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NOTES

**PEPPERELL FINANCE COMMITTEE
GENERAL NOTES TO THE 2010 ANNUAL TOWN MEETING**

The Fiscal 2011 Budget presented before you this evening is a balanced budget. How we arrived at this point and where we go from here will come later on this report. First we will begin with the budgetary process.

The Finance Committee began the Fiscal 2011 budget process in December of 2009. At that time we sent the annual budget letter to all department heads outlining our guidelines. Basically we requested two budgets from each department; a level funded budget and a minus 5% budget.

In January of 2010 we began reviewing the budgets. We compared budget line item requests against the “actuals” of past years, the rate of spending in this fiscal year, the absolute necessity of the requested amount, and the subsequent impact of making cuts in that line item. Every budget was treated the same, every line item was measured, and every cut that could be made, no matter how unpleasant, was made. This time consuming task began in January and finished in April.

Balancing the budget, given that we began the process with a projected deficit of approximately \$430,000, certainly was not an easy task and one that was not taken lightly. The effort was collaborative: the Selectmen maintained a constant eye on the budget process and established the “Fiscal Team;” the Fiscal Team, comprised of the Town Administrator, Town Accountant, Town Treasurer, the Town Administrator’s assistant, and the Director of Assessing, spent many hours searching for new sources of revenue; the School Committee and the School Superintendant did a remarkable job in coming forward with a level funded budget; the Town department heads presented bare bones budgets and accepted subsequent cuts to these budgets; and, finally, the Finance Committee worked long hours ferreting out every dollar they could from the various department budgets without causing, in most instances, any interruptions of service or employment.

In order to reach a balanced budget we had to employ several measures which, had we had a choice, we never would have employed. We’ve transferred large amounts from our savings, Free Cash; we’ve made educated assumptions on the amount of our revenues; we’ve cut budgets which were already strained beyond any sensible limit; and we’ve level funded our school budget. These measures were all very necessary, not only to present a balanced budget but also for the Town to provide a modicum of services to our citizens.

The Finance Committee is a body politic of Town Meeting and it is our responsibility to present Town Meeting with a balanced budget and to make informed recommendations to you; we are your eyes and ears. This year’s Committee is comprised of the following: Chris De Simone, Chairman; Chris Johnson, Vice Chairman; George Zacharakis, Holly Seiferth, Alan Leao, Jr., Michael Landino, and Melissa Tzanoudakis. And, we would be most remiss if we did not mention the giant contribution to our effort made by our Town Accountant, Tom Wilson.

Like many of the State’s communities Pepperell is in a very difficult financial position. The substantial cut in State Aid along with mandated union pay increases, skyrocketing health insurance costs, and general inflation effecting an ever deteriorating infrastructure have all together put very negative pressure on our available resources. The recommended budget and the Finance Committee’s recommendations on the Warrant Articles are the result of a large effort in research, deliberation and painful decision making. We respectfully request that you give due consideration to our efforts.

We give notice and thanks to our secretary, Lynn Henderson and to Ms. Lyn Sharpe, Assistant Town Accountant. Without these two valuable resources our task would have been immeasurably more difficult.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss:

To either of the constables of the Town of Pepperell, in said county,

GREETINGS:

In the name of the Commonwealth aforesaid, you are hereby required to notify and warn the inhabitants of said Town qualified according to law to vote in state, county, district and town affairs to assemble at the NISSITISSIT MIDDLE SCHOOL, in said Town, on Monday, the 3rd of May, A.D. 2010 at 7:30 PM to act on the following articles:

ANNUAL TOWN MEETING May 3, 2010

ARTICLE 1 TOWN OFFICERS AND COMMITTEES

To choose all Town Officers and Committees for the ensuing year (July 1, 2010 - June 30, 2011) not required to be elected by ballot.

Recommended by Finance Committee.

ARTICLE 2 ELECTED OFFICIALS COMPENSATION

To see if the Town will vote to fix the salary and compensation of Elected Officers of the Town for the Fiscal Year July 1, 2010 - June 30, 2011, as provided by Section 108 of Chapter 41 of the Massachusetts General Laws, as amended; or take any other action relative thereto.

Salaries of the Elected Officers are included in the Departmental Appropriations.

Elected Official	Voted Salaries 7/1/09-6/30/10	Requested Salaries 7/1/10-6/30/11	Recommended Salaries 7/1/10-6/30/11
<u>Town Clerk</u> Range \$49,507*- 59,471	\$61,659	\$ 49,507	\$ 49,507
<u>Treasurer/Tax Collector</u> Range \$62,098*- 76,248	\$76,248	\$ 76,248	\$76,248

* Shall be the pay for anyone who is not the incumbent officeholder as of 7/1/10 and who is appointed or elected during the fiscal year. The above salary recommendations to become effective under the dates specified above.

Recommended by Finance Committee.

ARTICLE 3 BUDGETS

To determine the specific sums the Town will vote to raise and appropriate or appropriate from available funds, to defray the regular expenses of the Town for the Fiscal Year July 1, 2010 through June 30, 2011 for General Government; Public Safety; Education; Public Works and Facilities; Human Services; Culture and Recreation; Debt Service; Employee Benefits and Insurance; Ambulance Fund; Sewer Enterprise Fund; Water Enterprise Fund; and Transfer Station Fund, or take any other action relative thereto. The following budgets are for the fiscal year covering the twelve-month period July 1, 2010 through June 30, 2011:

Recommended by Finance Committee.

ARTICLE 4

NORTH MIDDLESEX REGIONAL SCHOOL DISTRICT ASSESSMENT

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$10,216,118 for the purpose of funding the Town's apportioned share of the North Middlesex Regional School District operating budget and debt service for the fiscal year July 1, 2010 through June 30, 2011, as most recently certified to the Town by the District Treasurer, and, by virtue of appropriating this sum, approve the certified budget for the said fiscal year, or, by not appropriating this sum, explicitly disapprove the certified budget; or take any other action relative thereto.

Recommended by Finance Committee.

ARTICLE 5

NASHOBA VALLEY TECHNICAL HIGH SCHOOL ASSESSMENT

To see if the Town will vote to raise and appropriate or appropriate from available funds, the sum of 1,079,074 for the purpose of providing funds for the Town's apportioned share of the Nashoba Valley Technical High School operating budget and debt service for the fiscal year July 1, 2010 through June 30, 2011, as most recently certified to the Town by the District Treasurer, and by virtue of appropriating this sum, approve the certified budget for the said fiscal year, or by not voting to appropriate the sum, explicitly disapprove the certified budget; or take any other action relative thereto.

Recommended by Finance Committee.

ARTICLE 6

By: Police Department

POLICE CRUISERS

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$40,000 for the purpose of purchasing and equipping two (2) new police cruisers, along with any related expenses, said appropriation to be under control of the Chief of Police, and to authorize the disposal of used police vehicle(s) by trade, transfer, or sale; or take any other action relative thereto.

This amount will allow the Town to purchase two vehicles utilizing \$ 12,000 from balances of previous town meeting articles. There was a request that a third vehicle be purchased, this purchase will be considered for the Fall Town Meeting. Recommended by Finance Committee.

ARTICLE 7

By: Library Trustees

BOOK FINE MONEY

To see if the Town would vote to raise and appropriate or appropriate from available funds, the sum of \$5,965 for the purchase of books or other library supplies; including the payment of costs incidental and related thereto; said appropriation to be under the control of the library Board of Trustees; or take any other action relative thereto.

Request from the library to utilize funds received for overdue book fines deposited in general fund to be used supplement the operating budget. Not recommended by Finance Committee.

ARTICLE 8

By: Board of Selectmen

SPECIAL LEGISLATION – LIQUOR LICENSES

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, substantially as follows:

Notwithstanding any provision(s) of Section 11 of Chapter 138 of the General Laws relative to biennial state elections and further petition, the Board of Selectmen of the Town of Pepperell is granted authority to place on the ballot for the November 2010 State Biennial Election, the following determinative question:

Shall licenses be granted in this Town for the sale therein of all alcoholic beverages (whiskey, rum, gin, malt beverages, wines and all other alcoholic beverages)? YES
NO

or take any other action relative thereto.

This request is to allow restaurants to serve all alcoholic beverages for consumption within their establishment. The ABCC controls the number of licenses and regulations relating to sale of alcoholic beverages. This petition upon approval by legislature will be voted on by the citizens at the November, 2010 State Biennial Election. Recommended by Finance Committee.

ARTICLE 9

By: Board of Selectmen

REVISE SCOPE OF ARTICLE

To see if the Town will vote to expand the scope of Article 15 “Town Hall Improvements” voted at the May 1, 2000 ATM, which read as follows:

“To see if the Town will vote to raise and appropriate, appropriate from available funds, or authorize the Treasurer to borrow the sum of \$200,000 for the purpose of effecting repair, improvements, and upgrades to the interior of the Town Hall, with particular attention to the heating and wiring systems; said appropriation to be under the control of the Town Administrator; or take any other action relative thereto.”

to include effecting repairs, painting, and other upgrades to the exterior of Town Hall; or take any other action relative thereto.

As we assess the structural and mechanical needs of Town Hall it is apparent the outside envelope of the building needs immediate attention. Funds remain in a 2000 Town Meeting Article for work to be done of the interior of the building. We believe it is paramount to assure the integrity of the exterior of the building, thus the request to expand the scope of the original article to include exterior repair work. We have received bids on this work. Recommended by Finance Committee.

ARTICLE 10

By: Conservation Commission

CONSERVATION FUND

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of \$2,050 to the Conservation Fund which was established on February 15, 1965 by Article 21 of the Annual Town Meeting, pursuant to Massachusetts General Laws Chapter 40, §5(51); or take any other action relative thereto.

Annual request of the Conservation Commission to transfer a portion of funds received from fees to this trust account to help defray the cost of maintaining conservation property and offset administrative costs. The Conservation Commission will take no action on this article.

ARTICLE 11

By: Board of Fire Engineers

NEW FIRE TRUCK

To see if the Town will vote to borrow the sum of \$350,000 to pay costs of procuring a new fire truck, to replace the existing, deteriorating vehicle, including the payment of any other expenses incidental and related thereto; and authorize the Treasurer with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for that purpose, as authorized by General Laws Chapter 44, §7(9), or any other general or special law, for a period not to exceed 10 years, provided, however, that this appropriation and debt authorization be contingent upon passage of a Proposition 2½ debt exclusion referendum under General Laws Chapter 59, § 21C(k); said appropriation to be under the control of the Board of Fire Engineers; or take any other action relative thereto.

The Fire Engineers have presented compelling documentation of the need to replace the company's 1985 pumper first line fire truck. They have also sited the critical need to replace a 10 year old ambulance. Due to budget constraints the priority was given to the 25 year old fire truck. Because this year's budget and next year's projected budget are operating under a structural deficit, the Selectmen are requesting the funding for this vehicle be through a debt exclusion vote. Recommended by Finance Committee.

ARTICLE 12

By: Board of Public Works

NEW MOWER - PARKS DIVISION

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$4,500 for the purchase of a new mower for the Parks Division, including any other expenses related thereto; said appropriation to be under the control of the Board of Public Works; or take any other action relative thereto.

The DPW has determined through past mower purchases that the most cost effective time to trade in mowers is after 4 years of use – depreciation accelerates after that. In this case Parks will be able to buy a mower worth \$13,623 for \$4,500 and use it for the next four years.

Recommended by Finance Committee.

ARTICLE 13

By: Personnel Board

PERSONNEL BY-LAW AMENDMENT

To see if the Town will vote to amend the Personnel By-Law as follows:

Delete the existing section 20b:

- 20b Benefit employees who have completed 30 days of continuous service to the Town shall be entitled to eight (8) hours holiday leave with pay per holiday, calculated "proportionately" then rounded to the nearest half-hour. To be eligible for holiday pay, an employee shall have worked during the holiday week, including his or her last scheduled shift prior to the holiday, the holiday itself, if scheduled to work, and his or her next scheduled shift immediately following the holiday, unless the employee takes vacation leave or personal leave, or has been excused for a legitimate reason, in writing, by the Department Head.

And replace it with the following new section 20b:

- 20b Benefit employees shall be entitled to eight (8) hours holiday leave with pay per holiday, calculated "proportionately" then rounded to the nearest half-hour. To be eligible for holiday pay, an employee shall have worked during the holiday week, including his or her last scheduled shift prior to the holiday, the holiday itself, if scheduled to work, and his or her next scheduled shift immediately following the holiday, unless the employee takes vacation leave or personal leave, or has been excused for a legitimate reason, in writing, by the Department Head.

or take any other action relative thereto.

This change in our Personnel By-law has been recommended by our labor attorney to follow Massachusetts labor law regulations. Recommended by Finance Committee.

ARTICLE 14

By: IST Committee

NEW HARDWARE

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$5,000 for the purpose of replacing hardware components, including any other expenses related thereto; said appropriation to be under the control of the Town Administrator; or take any other action relative thereto.

This amount is necessary to replace one of our main town wide servers; this server will allow for the elimination of one additional server by operating two systems off this one server. Recommended by Finance Committee.

ARTICLE 15

By: Personnel Board

PERSONNEL BY-LAW AMENDMENT

To see if the Town will vote to amend the Personnel By-Law by adding the following new positions to Grade 6 of Compensation Plan B of the Classification Plan:

- Firefighter/Paramedic
- Firefighter/Paramedic Billing/Administration

or take any other action relative thereto.

The town has approved the up-grade of our EMT's to paramedic status; this amendment reflects the creation of these positions and placement in Grade 6 of our Compensation Schedule Plan B.

ARTICLE 16

By: Town Clerk

CLERK'S FEES

To see if the Town will vote to delete the entire section of Chapter 10, Section 10-1, CLERK'S FEES, in the Pepperell Town By-laws and insert in its place the following new Section 10-1:

**CHAPTER 10
CLERK'S FEES**

- For entering an amendment of a record of the birth of a child born out of wedlock and subsequently legitimized. \$10.00
- For correcting errors in a record of birth \$10.00
- For furnishing a certificate of a birth \$10.00
- For furnishing an abstract copy of record of birth \$ 6.00
- For entering a delayed record of birth \$10.00
- For filing a certificate of a person conducting business under any title other than his real name \$40.00
- For filing, by a person conducting business under any title other than his real name, of a statement of change of his residence or of his discontinuance, retirement or withdrawal from or change of location of such business \$10.00
- For furnishing a certified copy of a certificate of a person conducting business under any title other than his real name or statement by such person of his discontinuance, retirement or withdrawal from such business \$10.00
- For correcting errors in a record of death \$10.00
- For furnishing a certificate of death \$10.00
- For furnishing an abstract copy of a record of death \$ 6.00

- For entering a notice of intention of marriage and issuing certificate thereof	\$20.00
- For entering a certificate of marriage filed by person married out of the commonwealth	\$10.00
- For issuing a certificate of marriage	\$10.00
- For furnishing an abstract copy of a record of marriage	\$ 6.00
- For correcting errors in a record of marriage	\$10.00
- For recording an order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cable or attachments under the provisions of Sec. 22 of Chapter 166	
Flat rate	\$40.00
Additional Streets	\$10.00
- For examining records of papers relating to birth, marriages or Death upon the application of any person.	The actual expense thereof, but not less than \$5.00
- For copying any manuscript or record pertaining to a birth, marriage or death, per page	\$ 5.00

or take any other action relative thereto.

Below is the existing section that is being revised:

**CHAPTER 10
CLERK'S FEES**

- For filing and indexing an assignment for the benefit of creditors	\$10.00
- For entering an amendment of a record of the birth of a child born out of wedlock and subsequently legitimized.	\$10.00
- For correcting errors in a record of birth	\$10.00
- For furnishing a certificate of a birth	\$ 5.00
- For furnishing an abstract copy of record of birth	\$ 4.00
- For entering a delayed record of birth	\$10.00
- For filing a certificate of a person conducting business under any title other than his real name	\$20.00
- For filing, by a person conducting business under any title other than his real name, of a statement of change of his residence or of his discontinuance, retirement or withdrawal from or change of location of such business	\$10.00
- For furnishing a certified copy of a certificate of a person conducting business under any title other than his real name or statement by such person of his discontinuance, retirement or withdrawal from such business	\$ 5.00
- For recording the name and address, the date and number of the certificate issued to a person registered for the practice of podiatry in the commonwealth	\$20.00
- For correcting errors in a record of death	\$10.00
- For furnishing a certificate of death	\$ 5.00
- For furnishing an abstract copy of a record of death	\$ 4.00
- For entering a notice of intention of marriage and issuing certificate thereof	\$25.00

- For entering a certificate of marriage filed by person married out of the commonwealth	\$ 5.00
- For issuing a certificate of marriage	\$ 5.00
- For furnishing an abstract copy of a record of marriage	\$ 4.00
- For correcting errors in a record of marriage	\$10.00
- For recording a power of attorney	\$10.00
- For recording a certificate of registration granted to a person to engage in the practice of optometry or issuing a certified copy thereof	\$20.00
- For recording the name of the owner of a certificate of registration As a physician or osteopath in the commonwealth	\$20.00
- For recording an order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cable or attachments under the provisions of Sec. 22 of Chapter 166	
Flat rate	\$40.00
Additional Streets	\$10.00
- For examining records of papers relating to birth, marriages or Death upon the application of any person.	<i>The actual expense thereof, but not less than \$5.00</i>
- For copying any manuscript or record pertaining to a birth, marriage or death, per page	\$ 5.00
- For receiving and filing a complete inventory of all items to be Included in a closing-out sale, etc.	<i>First Page \$10.00 Additional Page \$ 2.00</i>
- For filing a copy of a written instrument or declaration of trust by trustees of an association or trust or any amendment thereof, as provided by §2 of Chapter 182	\$20.00
- For recording a deed of lot or plot in a public place or cemetery	\$10.00
- Recording any other documents	<i>First page \$10.00 Additional pages \$ 2.00 Voter's certificate \$ 5.00</i>

This reflects a long overdue change in fees charged for permits, documents and licenses in the Town Clerk's office. Existing fees and changes are listed above for your review. Recommended by Finance Committee.

ARTICLE 17

By: Fire Department

SCBA AND TRAINING GRANT MATCHING FUNDS

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$9,897 representing matching funds required for a grant for the purchase of SCBAs and firefighter training, said appropriation to be under the control of the Board of Fire Engineers; or take any other action relative thereto.

The Fire Department has received a grant in the amount of \$188,050 to purchase breathing apparatus equipment and for advanced fire training; this grant is dependent on a 5% match from the community. Recommended by Finance Committee.

ARTICLE 18

By: Planning Board

PROTECTIVE ZONING BYLAW AMENDMENT

To see if the Town will vote to amend the Protective Zoning Bylaw by adding the following to part G. Other Uses in the Appendix A Table of Principal Uses, or take any other action thereon.

G. OTHER USES	RR	TR	RCR	SR	UR	C	I
Small scale wind energy conversion facility	Y	Y	Y	Y	Y	Y	Y
Large scale wind energy conversion facility	PB	PB	PB	PB	PB	PB	PB
Utility scale wind energy conversion facility	N	N	N	N	N	N	PB
Wind monitor or meteorological tower	Y	Y	Y	Y	Y	Y	Y

ARTICLE 19

By: Planning Board

PROTECTIVE ZONING BYLAW AMENDMENT

To see if the Town will vote to amend the Protective Zoning Bylaw by adding SECTION 6300. WIND ENERGY CONVERSION FACILITIES with content as stated below, or take any other action thereon.

SECTION 6300. WIND ENERGY CONVERSION FACILITIES

6310. Purpose. The purpose of this bylaw is to provide for the regulation for the construction and operation of wind energy conversion facilities and to provide standards for the placement, design, construction, monitoring, modification, and removal of such facilities that address public safety, minimize impacts on scenic, natural and historic resources of the town and where economically feasible, minimize adverse visual, safety, and environmental impacts.

6320. Applicability. No wind energy facility shall be placed, constructed, modified, or operated except in conformance with the provisions of this Section and other applicable sections of this Bylaw. This section applies to all wind energy conversion facilities with the exception of residential wind turbines generating 60 kilowatts or less.

6330. Definitions. For the purpose of this section the following definitions shall apply:

Height: The distance measured from natural grade to the highest point of the facility, as defined as to the tip of the rotor blade at its highest point.

Nacelle: The frame and housing on the top of the wind energy conversion facility that serves to enclose the gearbox and generator for the purpose of protection from the weather.

Rotor: The rotating blades, including the hub, of the device(s) serving the wind energy conversion facility.

Wind Energy Conversion Facility: 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, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines. For the purposes of this bylaw there shall be three (3) types of Wind Energy Conversion Facilities:

1. Small Scale Wind Energy Conversion Facility: A wind energy conversion facility that may be free standing or mounted to a structure and does not exceed 65 feet in height.
2. Large Scale Wind Energy Conversion Facility: A wind energy conversion facility that exceeds 65 feet in height.
3. Utility Scale Wind Energy Conversion Facility: A commercial wind energy conversion facility, where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets or to power a private facility

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

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

6340. Permitting. No wind energy conversion facility shall be erected, constructed, installed, or modified without first obtaining a permit from the appropriate authority in accordance with this Section. Strict compliance with these regulations may be waived by special permit from the Planning Board, when, in their judgment, such action is in the public interest and consistent with the Bylaws.

6341. Authority.

- a. The Planning Board shall serve as the Special Permit Granting Authority (SPGA) for any large or utility scale wind energy conversion facility and a Special Permit shall be granted unless substantial evidence of the following is found:
 1. the specific site is not an appropriate location for such use;
 2. there is expected to be serious hazard to pedestrians or vehicles from the use;
 3. a nuisance is expected to be created by the use; or
 4. adequate and appropriate facilities are not provided for the proper operation and maintenance of the use.
- b. The Building Inspector shall serve as the permitting authority for a small scale wind energy facility, wind monitor or meteorological tower, or a wind turbine to be erected, constructed, installed, or modified provided the following requirements are met:
 1. the proposed location complies with the setback requirements of the Zoning District;
 2. the proposed location is additionally set back a distance of at least 1.5 times the overall height of the facility;
 3. any supporting structures, i.e. rotors, guy wires, etc. are not located within the setback limits of the Zoning District; and
 4. the time limit for the permit shall be one (1) year from the grant of the permit, unless extended for not more than one (1) year at the discretion of the Building Inspector.

6342. Exemptions. Wind turbines constructed, reconstructed, or renovated for the primary purpose of commercial agriculture shall be considered a structure pursuant to MGL, c. 40A, §3 and, therefore, shall be exempt from this bylaw.

6343. Compliance. The construction of the wind energy conversion facility shall comply with all applicable local, state, and federal requirements, including, but not limited to all applicable safety, construction, environmental, electrical, communications, and aviation requirements. Additionally, all applicants shall provide the following:

- a. Proof of Liability Insurance. The applicant shall provide evidence of liability insurance in an amount, and for a duration sufficient to cover loss or damage to persons and property occasioned by the failure of a facility.
- b. Site Control. The applicant shall submit documentation of actual or prospective control of the project site.
- c. Utility Notification. The applicant shall submit evidence that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

6344. Temporary Towers. A temporary meteorological or wind tower shall be considered a temporary structure for measuring and analytical purposes and shall require a building permit from the Building Inspector and may be erected for a period not to exceed one (1) year. Special circumstances, and at the discretion of the Building Inspector, shall allow for an extension not to exceed one (1) year. Small anemometers installed directly on a building and not exceeding the building height as set forth in this bylaw shall not require a permit.

6350. Design Standards. All wind energy conversion facilities shall comply with the design standards as set forth herein.

6351. Appearance, Color and Finish. Federal Aviation Administration (FAA) safety consideration on color and appearance should be respected. Where applicant is seeking a non-standard color in an area not regulated by the FAA, the permit authority shall approve the color of the turbine.

6352. Lighting. Small scale wind energy conversion facilities, wind turbines, and temporary towers shall be lighted only if required by the FAA. Lighting on large scale and utility scale wind energy conversion facilities shall be lighted in accordance with FAA regulations. Other parts of the wind energy conversion facility, such as appurtenant structures, shall be limited to lighting required for safety and operational purposes, and shall be reasonably shielded from abutting properties.

6353. Signage. Signs on the wind energy facility shall comply with the requirements of the town's sign regulations, and shall be limited to:

- a. Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.
- b. Educational signs providing information about the facility and the benefits of renewable energy.

6354. Advertising. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.
6355. Utility Connections. Reasonable efforts shall be made to locate utility connections from the wind energy conversion facility underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
6356. Appurtenant Structures. All appurtenant structures to a wind energy conversion facility shall be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall be contained within the turbine tower whenever technically and economically feasible. Whenever reasonable, structures should be shaded from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.

6360. Safety and Environmental Standards.

6361. Emergency Services. The applicant shall provide a copy of the project summary, electrical schematic, and site plan to the local emergency services entity, as designated by the permit granting authority. Upon request the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of disconnecting the wind energy conversion facility shall be clearly marked. The applicant or facility owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
6362. Unauthorized Access. Wind turbines or other structures part of a wind energy conversion facility shall be designed to prevent unauthorized access. For instance, the tower shall be designed and installed so as to not provide step bolts or other climbing means readily accessible to the public for a minimum height of 8 feet above the ground. Electrical equipment shall be locked.
6363. Shadow/Flicker. Wind energy conversion 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.
6364. Sound. A wind energy conversion facility and any associated equipment shall comply with the provisions of the Massachusetts Department of Environmental Protection (DEP) Division of Air Quality Noise Regulations (310 CMR 7.10) in effect at the date of application, unless the applicant provides written confirmation from DEP that the provisions are not applicable to the proposed wind energy conversion facility. Application for a large scale or utility scale wind energy conversion facility shall require submittal of an analysis prepared by a qualified engineer to establish compliance with the DEP noise standards.
6365. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind energy conversion facility.
6366. Monitoring and Maintenance.
- a. Facility Conditions. The applicant shall maintain the wind energy conversion facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The project owner shall be responsible for the cost of maintaining the wind energy conversion facility and any access road(s), and the cost of repairing any damage occurring as a result of operation and construction.
 - b. Modifications. All material modifications to a wind energy conversion facility made after issuance of the permit shall require approval by the permit granting authority as provided in this section.
6367. Abandonment or Decommissioning.
- a. Removal Requirements. Any wind energy conversion facility which has reached the end of its useful life or has been abandoned shall be removed. When the wind energy conversion facility is scheduled to be decommissioned, the applicant shall notify the town by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the wind energy conversion facility no more than 150 days after the date of discontinued operations. At the time of removal, the wind energy conversion facility site shall be restored to the state it was in before the facility was constructed or any other legally authorized use. More specifically, decommissioning shall consist of:

1. Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.
 2. Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.
 3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The permit granting authority may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- b. Abandonment. Absent notice of a proposed date of decommissioning, the wind energy conversion facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of the permit granting authority. The permit granting authority shall determine in its decision what proportion of the facility is inoperable for the facility to be considered abandoned. If the applicant fails to remove the wind energy conversion facility in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town shall have the authority to enter the property and physically remove the facility.
1. Expiration
 2. A permit issued pursuant to this bylaw shall expire if:
 3. The wind energy conversion facility is not installed and functioning within two (2) years from the date the permit is issued; or,
 4. The wind energy conversion facility is abandoned.
- c. Surety. A form of performance security to insure costs of removal of a wind energy conversion facility not designated as a municipal, state, or federal facility may be required. The amount to be placed on deposit with the town shall be in the form of an escrow account or surety bond, or other form as may be acceptable, and shall not exceed 125 percent of the cost of removal.
- d. Violations. It is unlawful for any person to construct, install, or operate a wind energy conversion facility that is not in compliance with this bylaw or with any condition contained in a permit issued pursuant to this bylaw. Wind energy conversion facilities installed prior to the adoption of this bylaw shall be exempt from the provisions of this Bylaw.

6370. Small Scale Wind Energy Conversion Facilities. The construction of a small scale wind energy conversion facility, not to exceed 65 feet in height, the purpose of which is to supplement other energy sources, shall require issuance of a building permit from the Building Inspector and shall be permitted in all zoning districts of the Town. The Building Inspector shall also issue a permit for the construction of any temporary meteorological or wind monitoring towers, however, that such permit for the temporary towers shall only be valid for a period of one (1) year, at which time the permit shall lapse and the temporary towers shall be removed. All such wind energy conversion facilities shall be constructed and operated in a manner that, where economically feasible, minimizes adverse visual, safety and environmental impacts.

6371. Setbacks. Small scale wind energy conversion facilities shall be set back a distance of at least 1.5 times the overall height of the facility from the nearest structure.

6372. Application. A building permit application shall be required for the installation of a small scale wind energy conversion facility. The requirements for submittal of the building permit application shall include but not be limited to the following:

- a. A plot plan showing:
 1. Property lines and physical dimensions of the subject property, including all setbacks
 2. Location, dimensions, and types of existing major structures on the property
 3. Location of the proposed structure, tower, foundations, guy anchors, and associated equipment
 4. The right-of-way of any public road or private way that abuts the property
 5. Location of any utility lines or easements
 6. Location and approximate height of tree cover
- b. Wind energy conversion facility specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed)
- c. One or three line electrical diagram detailing wind turbine, associated components, and electrical interconnection methods, with all NEC compliant disconnects and overcurrent devices.
- d. Foundations shall have blueprints or drawings signed by a registered professional engineer.
- e. Name, address, phone number and signature of the applicant, as well as any co-applicants or property owners, if any.

1. The name, contact information and signature of any agents representing the applicant.
2. A plan for maintenance of the small wind energy conversion facility.
3. An application fee in accordance with the fee schedule for a building permit for a permitted accessory use.

6380. Large Scale and Utility Scale Wind Energy Conversion Facilities. Prior to the issuance of a building permit for the construction, installation, or modification of a wind energy conversion facility which exceeds 65 feet in height, a special permit shall be required. The SPGA shall issue a special permit provided that the use complies with all requirements set forth in this Section. All such wind energy conversion facilities shall be constructed and operated in a manner that, where economically feasible, minimizes adverse visual, safety and environmental impacts.

6381. Height. Large scale and utility scale wind energy conversion facilities shall be no higher than 450 feet above the current grade of the land as measured at the uppermost point of the wind energy conversion facility, provided that the wind facility may exceed 450 feet if:

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

6382. Setbacks. Large scale and utility scale wind energy conversion facilities shall be set back 1.5 times the overall height of the facility from the nearest property line and from the nearest public or private way. The SPGA may waive the setback requirements based on site-specific considerations, or written consent of the affected abutter(s), if the project satisfies all other criteria for the granting of a permit under the provisions of this Section.

6383. Submittal requirements. An application for a large scale or utility scale wind energy conversion facility shall be submitted to the SPGA in accordance with the rules and regulations set forth by the SPGA for a major site plan review. Additional documentation shall be required as follows:

- a. Documentation of the legal right to use the proposed site.
- b. Technical specifications, including manufacturer and model, rotor diameter, tower height/type, foundation type/dimensions
- c. Blueprints or drawings of the foundation and tower signed by a registered professional engineer licensed to practice in the Commonwealth of Massachusetts
- d. Electrical schematic
- e. Facility site map showing the site of the proposed facility, including all turbines, equipment, structures, fencing, and roadways
- f. Operation and maintenance plan for the facility and the site, including any roadways or stormwater management systems
- g. Structural engineering report signed by a registered professional engineer licensed to practice in the Commonwealth of Massachusetts
- h. A plot plan showing:
 1. Property lines and physical dimensions of the subject property
 2. Location, dimensions, and types of existing major structures on the property
 3. Location of the proposed structure, tower, foundations, guy anchors, and associated equipment
 4. The right-of-way of any public road or private way that abuts the property
 5. Location of any utility lines or easements
 6. Location and approximate height of tree cover
 7. Proposed landscaping, if applicable
 8. Proposed lighting plan, if applicable

6390. Regulations and Conflict with Other Laws. The Planning Board may adopt rules and regulations for the purpose of administering the provisions of this Section. The provisions of this Section shall be considered supplemental to other existing provisions of the Zoning Bylaw. To the extent that a conflict exists between this Section and the provisions in other sections of the Bylaw, the more restrictive provisions shall apply.

or take any other action relative thereto.

EXPLANATION OF ARTICLES 18 AND 19: The Planning Board is introducing this new Bylaw to allow and regulate wind energy systems in the town. The Board views wind energy facilities as a viable land use and believes there can be environmental and financial benefits to residents and the community. Surrounding towns of Groton, Townsend, and Ashburnham have all implemented wind energy bylaws. Heightening the interest in this type of alternative energy source is Federal and State funding incentives that have been put in place for commercial and private wind energy development. This Bylaw is proposed to allow some wind energy systems by right for homeowners or small businesses and by special permits for larger facilities and will address the protection of community resources, rural characters, and public safety.

ARTICLE 20

By: Planning Board

PROTECTIVE ZONING BYLAW AMENDMENT

To see if the Town will vote to amend the Protective Zoning Bylaws as specified in the following items, or take any other action thereto:

15. Revise Section 8100 WATER RESOURCE PROTECTION OVERLAY DISTRICT (WRPOD) as follows:

Delete Section 8120 in its entirety:

8120. WRPOD Zones. The WRPOD consists of three zones: a Watersource Protection Zone, a Well Protection Zone and an Aquifer-Watershed Protection Zone as shown on the Official Zoning Map and defined as follows:

- 8124. Water Source Protection Zone: The "Water Source Protection Zone" (WSPZ) consists of a 400 foot radius surrounding a public wellhead/water source and shall coincide with the area defined as "Zone I" pursuant to the regulations set forth in 310 CMR 22.00. It is intended that all areas within the WSPZ will be owned in fee simple or substantially controlled by the Town of Pepperell by recorded easement, lease or other restriction for purposes as public water supply and that there shall be no activity within the WSPZ which is inconsistent with the regulations governing Zone I. For this reason, the limitations on uses as they pertain to the WSPZ eliminate any substantial uses other than as a public water supply and uses accessory thereto.
- 8125. Well Protection Zone: The "Well Protection Zone" (WPZ) is defined as the area adjacent to the Water Source Protection Zone and shall coincide with the area defined as "Zone II" pursuant to the regulations set forth in 310 CMR 22.00 being the area which contributes water to the wells after 180 days of pumping at safe yield with no recharge from precipitation as defined in 310 Code of Massachusetts Regulations (CMR) 22.00.
- 8126. Aquifer and Watershed Protection Zone: The "Aquifer and Watershed Protection Zone" (AWPZ) is defined as that portion of the surface and groundwater drainage basin, which contributes significantly to the groundwater recharge of the WSPZ and the WPZ. It is intended that the AWPZ shall coincide with the area defined as "Zone III" pursuant to the regulations set forth in 310 CMR 22.00 being the area outside of the WPZ from which surface water and groundwater drain into the WPZ.
- 8127. Boundary Appeals: In cases of uncertainty regarding the boundary of the WRPOD, or any of the zones within the WRPOD, an owner of land in the WRPOD may appeal the determination by the Building Inspector to the Board of Appeals. The appeal shall be accompanied by sufficient data to prove that the boundary line is incorrect and to show where it should properly be located using the best available hydrogeological data. The burden of proof shall be upon the landowner. The Board of Appeals shall transmit copies of the data to the Planning Board, Water Department, Conservation Commission and Board of Health for their review. The Board of Appeals shall not hold a public hearing on the appeal until such time as written reports have been received from all boards to whom such data has been referred or 35 days have elapsed following referral without receipt of such reports. Should the Board of Appeals determine that the data provided is accurate, it may grant the owner an exemption in whole or in part from the requirements of the WRPOD and shall propose a revision of the WRPOD to the next appropriate Town Meeting.

and replace with the following:

8120. WRPOD Zones. The WRPOD consists of three (3) zones as described below and the areas of these zones are depicted on the Official Zoning Map of the Town of Pepperell. Resources utilized to define the WRPOD Zones include the 1985 Phase II

Hydrogeologic Investigations prepared for the Planning Board, Pepperell, Massachusetts, February 1985 by SEA Consultants, Inc. and the State of Massachusetts Department of Environmental Protection 310 CMR 22.00.

8121. Zone 1/Water Source Protection Zone (WSPZ): The Zone 1/WSPZ consists of a protective radius of 400 feet surrounding a public wellhead/water source. The Zone 1/WSPZ areas shall be owned in fee simple or substantially controlled by the Town of Pepperell by recorded easement, lease, or other restriction and the use of the Zone 1/WSPZ shall be for a public water supply and accessory uses thereto only. The Zone 1/WSPZ shall consist of five (5) areas depicted on the Official Zoning Map:
 - a. Jersey 1 Well
 - b. Jersey 2 Well
 - c. Bemis 1 Well
 - d. Bemis 2 Well
 - e. Nashua Road Well
8122. Zone 2/Well Protection Zone (WPZ): The Zone 2/WPZ consists of the area adjacent to the Zone 1/WSPZ that contributes water to the well under the most severe pumping and recharge conditions that can be realistically anticipated. The Zone 2/WPZ shall consist of three (3) areas depicted on the Official Zoning Map:
 - a. Jersey 1 & 2
 - b. Bemis 1 & 2
 - c. Nashua Road
8123. Zone 3/Aquifer-Watershed Protection Zone (AWPZ): The Zone 3/AWPZ consists of the area outside the Zone 2/WPZ from which surface water and groundwater drain into the Zone 2/WPZ. The Zone 3/AWPZ shall consist of three areas depicted on the Official Zoning Map:
 - a. Jersey 1 & 2
 - b. Bemis 1 & 2
 - c. Nashua Road
8124. Boundary Disputes: If the location of the WRPOD boundary in relation to a particular parcel in any of the zones within the WRPOD is in doubt the resolution of the dispute shall be through a Special Permit application to the Special Permit Granting Authority. The application shall be accompanied by adequate documentation and the burden of proof shall be upon the owner of the land to show where the boundary should be located. At the request and expense of the owner of the land, the SPGA may engage a professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundaries. The decision of the boundary dispute shall not invalidate any permit or determination which has been previously issued. In relation to the particular parcel.

EXPLANATION: The written description in the language of the Zoning Bylaw refers to representation of the WRPOD zones based on DEP regulations. The current Official Zoning Map represents the WRPOD zones based on a 1985 study prepared for the town describing sensitive areas that should be protected and also any new well areas accepted through subsequent town meetings. Both of these representations are equally important. Review and discussion with town officials confirmed that the 1985 study is still a viable resource to designate WRPOD areas. Therefore, the proposed change in the bylaw language allows for reference to both designated areas for protection of these sensitive resource areas.

ARTICLE 21

By: Planning Board

PROTECTIVE ZONING BYLAW AMENDMENT

To see if the Town will vote to amend the Protective Zoning Bylaws as specified in the following items, or take any other action thereto:

Delete Section 2300 in its entirety:

- 2300. MAP.** The location and boundaries of the zoning districts are established as shown on a map entitled "Town of Pepperell / Zoning Map" dated 3/29/04, produced by the Northern Middlesex Council of Governments (NMCOG); they are, additionally, defined and delineated verbally in a written addendum to the map. Both the map and the addendum to the map are on file in the Office of the Town Clerk and the Office of the Board of Selectmen. The map, including all explanatory

legend and memoranda thereupon or attached thereto (i.e. the addendum) is hereby declared to constitute the Official Zoning Map of the Town of Pepperell. Any alteration in the location of the boundaries of a zoning district hereafter approved by Town Meeting and the Attorney General shall be reflected in a corresponding alteration of the Map (including the addendum), and the Map, thus altered, is declared to be part of the Bylaw thus amended. Direct photographic reproductions of this Zoning Map may serve as copies of the Zoning Map.

and replace with the following:

2300. MAP. The location and boundaries of the zoning districts and any special districts are established as shown on a map entitled "Town of Pepperell Official Zoning Map" dated 5/3/10. The districts are, as defined or delineated by this map and may be additionally described in written addendums to the map. Both the map and any written addendum are on file in the Office of the Town Clerk and the Office of the Board of Selectmen. The map, including all explanatory legend and memoranda thereupon or attached thereto (i.e. the addendum) is hereby declared to constitute the Official Zoning Map of the Town of Pepperell. Any alteration in the location of the boundaries of a zoning district or special district hereafter approved by Town Meeting, and subsequently the Attorney General, shall be reflected in a corresponding alteration of the Map (including any addendum), and the Map, thus altered, is declared to be part of the Bylaw thus amended. Direct photographic reproductions of the Official Zoning Map may serve as copies of the Zoning Map.

EXPLANATION: The change in the bylaw language describing the WRPOD zones from the previous article will effect minor changes to the Official Zoning Map and therefore a new map must be accepted by the Town Meeting. A map is available if anyone wishes to see the locations of these minor changes. In all cases the changes are due to the outlines of the DEP defined areas extending just slightly outside of the areas defined by the 1985 study. While you can be more restrictive than DEP in this zoning you cannot be less restrictive than DEP so these areas must be included on the Official Map.

ARTICLE 22

By: Citizens' Petition

ZONING BYLAW AMENDMENT

To see if the Town will vote to amend the Pepperell Zoning Bylaw by making the following changes:

Item 1: Amend Section 10000: Definitions: Kennel, Commercial: delete the current definition of Commercial Kennel.

Item 2: Add a new definition of Kennel, Commercial:

A commercial establishment in which four or more dogs three months old or older or other domesticated animals are housed for more than 12 hours, groomed, bred, boarded, trained or sold, all for a fee or compensation.

or take any other action relative thereto.

Not recommended by Planning Board

ARTICLE 23

By: Citizens' Petition

ZONING BYLAW AMENDMENT

To see if the Town will vote to amend the Pepperell Zoning Bylaw by making the following changes:

Item 1: Add to Section 10000: Accessory Pet day care facility: Premises consisting of a minimum of 2 acres at which care is provided for domesticated household pets during the day and may include the provision of pet training services for a fee or compensation.

or take any other action relative thereto.

Not recommended by Planning Board

ARTICLE 24

By: Citizens’ Petition

ZONING BYLAW AMENDMENT

To see if the Town will vote to amend the Pepperell Zoning Bylaw by making the following changes:

Item 1: Add a new use to the table of Principal Uses at Section D.: Commercial Uses

D. Commercial Uses	RR	TR	RCR	SR	UR	C	I
Accessory pet daycare facility	BA	BA	BA	BA	BA	Y	Y

or take any other action relative thereto.

Not recommended by Planning Board

ARTICLE 25

By: Board of Public Works

SEWER EXTENSION PROJECT

To see if the Town will vote to borrow the sum of \$2,100,000 for the construction of sewer lines in the Brookline Street and the Indian Village area, as well as any costs incidental and related thereto, and that the Treasurer, with the approval of the Board of Selectmen be authorized to borrow said sum, under and pursuant to MGL Chapter 44, or any other enabling authority, and to issue bonds or notes of the Town therefor; and, further, that the Board of Public Works, with the approval of the Board of Selectmen, be authorized to apply for, accept, and expend any Federal, State, or other grants or gifts from any sources that may be available for this project; and, further, that, under the provisions of MGL Chapter 83, §15 and 18, the full cost of said services be allocated, based on a fixed uniform rate (or uniform unit method), and those amounts be assessed against and collected from the abutters; or take any other action relative thereto.

This will be the final major sewer extension project in the Sewer District and will provide service for an environmentally sensitive area (near the Nissitissit River) and for an area that include many properties with small lots with septic systems nearing 30 years old. The DPW has obtained a bid price for the work 29% under the engineer’s estimate so we will never be able to do the work for such an inexpensive price in the future.

Not recommended by Finance Committee.

ARTICLE 26

By: Board of Public Works

PUMPING STATION – BROOKLINE STREET

To see if the Town will vote to accept ownership of a certain parcel of land located on Brookline Street, now or formerly the property of David A. Burton, 17,393 square feet, more or less, shown as Parcel A on a plan by Civil Design Group, Inc., entitled “Plan of Land in Pepperell, Massachusetts” dated February 24, 2010, said parcel constituting the location of a sewer pumping station integral to the proposed extension of the sewer system in the Brookline Street area; or take any other action relative thereto.

The 2010 sewer extension project requires a pump station and the DPW was able to reach an agreement with an abutter to locate the pump station in a near-perfect location. This article approves the acceptance of the parcel for this purpose.

Not recommended by Finance Committee.

ARTICLE 27

By: Board of Public Works

NASHUA ROAD MUNICIPAL WELL

To see if the Town will vote to borrow the sum of \$1,800,000 for the construction of a municipal well on Nashua Road, as well as any costs incidental and related thereto, and that the Treasurer, with the approval of the Board of Selectmen be authorized to borrow said sum, under and pursuant to MGL Chapter 44, or any other enabling authority, and to issue bonds or notes of the Town therefor; and, further, that the Board of Public Works, with the approval of the Board of Selectmen, be authorized to apply for, accept, and expend any Federal, State, or other grants or gifts from any sources that may be available for this project; or take any other action relative thereto.

After over a decade of testing, seeking approvals, and negotiations with a series of landowners, the DPW has received a very low bid (26% below engineer’s estimate) for constructing this well. As the number one priority on the Water Division’s Master Plan, this well will provide the Town with water from a third aquifer that will satisfy demand through 2025 and beyond.

Recommended by Finance Committee.

ARTICLE 28

By: Board of Public Works

ACCEPTANCE OF EASEMENTS

To see if the Town will vote to accept temporary and permanent easements, required by the State in conjunction with the Mill Street Bridge Rehabilitation project, on the following Mill Street properties - executed full copies of said easements being on file in the office of the DPW Director/Town Engineer:

Record Owner:	Sarah MacLellan and Margaret Berube
Mailing Address:	P.O. Box 273, Pepperell, MA 01463
Title Reference:	Book 14188, Page 501
Interests Taken:	Parcel No. D-3-T (Permanent Easement)
Area:	464 sq. ft.
Interests Taken:	Parcel No. TU-4-T (Temporary Easement)
Area:	515 sq. ft.

Record Owner:	David M. and Marcia L. Newell
Mailing Address:	P.O. Box 1319, Pepperell, MA 01463
Title Reference:	Book 14706, Page 485
Interests Taken:	Parcel No. GR-B-S-2-T (Permanent Easement)
Area:	2,132 sq. ft.

Record Owner:	Richard L. Byron
Mailing Address:	47 Mill Street, Pepperell, MA 01463
Title Reference:	Book 51575, Page 464
Interests Taken:	Parcel No. D-5-T (Permanent Easement)
Area:	1,941 sq. ft.

Record Owner:	Peter A. and Nan T. Quinn
Mailing Address:	14 Groton Street, Pepperell, MA 01463
Title Reference:	Book 14744, Page 301
Interests Taken:	Parcel No. GR-B-S-1-T (Permanent Easement)
Area:	1,062 sq. ft.

or take any other action relative thereto.

This article is necessary for the reconstruction of the Mill Street Bridge, a project being 100% funded by Mass Highway. There are no costs to the Town and the residents detailed above have agreed to grant these easements. Mass Highway requires this article.

Recommended by Finance Committee.

ARTICLE 29

By: Board of Selectmen

ACCEPTANCE OF LAYOUT: JULIA LANE

To see if the Town will vote to accept and maintain as a public way the layout of Julia Lane as shown on a plan entitled "Street Acceptance Plan, Lots 11-A to 19-A, Julia Lane, 17 Elliott Street," prepared for Robert M. Hicks, Inc., 124 Main St., Westford, MA 01886, by Meisner Brem Corporation, dated 2/28/2008, and on file with the Town Clerk; or take any other action relative thereto.

*This street acceptance has met the criteria of the Planning Board to be considered for a public way.
Recommended by Finance Committee.*

ARTICLE 30

By: Board of Selectmen

ACCEPTANCE OF LAYOUT: BEAVER CREEK CIRCLE

To see if the Town will vote to accept and maintain as a public way the layout of Beaver Creek Circle as shown on a plan entitled "Street Acceptance Plan, Beaver Creek Circle, Pepperell, Massachusetts," prepared by Meisner Brem Corporation, dated February 6, 2009 and revised March 31, 2009, and on file with the Town Clerk; or take any other action relative thereto.

*This street acceptance has met the criteria of the Planning Board to be considered for a public way.
Recommended by Finance Committee.*

ARTICLE 31

By: Board of Selectmen

ACCEPTANCE OF LAYOUT: PARKER HILL WAY

To see if the Town will vote to accept and maintain as a public way the layout of Parker Hill Way as shown on a plan entitled "Street Acceptance, Plan of Land, Parker Hill Way, Pepperell, Massachusetts," prepared by Cornerstone Land Consultants, Inc., dated February 12, 2008, and on file with the Town Clerk; or take any other action relative thereto.

*This street acceptance has met the criteria of the Planning Board to be considered for a public way.
Recommended by Finance Committee.*

ARTICLE 32

By: Board of Selectmen

FLOODPLAIN MANAGEMENT REGULATIONS

To see if the Town will vote to amend the Code of the Town of Pepperell as specified in the following items, or take any other action thereto:

Delete §95-2 in its entirety and replace it with the following:

§95-2 Establishment

The flood control area is hereby established on the Middlesex County Flood Insurance Rate Map (FIRM) as Zones A and AE, issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Pepperell are panel numbers 25017C0060E, 25017C0068E, 25017C0069E, 25017C0070E, 25017C0078E, 25017C0079E, 25017C0083E, 25017C0086E, 25017C0087E, 25017C0088E, 25017C0089E, and 25017C0091E dated June 4, 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the

FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk and Building Inspector. All development otherwise permitted in the flood control area shall meet the requirements of the Massachusetts State Building Code (780 CMR 120.G "Flood Resistant Construction); Wetland Protection Regulations, Department of Environmental Protection (310.CMR 10.00); Inland Wetlands Restrictions, Department of Environmental Protection (310 CMR 13.00); Minimum requirements for the Subsurface Disposal of Sanitary Sewage, Department of Environmental Protection (310 CMR 15, Title 5).

Delete §95-3, Part A. in its entirety and replace it with the following:

§95-3 Floodway Established

- A. The floodway within the Town of Pepperell is hereby established as delineated on the Middlesex County Flood Insurance Rate Maps dated June 4, 2010 and on file with the town Clerk and Building Inspector and as further defined by the floodway data contained in the Middlesex County Flood Insurance Study dated June 4, 2010.

These changes are being made as the dates of issue and the maps themselves have been revised by FEMA.

ARTICLE 33

By: Planning Board

ZONING BYLAW AMENDMENT

To see if the Town will vote to amend the Zoning Bylaw as follows:

Delete SECTION 10000. DEFINITIONS – FLOOD HAZARD AREAS and replace it with the following:

SECTION 10000. DEFINITIONS

FLOOD HAZARD AREAS: Lands which are subject to flooding, which lands are located and described on maps entitled "Commonwealth of Mass., Dept. Of Natural Resources, Division of Water Resources, Nashua River," dated April 1973 and prepared by the Raytheon Co. and/or shown as special flood hazard areas inundated by one hundred year flood on the Federal Flood Insurance Rate Maps revised June 4, 2010, and which are on file in the office of the Town Clerk.

EXPLANATION: The Federal Emergency Management Association (FEMA) has implemented new Flood Insurance Rate Maps (FIRM). These are referred to in the definition Flood Hazard Area in the Zoning Bylaw and due to the update of the maps there needs to be an update of the definition.

ARTICLE 34

By: Board of Public Works

WATER LINE UPGRADE – MILL STREET BRIDGE PROJECT

To see if the Town will vote to borrow the sum of \$125,000 for the reconstruction of the water line in Mill Street from Groton Street to Nashua Road, as well as any costs incidental and related thereto, and that the Treasurer, with the approval of the Board of Selectmen be authorized to borrow said sum, under and pursuant to MGL Chapter 44, or any other enabling authority, and to issue bonds or notes of the Town therefor; and, further, that the Board of Public Works, with the approval of the Board of Selectmen, be authorized to apply for, accept, and expend any Federal, State, or other grants or gifts from any sources that may be available for this project; or take any other action relative thereto.

As part of the Mill Street Bridge Project a section of existing undersized waterline will be upgraded to a larger size pipe as required by the 2008 Hydraulic Study. Mass Highway will be upgrading over 400' of pipe for just the increase in the cost of the pipe and the remainder of the funds will fund complete installation for the remainder of this section of pipe up to Nashua Road where an upgrade was completed in 2008.

Recommended by Finance Committee.

ARTICLE 35

By: Department of Public Works

CHAPTER 90 FUNDING

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$324,952 for resurfacing and related expenses on eligible roads, said funds having been approved for 100% reimbursement by the Commonwealth under the provisions of Section 34(2)(a) of MGL Ch. 90, said appropriation to be under the control of the Highway Superintendent; or take any other action relative thereto.

This article serves to temporarily pay bills for road paving in Town that will be reimbursed by the State under its Chapter 90 funding program.

Recommended by Finance Committee.

And you will serve this warrant by posting a true and attested copy of same, in said Town, seven days prior to the time of said meeting. Hereof fail not and make due return of your doings herein to the Town Clerk on or before the time appointed for said meeting. Given under our hands this 16th day of April, A.D. 2010.

Joseph A. Sergi, Chairman

Patrick J. McNabb, Clerk

Joseph M. Hallisey, III

PEPPERELL BOARD OF SELECTMEN

CONSTABLE OF PEPPERELL

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss:

To either of the constables of the Town of Pepperell, in said county,

GREETINGS:

In the name of the Commonwealth aforesaid, you are hereby required to notify and warn the inhabitants of said Town qualified according to law to vote in state, county, district and town affairs to assemble at the NISSITISSIT MIDDLE SCHOOL, in said Town, on Monday, the 3rd of May, A.D. 2010 at 7:35 PM to act on the following articles:

SPECIAL TOWN MEETING

May 3, 2010

ARTICLE 1

By: Building Inspector

PRIOR YEAR BILLS

To see if the Town will vote to appropriate from available funds the sum of \$562.70 to pay two (2) prior year bills from FY 2009, said appropriation to be under the control of the Building Inspector; or take any other action relative thereto.

Recommended by Finance Committee.

ARTICLE 2

By: Board of Public Works

PRIOR YEAR BILL

To see if the Town will vote to appropriate from available funds the sum of \$4,500 to pay a prior year invoice from FY '08 for repairs to the overhead flashing beacon at Main/Mill/Canal streets, said appropriation to be under the control of the Board of Public Works; or take any other action relative thereto.

In April 2008 the traffic beacon at this intersection was damaged in a vehicle accident. Usually insurance companies pay these costs but in this case the insurance company is refusing to do so. This will pay the company that did the repairs immediately upon being called – they should not have to wait for litigation to be paid.

Recommended by Finance Committee.

ARTICLE 3

By: Board of Public Works

FY 2010 SNOW REMOVAL COSTS

To see what sum the Town will vote to appropriate from available funds to pay outstanding costs arising from FY 2010 snow and ice removal operations, said appropriation to be under the control of the Highway Superintendent; or take any other action relative thereto.

This will cover the costs associated with Highway's winter operations from this past winter to cover costs that exceeded those in the budget for this purpose

Recommended by Finance Committee.

ARTICLE 4

By: Board of Public Works

SUPPLEMENTAL APPROPRIATION

To see what sum the Town will vote to appropriate from Water Enterprise Free Cash to supplement Article 20 of the May 5, 2008 Annual Town Meeting for the purpose of relocating electrical wires feeding the well at Jersey II, which were initially installed outside the limits of the Town-owned property, said appropriation to be under the control of the Board of Public Works; or take any other action relative thereto.

The DPW could not move on this issue until being given an easement for the waterline, which was received last September. In that time, National Grid's price for their work increased, costs which will be covered by this article.

Recommendation to be given at Town Meeting.

And you will serve this warrant by posting a true and attested copy of same, in said Town, fourteen days prior to the time of said meeting. Hereof fail not and make due return of your doings herein to the Town Clerk on or before the time appointed for said meeting. Given under our hands this 16th day of April, A.D. 2010.

Joseph A. Sergi, Chairman

Patrick J. McNabb, Clerk

Joseph M. Hallisey, III

PEPPERELL BOARD OF SELECTMEN

CONSTABLE OF PEPPERELL

Pepperell Town Meeting

Introduction

Open Town Meeting is the form of municipal government for Pepperell. In the Commonwealth of Massachusetts, this is the basic form of governance for most small municipalities. The town is the basic unit, and Town Meeting is the method provided by the Constitution and the State legislature for the governance of towns. Property ownership is not a requirement for voting at Town Meeting. Renters as well as owners, *if registered to vote*, may attend and vote at Town Meeting.

In the Open Town Meeting form of government, any registered voter may attend, speak and vote. Attendance must be in person; there is no absentee voting in a Massachusetts Town Meeting. State law requires the town to hold at least one Town Meeting each year in the early spring. This is an Annual Town Meeting and the principal business of the Meeting is to appropriate money to fund the Town's expenses for the fiscal year which commences the following July 1st. Money may be provided by appropriation directly against the municipal tax rate, which is levied on real and personal property, or money may be borrowed within limits set by the Commonwealth. The Annual Town Meeting allows for action on other subjects also. If additional matters come up at a later time, they may become the subjects of a Special Town Meeting which may be called by the Selectmen or by citizens' petition.

The Warrant

The Warrant is the notice to the voters of matters to be considered and acted on at an Annual or Special Town Meeting. Sometimes the articles in the Warrant are quite general and sometimes they are very detailed and specific. Town departments and officials may request of the Board of Selectmen the insertion of articles in the Warrant during the period in which the Selectmen publicly declare that the Warrant is "open." Citizens may also petition to place articles on an "Annual Town Meeting" Warrant. Petitions require 10 signatures of registered voters for an Annual Town Meeting Warrant or 100 signatures of voters for a Special Town Meeting. A copy of the Warrant is posted by a Constable at the Town Hall, Post Office, Police Station, McNabb's Pharmacy, and Mel's Barber Shop at least 14 days before any Town Meeting.

In the Warrant, the Selectmen call the Meeting to convene at a certain time and place within Pepperell, usually at the Nissitissit Middle School. If the Meeting does not complete its business in its first session, the Meeting will decide to what date and time it wishes to adjourn. However, the Selectmen generally have suggested additional dates, reserved the facilities and made arrangements for public address systems and the like so the Meeting usually decides to reconvene on the dates suggested by the Selectmen.

Annual Town Meeting

Pepperell holds one Annual Town Meeting (ATM) the first Monday in May, primarily consisting of financial articles and the budget. The meeting usually adjourns to a Special Town Meeting, called for by the Board of Selectmen to take care of any financial matters from the previous fiscal year. The ATM is called to order at 7:30 PM. There is a quorum requirement of 75 for Town Meetings, which means the meeting can not begin until there are 75 registered voters in attendance.

Special Town Meeting

Special Town Meetings (STM) may be called by the Board of Selectmen or by any person by petition to the Selectmen. Petitions require 200 signatures, or 20% of the registered voters, whichever is less. These meetings usually reflect the specific need of a group or committee; however, once the Warrant is opened, other business may be added to this meeting by a vote of the Board of Selectmen or by a petition with 100 signatures of registered voters. The Board of Selectmen must call the meeting for a date no later than 45 days after the petition is filed. STM must be publicized and announced early enough to alert all citizens. There is a quorum requirement of 75 needed to open a Special Town Meeting.

Rules and Procedures of Town Meeting

Pepperell's rules are those established in the book Town Meeting Time, a handbook of parliamentary law prepared under the auspices of the Massachusetts Moderators Association. This guide may be simpler and easier to understand than the more widely known and consulted Robert's Rules of Order. Both books are available for reference at the Lawrence Library.

The Moderator

Town Meeting is conducted by the Moderator, an elected position with a term of three years. The Moderator serves as the presiding officer, regulating the proceedings, deciding all questions of order and making public declaration of all votes. The vote recorded by the Town Clerk is the official vote. The Moderator's goal is to conduct the Town Meeting in a fair yet expeditious manner, allowing all points of view a fair hearing while still keeping the process moving.

Town Meeting Agenda

The voter should take a copy of the Warrant, as well as separate copies of information regarding each article, available in the lobby at the entrance to the auditorium. The Warrant is the official agenda for the ATM. A copy of the Warrant is given to all committee members, and is available for the public at the Town Hall prior to the Town Meeting.

The printed Warrant contains all the articles for consideration, together with such recommendations to the Town as were available from the Capital Program Committee, Finance Committee and the Selectmen. The voter needs the Finance Committee Report and the handouts since the Moderator generally refers to articles by subject matter only, and frequently will not read the full text of motions to be made under the articles, but may refer instead to the Warrant.

Articles are usually considered in the order in which they appear in the Warrant. The articles appear in the Warrant in no particular order, randomly placed by the Selectmen. The Selectmen determine the order in which articles are placed on the Warrant taking into consideration appropriateness of subject matter, the need for professional support personnel, such as engineering consultants, to be present, and other relevant interests. Articles dealing with similar subject matter are often grouped together: financial, school, planning and zoning, etc.

There are occasions when common sense or expediency dictates that articles should be considered in a different order from that in the Warrant and the Meeting has the power to change the order. If the desired change is to defer consideration of an article, it may be accomplished by a "motion to postpone action" until after a specified article. If the desired change is advancement of a later article, it may be presented as a main motion if, and only if, no other motion is pending. Votes to change the order of consideration normally require majority vote for passage, but if the motion is mere jockeying for position, the Moderator may, under his power to regulate the proceedings, require a two-thirds vote. A motion "to postpone indefinitely" or a motion to "take no action" effectively kills action on an article.

Articles and Motions

To vote effectively at Town Meeting requires both understanding the issues and understanding the wording of the motion on which one is voting. An *article* (as printed in the Warrant and Finance Committee Report) describes the subject under discussion, while a *motion* made under the article describes the specific action on which one is voting. In some cases the article fully and accurately describes the action, and the motion may simply be "to take affirmative action under article ____." Motions must be seconded before discussion may begin or a vote taken. The group or groups submitting the motion for consideration may make a presentation of the article.

Frequently it happens that the wording of a *motion* differs from the wording of an *article*. The wording of the article must be settled prior to the close of the Warrant. The Moderator will not allow any expansion of the intent of the article since the voters must be properly warned in advance of actions they will be asked to approve. Great efforts are made to have the wording of motions in hand a few days before ATM in order to permit review by the Moderator and Town Counsel.

Speaking on a Motion

When speaking on a motion, a voter must be recognized by the Moderator and go to the microphone, if one is available, and give name and address and committee association (if speaking on behalf of a committee). All remarks and questions should be addressed to the Moderator. When it is apparent that several people wish to be heard, lining up expedites the proceedings. In recognizing persons who wish to speak, the Moderator gives preference to those who have not already spoken on the article currently under discussion.

Within the general framework of parliamentary procedures, as presented in ATM, the goal of the Moderator is basic fairness in the consideration of issues before the ATM. This does not mean that everyone who wishes to speak will be heard. The Meeting decides that it has heard enough discussion and is ready to vote.

A motion may be made from the floor to "move the question." Such a motion must be seconded, there is no further debate, and must be voted on immediately. The Moderator will not hear a motion to move the question if it is presented at the end of a statement or opinion.

Amendments

If a voter wishes to change a motion in some fashion, the procedure is to amend the motion. All motions to amend must be in writing and must present exactly how the voter wishes to change the motion so that the Moderator can know exactly what it is the voter wants to move before ruling on the motion. A voter who wishes to amend a *main motion* must have the amendment in writing and available to hand to the Moderator *before* rising to be recognized and offer the amendment. The Moderator may refuse to put to the Meeting an amendment which is not immediately available in writing - the Moderator

may rule out of order any motion to amend which changes the original motion so drastically that, in the Moderator's opinion, the motion is no longer within the "four corners" of the article.

An amendment may consist of adding, deleting or substituting words in the motion. It may take the form of a "motion to substitute" a different motion. Sometimes a speaker tries to amend "the article," but this is improper language. It is the motion on the floor, not the article on the Warrant, that is to be amended.

A motion to amend requires only a majority vote, even though the motion to be amended may require two-thirds or more for final passage.

Size of Vote

A majority vote is required for passage of a motion unless otherwise specified. Most votes are voice votes, the results determined by the Moderator.

Any seven voters who doubt a voice vote result as announced by the Moderator have the right to require a division of the Meeting with a standing vote. This action must be taken immediately after the Moderator declares the vote result. A standing vote simply means a visual counting of "yes" or "no" votes by raised hands, or members asked to vote by standing. These votes are counted by Tellers, registered voters in attendance who come forward and are sworn in by the Town Clerk to count the vote.

Some motions require a two-thirds vote for passage. Included in this category are votes which authorize borrowing, property transfers, and zoning bylaw changes. A few motions require even higher levels of affirmative vote for passage.

Ballot Voting

While most voting on government matters takes place at Town Meeting, ballot voting does exist in Pepperell for these occasions:

- * Local, State, National elections
- * Funding for expenditures approved at Annual or Special Town Meeting that go beyond the *levy limit*; these require an *override*, a *capital outlay exclusion* or a *debt exclusion*.
- * The *levy limit* is a restriction on the amount of property tax a community may levy. Under state law (Proposition 2½), a community may not increase taxes more than 2½% over the previous year's levy (plus the value of any new growth that has occurred in the Town) and may not levy more than 2½% of the total full and fair cash value of all taxable real and personal property in the community.
- * An *override* seeks a permanent increase in the levy limit of a community.
- * A *capital outlay exclusion* seeks a temporary increase over the levy limit to raise funds for the cost of a specific capital project
- * A *debt exclusion* seeks to add to the levy limit an amount equal to the annual debt service for a specific project; the increase continues only for the life of the debt.
- * Certain other main issues.

For local elections, the ballot vote is held on the fourth Monday of April. The polling center is open from 7 a.m. to 8 p.m.

Voter Registration

Residents may register to vote at the Town Clerk's office in Town Hall in Pepperell or at any other Town Hall in the State. You may only vote in the town you choose to register to vote in. Voters must be registered to vote for Town Meetings 20 days before the Annual Town Meeting and 10 days before the Special Town Meeting. On the last day, the registrars of voters must hold a registration. Once registered, voters are always registered unless you move to another town. However, failure to respond to the Census could cause your name to be placed on the inactive voting list by requirement of the office of Secretary of State. Special registration dates are announced by the Town Clerk.

Miscellaneous Matters

The tables in the lobby are reserved for materials voters will need for the Meeting such as copies of motions, the Finance Committee Report and Recommendations, and similar materials. Within the limits of available space, persons wishing to distribute materials relating to matters to be considered at the Meeting may place copies on the tables. People wishing to

distribute information usually contact the Selectmen's office first; such materials must be cleared in advance by the Moderator. Sufficient copies must be provided for all voters who attend the Meeting. Individual distribution of materials, signing of petitions and similar activities must be done outside the lobby space, in order to permit orderly check-in by voters and efficient distribution of materials needed for the Meeting.

In addition to Town Meeting, Pepperell's municipal government is made up of many officials and committees, of which approximately 75% are appointed by the Board of Selectmen. A few positions are appointed by the Moderator. Together, these officials conduct the business of the Town, providing administrative, public health and safety, financial, utility, recreation and other services.

Broadcast

ATM and STM are taped for broadcast on local Pepperell access cable channel 15.

Refreshments

Refreshments are made available at Town Meetings by various civic groups in town as a fundraising event for that group. Those interested in providing refreshments should contact the Board of Selectmen's office prior to a Town Meeting.