

I hereby certify that at an adjourned session of the 2015 Annual Town Meeting of the Inhabitants of the Town of Abington held on June 8, 2015, a meeting duly called and conducted under Chapter 152 of the By-Laws of the Town of Abington, a quorum present, it was voted:

Article 17: Voted to amend the Zoning By-Laws by deleting the titles and text of Article IX, Signs, Sections 175-56 through 175-60 and inserting in place thereof a new bylaw, as set forth below.

Article IX. Signs

§ 175-56. Administration.

A PURPOSE

(1) Promote the safety, comfort and well-being of the users of the streets, roads and highways in the Town of Abington

(2) Reduce distractions and obstructions from signs which would adversely affect traffic safety, and to alleviate hazards caused by signs projecting over or encroaching upon public ways.

(3) Discourage excessive visual competition in signage and ensure that signs aid orientation and adequately identify uses and activities to the public.

(4) Preserve or enhance Town character by requiring new and replacement signage which is: Creative and distinctive; compatible with the surroundings; appropriate to the type of activity to which it pertains; expressive of the identity of individual proprietors or of the community as a whole.

(5) Appropriately sized in its context, so as to be easily readable.

(6) To encourage compatibility and harmony with surrounding buildings, land and land uses

B POWERS AND DUTIES OF PERSONNEL.

The Inspector of Buildings is hereby authorized and directed to interpret, administer and enforce this Section.

For any sign requiring a Special Permit under Article IX the Planning Board will be the Special Permit Granting Authority

C APPLICABILITY.

The standards and regulations of this Section shall apply to all signs erected, maintained, or replaced in any district within the corporate limits of the Town of Abington.

D SIGN PERMITS.

1. Sign Permit Required. Unless a Sign Permit is specifically not required by the standards of this Section, it shall be unlawful for any person to erect or replace a sign without first having obtained a Sign Permit.

2. Application Submittal and Content. When required by this Section, Sign Permit applications shall be filed in the office of the Inspector of Buildings upon forms furnished by that office. The submittal of the following information, material and fees shall constitute a complete application:

a. The application shall describe and set forth the following:

i. The type and purpose of the sign(s) as defined in this Section (i.e. wall sign, window sign, etc.);

- ii. Dimensions and area of the sign(s), including letter height and aggregate sign area if more than one (1) sign and/or sign face;
- iii. Materials and colors of the sign(s);
- iv. Type of illumination;
- v. Number, type and area of existing signs;
- vi. Height of sign;
- vii. The zoning district in which the subject property is located;
- viii. The name, address, telephone number and signature of the business owner;
- xi. The name, address, telephone number and signature of the owner of the property upon which the sign is to be located. The owner's agent may sign if an authorization letter from the property owner is submitted; and
- x. The name, address, and telephone number of the contractor.

b. The following attachments, and necessary copies as required by the Inspector of Buildings, shall be submitted:

- i. For standing signs, a location plan or survey showing the property upon which the subject sign is to be located, the proposed location of the subject sign on the property, the distance of the proposed sign from the subject property's boundaries, and all existing structures or buildings on the subject property. Such plan shall be to a legible engineer's scale;
- ii. For all signs, dimensioned drawings of the sign including lettering, borders, proposed color scheme, height and other design elements. Such drawings shall be to a legible architect's scale;
- iii. For wall, awning and window signs, a dimensioned drawing or photograph of the façade indicating the placement of the signs, area of the façade of the business establishment, and height of the sign. Such drawings shall be to a legible architect's scale;
- iv. Color photographs of the property including all buildings and the proposed sign location; and
- v. For signs requiring a Special Permit, a copy of a letter from the Abington Planning Board indicating approval of the Special Permit.

c. Appropriate fees, as set from time to time by the Board of Selectmen and/or the Planning Board, shall be paid, remitted with the application and deposited upon issuance of a permit.

3. Processing Time – Application Review. The Town shall process all complete and accurate Sign Permit applications within thirty (30) days of the Inspector of Buildings' actual receipt of a complete and accurate application and upon remittance of the appropriate fee.

4. Application Rejection. The Inspector of Buildings shall reject any application that is incomplete that contains false material statements or omissions, or that is for a sign which would violate any standard within this Section within thirty (30) business days of receipt of said application.

5. Resubmission. A rejected application later resubmitted in conformity with this Section shall be deemed to have been submitted on the date of resubmission, instead of the original submission date. An application which is resubmitted shall meet all the standards for an original application.

6. Permit Revocation. Should it be determined that a Sign Permit was issued in error and/or pursuant to an application containing a false material statement or omission, or for a sign not meeting the standards of this Section, the Inspector of Buildings shall revoke said permit and the subject sign shall be immediately removed.

7. Expiration Date. A Sign Permit shall become null and void if the sign for which the permit was issued has not been installed and completed within six (6) months after the date of issuance; provided, however, a one (1) time ninety (90) day extension period may be granted by the Building Inspector for good cause

D DEFINITIONS

Abandoned Sign - Any sign associated with a non-seasonal use which has ceased operations for one hundred eighty (180) or more days and/or contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt.

Address Sign - A sign indicating the numerical location, or numerical and street location, of a particular property.

Animated Sign - Any sign, or part of a sign, that uses any movement or change of lighting or color to depict action or create a special effect or scene.

Audible Sign - Any sign which emits a sound which is audible or emits a signal which can be converted into audible sounds, whether by radio or other means.

Awning - Any device, fixed or retractable, of any material, which extends over or otherwise covers a sidewalk, courtyard, walkway, eating area, driveway, or other area or space whether that area or space is intended for pedestrians, vehicles or other purposes. Also known as a "canopy."

Awning Sign - Any sign that is a part of, attached to, or displayed on an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area.

Banner - A sign placed above or across a public or private street or way with the prior written permission of the Building Inspector or ZBA shall determine the terms and conditions for the use of such sign, including, but not limited to, dimensional and length of time of allowances. Neither flags nor awning signs are considered banners.

Beacon - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

Billboard - A freestanding sign larger than forty (40) square feet in gross area, or a wall sign covering more than ten percent (10%) of the area to which is affixed; exception: shopping mall sign.

Building Sign - Any sign attached to any part of a building, as contrasted to a ground sign.

Business Establishment - Any non-residential use, whether or not consisting of one (1) or more buildings. In a building with more than one (1) non-residential tenant, each tenant shall constitute a separate business establishment.

Changeable Copy - Any lights, lettering, or images that may be electronically or manually changed to form a sign message or messages.

Commercial Message - Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Community Services: - Churches, schools, public libraries, public museums, parish houses, hospitals, sanatoria, educational, research and philanthropic institutions, cemeteries; parks,

playgrounds, public playing fields, Town pools, municipal buildings, armories, beaches, Town forests, watersheds, water towers and reservoirs, and recreation buildings; passenger stations, Town wharves and landings.

Directional Signs - Any sign limited solely to directing both vehicular and pedestrian traffic within or setting out restrictions on the use of parking areas.

Directory Sign - A sign which may be utilized by multiple business establishments occupying a single building or complex with a shared public entrance.

Entrance - A means of accessing a building. For the purpose of regulating signage the following are types of entrances:

a. **Public Entrance** - An entrance to a single business establishment available for use by the general public during hours of operation.

b. **Principal Entrance** - The primary public entrance to a single business establishment.

c. **Secondary Entrance** - A public entrance to a single business establishment that is additional to the principal entrance.

d. **Shared Public Entrance** - A common public entrance that provides access to multiple business establishments but does not directly access any single business establishment.

Externally Illuminated Sign - A sign illuminated by an external light source directed solely toward such sign.

Facade of the Business Establishment - That portion of the building wall facing a street or containing a public entrance, which corresponds to the height and width of the interior space rented or owned by the tenant of the business establishment.

Flag - Any fabric or bunting containing colors, patterns, or symbols used as a symbol of a government or other entity or organization.

Flashing Sign - A sign whose illumination is not kept constant in intensity at all times when in use, and which exhibits changes in light, color, direction or animation, less than once every minute. A sign whose illumination changes to indicate the date, time and temperature will not be considered a "flashing sign."

Freestanding Sign: -A self-supporting sign not attached to any building, wall or fence, but in a fixed location. This does not include movable, portable, mobile or trailer-type signs.

Gasoline Filling Station - A business engaged, as a primary purpose, in the retail dispensing of motor vehicle fuels to the public.

Ground Sign - Any sign, supported by structures or supports that are placed on or anchored in the ground, independent from any building or other structure.

Illuminated Sign: - Any sign lit by electrical bulbs, LED's fluorescent lights or neon tubes. Neon tubes used as abstract, graphic, decorative or architectural elements shall be considered to constitute an illuminated sign. Christmas lighting shall not be deemed to be "illuminated signs."

Industrial Building: - A building occupied and used primarily for the purpose of manufacturing or warehousing and which may also include a limited amount of office space used in conjunction with the industrial operations.

Inspector of Buildings - The Building Commissioner for the Town of Abington, or his or her designee for a particular purpose.

Institutional Use - For the purpose of this Section, shall mean any religious or educational use.

Internally Illuminated Sign - A sign illuminated by an internal light source, utilizing translucent panels, canvas or other fabric, letters, devices or other similar components to create an image by allowing light to pass through. A "Reverse Lit" sign is not an internally illuminated sign.

Lot - An area of land in single ownership with definite boundaries, established by a recorded plan or deed, including a lot created by combining several previously recorded lots, and used or available for use as a site of one (1) or more buildings or for any other purpose.

Movable, Portable or Mobile Sign: - A sign capable of being readily moved or relocated, including portable signs mounted on, attached to or painted on a chassis and wheels, a truck, trailer or other vehicle if placed at a location especially prepared for display through special lighting or elevation, or in the case of commercial vehicles having lettering, logos or similar devices, if such vehicles are placed at a location more prominent than a feasible alternative on the site, or any sign supported by legs; also signs converted to A- or T-frames, menu and sandwich board signs, balloons used as signs and umbrellas used for advertising.

Moving Sign - Any and every sign any part of which moves, is designed to move, or to be moved, by any means.

Multi-Faced Sign - Any sign consisting of more than one (1) sign face.

Multiple or Ladder Signs: - A freestanding sign with a vertical support(s), with two (2) or more horizontal crosspiece signs, or two (2) or more hanging horizontal signs, serving as individual signs for identification or advertising purposes.

Non-commercial Sign – Temporary signs relative to non-commercial campaigns, sales, promotions, drives or other events of political, civic, philanthropic, educational or religious organizations, or any other signs of a non-commercial nature, provided such signs are six feet or less in area.

Non-Conforming Sign - Any sign legally erected prior to the adoption of this section, or any amendment thereof, which does not conform to the requirements of this section or such future amendments.

Normal Grade - The lower of 1) existing grade prior to construction or 2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

Obscene Matter - As defined in M.G.L. Chapter 272, § 31.

Off-premises Sign: - Any sign which is not on the premises of the business, including a billboard or movable sign.

On-premises Sign: - Any sign that advertises, calls attention to or identifies the occupant of the premises on which the sign is maintained, or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent.

Out-of-Store Marketing Device - An out-of-store marketing device is any facility or equipment which is located outside of a primary building on a site zoned for non-residential uses, which is used for the primary purpose of providing a product or service without the owner's or agent's immediate presence, and which is manufactured to include a color, form, graphic, illumination, symbol, and/or writing thereon to communicate information regarding the product or service provided thereby to the public. Examples of out-of-store marketing devices include: fuel pumps, bank ATM units, vending machines, newspaper racks, drink machines, ice boxes, and phone booths.

Open Face - A type of sign and/or sign illumination utilizing an open or clear plastic sign face, allowing the light source to be visible.

Pennant - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind. Also known and referred to as a streamer.

Permanent Sign - Any sign of a type and construction as not to be easily or readily removed, which, when installed, is intended for permanent use. Types of permanent signs include, but are not limited to, standing signs, wall signs, awning signs, and window signs.

Person - A natural or legal person, including a partnership, trust, corporation or similar entity.

Principal Building - The building in which the principal use of the lot is conducted. Non-residential lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other structures with clearly accessory uses shall not be considered principal buildings.

Projecting Sign - A type of wall sign which is perpendicular to the wall to which it is attached and projects away from such wall.

Public Services Sign: - A sign located for the purpose of public information, providing directions towards or indication of a use not readily visible from the street (e.g., rest rooms, telephone, etc.); signs prohibiting trespass, hunting and the like, and signs warning of danger, such as "high voltage"; street name signs, and signs erected by the Town, County or Commonwealth for the direction and control of traffic, or other public purposes.

Residential Zones: - Include R-20, R-30 and R-40 unless otherwise noted.

Reverse Lit - A type of sign and/or sign illumination using an opaque face and sides, generally constructed of aluminum, and a clear polycarbonate back or no back. Light does not pass through the face of the sign, but rather comes out of the back of the sign and is cast off the wall behind the sign, thereby creating a silhouette of the outline of the sign face. Also known and referred to as "Reverse Back Lit", "Halo", or "Halo Lit" sign or sign illumination.

Roof Sign - Any sign erected and constructed above, or projecting above, the lowest point of the eave or the top of a parapet wall of any building, or which is painted or otherwise attached or affixed to a roof.

Shopping Center: - A group of three (3) or more separate business buildings or five (5) or more stores, shops and/or service centers, built as a plaza, Village or office complex, located on one (1) lot.

Sign - Any device, fixture, placard, or structure affixed to, supported by, or suspended by a stationary object, building or the ground that uses any color, form, graphic, illumination, symbol, or writing to communicate information of any kind to the public.

Sign Face - That part of a sign that is or can be used for the purpose of advertising, identification or conveying a message.

Sign Permit - A permit issued by the Inspector of Buildings allowing a sign to be installed on a piece of property.

Standard Informational Sign - A sign with no one side consisting of an area greater than six (6) square feet, with a sign face made for short term use, containing no reflecting elements, flags, or projections and which, when erect, stands at a height not greater than six (6) feet. Sandwich board signs shall be considered to be a type of standard informational sign.

Standing Sign - A permanent sign erected on or affixed to the ground and not attached to a building.

Temporary Sign - Any and every sign which by its design and/or use is temporary in nature and/or is not permanently mounted. Neither flags nor awning signs are considered temporary signs. A sign intended to be used for a period of no more than thirty (30) days.

Wall Area: - The sum of the gross vertical area, in square feet, of the pertinent wall measured from the exterior faces of the wall, which shall include doors and windows therein. A parapet

(that part of a wall that extends above the roof level) shall not be included in the calculations for "wall area."

Wall Sign: - Any sign which is painted on, incorporated into or affixed parallel to the wall of a building, and which extends not more than six (6) inches from the surface of that building.

Window Sign: - A sign affixed to the surface of a window (inside or outside) or displayed behind a window so as to attract attention from the outside. A sign shall be deemed a "window sign" if it is within the display or show case of the window, or within four (4) feet of the inside surface of a window through which it is intended to be viewed.

§ 175-57. General regulations.

A. All signs shall be non-animated and non-flashing. Exceptions may be permitted for short-term displays such as in fairs, carnivals, parades, and seasonal celebrations not to exceed 30 days each year.

B. In all zoning districts, for safety reasons, signs or their illumination shall not by reason of their location, shape, size, or color interfere with traffic, sight lines or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal or traffic marking.

C. No sign shall obstruct visibility in such a way as to constitute a hazard to the safety of persons traveling upon a public way.

D. No commercial sign shall be affixed upon or painted upon any rock, tree, or utility pole within the Town of Abington.

E. Signs may be placed along traveled ways for the purpose of indicating directions to business or institutional facilities by special permit of the Board of Appeals which shall, in addition to other requirements for the granting of special permits, allow such signs only if they are reasonably needed for directional purposes.

F. Signs may be no higher than 25 feet or the height of the associated building whichever is greater.

G. Private signs shall not project over public streets and no more than four feet over public walks. No signs whether permanent or temporary shall be erected or affixed to any object in a public right-of-way.

H. All signs, whether erected before or after the effective date of this bylaw, shall be maintained in a safe condition to the satisfaction of the Building Inspector.

§ 175-58. Residential districts. (R-20, R-30, R-40, TOD, CBD)

In all residential districts, signs may be permitted as follows:

A. One sign displaying the street number or name of the occupant on premises, or both, not exceeding two square feet in area. Such sign may be attached to a building or may be on a rod or post not more than six feet high and not less than three feet from the street line. Such sign may include identification of an accessory studio or professional office in the dwelling or on the premises, or may identify other permitted accessory uses, including customary home occupations.

B. One bulletin or announcement board or identification sign for a permitted nonresidential building or use, not more than 10 square feet signboard area. For churches and institutions, membership clubs, funeral establishments, hospitals, other places of public assembly, community facilities or public utilities, one bulletin or announcement board or identification sign is permitted on each building.

C. A sign bearing the name of a subdivision or multi-family housing development located on the premises at the street entrance, limited to announcing the name of the subdivision or multi-family housing development. Such a sign shall not exceed 20 square feet in area, the top of the sign not to exceed 6 feet off ground.

D. No sign or advertising device shall be illuminated after 11:00 p.m. or no longer than 30 minutes after the business closes whichever is later, except as required for public safety or public buildings such as police and fire departments, hospitals, etc or as permit allows.

E. Temporary Sign: A sign which is associated with an activity of a temporary nature or a sign which temporarily identifies an activity of a permanent nature. Temporary signs are hereby classified into the following categories:

a. Sale or Rent Sign — A sign which displays the word "sale" or "rent" and indicates the name of the individual, business or corporate entity offering the premises for sale or rent.

b. Construction Sign — A sign which identifies the owner, contractor, designer and/or engineer associated with a project under construction and on site. All such signs shall be removed upon completion of construction.

c. Special Event Sign — Temporary sign for special events such as fairs, carnivals and holiday celebrations, subject to the conditions of a permit for a period not to exceed one month.

d. Temporary signs relative to non-commercial campaigns, sales, promotions, drives or other events of political, civic, philanthropic, educational or religious organizations, or any other signs of a non-commercial nature, provided such signs are six feet or less in area.

e. Mobile or Portable Sign — A freestanding sign with a mobile structural support, such as signs on trailers and sandwich board signs, to be allowed by special permit only in place of an otherwise allowed freestanding sign, not to exceed the area 30 square feet. A mobile sign is subject to special permit and conditions imposed by Special Event Sign, (E) (c) of this section.

f. Special Sale Sign — Any non-identification sign used to advertise a sale or special event only.

F. Prohibited Signs

a. Any sign not expressly permitted or exempted under this Section, including, without limitation, an "A"-shaped or "V"-shaped sign, a trailer sign and a billboard.

b. Flashing, moving or animated signs or signs designed to attract attention by a change in light intensity or by repeated motion, which such change or motion is generated by or internal to the sign itself.

c. Internally illuminated signs.

d. Non-accessory signs promoting commercial activities are prohibited; non-accessory signs promoting non-commercial activities are permitted so long as they comply with the requirements of this Section.

e. Audible signs.

f. Roof signs

g. Signs in the right of way, other than those belonging to a government, public service agency, or railroad.

h. Promotional beacons, laser lights or images.

i. Signs which depict obscene matter or are considered obscene matter, as defined in M.G.L. Chapter 272, § 31.

- j. Signs which advertise an activity which is illegal under federal, state or local laws.
 - k. Signs not in good repair, in violation of codes, or containing or exhibiting broken panels, visible rust, visible rot, damaged support structures, or missing letters.
 - l. Abandoned signs, identifying abandoned or discontinued business. Such signs shall be removed within sixty (60) days following the abandonment or discontinuance as ordered by the Inspector of Buildings.
 - m. Imitation traffic signs, signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go," "slow," "caution," "warning," or similar words in such a manner as to resemble official traffic control signs.
 - n. Pennants or feather signs.
- For the purposes of this Section, fund-raising activities by charitable organizations shall not be considered commercial activities.
- i. No sign shall be erected at or near the intersection of any streets, or of a street and driveway, in such manner as to obstruct free and clear vision, or be erected at any location where, by reason of the position, shape, color, illumination or wording, the sign may interfere with, obstruct the view of or be confused with, any authorized traffic sign, signal or device or otherwise constitute a hazard to pedestrian or vehicular traffic because of intensity or direction of illumination.

§ 175-59. Commercial and Industrial districts. Signs and/or advertising devices are permitted only as follows:

A. As permitted in residential districts.

B. One sign paralleling the street and attached flat to the facade of the establishment advertised as long as such sign does not exceed one square foot in area for each horizontal foot of building frontage and as long as such sign does not project more than 12 inches perpendicularly from the facade.

(1) Open lot businesses, such as auto sales, in which the surrounding unenclosed property serves as a major display area for a relatively small building, may base such sign area on lot frontage such that the sign area does not exceed one square foot per foot of lot frontage, but not to exceed 32 square feet; or

(2) One sign not to exceed 40 square feet in area on either side, perpendicular to the associated street or sidewalk and located immediately adjacent to or over the entrance to the store or business. Such sign shall not project more than five feet from the face of the building. If such establishment maintains a parking facility, this sign may be free-standing immediately adjacent to the parking lot entrance provided it does not obstruct sight lines.

C. Iconic or symbolic signs such as barber poles, clocks, etc., that carry no printed advertising and whose cross sectional area does not exceed 15 square feet may be displayed in addition to those heretofore described.

D. Stores or businesses sharing common private parking facilities such as shopping centers may cooperatively display one ladder sign in view of the public way not to exceed 100 square feet in area. Such sign shall be located adjacent to the parking entrance, shall be no taller than 25 feet nor lower than eight feet from the ground if sign is placed within traffic sight line. Signs placed out of traffic sight lines may be placed on ground level but may not exceed [6 feet high] but shall not exceed the height of the roofline. A directory of participating stores or businesses may be associated with such sign, each store or business to be allotted not more than four square feet of space.

E. Where a structure is set back at least 30 feet from the curb line, a free-standing sign of an area not in excess of 32 square feet on each side may be placed in such a manner that the edge of the sign is not less than 10 feet from the lot line and not higher than 25 feet nor lower than eight feet from the ground if sign is placed within traffic sight line. Signs placed out of traffic sight lines may be placed on ground level but may not exceed [6 feet high] but shall not exceed the height of the roofline.

F. There shall not be more than two exterior signs for each store or business excluding exit and entrance signs. Additional signs may be allowed by Special Permit.

G. Electronic signs by special permit. Meets conditions of § 175-59 A, B and F of this section in addition to the following:

- a. Is part of a non-temporary, freestanding or fascia sign;
- b. Limits the change to a complete message to one change not more than per minute;
- c. Does not incorporate any form scrolling, fading, movement of any kind as part of the change of message;
- d. Does not incorporate any form of animation, moving letters, flashing images or flashing lights;
- e. Does not incorporate any form of chasing borders or animation of any kind in to the sign or message;
- f. Does not incorporate live or recorded video feed;
- g. Does not incorporate sound;
- h. Illuminated during hours of business operation;
- i. Auto dimming to external ambient light conditions.

§ 175-60. Special signs.

The following signs are exempt from the requirements of Article IX:

A. Interior window displays or signs.

B. A community bulletin board for the purpose of displaying notices such as public events, schedules and personal notices. Such bulletin boards are not to be used for the purposes named in § 175-58B. Bulletin boards may be 32 square feet on each side.

C. Gasoline filling stations and garages may divide the one architectural sign affixed to the front wall of the building to which they are entitled as herein above provided into separate signs affixed to and parallel to such wall and indicating the separate operations or departments of the business. In addition, one sign standing or otherwise indicating the company whose gasoline is being sold and the price of gasoline being sold may be erected of such type, in such location, and in such manner as is otherwise permitted. The standard type of gasoline pump bearing thereon in usual size and form the name of the type of gasoline and the price thereof shall not be deemed to be in violation of this bylaw. Temporary or moveable signs of any and every type are specifically prohibited. Exempt are signs required by either Federal, State or local statute.

D. A memorial sign or tablet indicating the name of a building or the date of its erection.

E. Temporary signs relative to non-commercial campaigns, sales, promotions, drives or other events of political, civic, philanthropic, educational or religious organizations, or any other temporary signs of a non-commercial nature, provided such signs are six feet or less in area.

F. Advertising or municipal signs on a municipal property.

PLANNING BOARD MOTION: The Planning Board moves that the Town approve Article 17 as presented in the warrant, with the following revisions:

- In Section 175-56D,
 - in the definition of “Banner” insert, after the words “written permission of” the words, “the owner of the way and then of” and in the last sentence of said definition, delete the word “are” and insert in place thereof the words “shall be”
 - in the definition of “Non-Commercial sign” replace the words “six feet” with the words “six square feet”
- In Section 175-58E, replace the words “six feet” with the words “six square feet”
- In Sections 175-59D and 175-59E, delete the parenthesis surrounding the words “6 feet high”
-

And further, to authorize the Town Clerk, in consultation with the Town Manager, to make such ministerial changes to numbering or lettering as may be necessary to bring said bylaw into accord with the system utilized in the Town Code.

A UNANIMOUS VOTE

A true copy,

Attest: _____

Leanne M Adams , Town Clerk

Voted: June 8, 2015

Approved: December 14, 2015

Posted: December 17, 2015

I hereby certify that at an adjourned session of the 2015 Annual Town Meeting of the Inhabitants of the Town of Abington held on June 8, 2015, a meeting duly called and conducted under Chapter 152 of the By-Laws of the Town of Abington, a quorum present, it was voted:

Article 18: Voted to amend the Zoning By-Laws Section 175-66 Buffer Strips as follows:

INSERT the following two new sections:

F. Any fencing or buffering along lot lines intersecting with a street shall be required to either terminate or be no higher than four (4) feet within twenty (20) feet from the street line, and shall in any event terminate at least ten (10) feet in from the street line. Strict compliance with these buffering requirements of §175-66 may be waived or adjusted by a majority vote of the Planning Board during site plan review when good cause is shown, including but not limited to, proposed topography and building locations, aesthetics and sight lines, existing vegetation on the locus and/or abutting properties which will likely remain, or other characteristics of the locus property and/or abutting properties.

G. No residential front yard may be completely enclosed by a solid fence, unless the portion of the fencing running parallel to any street is no higher than four (4) feet, and no portion of the solid fence is located within ten (10) feet of any street line, or take any other action relative thereto.

Moderator declares more than a 2/3 vote

A true copy,

Attest: _____

Leanne M Adams , Town Clerk

Voted: June 8, 2015

Approved: December 14, 2015

Posted: December 17, 2015

I hereby certify that at an adjourned session of the 2015 Annual Town Meeting of the Inhabitants of the Town of Abington held on June 8, 2015, a meeting duly called and conducted under Chapter 152 of the By-Laws of the Town of Abington, a quorum present, it was voted:

Article 19: Voted to amend the Zoning By-Laws by deleting in its entirety the Section 175-36, Phased Development Bylaw as it expired on June 1, 2011 by its own terms.

PLANNING BOARD MOTION: Mr. Hughes of the Planning Board moves that the Town approve Article 19 as presented in the warrant.

A UNANIMOUS VOTE

A true copy,

Attest: _____
Leanne M Adams , Town Clerk

Voted: June 8, 2015
Approved: December 14, 2015
Posted: December 17, 2015

I hereby certify that at an adjourned session of the 2015 Annual Town Meeting of the Inhabitants of the Town of Abington held on June 8, 2015, a meeting duly called and conducted under Chapter 152 of the By-Laws of the Town of Abington, a quorum present, it was voted:

Article 20: Voted to amend the Zoning By-Laws Section 175.67.1, Outdoor Lighting as follows:

Replace the existing text of ss175-67.1 (H)-(1)-(e), (f) and (i) with the following:

- (e) That light trespass onto any street or abutting lot will not occur in excess of 0.5 foot-candles within 25 feet beyond the lot line. This may be demonstrated by manufacturer's data, cross section drawings, or other means. Minor violations of this standard may be waived by the SPGA or the Zoning Enforcement Officer where the objectives of 175-67.1A will be achieved.
- (f) The requirement of submission of a photometric plan may be waived by the applicable Permit Granting Authority if the proposed location, height, luminaire specifications and other relevant information demonstrate that no light trespass issues will occur.
- (j) Wall Pack Lighting: shall not be used as lamination beyond 25 off the face of any Building or Structure.
Exception: Decorative Lighting Fixtures with 70 watt maximum light fixture and other than municipal uses.

Insert a new s 175-67.1(H) (I) (K) as follows:

- J. Special Permits. When site plan review is required, the Planning Board shall act as the Special Permit Granting Authority (SPGA) under this section, and otherwise the Zoning Board shall act as the SPGA. The SPGA may grant a special permit modifying the requirements of this section.

PLANNING BOARD MOTION: Mr. Hughes of the Planning Board moves that the Town approve Article 20 as presented in the warrant, with the following clarifications:

1. Paragraphs "lower case" (e) and (f) appearing in the warrant shall replace existing §175-67.1(H)(1)(e);

2. Paragraph “lower case” (j) as shown in the warrant shall be inserted as a new paragraph §175-67.1 “upper case” (J), replacing the existing paragraph, which section shall now provide as follows:
3. Wall Pack Lighting: shall not be used as direct illumination beyond 25 feet off the face of any Building or Structure.

Exception: Decorative Lighting Fixtures with 70 watt maximum light fixture and municipal uses.

4. And further that paragraph “upper case” J as appearing in the warrant shall be inserted as a new paragraph §175-67.1 “upper case” (K)

PLANNING BOARD MOTION: Mr. Hughes of the Planning Board moves that the Town approve Article 20 as presented in the warrant.

A UNANIMOUS VOTE

A true copy,

Attest: _____

Leanne M Adams , Town Clerk

Voted: June 8, 2015

Approved: December 14, 2015

Posted: December 17, 2015

I hereby certify that at an adjourned session of the 2015 Annual Town Meeting of the Inhabitants of the Town of Abington held on June 8, 2015, a meeting duly called and conducted under Chapter 152 of the By-Laws of the Town of Abington, a quorum present, it was voted:

Article 21: Voted to amend the Zoning By-law, Article VI Dimensional and Density Regulations by inserting Section 175-25A:

“No lot shall be reduced in area or frontage if it already has or will be caused to have less area or frontage than required by this section, except by a taking by eminent domain or a conveyance for a public purpose. Such lots reduced in the area or frontage by a taking by eminent domain or a conveyance for a public purpose shall be entitled to the protections afforded by statute and in this By-Law to lawfully pre-existing nonconforming lots. Further, if an existing structure is rendered nonconforming as to setback (or more non-conforming as to setback) by a taking by eminent domain or conveyance for a public way or access way or by the approval of a subdivision way for a third party, said structure shall be entitled to the protections afforded by statute and in this By-Law to pre-existing nonconforming structures. Notwithstanding the foregoing, the protections afforded by this section shall not apply to vacant lots existing prior to the effective date of this section which are less than 5,000 sq. ft. and/or with less than 50 feet of frontage.”.

PLANNING BOARD MOTION: The Planning Board moves that the Town approve Article 21 as presented in the warrant, provided however, that the word “lawfully” shall be inserted before the words “pre-existing nonconforming” in the next of last sentence of the section.

PASSES BY A 2/3 VOTE

A true copy,

Attest: _____

Leanne M Adams , Town Clerk

Voted: June 8, 2015

Approved: December 14, 2015

Posted: December 17, 2015

I hereby certify that at an adjourned session of the 2015 Annual Town Meeting of the Inhabitants of the Town of Abington held on June 8, 2015, a meeting duly called and conducted under Chapter 152 of the By-Laws of the Town of Abington, a quorum present, it was voted:

Article 22: Voted to amend the Zoning By-Laws Section 175-52; Table of Off-Street Parking Regulations as follows:

- G. Dwellings (single-family attached, Each one-bedroom unit, 1.3 spaces; each multi-family and accessory apartments); two-bedroom unit, 2.0 spaces; each three-bedroom unit, 2.6 spaces; each four-bedroom unit, 3.0 spaces, plus 0.5 additional space for each dwelling unit.

PLANNING BOARD MOTION: Mr. Hughes of The Planning Board moves that the Town approve Article 22 by deleting the existing text of §175-52(G) of the Zoning Bylaws and inserting the new text as presented in the warrant.

A UNANIMOUS VOTE

A true copy,

Attest: _____

Leanne M Adams , Town Clerk

Voted: June 8, 2015

Approved: December 14, 2015

Posted: December 17, 2015

I hereby certify that at an adjourned session of the 2015 Annual Town Meeting of the Inhabitants of the Town of Abington held on June 8, 2015 a meeting duly called and conducted under Chapter 152 of the By-Laws of the Town of Abington, a quorum present, it was voted:

Article 23: Voted to amend the Zoning By-Laws as follows: To delete the Transitional Commercial District on westerly side of Route 18 and re-classify it as a Highway Commercial zone.

PLANNING BOARD MOTION: The Planning Board moves that the Town approve Article 23 by amending the Zoning Map to reclassify land on the west side of Bedford Street now designated as a “Transitional Commercial” zoning district to “Highway Commercial”.

A UNANIMOUS VOTE

A true copy,

Attest: _____

Leanne M Adams , Town Clerk

Voted: June 8, 2015

Approved: December 14, 2015

Posted: December 17, 2015

I hereby certify that at an adjourned session of the 2015 Annual Town Meeting of the Inhabitants of the Town of Abington held on June 8, 2015, a meeting duly called and conducted under Chapter 152 of the By-Laws of the Town of Abington, a quorum present, it was voted:

Article 25: Voted to amend the Zoning By-Laws section 175-77 Site Plan Review by inserting the underlined text and deleting the strikethrough text as follows:

REVISE 175-77(A)(2)(c)

(2) The following activities shall not require a site plan review or approval:

...(c) Renovations or alterations to a building exterior

To:

...(c) Renovations or alterations to a building exterior which may include a vertical structural change and/or an extension or enlargement of the building of not more than 20% of the existing footprint's gross square area, so long as said change, extension or enlargement does not violate any height or setback requirements or encroach into any wetland areas.

REVISE 175-77(A)(3)

(3) Notwithstanding the provisions of Subsection A(2) above, the Building Inspector ~~will~~ shall require a site plan review and approval by the Planning Board if, in his/her judgment, the proposed construction, alteration or change of use will negatively and substantially affect existing traffic circulation, drainage, landscaping, lighting, off-street parking or other elements of the environment.

PLANNING BOARD MOTION: The Planning Board moves that the Town approve Article 25 by:

- (1) Deleting the existing text of §175-77(A)(2)(c) in its entirety and replacing it with the new text as presented in the Warrant, and
- (2) Amending §175-77(A)(3) by deleting the strikethrough text and inserting the underlined text as presented in the Warrant.
- (3)

ARTICLE 25 PASSES WITH A UNANIMOUS VOTE

MOTION FOR RECONSIDERATION -A motion to reconsider was made by Andrew Burbine and seconded by Shawn Reilly to reconsider Article 25. The vote to reconsider was approved unanimously.

AMENDMENT - Mr. Hughes of the Planning Board moves to amend the main motion under Article 25 by inserting the word "not" between the words "enlargement does" and "violate any height or set back requirements". The motion to amend was approved unanimously.

ARTICLE 25, AS AMENDED, PASSES WITH A UNANIMOUS VOTE

A true copy,

Attest: _____

Leanne M Adams , Town Clerk

Voted: June 8, 2015

Approved: December 14, 2015

Posted: December 17, 2015

I hereby certify that at an adjourned session of the 2015 Annual Town Meeting of the Inhabitants of the Town of Abington held on June 8, 2015, a meeting duly called and conducted under Chapter 152 of the By-Laws of the Town of Abington, a quorum present, it was voted:

Article 26: Voted to amend the Zoning by-Laws as shown below:

PRINCIPAL USE	R20	R30	R40	GC	H C	I	TB	Fw	CB D	TOD	TC	MUPDD
G. INDUSTRIAL, WHOLESALE AND TRANSPORTATION USES												
(7) Large-Scale Ground-Mounted solar photovoltaic installations	N	N	SP	N	SP	Y	Y	N	N	N	N	SP
Small-Scale Roof-mounted Solar Equipment	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

and further, to amend the Zoning By-Law, by inserting a new bylaw. Large-Scale Ground Mounted Solar Photovoltaic Installations. As Section 175-

V. LARGE-SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

V10. Purpose.

The purpose of this bylaw shall be to promote the creation of new large-scale ground-mounted solar photovoltaic installations in the appropriate locations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources, and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

V11. Applicability. This section shall apply to large-scale ground mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type configuration or size of these installations or related equipment.

V12. Definitions.

As-of Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of right development may be subject to site plan review to determine conformance with local zoning ordinances or bylaws. Projects cannot be prohibited, but can be reasonably regulated by the inspector of buildings, building commissioner or local inspector, or if there is none in a town, the board of selectmen, or person or board designated by local ordinance or bylaw.

Building Inspector: The inspector of buildings, building commissioner, or local inspector, or person or board designated by local ordinance or bylaw charged with the enforcement of the zoning ordinance.

Building Permit: A construction permit issued by an authorized building inspector that evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing large-scale ground-mounted solar photovoltaic installations.

Designated Location: The locations designated by the Town, in accordance with Massachusetts General Laws Chapter 40A, section 5, where large ground – mounted scale solar photovoltaic installations may be sited are limited to the locations indicated in section 175-21, of the Zoning By-Laws. Said locations are shown on a Zoning Map pursuant to Massachusetts General Laws Chapter 40A Section 4. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Town Clerk.

Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250kW DC, or requires an area larger than 1 acre for installation.

On-Site Solar Photovoltaic Installation: A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

Site Plan Review Authority: For purposes of this bylaw, Site Plan Review Authority refers to the body of local government designated as such by the municipality.

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

Solar Photovoltaic Array: an arrangement of solar photovoltaic panels.

Special Permit: A special permit review by the Site Plan Review Authority to determine conformance with local zoning ordinances or bylaws shall be obtained before the development proceeds.

Zoning Enforcement Authority: The person or board charged with enforcing the zoning ordinances or bylaws.

V13. General Requirements for all Large-Scale Ground-Mounted Solar Power Generation Installations. The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

V14. Compliance with Laws, Ordinances and Regulations. The construction and operation of all large-scale ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

V15. Building Permits and Building Inspections. No large-scale ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit and only in accordance with the requirements of the Table of Uses and this section. Smaller scale ground – mounted or small-scale roof-mounted solar equipment installations which are an accessory structure to an existing residential or non-residential use do not need to comply with this Section, but shall conform to the Table of Uses and shall require a building permit and shall comply with the other provisions of this Zoning By-law as applicable.

V16. Fees. The application for a building permit for a large scale ground-mounted solar photovoltaic installation must be accompanied by the fee required for a building permit.

V17. Site Plan Review. Large scale ground-mounted solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo site plan review by the Site Plan Review Authority prior to construction, installation or modification as provided in this section.

V17.1 General All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts, except in accordance with any exemption provided for under G.L. c.112, §81R.

V17.2. Required Documents. Pursuant to the site plan review process, the project proponent shall provide a site plan in conformance with §175-77 “Site Plan Review” of the Town of Abington Zoning By-Laws in addition to the following:

- A. Property lines and physical features, including roads, for the project site;
- B. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- C. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures. The proponent may not take any actions to modify any existing structures or vegetation on adjacent properties which may shade the installation without express written consent of the property owner.
- D. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices;
- E. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- F. Name, address, and contact information for proposed system installer;
- G. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- H. The name, contact information signature of any agents representing the project proponent; and
- I. Documentation of actual or prospective access and control of the project site;
- J. An operation and maintenance plan;
- K. District designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
- L. Proof of liability insurance; and
- M. Description of financial surety that satisfies Section V 31.6.

The Site Plan Review Authority may waive documentary requirements as it deems appropriate.

V18. Site Control. The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

V19. Operation & Maintenance Plan. The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

V20. Utility Notification. No proposed large-scale ground-mounted solar photovoltaic installation shall be submitted for review until evidence has been given to the Site Plan Review Authority that the utility company that operated the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator, and that the electrical grid can safely transmit the proposed power output of the installation. Off-grid systems shall be exempt from this requirement.

V 21. Dimension and Density Requirements.

V 21.1. Setbacks. For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be at least 50 feet; provided, however, that where the lot abuts a Residential District or Residential Use or is in a Residential District, the setbacks shall not be less than 100 feet. Every abutting property shall be visually screened from the installation through either existing vegetation or new plantings of not less than 6 feet in height at the time of planting throughout the required setback dimension, or alternately shall provide a minimum setback of 2,000 feet. The provided screening shall obscure from view at least 75% of the project from adjacent properties, including upper levels of existing structures, within five years of the issuance of the permit. Security fences, roadways, and equipment shall not be placed within the required setback, except for that which is required to access the site from an adjacent roadway, or to transmit the generated power to the grid.

The provided setbacks shall be suitable to limit the noise generated by the installation to no more than 40 decibels at the property lines.

V21.2. Appurtenant Structures. All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

V22. Design Standards

22.1. Lighting. Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

V22.2. Signage. Signs on large-scale ground-mounted solar photovoltaic installations shall comply with the Town's sign requirements. A sign consistent with the Town's sign requirements shall be required to identify the owner and provide a 24-hour emergency contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the operator of the solar photovoltaic installation.

V22.3. Utility Connections. Reasonable efforts, as determined by the Site Plan Review authority, shall be made to place all utility connections from the solar photovoltaic installation 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.

V 22.4. Hazardous Materials. Hazardous materials stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by the DEP pursuant to Mass DEP regulations 310 CMR 30.000 and shall meet all requirements of the DEP including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment. If hazardous materials are utilized within the solar equipment, including the photovoltaic panels, then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required.

V 23 Safety and Environmental Standards.

V 24. Emergency Services. The large scale ground-mounted solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked, and training required to allow emergency response personnel to safely shut down the installation in event of an emergency provided at no cost to the Town as requested by the Town. The owner or operator shall identify a responsible person for public inquires throughout the life of the installation. All changes in the identity or contact information for the responsible person shall immediately be brought to the attention of the Town.

V 25 Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

V 26. Control of Vegetation. Herbicides may not be used to control vegetation at the large-scale ground-mounted solar photovoltaic installation. Mowing or the use of pervious pavers or geotextile materials underneath the solar array is a possible alternative.

V 27. Monitoring and Maintenance.

V 28. Solar Photovoltaic Installation Conditions. The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, snow removal, 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 owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

V 29. Modifications. All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

V 30. Annual Reporting. The owner or operator of the installation shall submit an Annual Report demonstrating and certifying compliance with the Operation and Maintenance Plan and the requirements of this bylaw and their approved site plan including control of vegetation, noise standards, and adequacy of road access. The Annual Report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The report shall be submitted to the Board of Selectmen, Town Manager, Planning Board, Fire Chief, Building Inspector, Board of Health and Conservation Commission (if Wetlands Permit was issued) no later than 45 days after the end of the calendar year.

V 31. Abandonment or Decommissioning.

V 31.1. Removal Requirements. Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned through intent or discontinuance for two years or more shall be removed. The owner or operator shall physically remove the installation no more than 120 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

V 31.2 Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.

V 31.3. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

V31.4. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

V 31.5. Abandonment. Each site plan approval and special permit shall require that, absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more six months without the written consent of the Site Plan Review Authority or Special Permit Granting Authority. Each site plan approval and special permit shall provide that, if the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section and the site plan approval or special permit, within 120 days of abandonment or the proposed date of decommissioning, then the Town shall be provided with all necessary permission to enter the property and physically remove the installation. As appropriate, cost of removal shall be charged to the property owner in accordance with the provisions of G.L. c.40, §58.

V 31.6. Financial Surety. Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, or other means mutually agreed upon with the Town, under G.L. c.44, §53A or by other lawful means, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Site Plan Review Authority, but in no event to be less than 75 percent nor to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety shall not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

V 31. Severability. If any provision herein is determined to be unlawful, it shall be severed from this section and all remaining provisions shall remain in force and effect.

PLANNING BOARD MOTION: The Planning Board moves that the Town approve Article 26 as presented in the Warrant as a new Section 175-36 of the Zoning Bylaws, and to authorize the Town Clerk, in consultation with the Town Manager, to make such ministerial changes to numbering or lettering as may be necessary to bring said bylaw into accord with the system utilized in the Town Code; provided, however, that under the R40 column in the Table of Uses, the designation of “SP” as set forth in the warrant shall be changed to “N”.

MODERATOR DELCARES PASSED BY A 2/3VOTE

A true copy,

Attest: _____

Leanne M Adams , Town Clerk

Voted: June 8, 2015

Approved: December 14, 2015

Posted: December 17, 2015

