

**2015-2016 Planning Board Warrant Articles & Goals:**

**Voted by Planning Board 010416**

**Article/Goal**

**Comments**

Road Acceptance for William Colleary Lane – Reservoir View Estates	All work completed – Need amendment to legal description and certified description. This was conveyed to the developer. Planning Board is holding \$9,732.70 as of 01/07/16. Need to hold 10% contingency (\$5,500) for 1 year following Town Meeting and release rest. Small encroached OS area has had blueberry bushes and leaf litter distributed since July 2015 and upon inspection on January 12, 2016 continues to be un-mowed. Board to send letter to BOS recommending acceptance
Open Space acceptance Killam Farm	Discussion of having another entity such as Preservation Trust hold the land. The Preservation Trust indicated that they would be willing to accept the Open Space. The Developer would like the OS to go to TM for acceptance and if not accepted then move forward with the Preservation Trust.
Green Communities/Solar Bylaw Amendment	Per the Green Communities need to identify 1 acre parcel. Letter mailed out to all property owners in Industrial and Industrial Park Districts and refined list as presented to the PB on 010616. Draft Solar Bylaw sent to Town Counsel for review and edits made. DPW was asked to make an overlay district map showing parcels that were identified and presented to the PB on 010616. A letter was sent out to the owners of those properties regarding a hearing on February 8, 2016. Sent to Building Inspector for review and comments.
Over 55	Remove non-profit requirement
Fox Hill Drive- Parkerville Heights	Planning was asked on Monday 1/4/16 to add this to the warrant. Needs to be inspected by F&O & legal review. Waiting for large size plans. DPW is okay with acceptance.
Pine Hill CR	Draft submitted to EOEATC suggests it is accepted at TM by Town although Conservation
Open SPACE	Board would like to pull this. Consider amending definitions and creating a table of OS %

**ARTICLE 32:** To see if the Town will vote to accept as a public way William Colleary Lane and all easements as described on a plan entitled "Roadway Acceptance of William Colleary Lane in Southborough, MA", prepared by Connorstone Consulting Civil Engineers and Land Surveyors, 10 Southwest Cutoff, Suite 7, Northborough, Massachusetts 01532, dated September 25, 2015 Kendall Homes, 269 West main Street, Northborough, MA. 01532. A copy of said plan is on file with the Board of Selectmen's office and the Town Clerk's office; or do or act anything in relation thereto.

**Proposed by: PLANNING BOARD**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article will allow the Town to accept William Colleary Lane as a public way; its construction and subsequent maintenance complies with the town's rules and regulations and as such may now be accepted as a permanent public way in the town.*

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**ARTICLE 33:** To see if the Town will vote to accept as a public way Foxhill Drive and all easements as described on a plan entitled "Street Acceptance Plan of Land of Foxhill Drive in Southborough, Massachusetts", prepared by Engineering Design Consultants, Inc. 32 Turnpike Road, Southborough, Massachusetts, dated November 2, 2015. A copy of said plan is on file with the Board of Selectmen's office and the Town Clerk's office, or do or act anything in relation thereto.

**Proposed by: PLANNING BOARD**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article will allow the Town to accept Foxhill Drive as a public way; its construction and subsequent maintenance complies with the town's rules and regulations and as such may now be accepted as a permanent public way in the town.*

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Article 34: To see if the Town will vote to accept an open space parcel, approximately 7.57+/- acres, as shown on a plan of land entitled "Definitive Flexible Subdivision Plan of Killam Farm Plan of Land in Southborough, Massachusetts by Sullivan, Connors & Associates Dated November 11, 1998, revised March 15, 1999 and recorded with the Worcester District Registry of Deeds in Plan Book 739, Plan 64 together with perpetual rights and easements in and over those portions of Lots 6 & 7 as shown on a plan of land entitled "A Plan of Land in Southborough, Massachusetts Owners: Albert E. & Helen O. Killam 43 Richards Road Southborough, MA 01772 and George F. Killam 62 Richards Road, Southborough, MA 01772 by Sullivan, Connors & Associates dated November 30, 1998, and recorded with the Worcester District Registry of Deeds in Plan Book 738, Plan 111 as a 12 foot wide right of way easement, or do or act anything in relation thereto.

Summary: Per both the Definitive Subdivision and Special Permit approvals dated February 23, 1999, this 7.57+/- acres of open space is to be deeded to the Town as permanent open space. The warrant article is the final step in Town acceptance and ownership of the open space.

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**ARTICLE 35:** To see if the Town will vote to amend Article III of the Zoning Code by adding thereto a new Section 174-13.7 entitled As-of-right Commercial Large Scale Ground Mounted Solar energy Systems, as follows:

Purpose and intent.

(1)

The purpose of this bylaw is to provide a permitting process and standards for the creation of new commercial solar energy systems by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations to address public safety and minimize impacts on residential neighborhoods and scenic, natural and historic resources.

(2)

The provisions set forth in this section shall apply to the construction, operation, repair and/or decommissioning of a commercial solar energy system that is structurally mounted on the ground and has a minimum nameplate capacity of 250 kW.

B.

Applicability.

(1)

Commercial large-scale ground-mounted solar energy systems with 250 kW or larger of rated nameplate capacity shall be erected or installed in compliance with the provisions of this section and other applicable sections of the Zoning Bylaw, as well as local, state and federal law and regulations. Such use shall not create a nuisance which is discernible from other properties by virtue of noise, vibration, smoke, dust, odors, heat, glare and radiation, unsightliness or other nuisances as determined by the special permit and site plan review granting authority. The site plan approval granting authority is the Planning Board.

(2)

Commercial large-scale ground-mounted solar energy systems with 250 kW or larger of rated nameplate capacity identified in the Industrial and Industrial Park Districts Overlay District shall undergo comprehensive site plan review by the Planning Board prior to construction, installation or modification as provided in this section.

(3)

This section also pertains to physical modifications that materially alter the type, configuration or size of these installations or related equipment throughout the useful life of the system or where alterations may impact abutters.

C.

Definitions.

**As-of-Right Siting:** As-of-Right Siting shall mean that a development project may proceed without the need for a Special Permit. As-of-Right solar installations under this section are subject to site plan review and regulated by the building commissioner.

**Building Commissioner:** Charged with the enforcement of the zoning bylaw.

**Building Permit:** A construction permit issued by the building commissioner; 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 commercial large scale ground mounted solar energy systems.

**Designated Location:** The location(s) designated by the Town of Southborough, in accordance with Massachusetts General Laws Chapter 40A, Section 5, where commercial large scale ground mounted solar energy systems may be sited as-of-right. Said location(s) are shown on a Zoning Map "Southborough Massachusetts Zoning Map" 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 Southborough Town Clerk.

D.

General requirements

(1)

Dimensional requirements. A commercial solar energy system shall comply with all requirements in the Schedule of Dimensional Regulations in Addendum No. 2 of the Zoning Code of the Town of Southborough.

(2)

Structures and panels. All structures and panels and all associated equipment and fencing, including the commercial solar energy system, shall be subject to all applicable bylaws and regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building.

(3)

Visual impact. The visual impact of the commercial solar energy system, including all accessory structures and appurtenances, shall be minimized. All accessory structures and appurtenances shall be architecturally compatible with each other. Structures shall be shielded from view and/or joined and clustered if practical to avoid adverse visual impacts as deemed necessary by and in the sole discretion of the Planning Board. Methods such as the use of landscaping, natural features and opaque fencing shall be utilized.

(4)

Compliance with laws, bylaws and regulations. The construction and operation of all commercial solar energy systems shall be consistent with all applicable local regulations and bylaws, as well as state and federal laws, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a commercial solar energy system shall be constructed in accordance with the State Building Code.

E.

Design standards.

(1)

Lighting. Lighting of the commercial solar energy system, including all accessory structures and appurtenances, shall not be permitted unless required by the Planning Board, special permit and site plan approval decision or required by the as may be determined by the Building Commissioner.

(2)

Signs and advertising.

(a)

Section 174-11, Entitled signs, of the Code of the Town of Southborough shall not apply to this section. Signage for commercial solar energy systems shall be limited in size as determined by the Planning Board.

(b)

Commercial solar energy systems shall not be used for displaying any advertising except for reasonable identification of the owner or operator of the commercial solar energy system and emergency contact information.

(3)

Utility connections. All utility connections from the commercial solar energy system shall be underground unless specifically permitted otherwise by a special permit and site plan approval decision. Electrical transformers, inverters, switchgear and metering equipment to enable utility interconnections may be aboveground if required by the utility provider.

(4)

Land clearing, soil erosion and habitat impacts. Clearing of natural vegetation and trees shall be limited to what is necessary for the construction, operation and maintenance of the commercial solar energy system or otherwise prescribed by applicable laws, regulations and bylaws or the special permit and site plan review decisions.

F.

Modifications. All substantive material modifications to the commercial solar energy system made after site plan approval shall require modification to the site plan approval decision.

G.

Abandonment and removal.

(1)

Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the commercial solar energy system shall be considered abandoned when it fails to operate at 50% capacity for more than one year without the written consent of the Planning Board. If the owner or operator of the commercial solar energy system 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 may enter the property and physically remove the installation.

(2)

Removal requirements. Any commercial solar energy system which has reached the end of its useful life or has been abandoned 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 Planning Board by First Class and Certified Mail, return receipt requested of the proposed date of discontinued operations and plans for removal.

H.

To the extent permissible by applicable law before issuance of any building permits for the commercial solar energy system, such construction and installation shall be secured in accordance with this bylaw and/or any regulations adopted pursuant to the commercial solar energy system for this purpose.

I.

Building permit and building inspection. No commercial solar energy system shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

J.

The Planning Board may promulgate rules and regulations to implement the purpose and intent of this bylaw.

K.

Permit continuances. The site plan approval decision shall be valid for a twelve-month period from the date of filing with the Town clerk unless renewed or extended by the Planning Board following an application made by the applicant.

L.

When acting on a site plan review of the application pursuant to this article, the Planning Board shall conduct its review, conduct a public hearing and file its decision with the Town Clerk..

M.

Approval criteria. In reviewing any application for a site plan pursuant to this article, the Planning Board shall give due consideration to promoting the public health, safety, convenience and welfare; shall encourage the most appropriate use of land and shall permit no structure or use that is injurious, noxious, offensive or detrimental to its neighborhood.

N. Any person aggrieved by the action of the Planning Board on a site plan approval application may appeal said action to the Zoning Board of Appeals as provided in Article VI of the Southborough Code.

Summary: This Bylaw was created to reasonable standards to facilitate development of As-of-Right Commercial large scale ground mounted solar energy systems in order to satisfy the Green Communities Act as-of-right zoning requirement.

**ARTICLE 37:** To see if the Town will vote to amend Article III of the Zoning Code entitled "Use Regulations" by specifically amending the following sections.

**§ 174-8.2. RA Residence A District.**

Subsection B(8) thereof by striking the words "owned by a public or a non-profit community housing organization" so that the subsection will now read, "multifamily housing for the elderly".

**§ 174-8.4. BV Business Village District.**

Subsection C(7) thereof by striking the words "owned by a public or a non-profit community housing organization" so that the subsection will now read, "multifamily housing for the elderly".

**§ 174-8.5. BH Highway Business District.**

Subsection C(9) thereof by striking the words "owned by a public or a non-profit community housing organization" so that the subsection will now read, "multifamily housing for the elderly".

**§ 174-8.6. IP Industrial Park District.**

Subsection C(5) thereof by striking the words "owned by a public or a non-profit community housing organization" so that the subsection will now read, "multifamily housing for the elderly".

**§ 174-8.7. ID Industrial District.**

Subsection C(5) thereof by striking the words "owned by a public or a non-profit community housing organization" so that the subsection will now read, "multifamily housing for the elderly".

**§ 174-8.8. SP Research, Scientific and Professional District.**

Subsection A(8) thereof by striking the words "owned by a public or a non-profit community housing organization" so that the subsection will now read, "multifamily housing for the elderly".

Summary: The current clause which limits ownership of a multifamily elderly housing to a "public or non-profit community housing organization" is an invalid exercise of the Town's zoning authority in that a town can regulate use but not ownership.

Article 39: To see if the Town will vote to accept a Conservation Restriction by and through its Conservation Commission for an open space parcel to be held in perpetuity for conservation purposes consisting of approximately 26.59+/- acres on certain parcels of land located in the Town of Southborough, as shown on a Definitive Subdivision of a Flexible Development Plan of land entitled "The Meadows at Pinehill Plan of Land in Southborough, Massachusetts" (name changed to Pine Hill Estates) dated September 28, 1998 with revisions through March 15, 1999 by Connorstone Consulting Civil Engineers and Land Surveyors 276 West Main Street, Northborough, Massachusetts 01532 and recorded with the Worcester District Registry of Deeds in Plan Book. Grantor's title, see deed from Robert A. Lebewohl and Alice Lebewohl to Grantor dated December 31, 1999 and recorded with the Worcester District Registry of Deeds in Book 22202, Page 164.

Summary: Acceptance of a Conservation Restriction for open space consisting of approximately 26.59+/- acres to be held in perpetuity for conservation purposes.

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