

# SPECIAL TOWN MEETING WARRANT

**NORFOLK, ss.**

To either Constable in the Town of Norfolk, in said County:

## **GREETINGS:**

You are required in the name of the Commonwealth of Massachusetts to notify and warn the inhabitants of Norfolk, qualified to vote in Town affairs residing in Precincts 1, 2, 3 and 4, to meet on Tuesday, the first day of February, 2011, at 7:00 p.m. at the Freeman-Centennial School, 70 Boardman Street, Norfolk, MA 02056, for a Special Town Meeting, then and there to act on the following articles, viz:

## **ARTICLE 1**

**Submitted by the Board of Selectmen**

To see if the Town will vote to amend the Town of Norfolk Zoning Bylaws by deleting Section M and replacing it as follows; or take any other action relative thereto:

### **Section M: Solar Energy Overlay Zone.**

#### **M.1 Purpose**

The purpose of this bylaw is to promote the creation of new large-scale 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, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

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

##### **M.1.a Applicability**

This section applies to large-scale 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.

#### **M.2 Definitions**

**As-of-Right Siting:** As-of-Right Siting shall mean that development of a solar photovoltaic installation may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to site plan review to determine conformance with the Zoning Bylaws. Projects cannot be prohibited, but can be reasonably regulated by the Building Inspector and the Planning Board as Site Plan Review Authority.

**Building Inspector:** The inspector of buildings, building commissioner, or local inspector, or person or board designated by local ordinance or bylaw charged with the enforcement of the zoning ordinance.

**Building Permit:** A construction permit issued by the building inspector; the building permit evidences that the project is consistent with the state and federal building codes as

well as local zoning bylaws, including those governing ground-mounted large-scale solar photovoltaic installations.

**Designated Location:** The location designated as the Solar Energy Overlay Zone, in accordance with Massachusetts General Laws Chapter 40A, section 5, where large-scale ground-mounted solar photovoltaic installations may be sited as-of right. Said location shown on Assessors Map 09, Block 32, Lot 32 and Assessors Map 15, Block 32, Lot 27, pursuant to Massachusetts General Laws Chapter 40A Section 4. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Town Clerk.

**Large-Scale Ground-Mounted Solar Photovoltaic Installation:** A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

**On-Site Solar Photovoltaic Installation:** A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

**Rated Nameplate Capacity:** The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

**Site Plan Review:** review by the Site Plan Review Authority pursuant to Section F.11 to determine conformance with the Zoning Bylaws.

**Site Plan Review Authority:** For purposes of this bylaw, Site Plan Review Authority refers to the Planning Board.

**Solar Energy Overlay District:** This district shall include land under the control of the Department of Public Works on the east side of Medway Branch, specifically property identified as Assessors Map 09, Block 32, Lot 32 and Assessors Map 15, Block 32, Lot 27, which is a part of this Zoning Bylaw and on file with the Town Clerk.

**Solar Photovoltaic Array:** an arrangement of solar photovoltaic panels.

**Zoning Enforcement Authority:** The Building Inspector.

### **M.3 General Requirements for all Large-scale Solar Power Generation Installations**

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

#### **M.3.a Compliance with Laws, Ordinances and Regulations**

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

### **M.3.b Building Permit and Building Inspection**

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

### **M.3.c Site Plan Review**

Large-scale ground-mounted solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo site plan review by the Site Plan Review Authority prior to construction, installation or modification as provided in this section.

#### **M.3.c.1 General**

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

#### **M.3.c.2 Required Documents**

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, 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
  - 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) Documentation of actual or prospective access and control of the project site (see also Section M.4);
- (c) An operation and maintenance plan (see also Section M.5);
- (d) 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);
- (e) Proof of liability & Workers Compensation insurance; and
- (f) Description of financial surety that satisfies Section M.11.c.

The Site Plan Review Authority may waive documentary requirements as it deems appropriate.

#### **M.4 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 solar photovoltaic installation.

#### **M.5 Operation & Maintenance Plan**

The project proponent shall submit a plan for the operation and maintenance of the large-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 operational maintenance of the installation.

#### **M.6 Utility Notification**

No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Site Plan Review Authority 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.

#### **M.7 Dimension and Density Requirements**

##### **M.7.a Setbacks.**

For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

1. Front yard: The front yard depth shall be at least 50 feet.
2. Side yard. Each side yard shall have a depth at least 100 feet from an adjacent Residential property line.
3. Rear yard. The rear yard depth shall be at least 100 feet from an adjacent Residential property line.

Planning Board may be allowed to waive one or more setback requirements upon a demonstration by the applicant that such waiver will further the goals of the Solar Energy Zone, provided, however, that no such waiver shall allow a large-scale ground-mounted solar photovoltaic installation within 50 feet of a residential property line or 20 feet of a street.

##### **M.7.b 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 (see M.7.a), 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. All structures shall be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

## **M.8 Design Standards**

### **M.8.a Lighting**

Lighting of 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.

### **M.8.b Signage**

Signs on large-scale ground-mounted solar photovoltaic installations shall comply with Section F.9. A sign consistent with the requirements of Section F.9 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 solar photovoltaic installation.

### **M.8.c Utility Connections**

Reasonable efforts, as determined by the Site Plan Review Authority, 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.

## **M.9 Safety and Environmental Standards**

### **M.9.a Emergency Services**

The large-scale ground-mounted solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services 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.

### **M.9.b Land Clearing, Soil Erosion and Habitat Impacts**

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

## **M.10 Monitoring and Maintenance**

### **M.10.a Solar Photovoltaic Installation 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.

## **M.11 Abandonment or Decommissioning**

### **M.11.a Removal Requirements**

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned or discontinued consistent with Section M.11.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. Decommissioning shall consist of:

1. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
4. Acquire all permits required from Federal, State and local authorities prior to any work.

### **M.11.b Abandonment or Discontinuance**

Absent notice of a proposed date of decommissioning and removal or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned or discontinued when it fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or discontinuance, or the proposed date of decommissioning, the town may enter the property and physically remove the installation. As a condition of approval, an applicant shall bind itself to grant the necessary license or easement to the Town to allow entry to remove the installation. The Town shall have the right, but not the obligation to remove the installation.

### **M.11.c Financial Surety**

Proponents of large-scale ground-mounted solar photovoltaic projects 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 Site Plan Review Authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by 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.

**M.12 Expedited Permitting**

All local permitting decisions - formal determinations, orders of conditions, licenses, certificates, authorizations, registrations, plan approvals, or other approvals or determinations with respect to the siting and construction of clean energy facilities within the Solar Energy Overlay District shall be issued within 180 days of submission of a completed application.

**ARTICLE 2**

**Submitted by the Board of Selectmen**

To see if the Town will vote to transfer from the Board of Selectmen for sanitary landfill purposes to the Board of Selectmen for general municipal purposes and for the purpose of leasing, the parcel of land having approximately fifty acres at off Medway Branch Rd., being shown on the Assessors Map as Parcel 15-32-27, being the land acquired by Order of Taking recorded with the Norfolk County Registry of Deeds in Book 4995, Page 737, and to authorize the Board of Selectmen to lease all or any portion of said land from time to time by one or more leases for such term of years up to fifty years and for such consideration as the Selectmen shall determine, for the purpose of a solar array for electric power generation and distribution, and to authorize the Selectmen to grant such easements and rights of entry over said land and over Medway Branch, for utility and access and ingress purposes as necessary to construct and operate such a solar array; or take any other action relative thereto.