

Town of Salisbury, Massachusetts



Melinda Morrison, CMC, CMMC, Town Clerk
Lynne Karpenko, Assistant Town Clerk

May 22, 2023

To Whom It May Concern:

At a legal meeting of the registered voters of the Town of Salisbury, held at the Salisbury Elementary School on May 15, 2023 the meeting was called to order at 7:30 p.m. with a quorum being present of 125 registered voters. The following action was taken under Article Eleven:

ARTICLE ELEVEN

To see if the Town will vote to amend the Town's Zoning Bylaw by deleting the existing Article XXII, being Sections 300-144 through 300-147 in its entirety and inserting the following, or to take any other action relative thereto:

Warrant Advisory Committee unanimously voted to recommend approval

ARTICLE XXII

Ground-Mounted Solar Photovoltaic Installations Zoning Bylaw

§300-144. Purpose

The purpose of this bylaw is to promote the creation of new 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 and minimize impacts on scenic, natural and historic resources.

The provisions set forth in this section shall apply to the construction, operation, modification and/or removal of ground-mounted solar photovoltaic installations.

§300-144.1. Applicability

This section applies to ground-mounted solar photovoltaic installations 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 these installations or related equipment.

§300-145. Definitions

PHOTOVOLTAIC BUFFER STRIP:

A strip of land between the solar photovoltaic arrays, and any structures accessor thereto, and the boundary of the parcel, reserved for plant material, berms, walls, or fencing to serve as a visual barrier. This visual barrier is only to block views from the ground level.

PHOTOVOLTAIC PLANT MATERIAL:

Trees or shrubs of a type and height that sufficiently screen the arrays without blocking necessary sun that would hinder the product performance, including ground cover that would screen the lower portion of the arrays.

ROOF-MOUNTED SOLAR ENERGY INSTALLATION:

5 Beach Road, Salisbury, MA 01952
978-462-7591 · fax: 978-462-4176
email: townclerk@salisburyma.gov

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Solar photovoltaic arrays placed on the roof of residences/carport, or commercial, industrial or institutional buildings and Town-owned municipal buildings.

SMALL-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION:

A solar photovoltaic system that is structurally mounted on the ground that occupies 2,100 square feet or less of surface area of solar panels.

MEDIUM-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION:

A solar photovoltaic system that is structurally mounted on the ground that occupies more than 2,100 square feet but less than 32,000 square feet of surface area of solar panels.

LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION:

A solar photovoltaic system that is structurally mounted on the ground that occupies 32,000 square feet or more of surface area of solar panels.

ON-SITE SOLAR PHOTOVOLTAIC INSTALLATION:

A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

SOLAR PHOTOVOLTAIC ARRAY:

An arrangement of solar photovoltaic panels

§300-146. General Requirements for all Solar Photovoltaic Generation Installations

The following requirements are common to all ground-mounted solar photovoltaic installations to be sited in designated locations.

§300-146.1. Compliance with Laws, Ordinances and Regulations

The construction and operation of all ground-mounted 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 ground mounted solar photovoltaic installation shall be constructed in accordance with the State Building Code.

§300-146.2. Permitting Process

§300-146.2. (A) Small-Scale Ground-Mounted Solar Photovoltaic Installations

A. Building Permit and Inspection

No small-scale ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

B. Fees

The application for a building permit for a solar photovoltaic installation must be accompanied by the fee required for a building permit.

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C. Permitting

Small-scale ground-mounted solar photovoltaic installations require only a building permit, except that a small-scale ground-mounted solar photovoltaic installation 15 feet in height or greater, at its maximum extension, shall require a height variance from the Zoning Board of Appeals. All data listed in §300-146.2(A)(D) shall be submitted to the Building Commissioner. All other necessary permits shall be obtained before a building permit is issued.

D. Required Documents

The following items from §300-147.1 are required to be submitted to the Building Commissioner with the building permit application:

- A. Site Plan

§300-146.2. (B) Large-Scale & Medium-Scale Ground-Mounted Solar Photovoltaic Installations

A. Building Permit and Building Inspection

No large-scale or medium-scale ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit and site plan review approval.

B. Fees

The application for a building permit for a solar photovoltaic installation must be accompanied by the fee required for a building permit.

C. Site Plan Review

Large-scale, medium-scale, and onsite ground mounted solar photovoltaic installations with more than 2,100 square feet in size shall undergo site plan review by the Planning Board prior to construction, installation or modification as provided in this section. A large-scale or medium-scale solar photovoltaic installation shall require site plan review as a major project under Article XVIII. The site plan review application shall be filed in accordance with Article XVIII.

The applicant shall demonstrate to the Planning Board's satisfaction that the following design process was followed in determining the layout of a proposed large-scale or medium-scale solar photovoltaic installation:

- (1) Understanding the development site. The first step is to inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other.
- (2) Evaluating site context. The second step is to evaluate the site in its larger context by identifying physical (e.g., stream corridors, wetlands), transportation (e.g. road and bicycle networks), and cultural (e.g., recreational opportunities) connections to surrounding land uses and activities.

§300-147. Submission Requirements

§300-147.1. Required Documents All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

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- A. 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, and 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 or vegetation;
 - iv. One- or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National 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, as well as all co-proponents or property owners, if any;
 - viii. The name, contact information and signature of any agents representing the project proponent; and
 - (b) Sun and shadow diagrams specific to the proposed installation to determine the solar access.
 - (c) Documentation of actual or prospective access and control of the project site (see also §300-147.2);
 - (d) An operation and maintenance plan (see also §300-147.3);
 - (e) Landscape plan (see also Section §300-147.7.B)
 - (f) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
 - (g) Proof of liability insurance; and
 - (h) Description of financial surety that satisfies §300-147.8.C.3
 - (i) And all other documents required in §465 Article III Site Plan Review Requirements

The Planning Board may waive documentary requirements as it deems appropriate.

§300-147.2. 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 any ground mounted solar photovoltaic installation.

§300-147.3. Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the large- scale & medium-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operation and maintenance of the installation.

§300-147.4. Utility Notification

No large-scale ground mounted solar photovoltaic installation shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

§300-147.5. Dimension and Density Requirements

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A. Small-Scale Ground-Mounted Setbacks

The purpose of setbacks is to mitigate adverse impacts on abutting properties. For small-scale, ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

- a. Front yard setbacks for small-scale ground-mounted photovoltaic installation shall have a front lot setback no closer than the existing foundation of the principal structure to the front property line, except when the existing foundation of the primary structure is more than 125 feet from the front property line the setback should be 40 feet off a public roadway or 20 feet off a private roadway.
- b. Side yard and rear yard setbacks for small-scale ground-mounted photovoltaic installation shall meet the side yard and rear yard setback as set forth in the Town of Salisbury Dimension Control Table.
- c. Every abutting property shall be visually screened by a buffer strip from the project through any one or combination of the following location, distance, plantings, existing vegetation and fencing (not to exceed 8 feet).

B. Large-Scale or Medium Scale Ground-Mounted Setbacks

The purpose of setbacks is to mitigate adverse impacts on abutting properties. For large-scale and medium-scale, ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

- a. Minimum of 50 feet
- b. Every abutting property shall be visually screened by a buffer strip from the project through any one or combination of the following location, distance, plantings, existing vegetation and fencing (not to exceed 8 feet)

C. Appurtenant Structures

All appurtenant structures to large-scale, medium-scale, and onsite ground-mounted solar photovoltaic installations shall be sited on the property in the manner and location approved by the Planning Board during the Site Plan Review Process based on consideration of the following criteria: safety, access, buffering from abutting properties, minimal site disturbance, the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations and onsite battery storage, shall be architecturally compatible with each other to the extent feasible. Whenever reasonable, structures should be shielded from view by existing vegetation or plantings and/or joined or clustered to avoid adverse visual impacts.

D. Frontage

The Planning Board may grant a waiver from the frontage requirements of the underlying zoning district for large-scale & medium scale photovoltaic installations if the applicant can demonstrate:

- a. That failing to do so would render the siting of the large-scale & medium-scale solar ground-mounted photovoltaic installation unfeasible; and
- b. That such waiver will not impede access or egress for maintenance personnel or emergency responders.

§300-147.6. Design Standards

A. Lighting

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Lighting of any ground-mounted solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

B. Signage

Signs on ground-mounted solar photovoltaic installations shall comply with the town's sign bylaw. A sign consistent with the town's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the installation.

C. Utility Connections

Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation 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.

§300-147.7. Safety and Environmental Standards

A. Emergency Services Plan

Prior to issuance of a building permit, the large-scale and medium-scale solar photovoltaic installation owner or operator shall provide a plan including but not limited to the project summary, electrical schematic, and site plan to the town's local safety officials including the Police Chief, Fire Chief and Building Inspector. Upon request the owner or operator shall cooperate with local safety officials in developing an emergency response plan. All means of shutting down the solar photovoltaic 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 that which is necessary for the construction, operation and maintenance of the ground-mounted solar photovoltaic installation and per practices of best management of natural areas or good husbandry of the land or forest otherwise prescribed by applicable laws, regulations, and bylaws.

Applicant shall submit a landscape plan detailing all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting and screening vegetation or structures. Lighting shall be designed to minimize glare on abutting properties and be directed downward with full cut-off fixtures to reduce light pollution.

§300-147.8. Monitoring and Maintenance

A. Solar Photovoltaic Installation Conditions

The ground-mounted solar photovoltaic 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. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

B. Modifications

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All material modifications to a large-scale or medium-scale ground-mounted solar photovoltaic installation made after issuance of the required building permit shall require approval by the Planning Board through site plan review.

C. Abandonment or Decommissioning

1. Removal Requirements

Any ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with the Abandonment section 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 Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations. Verification of proper disposal shall be submitted to the Board of Health and Building Department.
- (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.

2. Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than two year without the written consent of the Planning Board. If the owner or operator of the 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 may enter the property and physically remove the installation, but is not required to do so.

3. Financial Surety

Proponents of large-scale, medium-scale, and on site ground mounted solar photovoltaic installations 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 Planning Board, but in no event to exceed more than 125% of the cost of removal and compliance with the additional requirements set forth herein, as mutually agreed upon between the town and the project proponent. 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.

§300-148. Severability

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

The Planning Board unanimously voted to recommend Article Eleven

Motion: Charles Takesian Jr.
Seconded

I move that Article Eleven be approved as herein stated

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Motion to Amend: Deborah Rider

I move to amend Article 11 by adding a map titled “Town of Salisbury Zoning Map for Solar Bylaw” dated May 15, 2023 which includes the table of use regulations dictating where small scale and medium scale solar photovoltaic installations will be allowed.

The motion was seconded and carried by a majority vote

Motion to Amend: Stacie Warcewicz

I move to delete §300-146.2(A) E. As-Built Plans in its entirety

The motion was seconded and carried by a hand count of 50 in favor and 47 opposed

Motion to Amend: Stacie Warcewicz

I move to delete §300-146.2 (A) D. B. “Landscape Plan (not necessary if only fencing will be used as a visual buffer)”

The motion was seconded, voted on and carried by a hand count of 63 in favor and 39 opposed.

Motion to Amend: Stacie Warcewicz

I move to amend §300-147.5 A. (a.) by striking out “50 feet” and replace with “40 feet off a public roadway or 20 feet off of a private roadway.”

The motion was seconded and carried by majority vote.

The main motion as amended was voted on and approved by a declared 2/3 majority vote.

A True Copy Attest:

/s/ Melinda J. Morrison

Melinda J. Morrison
Town Clerk

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email: townclerk@salisburyma.gov

Melinda J. Morrison
TOWN CLERK
TOWN OF SALISBURY

5/15/2023

Town of Salisbury Zoning Map for Solar Bylaw

South Hampton

107A

APPROVED
Attorney General's Office

By [Signature]
Date 10/20/2023
Art 11 Town Meeting Date 5/15/23

Seabrook

286

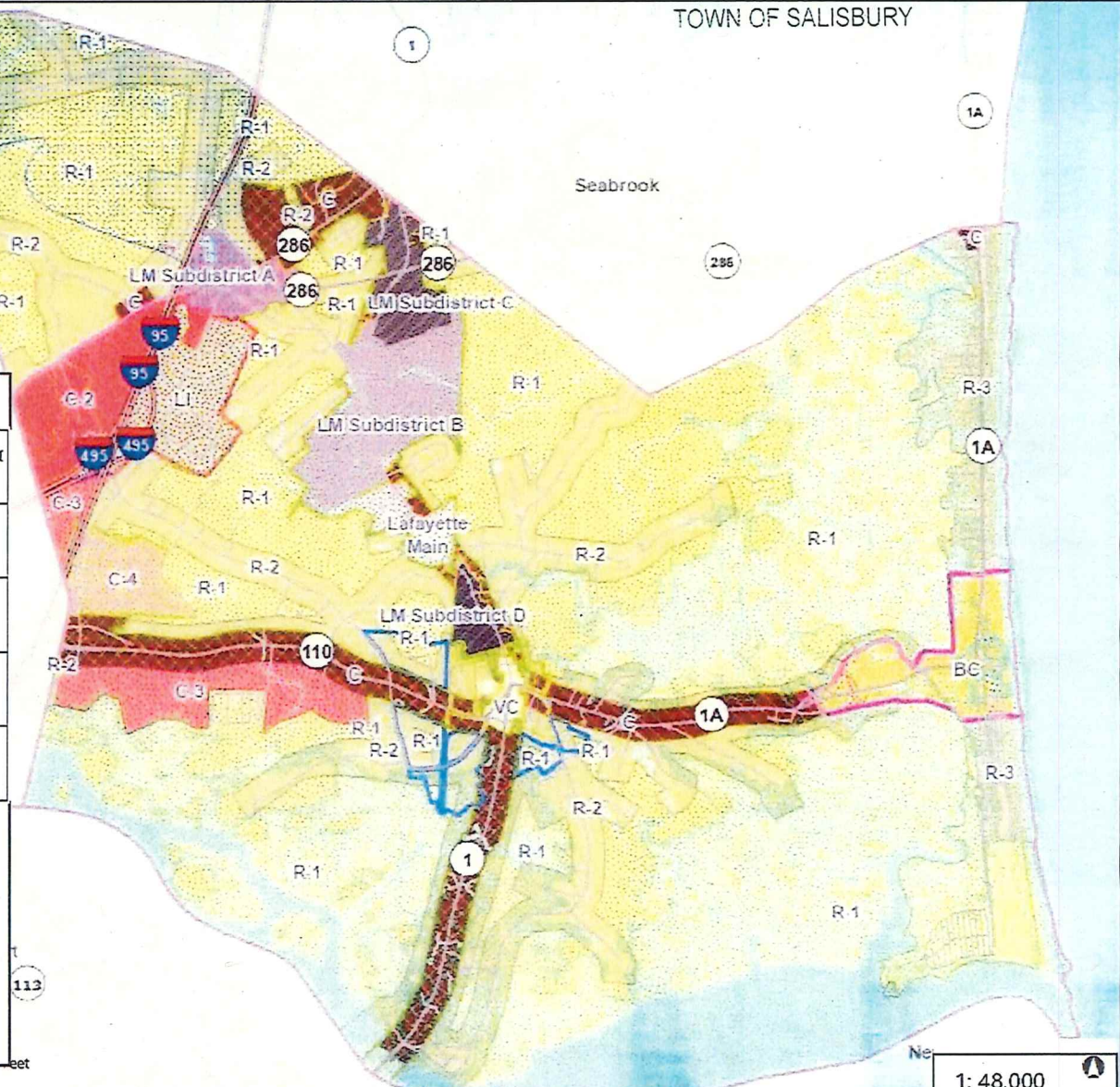
1A

Town of Salisbury Table of Use Regulations- Solar

Use	R-1	R-2	R-3	B-C	C-2	C-3	C-4	I	VC	LM	LM-A	LM-B	LM-C	LM-D
On-site solar photovoltaic installations	P	—	—	—	P	P	P	—	PB	—	PB	PB	—	—
Small-scale solar photovoltaic installations	P	P	—	—	—	P	P	P	—	—	—	P	P	—
Medium-scale solar photovoltaic installations	P	—	—	—	—	P	P	P	—	PB ²	—	—	—	—
Large-scale solar photovoltaic installations	P	—	—	—	—	P	P	P	—	PD ²	—	—	—	—

Key:

- P = A use permitted by right in the district.
- S = A use which may be permitted in the district by a special permit from the Zoning Board of Appeals in accordance with § 300-35.
- PB = A use which may be permitted in the district by a special permit from the Planning Board in accordance with § 300-35.
- (—) = A use which is not permitted in the district.



1: 48,000

Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of Salisbury & Merrimack Valley Planning Commission (MVPC) AND THE TOWN OF SALISBURY MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF SALISBURY AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.

Municipal Boundary	Roads	Interstate	Legend
Zoning Overlay	Village Residential C	Outer Village Reside	Major Road
Medical Marijuana	Recreational Marijuana	Wireless Communica	Beach Overlay Distric
			Local Road
			Adult Entertainment
			Wireless Communica

