

ATM 27 – Ground Mounted Solar

minutes from 3/9/16 A&F meeting

Patrick Farah, Planning Technician and Energy Officer, said that the Energy Committee and the Planning Board voted unanimously in support of ATM Article 27 which inserts sections 205-3 and 205-77, a ground mounted solar voltaic section, to the Bylaws. Town Counsel has also given the bylaw a stamp of approval.

Lee Burns, Chairman of the Energy Committee, presented the article. Massachusetts General Laws (Chapter 40A §3) states that “No zoning by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.” Therefore, the Town cannot prohibit the construction of solar energy systems but can establish reasonable regulations.

Recently, the Town has permitted a growing number of commercial-scale, ground-mounted solar facilities but currently we have no standards covering the proper installations of such facilities. They have been handled on a case by case basis. The intent of this bylaw is to promote, by-right, subject to Site Plan Review, in all Districts, the generation of solar energy while preserving the natural environment and supporting reduction of Plymouth’s carbon footprint. This amendment establishes reasonable standards and protections for neighboring residential areas and the Town as a whole.

The amendment includes provisions that:

- Only apply to ground mounted facilities
- Require site plan review by the Planning Board
- Prohibit large scale commercial solar facilities (over forty acres)
- Establishes natural vegetated buffers and screening measures
- Requires security controls to limit unauthorized access
- Establishes removal and decommissioning provisions
- Includes stormwater standards

Systems exempt from this amendment: Rooftop, any <1,500sqft, located in agricultural land & used for energy generation for the agricultural use, & those located on already disturbed area in commercial & industrial districts

By establishing standards including size limitations, buffers, and set backs, it will be easier for these projects to go through the process. These standards came from gathering data from other towns. The committee originally had residential and commercial bylaws but ended up merging the two together. The committee removed stipulations about trees but may add language to the bylaw.

Questions:

- Last night the Board of Selectmen tabled the discussion to wait on further information about surety. Is there new information available? (M Sirrico) Yes, staff has added language this morning, as an addendum regarding Page 3 section 4C for those greater than 2 MW, “in the form of cash bond” and also added an adjustment for inflation over the usable life cycle. This can be provided to the Advisory & Finance Committee.
- What about the status of the language relating to trees? (J Moody) Of the bylaws reviewed from 9 other towns, only 2 have sentences protecting trees. The Energy Committee can not add language to the bylaw now but can bring an addendum up on Town Meeting floor. We may ask on Town Meeting floor to insert a sentence, similar to that from Fairhaven, protecting trees.
- I thought the Planning Board said that trees cut would need to be replaced with 6-8’ trees? (S Joyce) The Planning Board can offer suggestions to the Building Commissioner. There was a comment that maybe the trees could be replaced with shrubs but that is ultimately up to the Building Commissioner. The Town does recommend shielding view of the solar equipment from neighbors.
- So the issue that happened a year or two ago where one was installed on Warren Ave and later was required to be removed, could happen with this new bylaw as long as it is less than 30’x50’? (E Kusmin) As long as it had the proper boundaries around it and shielding, yes. The projects that are exempt from site plan review still need to go through zoning though.
- Less than 2 MW there is no site review but over 2 MW there is site review required? A lot as small as 1 acre could have a .65 MW solar array? (H Helm) Right now ground mounted solar is an allowed use as long as it

meets set back requirements through zoning. This bylaw creates standards where there is more control and requirements that need to be met.

- With the 40 acre cap, are those already built just above that size grandfathered in? (K Canty) Yes, they will be grandfathered. We did not want to limit the size unnecessarily.
- When panels need replacing, do they need to go through this process again? (K Canty) The panels can be swapped out without an issue. Only if the footprint changes, they will need to restart the process.

Harry Helm made a motion to recommend ATM Article 27 as written to Town Meeting. Patricia McPherson, second.

Discussion:

- I do not like that the smaller projects are excluded from the standards. Is it possible to add wording to the bylaw? (E Kusmin)
- There is always a risk when we approve with the assumption that verbage is going to change. It is taking a leap of faith. We can not add to the bylaw. You could choose to not approve the article. (J Moody)
- Smaller projects could be regulated but this bylaw chooses not to. (K Canty)
- Not exactly sure what we are voting on. Is it as written in the document we were supplied with? (M Lincoln) Yes, we are voting on exactly what we have in front of us. We can not vote on the topics of surety and trees that may be brought up on Town Meeting floor. (J Moody)
- If something is not ready we should not act as if it is ready. This bylaw is a good start but it is not ready. For that reason, we should not recommend this article now. (K Canty)
- This Committee can vote to not recommend it to Town Meeting. Town Meeting has the ability to approve it regardless of our recommendation. This Committee can also vote yes to recommend it to Town Meeting and let them do what it will. (J Moody)

The motion fails unanimously (0-10-0).