

ARTICLE #43. To see if the Town will vote to amend the Protective Zoning Bylaw to update Section 15 to reflect changes to the Massachusetts Model Zoning Bylaw for the Regulation of Solar Energy Systems as well as affected items in sections 2, 4, and 13.

Section 2 Definitions – Current State

Large-Scale Ground-Mounted Solar-Photovoltaic System—A Solar-Photovoltaic System which has a footprint greater than 0.10 acres.

Section 2 Definitions – Proposed State

Large-Scale Ground-Mounted Solar-Photovoltaic System—A Solar-Photovoltaic System that is structurally mounted on the ground and is not roof-mounted and occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW or greater).

And add:

Medium-Scale Ground-Mounted Solar-Photovoltaic System— A Solar-Photovoltaic System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a nameplate capacity of about 10 – 250kW)

Small-Scale Ground-Mounted Solar-Photovoltaic System— A Solar-Photovoltaic System that occupies 1,750 square feet of surface area or less (equivalent to a nameplate capacity of about 10kW or less).

Section 4: Use Regulations- Current State

Use	Village Districts	Rural District	Commercial-Industrial Districts
Large-Scale Ground-Mounted Solar Photovoltaic System with a footprint greater than 0.10 acres up to 1.0 acres ^{3,4} (See Section 15)	SPR	SPR	SPR
Large-Scale Ground-Mounted Solar Photovoltaic System with a footprint greater than 1.0 acres ^{3,4} (See Section 15)	N	SP/SPR	SP/SPR

4.2.3-Small-scale ground-mounted solar-photovoltaic systems (occupying a footprint less than or equal to 0.10 acres and building-mounted solar-photovoltaic systems do not need to comply with Section 15 but shall require a building permit and must comply with all other applicable local, state, and federal requirements.

Section 4: Use Regulations- Proposed State

Use	Village Districts	Rural District	Commercial-Industrial Districts
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Small-Scale Ground-Mounted Solar Photovoltaic System - 1750 sq ft. or less (See Section 15)	Y	Y	Y
Medium-Scale Ground-Mounted Solar Photovoltaic System – Greater than 1750 sq ft. but less than 40,000 sq ft. (See Section 15)	SPR	SPR	SPR
Large-Scale Ground-Mounted Solar Photovoltaic System - 40,000 sq ft. Or greater. (See Section 15)	N	SP/SPR	SP/SPR

~~4.2.3 Small-scale ground-mounted solar photovoltaic systems (occupying a footprint less than or equal to 0.10 acres and building-mounted solar photovoltaic systems do not need to comply with Section 15 but shall require a building permit and must comply with all other applicable local, state, and federal requirements.~~

Section 13: Development Site Plan Review – Current State

13.3.6-Construction, operation, and/or repair of Large-Scale Ground-Mounted Solar-Photovoltaic Systems occupying a footprint greater than 0.10 acres.

Section 13: Development Site Plan Review – Proposed State

13.3.6-Construction, operation, and/or repair of Large-Scale Ground-Mounted Solar-Photovoltaic Systems and Medium-Scale Ground-Mounted Solar-Photovoltaic Systems.

15.1-Purpose – Current State

The purpose of this bylaw is to regulate the creation of Large-Scale Ground-Mounted Solar-Photovoltaic Systems by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such Solar-Photovoltaic Systems that address public safety; minimize impacts on scenic, natural, and historic resources; and provide adequate financial assurance for the eventual decommissioning of such Solar-Photovoltaic Systems.

15.1.1-Applicability. This section applies to Large-Scale Ground-Mounted Solar-Photovoltaic Systems proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of Solar-Photovoltaic Systems and/or related equipment.

15.1.1.1-The provisions set forth in this section shall apply to the construction, operation, and/or repair of Large-Scale Ground-Mounted Solar-Photovoltaic Systems.

15.1.1.2-Smaller scale ground-mounted solar-photovoltaic systems (occupying a footprint less than or equal to 0.1 acres) and building-mounted solar-photovoltaic systems do not need to comply with this section but shall require a building permit and must comply with all other applicable local, state, and federal requirements.

15.1-Purpose – Proposed State

The purpose of this bylaw is to regulate the creation of Ground-Mounted Solar-Photovoltaic Systems by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such Solar-Photovoltaic Systems that address public safety, utility interconnection, and provide adequate financial assurance for the eventual decommissioning of such Solar-Photovoltaic Systems.

15.1.1-Applicability. This section applies to Ground-Mounted Solar-Photovoltaic Systems proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of Solar-Photovoltaic Systems and/or related equipment.

15.1.1.1-The provisions set forth in this section shall apply to the construction, operation, and/or repair of Large and Medium Scale Ground-Mounted Solar-Photovoltaic Systems.

15.1.1.2-Small scale ground-mounted solar-photovoltaic systems and building-mounted solar-photovoltaic systems do not need to comply with this section but shall require a building permit and must comply with all other applicable local, state, and federal requirements.

15.3-Site Plan Review Requirements – Current State

All Large-Scale Ground-Mounted Solar-Photovoltaic Systems with a footprint greater than 0.1 acres shall undergo Site Plan Review by the Planning Board pursuant to Section 13, Development Site Plan Review, prior to construction, installation or modification, and shall also comply with the additional provisions of this section.

15.3.1.4-Locations of any Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP) on or near the project site;

15.3.1.5-Locations of floodplains and inundation areas for moderate or high-hazard dams that would impact the project site;

15.3.1.6-Locations of local or National Historic Districts. The owner shall obtain written local or national historical or archeological district verification from the

Town Clerk as to whether or not the project is sited within such a district, then at the time of site plan submission to the Town Clerk, the owner must also complete a Project Notification Form (obtain from: <http://www.sec.state.ma.us/mhc/>) accompanied by standard documents, e.g., USGS locus map, scaled project plans showing existing and proposed conditions, and current photographs keyed to the plan);

15.3.2.1-Setbacks: All Large-Scale Ground-Mounted Solar-Photovoltaic Systems shall have front, side, and rear yard setbacks of at least 50 feet. Acreage thresholds apply in the aggregate to new facilities and expansion of existing facilities. For expansions, the acreage of the existing facility would be added to those of the proposed expansion to determine the overall size and generating capacity. Required setback areas shall not be counted toward a facility's total acreage.

15.3-Site Plan Review Requirements – Proposed State

All Large-Scale and Medium-Scale Ground-Mounted Solar-Photovoltaic Systems shall undergo Site Plan Review by the Planning Board pursuant to Section 13, Development Site Plan Review, prior to construction, installation or modification, and shall also comply with the additional provisions of this section.

15.3.1.4 Locations of active farmland and prime farmland soils, wetlands, permanently protected open space, 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.

15.3.1.5 Locations of floodplains or inundation areas for moderate or high hazard dams.

~~15.3.1.6-Locations of local or National Historic Districts. The owner shall obtain written local or national historical or archeological district verification from the Town Clerk as to whether or not the project is sited within such a district, then at the time of site plan submission to the Town Clerk, the owner must also complete a Project Notification Form (obtain from: <http://www.sec.state.ma.us/mhc/>) accompanied by standard documents, e.g., USGS locus map, scaled project plans showing existing and proposed conditions, and current photographs keyed to the plan);~~

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15.6-Abandonment or Decommissioning – Current State

15.6.3-Financial Surety. Proponents of projects shall provide a form of surety issued by an entity with sufficient financial strength, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the Solar-Photovoltaic System and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board and the Special Permit Granting Authority (where applicable), but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein. 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.

15.6-Abandonment or Decommissioning – Proposed State

15.6.3-Financial Surety. Proponents of projects shall provide a form of surety issued by an entity with sufficient financial strength, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the Solar-Photovoltaic System and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board and the Special Permit Granting Authority (where applicable), but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein. 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. **The Town of Colrain shall be named as secondary insured and shall impose a lien on the property to maintain active status of bond in the event of abandonment.**