

HEARING BEFORE THE CITY COUNCIL, JUNE 12, 2017

Hearing opened at 6:45 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present. This hearing is continued from May 22, 2017.

Ms. Elisabeth Ricci was present at the hearing.

The following PETITION was the subject of the hearing:

67-17 Elisabeth Ricci (and 10 registered voters): Amend the Leominster Zoning Ordinance by adding Article XVIII entitled "Recreational Marijuana Facilities" to allow and regulate recreational marijuana facilities within the City.

Ms. Elisabeth Ricci said this petition was in response to the moratorium. They would like the City of Leominster to begin planning zoning since we have a year before the State is ready.

Councillor Dombrowski asked if she knew of any proposed ordinances or templates that the City could possibly use.

Ms. Ricci said she knows of a few. There are definitely templates out there from the State of Washington and Colorado. She also suggested they could work off of the medical marijuana zoning that was recently passed.

HEARING BEFORE THE CITY COUNCIL, JUNE 12, 2017, Continued

Councillor Dombrowski asked if she ran across any that appeared to be stronger than others or better suited for the City of Leominster.

Ms. Ricci said not one in particular. She believes they need one that will fit the City so they will have to pull from multiple zoning; something everyone can be happy with or agree on.

Councillor Dombrowski read a letter of recommendation from the Planning Board.

Councillor Bodanza said that the law already suggests that the zoning requirements cannot be more restrictive for recreational, in terms of location, than medical marijuana. He said the zoning we adopted for medical marijuana created mild controversy about the restrictiveness of the areas that were consigned to medical marijuana. He asked Ms. Ricci if she had an opinion whether that would be too restrictive for recreational marijuana or something that people could work with.

Ms. Ricci said that being in just the industrial zone it's probably a little too restrictive if you take into account that tobacco and alcohol can be sold in a lot of places, not just industrial. She doesn't think they have to worry about a shop popping up at the mall since these shops tend to stay in certain places.

Councillor Bodanza said if they open it up to commercial zone it certainly could.

Ms. Ricci said that the mall would have to approve it.

Councillor Bodanza said that it's something they will have to grapple with when the time comes and it's precisely why he thinks they need to start looking at this now.

Speaking in favor of the petition was Peter Haggis of 333 Elm Street. No one spoke in opposition to the petition.

HEARING ADJOURNED AT 7:01 P.M.

Lynn A. Bouchard, City Clerk and
Clerk of the City Council

HEARING BEFORE THE CITY COUNCIL, JUNE 12, 2017

Hearing opened at 7:01 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present.

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 22 of the Revised Ordinances entitled "Zoning" by inserting a new section, Article II, Section 22-16.12 entitled "Recreational Marijuana Establishment Moratorium".

Councillor Dombrowski read a letter of from the Planning Board in opposition of establishing a moratorium.

No one in the audience spoke in favor or opposition of the petition.

HEARING ADJOURNED AT 7:06 P.M.

Lynn A. Bouchard, City Clerk and
Clerk of the City Council

REGULAR MEETING OF THE CITY COUNCIL, JUNE 12, 2017

Meeting was called to order at 7:30 P.M.

Attendance was taken by a roll call vote; all members were present.

The Committee on Records reported that the records from May 22, 2017 were examined and found to be in order. The records were accepted.

A recess was called at 7:32 P.M. to interview appointees.

Meeting reconvened at 7:48 P.M.

The following COMMUNICATIONS were received, referred to the WAYS AND MEANS AND VETERANS AFFAIRS COMMITTEE and given REGULAR COURSE.

C-85 Dean J. Mazarella, Mayor: Exempt Paula Valiton, a paraprofessional for the Leominster School Department, from the Conflict of Interest Law as provided for in M.G.L. Chapter 268 A, Section 20B as she will be taking a position as an enrichment program instructor for the Recreation Department.

REGULAR MEETING OF THE CITY COUNCIL, JUNE 12, 2017, Continued

- C-86 Dean J. Mazzarella, Mayor: Exempt Lisa Marie Rivera, a tutor for the Leominster School Department, from the Conflict of Interest Law as provided for in M.G.L. Chapter 268 A, Section 20B as she will be taking a position as an enrichment program instructor for the Recreation Department.
- C-87 Dean J. Mazzarella, Mayor: Exempt Erica Macedo, a special education teacher for the Leominster School Department, from the Conflict of Interest Law as provided for in M.G.L. Chapter 268 A, Section 20B as she will be taking a position as an enrichment program instructor for the Recreation Department.

The following COMMUNICATIONS were received, referred to the FINANCE COMMITTEE and given REGULAR COURSE.

- C-88 Relative to the appropriation of \$14,500.00 to the Cemetery Expense Account; same to be transferred from the Cemetery Perpetual Care Income Account.
- C-89 Relative to the appropriation of \$85,301.00 to the Cemetery Salary and Wages Account; same to be transferred from the Cemetery Perpetual Care Income Account.
- C-90 Relative to the appropriation of \$37,000.00 to the Library Expense Account; same to be transferred from the Library Salary and Wages Account.
- C-91 Relative to the appropriation of \$17,500.00 to the Medicare Expense Account; same to be transferred from the Collective Bargaining Expense Account, prior year.
- C-92 Relative to the appropriation of \$282,783.00 to the FY2018 Workers Compensation Loss Fund Insurance Expense Account; same to be transferred from the following Prior Year Loss Funds:
- | | | |
|---------------------------------------|----|------------|
| FY2017 Workers Compensation Loss Fund | \$ | 55,623.77 |
| FY2016 Workers Compensation Loss Fund | \$ | 160,000.00 |
| FY2015 Workers Compensation Loss Fund | \$ | 40,000.00 |
| FY2013 Workers Compensation Loss Fund | \$ | 15,022.54 |
| FY2012 Workers Compensation Loss Fund | \$ | 10,000.00 |
| FY2010 Workers Compensation Loss Fund | \$ | 2,136.46 |
| FY2009 Workers Compensation Loss Fund | \$ | 0.23 |
- C-93 Relative to the appropriation of \$20,000.00 to the Assessor's Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-94 Relative to the appropriation of \$80,000.00 to the Municipal Building Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-95 Relative to the appropriation of \$20,000.00 to the Highway General Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-96 Relative to the appropriation of \$200,000.00 to the Sidewalk Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-97 Relative to the appropriation of \$276,100.00 to the Sanitation and Drainage Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-98 Relative to the appropriation of \$140,000.00 to the Fire Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-99 Relative to the appropriation of \$243,000.00 to the School Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-100 Relative to the appropriation of \$250,000.00 to the School Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-101 Relative to the appropriation of \$5,150.00 to the Planning Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-102 Relative to the appropriation of \$80,000.00 to the Veteran Services Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

The following COMMUNICATIONS were received under SUSPENSION OF THE RULES, referred to the FINANCE COMMITTEE and given REGULAR COURSE. A hearing was set for June 26, 2017 at 7:00 P.M. Vt 9/0

- C-103 Relative to the appropriation of \$120,869,649.95 to the Fiscal Year 2018 General Fund Budget Accounts as listed; same to be raised/offset by Fiscal Year 2018 Revenue.

REGULAR MEETING OF THE CITY COUNCIL, JUNE 12, 2017, Continued

- C-104 Relative to the appropriation of \$5,717,030.97 to the Fiscal Year 2018 Water Department Budget Accounts as listed; same to be raised/offset by Fiscal Year 2018 Water Rates to be collected as authorized by Massachusetts General Law Chapter 44 Section 53E.
- C-105 Relative to the appropriation of \$5,578,201.43 to the Fiscal Year 2018 Sewer Department Budget Accounts as listed; same to be raised/offset by Fiscal Year 2018 Sewer Rates to be collected as authorized by Massachusetts General Law Chapter 44 Section 53E.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE and given REGULAR COURSE. A hearing was set for June 26, 2017 at 6:45 P.M. Vt 9/0

- 79-17 Comcast of Massachusetts III, Inc.: Place two (2) 40' Utility Poles on the Northerly side of Lanides Lane and a 3" Diameter Sch. 80 PVC Conduit to be above grade, to the backside of the guardrail for telecommunications conduit service to the Fitchburg Easterly Wastewater Treatment Plant.

Upon recommendation of the WAYS AND MEANS AND VETERANS AFFAIRS COMMITTEE, the following PETITIONS were GRANTED. Vt 9/0

- 75-17 ecoATM, LLC: Renew the Second Hand Dealer License for the location at 100 Commercial Road.
- 76-17 Albert Mason: Renew the license for twenty-four bowling alleys at Mason's Bowling Center located 640 R. North Main Street.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was TABLED FOR STUDY. Vt 9 "yeas"

- 67-17 Elisabeth Ricci (and 10 registered voters): Amend the Leominster Zoning Ordinance by adding Article XVIII entitled "Recreational Marijuana Facilities" to allow and regulate recreational marijuana facilities within the City.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt 9/0

- 69-17 Michael J. King: Grant an Easement for an existing driveway for the property located at 767 Willard Street.

Councillor Bodanza read the following letter of recommendation from KP Law, LLC into the record:

Ms. Lynn A. Bouchard
City Clerk
Leominster City Hall
25 West Street
Leominster, MA 01453

Re: 767 Willard Street - Petition for Driveway Easement

Dear Ms. Bouchard:

You have asked us to review Petition 69-17, in which Michael J. King (the "Owner"), the owner of property located at 767 Willard Street (the "King Property"), requests the City to grant him a driveway easement on abutting City-owned property. The King Property is bounded on the east by Willard Street, on the south by another lot, on the west by a City-owned parcel of land (as described more particularly below, the "City Property"), and would have been bounded by Candlewood Drive to the north but for a narrow strip of the City Property that runs along the northern boundary of the King Property, between Candlewood Drive and the King Property, to Willard Street (the "Strip"). Although the King Property abuts Willard Street, the Owner claims that, since 1999, when a home was constructed on the King Property, the owners of said property have used a driveway located on the Strip (the "Driveway Area") for ingress and egress to Candlewood Drive, and asks that the City grant the Owner an express easement allowing such use to continue. You have asked us to review the Owner's petition for the grant of easement.

For the reasons set forth below, it is my opinion that the City may grant the Owner an easement over the Driveway Area provided the City obtains the consent of the State Legislature, the Department of Energy and Environmental Affairs, the Trustees of the Castle Land Realty Trust, who conveyed the City Property to the City, and the City Council votes to authorize the foregoing.

The City Property

The Trustees of the Castle Land Realty Trust (the "Trustees") conveyed the City Property in 2006 to the City, acting through its Conservation Commission, by deed recorded in Book 6168, Page 28 (the "Deed"). The City Property is an odd-shaped parcel of land and contains 65 acres, more or less. The Conservation Commission, with the City Council's approval, signed and recorded an Acceptance of Deed. It appears, based on the plan referenced in the Deed, that the Driveway is subject to a slope and utility easement held by the Trustees.

Approval of the General Court

Since the Trustees conveyed the City Property to the City, acting through its Conservation Commission under the provisions of G.L. c.40, §8C, it is my opinion that the City acquired the City Property for conservation purposes and the City Property is subject to the protections of Article 97 of the Amendments to the Massachusetts Constitution (“Article 97”). Article 97 applies to land acquired or dedicated to conservation, open space, passive recreation, water supply protection purposes or other purposes related to the protection of natural resources (which I refer to as an “Article 97 Purpose”). It states that when the City acquires land for an Article 97 Purpose, the City cannot convey an easement or other interest in such land, and, further, cannot change the use of such land or transfer its custody, unless both houses of the General Court vote, by a two-thirds roll-call vote, to authorize the conveyance of the easement, the change in use and the transfer. Should the City want to grant the easement to the Owner, the City must submit a petition to the General Court, seeking special legislation under Article 97.

Approval of EEA

The Department of Energy and Environmental Affairs (the “EEA”) is charged with the protection of Article 97 property. The General Court submits all petitions it receives seeking to remove land from the protection of Article 97 to the EEA for review. The EEA has a “no-net-loss” policy, which requires a municipality wishing to release land from Article 97 to provide other with land of commensurate conservation and monetary value. In other words, the City must mitigate the loss of the conservation land by purchasing new conservation land or dedicating land that is not protected under Article 97 to an Article 97 Purpose by a vote of the City Council. However, since the size of the Driveway Area is relatively small and is already subject to slope and utility easements, it is possible that the EEA will not require mitigation in this instance.

City Council Vote and Conservation Commission Approval

G.L. c.40, §15A states that if the City acquires property for a specific purpose (here, the City acquired the City Property specifically for conservation purposes), the City cannot change the use of the Driveway Area or transfer the custody of the Driveway Area to another board or officer unless two (2) additional steps are taken. Since the Conservation Commission does not have the statutory authority to convey interests in land, the Driveway Area needs to be transferred to the custody of the Mayor, and the Mayor must be authorized to convey the easement. Further, the City, by allowing the Driveway Area to be used for pedestrian and vehicular access purposes, will change the use of the Driveway Area, as it will no longer be conservation land. The two (2) additional steps are as follows: the Conservation Commission must determine that the Driveway Area is no longer required for conservation purposes. According to the EEA, the Conservation Commission must make this surplus determination unanimously. In addition, the City Council must vote, by a two-thirds vote, to change the use of the Driveway Area and to transfer the Driveway Area to the Mayor. The City Council must also authorize the Mayor to petition the General Court for the special legislation and to grant the easement.

Approval of the Trustees

The Deed, in addition to conveying the City Property to the Conservation Commission for conservation purposes, also contains restrictions prohibiting the City from disturbing the natural condition of the City Property. For example, the Deed states that the City shall not disturb any trees, shrubs, grass or other vegetation or remove any soil from the City Property, and that “no motorized vehicles of any kind or nature” may be used on the City Property. The consequences of violating the terms of the Deed are draconian: the Deed states that if the City violates any of its terms, title to the City Property will revert to the Trustees, at their option. Although the Driveway Area constitutes a very small portion of the City Property, the Deed does not permit the use of motor vehicles. Since the easement is given expressly for motor vehicles to pass and repass the Driveway Area and could result in title to the entire City Property vesting in the Trustees, I recommend that the City not grant the easement to the Owner unless the City has obtained the Trustees’ prior written consent prior.

Should the City not wish to grant an easement to the Owner, the City could enter into a license agreement with the Owner, allowing the Owner to use the Driveway Area. The benefit of a license is it is revocable at the will of the City and does not, therefore, convey a property interest in the Driveway to the Owner; rather, it grants the Owner the mere right to use it so long as the City does not terminate the license. For that reason, a license may be granted without the approval of the City Council, the General Court, and the EEA provided there is no change in use of the Driveway Area. The City could also require the Owner to carry liability insurance and to defend and indemnify the City for any loss or injury. The Owner should be prohibited from paving, improving and installing utilities within the Driveway Area. However, given the prohibition against motor vehicles, I recommend that the City obtain the Trustees’ prior consent.

Please let me know if you need have questions or need additional assistance concerning this matter.

Very Truly Yours,
/s/ Shirin Everett

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt 9/0

77-17 David R. Cormier: Place a stop sign on Montrose Street at the intersection of Grant Street.

Councillor Bodanza, Chair of the FINANCE COMMITTEE, read the Financial Report for the City into the record. Account balances are as follows:

Stabilization Account	\$14,440,784.75
Free Cash	\$1,244,620.00

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt 9/0

C-82 Relative to the appropriation of \$24,000.00 to the Snow & Ice Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Twenty-four Thousand Dollars (\$24,000.00) be appropriated to the Snow & Ice Overtime Account; same to be transferred from the Excess and Deficiency Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt 9/0

C-83 Relative to the appropriation of \$260,000.00 to the Snow & Ice Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Two Hundred and Sixty Thousand Dollars (\$260,000.00) be appropriated to the Snow & Ice Overtime Account; same to be transferred from the Excess and Deficiency Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt 9/0

C-84 Relative to the appropriation of \$50,000.00 to the Worker’s Compensation Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Fifty Thousand Dollars (\$50,000.00) be appropriated to the Worker’s Compensation Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Settlements of Worker Compensation Cases

Upon request of the PUBLIC SERVICE COMMITTEE, the following PETITION was TABLED FOR STUDY. Vt 9/0.

78-17 Claire Freda: Accept Jay Ave. and Barry Lane as public streets.

Upon recommendation of the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE, the following APPOINTMENTS were CONFIRMED. Vt. 9 “yeas”

Thomas Thelin – Disability Commission – term to expire April 15, 2020
 Elizabeth Raymond, Nancy King – Cultural Commission – terms to expire April 15, 2020
 Lisa LaJiness – Emergency Management, Admin Unit

A motion to amend the following ORDINANCE was GRANTED. Vt. 9/0. The ORDINANCE was read a second time, ADOPTED as AMENDED and passed to be ordained. Vt. 9 “yeas”.

Amendments included:

- Adding the following language to Section 4.g.vi: There shall be no parking allowed along the sides of the access driveway.
- Add Section 4.h.iii containing the following language: There shall be no parking of vehicles allowed along the sides of the access driveway during the construction of the solar facility.

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The City of Leominster
In the year two thousand and seventeen

AN ORDINANCE

Amending Chapter 22 of the Revised Ordinances, entitled “Zoning.”

Be it ordained by the City Council of the City of Leominster, as follows:

Chapter 22 of the Revised Ordinances, entitled "Zoning" is hereby amended by inserting the following section:

Section 22-104. Solar Ordinance

1. Purpose
 - a. Provide standards for the placement, design, construction, operation, monitoring, modification, and removal of solar facilities that address public safety and minimize impacts on scenic, natural and historic resources.
 - b. Provide adequate financial assurance for the eventual decommissioning of such facilities.
2. Definitions
 - a. Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector
 - b. Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.
 - c. Solar Energy System, Roof-Mounted: An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).
 - d. Solar Energy System, Ground-Mounted: An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted
 - e. Solar Energy System for Onsite Use: Solar energy generated to be consumed primarily at the location where it is generated and not primarily sold for profit
 - f. Solar Energy System for Offsite Use: Solar energy generated to be primarily sold for profit and not primarily consumed at the location where it is generated
 - g. Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).
3. Applicability
 - a. This ordinance applies to all ground-mounted and roof-mounted solar energy systems and to physical modifications that materially alter the type, configuration, or size of these facilities or related equipment.
 - b. Ground-mounted solar energy facilities on municipal and school district properties are permitted in all districts upon site plan approval from the Planning Board.
 - c. All other ground-mounted solar energy systems are allowed by Site Plan Approval and Special Permit from the Planning Board; however, ground-mounted solar energy systems are not allowed in the Village zone.
 - d. All other onsite solar energy systems are allowed by Site Plan Approval in Industrial and RA zones, and via Special Permit (Planning Board) and Site Plan Approval in RR, MU1 and MU2. Solar energy systems are allowed by Right in RB, RC, BA, BB and C zones and are not allowed in Village zone.
 - e. Offsite solar energy systems are allowed by Special Permit (Planning Board) and Site Plan Approval in Industrial and RR zones, and are not permitted in other zones.
4. General Requirements
 - a. Compliance with Laws, Ordinances and Regulations – The construction and operation of all such proposed solar energy systems must 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. All buildings and fixtures forming part of a solar energy system shall be constructed in accordance with the State Building Code.
 - b. Building Permit and Building Inspection – No solar energy system may be erected, constructed, installed, or modified as provided in this Article without first obtaining a building permit.
 - c. Site Plan Approval – Except where allowed by right or otherwise excluded by this ordinance based on the system size, no solar energy system may be erected, constructed, installed, or modified as provided in this Article without first undergoing site plan approval by the Planning Board.
 - i. General – stamped by PE – All plans and maps must be prepared, stamped, and signed by a professional engineer licensed to practice in Massachusetts.
 - ii. Required Documents – Pursuant to the site plan approval process, the project proponent shall provide the following documents.
 1. Site plan meeting specific and other guidelines in Article XI
 - a. Property lines and physical dimensions of the site parcel and adjacent parcels within three hundred (300) feet of the site parcel;
 - b. Outline of all existing buildings, including purpose (e.g., residence, garage, etc.) on site parcel and all adjacent parcels within one-hundred feet (100') of the site parcel, including distances from the solar energy system to each building shown;
 - c. Location of the proposed solar panel arrays, foundations, guy anchors, access roads, and associated equipment;
 - d. Location of all existing and proposed roads, both public and private, and including temporary roads or driveways, on the site parcel and adjacent parcels within one-hundred feet (100') of the site parcel;
 - e. Any existing overhead utility lines;
 - f. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting (other than FAA lights), screening vegetation or structures;
 - g. One (1) or three (3) line electrical diagram detailing solar panel arrays, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 - h. Documentation of the solar energy system's manufacturer and model
 - i. Name, address, phone number and signature of the applicant, as well as all co-applicants or property owners, if any;
 - j. The name, contact information and signature of any agents representing the applicant
 2. Documentation of actual or prospective access and control of the project site (see also Section 4d)
 3. An operation and maintenance plan (see also Section 4e)

4. A location map consisting of 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 solar array sites, and the area within at least two (2) miles from the facility. Zoning district designation for the subject parcel should be included (submission of a copy of a zoning map with the parcel identified is suitable for this purpose).
 5. Proof of liability insurance
 6. A statement that evidences the solar energy system's conformance with Subsection 22-41.7, listing existing ambient sound levels at the site and maximum projected sound levels from the solar energy system; and
- d. Site control - The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for installation and operation of the proposed solar energy system. Control includes the legal authority to prevent the use or construction of any structure for human habitation within the setback to line.
 - e. Operation & Maintenance Plan - The applicant shall submit a plan for maintenance of access roads and stormwater controls, as well as general procedures for operational maintenance of the solar energy system.
 - f. Utility Notification - No solar energy system may be installed until evidence has been given that the utility company that operates the electrical grid where the facility is to be located has accepted the customer's intent to install an interconnected customer-owned system. Off-grid systems are exempt from this requirement.
 - g. General Design Standards
 - i. Glare – Solar energy systems and Solar Panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways
 - ii. Lighting – Lighting shall be limited to that required for safety and operational purposes, and shall not be intrusive in any way on abutting properties. Lighting shall incorporate full cut-off fixtures to reduce light pollution.
 - iii. Signage – A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners, or similar materials, with the exception of the following:
 1. Necessary equipment information, warnings, or indication of ownership shall be allowed on any equipment of the solar energy system or where required by the Building Code
 - iv. Utility Connections – Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar energy system 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.
 - v. Structures and Appurtenances – All solar energy systems and appurtenant structures to solar energy systems are subject to the regulations of this Ordinance concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, must be architecturally compatible with each other whenever technically and economically feasible. Whenever reasonable, structures should be shaded from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts. For the purposes of this ordinance, ground-mounted solar systems are subject to these requirements.
 - vi. Access driveway – Driveway width will be a minimum of 20 feet to accommodate emergency vehicles. Access driveway shall consist of a minimum 12" depth of compacted gravel Massachusetts Highway Department Specifications M1.03.0, Type B. If the access road is longer than 150 feet, provisions for apparatus to turn around will be provided. There shall be no parking allowed along the sides of the access driveway.
 - h. Construction Standards
 - i. Construction shall be limited to between the hours of 7 AM and 6 PM
 - ii. All construction activities will be conducted in conformance with the Environmental Performance Standards outlined in Section 22-41 of the Leominster Zoning Ordinance, particularly sections 41.1 (Emissions), 41.2 (Erosion Control), 41.7 (Noise) and 41.8 (Runoff).
 - iii. There shall be no parking of vehicles allowed along the sides of the access driveway during the construction of the solar facility.
 - i. Safety & Environmental Standards
 - i. Emergency Services – The applicant shall provide a copy of the project summary, electrical schematic, and site plan to the police and fire departments. The applicant will provide Emergency Services a key to the gated entrance to provide 24 hour access to the facility. Upon request the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of disconnecting the solar energy system must be clearly marked. The applicant or facility owner shall identify a responsible person for public inquiries or complaints throughout the life of the project.
 - ii. Unauthorized Access – Solar energy systems must be designed to prevent unauthorized access. Fencing must be wood with a height of eight feet. Pressure-treated posts must be used. Electrical equipment must be locked where possible.
 - iii. Land-clearing, Soil Erosion and Habitat Impacts – Solar panels may be installed on no more than 60% of the project site. Large-scale clearing of forested areas for the purpose of constructing a solar energy system is limited to that which is necessary for the construction, operation and maintenance of the energy facility or otherwise prescribed by applicable laws, regulations and ordinances.
 - iv. No System shall be used or constructed such that it becomes a private or public nuisance or hazard, and no System shall be abandoned or not maintained in good order and repair. Any System that is deemed a private or public nuisance or hazard or otherwise abandoned or not maintained in good order and repair shall be removed from the property at the property owner's sole expense
 - v. Visual Impact – A system installation shall limit the visual and other impacts on the adjacent properties. The solar energy system shall be screened from ground and water level view of the line of sight from public ways or waterway and adjacent properties by appropriate year-round landscaping, fencing, screening, or other type of buffers consistent and compatible with the character of the neighborhood where the System is located. A Landscape plan will be submitted prior to construction.

- vi. Noise – From pre-construction to post-construction the noise decibels are not to increase more than 5db at the property lines. Testing of pre-construction decibel levels is the responsibility of the applicant, and documentation shall be submitted prior to construction.
 - j. Monitoring & Maintenance
 - i. Solar Energy System Conditions – The applicant shall maintain the solar energy system in good condition. Maintenance includes, but is not be limited to, painting, structural repairs, and integrity of security measures. Site access must be maintained to a level acceptable to the Fire Chief and Emergency Medical Services. The project owner is responsible for the cost of maintaining the solar energy system and any access road(s), unless accepted as a public way.
 - ii. Modifications – All material modifications to a solar energy system made after issuance of the required building permit require approval by the Planning Board.
 - k. Abandonment or Decommissioning
 - i. Removal requirements – Any solar energy system which has reached the end of its useful life or has been abandoned must be removed. The system owner or operator shall physically remove the system no more than one hundred fifty (150) days after the date of discontinued operations. The system owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning consists of:
 - 1. Physical removal of all solar panel array structures, equipment, security barriers and transmission lines from the site
 - 2. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations
 - 3. Stabilization or revegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation
 - ii. Abandonment – Absent notice of a proposed date of decommissioning or written note of extenuating circumstances, the solar energy system is abandoned when the facility fails to operate for more than one (1) year without the written consent of the Planning Board. If the system owner or operator fails to remove the system in accordance with the requirements of this section within one hundred fifty (150) days of abandonment or the proposed date of decommissioning, the City may enter the property and physically remove the system.
 - iii. Financial Surety – Applicants for offsite solar energy systems shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the City must remove the system and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than one hundred twenty-five (125) percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant and agreed to by the Department of Public Works. 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 must include a mechanism for calculating increased removal costs due to inflation.
 - l. Inclusionary Uses – Small accessory or ornamental solar products which do not generate electricity for use in a dwelling or structure are exempt from the provisions of this ordinance.
5. Standards for Roof-Mounted Systems
- a. Roof-mounted systems may be installed in applicable zoning districts by an Applicant, requiring only that a building permit be issued and that the system conforms to the following conditions:
 - i. Within Residential Districts, roof-mounted Systems shall conform to existing roof contours, extending not more than 12 inches above roof surfaces. Roof-mounted Systems shall be set back a minimum of 8 inches from all roof edges (eaves, gutter line, ridge) of the roof surface and 24 inches from adjacent roof or abutting roof or walls of adjoining property. All residential flat roof systems shall conform to requirements of section 4.h.iii (Large-scale clearing of forested areas is prohibited)
 - ii. Flat roof systems shall have a 4-ft setback from edge of building perimeter
 - iii. Within non-residential districts, roof-mounted solar panels may be installed at angles of up to 50 degrees from the horizontal on flat roofs (less than 2-in pitch per foot).The top most points of the solar panels shall not exceed a total height of 4 (four) feet above the roof surface. On a pitched roof system (roof pitch equal or greater than 2 (two) inches per foot), the top most point of the solar panel shall not exceed 2 (two) feet measured perpendicular to the roof surface. Systems shall be set back from building edge a minimum of 4 (four) feet. All these systems are considered to be building-mounted mechanical systems and shall meet all requirements thereof. All flat roof systems shall conform to requirements of 5.a.ii, above.
6. Standards for Ground-Mounted Systems
- a. Standards for Ground-Mounted Systems in Applicable Non-Residential Districts (including onsite and offsite use [solar farms])
 - i. Ground-mounted Systems equal to or less than 900 s.f. or 1.5% of lot size, whichever is larger, may be installed by an Applicant via issuance of a building permit.
 - ii. A solar energy system greater than 900 s.f. or 1.5% of lot size, whichever is larger, shall be reviewed and approved by the Planning Board pursuant to the provisions of a Special Permit and a Site Plan Review.
 - iii. The maximum height above ground level of any portion of the system shall be 8 (eight) feet, measured as the vertical distance from the mean natural grade on the street side(s) and, if not abutting a street, from the mean natural ground level along the system’s designated front yard, as said front yard is designated by the Planning Board.
 - iv. The solar energy system shall follow setback requirements as outlined in Section 22-37 (Location of Accessory Structures).
 - v. The system shall be screened from view from adjacent properties.
 - b. Standards for Ground-Mounted Systems in Applicable Residential Districts
 - i. Ground-mounted systems shall have been reviewed and approved by the Planning Board pursuant to the provisions of a Special Permit and Site Plan Review.

- ii. The maximum height above surrounding ground level of any portion of the system shall be 8 (eight) feet measured as the vertical distance from the mean natural grade on the street side(s) and, if not abutting a street, from the mean natural ground level along the System’s designated front yard, as said front yard is designated by the Planning Board.
- iii. The solar energy system shall follow setback requirements as outlined in Section 22-37 (Location of Accessory Structures).
- iv. The system shall be screened from view from adjacent properties. The applicant shall be responsible for maintenance of plantings, and replacement of those which have died or become diseased.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt 9 “yeas”

The City of Leominster
In the year two thousand and seventeen

AN ORDINANCE

Amending Chapter 22 of the Revised Ordinances, entitled “Zoning.”

Be it ordained by the City Council of the City of Leominster, as follows:

Chapter 22 of the Revised Ordinances, entitled “Zoning” is hereby amended in Section 22-17, Table of Uses, by amending “Energy System, Renewable” and inserting “Onsite Solar System” and “Offsite Solar System” as follows:

	RR	RA	RB	RC	BA	BB	C	I	MU1	MU2	V
<i>Existing Energy System, Renewable</i>	SPPB SPA	<u>N</u> (Change to SPPB SPA)	N	N	N	N	SPPB SPA	Y	SPPB SPA	SPPB SPA	N
<i>NEW Onsite Solar System</i>	<u>SPPB</u> <u>SPA</u>	<u>SPA</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>SPA</u> ¹	<u>SPPB</u> <u>SPA</u>	<u>SPPB</u> <u>SPA</u>	<u>N</u>
<i>NEW Offsite Solar System</i>	<u>SPPB</u> <u>SPA</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>SPPB</u> <u>SPA</u>	<u>N</u>	<u>N</u>	<u>N</u>

¹ Site Plan Approval required for systems greater than 900 sf or 1.5% of lot size, whichever is larger

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt 9 “yeas”

The City of Leominster
In the year two thousand and seventeen

AN ORDINANCE

Amending Chapter 22 of the Revised Ordinances, entitled “Zoning.”

Be it ordained by the City Council of the City of Leominster, as follows:

Chapter 22 of the Revised Ordinances, entitled “Zoning” is hereby amended in Section 22-4, Definitions, by deleting the definition for “Energy System, Renewable” and inserting in its place the following:

Energy System, Renewable. A facility or installation such as a hydroelectric or a wood-fired unit, which is designed and intended to produce energy from natural forces such as water, geothermal heat, or biomass.

And further by inserting the following two definitions:

Solar Energy System for Onsite Use. Solar energy generated to be consumed primarily at the location where it is generated and not primarily sold for profit.

Solar Energy System for Offsite Use. Solar energy generated to be primarily sold for profit and not primarily consumed at the location where it is generated.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt 8 “yeas” 1 “nay”. Councillor Chalifoux Zephir opposed.

The City of Leominster
In the year two thousand and seventeen

AN ORDINANCE

Amending Chapter 22 of the Revised Ordinances entitled “Zoning” by amending the Zoning Map.

Be it ordained by the City Council of the City of Leominster, as follows:

Chapter 22 of the Revised Ordinances entitled “Zoning” is hereby amended by amending the Leominster Zoning Map, so that the following three parcels at the northeast corner of Central Street and Graham Street and the adjacent portion of Graham Street, shall be situated in the commercial zoning district.

180 Central Street (Assessors’ Map 96, Parcel 11)
172 Central Street (Assessors’ Map 96, Parcel 10A)
58 Graham Street (Assessors’ Map 96, Parcel 12)
The portion of Graham Street directly adjacent to 180 Central Street and 58 Graham Street, running easterly from the eastern side of Central Street to the intersection of Graham Street and Lincoln Terrace.

The following ORDINANCE was read a second time and DENIED. Vt 4 “yeas” and 5 “nays”. Councillors Bodanza, Lanciani, Pauline Cormier, Marchand and David Cormier opposed.

2nd Reading Ordinance – Amend Chapter 22 of the Revised Ordinances entitled “Zoning” by inserting a new section, Article II, Section 22-16.12 entitled “Recreational Marijuana Establishment Moratorium”.

The following ORDINANCE was read once, ADOPTED as presented and ordered to be published. Vt 9 “yeas”. A hearing was set for June 26, 2017 at 6:50 P.M.

1st Reading Ordinance – Amend Chapter 2 of the Revised Ordinances entitled “Administration” by amending Section 2-42.1 entitled “Fee Schedule” by deleting the fee amounts for Gasoline, Vehicle Tank Pump and Adjusting and inserting new fee amounts.

The following ORDINANCE was read once, ADOPTED as presented and ordered to be published. Vt 8 “yeas” 1 “nay”. Councillor Chalifoux Zephir opposed. A hearing was set for June 26, 2017 at 6:55 P.M.

1st Reading Ordinance - Amend Chapter 13 of the Revised Ordinances entitled “Motor Vehicles and Traffic” by amending Section 13-25 entitled “Parking for Sale Prohibited” by inserting a new subsection, Section 13-25.1 entitled “Parking for Sale on City Property”.

Under old business, Councillor Feckley requested an update on the Police Station.

Under new business:

A committee meeting was established for the President’s Committee on Street Acceptance on Tuesday, June 27, 2017 at 6:00 P.M.

A committee meeting was established for the President’s Committee on Ordinance Review on Tuesday, June 27, 2017 at 5:00 P.M.

Councillor Marchand requested the Mayor or the Comptroller respond to the member of the school committee that spoke during the public forum regarding the five million dollar loan order for the high school fields. Councillor David Cormier suggested that the Mayor address this during his budget presentation.

MEETING ADJOURNED AT 9:32 P.M.

Lynn A. Bouchard, City Clerk and
Clerk of the City Council