



# **Town of Rehoboth Town Warrant**

**Special Town Meeting**  
**Monday, May 12, 2014**  
**7:00 PM**

**Annual Town Meeting**  
**&**  
**Annual Meeting of the**  
**Rehoboth Water District**  
**Monday, May 12, 2014**  
**7:30 PM**

**Dighton Rehoboth Regional High School**  
**High School Auditorium**  
**2700 Regional Road**  
**North Dighton, MA**

**THE REHOBOTH BOY SCOUTS WILL BE COLLECTING  
NON-PERISHABLE FOOD ITEMS AT THE SPECIAL TOWN  
MEETING FOR THE REHOBOTH FOOD PANTRY**

Dear Fellow Citizens:

The Board, starting in January initiated the Annual Town Meeting Warrant and budget preparation work. The enclosed Town Meeting Warrants and the FY15 Budget illustrate a collaborative effort between the Board of Selectmen, town department heads, boards, committees and citizens. Based on this input we are pleased to present to you essentially a level funded budget.

It should be noted that the Board has started collective bargaining discussions with each of the five (5) unions but has not yet reached any settlement agreements. Therefore, with the exception of contractually required "step increases" or other salary adjustments, all salary line items both union and non-union, are being recommended for level funding.

The budget is based on a zero based budgeting model and reflects a spending plan with expenses on the operational side only being increased due to increases to fixed costs such as health insurance, pensions, utilities and fuels such as gasoline, diesel, and the cost of electricity.

The Budget as proposed by the Board of Selectmen is requesting Town Meeting to approve the hiring of two (2) employees in the Highway Department to help restore staffing levels which suffered reductions during the economic downturn several years ago.

We are pleased to present again, a non-override budget, a spending plan what will provide for town-wide operations within our ability to pay, without the use of non-recurring revenues.

Also, while all Articles in the Warrant are very important to the operations of the Town and to you as taxpayer, we want to highlight a few of the Articles in the Annual Town Meeting Warrant.

First, Article 11: "Updates to the Zoning Bylaws." The Zoning Bylaw Review Committee has been meeting with Town Counsel since last summer to review our current Zoning Bylaws and make recommendations to Town Meeting. These revisions are mostly "edits" to bring the Bylaws into compliance with the Laws of the Commonwealth. A complete set of the revisions are attached to this Warrant and can be viewed on the Town's web site ([www.town.rehoboth.ma.us](http://www.town.rehoboth.ma.us)). The Board is hopeful Town Meeting with your support of Article 13 would fund a more detailed zoning analysis of the Route 44 corridor.

Second, Article 20: "Allocation of Pilot Agreement Revenues for Capital Building Improvements." The Town is in critical need to develop a plan to address our deteriorating public buildings. This article, if approved, would provide a mechanism to channel all recurring revenues from solar installations, including all expenses related to permitting and personal property taxes into a dedicated fund that would support the Town's Capital Building needs. This is a non-override, budget natural use of recurring revenue as a financial solution to addressing a long term and important critical need.

Third, Town Meeting will be asked to approve several land donations. The first is Article 21, a donation of the Anawan Rock from the Rehoboth Antiquarian Society. Second, is Article 24, a donation of land at 215 Moulton Street. This is a 2.12 acres parcel of unbuildable land that would come under the jurisdiction of the Conservation Commission. Third, is Article 25 a donation of approximately 11.96 acres at 26 South Old Anawan Street, which is mostly unbuildable land directly adjacent to land currently under the jurisdiction of the Rehoboth Housing Authority.

The Board of Selectmen urges all voters to attend the Annual Town Meeting on Monday, May 12, 2014 at 7:30p.m. at the Dighton Rehoboth Regional High School auditorium and participate and contribute to that meeting as informed voters.

Michael R. Costello, Chairman  
Frederick E. Vadnais, Jr., Vice Chairman  
Joseph M. Tito, Clerk  
Susan M. Pimental, Member  
David A. Perry, Jr., Member

Dear Fellow Residents,

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Each year the Finance Committee works collaboratively with the Board of Selectmen, other elected officials, department heads, and committee chairs to bring a balanced budget to Town Meeting for your consideration and action. The attached Finance Committee's recommendation reflects this collaborative process and offers an operating budget that allows Town departments to deliver services to our residents while living within our means. The FY 2015 recommended operating budget is funded completely from anticipated revenue sources, which preserves Free Cash to be used to fund the capital needs of our Town. The Finance Committee and Town Accountant continue to exercise a conservative approach in estimating our revenue sources for FY2015.

As has been the practice over the past several years, the zero-based budgeting process was used to prepare the FY2015 operating budget. Zero-based budgeting requires a thorough review of the underlying assumptions used to create the budget and insures each town department has the resources it needs to effectively serve the residents during the current budget cycle. This process also preserves the maximum amount of revenue to fund capital needs while preserving the Town's Stabilization Account for unforeseen emergencies.

We continue our struggle to maintain a balance between providing services to our residents with the ever-increasing demands of the Dighton-Rehoboth Regional School District (DRRSD). In FY2014 approximately 64% of the total Town of Rehoboth budget was allocated to education, of which \$13,319,963 was provided to DRRSD and \$266,390 went towards vocational / technical tuition and to the Bristol Agricultural High School. This year the DRRSD assessment to Rehoboth totals \$15,275,292; a \$1.98 million increase. (Note: The \$1.98 million increase does not include the \$2.8 million roof repair project at DL Beckwith Middle School which was approved by the voters on April 7, or the proposed massive athletic complex project recently approved by the School Committee)

Rehoboth is the birthplace of public education. Since 1643 residents of Rehoboth have demonstrated their commitment to fund public education for our children, and over the years our children and our property values benefited from this support. However, the existing Regional School Agreement is outdated and places an untenable and unsustainable burden on the citizens of Rehoboth. We urge the Rehoboth members of the Regional School Committee to take immediate action on two fronts. First, renegotiate the Regional School Agreement to insure Central Office and Districtwide expenses are shared equitably between towns. This alone would provide an additional \$225,000 to be allocated to the Rehoboth K-8. Second, we urge the School Committee to require the Administration to use zero-based budgeting in developing the operating budget. The DRRSD administration utilizes the traditional government approach to budgeting which takes the prior year's appropriations as a starting point and proposes increases from there. This results in less transparency and less money making it into the classrooms. It is time for the School Committee to challenge every expense line and every assumption, and hold the administration accountable for delivering quality education at a price the average citizen can afford.

The Finance Committee respectfully requests you support the FY 2015 Budget and Article 19 (Capital Building Improvements), as presented in the ATM Warrant and also ask for your support of Article 4 (Capital Budget) and Article 5 (Appropriation to Capital Improvement Fund) in the STM Warrant so we may continue to address the today's capital needs while planning for the future.

Respectfully submitted on behalf of the Finance Committee,  
Gerald V. Schwall, Vice Chair  
Michael P. Deignan, Chairman  
Kelly Hamilton-Welzel, Clerk  
Colleen Simpson, Member  
George Solas, Member

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# WARRANT FOR SPECIAL TOWN MEETING OF MAY 12, 2014

THE COMMONWEALTH OF MASSACHUSETTS

Town of Rehoboth

Bristol, ss

To any of the Constables of the Town of Rehoboth

Greetings:

In the name of the Commonwealth of Massachusetts you are required to notify and warn the inhabitants of the Town aforesaid who are qualified to vote in Elections and Town Affairs, therein, to meet in the Dighton Rehoboth Regional High School, on Monday, May 12, 2014 to act on the following Special Town Meeting articles:

## ARTICLE 1: FY 2014 BUDGET ADJUSTMENTS

SUBMITTED BY: BOARD OF SELECTMEN

To see if the Town will vote to transfer from available funds the sum of \$78,465 to increase the following budget line items for Fiscal Year 2014, or take any other action relative thereto.

<u>Amount</u>	<u>Into Line</u>	<u>Line Name</u>
\$40,672	011513-53060	Town Counsel
\$23,000	014273-54111	Gasoline
\$13,000	014273-54120	Diesel
<u>\$1,793</u>	014243-52110	Streetlights
\$78,465		

\_\_\_Approve \_\_\_Disapprove

Finance Committee Recommendation at Town Meeting

### Comments:

**Town Counsel:** The amount requested will compensate Town Counsel through the end of the Fiscal Year 2014 at a rate of \$5,000 per month plus an additional amount to pay for outstanding litigation outside the scope of his Contract with the Town. The total estimated amount due to Town Counsel is \$19,500. The Town is holding bills for Special Town Counsel in the matter of REPAC v. Rehoboth in the amount of \$17,172.16 with an additional \$4,000 estimated until June 30<sup>th</sup>.

**Gasoline & Diesel:** All utility accounts have been stressed due to the long hard and cold winter. The price of gasoline and diesel changes according to the markets. The FY15 budget reflects an increase in the requested appropriations to avoid in future a request from Special Town Meeting.

**Streetlights:** This cost reflects the distribution, generation, and maintenance of all the Town's streetlights due to unforeseen increases in the cost of electricity, \$1,793 is being requested to balance the FY14 budget.

## ARTICLE 2: SNOW AND ICE DEFICIT

SUBMITTED BY: BOARD OF SELECTMEN

To see if the Town will vote to transfer from available funds the sum of \$155,494.21 into line item #014233-52930 Snow Removal to fund expenses incurred in FY2014, or take any other action relative thereto.

\_\_\_Approve \_\_\_Disapprove

Finance Committee Recommendation at Town Meeting

**Comments:** This winter was one of the most extreme in recent memory with near record snow fall amounts and frequency. Below normal temperatures has caused havoc to our roads and streets. The annual appropriation for snow removal was estimated to be \$200,000 for the current fiscal year. This overage in addition to the original appropriation reflects the total cost of snow removal town-wide.

**ARTICLE 3: PAY PREVIOUS POLICE DETAILS****SUBMITTED BY: BOARD OF SELECTMEN**

To see if the Town will vote to transfer from available funds the sum of \$2,662.90, into line item #89-25701 Police Details to reimburse the Town for uncollectible police detail expenses incurred in prior years, or take any other action relative thereto.

☐ Approve ☐ Disapprove

**Finance Committee Recommendation at Town Meeting**

**Comments:** Occasionally, the Police Department provides special details to private parties who fail to make payment. The amount requested would reimburse the Town for several years of those uncollectible expenses.

**ARTICLE 4: FISCAL YEAR 2014 CAPITAL BUDGET****SUBMITTED BY: BOARD OF SELECTMEN**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purposes of funding the FY14 Capital Improvement Plan as follows, or take any other action relative thereto.

	<u>Description</u>	<u>Purchase Price</u>	<u>Department</u>
Item #1	Emergency Generator Shed	\$ 3,584	Highway
Item #2	Ford F150 4WD Pick Up Truck	35,000	Animal Control
Item #3	Telephone System	30,000	Selectmen
Item #4	Tower and Communications Equipment	85,000	Police/Fire
Item #5	Self -Contained Breathing Apparatus	13,000	Fire
Item #6	Ford Cab & Chassis 13,000GVWR/w 8' Plow	45,000	Fire
Item #7	Municipal Fiber Loop Expansion	11,000	Information Technology
Item #8	Town Hall Server Town-wide Workstations	15,000	Information Technology
Item #9	Ford Cab & Chassis Truck w/Chipper Body	81,000	Forestry
Item #10	Voting Equipment	14,850	Town Clerk
Item #11	Purchase & Equip Five Police Vehicles	<u>218,454</u>	Police Department
<b>Total:</b>		<b>\$ 551,888</b>	

☐ Approved ☐ Disapproved

**Finance Committee Recommendation at Town Meeting**

**Comments:** Department managers will be present at Town Meeting to address any questions or concerns about this Capital Improvement request. This request is part of a 10 year Capital Improvement Plan where the residents and the Town can understand the long term capital needs of the Town and allocate the appropriate financial resources to address those needs.

**ARTICLE 5: APPROPRIATION TO CAPITAL IMPROVEMENT STABILIZATION FUND****SUBMITTED BY: BOARD OF SELECTMEN**

To see if the Town will vote to raise and appropriate or transfer the sum of \$790,509 into the Town's Capital Improvement Stabilization fund, pursuant to G.L. c. 40 section 5B, or take any other action relative thereto.

☐ Approve ☐ Disapprove

**Finance Committee Recommendation at Town Meeting**

**Comments:** Approval of this article would allocate funds into the Capital Improvement Stabilization Fund for the purposes of funding the Town's Capital Improvement Plan under Article 3 in the Annual Town Meeting Warrant.



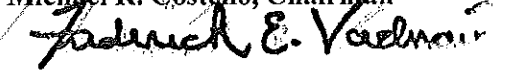
**ARTICLE 6: TRANSACT OTHER BUSINESS AS MAY LEGALLY COME BEFORE SAID MEETING**

And you are hereby directed to serve this Warrant by posting up attested copies thereof in the Office of the Town Clerk and in not less than three other public places in each of the three precincts of the Town at least fourteen (14) days before the day fixed for the meeting.

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

Given under our hands this 14<sup>th</sup> day of April in the year two thousand fourteen.

  
Michael R. Costello, Chairman

  
Frederick E. Vadnais, Jr., Vice Chairman

  
Joseph M. Tito, Clerk

  
Susan M. Pimental, Member

\_\_\_\_\_  
David A. Perry, Jr., Member

**REHOBOTH BOARD OF SELECTMEN**

# WARRANT FOR ANNUAL TOWN MEETING OF MAY 12, 2014

## THE COMMONWEALTH OF MASSACHUSETTS

Town of Rehoboth

Bristol, ss

To any of the Constables of the Town of Rehoboth

Greetings:

In the name of the Commonwealth of Massachusetts you are required to notify and warn the inhabitants of the Town aforesaid who are qualified to vote in Elections and Town Affairs, therein, to meet in the Dighton Rehoboth Regional High School, on Monday, May 12, 2014 to act on the following Annual Town Meeting articles:

### **ARTICLE 1: ANNUAL TOWN SURPLUS EQUIPMENT AUCTION AUTHORIZATION**

**SUBMITTED BY: BOARD OF SELECTMEN**

To see if the Town will vote to authorize the disposal of surplus Town equipment from any Town department by bid or auction pursuant to Massachusetts General Law Chapter 30B, or by donation or other disposition pursuant to applicable law, or take any other action relative thereto.

\_\_\_Approved \_\_\_Disapproved

**Finance Committee Recommendation at Town Meeting**

**Comments:** It is the custom of the Town to try to dispose of surplus equipment and vehicles that has been deemed unusable at least once a year. This article, if approved, would authorize the Board of Selectmen to create a list of "surplus property" and allow the Board to sell items from that list.

### **ARTICLE 2: FY2015 BUDGET RECOMMENDATIONS FROM THE FINANCE COMMITTEE**

#### **ACCEPTANCE OF REPORT**

**SUBMITTED BY: FINANCE COMMITTEE**

To see if the Town will vote to receive the Report of the Finance Committee, and to raise and appropriate or transfer from available funds the sum of \$22,150,450 to defray the expenses of the Town for the ensuing fiscal year 2015 and make all appropriations therefore, or take any other action relative thereto.

\_\_\_Approved \_\_\_Disapproved

**Finance Committee Recommendation at Town Meeting**

**Comments:** The Finance Committee will make a presentation of the FY15 Budget at Annual Town Meeting.

### **ARTICLE 3: FIRE CHIEF RETIREMENT BUY-BACK**

**SUBMITTED BY: BOARD OF SELECTMEN**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$29,801.00 to compensate the Fire Chief for sick time accrued during his thirty seven (37) years of service to the Town of Rehoboth, or take any other action relative thereto.

\_\_\_Approved \_\_\_Disapproved

**Finance Committee Recommendation at Town Meeting**

**Comments:** The Fire Chief plans to retire during the Fall of 2014. This request is to compensate him for accrued sick days not taken per his employment contract with the Town of Rehoboth.

### **ARTICLE 4: SETTLEMENT OF LAW SUITS AGAINST THE TOWN**

**SUBMITTED BY: BOARD OF SELECTMEN**

To see if the Town will vote to raise and appropriate or transfer from available funds \$45,000 for the settlement and payment of legal fees, in the required indemnification of a Rehoboth Police Officer, in the matter of Morra vs. Rehoboth and related cases; and \$63,000 in the settlement of litigation brought by the Town of Dighton against the Dighton Rehoboth Regional School Committee of which the Town of Rehoboth was named a third party, or to take any other action relative thereto.

☐ Approved ☐ Disapproved

**Finance Committee Recommendation at Town Meeting**

**Comments:** The Rehoboth Police Department was sued by Christopher Morra for an alleged illegal traffic stop. This case has been settled. However, the Board voted, by way of settlement to partially fund the indemnification of the Police Officer and this appropriation represents the Town's portion of the legal fees incurred to represent the Police Officer. The \$63,000 payment to the Town of Dighton represents a settlement of litigation which focused on a dispute over Chapter 70 funding.

**ARTICLE 5: FEASIBILITY REUSE/BUILDING SITE STUDY & IMPROVEMENTS TO THE EXISTING PUBLIC SAFETY BUILDING**

**SUBMITTED BY: BOARD OF SELECTMEN**

To see if the Town will vote to transfer from "Sale of Real Estate Account," \$355,300.00 for the purposes of funding an Owner's Project Manager and architectural/design services for the reconstruction and renovation of the Public Safety Building project or to take any other action relative thereto.

☐ Approved ☐ Disapproved

**Finance Committee Recommendation at Town Meeting**

**Comments:** Preliminary design work has been completed. Pursuant to State Law, the next step is for the Owner Project Manager (OPM) to work with the Public Safety Building Committee to select an architect. The Selectmen are asking Town Meeting to approve the release of up to \$355,300.00 from the sale of real estate account which Town Meeting previously dedicated for these purposes from the sale of the North School and the former State Police Barracks on Winthrop Street. The current balance in the account is \$503,698.

**ARTICLE 6: BP REGIONAL TECHNICAL HIGH SCHOOL STABILIZATION FUND**

**SUBMITTED BY: BOARD OF SELECTMEN**

To see if the Town will vote to approve the establishment of a Stabilization Fund pursuant to Massachusetts General Law, Chapter 71, Section 16G1/2 for the Bristol-Plymouth Regional Technical School District, or to take any other action in relation thereto.

☐ Approved ☐ Disapproved

**Finance Committee Recommendation at Town Meeting**

**Comments:** A request was received from the Superintendent of Bristol Plymouth that the Selectmen ask Town Meeting to consider establishing of a Stabilization Fund. The fund, if approved by all member communities would be used to set aside money for future capital projects. The fund is limited to five percent of the aggregate amount apportioned to the member municipalities for the preceding fiscal year. Money in the stabilization fund may be appropriated by a two-thirds vote of all of the members of the regional school district school committee.

**ARTICLE 7: TOWN HALL RECORDS MANAGEMENT PROGRAM**

**SUBMITTED BY: TOWN CLERK/COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$34,858 for the implementation of a Town Hall Records Management Program, \$17,429 to be transferred from the Historic Preservation Reserve of the Community Preservation Act (CPA) for the restoration and preservation of important historical records and \$17,429 to be funded by the Town, or to take any other action relative thereto.

☐ Approved ☐ Disapproved

**Finance Committee Recommendation at Town Meeting**

**Comments:** A study of Town Hall records, funded by the Community Preservation Committee (CPC), has determined significant work is required to sort, classify, and organize documents for retention, in accordance with the laws of the Commonwealth. King Information Systems will provide this service as it has for several surrounding towns. The records management project will include the sorting and classification of municipal records resulting in a retention, indexing, and disposal plan. Key records will be cataloged, indexed, physically stored, and digitized for electronic storage and retrieval. In short, the project will streamline the records management process and consolidate Town Hall records into a central repository at Town Hall. Implementation of the records management system will have a significant impact on the organizational efficiency of town departments.

**ARTICLE 8:           PRESERVATION OF HISTORICAL DOCUMENTS**  
**SUBMITTED BY:    TOWN CLERK/COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote to approve the sum of \$11,483 from the Historic Preservation Reserve of the Community Preservation Act (CPA) fund for the preservation and restoration of historical Town documents or to take any other action relative thereto.

☐ Approved    ☐ Disapproved

**Finance Committee Recommendation at Town Meeting**

**Comments:** Rehoboth has documents dating back to 1636 currently housed in a vault. They are in need of protection to keep them from further deterioration. Archival preservation will save them and allow public access now and for future generations. The amount requested is for 25% of the total cost. Alternative grants are being sought through the Massachusetts Preservation Projects Funds.

**ARTICLE 9:           HISTORIC GRAVESTONE CONSERVATION WORKSHOP**  
**SUBMITTED BY:    COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote to approve the sum of up to \$1,500.00 from the Historic Preservation Reserve of the Community Preservation Act (CPA) fund for the partial funding of a historic gravestone conservation workshop to enable preservation and restoration of historic graveyards and gravestones within the Town of Rehoboth, or to take any other action relative thereto.

☐ Approved    ☐ Disapproved

**Finance Committee Recommendation at Town Meeting**

**Comments:** Gravestone conservator Johnathan Appell, who previously did conservation work on the Simeon Martin box crypt, has offered to provide a two-day workshop to teach attendees basic conservation procedures and techniques. The total cost of the workshop would be \$4,850 with all materials included, and can accommodate up to 40 participants. The Cemetery Commission is offering the workshop to interested parties in nearby towns at the cost of \$300 per participant to cover the balance of the cost. Attendees will learn safe cleaning and repair techniques. A number of historic graves of veterans since the Revolutionary War will be addressed as part of the workshop.

**ARTICLE 10:         SURVEY OF BURIAL PLACE HILL, HISTORIC CEMETARY**  
**SUBMITTED BY:    COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote to approve the sum of to \$1,875.00 from the Historic Preservation Reserve of the Community Preservation Act (CPA) fund for the Survey of the Burial Place Hill, Historic Cemetery #33, said survey being essential for the preservation of this historical resource, or to take any other action relative thereto.

☐ Approved    ☐ Disapproved

**Finance Committee Recommendation at Town Meeting**

**Comments:** Last year the CPC funded the preservation of the historic Simeon Martin box crypt at Burial Place Hill cemetery. Several notable Rehoboth residents are buried there. The Cemetery Committee has recognized Burial Place Hill as a property of significant historic value and is seeking to apply for inclusion on the National Register of Historic Places. Surveying and recording the property is the first step in the registration process.

**ARTICLE 11:         UPDATES TO CHAPTER E – ZONING BYLAWS**  
**SUBMITTED BY:    BOARD OF SELECTMEN**

To determine whether the Town will vote to adopt revisions to Chapter E – Zoning Bylaws as shown in **Appendix A** to this warrant, or to take any other action relative thereto.

☐ Approved    ☐ Disapproved

**Finance Committee Recommendation at Town Meeting**

**Comments:** On Monday, May 13, 2013 the Annual Town Meeting approved an appropriation of \$25,000 for the Selectmen to hire an attorney to work with the Zoning Bylaw Review Committee to update the Town's Zoning Bylaws and to bring them into compliance with the laws of the Commonwealth. *To view a copy of the red-line version of the Zoning Bylaw changes, go the Town of Rehoboth Website at [www.town.rehoboth.ma.us](http://www.town.rehoboth.ma.us) where you will find a copy under "News & Announcements".*

**ARTICLE 12: ESTABLISH NEW GENERAL BYLAW, "CHAPTER N WELFARE OF DOGS & CATS"**  
**SUBMITTED BY: BOARD OF SELECTMEN**

To see if the Town will vote to approve a new General Bylaw, Amendment-Addition of "**CHAPTER N WELFARE OF DOGS AND CATS,**" as follows:

"We the citizens of Rehoboth acknowledge we collectively have an obligation to provide for the general welfare of all cats and dogs within our Town. It is our duty to ensure that we not only guard against cruelty and inhumane treatment, but live by standards that prevent the lesser crimes of neglect. It is our goal to be proactive and educate all dog and cat owners of the legal responsibilities of ownership.

Accordingly, no person shall treat a dog or a cat in a cruel or inhumane manner. This Bylaw shall be enforceable in equity or via non-criminal disposition under G.L. c. 40, §21D. The fine penalty schedule, which is be administered by Rehoboth Animal Control Officer is as follows:

First Offense – Verbal and written warning

Second Offense – \$50 (fifty dollar) fine

Third Offense – \$100 (one hundred dollar) fine

Offenses may also be reported to MSPCA, MA Department of Animal Welfare, and/or Boston Animal Rescue League for review and possible enforcement.", or take any other action relative thereto

\_\_\_Approved \_\_\_Disapproved

**Finance Committee Recommendation at Town Meeting**

**Comments:** This bylaw is necessary for the protection of the Town of Rehoboth's dogs and cats' population to safeguard their health and welfare.

**ARTICLE 13: REVIEW & RECOMMEND UPDATES TO THE ZONING BYLAWS – ROUTE 44, FUND CONSULTANT**

**SUBMITTED BY: BOARD OF SELECTMEN**

To determine whether the Town will vote to raise and appropriate or transfer from available funds a sum \$25,000 to be expended by the Board of Selectmen to engage professional and qualified consultant(s), planners and or attorneys to review, recodify and make recommendations to revise the Rehoboth Zoning Bylaws, regarding possible revisions to the Zoning Bylaws along Rte. 44 from Seekonk to Dighton, any revisions require approval of Town Meeting, or to take any other action relative thereto.

\_\_\_Approved \_\_\_Disapproved

**Finance Committee Recommendation:\_\_\_\_\_**

**Comments:** If approved by Town Meeting this article would be the next step in updating the Town's Zoning Bylaws. It would authorize the Board of Selectmen to engage the services of special legal counsel or others with expertise in zoning to review and make recommendations to Town Meeting to update the Town of Rehoboth's Zoning Bylaws.

**ARTICLE 14: GOFF MEMORIAL HALL REHABILITATION**

**SUBMITTED BY: COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote to appropriate the sum of \$165,000 from the budgeted reserve of the Community Preservation Act (CPA) fund for the rehabilitation of the facilities at Goff Memorial Hall, said structure having been determined to be significant in the history, archeology, architecture or culture of the town, or take any other action relative thereto.

\_\_\_Approved \_\_\_Disapproved

**Finance Committee Recommendation:\_\_\_\_\_**

**Comments:** Rehoboth Antiquarian Society city is seeking funds of 50% of the proposed cost of improving the restroom facilities at Goff Memorial Hall and Blanding Public Library which currently do not meet ADA standards. The facilities will be part of an addition to the building, and all exterior work must meet Historic Preservation guidelines as well. The CPC supports this project as an important benefit to the community in a historic building which offers so much to the Town.

**ARTICLE 15: TEMPORARY/PERMANENT CONSTRUCTION EASEMENTS WHEELER STREET BRIDGE AREA**

**SUBMITTED BY: BOARD OF SELECTMEN**

To see if the Town will vote to authorize the Board of Selectmen to acquire, purchase, or take by eminent domain temporary construction or permanent easements related to the Wheeler Street Bridge Reconstruction Project as shown and identified on a plan entitled "Massachusetts Department of Transportation Highway Division, Plan and Profile of Wheeler Street (Bridge No. R-04-002), in the Town of Rehoboth, Bristol County, Preliminary Right of Way, 25% Submission," dated April 8, 2014 prepared by Greenman-Pedersen, Inc. (GPI) as revised or amended, which will be delivered to the Town Clerk's Office fourteen days before the date of the Town Meeting; and to raise and appropriate a sum of money, if necessary, to fund said acquisition or temporary taking along with all legal costs associated therewith, or take any other action in relation thereto.

    Approved     Disapproved

**Finance Committee Recommendation at Town Meeting**

**Comments:** As part of the Wheeler Street Bridge reconstruction project the Commonwealth and the Federal Highway Administration are asking for temporary construction easements to be secured from four (4) property owners. Town Meeting must approve these easements which will allow contractors to stage equipment on public and private properties.

**ARTICLE 16: TRASH CONTAINER BYLAW-AMEND GENERAL BYLAW CHAPTER B**

**SUBMITTED BY: BOARD OF SELECTMEN**

To see if the Town will vote to amend its General Bylaw, "Chapter B, Protection of Persons and Property, Article I, Motor Vehicles and Public Ways, Section 7," to include at the end of the last sentence, "including any metal trash containers (excepting temporary placement for trash pick-up) within the Right of Way of the Town.", or to take any other action in relation thereto.

    Approved     Disapproved

**Comments:** It came to the attention of the Board of Selectmen that the placement of large metal trash containers within the Town's right of way creates a public health and safety hazard as well as an eye sore. Adoption of this addition to the Town's General Bylaws will discontinue this practice and would be enforced by the Police Department.

**ARTICLE 17: SPEED LIMIT PALMER RIVER-AMEND GENERAL BYLAW CHAPTER B**

**SUBMITTED BY: BOARD OF SELECTMEN**

To see if the Town will vote to amend Chapter B, Protection of Persons and Property of the General Bylaws by adding:

**"ARTICLE IX TOWN WATERWAYS**

Section 1. No person or persons shall operate a motorized water craft or any other recreational equipment or vessel of any kind on the Palmer River in excess of five (5) miles per hour. This Bylaw may be enforced by the Harbormaster in equity; or via non-criminal disposition pursuant to G.L. c 40, §21D, with each offense to carry a fine of \$20.00 per section 33 of ARTICLE 1."

Or take any other action relative thereto

    Approved     Disapproved

**Comments:** The Harbormaster posted sections of the Palmer River that speeds are not to exceed 5 miles per hour. However, in order to enforce this speed limit the Town must adopt a local Bylaw outlined above.

**ARTICLE 18: AMEND BYLAWS PROHIBITING PLACEMENT OF SNOW WITHIN ROADWAY**

**SUBMITTED BY: BOARD OF SELECTMEN**

To see if the Town will vote to amend its General Bylaw, "Chapter B, Protection of Persons and Property, Article I, Motor Vehicles and Public Ways, Section 7", second sentence, after the word manure, by inserting the word "snow," or to take any other action in relation thereto.

\_\_\_Approved \_\_\_Disapproved

**Comments:** It came to the attention of the Board of Selectmen that residents occasionally shovel, plow or snow-blow snow into the public way. Adoption of this addition to the Town's General Bylaws will discontinue this practice and would be enforced by the Police Department.

**ARTICLE 19: ALLOCATION OF SOLAR PILOT AGREEMENT REVENUES FOR CAPITAL BUILDING IMPROVEMENTS**

**SUBMITTED BY: BOARD OF SELECTMEN**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation providing for particular treatment of "Solar Farm" tax revenues and creating a special capital fund to be funded by such revenues from the Capitalization Stabilization Fund and/or from "Solar Farm" revenues including permitting and annual revenues from "Pilot" agreements negotiated, all as set forth below; provided, however, that the General Court may make clerical and editorial changes to the form only to the bill unless the Board of Selectmen approves amendments to the bill prior to enactment, and to authorize the Board of Selectmen to approve such amendments as are within the public purposes of the petition, or take any other action relative thereto. **(See Appendix B)**

\_\_\_Approved \_\_\_Disapproved

**Finance Committee Recommendation at Town Meeting**

**Comments:** As more and more solar installations are approved the revenues to the Town from these facilities are unanticipated and programmed at this point, and revert by law reverts to the town's General Fund. If approved, revenues from solar installations would be deposited into a dedicated fund to offset bond anticipation notes for the renovation and reconstruction of the Public Safety Building and Town Hall. This approach would allow the projects to move forward within the levy limit and avoid the future need for a proposition two and half override.

**ARTICLE 20: ACCEPT ANAWAN ROCK PARCEL OF LAND FROM THE REHOBOTH ANTIQUARIAN SOCIETY**

**SUBMITTED BY: HISTORICAL COMMISSION/BOARD OF SELECTMEN**

To see if the Town will authorize the Board of Selectmen to accept as a gift of land from the Rehoboth Antiquarian Society a parcel of land described as follows: The land in Rehoboth, Massachusetts lying off the southerly side of Winthrop Street, with all the improvements thereon, bounded and described as follows:

Beginning at the southwesterly corner of the described premises; thence by the following six courses bounded by land owned by the Town of Rehoboth Historical Commission; N 5° 24' 52" W 203.91 feet to a corner, N 74° 09' 00" E 198.67 feet to a corner, S 7° 48' 00" W 136.05 feet to a turn, S 34° 16' 00" W 104.91 feet to a turn, S 45° 42' 08" W 40.65 feet to a turn, and S 88° 04' 46" W 59.74 feet to the point of beginning.

Being the same premises conveyed to the Trustees of the Rehoboth Antiquarian Society by Lydia Pratt in a deed dated June 27, 1894 recorded in Deed Book 517, Page 508 in the Bristol County Northern District Registry of Deeds.

Being shown as a parcel labeled "Anawan Rock Rehoboth Antiquarian Society 517/508 (with Right of Way)" in Plan Book 490, Page 66 recorded in said Registry of Deeds.

Said acceptance is subject to the restriction that the property shall be used only for passive recreational and open space use for the benefit of the public.

The said parcel is to become part of the Anawan Rock Historic Park under the control of the Rehoboth Historical Commission, and to raise and appropriate or transfer the sum of \$500.00 for expenses incidental thereto, or take any other action relative thereto.

\_\_\_Approved \_\_\_Disapproved

**Finance Committee Recommendation at Town Meeting**

**Comments:** Last year's Annual Town Meeting approved a gift of land adjacent to the Anawan Rock from Thomas and Elizabeth Charnecki. This donation from the Antiquarian Society enlarges the site which may become known as the "Anawan Rock Historic Park."

**ARTICLE 21: “PILOT” AGREEMENT FOR A LARGE SOLAR ARRAY AT FORMER LANDFILL**  
**SUBMITTED BY: BOARD OF SELECTMEN**

To see if the Town will vote in accordance with G.L. Chapter 59, Section 38H to authorize the Board of Selectmen to enter into a “Payment in Lieu of Taxes” Agreement with BlueWave Capital, LLC or its assign for a period of up to twenty (20) years, and to approve said agreement under which BlueWave Capital, LLC or its assignee will pay the Town a sum of money per year relative to an 18 acre +/- portion of the parcel of land located at 60, Martin Street, Rehoboth, MA related to the proposed construction and operation of a Large-Scale Ground Mounted Solar Photovoltaic Installation with an expected nameplate annual capacity of approximately 2.1 megawatts, said PILOT Agreement being on file in the Town Clerk’s Office, and further to allow the Board of Selectmen to negotiate any amendments necessary to said PILOT Agreement to reflect any changes in the size of the parcel of land or size of the system so long as the payments reflected in the PILOT Agreement rise or lower commensurately, or to take any other action relative thereto.

     **Approved**         **Disapproved**

**Finance Committee Recommendation at Town Meeting**

**Comments:** The Town sought and received three proposals for the siting of a large solar array installation on the former landfill. After careful review the Selectmen designated BlueWave Capital, LLC, as the preferred developer of the site. A lease of the property has been negotiated. This article is the next and final step allowing BlueWave Capital, LLC to start construction. Further, the article authorizes the Board of Selectmen to negotiate a tax payment agreement in conjunction with the Board of Assessors with BlueWave Capital, LLC for the siting and installation of a wide array solar electric power generating facility. This Agreement, once negotiated is estimated to yield for the Town approximately \$93,000 annually for the Town.

**ARTICLE 22: ESTABLISHMENT OF AGRICULTURAL COMMISSION REVOLVING ACCOUNT**  
**SUBMITTED BY: AGRICULTURAL COMMISISON**

To see if the Town will vote to establish a revolving account pursuant to G.L. Chapter 44, §53E½, into which monies received by the Agricultural Commission are deposited, and to accept revenues from the Commonwealth and from the Massachusetts Association of Districts, to be deposited into said account, from which the Agricultural Commission shall expend funds with the approval of the Board of Selectmen, not to exceed \$7,500 or take any other action relative thereto.

     **Approved**         **Disapproved**

**Finance Committee Recommendation at Town Meeting**

**Comments:** The funds would be used for workshops, farm tours, meeting support, website updates, printing and further support.

**ARTICLE 23: BARNEY AVENUE PAYMENT IN LIEU OF TAXES “PILOT” AGREEMENT**  
**SUBMITTED BY: BOARD OF SELECTMEN**

To see if the Town will vote in accordance with G.L. Chapter 59, Section 38H to authorize the Board of Selectmen to enter into a “Payment in Lieu of Taxes” Agreement with BlueWave Capital, LLC or its assign for a period of up to twenty(20) years, and to approve said agreement under which BlueWave Capital, LLC or its assignee will pay the Town a sum of money per year relative to a 4.0 acre +/- portion of the parcel of land located at 116 Barney Avenue, Rehoboth, related to the proposed construction and operation of a Large-Scale Ground Mounted Solar Photovoltaic Installation with an expected nameplate capacity of approximately two and four-tenths (2.4) megawatts, said PILOT Agreement being on file in the Town Clerk’s Office, and further to allow the Board of Selectmen to negotiate any amendments necessary to said PILOT Agreement to reflect any changes in the size of the parcel of land or size of the system so long as the payments reflected in the PILOT Agreement rise or lower commensurately, or to take any other action relative thereto.

     **Approved**         **Disapproved**

**Finance Committee Recommendation at Town Meeting**

**Comments:** Blue Wave Capital, LLC, pursuant to the Town’s Bylaws filed an application and received approval from the Planning Board for the installation of a large-scale ground mounted solar installation at 116 Barney Avenue. This article would authorize the Board of Selectmen to negotiate a tax payment agreement in conjunction with the Board of Assessors and Blue Wave Capital, LLC for the siting and installation of a wide array solar electric power generating facility. This Agreement is similar to the Tremont installation which is yielding approximately \$29,000 annually for the Town.



**ARTICLE 24:           ACCEPT DONATION OF LAND AT 215 MOULTON STREET**  
**SUBMITTED BY:    BOARD OF SELECTMEN**

To see if the Town will vote to authorize the Board of Selectmen to accept a deed and donation for a parcel of land, consisting of approximately 2.12 acres more or less, known as 215 Moulton Street, Rehoboth, MA 02769 in Rehoboth, Massachusetts being shown on a plan as Lot Number Two (2) on plan entitled: "'Lots Owned by Frank Ferreira, Jr. in Rehoboth, Massachusetts, E. Otis Dyer, Surv'R, Rehoboth, Mass Scale 1" – 100' March 24, 1985", which said plan is recorded with the Bristol County Northern District Registry of Deeds in Plan book 219 at Page 72 on April 5, 1985 at 10:22 am, said land to fall under the care and custody of the Conservation Commission, and to authorize the appropriation of \$500 to pay for expenses that may arise, such acceptance being subject to conveyance in fee of said parcel by the owner(s) at no cost to the owner(s), or to take any other action relative thereto.

  Approved    Disapproved

**Comments:** The Town was approached by Anna Pavao a resident of Rehoboth who is offering to convey to the Town approximately 2.12 acres of land which has been determined to be unbuildable and mostly wetlands.

**ARTICLE 25:           ACCEPT DONATION OF LAND AT 26 SOUTH OLD ANAWAN STREET**  
**SUBMITTED BY:    BOARD OF SELECTMEN**

To see if the Town will vote to authorize the Board of Selectmen to accept a deed and donation for a parcel of land, consisting of approximately 11.96 acres more or less known as Assessors Map 46, Lot 8, in Rehoboth, Massachusetts being shown on a plan entitled: "South Old Anawan, #10 South Old Anawan Road, Rehoboth, MA 02769, Assessors Map 46, Lot 125," dated August 9, 2011 prepared by INSITE Engineering Services, LLC Professional Engineers and Land Surveyors and recorded with the Bristol County Registry of Deeds in Plan Book 483, Page 52, said land to be used for general municipal purposes, and to authorize the appropriation of \$500 to pay for expenses that may arise, such acceptance being subject to conveyance in fee of said parcel by the owner(s) at no cost to the owner(s), or to take any other action relative thereto.

  Approved    Disapproved

**Comments:** The Town was approached by Nanci Prairie from North Dighton who is offering to convey to the Town approximately 11.96 acres of land known as Assessors Map 46, Lot 8, which has been determined to be unbuildable and mostly wetlands. The parcel abuts land which is currently under the control of the Rehoboth Housing Authority, Assessors Plot Plan #46, Lot 5, Deed Book 3892, Page 350.

**ARTICLE 26:           STREET ACCEPTANCE: BELLA WOODS DRIVE, MEDBERRY LANE, RED FOX ROAD, AND ROUND FARM ROAD – Estimated Cost \$4,000**  
**SUBMITTED BY:    BOARD OF SELECTMEN**

To see if the Town will vote to accept as Town public ways the following roadways:

**Medberry Lane** as laid out by vote of the Board of Selectmen on 7/22/02 as shown on a plan: approved by the Rehoboth Planning Board on July 10, 2002 designated as "Medberry Lane, Rehoboth, MA / As Built Acceptance Plan" by Miller Engineering, 21 Brook Street, Seekonk, MA 02771 dated June 7, 2002

**Red Fox Road** as laid out by vote of the Board of Selectmen on 3/21/05 as shown on a plan: described in the subdivision plan as approved by the Rehoboth Planning Board on March 16, 2005 designated as "As-built Plan Red Fox Road, Rehoboth, MA Red Fox Road Plan and Profile" drawn by Hayward-Boynton & Williams, Inc., 178 North Main Street, Attleboro, MA dated October 27, 2003, revised March 8, 2005

**Round Farm Road** as laid out by the Board of Selectmen on 10/9/07 as shown on a plan: prepared by Risser Engineering Company and dated November 1, 2006, entitled "As-built Plan and Profile, Stone Meadow Farm II in Rehoboth, MA" as approved by the Rehoboth Planning Board on October 3, 2007

**Bella Woods Drive** – as laid out by the Board of Selectmen on 1/13/03 as shown on a plan entitled "As-Built Acceptance Plan Bella Woods Drive, Rehoboth, Bristol County Massachusetts, Applicant: Ralph C. Bellavance, 12 Huntley Drive,

No. Attleboro, Massachusetts, Date: October 8, 2002, Scale: 1" = 40', prepared by Barry R. McGee, PLS, as approved by the Rehoboth Planning Board on December 11, 2002,

and to authorize the appropriation of \$4,000 to pay for title and other expenses that may arise, such acceptance being subject to conveyance in fee or easement of said ways and all appurtenant easements as shown on said plan, by the owner(s) at the cost to the owner(s) or the Town, or the taking of the same, and to authorize the Selectmen to accept deeds or easements, conduct takings proceedings, or take any other actions necessary to fulfill the purposes of this article, or to take any other action relative thereto.

     **Approved**         **Disapproved**

**Finance Committee Recommendation at Town Meeting**

**Comments:** The Planning Board has reviewed and has ensured all conditions for these roads have been complied with. The Board of Selectmen voted to layout the Roads. The final step in the acceptance process is for Town Meeting to vote to accept the roads as public ways and for the documents to be filed with the Bristol Country Registry of Deeds.

**ARTICLE 27:                    COMMUNITY PRESERVATION COMMITTEE BUDGET & APPROPRIATION FROM CPC FUND ANNUAL REVENUES**

**SUBMITTED BY:        COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2015 Community Preservation Budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund Estimated Annual Revenues or available funds in the amount of \$467,700 for the administrative expenses of the Community Preservation Committee, the undertaking of Community Preservation projects and all other necessary and proper expenses for the year, or take any other action relative thereto.

The areservation Committee recommends that the following amounts be appropriated or reserved from Fiscal Year 2015 Community Preservation Fund estimated annual revenues unless otherwise specified, for Fiscal Year 2015 Community Preservation purposes with each item considered a separate appropriation:

**PROPOSED FISCAL YEAR 2015 COMMUNITY PRESERVATION BUDGET**

<b>PURPOSE:</b>	<b>AMOUNT:</b>
Appropriations:	
Community Preservation Administrative Expenses	\$10,943
Reserves:	
Open Space	\$21,896
Historic Resources	\$21,896
Community Housing	\$21,896
Budgeted Reserves	\$391,069
Total FY 2015 Budget	\$467,700

     **Approved**         **Disapproved**

**Finance Committee Recommendation at Town Meeting**

**Comments:** The \$467,700 Budget is comprised of FY14 Surcharge (net of estimated abatements/exemptions) of \$178,017, plus an estimated 23% FY2015 state match of \$40,944, plus the amount left over in unreserved fund balance certified by the Department of Revenue on 6/30/13 of \$248,739.

**ARTICLE 28:                    REAUTHORIZATION OF REVOLVING ACCOUNT – CONSERVATION COMMISSION**

**SUBMITTED BY:        CONSERVATION COMMISSION**

To see if the Town will vote to authorize the continued use of a revolving account pursuant to G.L. Chapter 44, §53E½, into which monies received by the Conservation Commission from Wetland Bylaw filing fees shall be deposited under the direction of the Conservation Commission. The account shall be for expenditures related to administration and enforcement of the Wetlands Bylaw, as well as other legitimate Conservation Commission activities, i.e. management of conservation land, for the purpose of environmental public benefit, open space acquisitions and/or protection and essential functions of the Conservation Commission, from which the Conservation Commission shall expend funds not to exceed

\$75,000 in any fiscal year, and to further provide that the monies remaining in the fund at the end of the Fiscal Year 2013 be carried over into Fiscal Year 2015, or take any other action relative thereto.

☐ Approved ☐ Disapproved

**Finance Committee Recommendation at Town Meeting**

**Comments:** When fees are received by the Conservation Commission they are deposited into a dedicated account and are used for the administration of the Wetlands Protection Act.

**ARTICLE 29: RE-AUTHORIZE REVOLVING FUND FORESTRY DEPARTMENT**

**SUBMITTED BY: TREE WARDEN**

To see if the Town will vote to reauthorize a revolving account pursuant to MGL Chapter 44, §53E½ into which monies received by the Town from insurance reimbursements, donations, court restitution/civil action, gifts and/or State funds provided or received for forestry purposes shall be deposited under the direction of the Tree Warden. The account shall be for the replacement of damaged trees and/or landscaping materials and for all expenses incidental and related, from which the Tree Warden shall expend funds not to exceed \$10,000.00 in any fiscal year, or take any other action relative thereto.

☐ Approved ☐ Disapproved

**Finance Committee Recommendation at Town Meeting**

**Comments:** Reauthorization of this revolving fund is included in the Warrant each year. If funds are received by the Town for forestry related expenses this allows the Town to accept those funds and authorizes the Tree Warden expend those funds.

**ARTICLE 30: RE-AUTHORIZE REVOLVING ACCOUNT – PALMER RIVER IMPROVEMENTS & HERRING REGULATION ENFORCEMENT**

**SUBMITTED BY: BOARD OF SELECTMEN**

To see if the Town will vote to reauthorize a revolving account pursuant to MGL Chapter 44, Section 53E½ into which monies collected from licensing fees, fines, and donations, as provided by Massachusetts General Law and the Town of Rehoboth Regulations for taking of River Herring shall be deposited under the direction of the Board of Selectmen. The Account shall be used for Palmer River improvements and Herring Regulation enforcement, from which the Board of Selectmen shall expend funds not to exceed \$3,500 in the fiscal year, or take any other action relative thereto.

☐ Approved ☐ Disapproved

**Finance Committee Recommendation at Town Meeting**

**Comments:** Pursuant to the laws of the Commonwealth Town Meeting must annually reauthorize this account. The amount of \$3,500 from this account for FY15 would be used for improvements to the Palmer River including if necessary the enforcement of herring regulations.

**ARTICLE 31: ACCEPTANCE OF BOARD OF HEALTH TRANSFER STATION FINANCIAL REPORT**

**SUBMITTED BY: BOARD OF HEALTH**

To see if the Town will vote to approve the financial report for the Rehoboth Transfer Station for Fiscal Year 2014 as submitted by the Board of Health, or take any other action relative thereto.

☐ Approved ☐ Disapproved

**Finance Committee Recommendation at Town Meeting**

**Comments:** This is a standard Article which provides an update regarding on landfill activities.

**ARTICLE 32: BOARD OF HEALTH TRANSFER STATION OFFSET RECEIPTS**

**SUBMITTED BY: BOARD OF HEALTH**

To see if the Town will vote to reauthorize an “offset receipts” account for the Solid Waste Handling Facility and Recycling Area and its operation pursuant to MGL Chapter 44 Section 53E. Fees collected for the use of the Solid Waste Handling Facility and Recycling Area will be deposited in this fund. The account shall be for the expenses and improvements incurred for the operation, maintenance, monitoring and/or compliance requirements of the Solid Waste

Handling Facility and Recycling Area, and the Fiscal Year 2015 expenditures shall be limited to \$140,000. All expenditures are to be authorized by the Board of Health, or take any other action relative thereto.

☐ Approved ☐ Disapproved

**Finance Committee Recommendation at Town Meeting**

**Comments:** The operation of the Transfer Station is estimated to cost \$140,000 in FY15. This is budget neutral because the receipts collected are estimated not to exceed \$140,000.

**ARTICLE 33: TRANSFER OF ROLLBACK TAXES TO AGRICULTURAL TRUST FUND**  
**SUBMITTED BY: AGRICULTURAL & NATURAL RESOURCES PRESERVATION COUNCIL**

To see if the town will vote to transfer the amount of \$50,344.00 from available funds to the Agricultural Trust Fund or take any other action relative thereto.

☐ Approved ☐ Disapproved

**Finance Committee Recommendation at Town Meeting**

**Comments:** The Town originally funded the Agricultural Trust Fund with appropriations in the first two years of the Council's existence. At its inception the Council believed that monies paid when land was removed from Chapter 61, causing that land to no longer be held as agricultural land, forest, or recreational open space, should be added to the Trust Fund for the purpose of preserving other lands of agricultural or natural resource importance. The Council continues that mission and needs continued funding to work with all Town conservation interests. The amount requested is the sum of the rollback taxes for FY2012 and FY2013.

**ARTICLE 34: ACCEPTANCE OF REPORT OF REHOBOTH AMBULANCE COMMITTEE**  
**SUBMITTED BY: REHOBOTH AMBULANCE COMMITTEE**

To see if the Town will vote to receive the report of the Rehoboth Ambulance Committee, or to take any other action relative thereto.

☐ Approved ☐ Disapproved

**Comments:** This is a routine article. The Chairman of the Rehoboth Ambulance Committee or his/her designee will provide an update on the activities of the Ambulance Committee since the last Annual Town Meeting.

**ARTICLE 35: ACCEPTANCE OF REPORT OF THE BLANDING PUBLIC LIBRARY**  
**SUBMITTED BY: REHOBOTH ANTIQUARIAN SOCIETY**

To see if the Town will vote to receive the report of the Blanding Library, or to take any other action relative thereto.

☐ Approved ☐ Disapproved

**Comments:** This is a routine article. The Chairman of the Rehoboth Antiquarian Society or his/her designee will provide an update on the activities of the Blanding Public Library since the last Annual Town Meeting.

**ARTICLE 36: ACCEPTANCE OF REPORT OF THE REHOBOTH HOUSING AUTHORITY**  
**SUBMITTED BY: REHOBOTH HOUSING AUTHORITY**

To see if the Town will vote to receive the report of the Rehoboth Housing Authority, or to take any other action relative thereto.

☐ Approved ☐ Disapproved

**Comments:** This is a routine article. The Chairman of the Rehoboth Housing Authority or his/her designee will provide an update on the activities of the Blanding Public Library since the last Annual Town Meeting.

**ARTICLE 37: TRANSACT OTHER BUSINESS AS MAY LEGALLY COME BEFORE SAID MEETING**

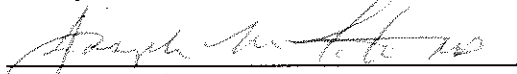
And you are hereby directed to serve this Warrant by posting up attested copies thereof in the Office of the Town Clerk and in not less than three other public places in each of the three precincts of the Town at least seven (7) days before the day fixed for the meeting.

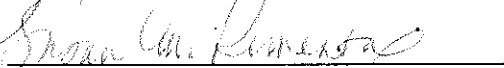
Hereof and fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of holding said meeting.

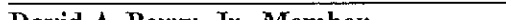
Given under our hands this 14<sup>th</sup> day of April in the year two thousand fourteen.

  
Michael R. Costello, Chairman

  
Frederick E. Vadnais, Jr., Vice Chairman

  
Joseph M. Tito, Clerk

  
Susan M. Pimental, Member

  
David A. Perry, Jr., Member

REHOBOTH BOARD OF SELECTMEN



**WARRANT**  
**ANNUAL MEETING**  
**REHOBOTH WATER DISTRICT**  
**MAY 12, 2014**

**COMMONWEALTH OF MASSACHUSETTS**

Town of Rehoboth  
Bristol, ss.

To any of the Constables of the Town of Rehoboth

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the members of the Rehoboth Water District qualified to vote in Elections and Town affairs therein, to meet in the Dighton-Rehoboth Regional High School, 2700 Regional Road, North Dighton, MA on Monday May 12, 2014 at 7:30 p.m. to act on the following article:

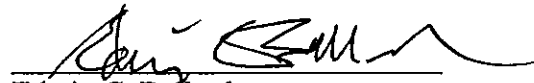
ARTICLE 1. To act on any business which may legally come before the members of the Rehoboth Water District.

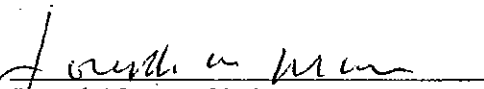
And you are directed to serve this warrant by posting up attested copies in two public places in the Town of Rehoboth seven (7) days at least before the day fixed for the meeting.

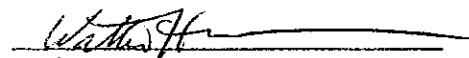
Given under our hands this twenty eighth day of February in the year two thousand fourteen.


**REHOBOTH WATER COMMISSIONERS**

  
Werner Horlbeck, Clerk

  
Edwin C. Ballard

  
Joseph Nunes, Chairman

  
Walter Munroe

  
Thomas Nicholson

**TOWN OF REHOBOTH FINANCE COMMITTEE BUDGET RECOMMENDATIONS FOR FY 2015**

Acct #	Account Name	FY 2012 APPROP	FY 2012 EXPENDED	FY 2012 APPROP	FY 2013 EXPENDED	FY 2013 APPROP	FY 2014 APPROP	FY 2015 REQUESTED	% CHG FY 2015	FINCOM	% CHG FY 2015	FOOTNOTES
							(see Note 1)	AMOUNT		RECOMMEND		
GENERAL GOVERNMENT												
1	114 1 Salary-Moderator	\$153	\$153	\$153	\$153	\$153		\$153	0.00%	\$153	0.00%	
2	121 1 Salary-Board of Selectmen	\$9	\$9	\$0	\$0	\$12,500		\$13,500	8.00%	\$13,500	8.00%	Elected official requested increase
3	122 2 Wages-Selectmen's Office	\$58,620	\$58,555	\$59,880	\$59,774	\$64,996		\$64,996	0.00%	\$64,996	0.00%	
4	122 3 Expense-Selectmen's Office	\$11,852	\$11,457	\$11,851	\$11,671	\$11,575		\$11,960	3.33%	\$11,960	3.33%	Add physicals for replacement hires
5	123 1 Salary-Town Planner/Cons Agent	\$51,893	\$51,893	\$55,362	\$55,362	\$57,023		\$59,875	5.00%	\$59,875	5.00%	Planning board voted amount
6	124 1 Salary-Town Administrator	\$94,500	\$91,804	\$95,500	\$95,500	\$97,410		\$97,410	0.00%	\$97,410	0.00%	
7	124 1 Salary-Municipal Hearing Officer	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500		\$2,500	0.00%	\$2,500	0.00%	
8	124 3 Expense-Town Administrator	\$200	\$198	\$684	\$550	\$0		\$600		\$600		
9	125 3 Contracted Services	\$52,400	\$48,523	\$48,901	\$45,810	\$52,020		\$52,122	0.20%	\$52,122	0.20%	
10	126 3 Telephone-Town	\$25,954	\$25,443	\$31,612	\$31,134	\$29,312		\$31,500	7.46%	\$31,500	7.46%	Additional cell/smartphone usage
11	127 3 Postage-Town Office	\$26,440	\$26,397	\$27,200	\$26,179	\$27,200		\$29,200	7.35%	\$29,200	7.35%	Increase in USPS rates
12	131 3 Expense-Finance Committee	\$300	\$10	\$230	\$210	\$250		\$204	-18.40%	\$554	121.60%	Additional funds for conferences
13	133 3 Reserve Fund - Fin Committee	\$125,000	\$124,513	\$100,000	\$97,226	\$125,000		\$125,000	0.00%	\$125,000	0.00%	
14	134 3 Personnel Board Expense	\$65	\$61	\$0	\$0	\$0		\$0		\$0		
15	135 1 Salary-Town Accountant	\$27,900	\$27,900	\$28,598	\$28,598	\$34,000		\$34,000	0.00%	\$34,000	0.00%	
16	135 2 Wages-Accountant Office	\$37,057	\$37,057	\$38,414	\$38,414	\$39,340		\$39,716	0.96%	\$39,716	0.96%	
17	135 3 Expense-Accountant Office	\$1,600	\$1,423	\$1,600	\$1,471	\$1,600		\$1,500	-6.25%	\$1,500	-6.25%	
18	136 1 Salary-MIS Administrator	\$0	\$0	\$0	\$0	\$0		\$0		\$0		
19	137 3 GASB45 Consultant	\$6,000	\$6,000	\$0	\$0	\$0		\$6,000		\$6,000		
20	140 3 Prof & Tech, Personal Property	\$0	\$0	\$0	\$0	\$0		\$0		\$0		Revaluation process req'd by State law
21	143 3 Prof & Tech, Tri-ennial Prop Reval	\$10,000	\$10,000	\$40,000	\$39,500	\$0		\$30,000		\$30,000		
22	141 1 Salary-Assessors' Office	\$43,071	\$43,070	\$43,717	\$44,716	\$44,591		\$44,591	0.00%	\$44,591	0.00%	
23	141 1 Salary-Board of Assessors	\$42,966	\$42,966	\$44,036	\$44,036	\$44,917		\$46,265	3.00%	\$46,265	3.00%	Elected official requested increase
24	141 2 Wages-Assessors' Office	\$35,777	\$35,707	\$37,272	\$37,272	\$38,183		\$38,193	0.03%	\$38,183	0.00%	
25	141 3 Expense-Assessors' Office	\$10,115	\$9,566	\$9,465	\$8,915	\$9,640		\$9,845	2.13%	\$9,845	2.13%	
26	144 3 Tax Title Taking & Foreclosure	\$15,500	\$14,474	\$14,300	\$13,720	\$15,960		\$15,850	-0.06%	\$15,850	-0.06%	
27	145 1 Salary-Treasurer	\$26,098	\$26,098	\$28,500	\$28,500	\$29,070		\$30,524	5.00%	\$30,524	5.00%	Elected official requested increase
28	145 1 Treasurer's Salary - Certification	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000		\$1,000	0.00%	\$1,000	0.00%	
29	145 2 Wages-Treasurer	\$37,753	\$37,748	\$38,414	\$38,413	\$39,349		\$40,741	3.54%	\$40,741	3.54%	Step increase for clerical staff
30	145 3 Expense-Treasurer	\$11,707	\$11,102	\$12,505	\$11,438	\$14,653		\$15,828	8.02%	\$15,828	8.02%	Higher toner & payroll processing costs
31	146 1 Salary-Tax Collector	\$26,098	\$26,098	\$28,500	\$28,500	\$29,070		\$30,524	5.00%	\$30,524	5.00%	Elected official requested increase
32	146 2 Wages-Tax Collector	\$36,383	\$36,382	\$37,272	\$37,272	\$38,183		\$38,902	1.88%	\$38,902	1.88%	
33	146 3 Expense-Tax Collector	\$7,708	\$6,253	\$6,995	\$5,782	\$6,950		\$6,900	-0.72%	\$6,900	-0.72%	
34	151 3 Town Counsel & Negotiation	\$127,775	\$127,775	\$157,125	\$157,125	\$100,000		\$125,000	25.00%	\$125,000	25.00%	Retainer & litigation-related expenses
35	156 3 Expense-Computer Maintenance	\$43,006	\$38,909	\$66,481	\$58,290	\$71,131		\$73,631	3.51%	\$73,631	3.51%	Increased assessor software charges
36	159 3 Municipal Audit	\$17,000	\$17,000	\$17,500	\$17,500	\$17,500		\$17,500	0.00%	\$17,500	0.00%	
37	161 1 Salary-Town Clerk	\$48,719	\$48,719	\$51,155	\$51,155	\$53,700		\$56,385	5.00%	\$56,385	5.00%	Elected official requested increase
38	195 3 Town Reports	\$5,000	\$4,325	\$4,000	\$4,000	\$4,400		\$4,000	-9.09%	\$4,000	-9.09%	
39	161 2 Wages-Clerks Office	\$35,701	\$35,700	\$36,167	\$36,167	\$37,802		\$37,802	0.00%	\$37,802	0.00%	Partial yr step incr for Asst Town Clerk
40	161 3 Expense-Town Clerk	\$4,875	\$2,658	\$4,045	\$3,726	\$3,400		\$3,790	11.47%	\$3,790	11.47%	Add'l Binding, Printing, Office supplies
41	162 2 Wages-Election	\$6,156	\$5,933	\$6,736	\$5,670	\$3,150		\$7,910	151.11%	\$7,910	151.11%	Costs for 2 add'l elections in FY15
42	162 3 Expense-Election	\$12,430	\$9,100	\$13,925	\$7,601	\$12,350		\$9,635	-21.98%	\$9,635	-21.98%	
43	163 1 Salary-Registrars	\$3,550	\$3,550	\$3,639	\$3,639	\$3,700		\$3,815	3.11%	\$3,700	0.00%	
44	163 2 Wages-Registrars	\$565	\$513	\$441	\$203	\$555		\$588	65.63%	\$588	65.63%	Costs for 2 add'l elections in FY15
45	163 3 Expense-Registrar	\$1,910	\$645	\$2,819	\$2,351	\$4,725		\$5,125	8.47%	\$5,125	8.47%	Costs for 2 add'l elections in FY15
46	164 3 Hot Meals-Election Workers	\$655	\$655	\$880	\$797	\$325		\$975	200.00%	\$975	200.00%	Costs for 2 add'l elections in FY15
TOTAL GENERAL GOVERNMENT		\$1,133,961	\$1,110,042	\$1,209,374	\$1,181,840	\$1,178,883		\$1,266,161	7.35%	\$1,266,161	7.40%	

## TOWN OF REHOBOTH FINANCE COMMITTEE BUDGET RECOMMENDATIONS FOR FY 2015

Acct #	Account Name	FY 2012 APPROP	FY 2012 EXPENDED	FY 2013 APPROP	FY 2013 EXPENDED	FY 2014 APPROP	FY 2014 REQUESTED	FY 2015 % CHG	FY 2015 FINCOM	FY 2015 % CHG	FOOTNOTES
							(see Note 1)	AMOUNT	RECOMMEND		

47	200	1	Salary-Police Chief	\$28,756	\$28,755	\$0	\$0	\$110,000	\$110,000		Selectmen plan to hire Chief this FY
48	200	1	Chief's Incentive	\$5,750	\$5,750	\$0	\$0	\$11,000	\$11,000		Budgeted amount for new hire
49	205	2	Police Compensation	\$1,819,960	\$1,811,703	\$2,004,586	\$1,993,261	\$2,061,603	\$2,061,603	3.43%	Accurate budgeting for min. manning
50	210	3	Expense-Police Dept.	\$136,739	\$123,722	\$124,780	\$102,701	\$113,990	\$141,550	24.18%	Integrate training expenses from 53
51	211	2	Wages-Dispatchers	\$202,241	\$191,616	\$218,257	\$200,191	\$229,089	\$229,550	0.20%	
52	211	3	Expense Dispatchers	\$7,500	\$6,660	\$8,666	\$8,666	\$7,500	\$7,500	0.00%	
53	212	3	Expense Training Police	\$39,000	\$36,587	\$43,678	\$43,678	\$36,100	\$0	-100.00%	
54	212	3	Lease	\$57,339	\$67,339	\$45,686	\$45,686	\$0	\$0		
55	220	1	Salary-Fire Chief	\$71,035	\$71,035	\$77,781	\$77,781	\$77,781	\$77,781	0.00%	
56	220	1	Salary-Fire Chief Vacation	\$3,925	\$3,925	\$0	\$0	\$0	\$0		
57	220	2	Wages-Fire Department	\$192,407	\$192,406	\$199,581	\$195,727	\$206,844	\$206,844	0.24%	
58	220	3	Expense-Fire Department	\$74,497	\$74,186	\$76,217	\$75,441	\$71,559	\$85,900	-7.91%	
59	221	3	Expense-Fire Pumper Lease	\$36,492	\$36,492	\$36,492	\$36,492	\$36,492	\$36,492	0.00%	
60	241	1	Salary-Building Inspector	\$48,000	\$48,000	\$54,000	\$64,000	\$55,080	\$55,080	0.00%	
61	241	1	Salary-Chief Zoning Officer	\$7,241	\$7,241	\$7,423	\$7,423	\$7,571	\$7,571	0.00%	
62	241	2	Wages-Building Inspector	\$42,410	\$42,356	\$45,064	\$45,064	\$47,462	\$47,462	0.00%	
63	241	3	Expense-Building Inspector	\$5,300	\$3,022	\$4,625	\$2,973	\$4,625	\$4,675	1.08%	
64	241	1	Certification Incentive	\$0	\$0	\$0	\$0	\$0	\$0		
65	243	2	Wages-Plumbing Inspector	\$6,000	\$3,425	\$6,000	\$3,575	\$6,000	\$6,000	0.00%	
66	243	3	Expense-Plumbing Inspector	\$1,875	\$408	\$1,100	\$388	\$1,100	\$1,100	0.00%	
67	244	1	Salary-Sealer of W & M	\$716	\$716	\$716	\$716	\$716	\$716	0.00%	
68	244	3	Expense-Sealer of W & M	\$150	\$120	\$150	\$0	\$150	\$150	0.00%	
69	245	1	Salary-Electrical Inspector	\$12,500	\$11,075	\$12,500	\$9,500	\$12,500	\$12,500	0.00%	
70	245	3	Expense-Electrical Inspector	\$3,000	\$2,959	\$3,000	\$2,294	\$3,000	\$3,000	0.00%	
71	246	2	Wages-Gas Inspector	\$6,500	\$3,725	\$6,500	\$4,400	\$6,500	\$6,500	0.00%	
72	246	3	Expense-Gas Inspector	\$2,275	\$620	\$850	\$685	\$850	\$850	0.00%	
73	247	2	Wages-Mechanical Inspector	\$750	\$25	\$750	\$25	\$750	\$0	-100.00%	
74	291	1	Salary-REMA	\$0	\$0	\$500	\$500	\$550	\$550	0.00%	
75	291	3	Expense-REMA	\$4,700	\$4,700	\$5,450	\$5,353	\$5,840	\$5,890	0.86%	
76	292	1	Salary-Animal Control	\$34,533	\$34,533	\$35,397	\$35,397	\$40,000	\$40,000	0.00%	
77	292	2	Wages-Animal Control	\$9,970	\$9,970	\$10,220	\$10,220	\$10,320	\$10,320	0.00%	
78	292	3	Expense-Animal Control	\$6,325	\$5,779	\$6,275	\$6,247	\$6,275	\$6,120	-2.47%	
79	294	1	Salary-Tree Warden	\$21,200	\$21,200	\$21,200	\$21,200	\$21,200	\$21,200	0.00%	
80	294	2	Wages-Tree Warden	\$33,712	\$26,912	\$35,930	\$31,049	\$49,850	\$49,850	0.00%	
81	294	3	Expense-Forestry Department	\$15,800	\$15,530	\$18,710	\$18,710	\$13,700	\$11,500	-16.06%	
82	294	3	Expense-Chipper	\$0	\$0	\$0	\$0	\$3,000	\$3,000		
83	299	3	Expense-Communications Comm.	\$0	\$0	\$0	\$0	\$0	\$0		
84	169	3	Expense-Agricultural Commission	\$900	\$655	\$900	\$362	\$900	\$900	0.00%	
TOTAL PUBLIC SAFETY				\$2,939,498	\$2,863,146	\$3,112,984	\$3,067,059	\$3,228,124	\$3,243,154	5.74%	



# TOWN OF REHOBOTH FINANCE COMMITTEE BUDGET RECOMMENDATIONS FOR FY 2015

Acct # Account Name FY 2012 APPROP FY 2012 EXPENDED FY 2013 APPROP FY 2013 EXPENDED FY 2014 APPROP FY 2014 EXPENDED FY 2015 REQUESTED FY 2015 % CHG FY 2015 FINCOM FY 2015 % CHG FOOTNOTES

(see Note 1) AMOUNT RECOMMEND

## ZONING AND CONSERVATION

85	171	2	Wages- part time Conservation	\$0	\$0	\$6,656	\$6,656	\$6,789	\$7,037	3.65%	\$7,037	3.65%	Step increase for clerk
86	171	3	Expense-Conservation Comm.	\$1,600	\$1,039	\$1,200	\$347	\$1,200	\$1,200	0.00%	\$1,200	0.00%	
87	172	1	Salary - Stormwater Agent	\$0	\$0	\$0	\$0	\$0	\$0		\$0		
88	172	2	Wages - Stormwater Agent	\$1,275	\$1,275	\$275	\$0	\$500	\$0	-100.00%	\$500	0.00%	
89	172	3	Expenses - Stormwater Agent	\$1,000	\$0	\$0	\$0	\$0	\$0		\$0		
90	175	2	Wages - Planning Board	\$0	\$0	\$3,328	\$1,893	\$3,395	\$3,395	0.00%	\$3,395	3.65%	Step increase for clerk
91	175	3	Expense-Planning Board	\$3,750	\$1,334	\$1,750	\$811	\$1,750	\$1,750	0.00%	\$1,750	0.00%	
92	176	3	Expense-Zoning Bd. of Appeals	\$626	\$33	\$526	\$40	\$526	\$526	0.00%	\$526	0.00%	
<b>TOTAL ZONING AND CONSERVATION</b>				<b>\$8,251</b>	<b>\$3,681</b>	<b>\$7,079</b>	<b>\$3,081</b>	<b>\$13,908</b>	<b>\$14,532</b>	<b>88.69%</b>	<b>\$14,532</b>	<b>97.15%</b>	

## HIGHWAY DEPARTMENT

93	410	3	Engineering Services	\$0	\$0	\$0	\$0	\$0	\$0		\$0		
94	413	3	Expense-Basin Cleaner/Dump Trk	\$0	\$0	\$0	\$0	\$0	\$0		\$0		
95	420	3	Expense-Highway Department	\$4,100	\$1,986	\$3,950	\$3,386	\$3,950	\$3,950	0.00%	\$3,950	0.00%	
96	421	1	Salary-Highway Superintendent	\$64,651	\$62,344	\$61,225	\$54,828	\$67,651	\$67,651	0.00%	\$67,651	-0.16%	
97	421	2	Wages-Highway Department	\$332,666	\$287,674	\$341,618	\$318,527	\$342,946	\$432,124	26.00%	\$432,249	26.04%	Add 2 additional highway workers
98	422	3	Road Program & Drainage	\$104,637	\$88,131	\$105,200	\$91,050	\$140,200	\$120,200	-14.27%	\$120,200	-14.27%	
99	423	3	Snow Removal & Sanding	\$200,000	\$67,323	\$265,333	\$265,333	\$200,000	\$200,000	0.00%	\$200,000	0.00%	
100	424	3	Municipal Lights	\$12,000	\$11,513	\$12,700	\$12,242	\$12,000	\$13,500	12.50%	\$13,500	12.50%	Higher electrical rates
101	426	3	Equipment Repairs	\$30,500	\$29,934	\$29,000	\$26,699	\$29,000	\$28,500	-1.72%	\$28,500	-1.72%	
102	427	3	Gasoline-Town Vehicles	\$139,575	\$137,001	\$156,500	\$153,941	\$164,379	\$174,250	6.01%	\$174,250	6.01%	Higher gasoline prices
103	492	3	Cemetery Comm. Expense	\$9,450	\$9,195	\$12,025	\$10,670	\$9,450	\$12,015	27.14%	\$12,015	27.14%	Based on actual pricing
<b>TOTAL HIGHWAY DEPARTMENT</b>				<b>\$997,579</b>	<b>\$695,051</b>	<b>\$987,551</b>	<b>\$936,676</b>	<b>\$969,576</b>	<b>\$1,052,190</b>	<b>8.52%</b>	<b>\$1,052,190</b>	<b>8.52%</b>	

## HEALTH AND HUMAN SERVICES

104	511	1	Salary-Health Agent	\$63,883	\$63,883	\$69,806	\$69,806	\$71,900	\$71,900	0.00%	\$71,900	0.00%	Contractual amount
105	511	2	Wages-Health Agent	\$52,809	\$52,576	\$54,735	\$34,290	\$55,958	\$55,958	0.00%	\$55,958	0.00%	
106	511	2	Health Wages - Flu Clinic	\$500	\$0	\$500	\$0	\$500	\$500	0.00%	\$500	0.00%	
107	511	3	Expense-Board of Health	\$6,897	\$6,395	\$6,350	\$5,936	\$7,246	\$7,010	-3.26%	\$7,010	-3.26%	
108	541	1	Salary-Council on Aging	\$0	\$0	\$29,116	\$29,116	\$36,500	\$36,500	0.00%	\$36,500	0.00%	
109	541	2	Wages-Council on Aging	\$40,000	\$39,281	\$24,188	\$23,974	\$35,237	\$46,137	30.93%	\$46,137	30.93%	Maintain 1 p/t worker now grant-funded
110	541	3	Expense-Council on Aging	\$4,910	\$3,201	\$3,867	\$3,397	\$3,660	\$4,300	17.49%	\$4,300	17.49%	Higher office supply & conf. amts
111	542	3	COA-Van Expense	\$0	\$0	\$0	\$0	\$0	\$0		\$0		
112	543	1	Salary-Veterans' Agent	\$18,500	\$18,500	\$18,500	\$18,500	\$18,500	\$18,500	0.00%	\$18,500	0.00%	
113	543	2	Wages - veterans	\$8,950	\$8,116	\$9,084	\$8,323	\$9,152	\$9,152	0.00%	\$9,152	0.00%	
114	543	3	Expense-Veterans' Agent	\$2,855	\$1,891	\$3,258	\$2,222	\$2,850	\$3,015	5.79%	\$3,015	5.79%	More training for new veteran's agent
115	544	3	Maintenance-Veterans' Graves	\$8,225	\$7,426	\$9,025	\$8,893	\$9,250	\$9,350	1.08%	\$9,350	1.08%	
116	545	3	Veterans' Benefits	\$201,300	\$199,798	\$219,000	\$218,593	\$225,000	\$232,000	3.11%	\$232,000	3.11%	Projected amt based on current usage
117	546	3	Veterans' Memorial Maint	\$5,000	\$5,000	\$4,000	\$3,993	\$5,000	\$5,000	0.00%	\$5,000	0.00%	
<b>TOTAL HEALTH AND HUMAN SERVICES</b>				<b>\$413,829</b>	<b>\$406,066</b>	<b>\$451,429</b>	<b>\$427,043</b>	<b>\$480,753</b>	<b>\$499,322</b>	<b>3.86%</b>	<b>\$501,479</b>	<b>4.31%</b>	

## CULTURE & RECREATION

118	610	3	Blandng Books & Maintenance	\$199,755	\$199,755	\$205,866	\$205,866	\$212,341	\$228,141	7.44%	\$228,141	7.44%	State mandated & director salary incr
119	650	3	Park Commission	\$760	\$760	\$800	\$760	\$800	\$800	0.00%	\$800	0.00%	
120	691	3	Historical Commission	\$760	\$718	\$760	\$756	\$760	\$760	0.00%	\$760	0.00%	
121	692	3	Memorial Day Activities	\$230	\$205	\$1,200	\$1,026	\$225	\$1,200	433.33%	\$1,200	433.33%	Hosted in Rehoboth this FY
<b>TOTAL CULTURE &amp; RECREATION</b>				<b>\$201,505</b>	<b>\$201,438</b>	<b>\$208,626</b>	<b>\$207,648</b>	<b>\$214,126</b>	<b>\$230,901</b>	<b>7.83%</b>	<b>\$230,901</b>	<b>7.83%</b>	



# APPENDIX A

## TO WARRANT ARTICLE 11: UPDATES TO CHAPTER E – ZONING BYLAWS

Please refer to “redlined” version of these bylaw changes showing a detailed changes made to the Zoning Bylaws. “Redlined” copy can be found on the Town of Rehoboth Website at:

[www.town.rehoboth.ma.us](http://www.town.rehoboth.ma.us)

and is listed under “News & Announcements” on the right-hand side of the Home Page

# **REHOBOTH ZONING BY-LAW**

## **March 31, 2014**

### **SECTION 1.0 PURPOSE AND AUTHORITY**

<b>1.1</b>	<b>PURPOSE</b>	<b>1</b>
<b>1.2</b>	<b>AUTHORITY</b>	<b>1</b>
<b>1.3</b>	<b>SCOPE</b>	<b>1</b>
<b>1.4</b>	<b>APPLICABILITY</b>	<b>1</b>
	<b>1.4.1</b> Applicability; Nonconformities	<b>1</b>
	<b>1.4.2</b> Commencement of Construction or Operation	<b>2</b>
<b>1.5</b>	<b>AMENDMENTS.</b>	<b>2</b>
<b>1.6</b>	<b>SEPARABILITY.</b>	<b>2</b>

### **SECTION 2.0 DISTRICTS**

<b>2.1</b>	<b>DISTRICTS</b>	<b>3</b>
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# REHOBOTH ZONING BY-LAW

**March 31, 2014**

*[With changes following the Planning Board public hearing]*

## SECTION 1.0 PURPOSE AND AUTHORITY

**1.1 PURPOSE.** These regulations are enacted to promote the general welfare of the Town, to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the town, to preserve the cultural, historical and agricultural heritage of the community, to increase the amenities of the town, and to reduce the hazard from fire by regulating the location and use of buildings and the area of open space around them, all as authorized by, but not limited to, the provisions of the Zoning Act, G.L. c. 40A, as amended, and Section 2A of 1975 Mass. Acts 808.

**1.2 AUTHORITY.** This Zoning By-Law (“this By-Law”) is enacted in accordance with the provisions of the General Laws, Chapter 40A, and any and all amendments thereto, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

**1.3 SCOPE.** For these purposes, the construction, repair, alteration, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot area that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land in the Town are regulated as hereinafter provided.

**1.4 APPLICABILITY.** All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the Town, shall be in conformity with the provisions of the Zoning By-Law. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. Where the application of this By-Law imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this By-Law shall control.

**1.4.1 Applicability; Nonconformities.** Except as herein after provided, this By-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this Bylaw or any amendments thereto, but shall apply to any change or substantial extension of such use, to a building permit or special permit issued after the first notice or said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use in a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or a structural change to a single or two family residential structure does not increase the nonconforming nature of said structure.

**1.4.2 Commencement of Construction or Operation.** Construction or operations under a building permit or special permit shall conform to any subsequent amendments to this Bylaw, unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and in any case involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

**1.5 AMENDMENTS.** This By-Law may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided in G.L. c. 40A, s.5, and any amendments thereto.

**1.6 SEPARABILITY.** The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision herein.

## SECTION 2.0 DISTRICTS

### 2.1 DISTRICTS

**2.1.1 Establishment.** For the purposes of this By-law, the Town of Rehoboth is hereby divided into the following districts:

Residence/Agricultural District	RA
Business District	B
Industrial District	I

### 2.2 OVERLAY DISTRICTS

**2.2.1 Establishment.** The Town of Rehoboth is also hereby divided into the following overlay districts. See Section 10.0.

Flood Plain Overlay District	FPOD
Groundwater Protection Overlay District	GPOD
Municipal Overlay District	MOD

### 2.3 MAP

**2.3.1 Map.** The boundaries of the various districts are shown on a map entitled “Proposed Zoning Map for the Town of Rehoboth, Massachusetts,” dated February 2, 1956, as amended, and said map and all explanatory matter thereon are hereby made a part of this By-law. Where boundary lines are located outside of street lines and shown approximately parallel to such street lines, the figures placed upon said map shall indicate the distance to the boundary line. Such distances are measured at right angles to such street lines unless otherwise indicated.

## SECTION 3.0 USE REGULATIONS

### 3.1 PRINCIPAL USES.

**3.1.1 Key.** In the Use Table the following symbols are employed:

Y	Yes; an allowed or permitted use
N	No; a prohibited use
BA	Use available by special permit from the Board of Appeals
PB	Use available by special permit from the Planning Board
SB	Use available by special permit from the Select Board

**3.1.2 Table of Use Regulations.** Except as hereinafter provided for and for existing nonconforming uses or structures, no building or structure shall be constructed, and no building, structure or land shall be used, in whole or in part, except as permitted under Section 3.1.2, Table of Use Regulations. Uses permitted and uses allowed by special permit shall be in conformity with all the density and dimensional regulations and other pertinent requirements of this By-law. All other uses are prohibited.

<b>PRINCIPAL USE</b>			
<b>A. RESIDENTIAL USES</b>	<b>RA</b>	<b>B</b>	<b>I</b>
1. Single family dwelling	Y	Y	N
2. Two-family dwelling	Y	Y	N
3. Multifamily dwelling	N	BA	N
4. Nursing or convalescent home	N	Y	N
5. Bed and breakfast establishment	N	Y	N
6. Assisted living residence	PB	PB	N
<b>B. EXEMPT AND INSTITUTIONAL USES</b>	<b>RA</b>	<b>B</b>	<b>I</b>
1. Use of land or structures for religious purposes	Y	Y	Y
2. Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y
3. Child care center	Y	Y	Y
4. School aged child care program	Y	Y	Y
4. Municipal buildings, water towers, reservoirs	Y	Y	Y
5. Cemeteries	Y	Y	Y
6. Philanthropic institutions	Y	Y	Y
7. Essential services	N	N	Y
8. Hospital	N	Y	N

<b>C. AGRICULTURAL USES</b>	<b>RA</b>	<b>B</b>	<b>I</b>
1. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area on two qualified acres	Y	Y	Y
2. Facility for the sale of produce, wine and dairy products, provided that either during the months of June, July, August and September of each year or during the harvest season of the primary crop raised on land of the owner or lessee, 25 per cent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least 25 per cent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located and at least an additional 50 per cent of such products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land other than that on which the facility is located	Y	Y	Y
Farm	Y	Y	N
Farm stand	Y	Y	Y
<b>D. RECREATIONAL AND OPEN SPACE USES</b>	<b>RA</b>	<b>B</b>	<b>I</b>
1. Municipal parks, playgrounds, recreational areas, and organized recreation on municipal land	Y	Y	Y
2. Organized recreation by municipal government or charity	Y	Y	Y
3. Other Organized Recreation	BA	BA	N
4. Golf course	Y	Y	N
5. Golf driving range * See Section 3.2 Accessory Uses	N*	Y	N
6. Firing range	N	Y	N
7. Recreational activities involving the use of motorized vehicles or devices by the participants * Provided, however, that the use outdoors at any time of more than five motorized vehicles (excepting golf carts) is prohibited	Y*	Y	N



8. Indoor sports facility	N	Y	N
9. Theater, entertainment, assembly, exhibition, gallery, or other commercial recreation activity * Occupancy capacity of more than 100 persons shall require special permit from Board of Appeals	N	Y*	N
10. Campground	N	BA	N
<b>E. TEMPORARY USES</b>	<b>RA</b>	<b>B</b>	<b>I</b>
1. Fair or carnival	N	Y	N
2. Agricultural or animal show	Y	Y	N
3. Mobile home or trailer	BA	BA	BA
<b>F. MOTOR VEHICLE RELATED USES</b>	<b>RA</b>	<b>B</b>	<b>I</b>
1. Motor vehicle sales and rental	N	Y	N
2. Motor vehicle service station	N	BA	BA
3. Motor vehicle repair or body shop, including welding	N	N	Y
4. Car wash	N	Y	N
5. Truck wash	N	N	BA
<b>G. OFFICE USES</b>	<b>RA</b>	<b>B</b>	<b>I</b>
1. Nonexempt educational use	N	Y	N
2. Professional office	N	Y	N
3. Medical office; clinic for outpatients	N	Y	N
4. Bank or financial institution	N	Y	N
5. Civic administration	N	Y	N
6. General office	N	Y	N

<b>H. RETAIL AND RESTAURANT USES</b>	<b>RA</b>	<b>B</b>	<b>I</b>
1. Retail and wholesale stores, shops and salesrooms	N	Y	N
2. Land and garden equipment sales and repair	N	Y	N
3. Florist	N	Y	N
4. Restaurant	N	Y	N
5. Restaurant, fast-food	N	Y	N
<b>I. OTHER COMMERCIAL USES</b>	<b>RA</b>	<b>B</b>	<b>I</b>
1. Animal clinic or veterinarian	N	Y	N
2. Kennel	BA	BA	N
3. Private club or lodge	BA	BA	N
4. Print shop	N	Y	N
5. Funeral home	N	Y	N
6. Motel or hotel	N	BA	N
7. Adult Use	N	N	BA
8. Personal service establishment	N	Y	N
9. General service establishment	N	Y	N
10. Drive-through facility	N	BA	BA
11. Parking lot or garage with parking for a fee	N	BA	N
12. Radio and television station, without tower	N	Y	N
13. Bus station and taxicab facility	N	N	Y
14. Welding shop (excluding auto body)	N	Y	Y
15. For wireless communications facilities, see Section 10.3			

<b>J. INDUSTRIAL USES</b>	<b>RA</b>	<b>B</b>	<b>I</b>
1. Light manufacturing	N	N	Y
2. Wholesale, warehouse, self-storage mini-warehouse, or distribution facility	N	N	Y
4. Manufacturing	N	N	Y
5. Laboratory, testing or research	N	Y	BA
6. Transport terminal or vehicle storage	N	N	Y
7. Storage or sale of hazardous materials	N	BA	BA
8. Large Wind Electrical Generation Facility	PB	PB	PB
9. Utility Scale Wind Electrical General Facility	PB	PB	PB
10. Large Scale Ground Mounted Solar Photovoltaic Facility	PB	PB	PB
<b>K. ACCESSORY USES – RESIDENTIAL</b>	<b>RA</b>	<b>B</b>	<b>I</b>
1. In-law apartment	Y	Y	N
2. Home occupation* * See Section 3.3.2 for home occupations by special permit	Y	Y	N
3. Taking of not more than 3 boarders	Y	Y	N
4. Family child care home	Y	Y	N
5. Family child care home, large	BA	BA	N
6. Adult day care	BA	BA	N
7. Common driveway	PB	PB	N
8. External solid fuel burning boiler	Y	Y	Y

9. On a lot with at least 60,000 sq. ft. or area - Contractor's yard for the storage of building materials and equipment; a yard for the storage of commercial landscaping equipment; and materials.; a yard for the storage of the goods and materials of a plumber, carpenter, or other trade,	PB	PBY	PB

<b>L. ACCESSORY USES – NONRESIDENTIAL</b>	<b>RA</b>	<b>B</b>	<b>I</b>
1. Accessory uses (unless otherwise specified herein), customarily associated with and incidental to a use permitted as of right	Y	Y	Y
2. Accessory uses (unless otherwise specified herein), customarily associated with and incidental to a use permitted by special permit	BA	BA	BA
3. Golf course accessory uses	BA	Y	N
4. Accessory use in connection with scientific research or development	Y	Y	Y

### **3.2 ACCESSORY USES**

**3.2.1 General.** An accessory use located on the same lot with, and customarily incidental to, any of uses set forth in the Table of Uses as allowed or allowed by special permit shall be permitted.

**3.2.2 Golf Course Accessory Uses.** Golf course accessory uses in the Residential/Agricultural District shall be subject to a special permit from Zoning Board of Appeals.

**3.2.3 Certain Occupations.** A contractor's yard for the storage of building materials and equipment; a yard for the storage of commercial landscaping equipment, materials, supplies; and, a yard for the storage of the goods and materials of a plumber, carpenter, or other trade shall be allowed on a lot with more than 60,000 sq. ft. subject to the grant of a special permit by the Planning Board.

**3.2.4 Commercial Vehicles.** The regular overnight parking of commercial vehicles owned or operated by a resident of the premises, subject to the following limitations:

1. one commercial vehicle of more than 15,000 gvw but less than 35,000 gvw is allowed as of right;

2. more than one commercial vehicle of more than 15,000 gvw but less than 35,000 gvw is allowed by special permit by the Zoning Board of Appeals;
3. any commercial vehicle larger than 35,000 gvw is allowed only by special permit by the Zoning Board of Appeals.

### **3.3 HOME BUSINESSES**

**3.3.1 Home Occupation - As of Right.** One home occupation may be allowed as of right at a locus, provided that it:

1. is conducted solely within a dwelling or an accessory building and solely by the person(s) occupying the dwelling as a primary residence;
2. is clearly incidental and secondary to the use of the premises for residential purposes;
3. complies with the standards of Section 6.4;
4. does not utilize exterior storage of material or equipment;
5. does not exhibit any exterior indication of its presence or any variation from residential appearance, except for a sign permitted by Section 6.3;
6. does not produce more than an additional ten (10) daily vehicle trips by any customer, pupil, or client trips to the occupation site and has no nonresident employees;
7. is registered as a business with the Town Clerk.

**3.3.2 Home Occupation - By Special Permit.** One or more home occupation(s) may be allowed at a locus by special permit issued by the Planning Board, provided that it:

1. fully complies with Section 3.3.1 subsections 1, 2, 3, 4, 5, and 7, above.
2. is conducted within a dwelling solely by the person(s) occupying the dwelling as a primary residence and, in addition to the residents of the premises, by not more than one additional employee;
3. does not exhibit any exterior indication of its presence, or any variation from residential appearance, except for a sign or name plate in compliance with this By-Law;
4. a special permit for such use is granted by the Board, subject to conditions including, but not limited to, restriction of hours of operation, maximum floor area, off-street parking, and maximum number of daily customer vehicle trips. Such special permit shall be limited to five years, or the transfer of the property, whichever first occurs.

## SECTION 4.0 DIMENSIONAL REGULATIONS

### 4.1 GENERAL REQUIREMENTS

No dwelling or principal structure hereafter erected, altered, or placed in any district shall be located on a lot having less than the minimum requirements set forth in the table below, and no more than one principal structure shall be built upon any such lot except as provided otherwise in this by-law. The one principal structure limitation shall not apply to structures placed on land owned by the Town of Rehoboth. No existing lot shall be changed as to size or shape so as to result in the violations of the requirements set forth below.

### 4.2 DIMENSIONAL REQUIREMENTS

**4.2.1 Table of Dimensional Requirements.** No structure shall be erected on a lot that does not meet the following dimensional requirements.

D I S T R I C T			
	RA	B <sub>2</sub>	I <sub>2</sub>
Area (ft.)	60,000 <sub>1</sub>	60,000	60,000
Frontage (ft.)	200 <sub>1</sub>	200	200
Front Setback (ft.)	30	30	50
Rear Yard (ft.)	25	25	25
Side Yard (ft.)	25	25	25
Max. # Stories (not counting basement)	2.5	3.0	-
Max. Bldg. Height (ft.)	30	30	30
Max. Coverage by Dwelling (%)	10	10	-
Max. Coverage by Accessory Bldg. (%)	10	10	-
Max. Coverage by Business Bldg. (%)	-	15	50 by all buildings

#### 4.2.2 Notes to Table of Dimensional Requirements.

1. In the RA District, one duplex residence permitted on a lot with minimum size of 120,000 square feet and minimum frontage of 300 feet.

2. See Section 4.3.2 for additional requirements.

**4.2.3 Gerrymandered Lots.** No pork chop, rat tail, or excessively funnel-shaped or otherwise unusually gerrymandered lots shall be allowed if their shape is caused solely by the attempt to meet the lot size or frontage requirements of this By-law while evading this By-law's intent to regulate building site density; such a lot being, for example, a pork chop or rat tail lot which does not contain a rectangular building area which is at least 100' by 150' and in which the principal structure is to be located.

### **4.3 SPECIAL REGULATIONS**

**4.3.1 Duplex.** In the RA District, one duplex residence is permitted on a lot with minimum size of 120,000 square feet and minimum frontage of 300 feet.

**4.3.2 Accessory Buildings in the Business and Industrial Districts.** In the B and I Districts, accessory buildings must be setback the same distance from the street line as the main buildings as desired. A thirty (30) foot buffer or greenstrip planted with live shrubs or trees, predominantly evergreen, the major portion of which are over four (4) feet in height, is maintained between the street frontage and the use and where a commercial lot abuts a residential district or property unless the existing natural growth is adequate to provide equivalent buffer. Such planting shall be designed so as not to create a hazard upon entrance to or exit from the lot. Exterior lighting shall be shielded from all adjoining residential property and the highway, so as not to create a driving hazard.

**4.3.3 Corner Lots.** A corner lot shall maintain front yard requirements for each street frontage, and at least one of the remaining yards shall be a rear yard.

**4.3.4 Appurtenant Open Space.** No yard or other open space required for a building by the by-law shall, during the existence of such building, be occupied by or counted as open space for another building.

**4.3.5 Projections.** Nothing herein shall prevent the projection of steps, stoops (not exceeding thirty square feet in area), eaves, cornices, window sill or belt courses into any required yard.

**4.3.6 Visual Corner Clearance.** No structure, fence, planting, or off-street parking (except a transparent fence in which the solid area is not more than 5% of the total area) shall be maintained between horizontal parallel planes 2.5 feet and 8 feet above street level, within the triangular area prescribed by the 2 street lines and a straight line connecting points on such lines 25 feet distant from the point of intersection.

**4.3.7 Location of Accessory Buildings.** No accessory building shall be closer to any principal building or any lot line than a distance equal to the height of such accessory building. No accessory structure enclosing animals shall be within 50 feet of any lot line, excluding fencing.

## **SECTION 5.0 NONCONFORMING USES AND STRUCTURES**

**5.1.1 Applicability.** This By-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which this By-law, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

**5.1.2 Nonconforming Uses.** The Zoning Board of Appeals may award a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Zoning Board of Appeals:

1. Change or substantial extension of the use;
2. Change from one nonconforming use to another, less detrimental, nonconforming use.

**5.1.3 Nonconforming Structures.** The Zoning Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Zoning Board of Appeals:

1. Reconstructed, extended or structurally changed;
2. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent;

**5.1.4 Variance Required.** Except as provided in subsection 5.1.5, below, the reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, shall require the issuance of a variance; provided, however, that the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a special permit from the Zoning Board of Appeals.

**5.1.5 Nonconforming Single and Two Family Residential Structures.** Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Inspector that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure by more than 100% gross floor area. In such cases, the following circumstances shall not be deemed to increase the nonconforming nature of said structure:



1. alteration to a structure located on a lot with insufficient area which complies with all current setback, yard, building coverage, and building height requirements,
2. alteration to a structure located on a lot with insufficient frontage which complies with all current setback, yard, building coverage, and building height requirements.
3. alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage and building height requirements.

If the Building Inspector determines that proposed reconstruction, extension, alteration, or change exceeds the one or more of the criteria set forth above, the Zoning Board of Appeals may, by special permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. For the purposes of this subsection only, the term “reconstruction” shall not include the voluntary demolition of such structure and its rebuilding. See Section 5.1.7.

**5.1.6 Abandonment or Non-Use.** A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this zoning by-law; provided, however, that by special permit the Zoning Board of Appeals may reestablish a nonconforming use or structure otherwise abandoned or not used.

**5.1.7 Reconstruction after Catastrophe or Demolition.** Any nonconforming structure may be reconstructed after a catastrophe or after demolition in accordance with the following provisions:

1. Reconstruction of said premises shall commence within two years after such catastrophe or demolition.
2. Building(s) as reconstructed shall be located on the same footprint as the original nonconforming structure and shall be only as great in volume or area as the original nonconforming structure.
3. In the event that the proposed reconstruction would (a) cause the structure to exceed the volume or area of the original nonconforming structure or (b) cause the structure to be located other than on the original footprint, a special permit shall be required. In the case of voluntary demolition,, the special permit shall be obtained from the Zoning Board of Appeals prior to such demolition.

**5.1.8 Reversion to Nonconformity.** No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

## SECTION 6.0 GENERAL REGULATIONS

### 6.1 OFF-STREET PARKING

**6.1.1 General.** In any district where otherwise permitted, no use of premises shall be authorized or extended, and no building or structure shall be erected, unless there is provided for such erection, extension, or enlargement, off-street automobile parking spaces within three hundred feet of the principal building, structure, or use of the premises, in accordance with the following Table of Parking Requirements.

**6.1.2 Area.** For nonresidential and multifamily required parking spaces, each parking space shall be at least 9' x 19' in area.

#### 6.1.3 Table of Parking Requirements.

PRINCIPAL USE	REQUIRED SPACES
Dwelling, single family or two-family	2 per dwelling unit
Dwelling, multi-family	1.5 per dwelling unit in B District; 2 per dwelling unit otherwise
Hotel, motel, tourist court or bed and breakfast	1 per sleeping room
Automobile repair garage	1 for each 200 sq. ft. of gross floor area
Liquor store	1 for each 200 sq. ft. of gross floor area
Theater, Gymnasium, Auditorium, Church meeting rooms, or similar public assembly	1 for each four seats of total seating capacity
General business or commercial, e.g., personal services, department store, drug store, variety store, medical center, bank, professional offices, less than 25,000 sq. ft. gross floor area	1 for each 200 sq. ft. of gross floor area
General business or commercial over 25,000 of gross floor area	3.5 for each 1,000 sq. ft. of gross floor area
Restaurant	1 per 4 seats
Manufacturing and warehousing and office incident thereto	1 per employee on the largest operating shift

Any use permitted by this by-law not specifically listed in the foregoing Table	The most analogous use in this Table
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**6.1.4 Special Permit.** Other than the required parking for a single or two family dwelling, the provisions of this Section 6.1 may be varied by special permit granted by the Planning Board when no substantial detriment will result.

## **6.2 OFF STREET LOADING**

**6.2.1 General.** In any district where otherwise permitted, no use of premises shall be authorized or extended and no building or structure shall be erected or enlarged, unless there is provided for such extension, erection, or enlargement off-street-loading facilities located entirely on the same lot as the building or use to be served, and with immediate and direct ingress to the building to be served in accordance with the following minimum specifications. An area of a least 400 square feet of appropriate dimensions, exclusive of drives and maneuvering space, shall be considered one off-street loading bay.

**6.2.2 Minimum Standards.** One (1) loading bay shall be required for each 5,000 square feet or portion thereof in excess of one-half of the gross floor area for any retail goods, wholesale, storage distribution, manufacturing, public utility, or like establishment. One (1) loading bay shall be required for each 10,000 square feet or portion thereof in excess of one-half of gross floor area of any consumer service establishment, office, building, hotel, motel, or school.

**6.2.3 Special Permit.** The provisions of this Section 6.2 may be varied by special permit granted by the Planning Board when no substantial detriment will result.

## **6.3 SIGNS**

**6.3.1 General.** No signs or advertising devices of any kind or nature shall be erected on any premises or affixed to the outside of any structure or be visible from the outside of any structure except as specifically permitted herein.

**6.3.2 Business or Industrial Districts.** The following exterior signs are permitted:

1. Non-flashing signs attached flat against the wall of a building without limitation on the number. In no case shall a sign project above a wall. Total area of all signs shall not exceed 20% of wall area where attached.
2. One other sign not to exceed forty square feet in area on the premises for each 100 feet of lot frontage on a street.

3. Nonconforming Signs. Only one non-flashing exterior sign with an area not exceeding nine square feet shall be erected on any nonconforming building or use.
4. Freestanding Sign. No freestanding or projecting sign or advertising device shall be erected unless a Certificate of Occupancy and Building Permit has been issued by the Inspector of Buildings.
5. No sign or advertising device shall project above the tallest building on the premises.

**6.3.3 All Districts.** In all districts, the following signs are permitted:

1. Professional signs of resident occupant or to identify a customary home occupation of a resident occupant, not to exceed 2 square feet in area.
2. Real estate signs advertising the sale, rental or lease of the premises on which they are located, not to exceed twelve square feet in area.

**6.3.4 Special Permit.** The provisions of this Section 6.3 may be varied by special permit granted by the Planning Board when no substantial detriment will result.

## **6.4 PERFORMANCE STANDARDS**

**6.4.1 General.** No land or building shall be used or occupied in any district in any manner as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosion, radioactive or other hazard; noise or vibration; smoke, dust, or other form of air pollution; electrical or other disturbance; glare; liquid or solid refuse or wastes; contamination of groundwater or the pollution of streams, condition conducive to the breeding of rodents, or insects; or other substance, condition or element in a manner or in an amount as to affect adversely the surrounding area.

**6.4.2 Measurement at Point of Emission.** The existence of the following dangerous or objectionable elements shall be determined at the point of emission or any point beyond.

1. Fire and Explosive Hazards. All activities and all storage of flammable and explosive materials, at any point, shall be provided with adequate fire fighting and fire-suppression equipment and devices as determined by the Fire Chief or his designate.
2. Radioactivity or Electrical Disturbance. No activities that emit dangerous radioactivity, at any point; no electrical disturbance (except from household appliance and equipment subject to the control of the Federal Communication Commission) adversely affecting the operation, at any point, of any equipment other than that of the creator of such disturbance is permitted.

3. Smoke. No emission at any point of smoke of a shade darker than No.1 on the Ringlemen Smoke Chart, as published by the U.S. Bureau of Mines, for more than five minutes in any hour is permitted.

4. Fly Ash, Dust, Fumes, Vapors, Gasses and Other Forms of Air Pollution. No emission which can cause any damage to health of animals or vegetation, or which can cause excessive soiling and in no event any emission of any solid or liquid particles in concentration exceeding 0.3 grains per cubic foot of the conveying gas or air, at any point is permitted.

5. Liquid or Solid Wastes. No discharge at any point into any private sewage-disposal system, stream, or the ground of any materials in such a way or of such nature or temperature as can contaminate any running stream, water supply or otherwise cause the emission of dangerous or objectionable elements is permitted. No accumulation of wastes conducive to the breeding of rodents or insects is permitted.

**6.4.3 Measurement At Lot Line.** The existence of the following dangerous and objectionable elements shall be determined at the Lot Line of the use or at any point beyond.

1. Vibration. No vibration which is discernible to the human sense of feeling for three minutes or more in any one hour between 7:00 a.m. and 7:00 p.m., or of 30 seconds or more in any one hour from 7:00 p.m. to 7:00 a.m., shall be permitted. No vibration at any time shall produce an acceleration of 0.1g or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, U.S. Bureau of Mines Bulletin No. 442.

**6.4.4 Outdoor Storage.** Outdoor storage of solid refuse or waste shall not be allowed on any land unless it is enclosed in a container or screened from public view. Solid wastes shall include any useless, unwanted, or discarded solid materials with insufficient liquid content to be free flowing; this includes, but is not limited to, rubbish, combustion residues, garbage, scrap materials, junk, fill material, demolition debris, construction wastes, refuse, discarded appliances, discarded motor vehicles and discarded motor vehicle parts.

**6.4.5 Noise.**

1. Between the hours of 11:00 p.m. and 7:00 a.m., no person shall engage in any continuous, intermittent, recurring, scheduled or seasonal activity which generates noise from a building, device, explosive, machine, vehicle or any other man-made source if that noise exceed normal ambient noise levels by five (5) dBA.

2. At other times of day, no person shall engage in any continuous, intermittent, recurring, scheduled or seasonal activity which generates noise from a building, device,

explosive, machine, vehicle or any other man-made source if that noise, when recorded at a distance of fifty (50) feet from its source, exceeds a level of eighty-five (85) dBA, or, when recorded from the boundary of the property of one or more complainants, exceed normal ambient noise levels by more than ten (10) dBA.

3. These restrictions shall not apply to emergency response, cleanup or repair work or the use of emergency generators that is necessary to ensure the protection of public health, safety or welfare, including but not limited to the operation of fire, police and rescue apparatus. These restrictions also shall not apply to routine household, lawn and garden maintenance nor to agricultural operations.

4. Right of entry The Zoning Enforcement Officer and his agent(s) may enter upon privately owned property, with notice reasonable in the circumstances, for the purpose of measurements and ensuring compliance with this subsection on Noise.

5. Measurement of noise levels The Zoning Enforcement Officer or his agent(s) will perform or oversee all noise level measurements, which shall employ appropriate equipment that is properly calibrated to industry standards. Noise levels shall be measured on the A-weighted scale of a noise level meter and shall include measurement of pure tone. The location(s) of the measurement site(s), as well as date, time, duration of the noise(s) and noise level(s) measured will be recorded in a manner that is acceptable to the Zoning Enforcement Officer and will be made part of the Zoning Enforcement Officer's records.

6. Violations. Any noise level measured in excess of one or more of the thresholds prescribed herein shall constitute evidence of a noise violation. Any person who commits a noise violation may be penalized by a noncriminal disposition as provided in G.L. c. 40, section 21D, by a fine of \$25.00, imposed by the Zoning Enforcement Officer. Each day during which there occurs a noise violation shall constitute a separate offense.

**6.4.6 Special Permit.** The provisions of this Section 6.4 may be varied by special permit granted by the Planning Board when no substantial detriment will result.

## SECTION 7.0 SPECIAL RESIDENTIAL REGULATIONS

### 7.1 COMMON DRIVEWAYS

**7.1.1 Purpose.** The purpose of this Section is to enhance the safety and welfare of residents of Common Driveways (“CDs”) and to clarify the rights and responsibilities of builders and residents of CDs and of the Town of Rehoboth, in order to minimize negative impacts on natural resources, to improve the public safety along public ways by reducing the number of curb cuts, and/or to preserve and enhance rural character by reducing the negative visual impact of multiple driveways exiting upon a public way. The powers of the Planning Board shall be exercised with due regard for the foregoing.

**7.1.2 Scope.** CDs shall be allowed by Special Permit and Plan Approval by the Planning Board, for single and two family residential uses only, in the Residential/Agricultural and Business Districts. Where the proposed development constitutes a subdivision, under the Subdivision Control Law; G.L. c. 41, ss. 81K - 81GG, this Section shall not apply. Individual driveways originating from CDs shall be subject to all requirements for driveways and off-street parking to which driveways originating from public ways are subject.

**7.1.3 Preexisting CDs.** A Common driveway which is in existence and use at the time of adoption of this by-law will be allowed to continue; however, if it is expanded, extended, or otherwise substantially changed, it shall be subject to this by-law and shall be brought into compliance with the by-law. A CD shall not become a public way. The Town of Rehoboth shall not be required to provide maintenance, snowplowing, school bus pickup or police patrols along a CD.

**7.1.4 Lot and Frontage Requirements.** All lots to be served by a CD must meet the requirements of a lot as defined in the definition of a “lot” in Section 12 of this By-law.

**7.1.5 Frontage.** CDs may never be used to satisfy zoning frontage requirements. Each lot served shall have frontage on a public way, which serves to satisfy frontage requirements under Zoning By-Law of the Town of Rehoboth.

**7.1.6 Dimensional Requirements.** All dimensional requirements, as defined in this By-Law, for lots served by a CD, including, but not limited to, setback and dimensions of front, side and rear yards, as measured in relation to the public way serving as the legal frontage for the lots, shall be the same as would be required for those lots had they not shared a CD.

**7.1.7 Design and Construction Standards.** Design and construction standards such as width of driveway, curb radii, pavement thickness, and other such dimensions shall comply with the

“Driveway and Site Work Design/Construction Regulations” adopted by the Planning Board, as such standards may be amended from time to time.

**7.1.8 Number of Lots Served.** A Common Driveway which would serve more than six (6) residential lots is prohibited.

## **7.2 RETREAT LOTS**

**7.2.1 Purpose.** The purpose of this Section is to lessen building density and to maintain open space while allowing for single-family use on larger tracts of land.

**7.2.2 General.** A residential, single-family lot need not have the specified amount of street frontage providing all of the following apply:

1. The area of the lot exceeds by no less than six (6) times the minimum single-family lot area required (360,000 square feet / 8.264 acres) and the area of said lot shall contain at least 90,000 square feet (2.066 acres) of contiguous uplands.
2. The lot has contiguous street frontage of not less than fifty (50) feet on a public way.
3. The width of the lot shall not be less than fifty (50) feet at any point between the street frontage and the dwelling,
4. No two retreat lots may have abutting street frontage.
5. Required retreat lot frontage may only be located between legal conforming lots, legal nonconforming single-family buildable lots or a combination of the two.

**7.2.3 Declaration.** A Declaration of Restriction must be executed, stating that ‘no further subdivision will be permitted,’ and recorded at the Registry of Deeds contemporaneously with the recording of the Approval Not Required (ANR) Plan, as a condition to receiving a Building Permit.

**7.2.4 Front Setback.** All structures must be at a minimum of one hundred and fifty (150) feet from the street frontage of such lot.

**7.2.5 Access.** Means of ingress and egress must be from the required frontage of the retreat lot.

## **7.3 MULTI-FAMILY DWELLING IN THE BUSINESS OR INDUSTRIAL DISTRICTS**

**7.3.1 General.** A multifamily dwelling may be authorized by special permit in the B or I Districts, subject to the requirements set forth in this Section.

**7.3.2 Design Standards.**



1. Multifamily dwellings shall be so located and designed that egress does not create hazard or create substantial increase in the traffic on any public way.
2. Multifamily dwellings shall be permitted only where site conditions for on-site sewage disposal are proven to be adequate by a registered engineer or sanitarian and approved by the Board of Health.
3. The increased rate of storm water runoff following development is engineered to prevent harm to the environment.
4. The site shall be so designed that visibility of parking areas from public ways is minimized.
5. Lighting of parking area avoids glare on adjoining properties.
6. Major topographical changes or removal of existing trees are avoided.
7. Effective use is made of topography, landscaping and building placement to maintain to the degree feasible, the character of the neighborhood.

**7.3.3 Minimum Area.** Multifamily dwellings shall have a lot area of not less than sixty thousand (60,000) square feet per dwelling unit.

**7.3.4 Minimum Frontage.** Minimum frontage shall be four hundred (400) feet for three dwelling units. Each additional unit in excess of three shall require an additional fifty (50) feet of additional continuous frontage per dwelling unit.

**7.3.5 Maximum Units per Dwelling.** No individual building is to contain more than six (6) dwelling units.

**7.3.6 Spacing.** A minimum of one hundred (100) feet shall be maintained between multifamily buildings on a lot.

**7.3.7 Minimum Setback of Buildings and Parking Areas from Property Lines.** The minimum setback shall be 100 feet.

**7.3.8 Site Plan.** Multifamily dwellings shall be erected, altered as to the exterior, or enlarged, only in conformity with a site plan, which shall be submitted with the application for a special permit.

1. Upon receipt of site plan for multifamily dwellings, the ZBA shall submit said plan to the Planning Board which shall, within thirty-five (35) days, return to the ZBA a report and determination accompanied by any materials, maps or plans that will aid in the judgment of the special permit application. The ZBA shall not process the application until said report and determination have been received and considered, or until forty-five (45) days have elapsed, without the receipt of the report and determination. The ZBA may submit the site plan to the Inspector of Buildings for his review.

## **7.4 MOBILE HOMES AND TRAILERS**

No area in any district shall be occupied or used by a trailer or mobile home for habitation unless a special permit has been issued by the Board of Selectmen and unless such use is necessitated on a temporary basis by an involuntary destruction in whole or in part to the home of the applicant such as a fire or flood, to such extent as to render the home virtually unlivable. Such permit shall be for a period of six months and may be renewed only for two consecutive six month intervals, the total time period not to exceed eighteen consecutive months. Any such use of a trailer or mobile home for habitation shall conform to the applicable Board of Health requirements.

## **7.5 IN-LAW APARTMENT**

**7.5.1 General.** The in-law apartment shall be an appendage to be an extension of the single family use which shall provide a code compliant means of egress through the main dwelling living area. A garage or service area may not be used to provide the primary means of egress.

**7.5.2 Maximum Square Feet.** The total livable area of such a unit shall not exceed 750 square feet of living area.

**7.5.3 Limitations.** Said In-law apartment may not be rented as a separate or independent unit from the main dwelling unit. Only one in-law apartment shall be allowed in a single family dwelling unit.

**7.5.4 Prerequisites.** Prior to issuance of a building permit, the owner(s) must record a Restriction with proof of recording provided to the Building Inspector stating that:

1. The owner will occupy one of the dwelling units on the premises as the owner's primary residence, except for bona fide temporary absences; and
2. The unit is an extension of the single family use and not an independent unit for rent.

The Restriction must be recorded in the County Registry of Deeds or Land Court, as appropriate, in the chain of title to the property.

## **7.6 ASSISTED LIVING RESIDENCE**

**7.6.1 Definition.** An Assisted Living Residence is a residential facility occupied primarily by persons 55 years of age and older including their spouses or surviving spouses, and including rooms occupied by resident staff personnel, all as licensed under G.L. c. 19D. An Assisted Living Residence (ALR) may include the full range of nursing care from total to only partial assistance, and may provide shared food preparation services, limited residential unit food preparation areas, and common recreational, laundry, social, medical and service facilities for the exclusive use of residents of the ALR.

**7.6.2 Special Permit Required.** An ALR may be allowed by special permit from the Planning Board if the following conditions are met.

**7.6.3 Conditions.** The following conditions apply to any ALR:

1. The scale of the proposal shall not detract from the residential character of the neighborhood.
2. The architecture of buildings shall be residential in character, particularly providing gabled roofs, predominately wood siding, an articulated footprint and varied facade. Alternate architectural styles or materials can be considered if appropriate to the site and not out of character with the neighborhood.
3. Public or private roads which lead to the property shall be of adequate design, width, and condition to handle proposed traffic.
4. Proposed traffic shall not severely change the residential character of the neighborhood.
5. The Board of Health shall confirm that the ALR can be accommodated with respect to onsite water, onsite septic disposal and any other standards of the Board of Health.
6. Parking areas shall be screened from adjacent streets and properties, and shall have landscaped areas within the parking area to reduce the impact of large paved areas.
7. Signs shall be limited to one wooden identification sign no more than 6 square feet in area except for traffic/parking/pedestrian regulation signs as required by the Planning Board. A second wooden identification sign may be allowed if the Planning Board determines it is needed.
8. All lighting units shall be located no higher than 14 feet, with lights shielded to direct light downward. Lighting shall not cause glare onto abutting properties.

**7.6.4 Density.** The maximum number of residential units or beds allowed on a site shall be determined by the Planning Board based on such factors as, but not limited to, impact on the neighborhood, affordability for residents, quality of life, and provision for adequate open space, recreational facilities, parking, landscaping, and buffers. No private unit shall be larger than 800 square feet.

## **SECTION 8.0 SPECIAL NONRESIDENTIAL REGULATIONS**

### **8.1 EXTERNAL SOLID FUEL BURNING BOILERS**

The placement of any externally located solid fuel burning boiler, requiring a buildings permit as provided by 780 CMR, the State Building Code, shall be located a minimum distance of 150 feet from any neighboring dwelling units or occupied business uses and a minimum of 50 feet from any abutting property line. Additionally, that said applicant for a building permit for such installation shall be required to furnish all documentation as the Inspector of Buildings may require to determine that such installation will not create a health hazard, nuisance or discomfort to the occupancy of neighboring properties, and that the use of such boiler in compliance be allowed to burn all year long with no special permit allowed.

### **8.2 HOTEL, MOTEL, OR LODGING HOUSE IN A BUSINESS DISTRICT**

**8.2.1 General.** The following regulations shall apply.

**8.2.2 Egress.** A hotel, motel or lodging house shall be located and designed so that the egress does not create hazard or create substantial increase in traffic on any public way.

**8.2.3 Wastewater and Stormwater.** Such uses shall be permitted only where site conditions for on-site sewage disposal are proven to be adequate by an registered engineer or sanitarian and approved by the Board of Health and where the increased rate of storm water runoff following development is engineered to prevent harm to the environment.

**8.2.4 Parking.** The site shall be designed so that visibility of parking areas from public ways is minimized; lighting of parking area avoids glare on adjoining properties; major topographical changes or removal of existing trees are avoided; and effective use is made of topography, landscaping, and building placement to maintain to the degree feasible, the character of the neighborhood.

**8.2.5 Dimensional Requirements.** The minimum lot area required in square feet shall be determined by multiplying the number of persons the facility is designed to accommodate by 5,000 – but in no case shall the lot are be less than 60,000 square feet.

**8.2.6 Additional Special Permit Criteria.** The approval of such a permit shall be based upon satisfaction that said use is appropriate and that it will not create an adverse impact on the neighborhood by virtue of noise, odor, smoke, vibration, traffic generation or unsightliness.

### **8.3 CERTAIN AUTOMOTIVE USES IN THE BUSINESS AND INDUSTRIAL DISTRICTS**

**8.3.1 General.** Gasoline filling stations, motor vehicle repair shops (which shall include, without limitation, engine and body work), and parking lot or parking garage which makes parking space available for a fee are subject to the requirements of this Section.

**8.3.2 Standards.** No portion of the front or side lines of a public garage, motor vehicle repair shop, greasing station, storage battery service station, or gasoline filling station, or any of their appurtenances or accessory uses shall hereafter be placed within 100 feet of any abutter's residence or 75 feet from any lot line whichever is greater.

**8.3.3 Driveway.** No such premises shall have any driveway entrance or exit for motor vehicle within 300 feet of the property used by any public or private school, library, church, playground, or institution for the aged, sick, or dependent children under 16 years of age.

**8.3.4 Pump Location.** Every filling station pump shall hereafter be located not less than 30 feet inside the boundary line of the lot on which it is located.

### **8.4 ADULT USES**

**8.4.1 Purpose.** It is the purpose of this Section governing Adult Uses to address and mitigate the secondary effects of Adult Uses and sexually oriented businesses that are referenced and defined herein. Secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate of the Town, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the Town. All of said secondary impacts are adverse to the health, safety and general welfare of the Town and its inhabitants.

1. The provisions of this By-Law have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this By-Law to restrict or deny access by adults to Adult Uses or to sexually oriented matter or materials that are protected by the Constitution of the United States of America or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of this By-Law to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

**8.4.2 Authority.** This By-Law is enacted pursuant to G.L. Chapter 40A and pursuant to the Massachusetts Constitution to serve the compelling Town interests of limiting the location of and preventing the clustering and concentration of certain Adult Uses for the purposes set forth,

above.

**8.4.3 Applicability.** An Adult Use may be permitted as set forth in the Table of Use Regulations by special permit by the Board of appeals provided a written determination is issued by said board that the special permit decision criteria of Section 11.4 have been met.

**8.4.4 Conditions.**

1. In no instance, however, shall the Board of Appeals issue a special permit to any person convicted or violating G.L. c. 119, s. 63 or G.L. c. 272, s. 28.
2. No pictures, publications, videotapes covers, or other implements, items, or advertising that fall within the definition of adult store merchandise shall be displayed in store windows or be visible from areas used by the general public.

## SECTION 9.0 ENERGY REGULATIONS

### 9.1 USE OF WIND ENERGY FACILITIES

**9.1.1 Purpose.** The purpose of this Section is to provide for the construction and operation of wind energy facilities and to provide standards for the placement, design, construction, monitoring, modification and removal of wind facilities that address public safety, minimize impacts on scenic, natural and historic resources of the Town and provide adequate financial assurance for decommissioning.

1. The provisions set forth in this section shall take precedence overall other sections when considering applications related to the construction, operation, and/or repair of wind energy facilities.

**9.1.2 Applicability.** This Section applies to each of the following:

1. Every utility-scale wind energy facility;
2. Every on-site wind energy facility;
3. Every small wind energy system;
4. Every residential micro wind energy system; and
5. Every building integrated wind energy facility.

This Section also applies to each facility or system described in 1 to 5, above, which is constructed before the effective date of this Section if such facility or system is to be physically modified after the effective date of this Section in a manner that materially alters the type, configuration or size of such facility, system, or related equipment.

**9.1.3 Definitions.** See Section 12.0.

**9.1.4 General Requirements for all Wind Energy Facilities.** Section 9.1.5 to 9.1.18, below, shall apply to all wind energy facilities.

**9.1.5 Required Permits.** A permit shall only be granted if the permit granting authority determines that the intent of this bylaw is followed as each of its specific criteria are fully met. The wind energy facility types listed below shall require the following permits. The Planning Board shall serve as the Special Permit Granting Authority (SPGA).

#### **Technology**

#### **Permit Needed**

Residential Micro Wind Energy System

Building Permit

Small Wind Energy Systems or MET towers	Building Permit *
Large Wind-Utility scale or on-site Wind Energy Facilities	Special Permit and Building Permit
Building Integrated Wind Energy System	Special Permit and Building Permit
Business/industrial uses as set forth in the Use Table utilizing wind generation facilities of any Size	Special Permit

**9.1.6 Additional Conditions for Granting of Special Permits.** No special permit shall be granted for a use which is, in the opinion of the SPGA, injurious, noxious, offensive, detrimental or inappropriate to adjacent properties or to the neighborhood or for a use which does not substantially serve public health, safety, convenience, welfare or property values in the neighborhood.

**9.1.7 Compliance with Laws, Ordinances and Regulations.** The construction and operation of all such proposed wind energy facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.

**9.1.8 Proof of Liability Insurance.** The applicant shall be required to 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 the facility.

**9.1.9 Site Control.** At the time of its application for a special or building permit, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Documentation shall also include proof of control over setback areas and access roads. Control shall mean the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

**9.1.10 Utility Notification.** No wind energy facility shall be installed until evidence has been given 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.

**9.1.11. Temporary Meteorological Towers (MET Towers).** Met towers shall be permitted under the same standards as a small wind system, except that the requirements apply to a temporary structure. A permit for a temporary met tower shall be valid for a maximum of 1 year after which an extension may be granted. Small anemometers installed directly on buildings shall not require a building or special permit.

**9.1.12 Design Standards.**



1. Appearance, Color and Finish. 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 appropriate permit granting authority has authority to regulate color of turbine and supporting tower.
2. Support Towers. Monopole towers shall be used as the support structure for Wind Turbines. This requirement may be waived by the SPGA for good cause shown by the applicant as determined in the discretion of the SPGA.
3. Exterior Lighting. Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the wind energy facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties as approved by the appropriate permit granting authority.
4. 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 wind energy facility and the benefits of renewable energy.
5. Advertising. Wind energy facilities shall not be used for displaying any advertising except for identification of the manufacturer or operator of the wind energy facility in conformance with this Section.
6. Utility Connections. Reasonable efforts shall be made to locate utility connections from the wind energy 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.
7. Accessory Structures. All accessory structures to such wind energy facilities shall be subject to existing zoning regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. All such accessory 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(s) or if separate, landscaped and screened from view by vegetation, located underground, or behind berms, and/or clustered to minimize visual impacts.

#### **9.1.13 Safety and Environmental Standards.**

1. **Emergency Services.** The applicant shall provide a copy of the project summary, electrical schematic, and site plan to the fire department and inspector of buildings, 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 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.
2. **Unauthorized Access.** Wind turbines or other structures part of a wind energy facility shall be designed to prevent unauthorized access. For instance, towers 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 access shall be restricted to authorized personnel only.
3. **Shadow/Flicker.** Wind energy 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.
4. **Noise.** The wind energy facility and associated equipment shall conform with the provisions of Section 6.4.
5. **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 facility and is otherwise prescribed by applicable laws, regulations, and ordinances.

#### **9.1.14 Monitoring and Maintenance.**

1. **Facility Conditions.** The applicant/owner/operator shall maintain the wind energy 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 Fire Chief and Building Inspector. The Wind Energy Facility owner shall be responsible for the cost of maintaining the wind energy facility and any access road(s), unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction.
2. **Modifications.** All material modifications to a wind energy facility made after issuance of the permit shall require approval by the permit granting authority as provided in this Section.

#### **9.1.15 Abandonment or Decommissioning.**

1. **Removal Requirements.** Any wind energy facility or meteorological (MET) tower which has reached the end of its useful life or has been abandoned shall be removed. When the wind energy facility or MET is scheduled to be decommissioned, the

applicant/owner/operator shall notify the Building Inspector by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the wind energy facility no more than 150 days after the date of discontinued operations. At the time of removal, the wind energy 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:

- a. Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.
  - b. Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.
2. 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.

**9.1.16 Abandonment.** Absent notice of a proposed date of decommissioning, the facility or meteorological tower shall be considered abandoned when the wind energy 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 wind energy facility is inoperable for the wind energy facility to be considered abandoned. If the applicant fails to remove the wind energy 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 wind energy facility at the applicant/owner/operator's expense.

**9.1.17 Expiration.** A wind energy facility special permit issued pursuant to this ordinance shall expire if:

1. The wind energy facility is not installed and functioning within 24-months from the date the permit is issued; or,
2. The wind energy facility is abandoned.

An extension of time may be granted for good cause by the SPGA.

**9.1.18 Violations.** It is unlawful for any person to construct, install, or operate a wind energy system that is not in compliance with this bylaw or with any condition contained in a permit issued pursuant to this bylaw. Penalties for violation under this bylaw shall be as described in Section 12.1. Wind energy systems installed prior to the adoption of this ordinance are exempt. Residential Micro Wind Energy Systems are exempt from all requirements in this Section.

**9.1.19 Micro Wind and Small Wind Energy Facility Requirements.** The following requirements shall apply:

1. **Building Permit.** No micro wind or small wind energy system shall be erected, constructed, installed or modified as provided in this section without first obtaining a building permit from the building inspector. All such wind energy systems shall be constructed and operated in a manner that minimizes adverse visual, safety and environmental impacts. The construction of a micro wind or small wind energy facility shall be allowed in any zoning district subject to the issuance of a permit and provided that the use complies with all requirements set forth herein .
2. **Height.** Micro wind energy systems shall be no greater than 100 feet above the current grade. Small wind energy systems shall be not greater than 250 feet above the current grade of the land for small wind systems.
3. **Setbacks.** Micro and small wind turbines shall be set back a distance greater than or equal to the total height of the wind turbine from the nearest property line and public way.
4. **Application Process & Requirements.** A building permit shall be required for the installation of either micro or a small wind energy system.

**9.1.20 Micro Wind and Small Wind Energy Facilities; Site Plan Required.** The building permit application shall be accompanied by a site plan and documents showing:

1. Property lines and physical dimensions of the subject property within 2 times the total height of the wind turbine from the proposed tower location;
2. Location, dimensions, and types of existing major structures on the property;
3. Location of the proposed wind energy system tower, foundations, guy anchors and associated equipment;
4. The right-of-way of any public road that is contiguous with the property;
5. Any overhead utility lines;
6. Location and approximate height of tree cover;
7. Wind energy system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed);
8. One or three line electrical diagram detailing wind turbine, associated components, and electrical interconnection methods, with all NEC compliant disconnects and over current devices.

9. Foundations for towers must have blueprints or drawings signed by a Professional Engineer Licensed in the Commonwealth of Massachusetts;
10. Support towers of any height that are anchored to or mounted on a building must have blue prints with certification signed by a professional engineer that the anchoring building structure is sufficient to withstand the structural loading of the wind turbine equipment and stresses caused by the vibration resulting from rotor rotations at maximum wind speed for the area;
11. Name, address, phone number and signature of the applicant, as well as all co-applicants or property owners, if any;
12. The name, contact information and signature of any agents representing the applicant;
13. A plan for maintenance of the small wind energy facility.

Business and industrial entities must provide an additional eight (8) copies of the required site plan and documents to the SPGA. At the discretion of the building inspector, a site plan approval application may be required.

**9.1.21 Large Wind Energy Facility Requirements (Utility and On-Site Projects).** A special permit is required from the SPGA which shall only be granted by the SPGA if the large wind energy facility meets the criteria outlined in the following Sections 9.1.22 to 9.1.25.

**9.1.22 Special Permit.** No wind energy facility over 100 kilowatts of rated nameplate capacity shall be erected, constructed, installed or modified as provided in this Section without first obtaining a special permit from the SPGA. The construction of a wind energy facility shall only be allowed where the use complies with all requirements set forth herein. All such wind energy facilities shall be constructed and operated in a manner that minimizes adverse visual, safety, and environmental impacts.

**9.1.23 Financial Surety.** The SPGA shall require the applicant for utility scale wind energy facilities to provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the facility, of an amount and form determined to be reasonable by the SPGA, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the SPGA. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for Cost of Living Adjustment.

**9.1.24 Height.** Large wind energy facilities shall be no higher than 450 feet above the current grade of the land.

**9.1.25 Setbacks.** Large wind turbines shall be set back a distance greater than or equal to the 1.2 times the total height of the wind turbine from the nearest property line and public way.

**9.1.26 Building Integrated Wind Energy Facilities.** A special permit shall be required for a building integrated wind energy facility, which shall meet the requirements of Section 9.1.27 to 9.1.30, below.

**9.1.27 Required Information.** The applicant shall provide the SPGA with 20 copies of a description of the proposed project which shall include:

1. General. 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. Name, address, phone number and signature of the applicant, as well as all co-applicants and property owners, if any.
  - b. The name, contact information and signature of any agents representing the applicant.
  - c. Documentation of the legal right to use the wind energy facility site.
2. Technical Documentation. The applicant shall, at a minimum, submit the following technical documentation regarding the proposed wind energy facility.
  - a. Wind energy facility technical specifications, including manufacturer and model, rotor diameter, tower height/type, foundation type/dimensions.
  - b. Tower foundation blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.
  - c. Tower blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.
3. Electrical schematic.
4. Location Map: Utility Scale Projects. The applicant shall submit to the SPGA a copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed facility site, including turbine sites, and the area within at least two miles from the facility. Zoning district designation by map number and plot number for the subject parcel should be included; however a copy of a zoning plot plan with the parcel identified is suitable.
5. Site Plan. A site plan prepared at the scale of one inch equals 40 feet plan of the proposed wind facility site, with contour intervals of no more than 2 feet, showing the following:

- a. Property lines for the site parcel prepared by a Professional Land Surveyor;
- b. Outline of all existing buildings, including purpose (e.g. residence, garage, etc.) on site parcel;
- c. Location of all roads, public and private on the site parcel and adjacent parcels if within the setback distance of 1.2 times the blade tip height, and proposed roads or driveways, either temporary or permanent;
- d. Existing areas of tree cover, including average height of trees, on the site parcel and adjacent parcels if within the setback distance of 1.2 times the blade tip height;
- e. Proposed location and design of wind facility, including all turbines, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, exterior lighting, etc.;

e. Location of viewpoints referenced in this Section.

6. Visualizations. The SPGA may select up to four sightlines, 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 proposed wind energy facility. View representations shall have the following characteristics:

- a. View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the wind energy facility (e.g. superimpositions of the wind facility onto photographs of existing views or a balloon height simulation test).
- b. All view representations will include existing, or proposed, buildings or tree coverage.
- c. Include description of the technical procedures followed in producing the visualization (distances, angles, lens, etc.).

7. Operation & Maintenance Plan. The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the wind energy facility.

8. Compliance Documents. The applicant will provide with the application:

- a. Description of financial surety that satisfies this Section;
- b. Proof of liability insurance that satisfies this Section;

- c. Certification of approval from the FAA;
- d. A statement that satisfies Section 6.4 listing existing and maximum projected sound levels from the wind energy facility.

9. Landscape Plan: (Utility Scale Wind Facility Projects Only). A plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting, other than FAA lights, screening vegetation or structures. Landscaping proposals shall meet the requirements of Section 11.5 Site Plan Review.

10. Lighting Plan. Lighting shall be designed to minimize glare on abutting properties and except as required by the FAA be directed downward with full cut-off fixtures to reduce light pollution.

**9.1.28 Independent Consultants - (Utility-Scale Wind Facilities Only).** Upon submission of an application for a special permit, the special permit granting authority will be authorized to hire outside consultants, pursuant to section 53G of chapter 44 of the Massachusetts General Laws, provided that the applicant may appeal the selection of such consultant in accordance with that statute. The applicant will be required to pay 100% of the consultant's costs.

**9.1.29 Special Permit Granting Authority.** No building integrated wind energy facility shall be erected, constructed, installed or modified except as provided in this Section without first obtaining a special permit from the SPGA. All such wind energy facilities shall, where economically feasible, be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts.

**9.1.30 Required Supporting Documentation for Building Integrated Wind Energy Facilities.** The special permit application submitted to the SPGA must, at a minimum, include:

1. Analysis and design documents, completed by a structural engineer registered to practice in the Commonwealth of Massachusetts, demonstrating that the proposed building is structurally sufficient to support the permanent installation of the proposed building integrated wind energy facility. At a minimum, the analysis should address vibration, wind load, and ice load.
2. Elevation drawings of building with building integrated wind energy facility installed, viewed from north, south, east, and west.
3. Building schematic detailing point(s) of connection and associated supports for the building integrated wind energy facility.
4. Schematic of attachment method for connecting the building integrated wind energy facility to the building.



5. Specification sheets for wind turbine and all related components (inverters, controllers, disconnects, etc.)
6. One or three line electrical diagram detailing wind turbine, associated components, and electrical interconnection methods, with all NEC compliant disconnect and over current devices.

## **9.2 LARGE SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS**

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

**9.2.2 Applicability.** This Section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this by-law. This Section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment. Large-Scale Ground-Mounted Solar Photovoltaic Installations, as defined herein, shall be allowed by right in the Industrial Zoning District and by special permit in the Business and Residence/Agricultural Zoning Districts in the Town.

**9.2.3 Definitions.** See Section 12.0.

**9.2.4 General Requirements for all As of Right Large Scale Solar Power Generation Installations.** All large-scale solar photovoltaic installations shall comply with the requirements set forth in Sections 9.2.5 to 9.2.18.

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

**9.2.6 Building Permit and Building Inspection.** No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

**9.2.7 Fees.** The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit. Upon receipt of an application for site plan approval for a Large-Scale Ground-Mounted Solar Photovoltaic Installation, the Site Plan Review Authority (SPRA) or Special Permit Granting Authority (SPGA) may engage, at the applicant's cost, professional and technical consultants, including legal counsel, to assist the

authority with its review of the application, in accordance with the requirements of section 53G of chapter 44 of the Massachusetts General Laws. The authority may direct the applicant to deposit funds with the authority for such review at the time the application is accepted, and to add additional funds as needed upon notice. Failure to comply with this section shall be good grounds for denying the application. Upon approval of the application, any excess amount in the account attributable to that project, including any interest accrued, shall be repaid to the applicant.

**9.2.8 Site Plan Review.** Ground-mounted large scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo site plan review by the SPRA or SPGA in accordance with Section 11.5. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts. The site plan shall contain:

1. Property lines and physical features, including structures and roads, for the project site;
2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
3. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
4. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
5. Name, address, and contact information for proposed system installer;
6. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
7. Name, contact information and signature of any agents representing the project proponent.

**9.2.9 Required Documents.** Pursuant to the site plan review process, the project proponent shall provide the following documents:

1. Documentation of the major system components to be used, including the photovoltaic panels, mounting system, and inverter;
2. How land clearing and construction shall be performed in accordance with Chapter L of the Town of Rehoboth By-Laws governing storm water discharge, land disturbance and post construction storm water runoff; and

3. Documentation of actual or prospective access and control of the project site;
4. An operation and maintenance plan;
5. Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
6. Proof of liability insurance; and
7. Description of financial surety that satisfies this Section.

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

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

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

**9.2.12 Utility Notification.** No large- scale ground –mounted solar photovoltaic installation shall be constructed until evidence has been given to the Site Plan Review Authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator’s intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

**9.2.13 Dimension and Density Requirements.**

1. Setbacks. For large - scale ground-mounted solar photovoltaic installations, no portion of the installation shall be any closer than 50 feet to any of the boundaries of the lot on which the installation is located, with the exception of necessary connection equipment to utility transmission facilities.
2. Accessory Structures. All accessory structures to such large- scale ground –mounted solar photovoltaic installation shall be subject to existing zoning regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. All such accessory structures, including but not limited to, equipment shelters, storage facilities, transformers, substations shall be architecturally compatible with each other and shall landscaped and screened from view by vegetation, located underground, or behind berms, and/or clustered to minimize visual impacts.

### **9.2.14 Design Standards.**

1. **Lighting.** Lighting of large-scale ground-mounted solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the large -scale ground-mounted solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
2. **Signage.** Signs on large-scale ground-mounted solar photovoltaic installations 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 Large-Scale Ground-Mounted Solar Photovoltaic Installation and the benefits of renewable energy.
  - c. Signs shall be limited to 2 dimensions and shall not be electronic or lighted.
3. **Advertising.** Solar photovoltaic installations shall not be used for displaying any advertising except for identification of the manufacturer or operator of the Large-Scale Ground-Mounted Solar Photovoltaic Installation in conformance with this Section.
4. **Utility Connections.** Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the large-scale ground-mounted solar photovoltaic installations underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
5. **Screening.** For any Large Scale Ground Mounted Photovoltaic Facility location, a 30 foot buffer or greenstrip planted with live shrubs or trees, predominately evergreen, the major portion of which are over four (4) feet tall in height, is required to be maintained between the perimeter of the facility and any abutting property line or street unless the existing natural growth is adequate to provide an equivalent buffer. Such a buffer shall be designed so as not to create a hazard upon entrance or exit from the facility. \

### **9.2.15 Safety and Environmental Standards.**

1. **Emergency Services.** The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the

large-scale solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

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

#### **9.2.16 Monitoring and Maintenance.**

1. Solar Photovoltaic Installation Conditions. The large - scale ground-mounted solar photovoltaic installation owner and operator shall maintain the 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 owner and operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

2. Modifications. All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require prior approval by the SPRA or SPGA.

#### **9.2.17 Abandonment or Decommissioning.**

1. Removal Requirements. Any large- scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the SPRA or SPGA by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- a. Physical removal of all large- scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The SPRA or SPGA may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

**9.2.18 Abandonment.** Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the SPRA or SPGA. If the owner or operator of the large- scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may, to the extent it is otherwise duly authorized by law, enter the property and physically remove the installation.

**9.2.19 Financial Surety.** Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise acceptable to the site plan reviewing authority, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the SPRA or SPGA, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

**9.2.20 Additional Requirements for all Large Scale Solar Power Generation Installations sited outside of the As-of-Right Large-Scale Ground-Mounted Solar Photovoltaic Installation Zone.** All Large Scale Ground Mounted Solar Photovoltaic Installations to be constructed in areas outside of the As-of-Right Large-Scale Ground-Mounted Solar Photovoltaic Installation Zone must meet all the requirements listed in the following Sections 9.2.20 to 9.2.29 and shall require a special permit under Section 11.4.

**9.2.21 Special Permit Required Supporting Documentation.** The applicant shall provide the SPGA with 20 copies of a description of the proposed project which shall include:

1. General. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts. Included in the application shall be:
  - a. Name, address, phone number and signature of the applicant, as well as all co-applicants and property owners.
  - b. The name, contact information and signature of any agents representing the applicant.
  - c. Documentation of the legal right to use the Large-Scale Ground-Mounted Solar Photovoltaic Installation site.
2. Technical Documentation. The applicant shall, at a minimum, submit the following technical documentation regarding the proposed facility.

- a. Large-Scale Ground-Mounted Solar Photovoltaic Installation technical specifications, including manufacturer and model, foundation type/dimensions.
  - b. Large-Scale Ground-Mounted Solar Photovoltaic Installation blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.
3. Electrical schematic.
4. Location Map: Utility Scale Projects. The applicant shall submit a copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed installation site, including the Large-Scale Ground-Mounted Solar Photovoltaic sites, and the area within at least two miles from the facility. Zoning district designation by map number and plot number for the subject parcel should be included; however a copy of a zoning plot plan with the parcel identified is suitable.

**9.2.22 Site Plan.** A site plan at a scale of one inch equals 40 feet plan of the proposed the Large-Scale Ground-Mounted Solar Photovoltaic Installation site shall be provided, with contour intervals of no more than 2 feet, showing the following:

- 1. Property lines for the site parcel prepared by a Professional Land Surveyor;
- 2. Outline of all existing buildings, including purpose (e.g. residence, garage, etc.) on site parcel;
- 3. Location of all roads, public and private on the site parcel and proposed roads or driveways, either temporary or permanent;
- 4. Existing areas of tree cover, including average height of trees, on the site parcel;
- 5. Proposed location and design of the Large-Scale Ground-Mounted Solar Photovoltaic Installation, including Photo Voltaic panels, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, exterior lighting, etc.;
- 6. Location of viewpoints referenced below;
- 7. Location of wetland resource areas as defined in 310 CMR 10.00.

**9.2.23 Visualizations.** The SPGA may select up to four sightlines, including from the nearest building with a view of the Large-Scale Ground-Mounted Solar Photovoltaic Installation, for pre- and post-construction view representations. Sites for the view representations shall be selected from populated areas or public ways within a 2-mile radius of the proposed Large-Scale Ground-Mounted Solar Photovoltaic Installation. 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 Large-Scale Ground-Mounted Solar Photovoltaic Installation (e.g. superimpositions of the Large-Scale Ground-Mounted Solar Photovoltaic Installation onto photographs of existing views.)
2. All view representations will include existing, or proposed, buildings or tree coverage.
3. Include description of the technical procedures followed in producing the visualization (distances, angles, lens, etc.).

**9.2.24 Operation & Maintenance Plan.** The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the Large-Scale Ground-Mounted Solar Photovoltaic Installation.

**9.2.25 Compliance Documents.** The applicant will provide with the application:

1. Description of financial surety; and
2. Proof of liability insurance.

**9.2.26 Landscape Plan.** A plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures. Landscaping proposals shall meet the requirements of Section 11.5. Lighting shall be designed to minimize glare on abutting properties and be directed downward with full cut-off fixtures to reduce light pollution.

**9.2.27 Independent Consultants.** Upon receipt of an application for a special permit for a Large-Scale Ground-Mounted Solar Photovoltaic Installation, the SPGA may engage, at the applicant's cost, professional and technical consultants, including legal counsel, to assist the authority with its review of the application, in accordance with the requirements of section 53G of chapter 44 of the Massachusetts General Laws. The SPGA may direct the applicant to deposit funds with the authority for such review at the time the application is accepted, and to add additional funds as needed upon notice. Failure to comply with this section shall be good grounds for denying the application. Upon approval of the application, any excess amount in the account attributable to that project, including any interest accrued, shall be repaid to the applicant.

**9.2.28 Large-Scale Ground-Mounted Solar Photovoltaic Installation Special Permit Fee.** Special Permit Fee shall be established by the SPGA.

**9.2.29 Additional Conditions for Granting of Special Permits.** No special permit shall be granted for a use which is, in the opinion of the SPGA, injurious, noxious, offensive, detrimental or inappropriate to adjacent properties or to the neighborhood or for a use which does not



substantially serve public health, safety, convenience, welfare or property values in the neighborhood.

## SECTION 10.0

## SPECIAL DISTRICTS

### 10.1 FLOOD PLAIN OVERLAY DISTRICT

**10.1.1 Purpose.** The purpose of the Flood Plain Overlay District (FPOD) is to protect the public health, safety and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics and the flood storage capacity of the floodplain, and to preserve and maintain the groundwater table and groundwater recharge areas within the floodplain.

**10.1.2 District Delineation.** The FPOD is herein established as an overlay district. The FPOD includes all special flood hazard areas within the Town of Rehoboth designated as Zone A and AE on the Bristol County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Bristol County FIRM that are wholly or partially within the Town of Rehoboth are panel numbers 25005C0117F, 25005C0118F, 25005C0119F, 25005C0136F, 25005C0137F, 25005C0138F, 25005C0139F, 25005C0143F, 25005C0206F, 25005C0207F, 25005C0208F, 25005C0209F, 25005C0217F, 25005C0226F, 25005C0227F, 25005C0228F, 25005C0229F, 25005C0236F, 25005C0237F dated July 7, 2009, and panel numbers 25005C0216G, 25005C0218G, 25005C0219G, 25005C0238G, 25005C0239G, dated July 16, 2014.

The exact boundaries of the FPOD may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Bristol County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector and Conservation Commission.

**10.1.3 Use Regulations.** The FPOD is established as an overlay district superimposed on all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the requirements of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes"); as well as the Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00); the Inland Wetlands Restriction, DEP (currently 310 CMR 13.00) and the Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).

FEMA has recently completed a re-evaluation of flood hazard areas within the town. Preliminary flood maps and the Flood Insurance Study (FIS) were provided to the town in May of 2008. Where a FIS has been completed, there are certain requirements which must be met under Section 1361 of the National Flood Insurance Act of 1968 prior to July 7, 2009. The town must adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the National Flood Insurance Program (NFIP) regulations.

The following amendments will meet this requirement and ensure that the town of Rehoboth and its residents are assured of continued eligibility within the National Flood Insurance Program (NFIP)

**10.1.4 Permitted Uses.** The following uses of low flood damage potential and causing no obstructions to flood flows shall be allowed provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

1. Agricultural uses such as farming, grazing, truck farming, horticulture, etc.;
2. Forestry and nursery uses;
3. Outdoor recreational uses, including fishing, boating, play areas, etc.;
4. Conservation of water, plants, wildlife;
5. Wildlife management areas, foot, bicycle, and/or horse paths;
6. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises; and
7. Buildings lawfully existing prior to the adoption of these provisions.

**10.1.5 Special Permitted Uses.** All uses allowed by right in the underlying zoning district may be allowed in the FPOD by special permit issued by the Zoning Board of Appeals. The general requirements and procedures set forth in this By-Law shall apply to all special permits issued in the FPOD. In addition, in all cases, electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service utilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. If the structure is not located in a 100-year flood zone as identified by FIRM, and the building official has information indicating that the structure would be flooded during a 100-year flood event, then the requirements of this section shall apply.

**10.1.6 Prohibited Uses.** The following uses are prohibited in all cases within the FPOD:

1. The manufacture, storage or disposal of hazardous or toxic materials;
2. Sanitary landfills, dumps, junkyards or disposal of solid waste, sludge or commercial septage;
3. The storage or disposal of hazardous wastes, as defined by the Hazardous Waste Regulations promulgated by the Division of Hazardous Waste under the provisions of Chapter 21C of the Massachusetts General Law, as may be amended from time to time.

## **10.2 GROUNDWATER PROTECTION OVERLAY DISTRICT**

**10.2.1 Purpose.** The purpose of the Groundwater Protection Overlay District (GPOD) is:

1. To promote the health, safety, and general welfare of the community;
2. To protect, preserve, and maintain the existing and potential water supply and groundwater recharge areas within the town;
3. To preserve and protect present and potential sources of water supply for the public health and safety;
4. To conserve the natural resources of the town; and
5. To prevent the pollution of the environment.

**10.2.2 Definitions.** See Section 12, “Groundwater Protection Overlay District.”

**10.2.3 Scope of Authority.** The GPOD is an overlay district superimposed on the zoning districts. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities or uses in a portion of one the underlying zoning districts which fall within the GPOD must additionally comply with the requirements of this district.

**10.2.4 Delineation of Groundwater Protection District.** The GPOD is delineated on the basis of the location of aquifers and aquifer recharge zones, as defined in Section 12. A copy of the overlay map, as may be amended from time to time, showing the boundaries of the GPOD is held at the Town Offices by the Town Clerk. The Map is entitled “Rehoboth Water Resources Map, SRPEDD 2010. Source: HA275 USGS/Massachusetts Water Resource Commission, 1978; Weston & Sampson, 1990; MASSGIS.”

1. The Groundwater Protection District is hereby defined as an overlay district within the Town of Rehoboth. The district boundaries have been delineated based upon development potential for groundwater resources within subsurface geologist deposits. Changes to the overlay district may be made by vote to amend by the town provided sufficient proof of “no adverse impact” to the groundwater resources is provided by the applicant. If any land designated as lying within the GPOD is proved not to possess the characteristics by which the district is delineated and which this By-law seeks to protect, the Planning Board may permit uses of the land otherwise prohibited or requiring a special permit under this section if it finds that such use will not be detrimental to the environment or the health, safety, and general welfare of the community. The burden of proof in such cases concerning the proposed designation of land at issue shall be upon the owner(s) of the land in question.

2. At the request of the owner, the Planning Board may engage a professional geologist, hydrologist, soil scientist, or licensed Massachusetts engineer experienced in groundwater evaluation or hydrogeology for the purpose of determining whether the land in question possesses the characteristics by which the GPOD is delineated. The Planning Board may charge the owner for the cost of making such determination. The Planning Board shall provide the owner with a statement of work performed and the cost thereof when charging an owner hereunder.

**10.2.5 Use Regulations.** All uses currently permitted under this By-law are permitted in the GPOD subject to the provisions of this Section. Uses not permitted in the underlying zoning district overlaid by the GPOD shall not be permitted in the GPOD. Notwithstanding any other provision herein, a nonconforming use within the GPOD may be continued and maintained so long as it remains otherwise lawful. No such use shall be enlarged, altered, extended, or operated in any way, which increases its threat to groundwater quality or otherwise contravenes the purpose and intent of this Section.

1. In the event that a nonconforming use has ceased for a consecutive period of two (2) years, such nonconforming use may not be resumed.

**10.2.6 Permitted Uses.** Within the GPOD the following uses are permitted, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:

1. Conservation of soil, water, plants, and wildlife;
2. Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
3. Foot, bicycle, and/or horse paths and bridges;
4. Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply, and conservation devices;
5. Farming, gardening, nursery, golf courses, conservation, forestry, harvesting, or grazing.

**10.2.7 Prohibited Uses.** The following uses, except those lawfully maintained preexisting uses, are specifically prohibited within the GPOD:

1. Solid waste disposal facilities, including, without limitation, landfill, junk yards, and salvage yards that require a site assignment from the Board of Health under Massachusetts General Laws Chapter 111, Section 150A, (the landfill assignment law), and regulations adopted by the Department of Environmental Protection, 310 Code of Massachusetts Regulations CMR 19.00;

2. Storage of petroleum or petroleum products, (excluding, Liquefied Petroleum Gas), including, without limitation, gasoline, waste oil, heating oils, diesel fuels, and any other liquid hydrocarbons, except storage within buildings in quantities for normal consumptive use upon such premises and except for replacement or upgrading of existing storage vessels without increasing capacity provided there is compliance with all local, state, and federal laws.
3. Storage of road salt or other de-icing chemicals in quantities greater than for normal individual household use;
4. Dumping of snow, containing road salt or other de-icing chemicals, which is brought in from outside the district;
5. Manufacture, use, storage, or disposal of toxic or hazardous materials, excluding normal household activities;
6. Storage or disposal of hazardous waste, including, without limitation, chemical wastes, radioactive wastes, and waste oil other than in the course of normal household activities;
7. Industrial uses which discharge process liquids on-site;
8. Disposal of liquid or leachable wastes, except by individual on-site domestic sewage disposal systems serving one or two-family residences or serving business, industrial, or institutional uses discharging not more than 1,000 gallons per day per 60,000 square feet of lot area in compliance with Title V of the State Environmental Code;
9. Permanent removal or regrading of the existing soil cover resulting in a finished grade at a level less than five (5) feet above the high groundwater level as determined by a licensed Soil Site Evaluator and demonstrated to the satisfaction of the Board of Health.
10. Boat or motor vehicle service or repair shops, car washes, heliports, electronic manufacturing, metal plating, commercial or bacteriological laboratories, and establishments conducting dry cleaning activities on the premises;
11. Mining of land, except as incidental to a permitted use.

**10.2.8 Exempt Uses.** The following shall be exempt from this Section:

1. Agricultural tillage, maintenance and improvements allowed by the General Laws and CMR's of the Commonwealth of MA;
2. Swimming pools;
3. Foundations for residential or business or industrial structures;

4. Below original grade spaces underneath residential or business structures which have a cement floor, the bottom of which is at least eighteen inches above the high groundwater level as determined by a licensed Soil Site Evaluator and demonstrated to the satisfaction of the Board of Health;
5. Wells;
6. Septic tanks;
7. Utility tanks;
8. Non-leaching drainage structures;
9. Regrading of existing roads and existing driveways, construction and regrading of new public ways, new subdivision roads, and new driveways, so long as the resulting grade is no lower than before the regrading or construction;
10. Regrading of existing lawns and gardens, so long as the existing soil cover is not disturbed to a depth of more than six (6) inches and so long as the resulting grade is no lower than before the regrading.

**10.2.9 Special Permit.** The following uses, except lawfully maintained pre-existing uses, are permitted by special permit within the GPOD, subject to the approval of the Planning Board acting as Special Permit Granting Authority (SPGA) under such conditions as they may require. Agriculture in all its forms shall be exempted.

1. The application of agricultural chemicals, including, but not limited to, pesticides, herbicides, fertilizers and soil amendments for non-domestic or nonagricultural uses provided that all necessary precautions shall be taken to prevent any adverse impact on the GPOD and the interests to be protected thereunder. Such precautions include, but are not limited to, erosion control techniques, the control of runoff water and the prevention of volatilization, lateral displacement or deposition of agricultural chemicals;
2. Those businesses, be it commercial or industrial and any institutional activities permitted in the underlying district pending review and approval of a detailed site plan which provides adequate protection against adverse impacts on the GPOD and the interests to be protected thereunder;
3. Construction of dams or other water control devices, including the temporary alteration of the water level for emergency or maintenance purposes and periodic cleaning upon demonstration that said dams or other water control devices will not adversely affect the quantity or quality of water available in the GPOD;

4. Ponds, pools, or other changes in water bodies or courses, created for swimming, fishing, or other recreational uses, agricultural uses, or drainage improvements upon demonstration that they will not adversely affect the quantity or quality of water available in the GPOD.

**10.2.10 Procedures for Issuance of Special Permit.** Such special permit shall only be granted if the SPGA determines that the intent of this Section as well as each of its specific criteria are fully met. In making such determination, the SPGA shall give consideration to the demonstrated reliability and feasibility of the use and pollution control measures proposed and the degree of threat to water quantity and quality which would result if the control measures perform at less than design efficiency. The SPGA may impose such conditions, safeguards, and limitations, as it deems appropriate. The SPGA shall document the basis for any departures from the recommendations of the other town boards or agencies in its decision.

**10.2.11 Rules and Regulations.** The SPGA may adopt, and from time to time amend, Rules and Regulations consistent with the provisions of Chapter 40A.

1. Application Fee. An application fee of \$500 shall accompany each application for a special permit.

**10.2.12 Technical Assistance.** To assist its review of applications for special permits, the SPGA may engage a professional geologist, hydrologist, soil scientist, or licensed Massachusetts engineer experienced in groundwater evaluation or hydrogeology to review the application for completeness and accuracy and shall charge the applicant for the cost of such review. The SPGA may retain a professional geologist, hydrologist, soil scientist, or licensed Massachusetts engineer hereunder only for reviewing the applicant's projections of the impact of the proposed activity on the purposes of the GPOD, verifying information contained in the application, and verifying the inclusion of the subject land within the GPOD.

**10.2.13 Inadequate Data.** If an application submitted to the SPGA does not contain adequate data, including field and laboratory measurement results and fully documented calculations, performed or certified by a professional geologist, hydrologist, soil scientist, or licensed Massachusetts engineer experienced in groundwater evaluation or water supply information submitted in support of the application and inclusion of the subject land, whichever is proposed, the SPGA may engage a professional geologist, hydrologist, soil scientist, or licensed Massachusetts engineer experienced in groundwater evaluation or hydrogeology to perform analyses and prepare data necessary to provide information required by this Section and shall charge the applicant for the cost of providing such information. The SPGA shall engage such professional geologist, hydrologist, soil scientist, or licensed Massachusetts engineer experienced in groundwater evaluation or hydrogeology, only if the application is not in compliance with this Section, and not until the SPGA provides the applicant an opportunity to supplement the application with information prepared by a professional geologist, hydrologist, soil scientist, or licensed Massachusetts engineer experienced in groundwater evaluation or hydrogeology or is notified by the applicant that the applicant will not supplement the information. The cost of such service will be borne solely by the applicant.



**10.2.14 Application; Contents.** In addition to the requirements of Massachusetts General Laws, Chapter 40A, Section 9, and the Rules and Regulations of the Special Permit Granting Authority (Planning Board), the following additional requirements will apply:

1. Each application for a Special Permit shall be filled with the SPGA and shall comply with the Rules and Regulations of the SPGA. The application, including any plans and accompanying text, shall be sufficient to allow full evaluation of the proposed use on the GPOD;
2. The Application shall be prepared in accordance with the data requirements of the proposed developed site plan review, erosion and sedimentation control plan, etc.;
3. The application shall include an analysis by a professional geologist, hydrologist, soil scientist, or licensed Massachusetts engineer experienced in groundwater evaluation or hydrogeology to demonstrate that the proposed activity will not be detrimental to the purpose of the GPOD. At a minimum, the analysis shall fully describe the seasonal profile of volumes and directions of groundwater and surface water flows with and without the proposed use, the location and use of all historical, present, and potentially suitable future drinking water supplies that could be affected by use, and the location and use of any surface, and/or groundwater that could be affected by the proposed use. The application shall contain adequate data, including field and laboratory measurement results and fully documented calculations.
4. A full profile of potential events, which could adversely affect the normal range of quantity or quality of water leaving the site. Such events shall include any which could reasonably be expected to occur at least once in the lifetime of the proposed use.

**10.2.15 Review by Other Town Board or Agencies.** Upon receipt of the special permit application, the SPGA shall transmit forthwith a copy of the application and plan to the Board of Health, Conservation Commission, Town Planner, Rehoboth Water Commission, and such other boards, departments, or committees as it may deem necessary or appropriate for their written reports. Any such board or agency to which petitions are referred shall make recommendations or submit such reports as they deem appropriate and shall send a copy thereof to the SPGA and the applicant within thirty-five (35) days of receipt of the application by such board or agency. Failure of such board or agency to make a written recommendation or submit a written report within thirty-five (35) days of receipt of the application shall be deemed a lack of opposition.

**10.2.16 Public Hearing and Decision.** The SPGA shall hold a public hearing no later than sixty-five (65) days after the filing and may continue a public hearing under this section. The SPGA shall render a decision within ninety (90) days following the closure of the public hearing. Failure by the SPGA to take final action upon an application for a special permit within said (90) days shall be deemed to be a grant of the permit applied for. The SPGA shall make detailed record of its proceedings, a copy of which shall be filed within fourteen (14) days of such proceedings, in the office of the Town Clerk. Notice of such decision shall be mailed forthwith to

the applicant, to the parties in interest designated by law, and to every person present at the hearing who requested that notice be sent to him and stated the address to which the notice was to be sent. Said notice shall specify that appeals, if any, shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after the date of filing of such notice in the office of the Town Clerk

**10.2.17 Special Permit Approval Criteria.** After notice and public hearing, and after due consideration of the reports and recommendations of the other town boards or agencies, the SPGA may grant such a special permit provided that it finds that the proposed use:

1. Will not cause the groundwater quality to fall below the standards established in 314 CMR 6.00, Massachusetts Groundwater Quality Standards or for parameters where no standards exist, below standards established by the Board of Health and, where existing upon determination that the proposed activity will result in no further degradation;
2. Is in harmony with the purpose and intent of the bylaw and will promote the purpose of the GPOD;
3. Is appropriate to the natural topography, soils, and other characteristics of the site to be developed;
4. Will not, during construction or thereafter, have a adverse environmental impact on any water body or course in the district; and
5. Will not adversely affect an existing or potential water supply.

**10.2.18 Design and Operation Guidelines.** At a minimum the following design and operation guidelines shall be observed within GPOD:

1. Fill. Fill material used in the GPOD shall contain no solid waste, toxic or hazardous materials, or hazardous waste. Adequate documentation shall be provided to the SPGA to guarantee the chemical quality of the fill. Laboratory analysis at the applicant's expense.
2. Drainage. All runoff generated on the site shall be recharged on-site in a manner demonstrated to assure full protection of the water quality in the GPOD. The SPGA may require off-site discharge if on-site discharge is not feasible because of site conditions or is undesirable because of risks to water quality from such recharge.

**10.2.19 Violations.** Written notice of any violation of this bylaw shall be given by the Zoning Enforcement Officer to the responsible person within forty-eight (48) hours of detection of a continuing violation, specifying the requirement or restriction violated, the actions necessary to remove or remedy the violations, preventive measures required for avoiding future violations, and schedule of compliance. A copy of such notice shall be submitted to the Zoning Board, Town Selectmen, the Planning Board, Rehoboth Water Commission, and to the Department of

Environmental Protection. The cost of containment, cleanup, or other action of compliance shall be borne by the owner and operator of the premises.

### **10.3 MUNICIPAL OVERLAY DISTRICT**

**10.3.1 Purpose.** The purpose of the Municipal Overlay District (MOD) is to facilitate the Town's compliance with the Federal Telecommunications Act of 1996 which mandates the siting of telecommunications towers, antenna and support structures within communities. The MOD promotes the following objectives:

1. Limit telecommunications tower proliferation. The Town desires that carriers collocate (antenna/equipment) where technologically and practically possible.
2. Minimize visual pollution for site abutters and adjacent street traffic by appropriate adjustment of the tower location within the site.
3. Provide for the future potential use of the tower/equipment bay by the Town for municipal department radio communications antennae and equipment.
4. The geographic distribution should enable telecommunications carriers to position their tower/antennae so as to provide acceptable service.

**10.3.2 Delineation of the MOD.** This district is comprised of the following parcels of municipally owned land, popularly identified by the government function/facility thereon: Assessors' Plat 65, Lots 7 and 10 on Peck Street, Town Office, North Fire Station, South Fire Station, Public Safety Building, Highway Department, and the Martin Street fields/landfill site which represent land throughout the Town already designated for government operations. A map depicting the location of the parcels will be maintained in the Town Offices.

**10.3.3 Wireless Facilities.** In the MOD, wireless telecommunications facilities will be permitted. Wireless telecommunications facilities shall be prohibited in all other districts.

**10.3.4 Amendment of District Boundaries.** The parcels designated may be modified and new use designation for the district may be added only by vote of the Town Meeting.

**10.3.5 Site Plan Review.** Any new construction requires site plan approval by the Planning Board in an advertised public hearing. All existing overlay districts and other local bylaws and permits, and state laws must be fully complied with in the process to place an antenna or tower.

## **SECTION 11.0 ADMINISTRATION AND PROCEDURES**

### **11.1 ENFORCEMENT**

**11.1.1 Inspector of Buildings.** This B-law shall be enforced by the Inspector of Buildings (from time to time in this by-law called the “Zoning Enforcement Officer”) as provided in Chapter 40A of the General Laws.

**11.1.2 Noncriminal Disposition.** In addition, whoever violates any provision of this By-law may be penalized by noncriminal disposition as provided in the General Laws, Chapter 40, section 21D, by a fine of \$25.00 for each violation, imposed by the Zoning Enforcement Officer. Each day on which any violation exists shall be deemed to be a separate offense.

**11.1.3 Penalty.** Any person who undertakes or authorizes or causes work to be done without first applying for and obtaining the appropriate building permit as set forth in the Massachusetts State Building Code Article 1, Section 113.1 shall be subject to a fine not to exceed \$300.00 per offense. Each day of violation shall be a separate offense.

### **11.2 ZONING BOARD OF APPEALS**

**11.2.1 Establishment.** A Zoning Board of Appeals of five members and three associate members to be appointed by the Board of Selectmen, is hereby established under the provision of Chapter 40A of the General Laws and any and all amendments and additions thereto.

**11.2.3 Powers of the Zoning Board of Appeals.** The Zoning Board of Appeals shall have the following powers:

1. Appeals. To hear and decide an appeal taken by any person aggrieved by reason of his inability to obtain a permit from any administrative official under the provisions of Chapter 40A, General Laws, or any appeal by any appeal officer of the Board of the Town, or any person aggrieved by any other administrative official under the provisions of Chapter 40A, General Laws, or any person aggrieved by any order or decision of the Inspector of Buildings or any other administrative official in violation of any provision of Chapter 40A, General Laws, or of this by-law.
2. Special Permits. To grant a special permit as provided in this By-law.
3. Variances. To authorize upon petition or appeal with respect to a particular parcel of land or structure thereon a variance from the terms of this by-law where the Zoning Board of Appeals specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or the location of structures especially

affecting such land or structures but not generally the district in which it is located, a literal enforcement of the provisions of this by-law would involve substantial hardship, financial or otherwise to the appellant or petitioner and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of this by-law. No variance may be authorized for a use or activity not otherwise permitted in the district where the land is located. The Zoning Board of Appeals may impose conditions, safeguards and limitations both of time and use, but may not impose a condition based upon the continued ownership of land by any owner. The rights authorized by such variance shall lapse if not exercised within one year of the date of the grant.

4. Comprehensive Permits. To grant a comprehensive permit pursuant to G.L. c. 40B.

**11.2.4 Rules and Regulations; Fees.** The Zoning Board of Appeals shall adopt rules and regulations, including fees, for the conduct of business and for the purpose of this By-law and Chapter 40A of the General Laws, and shall file a copy of such rules and fees with the Town Clerk.

### **11.3 PLANNING BOARD**

**11.3.1 Establishment.** The Planning Board shall consist of seven (7) elected members and one appointed associate member.

**11.3.2 Powers.** The Planning Board shall have the following powers:

1. To hear and decide applications for special permits as provided in this By-law.
2. To hear and decide applications for site plan approval pursuant to Section 11.5.

**11.3.3 Associate Member.** The Planning Board, when acting as the Special Permit Granting Authority (SPGA), shall have one (1) Associate Member. The Associate Member shall be appointed by the Planning Board for a term of one (1) year, beginning July 1 and ending on June 30. The Associate Member shall act in the case of absence, an inability to act, or a conflict of interest on the part of any member of the Planning Board, or in the event of a vacancy on the Board. Prior to commencement of a Special Permit (does not include Site Plan approval, Subdivision hearings or ANR meetings) public hearing only, the Chair shall designate the Associate Planning Board Member to sit in the event that, as stated above, any member is absent, unable to act or has a conflict of interest. When acting on any permit, there shall be no more than seven Board members voting on any Special Permit application.

1. In the case of resignation of an Associate Member, the Planning Board may immediately appoint a new Associate Member for a term to end June 30 of that year, or take any other action relative thereto.

**11.3.4 Rules and Regulations; Fees.** The Planning Board shall adopt rules and regulations, including fees, for the conduct of business and for the purpose of this By-law and Chapter 40A of the General Laws, and shall file a copy of such rules and fees with the Town Clerk.

## **11.4 SPECIAL PERMITS**

**11.4.1 Special Permit Granting Authority.** The Board of Appeals, Planning Board, and the Board of Selectmen shall be the Special Permit Granting Authority (SPGA) as specified in the various sections of this By-law and shall hear and decide applications for special permits.

**11.4.2 Criteria.** Special permits shall be granted by the SPGA, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this By-Law, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and
6. Potential fiscal impact, including impact on town services, tax base, and employment.

**11.4.3 Application.** The SPGA may adopt additional rules relative to the issuance of special permits and shall file a copy with the Town Clerk. The rules shall prescribe a size, form, contents, style, and number of copies of plans and specifications and the procedure for submission and approval of such permits.

**11.4.4 Conditions.** The SPGA may impose additional conditions and limitations as it may deem necessary.

**11.4.5 Regulations.** The special permit granting authority may adopt rules and regulations for the administration of this section.

**11.4.6 Fees.** The special permit granting authority may adopt reasonable administrative fees

and technical review fees for applications for special permits.

**11.4.7 Lapse.** Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

## **11.5 SITE PLAN APPROVAL**

**11.5.1 Purpose.** The purpose of site plan approval is to further the purpose of this By-law and to ensure that the new development is designed in a manner which reasonably protects visual and environmental qualities and property values of the Town, and to assure adequate drainage of surface water and safe vehicular access.

**11.5.2 Projects Requiring Site Plan Approval.** No building permit shall be issued for any of the following uses unless site plan approval has been granted by the Planning Board. Any special permit granted prior to site plan approval shall require Planning Board approval as a condition of said special permit.

1. The construction or exterior alteration of a commercial structure.
2. The construction or exterior alteration of an industrial structure.
3. Any other use specified in the Table of Use Regulations which indicates Site Plan Approval is required.

**11.5.3 Review by Other Boards.** The Planning Board shall circulate a site plan review application to other Town boards, including but not limited to the following: Building Inspector, Board of Health, Conservation Commission, Highway Department, Fire Department, and Police Department.

**11.5.4 Waiver.** The Planning Board may waive any or all requirements of site review for external enlargements of less than 25% of the existing floor area.

**11.5.5 Application; Fees.** Each application for Site Plan Approval shall be submitted to the Planning Board by the current owner of record, accompanied by fifteen (15) copies of the site plan.

1. The Planning Board may hire professional assistance to review plans and inspect improvements, all at the cost of the Developer, all pursuant to G.L. c. 44, s. 53G.
2. An administrative fee of \$600 plus \$0.75 per square foot of gross building area will

accompany the application and site plan to exclude submission of residential site plan.

**11.5.6 Required Site Plan Contents.** All site plans shall be prepared by a registered architect, landscape architect, or professional engineer unless this requirement is waived by the Planning Board because unusually simple circumstances. All site plans shall be on standard 24" x 36" sheets and shall be prepared at a sufficient scale to show:

1. Locus plan;
2. Location of structures within 100 ft. of the property lines;
3. Existing and proposed buildings, showing setbacks from property lines;
4. Building elevations (elevations in relationship to mean sea level) of the lowest floor (including basement or cellar) of all structures;
5. Existing and proposed contour elevations in two-foot increments;
6. Parking areas, driveways and facilities for pedestrian movement;
7. The location and description of all proposed septic systems, water supply, storm drainage systems, utilities, and refuse and other waste disposal methods;
8. Lighting;
9. Loading and unloading areas;
10. Existing and projected traffic volumes from the site and effect on the local road network;
11. Drainage calculations and soil tests for the location of the building(s), parking areas and drainage facilities;
12. Proposed landscape features including the location and a description of screening, fencing and plantings;
13. The location, dimension, height and characteristics of proposed signs;
14. The location and a description of proposed open space or recreation areas;
15. Other information as may be deemed necessary to determine compliance with the provisions of this By-law.



The Planning board may waive any information requirements it judges to be unnecessary to the review of a particular plan.

#### **11.5.7 Procedures.**

1. Referral. The Planning Board shall refer copies of the application within five (5) days to the Conservation Commission, Board of Health, Inspector or Buildings, Highway Superintendent, Police Chief and Fire Chief who shall review the application and submit their recommendations and comments to the Planning Board. Failure of Boards to make recommendations within thirty-five (35) days of the referral of the application shall be deemed to be lack of opposition.
2. Public Hearing. The Planning Board shall hold a public hearing within sixty-five (65) days of the receipt of the application, and after due consideration of the aforementioned recommendations, shall take final action within 90 days from the date of filing.
3. When a use requires both a special permit and site plan approval, a joint public hearing to address the applications may be held within sixty-five (65) days of the filing of a special permit application with the Planning Board or Board of Appeals. The Planning Board shall then have 90 days following the date of application in which to act.

**11.5.8 Review Criteria.** The following criteria shall be considered by the aforementioned Boards in the review and evaluation of a site plan, consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which it is located.

1. If the proposal requires a special permit, it must conform to the special permit requirements as set forth in this By-law.
2. The development shall be integrated into the existing terrain and surrounding landscape, and shall be designed to protect properties and community amenities.
3. Building sites, shall to the extent feasible, a) minimize use of wetlands, steep slopes, floodplains, hilltops; b) minimize obstruction of scenic views from publicly accessible locations; c) preserve unique natural historical features; d) minimize tree, vegetation and soil removal and grade changes, e) maximize open space retention; and f) screen objectionable features from neighboring properties and roadways.
4. Architectural style shall be in harmony with the prevailing character and scale of buildings in the neighborhood and the Town through the use of appropriate building materials, screening, breaks in roof and wall lines and other architectural techniques. Variation in detail, form and siting shall be used to provide visual interest and avoid

monotony.

5. Proposed buildings shall relate harmoniously to each other with adequate light, air, circulation, and separation between buildings.
6. The development shall be served with adequate water supply and waste disposal systems. For structures to be served by on-site waste disposal systems, the applicant shall submit a septic system design prepared by a Certified Engineer and approved by the Board of Health.
7. The plan shall maximize the convenience and safety of vehicular and pedestrian movement within the site in relation to adjacent ways. The plan shall describe estimated average daily and peak hours vehicle trips to be generated by the site and traffic flow patterns for vehicles and pedestrians showing adequate access to and from the site and adequate circulation within the site.
8. The site plan shall show adequate measures to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes in groundwater levels, increased run-off and potential flooding. Drainage shall be designed so that run-off shall not be increased, groundwater recharge is maximized, and neighboring properties will not be adversely affected.
9. The development will not place excessive demands to Town services and infrastructure.
10. Electric, telephone, cable TV, and other such utilities shall be underground where physically and environmentally feasible.
11. Exposed storage area, machinery, service areas, truck-loading areas, utility buildings and structures and other unsightly uses shall be setback or screened to protect the neighbors from objectionable features.
12. The site plan shall comply with all zoning requirements for parking, loading, dimensions, environmental performance standards, and other provisions of this bylaw.

**11.5.9 Final Action.** The Planning Board's final action shall consist of either:

1. A determination that the proposed project will constitute a suitable development and is in compliance with the criteria set forth in this bylaw.
2. A written denial of the application stating the reason for such denial; or

3. Approval subject to any reasonable conditions, modifications, and restrictions as the Planning Board may deem necessary.

The Board's written decision shall be filed with the Office of the Town Clerk.

**11.5.10 Enforcement.** The Planning Board may require the posting of a bond to assure compliance with the plan. The Inspector of Buildings may suspend a building permit when work is not performed as required.

**11.5.11 Lapse.** Any ~~special permit with~~ site plan approval issued under this section shall lapse within one (1) year if a substantial use thereof has not commenced sooner except for good cause.

**11.5.12 Rules and Regulations; Fees.** The Planning Board may adopt and amend rules and regulations, including fees, consistent with this By-law. These regulations may establish performance standards, and design guidelines or standards, consistent with the purpose of this Section.

**11.5.13 Appeal.** The decision of the Planning Board pursuant to this Section 11.5 shall be appealed within twenty days in accordance with G.L. c. 40A, s. 17 to a court of competent jurisdiction.

## SECTION 12.0 DEFINITIONS

For the Purpose of this by-law, certain terms and words are herein defined as follows: Words used in the present tense include the future and the plural includes the singular; the word “lot” includes the word “plot”; the word “structure” includes the word “building”; the word “shall” is intended to be mandatory; “occupied” or “used” shall be considered as though followed by the words “or intended, arranged, or designed to be used or occupied”. The word “person” includes a corporation, trust, partnership, association, or other similar entity, as well as an individual.

**Accessory Building or Use:** A building or use customarily incidental to and located on the same lot with the principal building or use, except that if more than 30% of the lot are is occupied by such use, it shall no longer be considered accessory.

**Adult Use:** Any one of the following types of establishments:

**Adult Bookstore:** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, films, videos or other matter which is distinguished or characterized by its emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL Chapter 272, Section 31.

**Adult Entertainment:** Activity which takes place in a location or establishment for which a license (whether temporary or longer term) has been issued by any governmental office or body permitting the serving of alcoholic beverages, and which involves a live person unclothed or in such attire, costume or clothing as to expose to view any portion of the pubic hair, anus, genitals, or cleft of the buttocks or any portion of the female breast below the top of the areola.

**Adult Motion Picture Theater:** A facility used for assembly for presenting material depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL Chapter 272, Section 31.

**Agricultural or Animal Show:** A show or event whose primary purpose, activity, and source and disbursement of funds is related to the display, competition, judging, or exhibition of equine (including without limitation polo), cats, dogs, agricultural animals or agriculturally grown products.

**Assisted Living Residence:** A facility as defined in G.L. c. 19D, s. 1.

**Bed and Breakfast Establishment:** A private owner-occupied house where four or more rooms are let on a temporary or transient basis and a breakfast is included in the rent.

**Bed and Breakfast Home:** A private owner-occupied house where three or fewer rooms are let

on a temporary or transient basis and a breakfast is included in the rent.

**Camper:** A portable dwelling, eligible to be registered and insured for highway use, designed to be used for travel, recreational and vacation uses but for permanent residence. Includes equipment commonly called travel trailers, pick-up coaches or campers, motorized campers, and tent trailers, but not mobile homes.

**Camp Ground:** Premises used, for the primary purpose of generating an income, for travel trailers, campers or tenting for temporary overnight use that have any of the following features: (a) site improvements for access by campers, (b) sanitary facilities for campers, (c) utilities available to campers, (d) food and supplies available for sale or (e) fees charged for the use of the premises by a camper.

**Child Care Center:** A facility as defined in M.G.L. Chapter 15D, Section 1A.

**Commercial Recreational Activity, Commercial Amusement or Commercial Assembly:** Any activity consisting of recreation, amusement or assembly which contains any three or more of the following features: (a) is operated for an economic gain by other than a non-profit organization, (b) awards cash prizes or cash awards to any participants, (c) is expected to attract more than 25 people unrelated to the participants, (d) involves a fee charged to spectators, (e) involves the use of mechanized rides for amusement and/or enjoyment or (f) involves the use outdoors of more than five motorized vehicles and/or devices during any calendar day by the participants; but excluding an Agricultural or Animal Show.

**Common Driveway:** A private way, extending from a public way, serving as common vehicular access to more than two (2) but not more than six (6) residential lots is common driveway. A common driveway which serves from three (3) to six (6) residential lots is hereinafter called a "CD" for the purpose of this By-law.

**Corner Lot:** A lot frontage on two (2) intersecting roadways which form an interior angle of one hundred and twenty (120) degrees or less.

**Customary Home Occupation:** A business or profession customarily engaged in, on residential premises, by a resident thereof as a use accessory thereto.

**Development:** Means any man made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**Dwelling:** A building or part of a building used exclusively as the living quarters for one or more families, but not mobile homes.

**Dwelling, Multifamily:** A building with three or more dwelling units on a single lot, irrespective of structure type, ownership, or tenure but not as mobile homes.

**Dwelling Unit:** Living quarters for a single family, with cooking, living, sanitary and sleeping facilities independent of any other unit, but not mobile homes.

**Duplex:** A building divided into two (2) dwelling units.

**Essential services:** Services provided by a public service corporation or by governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems whether underground or overhand, but not including wireless communications facilities. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.

**Family:** One or more persons occupying a dwelling unit and living as a single non-profit housekeeping unit.

**Family child care home:** An accessory facility as defined in M.G.L. Chapter 15D, Section 1A.

**Family child care home, large:** An accessory facility as defined in M.G.L. Chapter 15D, Section 1A.

**Farm:** “Farming” or agriculture” shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

**Flood Plain Overlay District (FPOD):** The following definitions are applicable in the FPOD, Section 10.1:

**Federal Emergency Management Agency (FEMA):** Administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study for communities as well as regulatory standards for development in the flood hazard areas.

**Flood Hazard, Area of Special:** Is the land in the floodplain within the municipal boundaries of the Town of Rehoboth subject to a one percent or greater chance of flooding in any given year. The area is designated as Zone A, A1, A2, A3, A4, A6, or A7 on the FIRM dated September 1, 1977.

**One-Hundred (100) Year Flood:** Means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**Special Hazard Area:** Means an area having special flood and/or flood-related erosion hazards, and shown on the FHBM or FIRM as Zone A, A1, A2, A3, A4, A6, or A7.

**Fur-bearing Animals:** Animals kept or raised commercially primarily or exclusively for their fur or pelts and the products manufactured therefrom, including without limitation, mink, beaver, chinchilla.

**General service establishment:** Establishments for trades and crafts which require manual dexterity, including but not limited to shops such as the following: plumbers, electricians, painters, paperhangers, upholsterers, sign painters, and monument works.

**Groundwater Protection Overlay District (GPOD):** The following definitions are applicable in the GPOD, Section 10.2

**Animal Feedlot:** A plot of land on which 25 livestock or more per acre are feed on a regular basis.

**Aquifer:** An underground formation or group of formations in rocks and soils containing enough ground water to supply wells and springs.

**Aquifer Recharge Zone:** The land area through or over which rainwater and other surface water soaks through the earth to replenish an aquifer, lake, stream, river, or marsh. Also called a watershed.

**Disposal:** The deposit, injection, dumping, spilling, leaking, incineration of, or placing of any hazardous material into or on any land or water so that such hazardous material or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

**Groundwater:** All the water found beneath the surface of the ground. In Section 10.2, the term refers to the subsurface water present in aquifers and recharge areas.

**Hazardous Waste:** A waste, or combination of wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in serious irreversible or incapacitating reversible

illness or pose a substantial present or potential hazard to human health, safety, or welfare, or to the environment when improperly treated, stored, transported, used, or disposed of, or otherwise managed.

**Impervious Surface:** Material covering the ground, including, but not limited to, macadam, concrete, pavement and buildings, that does not allow surface water to penetrate into the soil.

**Leachable Wastes:** Waste materials, including, but not limited to solid wastes, sewage, sludge, and agricultural wastes that are capable of releasing pollutants to the surrounding environment.

**Mining of Land:** The removal or relocation of geologic materials, such as topsoil, sand and gravel, metallic ores, or bedrock.

**Nonconforming Use:** Any use that does not conform to the intent of this bylaw whether specified or inferred herein.

**Personal service establishment:** A service business primarily serving local needs including, but not limited to, barber, beauty shop, laundry and dry cleaning, shoe repair, printing shop, photography studio, caterer's shop.

**Pollutant:** Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, which is or may be discharged, drained or otherwise introduced into any surface of subsurface disposal or conveyance system, or water of the Commonwealth.

**Process Liquids:** Liquids used in cooling, cleaning or in manufacturing processes which contact raw materials, products, wastes, or machinery and which, because of that contact, may contain pollutants as defined herein.

**Radioactive Materials:** Any of the materials which have a concentration that exceeds the limits set forth in Appendix B, Table II, of 10 CFR Part 20 (Standards for Protection Against Radiation) or any other applicable provisions of federal or state law or regulation.

**Solid Wastes:** Useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing. This includes, but is not limited to, rubbish, combustion residues, garbage, scrap materials, junk, fill material, demolition debris, construction wastes, and refuse.

**Toxic or Hazardous Materials:** Any substance or mixture of such physical, chemical, or infectious characteristics as to pose a significant actual or potential hazard to water supplies, environmental quality, or human health if such substance or mixture were discharged to land or waters of this town. Toxic or hazardous material include, without



limitation, petroleum products, (provided however that Liquefied Petroleum Gas shall be deemed not to be a toxic or hazardous material or a petroleum product for the purposes of Section 10.2), heavy metals, radioactive materials, pathogenic or infectious wastes, solvents, thinners, and other materials which are listed as toxic, hazardous, or a priority pollutant by the United States Environmental Protection Agency under any of the following laws: (1) Toxic Substances Control Act 15 United States Congress (U.S.C.), s.2601 seq.; (2) Federal Insecticide, Fungicide, and Rodenticide Act 7 U.S.C. s.136 et seq.; (3) Resource Conservation and Recovery Act of 1976 42 U.S.C. s.6901 et seq.; (4) Comprehensive Environmental Response, Compensation, and Liability Act of 1982 42 U.S.C. s.9601 et seq.; and (5) Federal Water Pollution Control Act 33 U.S.C. s 1251 et seq.

**Home Occupation:** A business or profession engaged in, on the premises, by a resident thereof as a use accessory thereto.

**Hotel, Inn, Motel, Tourist Court or Lodging House:** A building, or portion thereof of a group of buildings on a single lot, intended to be used for the more or less temporary occupancy of more than five (5) individuals who are lodged, with or without meals, and in which major provisions for cooking may be made in a central kitchen but may not be in the individual rooms or suites.

**In-law Apartment:** An appendage to a single family dwelling unit consisting of facilities to provide for sleeping, eating, bathing and living.

**Kennel:** One pack or collection of dogs on a single premise, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where dogs are on sales, and also including every pack or collection of more than three (3) dogs, three (3) months old or over, owned or kept on a single premise irrespective of the purpose for which they are maintained.

**Large-Scale Ground-Mounted Solar Photovoltaic Installation:** The following definitions shall apply for the purposes of Section 9.2:

**As-of-Right Siting:** As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development shall be subject to site plan review to determine conformance with local zoning ordinances or bylaws. Projects cannot be prohibited, but can be reasonably regulated by the town building inspector.

**As of Right Designated Location:** The locations are designated by approval at town meeting, in accordance with Massachusetts General Laws Chapter 40A, section 5, where ground - mounted large scale solar photovoltaic installations may be sited as-of right. Said locations for as of right siting shall be on land designated for industrial use under

this By-Law. All other locations in town require a special permit in addition to a standard building permit for constructing a Large-Scale Ground-Mounted Photovoltaic Installation.

**Large-Scale Ground-Mounted Solar Photovoltaic Installation:** A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC. 1

**On-Site Solar Photovoltaic Installation:** A solar photovoltaic installation, which is located at a commercial, industrial, agricultural, institutional, or public facility that will generate electricity to be used primarily on-site.

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

**Lot:** An area of land in one ownership with definite boundaries ascertainable by recorded deed or plan and used or set aside and available for use as the site of one or more buildings.

**Lot Area:** The horizontal area of a lot exclusive of any area in a public way or street which is accepted, proposed or dedicated to be open to the public use. At least 90% of the lot area used for zoning compliance shall be land other than that under water for nine (9) months or more in a normal year.

**Lot Frontage:** That portion of a lot fronting upon and having access to a public way(s) or a way(s) in a definitive subdivision plan endorsed by the Planning Board. The minimum frontage must be continuous. The length of continuous frontage shall be the sum of all the straight line and curved segments of the street right-of-way between the sidelines of the lot.

**Mobile Home:** A movable or portable dwelling unit built on a chassis, designed for connection to utilities when in use, and designed without necessity of a permanent foundation for year-round living.

**Nonconforming Use:** Any lawfully existing use of land or buildings which does not conform to the regulations for the district in which such use of land or building exists.

**Noise:** For the purposes of Section 6.4.3.2, the following definitions shall apply:

**Activity:** Any construction, demolition, entertainment or sporting event, recreation, freight handling, land clearing, equipment, machinery, or vehicle operation, property or vehicle maintenance, or combination thereof.

**dB(A):** The noise level in decibels as measured on the A-weighted scale of a noise level meter.

**Noise:** Any undesired or unwanted sound that has been the subject of one or more complaints from the same general area of town.

**Normal ambient noise levels:** those levels of sound that can normally be heard in the background at the time of day and in the general area of town that an activity on which there have been complaints is occurring.

**Person:** any individual, association, group business, proprietor, partnership, corporation, firm, trust or unit of government.

**One-half Story:** That portion of a building under a sloping roof that cubic contents of which are never more than two-thirds ( $2/3$ ) of that of the story below. If cubic contents are greater, it shall be deemed a story.

**Organized Recreation:** Recreational activity which does not involve the use outdoors of more than five motorized vehicles or devices at any time and which has three or more of the following: (a) league or organization name or other identification, (b) set teams or groups to participate in the activity, (c) requires the use of an established field, facility or course (d) has a schedule of games or events, (e) has officials such as umpires, referees, timekeepers or the like, (f) participants pay a fee to register, play or participate, or (g) the activity starts before 8:00 AM or ends after 9:00 PM.

**Overlay District:** Means a set of zoning requirements that is imposed in addition to those of the underlying district.

**Piggery:** Any facility or place where more than three swine are kept.

**Premise(s):** A piece of real estate in one ownership recorded by deed or plan including, without limitation, a house and its accessory buildings and the land on which they are situated.

**Private club or lodge:** A private organization, building or grounds, to include specifically country clubs and fraternities and other organizations to which membership is limited or controlled.

**School Age Child Care Program:** A facility as defined in M.G.L., Chapter 15D, Section 1A.

**Sign:** Any privately owned permanent or temporary device, billboard, placard, letter, painting, word, poster, banner, pennant, insignia, drawing, trade flag, or representation used as, or which is in the nature of, an advertisement, announcement, or direction which is on a public way or on

private property within public view of a public way, public park, or reservation. A Standing Sign is any sign that is not attached to a building. The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any “cutouts” or extensions, but shall not include any supporting structure or bracing. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest rectangle or triangle which encompasses all of the letters and symbols. The area of a sign consisting of a three (3) dimensional object shall be considered to be the area of the largest vertical cross-section of that object. Only one side shall be counted in computing the area of a double-faced sign.

**Stable:** A building used for the shelter and feeding of equines.

**Street or Way:** Shall include a public way or a way shown on a definitive sub- division plan which has been approved in accordance with the sub-division control law, or on a way in existence when the sub-division control law became effective in the Town of Rehoboth, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby.

**Structure:** Anything constructed or erected, the use of which requires fixed location on the ground, or attachment to something located on the ground, including buildings, swimming pools, tanks or the like or part thereof.

**Substantial Improvement:** Means any repair, reconstruction, or improvement of a structure, the cost of which includes or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred.

**Wind Energy Facility:** The following definition shall apply for the purposes of Section 9.1:

**Agriculture:** ‘Farming’ or ‘agriculture’ shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

**Building Integrated Wind Energy Facility:** A wind energy facility shall be considered to be building integrated if it is designed to be permanently mounted on a building or other inhabitable structure. This definition applies to wind turbines of any capacity that are designed to be operated in direct contact with a building. This definition also covers, for the purposes of Section 9.1, other wind energy facilities primarily used for land-based applications which may be permanently mounted and operated on a building.

**Height:** (a) The height of a horizontal axis wind turbine shall be measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height; (b) the height of a vertical axis wind turbine shall be measured from natural grade to the tip of the vertical turbine shaft upon which the vertical blades rotate or the rotor blade, whichever is higher.

**Large Wind Energy 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, storage, electrical collection and supply equipment, transformers, service and access roads. Large wind energy facility system may be comprised of one or more wind turbines with a total rated nameplate capacity of greater than 100kW/ 0.1MW.

**Micro Wind Energy System:** All equipment, machinery and structures utilized in the connection with the conversion of kinetic energy of wind into electrical power. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and access paths. Small micro wind energy facility system may be comprised of one or more wind turbines with a total rated nameplate capacity of not more than 50 kW/.05MW.

**On-Site Wind Energy Facility:** A wind project, which is located at a commercial, industrial, agricultural, institutional, or public facility that will generate electricity to be used primarily on-site.

**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.

**Residential Micro-wind Energy System:** A wind generating system capable of providing power needs for an individual home and outbuildings with an elevated height of no more than 100 feet.

**Small Wind Energy System:** All equipment, machinery and structures utilized in connection with the conversion of kinetic energy of wind into electrical power. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and access roads. Small wind energy facility system may be

comprised of one or more wind turbines with a total rated nameplate capacity of not more than 100kW/ 0.1MW.

**Substantial Evidence:** Such evidence as a reasonable mind might accept as adequate to support a conclusion.

**Utility-Scale Wind Energy Facility:** A commercial wind facility, where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.

**Wind Energy Facility:** All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. 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.

**Wind Monitoring or Meteorological Tower:** Temporary towers used to gather wind data necessary for site evaluation and development of wind energy projects. In addition the MET tower can be equipped to record temperature, solar radiation and air pressure if necessary, but are not used for the purpose of generating electricity.

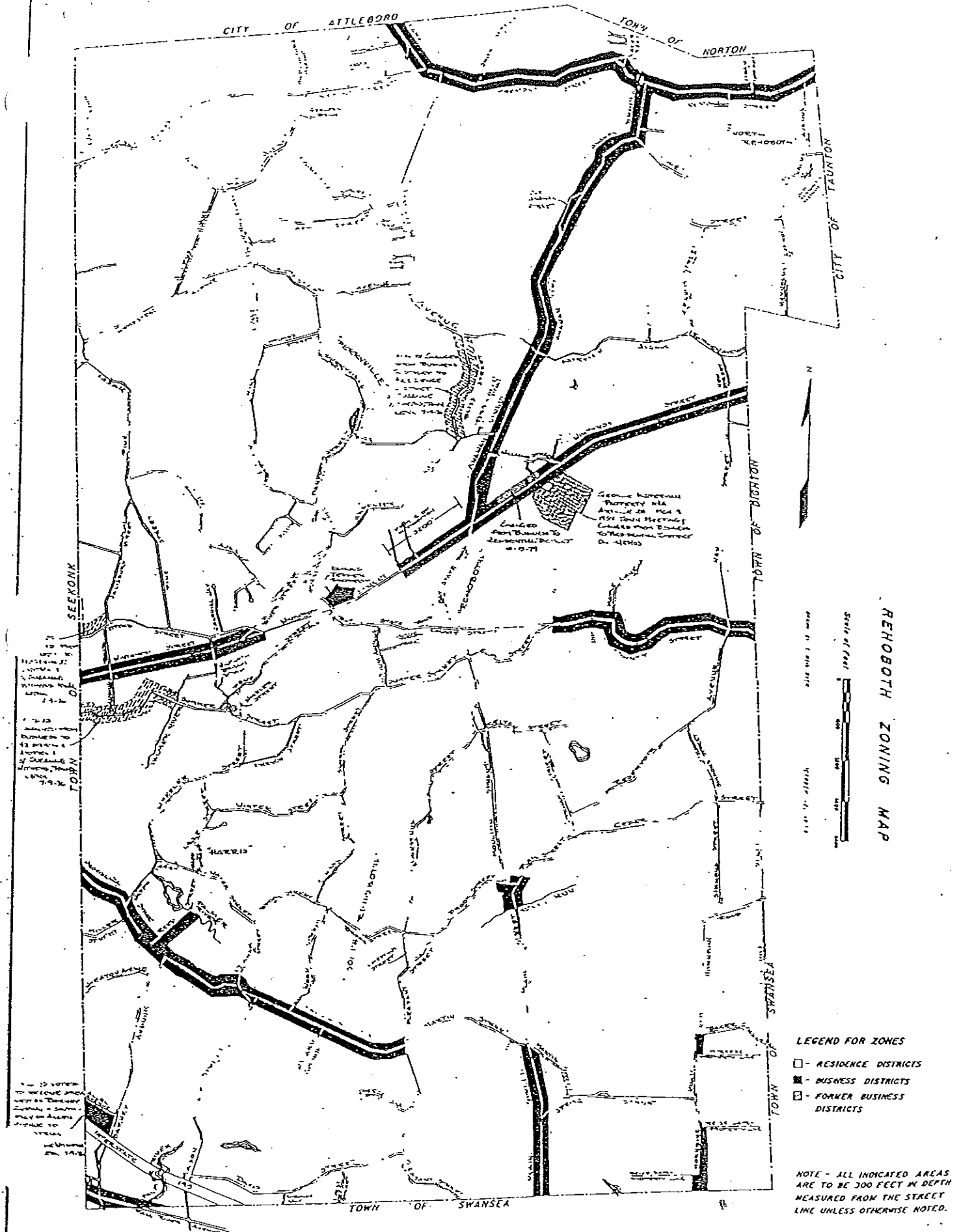
**Wind turbine:** A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body for a horizontal turbine or genset for a vertical turbine, and a rotor with two or more blades.

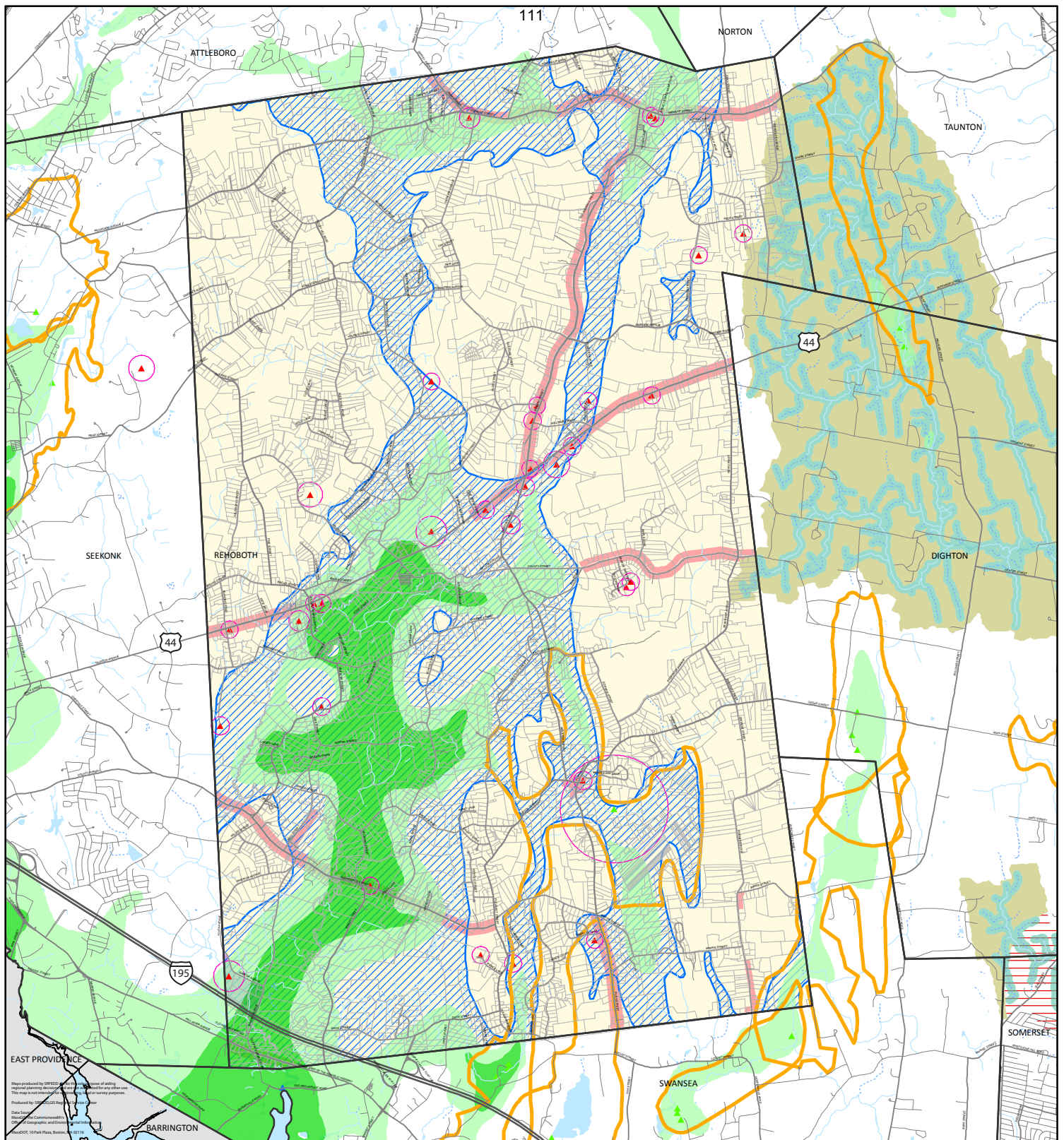
**Yard:** A required open space, unobstructed by structures more than 30" high, other than fences or other customary yard accessories.

**Yard, Front:** A yard extending between lot side lines across the part of a lot adjacent to each street it adjoins.

**Yard, Rear:** A yard extending across the rear of the lot between inner side yard lines.

**Yard, Side:** A yard extending from the rear line of the required front yard to the rear lot line adjacent to the lot side lines.





# Rehoboth: Water Resources

1 mile

1

## Legend

<b>Zoning</b> Residential/Agriculture - RE/AG General Business - GB Industrial - IND Water Resource Protection Overlay District	Municipal Boundaries Rhode Island Towns Water River/Stream Intermittent Stream	Interstates Arterials and Collectors Local Roads Parcels	High Yield Aquifer Medium Yield Aquifer Surface Water Protection Areas Zone A Zone B Zone C	Community Groundwater Source Surface Water Intake Non-Community Groundwater Source DEP Interim Wellhead Protection Area DEP Approved Zone II
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## **ARTICLE 19: APPENDIX B**

### **AN ACT RELATIVE TO ESTABLISHMENT OF A SPECIAL CAPITAL FUND IN THE TOWN OF REHOBOTH**

#### **Section 1. Establishment of a Capital Expenditure Fund.**

- (a) Notwithstanding the provisions of Section 53 of Chapter 44 of the general laws or of any other general or special law to the contrary, there is hereby established in the Town of Rehoboth a capital expenditure fund to which shall be credited without further appropriation real estate, personal property taxes and permitting revenues from "Solar Farm Facilities" situated in the Town. (hereinafter "Solar Tax Revenues"). The Town Treasurer shall be the custodian of the fund, and the deposit and investment of Solar Tax Revenues in such fund shall be in accordance with the provisions of Section 55 of Chapter 44 of the General Laws. Interest earned shall remain with and become part of the fund.
- (b) For purposes of this Act, the term "Solar Farm Facilities," shall mean real property on which is located arrays of photovoltaic panels that collect and convert sunlight to energy for commercial purposes, regardless of how such facilities are characterized, and the panels and related equipment.

#### **Section 2. Expenditures from the Fund.**

- (a) Not later than March 15 in any year, the Board of Assessors shall estimate annual Solar Tax Revenue to be collected in the upcoming fiscal year and notify the Board of Selectmen of the amount available for appropriation at the Annual Town Meeting, and at any later Town Meeting held prior to setting the tax rate. As with other municipal tax revenues, following the close of the books at the end of each fiscal year, any Solar Tax Revenues not appropriated, and any other monies remaining in the fund shall be reported to the Department of Revenue; once approved, such fund balance shall be available for appropriation at any time and for any fiscal year. Funds not spent in any one fiscal year shall be permitted to remain in the fund and carry over to succeeding fiscal years.
- (b) Appropriations from said fund shall be authorized by majority vote at an Annual Town Meeting or Special Town Meeting for any purpose related to capital improvements or for the repayment of capital debt. For purposes of this Act, "capital improvements" or "capital debt" shall include: acquisition of interests in land, acquisition of tangible assets or the undertaking of capital projects, which assets or project shall have a useful life of 5 years or more and a cost of \$10,000 or more and which are not properly categorized as annual operating expenses and shall include the payment of debt service on capital projects, whether such projects were approved prior to or after the effective date of this Act. Capital projects shall be limited to general government buildings only such as, public safety, municipal offices, senior center and the like and shall also include major departmental capital equipment, building renovations, expansion, construction and land acquisitions related thereto, even if acquired on an annual basis, meeting the useful life and cost requirements of this section.

Section 3. Limitations on the Fund

- (a) The unencumbered balance of the fund shall at no time exceed two million dollars (\$2,000,000.00). In the event the fund reaches one million dollars, all Solar Tax Revenues shall go into the General Fund.
- (b) In the event an expenditure of capital debt is approved from this fund by the Town Meeting, annually the Treasurer shall encumber sufficient funds to pay said annual debt payment(s) after which time the remainder of the balance of the fund shall be subject to appropriation as set forth herein.

Section 3.

- (a) The General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.
- (b) This Act shall take effect upon enactment or by July 1, 2015.

## APPENDIX C - TOWN MEETING PROCEDURES

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### Procedures

Town Meeting procedure is determined by the Statutes of the Commonwealth of Massachusetts, by the Bylaws of the Town of Rehoboth, by the rules and practices contained in Town Meeting Time - Handbook of Parliamentary Practices, and by past Town Meeting practices.

### Quorum

The Bylaws of the Town of Rehoboth specify that a quorum of ninety (90) registered voters is necessary for the Annual Town Meeting (a quorum of sixty (60) is required for a Special Town Meeting) to take action on any article requiring the raising and appropriating or transferring of money.

### Rules

1. No voter may speak without first standing and being recognized by the Moderator, who presides and makes rulings at Town Meeting.
2. Speakers will give their name and address before addressing the Town Meeting.
3. No voter can speak for a second time on any subject if there are other voters who desire to be heard without leave from the Moderator.
4. Debaters must keep their discussion within the scope of the motion on the floor.
5. All questions for information will be directed through the Moderator.
6. Articles in the warrant shall be acted upon in their order, unless the Town Meeting by majority vote determines otherwise.

### Motions

Motions 1 through 5 are privileged motions addressing the conduct of the meeting and

have priority over any other motion or any question which may be pending:

1. **Motion to dissolve** - Town Meeting may be dissolved only after the completion of action on all articles in the warrant. Not debatable or amendable.
2. **Motion to adjourn** - Postpones the meeting to another time, which must be within 21 days. Debatable and amendable.
3. **Point of no quorum** - A call for a count of voters. A quorum must be present to act on the warrant. Not debatable or amendable.
4. **Motion to fix the time to which to adjourn** - Sets a time and date for resumption of the meeting. Not debatable or amendable.
5. **Question of privilege** - Relates to the rights and privileges of the meeting and to the rights of the members. Not debatable or amendable.

Motions 6 through 12 are subsidiary motions which have a direct effect on the original or main motion:

6. **Motion to lay a matter on the table** - Postpones action on the motion for an unspecified time, and resumes action at will of the meeting. Town Meeting will not be dissolved until some action is taken on the tabled motion. Not debatable or amendable.
7. **Call of the previous question** - Calls for a vote on the motion under discussion without further debate. Not debatable or amendable.
8. **Limit of extended debate** - Sets a time limit for each speaker or for the entire debate. Debatable and amendable.
9. **Postpone to a time certain** - Postpones debate to a specified time or until after a specified article. Debatable and amendable.

10. **Commit, recommit, or refer** - Puts the problem in the hands of a committee for further study.

11. **Amend or substitute** - Modifies the motion on the floor in whole or in part. A written copy of the amendment must be presented to the Moderator or the Town Clerk. Debatable and amendable.

12. **Postpone indefinitely** - Ends debate and removes the main motion from discussion without a vote on the main motion. Not debatable or amendable.

Motions 13 through 20 are incidental motions equal to each other, and relate to the conduct of the meeting with respect to the motion on the floor. They are considered and acted upon before the motions out of which they arise are concluded:

13. **Point of Order** - Questions a possible error of omission or commission. Not debatable or amendable.

14. **Appeal** - Moves to reverse the decision of the Moderator on a Point of Order. Debatable but not amendable.

15. **Division of a question** - Divides a main motion where practical, to discuss and vote on the separate parts. Debatable and amendable.

16. **Separate consideration** - Requests discussion on separate parts of a question which do not allow for division since the separate parts are interrelated and will not stand on their own. Debatable and amendable.

17. **Fix the method of voting** - Requests a specific form of voting, different from the normal one. Debatable and amendable.

18. **Nomination to a committee** - Follows a motion to form a committee if that motion does not specify how the members are to be selected. Not debatable or amendable.

19. **Withdraw or modify a motion** - Allows maker of a motion to withdraw or modify that motion. Not debatable or amendable.

20. **Suspension of rules** - Requests a change in the rules relating to the conduct of the meeting. Not debatable or amendable.

Motions 21 through 24 are main motions and stem from the articles in the warrant:

21. **Main motion** - A motion made within the scope of the related article in the warrant. Debatable and amendable.

22. **Reconsider or rescind** - Reconsideration requests reopening of debate on a motion previously voted on, while rescission overturns a previous affirmative vote and defeats the motion involved. May be debatable but not amendable.

23. **Advance an article** - Asks to consider and discuss an article in the warrant out of order. Debatable and amendable.

### **Reconsideration**

A motion to reconsider any vote must be made before the final adjournment of the Meeting at which the vote was passed, but such motion to reconsider shall not be made at an adjourned Meeting unless the mover has given notice of his intention to make such motion, either at the session of the Meeting in which the vote was passed or by written notice to the Town Clerk within forty-eight hours after the adjournment of such session. There can be no reconsideration of a vote once reconsidered.

No article on the warrant shall again be taken under consideration after it has been disposed of by vote, unless ordered by vote of two-thirds of the voters present.

## Appendix D - Glossary

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### **Appropriation**

An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and as to the time when it may be expended.

### **Assessed Valuation**

A valuation set upon real estate or other property by a government as a basis for levying taxes. 100% assessment refers to local assessments that are intended to approximate full and fair cash value of property.

### **Budget**

A plan of financial operations embodying an estimate of proposed expenditures for a given period and the proposed means of financing them. A budget may be preliminary (the financial plan presented to the Town Meeting) or final (the plan approved at the Town Meeting).

### **Capital Expenditure**

The purchase of an item or group of items that have a useful life of more than two years and a cost in excess of \$5,000. Capital expenditure requests are reviewed as part of a five-year plan maintained by the Finance Committee's Capital Planning Subcommittee.

### **Cherry Sheet**

An annual statement received by the Department of Revenue detailing estimated receipts for the next fiscal year from various state aid accounts and the Local Aid Fund (Lottery) and estimated charges payable by the assessors in setting the tax rate.

### **Conservation Fund**

A fund, created by Town vote and controlled

by the Conservation Committee, used for the acquisition and maintenance of conservation land.

### **Finance Committee**

A committee of seven citizens who make recommendations to the Town on all budgets and Town Meeting Warrant Articles. Members of the Finance Committee may not receive pay from the Town and may not hold any other Town office, elected or appointed.

### **Excess Levy Capacity**

The difference between a community's maximum tax levy limit as established by Proposition 2½ and its actual tax levy in the most recent year for which the community has set a tax rate. It is the additional tax levy that a community could raise without going to the voters for an override or debt exclusion.

### **Fiscal Year**

The fiscal year for the Town of Rehoboth is the period starting on July 1 of one year and ending on June 30 of the following year. The number of the fiscal year is that of the calendar year in which the fiscal year ends. For example, the fiscal year covered in this Warrant, FY2015, starts July 1, 2014, and ends June 30, 2015.

### **Free Cash (also called unallocated funds)**

Free cash is the amount of money unrestricted and available for appropriation. Free cash is generated by revenue collections in excess of estimates and actual expenditures and encumbrances less than budgeted amounts.

**Overlay**

The amount of money raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover abatements and to avoid fractions.

**Overlay Reserve**

The accumulated amount in the overlay account for previous years that has not been used and that is not required to be held in a specific overlay account for a given year.

**Proposition 2½**

Proposition 2½ comprises two distinct limits and a growth factor:

Primary limit - Maximum property tax levy, which is equal to 2.5% of the full and fair valuation of the taxable property.

Secondary levy limit - maximum property tax levy increase limit, which is equal to 2.5% of the previous year's levy plus growth revenue.

Growth revenue - the amount of property tax revenue that a community can add to its allowable levy from taxes from new construction, alteration, subdivision, or changes of use which increases a parcel value by at least 50%, or by more than \$100,000 for commercial and industrial property. It is computed by applying the prior year's tax rate to the increase in valuation.

**Proposition 2½ Exemption**

A vote by referendum of the Town to exclude a bond issue from the limits of Proposition 2½. An exemption is done in anticipation of an upcoming expenditure on a major project, to allow the funds to be appropriated at the Town Meeting and not be included under the Proposition 2½ limits.

**Proposition 2½ Override**

A vote by referendum of the Town to override the year-to-year limit of Proposition 2½. An override becomes necessary in situations where the Town votes to appropriate more funds than could be raised under the limits of Proposition 2½.

**Raise and Appropriate**

To fund an expenditure with tax dollars. The Board of Assessors sets the tax rate after the Annual Town Meeting and after they receive the Cherry Sheet.

**Reserve Fund**

A fund established at the Annual Town Meeting to provide for extraordinary and unforeseen expenses. The Reserve Fund, which is administered by the Finance Committee, cannot exceed 5% of the tax levy of the preceding fiscal year.

**Stabilization Fund**

A special account created to provide for expenditures, which is invested until used. Towns may appropriate into this fund in any year an amount no more than ten percent of the prior year's tax levy. The outstanding balance cannot exceed 10% of the town's equalized valuation. It usually requires a 2/3 vote to appropriate money from the Stabilization Fund.

**Surplus Revenue**

The amount by which cash, accounts receivable, and other floating assets exceeds the liabilities and reserves.

**Tax Rate**

The amount of tax stated in terms of a unit of the tax base; for example, \$ **12.44** per \$1,000 of assessed valuation of taxable property.

# TALENT BANK FORM



DATE: \_\_\_\_\_

Town Government needs citizens to give of their time and talents serving the Town of Rehoboth. A Talent Bank has been established as a means of compiling a list of interested citizens willing to serve on a voluntary basis on a variety of boards and committees. Some boards meet often—some require less time—and some are busy at different times of the year. From time to time, there is also a need for advisory committees or sub-committees appointed to work on a specific project.

If you are interested in serving, please indicate your preference below and return the completed form and resume to:

Selectmen's Office, Town of Rehoboth, 148 Peck Street, Rehoboth, MA 02769, email to: [hdennen@town.rehoboth.ma.us](mailto:hdennen@town.rehoboth.ma.us) or FAX to 508-252-5342

- |  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> Bylaw Study Committee   | <input type="checkbox"/> Board of Health                | <input type="checkbox"/> Cable TV Advisory Committee | <input type="checkbox"/> Cemetery Commission     |
| <input type="checkbox"/> Charter Study Committee | <input type="checkbox"/> Communications Committee       | <input type="checkbox"/> Conservation Commission     | <input type="checkbox"/> Council on Aging        |
| <input type="checkbox"/> Cultural Council        | <input type="checkbox"/> Election Day Worker            | <input type="checkbox"/> Facility Study Committee    | <input type="checkbox"/> Finance Committee       |
| <input type="checkbox"/> Historical Commission   | <input type="checkbox"/> Parks Commission (*)           | <input type="checkbox"/> Personnel Board             | <input type="checkbox"/> Planning Board (*)      |
| <input type="checkbox"/> Water Study Committee   | <input type="checkbox"/> Zoning Board of Appeals        | <input type="checkbox"/> Veterans' Services          | <input type="checkbox"/> Other (Please describe) |
| <input type="checkbox"/> IT Committee            | <input type="checkbox"/> Economic Development Committee |  |  |

(\*)These are elected groups. Selectmen may fill vacancies until next election.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Cell or Work Telephone: \_\_\_\_\_

Are you a registered voter? \_\_\_\_\_yes \_\_\_\_\_no

Special interests and skills \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Education and experience \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Reasons for wanting to serve \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Town of Rehoboth  
Rehoboth, Massachusetts 02769

**PRESORTED STANDARD**  
U.S. Postage Paid  
Attleboro, MA  
Permit No. PI210

Important  
Official Notice of:  
2014 Annual Town Meeting  
& 2014 Special Town Meeting

**BOX HOLDER**  
**Rehoboth, Massachusetts 02769**

*Please bring this Warrant with you to the  
Annual Town Meeting & Special Town Meeting*

*Dighton Rehoboth Regional High School  
2700 Regional Road  
North Dighton, MA  
Monday, May 12, 2014*