

# PEABODY PLANNING BOARD

## LEGAL NOTICE NOTICE OF PUBLIC HEARING

Notice is hereby given that the **PLANNING BOARD of the CITY OF PEABODY** will conduct a public hearing on **THURSDAY EVENING, AUGUST 20, 2015**, at 7:30 P.M., in the in the Lower Level Conference Room, City Hall, 24 Lowell Street, Peabody, MA in accordance with the provisions of Chapter 40A, Section 5 of the Massachusetts General Laws **TO CONSIDER AMENDING THE ZONING ORDINANCE OF THE CITY OF PEABODY** as follows:

**SECTION ONE:** That the Zoning Ordinance of the City of Peabody entitled, City of Peabody Zoning Ordinance Adopted April 28, 2011 and Amended through May 22, 2014 is hereby further amended as follows:

By amending the Section 2 entitled Definitions; Section 3 entitled Establishment of Zoning Districts and 7.11 entitled Wind Powered and Solar Powered Structures as follows:

**Section 2 Definitions: By adding the following definitions:**

GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION  
OFF GRID SYSTEM  
RATED NAMEPLATE CAPACITY  
SPECIAL PERMIT SITING

**Section 3 Establishment of Zoning Districts: By adding the following:**

Section 3.1 Classes of Districts: GMSPOD – Ground Mounted Solar Photovoltaic Overlay District

By adding a new section 3.2.15: Ground Mounted Solar Photovoltaic Overlay District: A Ground Mounted Solar Photovoltaic Overlay District is established, and shall be considered as superimposed over all other districts established by this Zoning Ordinance pursuant to Section 3, and is shown as an overlay on the Official Zoning Map established pursuant to Section 3.3, Zoning Map.

**Section 7.11 Ground Mounted Solar Photovoltaic Overlay District**

COPIES OF THE ENTIRE TEXT OF THE PROPOSED AMENDMENT TO SAID SECTIONS 2, 3 & 7.11 ARE AVAILABLE FOR PUBLIC INSPECTION AT THE CITY CLERK'S OFFICE AND COMMUNITY DEVELOPMENT DEPARTMENT, 24 LOWELL STREET, PEABODY, MA DURING NORMAL BUSINESS HOURS AND POSTED ON THE CITY OF PEABODY WEB SITE AT [WWW.PEABODY-MA.GOV](http://WWW.PEABODY-MA.GOV).



# PEABODY CITY COUNCIL

## Ward Councillors

Barry P. Osborne, Ward 1  
Peter M. McGinn, Ward 2  
James Moutsoulas, Ward 3  
Robert E. Driscoll, Ward 4  
Joel D. Saslaw, Ward 5  
Barry C. Sinewitz, Ward 6

## Councillors at Large

Michael V. Garabedian  
Thomas L. Gould  
David C. Gravel  
Anne M. Manning-Martin  
Thomas P. Walsh

## Clerk of Council

Timothy E. Spanos

## City Council

### Stenographer

Allyson Danforth, RPR

City Hall  
24 Lowell Street

978-538-5900  
FAX (978) 538-5985

Notice is hereby given that the **CITY COUNCIL of the CITY OF PEABODY** will conduct a public hearing on **THURSDAY EVENING, AUGUST 27, 2015**, at 7:30 P.M., in the in the Frank L. Wiggin Auditorium, City Hall, 24 Lowell Street, Peabody, MA in accordance with the provisions of Chapter 40A, Section 5 of the Massachusetts General Laws **TO CONSIDER AMENDING THE ZONING ORDINANCE OF THE CITY OF PEABODY** as follows:

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### **Section 7.11 Ground Mounted Solar Photovoltaic Overlay District**

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**SECTION TWO:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION THREE:** This ordinance shall take effect as provided by law.

PEABODY CITY COUNCIL  
COUNCILLOR THOMAS P. WALSH  
CITY COUNCIL PRESIDENT

Timothy E. Spanos  
City Clerk

PUBLISHED  
WEEKLY NEWS – AUGUST 6<sup>TH</sup> AND 13<sup>TH</sup>, 2015

City Hall  
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## **7.11 Ground Mounted Solar Photovoltaic Overlay District**

### **A. Purpose.**

(1) This section promotes 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 for providing adequate financial assurance for the eventual decommissioning of such installations.

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

### **B. Applicability.**

(1) This section applies to large-scale (650 kW-DC or greater), 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.

### **C. District established.**

(1) A Ground-Mounted Solar Photovoltaic Overlay District (GMSPOD) is hereby established, and shall be considered as superimposed over all other districts established by this Zoning Ordinance pursuant to §3, and is shown as an overlay on the Official Zoning Map established pursuant to §3.3, Zoning Map

### **D. Definitions.**

(1) These definitions shall apply to §2 exclusively:

#### **SPECIAL PERMIT SITING**

The ground-mounted solar photovoltaic installation may proceed by a special permit consistent with the obligations set forth in GL c40A, §9 and §6.1 through 6.2.1 of the Zoning Ordinance.

#### **GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION**

A large-scale solar photovoltaic (PV) system that is structurally mounted on the ground, not roof-mounted, and has a nameplate capacity of at approximately 650 kW-DC or greater.

## **OFF-GRID SYSTEM**

A solar photovoltaic installation where all energy generated on the installation site is consumed on that site and does not send any energy into the electrical grid for distribution.

## **RATED NAMEPLATE CAPACITY**

The maximum rated output of electric power production of the photovoltaic system in direct current (DC) is 650kW or greater.

### **E. Application and review.**

(1) Ground-mounted, large-scale solar photovoltaic installations with 650 kW-DC or larger of rated nameplate capacity shall undergo site plan review pursuant to §12 (Site Plan Review), prior to construction, installation or modification as provided in this section. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts. Deference is to be afforded to the use herein subject to reasonable regulation per GL c 40A, §3 and §9B “Solar Access.”

(2) Required documents. In addition to the requirements of §12, Contents of site plan, the project proponent shall provide the following documents:

(a) A site plan showing:

- [1] Property lines and physical features, including roads, for the project site;
- [2] Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- [3] 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;
- [4] 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;
- [5] Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- [6] Name, address, and contact information for proposed system installer;
- [7] Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- [8] 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 Subsection **G** below.), specifically including but not limited to all licenses and sublicenses, and any payment in lieu of taxes agreements;
- (c) An operation and maintenance plan (See also Subsection **H** below.);
- (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) Description of financial surety that satisfies Subsection **N(3)** below.

#### **F. 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.

#### **G. Operation and maintenance plan.**

The project proponent shall submit a plan for the operation and maintenance of the ground-mounted solar photovoltaic installation, which shall include specific measures for maintaining safe access to the installation, a stormwater management plan, and general procedures for and frequency of operational maintenance of the installation.

#### **H. Utility notification.**

No ground-mounted solar photovoltaic installation shall receive a building permit until an executed interconnect agreement with Peabody Municipal Light Plant has been submitted to the Building Commissioner. Off-grid systems are exempt from this requirement. Nothing in this Zoning Ordinance shall be construed as permitting the sale of output of such facilities to anyone other than the Peabody Municipal Light Plant.

#### **I. Dimensional requirements.**

Ground-mounted solar photovoltaic installations are subject to the front, side and rear yard setbacks as set forth in the underlying zoning district(s).

#### **J. Design standards.**

- (1) Lighting. Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as accessory structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.

(2) Signage. Signs on large-scale, ground-mounted solar photovoltaic installations shall comply with §11, Signs. A sign shall be required to identify the owner and provide a twenty-four-hour emergency contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising.

(3) Accessory structures. All structures accessory to 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. To avoid adverse visual impacts, all such accessory structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other, multiple accessory structures shall be clustered to the greatest extent feasible and views of such structures to residential properties and roadways shall be screened with landscaping.

#### **K. Utility connections.**

Reasonable efforts, as determined by site plan review, 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 Peabody Municipal Light Plant. Electrical transformers for utility interconnections may be above ground if required by the Peabody Municipal Light Plant

#### **L. Safety and environmental standards.**

(1) Emergency services. The large-scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the 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.

(2) 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. Monitoring and maintenance.**

(1) 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 site plan

review. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation.

(2) Modifications. All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require site plan review approval. of the required building permit shall require site plan review approval.

#### **N. Abandonment or decommissioning.**

(1) Removal requirements. Any large-scale, ground-mounted solar photovoltaic installation which has been decommissioned or abandoned consistent with 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 Building Commissioner by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all large-scale, ground-mounted solar photovoltaic 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 Building Commissioner 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 photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board or fails to operate as provided for in a power purchase agreement with the Peabody Municipal Light Plant. 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 180 days of abandonment or the proposed date of decommissioning, the City may enter the property and physically remove the installation, unless otherwise provided pursuant to a power purchase agreement with the Peabody Municipal Light Plant.

(3) Financial surety. Proponents of large-scale, ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account or bond to cover the cost of removal and disposal in the event the City must remove the installation and remediate the landscape, in an amount and in a form acceptable to the City Attorney 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 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 pro rating removal costs as they may be affected by inflation or changes to disposal regulations. This provision shall not apply to projects pursuant to which 100 percent of the output is purchased by the Peabody Municipal Light Plant.