

posted
2:30 pm
9/4/19

***Commonwealth of Massachusetts
Town of West Stockbridge
Warrant for Special Town Meeting***

BERKSHIRE: ss:

To any constable(s) of the Town of West Stockbridge, Massachusetts

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Town affairs to meet at seven o'clock in the evening on Wednesday, September 18, 2019 in the Village School/Town Offices main meeting room, 21 State Line Road, in the Village of West Stockbridge then and there to act on the following articles:

Article 1: To see if the Town will vote to amend its zoning bylaws as follows, *or take any other action in relation thereto:*

Part One

Add to Table 4.11.1, Table of Uses - Principle Uses

	R-3	R-D	C	M	R-1	PVOD
43 Large-Scale Ground-Mounted Solar Energy System	NO	NO	SPP	SPP	NO	NO
44 Medium-Scale Ground-Mounted Solar Energy System	NO	NO	SPP	SPP	NO	YES

Add to Table 4.11.2, Table of Uses - Accessory Uses

	R-3	R-D	C	M	R-1	PVOD
21 Large-Scale Ground-Mounted Solar Energy System	NO	NO	SPP	SPP	NO	NO
22 Medium-Scale Ground-Mounted Solar Energy System	NO	NO	SPP	SPP	NO	YES

23 Small-Scale Ground- Mounted Solar Energy System	SPP	SPP	SPP	SPP	SPP	YES
24 Roof-mounted solar energy system	Y	Y	Y	Y	Y	YES

Part Two - Dimensional Regulations

Add the following footnotes to Table 5.6: Exceptions to Rules in Table of Dimensional Requirements

5. Ground mounted solar photovoltaic installations shall meet yard setback requirements, except that setback requirements may be reduced by special permit as a part of the special permit granted for the underlying use.
6. Solar energy systems shall not be included in calculations for lot coverage or impervious surface.
7. Ground mounted solar energy generation systems at any scale shall not exceed 15 feet above the ground as measured under each panel module, except the overall height of tracking type systems may exceed 20 feet for transient conditions when dumping snow.
8. The size of a small scale solar photovoltaic system, defined as having a total collector area of 750 square feet or less, may be increased by the SPGA per section 9.2.6

Part Three

SUBSTITUTE THE FOLLOWING SECTION 9.2 FOR THE EXISTING SECTION 9.2 IN ITS ENTRITY

Section 9.2 Photovoltaic Solar Energy Systems

9.2.1 Statement of Purpose

The purpose of this by-law is to provide a permitting process for solar photovoltaic installations for cost-effective, efficient, and timely implementation to increase the use of distributed generation; to integrate these installations into the Town in a manner that minimizes their impacts on the character of neighborhoods, on property values, and on the scenic, historic, and environmental resources of the Town, and to protect health and safety.

9.2.2 Solar Energy Systems - Definitions

GRID-INTERTIE: A photovoltaic system that is connected to an electric circuit served by an electric utility.

GROUND-MOUNTED: An Active Photovoltaic Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

LARGE SCALE: An Active Photovoltaic Solar Energy System that has a rated nameplate capacity greater than 250kW DC.

MEDIUM-SCALE: An Active Photovoltaic Solar Energy System that has a rated nameplate capacity up to 250 kW DC, and a total collector area greater than 750 square feet.

SMALL-SCALE: An Active Photovoltaic Solar Energy System that has a total collector area of 750 square feet or less, unless a greater area has been allowed by special permit.

OFF-GRID: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.

PHOTOVOLTAIC SYSTEM (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.

RATED NAMEPLATE CAPACITY: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

ROOF-MOUNTED: An Active Photovoltaic Solar Energy System that is structurally mounted to the roof of a building; may be of any size (small, medium, or large-scale).

SOLAR ACCESS: The access of a solar energy system to direct sunlight.

Section 9.2.3 Photovoltaic Solar Development

9.2.3 Medium or Large Scale Photovoltaic Solar Developments

9.2.3.1 Special Permit Required – Medium or Large Scale Photovoltaic Solar Developments require a special permit per the Table of Uses, Section 4.11.1 and 4.11.2. Medium scale systems do not require a special permit on the PVOD.

9.2.3.2 In addition to the standard special permit application requirements of section 6.3.6, a special permit application for large and medium scale photovoltaic solar energy systems the site plan submitted shall include the following additional information:

- a. Property lines and physical features, including roads, for the project site;
- b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- c. Blueprints or drawings of the solar energy system showing the proposed layout of the system, any potential shading from or to nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector;

- d. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all Massachusetts Electric Code (527 CMR 12.00) compliant disconnects and over current devices;
- e. Documentation of the major system components to be used, including the panels, mounting system, and inverter;
- f. Name, address, and contact information for proposed system installer;
- g. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- h. The name, contact information and signature of any agents representing the project proponent;
- i. Zoning district designation for the parcel(s) of land comprising the project site;
- j. Locations of active farmland and prime farmland soils, wetlands, permanently protected open space;
- k. Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and "Important Wildlife Habitat" mapped by the DEP.;
- l. Locations of floodplains or inundation areas for moderate or high hazard dams;
- m. Locations of local or National Historic Districts;
- n. Documentation of actual or prospective access and control of the project site;
- o. An operation and maintenance plan;
- p. Proof of liability insurance;
- q. A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required Special Permit Review notification procedures and otherwise inform abutters and the community.
- r. Site plans submitted for the above shall be prepared by a MA licensed professional engineer

9.2.4 Design Standards for Large and Medium-Scale Photovoltaic Solar Developments where a special permit is required

9.2.4.1 Standards for large or medium-scale ground-mounted solar energy systems proposed within all zoning districts where a special permit is required.

- a. Utility Notification - No grid-intertie photovoltaic system shall be installed until evidence has been given to the Special Permit Granting Authority that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
- b. Utility Connections - Reasonable efforts, as determined by the Special Permit Granting Authority, shall be made to place all utility connections from the solar photovoltaic installation to the point of interface with the grid tie-in 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.
- c. Safety - The large or medium-scale ground-mounted solar energy system owner or operator shall provide a copy of the Special Permit application to the fire chief for review. All means of shutting down the solar installation shall be shown on the application and plans filed, and shall be clearly marked on site.
- d. Safety - Fencing that is required for safety and prevention of access to photovoltaic equipment shall be setback from roads and property lines to the greatest extent possible and shall be separate from other visual screening that is required.
- e. Visual screening, by opaque fence and/or landscape planting, shall be provided, as per conditions set by the SPGA, to prevent the solar energy system being visible from the street or streets which the system has frontage on, from adjoining streets which abut the lot, or from a distance of 250' or less from an adjoining residential property. This regulation is not intended to require screening of solar energy systems where the topography within the site of the solar installation and adjoining the solar energy system site rises or falls to an extent that fencing or landscape screening is impractical or unnecessary. If the natural circumstances of existing landscape and vegetation provide screening that is satisfactory to the SPGA additional visual screening may not be required.
- f. 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 ground-mounted solar energy systems or as otherwise prescribed by applicable laws, regulations, and bylaws/ordinances. Maintenance of vegetation shall be by mowing. No chemicals, weed killers or herbicides shall be used at any time.
- g. Storm water Management: Best management practices shall be used for controlling and managing storm water run-off and drainage for the medium-scale ground-mounted solar photovoltaic installation in compliance with all applicable federal, state and local regulations.
- h. The SPGA may require a glare analysis and proposed mitigation, if any, to minimize the impact of glare on affected properties.
- i. The SPGA may review the proposed installation with the conservation commission.
- j. The SPGA may require an environmental impact report or statement.

9.4.2.2 Design standards for a medium scale photovoltaic system where a special permit is not required

- a. Site plans and construction drawings submitted shall be prepared by a MA licensed professional engineer
- b. Provide evidence that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator and that the utility company has approved the connection.
- c. Utility Connections shall be underground to the connection point of the grid tie-in or to the property line of the site. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- d. All means of shutting down the solar installation shall be shown on the plans filed, and shall be clearly marked on site.
- e. Safety Fencing shall be provided to prevent access to photovoltaic equipment. Safety fencing shall be setback from roads and property lines to the greatest extent possible and shall be separate from other visual screening that is required.
- f. Visual screening, by evergreen landscape planting or existing evergreens, shall be provided to prevent the solar energy system being visible from the street or streets which the system has frontage on, from adjoining streets which abut the lot, or from a distance of 200' or less from buildings on an adjoining property or across the street. This regulation is not intended to require screening of solar energy systems where the topography within the site of the solar installation and adjoining the solar energy system site rises or falls to an extent that fencing or landscape screening is impractical or unnecessary.
- g. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of ground-mounted solar energy systems or as otherwise prescribed by applicable laws, regulations, and bylaws/ordinances. Plans shall show Habitat Impacts are mitigated during construction and over the life of the facility. Maintenance of vegetation shall be by mowing. No chemicals, weed killers or herbicides shall be used at any time.
- h. Best management practices shall be used for controlling and managing storm water run-off and drainage in compliance with all applicable federal, state and local regulations.
- i. Plans submitted shall show a glare analysis and proposed mitigation, if any, to minimize the impact of glare on neighboring properties.
- j. All regular building permit sign-offs shall be approved by local boards or authorities including Conservation Commission and fire chief.

9.2.5 Special permit requirements for small scale ground mounted photovoltaic solar energy systems

9.2.5.1 A special permit application for small scale ground mounted photovoltaic solar energy systems shall include the following additional information on the site plan that is required by section 6.3.6.

- a) north arrow and direction of solar south
- b) locations of buildings on neighboring lots within 300 feet.
- c) topography based on USGS, or a survey by a licensed surveyor
- d) satellite imagery of the site and neighboring lots showing tree coverage

9.2.5.2 The SPGA may impose reasonable conditions for landscape screening or fencing.

9.2.5.3 Findings required for small scale ground mounted photovoltaic solar energy systems:

- a) The general findings required for all special permits under section 6.3.4 are required to be made.
- b) The proposed ground mounted residential photovoltaic solar energy system will not have any negative impact on neighbors or abutters within 300'
- c) The proposed small scale ground mounted residential photovoltaic solar energy system will not have any negative impact on views from a public way.
- d) If an increase in size above 750 square feet of collector area is requested as a part of the Special Permit application per section 9.2.6 the increase in size will not have any negative impact on neighbors or abutters within 300' or on views from a public way.
- e) The SPGA may require a glare analysis and proposed mitigation, if any, to minimize the impact of glare on affected properties.

9.2.6 Increase in size of small scale ground mounted photovoltaic solar energy systems

9.2.6.1 The Planning Board, acting as the special permit granting Authority, (SPGA) may, as a part of the issuance of a Special Permit for a small scale ground mounted photovoltaic solar energy system, allow a small scale ground mounted photovoltaic system that is larger than 750 square feet of collector area provided that findings as required under section 6.3.4 and section 9.2.5.3 are made.

9.2.7 Abandonment or Decommissioning:

9.2.7.1 Removal Requirements: Any commercial large or medium-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life, is no longer operational or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Select Board, Planning Board, and Building Inspector 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 brought to the site or generated by the owner or operator or otherwise related to the large-scale ground-mounted solar photovoltaic installation in accordance with local, state, and federal waste disposal law and regulations.
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

9.2.7.2 Abandonment: The large or medium scale ground-mounted solar photovoltaic installation shall be considered abandoned when it does not operate for more than one year without the written consent of the Special Permit Granting Authority. If the owner or operator of the large or medium-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 retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned large or medium-scale ground-mounted solar energy system. As a condition of Special Permit approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.

9.2.7.3 Financial Assurance: Proponents of large-scale ground-mounted solar photovoltaic installations shall be required to provide a form of surety to cover the cost of removal and restoration of the site in the event the site is abandoned. The amount and form of surety shall be determined by the Planning Board, but in no event shall the amount exceed 125% of the cost of removal. Applicants shall submit a fully inclusive cost estimate of the costs associated with the removal of the large-scale ground-mounted solar energy system prepared by a qualified engineer. The cost estimate accounts for inflation over the life of the system. All subsequent owners/operators of the system shall continue to provide a form of surety acceptable to the Town until the commercial-scale solar energy system has been removed. The surety account or bond will be managed by the Treasurer's office.

Part Four

A. Amend Section 3.1 to add the "PVOD Photovoltaic Overlay District" under the heading "Establishment of Districts".

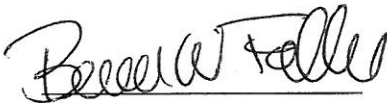
B. Amend Section 3.2 to reference the addition of Photovoltaic Overlay District (PVOD) to the zoning map of West Stockbridge, Mass.

C. Add a new section 3.2.4 with the following language:

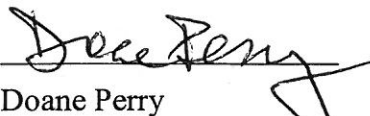
The Photovoltaic Overlay District (PVOD) is an overlay district mapped over other districts. It modifies and, where there is inconsistency, supersedes the regulations of those other districts. Except as so modified or superseded, the regulations of the underlying district remain in effect.

Article 2: To do and transact any other business to be done by the Town.

Given under our hands this 4th day of September 2019.



Bernie Fallon, Chair



Doane Perry



Eric Shimelonis

I certify that I have posted true and attested copies of this warrant at the Post Office at West Stockbridge, at State Line, West Center, Williamsville, and High Street as directed by vote of the Town of West Stockbridge.

Attested:  Constable

Date: September 4, 2019