




§ 350-37.1. Large scale solar photovoltaic installations. [Added 5-5-2014 ATM by Art. 20]

- A. Purpose. The purpose of this section is to provide a permitting process for solar photovoltaic installations so that they may be utilized in a cost-effective, efficient, and timely manner to increase the use of distributed generation; to integrate these installations into the community in a manner that minimizes their impacts on the character of neighborhoods, on property values, and on the scenic, historic, and environmental resources of the Town; and to protect health and safety, while allowing solar photovoltaic technologies to be utilized.
- B. Applicability. This section applies to large scale solar photovoltaic installations proposed to be constructed after the effective date of this bylaw. This section also applies to material modifications that alter the type, number, configuration or size of any existing large scale solar photovoltaic installation.
- C. Large scale solar photovoltaic installations - use regulations.
- (1) Large scale solar photovoltaic installations that occupy one acre or less shall only be constructed or materially modified after the issuance of site plan approval by the SPGA and a building permit by the Building Inspector. No building permit shall be issued without a site plan approved by the Dalton Planning Board.
-  ²(2) Large scale solar photovoltaic installations that collectively occupy more than one acre of a lot may only be constructed or materially modified after the issuance of a special permit from the SPGA in accordance with this section and Article XI, Special Permits.
- D. Compliance. The construction, maintenance, operation, modification and removal of a large scale solar photovoltaic installation shall comply with all applicable local, state, and federal requirements.
-  ³ E. Site control. The applicant shall demonstrate legal control over the proposed site sufficient to allow for the construction and operation of the large scale solar photovoltaic installation. Documentation shall also include proof of control over setback areas and access roads, if required. Control shall mean the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.
- F. Utility notification. The applicant shall demonstrate that it has notified the operator of the electric grid that it intends to connect the large scale solar photovoltaic installation to the electric grid. Off-grid installations are exempt from this requirement.
-  ⁴ G. Financial surety. Applicants seeking to construct a large scale solar photovoltaic installation shall provide a form of surety to cover the cost of removal and restoration of the site in the event the site is abandoned. The amount and form of surety shall be determined by the SPGA, but in no event shall the amount exceed 125% of the cost of removal. Applicants shall submit a fully inclusive cost estimate,

Summary of Comments on Large scale solar photovoltaic installations with RH Notes.pdf

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☰ Number: 1 Author: alber Subject: Text Box Date: 2/15/2023 1:40:49 PM
Richard Hall's Comments on the Site Plan Review and Special Permit Application Warren Farms Solar, LLC Proposed Large Scale Solar Facility dated 2-15-2023


💬 Number: 2 Author: alber Subject: Sticky Note Date: 2/15/2023 12:43:27 PM
This one falls under this sec (2)

💬 Number: 3 Author: alber Subject: Sticky Note Date: 2/15/2023 1:32:59 PM
A copy of the Landowner Consent Agreement from ISA?

💬 Number: 4 Author: alber Subject: Sticky Note Date: 2/15/2023 1:33:39 PM
How is/was this calculated? As they need to provide Decommissioning Unit Cost Estimate for PV Project so the Surety can be calculated

which accounts for inflation. The costs associated with the removal of the large scale solar photovoltaic installation shall be prepared by a qualified engineer. All subsequent owners/operators shall continue to provide a form of surety to the Town until the large scale solar photovoltaic installation has been removed. The SPGA may waive this requirement for net metered solar photovoltaic installations.

H. Design requirements.

- (1) Height - Large scale solar photovoltaic installations shall not exceed 15 feet in height.
- (2) Setbacks - Large scale solar photovoltaic installations shall comply with the setback requirements set forth in 350 Attachment 2 (Table of Dimensional Requirements) and 350 Attachment 4 (Illustrative Lot Layout) but in no instance shall be constructed within 50 feet of any lot being used for residential purposes.
- (3) Lighting - No lighting of the solar photovoltaic installation is permitted, except for manually operated emergency lights for use only when operating personnel are on site.
- (4) Screening - The large scale solar photovoltaic installations shall be screened year round with dense native vegetation from all adjoining properties and public and private ways.
- (5) Vegetation clearing - The clearing of vegetation shall be limited to that which is necessary for the construction, operation, maintenance, modification and removal of the large scale solar photovoltaic installation.
- (6) Habitat fragmentation - All large scale solar photovoltaic installations shall to the fullest extent practicable be clustered and located in or adjacent to areas of the site where the land has already been cleared to avoid habitat fragmentation.
- (7) Security measures - Large scale solar photovoltaic installations shall be constructed to prevent unauthorized persons from accessing the installation.
- (8) Emergency access - Large scale solar photovoltaic installations and access roads shall be constructed and maintained to allow for safe access by local emergency vehicles.
-  ¹ (9) Emergency response plan - Upon the request of the Fire Chief, the owner/operator of the large scale solar photovoltaic installation shall cooperate with all local public safety officials to develop and occasionally update an emergency response plan.

- I. Filing requirements. Applicants seeking to construct or modify a large scale solar photovoltaic installation shall submit the following information to the SPGA for site plan approval or a special permit. All maps to be submitted must be drawn at appropriate scales and be signed by a registered professional engineer or licensed surveyor. The SPGA may, in its discretion, waive any of the filing requirements.

Number: 1 Author: alber Subject: Sticky Note Date: 2/15/2023 1:34:06 PM

This needs to be provided with battery's on site and the forest in close proximity



- (1) Contact information - Provide the applicant's and property owner's name, address, phone number, email address, and signature.
- (2) Site identification - Provide the address and the map, lot and block number of the proposed site.
- (3) Site plans - Provide site plans showing the following:
 - (a) Property lines of the proposed site.
 - (b) Outlines of all existing and proposed buildings and structures on the proposed site, including distances from the proposed large scale solar photovoltaic installation.
 - (c) Existing and proposed access roads, driveways, public ways, private ways, and recreational trails on the proposed site.
 - (d) Detailed layout of the proposed large scale solar photovoltaic installation, including but not limited to panel mounts, foundations, appurtenant equipment and fencing.
 - (e) Detailed layout of the electric infrastructure to connect the large scale solar photovoltaic installation to the electric grid or net metering equipment.



- (f) Delineation of all wetland resources and associated buffer areas.
- (g) Locations of rare, threatened or endangered species existing on the site.
- (h) Proposed changes to the site, including grading, cut and fill, landscaping, native vegetation for screening and vegetation to be removed or altered.



- (i) Engineering controls at the site and on the access road to control erosion and sedimentation both during construction and after construction as a permanent measure. Such engineering controls shall conform to the Massachusetts Department of Environmental Protection's Stormwater Policy.

(4) Technical information - Provide the following information:



- (a) Blueprints or drawings of the large scale solar photovoltaic installation signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the installation and any potential shading from nearby trees or structures.



- (b) One or three line electrical diagram detailing the solar photovoltaic installation, appurtenant equipment and electrical interconnection methods with all National Electric Code compliant devices.
- (c) Documentation of the major large scale solar photovoltaic installation components to be used, including but not limited to PV panels, panel mounts and inverter.

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The Property owner's has no phone number or email listed as required

Number: 2 Author: alber Subject: Sticky Note Date: 2/15/2023 1:35:10 PM

for (f)They say there are none so please provide a a DEP WA2 from determination of applicability

Number: 3 Author: alber Subject: Sticky Note Date: 2/15/2023 1:07:55 PM

As the access road is gravel and owed by the town after construction how are they going to make sure it is good again

Number: 4 Author: alber Subject: Sticky Note Date: 2/15/2023 1:35:49 PM

Not was not provided as part of application?

Number: 5 Author: alber Subject: Sticky Note Date: 2/15/2023 1:10:33 PM

Not provided as part of application?



J. Technical review. Upon receipt of an application for a large scale solar photovoltaic installation, the SPGA may engage professional and technical consultants, at the applicant's expense, pursuant to MGL c. 44, § 53G, and its Home Rule Authority to assist the SPGA with its review of application materials. The SPGA may direct the applicant to deposit funds with the Town of Dalton for such review at the time the application is accepted and to add additional funds as needed upon notice. Failure to comply with this section shall be good grounds for denying site plan approval or the special permit application. Upon the approval or denial of the application, any excess amounts in the account attributable to the application process, including any interest accrued shall be refunded to the applicant.

K. Procedures and approval criteria.

- (1) For large scale solar photovoltaic installations requiring only site plan approval, the SPGA shall review a proposed site plan application to construct or materially modify the installation within 90 days of the receipt of a complete application. The SPGA may extend the ninety-day review period if poor weather conditions, such as snow or ice, make visiting the site difficult. If the site visit is delayed, then the SPGA shall schedule the site visit as soon as reasonably possible after the weather conditions have subsided. The SPGA may approve the site plan application only after making a determination that the proposed large scale solar photovoltaic installation complies with all sections of this zoning bylaw. The SPGA may impose reasonable conditions on its approval of the site plan to mitigate potential adverse impacts.
- (2) For large scale solar photovoltaic installations requiring a special permit, the SPGA shall review and act upon a proposed special permit application to construct or materially modify the installation in accordance with Article XI, Special Permits.

L. Operation and maintenance plan.

- (1) The applicant shall submit a plan for maintenance of access roads and stormwater controls, as well as general procedures for operational maintenance of the solar facility.
- (2) The operator of the large scale solar energy facility shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, required screening, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and emergency medical services. The project owner shall be responsible for the cost of maintaining the solar energy facility and any access road(s), and the cost of repairing any damage occurring as a result of operation and construction.

M. Modifications. All material modifications to a large scale solar energy facility made after issuance of the permit shall require approval by the SPGA as provided in this section.

Number: 1 Author: alber Subject: Sticky Note Date: 2/15/2023 1:47:38 PM

As there application is deficient in a number of areas including some big technical areas. IE missing three line electrical diagram, Documentation of major components, No details on batteries and how the will be kept cool. To name but a few. So it would be prudent to have a technical review done.

N. Abandonment and removal.

- (1) A large scale solar photovoltaic installation shall be deemed abandoned when the installation has not been in operation for a period of 12 months.
- (2) After 12 months of non-operation, the Building Inspector shall provide written notification to the owner/operator that such large scale solar photovoltaic installation is presumed to be abandoned. The owner/operator has 30 days to rebut the presumption of abandonment by submitting evidence that the large scale solar photovoltaic installation has been in operation during the relevant twelve-month period.
- (3) If the owner/operator does not respond within the thirty-day appeal period or does not submit evidence that, in the discretion of the Building Inspector, proves that the large scale solar photovoltaic installation has been in operation for the relevant twelve-month period, then the large scale solar photovoltaic installation shall be deemed abandoned. The Building Inspector shall provide written notification of abandonment to the owner/operator.
- (4) The owner/operator of the large scale solar photovoltaic installation shall remove the large scale solar photovoltaic installation and restore the site within 180 days of the date of the written notification of abandonment. If the owner/operator fails to remove the large scale solar photovoltaic installation within 180 days, the Town shall have the right, to the extent it is duly authorized by law, to enter onto the proposed site and physically remove the large scale solar photovoltaic installation and restore the site at the sole expense of the owner/operator.

O. Violations. It is unlawful for any person to construct, install, or operate a large scale solar energy system that is not in compliance with this section or with any condition contained in a permit issued pursuant to this section.

P. Lapse of approval. Any special permit or site plan approval shall automatically lapse if the large scale solar photovoltaic installation is not installed and functioning within two years or the large scale solar photovoltaic installation is abandoned.



Number: 1 Author: alber Subject: Sticky Note Date: 2/15/2023 1:28:30 PM

While not under the planning board how is the town going to get paid via a Pilot Agreement under the authority of M.G.L.c.59. 38H(b)?