**TOWN OF MARION**
**TOWN MEETING WARRANT**
**For the Annual Town Meeting to be Held**
**May 13, 2013**

*Plymouth, ss:*

To either of the Constables of the Town of Marion in the Commonwealth of Massachusetts

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Marion qualified to vote in Town election and Town affairs to meet at the Sippican School Auditorium in said Marion, on Monday, the 13th day of May, 2013, at 6:45 o'clock in the evening, then and there to act on the following Articles, to wit:

**Article 1.** To see what compensation the Town will pay its elected Town officials:

**EFFECTIVE JULY 1, 2013**

| | FY13 Approp | FY14 Recommend | % chg |
|---|---|---|---|
| Board of Selectmen, each member, per annum | $ 4,806 | $ 4,902 | 2.0% |
| Board of Assessors, each member, per annum | $ 4,744 | $ 4,839 | 2.0% |
| Board of Health, each member, per annum | $ 1,830 | $ 1,866 | 2.0% |
| Town Clerk, per annum | $19,111 | $19,493 | 2.0% |
| Moderator, for Annual Meeting | $ 240 | $ 245 | 2.0% |
| per Special Town Meeting | $ 79 | $ 81 | 2.0% |

or take any other action thereon.

**Article 2.** To see what sums of money the Town will raise and appropriate and/or transfer from available funds in the treasury in order to pay interest and maturing debt and for charges, expenses and outlays of the several Town departments and Reserve Fund for the ensuing year.

| | | FY13 Appropriation | FY14 FinCom Recommend. | 13 to 14 % chg Differ |
|---|---|---|---|---|
| **GENERAL GOVERNMENT** | | | | |
| 113 | Election and Town Meetings | $10,219 | $9,550 | -6.55% |
| 122 | Selectmen | $55,068 | $57,631 | 4.65% |
| 123 | Town Administrator | $112,139 | $114,270 | 1.90% |
| 131 | Finance Committee | $24,375 | $25,375 | 4.10% |
| 132 | Reserve Fund | $56,185 | $125,000 | 122.48% |
| 135 | Finance Director/Town Acct | $88,403 | $90,130 | 1.95% |
| 141 | Assessors | $99,119 | $99,405 | 0.29% |
| 145 | Treasurer | $47,611 | $47,959 | 0.73% |
| 146 | Collector | $45,570 | $45,920 | 0.77% |
| 151 | Legal | $93,000 | $93,000 | 0.00% |
| 155 | Computer | $74,800 | $85,700 | 14.57% |
| 159 | Administrative Services | $637,663 | $664,860 | 4.27% |
| 161 | Town Clerk | $20,786 | $21,093 | 1.48% |
| 163 | Registrar of Voters | $10,496 | $10,400 | -0.91% |
| 171 | Conservation | $2,812 | $2,812 | 0.00% |
| 175 | Planning Board | $14,400 | $14,400 | 0.00% |
| 176 | Zoning Board | $2,119 | $2,119 | 0.00% |
| 191 | Town Facilities | $74,600 | $152,850 | 104.89% |
| 195 | Town Report | $7,825 | $7,825 | 0.00% |
| 199 | Unclassified | $1,300 | $1,300 | 0.00% |
| | *Total General Government* | **$1,478,490** | **$1,671,599** | **13.06%** |
| **PUBLIC SAFETY** | | | | |
| 210 | Police Department | $1,467,102 | $1,518,562 | 3.51% |
| 210 | Police Cruiser | $32,700 | $33,700 | 3.06% |
| 220 | Fire Department | $596,250 | $599,302 | 0.51% |
| 230 | Emergency Medical Ser. | $0 | $0 | N/A |
| 241 | Building Department | $91,205 | $92,674 | 1.61% |
| 291 | Emergency Management | $883 | $883 | 0.00% |
| 292 | Animal Control | $49,767 | $50,555 | 1.58% |
| 295 | Marine Resources | $207,853 | $213,932 | 2.92% |
| 299 | Tree Warden | $10,700 | $10,700 | 0.00% |
| | *Total Public Safety* | **$2,456,460** | **$2,520,308** | **2.60%** |
| **SCHOOLS** | | | | |
| 300 | Sippican School | $5,653,618 | $5,724,993 | 1.26% |
| 301 | ORR Operating | $3,705,817 | $3,685,106 | -0.56% |
| 302 | ORR Debt | $270,459 | $264,127 | -2.34% |
| 302 | Upper Cape Cod Oper. | $213,731 | $197,549 | -7.57% |
| 302 | Upper Cape Cod Debt | $27,648 | $23,621 | -14.57% |
| | *Total Education* | **$9,871,273** | **$9,895,396** | **0.24%** |

| | | | | |
|---|---|---|---|---|
| **PUBLIC WORKS ADMIN.** | | | | |
| 420 | Public Works | $834,143 | $846,715 | 1.51% |
| 439 | Regional Landfill Assessmt. | $0 | $0 | N/A |
| 490 | Utilities & Fuel | $362,600 | $367,000 | 1.21% |
| | *Total Public Works* | **$1,196,743** | **$1,213,715** | **1.42%** |
| **HUMAN SERVICES** | | | | |
| 511 | Board of Health | $93,478 | $98,257 | 5.11% |
| 541 | Council on Aging | $93,850 | $104,098 | 10.92% |
| 543 | Veterans | $11,034 | $11,034 | 0.00% |
| | *Total Human Services* | **$198,362** | **$213,389** | **7.58%** |
| **CULTURE & RECREATION** | | | | |
| 610 | Library | $147,462 | $147,491 | 0.02% |
| 630 | Recreation | $109,109 | $116,489 | 6.76% |
| 670 | Natural History Museum | $6,600 | $6,600 | 0.00% |
| 692 | Celebrations-Parades & Band Concerts | $13,300 | $17,900 | 34.59% |
| | *Total Culture & Recreation* | **$276,471** | **$288,480** | **4.34%** |
| **DEBT SERVICE** | | | | |
| 710 | Principal Payments | $476,000 | $455,000 | -4.41% |
| 711 | Interest Payments | $249,913 | $234,787 | -6.05% |
| | *Total Debt Services* | **$725,913** | **$689,787** | **-4.98%** |
| **PENSION & INSURANCE** | | | | |
| 911 | Pension Assessment | $704,893 | $734,233 | 4.16% |
| 914 | Group insurance | $1,402,180 | $1,495,092 | 6.63% |
| 940 | Town Insurance | $486,850 | $501,000 | 2.91% |
| | *Total Pension & Insurances* | **$2,593,923** | **$2,730,325** | **5.26%** |
| | ***TOTAL OPERATING BUDGET*** | **$18,797,635** | **$19,222,999** | **2.26%** |
| | ***Less Transfers*** | $353,500 | $346,308 | |
| | ***Less Indirect Costs*** | $470,379 | $548,898 | |
| | ***Less Transfers from Free Cash*** | $382,287 | $476,989 | |
| | ***Raise and Appropriate*** | **$17,591,469** | **$17,850,804** | |

**Article 3.** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of $2,043,412 to be used to operate the water enterprise fund, the following sums to be appropriated to salaries and expenses, $892,055; reserve fund, $60,000; debt, $811,219; and indirect costs,

$280,138; and the funds be raised from department receipts, $1,643,412 and $400,000 from water retained earnings; or take any other action thereon.

| WATER ENTERPRISE FUND | FY13 Appropriation | FY14 Recommend. | % chg Differ |
|---|---|---|---|
| Salaries and Expenses | $876,815 | $892,055 | 1.74% |
| Reserve Fund | $60,000 | $60,000 | 0.00% |
| Debt (principal, interest and charges) | $836,632 | $811,219 | -3.04% |
| Subtotal | **$1,773,447** | **$1,763,274** | **-0.57%** |
| Indirect Costs | $270,381 | $280,138 | 3.61% |
| **TOTAL WATER ENTERPRISE BUDGET** | **$2,043,,828** | **$2,043,412** | **-0.02%** |
| ***Less Water Retained Earnings*** | **$400,000** | **$400,000** | |
| ***Water Revenues*** | **$1,646,697** | **$1,643,412** | |

**Article 4.** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of $2,411,699 to be used to operate the sewer enterprise fund, the following sums to be appropriated to salaries and expenses, $865,286; debt, $1,217,653; reserve fund, $60,000; and indirect costs, $268,760; and the funds be raised from departmental receipts, $2,011,699 and $400,000 from sewer retained earnings; or take any other action thereon.

| SEWER ENTERPRISE FUND | FY13 Appropriation | FY14 Recommend. | % chg Differ |
|---|---|---|---|
| Salaries and Expenses | $831,858 | $865,286 | 4.02% |
| Reserve Fund | $60,000 | $60,000 | 0.00% |
| Debt (principal, interest and charges) | $1,206,568 | $1,217,653 | 0.92% |
| Subtotal | **$2,098,426** | **$2,142,939** | **2.12%** |
| Indirect Costs | $247,699 | $268,760 | 8.50% |
| **TOTAL SEWER ENTERPRISE BUDGET** | **$2,346,125** | **$2,411,699** | **2.79%** |
| ***Less Sewer Retained Earnings*** | **$350,000** | **$400,000** | |
| ***Sewer Revenues*** | **$1,996,639** | **$2,011,699** | |

**Article 5.** To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $25,000 to the compensated absence account for the purpose of funding accrued benefits for retiring employees; or take any other action thereon.

**Article 6.** To see if the Town will vote to transfer from the Overlay Surplus Account the sum of $25,000 to be used by the Board of Assessors for the revaluation of real and personal property as mandated by the Department of Revenue; or take any other action thereon.

**Article 7.** To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $125,000 to the "Other Post-Employment Benefit Liability Trust Fund as established at the Annual Town Meeting of 2010 under Article 14; or take any other action thereon.

**Article 8.** To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $100,000 to the Stabilization Fund; or take any other action thereon.

**Article 9.** To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $100,000 to obtain designer services, including architectural and owners project manager, for the purpose of completing feasibility studies as recommended to the Board of Selectmen including, but not limited to, those recommendations made by the Town House Advisory Committee; or take any action thereon.

**Article 10.** To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $50,000 to be used under the direction of the Finance Director for the purchase and installation of disaster recovery hardware, software, and/or services in order to protect town-owned applications and data; or take any action thereon

**Article 11.** To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $25,000 to purchase and install geographic information system (GIS) software in order to digitize Assessors' maps, building parcels and similar property data; or take any other action thereon.

**Article 12.** To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of $150,000 to be expended by the Harbormaster to replace docks and pilings at Island Wharf and at Old Landing and, to meet this appropriation, transfer the sum of $150,000 from the Waterways Account; or to take any other action thereon.

**Article 13.** To see if the Town will vote to raise and appropriate a sum of money for the purpose of implementing Phase 1A of the Village Area Infrastructure Capital Improvement Plan, so-called, to include construction and incidental and related costs; and to determine whether this appropriation shall be raised by authorizing the Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes in the amount of $3,147,400 under the provisions of Chapter 44 of the General Laws, or other appropriate enabling authority; or to take any other action thereon.

**Article 14.** To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $66,000 to be expended by

the School Dept. to replace and install ten (10) new windows at the Sippican School; or take any other action thereon.

**Article 15.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of $60,000 to be expended by the Sewer Dept. to upgrade and/or to replace the SCADA computer system and that, to meet this appropriation, the sum of $60,000 be transferred from Sewer Enterprise Fund Retained Earnings; or take any other action thereon.

**Article 16.** To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $35,500 to be expended by the Fire Dept. to continue with its program of air pack replacement; or take any other action thereon.

**Article 17.** To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $90,000 to be expended by the School Dept., in conjunction with the Energy Management Committee, to replace outdated fixtures and bulbs with new lighting and sensors at the Sippican School; or take any other action thereon.

**Article 18.** To see if the Town will vote to raise and appropriate the sum of $595,000 for the purpose of purchasing a new pumper engine for the Fire Dept., including costs incidental and related thereto; and to determine whether this appropriation shall be raised by authorizing the Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes under the provisions of Chapter 44 of the General Laws, or other appropriate enabling authority, subject to voters' approval of a debt exclusion under the provisions of Chapter 59, Section 21C of the General Laws; or take any other action thereon.

**Article 19.** To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $7,500 to be expended by the Fire Dept. to purchase three (3) thermal imaging cameras; or take any other action thereon.

**Article 20.** To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $28,500 to be expended under the direction of the Fire Chief for the purpose of upgrading and or replacing the Fire Department telephone system; or take any other action thereon.

**Article 21.** To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $61,000 to be expended by the Department of Public Works to purchase one (1) 1-ton dump truck 4x4 with plow; or take any other action thereon.

**Article 22.** To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of $40,000 to be expended by the Water Department to purchase one (1) 1-ton utility truck 4x4 with plow and that, to meet this appropriation, the sum of $40,000 be transferred from the Water Enterprise Account Retained Earnings; or take any other action thereon.

**Article 23.** To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of $40,000 to be expended by the Sewer Department to purchase one (1) 1-ton utility truck 4x4 with plow and that, to meet this appropriation, the sum of $40,000 be transferred from the Sewer Enterprise Account Retained Earnings; or take any other action thereon.

**Article 24.** To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of $112,860 for the purpose of commissioning shovel ready design for Phase 1B of the Village Area Infrastructure Capital Improvement Plan, so-called, and that to meet this appropriation the sum of $20,790 be transferred from Water Enterprise Account Retained Earnings and that $92,070 be transferred from Sewer Enterprise Account Retained Earnings; or take any other action thereon.

**Article 25.** To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate, from Fiscal Year 2014 estimated annual revenues, $2,000 to the Community Preservation Committee for administrative expenses; or take any other action thereon.

**Article 26.** To see if the Town will vote to transfer the sum of $3,000 from the Chester A. Vose Fund, said monies to be used by the Assessors for the reduction of taxes; or take any other action thereon.

**Article 27.** To see if the Town will vote to approve the Upper Cape Cod Regional Technical School District Committee's vote of January 10, 2013 to establish a Stabilization Fund, pursuant to Section 16G1/2 of Chapter 71 of the Massachusetts General Laws, said Stabilization Fund to be invested and to retain its own interest earnings as provided by law and further set up an operational line item to be created to transfer available monies into said Stabilization Funds; or take any other action thereon.

**Article 28.** To see if the Town will vote to authorize the Board of Selectmen, acting as the Town of Marion Water and Sewer Commissioners, to petition the General Court for an act to grant the Town of Marion, notwithstanding any general or special law to the contrary, all statutory powers necessary for the collection of water bills as provided for in MGL c. 42A through c. 42F, and all statutory provisions related thereto, including the imposition of a lien, upon real

property within the Towns of Rochester and Wareham to which the Town of Marion currently provides or may provide in the future, public water for consumption and otherwise, said lien and other relief available to the Town of Marion to be enforceable pursuant to the General Laws as if the real property receiving said public water was within the Town of Marion; or take any other action thereon.

**Article 29**. To see if the Town will vote to amend the General By-Laws of the Town in Article XXII (Council on Aging) by deleting said Article XXII in its entirety and inserting in place thereof the following:

*ARTICLE I - NAME*

The name of the organization shall be the Council on Aging, hereinafter referred to as the Council. Said Council may receive gifts to be managed and controlled by the Council for the purposes of this Bylaw as established by Article 37 of the 1970 March Annual Town Meeting and Amended by Article 28, April 27, 1987 of the Town of Marion, Massachusetts.

*ARTICLE II - PURPOSE*

The basic purposes of the Council are:

(a) To identify the total needs of the population of the community and to advise the Board of Selectmen of the same.

(b) To educate the community and enlist support and participation of all citizens about these needs.

(c) To design, promote, or implement services to fill these needs, or to coordinate existing services

*ARTICLE III - OFFICES*

The principal office of the Council shall be located at the Town House, 2 Spring St. in the Town of Marion, Massachusetts, to which office all mail shall be delivered unless otherwise designated by a majority vote of the Council. The Council may also maintain offices at such other places as a majority of its members may from time to time determine.

*ARTICLE IV - MEMBERSHIP*

The Council shall consist of no fewer than nine members, inclusive of the Chairperson. On an annual basis the Council Members will submit a list of Potential Council Members to the Marion Board of Selectman. No Member is to

serve on the Council until appointed by the Board of Selectmen of the Town of Marion. All members shall be sworn in by the Town Clerk within 7 days of their appointment.

*ARTICLE V-TERM OF OFFICE*

The Chairperson position shall be elected annually. The person serving as Chairperson may not serve more than two (2) consecutive years, unless special circumstances warrant and only if the extension is unanimously approved by the council members present at the Annual meeting. The terms of the members shall be for one, two and three years and so arranged that the terms of approximately one third of the members shall expire each year and their successors shall be appointed for a term of three years each. A member may not serve more than two three year terms, and cannot be nominated as a Potential Council Member until there is a break from service for at least one year.

*ARTICLE VI - MEETING OF MEMBERS*

Section I - Regular Meetings

Regular meetings of the members of the Council shall be held once a month on the third Monday of the month with the following exceptions: When Monday falls on a legal holiday, the meeting scheduled for that day shall be held on the following Monday.

Section II Special Meetings

Special meetings of the members of the Council may be called at any time by the Chairperson, through the secretary at the request of a majority of the members and due notice sent to each member of the Council.

Section III - Annual Meeting

The annual meeting of the members of the Council shall be held during the regular meeting in June for the purpose of electing officers.

Section IV - Annual Meeting Notice

Notice of the annual meeting of members, stating the purpose for which the meeting is called, and the time and place where it is to be held, shall be sent by mail by the secretary, not less than ten days before the meeting, to each member entitled to vote at such meetings.

Section V - Quorum

At all meetings more than 50% of the members of the Council, entitled to vote at such meeting shall be sufficient to constitute a quorum for the transaction of any business.

Section VI - Voting

Except as may otherwise be provided in these By-Laws, the vote of at least a majority of the members present at a meeting with respect to a question or matter

brought before such meeting shall be necessary and sufficient to decide such question or matter.

Each member entitled to vote shall vote only in person.

All voting rights shall be vested in the members, and each individual member shall be entitled to one vote with respect to any question or matter which may come before a meeting of the members of the Council.

Section VII - Meetings

All meetings shall be conducted in accordance with Robert's Rules of Order.

Anyone wishing to speak shall do so only upon recognition by the Chairperson,

Section VIII - Resignation

In the event that a member wishes to resign from the Council, he/she must notify the Council on Aging, the Board of Selectmen and the Town Clerk in writing.

Section IX - Resignation - Attendance

Regular attendance is expected of all members. In the event of absence by any member for three (3) consecutive meetings, except for reasons of health or extenuating circumstances, as duly reported to the Chairperson in advance of Council meetings, the Council shall request resignation of that member through the Board of Selectmen.

***ARTICLE VII - ELECTIONS —***

Section I - Number, Qualification, Election and Term of Office:

The officers of the Council shall consist of a Chairperson, a Secretary and a Treasurer and may also include such number of Assistant Secretaries and Assistant Treasurer as the Council may from time to time deem advisable.

Officers of the Council shall be elected at the Annual meeting of the Council by majority vote of the members present and shall take office upon election.

Election of officers to fill vacancies created by death, resignation or other cause may take place at any regular or special meeting and shall be for the period of unexpired term of the previous incumbent, except that the office of chairperson, if vacated, shall be filled by the Treasurer for the unexpired portion of the Chairperson's normal term of office.

Section II - Chairperson

The Chairperson shall be the chief executive officer of the Council and subject to the direction of the members of the Council and shall have general charge of the business, affairs and property of the Council in its general operations. The Chairperson shall preside at all meetings of the members, shall appoint all committees and shall be an ex-officio member of all committees, serve as the initial spokesman in representing the Council on financial matters at meetings of above Town Officials and at Town Meetings.

Section V - Treasurer

The Treasurer shall:

Be responsible for reviewing financial statements, submit periodic financial statements to the Council and insure that expenditures do not exceed appropriation limitations.

*ARTICLE VIII - AMENDMENTS*

The Council shall review the bylaws on an annual basis and should any amendments be requested, the same shall be submitted to the Marion Board of Selectmen for the Selectmen's review. The proposed amendments or alterations of the bylaws shall be approved by the affirmative vote of two-thirds of the members of the Council before being submitted to the Marion Board of Selectmen

*ARTICLE IX - AFFILIATE MEMBERSHIPS*

The Council shall set up an Affiliate Membership of 8 to 10 members who, when attending meetings, shall not be entitled to voting privileges. Affiliate members shall be selected upon approval of a majority of Council members as provided for in Article VI, Section VI.

Some of these members may come from other Town Committees whose activities relate to those of the Council on Aging. Others may be selected from groups concerned with the welfare of the elderly in Marion.

Or take any other action thereon.

**Article 30**. To see if the Town will vote to amend the Zoning By-Laws substantially as follows:

1.) Renumbering the existing "Section 16" of the Zoning Bylaw such that the existing Section 16 shall be re-numbered as "Section 17", and:
2.) By adding a new "Section 16" entitled "Solar Bylaw" as follows:

**Section 16 Solar Bylaw**

**16.1 Purpose**

The purpose of the Solar Bylaw is to provide standards and guidelines for the installation of solar PV and Thermal Systems in the Town of Marion compatible with the Massachusetts Zoning Act and consistent with the Marion Zoning Bylaw. These standards define conditions and requirements for allowance of solar PV and Thermal Systems to be installed in Marion while protecting public health, safety, and welfare and preserving the character of the Town.

**16.2 Definitions**

1. For the purposes of this Bylaw and without intending to limit the interpretation of the same, "Solar Systems", whether roof or ground mounted, shall include any

engineered and constructed structure that converts sunlight into 1) electrical energy (PV Systems) through an array of solar panels that connect to a building's electrical system and/or the electrical grid, or 2) heat energy (Thermal Systems) through an array of solar panels that connect to a building's heating or hot-water system.

2. Only roof-mounted and ground-mounted Systems will be allowed in the town of Marion.
3. For the purposes of this Bylaw, "Applicant" shall include owners of real property who also own the System, owners of real property who lease the System, and lessees of either or both, the real property and the System.

### 16.3 Applicability: Roof-Mounted Solar Systems

1. Roof-mounted Solar Systems ("Systems") may be installed in all Zoning Districts by an Applicant on behalf of and with the permission of the property owner pursuant to a legally binding lease or other contractual document, without need for obtaining a special permit, provided that a building permit has been issued pursuant to the Massachusetts Building Code. All Roof-mounted solar Systems shall comply with Sections 16.3.1 and 16.3.2, below.
2. Within Residential Zoning Districts, solar panels shall conform to existing roof contours, extend not more than 12" above roof surfaces, do not project outside of roof areas, and are not mounted on vertical face of structure on which the panels are installed; and
3. In General Business, Marine Business, and Limited Industrial Districts, solar panels may be installed at angles of up to 45 degrees from the horizontal on flat roofs (with roof pitch less than 1 in 12). Solar panels shall not exceed a total height of 10 feet above the roof surface.

### 16.4 Applicability: Ground-Mounted Solar Systems with Either PV or Thermal Collector Area of Less Than 600 s.f. or Combined PV/Thermal Collector Area of Less Than 900 s.f.

Either Ground-mounted Solar PV or Thermal Systems with maximum collector area of 600 square feet (600 s.f) or a combined collector area of 900 s.f., may be installed in all Zoning Districts by an Applicant on behalf of and with the permission of the property owner pursuant to a legally binding lease or other contractual document, without need for a special permit, provided that the lot on which the System is to be installed contains at least 1 acre (43,560 square feet) and that a building permit has been issued pursuant to the Massachusetts Building Code. All Ground-mounted solar Systems with a maximum collector area of 600 s.f. individually or 900 s.f. combined shall comply with Sections 16.4.1, 16.4.2 and 16.4.3, below.

1. The System(s) must comply with the requirements of Section 16.6; and

2. The System(s)must have been reviewed and approved by the Planning Board pursuant to the provisions of Section 9.1.1 (Minor Site Plan Review); and

3. Within Residential Zoning Districts, the Solar PV System shall not be capable of producing more than 120% of the locus' annual electricity usage.

**16.5 Applicability: Ground mounted Solar Systems with Collector Area Exceeding 600 s.f.**

Ground-mounted Solar Systems with collector area exceeding 600 s.f. may be installed by an Applicant on behalf of and with the permission of the property owner pursuant to a legally binding lease or other contractual document in General Business, Marine Business, Limited Industrial, and the Municipal Solar Overlay Zoning Districts without need for a special permit provided that a building permit has been issued pursuant to the Massachusetts Building Code and the System complies with 16.5.1 and 16.5.2, below.

1. The System must comply with the requirements of Section 16.6; and

2. The System must have been reviewed and approved by the Planning Board pursuant to the provisions of Section 9.1.2 (Major Site Plan Review).

In all cases and without exception, a special permit pursuant to Section 7 of the Zoning Bylaw shall be required for Ground-mounted solar Systems with a collector area exceeding 600 s.f. individually/900 s.f. combined in a Residential Zoning District.

**16.6 Design Standards and Dimensional Requirements**

No System shall be constructed or installed, whether with or without the need to obtain a special permit pursuant to Section 7 of the Zoning Bylaw, unless the System complies, at all times, with the following general standards and requirements, in addition to all other applicable rules, regulations and laws of the Town of Marion or Commonwealth of Massachusetts:

1. No System or any of its components shall be illuminated, except to the degree minimally necessary for public safety and only in compliance with the Zoning Bylaw and General Bylaws of the Town of Marion.
2. No System shall contain or have affixed thereto any outdoor advertising or other signage, except for emergency contact information.
3. All Systems shall be considered either a "structure" or an "accessory structure" as defined in the Zoning Bylaw and shall have setbacks on all sides of at least 35 feet and not exceed ten (10) feet above grade. Upon receipt of a special permit pursuant to Section 16.9 of this Bylaw and notwithstanding any requirement to the contrary, the Planning Board may permit a lesser setback or a greater height than permitted by this Bylaw where, in the Planning Board's opinion given the location

of the proposed System, the natural or proposed screening of the proposed System and/or the topography of the locus on which the proposed System is to be constructed, a lesser setback or a greater height will not negatively impact the views, vistas or enjoyment of abutting properties or the general neighborhood within which the System is proposed.

4. Fencing or landscaping of reasonable height and density shall be provided to screen views of System from neighboring residential properties.
5. Large-scale clearing of forested areas for the purpose of constructing solar arrays is prohibited.
6. Utility Connections: Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from solar photovoltaic installations 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 utility provider. All electrical work shall be in accordance with the National Electrical Code and the Massachusetts Building Code.

## 16.7 Minor Site Plan Review and Approval

Where required by this Bylaw (Section 16, et seq.), submission to the Planning Board for Minor Site Plan Review and Approval pursuant to Section 9.1.1 of the Zoning Bylaw shall be as set forth herein and regardless of the minimum threshold requirements found in Section 9.1.1. In addition to the submission requirements found in Section 9.1.1 of the Zoning Bylaw, the Planning Board may require, where in its sole judgment it deems relevant, the submission of one or three-line electrical diagrams detailing solar PV Systems, associated components, electrical interconnection methods, all National Electrical Code compliant disconnects and overcurrent devices, documentation of major System components to be used, including PV panels, mounting System, and inverter(s), the designed annual electrical output of the System and evidence of the annual on-site consumption in watt-hours.

## 16.8 Major Site Plan Review and Approval

Where required by this Bylaw (Section 16, et seq.), submission to the Planning Board for Major Site Plan Review and Approval pursuant to Section 9.1.2 of the Zoning Bylaw shall be as set forth herein and regardless of the minimum threshold requirements found in Section 9.1.2. In addition to the submission requirements found in Section 9.1.2 of the Zoning Bylaw, the Planning Board may require, where in its sole judgment it deems relevant, the submission of one or three-line electrical diagrams detailing solar PV Systems, associated components, electrical interconnection methods, all National Electrical Code compliant disconnects and overcurrent devices, documentation of major System components to be used, including PV panels, mounting System, and inverter(s), the designed annual electrical output of the System and evidence of the annual on-site consumption in watt-hours. In addition, the Planning Board may require the Applicant to provide the name, address, and contact information of proposed System installer, the

name, contact information and signature of any agents representing the project proponent, require the provision of evidence of site control, evidence of utility notification, an operation and maintenance plan, emergency response plan, and a description of financial surety as required by Section 16.12 if the System is located on land owned by the Town of Marion.

### 16.9 Special Permit

A special permit pursuant to Section 7 of the Zoning Bylaw and G.L. c.40A, s.9 of the Zoning Act shall be required for any Ground-mounted PV Solar Systems with collector area greater than 600 s.f. on any property located in a Residential Zoning District. The Planning Board shall be the special permit granting authority pursuant to this Bylaw and may include as part of its special permit review and proceedings, all the provisions and requirements of Section 9.1.2 (Major Site Plan Review) of the Zoning Bylaw. Any System that requires a special permit shall be subject to Section 9.1.2 of the Zoning Bylaw.

### 16.10 Modifications to Existing Systems

Any System installed or constructed pursuant to this Bylaw or any System preexisting the effective date of this Bylaw shall, thereafter, conform to the requirements of this Bylaw should the System be modified, expanded or otherwise altered to thereafter not conform to this Bylaw. All the provisions of this Bylaw, including review pursuant to Section 9.1.1 and 9.1.2, as well as Section 16.9, above, shall apply to any modification, expansion or alteration to or of, a System installed or constructed pursuant to this Bylaw or any System preexisting the effective date of this Bylaw;

## 16.11 Safety

Prior to the issuance of a special permit or Building Permit for any Ground mounted System permitted pursuant to this Bylaw, the Applicant shall:

1. Submit to the Planning Board and/or Building Commissioner for review an executed connection agreement with a public utility; and

2. Submit to the Planning Board and/or Building Commissioner and the Fire Chief a copy of the project summary, electrical schematic, site plan, and emergency plan identifying a responsible party to contact should the System require an emergency shut down; and.

3. The owner and operator of a Ground-mounted solar System shall maintain the facility in good condition. Maintenance shall include but not be limited to painting, structural repairs, landscaping, and integrity of fencing or screening measures. Access to the System for fire fighting and inspectional purposes shall, at all times, be maintained to a level acceptable to the Fire Chief and Planning Board.

## 16.12 Financial Surety, Removal, Decommissioning, and Abandonment

Prior to the issuance of a special permit or Building Permit for any System with maximum collector area exceeding 600 s.f. for an individual solar PV or thermal system or 900 s.f. for a solar/thermal combined system otherwise permitted pursuant to this Bylaw, an escrow agreement (the "Escrow Agreement") in form and substance acceptable to the property owner and the Board of Selectmen, where the System is located on land owned by the Town of Marion, or to the Planning Board in all other cases, shall be executed by the Applicant for said special permit or Building Permit, the property owner, and an Escrow Agent (such party to be acceptable to the property owner, the Applicant, and the Board of Selectmen or Planning Board), with the Town of Marion named as a third party beneficiary under such Escrow Agreement. The Escrow Agreement shall require, among other things, that Applicant shall deposit a specified sum of money in an escrow account (the "Escrow Account") to be held by the Escrow Agent. The Escrow Agent shall be a financial institution that regularly acts as an "escrow agent" or "trustee".

The Escrow Amount shall be sufficient to cover the estimated cost to the property owner to remove the facility in full and remediate the landscape. Where the Applicant is not the property owner, the Escrow Agreement shall contain a provision to the satisfaction of the Board of Selectmen or Planning Board, that any funds released from the Escrow Account following the expiration or earlier termination of the lease between the property owner and the Applicant shall (i) first be used by the property owner solely to complete said removal and remediation up to the amount set forth in the lease, (ii) second, to be used by the property owner to complete any additional removal and remediation as prescribed by the Board of Selectmen or Planning Board (and consented to by the property owner) up to

the amount set forth in the Escrow Agreement; (iii) and any excess be returned to the Applicant.

The Escrow Amount shall be established by the Applicant to the satisfaction of the Board of Selectmen or Planning Board and the property owner based upon the Applicant's delivery of a fully inclusive estimate of the costs (the "Removal Cost Estimate") associated with said removal and remediation (such amount not to be less than the amount set forth in the lease), prepared by a qualified engineer. The Removal Cost Estimate shall be re-evaluated every seventh (7th) anniversary of the Building Permit by the Applicant's designated engineer and, in the event of any adjustments to said Removal Cost Estimate that are approved in writing by both the Board of Selectmen or Planning Board and the property owner, the Escrow Amount shall be correspondingly adjusted to reflect such updated Removal Cost Estimate. Within 90 days of each said 7th anniversary, the property owner shall confirm in writing to the Board of Selectmen or Planning Board the continued compliance and fully funded status of the Escrow Account in satisfaction of this condition.

Any System that does not comply with the above noted requirements, including the re-evaluation requirements governing the Removal Cost Estimate and any System that has been abandoned or not used for a two years or more shall be deemed to no longer comply with the Marion Zoning Bylaws and shall be subject to the enforcement and penalty provisions of civil and criminal laws of the Town of Marion and Commonwealth of Massachusetts.

or take any other action thereon.

**Article 31.** To see if the Town will vote to amend the Zoning Bylaw by adding:

(1) a new zoning district entitled "Municipal Solar Overlay District" in the list of Zoning Districts included in Section 3.1; and;

(2) a new zoning district designation and column to Section 4.2 (Table of Principal Uses) to be identified as "MSOD-Municipal Solar Overlay District"; and;

(3) including the letter "Y" in the aforesaid MSOD COLUMN within Section 4.2 to correspond with the Principal Use "Municipal Facilities"; all other COLUMN entries to include the letter "N"; and to;

(4) add a new section 8.13, entitled "Municipal Solar Overlay District" as follows:

### 8.13 Municipal Solar Overlay District

#### 8.13.1 Purpose Bylaw Objectives:

The purpose of the Municipal Solar Overlay District is to identify and include on the Marion Zoning Map with corresponding inclusion in the Zoning Bylaw, Town owned real

property on which the installation of solar PV Systems without the need for a special permit would be compatible and consistent with the Marion Zoning Bylaw.

**8.13.2 Definition:**

For the purposes of this Bylaw and without intending to limit the interpretation of the same, "Ground-mounted solar PV Systems" shall include any engineered and constructed structure that converts sunlight into electrical energy through an array of solar panels that connect to a building's electrical system and/or the electrical grid.

**8.13.3 Overlay District Locations**

The Municipal Solar Overlay District shall be defined as and include Lots 8, 9, 9C, and 9D as shown on Marion Assessor's Map 24. The provisions of this District shall be considered superimposed on and over the Zoning Map of the Town of Marion and shall hereinafter be referred to as the "Municipal Solar Overlay District". The uses and structures permitted in the Municipal Solar Overlay District shall be considered an addition to, and not in conflict with, the uses and structures permitted by the Zoning Bylaw and Zoning Map.

**8.13.4 Allowable Uses and Structures**

In addition to all other permitted and lawful uses and structures, within the Municipal Solar Overlay District, the Town of Marion shall be permitted to construct or have others construct, Ground-mounted solar PV Systems provided that a building permit has been issued pursuant to the Massachusetts Building Code. No special permit shall be required for construction of Ground-mounted solar PV Systems within the Municipal Solar Overlay District. Submission to the Planning Board for Minor Site Plan Review and Approval pursuant to Section 9.1.1 of the Zoning Bylaw shall be as required by this Bylaw (Section 8.13, et seq.), regardless of the minimum threshold requirements found in Section 9.1.1. In addition, a solar PV installation on the closed landfill within the Municipal Solar Overlay District also requires a MassDEP post-closure permit according to the MassDEP's Landfill Post-Closure Use Permitting Guidelines. All the provisions of the general or special laws relating to the use, lease and disposal of municipally owned property shall apply to any use or application of the Municipal Solar Overlay District;

or take any other action thereon.

**Article 32.** To see if the Town will vote to authorize the Board of Selectmen or its designee to make application on behalf of the Town to the appropriate agency of the Federal or State Governments for grants in aid or other funds or to private foundations or other foundations to further carry out certain programs hereinafter listed and to expend such grants to the Town; said applications and expenditures may include, but not be limited to, the following:

A. Emergency Management Funds

B. Sewer system, planning and improvements
C. Water system improvements and aquifer protection
D. Recreation and conservation land planning, acquisition, and improvements of open space
E. Open space acquisition
F. Executive Office of Environmental Affairs self-help program
G. Executive Office of Environmental Affairs urban self-help program
H. Executive Office of Environmental Affairs land and water conservation funds
I. Repairs and renovations to Town properties
J. Coastal Zone funds for coastal-related activities
K. Housing-related grants
L. Public Safety
M. Title V subsurface disposal of sanitary waste management
N. Public or private grants deemed by the Selectmen to be in the best interest of the community
O. State Road funds, Chapter 53B and Chapter 150 (commonly known as Chapter 90 funds)

or take any other action thereon

**Article 33**. To see if the Town will vote to authorize the Board of Selectmen to institute, defend, or compromise suits of law; or take any other action thereon

**Article 34**. To see if the Town will vote to authorize the Board of Selectmen to sell any article belonging to the Town, provided the Town has no further use for the same; or take any other action thereon

**Article 35.** To see if the Town will vote to authorize the Board of Selectmen to sell or transfer any taxation possession property held by the Town, pursuant to General Laws, Chapter 60, Section 77, after the Board of Selectmen has notified the Planning Board, Open Space Acquisition Commission, Conservation Commission, and the Affordable Housing Trust of the availability of such land and said agencies may report in writing within twenty (20) days to the Board of Selectmen any recommendations that they may have with regard to the disposition of said land; or take any other action thereon

**Article 36**. To consider the reports of the Town officers and committees and act thereon; or take any other action thereon

**Article 37** To choose by ballot all necessary officers for the ensuing year, viz; One Selectman for three years; one Assessor for three years; one Moderator for one year; one Board of Health member for three years; two Planning Board

members for three years; one Marion School Committee member for three years; one Old Rochester Regional School Committee member for three years; two Open Space Acquisition Commission members for three years; and to act on the following ballot question, commencing on Friday, the 17th of May, 2013, at 8:00 o'clock in the morning in the Veterans of Foreign Wars Hall, 465 Mill Street (Route 6), in said Marion:

**Question 1**. Shall the Town of Marion be allowed to exempt from the provisions of Proposition 2 ½, so called, the amounts required to pay for the bond issued in order to finance the purchase of a new Fire Dept. pumper engine, including the costs incidental and related thereto?

Yes_____ No_____

And you are directed to serve this Warrant by posting up attested copies thereof, one at the Elizabeth Taber Library, one at the Town House, and one at the Marion Post Office, all in said Marion, fourteen days at least before the time of holding said meeting aforesaid.

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

Given our hands this 25th day of March, 2013 in the Year Two Thousand and Thirteen.

Stephen M. Cushing, Chairman

Jonathan F. Henry

Jonathan E. Dickerson

BOARD OF SELECTMEN

A true copy, ATTEST:

I, Lincoln W. Miller, being a duly appointed constable of the Town of Marion, in the County of Plymouth, Commonwealth of Massachusetts, hereby make affidavit that legal notice of the meeting called under this Warrant has been served on the voters of said Town of Marion by posting up attested copies in not less than three public places within the said Town on April 24, 2013, said date being fourteen days, at least, before the date of the meeting, in accordance with Article 2, Section 3 of the By-laws of said Town.

Lincoln W. Miller

CONSTABLE

**TOWN OF MARION**
**TOWN MEETING WARRANT**
**For the Special Town Meeting to be Held**
**May 13, 2013**

*Plymouth, ss:*

To either of the Constables of the Town of Marion in the Commonwealth of Massachusetts

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Marion qualified to vote in Town election and Town affairs to meet at the Sippican School Auditorium in said Marion, on Monday, the 13th day of May, 2013, at 8:00 o'clock in the evening, then and there to act on the following Articles, to wit:

**Article S1** To see if the Town will vote to transfer from available funds in the Treasury (Free Cash) the sum of $80,000 to supplement the Fiscal Year 2013 budget of the Department of Public Works to pay expenses associated with the removal of snow and ice from public ways during said Fiscal Year; or take any other action relative thereto.

And you are directed to serve this Warrant by posting up attested copies thereof, one at the Elizabeth Taber Library, one at the Town House, and one at the Marion Post Office, all in said Marion, fourteen days at least before the time of holding said meeting aforesaid.

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

Given our hands this 25thday of March, 2013 in the Year Two Thousand and Thirteen.

Stephen M. Cushing, Chairman

Jonathan F. Henry

Jonathan E. Dickerson

BOARD OF SELECTMEN

A true copy, ATTEST:

I, Lincoln W. Miller, being a duly appointed constable of the Town of Marion, in the County of Plymouth, Commonwealth of Massachusetts, hereby make affidavit that legal notice of the meeting called under this Warrant has been served on the voters of said Town of Marion by posting up attested copies in not less than three public places within the said Town on April 12, 2013 , said date being fourteen days, at least, before the date of the meeting, in accordance with Article 2, Section 3 of the By-laws of said Town.

Lincoln W. Miller

CONSTABLE