

# Ground Mounted Solar Photovoltaic Overlay District Amendment TC Item No. 2022-034

*Code of the Town of Barnstable, Part I, General Ordinances,  
Chapter 240.44.2*





# Background

Pending litigation regarding the permitting process for ground mounted solar in the Town of Barnstable.

Litigation pending specifically regarding 810 Wakeby Road

Parties agreed that the Town will seek to update their solar ordinance to expand the Ground-Mounted Solar Photovoltaic Overlay District to include the address and to adopt special permit criteria along with that potential expansion.

First read at Town Council was October 7, 2021

Hearing before the Planning Board was opened on November 8, 2021 . The hearing was continued to December 13, 2021, January 10, 2022, February 14, 2022, February 28, 2022, and March 14, 2022 when it was closed.

Planning Board's recommendation was voted unanimously on March 14, 2022



## Ground-Mounted Solar Photovoltaic Overlay District

Two Overall Amendment Recommendations by the Planning Board:

- Location
- Process

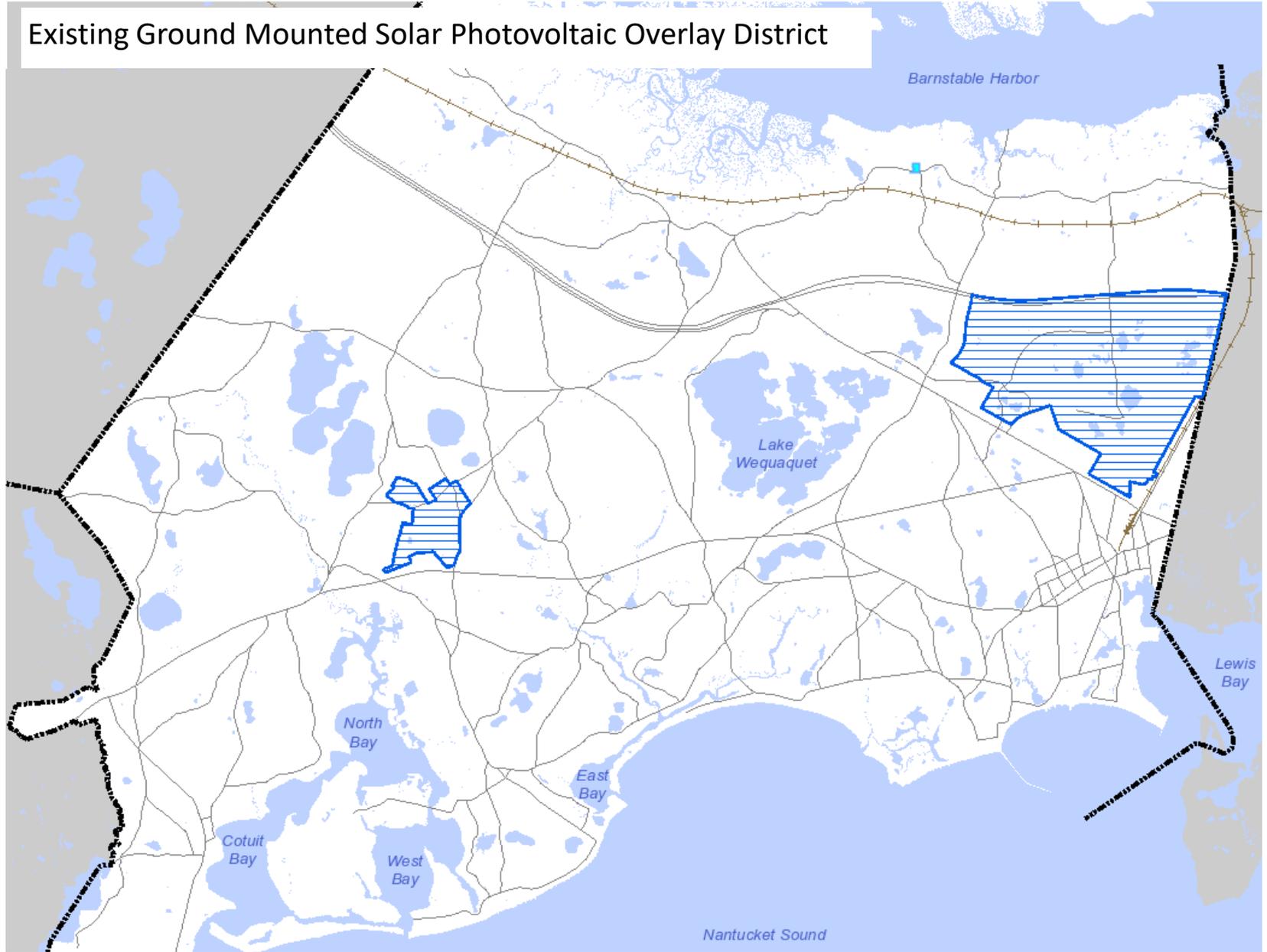
To expand the Ground-Mounted Solar Photovoltaic Overlay District to include the property located at 810 Wakeby Road

**AND**

To require enhanced project review standards for the existing ordinance (site plan review) as well as introduce a special permit process for solar within any residential district located within the overlay district.

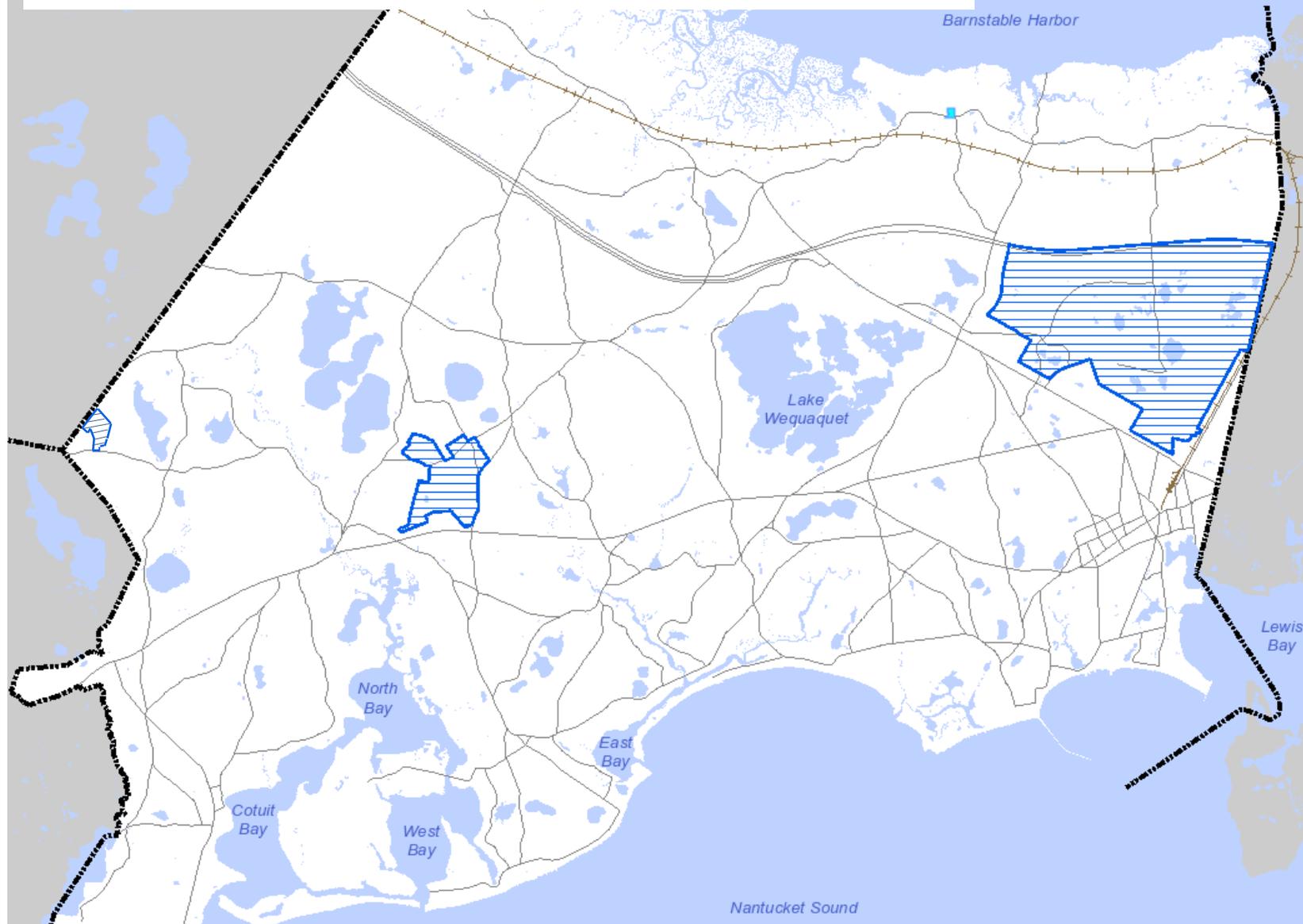


# Existing Ground Mounted Solar Photovoltaic Overlay District





# Recommended Ground Mounted Solar Photovoltaic Overlay District





Approx. Boundary of Large Ground Mounted Solar in Industrial Underlying Zoning



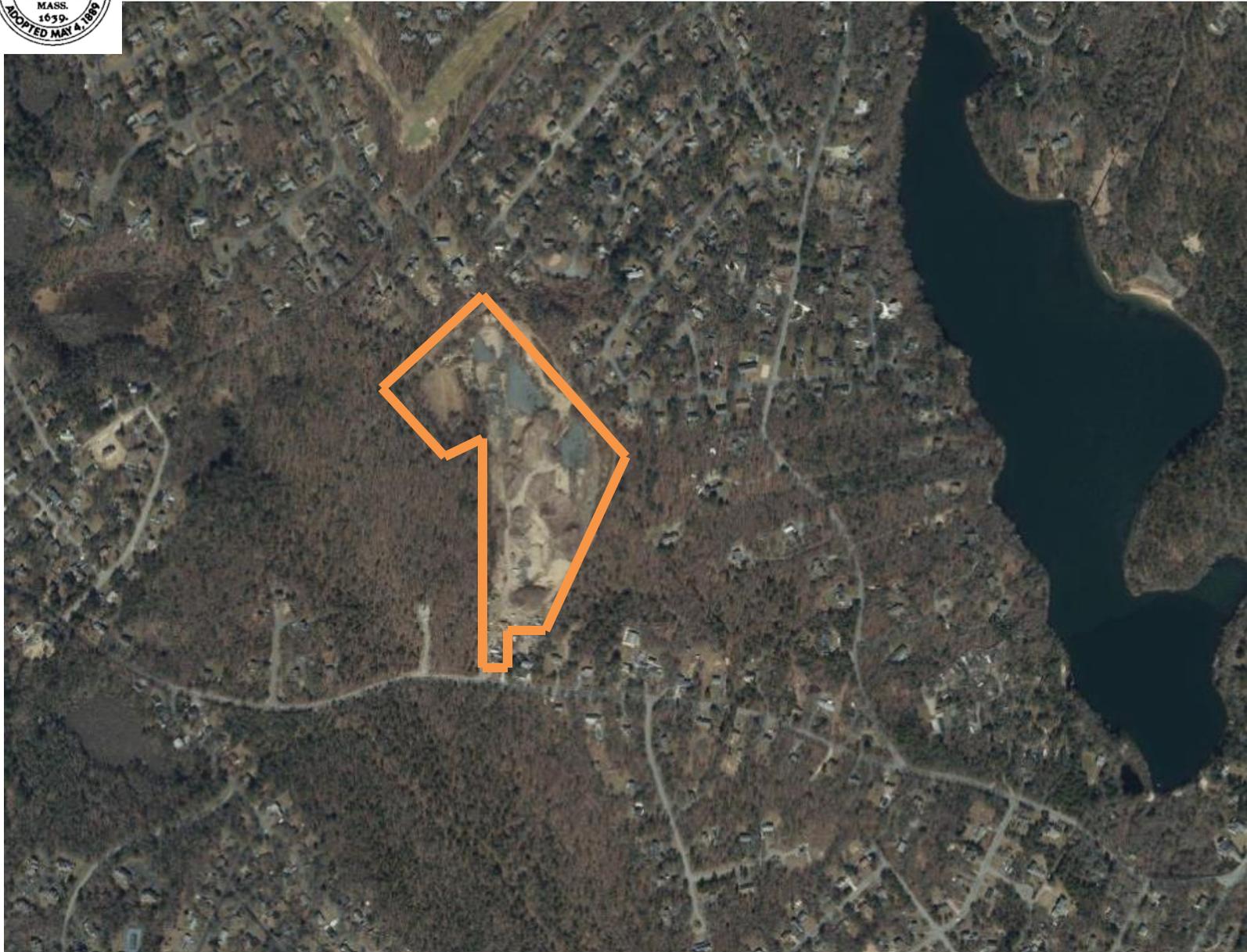


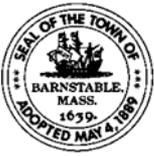
# Approx. Boundary of Large Ground Mounted Solar in Residential Underlying Zoning





# Approx. Boundary of Large Ground Mounted Solar in Residential Underlying Zoning Proposed to be Added





The recommended amendments include adjustments to definitions, site plan review criteria and adding a special permit criteria for solar in underlying residential districts.

## DEFINITIONS

Amendment to the definition of AS-OF-RIGHT SITING by adding, “The ground-mounted solar photovoltaic installation may proceed without the need for a special permit, variance, amendment, waiver or other local discretionary approval, **except that a special permit shall be required when located in a residential zoning district.**”

## AND

The section is further amended to add definitions for

- Battery(ies),
- Battery Energy Storage Management System,
- Battery Energy Storage System and
- Hazardous Product.



*All Applications Must Follow*

The recommended amendments add additional criteria for site plan review.

- amended by prohibiting Batteries and Battery Energy Storage Systems and
- adding certain site plan requirements such as
  - existing conditions features,
  - stormwater management plan standards,
  - documented access and control of a site,
  - added operation and maintenance plan requirements,
  - Federal Aviation Administration approval, and
  - Hazardous Materials requirements.

This section also proposes to amend dimensional requirements by increasing setbacks and enhancing screening requirements, and by adding a new subsection for stormwater management.



*All Applications in  
Residential Districts Must  
Follow*

The recommended amendments adds a new level of permitting for solar in underlying residential zoning districts within the overlay district to require a special permit before the Planning Board.

Section F – Site Control – By replacing Section F with a new section entitled Special Permit Provisions.

This section includes special permit criteria for the following:

- Site Plan Approval,
- Setback requirements,
- Screening criteria,
- Federal Aviation Administration approval,
- Hazard Materials requirements,
- Expanded Operation and Maintenance plan,
- and other compliance criteria found by the Planning Board as necessary to protect the public health, safety and welfare.

[Full Text of the Revisions Recommended](#)



## A few examples of the further defined criteria added to Site Plan Criteria:

- p. The project proponent shall provide full disclosure of all hazardous products proposed to be used at any time at a project site shall be provided in writing to the Building Commissioner with the Site Plan Review application; no application for Site Plan Review shall be considered complete until such disclosure is submitted to the Building Commissioner. No such hazardous materials shall be deployed or used at any time at a project site without Site Plan approval. Use, storage and containment of hazardous materials shall comply with all Federal, State, Regional, and local codes and regulations, including building, fire, and health codes. The Applicant shall require all manufacturers to attest and certify that all solar panels, solar sheets, batteries and all other materials used on the proposed site shall not contain Per- and Polyfluoroalkyl Substances (PFAS).
3. Dimensional requirements. Ground-mounted solar photovoltaic installations are subject to the front, side and rear yard setbacks as set forth in the underlying zoning district(s), except that any ground-mounted, large-scale solar photovoltaic installation with 250 kw or larger of rated nameplate capacity located in a residential zoning district shall maintain a minimum 150 foot setback to residentially developed lots and 100 foot setback from all other property lines to contain noise.



## A few examples of the proposed special permit criteria

1. Use, storage and containment of hazardous materials shall comply with all Federal, State, Regional, and local codes and regulations, including building, fire, and health codes. Any equipment which includes hazardous materials shall provide design containment equal to a minimum of 110% of the hazardous material volume contained in the associated equipment plus an additional volume to include the 100-year storm event over a 24-hour period.

Hazardous materials stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by the Massachusetts Department of Environmental Protection pursuant to 310 CMR 30.000.

2. Expanded Operation and maintenance plan. The project proponent shall submit a plan for the operation and maintenance of the ground-mounted solar photovoltaic installation, which shall include specific measures for maintaining safe access to the installation, a stormwater management plan, , and general procedures for and frequency of operational maintenance of the installation. The Operation and Maintenance Plan shall include measures for maintaining year-round safe access for emergency vehicles, snow plowing, storm water controls, and general procedures, and a yearly schedule for the operation and maintenance of the facilities including fencing, and maintenance of landscaping. The Operation and Maintenance Plan shall include details on hazardous material containment maintenance and monitoring as well as the following:

Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition in accordance with Massachusetts Building Code and Massachusetts Fire Code (herein known as Uniform Code). Where commissioning is required by the Uniform Code, a corrective action plan shall be developed for any open or

# Questions?

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