fee, peer review and inspecting fees as determined by the Planning Board Fee Schedule.

h) Insurance.

Evidence of insurance coverage for all potential damages relating to a CWES shall be provided prior to construction.

i) Inspections.

Annual inspections to determine certification, safety and appearance shall be performed by the Building Commissioner.

j) Bonds.

An original Bond for a CWES shall be required to cover the cost of construction. An annual maintenance bond shall be posted as directed by the Planning Board Fee Schedule, or take any other action relative thereto. *Submitted by Planning Board. Board of Selectmen recommendation @ Town Meeting. Finance Committee, no financial impact.*

ARTICLE 13. To see if the Town will vote to amend the Protective Bylaw by adding the following:

Section 6.6.7 Solar Energy Systems, and renumbering the succeeding sections accordingly.

6.6.7.1. Solar energy equipment and systems are subject to the conditions and procedures contained in this Section 6.6.7.

a) Solar energy system is an energy system from the sun by use of a water heating energy system or solar electric system known as photovoltaic.

6.6.7.2. Solar Energy Equipment:

a) Solar Water Heating: Solar collectors including panels, lines, pumps, batteries, mounting, framing and a storage tank in which potable water is preheated via a heat exchanger.

b) Solar Electrical: Photovoltaic electrical panels that produce electricity directly to the electric service system of a building or residence.

6.6.7.3. Construction, Operation and Maintenance

a) All solar installations must comply with the Zoning Dimensional Regulations of the Town of Lunenburg.

b) Roof Mounted Solar Energy equipment shall be located as not to increase the total height of the structure one (1) foot above the applicable zoning regulations related to height in the District in which it is located or such other height as is determined by the Building Commissioner to be essential for proper operation, but in no case, more than four (4) feet.

- c) Ground Mounted Solar Equipment is not permitted in the Zoning Dimensional Setbacks as listed in Section 5.0., subsection 5.2. of Town of Lunenburg Zoning Bylaw and shall be adequately screened from the neighboring lot lines.
- 6.6.7.4. Information presented to the Building Commissioner for Residential Construction shall include, but shall not be limited to the following:
- a) Sun and Shadow diagrams specific to the proposed installation to determine the solar access.
 - b) Detailed information, including maps, plans or dimensional sketches, showing proposed location of the solar installation including any setbacks from property line or distances from structures which are used for habitation or adjacent properties.
- 6.6.7.5. Information presented to the Building Commissioner for Commercial Construction shall include, but shall not be limited to the following:
- a) Site drawings showing building footprint, property lines, location and the dimensions of solar collectors, ridgeline of roof and description of the solar system.
 - b) Elevation drawings showing heights of buildings and solar installation above the roof.
 - c) All other necessary permits must be obtained through the Building Official.
- 6.6.8. The applicant shall furnish all necessary data for a permit that shall be granted by the Building Commissioner. In the event that a Development Plan Review by the Planning Board involves a solar project, the Building Commissioner shall refer to the Planning Board's Development Plan Review Report. The Planning Board shall include the Building Commissioner, Electrical, and Plumbing Inspectors as well as other departments in the review process.
- 6.6.9. As-built plans shall be submitted prior to final inspection; or take any other action relative thereto. *Submitted by Planning Board. Board of Selectmen recommendation @ Town Meeting. Finance Committee, no financial impact.*

ARTICLE 14. To see if the Town will vote to adopt the Lunenburg Sewer Project Review by-law as set forth in a document entitled "Lunenburg Sewer Project Review By-law" and currently on file in the office of the Town Clerk and Board of Selectmen as Article XXIV-1 of the General Bylaws of the Town of Lunenburg; or take any other action relative thereto. *Submitted by Sewer Commission. Board of Selectmen & Finance Committee recommendations @ Town Meeting.*

ARTICLE 15. To see if the Town will vote to amend the Sewer Service Area Map, such revisions currently on file in the office of the Town Clerk and Board of Selectmen; or take any other action relative thereto. *Submitted by Sewer Commission. Board of Selectmen & Finance Committee recommendations @ Town Meeting.*

And you are directed to serve this Warrant by posting attested copies thereof in four or more public places in the Town, fourteen (14) days at least before the day appointed for said meeting, one of which places shall be at the Town Hall, one at Whalom Variety Store in the Whalom-Bakerville District, one at Powell Stone & Gravel Co., Inc., and one at Centre Pizza and Variety, and by mailing a copy to each dwelling unit in the Town in which a registered voter resides at least fourteen (14) days prior to such meeting.

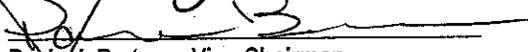
Hereof, fail not and make due return of this Warrant, with your doings thereon, to the Town Clerk at the time and place aforesaid.

Given under our hands, this tenth day of November in the year two thousand and nine.

A true copy attest:

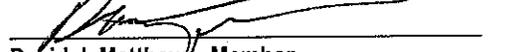

Kathryn M. Herrick, Town Clerk


Thomas A. Alonzo, Chairman

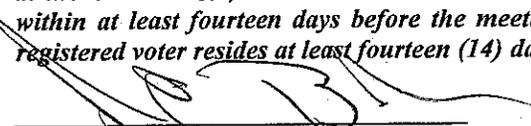

Paula J. Bertram, Vice-Chairman

Steven M. deBettencourt, Clerk

Thomas J. Mason, Member


David J. Matthews, Member
BOARD OF SELECTMEN

I have this day posted attested copies of the foregoing warrant in four or more public places in the town, including the Town Hall, one at the Centre Pizza, one at the Whalom Variety Store in the Whalom-Bakerville District and one at Powell Stone & Gravel, Inc. all within at least fourteen days before the meeting, and have mailed a copy of same to each dwelling unit in the Town in which a registered voter resides at least fourteen (14) days prior to such Special Town Meeting.


John E. Baker, Constable

NOV 13 2009

Date