

**TOWN OF PETERSHAM
PUBLIC HEARING NOTICE
PETERSHAM PLANNING BOARD**

The Petersham Planning Board will hold a public hearing on Thursday, April 21, 2022 at 7:00 PM in the Upper Town Hall, 1 South Main Street, Petersham. The hearing will review proposed revisions to the Zoning Bylaw which correct five instances of inconsistent nomenclature and also clarify a definition in the Solar Bylaw. Copies of the Bylaws showing the proposed changes are on file in the Town Office Building and may be inspected during normal business hours.

D. Fraser Sinclair, Chairman
Petersham Planning Board

Copies of the proposed changes may be obtained from the Town Clerk's Office or Selectboard Office as of April 5, 2022. Call 978-724-3353 for information.

FOR PUBLIC VIEWING

Proposed Changes to Town of Peetersham Zoning Bylaws:

The following two proposed 2022 Annual Town Meeting Articles will be reviewed at a Public Hearing on April 21, 7:00 PM, at Petersham Town Hall, 1 South Main St. All welcome.

ARTICLE __. – DRAFT

To see if the Town will vote to amend the Town's **Zoning Bylaws** to change the name of the Board of Selectmen to the "Selectboard," by striking out, in every instance in which they appear in reference to that body, the words "Board of Selectmen" or "Selectmen" and inserting in place thereof the words "Selectboard"; and by striking out, in every instance in which they appear in reference to Board members individually, the word "Selectman" and "Selectmen" and inserting in place thereof the words "Selectboard Member" or "Selectboard Members"; and further to authorize the Town Clerk to make non-substantive, ministerial revisions to ensure that gender and numerical issues in related text is revised to properly reflect such change in title; or or act in relation thereto.

ARTICLE __. – DRAFT

To see if the Town will vote to amend the Town's **Zoning By-law Section 18. Solar Electric Installations to address typographical errors therein**; the By-Law therefore to read as follows below; or act in relation thereto:

Section 18.1.a This section applies to any large-scale ground-mounted solar electric installation (greater than 10 kW Rated Nameplate Capacity (kilowatts)) in the Town of Petersham. In the Solar Electric Overlay District such facilities are allowed As-of-Right. Outside of the Solar Electric Overlay District, such facilities are allowed by special permit. . . . Smaller scale (10 kW or less) ground-mounted solar electric installations need only comply with subsection 18.3.

...

Section 18.2. Rated Nameplate Capacity: The maximum rated output of electric power production of a solar electric generation system in Alternating Current (AC).

...

Section 18.4b.4. Description of financial surety that satisfies Section 18.11c.

...

Section 18.11.a. Removal Requirements: Any installation which has reached the end of its useful life or has been abandoned consistent with Section 18.11b. of this bylaw shall be removed.

[NOTE: Complete current Section 18. Solar Electric Installations Bylaw is attached for reference.]

**Existing Town of Petersham Zoning Bylaw *Section 18*
at January 1, 2022**

Proposed changes attached on cover sheet herein.

SECTION 18. SOLAR ELECTRIC INSTALLATIONS

1. Purpose

The purpose of this bylaw is to facilitate the creation of new large-scale solar electric installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on environmental, scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

a. Applicability

Building-mounted solar electric installations are not subject to the requirements of this section but do require a building permit.

This section applies to any large-scale ground-mounted solar electric installation (greater than 10 kW (kilowatts)) in the Town of Petersham. In the Solar Electric Overlay District such facilities are allowed As-of-Right. Outside of the Solar Electric Overlay District, such facilities are allowed by special permit.

This section also applies to physical modifications of large-scale solar electric installations that materially alter the type, configuration, or size of a previously approved installation.

Smaller scale (10 kW or less) ground-mounted solar electric installations need only comply with subsection F.3.

2. Definitions

As-of-Right: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval, provided that it complies with the requirements of this section.

Building Inspector: The person charged with the enforcement of the Zoning Bylaw.

Building Permit: A construction permit issued by the Building Inspector.

Solar Electric Overlay District: The Solar Electric Overlay District as designated by the Town of Petersham, is shown on a map titled "Petersham Solar Electric Overlay District", which map is hereby made a part of this Zoning By-law and is on the file in the Office of the Petersham Town Clerk.

Large-Scale Solar Electric Installation: A solar electric generation system that has a rated nameplate capacity greater than 10 kW.

Rated Nameplate Capacity: The maximum rated output of electric power production of a solar electric generation system in Alternating Current (AC) or Direct Current (DC).

3. General Requirements for all ground-mounted Solar Electric Installations

a. Compliance with Laws, Bylaws and Regulations

The construction and operation of 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 the installation shall be constructed in accordance with the State Building Code.

b. Building Permit and Building Inspection

No installation shall be constructed, installed or modified without first obtaining a building permit.

c. Dimensional Requirements

- (1) Setbacks to all installation structures and equipment shall be at least 50 feet from property lines.
- (2) The height of any solar electric installation structure shall not exceed 20 feet.
- (3) Installations larger than 25kW shall not be closer than 300 feet from a public way.

4. Site Plan Review

Installations larger than 10kW shall be subject to Site Plan Review by the Zoning Board of Appeals prior to construction or modification, as provided in this section. Failure of the Zoning Board of Appeals to act within 180 days from the time of the initial application shall be deemed to constitute approval of the application.

a. General

All plans and maps submitted in connection with Site Plan Review shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts. An application for site plan review shall be accompanied by a fee of \$150.

b. Required Documents

- (1) A site plan showing:
 - i. Property lines and physical features, including roads and topography, for the project site;
 - ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, fencing and screening vegetation or structures;
 - iii. Locations of wetlands and Priority Habitat Areas as defined under the Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife.
 - iv. Locations of Priority Heritage landscapes under the NHESP and local or National Historic Districts;
 - v. A list of any hazardous materials proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment as appropriate;
 - vi. Blueprints or drawings of the installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts, showing the proposed layout of the system;
 - vii. One or three line electrical diagram detailing the solar electric installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 - viii. Documentation of the major system components to be used, including the electric generating components, transmission systems, mounting system, and inverter;
 - ix. Name, address, and contact information for proposed system installer;
 - x. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;

- xi. The name, contact information and signature of any agents representing the project proponent.
- (2) Photographs showing views of the site from any point in the Town of Petersham where the installation would be visible. The proposed installation and the amount of land clearing required shall be superimposed on these photographs.
- (3) Documentation of actual or prospective access and control of the project site; and
- (4) Description of financial surety that satisfies Section F.11.c.

The Zoning Board of Appeals may waive documentary requirements as it deems appropriate.

5. 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 electric installation.

6. Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the installation, which shall include measures for maintaining safe access to the installation, storm water, screening vegetation and other vegetation controls, as well as general procedures for operational maintenance.

7. Utility Notification

No installation shall be constructed until evidence has been given to the Zoning Board of Appeals that the utility company that operates the electrical grid where the installation is to be located has been informed of the installation owner or operator's intent to construct. Off-grid systems shall be exempt from this requirement.

8. Design and Performance Standards

a. Lighting

Lighting shall be minimal and comply with local, state and federal law and shall be shielded so as to minimize spillover into abutting properties. Lighting shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

b. Signage

A sign consistent with the Town's Bylaws shall be required to identify the owner and provide a 24-hour emergency contact phone number and may include identification of the manufacturer or operator of the installation.

c. Utility Connections

Wherever possible all utility connections from the solar electric installation shall be underground, depending on appropriate soil conditions, 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.

d. Roads

Access roads shall be constructed so as to minimize grading, removal of stone walls or trees and minimize impacts to environmental or historic resources.

e. Noise

Sound or noise levels may not exceed a decibel level of 50 dBA, as measured at the boundary of the property.

9. Safety and Environmental Standards**a. Emergency Services**

The installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief and the Town's Emergency Management Director. 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 electric installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

b. 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 installation or otherwise prescribed by applicable laws, regulations, and bylaws.

10. Monitoring, Maintenance and Reporting**a. General Maintenance**

The solar electric 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 Fire Chief and the Town's Emergency Management Director. The owner or operator shall be responsible for the cost of maintaining the solar electric installation and any access road(s).

b. Modifications

All material modifications to a solar electric installation made after issuance of the required building permit shall require approval by the Zoning Board of Appeals.

c. Annual Reporting

The owner or operator of the installation shall submit an Annual Report which certifies compliance with the requirements of this Bylaw and their approved site plan including control and maintenance of vegetation, noise standards, and adequacy of road access. The annual report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The report shall be submitted to the Selectboard, Zoning Board of Appeals, Fire Chief, Emergency Management Director, Building Inspector, Board of Health and Conservation

Commission (if a Wetlands Permit was issued) no later than 45 days after the end of the calendar year.

11. Abandonment or Decommissioning

a. Removal Requirements

Any installation which has reached the end of its useful life or has been abandoned consistent with Section F.11.b. 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 Zoning Board of Appeals by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (1) Physical removal of all solar electric installations, structures, equipment, security barriers and transmission lines from the site.
- (2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (3) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Zoning Board of Appeals may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

b. Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar electric installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Zoning Board of Appeals. If the owner or operator 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.

c. Financial Surety

Proponents of solar electric 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 Zoning Board of Appeals, 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 and the Town. 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.

Accepted ATM 6/4/2012

Approved AG 9/23/2012