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Sandisfield Green Committee Minutes Aug 17, 2018

In Attendance: George Riley, Anina Carr, Larry Dwyer
Minutes by Larry Dwyer

The meeting began at 3:00 PM with a discussion of creating a draft for a new bylaw for as-of right siting for solar photovoltaic installations. Four documents were used as reference for this purpose which included the following:

1. Massachusetts Model As-of-Right Zoning Bylaw.
2. Town of Egremont Zoning Bylaws.
3. Town of Plainfield Zoning Bylaws.
4. Sandisfield Solar Photovoltaic Installations Zoning Bylaw.

We adopted paragraph 1.0 of the state model for the reasons of Purpose. This is also the same paragraph used in Plainfield and Egremont.

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.

We adopted the 1.1 Applicability paragraph of the state model and that of Plainfield 3.1.2 paragraph with a modification for as-of-right siting for all town-owned property in Sandisfield. We noted that the Town has the right as Landowner to permit or deny any development on its own land.

Applicability

There shall be a Solar Photovoltaic Overlay District with As-of-Right siting which consists of all land owned by the Town of Sandisfield which is shown on town maps available at the office of the Town Clerk.

We included the definitions for As-of-Right siting as per the 2.0 paragraph of the state model.

Large Scale Solar installations were adopted as per the 2.0 definition in the state model and paragraphs 4.2.7 and 8.3.0.1 of the Plainfield model. There was a discussion as to make the minimum capacity 250 kW as in the state model or to make it 50kW as in the Plainfield model. We decided to use the minimum capacity as 50 kW. Plainfield also uses an area greater than 1.5 acres in their definition. In Plainfield any installation over 1.5 acres would require a special permit. We did not adopt that stipulation. The definition of Large Scale Solar installations is also covered in the existing Sandisfield solar bylaw with a description as installations greater than 1/8 acre are Large Scale Solar installations. With the existing solar bylaw and new solar bylaw, any installation above 1/8 acre and greater than 50 Kw would be defined as a Large Scale Solar installation.

2.0 Definitions

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.*

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 50 kW DC.*

Site Plan Review: *review by the Site Plan Review Authority to determine conformance with local zoning ordinances or bylaws. (This could be the ZBA, the Planning Board, the Select Board or any other board named by the Selectmen.)*

We adopted Plainfield article 8.3.2.1, Site Plan Review with modifications, which is similar to the state model. The Town of Sandisfield does not have an active Zoning Board of Appeals so this body could be the Planning Board, the Select Board or any other board or person named by the Selectmen.

Site Plan Review:

Ground-mounted large scale solar photovoltaic installations shall undergo site plan review by the Site Plan Review Authority prior to construction, installation or modification as provided in this Section. For this Section of the Zoning Bylaw, the Zoning Board of Appeals shall be the Site Plan Review Authority. (If Sandisfield does not have a functional Zoning Board of Appeals at the time of submission, this could be the Planning Board, the Select Board or any other board named by the Selectmen.)

We adopted the 8.3.2.1.2 General engineering article of the Plainfield document and articles 3.1 and 3.2 of the state model.

General

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

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.

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.

For the required documents we used the Plainfield article 8.3.2.1.2.

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 Massachusetts Electrical Code compliant disconnects and overcurrent 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;*
- 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;*
- c. An operation and maintenance plan;*
- d. Proof of liability insurance and builder's risk insurance;*

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

We decided to refer the question of builder's risk insurance to Brian O'Rourke for his opinion since he is a building contractor. It is not included in the State model but has been added to the Plainfield Bylaw. We adopted articles 3.5 Site Control, 3.6 Operation & Maintenance Plan and 3.7 Utility Notification of the state model. These articles are identical to 8.3.2.2 Site Control, 8.2.2.3 Operation & Maintenance Plan and 8.3.2.4 Utility Notification of the Plainfield bylaw. Other articles in the state model and other town examples would be redundant as these are already covered under the existing Town of Sandisfield Solar bylaws.

Meeting adjourned at 4:30 PM.