

Special Town Meeting – May 23, 2022

Planning Board Report and Recommendation
for Zoning Bylaw Article

Article #10: Amendment of ZONING BYLAW SECTION I – AUTHORITY, PURPOSE AND DEFINITIONS, Section 1.2 Definitions, by adding definitions, SECTION V – SPECIAL USE REGULATIONS AND PERFORMANCE STANDARDS, Section 5.99 – Large-Scale, Ground-Mounted Solar Photovoltaic Installations by amending: Subsection 5.99.3 – General Siting Standards, adding subsection (a)(2), Lot Requirements, by adding an exemption for Solar Tariff Generation Units in Prime Farmland, Unique Farmlands and Additional Land of State Importance

ARTICLE 10: To see if the Town will vote to amend the BYLAWS OF THE TOWN OF GRANBY, VOLUME III CHAPTER XXI – ZONING BYLAW SECTION I – AUTHORITY, PURPOSE AND DEFINITIONS, Section 1.2 Definitions, by adding definitions, SECTION V – SPECIAL USE REGULATIONS AND PERFORMANCE STANDARDS, Section 5.99 – Large-Scale, Ground-Mounted Solar Photovoltaic Installations by amending: Subsection 5.99.3 – General Siting Standards, adding subsection (a)(2), Lot Requirements, by adding an exemption for Solar Tariff Generation Units in Prime Farmland, Unique Farmlands and Additional Land of State Importance, as detailed in Planning Board’s Report to Town Meeting.

PUBLIC HEARING: The Planning Board held a public hearing on this proposed amendment to the Zoning Bylaw on March 28, 2022, at 5:15 p.m. at 10-B West State Street, Granby, MA. There was no opposition voiced at the Public Hearing by those present.

REPORT:

Amend Section 1.2, by adding definition:

Solar Tariff Generation Unit – A Generation Unit that generates electricity using solar photovoltaic technology and meets all of the eligibility criteria set forth in 225 CMR 20.00.

Amend Section 5.99.3.a.2, by adding:

5.99.3.a.2 Large-Scale Ground-Mounted Photovoltaic Installations shall not be allowed on Important Agricultural Farmlands as defined by the US Department of Agriculture as those soils found to be Important Farmlands pursuant to 7 C.F.R. § 657.5, that includes Prime Farmlands, Unique Farmlands and Additional Land of State Importance, unless they are agricultural solar tariff generating units (STGU) as defined by the Solar Massachusetts Renewable Target (SMART) Program guidelines in 225 CMR 20.00.

This bylaw amendment rectifies conflict between the Granby Zoning Bylaw which currently prohibits Large-Scale Ground-Mounted Photovoltaic Installations on Important Agricultural Farmlands and State Regulations identified in the MA SMART Program. The MA SMART program states that agricultural solar canopies shall be allowed on Important Agricultural Farmlands soils, as the intent of the Agricultural Adder, in which the Commonwealth incentivizes solar development, is to enable this type of project.

225 CMR 20.00 (<https://www.mass.gov/doc/land-use-and-siting-guideline-october-2020/download>) states:

3) Land Use Categories

In SMART, STGUs are placed into one of three different land use categories pursuant to 225 CMR 20.05(5)(e) or they are found to be ineligible for qualification. The categories are:

a) Category 1 Land Use

Category 1 Land Use is divided into two types: (i) Agricultural or (ii) Non-Agricultural.

i. Category 1 Agricultural Land Use may apply to STGUs sited on Land in Agriculture Use or Important Agricultural Farmland. Land in Agricultural Use includes land that is currently, or has in the past five years, enrolled in the Chapter 61A tax benefit program. On these types of land, the following types of solar facilities are eligible:

- (1) Agricultural STGUs (for more information, please refer to the Department's *Guideline Regarding the Definition of Agricultural Solar Tariff Generation Units*)

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Article #11: Amendment of ZONING BYLAW SECTION I – AUTHORITY, PURPOSE AND DEFINITIONS, Section 1.2 Definitions, by adding definitions, VOLUME III CHAPTER XXI – ZONING BYLAW SECTION III – USE REGULATIONS, Table 1, Schedule of Uses, 3.2 Agricultural, adding 3.2.10, Private event venues, and SECTION V – SPECIAL USE REGULATIONS AND PERFORMANCE STANDARDS, by adding Section 5.14 – Private event venue, establishing standards and criteria for permitting.

ARTICLE 11: To see if the Town will vote to amend the BYLAWS OF THE TOWN OF GRANBY, VOLUME III CHAPTER XXI – ZONING BYLAW SECTION I – AUTHORITY, PURPOSE AND DEFINITIONS, Section 1.2 Definitions, by adding definitions, VOLUME III CHAPTER XXI – ZONING BYLAW SECTION III – USE REGULATIONS, Table 1, Schedule of Uses, 3.2 Agricultural, adding 3.2.10, Private event venues, and SECTION V – SPECIAL USE REGULATIONS AND PERFORMANCE STANDARDS, by adding Section 5.14 – Private event venue, establishing standards and criteria for permitting, as detailed in Planning Board’s report to Town Meeting:

PUBLIC HEARING: The Planning Board held a public hearing on this proposed amendment to the Zoning Bylaw on March 28, 2022, at 5:15 p.m. at 10-B West State Street, Granby, MA. There was no opposition voiced at the Public Hearing by those present.

REPORT:

Amend Section 1.2, by adding definitions: Private Event and Private Event Venue

Private Event – An event that is periodic or special in nature, with guests in attendance by invitation only and not open to the public. Examples include, but are not limited to a banquet, reception, ceremony, service, or open house.

Private Event Venue – A site or facility approved by the Town of Granby to conduct Private Events by renting or leasing to private parties on a commercial basis.

Amend Section 3.2, by adding use, 3.2.10 Private Event Venue and permitting these uses in the RS zone by Special Permit and Site Plan Approval from the Planning Board.

3.2 AGRICULTURAL								
3.2.10	Private Event Venue	Subject to Section 5.14	RS	RM	GB	I	I-2	VC
			SP-SPA/PB	N	N	N	N	N

Add 5.14, Special Event Venue as written:

5.14 Special Event Venue

5.14.1 General Requirements

1. The minimum parcel size shall be 10 Acres in the Residential Single Family Zoning District.
2. Adequate area of all-weather surface for off-street parking shall be provided. No parking will be allowed on public or private roads. See Section 5.6.
3. Private Event Venues shall have adequate water and wastewater facilities, either permanent or temporary, approved by the Granby Board of Health.
4. There shall be no overnight accommodations for transient guests.
5. Required buffering of 200 feet shall be provided on all sides of the property not abutting a public roadway. Special events/commercial business activities are not permitted within this buffer area.
6. Existing or planted agricultural crops in the buffer areas, or suitable landscaping shall be provided and maintained to screen views, lights, and noise from the operation.
7. The site plan shall comply with any zoning requirements for signage and lighting. Lighting shall be the minimum necessary to provide for site safety, but shall be directed away from adjacent properties.
8. Structures and certain events may require additional licenses or permit approvals from other town departments and boards.

5.14.2 Application Requirements

Applicants for a Special Permit under this subsection shall provide the following information at the time of application:

1. Ownership of the property
2. Months (seasons) of operation
3. Proposed hours/days of operation
4. Types of events
5. Size of on-site buildings and facilities utilized with guest capacity and general floor plan
6. Ingress/egress and parking areas
7. Anticipated number of events per year
8. Maximum number of attendees per event
9. Number of employees
10. Restroom facilities
11. Location of trash receptacles and method of disposal
12. Signage
13. Lighting plan
14. Use of music at the facility, including types of sound amplification.
15. Temporary structures, also to be permitted by other departments and boards

16. Insurance coverage

The Planning Board seeks to introduce standards and criteria for review for a new use on large parcels in the Residential – Single Family Units allowing for private events with a Special Permit – events that are periodic or special in nature, with guests in attendance by invitation only and not open to the public. Some examples of private events include but are not limited to a banquet, reception, ceremony, service, or open house.

Criteria for general requirements, development standards and application requirements are provided in this proposed zoning bylaw. Generally, the private event would be self-contained within the parcel which requires 10 acres of land to file a special permit application.

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Article #12: Amendment of ZONING BYLAW SECTION VI – ADMINISTRATION AND ENFORCEMENT, Subsection 6.3 Site Plan Approval, amending subsections 6.32, Application to clarify citation for peer review services, 6.34 Procedures for Site Plan Review to update procedures for efficiency, removing 6.36 Final Action, renumbering Enforcement to 6.36, and adding 6.37 Appeal, with all revisions creating a more efficient, subjective site plan review process.

ARTICLE 12: To see if the Town will vote to amend the BYLAWS OF THE TOWN OF GRANBY, VOLUME III CHAPTER XXI – ZONING BYLAW SECTION VI – ADMINISTRATION AND ENFORCEMENT, Subsection 6.3 Site Plan Approval, amending subsections 6.32, Application to clarify citation for peer review services, 6.34 Procedures for Site Plan Review to update procedures for efficiency, removing 6.36 Final Action, renumbering Enforcement to 6.36, and adding 6.37 Appeal, with all revisions creating a more efficient, subjective site plan review process, as detailed in Planning Board’s report to Town Meeting:

PUBLIC HEARING: The Planning Board held a public hearing on this proposed amendment to the Zoning Bylaw on March 28, 2022, at 5:15 p.m. at 10-B West State Street, Granby, MA. There was no opposition voiced at the Public Hearing by those present.

REPORT:

Amend 6.32 Application

6.32 Application

Each application for Site Plan Approval shall be submitted to the Planning Board by the current owner of record, accompanied by eight (8) copies of the site plan. The Planning Board shall, within five days, transmit one copy each to the Building Inspector, Board of Health, Conservation Commission, Board of Selectmen, Highway Department, Fire Department and Police Department.

The Planning Board shall obtain with each submission, a deposit sufficient to cover any expenses connected with a public hearing and review of plans, including the costs of any engineering or planning consultant services necessary for review purposes, in accordance with MGL Chapter 44, Section 53G.

Amend 6.34 Procedures for Site Plan Review

6.34 Procedures for Site Plan Review

1. The Planning Board shall review the site plan at a duly posted open meeting. Any public notice to abutters and other parties of interest shall be conducted in accordance with the site plan rules and regulations.
2. The Planning Board shall review and act upon the site plan, requiring such conditions as necessary to satisfy the Site Plan Approval Standards under Section 6.35 below, and notify the applicant of its decision. The decision shall be in writing and shall be filed with the Town Clerk within 60 days of the application date. The applicant may request, and the Board may grant by majority vote of the membership, an extension of the time limit set forth herein.
3. The Board may approve the site plan or approve it with the conditions, or deny a site plan only if the plan does not include adequate information as required by the site plan rules and regulations, or if the plan depicts a use or structure so contrary to health, safety and welfare of the public that no set of conditions would render the project tenable. The Board's decision shall be by majority vote of the membership, and the decision shall be in writing and filed with the Town Clerk.
4. The applicant shall satisfy or comply with all conditions of the site plan review decision prior to the issuance of a building permit except for those conditions that by their terms are intended to be satisfied during construction or later.
5. Unless specifically authorized by the terms of the site plan review decision, a final certificate of occupancy shall not be issued until the applicant has complied with or satisfied all conditions of the site plan review decision.
6. The Planning Board may, upon written request of the applicant, waive any of the technical requirements of this Section 6.3 where the project involves relatively simple development plans as determined by the Board.
- ~~1. The Planning Board shall refer copies of the application within 15 days to the Conservation Commission, Board of Health and Building Inspector, who shall review the application and submit their recommendations and comments to the Planning Board. Failure of Boards to make recommendations within 35 days of the referral of the application shall be deemed to be lack of opposition.~~
- ~~2. The Planning Board shall hold a public hearing within sixty five (65) days of the receipt of an application and after due consideration of the recommendations of the Board shall take final action within 90 days from the time of hearing.~~
- ~~3. The period of review for a special permit requiring site plan approval shall~~

~~be the same as any other special permit and shall conform to the requirements of Chapter 40A, Section 9, "Special Permits". Specifically, a joint public hearing to address the Special Permit application and Site Plan Approval application shall be held within sixty five (65) days of the filing of a special permit application with the Planning Board or Board of Appeals. The Planning Board shall then have 90 days following the public hearing in which to act.~~

Remove 6.36 Final Action

~~6.36 Final Action~~

~~The Planning Board's final action shall consist of either:~~

- ~~1. A determination that the proposed project will constitute a suitable development and is in compliance with the criteria set forth in this bylaw;~~
- ~~2. Approval subject to any conditions, modifications and restrictions as the Planning Board may deem necessary within the guidelines established by this bylaw.~~

Renumber *Enforcement* as subsection 6.36

6.36 Enforcement

1. The Planning Board may require the posting of a bond to assure compliance with the plan and conditions and may suspend any permit or license when work is not performed as required.
2. Any special permit with site plan approval issued under this section shall lapse within one (1) year if a substantial use thereof has not commenced sooner except for good cause.
3. The Planning Board may periodically amend or add rules and regulations relating to the procedures and administration of this section.

Add Subsection 6.37 Appeal

6.37 Appeal

1. Appeal of a site plan review decision of the Planning Board shall be in accordance with MGL Chapter 40A, Section 17 to a court of competent jurisdiction.

The process by which Site Plan Approvals are acted upon currently require the process outlined in Chapter 40A, Section 9 – Special Permits for notification to abutters and requirements for

posting to local newspapers. Along with this notification requirement for special permits, Chapter 40A, Section 9, lays out the following timeline:

- A duly noticed Public Hearing shall be held within sixty-five days from the date of filing of application with the Town Clerk*
- A decision shall be rendered within ninety days following the date of the public hearing (this time frame can be extended)*

The Planning Board continues to transmit site plan approval applications to town staff and any peer reviewers in accordance with the current bylaw to ensure comments and recommendations are considered.

Creating a limitation of timeframe of review of a maximum of sixty days, unless extended, can streamline a review process for the site plan approval of uses and structures that are allowed by-right in their zoning districts, as dictated by the Zoning Bylaw. Conditions can still be placed on the site plan approval.

The Planning Board can approve the site plan, approve the site plan with conditions, or deny a site plan only if the plan does not include adequate information as required by the site plan rules and regulations, or if the plan depicts a use or structure so contrary to health, safety and welfare of the public that no set of conditions would render the project tenable.