

Pelham Planning Board Meeting and Public Hearing Minutes

Date: March 24, 2020

Location: By Zoom

Members Present. Judy Eiseman, Lexi Dewey, Leslie Laurie, Linda Spink, Pete Wilson, Anne Stoddard (recording)

Others Present: Mary Booth, Karen Ribeiro (select board member), Rusty Rowell, Charlie Thompson,

Called to order at 7:00 pm.

1. Judy read the statement regarding remote participation in town board meetings suggested by Town Counsel.
2. Minutes of March 16, 2020 meeting were approved.
3. Announcements.
 - Judy reported that she has not received any comments from the Town Counsel regarding the proposed solar by-law changes.
 - She spoke to DOER regarding Green Communities Act. Their published guidance is attached.
 - The Board should prepare an explanatory statement to accompany the warrant article. That will be put on the agenda for the next meeting.
 - Anne was asked to submit her hours for payment.
4. Karen commented that the town is using Google Docs to share documents. She created a file for the Planning Board:
<https://drive.google.com/file/d/1SSsXjmq7h3izXP8yqfIfEh-2iaZwfzSo/view?usp=sharing>

PUBLIC HEARING on proposed changes to the zoning bylaw opened at 7:30.

5. Judy read a statement regarding public hearings suggested by Town Counsel. The announcement of the meeting was mailed to the Town Clerk on March 2 and was posted at Town Hall and on line. It was also advertised in the Daily Hampshire Gazette on March 9 and March 16, 2020.
6. In preparing the amendment the Board consulted with the Energy Committee and the Conservation Commission. The Board also reached out to Town Counsel but has not yet received their response. It is expected that there will be further changes as a result of this hearing.

7. The reason for amending the solar by-law was to correct a few anomalies in the by-law as it currently stands. Also the Board is concerned about the forest stands and watershed protection in the Town. Judy then reviewed the changes in the document (attached).
8. She asked if the Board members had any comments. There were none.
9. She asked the other attendees for comments.
 - Karen Ribeiro, select board member, 10 Bray Court. Karen said she read through the document and saw nothing glaring. She said that the Clean Energy Center at UMass might be a good resource for the Town. They have a grant from National Renewable Energy Lab (NREL) to support rural solar development. They haven't started yet and are funded as a resource for small rural communities that don't have large resources of their own. She said that they are not promoting solar development but realize that conservation and planning are important.
 - Mary Booth, 54 Arnold Road. Mary is an ecosystems scientist who runs the Partnership for Policy Integrity. She stated that she is pro-solar but not at the expense of forest stock. She said that that clearing an acre of standing forest stock to replace with solar probably has no greenhouse gas benefit and may even have a net negative effect. Although the calculations depend on the assumptions.
 - Charlie Thompson, 7 Old Pratt Corner Road. Charlie had some questions about the proposed changes. In section B(2) "shall not exceed five acres." Does that mean "never exceed five acres"? In the definition of large scale ground mounted installations, is the maximum size 250kw? Are the two limits consistent? There was discussion of whether the town should specify a solar district that would allow a large installation but not require tree cutting. Linda pointed out that with as-of-right-siting, a landowner can put a ground mounted solar installation on one acre or less. The owner would need a special permit for up to five acres.
 - Judy said that many towns are rewriting their solar by-laws and that the Board is looking at those. Some towns have separate regulations for commercial vs. private installations.
10. Judy asked if there were any more comments. There were none.

Public hearing adjourned at 8:02PM.

Planning Board Meeting resumed.

time

11. Judy commented that the current version of the changes will probably not be the one that will go to Town Meeting. The intent is to protect our forests as well as to maintain our

Green Community status. The Town Counsel will prepare the warrant article and the Board will develop an explanatory statement.

12. Charlie commented that on his reading of the DOER guidance, to be a Green Community we have to allow a minimum of 250kw whereas the proposed by-law stipulates a maximum of 250kw. Judy said that is a question for Town Counsel.
13. Linda asked whether, in light of the suggestion by Karen, the Board should consult with the UMass group before revising the by-law. She also asked if research at UMass and other organizations is relevant to the Board's decision making. Judy indicated that the data they have is preliminary.
14. Judy commented that perhaps Pelham might not be appropriate for solar because of our unique abundance of forest and protected land for watershed and habitat. Pete said the Pelham is not that unique or pristine. The town should not be so restrictive as to foreclose the possibility of solar installations in the future. In response Mary said that she is very sensitive to NIMBY-ism and wants to support solar but that she is not convinced there is a greenhouse benefit to cutting trees in order to install solar arrays. Pelham could be a leader in coming up with a creative solution. Perhaps suggesting some kind of offset. Pete pointed out that it is difficult to calculate the trade-off of two desirable goals. He said that there is three phase wiring only along Amherst Road so it would be hard/expensive for someone in other parts of town to tie into the grid. It is probably safe to wait until fall Town Meeting to present the by-law changes.
15. The next meeting is scheduled for April 13 in order to have the warrant prepared by the April 20 deadline for Town Meeting. There are still many questions remaining. In particular how do people in Town feel about the issue? Should the Board do a brief survey? Can we eliminate section B(2)? Will the Attorney General allow a one acre maximum? Judy will try to get comments from Town Counsel before the next meeting. She will also look closely at the Town of Plymouth by-law. There is the possibility of waiting until fall Town Meeting. If the Board goes forward with the warrant article at this time, it will need to prepare a statement of the intent of the by-law.

Meeting adjourned at 8:51 PM.

Next meeting April 13. The meeting will be held remotely.

Respectfully submitted,
Anne Stoddard, Assistant

Attachments:
Draft by-law changes
DOER Guidance

§ 125-18.2. Solar electric installations. [Added 5-5-2012 ATM, Art. 37]

- A. Purpose. The purpose of this section is to facilitate the creation of new ground-mounted solar electric 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 environmental, scenic, natural, and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.
- B. Applicability. The provisions set forth in this section of the Zoning Bylaw shall apply to the construction, operation, repair, and/or removal of large-scale solar electric installations, as defined within this section, and to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.
- (1) As-of-right siting. Large-scale ground-mounted solar electric installations occupying not less than 0.25 acre and not more than one acre of land are allowed as-of-right. Large-scale ground-mounted solar electric installations are also subject to site plan review and design and performance standards as provided below.
- (2) Special permit siting. Any ~~large-scale solar electric installation located occupying more than one acre of land on~~ one or more adjacent parcels or lots in common ownership, including those separated by a roadway, shall not exceed five acres, and shall require a special permit with site plan review in accordance with the Zoning Bylaw of the Town of Pelham.
- (3) Building-mounted solar electric installations are allowed as-of-right subject to the approval of the Building Inspector as to the structural soundness of the building in question. Small-scale ground-mounted solar electric installations occupying less than 0.25 acre of land are allowed as-of-right and shall fall within the purview of the Building Inspector as to structural stability and soundness.

C. Definitions. As used in this section, the following terms shall have the meanings indicated.

AS-OF-RIGHT SITING — That development may proceed without the need for a special permit, variance, or other discretionary approval. As-of-right development may be subject to site plan review to determine conformance with the Zoning Bylaw. Projects cannot be prohibited but can be reasonably regulated by the Building Inspector, Conservation Commission, and Zoning Board of Appeals.

BUILDING INSPECTOR — The individual charged with the enforcement of the Zoning Bylaw in accordance with § 125-24.

BUILDING-MOUNTED SOLAR ELECTRIC INSTALLATION — A solar electric system that is mounted on a building and is not ground mounted.

BUILDING PERMIT — A construction permit issued by the Building Inspector. The building
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permit evidences that the project is consistent with the state and federal building codes as well as the Zoning Bylaw, including those provisions governing ground-mounted solar electric installations.

DESIGNATED LOCATION — The Solar Electric District is the entire Town of Pelham and is shown on the Official Zoning Map in accordance with Massachusetts General Laws Chapter 40A. This map is hereby made a part of the Zoning Bylaw and is on file in the office of the Pelham Town Clerk.

LARGE-SCALE GROUND-MOUNTED SOLAR ELECTRIC INSTALLATION — A solar electric system that is structurally mounted on the ground and is not roof mounted, has a nameplate capacity of 10 kilowatts ~~or greater~~ but not greater than 250 kilowatts, and occupies between 0.25 acre and 1.0 acre of land, exclusive of any required buffers or screens.

RATED NAMEPLATE CAPACITY — The maximum rated output of electric power production of the electric system in alternating current (AC) or direct current (DC).

SITE PLAN REVIEW — Review by the Zoning Board of Appeals to determine conformance with the Zoning Bylaw.

SITE PLAN REVIEW AUTHORITY — For purposes of this section, the Zoning Board of Appeals is the site plan review authority.

SMALL-SCALE GROUND-MOUNTED SOLAR ELECTRIC INSTALLATION — A solar electric system that is structurally mounted on the ground and is not roof mounted, has a nameplate capacity of less than 10 kilowatts and occupies less than 0.25 acre of land, exclusive of any required buffers or screens.

SOLAR ELECTRIC DISTRICT — As of the original acceptance of this Solar Electric District bylaw, the district is the entire Town of Pelham. The district area may be modified by amendment of this section and the Town's Zoning Map.

SOLAR PHOTOVOLTAIC ARRAY — An arrangement of solar photovoltaic panels.

ZONING ENFORCEMENT AUTHORITY — The individual charged with enforcing the Zoning Bylaw pursuant to § 125-24.

D. General requirements for all solar power generation installations. The following requirements are common to all solar electric installations to be sited in designated locations:

(1) Compliance with laws and regulations. The construction and operation of all solar electric 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 electric installation shall be constructed in accordance with the State Building Code.

(2) Fees. All applications for installation of solar electric installations must be accompanied by the required fee(s).

E. Site plan review.

(1) Applicability.

(a) Building-mounted solar electric installations. Building-mounted solar electric installations shall fall within the purview of the Building Inspector.

(b) Ground-mounted solar electric installations on more than one acre of land. Ground-mounted solar electric installations on more than one acre of land shall require a special permit and site plan review in accordance with the Zoning Bylaw of the Town of Pelham.

(c) Small-scale ground-mounted solar electric installations. Small-scale ground-mounted solar electric installations shall fall within the purview of the Building Inspector.

(d) Large-scale ground-mounted solar electric installations. Large-scale ground-mounted solar electric installations not subject to Subsection E(1)(b) above shall undergo site plan review by the Zoning Board of Appeals, as detailed below and in accordance with §125-26, Site Plan Approval.

(2) The areas of concern in site plan review are:

(a) The balance of rights of landowners to use their land, with the corresponding right of abutting and neighboring landowners to live without undue disturbance from noise, traffic, lighting, signage, smoke, fumes, dust, odor, glare, or stormwater runoff;

(b) The adequacy of methods to store, handle, or dispose of wastes, including hazardous materials, to protect air, groundwater, and surface water from pollution;

(c) The protection of historical and natural environmental features on the site under review and in adjacent areas; and

(d) The adequacy of stormwater management systems to address non-point-source pollution.

(3) All plans and maps shall be prepared, stamped, and signed by a professional engineer licensed to practice in Massachusetts.

(4) Procedure.

(a) An applicant for site plan review shall submit a site plan in accordance with this section to the Town Clerk. Seven copies of the site plan and all supporting documents shall be provided to the Town Clerk at the time of application. The applicant shall also submit a digital copy of the site plan and the supporting documents. The Town Clerk shall forthwith transmit a copy of the application to the Zoning Board of Appeals. The Town Clerk shall indicate the date on which the site plan was received and transmit a copy showing the date of the application to the applicant. The date of receipt as indicated by the Town Clerk shall be considered to be the date on which the application has been filed with the Zoning Board of Appeals. It shall be the responsibility of the applicant to furnish all supporting documentation with the application, and the dated copy received from the Town Clerk does not absolve the applicant from this responsibility.

(b) The Zoning Board of Appeals shall obtain with each submission a deposit sufficient to cover any expenses connected with the public hearing and review of the application. The Zoning Board of Appeals has the right to retain a registered professional engineer or other qualified professionals to advise the Zoning Board of Appeals on any or all aspects of the application. The costs of any required engineering or scientific studies will be borne by the applicant.

(c) The Town Clerk shall transmit to the Conservation Commission, Board of Health, Historical Commission, Building Inspector, Fire Department, Energy Committee, and other boards that the Zoning Board of Appeals may designate as necessary to conduct a complete review, copies of the application and the site plan. The boards have up to 45 days to submit recommendations, in writing, to the Zoning Board of Appeals concerning the items listed below. Failure of any board to report within the allotted time shall be interpreted as nonopposition to the site plan.

[1] The adequacy of the data and procedure used by the applicant to determine the impacts of the proposed development;

[2] The expected impacts of the proposed development; and

[3] The recommended conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development.

(d) The Zoning Board of Appeals shall open a public hearing in accordance with Section 11 of MGL Chapter 40A within 65 days of the receipt of an application and shall take final action within 90 days from the date of the close of the public hearing. The Zoning Board of Appeals final decision in writing shall consist of one of the following actions based on a two-thirds-majority vote:

[1] Approval of the site plan based upon determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in the Zoning Bylaw;

[2] Approval of the site plan subject to any conditions, modifications, or restrictions as required by the Board which will ensure that the project meets the standards set forth in the Zoning Bylaw.

(5) Submission requirements. The applicant shall submit a site plan containing all data, detail, and supporting information listed below in Subsection E(6), Site plan contents. The Zoning Board of Appeals may waive one or more of the site plan contents requirements upon written request by the applicant. Such determination to waive one or more of the requirements shall be in the sole discretion of the Zoning Board of Appeals.

(6) Site plan contents:

(a) Name of project, boundaries, locus map(s) showing the proposed lot and the location of the system on the lot in the Town, date, North arrow, and scale of plan;

(b) Name(s) and address(es) of the owner(s) of the land, the developer (if applicable), and/or their designee;

(c) Name, title, and address of person(s) who prepared the plan;

(d) A map of the project area prepared by a registered professional engineer, landscape architect, or architect at a scale of one inch equals 20 feet, on standard sheets of 24 inches by 36 inches, with continuation on sheets of 8 1/2 inches by 11 inches as necessary for narrative;

(e) Blueprints or drawings of the solar electric 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;

(f) One- or three-line electrical diagram detailing the solar electric installation, associated components, and electrical interconnection methods, with all National-Electrical-Code-compliant disconnects and overcurrent devices;

(g) Documentation of the major system components to be used, including but not limited to the electric-generating components, transmission systems, mounting system, and inverter;

(h) Name, address, and contact information for proposed system installer;

(i) Names and addresses of all owners of record of abutting lots and those within 300 feet of the property line of the lot where the system is proposed to be located;

(j) All existing lot lines, easements, and rights-of-way;

(k) Location of all proposed new lot lines;

(l) Location and use of buildings and structures within 300 feet of the lot where the system is proposed to be located;

(m) Location and use of all existing and proposed buildings and structures, including approximate height and floor area;

(n) Location of areas subject to Wetland Protection Act, MGL c. 131, § 40; the Town of Pelham's wetland bylaw; the Watershed Protection Act, MGL c. 92, § 107A; and public drinking water supply recharge areas on site and within 300 feet of the property line, and the location on the lot of species and/or of any priority habitat areas mapped by the Natural Heritage and Endangered Species program;

- (o) U.S.G.S. topography for the lot and within 300 feet of the property line;
- (p) Size and location of existing and proposed sign(s);
- (q) Location, type of fixture, and height of any proposed lighting;
- (r) Surface drainage strategy that prevents increased drainage off-site or pollution;
- (s) Existing vegetation that will be left undisturbed and proposed landscape features, including the location and a description of screening, fencing, and plantings using noninvasive species, with a preference given to native species;
- (t) A complete list of chemicals, pesticides, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use;
- (u) Provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and cleanup procedures;
- (v) Provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces;
- (w) Noise levels expected to occur at the boundary of the property.

(7) Other required documents. The applicant shall submit the following:

- (a) Documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar electric installation.
- (b) A plan for the operation and maintenance of the ground-mounted solar electric installation, which shall include measures for maintaining safe access to the installation, stormwater and vegetation controls, as well as general procedures for operational maintenance of the installation. Methods of vegetation management shall be included in the operation and maintenance plan, including details on preventing establishment of commonly recognized invasive plants, controlling further spread of any such invasive

plants, and methods of integrated vegetation management. Clearing of natural vegetation shall be conducted in a manner that minimizes soil erosion risk.

(c) Proof of liability insurance.

(d) A description of financial surety that satisfies Subsection K(3) of this section.

(8) Standards for review. The Zoning Board of Appeals shall review the site plan and supporting documents and other evidence taking into consideration the reasonable fulfillment of the following objectives:

(a) Conformance with the provisions of the Zoning Bylaw, the General Laws of Massachusetts, and all applicable rules and regulations of state and federal agencies.

(b) Protection of Town resources and abutting properties by minimizing any undue disturbance from noise, traffic, lighting, hazardous materials, signage, smoke, fumes, dust, odor, glare, or stormwater runoff. The Zoning Board of Appeals may request a study if any of these disturbances appear to pose a particularly significant potential risk.

(c) Minimization of erosion of soil both during and after construction.

(d) Conformance of existing and future demands of the project with the ability of the Town to provide adequate services or infrastructure.

(e) Integration of the development shown on the site plan into the existing landscape through design features such as vegetative buffers, and retention of open space and agricultural land.

(f) Minimization of the area over which existing vegetation is to be removed.

(g) The potential impact on surface or ground water supplies from any materials, hazardous or otherwise, stored, used, or generated on the site and steps taken to protect these resources.

(h) Provision for adequate drainage and stormwater management to prevent flooding and to protect surface and ground water from pollutants.

(i) Provision for minimizing light pollution, including the use of full cutoff fixtures.

(9) Enforcement. The Zoning Board of Appeals may require the posting of a bond to assure compliance with the site plan and stated conditions to its approval, and the Building Inspector may suspend any permit or license when work is not performed as required.

Site plan approval issued under this section shall lapse within one year if a substantial use thereof has not commenced, except for good cause. This time limit shall be extended to include the time required to pursue and await determination of a judicial appeal pursuant to Chapter 40A of the General Laws. Any extension must be requested in writing to the Zoning Board of Appeals prior to the expiration of the one-year period.

F. Utility notification. No ground-mounted solar electric installation shall be constructed until evidence has been provided to the Zoning Board of Appeals that the utility company that operates the electrical grid where the installation is to be located has approved the solar electric installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

G. Dimension and density requirements. In lieu of the provisions in Zoning Bylaw § 125-6, Dimensional and density regulations, and except as provided herein, the following shall apply to solar installations regulated by this § 125-18.2:

(1) Setbacks.

(a) For ground-mounted solar electric installations, front, side, and rear setbacks shall not be less than 100 feet in depth. A vegetated buffer of at least 30 feet in depth is required on all sides. The buffer may be within the setback area.

(b) The square footage of setbacks shall not be included in the calculation of the one-acre maximum for as-of-right solar electric installations.

(c) No ground-mounted solar electric installation may be located on a septic system reserve area.

(2) Appurtenant structures.

(a) All appurtenant structures to ground-mounted solar electric installations shall be subject to reasonable regulations and subject to the same zoning requirements as apply to structures in the underlying zoning district.

(b) Whenever reasonable, structures should be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

H. Design and performance standards.

(1) Lighting. Lighting of solar electric 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. Lighting of the solar electric installation shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.

(2) Signage.

(a) Signs on ground-mounted solar electric installations shall comply with § 125-10 of the Zoning Bylaw. A sign shall be required to identify the owner and provide a twenty-four-hour emergency contact phone number.

(b) Solar electric installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar electric installation.

(3) Utility connections. Reasonable efforts, as determined by the Zoning Board of Appeals, shall be made to place all utility connections from the solar electric 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 aboveground if required by the utility provider.

(4) Roads. Access roads shall be constructed to minimize grading and removal of stone walls or street trees and to minimize impacts to environmental or historic resources.

(5) Hazardous materials. Hazardous materials stored, used, or generated on the site shall not exceed the amount for a very-small-quantity generator of hazardous waste as defined by the DEP pursuant to Massachusetts DEP regulations 310 CMR 30.000 and shall meet

all requirements of the DEP, including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment. If hazardous materials are utilized within the solar electric equipment, then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required.

(6) Noise. Sound or noise levels may not exceed 50 dBA at the edge of the property on which the installation is located.

(7) Height of structures. The height of any structure associated with a ground-mounted solar electric installation shall not exceed 25 feet.

I. Safety and environmental standards.

- (1) Emergency services. The solar electric installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Pelham Fire Chief. Upon request of the Town's emergency services providers, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar electric installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- (2) Land Clearing. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the solar energy systems or otherwise prescribed by applicable laws, regulations, and bylaws. Vegetation includes all types of vegetation. Solar electric installations, to the maximum extent feasible, shall be located on roofs, parking lots or other previously disturbed sites that do not require tree clearing. Existing vegetation shall remain in required setback areas. Adequate erosion control and stormwater management measures shall be provided for all proposed land clearing and the solar system as built. The Zoning Board of Appeals may require phasing of tree clearing to minimize potential erosion control problems.
- (3) Protection of Natural Resources and Habitat. Ground-mounted solar energy systems shall be designed to minimize impacts to agricultural and environmentally sensitive land and to be compatible with continued agricultural or silvicultural use of the land to the maximum extent possible. Such systems shall not be located (1) on permanently protected land subject to conservation, preservation, agricultural preservation, and/or watershed protection restrictions under MGL Chapter 184, Sections 31-33; (2) Priority

Habitat and Bio Map 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage and Endangered Species Program (NHESP); (3) lands mapped under the Conservation Assessment and Priorities System (CAPS); or (4) Habitat of Potential Regional or Statewide Importance, as mapped by the MassDEP.

J. Monitoring, maintenance, and reporting.

(1) Solar electric installation conditions. The ground-mounted solar electric 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 Pelham Fire Chief and Emergency Management Director. The owner or operator shall be responsible for the cost of maintaining the solar electric installation and any access road(s).

(2) Modifications. All material modifications to a solar electric installation for which site plan approval or a special permit has been issued, made after issuance of the required building permit, shall require approval by the Zoning Board of Appeals.

(3) Annual reporting.

(a) The owner or operator of a large-scale installation shall submit an annual report which certifies compliance with the requirements of this section and the approved site plan, including control of vegetation, noise standards, and adequacy of road access. The annual report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The report shall be submitted to the Select Board, Zoning Board of Appeals, Fire Chief, Emergency Management Director, Building Inspector, Board of Health and Conservation Commission (if wetlands permit was issued) no later than 45 days after the end of the calendar year.

(b) At the discretion of the Building Inspector, a site visit may be conducted to verify what has been stated in the annual report.

K. Abandonment or decommissioning.

(1) Removal requirements. Any ground-mounted solar electric installation which has reached the end of its useful life or has been abandoned consistent with Subsection K(2)

of this section 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 Zoning Board of Appeals 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 electric 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;
- (c) Stabilization or revegetation 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.

(2) Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar electric installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Zoning Board of Appeals. If the owner or operator of the ground-mounted solar electric 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 retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous or decommissioned solar electric installation. As a condition of site plan approval, a property owner shall agree to allow the Town entry to remove an abandoned or decommissioned installation. The cost for the removal will be charged to the property owner in accordance with the provisions of MGL 139, § 3A as a tax lien on the property.

(3) Financial surety. Applicants for large-scale ground-mounted solar electric projects shall provide a form of surety, either through escrow account, bond, or otherwise, at the discretion of the Town of Pelham, 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 Town of Pelham, but in no event to exceed more than

125% of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project applicant and the Town. Such surety will not be



required for municipally or state-owned facilities, or for small-scale ground-mounted solar electric installations. The project applicant 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.

CAPS map for Pelham. Deeper the blue the more important to conserve. Purple is protected land as of 2011. Update needed.

