



TOWN OF GRANBY

PLANNING BOARD
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October 4, 2019

Town of Granby
Planning Board Zoning Bylaw Amendments Report
& Recommendation for Special Town Meeting
October 28, 2019

Dear Town Meeting Members:

The Massachusetts General Laws, pursuant to Chapter 40A, Section 5 and Chapter 41, Section 81Q requires that the Planning Board prepare and submit to Town Meeting a report with recommendations regarding any proposed Bylaws of the Town of Granby Volume III Chapter XXI - Zoning Bylaws or amendments thereto before any vote to adopt shall be taken by that body. The following report of the Planning Board pertains to Articles 1-5 on the Warrant for the Special Town Meeting to be held on October 28, 2019.

The report is the result of public input at the Public Hearing held by the Planning Board on September 23 and a Public Meeting on October 3, 2019.

Zoning Bylaws

ARTICLE 1 amends the BYLAWS OF THE TOWN OF GRANBY, VOLUME III CHAPTER XXI – ZONING BYLAW SECTION V – SPECIAL USE REGULATIONS AND PERFORMANCE STANDARDS, Section 5.99 – Large-Scale, Ground-Mounted Solar Photovoltaic Installations by amending: Subsection 5.99.1 – Purpose by renumbering, adding special permit and site plan review authority, and adding new subsections (c) term of permit and (d) outside consultant review.

Amend Section 5.99 – Large-Scale, Ground-Mounted Solar Photovoltaic Installations, subsection 5.99.1 – Purpose, by renumbering, adding special permit granting and site plan review authority, adding 5.99.1.c – term of permit, and 5.99.1.d – outside consultant review:

- 5.99.1.a Site Plan Review Authority: For purposes of this bylaw, Special Permit Granting and Site Plan Review Authority refers to the Granby Planning Board.
- 5.99.1.b Zoning Enforcement Authority: For purposes of this bylaw, Zoning Enforcement Authority refers to the Granby Building Inspector.
- 5.99.1.c The initial term of any special permit for large-scale ground-mounted solar photovoltaic installations will be 20 years, or such other time as determined by the Planning Board. The permit may be extended for up to two five year terms upon inspection of said facility. Any further extension shall require a new application.

- 5.99.1.d For the purposes of this bylaw, the Planning Board may engage with an outside consultant at the applicant's expense per MGL Chapter 44, Section 53G.

ARTICLE 2 amends the BYLAWS OF THE TOWN OF GRANBY, VOLUME III CHAPTER XXI – ZONING BYLAW 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 removing inapplicable zoning district for consistency, adding distance requirement standards, and adding language to reference another section in bylaw.

Amend Section 5.99 – Large-Scale, Ground-Mounted Solar Photovoltaic Installations, subsection 5.99.3 – General Siting Standards, amending the subsection (a) Lot Requirements, amending the subsection (b) Setbacks, and adding language to correct reference in subsection (c), as written:

5.99.3.a Lot Requirements

Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be permitted on parcels larger than two (2) acres located within the Residential Single Family (RS) and Industrial (I) & (I-2) Zoning Districts

5.99.3.b Distance Requirements

All solar photovoltaic installations shall have a minimum distance of 100 feet from the front property line, 50 feet from each side property line and 50 feet from the rear property line. No trees shall be removed outside the limit of work boundary. The Planning Board may allow a lesser setback along a property line where, in its judgment, the proposed facility is not likely to negatively affect an existing or permitted land use on the abutting property. The Planning Board may require a greater setback along a property line where, in its judgement, the proposed facility is likely to negatively affect an existing or permitted land use on the abutting property.

5.99.3.c All appurtenant structures shall abide by setbacks as stated within Section III – Use Regulations, Section 3.2. Dimensional and Density Regulations.

ARTICLE 3 amends the BYLAWS OF THE TOWN OF GRANBY, VOLUME III CHAPTER XXI – ZONING BYLAW SECTION V – SPECIAL USE REGULATIONS AND PERFORMANCE STANDARDS, Section 5.99 – Large-Scale, Ground-Mounted Solar Photovoltaic Installations amending Subsection 5.99.11 – Monitoring and Maintenance, by adding subsection (b), Inspections.

Amend Section 5.99 – Large-Scale, Ground-Mounted Solar Photovoltaic Installations, subsection 5.99.11 – Monitoring and Maintenance, by adding 5.99.11.b – Inspections as written:

5.99.11.b Inspections

The Planning Board shall require an inspection three years from certificate of completion and every five years thereafter until the project is decommissioned. Inspection including an up-to-date decommissioning cost shall be initiated by the Planning Board and/or its designee at the expense of the owner or operator of the large-scale ground-mounted solar installation.

ARTICLE 4 amends the BYLAWS OF THE TOWN OF GRANBY, VOLUME III CHAPTER XXI – ZONING BYLAW SECTION V – SPECIAL USE REGULATIONS AND PERFORMANCE STANDARDS, Section 5.99 – Large-Scale, Ground-Mounted Solar Photovoltaic Installations for

housekeeping and consistency purposes, by deleting inapplicable references to subsections, repetitive language, revising typographical errors and subsection references.

Amend Section 5.99 – Large-Scale, Ground-Mounted Solar Photovoltaic Installations, subsection 5.99.5 – Site Plan Review, subsection (b), by revising minor typographical errors, and amending correct references in (2) and (3), as written:

5.99.5.b Required Documents

1. A site plan showing:
 - (i) Property lines and physical features, including roads, for the project site;
 - (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;
2. Documentation of actual or prospective access and control of the project site (see also Section 5.99.6)
3. An operation and maintenance plan (see also Section 5.99.7)
8. All material modifications to a solar photovoltaic installation made after final approval shall require approval by the Planning Board.

Remove Section 5.99 – Large-Scale, Ground-Mounted Solar Photovoltaic Installations, subsection 5.99.9 – Design Standards, subsection (d), Land Clearing, Soil Erosion and Habitat Impacts, as it appears elsewhere in bylaw, and renumber subsection, as written:

5.99.5.d Facility Access and Conditions

The large-scale, 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 local Fire Chief and Emergency Medical Services. 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.

5.99.9.e Appurtenant Structures

All appurtenant structures to large-scale, ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning 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, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

Amend Section 5.99 – Large-Scale, Ground-Mounted Solar Photovoltaic Installations, subsection 5.99.12 – Abandonment or Decommissioning, subsection (a) – Removal Requirements, by including correct reference in bylaw, as written.

5.99.12.a Removal Requirements

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 5.99.12.b 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 Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal.

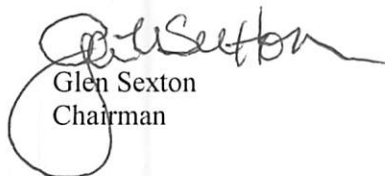
ARTICLE 5 amends the BYLAWS OF THE TOWN OF GRANBY, VOLUME III CHAPTER XXI – ZONING BYLAW SECTION III – USE REGULATIONS AND PERFORMANCE STANDARDS, Section 3.2 – Dimensional and Density Regulations, Table 2 – Table of Dimensional Regulations to add note under subheading Structures Other Than Dwellings to include reference to distance requirements for Large-Scale, Ground-Mounted Solar Photovoltaic Installations, as written:

STRUCTURES OTHER THAN DWELLINGS***									
DISTRICT	RS	RM	GB	I	I-2	VC	FWD	WSP	AP
Minimum Lot Size (sq. ft.)	40,000	40,000	40,000	40,000	40,000	40,000	40,000	60,000	40,000
Minimum Frontage (ft.)	150	150	150	200	200	150	*	150	150
Minimum Front Yard (ft.)	40	40	40	40	40	40	40	40	40
Minimum Side Yard (ft.)	15	30	30**	30**	30**	30**	30	15	15
Minimum Rear Yard (ft.)	20	20	20**	20**	20**	20**	20	20	20
Maximum Height (ft.)	35	35	35	35	35	35	35	35	35
Maximum # of Stories	2	2	2	2	2	2	2	2	2
Maximum Lot Coverage	25%	25%	70%	40%	40%	40%	25%	25%	25%

* Within the overlay district, the dimensional regulations of the underlying district shall remain in effect.
 ** Where a side or rear yard is adjacent to a residential area such yard shall be a minimum of 50 foot setback.
 *** Minimum distances from the property line for large-scale ground-mounted solar photovoltaic installations are as follows: Front – 100 feet, Side – 50 feet and Rear – 50 feet (See Section 5.99)

If you have any questions about these articles, please contact the Planning Board.

Sincerely,



Glen Sexton
Chairman