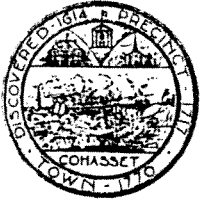


**SUPPLEMENTS TO
MARCH 29, 2008
ZONING BYLAW UPDATE**

(ARTICLES PASSED AT TOWN MEETING SINCE
MARCH 29, 2008 ZONING BYLAW UPDATE –
THROUGH APRIL 30, 2011 ANNUAL TOWN MEETING)



Town of Cohasset

OFFICE OF TOWN CLERK

41 Highland Avenue
Cohasset, Massachusetts 02025

Town Clerk
Marion L. Douglas

(781) 383-4100
Fax: (781) 383-1561

November 18, 2008

To Whom It May Concern:

This is to certify that the following article was contained in the warrant for the Special Town Meeting held on Monday, November 17, 2008 at the Cohasset High School Sullivan Gymnasium and was voted and acted upon as follows:

ARTICLE 10: ZONING BYLAW RECONCILIATION

To see if the Town will vote to amend the Town of Cohasset Zoning Bylaws, as follows:

That Section 7.1 in the column entitled "Number of Parking Spaces Required Per Unit" for Use "L" be amended in line 6 by changing the word "on" to "of" so that said Section 7.1, Use L as amended shall read as follows: "One space per unit unless the apartments are proposed within that portion of a building existing on 1/5/55 or unless a reduced number is specifically authorized within the final action of the special permit granting authority upon a finding that one space per unit is not necessary for public safety and convenience, that the creation of on-site parking spaces is incompatible with approved design guidelines or that adequate provision for parking has otherwise been proposed."

That Section 17.3.2, second sub-section "f" reading as follows: "Any other information required by the Planning Board in the rules and regulations adopted by it with respect to such special permit process." be amended to be re-labeled as sub-section "g".

That Section 17.4.1, sub-section "g" reading as follows: "Buildings and uses accessory to the above, including, without limitation, parking garages that are accessory to dwelling units and cafeterias." be amended to be re-labeled as sub-section "f".

That Section 17.9.3, be amended in line 1 by changing "Rules are Regulations consistent ..." to read "Rules and Regulations consistent ..." so that Section 17.9.3 as amended shall read as follows: "The Planning Board shall adopt, and from time to time amend, Rules and Regulations consistent with the provisions of this Zoning Bylaw, Chapter 40A of General Laws and other applicable provisions of the General Laws and shall file a copy of said rules and regulations with the Town Clerk. Such rules and regulations shall, subject to provisions of this Section 17, prescribe as minimum the size, contents, form, style and number of plans and specifications, the Town boards or Departments from which the Planning Board will request written reports and the procedure for submission and approval of a Special Permit under the provisions of this section. The Planning Board shall also specify the fees to be paid in connection with application for a TOD Overlay Development, bonding requirements to satisfy conditions of approval, and reporting requirements to satisfy compliance with the affordability restrictions. Other specifications as deemed necessary by the Planning Board shall be included in the Rules and Regulations. Failure to adopt such Rules and Regulations shall not affect the validity of this Section 17."

That Section 19.4.1.3.c, be amended by changing "S.P.G.A." to read "SPGA" as is used throughout the rest of the document, so that Section 19.4.1.3.c as amended shall read as follows: "c) All signs shall comply with the requirements of the Town's sign regulations unless relief is granted by the SPGA."

That Section 19.7.2, line 3, be amended to correct the first quotation mark by changing "Physically remove" to read "Physically remove", so that Section 19.7.2 as amended shall read as follows: " Upon abandonment or discontinuation of use, the owner shall physically remove the wind turbine(s) within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the SPGA. "Physically remove" shall include, but not be limited to:"

That Section 19.9.1.Special Permit Granting Authority (SPGA), line 1, be amended by changing "Wind Turbine(s) is ..." to read "Wind Turbine(s) in ...", so that Section 19.9.1.Special Permit Granting Authority (SPGA) as amended shall read as follows: "The SPGA for wind energy conversion facilities, also referred to as Wind Turbine(s) in this bylaw shall be the Planning Board."

MOVED that the Town's Zoning Bylaws be amended as follows:

That Section 7.1 in the column entitled "Number of Parking Spaces Required Per Unit" for Use "L" be amended in line 6 by changing the word "on" to "of" so that said Section 7.1, Use L as amended shall read as follows: "One space per unit unless the apartments are proposed within that portion of a building existing on 1/5/55 or unless a reduced number is specifically authorized within the final action of the special permit granting authority upon a finding that one space per unit is not necessary for public safety and convenience, that the creation of on-site parking spaces is incompatible with approved design guidelines or that adequate provision for parking has otherwise been proposed."

That Section 17.3.2, second sub-section "f" reading as follows: "Any other information required by the Planning Board in the rules and regulations adopted by it with respect to such special permit process." be amended to be re-labeled as sub-section "g".

That Section 17.4.1, sub-section "g" reading as follows: "Buildings and uses accessory to the above, including, without limitation, parking garages that are accessory to dwelling units and cafeterias." be amended to be re-labeled as sub-section "f".

That Section 17.9.3, be amended in line 1 by changing "Rules are Regulations consistent ..." to read "Rules and Regulations consistent ..." so that Section 17.9.3 as amended shall read as follows: "The Planning Board shall adopt, and from time to time amend, Rules and Regulations consistent with the provisions of this Zoning Bylaw, Chapter 40A of General Laws and other applicable provisions of the General Laws and shall file a copy of said rules and regulations with the Town Clerk. Such rules and regulations shall, subject to provisions of this Section 17, prescribe as minimum the size, contents, form, style and number of plans and specifications, the Town boards or Departments from which the Planning Board will request written reports and the procedure for submission and approval of a Special Permit under the provisions of this section. The Planning Board shall also specify the fees to be paid in connection with application for a TOD Overlay Development, bonding requirements to satisfy conditions of approval, and reporting requirements to satisfy compliance with the affordability restrictions. Other specifications as deemed necessary by the Planning Board shall be included in the Rules and Regulations. Failure to adopt such Rules and Regulations shall not affect the validity of this Section 17."

That Section 19.4.1.3.c, be amended by changing "S.P.G.A." to read "SPGA" as is used throughout the rest of the document, so that Section 19.4.1.3.c as amended shall read as follows: "c) All signs shall comply with the requirements of the Town's sign regulations unless relief is granted by the SPGA."

That Section 19.7.2, line 3, be amended to correct the first quotation mark by changing "Physically remove" to read "Physically remove", so that Section 19.7.2 as amended shall read as follows: "Upon abandonment or discontinuation of use, the owner shall physically remove the wind turbine(s) within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the SPGA. "Physically remove" shall include, but not be limited to:"

That Section 19.9.1.Special Permit Granting Authority (SPGA), line 1, be amended by changing "Wind Turbine(s) is ..." to read "Wind Turbine(s) in ...", so that Section 19.9.1.Special Permit Granting Authority (SPGA) as amended shall read as follows: "The SPGA for wind energy conversion facilities, also referred to as Wind Turbine(s) in this bylaw shall be the Planning Board."

Report of Planning Board given by Alfred Moore.

A 2/3's vote required. Motion adopted unanimously.

A True Record, ATTEST:

Marion Douglas

Marion Douglas, Town Clerk of Cohasset



Town of Cohasset

OFFICE OF TOWN CLERK

41 Highland Avenue
Cohasset, Massachusetts 02025

Marion L. Douglas
Town Clerk, C.M.M.C.

(781) 383-4100
Fax: (781) 383-1561

November 18, 2009

To Whom It May Concern:

This is to certify that the following article was contained in the warrant for the Special Town Meeting held on November 18, 2009 at the Cohasset High School Sullivan Gymnasium and was voted and acted upon as follows:

ARTICLE 4: PLANNING BOARD ASSOCIATE MEMBER

To see if the Town will vote to amend the General Bylaws, Article III, Section 7.(a) to read as follows: "The Planning Board shall consist of five (5) members, with one member elected each year for a five (5) year term and one associate member elected for a three (3) year term. Such associate member shall sit on the board only when designated by the chairman of the planning board for the purposes of acting on a special permit application in the case of absence, inability to act, or conflict of interest on the part of any member of the planning board or in the event of a vacancy on the board." And to amend the Zoning Bylaw, Section 12.4, first paragraph, by adding the following new third sentence:

"Where the terms of this bylaw designate the planning board as the special permit granting authority, the chairman of the planning board may designate the associate member of the planning board to sit on the board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the planning board or in the event of a vacancy on the board." or take any other action related thereto.

Moved that the Town's General Bylaws, Article III, Section 7 (a) be amended to read as follows:

"The Planning Board shall consist of five (5) members, with one member elected each year for a five (5) year term and one associate member elected for a three (3) year term. Such associate member shall sit on the board only when designated by the chairman of the planning board for the purposes of acting on a special permit application in the case of absence, inability to act, or conflict of interest on the part of any member of the planning board or in the event of a vacancy on the board."

And further that the Town's Zoning Bylaw, Section 12.4, first paragraph, by adding the following new third sentence: "Where the terms of this bylaw designate the planning board as the special permit granting authority, the chairman of the planning board may designate the associate member of the planning board to sit on the board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the planning board or in the event of a vacancy on the board."

Amendment offered by the Advisory Committee.

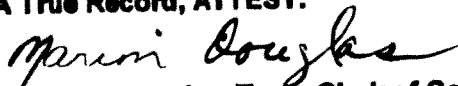
Second paragraph on the third line - change the word may to shall so the paragraph shall read as follows:

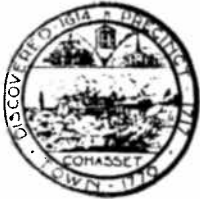
And further that the Town's Zoning Bylaw, Section 12.4, first paragraph, by adding the following new third sentence: "Where the terms of this bylaw designate the planning board as the special permit granting authority, the chairman of the planning board shall designate the associate member of the planning board to sit on the board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the planning board or in the event of a vacancy on the board."

Amendment is adopted.

Main motion as amended requires a 2/3's vote. Main motion as amended is adopted by the required 2/3's.

A True Record, ATTEST:


Marlon L Douglas, Town Clerk of Cohasset



Town of Cohasset

OFFICE OF TOWN CLERK

41 Highland Avenue
Cohasset, Massachusetts 02025

Marion L. Douglas
Town Clerk, C.M.M.C.

(781) 383-4100
Fax: (781) 383-1561

June 16, 2010

To Whom It May Concern:

This is to certify that the following article was contained in the warrant for the Special Town Meeting held on June 14, 2010 at the Cohasset High School Sullivan Gymnasium and was voted and acted upon as follows:

Article 3: Zoning Bylaw Amendment – Section 8.7.1

To see if the Town will vote to amend Section 8.7 of the Zoning Bylaw as follows or to take any other action related thereto: 1. by deleting Section 8.7.1 and replacing it with the following:

1. An existing nonconforming single or two family residential building or structure may be extended, altered, reconstructed or enlarged so long as the extension, alteration, reconstruction or enlargement complies in all respects with the Area Regulations as set forth in Section 5.3.1 other than minimum required lot area.

MOVED that Section 8.7 of the Zoning Bylaw be amended as follows:

By deleting Section 8.7.1 and replacing it with the following:

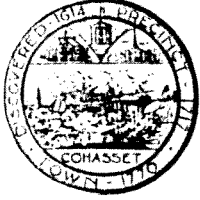
1. An existing nonconforming single or two family residential building or structure may be extended, altered, reconstructed or enlarged so long as the extension, alteration, reconstruction or enlargement complies in all respects with the Area Regulations as set forth in Section 5.3.1 other than minimum required lot area.

A 2/3's vote required. Motion adopted unanimously.

A True Record, ATTEST:

Marion L. Douglas

**Marion L Douglas
Town Clerk of Cohasset**



Town of Cohasset

OFFICE OF TOWN CLERK

41 Highland Avenue
Cohasset, Massachusetts 02025

Marion L. Douglas
Town Clerk, C.M.M.C.

(781) 383-4100
Fax: (781) 383-1561

May 3, 2011

To Whom It May Concern:

This is to certify that the following article was contained in the warrant for the Annual Town Meeting held on April 30, 2011 at the Cohasset High School Sullivan Gymnasium and was voted and acted upon as follows:

Article 19: Zoning Amendment – Amend Zoning Map

To see if the town will vote to rezone certain districts as shown on map entitled Zoning Map Of Cohasset, Mass dated October, 1 1969 and revised 1976, 1985, 2000, 2002 as follows:

So that the Highway Business District (HB) area east of Chief Justice Cushing Highway and northwest of Cohasset and Scituate town line, be expanded by 124,634 sq ft. (2.86 acres), indicated in yellow and described as follows:

Starting at the Cohasset/Scituate town line at the limits of the existing HB zone, proceed N 52°-52'-10" W a distance of 526.58', thence N 53°-14'-50" E a distance of 38.56', thence N 55°-36'-50" E a distance of 54.63', thence S 37°-28'-00" E a distance of 32.62', thence N 54°-01'-00" E a distance 261.26', thence S 52°-52'-10" E a distance of 481.80', thence S 51°-58'-15" W along the town line a distance of 258.63' back to the point of beginning. Or to take any other action related thereto. (Planning Board).

Moved that the Town's Zoning District Map be amended by rezoning certain districts as shown on map entitled Zoning Map Of Cohasset, Mass dated October, 1 1969 and revised 1976, 1985, 2000, 2002 as follows:

so that the Highway Business District (HB) area east of Chief Justice Cushing Highway and northwest of Cohasset and Scituate town line, be expanded by 124,634 sq ft. (2.86 acres), indicated in yellow and described as follows:

starting at the Cohasset/Scituate town line at the limits of the existing HB zone, proceed N 52°-52'-10" W a distance of 526.58', thence N 53°-14'-50" E a distance of 38.56', thence N 55°-36'-50" E a distance of 54.63', thence S 37°-28'-00" E a distance of 32.62', thence N 54°-01'-00" E a distance 261.26', thence S 52°-52'-10" E a distance of 481.80', thence S 51°-58'-15" W along the town line a distance of 258.63' back to the point of beginning.

A 2/3's vote required. Motion adopted unanimously.

A True Record, ATTEST:

Marion L Douglas, Town Clerk of Cohasset



Town of Cohasset

OFFICE OF TOWN CLERK

41 Highland Avenue
Cohasset, Massachusetts 02025

Marion L. Douglas
Town Clerk, C.M.M.C.

(781) 383-4100
Fax: (781) 383-1561

May 3, 2011

To Whom It May Concern:

This is to certify that the following article was contained in the warrant for the Annual Town Meeting held on April 30, 2011 at the Cohasset High School Sullivan Gymnasium and was voted and acted upon as follows:

ARTICLE: 21 Zoning By-Law Amendment: Wind Energy Conversion Facility Bylaw

To see if the town will vote to amend Section 19.1 striking the words "visual" and "any":

19.1 Purpose and Intent

It is the express purpose of this bylaw to accommodate large distributed generation, wind energy conversion facilities, hereinafter referred to as a wind turbine(s), in appropriate locations, while minimizing any adverse ~~visual~~ safety and environmental impacts of the facilities...

To see if the Town will vote to amend Section 19.2 Definitions: replacing the existing "Height" with new wording for "Total Height", adding a new definition for "Tower Height" and "Residence" and modify the existing wording which defines "Flicker":

19.2 Definitions:

Total Height: The height of a turbine(s) is measured to the highest point reached by the blades. The height of the tower will be measured to the top of the nacelle. The height of a turbine(s) is measured from the Pre-Construction Grade to the highest point reached by the blades.

Tower Height: The height of the tower is measured from the Pre-Construction Grade to the highest point reached by the nacelle.

Residence: A shelter (as a house) in which people live (can include commercial apartments/living facilities)

Wind Turbine Flickering: The blinking effect while the rotor is in motion.

And to amend Section 19.3.3.1 Height striking the existing wording and replacing it with as follows:

19.3.3.1 Height

~~Wind turbines shall have a maximum height of 350 feet, as measured from the Pre-Construction Grade to the highest point reached by the nacelle. The SPGA may allow this height to be exceeded as part of the special~~

~~permit process if the project proponent can demonstrate that the additional height is needed and that the additional benefits of the higher tower outweigh any adverse impacts. Monopole towers are the preferred type of support for wind turbines.~~

Wind turbines shall have a maximum Tower Height of 260-feet (80 meters), as measured from the Pre-Construction Grade to the highest point reached by the nacelle. The SPGA may allow this Tower Height to be exceeded as part of the special permit process if the project proponent can demonstrate that the additional Tower Height is essential and that the additional benefits of the higher tower outweigh any adverse impacts, but in no case shall tower height exceed 350-feet (100 meters) to the highest point reached by the nacelle. Monopole towers are the required method of support.

To see if the Town will vote to strike the current 19.3.3.2 Setback and replace with new wording

19.3.3.2 Setback

~~a) Each wind energy conversion facility and its associated equipment shall comply with the building setback provisions of the zoning district in which the facility is located.~~

~~b) In addition, the following setbacks shall be observed:~~

~~1. In order to ensure public safety and to protect the interest of neighboring property owners, the minimum distance from the base of any wind turbine tower to any property line in a residential district, shall be equal to the total height of the structure to the highest point.~~

a) Each wind energy conversion facility and its associated equipment shall comply with the building setback provisions of the zoning district in which the facility is located.

b) In addition, a wind turbine may not be sited within:

(1) a distance equal to the Total Height of the wind turbine from buildings, critical infrastructure, or private or public ways that are not part of the wind energy facility;

(2) three times (3x) the Total Height of the turbine from the nearest existing residential structure;
or

(3) one point five times (1.5x) the Total Height of the turbine from the nearest property line not delineating properties each owned in whole by the applicant.

To see if the town will vote to strike section 19.4.1.1 Visual Impact in total

~~19.4.1.1 Visual Impact~~

~~The proponent shall demonstrate through project siting and proposed mitigation that the wind turbine minimizes any impact on the visual character of surrounding neighborhoods and the community; this may include, without limitation, information regarding site selection, turbine design, buffering, lighting and cable layout.~~

To see if the Town will vote to modify current 19.4.2.3 Noise with new wording for sub-sections 1,2,3,4, and 5 as follows and further add wording for post construction noise analysis.

19.4.2.3 Noise

The wind turbine and associated equipment shall conform to Massachusetts noise regulations (310 CMR 7.10). An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards and shall be consistent with Massachusetts Department of Environmental Protection guidance for noise measurement.

Additionally; a noise source will be considered in violation of this by-law if the source:

1. Increases the broadband sound level by more than 10 dB(A) above ambient at the property line. (or)
2. Increases the broadband sound level by more than 8dB(A) at the nearest Residence. (or)
3. Produces a "pure tone" condition – when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more at the property line or at the nearest permitted Residence. (or)
4. Adds to the noise generated by existing turbines within ½ mile, such that the cumulative totals of sound level calculations increases the broadband sound level by more than 10 dB(A) above ambient at the property line or increases the broadband sound level by more than 8dB(A) at the nearest Residence.
5. "Ambient" is defined as:
 - a. The background A-weighted sound level that is exceeded 90% of the time (and)
 - b. Measured during the hours 7PM-7AM (and)
 - c. No wind turbines within ½-mile of the proposed project in operation. (and)

A noise analysis shall be performed within ninety days of initial operation and a certified test report, prepared by an engineer Board Certified by the Institute of Noise Control Engineering ("INCE"), shall be submitted after initial operation of the facility to demonstrate compliance with these noise regulations and with the noise level analysis submitted by the applicant. Additional tests shall be performed from time to time upon the request of the SPGA and certified test reports submitted. If any analyses indicate noise levels in excess of those permitted by regulations, remedial measures shall be undertaken to bring noise levels into compliance. Test methods shall be consistent with Massachusetts Department of Environmental Protection guidelines for noise measurement.

To see if the Town will vote to replace the existing 19.4.2.4 Shadowing/Flicker with new wording as follows:

19.4.2.4. Shadowing/Flicker

~~Wind turbines shall be sited in a manner that does not result in significant shadowing or flicker impacts. Applicant must demonstrate that this effect does not have significant adverse impact on adjacent uses through siting.~~

A shadow flicker analysis shall be performed by a qualified engineer using industry recognized software to determine the worst-case shadow flicker that could be experienced by all private structures occupied during daylight hours within ½ mile of the base of each turbine. The maximum allowable worst-case daily shadow flicker for each applicable structure shall not exceed 30 minutes for each day.

To see if the Town will vote to modify existing 19.7.3 by striking the final sentence and replacing it with new wording as below.

19.7.3 If an applicant fails to remove a wind turbine in accordance with this section of this bylaw, the Town shall have the authority to enter the subject property and physically remove the facility. The SPGA may in its decision require the applicant to provide a form of surety (i.e. post a bond, letter of credit or establish an escrow account or other) at the SPGA's election to cover costs of removal in the event the town must remove the facility. The amount of such surety shall be equal to 150 percent of the cost of removal of the facility as determined by a qualified engineer. ~~The amount shall include a mechanism for a Cost of Living Adjustment after 10 and 15 years. After 10 and 20 years, the original bond requirement may be adjusted to reflect then-current anticipated decommissioning/deconstruction costs.~~

To see if the Town will vote to add Section 19.10 Conditions of Permit:

19.10. Conditions of Permit

In granting a special permit under this section, SPGA may impose conditions and limitations specially designed to safeguard the property, health, safety, and economic value of occupants of the premises and of other land, as well as the town and its residents.

Moved, that Section 19 of the Town of Cohasset Zoning Bylaw be amended as follows:

by amending Section 19.1 to strike the words "visual" and "any" as follows:

19.1 Purpose and Intent

It is the express purpose of this bylaw to accommodate large distributed generation, wind energy conversion facilities, hereinafter referred to as a wind turbine(s), in appropriate locations, while minimizing ~~any~~ adverse ~~visual~~ safety and environmental impacts of the facilities...

by amending Section 19.2 Definitions: to replace the existing "Height" with new wording for "Total Height", to add a new definition for "Tower Height" and "Residence" and to modify the existing wording which defines "Flicker" as follows:

19.2 Definitions:

Total Height: The height of a turbine(s) is measured to the highest point reached by the blades. The height of the tower will be measured to the top of the nacelle. The height of a turbine(s) is measured from the Pre-Construction Grade to the highest point reached by the blades.

Tower Height: The height of the tower is measured from the Pre-Construction Grade to the highest point reached by the nacelle.

Residence: A shelter (as a house) in which people live (can include commercial apartments/living facilities)

Wind Turbine Flickering: The blinking effect while the rotor is in motion.

by amending Section 19.3.3.1 Height to strike the existing wording and to replace it as follows:

19.3.3.1 Height

~~Wind turbines shall have a maximum height of 350 feet, as measured from the Pre-Construction Grade to the highest point reached by the nacelle. The SPGA may allow this height to be exceeded as part of the special permit process if the project proponent can demonstrate that the additional height is needed and that the additional benefits of the higher tower outweigh any adverse impacts. Monopole towers are the preferred type of support for wind turbines.~~

Wind turbines shall have a maximum Tower Height of 260-feet (80 meters), as measured from the Pre-Construction Grade to the highest point reached by the nacelle. The SPGA may allow this Tower Height to be exceeded as part of the special permit process if the project proponent can demonstrate that the additional Tower Height is essential and that the additional benefits of the higher tower outweigh any adverse impacts, but in no case shall tower height exceed 350-feet (100 meters) to the highest point reached by the nacelle. Monopole towers are the required method of support.

by amending Section 19.3.3.2 Setback to strike the existing wording and to replace it with new wording as follows

19.3.3.2 Setback

- ~~a. Each wind energy conversion facility and its associated equipment shall comply with the building setback provisions of the zoning district in which the facility is located.~~
- ~~b. In addition, the following setbacks shall be observed:~~

~~1. In order to ensure public safety and to protect the interest of neighboring property owners, the minimum distance from the base of any wind turbine tower to any property line in a residential district, shall be equal to the total height of the structure to the highest point.~~

a) Each wind energy conversion facility and its associated equipment shall comply with the building setback provisions of the zoning district in which the facility is located.

b. In addition, a wind turbine may not be sited within:

(1) a distance equal to the Total Height of the wind turbine from buildings, critical infrastructure, or private or public ways that are not part of the wind energy facility;

(2) three times (3x) the Total Height of the turbine from the nearest existing residential structure; or

(3) one point five times (1.5x) the Total Height of the turbine from the nearest property line not delineating properties each owned in whole by the applicant.

by striking section 19.4.1.1 Visual Impact in its entirety as follows;

~~19.4.1.1 Visual Impact~~

~~The proponent shall demonstrate through project siting and proposed mitigation that the wind turbine minimizes any impact on the visual character of surrounding neighborhoods and the community; this may~~

~~include, without limitation, information regarding site selection, turbine design, buffering, lighting and cable layout.~~

by amending Section 19.4.2.3 Noise with new wording for sub-sections 1,2,3,4, and 5 and further by adding wording for post construction noise analysis as follows.

19.4.2.3 Noise

The wind turbine and associated equipment shall conform to Massachusetts noise regulations (310 CMR 7.10). An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards and shall be consistent with Massachusetts Department of Environmental Protection guidance for noise measurement.

Additionally; a noise source will be considered in violation of this by-law if the source:

1. Increases the broadband sound level by more than 10 dB(A) above ambient at the property line. (or)
2. Increases the broadband sound level by more than 8dB(A) at the nearest Residence. (or)
3. Produces a "pure tone" condition – when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more at the property line or at the nearest permitted Residence. (or)
4. Adds to the noise generated by existing turbines within ½ mile, such that the cumulative totals of sound level calculations increases the broadband sound level by more than 10 dB(A) above ambient at the property line or increases the broadband sound level by more than 8dB(A) at the nearest Residence.

5. "Ambient" is defined as:

- a. The background A-weighted sound level that is exceeded 90% of the time (and)
- b. Measured during the hours 7PM-7AM (and)
- c. No wind turbines within ½-mile of the proposed project in operation. (and)

A noise analysis shall be performed within ninety days of initial operation and a certified test report, prepared by an engineer Board Certified by the Institute of Noise Control Engineering ("INCE"), shall be submitted after initial operation of the facility to demonstrate compliance with these noise regulations and with the noise level analysis submitted by the applicant. Additional tests shall be performed from time to time upon the request of the SPGA and certified test reports submitted. If any analyses indicate noise levels in excess of those permitted by regulations, remedial measures shall be undertaken to bring noise levels into compliance. Test methods shall be consistent with Massachusetts Department of Environmental Protection guidelines for noise measurement.

by replacing the existing 19.4.2.4 Shadowing/Flicker with new wording as follows:

19.4.2.4. Shadowing/Flicker

~~Wind turbines shall be sited in a manner that does not result in significant shadowing or flicker impacts. Applicant must demonstrate that this effect does not have significant adverse impact on adjacent uses through siting.~~

A shadow flicker analysis shall be performed by a qualified engineer using industry recognized software to determine the worst-case shadow flicker that could be experienced by all private structures occupied during daylight hours within ½ mile of the base of each turbine. The maximum allowable worst-case daily shadow flicker for each applicable structure shall not exceed 30 minutes for each day.

by amending Section 19.7.3 to strike the final sentence and to replace it with new wording as follows.

19.7.3 If an applicant fails to remove a wind turbine in accordance with this section of this bylaw, the Town shall have the authority to enter the subject property and physically remove the facility. The SPGA may in its decision require the applicant to provide a form of surety (i.e. post a bond, letter of credit or establish an escrow account or other) at the SPGA's election to cover costs of removal in the event the town must remove the facility. The amount of such surety shall be equal to 150 percent of the cost of removal of the facility as determined by a qualified engineer. ~~The amount shall include a mechanism for a Cost of Living Adjustment after 10 and 15 years. After 10 and 20 years, the original bond requirement may be adjusted to reflect then-current anticipated decommissioning/deconstruction costs.~~

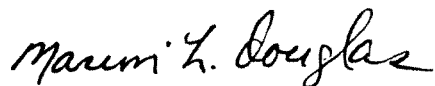
by adding the following new Section 19.10 Conditions of Permit:

19.10. Conditions of Permit

In granting a special permit under this section, SPGA may impose conditions and limitations specially designed to safeguard the property, health, safety, and economic value of occupants of the premises and of other land, as well as the town and its residents.

Motion adopted by the required 2/3's.

A True Record, ATTEST:



Marion L Douglas, Town Clerk of Cohasset