



**COMMONWEALTH OF MASSACHUSETTS
TOWN OF KINGSTON
Warrant
Annual Town Meeting
And
Annual Town Election**

To one of the Constables in the Town of Kingston, County of Plymouth and Commonwealth of Massachusetts,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of said Town qualified to vote in town affairs to meet at the Kingston Intermediate School, 65 Second Brook Street, on Monday, April 5, 2010, at 7:00 p.m., then and there to act on the following articles:

ARTICLE 1 - Reports

To hear and act upon the reports of the several Town Officers, Boards and Committees, or take any other action relative thereto.

ARTICLE 2 - General By-Law Amendment; Town Meeting Procedure

To see if the Town will vote to amend the Town of Kingston General By-Laws, **Chapter 2, Town Meeting, Article 2., Procedure at Town Meeting, Section 2-2-9.**, by changing how the conduct at town meeting shall be governed from Roberts Manual of Parliamentary Practice to Town Meeting Time, A Handbook of Parliamentary Law, by deleting the current By-Law and adding in substitution the following:

2-2-9. Conduct Governed by Town Meeting Time, A Handbook of Parliament Law. The conduct of the meeting, not specifically provided by law or these by-laws, shall be determined by the rules of practice contained in Town Meeting Time, A Handbook of Parliamentary Law, so far as the same is applicable to a town meeting, or take any other action relative thereto.

ARTICLE 3 – FY2010 Collective Bargaining Agreement(s)

To see if the Town will vote to transfer from available funds in the treasury such sums as must be expended to meet the terms of an arbitration award issued by the Joint Labor-Management Committee for the International Brotherhood of Police Officers, Local 436 for FY2008, FY2009, and FY2010, and to authorize the Town Accountant to allocate such sums to the appropriate operating budgets, or take any other action relative thereto.

Description: Article to fund costs associated with the collective bargaining agreement expiring June 30, 2008 through June 30, 2010. The Town and Union were issued an arbitration determination which requires Town Meeting approval for associated cost items.

ARTICLE 4 – FY2010 Budget Inter/Intra Departmental Transfers

To see if the Town will vote to transfer and appropriate from available funds in the treasury, including funds previously appropriated to other uses or so called “free cash” and retained earnings, a sum of money to supplement the FY 2010 appropriations and revenue sources for the operation of the Town of Kingston, or take any other action relative thereto.

Description: To transfer funds from one line item to another, or to transfer from free cash to balance the current year budget through June 30, 2010, each transfer being a separate appropriation.

ARTICLE 5 – FY2010 Sampson Fund Appropriations

To see if the Town will vote to accept the recommendations of the Trustees of the Elizabeth B. Sampson Memorial Fund to appropriate a sum of money from the income of said fund to be expended for the purposes the Trustees recommend, or take any other action relative thereto.

ARTICLE 6 – FY2011 Sampson Fund Appropriations

To see if the Town will vote to accept the recommendations of the Trustees of the Elizabeth B. Sampson Memorial Fund to appropriate a sum of money from the income of said fund to be expended for the purposes the Trustees recommend, or take any other action relative thereto.

ARTICLE 7 - FY2010- Prior Year Bill

To see if the Town will vote to raise and appropriate, or transfer from available funds such sums as required to pay prior fiscal year’s bill(s), or take any other action related thereto.

Description: To pay for a FY06 School Department invoice that had inadvertently not been processed or paid. Funding in the amount of \$2,293.10 is requested from Free Cash. Requires a 4/5th vote to approve.

ARTICLE 8 - FY2010 Appropriation for Unexpended Bond Proceeds

To see if the Town will vote to appropriate \$172 of unexpended proceeds of the Town’s Municipal Purpose Loan of 2003 Bonds for the payment of the principal of such bonds, or take any other action relative thereto.

Description: MGL Chapter 44, Section 20 allows unexpended proceeds not in excess of \$1,000 to be applied to the debt service principal of such bonds.

ARTICLE 9 – FY2010 Transfer to Stabilization

To see if the Town will vote to transfer and appropriate a sum or sums, including so called Free Cash to the Stabilization Fund Account, or take any action relative thereto

Description: This article serves to transfer any balances remaining from FY 2009 Free Cash to the Stabilization Fund. Requires a 2/3 vote.

ARTICLE 10 - FY2010 Transfer Insurance Proceeds

To see if the Town will vote to transfer and appropriate such sums from Insurance Proceeds Account 34000-59510, in excess of \$20,000 to be allocated to departments, or take any action relative thereto.

Description: Funds were received from various sources to pay for damages to Town Property. This authorizes the funds to be placed into the appropriate budgets to repair damages and replace equipment.

ARTICLE 11 – Local Option Acceptance; Hotel/Motel Room Tax

To see if the Town will vote to accept G.L. c. 64G, § 3A and, pursuant thereto, to impose a local room occupancy excise at the rate of six (6%) percent, or take any other action relative thereto.

ARTICLE 12 – Local Option Acceptance; Meals Tax

To see if the Town will vote to accept G.L. c. 64L, § 2(a) and, pursuant thereto, to impose a local meals excise at the rate of 0.75% (less than one percent), or take any other action relative thereto.

ARTICLE 13 – Local Option Acceptance; Personal Property Exemption

To see if the Town will vote to accept the provision of G.L. Chapter 59, Section 5, clause 54 as inserted in Section 114 of Ch. 159 of the Acts of 2000, and to establish a value of \$5,000 as the minimum value of personal property subject to taxation, or take any other action relative thereto.

ARTICLE 14 – Local Option; Establish Other Post Employment Health Insurance Liability Fund

To see if the Town will vote to adopt MGL Chapter 32B, Section 20 to authorize the Town to create an Other Post Employment Health Insurance Liability Fund for the purpose of funding future financial obligations of the Town for health insurance benefits of retirees, such legislature to take effect without further submissions to a Town Meeting; or act on anything relative thereto.

ARTICLE 15 - Extension of Solid Waste Disposal Agreement with SEMASS

To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into a seventh addendum to the Solid Waste Acquisition Agreement dated January 1, 1985 with SEMASS and which expires December 31, 2014, and to allow the contract to extend through June 30, 2030, or take any other action relative thereto.

ARTICLE 16 - General By-Law Amendment; Water Department

To see if the Town will vote to amend the General By-Laws **Chapter 15, Penalty and Enforcement**, Article 2., Section 15-2-2., Water Department Rules and Regulations.

by replacing the language under

Chapter 8, Article 2 WATER EMERGENCY; Board of Water Commissioners or its designee

WATER DEPARTMENT RULES AND REGULATIONS:
Board of Water Commissioners or its designee

Fine Schedule

Unauthorized Turning on of Water	\$0
Department Curb Stops or Gates	\$200.00
Unauthorized Attachment to a Hydrant	\$200.00
Installation of Device to By-Pass Meter	\$300.00
Tampering with Metering Device	\$100.00
Failure to Repair Service Pipe Leak	\$20 per day
Attach new Underground Irrigation System to Municipal Water	

with the following language:

Chapter 8, Article 2 WATER EMERGENCY; Board of Water Commissioners or its designee

WATER DEPARTMENT RULES AND REGULATIONS:
Board of Water Commissioners or its designee

Fine Schedule

Unauthorized Turning on of Water	<u>\$200.00 per day</u>
Department Curb Stops or Gates	<u>\$200.00 per day</u>
Unauthorized Attachment to a Hydrant	<u>\$200.00 per day</u>
Installation of Device to By-Pass Meter	<u>\$300.00 per day</u>
Tampering with Metering Device	<u>\$300.00 per day</u>
Failure to Repair Service Pipe Leak	<u>\$20.00</u> per day
Attach new Underground Irrigation System to Municipal Water	<u>\$300.00 per day</u>

Each day that a violation exists shall be treated as a separate violation.

or take any other action relative thereto.

ARTICLE 17 - General By-Law Amendment; Earth Removal By-Law

To see if the Town will vote to amend various provisions of the General By-Laws **Chapter 12, Earth Removal By-Law**, as follows:

Chapter 12

EARTH REMOVAL BY-LAW

(Amended 1989 ATM, Arts. 34 and 41; 1989 STM, Art. 13; 1992 STM, Art. 2; 1999 ATM, Art. 29)

Article 1. Definitions

- A. Board -- The Kingston Board of Selectmen
- B. Earth -- Includes stone, sand, clay, gravel, and rock and other earth material.
- C. Earth Removal Permit -- Permit issued by Board pursuant to this By-Law allowing earth removal subject to conditions.

- D. Incidental -- subordinate to, customarily associated with and reasonably required by a lawful use of a premises.
- E. Removal -- Excavation of earth, whether such excavated earth is removed from the premises or placed in another location on the premises.
- F. Premises -- One lot or all abutting lots or parcels which are, or are proposed to be, in the same ownership or use, together with all buildings and structures thereon.
- G. Town -- Town of Kingston
- H. Agricultural Excavation- The process of removing earth or other materials that are necessary and incidental to prepare a site for specific agricultural use. Agricultural excavation may include the creation of wetland resource areas such as ponds, canals, cranberry bogs and land subject to flooding as defined under the M.G.L. c. 131 §40 and as defined in Massachusetts Wetlands Regulations 310 CMR 10.00.
- I. Restoration- After an earth removal activity is completed, returning the land contours to safe and usable condition, restoring drainage patterns and planting appropriate vegetation.

Article 4. Exemptions

A permit shall not be required under this by-law for the following type of excavation:

- (a) excavation not in excess of 1,000 cubic yards and incidental to the construction of buildings for which all permits required by law have been issued, or the installation of walks, driveways, septic systems, swimming pools, provided the quantity of material removed shall not exceed that displaced by the portion of the building or accessory use below finished grade;
- (b) removal of less than 2000 cubic yards necessary for normal agricultural uses as defined under M.G.L. c131, 40, 310 CMR 10.04 (a) land in agricultural use, (b) normal maintenance of land in agricultural use, and (c) normal improvement of land in agricultural use. This agricultural-related work is further defined as earth necessary to maintain or improve the applicant's/owner's contiguous or non-contiguous land for agricultural purposes, and does not include the removal of earth for sale, trade or other considerations. This practice must use best management practices as outlined in the Natural Resources Conservation Service (NRCS) Conservation Practice Standard "Land Reclamation, Currently Mined Land", Code 544 or the NRCS Conservation Practice Standard "Critical Area Planting" Code 342, as may be amended or supplanted. In addition, this removal must be outlined in a Conservation Farm Management Plan with review and approval by the Board of Selectmen, or their duly appointed representative.
- (c) excavation not in excess of 1,000 cubic yards in compliance with the specific requirements of an approved, definitive subdivision plan;
- (d) excavation on land owned or operated by the Town of Kingston;
- (e) excavation incidental to and reasonably required for the legal operation of a cemetery

Article 5. Notification and Enforcement

- (a) Notification - For enforcement purposes, all exempted and permitted earth removal in excess of 100 cubic yards require written notification to the Zoning Enforcement Officer at the commencement and conclusion of the earth removal. Such notice shall include identification of the purpose of excavation, area to be worked, duration of removal, volume of material to be removed, final disposition of earth material and description of planned restoration of the site when the work is completed.
- (b) Enforcement - Penalties for violation of this by-law shall be: \$200 for the first offense, \$300 for each subsequent offense. Each day in which a violation occurs shall constitute a separate offense. This by-law may be enforced by the Board of Selectmen, or its designee(s) and Kingston Police Officers.

Article 8. Surety

The Board shall require as a condition to the granting of the permit that the applicant furnish a performance bond, or other security, satisfactory to the Board. The minimum amount of any financial security shall be sufficient to cover the estimated cost of reclamation, plus reasonable contingency. The security shall not be released until the Board-approved surveyor or engineer has filed with the Board an "as built" plan and has also certified that the restoration has been completed in compliance with the permit and the plans.

Article 12. Standards of Operation

The following standards of operation shall apply to every permitted operation, in addition to conditions imposed under Article 8:

- (a) No area shall be excavated so as to cause accumulation of freestanding water unless the Board shall expressly permit. Permanent drainage shall be provided in accordance with accepted engineering and conservation practices. Drainage shall not lead directly into streams or ponds.
- (b) No excavation shall be made within 10 feet above annual high-water table, as established from test pits and soil borings satisfactory to the Board of Selectmen. Observation well(s) shall be monitored as ordered by the Board of Selectmen. The locations of the pits, borings, and wells shall show on the topographic plan and on a permanent monument erected upon the property. The establishment of the test pits and soil borings and monitoring thereof shall be at the applicant's expense.
- (c) All topsoil and subsoil stripped from operating areas shall be stock piled, seeded with an erosion-control seed mixture and used in restoring the area.
- (d) Any shelters or buildings erected on the premises for use by personnel or storage or equipment shall be screened from view if so ordered by the Board of Selectmen and shall be removed from the premises within 60 days after they are no longer needed for permitted excavation or restoration work upon that site.
- (e) The active excavation operation area shall not exceed a total of five acres at any one time. Natural vegetation shall be left and maintained on undisturbed land for screening and noise-reduction purposes.

- (f) Hours of operation including loading and transportation, shall be set by the Board. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing from the load.
- (g) Trucking routes and methods shall be approved by the Board and shall also be subject to approval of the Chief of Police.
- (h) Access roads shall be constructed in a manner that precludes any trucks from turning more than 90 degrees to enter or leave the site. All access roads shall be properly secured during the non-operational hours of the excavating process and this security will remain in effect until the property has been restored and seeding and planting have begun growth;
- (i) All access roads leading to the public ways shall be paved in a manner suitable to the intended vehicle load for a distance of two hundred (200) feet back from said public ways unless it can be affirmatively demonstrated to the Board that such surfacing will impact adjacent resource areas or essential elements of on-site operations. On-site refueling of equipment shall be performed only on access roads to the greatest extent practicable;
- (j) Limits of excavation shall be set by stakes located every one hundred (100) feet with a minimum of three (3) feet exposed. A vertical control monument shall be installed in a readily accessible location
- (k) No excavation or associated activities shall be allowed closer than one hundred (100) feet to any resource area within the jurisdiction of the Conservation Commission, except for existing cranberry bogs, unless the Conservation Commission has approved activities within such area. Natural vegetation shall be left and maintained on the undisturbed land;
- (l) Stormwater management shall be compliant with all applicable state and local standards.

Article 13. Restoration

Restoration shall be carried out according to the plans submitted, all conditions of the permit, and the following minimum conditions:

- (a) Restoration shall be carried on simultaneously with excavation, so that when any three-acre operation area has been excavated, at least two acres shall be restored before work commences (including construction of haul roads) on the next contiguous three acres. Final restoration work shall be completed within sixty days after expiration or withdrawal of a permit or upon cessation of operations.
- (b) When the depth of excavation is five (5) feet or less as measured from grade through the entire width of the cross section, earth may be removed to within twenty-five (25) feet of an abutting residential property line and shall be restored to a maximum 3:1 grade up to this setback; When the depth of excavation is greater than five (5) feet, as measured through the entire width of the cross section, earth may be removed to within fifty (50) feet of abutting residential property lines and shall be restored to a maximum 2:1 grade up to this setback; For any depth of excavation, earth may be removed to within twenty-five (25) feet of abutting non-residential property lines and shall be restored to a maximum 3:1 grade up to said property line. These standards shall not necessarily apply to adjacent lots in common

ownership or where deviations from these standards will provide for complementary design between properties;

- (c) All debris, stumps, boulders, etc., shall be removed from the site and disposed of in an approved location.
- (d) Retained subsoil and topsoil shall be spread over the disturbed area to minimum depth of four inches and treated with three tons of lime per acre, fertilized as approved by the Board, and seeded with the grass or legume mixture prescribed by the Conservation District or Massachusetts Department of Public Works for slope-erosion control. Trees or shrubs of prescribed number, species and size will be planted to provide screening and reduce erosion during the establishment period.
- (e) Unless the permit conditions expressly require alteration of existing drainage patterns, the land shall be left so that natural storm drainage shall leave the property at the original natural points and so that the total discharge at peak flow, and the area of drainage to any one point, is not increased; and so that the hydrograph of any post-development stream is the same as that of the pre-development stream.
- (f) All equipment, buildings and structures shall be removed from the area.
- (g) Within thirty (30) days following completion of operation, final grading shall be established and shown on the approved topographical plan

Or take any other action relative thereto.

ARTICLE 18 – Amend Zoning By-Laws; Green Communities Act; Wind Turbine Overlay District

To see if the Town will vote to amend the Town of Kingston Zoning By-Laws §4.16. “Wind Turbine Overlay District” by deleting it in its entirety and replacing it with the language contained below and in a document entitled “Green Communities Wind Turbine Overlay District By-Law”, dated March 9, 2010, so as to comply with the Green Communities Act and allow wind turbines within the existing overlay district to be allowed under site plan approval (by right) and be subject to expedited permitting to comply with the Green Communities Act, and by amending the Town of Kingston Zoning Map by replacing Wind Turbine Overlay District with Green Communities Wind Turbine Overlay District on those parcels identified as Map 75, Lot 11 and Map 66, Lot 50 on the Kingston Assessors’ Maps; and by replacing Wind Turbine Overlay District with the following district: “Green Communities Wind Turbine Overlay District”, in the list of Zoning Districts in Section 3.1. of the Zoning By-Laws, or take any other action relative thereto.

4.16. Green Communities Wind Turbine Overlay District

4.16.1.0. Purpose The purpose of this by-law is to provide for the construction and operation of wind 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 city or town and provide adequate financial assurance for decommissioning.

The provisions set forth in this bylaw shall take precedence over all other bylaws when considering applications related to the construction, operation, and/or repair of land-based wind energy facilities.

4.16.1.1. Applicability This section applies to all utility-scale and on-site wind facilities proposed to be constructed after the effective date of this section. This section also pertains to any physical modifications

to existing wind facilities that materially alters the type or increases the size of such facilities or other equipment. It does not apply to single stand-alone turbines under 60 kilowatts of rated nameplate capacity.

4.16.2.0. Definitions

4.16.2.1. 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 may be subject to non-discretionary site plan review to determine conformance with local zoning bylaws as well as state and federal law. As-of-right development projects that are consistent with zoning bylaws and with state and federal law cannot be prohibited.

4.16.2.2. Building Inspector: the inspector of buildings, building commissioner, or local inspector charged with the enforcement of the state building code. **Building Permit:** The permit issued in accordance with all applicable requirements of the Massachusetts State Building Code (780 CMR).

4.16.2.3. Designated Location: The locations designated by Town Meeting in accordance with M.G.L. c. 40A, section 5, where wind energy facilities may be sited as-of right. Said locations are shown on a Zoning Map of Kingston, Massachusetts dated December 17, 1993 revised through April 5, 2010. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Town Clerk.

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

4.16.2.5. On-Site Wind Facility: A wind project, which is located at a commercial, industrial, agricultural, or institutional facility that will consume more than 50% of the electricity generated by the project on site.

4.16.2.6. Municipal Wind Facility: A project initiated by the local government whose primary purpose is to provide power for municipal uses.

4.16.2.7. Height: The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

4.16.2.8. 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.

4.16.2.9. Site Plan Review Authority: Refers to the body of local government designated by the municipality to review site plans. In the Town of Kingston the Planning Board is the site plan review authority.

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

4.16.2.11. Wind 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.

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

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

4.16.2.14. Zoning Enforcement Authority: The Inspector of Buildings/Zoning Enforcement Officer.

4.16.3.0. General Requirements for all Wind Energy Facilities

4.16.3.1. Site Plan Review Authority No wind facility over 60 kilowatts of rated nameplate capacity shall be erected, constructed, installed or modified as provided in this section without first obtaining a site plan approval from the Planning Board . No wind energy system shall be erected, constructed, installed or modified as provided in this section without obtaining a building permit following site plan approval. All such wind energy facilities shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts. No site plan approval shall be granted unless the Site Plan Review Authority finds in writing that:

- (a) the specific site is an appropriate location for such use;
- (b) the use is not expected to adversely affect the neighborhood;
- (c) there is not expected to be any serious hazard to pedestrians or vehicles from the use;
- (d) no nuisance is expected to be created by the use; and
- (e) adequate and appropriate facilities will be provided for the proper operation of the use.

Such approval may also impose reasonable conditions, safeguards and limitations on time and use and may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the wind facility, should they occur.

Wind monitoring or meteorological towers shall be permitted in all zoning districts subject to issuance of a building permit for a temporary structure and subject to reasonable regulations concerning the bulk and height of structures and determining yard-size, lot area, setbacks, open space, parking, and building coverage requirements

4.16.3.2. Compliance with Laws, Ordinances and Regulations The construction and operation of all such proposed wind 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.

4.16.3.3. 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 structures occasioned by the failure of the facility.

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

4.16.3.5. Renewable or alternative energy research and development facilities, and renewable or alternative energy manufacturing facilities, subject to Site Plan Review by the Planning Board, pursuant to Section 7.3. and 4.16.10.3.2. Site Plan Approval and subject to the requirements of Section 4.16.4.0. General Siting Standards, 4.16.5.0. Design Standards, 4.16.6.0. Safety, Aesthetic and Environmental Standards, 4.16.7.0. Monitoring and Maintenance, 4.16.8.0 . Abandonment or Decommissioning, 4.16.9.0.Term of Permit , and 4.16.10.0. Application Process Said Site Plan Approval shall be an "expedited" application and permitting process under which said facilities may be sited within one (1) year from the date of initial application to the date of final approval by the Planning Board.

4.16.4.0. General Siting Standards

4.16.4.1. Height Wind facilities shall be no higher than 400 feet above the current grade of the land, provided that wind facilities may exceed 400 feet if:

- (a) the applicant demonstrates by substantial evidence that such height reflects industry standards for a similarly sited wind facility;
- (b) such excess height is necessary to prevent financial hardship to the applicant, and
- (c) the facility satisfies all other criteria for the granting of a site plan approval and a building permit under the provisions of this section.

4.16.4.2. Setbacks Wind turbines shall be set back a distance equal to 1.5 times the overall blade tip height of the wind turbine from the nearest existing residential or commercial structure and 100 feet from the nearest property line and private or public way.

4.16.4.2.1. Setback Waiver The Site Plan Review authority may reduce the minimum setback distance as appropriate based on site-specific considerations, if the project satisfies all other criteria for the granting of a site plan approval and a building permit under the provisions of this section.

4.16.5.0. Design Standards

4.16.5.1. Color and Finish The site plan approval granting authority shall have discretion over the turbine color, although a neutral, non-reflective exterior color designed to blend with the surrounding environment is encouraged.

4.16.5.2. Lighting and Signage

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

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

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

4.16.5.2.3. Advertising Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

4.16.5.2.4. Utility Connections Reasonable efforts shall be made to locate utility connections from the wind 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.

4.16.5.3. Appurtenant Structures All appurtenant structures to such wind facilities shall be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall be contained within the turbine tower whenever technically and economically feasible. Structures shall only be used for housing of equipment for this particular site. 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.

4.16.5.4. Support Towers Monopole towers are the preferred type of support for the Wind Facilities.

4.16.6.0. Safety, Aesthetic and Environmental Standards

4.16.6.1. Emergency Services The applicant shall provide a copy of the project summary and site plan to the local emergency services entity, as designated by the Site Plan Approval Authority. Upon request the applicant shall cooperate with local emergency services in developing an emergency response plan.

4.16.6.1.1. Unauthorized Access Wind turbines or other structures part of a wind facility shall be designed to prevent unauthorized access.

4.16.6.2. Shadow/Flicker Wind facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses through either siting or mitigation.

4.16.6.3. Noise The wind facility and associated equipment shall conform with the provisions of the Department of Environmental Protection's, Division of Air Quality Noise Regulations (310 CMR 7.10), unless the Department and the Site Plan Approval Authority agree that those provisions shall not be applicable. A source of sound will be considered to be violating these regulations if the source:

(a) Increases the broadband sound level by more than 10 dB(A) above ambient, or

(b) Produces a "pure tone" condition – when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

These criteria are measured both at the property line and at the nearest inhabited residence. Ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours. The ambient may also be established by other means with consent from DEP. An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards.

The Site Plan Approval Authority, in consultation with the Department, shall determine whether such violations shall be measured at the property line or at the nearest inhabited residence.

4.16.6.4. 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.

4.16.7.0. Monitoring and Maintenance

4.16.7.1. Facility Conditions The applicant shall maintain the wind facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The project owner shall be responsible for the cost of maintaining the wind facility and any access road, unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction.

4.16.7.2. Modifications All material modifications to a wind facility made after issuance of the site plan approval shall require approval by the Site Plan Approval authority as provided in this section.

4.16.8.0 . Abandonment or Decommissioning

4.16.8.1. Removal Requirements Any wind facility which has reached the end of its useful life or has been abandoned shall be removed. When the wind facility is scheduled to be decommissioned, the applicant shall notify the town by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the wind facility no more than 150 days after the date of discontinued operations. At the time of removal, the wind facility site shall be restored to the state it was in before the facility was constructed or any other permitted 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.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The site plan approval authority may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

4.16.8.2. Abandonment Absent notice of a proposed date of decommissioning, the facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of the Site Plan Approval Authority . The Site Plan Approval Authority shall determine in its decision what proportion of the facility is inoperable for the facility to be considered abandoned. If the applicant fails to remove the wind facility in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town shall have the authority to enter the property and physically remove the facility.

4.16.8.3. Financial Surety The Site Plan Approval Authority at a date certain shall require the applicant for utility scale wind facilities to provide a form of surety at a date certain, 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 Site Plan Approval Authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for Cost of Living Adjustment.

4.16.9.0. Term of Permit An approval issued for a wind facility shall be valid for 25 years, unless extended or renewed. The time period may be extended or the permit renewed by the Site Plan Approval Authority upon satisfactory operation of the facility. Request for renewal must be submitted at least 180 days prior to expiration of the site plan approval. Submitting a renewal request shall allow for continued operation of the facility until the Site Plan Approval Authority acts. At the end of that period (including extensions and renewals), the wind facility shall be removed as required by this section. 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.

4.16.10.0. Application Process & Requirements

4.16.10.1. Application Procedures

4.16.10.1.1. General The application for a wind facility shall be filed in accordance with the rules and regulations of the Site Plan Approval Authority concerning site plan approval.

4.16.10.1.2. Application Each application for a site plan approval shall be filed by the applicant with the city or town clerk pursuant to section 9 of chapter 40A of the Massachusetts General Laws.

4.16.10.2. Required Documents

4.16.10.2.1. General

The applicant shall provide the Site Plan Approval Authority with 16 copies of the application. 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:

4.16.10.2.2. Name, address, phone number and signature of the applicant, as well as all co- applicants or property owners, if any.

4.16.10.2.3. The name, contact information and signature of any agents representing the applicant.

4.16.10.2.4. Documentation of the legal right to use the wind facility site, including the requirements set forth in 4.16.3.4. of this section.

4.16.10.3. Siting and Design

The applicant shall provide the Site Plan Approval Authority with a description of the property which shall include:

4.16.10.3.1. Location Map (Modify for On-Site Wind Facilities) 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 for the subject parcel should be included; however a copy of a zoning map with the parcel identified is suitable.

4.16.10.3.2. Site Plan

A one inch equals 100 feet plan of the proposed wind facility site, with contour intervals of no more than 10 feet, showing the following:

- (a) Property lines for the site parcel and adjacent parcels within 300 feet.
- (b) Outline of all existing buildings, including purpose (e.g. residence, garage, etc.) on site parcel and all adjacent parcels within 500 feet. Include distances from the wind facility to each building shown.
- (c) Location of all roads, public and private on the site parcel and adjacent parcels within 300 feet, and proposed roads or driveways, either temporary or permanent.
- (d) Existing areas of tree cover, including average height of trees, on the site parcel and adjacent parcels within 300 feet.
- (e) Proposed location and design of wind facility, including all turbines, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, exterior lighting, etc.
- (f) Location of priority points referenced below in 4.16.10.3.3. of this section.
- (g) Wetlands, Wildlife, Habitat and other natural features
- (h) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting (other than FAA lights), screening vegetation or structures;
- (i) Tower foundation blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts;
- (j) Tower blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts;
- (k) One or three line electrical diagram detailing wind turbine, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
- (l) Documentation of the wind energy facility's manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed), and foundation type/dimensions;
- (m) Name, address, phone number and signature of the applicant, as well as all co- applicants or property owners, if any;
- (n) The name, contact information and signature of any agents representing the applicant; and
- (o) A maintenance plan for the wind energy facility;

4.16.10.3.3. Visualizations (Modify for On-Site Wind Facilities)

The Site Plan Approval Authority shall select between three and six sight lines, including from the nearest building with a view of the wind facility, for pre- and post-construction view representations. Sites for the view representations shall be selected from populated areas or public ways within a 2-mile radius of the wind facility. 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 facility (e.g. superimpositions of the wind facility onto photographs of existing views).
- (b) All view representations will include existing, or proposed, buildings or tree coverage.
- (c) Include description of the technical procedures followed in producing the visualization (distances, angles, lens, etc...).

4.16.10.4. Landscape Plan (Utility-Scale Wind Facilities 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. 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.

4.16.10.5. 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 facility.

4.16.10.6. Compliance Documents If required under previous sections of this by-law, the applicant will provide with the application:

- (a) a description of financial surety that satisfies 4.16.8.3. of this section,
- (b) proof of liability insurance that satisfies Section 4.16.3.3. of this section,
- (c) certification of height approval from the FAA,
- (d) a statement that satisfies Section 4.16.6.3., listing existing and maximum projected noise levels from the wind facility.

4.16.10.7. Independent Consultants – (Utility-Scale Wind Facilities Only) Upon submission of an application for a site plan approval, the Site Plan Approval Authority will be authorized to hire outside consultants, pursuant to section 53G of chapter 44 of the Massachusetts General Laws. As necessary, the applicant may be required to pay the consultant's costs.

***ARTICLE 19 – Amend Zoning By-Laws; Green Communities Act;
Solar Photovoltaic (PV) Overlay District***

To see if the Town will vote to amend the Town of Kingston Zoning By-Laws by adding a new **Section 4.17. Large-Scale Ground-Mounted Solar Photovoltaic Overlay District** as shown in a document entitled Green Communities Ground-Mounted Solar PV Overlay District By-Law dated March 9, 2010 so as to comply with the Green Communities Act and allow ground mounted photovoltaic installations to be allowed under site plan approval (by right) and be subject to expedited permitting and by amending the Town of Kingston Zoning Map to include in the Solar PV Overlay District those parcels identified as Map 75, Lot 11 and Map 66, Lot 50 on the Kingston Assessors' Maps; and by adding to the list of Zoning Districts in Section 3.1. of the Zoning By-Laws the following district: "Solar PV Overlay District", or take any other action relative thereto.

4.17. Large-Scale Ground-Mounted Solar Photovoltaic Installations Overlay District

4.17.1.0. Purpose The purpose of this bylaw 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.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

4.17.1.1. Applicability This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

4.17.2.0. Definitions

4.17.2.1. 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 may 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 inspector of buildings, building commissioner or local inspector, or if there is none in a town, the board of selectmen, or person or board designated by local ordinance or bylaw.

4.17.2.2. Building Inspector: The inspector of buildings, building commissioner, or local inspector, or person or board designated by local ordinance or bylaw charged with the enforcement of the zoning ordinance.

4.17.2.3. Building Permit: A construction permit issued by an authorized building inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing ground-mounted large-scale solar photovoltaic installations.

4.17.2.4. Designated Location: The locations designated by 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 are shown on a Zoning Map of Kingston, Massachusetts dated December 17, 1993 revised through April 5, 2010 pursuant to Massachusetts General Laws Chapter 40A Section 4. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Town Clerk.

4.17.2.5. 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.

4.17.2.6. On-Site Solar Photovoltaic Installation: A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

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

4.17.2.8. Site Plan Review: review by the Site Plan Review Authority to determine conformance with local zoning ordinances or bylaws.

4.17.2.9. Site Plan Review Authority: For purposes of this bylaw, Site Plan Review Authority refers to the body of local government designated as such by the municipality

4.17.2.10. Solar Photovoltaic Array: an arrangement of solar photovoltaic panels.

4.17.2.11. Zoning Enforcement Authority: The person or board charged with enforcing the zoning ordinances or bylaws.

4.17.3.0. General Requirements for all Large Scale Solar Power Generation Installations The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

4.17.3.1. 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, 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.

4.17.3.2. 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.

4.17.3.3. 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.

4.17.3.4. Renewable or alternative energy research and development facilities, and renewable or alternative energy manufacturing facilities, subject to Site Plan Review by the Planning Board, pursuant to Section 7.3. and 4.17.3.5. Site Plan Review and subject to the dimensional requirements of Section 4.17.3.9. Dimension and Density Requirements. Said Site Plan Approval shall be an "expedited" application and permitting process under which said facilities may be sited within one (1) year from the date of initial application to the date of final approval by the Planning Board.

4.17.3.5. 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 Site Plan Review Authority prior to construction, installation or modification as provided in this section.

4.17.3.5.1. General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

4.17.3.5.2. Required Documents

Pursuant to the site plan review process, the project proponent shall provide the following documents:

(a) A site plan showing:

- i. Property lines and physical features, including roads, for the project site;
- ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- iii. 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

- iv. 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 over current devices;
 - v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
 - vi. Name, address, and contact information for proposed system installer;
 - vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
 - viii. The name, contact information and signature of any agents representing the project proponent; and
- (b) Documentation of actual or prospective access and control of the project site (see also Section 4.17.3.6.);
 - (c) An operation and maintenance plan (see also Section 4.17.3.7.);
 - (d) 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);
 - (e) Proof of liability insurance; and
 - (f) Description of financial surety that satisfies Section 4.17.3.13.3.

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

4.17.3.6. 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.

4.17.3.7. 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.

4.17.3.8. 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.

4.17.3.9. Dimension and Density Requirements

4.17.3.9.1. Setbacks

For large - scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

- (a) Front yard: The front yard depth shall be at least 10 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the front yard shall not be less than 50 feet.
- (b) Side yard. Each side yard shall have a depth at least 15 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the front yard shall not be less than 50 feet.

- (c) Rear yard. The rear yard depth shall be at least 25 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the front yard shall not be less than 50 feet.

4.17.3.9.2. Appurtenant Structures

All appurtenant structures to large- scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations 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, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

4.17.3.10. Design Standards

4.17.3.10.1. Lighting

Lighting of 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. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

4.17.3.10.2. Signage

Signs on large- scale ground-mounted solar photovoltaic installations shall comply with a municipality's sign bylaw. A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

4.17.3.10.3. Utility Connections

Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar photovoltaic installation 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.

4.17.3.11. Safety and Environmental Standards

4.17.3.11.1. 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 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.

4.17.3.11.2. Land Clearing, Soil Erosion and Habitat Impacts

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.

4.17.3.12. Monitoring and Maintenance

4.17.3.12.1 Solar Photovoltaic Installation Conditions

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

4.17.3.12.2. Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

4.17.3.13. Abandonment or Decommissioning

4.17.3.13.1. Removal Requirements

Any large- scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 4.17.3.13.2. of this bylaw 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 Site Plan Review Authority 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 Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

4.17.3.13.2. 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 Site Plan Review Authority. 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 enter the property and physically remove the installation.

4.17.3.13.3. Financial Surety

Proponents of large-scale ground-mounted solar photovoltaic projects shall 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 installation and remediate the landscape, in an amount and form determined to be reasonable by the Site Plan Review Authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the 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.

Description: Under this article, the Town may authorize as-of-right zoning for Large Solar Photovoltaic Energy Generation with a minimum capacity of 250 kW, which could occupy approximately one acre of land or other surface. One way to qualify as a Green Community under the Green Communities Act is to adopt as-of-right siting in designated districts for large solar photovoltaic systems, with or without site plan review. Generally, solar photovoltaic systems are exempt from unreasonable regulation under the Zoning Enabling Statute, Massachusetts General Laws Chapter 40A, § 3. The law is unclear, however, whether the Town's authority to reasonably regulate solar energy systems could result in prohibition of large systems. Action under this article to amend the Zoning By-Law clarifies any such ambiguity.

ARTICLE 20 – Amend General By-Law for Green Communities Act; Stretch Energy Code

To see if the Town will vote to amend the Town of Kingston General By-Laws, by adding a new Chapter 24 entitled “**Stretch Energy Code**” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 120 AA of the Massachusetts Building Code, 780 CMR, the “**Stretch Energy Code**”, including amendments or modifications thereto, a copy of which is on file with the Town Clerk, or take any other action relative thereto.

Chapter 24

STRETCH ENERGY CODE

Article 1. Definitions

For the purposes of this By-Law, the following definitions shall apply:

24-1.

- A. International Energy Conservation Code (IECC) 2009 - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments.
- B. Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

Article 2. Purpose

24-2. The purpose of 780 CMR 120.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

Article 3. Applicability

24-3. This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

Article 4. Authority

24-4. The Town of Kingston, seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR, mandates adherence to Appendix 120 AA.

780 CMR 120 AA may be adopted or rescinded by the Town of Kingston in the manner prescribed by law.

Article 5. Stretch Code

24-5. The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Kingston General By-Laws, Chapter 24.

Article 6. Enforcement

24-6. The Stretch Code is enforceable by the building inspector official.

Description: Municipalities are authorized to adopt the Stretch Energy Code as an alternative to certain provisions of the base building code. The Stretch Energy Code requires approximately 20 percent greater building energy efficiency than base energy efficiency requirements. Most new residential construction, including additions and substantial renovations, would be covered, but historic buildings are exempt from stretch code requirements. Most new commercial construction would be covered, but new commercial buildings under 5,000 square feet and specialty buildings under 40,000 square feet with unique energy requirements, such as supermarkets, laboratories and warehouses, are exempt from stretch code requirements.

ARTICLE 21 – Procurement; Lease of Town-owned Property for Wind Turbine Unit(s)

To see if the Town will vote to authorize the Board of Selectmen to enter into a lease of a parcel of land or portion thereof as shown on Assessors' Map 75, Lot 11 and Map 66 Lot 50 for the purposes of erecting, maintaining and operating a wind turbine(s) to generate electricity, together with appurtenant easements for wires, pipes, conduits and supporting structural elements, for a term not to exceed 25 years, and upon such terms and conditions as the Board of Selectmen deem appropriate, or take any other action relative thereto.

ARTICLE 22 – Procurement; Lease of Town-owned Property for Solar Photovoltaic (PV) Units

To see if the Town will vote to authorize the Board of Selectmen to enter into a lease of a parcel of land or portion thereof as shown on Assessors' Map 75, Lot 11 and Map 66 Lot 50 for the purposes of erecting, maintaining and operating solar Photovoltaic unit(s) to generate electricity, together with appurtenant easements for wires, pipes, conduits and supporting structural elements, for a term not to exceed 25 years, and upon such terms and conditions as the Board of Selectmen deem appropriate, or take any other action relative thereto.

ARTICLE 23 – Expand Wind Turbine Overlay District to Contiguous Parcels on 40R Site

To see if the Town will vote to amend the Town of Kingston Zoning By-Laws §4.16. "Wind Turbine Overlay District" by amending the Town of Kingston Zoning Map to expand the District to include contiguous parcels consisting of Assessors' Map 74, Lot 8; Map 75, Lots 2, 10, 12, 34, 35, 36, 37, 38, 39 and 40; and Map 82, Lots 3 and 4, or take any other action relative thereto.

Description: *The existing Wind Overlay District consists of Map 75 Lot 11 (the landfill site), Map 66 Lot 50 (Transfer Station), and a small parcel on the south side of Route 44, Map 100, Lot 3-1. Approval of the article will expand the district to include the so-called 40 R site.*

ARTICLE 24 – Expand Solar Photovoltaic (PV) Overlay District to Contiguous Parcels on 40R Site

To see if the Town will vote to amend the Town of Kingston Zoning By-Laws §4.17. “ Large-Scale Ground-Mounted Solar Photovoltaic Overlay District” by amending the Town of Kingston Zoning Map to expand the “ Solar PV Overlay District to include contiguous parcels consisting of Assessors’ Map 74, Lot 8; Map 75, Lots 2, 10, 12, 34, 35, 36, 37, 38, 39 and 40; and Map 82, Lots 3 and 4, or take any other action relative thereto.

Description: *The Solar PV Overlay District (if approved at the ATM) consists of Map 75 Lot 11 (the landfill site) and Map 66 Lot 50 (Transfer Station). Approval of the article will expand the district to include the so-called 40 R site.*

ARTICLE 25 - Amend Zoning By-Law; Correction from Attorney General for ATM of April 9, 2007

To see if the Town will vote to amend the Town of Kingston Zoning By-Laws, Section 4.15.13.2.a. by deleting the second “that” in subsection 1) so as to correctly read as follows:

1) evidence that the Development Project plans demonstrate compliance with the requirements of Section 4.15.12.4.

or take any other action relative thereto.

ARTICLE 26 – Amend Zoning By-Law for Accessory and Principal Structures

To see if the Town will vote to amend the Zoning By-Laws in Section 2.1.1.59. to include new subsections “a.” and “b.” defining Accessory and Principal Structures respectively, so that the section will now read as follows:

2.1.1.59. Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, viewing stand, bin, platform, swimming pool, fence, sign, flagpole, mast for radio antenna, satellite antenna or the like.

a. Structure, Accessory: A subordinate structure clearly incidental to and customarily found in connection with the principal use, building or structure and which is located on the same lot with the main use, building or structure. A use or activity not prescribed or permitted in the zoning district shall be expressly prohibited.

b. Structure, Principal: The primary or main structure, as distinguished from an accessory structure. A use or activity not prescribed or permitted in the zoning district shall be expressly prohibited. Unless otherwise expressly permitted under these By-Laws, there shall be only one principal structure per lot.

or take any other action relative thereto.

Description: *Note: §2.1.1.59. as currently written remains unchanged. This amendment would add subsections “a. Structure, Accessory” and “b. Structure, Principal” Existing language of § 2.1.1.59.*

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, viewing stand, bin, platform, swimming pool, fence, sign, flagpole, mast for radio antenna, satellite antenna or the like.

ARTICLE 27 – Amend Zoning By-Law for Accessory and Principal Structures

To see if the Town will vote to amend the Zoning By-Laws in Section 2.1.1.66. to include subsections “a.” and “b.” defining Accessory and Principal Uses respectively, so that the section will now read as follows:

Use: The purpose for which land or a building is designed, occupied, or otherwise utilized.

a. Use, Accessory: A subordinate use, clearly incidental to and customarily found in connection with the principal use, building, or structure, and which is located on the same lot with the main use, building or structure. A use or activity not prescribed or permitted in the zoning district shall be expressly prohibited.

b. Use, Principal: The primary or main use of land, building or structure, as distinguished from an accessory use. A use or activity not prescribed or permitted in the zoning district shall be expressly prohibited. Unless otherwise expressly permitted under these By-Laws, there shall be only one principal use per lot.

or take any other action relative thereto.

Description: Note: §2.1.1.66. as currently written remains unchanged this amendment would add subsections “a. Use, Accessory” and “b. Use, Principal”
Existing language of §2.1.1.66. Use: The purpose for which land or a building is designed, occupied or otherwise utilized.

ARTICLE 28 – Amend Zoning By-Law for Permitted Uses

To see if the Town will vote to amend the Zoning By-Laws in Section 4.4.2.1. by inserting after the word “cranberry” the phrase “the raising of livestock and poultry (subject to the provisions of Section 4.4.4.2.),” so that the section will read as follows:

4.4.2.1. Farming, including crops, orchard, plant nursery, greenhouse or cranberry, the raising of livestock and poultry (subject to the provisions of Section 4.4.4.2.), and the keeping of tame domestic animals normally considered pets, such as dogs and cats, by residents of the premises, not for commercial sale, provide that:.

ARTICLE 29 – Amend Zoning By-Law for Non-conformance

To see if the Town will vote to amend the Zoning By-Laws in Section 6.1.1., by deleting it in its entirety and replacing it as follows:

6.1.1. Non-conforming: Any principle or accessory structure or use which does not conform to the requirements of the By-law but which was lawfully in existence or lawfully begun or for which a building permit or special permit has been issued before the first notice of the public

hearing on this By-law or any amendment thereto shall be deemed to be a non-conforming **structure or** use.

or take any other action relative thereto.

*Description: Note § 6.1.1. has the phrase in **bold** print added to the existing language*

ARTICLE 30 – Amend Zoning By-Law for Non-conformance

To see if the Town will vote to amend the Zoning By-Laws in Section 6.2.2.1.a. by deleting subsection “a.” in its entirety and replacing it as follows:

- a. No such extension or alteration shall be permitted unless authorized by special permit of the Board of Appeals which shall find that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use **or structure** to the neighborhood.

or take any other action relative thereto.

*Description: Note § 6.2.2.1. has the phrase in **bold** print added to the existing language*

ARTICLE 31 – Amend Zoning By-Law; Deleting the Term Reconstruction

To see if the Town will vote to amend the Zoning By-Laws Section 6.2.2.3.a. by deleting the word ‘reconstruction’ so that the section will now read:

- a. Alteration, enlargement, extension or structural change is in conformity with yard requirements applicable at the time of original construction or, if there were none, conformity to the following minimum standards:

Front yard – 25 feet Side yard – 15 feet Rear yard – 20 feet

Or take any other action relative thereto.

ARTICLE 32 – Amend Zoning By-Law for “Section Reserved”

To see if the Town will vote to amend the Zoning By-Laws Section 6.4.2.2. by deleting the existing language and inserting in its place the words “Section Reserved” so the section will now read:

6.4.2.2. Section Reserved

or take any other action relative thereto.

ARTICLE 33 – Amend Zoning By-Law; Exceptions

To see if the Town will vote to amend the Zoning By-Laws Section 7.3.1.1.a. by adding after the word “required” the wording, “except for one and two family dwellings” so the subsection will now read:

- a. All uses for which a special permit or variance is required, **except for one and two family dwellings.**

or take any other action relative thereto.

Description: Note § 7.3.1.1.a. has the phrase in **bold** print added to the existing language: a. All uses for which a special permit or variance is required, **except for one and two family dwellings.**

ARTICLE 34 – Amend Zoning By-Law; Report from Site Plan Approving Authority

To see if the Town will vote to amend the Zoning By-Laws Section 7.3.2.4. by deleting said section in its entirety and replacing it as follows:

7.3.2.4. The special permit or variance granting authority shall not conduct a public hearing for a special permit or variance until a report has been received from the site plan approving authority or 45 days has elapsed since the site plan was officially submitted to the Town.

or take any other action relative thereto.

ARTICLE 35 - Street Acceptances; Ocean Hill Estates

To see if the Town vote to accept as Public Ways, the roads, easements appurtenant thereto, and the Deed thereto or eminent domain taking thereof, identified as Ocean Hill Drive, Bay Hill Road, and Berry Drive Being Shown On A Plan Entitled “Ocean Hill Estates” dated October 22, 1993 as prepared by Charles J. Kane Associates and recorded in the Plymouth County Registry of Deeds, Plan Book 36, Pages 711-716 and further to accept roadways known as Hillside Drive, and Seaview Drive, as shown on a plan entitled “Ocean Hill Estates Phase II” dated November 21, 1994 as prepared by R.H. Cole Associates and further to accept roadways known as Highland Drive, and Longview Drive, as shown on a plan entitled “Ocean Hill Estates Phase III” dated September 23, 1996 as prepared by Daylor Consulting Group Inc., each as more particularly described in a deed on file at the Office of the Town Clerk and to authorize the Board of Selectmen to accept the deed thereto or to undertake an eminent domain taking thereof, or take any other action relative thereto.

ARTICLE 36 - Walking Trails Acceptance; Tall Timbers Estates

To see if the Town will vote to accept by deed and/or easement, the walking trails in Tall Timbers Estates as shown on the plan entitled “Plan of Proposed Walking Trails” dated January 13, 2003”, prepared by Vautrinot Land Surveying, Inc., or take any other action relative thereto.

ARTICLE 37 – Rte 27 Pembroke Street Project; Temporary Easements and Takings

To see if the Town will vote to authorize the Selectmen to purchase, or take by eminent domain, and to raise and appropriate a sum of money to fund said purchase or taking along with all legal costs associated with the obtaining of temporary construction easements related to the Route 27 Improvement project as shown and identified on a plan entitled “Commonwealth of Massachusetts Highway Department Reconstruction of Pembroke Street (Route 27) in the Town of Kingston”, dated September 11, 2007 drafted by SEA Consultants, Inc., as revised, which will be delivered to and be made available at the Town Clerk’s Office fourteen (14) days before the date of the town meeting, or act or do anything in relation thereto.

ARTICLE 38 – FY2011 Budget

To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury a sum of money to be expended to defray Town charges for Fiscal Year 2011, or take any action relative thereto.

ARTICLE 39 - FY2011 Chapter 90 Funds

To see if the Town will vote to appropriate a sum of money to be expended in anticipation of the reimbursement authorized for the State's share of the cost of work to be done under Chapter 90 of the General Laws, or take any action relative thereto.

ARTICLE 40 - FY2011 Water Department Enterprise Fund Budget

To see if the Town will vote to raise and appropriate, and to transfer from available funds in the treasury a sum of money to be expended pursuant to Massachusetts General Laws, chapter 44, section 53F ½, for expenditures of the Water Department, including those for the operation and maintenance, debt service, asset depreciation, costs, engineering services and capital costs, or take any other action relative thereto.

ARTICLE 41 - FY2011 Water Department – Improvements to Water Distribution System

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury a sum of money to be expended by the Board of Water Commissioners to continue the repair and replacement of water mains throughout the distribution system, or to take any other action relative thereto.

ARTICLE 42 - FY2011 Sewer Department Enterprise Fund Budget

To see if the Town will vote to raise and appropriate, and to transfer from available funds in the treasury a sum of money to be expended pursuant to Massachusetts General Laws, chapter 44, section 53F ½, for expenditures of the Sewer Department, including those for the operation and maintenance, debt service, betterment receipts, asset depreciation, costs, engineering services and capital costs, or take any other action relative thereto.

ARTICLE 43 - Surplus Sewer Revenue Appropriation

To see if the Town will vote to appropriate from Surplus Sewer Revenue a sum of money to provide for certain improvements to the Sewer Plant under the direction of the Sewer Commissioners, or take any other action relative thereto

ARTICLE 44 – FY2011 Sewer Department Capital Improvements

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury a sum of money to be expended by the Board of Sewer Commissioners for certain equipment for the Sewer Department, or take any other action relative thereto.

Description: Funds to be used to permit, design and construct a third sequential batch reactor and the associated infrastructure, including leaching fields.

ARTICLE 45 – FY2011 Water Department Capital Funding

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury a sum of money to be expended by the Board of Water Commissioners for certain equipment including the repair and replacement of water mains throughout the distribution system, or take any other action relative thereto.

ARTICLE 46 –FY2011 Water Department Capital Funding; Trackle Pond Well Manganese Treatment

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury a sum of money to be expended by the Board of Water Commissioners to address the treatment of manganese at the Trackle Pond Well, or take any other action relative thereto.

ARTICLE 47 –FY2011 Elected Officers Compensation

To see if the Town will vote to set the salaries of elected officers, effective July 1, 2010; and to effect those salaries, to raise and appropriate a sum of money therefore; and to authorize the Town Accountant to allocate such sums to the appropriate operating budgets, or take any other action relative thereto.

ARTICLE 48 – FY2011 Wage and Personnel By-law and Compensation Schedule

To see if the Town will vote to amend the Wage & Personnel By-Law, including the classification and compensation schedules A. B. and C. contained therein, as printed in a document entitled, “Proposed Town of Kingston Wage & Personnel By-Law with FY 2011 Compensation Schedules;” and to raise and appropriate or transfer from available funds in the treasury such sums as must be expended to effect such adjustments; and to authorize the Town Accountant to allocate such sums to the appropriate operating budgets, or take any other action relative thereto.

ARTICLE 49 – FY2011 Capital Equipment/Project Funding

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury a sum of money to be expended for the capital equipment and capital projects for the various Town departments, and to trade or dispose of any used equipment of those departments in the best interest of the Town, or take any other action relative thereto.

ARTICLE 50 –FY2011 Special Outlay Equipment

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury a sum of money to be expended for the purchase of equipment and for projects of the various Town departments; and to trade or dispose of any used equipment of those departments in the best interest of the Town, or take any other action relative thereto.

ARTICLE 51 - Assessment Survey for Historic Districts

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$5,000 to fund an assessment survey for the Local Historic District, or take any other action relative thereto.

Description: *The Historical Commission has an ongoing responsibility to complete assessment surveys on each structure in the town in order to establish Local Historic Districts. The Massachusetts Historical*

Society regulations mandate surveys done for every private home, business and structure in a proposed district.

ARTICLE 52 - FY2011 Collective Bargaining Agreements

To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury a sum of money to fund salary increases and other cost-items resulting from contract settlements with union personnel, or take any other action relative thereto.

Description: *There are currently two municipal collective bargaining units with expired contracts or contracts expiring on June 30, 2010 that may require a funding appropriation to accompany ratification by the BOS. Negotiations are currently in progress. Funding for the "potential" settlements is not included in the FY11 proposed budget under Article #.*

ARTICLE 53 –FY2011 Re-establish Revolving Funds

(A) To see if the Town will vote to re-establish a revolving fund for recreation programs as provided in Massachusetts General Laws, chapter 44, section 53E ½:

That said programs to be supported with these funds in FY 2011 shall include but not be limited to gymnastics, cheerleading, karate, dance, various sports programs, arts and crafts, keyboard, babysitting, bumper bowling, ski lessons, golf, drama, baton twirling, junior garden club, tennis, cooking, sailing, Coast Guard boating safety course, summer programs, swimming lessons, basketball league, dog training, various instructional programs, special trips and events;

That funds deposited into this account shall include fees charged to individuals participating in a program, donations and gifts earmarked for said programs, and private sponsorship of programs and rental fees charged for the use of the Reed Community Building;

That the Recreation Commission shall authorize all expenditures of funds from this account. Funds will be used in direct support of the listed programs for the following items: supplies for the programs, contractual services required to present a program, administrative expenses required to run the program, wages of part-time staff for time spent running the program, repair of equipment used in a program, repair of facilities used for a program, rental of facilities and/or equipment used in a program;

And that the amount of the funds to be expended from this account in FY 2011 shall not exceed \$245,000, or take any other action relative thereto; and further

(B) To see if the Town will vote to re-establish a revolving fund for the maintenance of shellfish beds, as provided in Massachusetts General Laws, chapter 44, section 53E ½;

That funds deposited into this account shall include fees charged for the use of said beds.

That said expenditures to be supported with these funds in FY 2011 shall include but not be limited to the maintenance and seeding of the shellfish beds in Kingston Bay. Provided further that the Harbormaster/Shellfish Constable, with the approval of the Waterfront Committee, shall authorize all expenditures of funds from this account;

And that the amount of the funds to be expended from this account in FY 2011 shall not exceed \$4,000.00 unless additional limits are approved by the Board of Selectmen and the Finance Committee, or take any other action relative thereto; and further

(C) To see if the Town will vote to re-establish a revolving fund for the operation of the Inspectors in the Building Department as provided in Massachusetts General Laws, chapter 44, section 53E ½;

That funds deposited into this account shall include fees charged for plumbing, gas, electrical and sewer connection permits;

That said expenditures to be supported with these funds in FY 2011 shall include but not be limited to direct support for staff stipends and wages for inspectors, mileage reimbursement, cost of related inspection equipment including meters, tools and safety gear and necessary forms and supplies;

That the Inspector of Buildings and Town Administrator shall authorize all expenditures of funds from this account;

And that the amount of the funds to be expended from this account in FY 2011 shall not exceed \$50,000.00, unless additional limits are approved by the Board of Selectmen and the Finance Committee, or take any other action relative thereto; and further

(D) To see if the Town will vote to re-establish a revolving fund for the operation of the Harbormaster and Waterfront Committee as provided in Massachusetts General Laws, chapter 44, section 53E ½;

That funds deposited into this account shall include fees charged for mooring fees and waterfront fees;

That said expenditures to be supported with these funds in FY 2011 shall include but not be limited to direct support for staff wages and expenses necessary for the operation of the department;

That the Harbormaster and Town Administrator shall authorize all expenditures of funds from this account;

And that the amount of funds to be expended from this account in FY 2011 shall not exceed \$35,949.00 unless additional limits are approved by the Board of Selectmen and the Finance Committee, or take any other action relative thereto.

ARTICLE 54 – Establish a Shellfish Mitigation Stabilization Fund

To see if the Town will vote to create a mitigation stabilization fund for the purpose of mitigating adverse impacts to federal/state/local-designated lands containing shellfish caused by the installation of private dock/pier/float, or take any other action relative thereto.

ARTICLE 55 –FY2011 Community Preservation Committee Administrative Budget

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2011 Community Preservation budget and to appropriate from the Community Preservation Fund estimated annual revenues a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2011, or take any other action in relation thereto.

ARTICLE 56 -FY2011 Community Preservation Fund Appropriations

To see if the Town will vote to appropriate from the Community Preservation Fund to reserve for future appropriation a sum of money from the Community Preservation Fund estimated annual revenues for open space, historic resources, and community housing purposes, as well as a sum of money to be placed in the 2011 Budgeted Reserve for general Community Preservation Act purposes, or take any other action in relation thereto.

ARTICLE 57 - Street Acceptances; Indian Pond Estates Phase III

To see if the Town will vote to "takeover ownership, control, and maintenance of all roads in 'phase three' of the Indian Ponds Estates as outlined in the official plan on file with the Town of Kingston. These roads include: Pond View Drive, Forrest Street, Meeting House Road, Autumn Lane, and Hemlock Street." (Petition)

Description: The roadways are shown on a plan entitled, " Plan of Land Indian Pond Estates III dated May 13, 1996 as prepared by Consulting Engineers and Scientists, Inc." and recorded in the Plymouth County Registry of Deeds, Plan Book 39, Pages 641- 648.

AND, to transact any other business which may legally come before the meeting.

FURTHER, you are hereby required to notify and warn the Inhabitants of the Town, qualified to vote in elections to meet in the adjourned session at the Kingston Elementary School, 150 Main Street, Kingston, Massachusetts for Precincts One, Two and Three and at the Town House, 26 Evergreen Street, Kingston, Massachusetts for Precinct Four, on Saturday, the Twenty-Fourth Day of April, 2010 from 8:00 a.m., until 6:00 p.m., for the following purposes:

To choose all necessary Town Officials chosen by one ballot as follows:

One (1) Moderator
One (1) Housing Authority Member
One (1) Elementary School Committee Member
For One (1) Year

One (1) Selectman
One (1) Assessor
One (1) Collector of Taxes
Two (2) Elementary School Committee Members
One (1) Housing Authority Member
Two (2) Library Trustees
Two (2) Silver Lake Regional School Committee Members
Two (2) Board of Health Members
One (1) Water Commissioner
One (1) Recreation Commissioner
One (1) Sewer Commissioner
Two (2) Constables
Each for Three (3) Years

One (1) Planning Board Member
One (1) Housing Authority Member
For Five Years

And to vote “Yes” or “No” on the following question:

“Shall the Town of Kingston be allowed to assess an additional \$279,000 in real estate and personal property taxes for the purposes of re-furbish/re-chassis a 2002 and 2004 ambulance for the Fire Department and to replace three patrol cars for the Police Department, for the fiscal year beginning July first, two thousand and ten.”

And you are directed to serve this Warrant by posting attested copies at the Kingston Public Library, at the Reed Community Building, at the Kingston Elementary School, at the Kingston Intermediate School, and at the main entrance to the Town House, the polling places of the precincts in said Town, seven (7) days at least before the time of holding said meeting.

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

GIVEN under our hands this ___the day of _____ in the year of our Lord Two Thousand Ten, the Independence of the United States of America the Two Hundred Thirty Fourth and the Two Hundred Eighty Fourth Anniversary of the Incorporation of the Town of Kingston.

Official Signature Page on File in the Office of the Board of Selectmen & Town Clerk

BOARD OF SELECTMEN

Sandra D. MacFarlane, Chairman

Dennis N. Randall, Vice-Chairman

Richard J. Arruda

Mark S. Beaton

Paul M. Gallagher

