

Public Hearing and
Richmond Planning Board Meeting
Town Hall
Minutes
March 11 2019

Members present: Rick Bell, Doug Bruce, John Hanson (Chairman), Katherine Keenum

Member absent: Pete Lopez

Others present: Neal Pilson, Richmond Board of Selectmen

Public Hearing

At 6:00 P.M., Mr. Hanson opened the Pubic Hearing to consider two amendments to the zoning by-law:

- To permit and regulate Ground Mounted Solar Arrays;
- To change the Permit Granting Authority for large accessory buildings from the Board of Selectmen to the Planning Board.

Since Mr. Pilson wished to speak to the second issue, Mr. Hanson called on him to begin the proceedings.

1. Mr. Pilson said that, in late November 2018, the Board of Selectmen (BOS) had requested a change in the Zoning By-Law pertaining to the Permit Granting Authority for applications involving structures that exceed 1,000 square feet or 20 feet in height. Four such cases had come before the BOS in three months. Each one had required time, including a site visit; all four involved minor issues, such as 21 feet instead of 20 feet in height. The Select Board was busy. The Planning Board, too, already had more than enough activity with drafting by-laws for matters like solar power and marijuana. In contrast, after the rezoning of Richmond Shores, the Board of Appeals (ZBA) had had to meet only a few times a year. He argued that it would be easier to recruit volunteers to the ZBA if people felt their services were really needed. He requested, therefore, that the Planning Board reconsider Article 2 and change the SPGA from the BOS to the ZBA instead of to the Planning Board.

Mr. Hanson replied with a summary of the Board's discussion when it decided to make the Planning Board the SPGA and emphasized that the process by which an appeal is made goes from the SPGA to the next appeal level. In the case of the ZBA, that would be land court. As it is now, an appeal of a decision by the BOS goes to the ZBA, as would be true if the SPGA were the Planning Board. It would be good to retain these steps in order to avoid going to land court. He added that the ZBA may become busier if cases involving short-term rentals proliferate.

Mr. Pilson suggested a telephone call to Bill Martin, the head of the ZBA, to see whether that board would be interested in taking on the authority. Mr. Hanson pointed out that, if so, there would need to be a public hearing on a new by-law change and the schedule for

getting an article onto the Warrant for the Annual Town Meeting did not allow for it. There was some discussion of whether an amendment could be made from the floor at the Annual Town Meeting. Mr. Pilson also noted the possibility of deferring the change until a Special Town Meeting, of which there was usually at least one sometime during the year.

Mr. Pilson left at 6:20 P.M.

2. Two versions of Article 1: Solar Energy Systems were on the table. The first, "Richmond Zoning Changes, Draft 2/13/2019" (see Exhibit 1) incorporated the changes adopted at the last Planning Board Meeting. The second, "Richmond Zoning Changes, Draft 3/11/2019" (see Exhibit 2) incorporated recommendations of Town Counsel after review of the first.

Discussion began with a question from Mr. Bruce about the size of the perimeter fence mentioned in the Project Area definition. Members agreed that all reference to fencing could come out so that revised definition should now read:

PROJECT AREA: The land area required to accommodate and support the installation and operation of a solar energy system, ground-mounted. The project area shall include the cumulative area of all separate ground- mounted installations on the same lot or adjoining lot.

Discussion continued with a review of the Town Counsel's recommendations for revisions in the article, noting especially the addition of the phrase "to add additional opportunities to develop solar energy systems of all sizes" to the opening statement of purpose and a rearrangement of definitions. Mr. Hanson also outlined the arguments he would use in presenting the solar by-law at Annual Town Meeting.

He closed the Public Hearing at 6:50 P.M.

Planning Board Meeting

Mr. Hanson opened the regular meeting at 6:51 P.M.

1. Mr. Bell moved that the minutes of the Planning Board meeting of February 11, 2019, be approved as written. Mr. Bruce seconded. The motion carried unanimously in a vote of 4-0.
2. Mr. Hanson moved that the Board adopt the changes to Draft 3-11-2019 of the Solar By-Law discussed earlier in the evening at the Public Hearing and send the amended draft to the Board of Selectmen with a recommendation that it be placed on the Warrant for the Annual Town Meeting. Mr. Bruce seconded. The motion carried unanimously in a vote of 4-0.
3. On the question of whether to change the SPGA for large accessory buildings to the Planning Board or the ZBA, Mr. Hanson made a motion to report to the Board of Selectmen a recommendation that the article be placed on the Warrant as is. Ms. Keenum seconded. The motion carried unanimously in a vote of 4-0. As an action item, Mr. Hanson agreed to speak to Bill Martin, the Town Moderator and head of the Board of Appeals, about the ZBA's attitude and the possibility of an amendment from the floor if the ZBA wished to take over the duties.

4. Mr. Hanson asked the Planning Board Clerk to help draft a response to the request from Mark Pruhenski, the Town Administrator, for comment on the application to the Board of Selectmen for a special permit by Balderdash Cellars. [NB: The application is on file and available from the Town Clerk.] Mr. Hanson said it was not the role of the Planning Board to interpret the by-law but proposed making the following three points:

- The Farm Function By-Law specifically said there should be no amplified music other than between the hours of 10:00 A.M. and 11:00 P.M.
- There was no distinction made between indoor and outdoor events in the by-law.
- Town Counsel should be consulted on the assumption made in the application that all indoor events at the winery were by right.

The members agreed and Ms. Keenum undertook drafting a reply to Mr. Pruhenski as an action item.

5. Mr. Hanson reminded the members that the Town Caucus would take place on March 25, 2019, at which Mr. Bell, Mr. Lopez, and he would need to be nominated for positions on the Planning Board.

Mr. Hanson adjourned the meeting at 7:35 P.M.

Respectfully submitted,
Katherine Keenum, Clerk

Exhibit 1

Richmond Zoning Changes
Draft 2/13/2019

Article 1: Solar Energy Systems

To see if the Town will vote to amend the Zoning Bylaw by adding a new Section 13, Accessory Ground-Mounted Solar Energy Systems, and revising Section 4.8 A and Section 4.8 B.

The Purpose of the Amendment is to add reasonable regulations for solar energy systems of all sizes throughout the Town and bring Richmond's zoning bylaws into conformance with State law.

	<u>DISTRICTS</u>
Section 4.8 A. PERMITTED PRINCIPAL USES	RA-A
Continued:	RA-C SR COMM1&2

17. Commercial Scale Ground-Mounted Solar Photovoltaic Installations with less than 250 kW of rated nameplate capacity.	NO	NO	SPP
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	<u>DISTRICTS</u>
Section 4.8 B. PERMITTED ACCESSORY USES	RA-A
Continued:	RA-C SR COMM 1&2

17. Accessory SOLAR ENERGY SYSTEMS

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| a) A Solar Energy System that is structurally mounted to the roof or side of a permitted building, provided the front yard, side yard, and rear yard setbacks are met. Any roof-mounted system shall not exceed the maximum building height for the district in which the building is located. | YES | YES | YES |
| b) A Solar Energy System that is structurally mounted to the ground with a project area of 750 square feet or less, and is 15 feet or less in height, provide the requirements of Section 13 of this by-law are met. | YES | YES | YES |
| c) A Solar Energy System that is | SPP | NO | SPP |

structurally mounted to the ground with a project area greater than 750 square feet or is more than 15 feet in height, provided the requirements of Section 13 of this by-law are met.

Section 13. Accessory Ground-Mounted SOLAR ENERGY SYSTEMS

13.1 Purpose. The purpose of this Section is to:

1. Provide reasonable regulations to govern Accessory Ground-Mounted Solar Energy Systems in order to regulate the size, placement, design, and construction, of such installations;
2. Minimize the impact on and loss of scenic, natural, agricultural and historic resources, and the character of residential neighborhoods;
3. Protect public health, safety, and welfare.

13.2 Dimensional Regulations.

1. Setbacks: A ground mounted solar energy system shall not be located within the front, side, or rear yard setback required in the zoning district in which the system is located.
2. Height: The maximum height of the solar collectors, including supporting structures, at their highest point, shall not exceed 20 feet. The height shall be measured vertically from the highest point to the nearest point on the ground.

13.3 Design and Performance Standards. Accessory Ground-Mounted solar energy systems shall comply with the following standards:

1. Visual Impact. Reasonable efforts shall be made to minimize visual impact from public rights of way and abutting properties. Dense vegetation is the preferred method of screening.
2. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be minimized. Areas of clearing shall be revegetated.
3. Utility Lines. Any utility lines between a solar energy system and the primary use structure shall be underground to the extent feasible.

13.4 Special Permit Required - Solar energy systems requiring a special permit shall meet the following requirements:

In addition to the standard special permit application requirements of section 6.3, a special permit application for

any solar energy system shall also include a site plan with the following:

- a. Property lines and physical features, including roads, for the project site;
- b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- c. Blueprints or drawings of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector;
- d. Documentation of the major system components to be used, including the panels, mounting system, and inverter;
- e. Name, address, and contact information for proposed system installer; Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;

13.5 Definitions:

PHOTOVOLTAIC SYSTEM (ALSO REFERRED TO AS PHOTOVOLTAIC INSTALLATION): An active solar energy system that converts solar energy directly into electricity.

PROJECT AREA: The land area required to accommodate and support the installation and operation of a ground-mounted solar energy system; typically, the land which is enclosed within the line of a perimeter fence that encloses the solar energy system and its accessory components or, if there is no fence, the projected foot print area on the ground covered by the installation. The project area shall include the cumulative area of all separate ground-mounted installations on the same lot or adjoining lot.

SOLAR COLLECTOR: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

SOLAR ENERGY: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM: A device or structural design feature for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

SOLAR ENERGY SYSTEM, ACCESSORY USE: A Solar Energy System whose function is to provide electric power to meet the needs of the primary use.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED: A Solar Energy System that is structurally mounted to the ground and is not roof-mounted.

SOLAR ENERGY SYSTEM, ROOF-MOUNTED: A Solar Energy System that is structurally mounted to the roof or side of a building

SOLAR ENERGY SYSTEM, COMMERCIAL SCALE: A Solar Energy System in excess of 750 square feet project area that is not an Accessory Use system.

Rated Nameplate Capacity, The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

Article 2: Accessory Buildings

To see if the Town will vote to amend the Zoning Bylaw by revising the section below to make the Planning Board the Permit Granting Authority:

Section 4.8 B. PERMITTED ACCESSORY USES	RA-A
Continued:	RA-C SR COMM 1&2

11. Accessory Buildings

b) Accessory buildings or buildings exceeding **SPP SPP SPP** 20 feet in height or buildings that exceed one half the total area of the dwelling on the premises or having a total aggregate floor area of more than 1,000 square feet.

Exhibit 2

Richmond Zoning Changes
Draft 3/11/2019

Article 1: Solar Energy Systems

To see if the Town will vote to amend the Zoning Bylaw by adding a new Section 13, Accessory Ground-Mounted Solar Energy Systems, and revising Section 4.8 A and Section 4.8 B.

The Purpose of the Amendment is to add additional opportunities to develop solar energy systems of all sizes, subject to reasonable regulations throughout the Town. Among other changes, the amendment would allow construction of solar energy systems on any accessory structure by right subject to the zoning setbacks and limits on height in the zoning district.

	DISTRICTS
Section 4.8 B. PERMITTED ACCESSORY USES	RA-A
Continued:	RA-C SR COMM 1&2

17. Accessory SOLAR ENERGY SYSTEMS

<p>b) A Solar Energy System that is structurally mounted to the roof or side of a building, provided the front yard, side yard, and rear yard setbacks are met. Any roof-mounted system shall not exceed the maximum building height for the district in which the building is located.</p>	<p>YES YES YES</p>
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<p>b) A Solar Energy System that is structurally mounted to the ground with a project area of 750 square feet or less, and is 15 feet or less in height, provide the requirements of Section 13 of this by-law are met.</p>	<p>YES YES YES</p>
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<p>d) A Solar Energy System that is structurally mounted to the ground with a project area greater than 750 square feet or is more than 15 feet in height, provided the requirements of Section 13 of this by-law are met.</p>	<p>SPP NO SPP</p>
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3/11/2019 Page 1

Section 13. Accessory Ground-Mounted SOLAR ENERGY SYSTEMS

13.1 Purpose. The purpose of this Section is to:

1. Provide reasonable regulations to govern Accessory Ground-Mounted Solar Energy Systems in order to regulate the size, placement, design, and construction, of such installations;
2. Minimize the impact on and loss of scenic, natural, agricultural and historic resources, and the character of residential neighborhoods;
3. Protect public health, safety, and welfare.

13.2 Dimensional Regulations.

3. Setbacks: A ground mounted solar energy system shall not be located within the front, side, or rear yard setback required in the zoning district in which the system is located.
4. Height: The maximum height of the solar collectors, including supporting structures, at their highest point, shall not exceed 20 feet. The height shall be measured vertically from the highest point to the nearest point on the ground.

13.3 Design and Performance Standards. Accessory Ground-Mounted solar energy systems shall comply with the following standards:

4. Visual Impact. Reasonable efforts shall be made to minimize visual impact from public rights of way and abutting properties. Dense vegetation is the preferred method of screening.
5. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be minimized. Areas of clearing shall be revegetated.
6. Utility Lines. Any utility lines between a solar energy system and the primary use structure shall be underground to the extent feasible.

13.4 Definitions:

PROJECT AREA: The land area required to accommodate and support the installation and operation of a solar energy system, ground-mounted; typically, the land which is enclosed within the line of a perimeter fence that encloses the solar energy system and its accessory components or, if there is no fence, the projected foot print area on the ground covered by the installation. The project area shall include the cumulative area of all separate ground-mounted installations on the same lot or adjoining lot.

SOLAR COLLECTOR: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

SOLAR ENERGY: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM: A device or structural design feature for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating. Includes a PHOTOVOLTAIC SYSTEM

PHOTOVOLTAIC SYSTEM (ALSO REFERRED TO AS PHOTOVOLTAIC INSTALLATION): An active solar energy system that converts solar energy directly into electricity.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED: A Solar Energy System that is structurally mounted to the ground and is not roof-mounted.

SOLAR ENERGY SYSTEM, ROOF-MOUNTED: A Solar Energy System that is structurally mounted to the roof or side of a building

Rated Nameplate Capacity, The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

DISTRICTS

Section 4.8 A. PERMITTED PRINCIPAL USES	RA-A
Continued:	RA-C SR COMM1&2

17. Commercial Scale Ground-Mounted Solar Photovoltaic Installations with less than 250 kW of rated nameplate capacity.	NO	NO	SPP*
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*Note: special permit not required if the ground-mounted solar photovoltaic installation meets the requirements of Section 4.8 B, Permitted Accessory Uses, Section 17, (b).

