

**OFFICIAL NOTICE OF AND
ARTICLES OF THE WARRANT
FOR THE
ANNUAL
TOWN MEETING
TO BE VOTED UPON
SATURDAY, MAY 4, 2013
AT 9:00 A.M.
IN THE
WALTER SILVEIRA AUDITORIUM
AT THE
ELIZABETH I. HASTINGS MIDDLE SCHOOL**



Eileen M. Lowney
Town Clerk, Fairhaven, Massachusetts
Please bring this copy to the Town Meeting

ARTICLE 1 – MEASURER OF WOOD AND BARK

To see if the Town will vote to instruct the Selectmen to appoint a Measurer of Wood and Bark.

ARTICLE 2 – TOWN REPORT

To receive the Annual Report of Town Officers.

ARTICLE 3 – SETTING SALARIES OF TOWN OFFICERS

To see if the Town will vote to fix the compensation of the Town's Elected Officers and that said compensation be effective July 1, 2013.

- A. Board of Selectmen (3 members)
- B. Town Clerk
- C. Moderator
- D. Tree Warden
- E. Board of Health

ARTICLE 4 – TOWN CHARGES

To raise the sums of money as shall be necessary to defray the Town Charges for the ensuing year and make appropriations for the same viz:

GENERAL GOVERNMENT

- 1. Moderator
 - (a) Salary
- 2. Selectmen
 - (a) Salary of Board (b) Other Salary (c) Purchases of Services (d) Supplies (e) Other Charges/Expenses (f) Capital Outlay
- 3. Town Accountant
 - (a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay
- 4. Audit Expenses
- 5. Data Processing
 - (a) Purchases of Services (b) Supplies (c) Capital Outlay
- 6. Treasurer
 - (a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay
- 7. Tax Title
- 8. Town Clerk
 - (a) Salary – Town Clerk (b) Other Salary (c) Purchases of Services (d) Supplies (e) Other Charges/Expenses (f) Capital Outlay
- 9. Election and Registration
 - (a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

10. Town Collector
(a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay
11. Assessors
(a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay
12. Town Hall
(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay
13. Council on Aging
(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay
14. Town Meeting
(a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay
15. Finance Committee
(a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay
16. Planning Board
(a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay
17. Department of Planning and Economic Development
(a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay
18. Board of Appeals
(a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay
19. Personnel Board
(a) Purchases of Services (b) Supplies (c) Other Charges/Expenses (d) Capital Outlay
20. Legal Expense
21. Engineering
22. Conservation Commission
(a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay
23. Office of Tourism
(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay
24. Commission on Disability
(a) Purchases of Services (b) Supplies (c) Other Charges/Expenses (d) Capital Outlay

PUBLIC SAFETY

25. Police Department
(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay
26. Fire Department

(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

27. Fire Alarm Maintenance

(a) Salary and Wages (b) Purchases of Services (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

28. Building Department

(a) Salary and Wages (b) Purchases of Services (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

29. Tree Warden Department

(a) Salary – Tree Warden (b) Other Salary (c) Purchases of Services (1.) Utilities (d) Supplies (1.) Gasoline (e) Other Charges/Expenses (f) Capital Outlay

30. Shellfish Inspection

(a) Salary and Wages (b) Purchases of Services (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

31. Care of Dogs and Other Animals

(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

32. Emergency Management Agency

(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

33. Sealer of Weights and Measures

(a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

34. Street Lighting

HEALTH AND SANITATION

35. Board of Health

(a) Salary of Board (b) Other Salary (c) Purchases of Services (d) Supplies (1.) Gasoline (e) Intergovernmental (f) Other Charges/Expenses (g) Capital Outlay (h) SEMASS (i) Recycling (j) Hazardous Waste (k) Landfill Inspection

36. Enforcement Agent

(a) Salary and Wages

BOARD OF PUBLIC WORKS

37. Administration

(a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

38. Highway Division

(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (2.) Sand and Salt (d) Other Charges/Expenses (e) Capital Outlay (1.) Landfill-Transfer Station (2.) Rubbish Collection (3.) Equipment Purchase (f) Street Re-Surfacing (g) Sidewalk/Curbing (new) (h) Sidewalk Repair (i) Curb/Hard Surface (j) Drainage (k) Sub-division MGT Fees

39. Sewer Division

(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay (f) Sludge Disposal

40. Water Division

(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay (f) Water District

VETERANS SERVICES

41. Veterans Services

(a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

SCHOOLS

42. Elementary and High School

43. Greater New Bedford Regional Vocational Technical High School

44. Bristol County Agricultural High School

LIBRARY

45. Millicent Library

RECREATION

46. Recreation Center

(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay (f) Recreation Center Program Account

47. Park Division

(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

UNCLASSIFIED

48. Contributory Retirement

49. Group Insurance

50. Memorial Day

51. Massachusetts Employment Security

52. Non-Contributory Retirement

53. Reserve Fund

(a) General

(b) Water

(c) Sewer

54. Town Insurance

55. Town Report

56. F.I.C.A. – Medicare

57. Buzzard's Bay Action Committee

58. Rape Crisis Project

59. Fine Arts

60. Stabilization Fund

MUNICIPAL DEBT AND INTEREST

61. General Fund

(a) Debt (b) Interest on Debt (c) Interest on Temporary Loans

62. Water Fund

(a) Debt (b) Interest on Debt (c) Interest on Temporary Loans

63. Sewer Fund

(a) Debt (b) Interest on Debt (c) Interest on Temporary Loans

ARTICLE 5 – TOWN DEPARTMENT COMPUTER AND TELEPHONE UPGRADES

A. To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to implement a recommended Department of Revenue four-year plan to upgrade hardware and software used by departments located at Town Hall, Board of Public Works, Building, Council on Aging, Recreation Center, Animal Control Building and Tourism Office or take any other action relative thereto.

B. To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to upgrade the telephone system at Town Hall or to take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 6 – WATER POLLUTION CONTROL FACILITY

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to design high priority items identified from the Existing Conditions Report to include architectural, structural, mechanical process, HVAC/P and electrical/instrumentation items or to take any other action relative thereto.

Petitioned by: Board of Public Works

ARTICLE 7 – TOWN HALL REPAIRS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for Town Hall repairs, including the auditorium, or take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 8 – ROAD WORK

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to do the following roadwork, or take any other action relative thereto:

A. **Summit Drive** – Reconstruct and hard surface on Summit Drive from Holiday Drive to end.

Petitioned by: Michael Rhodes and Others

B. **Billy's Way** – Reconstruct and hard surface on Billy's Way from Sconticut Neck Road to end.

Petitioned by: Alain Chat and Others

C. Dogwood Street – Reconstruct and hard-surface and install drainage on Dogwood Street from Causeway Road to Littleneck Road.

Petitioned by: Board of Public Works

D. North Street – Reconstruct and hard-surface North Street from Adams Street to Main Street.

Petitioned by: Board of Public Works

E. Cooke Street – Reconstruct and hard-surface Cooke Street from Main Street to Cherry Street.

Petitioned by: Board of Public Works

F. Beachwood Street – Reconstruct and hard-surface and install drainage on Beachwood Street from Hathaway Street to Bonney Street.

Petitioned by: Keith and Susan Amaral and Others

G. Cove Street – Reconstruct and hard-surface and install drainage on Cove Street from Hathaway Street to Beachwood Street.

Petitioned by: Keith and Susan Amaral and Others

ARTICLE 9 – OTHER POST-EMPLOYMENT BENEFITS LIABILITY TRUST FUND – GASB 45

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund future financial obligations of the Town for health insurance benefits of retirees, or to take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 10 – HIGH SCHOOL FIRE ESCAPES

To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of Two Hundred Thousand Dollars (\$200,000.00) for the construction and replacement of the West and East Fire Escapes located at the Fairhaven High School, or to take any other action relative thereto.

Petitioned by: School Committee

ARTICLE 11 – HOPPY’S LANDING REVOLVING ACCOUNT

To see if the Town will authorize a “Hoppy’s Landing Revolving Account” under the provisions of Massachusetts General Law Chapter 44 Section 53 E ½ under the following terms:

1. The revolving account may be expended for the maintenance and improvement of “Hoppy’s Landing” including, but not limited to the maintenance of the floating dock, boat ramp, buildings, property, matching funds for grants, and hiring of part time personnel.
2. All fees charged to users to “Hoppy’s Landing” shall be credited to the revolving fund.
3. The Board of Selectmen is authorized to expend from the fund.
4. The total amount which may be expended from the fund in Fiscal Year 2014 shall not exceed twenty five thousand (\$25,000.00) dollars.

Petitioned by: The Board of Selectmen

ARTICLE 12 – RESTAURANT/ALL ALCOHOL LICENSE

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for the passage of legislation authorizing the issuance of a Restaurant/All Alcohol License to Turan Irge, 214 Huttleston Avenue, in the Town of Fairhaven, notwithstanding any limitations on the number of licenses issued under the provisions of Chapter 138 of the Massachusetts General Laws, as amended. This license is non-transferable to another location, but the licensing authority may grant the license to a new applicant at the same location. Or take any other action relative thereto.

Petitioned by: Turan Irge and Others

ARTICLE 13 – FEMA GRANT FOR LADDER 1

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to apply for a five (5) percent FEMA grant to replace Ladder 1; or take any other action relative thereto.

Petitioned by: Fire Chief

ARTICLE 14 – FIRE DEPARTMENT FEE SCHEDULE

To see if the Town will vote to adopt the following Fire Department fee schedule as of July 1, 2013:

Item	Current	New – July 1, 2013
Ammunition Storage License	\$20.00	\$30.00
Annual Radio Box Fee	\$175.00	\$200.00
Ansul System	\$20.00	\$30.00
Blasting Permits	\$20.00	\$30.00
Bonfire Permits	\$20.00	\$30.00
Copy of Fire Report	\$10.00	\$20.00

Copy of Records (2IE) (depends on amt copied)	\$5.00/\$10.00	\$5.00/\$10.00
Copy of SARF Report	\$20.00	\$20.00
Flammable Liquids, Solids and Gases Permit	\$20.00	\$30.00
Fuel Oil Storage/Waste Oil Storage	\$20.00	\$30.00
Initial Master Box/Radio Box Connection	\$125.00	\$150.00
Inn/Hotel Inspections (quarterly)	\$50.00	\$50.00
Install/Alter Oil Burner Equipment	\$20.00	\$30.00
Install/Removal of Underground Tanks	\$50.00	\$50.00
LP Gas Storage Permit	\$20.00	\$30.00
Vent Free Fireplace	\$20.00	\$30.00
Research Fee	\$10.00	\$20.00
Smoke Detector Permits/Inspections	\$20.00	\$30.00
Smokeless/Black Powder Permits	\$20.00	\$30.00
Sprinkler Permit	\$20.00	\$30.00
Supervised Fireworks Permit	\$20.00	\$30.00
Tank Truck Inspection	\$20.00	\$30.00
Welding/Cutting Storage Permit	\$20.00	\$30.00

Petitioned by: Fire Chief

ARTICLE 15 – SOCIAL DAY CARE CENTER

To see if the Town will vote to authorize the Fairhaven Council on Aging to expend in the Fiscal Year 2014 a sum of money from the current account “Receipts Reserved for Appropriation for Social Day Program” for the purpose of providing a Social Day Program for Senior Citizens or take any other action relative thereto.

Petitioned by: The Council on Aging

ARTICLE 16 – WORKER’S COMPENSATION ASSESSMENT

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to pay a MEGA 2011 Worker’s Compensation Assessment due July 1, 2013 for the period of 2003-2006 or to take any other action relative thereto.

Petitioned by: The Board of Selectmen

ARTICLE 17 – FIRE AND POLICE SHARED TELEPHONE SYSTEM

To see if the Town will vote to raise and appropriate, borrow or transfer a sum of money to purchase and install a new shared telephone system for the Police and Fire Departments; or take any other action relative thereto.

Petitioned by: Fire Chief and Police Chief

ARTICLE 18 – SUSTAINABILITY REVOLVING ACCOUNT

To see if the Town will authorize a “Fairhaven Sustainability Committee Revolver Account” under provisions of Massachusetts General Law Chapter 44 Section 53E1/2 under the following terms:

1. The revolving account may be expended for all Fairhaven Sustainability Committee related costs.
2. All fees charged by the Sustainability Committee shall be credited to the revolving fund.
3. The Sustainability Committee is authorized to expend from the fund.
4. The total amount which may be expended from the fund in Fiscal Year 2014 shall not exceed \$10,000 (ten thousand) dollars.

Petitioned by: Board of Selectmen

ARTICLE 19 – AMENDMENT TO ZONING BYLAWS

To see if the Town will enact the following amendments to the Zoning Bylaw Chapter 198 Section 16, Use Regulations Schedule, Chapter 198 Section 29.5, Wind Energy Facilities and Chapter 198 Section 33, Definitions and word use, or take any other action relative thereto.

§ 198-16 – Use Regulation Schedule

The additions are indicated in text that is **(bold and underlined)**. The deletions are indicated in strikethroughs (~~aaaa~~), and are as follows:

Use Regulation Schedule

Activity or Use	District									
	RR	RB	RC	P	B	I	AG	MU ¹⁴	WRP ¹⁶	
	&									
	RA									

ACCESSORY USES

Commercial Wind Facility	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Municipal Wind Facility	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>Wind Energy Facility - On-Site</u>	<u>N</u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>N</u>	<u>A</u>

<u>Wind Energy Facility - Small Wind Energy System</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
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<u>Wind Energy Facility - Building Integrated</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
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COMMERCIAL USES

<u>Wind Facility - Utility-Scale</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>N</u>	<u>A</u>
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§ 198-29.5 - Wind Energy Facilities

Delete Chapter 198 Section 29.5, Wind Energy Facilities in its entirety and replace with the following:

§ 198-29.5 - Wind Energy Facilities (WEF)

- A. Purpose. The purpose of this by-law is to encourage the use of wind energy and provide for the construction and operation of WEF and to provide standards for the placement, design, construction, monitoring, modification and removal of WEF that address public safety, minimize impacts on scenic, natural and historic resources of the town and provide adequate financial assurance for decommissioning. The provisions set forth in this section shall take precedence over all other sections when considering applications related to the construction, operation, and/or repair of WEF.
- B. Applicability. This section applies to all municipal and private Utility-Scale, On-Site WEF, and Small Wind Energy Systems, proposed to be constructed after the effective date of this section, but not to facilities fully constructed prior to the adoption of this bylaw. This section also includes Building Integrated WEF, and physical modifications to existing WEF that materially alter the type, configuration, location or size of such facilities or other equipment.
- C. Special Permit Granting Authority. The Planning Board shall be the Special Permit Granting Authority (SPGA) for WEF in all districts.
- D. Validity: The invalidity of any provision of this section shall not invalidate any other section or provision thereof.
- E. Application for Special Permit. The following information must be submitted for an application to be considered complete:
 - (1) A locus plan at a scale of 1" = 200' which shall show all property lines, the exact location of the proposed structure(s), street landscape features, dwellings and

other structures within 500 feet of the wind turbine from the proposed tower location

- (2) A color photograph or rendition of the WEF. A rendition shall also be prepared illustrating a view of the WEF from the nearest street or streets in all directions.
- (3) The following information must be prepared and signed by a registered professional engineer licensed to practice in the Commonwealth of Massachusetts:
 - (a) A description of the WEF and the technical, economic and other reasons for the proposed location, height and design.
 - (b) Confirmation that the WEF complies with all applicable Federal and State standards, including but not limited to US Fish and Wildlife Service, Massachusetts Environmental Policy Act (MEPA) and Environmental Notification Form (ENF) by Massachusetts Executive Office of Environmental Affairs, Access Approval by Massachusetts Highway Department and Massachusetts Historic Commission.
 - (c) If applicable, a written statement that the proposed WEF complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.
 - (d) Fairhaven Conservation Commission. The applicant must file a Notice of Intent if within the wetland resource areas or if within 100 feet buffer zone.
 - (e) An analysis of the shadow flicker of the WEF shall be provided.
 - (f) A statement listing existing and maximum projected sound levels from the WEF.
 - (g) Existing areas of tree cover, including average height of trees, on the site parcel and adjacent parcels within 300 feet.
 - (h) Manufactures specifications for sound and documentation for compliance with Section L below.
 - (i) Abutter notice additional requirements. The applicant shall notify all abutting property owners whose property falls within three hundred feet (300 feet) of the outermost setback area, but in no case less than 300 feet of the applicant's property line to the nearest property owner.
- (4) Proof of Liability Insurance. The applicant shall be required to provide evidence of liability insurance in an amount, and for the duration, sufficient to cover loss or damage to persons and property occasioned by the failure of the facility.
- (5) Utility Notification. No Special Permit and/or site plan for the installation of a WEF shall be approved until evidence has been given that the electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator, and copies of site plans showing the proposed location have been submitted to the utility for review. An Interconnection

Agreement pursuant to applicable tariff and consistent with the requirements for other generation must be executed with the utility prior to any construction. Off-grid systems shall be exempt from this requirement, unless they are proposed to be located within setback distance from the sideline of an existing utility Right-of-Way (ROW).

- (6) Meteorological Towers (MET's) shall be permitted under the same standards as a small wind system, except that the requirements apply to a temporary structure. A permit for a temporary met tower shall be valid for a maximum of 3 years after which an extension may be granted. Small anemometers installed directly on buildings shall not require a building or Special Permit. No site plan review shall be required for met towers. MET's shall not be located within setback distance from the sideline of any utility ROW.
 - (7) Site Control. At the time of its application for a special or building permit, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Documentation shall also include proof of control over setback areas and access roads, if required. Control shall mean the legal authority to prevent the use or construction of any structure for human habitation, or inconsistent or interfering use, within the setback areas.
- F. General Siting and Design Standards. Unless otherwise expressly provided by this section requirements of the underlying zoning district shall apply and in addition the following design standards shall apply:
- (1) Accessory structures housing support equipment shall be screened from the view of persons not on the parcel.
 - (2) Fencing shall be provided to control access to the site of the WEF and accessory structures.
 - (3) Signs. There shall be no signs, except announcement signs, no trespassing signs or any signs required to warn of danger. A sign is required that identifies the owner and operator with an emergency telephone number where the owner and operator can be reached on a twenty-four hour basis.
 - (4) All utility connections from the WEF site shall be underground except to the extent that underground utilities are not feasible in the reasonable determination of the SPGA.
 - (5) Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the WEF.
 - (6) Night lighting shall be prohibited unless required by state or federal law and shall be the minimum necessary.
 - (7) There shall be a minimum of one parking space to be used in connection with the maintenance of the WEF and the site; however, it shall not to be used for the permanent storage of vehicles.
 - (8) Wind facilities shall be painted a neutral, non-reflective color designed to blend with the surrounding environment.

- (9) Removal. The owner, his successors in interest shall remove any WEF the use of which has been discontinued. At the time of removal, the WEF site shall be restored to its natural state or to any other legally authorized use. All wind turbines and appurtenant structures shall also be removed. The SPGA shall require that a bond, escrow account or other suitable surety be established to ensure adequate funds are available for removal. Municipal wind facilities shall be exempt from the surety requirement.

G. Criteria for Review and Approval.

- (1) A Special Permit shall be granted under this section if the SPGA finds in writing that each of the design standards set forth above have been met and that the location of the WEF is suitable and that the size, height and design are the minimum necessary for that purpose
- (2) The SPGA shall also impose, in addition to any applicable conditions specified in this section, such conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this section, including, but not limited to: screening, lighting, fences, modification of the exterior appearance of the structures, limitation upon size, method of access or traffic features, parking, removal upon cessation of use or other requirements. Such conditions shall be imposed in writing and the applicant may be required to post bond or other surety for compliance with said conditions in an amount satisfactory to the SPGA.
- (3) The Special Permit shall lapse if substantial use or construction has not commenced within two years of the date of issuance, except for good cause shown (including but not limited to appeals of the grant of the Special Permit or litigation enjoining the construction under the permit), and provided further that such construction, once begun, shall be actively and continuously pursued to completion within a reasonable time.

H. WEF - Utility-Scale. Requirements

- (1) Financial Surety. The SPGA may require the applicant for utility scale wind facilities to provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal or failure to maintain in the event the town must remove or maintain the facility, of an amount and form determined to be reasonable by the Special Permit granting authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for Cost of Living Adjustment.
- (2) Size. The maximum nameplate rating shall not exceed 660kW.
- (3) The WEF shall be located on a parcel of land that contains a minimum of ten (10) acres. The SPGA may allow more than one wind turbine if a determination is made that the location is favorable to the clustering of wind turbines.

- (4) Height. The WEF shall have a maximum tip height (MTH) no greater than 265 feet above the current grade of the land.
- (5) Setbacks. The WEF shall, at all times while in operation, meet the three required setbacks as follows:
 - (a) a distance equal to one and one-tenth (1.1) times the (MTH) of the wind turbine from principal structures, critical infrastructure such as but not limited to power lines, natural gas or distribution infrastructure.
 - (b) a distance equal to four (4.0) times the (MTH) of the turbine from the nearest off site residential, commercial structure or public way.
 - (c) a distance equal to one and one-half (1.5) times the (MTH) of the turbine from the nearest non participating property line and private way(s) that are not part of the WEF.
- (6) Setback Waiver. The SPGA may allow non participating property within the minimum required setbacks, only if the SPGA agrees to the condition based on site-specific considerations and is provided evidence of written consent of the all the affected abutting property owner(s) who are in agreement.
 - (a) The SPGA, in its discretion, shall be authorized to waive the setback, sound and shadow flicker provisions of this Section to the extent these provisions affect a non-participating property, provided that the applicant submits the request in writing, accompanied by an affidavit signed by every non-participating property owner(s) inside the required setback area. The affidavit shall contain the non-participating property owner's acknowledgement of the setback, sound or shadow flicker requirements of this Section and what is proposed in lieu thereof, describe the impact on the non-participating property owner(s), and state the non-participating property owner's support for the applicant's waiver request. A non-participating property owner's affidavit shall be made a part of the Special Permit decision and shall be recorded separately with the Bristol County Registry of Deeds (Southern District) at the same time that the Special Permit decision is recorded to provide notice to all subsequent purchasers of the non-participating property of the waiver(s) granted.
- (7) Visualizations. The SPGA may select up to four sight lines, including from the nearest building with a view of the WEF, for pre- and post-construction view representations. Sites for the view representations shall be selected from populated areas or public ways within a 2-mile radius of the proposed WEF. View representations shall have the following characteristics:
 - (a) View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the WEF (e.g. superimpositions of the WEF on to photographs of existing views).
 - (b) All view representations will include existing, proposed, buildings or tree coverage.

- (c) Include description of the technical procedures followed in producing the visualization (distances, angles, lens, etc.).
- (d) Site Balloon Test. The applicant shall arrange to fly a brightly colored, four foot balloon at the MTH and at the proposed tower location. The days and hours will be agreed to by the SPGA and the applicant beforehand. The dates and times of the test will be advertised in the local newspaper.
- (8) Location Map. The applicant shall submit, to the SPGA, a copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed facility site and the area within at least two miles from the facility. Zoning district designation for the subject parcel should be included, however a copy of a zoning map with the parcel identified is suitable.
- (9) Operation & Maintenance Plan. The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as detailed procedures for operational maintenance of the WEF that are in accordance with manufacturer's recommendations for the period of expected operation of such facility.
- (10) Annual Operations & Maintenance (O&M) Report. A report shall be filed annually with the Planning Board for the facilities permitted under this section. Required report to be delivered beginning at the end of the first twelve months facilities are placed into operation and thereafter every year on anniversary date that the facilities are in operation. Copies of the Annual O&M Report Form are available at the Planning Board's Office.
- (11) Landscape Plan. A plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting, other than FAA lights, screening vegetation or structures. Lighting shall be designed to minimize glare on abutting properties and except as required by the FAA be directed downward with full cut-off fixtures to reduce light pollution.
- (12) Independent Consultants. Upon submission of an application for a Special Permit, the SPGA shall be authorized to hire outside consultants, paid for by the applicant.
- (13) A WEF requiring guy wires for support shall not be permitted.

I. WEF - On-Site. Requirements.

- (1) Size. The maximum nameplate rating shall not exceed 200kW.
- (2) Height. The WEF shall have a MTH no greater than 165 feet above the current grade of the land.
- (3) Setbacks. The WEF shall, at all times while in operation, meet the three required setbacks as follows:
 - (a) A distance no closer than 2.0 times the MTH, from the nearest property line.

- (b) A setback area, computed as a circle with the tower at its center and a radius equal to the MTH, shall be required from building or buildings which are on the same parcel(s) and which are served by the WEF.
 - (c) A setback equal to 3.0 times the MTH from the nearest residential structure.
- (4) Setback Waiver. The SPGA may allow non participating property within the minimum required setbacks, only if the SPGA agrees to the condition based on site-specific considerations and is provided evidence of written consent of the all the affected abutting property owner(s) who are in agreement.
- (a) The SPGA, in its discretion, shall be authorized to waive the setback, sound and shadow flicker provisions of this Section to the extent these provisions affect a non-participating property, provided that the applicant submits the request in writing, accompanied by an affidavit signed by every non-participating property owner(s) inside the required setback area. The affidavit shall contain the non-participating property owner's acknowledgement of the setback, sound or shadow flicker requirements of this Section and what is proposed in lieu thereof, describe the impact on the non-participating property owner(s), and state the non-participating property owner's support for the applicant's waiver request. A non-participating property owner's affidavit shall be made a part of the Special Permit decision and shall be recorded separately with the Bristol County Registry of Deeds (Southern District) at the same time that the Special Permit decision is recorded to provide notice to all subsequent purchasers of the non-participating property of the waiver(s) granted.
- (5) Site Plan. Shall be a plan of the proposed WEF site, with existing and proposed topography at two-foot minimum contours, at an appropriate scale showing the following:
- (a) Property lines for the site parcel and adjacent parcels within 500 feet.
 - (b) Outline of all existing buildings, including purpose (e.g. residence, garage, etc.) on site parcel and all adjacent parcels within 500 feet. Include distances from the WEF to each building shown.
 - (c) Location of all roads, public and private on the site parcel and adjacent parcels within the setback distance of 1.2 times the blade tip height, and proposed roads or driveways, either temporary or permanent.
 - (d) Existing areas of tree cover, including average height of trees, on the site parcel and adjacent parcels within the setback distance of 3.0 times the MTH.
 - (e) Proposed location and design of WEF, including all turbines, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, exterior lighting, etc.
- (6) Visualizations. The SPGA may select up to three sight lines, including from the nearest building with a view of the WEF, for pre- and post-construction view

representations. Sites for the view representations shall be selected from populated areas or public ways within a 2-mile radius of the proposed WEF. View representations shall have the following characteristics:

- (a) View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the WEF (e.g. superimpositions of the WEF onto photographs of existing views).
 - (b) All view representations will include existing, or proposed, buildings or tree coverage.
 - (c) Include description of the technical procedures followed in producing the visualization (distances, angles, lens, etc.).
 - (d) Site Balloon Test. The applicant shall arrange to fly a brightly colored, four foot balloon at the MTH and at the proposed tower location. The days and hours will be agreed to by the SPGA and the applicant beforehand. The dates and times of the test will be advertised in the local newspaper.
- (7) Compliance Documents. The applicant shall provide the following:
- (a) Description of financial surety,
 - (b) Proof of liability insurance
 - (c) Certification of height approval from the FAA,
 - (d) Manufactures specifications for sound and documentation for compliance with Section L below.
- (8) Landscape Plan. A plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting, other than FAA lights, screening vegetation or structures. Lighting shall be designed to minimize glare on abutting properties and except as required by the FAA be directed downward with full cut-off fixtures to reduce light pollution.
- (9) Independent Consultants. Upon submission of an application for a Special Permit, the SPGA shall be authorized to hire outside consultants, paid for by the applicant.
- (10) A WEF requiring guy wires for support shall not be permitted.
- (11) Annual Operations & Maintenance Report. A report shall be filed annually with the Planning Board for the facilities permitted under this section. Required report to be delivered beginning at the end of the first twelve months facilities are placed into operation and thereafter every year on anniversary date that the facilities are in operation. Copies of the Annual O&M Report Form are available at the Planning Board's Office.

J. WEF - Small Wind Energy System. Requirements.

- (1) WEF shall have a MTH no greater than seventy-five (75) feet and may exceed the MTH by Special Permit issued by the Zoning Board of Appeals upon a finding

that the height of the proposed structure does not derogate from the purpose of this section as set forth in A. Purpose, above.

- (2) WEF shall be located no closer than the MTH, from the nearest non-accessory structure; provided that no setback shall be required from building or buildings which are on the same parcel and which are served by the WEF.
- (3) One or more wind facilities, which shall have a total rated nameplate capacity not to exceed 10kW.

K. WEF - Building Integrated WEF (BIWF). Requirements.

- (1) No BIWF shall be erected, constructed, installed or modified without first obtaining a Special Permit from the SPGA. The construction of a BIWF shall be allowed subject to the issuance of a Special Permit and provided that the use complies with all requirements of this Section and Section E above. All such wind facilities shall, where economically feasible, be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts
- (2) Required Supporting Documentation for BIWF. The Special Permit application must at a minimum, include:
 - (a) Analysis and design documents, completed by a structural engineer registered to practice in the Commonwealth of Massachusetts, demonstrating that the proposed building is structurally sufficient to support the permanent installation of the proposed BIWF. At a minimum, the analysis should address vibration, wind load, and ice load.
 - (b) Elevation drawings of BIWF installed, viewed from north, south, east, and west.
 - (c) Building schematic detailing point(s) of connection and associated supports for the BIWF.
 - (d) Schematic of attachment method for connecting the BIWF to the building.
 - (e) Specification sheets for wind turbine and all related components (inverters, controllers, disconnects, etc.)
 - (f) One or three line electrical diagram detailing wind turbine, associated components, and electrical interconnection methods, with all National Electrical Code (NEC) compliant disconnect and over current devices.

L. Safety and Environmental Standards. Wind Facilities operations shall be required to adhere to all requirements of this section at all times the wind facilities are in operation unless waived by the SPGA in its written decision.

- (1) Emergency Services. The applicant shall provide a copy of the project summary, electrical schematic, and site plan to the local town emergency services, as designated by the permit granting authority, as well as the local electrical utility company. Upon request the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of disconnecting the WEF shall be clearly marked and accessible.
 - (a) The applicant or facility owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

- (2) Fire Protection System. The nacelle of a Utility-Scale WEF shall be protected by an automatic fire suppression system. Fairhaven fire officials will observe the system in place immediately prior to the erection of the nacelle to the tower.
- (3) Unauthorized Access. Wind turbines or other structures part of a WEF shall be designed to prevent unauthorized access. For instance, the tower shall be designed and installed so as to not provide step bolts or other climbing means readily accessible to the public for a minimum height of 8 feet above the ground. Electrical equipment shall be locked where possible.
- (4) Shadow/Flicker. Wind facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses.
- (5) Noise. The WEF and associated equipment shall conform with the provisions of the Department of Environmental Protection's (DEP), Division of Air Quality Noise Regulations (currently 310 CMR 7.10), unless the DEP and the SPGA agree that those provisions shall not be applicable. A source of sound will be considered to be violating these regulations if the source:
 - (a) Increases the broadband sound level by more than 10 dB(A) above ambient, or
 - (b) Produces a pure tone condition when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more. These criteria are measured both at the property line and at the nearest inhabited structure. Ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours. The ambient may also be established by other means with consent from DEP. An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards, if required by the permit granting authority.
 - 1. The SPGA, in consultation with the DEP shall determine whether such violations shall be measured at the property line or at the nearest inhabited residence. The WEF owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.
 - 2. Upon receipt of a complaint to the Fairhaven Board of Health (BOH) regarding sound from an existing facility, the BOH will investigate the complaint. The BOH will follow its established complaint procedure to monitor and analyze the sources of complaints. If the BOH determines the complaint to be reasonable, the owner or operator shall be required, at its expense, to have prepared, by an independent professional acoustical engineer approved by the town, an acoustical study that measures sound levels and demonstrates compliance with the sound standards in this Section.

- (c) Sound Assessment. The applicant shall provide a report estimating current ambient sound at appropriate locations and maximum projected sound from the proposed facility, measured in dB(A) (decibels A-weighted), including but not limited to the following:
1. An estimation or measurement of the existing ambient background sound levels.
 2. Identification of a model for sound propagation (sound modeling software will include a propagation model).
 3. A prediction or measurement of sound levels from the facility at the nearest non-participating landowner's occupied building(s), at all participating landowner's occupied building(s), and the nearest property line. Inputs to the model must include specifications and expected sound data from the actual manufacturer and model number of the equipment proposed for the site.
 4. A comparison of calculated sound pressure levels from the facility with background sound pressure levels at the locations of concern.
 5. An estimate of the maximum total sound in the environment after the facility is operational. A listing of all inputs used in the Sound assessment, and all sound data, manufacturers data, power curves and sound curves used as inputs in the sound assessment must be provided to the board before the assessment is considered complete
- (d) Operational Noise Analysis. The applicant shall conduct with the BOH, an operational analysis of noise during the first ninety (90) days of operation. The WEF Facility shall not be allowed to operate between the hours of 7PM and 7AM, except during periods when a live attendant is present and is actively conducting a sound assessment in accordance with approved protocol. This restriction shall remain in place until the applicant has proven the system has operated in compliance for at least ninety (90) consecutive calendar days. The applicant will need to observe weather forecasts and plan to attend highest wind days in order to keep the system running through increasing wind periods. The BOH shall have access to all Power and Noise data recorded by the applicants monitoring system and shall produce reports upon written request of the BOH. The analysis will be coordinated with the BOH and shall contain sufficient information for a determination of whether the facility meets Massachusetts 310 CMR 7.10, and this bylaw, as required above.
- (e) The applicant shall provide, at their own expense, two (2) permanently mounted sound meters, with data loggers, for the purpose of recording sound levels at the property line of the two abutters forecast to be impacted the most by sound from sound emissions from the WEF. A written report explaining how the location of the meters was determined shall be submitted to the BOH for review prior to installation. This equipment shall be used to establish a baseline for sound at the location

observed during commissioning / compliance testing and will allow the BOH to determine when a significant change in sound power has been experienced at the site (for any reason, such as wear and tear, poor maintenance, change in topography from storms, etc.). Metering equipment shall be calibrated annually at the applicants' expense and no WEF shall remain in operation without an operational sound meter in place. Once the compliance testing is complete, the two data loggers shall record sound levels continuously and at intervals of 1/8 of a second per sample maximum and summary reports shall be made available on a monthly basis (or upon request) to the BOH.

- (6) Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the WEF and is otherwise prescribed by applicable laws, regulations, and ordinances, and subject to existing easements, restrictions and conditions of record.
- (7) Avian study and bat studies. The applicant shall submit the results of an avian and bat species analysis to the SPGA. The applicant shall continually monitor the injuries and fatalities and to assess compliance of the site with the recommendations as proposed in the studies, if any.
- (8) Facility Conditions. The applicant shall maintain the WEF in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, emergency braking (stopping) and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief. The project owner shall be responsible for the cost of maintaining the WEF and any access road(s), unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction.
- (9) Modifications. All material modifications to a WEF made after issuance of the Special Permit shall require approval by the SPGA as provided in this section.
- (10) The WEF shall be equipped with controls to detect imbalance that could occur for any reason, including ice and snow build-up. These sensors shall shut down the turbine automatically in the event of snow and ice build-up and shall not allow the equipment to restart until a safe operating condition has been restored. The Town Public Safety Officials shall have access to records showing date and time of imbalance shutdown. Calibration of the sensors shall be certified every year, on or before October 1st.

M. Criteria for review and approval.

- (1) A Special Permit shall be granted under this section if the SPGA finds in writing that each WEF meets its designated tower requirements listed above, and that the design, safety and environmental standards, set forth above, have been met.
- (2) The SPGA shall also impose, in addition to any applicable conditions specified in this section, such conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this section, including, but not limited to: screening, lighting, fences, modification of the exterior appearance of

the structures, limitation upon size, hours of operation, method of access or traffic features, parking, removal upon cessation of use or other requirements. Such conditions shall be imposed in writing and the applicant may be required to post bond or other surety for compliance with said conditions in an amount satisfactory to the SPGA.

- (3) The Special Permit shall lapse if substantial use or construction has not commenced within two years of the date of issuance, except for good cause shown (including but not limited to appeals of the grant of the Special Permit or litigation enjoining the construction under the permit), and provided further that such construction, once begun, shall be actively and continuously pursued to completion within a reasonable time.
- (4) The SPGA will require the applicant to pay for outside, independent professional services to evaluate the proposal's compliance with this section and to determine the flexibility of geographic location, to analyze the loading capacities of the proposed structures, and to review camouflage and screening techniques.
- (5) The final decision of the SPGA shall contain a condition when mitigation, turbine shutdown or removal would be imposed if a WEF is found to become non-compliant with this section.

§198.33 – Definitions and word use

The additions are indicated in text that is **(bold and underlined)**. The deletions are indicated in strikethroughs (~~aaaa~~), and are as follows:

~~WIND FACILITY—All equipment, machinery and structures utilized in connection with wind-generated energy production and generation, including related transmission, distribution, collection, storage or supply systems whether underground, on the surface, or overhead and other equipment or byproducts in connection therewith and the sale of the energy produced thereby, including but not limited to, wind turbine (rotor, electrical generator and tower), anemometers (wind measuring equipment), transformers, substation, power lines, control and maintenance facilities, site access and service roads.~~ **[Added 5-1-2004 STM by Art. 11]**

~~WIND FACILITY, COMMERCIAL—A wind facility, which is designed to supply less than fifty percent (50%) of its electrical output for use on site.~~ **[Added 5-1-2004 STM by Art. 11]**

~~WIND FACILITY, MUNICIPAL—A wind facility located on town-owned property which is designed to provide at least fifty percent (50%) of its electrical output, or of the value thereof, for the use or benefit of the town and without regard to the ownership of the structure or equipment.~~ **[Added 5-1-2004 STM by Art. 11]**

~~WIND FACILITY, NON-COMMERCIAL—A wind facility, which is designed and provides fifty percent (50%) or more of its electrical output for use on site.~~ **[Added 5-1-2004 STM by Art. 11]**

ABANDONMENT: absent notice of a proposed date of decommissioning, the facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of the special permit granting authority.

AMBIENT SOUND LEVEL: the background A-weighted sound level that is exceeded 90% of the time.

A-WEIGHTED SOUND LEVEL - dB(A): a measurement of sound pressure level, which has been filtered or weighted to progressively de-emphasize the importance of frequency components below 1,000 Hz and above 5,000 Hz. This range corresponds to the human speech band and reflects that human hearing is more sensitive to the mid-range frequencies within this range than the frequencies below and above this range.

DECIBEL (dB): the measurement of a sound pressure relative to the logarithmic conversion of the sound pressure reference level – often set as 0 dB(A). In general, this means the quietest sound humans can hear is near 0 dB(A) and the loudest humans can hear without pain is near 120 dB(A).

HEIGHT: the height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height. This measure is also commonly referred to as the maximum tip height (MTH).

METEOROLOGICAL (MET) TOWER: a group of instruments (including anemometers and wind vanes) that collectively measure various meteorological parameters such as wind speed, wind direction, and temperature at various heights above the ground.

NACELLE: the enclosure located at the top of a wind turbine tower that houses the gearbox, generator and other equipment.

RATED NAMEPLATE CAPACITY: the maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a nameplate attached on the equipment.

SHADOW FLICKER: the moving shadows cast by rotating wind turbine blades that cause a flickering effect.

SUBSTANTIAL EVIDENCE: such evidence as a reasonable mind might accept as adequate to support a conclusion.

WIND ENERGY FACILITY (WEF): all equipment, machinery and structures utilized in connection with wind-generated energy production and generation, including related transmission, distribution, collection, storage or supply systems whether underground, on the surface, or overhead and other equipment or byproducts in connection therewith and the sale of the energy produced thereby, including but not limited to, wind turbine (rotor, electrical generator and tower), anemometers (wind measuring equipment), transformers, substation, power lines, control and maintenance facilities, site access and service roads.

WIND ENERGY FACILITY (WEF) - BUILDING INTEGRATED: a WEF shall be considered to be building integrated if it is designed to be permanently mounted on a building or other inhabitable structure. This definition applies to wind turbines of any capacity that are designed to be operated in direct contact with a building. This definition also covers, for the purposes of this zoning provision, other wind energy facilities primarily used for land-based applications which may be permanently mounted and operated on a building.

WIND ENERGY FACILITY (WEF) - ON-SITE: a WEF that will generate electricity to provide for the on-site load and may be grid-tied with a total rated nameplate capacity not to exceed 200kW.

WIND ENERGY FACILITY (WEF) - SMALL WIND ENERGY SYSTEM: all equipment, machinery and structures utilized in connection with the conversion of kinetic energy of wind into electrical power. This includes, but is not limited to, storage, electrical collection and supply equipment, and one or more wind turbines, which have a total rated nameplate capacity of not more than 10kW.

WIND ENERGY FACILITY (WEF) - UTILITY SCALE: a commercial WEF, where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.

ANNUAL OPERATIONS AND MAINTENANCE REPORT FOR (NAME OF FACILITY)

Filing of the Annual Operations and Maintenance Report with the Planning Board is a condition of the special permit issued to the operator of a Wind Energy Facility (WEF) in each year the facility is in operation. All information is required to be completed and delivered annually to the office by the anniversary date of operation of each year.

WEF map and lot number	
Name of site operator	
Address of site operator	
Contact information	
Liability Insurance Carrier	
Status of any required bonds	
Recommended manufacture's maintenance completed. Warranty still in effect?	
Roads and stormwater Status	
Changes to structure or equipment	
Number and nature of complaints received directly to operator.	
Board of Health Operational Noise Monitoring Report	

per §198-29.5 L (5) (d).	
Avian Impact Monitoring Report per §198-29.5 L (7)	
Property taxes outstanding	

Petitioned by: Planning Board

ARTICLE 20 – CULTURAL COUNCIL FUNDING

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the Fairhaven Cultural Council, or to take any other action thereto.

Petitioned by: Fairhaven Cultural Council

ARTICLE 21 – FAIRHAVEN EMERGENCY MANAGEMENT AGENCY – COTS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to purchase one hundred (100) cots for the Emergency Shelter or take any other action relative thereto.

Petitioned by: Emergency Management Agency

ARTICLE 22 – NON-MANDATED STUDENT ACTIVITIES REVOLVING ACCOUNT

To see if the Town will authorize a “Non-Mandated Student Activities Revolving Account” under provisions of Massachusetts General Law Chapter 44 Section 53 E ½ under the following terms:

1. The revolving account may be expended for all school related costs for the non-mandated school activities.
2. All fees charged to users for “School Activities” shall be credited to the revolving account.
3. The School Committee is authorized to expend from the fund.
4. The total amount which may be expended from the fund in Fiscal Year 2014 shall not exceed two hundred thousand (\$200,000.00) dollars.

Petitioned by: The School Committee

ARTICLE 23 – SPECIAL NEEDS EARLY CHILDHOOD PROGRAM REVOLVING ACCOUNT

To see if the Town will authorize a “Special Needs Early Childhood Program Revolving Account” under provisions of Massachusetts General Law Chapter 44 Section 53 E ½ under the following terms:

1. The Special Needs Early Childhood Program Revolving Account may be used to collect and disburse funds for the nurturing, care, and education of young children enrolled in such program.
2. The Special Needs Early Childhood Revolving Account may be expended for all school related costs for the public school’s Special Needs Early Childhood programs including, but not limited to, transportation, the purchase of equipment and supplies and the hiring of full-time and/or part-time personnel.
3. All tuition, receipts, and enrollment fees charged for the participation in the Special Needs Early Childhood Program shall be credited to the Special Needs Early Childhood Revolving Account.
4. The School Committee is authorized to expend from the fund.
5. The total amount which may be expended from the fund in Fiscal Year 2014 shall not exceed fifty thousand (\$50,000) dollars.

Petitioned by: The School Committee

ARTICLE 24 – SEWER SYSTEM COLLECTION REHABILITATION – I&I

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to rehabilitate the sewer collection system by investigation and repairs to areas of the sewer collection system contributing high volumes of inflow and infiltration or to take any other action relative thereto.

Petitioned by: Board of Public Works

ARTICLE 25 – PROPAGATION OF SHELLFISH

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the propagation of shellfish, or take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 26 – BPW FUEL ISLAND ROOF

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to replace the rubber roof system at the fuel island at the Board of Public Works Building or take any other action relative thereto.

Petitioned by: Board of Public Works

ARTICLE 27 – WATER HYDRANT REPLACEMENT PROGRAM

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to prepare engineered plans and contract documents and award construction contract for the replacement of obsolete and antiquated hydrants throughout Town or take any other action relative thereto.

Petitioned by: Board of Public Works

ARTICLE 28 – COMPREHENSIVE WASTEWATER MANAGEMENT PLAN

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for a Comprehensive Wastewater Management Plan or to take any other action relative thereto.

Petitioned by: Board of Public Works

ARTICLE 29 – ELDRED HEADSTONES AT RIVERSIDE

To see if the Town will vote to raise and appropriate, borrow or transfer a sum of money to repair two headstones at Riverside Cemetery, located in the artist Lemuel D. Eldred family plot, to include David Eldred (grandfather of artist), Susan Eldred (aunt of artist), or to take any other action relative thereto.

Petitioned by: Albert Benac, Town Art Curator

ARTICLE 30 – HISTORICAL COMMISSION

- A. To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the Historical Commission to defray expenses incurred pursuant of its duties to promote, protect and preserve the heritage of Fairhaven; and
- B. For the continued repairs, maintenance, improvements and utilities of the Academy Building; and
- C. For the continued repairs, maintenance, improvements and utilities of the Fire Museum; and
- D. For the continued repairs, maintenance, improvements and utilities at Fort Phoenix; and
- E. For the continued repairs, maintenance, and improvements of the Old Stone School House;

Petitioned by: The Historical Commission

ARTICLE 31 – COMMUNITY PRESERVATION PROGRAM APPROPRIATIONS

To see is the town will vote to appropriate or to reserve for later appropriation, and to authorize the Community Preservation Committee to expend or reserve, from the Community Preservation Fund available funds and FY14 Estimated Receipts as set forth herein, the following amounts for community preservation purposes, with such expenditures to be subject to conditions to be specified in applications and award letters from the Community Preservation Committee, with each item considered a separate appropriation:

PROPOSED FISCAL YEAR 2014 COMMUNITY PRESERVATION BUDGET

APPROPRIATIONS

Purpose	Recommended Amounts
Spending Appropriations –	
A. Buzzard’s Bay Coalition – Nasketucket Bay Conservation Project	\$ 200,000.00
B. Fairhaven Housing Authority – Anthony Haven Roof Replacement Project	\$ 40,000.00
C. Fairhaven High School – Northeast and Northwest Gutter Restoration Project	\$ 86,000.00
D. Fairhaven Historical Commission – Fort Phoenix Restoration Project Phase II	\$ 16,000.00
E. Bike Path Committee – Bikeways Enhancement and Safety Project	\$ 10,000.00
F. Livesey Park – Tennis/Basketball Court and In-Line Hockey Rink Restoration Project	\$ 32,000.00
Administrative Spending Appropriation	
G. To fund the Community Preservation Committee’s annual expenses as follows: Personal Service - \$6,700; Purchase of Services - \$3,400; Supplies - \$500; Other charges/expenders - \$2,000.	\$ 12,600.00
Total Recommended Appropriations	\$ 396,600.00

And, whereas Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the fund balance at least 10% for open space, 10% for historic preservation, and 10% for community housing.

And, whereas the existing reserves and recommended appropriations for open space, historic preservation, and community housing each exceed 10% of the Community Preservation Fund Estimated Receipts.

And, whereas Town Meeting may vote to delete any of the recommended amounts.

Therefore, in the event that recommended amounts are deleted, vote to appropriate as a reserve for future spending from the FY 2014 Community Preservation Fund Estimated Receipts the minimum necessary amounts to allocate not less than 10% (\$40,000) for open space, not less than 10% (\$40,000) for historic preservation, and not less than 10% (\$40,000) for community housing.

Or take any other action relative thereto.

Petitioned by: The Community Preservation Committee

ARTICLE 32 – MATTAPOISETT RIVER VALLEY WATER PROTECTION

To see if the Town will vote, pursuant to Chapter 384 of the Acts of 2010, to authorize the Mattapoisett River Valley Water Supply Protection Committee to modify the fee it currently charges to the Town, in the amount of \$.01 per 100 gallons, according to the following schedule:

<u>Term</u>	<u>Fee (per 100 gallons)</u>
July 1, 2013 to June 30, 2014	\$.012
July 1, 2014 to June 30, 2015	\$.014
July 1, 2015 to June 30, 2016	\$.016
July 1, 2016 to June 30, 2017	\$.018
On and after July 1, 2017	\$.02

And provided further that this authorization shall be void, and of no effect, unless the same modification schedule is approved by vote of the Town Meeting of each of the Towns of Fairhaven, Marion and Mattapoisett, no later than June 30, 2013, or to take any other action thereto. **(2/3 vote required to pass)**

Petitioned by: Mattapoisett River Valley Water Supply Protection Committee

ARTICLE 33 – CAPITAL IMPROVEMENT STABILIZATION FUND

To see if the town will vote to establish a special stabilization fund under the authority of MGL Ch. 40, Section 5B to fund capital improvements. Capital improvements will be defined as any purpose for which the town may borrow under Massachusetts General Laws (two-thirds vote required). Or take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 34 – STATE AID TO HIGHWAYS

- A. To see if the Town will vote to authorize the Board of Public Works to accept and enter into contract for the expenditure of any funds allotted or to be allotted by the Commonwealth of Massachusetts for the construction, reconstruction and improvements of Town roads, or take any other action relative thereto.
- B. To see if the Town will vote to appropriate and transfer from available funds the sum of money for capital improvements on local roads, subject to the conditions detailed by the Massachusetts Highway Department pursuant to Chapter 90, Section 34 of the MGLS and Transportation Departments Chapter 90 Guidelines, or to take any other action relative thereto.

Petitioned by: The Board of Public Works

ARTICLE 35 – SEWER COLLECTION SYSTEM PUMP STATION REHABILITATION – TABER ST

To see if the Town will vote to raise and appropriate, borrow and transfer from available funds a sum of money to rehabilitate the Taber Street Sewer Pump Station – Phase 2a or to take any other action relative thereto.

Petitioned by: Board of Public Works

ARTICLE 36 – HAZARDOUS MATERIALS REVOLVING FUND

To see if the Town will re-authorize a “Hazardous Materials Revolving Account” under the provisions of Massachusetts General Law Chapter 44 Section 53 E ½ under the following terms:

1. The revolving account may be expended for the establishment of a Hazardous Materials Clean-up Account including, but not limited to, the purchase of equipment and supplies and the hiring of full time and/or part time personnel.
2. All fees charged to users of the Hazardous Materials Clean-up Account shall be credited to the revolving fund.
3. The Fire Chief is authorized to expend from the fund.
4. The total amount which may be expended from the fund in Fiscal Year 2014 shall not exceed one hundred thousand (\$100,000.00) dollars.

Petitioned by: Fire Chief

ARTICLE 37 – MACOMBER PIMENTAL FIELD

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to finish the installation of fencing at Macomber-Pimental Field, or take any other action relative thereto.

Petitioned by: Board of Public Works

ARTICLE 38 – FIRE DEPARTMENT SECURITY SYSTEM

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to purchase and install a security system for the Fire Department headquarters; or take any other action relative thereto.

Petitioned by: Fire Chief

ARTICLE 39 – TRANSFER FROM SURPLUS REVENUE

To see if the Town will vote to transfer a sum of money from Surplus Revenue for the reduction of the tax levy, or take any other action relative thereto.

ARTICLE 40 – REPORT OF COMMITTEES

To hear and act upon the reports of any committees, or committee appointed in Town Meeting and to choose any committees or committee the Town may think proper and to raise and appropriate a sum of money for the expense of same, or to take any other action with relation to either of said matters, as the Town may deem necessary and proper.

ARTICLE 41 – OTHER BUSINESS

To act upon any other business which may legally come before this meeting.