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**WILBRAHAM PLANNING BOARD
PUBLIC HEARING**

In accordance with M.G.L. Chapter 40A, Section 5, the Wilbraham Planning Board will hold a Public Hearing by remote participation on Wednesday, April 14, 2021 at 6:30 PM to give interested parties the opportunity to comment on the following proposed amendments to the Wilbraham Zoning By-Law sponsored by the Planning Board:

1. Parking or Storage Restrictions for Trucks and Buses in Residential Districts: By revising existing sections 1.3 and 4.5.2;
2. Nanobrewery Use Regulations: By revising existing sections 1.3 and 3.4.5; and
3. Large-Scale Ground-Mounted Solar Energy System Regulations: By deleting existing Section 10.7 and substituting therefor a new and partially revised Section 10.7.

The complete text of the proposed amendments is on file in the Town Clerk's Office and the Planning Office and is available for public viewing on the Planning Board page of the Town of Wilbraham website at www.wilbraham-ma.gov/123/Planning-Board.

While in-person attendance is not possible due to the ongoing COVID-19 public health emergency, all persons interested or wishing to be heard on this matter may access this public hearing by remote participation using GoToMeeting video conferencing technology from your computer, tablet or smartphone by visiting <https://global.gotomeeting.com/join/617720933> or from your phone by dialing 1 866 899 4679 and entering Access Code: 617-720-933 or by following the instructions on the meeting agenda that will be posted on the town website on or about April 9, 2021.

Jeffrey Smith
Chairman

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Proposed Amendments to the Wilbraham Zoning By-Law
Public Hearing - April 14, 2021

1. PARKING OR STORAGE RESTRICTIONS FOR TRUCKS AND BUSES IN RESIDENTIAL DISTRICTS (SECTIONS 1.3 & 4.5.2)

To amend the Wilbraham Zoning By-Law in the following manner:

A. Amending Section 1.3 (Definitions) by inserting in proper alphabetical order a new definition for "Gross Vehicle Weight Rating" to read as follows:

Gross Vehicle Weight Rating (GVWR) is the maximum operating weight/mass of a vehicle as specified by the manufacturer which typically includes the vehicle's chassis, body, engine, engine fluids, fuel, accessories, driver, passengers and cargo but excludes that of any trailers.

B. Amending Sections 4.5.2(A) and 4.5.2(B) by deleting the existing word "pick-up" and substituting therefor the word "pickup"; and

C. Amending Sections 4.5.2(A)(1) and 4.5.2(B)(1) by deleting the existing words "gross vehicle weight (manufacturer's rating) of 10,500 pounds or less" and substituting therefor the following words "gross vehicle weight rating (GVWR) of 11,500 pounds or less".

Note: A marked-up version of amended Section 4.5.2 is shown in Exhibit 1 on page 23.

2. NANOBREWERY REGULATIONS (SECTIONS 1.3 & 3.4.5)

To amend the Wilbraham Zoning By-Law in the following manner:

A. Amending Section 1.3 (Definitions) by inserting in proper alphabetical order a new definition for “Nanobrewery” to read as follows:

Nanobrewery. A facility licensed under the relevant state and federal statutes where up to a maximum of six thousand (6,000) barrels [a barrel being equivalent to 31 gallons] of specialty beer, malt liquor or ale is produced annually and prepared for sale on premises and/or for sale off-premises through wholesale distribution. A nanobrewery is considered to be a scaled-down version of a microbrewery that produces beverages in very small batches.

B. Amending Section 3.4.5 (Principal Uses: Business) listed in Table One: The Schedule of Use Regulations by inserting a new section 3.4.5.31 to read as follows:

TABLE ONE: SCHEDULE OF USE REGULATIONS												
BY-LAW NUMBER	LAND USE CLASSIFICATION WITH APPLICABLE STANDARDS & CONDITIONS	ZONING DISTRICT										
		R15	R26	R34	R40	R60	RMD	NO	NS	ACF	GB	IPG
3.4.5.31	<p>Nanobrewery</p> <p>With approval from the special permit granting authority and subject to state and local licenses if required, a nanobrewery may include the following uses: a tap room where beverages produced on the premises may be sold for consumption; a restaurant and/or food service establishment; food truck service; outdoor dining; live music and entertainment; and catering services for off-premises events.</p>	N	N	N	N	N	N	ZBA	ZBA	N	ZBA	ZBA

*Note: N = use is prohibited;
ZBA = use is allowed by special permit from the Zoning Board of Appeals.*

3. LARGE-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEMS (SECTION 10.7)

To amend the Wilbraham Zoning By-Law in the following manner:

Amending Section 10.7 by deleting existing Section 10.7 in its entirety and substituting therefor a new and partially revised Section 10.7 to read as follows:

10.7 LARGE-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEMS

10.7.1 Purpose

The purpose of this section of the Zoning By-Law is to facilitate and appropriately regulate the responsible development of Large-Scale Ground-Mounted Solar Energy Systems in the Town of Wilbraham by providing minimum standards for the placement, design, construction, operation, monitoring, modification and removal of such systems that support the goal of the Commonwealth of Massachusetts to generate clean energy and reduce carbon emissions while also addressing the responsibility of the Town of Wilbraham to protect public health and safety, protect and preserve the scenic, natural and historic resources of Wilbraham, minimize undesirable impacts on abutting residential property and neighborhoods, and provide adequate financial assurance for the eventual decommissioning of such systems.

10.7.2 Applicability

The provisions set forth in this section 10.7 shall apply to Large-Scale Ground-Mounted Solar Energy Systems including associated equipment and structures as defined in section 1.3 as follows:

- A.** The requirements of this section shall apply both to the construction and operation of new Large-Scale Ground-Mounted Solar Energy Systems and to subsequent physical modifications that materially alter the type, configuration or size of existing Large-Scale Ground-Mounted Solar Energy Systems or related equipment throughout the useful life of the system or where alterations may impact abutters.
- B.** The requirements of this section shall apply to a Large-Scale Ground-Mounted Solar Energy System regardless of whether it is the primary use of property or an accessory use.

- C. Large-Scale Ground-Mounted Solar Energy Systems may only be constructed or materially modified after the issuance of site plan approval or a special permit from the Planning Board, in accordance section 3.4.3.7
- D. Municipal Large-Scale Ground-Mounted Solar Energy Systems owned, operated by, or developed for and on behalf of the Town of Wilbraham are allowed as-of-right in all zoning districts with site plan approval from the Planning Board.
- E. Ground-Mounted Solar Energy Systems with a footprint size less than 10,000 square feet in area that are an accessory structure to an existing use do not need to comply with this section but shall require a building permit and must comply with section 3.9.1.3 of the Wilbraham Zoning By-Law as applicable.

10.7.3 General Requirements

- A. **Compliance with Laws, Bylaws and Regulations.** The construction, maintenance, operation, modification and removal of the Large-Scale Ground-Mounted Solar Energy System shall comply with the provisions of this section 10.7 as well as all other applicable local, state, and federal requirements including, but not limited to, all applicable safety, construction, electrical and communications requirements to insure that such use will not create a negative impact which is discernable from other properties by virtue of noise, unsightliness or other nuisance as determined by the Planning Board.
- B. **Building Permit and Inspection.** No Large-Scale Ground-Mounted Solar Energy System shall be constructed, installed or modified, as provided in this section, without first obtaining a building permit.

10.7.4 Site Control

The applicant, if not the record property owner of the proposed site, shall provide documentation to demonstrate legal access to and control over the proposed site sufficient to allow for the construction and operation of the proposed Large-Scale Ground-Mounted Solar Energy System. If the applicant will be leasing the proposed site, then the property owner of the site shall be required to sign the application as a co-applicant, to submit written consent to be a co-holder of the special permit if granted by the Planning Board, and to allow the Town of Wilbraham and its designees, representatives, and agents, the right to access the Property to inspect the premises, to evaluate

and enforce, if required, compliance with the terms of the Special Permit including the purpose of decommissioning the project in accordance with the provisions of this section.

10.7.5 Filing Requirements

Applicants seeking to construct or modify a Large-Scale Ground-Mounted Solar Energy System shall submit the appropriate application form with the following information to the Planning Board. All plans and maps to be submitted must be drawn at appropriate scales and shall be prepared, stamped and signed by a professional civil engineer or registered land surveyor licensed to practice in the Commonwealth of Massachusetts. The Planning Board may, in its discretion, waive any of the filing requirements as it deems appropriate.

- A. Fees.** The application for a Large-Scale Ground-Mounted Solar Energy System must be accompanied by the required fee.
- B. Contact Information** – Provide the name, address, phone number, email address and signature of the applicant and the property owner as well as the contact information for the proposed system installer, system operator and any authorized agents representing the applicant.
- C. Site Identification** – Provide the address and the map, lot and block number of the proposed site.
- D. Site Control** - The applicant shall provide documentation to demonstrate site control per section 10.7.4 if applicable.
- E. Utility Notification** - The applicant shall provide evidence at the time of application that the utility company operating the electric grid where the Large-Scale Ground-Mounted Solar Energy System will be located has been notified of the applicant’s intent to construct the Large-Scale Ground-Mounted Solar Energy System and that written approval to connect to the grid has been granted or appropriate application has been made to the utility for interconnection and the utility company has responded in writing to the notice. Off-grid installations are exempt from this requirement.
- F. Site Plans** – Provide site plans showing the following:
 - (1)** Information listed under Site Plan Requirements in Section 13.3 of the Zoning By-Law including existing and proposed property lines, abutter names, physical features, topography, roads, buildings and structures, etc.

- (2) Proposed changes to the landscape of the site, including grading, vegetation clearing and landscape planting, exterior lighting, stormwater design, screening vegetation or structures, and new structures.
- (3) Detailed layout of the proposed Large-Scale Ground-Mounted Solar Energy System, including but not limited to, photovoltaic panel mounts, foundations, appurtenant equipment and fencing.
- (4) Detailed layout of the electric infrastructure to connect the Large-Scale Ground-Mounted Solar Energy System to the electric grid or net metering equipment.
- (5) Delineation of all wetland resources and associated buffer areas.
- (6) Locations of Priority Habitat Areas of rare, threatened or endangered species as defined by the Massachusetts Natural Heritage and Endangered Species Program.
- (7) 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 applicable state and federal stormwater regulations and the Wilbraham Stormwater Management Bylaw.

G. Technical Information – Provide the following information:

- (1) Blueprints or drawings of the Large-Scale Ground-Mounted Solar Energy System signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the installation and the estimated solar power generation capacity indicated as wattage in both direct current (MW DC) and alternating current (MW AC).
- (2) One or three line electrical diagram detailing the solar photovoltaic installation, appurtenant equipment and electrical interconnection methods with all Massachusetts and National Electric Code compliant devices.
- (3) Documentation of the major Large-Scale Ground-Mounted Solar Energy System components to be used, including but not limited to photovoltaic panels,

panel mounting system, inverter and DC battery storage equipment.

- (4) Documentation of any potential offsite impacts on the existing electric utility infrastructure including new utility poles, new transformers and upgraded service lines.

- H. Stormwater Management Report.** Provide a Stormwater Management Report which shall contain sufficient information for the Wilbraham Department of Public Works, acting as the Stormwater Permitting Authority, to evaluate the environmental impact that the Large-Scale Ground-Mounted Solar Energy System will have on the patterns and rate of stormwater runoff as well as the effectiveness of the measures proposed for controlling and reducing the adverse effects from stormwater runoff on the parcel site.
- I. Visual Impact Assessment.** Provide a Visual Impact Assessment study of the Large-Scale Ground-Mounted Solar Energy System which shall describe the visible components of the proposed project, evaluate the potential visibility of the project within the defined study area, identify key views for visual assessment, assess the potential project visibility, illustrate the appearance of the proposed project, and identify potential mitigation measures to minimize visibility to abutters. The Visual Impact Assessment shall produce a map showing all areas within a one-mile radius of the proposed installation where the Large-Scale Ground-Mounted Solar Energy System can be seen and where it cannot be seen. The potential project visibility shall be determined using methods like viewshed analysis, field verification and visual simulation. With input from the Planning Director, the applicant shall utilize additional tools to assess the visual impacts in critical areas of concern such as renderings, line-of-sight studies and two or three dimensional visualizations such as photomontage, video montage, animation produced through Spatial Information Systems (SIS) and Geographic Information Systems (GIS).
- J. Operation & Maintenance Plan.** Provide a plan for the operation and maintenance of the Large-Scale Ground-Mounted Solar Energy System which shall include measures for maintaining safe year-round access to the installation, proper security, vegetation and stormwater management, and general procedures for operations and maintenance of the system including battery storage if applicable.

K. Liability Insurance. Provide proof of liability insurance as provided for in section 10.7.7(M).

10.7.6 Dimensional and Density Requirements

A. Lot Size. The minimum lot size for Large-Scale Ground-Mounted Solar Energy Systems shall be five (5) acres.

B. Lot Frontage. The minimum lot frontage for Large-Scale Ground-Mounted Solar Energy Systems shall be two hundred (200) feet.

C. Setbacks. Large-Scale Ground-Mounted Solar Energy Systems shall maintain a minimum setback distance measured from the respective property lot line to the perimeter fence enclosing the solar array as follows:

1. The front yard setback distance shall be at least 150 feet;
2. The side yard setback distance shall be at least 100 feet;
3. The rear yard setback distance shall be at least 100 feet; and
4. Where the side yard or rear yard abuts an existing residence the setback distance shall be a minimum of 200 feet.

The Planning Board may authorize a reduction to the above-listed setback distances along a property line where, in the judgement of the Planning Board, the site of a proposed Large-Scale Ground-Mounted Solar Energy System is not likely to negatively impact an existing or permitted use on the abutting property because (1) the site is not located in a residential zoning district nor abutting a residential zoning district or residential use or (2) the site is located in a residential zoning district abutting railroad tracks, utility transmission lines, the Massachusetts Turnpike or other land use patterns that will result in minimal visual intrusion on surrounding residential property as evidenced by the visual impact assessment required in section 10.7.5(l).

The Planning Board may require a greater setback distance along a property line where in its judgement the proposed Large-Scale Ground-Mounted Solar Energy System is likely to negatively affect an existing or permitted land use on the abutting property as evidenced by the visual impact assessment required in section 10.7.5(l).

D. Vegetative Buffer Strip. The Large-Scale Ground-Mounted Solar Energy System shall be screened from the view of all abutting properties zoned for residential use by an undisturbed buffer strip of natural vegetation which shall be located along the outer perimeter of the parcel and which shall be a minimum of fifty (50) feet wide extending into the required front, side or rear yard measured from the property boundary.

If existing natural vegetation is not of sufficient density to provide an effective year-round visual barrier, the Planning Board may require the applicant to plant additional landscaping within the buffer strip to better screen the use from abutting property as further described in Section 10.7.7(B).

E. Height. The height of the solar panels in a Large-Scale Ground-Mounted Solar Energy System shall not exceed twelve (12) feet in height above finished grade.

F. Lot Coverage. The maximum lot coverage for Large-Scale Ground-Mounted Solar Energy Systems shall be twenty-five percent (25%) when located in residential zoning districts and fifty percent (50%) when located in commercial or industrial (non-residential) zoning districts. For the purpose of this section, lot coverage shall be measured as the total aggregate area of land covered by buildings, structures, associated equipment including solar panels and all land contained within the perimeter security fence and calculated as a percentage of the total area of the lot.

G. Appurtenant Structures. All appurtenant structures to Large-Scale Ground-Mounted Solar Energy Systems, including but not limited to, equipment shelters, DC battery storage facilities, transformers and substations, shall be architecturally compatible with each other and subject to reasonable regulation by the Planning Board concerning the bulk and height of such structures, setbacks, parking and building coverage requirements. Whenever reasonable, structures shall be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts on the neighborhood, abutting properties and public ways.

10.7.7 Design Requirements & Performance Standards

A. Lighting – Outdoor lighting shall be limited to night-time maintenance and inspections by authorized personnel and there shall be no illumination without authorized personnel

on the site. Where feasible, lighting shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution and shall be shielded, if necessary, so as not to be intrusive to abutting properties.

B. Project Visibility

Large-Scale Ground-Mounted Solar Energy Systems shall be designed to minimize and mitigate adverse visual impacts from the view of adjacent roadways and abutting residential properties to the maximum extent that is reasonable and practical. The Planning Board may deny a special permit for any proposal that fails to adequately address adverse visual impacts in a manner deemed necessary by and in the sole opinion of the Planning Board.

1. Visual Impact Assessment

A Visual Impact Assessment shall be submitted for review per section 10.7.5(I) and taken into account when evaluating the design of the Large-Scale Ground-Mounted Solar Energy System.

2. Screening

Large-Scale Ground-Mounted Solar Energy Systems shall be sited and designed in a manner that effectively screens the solar array and appurtenant structures from the year-round view of adjacent roadways and abutting residential properties to the maximum extent that is reasonable and practical including but not limited to: preserving natural vegetation to the maximum extent possible; blending in equipment with the surroundings; and installing additional plant landscaping, opaque fencing, earthen berms and land contouring in the vegetative buffer strip as well as the portion of the setback area located outside the buffer strip if required to provide an effective visual barrier.

The Large-Scale Ground-Mounted Solar Energy System shall be screened from the view of all abutting properties zoned for residential use by an undisturbed buffer strip of natural vegetation which shall be a minimum of fifty (50) feet wide as provided for in Section 10.7.6(D). Except for road access and permitted signs, the vegetated buffer strip shall be modified only for additional screening. Where the existing natural vegetation in the buffer strip is insufficient to provide an effective year-round visual barrier, additional screening as described herein shall be provided in the

buffer strip and in the portion of the setback area outside the buffer strip if needed due to site specific conditions.

If additional plantings are required for screening, a planting plan shall be submitted showing the types, sizes and locations of material to be used which shall be subject to the approval of the Planning Board. Trees and shrubs shall be a minimum of six (6) feet in height at planting and staggered to better screen the solar arrays from view. Plants shall be maintained and replaced if unhealthy by the owner or operator of the Large-Scale Ground-Mounted Solar Energy System for the life of the installation.

Tree cutting and the clearing of vegetation outside the vegetative buffer strip but within the required setback area shall not be permitted if it would reduce to any degree the effectiveness of the year-round screening.

The Planning Board may alter or waive the screening requirements if the Board determines that the strict adherence to such requirements would prove ineffective or unnecessary or serve no meaningful purpose for the site.

- C. Environmental Impacts.** Large-Scale Ground-Mounted Solar Energy Systems shall be integrated into the existing terrain and surrounding landscape by minimizing use of and impact to wetlands, steep slopes and hilltops; protecting visual amenities and scenic views; minimizing tree, vegetation, and soil removal; and minimizing grade changes.

1. Vegetation Clearing.

The clearing of naturally occurring vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the Large-Scale Ground-Mounted Solar Energy System. Any land disturbance shall be subject to stormwater management criteria and all applicable laws, regulations and bylaws.

Undeveloped land on the lot that is located outside of the approved vegetation clearing area and/or beyond the approved limit of work line shall remain in its natural state without alteration without further approval from the Planning Board or until such time as the Large-Scale Ground-Mounted Solar Energy System is decommissioned. Limitations as to cutting trees, removing vegetation, land clearing and prevention of soil erosion may be included as conditions in the Special Permit.

2. Excessive Slope.

Large-Scale Ground-Mounted Solar Energy Systems, including access driveways and associated drainage infrastructure, shall not be located on slopes with an original grade in excess of 10% (measured over 100-foot intervals). Cutting and filling to reduce natural slopes shall be prohibited except on short hollows, depressions or high spots.

3. Rare and Endangered Species.

The Applicant shall provide evidence of compliance with the Massachusetts Endangered Species Act and the requirements of the Commonwealth of Massachusetts Natural Heritage and Endangered Species program

4. Habitat Fragmentation.

All Large-Scale Ground-Mounted Solar Energy Systems 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. The Large-Scale Ground-Mounted Solar Energy System shall be designed to minimize impacts to agricultural and environmentally sensitive land and to be compatible with continued agricultural use of the land whenever possible.

- D. Signage.** A sign shall be erected at the gated entrance to identify the owner or manager and provide a 24-hour emergency contact phone number. All signage shall comply with section 12 of the Wilbraham Zoning By-Law.
- E. Noise.** Noise generated by Large-Scale Ground-Mounted Solar Energy Systems and associated equipment and machinery shall conform, at a minimum, to applicable state and local noise regulations, including the Massachusetts Department of Environmental Protection Division of Air Quality noise regulations, 310 CMR 7.10 and the Planning Board may require additional screening or shielding of inverters and other equipment if after operation the Planning Board determines that the operating noise level is detectable beyond the property line and deemed to be excessive.
- F. Offsite Glare.** Large-Scale Ground-Mounted Solar Energy Systems shall be designed to prevent concentrated solar radiation or reflected glare from becoming a public nuisance or hazard to nearby buildings, roadways or properties.

- G. Utility Connections.** All utility connections from the Large-Scale Ground-Mounted Solar Energy System shall be underground unless the Planning Board determines that soil conditions, topography and other site factors make such connection unreasonable or unfeasible or the utility provider determines such connection to be unsafe or impractical. Electrical transformers and other components for utility interconnections may be above ground if required by the utility provider.

No Large-Scale Ground-Mounted Solar Energy System shall be constructed nor building permit issued until evidence has been provided that the utility company operating the electric grid where the Large-Scale Ground-Mounted Solar Energy System will be located has granted written approval to connect to the grid.

- H. Stormwater management.** Best Management Practices (BMP) shall be used for controlling and managing stormwater run-off and drainage from the Large-Scale Ground-Mounted Solar Energy System in compliance with all applicable federal, state and local regulations.

Environmentally sensitive site design incorporating Low Impact Development (LID) techniques, as appropriate, for stormwater management may include minimizing impervious surfaces, maximizing on-site infiltration, fitting the development to the terrain, preserving and using natural drainage systems and reproducing pre-development hydrologic conditions with the understanding that the actual BMP techniques employed will depend largely on the site's hydrological features.

All pipes, catch basins and other materials utilized in the stormwater facilities shall be approved by the Director of Public Works.

Construction phasing may be required as a means of mitigating erosion and sedimentation.

- I. Fencing & Security.** Large-Scale Ground-Mounted Solar Energy Systems shall be constructed to prevent unauthorized persons from accessing the Large-Scale Ground-Mounted Solar Energy System.

The solar array and ancillary equipment shall be enclosed by perimeter fencing. Unless specified otherwise by the Planning Board, the perimeter fence shall be an eight-foot tall vinyl-coated chain link fence colored dark green or black and designed with a texture pattern or fabric screen,

if deemed necessary, to blend into the background and minimize the visual impact on nearby properties and abutting roadways and shall be installed with a bottom gap of no less than six (6) inches) between the ground and the bottom of the fence to minimize impacts on wildlife movement.

Measures to address safety and security issues shall be subject to the approval of the Planning Board, Fire Department and Police Department. Surveillance and security cameras if installed shall be placed or shielded from view so as not to invade the privacy of abutting residential property.

- J. Emergency Access.** Large-Scale Ground-Mounted Solar Energy Systems and access roads shall be constructed and maintained to allow for safe year-round access by local emergency vehicles. Access roads shall be planned and constructed in consultation with the Department of Public Works to provide proper stormwater drainage control and to minimize grading, removal of stone walls or street trees and adverse impacts to environmental or historic resources. The operator shall be responsible for maintaining adequate access for emergency vehicles and maintenance equipment throughout the year.
- K. Emergency Response Plan.** The owner or operator of the Large-Scale Ground-Mounted Solar Energy System shall cooperate with local public safety officials to develop an emergency response plan including emergency contact information. The emergency response plan shall be submitted to and approved by the Fire Chief prior to the start of operations and periodically updated as needed.
- L. Hazardous Materials.** Hazardous materials stored, used, or generated onsite shall not exceed the amount for a very small quantity generator of hazardous waste as defined by the Massachusetts Department of Environmental Protection regulations promulgated at 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 any hazardous materials, including, but not limited to, lithium ion (storage batteries) are used within the solar electric equipment, then impervious containment areas capable of controlling and containing any release of hazardous materials to the environment and to prevent potential contamination of groundwater are required. A list of any

hazardous materials proposed to be located on the site in excess of normal household quantities and a plan to prevent their release to the environment shall be provided to the Planning Board and Fire Department.

- M. Proof of Liability Insurance.** At the time of application for a building permit, the applicant shall provide to the Building Commissioner evidence of insurance coverage sufficient to build and operate the Large-Scale Ground-Mounted Solar Energy System.

10.7.8 Technical Review

Upon receipt of an application for a Large-Scale Ground-Mounted Solar Energy System, the Planning Board may engage professional and technical consultants, at the applicant's expense, pursuant to M.G.L. Chapter 44 § 53G and its Home Rule Authority to assist the Planning Board with its review of application materials. The Planning Board may direct the applicant to deposit funds with the Planning Board 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 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.

10.7.9 Procedures and Approval Criteria

The Planning Board shall review and act upon a proposed application to construct or materially modify a Large-Scale Ground-Mounted Solar Energy System in accordance with section 13.5 for site plan approval or in accordance with section 13.6 for special permits, as applicable.

10.7.9.1 Site Plan Approval Criteria:

The Planning Board in granting site plan approval shall take into consideration the reasonable fulfillment of the following objectives:

- A.** Conformance with the applicable provisions of section 13.5 and this section 10.7 of the Zoning By-Law;
- B.** Protection of Town resources and abutting properties by minimizing any undue disturbance from noise, traffic, lighting, hazardous materials, signage, glare or stormwater runoff. The Planning Board may request a study if any of

these disturbances appear to pose a particularly significant risk.

10.7.9.2 Special Permit Criteria:

The Planning Board, acting as the Special Permit Granting Authority, must make all of the following findings in order to grant Special Permit approval:

- A.** Conformance with the applicable provisions of section 13.6 and this section 10.7 of the Zoning By-Law;
- B.** The proposed use is appropriate on the site in question and provides adequate screening and buffers between the property lines and the solar array to protect adjoining premises from adverse visual impacts.
- C.** The proposed use will not be unduly detrimental to the health, safety or welfare of the community or abutting properties by reason of undue disturbance from noise, traffic, lighting, visual impact, pollution, stormwater runoff, hazardous materials or excessive demands on community services. The Planning Board may request a study if any of these disturbances appear to pose a particularly significant risk.
- D.** Site development of the proposed use will be integrated into the existing landscape through design features such as vegetative buffers and retention of open space and agricultural land when appropriate.

10.7.9.3 Special Permit Conditions:

The Planning Board, acting as the Special Permit Granting Authority, may impose reasonable conditions upon its granting of a Special Permit deemed necessary to achieve the purpose of this section, such as, but not limited to, the following:

- A.** Greater than minimum setback requirements;
- B.** Modification of exterior appearance;
- C.** Limitation of size or extent of facilities;
- D.** Regulation of traffic and site plan features;
- E.** Screening of premises from view by use of appropriate walls, fencing or buffer strips;

- F. Limitation of sound levels; and
- G. Additional design and siting modifications where appropriate.

10.7.10 Construction and Monitoring

Written notice shall be sent by certified mail to the Planning Board advising the Board that construction of the approved Large-Scale Ground-Mounted Solar Energy System will commence no sooner than seven (7) days from the date that such notice is mailed to the Board.

Prior to any site disturbance and construction, the limits of work shown on the approved site plan shall be surveyed and clearly marked by a Professional Land Surveyor. Upon completion of the survey, the Professional Land Surveyor shall verify in writing to the Planning Board that the limit of work, as shown on the approved site plan, has been established on the site.

Prior to the start of construction, the Applicant and Its General Site Contractor shall submit a construction schedule and attend a pre-construction meeting with the Planning Director, Director of Public Works and the Engineering Department. The Applicant shall provide the site construction general contractor with a copy of the Planning Board's decision and the approved plans prior to pre-construction meeting.

The Planning Board may require that the applicant hire at its expense a third-party inspector, selected by and acting under the direction of the Planning Board or its agents, to monitor compliance with all approvals and conditions during the construction of the Large-Scale Ground-Mounted Solar Energy System.

10.7.11 Operation & Maintenance

- A. Maintenance.** The owner or operator of the Large-Scale Ground-Mounted Solar Energy System shall maintain the facility in good condition including, but not limited to, structural repairs and the functional integrity of access roads, landscaping, security fencing and stormwater control infrastructure.
- B. Annual Reporting.** The owner or operator of the Large-Scale Ground-Mounted Solar Energy System shall submit an annual report documenting compliance with the Operation and Maintenance Plan, the requirements of this section and the granted special permit, including but not limited to, continued management and maintenance of vegetation, compliance with approved plans and special permit conditions of operation, continuation of liability

insurance and adequacy of road access. The annual report shall also provide information on maintenance completed during the course of the past year and the amount of electricity generated by the Solar Energy System. The report shall be submitted to the Planning Board, Fire Chief, Director of Public Works and Building Commissioner no later than 45 days after the end of the calendar year.

- C. Contact Information.** The Annual report shall provide an accurate and up to date contact list of the Large-Scale Ground-Mounted Solar Energy System owner, operator and other responsible parties by name, position, mailing address, telephone number and email address. Any change to the responsible parties listed in the contact information shall be submitted to the Planning Board, Building Department, Fire Department and Police Department within five business days of the change.

10.7.12 Modifications

Any physical modifications that materially alter the type, configuration or size of a Large-Scale Ground-Mounted Solar Energy System or related equipment that are proposed after site plan approval or special permit approval has been granted shall require approval by the Planning Board before implementation.

10.7.13 Decommissioning

A. Removal Requirements.

Any Large-Scale Ground-Mounted Solar Energy System, or any substantial part thereof, that has reached the end of its useful life or that has discontinued operations shall be decommissioned by the owner or operator in compliance with the requirements of this section no later than one hundred eighty (180) days after the date of discontinued operations. At a minimum, decommissioning shall consist of:

1. Physical removal from the site of all components of the Large-Scale Ground-Mounted Solar Energy System, including but not limited to, solar panels, structures, foundations, equipment, security barriers, and electrical transmission lines.
2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
3. Restoration of the site to its natural pre-existing condition, including stabilization or re-vegetation of

the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping, designated below-grade foundations, and access roads in place in order to minimize erosion and disruption of vegetation.

B. Notice to Town.

The owner or operator shall provide at least thirty (30) days prior notice to the Planning Board and Building Commissioner by certified mail of the proposed date of discontinued operations (shutdown) and the anticipated schedule and plans for removal and site restoration.

In the event the Large-Scale Ground-Mounted Solar Energy System is anticipated to be temporarily out of service for a period of at least ninety (90) days, the owner or operator shall provide written notice by certified mail to the Planning Board and Building Commissioner stating the anticipated period of non-operation as well as the reason for shutdown.

C. Abandonment.

Absent proper notice of a proposed date of decommissioning or a temporary shutdown due to extenuating circumstances, the Large-Scale Ground-Mounted Solar Energy System shall be considered abandoned when it fails to operate for a period of ninety (90) consecutive days or more without the written consent of the Planning Board.

Upon written request from the Zoning Enforcement Officer addressed to the contact person provided and maintained by the operator or owner of the Large-Scale Ground-Mounted Solar Energy System, the owner or operator shall provide evidence to the Zoning Enforcement Officer demonstrating continued use of the Solar Energy System. Failure to provide such evidence within thirty (30) days of such written request may be considered evidence that the Large-Scale Ground-Mounted Solar Energy System has discontinued operations and may be deemed abandoned for the purposes of the Planning Board taking action as described in this section.

D. Decommissioning by the Town

If the owner or operator fails to remove the Large-Scale Ground-Mounted Solar Energy System in accordance with the requirements of this section, the Town, or its agents, shall have the right, to the extent authorized by law, to

enter the property and physically remove all the equipment and structures that comprise the Large-Scale Ground-Mounted Solar Energy System and restore the site to its original state at the owner's expense.

As a condition of Site Plan or Special Permit approval, the applicant and property owner shall agree to allow entry to remove an abandoned or decommissioned Large-Scale Ground-Mounted Solar Energy System. The cost for the removal will be drawn from the performance surety provided by the applicant or charged to the property owner in accordance with the provisions of chapter 139, section 3A as a tax lien on the property and said costs will constitute liens for purposes of M.G.L. chapter 40, section 58.

E. Performance Surety.

Prior to the start of construction, the owner or manager of the Large-Scale Ground-Mounted Solar Energy System shall provide surety to the Town of Wilbraham, through cash deposit in proper form and sufficient amount determined reasonable and approved by the Planning Board, to cover the decommissioning cost in the event the Town must remove the Large-Scale Ground-Mounted Solar Energy System and remediate the site to its natural pre-existing condition.

The project proponent shall submit a fully inclusive itemized estimate of the decommissioning cost prepared by a qualified engineer with solar experience. The amount of the estimated decommissioning cost shall include an escalator mechanism for calculating increased removal costs at the end of the useful design life of the Large-Scale Ground-Mounted Solar Energy System due to inflation but shall not include or deduct the estimated salvage value of material recycling. The decommissioning estimate shall be reviewed by the Town of Wilbraham and the Town's Peer Review Engineer, and may be adjusted as needed to reflect the opinion of the Town as to fair labor and equipment costs based on prevailing wages and other municipal factors.

The surety shall be maintained by the project proponent for the lifespan of the Large-Scale Ground-Mounted Solar Energy System and the Planning Board may require that the amount of surety be increased as required during the operating life of the Large-Scale Ground-Mounted Solar

Energy System due to higher than anticipated inflation costs or other unforeseen future circumstances.

Performance surety will not be required for municipal or state-owned facilities.

10.7.14 Lapse of Approval

Any site plan approval or special permit issued by the Planning Board shall automatically lapse if the Large-Scale Ground-Mounted Solar Energy System is not installed and operating within two (2) years from the date of issuance or if the Large-Scale Ground-Mounted Solar Energy System is abandoned as defined herein.

10.7.15 Waivers

It is recognized that there will be instances when strict compliance with the regulations in this section 10.7 is not required to meet the purpose and intent of the Zoning By-Law.

The Planning Board may grant requested waivers to reduce or eliminate any requirement of this section upon findings of: (1) special circumstances of the site or proposal; or (2) the objectives of this section may be met in an alternative manner; and (3) that such waiver will not derogate from the purposes or intent of this Zoning By-Law.

10.7.16 Enforcement

The Town, through its boards and agents, shall be permitted to enter the premises upon 48 hours' written notice to the applicant for the purposes of monitoring compliance with the terms of the Special Permit.

Note: A marked-up version of amended Section 10.7 is shown in Exhibit 2 on page 25.

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Exhibit 1

Marked Up Version with the Proposed Amendments to Section 4.5.2

4.5.2 Parking or Storage Restrictions for Trucks and Buses in Residential Districts

The parking or storage of trucks, tractors, trailers for use with tractors, and buses, except for deliveries or other similar short-period parking, is prohibited in all residential districts except as follows:

- A. ~~Pick-up~~ Pickup trucks, vans and sport utility vehicles (SUVs) which are used for non-business purposes may be kept on a lot by a resident provided:
 1. The vehicle has a ~~gross vehicle weight (manufacturer's rating) of 10,500 pound or less~~ gross vehicle weight rating (GVWR) of 11,500 pounds or less;
 2. The vehicle does not display lettering or signs advertising or identifying a business or professional affiliation; and
 3. The vehicle does not have tools or equipment used for business purposes visible on the exterior of the vehicle.
- B. Not more than one ~~pick-up~~ pickup truck, van, light panel truck or similar service-type vehicle may be kept on a lot by a resident who carries on a trade or profession away from the premises provided:
 1. The vehicle has a ~~gross vehicle weight (manufacturer's rating) of 10,500 pound or less~~ gross vehicle weight rating (GVWR) of 11,500 pounds or less;
 2. The vehicle is kept parked within the confines of a lawfully permitted enclosed garage or accessory building; or if kept outdoors, the vehicle is parked in the driveway or designated off-street parking space on an adequate all-weather parking surface in a location outside the side yard and rear yard setbacks unless said parking location is screened from view at normal eye level from abutting residential property by a landscaped buffer strip and/or fencing. The vehicle is not to be parked on lawn or other landscaped areas;
 3. Commercial lettering or signage on the vehicle is limited to the name and address of the business or trade, contact numbers, and any required contractor's license

information. The total area of said lettering or signage is not to exceed eight (8) square feet per side and sixteen (16) square feet per vehicle; and

- 4.** The vehicle is not loaded with flammable, noxious or dangerous material.
- C.*** Vehicles other than those allowed under Sections 4.5.2(A) and 4.5.2(B) hereinabove which are accessory to a home occupation may be kept on a lot if expressly authorized by special permit from the Board of Appeals in accordance with Section 3.9.2.13 of the Zoning By-Law.
- D.** This section shall not apply to farm vehicles and equipment in use on an active farm or to recreational vehicles parked or stored accessory to an allowed residential use in accordance with all applicable provisions of this Zoning By-Law.

Exhibit 2

Marked Up Version of the Proposed Amendments to Section 10.7

10.7 LARGE-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEMS

10.7.1 Purpose

The purpose of this section of the Zoning By-Law is to facilitate and appropriately regulate the responsible development of Large-Scale Ground-Mounted Solar Energy Systems in the Town of Wilbraham by providing minimum standards for the placement, design, construction, operation, monitoring, modification and removal of such systems that support the goal of the Commonwealth of Massachusetts to generate clean energy and reduce carbon emissions while also addressing the responsibility of the Town of Wilbraham to protect public health and safety, protect and preserve the scenic, natural and historic resources of Wilbraham, minimize undesirable impacts on abutting residential property and neighborhoods, and provide adequate financial assurance for the eventual decommissioning of such systems.

10.7.2 Applicability

The provisions set forth in this section 10.7 shall apply to Large-Scale Ground-Mounted Solar Energy Systems including associated equipment and structures as defined in section 1.3 as follows:

- A.** The requirements of this section shall apply both to the construction and operation of new Large-Scale Ground-Mounted Solar Energy Systems and to subsequent physical modifications that materially alter the type, configuration or size of existing Large-Scale Ground-Mounted Solar Energy Systems or related equipment throughout the useful life of the system or where alterations may impact abutters.
- B.** The requirements of this section shall apply to a Large-Scale Ground-Mounted Solar Energy System regardless of whether it is the primary use of property or an accessory use.
- C.** Large-Scale Ground-Mounted Solar Energy Systems may only be constructed or materially modified after the issuance of site plan approval or a special permit from the Planning Board, in accordance section 3.4.3.7

- D. Municipal Large-Scale Ground-Mounted Solar Energy Systems owned, operated by, or developed for and on behalf of the Town of Wilbraham are allowed as-of-right in all zoning districts with site plan approval from the Planning Board.
- E. Ground-Mounted Solar Energy Systems with a footprint size less than 10,000 square feet in area that are an accessory structure to an existing use do not need to comply with this section but shall require a building permit and must comply with section 3.9.1.3 of the Wilbraham Zoning By-Law as applicable.

10.7.3 General Requirements

- A. **Compliance with Laws, Bylaws and Regulations.** The construction, maintenance, operation, modification and removal of the Large-Scale Ground-Mounted Solar Energy System shall comply with the provisions of this section 10.7 as well as all other applicable local, state, and federal requirements including, but not limited to, all applicable safety, construction, electrical and communications requirements to insure that such use will not create a negative impact which is discernable from other properties by virtue of noise, unsightliness or other nuisance as determined by the Planning Board.
- B. **Building Permit and Inspection.** No Large-Scale Ground-Mounted Solar Energy System shall be constructed, installed or modified, as provided in this section, without first obtaining a building permit.

10.7.4 Site Control

The applicant, **if not the record property owner of the proposed site**, shall provide documentation to demonstrate legal access to and control over the proposed site sufficient to allow for the construction and operation of the proposed Large-Scale Ground-Mounted Solar Energy System. If the applicant will be leasing the proposed site, then the property owner of the site shall be required to sign the application as a co-applicant, to submit written consent to be a co-holder of the special permit if granted by the Planning Board, and to allow the Town of Wilbraham and its designees, representatives, and agents, the right to access the Property to inspect the premises, to evaluate and enforce, if required, compliance with the terms of the Special Permit including the purpose of decommissioning the project in accordance with the provisions of this section.

10.7.5 Filing Requirements

Applicants seeking to construct or modify a Large-Scale Ground-Mounted Solar Energy System shall submit the appropriate application form with the following information to the Planning Board. All plans and maps to be submitted must be drawn at appropriate scales and shall be prepared, stamped and signed by a professional civil engineer or registered land surveyor licensed to practice in the Commonwealth of Massachusetts. The Planning Board may, in its discretion, waive any of the filing requirements as it deems appropriate.

- A. Fees.** The application for a Large-Scale Ground-Mounted Solar Energy System must be accompanied by the required fee.
- B. Contact Information** – Provide the name, address, phone number, email address and signature of the applicant and the property owner as well as the contact information for the proposed system installer, system operator and any authorized agents representing the applicant.
- C. Site Identification** – Provide the address and the map, lot and block number of the proposed site.
- D. Site Control** - The applicant shall provide documentation to demonstrate site control per section 10.7.4 if applicable.
- E. Utility Notification** - The applicant shall provide evidence at the time of application that the utility company operating the electric grid where the Large-Scale Ground-Mounted Solar Energy System will be located has been notified of the applicant's intent to construct the Large-Scale Ground-Mounted Solar Energy System and that written approval to connect to the grid has been granted or appropriate application has been made to the utility for interconnection **and the utility company has responded in writing to the notice.** Off-grid installations are exempt from this requirement.
- F. Site Plans** – Provide site plans showing the following:
 - (1) Information listed under Site Plan Requirements in Section 13.3 of the Zoning By-Law including existing and proposed property lines, abutter names, physical features, topography, roads, buildings and structures, etc.
 - (2) Proposed changes to the landscape of the site, including grading, vegetation clearing and landscape planting, exterior lighting, stormwater design,

screening vegetation or structures, and new structures.

- (3) Detailed layout of the proposed Large-Scale Ground-Mounted Solar Energy System, including but not limited to, photovoltaic panel mounts, foundations, appurtenant equipment and fencing.
- (4) Detailed layout of the electric infrastructure to connect the Large-Scale Ground-Mounted Solar Energy System to the electric grid or net metering equipment.
- (5) Delineation of all wetland resources and associated buffer areas.
- (6) Locations of Priority Habitat Areas of rare, threatened or endangered species as defined by the Massachusetts Natural Heritage and Endangered Species Program.
- (7) 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~~ applicable state and federal stormwater regulations and the Wilbraham Stormwater Management Bylaw.

G. Technical Information – Provide the following information:

- (1) Blueprints or drawings of the Large-Scale Ground-Mounted Solar Energy System 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~~ and the estimated solar power generation capacity indicated as wattage in both direct current (MW DC) and alternating current (MW AC).
- (2) One or three line electrical diagram detailing the solar photovoltaic installation, appurtenant equipment and electrical interconnection methods with all Massachusetts and National Electric Code compliant devices.
- (3) Documentation of the major Large-Scale Ground-Mounted Solar Energy System components to be used, including but not limited to photovoltaic panels, panel mounting system, inverter and DC battery storage equipment.

- (4) Documentation of any potential offsite impacts on the existing electric utility infrastructure including new utility poles, new transformers and upgraded service lines.
- H. Stormwater Management Report.** Provide a Stormwater Management Report ~~including an analysis of the~~ which shall contain sufficient information for the Wilbraham Department of Public Works, acting as the Stormwater Permitting Authority, to evaluate the environmental impact that the Large-Scale Ground-Mounted Solar Energy System will have on the patterns and rate of stormwater runoff as well as the effectiveness of the measures proposed for controlling and reducing the adverse effects from stormwater runoff on the parcel site.
- I. Visual Impact Assessment.** Provide a Visual Impact Assessment study of the Large-Scale Ground-Mounted Solar Energy System which shall describe the visible components of the proposed project, evaluate the potential visibility of the project within the defined study area, identify key views for visual assessment, assess the potential project visibility, illustrate the appearance of the proposed project, and identify potential mitigation measures to minimize visibility to abutters. The Visual Impact Assessment shall produce a map showing all areas within a one-mile radius of the proposed installation where the Large-Scale Ground-Mounted Solar Energy System can be seen and where it cannot be seen. The potential project visibility shall be determined using methods like viewshed analysis, field verification and visual simulation. With input from the Planning Director, the applicant shall utilize additional tools to assess the visual impacts in critical areas of concern such as renderings, line-of-sight studies and two or three dimensional visualizations such as photomontage, video montage, animation produced through Spatial Information Systems (SIS) and Geographic Information Systems (GIS).
- J. Operation & Maintenance Plan.** Provide a plan for the operation and maintenance of the Large-Scale Ground-Mounted Solar Energy System which shall include measures for maintaining safe year-round access to the installation, proper security, vegetation and stormwater management, and general procedures for operations and maintenance of the system including battery storage if applicable.

- K. **Liability Insurance.** Provide proof of liability insurance as provided for in section 10.7.7(M).

10.7.6 Dimensional and Density Requirements

- A. **Lot Size.** The minimum lot size for Large-Scale Ground-Mounted Solar Energy Systems shall be five (5) acres.
- B. **Lot Frontage.** The minimum lot frontage for Large-Scale Ground-Mounted Solar Energy Systems shall be two hundred (200) feet.
- C. **Setbacks.** Large Scale Ground Mounted Solar Energy Systems shall maintain a minimum front yard setback distance of 150 feet and a minimum side yard and rear yard setback distance of 100 feet. The setbacks shall be measured from the lot lines to the perimeter fence enclosing the solar array.

Where the site of a proposed Large Scale Ground-Mounted Solar Energy System either (1) is not located in a residential zoning district nor abutting a residential zoning district or residential use or (2) is located in a residential zoning district abutting railroad tracks, utility transmission lines, the Massachusetts Turnpike or other land use patterns and that will result in minimal visual intrusion on surrounding residential property as evidenced by the visual impact assessment required in section 10.7.5(l), the Planning Board may authorize a reduction to the above-listed minimum setback distances as provided for in section 10.7.14.

Large-Scale Ground-Mounted Solar Energy Systems shall maintain a minimum setback distance measured from the respective property lot line to the perimeter fence enclosing the solar array as follows:

1. The front yard setback distance shall be at least 150 feet;
2. The side yard setback distance shall be at least 100 feet;
3. The rear yard setback distance shall be at least 100 feet;
4. Where the side yard or rear yard abuts an existing residence the setback distance shall be a minimum of 200 feet.

The Planning Board may authorize a reduction to the above-listed setback distances along a property line where, in the judgement of the Planning Board, the site of a

proposed Large-Scale Ground-Mounted Solar Energy System is not likely to negatively impact an existing or permitted use on the abutting property because (1) the site is not located in a residential zoning district nor abutting a residential zoning district or residential use or (2) the site is located in a residential zoning district abutting railroad tracks, utility transmission lines, the Massachusetts Turnpike or other land use patterns that will result in minimal visual intrusion on surrounding residential property as evidenced by the visual impact assessment required in section 10.7.5(l).

The Planning Board may require a greater setback distance along a property line where in its judgement the proposed Large-Scale Ground-Mounted Solar Energy System is likely to negatively affect an existing or permitted land use on the abutting property as evidenced by the visual impact assessment required in section 10.7.5(l).

- D. Vegetative Buffer Strip.** The Large-Scale Ground-Mounted Solar Energy System shall be screened from the view of all abutting properties zoned for residential use by an undisturbed buffer strip of natural vegetation **which shall be located along the outer perimeter of the parcel and** which shall be a minimum of fifty (50) feet wide **extending into the required front, side or rear yard measured from the property boundary.**

If existing natural vegetation is not of sufficient density to provide an effective **year-round** visual barrier, the Planning Board may require the applicant to plant additional landscaping within the buffer strip to better screen the use from abutting property **as further described in Section 10.7.7(B).** ~~Vegetative buffer strips shall be left undisturbed in their natural state except for routine landscape maintenance if needed to preserve the functional integrity of the buffer strip.~~

- E. Height.** The height of the solar panels in a Large-Scale Ground-Mounted Solar Energy System shall not exceed twelve (12) feet in height above finished grade.
- F. Lot Coverage.** The maximum lot coverage for Large-Scale Ground-Mounted Solar Energy Systems shall be twenty-five percent (25%) when located in residential zoning districts and fifty percent (50%) when located in commercial or industrial (non-residential) zoning districts. For the purpose of this section, lot coverage shall be measured as the total aggregate area of land covered by

buildings, structures, associated equipment including solar panels and all land contained within the perimeter security fence and calculated as a percentage of the total area of the lot.

- G. Appurtenant Structures.** All appurtenant structures to Large-Scale Ground-Mounted Solar Energy Systems, including but not limited to, equipment shelters, DC battery storage facilities, transformers and substations, shall be architecturally compatible with each other and subject to reasonable regulation **by the Planning Board** concerning the bulk and height of such structures, setbacks, parking and building coverage requirements. **Whenever reasonable, structures shall be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts on the neighborhood, abutting properties and public ways.**

10.7.7 Design Requirements & Performance Standards

- A. Lighting** – Outdoor lighting shall be limited to night-time maintenance and inspections by authorized personnel and there shall be no illumination without authorized personnel on the site. Where feasible, lighting shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution and shall be shielded, if necessary, so as not to be intrusive to abutting properties.

~~B. Visual Impact and Screening~~

~~Large-Scale Ground-Mounted Solar Energy Systems shall be designed to minimize and mitigate adverse visual impacts to the maximum extent that is reasonable and practical, including providing vegetative buffer strips, preserving natural vegetation, blending in equipment with the surroundings, and adding landscaping and opaque fencing to provide an effective visual barrier to screen the use from the view of abutting residential properties. A Visual Impact Assessment shall be submitted for review per section 10.7.5(l) and the Planning Board may deny a special permit for any proposal that fails to adequately address adverse visual impacts in a manner deemed necessary by and in the sole opinion of the Planning Board.~~

B. Project Visibility

Large-Scale Ground-Mounted Solar Energy Systems shall be designed to minimize and mitigate adverse visual impacts from the view of adjacent roadways and abutting

residential properties to the maximum extent that is reasonable and practical. The Planning Board may deny a special permit for any proposal that fails to adequately address adverse visual impacts in a manner deemed necessary by and in the sole opinion of the Planning Board.

1. Visual Impact Assessment

A Visual Impact Assessment shall be submitted for review per section 10.7.5(l) and taken into account when evaluating the design of the Large-Scale Ground-Mounted Solar Energy System.

2. Screening

Large-Scale Ground-Mounted Solar Energy Systems shall be sited and designed in a manner that effectively screens the solar array and appurtenant structures from the year-round view of adjacent roadways and abutting residential properties to the maximum extent that is reasonable and practical including but not limited to: preserving natural vegetation to the maximum extent possible; blending in equipment with the surroundings; and installing additional plant landscaping, opaque fencing, earthen berms and land contouring in the vegetative buffer strip as well as the portion of the setback area located outside the buffer strip if required to provide an effective visual barrier.

The Large-Scale Ground-Mounted Solar Energy System shall be screened from the view of all abutting properties zoned for residential use by an undisturbed buffer strip of natural vegetation which shall be a minimum of fifty (50) feet wide as provided for in Section 10.7.6(D). Except for road access and permitted signs, the vegetated buffer strip shall be modified only for additional screening. Where the existing natural vegetation in the buffer strip is insufficient to provide an effective year-round visual barrier, additional screening as described herein shall be provided in the buffer strip and in the portion of the setback area outside the buffer strip if needed due to site specific conditions.

If additional plantings are required for screening, a planting plan shall be submitted showing the types, sizes and locations of material to be used which shall be subject to the approval of the Planning Board. Trees and shrubs shall be a minimum of six (6) feet in height at planting and staggered to better screen the solar arrays from view. Plants shall be maintained and replaced if unhealthy by the

owner or operator of the Large-Scale Ground-Mounted Solar Energy System for the life of the installation.

Tree cutting and the clearing of vegetation outside the vegetative buffer strip but within the required setback area shall not be permitted if it would reduce to any degree the effectiveness of the year-round screening.

The Planning Board may alter or waive the screening requirements if the Board determines that the strict adherence to such requirements would prove ineffective or unnecessary or serve no meaningful purpose for the site.

C. ~~Vegetation Clearing.~~ ~~The clearing of naturally occurring vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the Large-Scale Ground-Mounted Solar Energy System. Any land disturbance shall be subject to stormwater management criteria and all applicable laws, regulations and bylaws.~~

~~Undeveloped land on the lot that is located outside of the approved vegetation clearing area and/or beyond the approved limit of work line shall remain in its natural state without alteration without further approval from the Planning Board or until such time as the Large-Scale Ground-Mounted Solar Energy System is decommissioned. The special permit may be conditioned to effectuate and make enforceable this requirement.~~

C. Environmental Impacts. Large-Scale Ground-Mounted Solar Energy Systems shall be integrated into the existing terrain and surrounding landscape by minimizing use of and impact to wetlands, steep slopes and hilltops; protecting visual amenities and scenic views; minimizing tree, vegetation, and soil removal; and minimizing grade changes.

1. Vegetation Clearing.

The clearing of naturally occurring vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the Large-Scale Ground-Mounted Solar Energy System. Any land disturbance shall be subject to stormwater management criteria and all applicable laws, regulations and bylaws.

Undeveloped land on the lot that is located outside of the approved vegetation clearing area and/or beyond the approved limit of work line shall remain in its natural state without alteration without further approval from the Planning Board or until such time as the Large-Scale

Ground-Mounted Solar Energy System is decommissioned. Limitations as to cutting trees, removing vegetation, land clearing and prevention of soil erosion may be included as conditions in the Special Permit.

2. Excessive Slope.

Large-Scale Ground-Mounted Solar Energy Systems, including access driveways and associated drainage infrastructure, shall not be located on slopes with an original grade in excess of 10% (measured over 100-foot intervals). Cutting and filling to reduce natural slopes shall be prohibited except on short hollows, depressions or high spots.

3. Rare and Endangered Species.

The Applicant shall provide evidence of compliance with the Massachusetts Endangered Species Act and the requirements of the Commonwealth of Massachusetts Natural Heritage and Endangered Species program

4. Habitat Fragmentation.

All Large-Scale Ground-Mounted Solar Energy Systems 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. The Large-Scale Ground-Mounted Solar Energy System shall be designed to minimize impacts to agricultural and environmentally sensitive land and to be compatible with continued agricultural use of the land whenever possible.

~~D. **Habitat Fragmentation** – All Large-Scale Ground-Mounted Solar Energy Systems 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. The Large-Scale Ground-Mounted Solar Energy System shall be designed to minimize impacts to agricultural and environmentally sensitive land and to be compatible with continued agricultural use of the land whenever possible.~~

D. Signage. A sign shall be erected at the gated entrance to identify the owner or manager and provide a 24-hour emergency contact phone number. All signage shall comply with section 12 of the Wilbraham Zoning By-Law.

E. Noise. Noise generated by Large-Scale Ground-Mounted Solar Energy Systems and associated equipment and machinery shall conform, at a minimum, to applicable state and local noise regulations, including the Massachusetts

Department of Environmental Protection Division of Air Quality noise regulations, 310 CMR 7.10 and the Planning Board may require additional screening or shielding of inverters and other equipment if after operation the Planning Board determines that the operating noise level is detectable beyond the property line and deemed to be excessive.

F. Offsite Glare. Large-Scale Ground-Mounted Solar Energy Systems shall be designed to prevent concentrated solar radiation or reflected glare from becoming a public nuisance or hazard to nearby buildings, roadways or properties.

~~**G. Utility Connections.** Electrical transformers, wires or other utility interconnections shall be constructed as required by the utility provider and may be above ground if necessary; provided, however, that every reasonable effort shall be made to place all utility connections underground, depending upon appropriate soil conditions, topography and other site factors and any requirements of the utility provider.~~

G. Utility Connections. All utility connections from the Large-Scale Ground-Mounted Solar Energy System shall be underground unless the Planning Board determines that soil conditions, topography and other site factors make such connection unreasonable or unfeasible or the utility provider determines such connection to be unsafe or impractical. Electrical transformers and other components for utility interconnections may be above ground if required by the utility provider.

No Large-Scale Ground-Mounted Solar Energy System shall be constructed nor building permit issued until evidence has been provided that the utility company operating the electric grid where the Large-Scale Ground-Mounted Solar Energy System will be located has granted written approval to connect to the grid.

H. Stormwater management. Best Management Practices (BMP) shall be used for controlling and managing stormwater run-off and drainage from the Large-Scale Ground-Mounted Solar Energy System in compliance with all applicable federal, state and local regulations.

Environmentally sensitive site design incorporating Low Impact Development (LID) techniques, as appropriate, for stormwater management may include minimizing impervious surfaces, maximizing on-site infiltration, fitting

the development to the terrain, preserving and using natural drainage systems and reproducing pre-development hydrologic conditions with the understanding that the actual BMP techniques employed will depend largely on the site's hydrological features.

All pipes, catch basins and other materials utilized in the stormwater facilities shall be approved by the Director of Public Works.

Construction phasing may be required as a means of mitigating erosion and sedimentation.

- I. **Fencing & Security.** Large-Scale Ground-Mounted Solar Energy Systems shall be constructed to prevent unauthorized persons from accessing the Large-Scale Ground-Mounted Solar Energy System.

~~It is anticipated that the Large Scale Ground Mounted Solar Energy System will be enclosed by perimeter fencing. The perimeter fencing shall be colored dark green or black and designed with a texture pattern or fabric screen if necessary to blend into the background and minimize the visual impact on nearby properties and abutting roadways and shall be installed with a bottom gap of no less than six (6) inches between the ground and the bottom of the fence to minimize impacts on wildlife movement.~~

The solar array and ancillary equipment shall be enclosed by perimeter fencing. Unless specified otherwise by the Planning Board, the perimeter fence shall be an eight-foot tall vinyl-coated chain link fence colored dark green or black and designed with a texture pattern or fabric screen, if deemed necessary, to blend into the background and minimize the visual impact on nearby properties and abutting roadways and shall be installed with a bottom gap of no less than six (6) inches between the ground and the bottom of the fence to minimize impacts on wildlife movement.

Measures to address safety and security issues shall be subject to the approval of the Planning Board, Fire Department and Police Department. Surveillance and security cameras if installed shall be placed or shielded from view so as not to invade the privacy of abutting residential property.

- J. **Emergency Access.** Large-Scale Ground-Mounted Solar Energy Systems and access roads shall be constructed

and maintained to allow for safe year-round access by local emergency vehicles. Access roads shall be planned and constructed in consultation with the Department of Public Works to provide proper stormwater drainage control and to minimize grading, removal of stone walls or street trees and to minimize adverse impacts to environmental or historic resources. The operator shall be responsible for maintaining adequate access for emergency vehicles and maintenance equipment throughout the year.

- K. Emergency Response Plan.** The owner or operator of the Large-Scale Ground-Mounted Solar Energy System shall cooperate with local public safety officials to develop an emergency response plan including emergency contact information. The emergency response plan shall be submitted to and approved by the Fire Chief prior to the start of operations and periodically updated as needed.
- L. Hazardous Materials.** Hazardous materials stored, used, or generated onsite shall not exceed the amount for a very small quantity generator of hazardous waste as defined by the Massachusetts Department of Environmental Protection regulations promulgated at 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 any hazardous materials, including, but not limited to, lithium ion (storage batteries) are used within the solar electric equipment, then impervious containment areas capable of controlling and containing any release of hazardous materials to the environment and to prevent potential contamination of groundwater are required. A list of any hazardous materials proposed to be located on the site in excess of normal household quantities and a plan to prevent their release to the environment shall be provided to the Planning Board and Fire Department.
- M. Proof of Liability Insurance.** At the time of application for a building permit, the applicant shall provide to the Building Commissioner evidence of insurance coverage sufficient to build and operate the Large-Scale Ground-Mounted Solar Energy System.

10.7.8 Technical Review

Upon receipt of an application for a Large-Scale Ground-Mounted Solar Energy System, the Planning Board may engage

professional and technical consultants, at the applicant's expense, pursuant to M.G.L. Chapter 44 § 53G and its Home Rule Authority to assist the Planning Board with its review of application materials. The Planning Board may direct the applicant to deposit funds with the Planning Board 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 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.

10.7.9 Procedures and Approval Criteria

The Planning Board shall review and act upon a proposed application to construct or materially modify a Large-Scale Ground-Mounted Solar Energy System in accordance with section 13.5 for site plan approval or in accordance with section 13.6 for special permits, as applicable.

10.7.9.1 Site Plan Approval Criteria:

The Planning Board in granting site plan approval shall take into consideration the reasonable fulfillment of the following objectives:

- A.** Conformance with the applicable provisions of section 13.5 and this section 10.7 of the Zoning By-Law;
- B.** Protection of Town resources and abutting properties by minimizing any undue disturbance from noise, traffic, lighting, hazardous materials, signage, glare or stormwater runoff. The Planning Board may request a study if any of these disturbances appear to pose a particularly significant risk.

10.7.9.2 Special Permit Criteria:

The Planning Board, acting as the Special Permit Granting Authority, must make all of the following findings in order to grant Special Permit approval:

- A.** Conformance with the applicable provisions of section 13.6 and this section 10.7 of the Zoning By-Law;
- B.** The proposed use is appropriate on the site in question and **provides adequate screening and buffers between the property lines and the solar**

array to protect adjoining premises from adverse visual impacts.

- C. The proposed use will not be unduly detrimental to the health, safety or welfare of the community or abutting properties by reason of undue disturbance from noise, traffic, lighting, visual impact, pollution, stormwater runoff, hazardous materials or excessive demands on community services. The Planning Board may request a study if any of these disturbances appear to pose a particularly significant risk.
- D. Site development of the proposed use will be integrated into the existing landscape through design features such as vegetative buffers and retention of open space and agricultural land when appropriate.

10.7.9.3 Special Permit Conditions:

The Planning Board, acting as the Special Permit Granting Authority, may impose reasonable conditions upon its granting of a Special Permit deemed necessary to achieve the purpose of this section, such as, but not limited to, the following:

- A. Greater than minimum setback requirements;
- B. Modification of exterior appearance;
- C. Limitation of size or extent of facilities;
- D. Regulation of traffic and site plan features;
- E. Screening of premises from view by use of appropriate walls, fencing or buffer strips;
- F. Limitation of sound levels; and
- G. Additional design and siting modifications where appropriate.

10.7.10 Construction and Monitoring

Written notice shall be sent by certified mail to the Planning Board advising the Board that construction of the approved Large-Scale Ground-Mounted Solar Energy System will commence no sooner than seven (7) days from the date that such notice is mailed to the Board.

Prior to any site disturbance and construction, the limits of work shown on the approved site plan shall be surveyed and clearly marked by a Professional Land Surveyor. Upon completion of

the survey, the Professional Land Surveyor shall verify in writing to the Planning Board that the limit of work, as shown on the approved site plan, has been established on the site.

Prior to the start of construction, the Applicant and Its General Site Contractor shall submit a construction schedule and attend a pre-construction meeting with the Planning Director, Director of Public Works and the Engineering Department. The Applicant shall provide the site construction general contractor with a copy of the Planning Board's decision and the approved plans prior to pre-construction meeting.

The Planning Board may require that the applicant hire at its expense a third-party inspector, selected by and acting under the direction of the Planning Board or its agents, to monitor compliance with all approvals and conditions during the construction of the Large-Scale Ground-Mounted Solar Energy System.

10.7.11 Operation & Maintenance

- A. Maintenance.** The owner or operator of the Large-Scale Ground-Mounted Solar Energy System shall maintain the facility in good condition including, but not limited to, structural repairs and the functional integrity of access roads, landscaping, security fencing and stormwater control infrastructure.
- B. Annual Reporting.** The owner or operator of the Large-Scale Ground-Mounted Solar Energy System shall submit an annual report documenting compliance with the Operation and Maintenance Plan, the requirements of this section and the granted special permit, including but not limited to, continued management and maintenance of vegetation, compliance with approved plans and special permit conditions of operation, continuation of liability insurance and adequacy of road access. The annual report shall also provide information on maintenance completed during the course of the past year and the amount of electricity generated by the Solar Energy System. The report shall be submitted to the Planning Board, Fire Chief, Director of Public Works and Building Commissioner no later than 45 days after the end of the calendar year.
- C. Contact Information.** The Annual report shall provide an accurate and up to date contact list of the Large-Scale Ground-Mounted Solar Energy System owner, operator and other responsible parties by name, position, mailing address, telephone number and email address. Any

change to the responsible parties listed in the contact information shall be submitted to the Planning Board, Building Department, Fire Department and Police Department within five business days of the change.

10.7.12 Modifications

Any physical modifications that materially alter the type, configuration or size of a Large-Scale Ground-Mounted Solar Energy System or related equipment that are proposed after site plan approval or special permit approval has been granted shall require approval by the Planning Board before implementation.

10.7.12 Decommissioning or Abandonment

A. Removal Requirements. Any Large-Scale Ground-Mounted Solar Energy System, or any substantial part thereof, that has reached the end of its useful life or that has discontinued operations shall be removed. The owner or operator shall physically remove the Solar Energy System no later than one hundred eighty (180) days after the date of discontinued operations. The owner or operator shall notify the Planning Board and Building Inspector by certified mail of the proposed date of discontinued operations (shutdown) and the anticipated schedule and plans for removal and site restoration. At a minimum, decommissioning shall consist of:

1. Physical removal from the site of all components of the Large-Scale Ground-Mounted Solar Energy System, including but not limited to, solar panels, structures, foundations, equipment, security barriers, and electrical transmission lines.
2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
3. Restoration of the site to its natural pre-existing condition, including stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping, designated below-grade foundations, and access roads in place in order to minimize erosion and disruption of vegetation.

B. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Large-Scale Ground-Mounted Solar Energy System shall be considered abandoned when it fails to operate for a period of one (1) continuous year or

more without the written consent of the Planning Board. Upon written request from the Zoning Enforcement Officer addressed to the contact person provided and maintained by the operator or owner of the Large Scale Ground-Mounted Solar Energy System, the owner or operator shall provide evidence to the Zoning Enforcement Officer demonstrating continued use of the Solar Energy System. Failure to provide such evidence within thirty (30) days of such written request shall be deemed conclusive evidence that the Solar Energy System has discontinued operations.

If the owner or operator fails to remove the Large-Scale Ground-Mounted Solar Energy System in accordance with the requirements of this section within one hundred eighty (180) days after either abandonment or the proposed date of decommissioning, the Town shall have the right, to the extent authorized by law, to enter the property and physically remove the system at the owner's expense. As a condition of Site Plan or Special Permit approval, the applicant and property owner shall agree to allow entry to remove an abandoned or decommissioned Large-Scale Ground-Mounted Solar Energy System. The cost for the removal will be drawn from the performance surety provided by the applicant or charged to the property owner in accordance with the provisions of chapter 139, section 3A as a tax lien on the property.

C. Performance Surety. Prior to the start of construction, the owner or manager of the Large-Scale Ground-Mounted Solar Energy System shall provide surety to the Town of Wilbraham, either through cash deposit, bond or other means deemed acceptable to the Planning Board, in proper form and sufficient amount determined reasonable and approved by the Planning Board, to cover the decommissioning cost in the event the Town must remove the Large-Scale Ground-Mounted Solar Energy System and remediate the site to its natural pre-existing condition. The project proponent shall submit a fully inclusive itemized estimate of the decommissioning cost prepared by a qualified engineer. The amount of the estimated decommissioning cost shall include an escalator mechanism for calculating increased removal costs at the end of the useful design life of the Large-Scale Ground-Mounted Solar Energy System due to inflation but shall not include or deduct the estimated salvage value of material recycling. The Planning Board may require that the amount of surety be increased as required during the operating life of the Large-Scale Ground-Mounted Solar

~~Energy System due to higher than anticipated inflation costs or other unforeseen future circumstances. Performance surety will not be required for municipal or state-owned facilities.~~

10.7.13 Decommissioning

A. Removal Requirements.

Any Large-Scale Ground-Mounted Solar Energy System, or any substantial part thereof, that has reached the end of its useful life or that has discontinued operations shall be decommissioned by the owner or operator in compliance with the requirements of this section no later than one hundred eighty (180) days after the date of discontinued operations. At a minimum, decommissioning shall consist of:

1. Physical removal from the site of all components of the Large-Scale Ground-Mounted Solar Energy System, including but not limited to, solar panels, structures, foundations, equipment, security barriers, and electrical transmission lines.
2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
3. Restoration of the site to its natural pre-existing condition, including stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping, designated below-grade foundations, and access roads in place in order to minimize erosion and disruption of vegetation.

B. Notice to Town.

The owner or operator shall provide at least thirty (30) days prior notice to the Planning Board and Building Commissioner by certified mail of the proposed date of discontinued operations (shutdown) and the anticipated schedule and plans for removal and site restoration.

In the event the Large-Scale Ground-Mounted Solar Energy System is anticipated to be temporarily out of service for a period of at least ninety (90) days, the owner or operator shall provide written notice by certified mail to the Planning Board and Building Commissioner stating the anticipated period of non-operation as well as the reason for shutdown.

C. Abandonment.

Absent proper notice of a proposed date of decommissioning or a temporary shutdown due to extenuating circumstances, the Large-Scale Ground-Mounted Solar Energy System shall be considered abandoned when it fails to operate for a period of ninety (90) consecutive days or more without the written consent of the Planning Board.

Upon written request from the Zoning Enforcement Officer addressed to the contact person provided and maintained by the operator or owner of the Large-Scale Ground-Mounted Solar Energy System, the owner or operator shall provide evidence to the Zoning Enforcement Officer demonstrating continued use of the Solar Energy System. Failure to provide such evidence within thirty (30) days of such written request may be considered evidence that the Large-Scale Ground-Mounted Solar Energy System has discontinued operations and may be deemed abandoned for the purposes of the Planning Board taking action as described in this section.

D. Decommissioning by the Town

If the owner or operator fails to remove the Large-Scale Ground-Mounted Solar Energy System in accordance with the requirements of this section, the Town, or its agents, shall have the right, to the extent authorized by law, to enter the property and physically remove all the equipment and structures that comprise the Large-Scale Ground-Mounted Solar Energy System and restore the site to its original state at the owner's expense.

As a condition of Site Plan or Special Permit approval, the applicant and property owner shall agree to allow entry to remove an abandoned or decommissioned Large-Scale Ground-Mounted Solar Energy System. The cost for the removal will be drawn from the performance surety provided by the applicant or charged to the property owner in accordance with the provisions of chapter 139, section 3A as a tax lien on the property and said costs will constitute liens for purposes of M.G.L. chapter 40, section 58.

E. Performance Surety.

Prior to the start of construction, the owner or manager of the Large-Scale Ground-Mounted Solar Energy System shall provide surety to the Town of Wilbraham, through

cash deposit in proper form and sufficient amount determined reasonable and approved by the Planning Board, to cover the decommissioning cost in the event the Town must remove the Large-Scale Ground-Mounted Solar Energy System and remediate the site to its natural pre-existing condition.

The project proponent shall submit a fully inclusive itemized estimate of the decommissioning cost prepared by a qualified engineer with solar experience. The amount of the estimated decommissioning cost shall include an escalator mechanism for calculating increased removal costs at the end of the useful design life of the Large-Scale Ground-Mounted Solar Energy System due to inflation but shall not include or deduct the estimated salvage value of material recycling. The decommissioning estimate shall be reviewed by the Town of Wilbraham and the Town's Peer Review Engineer, and may be adjusted as needed to reflect the opinion of the Town as to fair labor and equipment costs based on prevailing wages and other municipal factors.

The surety shall be maintained by the project proponent for the lifespan of the Large-Scale Ground-Mounted Solar Energy System and the Planning Board may require that the amount of surety be increased as required during the operating life of the Large-Scale Ground-Mounted Solar Energy System due to higher than anticipated inflation costs or other unforeseen future circumstances.

Performance surety will not be required for municipal or state-owned facilities.

10.7.14 Lapse of Approval

Any site plan approval or special permit issued by the Planning Board shall automatically lapse if the Large-Scale Ground-Mounted Solar Energy System is not installed and operating within two (2) years from the date of issuance or if the Large-Scale Ground-Mounted Solar Energy System is abandoned as defined herein.

10.7.15 Waivers

It is recognized that there will be instances when strict compliance with the regulations in this section 10.7 is not required to meet the purpose and intent of the Zoning By-Law.

The Planning Board may grant requested waivers to reduce or eliminate any requirement of this section upon findings of: (1) special circumstances of the site or proposal; or (2) the

objectives of this section may be met in an alternative manner; and (3) that such waiver will not derogate from the purposes or intent of this Zoning By-Law.

10.7.16 Enforcement

The Town, through its boards and agents, shall be permitted to enter the premises upon 48 hours' written notice to the applicant for the purposes of monitoring compliance with the terms of the Special Permit.