

**TOWN WARRANT  
FOR THE ANNUAL TOWN MEETING  
2015  
THE COMMONWEALTH OF MASSACHUSETTS, FRANKLIN, SS.**

To either of the Constables of the Town of Shelburne in the County of Franklin, Greetings: In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and in Town affairs, to meet at **MEMORIAL HALL, 51 BRIDGE STREET, SHELBURNE**, on **Tuesday, the 6th day of MAY, at SEVEN O'CLOCK in the AFTERNOON** and then and there to act upon the following articles:

**ARTICLE 1.** To hear the annual reports of the officers of the Town and to act thereon.

**ARTICLE 2.** To see if the Town will vote to set the salaries of the Elected Officials within the Town in accordance with MGL. Chapter 41, Section 108 as follows, or take any other action relative thereto.

Moderator	\$ 152	Town Clerk	\$20,378
Chairman, Board of Selectmen	\$ 2,649	Town Collector	\$27,230
Selectmen	\$ 2,424	Tree Warden	\$ 831
Selectmen	\$ 2,424		
Chairman, Board of Assessors	\$ 2,564		
Assessor	\$ 2,170		
Assessor	\$ 2,170		

**ARTICLE 3.** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2014, in accordance with the provisions of the Massachusetts General Laws Chapter 44, Section 4, and to issue a note or notes therefore, payable within one year, and to renew any note or notes as may be given for a period of less than one year, in accordance with Massachusetts General Laws Chapter 44, Section 17, or take any other action relative thereto.

**ARTICLE 4.** To see if the Town will vote to authorize the Board of Selectmen to apply for and expend Massachusetts Small Cities Program grants or monies, or any Federal or State grants or monies, received as set forth in the appropriate application, or take any action relative thereto.

**ARTICLE 5.** To see if the Town will vote to accept and appropriate any and all funds provided to the Town by the State under Chapter 90 and such other funds as the Commonwealth of Massachusetts Department of Transportation may provide, and to authorize the Board of Selectmen to enter into contracts with Commonwealth of Massachusetts Department of Transportation for Chapter 90 monies allocated to the Town by the State, or take any action relative thereto.

**ARTICLE 6.** To see if the Town will vote to appropriate sums of money for the following purposes and to raise the required amounts by taxation, or otherwise provide, or take any other action relative thereto.

4/1/2014	2014	2014	2014	2015	2015	Increase
	Voted	Adjusted	Actual	Request	Final	Decrease
<b>GENERAL GOVERNMENT</b>	<b>616,152</b>	<b>2,000</b>	<b>618,152</b>	<b>651,666</b>	<b>651,135</b>	<b>5.3%</b>
114 5100 Moderator's Salary	148		148	152	152	2.7%
122 5100 Selectmen's Salaries	7,314		7,314	7,497	7,497	2.5%
122 5110 Town Administrator	54,986		54,986	56,361	56,361	2.5%
122 5400 Selectmen's Expense	2,160		2,160	2,160	2,160	0.0%
131 5400 Finance Committee Expense	130		130	130	130	0.0%
132 5400 Reserve Account	2,700		2,700	2,700	2,700	0.0%
135 5400 Accounting Services	14,827		14,827	16,983	16,983	14.5%
135 5420 Audit Town Records	9,000	2,000	11,000	11,000	11,000	0.0%
141 5110 Assessor's Salary	6,735		6,735	6,904	6,904	2.5%
141 5400 Assessor's Expense	4,425		4,425	4,905	4,905	10.8%
141 5110 Assistant Assessor Salary	22,141		22,141	22,141	22,141	0.0%
141 5420 Assessor's Contracted Services	3,000		3,000	3,000	3,000	0.0%
145 5100 Treasurer's Salary	19,110		19,110	20,066	20,066	5.0%
145 5120 Assistant Treasurer's Salary	450		450	1,230	1,230	173.3%
145 5400 Treasurer's Expense	1,585		1,585	1,755	1,755	10.7%
145 5420 Payroll Expense	3,113		3,113	3,370	3,370	8.3%
145 5410 Tax Title	6,000		6,000	6,000	6,000	0.0%
146 5100 Town Collector's Salary	26,564		26,564	27,230	27,230	2.5%
146 5110 Town Collector Certification	1,000		1,000	1,000	1,000	0.0%
146 5400 Town Collector's Expense	5,645		5,645	5,645	5,645	0.0%
146 5410 Town Collection Software Maint.	4,860		4,860	5,103	5,103	5.0%
151 5400 Legal Expense	9,500		9,500	9,500	9,500	0.0%
161 5100 Town Clerk's Salary	19,881		19,881	20,378	20,378	2.5%
161 5400 Town Clerk's Expense	1,000		1,000	1,400	1,400	40.0%
161 5420 Town Reports	1,100		1,100	1,100	1,100	0.0%
161 5430 Preservation of Town Records	2,000		2,000	2,000	2,000	0.0%
162 5400 Election Expense	4,150		4,150	10,550	10,550	154.2%
162 5410 Registrars	1,685		1,685	1,800	1,800	6.8%
171 5400 Conservation Commission	800		800	3,101	2,570	221.3%
175 5400 Planning Board	3,382		3,382	4,114	4,114	21.6%
176 5400 Zoning Board Expense	1,865		1,865	1,865	1,865	0.0%
182 5400 S.F. Village Partnership	7,000		7,000	7,000	7,000	0.0%
192 5400 Town Office Expense	6,500		6,500	6,500	6,500	0.0%
192 5410 Computer Account	1,540		1,540	1,540	1,540	0.0%
192 5420 Town Web Site	2,600		2,600	2,600	2,600	0.0%
192 5430 Memorial Hall Expense	15,440		15,440	15,040	15,040	-2.6%
192 5440 Wired West Membership Fee	1,000		1,000	1,000	1,000	0.0%
192 5450 Memorial Hall Internet Access	2,220		2,220	2,220	2,220	0.0%
192 5460 Elevator Maintenance Account	9,800		9,800	8,000	8,000	-18.4%
192 5470 Town-Wide Notification Sys.	2,463		2,463	2,463	2,463	0.0%
193 5400 Property & Liability Insurance	38,979		38,979	38,979	38,979	0.0%
193 5410 Officers Bonding	1,000		1,000	1,000	1,000	0.0%
199 5400 Longevity Pay	3,500		3,500	2,500	2,500	-28.6%
691 5400 Historic Commission	200		200	200	200	0.0%
691 5410 APR Local Match	1,250		1,250	1,250	1,250	0.0%
691 5420 Land Preservation	1,250		1,250	1,250	1,250	0.0%

	2014	2014	2014	2015	2015	Increase
	Recomm	Adjusted	Actual	Request	Final	Decrease
<b>GENERAL GOVERNMENT (cont);</b>	<b>280,154</b>	<b>0</b>	<b>280,154</b>	<b>298,984</b>	<b>298,984</b>	<b>6.7%</b>
752 5900 Interest Expense	1,250		1,250	1,250	1,250	0.0%
830 5310 FRCOG - Core	16,828		16,828	17,795	17,795	5.7%
830 5340 FRCOG - Highway	2,310		2,310	2,310	2,310	0.0%
830 5350 FRCOG - Reg. Health Services	500		500	1,438	1,438	187.6%
911 5400 County Retirement	74,867		74,867	81,108	81,108	8.3%
912 5400 Worker's Compensation	23,985		23,985	23,985	23,985	0.0%
913 5400 Un-Employment Insurance	7,500		7,500	7,000	7,000	-6.7%
914 5400 Health Insurance	142,185		142,185	152,786	152,786	7.5%
914 5410 Life Insurance	797		797	702	702	-11.9%
916 5400 Medicare	9,932		9,932	10,610	10,610	6.8%
<b>PUBLIC SAFETY</b>	<b>268,263</b>	<b>0</b>	<b>268,263</b>	<b>278,838</b>	<b>278,838</b>	<b>3.9%</b>
210 5110 Police Department Salaries	204,251		204,251	214,732	214,732	5.1%
210 5400 Police Department Expense	35,500		35,500	35,200	35,200	-0.8%
210 5130 Constable	60		60	62	62	3.3%
220 5110 Fire Marshall	51		51	52	52	2.0%
220 5400 Forest Fires	50		50	50	50	0.0%
291 5100 Emergency Management Dir.	278		278	285	285	2.5%
291 5400 Emergency Mgmt Expense	956		956	1,000	1,000	4.6%
292 5100 Animal Control Officer	3,497		3,497	3,584	3,584	2.5%
292 5400 Animal Control Expense	567		567	800	800	41.1%
294 5110 Tree Warden	811		811	831	831	2.5%
294 5400 Shade Tree Maintenance	6,630		6,630	6,630	6,630	0.0%
294 5410 Shade Tree Replacement	612		612	612	612	0.0%
424 5400 Street Lights	15,000		15,000	15,000	15,000	0.0%
<b>EDUCATION</b>	<b>1,954,557</b>	<b>0</b>	<b>1,954,557</b>	<b>1,990,273</b>	<b>1,990,273</b>	<b>1.8%</b>
310 5400 Mohawk Trail Reg. School	1,782,074		1,782,074	1,831,103	1,831,103	2.8%
320 5410 Vocation Tuition	0		0	0	0	0.0%
320 5400 Franklin County Tech School	172,483		172,483	159,170	159,170	-7.7%
<b>HIGHWAYS</b>	<b>394,277</b>	<b>-</b>	<b>394,277</b>	<b>398,514</b>	<b>398,514</b>	<b>1.1%</b>
422 5400 Maintenance	289,969		289,969	289,968	289,968	0.0%
423 5400 Snow & Ice Removal	90,146		90,146	90,146	90,146	0.0%
422 5410 Buildings & Grounds	14,162		14,162	18,400	18,400	29.9%
<b>HEALTH-SANITATION</b>	<b>93,216</b>	<b>0</b>	<b>93,216</b>	<b>93,840</b>	<b>93,840</b>	<b>0.7%</b>
241 5400 Building Inspection Program	6,500		6,500	6,500	6,500	0.0%
293 5400 Animal Inspector	583		583	598	598	2.6%
439 5420 Solid Waste Management Dist.	5,045		5,045	5,606	5,606	11.1%
433 5400 Refuse Collection	71,040		71,040	71,000	71,000	-0.1%
439 5400 Hazardous Waste Day	1,500		1,500	1,500	1,500	0.0%
440 5100 Sewer Commissioner Salaries	810		810	830	830	2.5%
512 5100 Board of Health Salaries	2,668		2,668	2,736	2,736	2.5%
512 5400 Board of Health Expense	3,276		3,276	3,276	3,276	0.0%
512 5420 Housing Inspection Program	1,794		1,794	1,794	1,794	0.0%

	2014	2014	2014	2015	2015	Increase
	Recomm	Adjusted	Actual	Request	Final	Decrease
<b>RECREATION</b>	<b>17,536</b>	<b>0</b>	<b>17,536</b>	<b>17,569</b>	<b>17,569</b>	<b>0.2%</b>
630 5400 Recreation	1,611		1,611	1,644	1,644	2.0%
630 5410 Cowell Gym Maintenance	14,500		14,500	14,500	14,500	0.0%
692 5430 Bridge of Flowers	325		325	325	325	0.0%
692 5410 Military Band	1,100		1,100	1,100	1,100	0.0%
<b>HUMAN SERVICES</b>	<b>183,736</b>	<b>0</b>	<b>183,736</b>	<b>178,784</b>	<b>178,784</b>	<b>-2.7%</b>
491 5400 Care of Hill Cemetery	2,400		2,400	2,400	2,400	0.0%
543 5410 Care of Veteran's Graves	825		825	825	825	0.0%
543 5400 Veteran's Benefits	44,000		44,000	44,000	44,000	0.0%
543 5420 Veteran's Center	3,436		3,436	3,578	3,578	4.1%
541 5400 Council on Aging	74,800		74,800	70,094	70,094	-6.3%
541 5420 Senior Center Lease	2,700		2,700	2,700	2,700	0.0%
610 5400 Shelburne Free Public Library	28,130		28,130	27,147	27,147	-3.5%
610 5410 Arms Library	25,900		25,900	26,495	26,495	2.3%
610 5420 Pratt Building Maintenance	700		700	700	700	0.0%
692 5400 Memorial Day	845		845	845	845	0.0%

	2014	2014	2014	2015	2015	Increase
	Recomm	Adjusted	Actual	Request	Final	Decrease
<b>BUDGET SUMMARY</b>	<b>3,527,737</b>	<b>2,000</b>	<b>3,529,737</b>	<b>3,609,484</b>	<b>3,608,953</b>	<b>2.2%</b>
<b>Totals:</b>						
<b>General Government</b>	<b>616,152</b>	<b>2,000</b>	<b>618,152</b>	<b>651,666</b>	<b>651,135</b>	<b>5.3%</b>
<b>Public Safety</b>	<b>268,263</b>	<b>0</b>	<b>268,263</b>	<b>278,838</b>	<b>278,838</b>	<b>3.9%</b>
<b>Education</b>	<b>1,954,557</b>	<b>0</b>	<b>1,954,557</b>	<b>1,990,273</b>	<b>1,990,273</b>	<b>1.8%</b>
<b>Highways</b>	<b>394,277</b>	<b>0</b>	<b>394,277</b>	<b>398,514</b>	<b>398,514</b>	<b>1.1%</b>
<b>Health &amp; Sanitation</b>	<b>93,216</b>	<b>0</b>	<b>93,216</b>	<b>93,840</b>	<b>93,840</b>	<b>0.7%</b>
<b>Recreation</b>	<b>17,536</b>	<b>0</b>	<b>17,536</b>	<b>17,569</b>	<b>17,569</b>	<b>0.2%</b>
<b>Human Services</b>	<b>183,736</b>	<b>0</b>	<b>183,736</b>	<b>178,784</b>	<b>178,784</b>	<b>-2.7%</b>

**ARTICLE 7.** To see if the Town will vote to **raise and appropriate the sum of \$48,845** to be used to **fund the Mohawk Trail Regional School District capital budget for fiscal year 2015**, or take any other action relative thereto.

**ARTICLE 8.** To see if the Town will vote to appropriate **\$35.00** from the **Ozro Miller Trust Fund Account**, said sum to be transferred to **the Memorial Day Expense Account # 001-692-5400**, or take any other action relative thereto.

**ARTICLE 9.** To see if the Town will vote to **transfer the sum of \$1,101 from the Cowell Gym User Fee Account #245-630-5400**; said sum to be added to the **Recreation Account #001-630-5400** and shall be used to **supplement the Cowell Gym Director's Salary**, or take any other action relative thereto.

**ARTICLE 10.** To see if the Town will vote to **transfer \$20,000 from the Stabilization Account #830-919-5400**, said sum to be added to the town's special purpose stabilization account entitled: **Roof Replacement/Repair Account # 831-919-5400** for future repair and/or replacement of town-owned roofs, or take any other action relative thereto.

**ARTICLE 11.** To see if the Town will vote to **transfer \$20,000 from the Stabilization Account #830-919-5400**, said sum to be added to the town's special purpose stabilization account entitled: **Municipal Vehicle Replacement Account # 832-919-5400** to be used for **replacement of town-owned vehicles**, or take any other action relative thereto.

**ARTICLE 12.** To see if the Town will vote to **appropriate \$85,000 for the purchase and installation of a 30 year premium roof membrane for Memorial Hall** and to meet said obligation; **transfer \$55,000 from the town's Roof Replacement Stabilization Account # 831-919-5400** and **transfer \$30,000 from the Energy Efficiency Account # 001 192 5810**, or take any other action relative thereto.

**ARTICLE 13.** To see if the Town will vote to **raise and appropriate or otherwise provide the sum of \$104,500**, said sum is the **Town of Shelburne's share of the cost of Operation and Maintenance of the Shelburne Falls Wastewater Treatment Facility** which will be raised by anticipated revenue from the **Shelburne User Assessment**, or take any other action relative thereto.

**ARTICLE 14.** To see if the Town will vote to **raise and appropriate or otherwise provide the sum of \$12,500**, said sum is the **Town of Shelburne's cost of Operation and Maintenance of the Shelburne Pumping Station** which will be raised by anticipated revenue from the **Shelburne User Assessment**, or take any other action relative thereto.

**ARTICLE 15.** To see if the Town will vote to **transfer the sum of \$7,504.00 from the Sewer Enterprise reserve Fund Account #60-3-190-000** to be added to the **Wastewater Treatment expense account #610-440-5400** to pay the **third payment** on the **\$35,000** loan that was borrowed to pay for Shelburne's share of the replacement costs of 710ft (more or less) of the Conway Street Trunk line that was damaged by flood water, or take any other vote or votes relative thereto.

**ARTICLE 16.** To see if the Town will vote to **authorize pursuant to the provisions of M.G.L. Chapter 44, section 53E ½ the following revolving funds**, or take any other action relative thereto.

**Police Department:** to receive firearms license and permit fees, authorizing the Police Chief to expend up to **\$3,000** without further appropriation from such fund to pay the Commonwealth its' share of such fees and to use the remaining balance for firearms licensing related expenditures;

**Town Clerk:** to receive dog licensing fees, authorizing the Town Clerk to expend up to **\$1,500** without further appropriation from such fund to pay for various expenses in relation to the licensing and care of dogs;

**Board of Health:** to receive Inspection Fees and fines, and to authorize the Board to expend money up to **\$3,000** without further appropriation from such fund for the purpose of paying costs associated with said inspections;

**Zoning Board of Appeals:** to receive Advertising and Hearing Application Fees, and to authorize the Board to expend up to **\$1,000** without further appropriation from such fund for the purpose of paying costs associated with said hearings;

**Recreation Committee:** to receive Cowell Gym user fees; and to authorize the Committee to expend up to **\$1,500** without further appropriation from such fund for recreational related programs and supplies;

**Open Space Committee:** to receive monies generated by activities of the Shelburne Open Space Committee including sales of brochures, and authorize the Shelburne Open Space Committee to expend up to **\$500** without further authorization from such funds to further activities and publications of the Open Space Committee;

**Agricultural Commission:** to receive monies generated by activities of the Shelburne Agricultural Commission including sales of brochures, and authorize the Shelburne Agricultural Commission to expend up to **\$500** without further authorization from such funds to further activities and publications of the Shelburne Agricultural Commission.

**Animal Control:** to receive monies generated by dog-related fines and/or donations; and to authorize the Board of Selectmen to expend up to **\$1,000** without further authorization from such funds for expenditures relating to animal care;

**Conservation Commission:** to receive Advertising and Hearing Application Fees, and to authorize the Commission to expend up to **\$1,000** without further appropriation from such fund for the purpose of paying costs associated with said hearings.

**ARTICLE 17.** To see if the Town will vote to **transfer \$50,000 from the Stabilization Account #830-919-5400**, said sum to be used for **the Pratt Memorial Library Building – Roof Replacement Project**, or take any other action relative thereto.

**ARTICLE 18.** To see if the Town will vote to **transfer \$20,000 from free cash for the interior renovation of a new police facility**, or take any other action relative thereto.

**ARTICLE 19.** To see if the Town will vote to transfer the sum of **\$5,000 from free cash**; said sum will be used to **refurbish the wood floor in the meeting room/kitchen floor and other minor repairs in Memorial Hall**, 51 Bridge Street, or take any other action relative thereto.

**ARTICLE 20.** To see if the Town will vote to authorize the **purchase of a new six-wheel dump truck and associated equipment for the Highway Department**. To meet this obligation, **authorize the use of \$170,000 in Chapter 90 funding for said truck, and transfer \$20,000 from free cash for purchase and installation of associated equipment (plow, all-season dump body and sander)**, or take any other action relative thereto. *This article is contingent upon the Massachusetts Department of Transportation's approval.*

**ARTICLE 21.** To see if the Town will vote to **transfer \$7,000 from Free Cash for the purchase of four tires for the Highway Department's Loader**, or take any other action relative thereto.

**ARTICLE 22.** To see if the Town will vote to **transfer \$12,000 from Free Cash for the purchase of front discharge sander body (chassis mount) for the Highway Department**. Said sander body will replace one that was purchased in the early 1990's, or take any other action relative thereto.

**ARTICLE 23.** To see if the Town will vote to **transfer \$5,074 from Free Cash for the purchase, installation and training associated with cash management software for the Treasurer's Office**, or take any other action relative thereto.

**ARTICLE 24.** To see if the Town will vote to **transfer \$6,700 from Free Cash for the purchase and installation of a 600 amp Manual Transfer Switch at Memorial Hall so to allow for the use of a portable generator, or take any other action relative thereto.**

**ARTICLE 25.** TO see if the Town will vote to **transfer \$5,000 from Free Cash for the completion of a Wage and Salary Compensation Study, or take any other action relative thereto.**

**ARTICLE 26.** To see if the Town will vote to **raise by taxation the sum of \$6,400; said sum to be added to the Police Department Salaries Account # 210 5110 to adjust the annual salary of the Police Sergeant to be more in keeping with the salaries of like positions in Franklin County, or take any other action relative thereto.**

**ARTICLE. 27.** To see if the Town will vote to **raise by taxation the sum of \$2,000; said sum to be used to hire short-term assistance to train and/or mentor new town officials, or take any other action relative thereto.**

**ARTICLE 28.** To see if the Town will vote to **raise by taxation the sum of \$3,885; said sum to be used to provide approximately 250 hours of part-time clerical support to the Selectmen's Office annually, or take any other active relative thereto.**

**ARTICLE 29.** To see if the Town will vote to **transfer the sum of \$38,000 from the Housing Trust II Account #248 691 4540, said sum to be used to renovate and reconfigure Memorial Hall bathrooms to comply with ADA regulations, or take any other action relative thereto**

**ARTICLE 30.** To see if the Town will vote to **transfer the sum of \$194,202 in free cash to the Stabilization Account #830 919-5400, or take any other action relative thereto.**

**ARTICLE 31.** To see if the Town will vote to allow the Mohawk K-12 District to borrow, a sum of money, not to exceed \$542,778 to be expended under the direction of the School Building Committee for repair work to the Mohawk Trail Regional Middle & High School located at 26 Ashfield Road in Buckland, Massachusetts, to include drainage upgrades, parking lot resurfacing, re-pointing/re-caulking work, floor replacements, heating, ventilation and air condition upgrades, auditorium lighting equipment upgrades and installation of a second means of egress from main electrical switchgear room. The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required education program. This vote shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2 ½). Or take any action relative thereto.

**ARTICLE 32.** To see if the Town will vote to allow the District to borrow, a sum of money not to exceed \$783,900, to be expended under the direction of the School Building Committee for repair work to the Buckland Shelburne Elementary School located at 75 Mechanic St., Shelburne Falls, Massachusetts, to include parking lot and sidewalk replacement, re-pointing/re-caulking and masonry repairs, replacement of fogged thermo pane windows, floor replacement, condensing unit and PTEC unit replacements. The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required education program. This vote shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2 ½). Or take any action relative thereto.

*(Superintendent of MTRSD has requested that Article #32 be passed over)*

**ARTICLE 33.** To see if the Town will vote to authorize the Board of Selectmen to **increase the membership of the Agricultural Commission from five members to nine members, of which at least 2/3<sup>rd</sup> will be actively engaged in some area of Agriculture, or take any other vote relative thereto.** (Each member will serve for 3 years; member terms shall be staggered).

**ARTICLE 34. (Petition Article) To see if the Town will vote to pass the following Shelburne Community Rights Resolution**

*Whereas* representatives from large-scale energy infrastructure projects have approached Shelburne landowners with regard to the proposed routing of a high-pressure gas pipeline to carry shale gas through certain Shelburne properties; and

*Whereas* landowners have been approached without advance notice from town officials or police due to there being no regulation requiring a corporation, county or state to contact local authorities prior to contacting property owners; and

*Whereas* landowners are being asked to permit surveying or to sign agreements to lease land; and

*Whereas*, there exists the inherent right of the residents of Shelburne to govern their own community, including, without limitation, the Declaration of Independence's declaration that governments are instituted to secure the rights of people, and the recognition within the State Constitution that all power is inherent in the people.

THEREFORE BE IT RESOLVED THAT WE CALL UPON OUR LEADERS TO ADOPT RULES, BYLAWS, OR TAKE SUCH OTHER ACTION AS NECESSARY

**TO SUPPORT the right of the people of Shelburne to hold public hearings and make motions to vote on all corporate, state or federal energy infrastructure and other large-scale projects within the town as they arise.** Such projects may include, but are not limited to: pipeline construction, resource extraction, the removal of ground water for bottling and export, transmission line expansion, large-scale solar arrays, and the dumping of fracking wastewater from neighboring states.

**TO DEFEND majority rule, as determined by that vote, as the ultimate authority in approving such projects,** affirming the rights of the people who live here over the rights of an absentee entity.

**TO PROHIBIT any activity by the developers of such projects in Shelburne before the people of Shelburne have had the opportunity to put motions to vote, and only then if the majority has ruled in favor of allowing the project.** Activities include, but are not limited to, entering private property, surveying, photographing private property, negotiating leases, blasting, removing trees and road construction.

**TO ENSURE that our Select Board is informed of any proposed project prior to any contact with landowners** and that the residents of Shelburne learn of each proposal first through their elected officials.

**TO PROTECT the right of Shelburne farms, businesses and companies to engage in resource harvesting and/or industrial activity as currently permitted in our by-laws.**

**ARTICLE 35.** To see if the Town will vote to **replace Section 17.0-Wind Turbine Moratorium** of the Town of Shelburne, Massachusetts Zoning Bylaw **with a new Section 17.0-Premises-Use Wind Energy System Bylaw** of the Town of Shelburne, Massachusetts Zoning Bylaw. A copy of the proposed replacement of Section 17.0- Premises-Use Wind Energy System Bylaw is available in the Shelburne Town Clerk's Office for review and will be available at Town Meeting.

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**SECTION 17 PREMISES-USE WIND ENERGY SYSTEM BYLAW**

**17.1 PURPOSE**

The purpose of this Bylaw is to provide criteria to help the Town of Shelburne evaluate and provide standards for the placement, design, construction, monitoring, and removal of premises-use wind energy systems (PUWES). The criteria will be utilized by Building Inspectors charged with issuing building permits, by the Zoning Board of Appeals charged with issuing Special Permits, and by the Board of Health and Building Inspector as the authorities charged with enforcement of these standards.



## 17.2 APPLICABILITY

This section applies to PUWES with no greater than 30 kW of rated nameplate capacity proposed to be constructed after the effective date of this section.

## 17.3 DEFINITIONS

**Ambient air space** – The unconfined space occupied by the atmosphere, including the air outside facilities or structures.

**Building Inspector** - The inspector of buildings, building commissioner, or local inspector, or representative of the Franklin County Cooperative Inspection Program, designated by the Town of Shelburne and charged with the enforcement of the zoning bylaw.

**Building Permit** - A building permit is a required approval of a project issued by the Town's designated Building Inspector which is consistent with all applicable building codes and meets the criteria set forth under the local zoning bylaws.

**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.

**Noise** - Sound of sufficient intensity and/or duration to be damaging, irritating or injurious.

**Rated Nameplate Capacity** - The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.

**Special Permit Granting Authority** - The Special Permit Granting Authority (SPGA) shall be the Zoning Board of Appeals, by this section for the issuance of Special Permits to construct and operate PUWES.

**Wind Monitoring or Meteorological Tower** - A temporary tower equipped with devices to measure wind speeds and direction, consistent with the height of the proposed structure, used to determine how much wind power is available for power generation on site.

**Wind Turbine** - A device that converts kinetic wind energy into rotational energy that drives an electrical generator.

## 17.4 GENERAL REQUIREMENTS

The requirements established in this bylaw shall supersede all other requirements for PUWES in the existing Town of Shelburne Zoning Bylaw and/or Subdivision Control Regulations.

**17.4.1 Building Inspector Issued Permit** - No PUWES shall be erected, constructed, installed or modified as provided in this section without obtaining a building permit from Shelburne's designated Building Inspector and a special permit from the SPGA. All PUWES shall be constructed and operated in a manner that avoids disturbances as outlined at Section 14.0 of the zoning bylaw.

**17.4.2 Premises-Use Wind Energy System (PUWES)** – Any system of turbines, whether located on the building or the ground, designed primarily to generate heat or electricity for the principal home or business located on the lot, such systems may generate a limited amount of excess electricity for resale to an electrical utility provided the system is designed principally to supply the electrical needs of the home or business on that or any adjoining lots in common ownership. This system includes all equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and access roads, and one or more wind turbines, with a total cumulative nameplate capacity of 10 kW for residential and 30 kW for agricultural/business use. The rated nameplate capacity of the wind turbine shall be restricted to the smallest unit available to cover the intended premises-use. A PUWES may be mounted on the ground or on an existing roof.

**17.4.3 Rooftop Wind Energy Systems** - PUWES sited on top of, attached to and extending above the ridge line of, an existing structure shall comply with all applicable provisions of the latest version of the Uniform Building Code, Section 5.2 and all applicable standards in Sections 17.5, 17.6, and 17.7 of this bylaw.

**17.4.4 Pre-Application Conference** - For all PUWES, the applicant is required to meet with the SPGA to conduct a pre-application conference to discuss the project.

**17.4.5 Compliance with Laws, Bylaws and Regulations** - The construction and operation of all such proposed PUWES shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and FAA aviation requirements.

**17.4.6 Utility Notification** - No PUWES shall be installed until evidence has been given to the SPGA 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

**17.4.7 Proof of Liability Insurance** - The applicant for a Building Permit for a PUWES shall be required to provide evidence to the Building Inspector of liability insurance in an amount and for duration sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility until the system is dismantled

**17.4.8 Site Control** - At the time of its application for a 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 within the setback areas.

**17.4.9 Temporary Meteorological Towers (Met Towers)** - Met towers shall be permitted under the same building permit standards as a PUWES, 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. Wind monitoring shall be permitted in all zoning districts subject to issuance of a building permit for a temporary structure and subject to reasonable regulations concerning the bulk and height of structures and determining yard-size, lot area, setbacks, open space and building coverage requirements.

**17.4.10 Certification** - A premises-use wind turbine must be an approved turbine on the list certified by the Premises-use wind Certification Council or other certification agency as approved by the State of Massachusetts.

## **17.5 GENERAL SITING STANDARDS**

**17.5.1 Height** - The height of a PUWES shall be no greater than 120 feet above ground level to the tip of the blade. Rooftop Wind Energy Facilities shall comply with existing building codes, and Section 5.2.

**17.5.2 Setbacks** - Ground mounted PUWES shall be set back a distance equal to 1.5 times the total height of the wind turbine from the project property boundary, overhead utility lines, and public roads or rights of way and 3.0 times the total height of the wind turbine from any inhabited structures not owned by the project owner.

**17.5.3 Noise** - The noise impact of any PUWES, including rooftop wind turbines, shall not cause ambient noise levels to exceed 33 dB(A). Where the ambient noise level is 28 dB(A) or less, the noise level impact of any PUWES shall not cause noise levels to increase more than 5 dB(A) over ambient at the project property boundary

**17.5.4 Shadow Flicker** - PUWES shall be sited in a manner that does not result in any shadow flicker impact on occupied buildings not owned by the project owner.

## **17.6 DESIGN STANDARDS**

**17.6.1 Appearance, Color, and Finish** - The wind generator and tower shall remain painted or finished with the non-reflective color unless otherwise approved in the special permit.

**17.6.2 Lighting** - Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the PUWES, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.

**17.6.3 Signage** - Signs shall be restricted to reasonable identification of the manufacturer or operator of the PUWES and shall defer to the requirements of the Town sign regulations in Section 9.

**17.6.4 Appurtenant Structures** - All appurtenant structures to PUWES shall comply with the dimensional requirements of the underlying zoning district, including but not limited to setbacks and height.

## **17.7 SAFETY AND ENVIRONMENTAL STANDARDS**

**17.7.1 Unauthorized Access** - Wind turbines or other structures part of a PUWES shall be designed to prevent unauthorized access. For instance, the tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 10 feet above the ground.

**17.7.2 Land Clearing and Soil Erosion** - Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the PUWES and as otherwise prescribed by applicable laws, regulations, and bylaws.

## **17.8 MONITORING AND MAINTENANCE**

**17.8.1 System Conditions** - The applicant shall maintain the PUWES in working condition and in good repair. Maintenance shall include, but not be limited to, painting, structural repairs, and security measures. Compliance with this condition shall be enforced by the Building Inspector.

## **17.9 ABANDONMENT OR DECOMMISSIONING**

**17.9.1 Removal Requirements** - Any PUWES which has reached the end of its useful life or has been abandoned shall be removed. A PUWES shall be considered abandoned when it fails to operate for one year. Upon a Notice of Abandonment issued by the Building Inspector, the PUWES owner will have 30 days to provide sufficient evidence that the system has not been abandoned or the Town shall have the authority to enter the owner's property and remove the system at the owner's expense.

## **17.10 PERMIT PROCESS, REQUIREMENTS & ENFORCEMENT**

**17.10.1 Application Requirements** - Each application for a Special Permit shall be filed by the applicant with the Town Clerk pursuant to Section 9 of Chapter 40A of the Massachusetts General Laws and in accordance with the Shelburne SPGA rules and procedures.

The applicant shall provide the SPGA with copies of the application, plans, and documents as specified in the Shelburne SPGA rules and procedures. All plans and maps shall be prepared, stamped, and signed by a professional engineer licensed to practice in Massachusetts. Included in the application shall be:

A. Completed Application Form

B. Site Plans

1. A title sheet with the following:

- a. A title labeling the applicant, type of proposal, and location of proposed facility.
- b. A vicinity map showing all major roadways within 2,000' of the project site.
- c. A sheet index.

d. A project summary block labeling the applicant, applicant's representative if applicable, facility address, owner, deed reference, facility parcel number, and current zoning district.

2. A general plan sheet showing the complete plan view of the proposal at a preferred scale of 1" = 20' or a scale appropriate to accurately portray the proposed facility. All setback lines, property lines, easement lines, and utility lines shall be shown. Location, dimensions, and types of existing major structures on the property and location of proposed wind turbine and associated equipment shall be depicted.
3. Representations, dimensioned and to scale, of the proposed premises-use wind energy system including, but not limited to, tower foundations, guy anchors, cable locations, associated equipment or structures, fencing, electrical distribution infrastructure, and areas of clearing.
4. Elevation plans showing the complete proposal at a scale appropriate to accurately portray the proposed facility.
5. Existing areas of tree cover, including average height of trees, on the site parcel and adjacent parcels within 300 feet.
6. Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
7. Tower foundation blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.
8. Tower blueprint or drawing signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.

C. Photos of relevant equipment associated with the facility, including but not limited to buildings, antennas, and other equipment outlined in the pre-application meeting.

D. Visualizations. The SPGA shall select between three and six sight lines, including from the nearest building with a view of the wind facility, 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 wind facility and shall be depicted on a key map showing the location and perspective from which the visualization was generated. View representations shall have the following characteristics:

1. 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 wind facility (e.g. superimpositions of the wind facility onto photographs of existing views).
2. All view representations shall include existing, or proposed, buildings or tree coverage.
3. The applicant shall provide a description of the technical procedures followed in producing the visualization (distances, angles, lens, etc.).

E. Noise Study. The applicant shall submit the results of a noise analysis, establishing an ambient baseline, to the SPGA. The noise analysis shall be conducted in accordance with industry standards and certified by a qualified independent acoustical engineer.

F. Shadow and Flicker Analysis. The applicant shall conduct a shadow and flicker analysis and submit its findings to the SPGA. The applicant has the burden of proving that no shadow flicker on off-site inhabited buildings will occur. (See section 17.5.4.)

G. Any other studies, drawings, or materials deemed necessary by the SPGA.

**17.10.2 Procedure** – Upon receipt of a complete application for a Special Permit for a PUWES, the SPGA shall review and take action upon the application and hold a public hearing in accordance with Section 9 of Chapter 40A of the Massachusetts General Laws.

**17.10.3 Special Permit Approval Criteria** – After notice and public hearing, and after due consideration of the evidence submitted, the SPGA may grant a Special Permit, as allowed under Section 6.6, provided that it finds that the proposed PUWES does not derogate from the purposes and intent of this Section and the Zoning Bylaw.

**17.10.4 Independent Consultants** - Upon submission of an application for a Special Permit, the SPGA will be authorized to hire outside consultants at the expense of the applicant, pursuant to Section 53G of Chapter 44 of the Massachusetts General Laws.

**17.10.5 Expiration** - A building permit issued pursuant to this bylaw shall expire if:

- A. The PUWES is not installed and functioning within 24-months from the date the permit is issued; or,
- B. The PUWES is abandoned as defined in Section 17.9.

**17.10.6 Violations** - It is unlawful for any person to construct, install, or operate a PUWES that is not in compliance with this bylaw or with any condition contained in a Building Permit or Special Permit issued pursuant to this bylaw. PUWES installed prior to the adoption of this bylaw are exempt.

**17.10.7 Administration and Enforcement** – This bylaw shall be administered and enforced by the Building Inspector or other official as designated. The Building Inspector may enter any property for which a building permit has been issued under this bylaw to conduct an inspection to determine whether the conditions stated in the permit have been met.

**17.10.7.1 Non-compliance** - If there is a question of compliance with a special permit, the Building Inspector has the authority to issue a cease and desist order and shall require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the PUWES should they occur and until such time as the Building Inspector has determined compliance. The Building Inspector shall request submittal of a mitigation plan outlining measures to address unforeseen adverse impacts

**17.10.7.2 Noise or Shadow Flicker Complaint** - The Shelburne Board of Health is hereby authorized to enforce Section 17.5.3 and 17.5.4 of this bylaw.

- A. Upon receipt of a noise or shadow flicker complaint, the Board of Health will make a determination as to whether a complaint warrants a study to determine compliance with 17.5.3 and 17.5.4.
- B. The Board of Health will notify the Building Inspector and may hire an independent consultant, at the cost of the owner, to conduct a noise study or shadow flicker analysis.
- C. If it is determined there is a violation of 17.5.3 or 17.5.4, the Board of Health shall report this to the Building Inspector and the SPGA.
- D. Upon receipt of a report of a violation of 17.5.3 or 17.5.4 from the Shelburne Board of Health or Building Inspector, the SPGA will review the conditions of the project's special permit and propose mitigation measures to ensure compliance with 17.5.3 or 17.5.4

**17.10.7.3 Noise Study** - If required by the SPGA, the noise study shall contain sufficient information for the SPGA to determine that the PUWES noise level shall not exceed 33 dB(A), or in locations where the ambient noise level is 28 dB(A) or less the noise impact from the PUWES shall not be greater than a 5 dB(A) increase, at any property boundary and the nearest inhabited residence.

- A. In completing the noise analysis, the acoustical engineer shall consider the unique topography of the surrounding area, prevailing wind direction and atmospheric conditions, such as high wind shear or thermal inversion that may affect the prorogation of sound emitted from the PUWES. The noise analysis shall also include an analysis and discussion of the anticipated impacts of low frequency noise emitted from the PUWES.
- B. Noise Equipment Standards - All sound level measurement equipment must comply with the following standards:
  1. Sound level meters used must be ANSI Type 1. ANSI Type 2 meters are not acceptable. Equipment meeting similar applicable ISO or IEC standards is also acceptable.
  2. Consultants must provide the model and make of the sound level meter for the final report.
  3. The sound level meter must have been field-calibrated using an ANSI Type 1 calibrator that has accuracy traceable to the National Institute of Standards and Technology (NIST).
  4. The sound level meter must have been calibrated by a certified laboratory no more than 24 months prior to the date the acoustic study was conducted.

**17.10.8 Penalties** - Any person who fails to comply with any provision of this bylaw or a permit issued pursuant to this bylaw shall be subject to enforcement and penalties as allowed by applicable law.

## 17.11 MODIFICATIONS

All minor modifications (excluding routine repairs and maintenance) to a PUWES made after issuance of a Special Permit, shall require approval by the Building Inspector. Minor modifications do not include increases to the physical size or capacity of the PUWES. All major modifications, such as increases to the physical size or capacity of the system, shall require a special permit issued by the SPGA.

## 17.12 WAIVER OF COMPLIANCE

Waivers may be granted from any of the Special Permit application requirements at 17.10.1. Requests for a waiver shall be discussed at the pre-application conference and submitted to the SPGA in a separate letter accompanying the application. The waiver request shall be noticed publicly in the public hearing notice to consider the application. The reasons for granting a waiver shall be stated in the SPGA's decision. In granting such modification or waiver, the SPGA may impose conditions it deems necessary to protect the public interest.

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**ARTICLE 36.** To see if the Town will vote to amend the following sections of the Town of Shelburne, Massachusetts, Zoning By-Law as follows:

**Section 4.3 TABLE OF USE REGULATIONS**—add the following new section to the table:

<b>ENERGY GENERATION USES</b>	<b><u>RA</u></b>	<b><u>VR</u></b>	<b><u>VC</u></b>	<b><u>C</u></b>	<b><u>I</u></b>	<b><u>See</u></b>
Premises-Use Wind Energy Systems	SP	SP	SP	SP	SP	Sec. 17
Solar panel systems for premises use	Y	Y	Y	Y	Y	
Commercial electric generating facilities	SP	SP	SP	SP	SP	
Coal fired electric generating facilities	N	N	N	N	N	
Nuclear powered electric generating facilities	N	N	N	N	N	
Wind powered electric generating systems not covered in Section 17	N	N	N	N	N	

**Section 5.2 DIMENSIONAL SCHEDULE**—add the following footnote:

Dimensional Schedule <sup>(e)</sup>:

(e) Setbacks and height restrictions for a PUWES are described in Section 17.5.2.