



Town of Chelmsford
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Onorina Z. Maloney, CMMC

**CERTIFICATE OF VOTE
ARTICLE 29**

May 3 adjourned session of April 30, Annual Spring Town Meeting

I, Onorina Z. Maloney, Town Clerk of Chelmsford, Massachusetts do hereby certify the following vote taken under Article 29 at the May 3 adjourned session of the April 30, 2012 Annual Spring Town Meeting held at the Chelmsford Senior Center 75 Groton Road, North Chelmsford. The meeting was called to order at 7:30 pm by Moderator Richard DeFreitas. There were 119 Town Meeting Representatives in attendance which satisfied the quorum of 82.

ARTICLE 29. Planning Board Chair, Colleen A. Stansfield, moves that the Town amend the Town Code, Chapter 195, "Zoning Bylaw", for the purposes of adopting a new zoning bylaw, Article XIII A, "Solar Photovoltaic Facility (Commercial)" as printed in Article 29 of the warrant for this Annual Town Meeting and published on pages 67 - 70 in the Finance Committee Report, Recommendations and Copy of the Warrant for the Spring Session of Annual Town Meeting dated Monday, April 30, 2012 that has been distributed to the Town Meeting Representatives.

Finance Committee recommends Article 29
Board of Selectmen recommends Article 29
Planning Board recommends Article 29

The electronic devices recorded the following votes:

**YES: 126
NO: 13
ABS: 1**

Article 29 carries by 2/3 vote

Onorina Z. Maloney

Onorina Z. Maloney, Town Clerk

ARTICLE 29. To see if the Town will vote to amend the The Town Code, Chapter 195, "Zoning Bylaw", for purposes of adopting a new zoning bylaw, Article XIII A, "Solar Photovoltaic Facility (Commercial)".

Article XIII A Commercial Solar Photovoltaic Facility

195-68.1 Purpose

The purpose of this section is to promote the creation of new commercial solar photovoltaic facilities by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety and minimize impacts on residential neighborhoods and scenic, natural and historic resources.

195-68.2 Applicability

- A. The facility may be allowed in all Zoning Districts.
- B. The facility shall be subject to the procedures, submissions and approval of Site Plan Review, in accordance with Article XIX, Section 195-104, as well as state and federal law. This section also pertains to physical modifications that materially alter the type, configuration or size of these installations or related equipment throughout the useful life of the system or where alterations may impact abutters.
- C. With the exception of Articles VIII, Environmental Standards", Article X "Earth Removal", Article XIV "Aquifer Protection" and Article XV "Floodplain District" all other zoning articles and provisions shall not be applicable.

195-68.3 Design & Dimensional Standards

- A. Where abutting or within a residential zone or use
 - i. Shall be allowed on parcels of not less than three (3) acres.
 - ii. A minimum 10 ft wide visual buffer shall be provided along the property line. This buffer may consist of existing and / or proposed vegetation, fences, walls and berms or a combination thereof. In cases where the buffer cannot be provided on site the Planning Board may consider existing and / or proposed off -site buffering.
 - iii. No structure or buildings shall be located within 25 feet of the residential property line.
- B. Where abutting a non-residential zone or use no structures or buildings shall be located within 10' of the property line.
- C. A security fence shall be installed along or proximate to the perimeter of the property and shall be maintained for the lifetime of the facility.
- D. Adequate access shall be provided for emergency services. At the terminus of the access way, either inside or outside a perimeter fence, an adequate staging and maneuvering area shall be provided for emergency services.
- E. The owner/operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Department. The owner/operator shall provide an emergency response plan. The emergency response plan is subject to the approval of the Planning Board, the Fire Department and the Police Department, and shall include at a minimum, explicit instructions on all means of shutting down the Facility, which shall be clearly marked. The owner/operator shall identify a responsible person for emergencies throughout the life of the installation.
- F. The visual impact of the facility, including all accessory structures and appurtenances, shall be mitigated. All accessory structures and appurtenances shall be architecturally compatible

with each other. Whenever reasonable, structures shall be shaded from view by vegetation and/or joined and clustered to avoid adverse visual impacts. Methods such as the use of landscaping, natural features and fencing may be utilized.

- G. Lighting shall be limited to security and emergency purposes. Where used, lighting shall be directed downward and full cut-off fixtures shall be used.
- H. Signage shall be limited to security and emergency services.
- I. All utility connections from the facility shall be underground unless specifically permitted otherwise by the Planning Board. Electrical transformers and inverters to enable utility interconnections may be above ground if required by the local electrical utility provider.
- J. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the facility or otherwise prescribed by applicable laws, regulations and bylaws.
- K. The provisions of section 195-68-3 may be waived by the Planning Board upon a finding that such deviation will not detract from the purpose of Section 195-68.1.

195-68.4 Criteria for Approval

In addition to Article XIX, 195-104 H., the Planning Board shall make the following specific findings:

- A. The facility conforms to the provisions of this section and is in harmony with the general purpose and intent of this Chapter.
- B. The facility will not be detrimental to the health, safety or welfare of the neighborhood or the town.
- C. Environmental features of the site and surrounding areas are protected, and the surrounding area will be protected from the proposed use by provision of adequate surface water drainage. Adequate measures are provided to mitigate the impact during construction including but not limited to dust and erosion control.
- D. For purposes of ensuring conformity with the section, the Planning Board may place reasonable conditions and safeguards on the approval. Such conditions may include:
 - i. The requirement of a performance bond, secured by deposit of money or negotiable securities, posted with the Town to cover the cost of maintenance or removal in the event the town must remove, remediate the landscape the installation. The amount of the performance bond shall not exceed the estimated cost of the removal of the facility.
 - ii. Additional vegetative buffering
 - iii. Performance bonds for unique environmental conditions such as the protection of a landfill cover.
- E. The applicant shall provide evidence 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 facility owner's or operator's intent to install an interconnected customer-owned generator. Proof of a mutual agreement with the utility company shall be provided to the Planning Board. Off-grid systems shall be exempt from this requirement however if it goes on grid in the future, it shall comply with this requirement.

195-68.5 Maintenance

The facility owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, continued compliance with landscaping

and screening requirements, and integrity of security measures. The owner or operator shall be responsible for the maintenance of any access roads serving the installation.

195-68.6 Discontinuance

A facility shall be deemed to have been discontinued if it has not been in service for a continuous 24-month period. Upon receipt of a Notice of Discontinuance from the Building Commissioner, the owner shall have the right to respond to the Notice within 30 days of receipt. The Building Commissioner shall withdraw the Notice of Discontinuance and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates to the satisfaction of the Building Commissioner that the facility has not been discontinued. If the facility is determined to be discontinued, the owner shall remove the facility, including all structures, equipment, security barriers and transmission lines, and stabilize or re-vegetate the site as necessary to minimize erosion and sedimentation, at the owner’s sole expense within three months of receipt of the Notice of Discontinuance. Failure to remove the installation and stabilize the site within said time period may subject the owner to action pursuant to Article XIX, sub-section 195-100.

And amend Article XX, Terminology and Definitions, § 195-108B, Definitions, by inserting a new definition of “Solar Photovoltaic Facility (Commercial)” in alphabetical order:

NAMEPLATE CAPACITY: the maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

SOLAR PHOTOVOLTAIC FACILITY (COMMERCIAL) : A solar photovoltaic system, as a principal use, with 250 kW or larger of rated NAMEPLATE CAPACITY that is mounted on the ground, and used to generate electric power onto the electrical grid principally for commercial sale.

And amend Chapter 195, “Zoning Bylaw”, for purposes of revising Attachment 1 “Use Regulation Schedule” by inserting a new use “Solar Photovoltaic Facility (Commercial)” in alphabetical order:

PRINCIPAL USE	RA	RB	RC	RM	CA	CB	CC	CD	IA	IS	RMH	CX	P	OS
Solar Photovoltaic Facility (Commercial)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

or act in relation thereto.

Explanation

This article seeks to adopt a new zoning bylaw for purposes of regulating solar photovoltaic installations; other wise commonly referred to as “solar farms”. The State Zoning Act states that zoning by-laws shall not prohibit or unreasonably regulate the installation of solar energy systems. Chelmsford’s zoning bylaw does not contain any specific mention of solar systems or specific regulations. Therefore, based upon the above, solar farms are permitted in any zoning district by-right absent any Board review and public process.

This article seeks to adopt specific zoning regulations related to proper siting and adequate site design to ensure protection of abutting neighborhoods and properties. This article will require Site Plan Review by the Planning Board which will include a public hearing in which all abutters within 300 ft will receive direct notification.

SUBMITTED BY: **Planning Board**
Two-Thirds vote