

TOWN OF BLANDFORD PLANNING BOARD

Town Hall
1 Russell Stage Road
Blandford, MA 01008
Tel. # (413) 848-4279
Website: <http://townofblandford.com/>
Email: planning@townofblandford.com

Please insert the following Public Hearing Notice under Legal Notices and send tear sheet and invoice immediately following publication to the Planning Board, 1 Russell Stage Road, Blandford, MA 01008

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PUBLIC HEARING NOTICE

The Blandford Planning Board will be holding a Public Hearing on June 13, 2018 at 7:15 PM in the Town Hall, 1 Russell Stage Road Blandford, MA to consider numerous amendments to the Blandford Zoning Bylaw relative to:

1. Ground Mounted Solar Photovoltaic Installations, in particular:
 - Section III: Type Of Districts
 - Section IV: Provisions For Districts
 - Section VIII: Ground-Mounted Solar Photovoltaic Installations
 - Section XII: Schedule Of Uses Table
 - Section XIII: Definitions
2. Medical Marijuana Facilities (Registered Marijuana Dispensaries and Off-Site Medical Marijuana Dispensaries), in particular:
 - Section IV: Provisions for Districts
 - Section XII: Schedule of Uses Table
 - Section XIII: Definitions
 - Section XIV: Marijuana Facilities (new)
3. Recreational/Retail Marijuana Establishments Moratorium, in particular:
 - Section IV: Provisions for Districts
 - Section XII: Schedule of Uses Table
 - Section XIII: Definitions
 - Section XIV: Marijuana Facilities (new)

The complete text of the proposed amendments are available for public inspection in the Town Hall lobby during regular business hours (8:00a.m.-7:00p.m.), at the Porter Memorial Library, 87 Main St, Blandford, MA and on the town's website at <http://townofblandford.com/>.

Anyone wishing information and/or to be heard on this matter should appear at the time and place designated above.

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Please insert the following Public Hearing Notice under Legal Notices and send tear sheet and invoice immediately following publication to the Planning Board, 1 Russell Stage Road, Blandford, MA 01008

PUBLIC HEARING NOTICE

The Blandford Planning Board will be holding a Public Hearing on June 6, 2018 at 7:15 PM in the Town Hall, 1 Russell Stage Road Blandford, MA to consider amending the Blandford Zoning Bylaw relative to Ground Mounted Solar Photovoltaic Installations, in particular:

- SECTION VIII: GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS
- SECTION III TYPE OF DISTRICTS
 - 3.1 Types of Districts
- SECTION IV: PROVISIONS FOR DISTRICTS
 - 4.1 RESIDENTIAL DISTRICT
 - 4.2 BUSINESS DISTRICT
 - 4.3 AGRICULTURAL DISTRICT
 - 4.4 LONG POND WATERSHED PROTECTION DISTRICT
 - 4.5 SOLAR PHOTOVOLTAIC OVERLAY DISTRICT
- SECTION VIII GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS
- SECTION XII: SCHEDULE OF USES TABLE
- SECTION XIII - DEFINITIONS

The complete text of the proposed amendments are available for public inspection in the Town Hall lobby during regular business hours (8:00a.m.-7:00p.m.), at the Porter Memorial Library, 87 Main St, Blandford, MA and on the town's website at <http://townofblandford.com/>.

Anyone wishing information and/or to be heard on this matter should appear at the time and place designated above.

Richard Barnard, Chair
Blandford Planning Board

Publish: (PRIOR TO) May 22 & May 29, 2018 - Country Journal
Bill to: Blandford Planning Board, Town Hall, 1 Russell Stage Road, Blandford, MA 01008

4.2.1 Uses Permitted (see Section XII: Schedule of Uses Table)

Add:

4.2.1.9 Roof Mounted Solar Photovoltaic Installation

Revise:

- 4.2.1.10 Any additional use, which is not specifically prohibited or already requires a Special Permit from another Board, for which the Board of Selectmen may grant permission, after a public hearing as outlined in Section V, in a specific case after the determination by the Board that the proposed use is similar to one or more of the uses specifically authorized by this section.

4.3 AGRICULTURAL DISTRICT

Revise:

4.3.1 Uses Permitted (see Section XII: Schedule of Uses Table)

Add:

4.3.1.4 Roof Mounted Solar Photovoltaic Installation

4.3.1.5 Ground Mounted Solar Photovoltaic Installation – Requires a Special Permit and Site Plan Review issued by the Planning Board in accordance with Sections VIII and IX.

Revise:

- 4.3.1.6 In appropriate cases, for uses which are not specifically prohibited or already require a Special Permit from another Board, with appropriate safeguards the Board of Appeals may grant special permits for the following uses. A performance bond shall be required. *[NOTE: Leave remaining sub-sections as is]*

4.4 LONG POND WATERSHED PROTECTION DISTRICT

Revise:

4.4.4 Permitted Uses (see Section XII: Schedule of Uses Table)

Add:

4.5 SOLAR PHOTOVOLTAIC OVERLAY DISTRICT

4.5.1 Uses Permitted (see Section XII: Schedule of Uses Table)

- 4.5.1.1 All uses that are permitted “by-right” in the underlying Zoning District

4.5.1.2 Roof Mounted Solar Photovoltaic Installation

4.5.1.3 Uses permitted by Special Permit

- (a) All uses that are permitted by Special Permit in the underlying Zoning District require a Special permit
- (b) Ground Mounted Solar Photovoltaic Installation -- Requires a Special Permit and Site Plan Review issued by the Planning Board in accordance with Sections VIII and IX.

- - -
Add: [ALL NEW]

SECTION VIII GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

8.1 Purpose - The purpose of this Section is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of Ground-Mounted Solar Photovoltaic installations that address public safety and minimize impacts on scenic, natural and historic resources.

8.2 Applicability

8.2.1 This Section applies to all ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this Section. This Section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

8.2.2 All Ground Mounted Solar Photovoltaic Installations (including Large Scale) shall require a Special Permit and Site Plan Approval issued by the Planning Board in accordance with this section and Section IX, except that:

8.2.2.1 within the Solar Photovoltaic Overlay District only, Ground Mounted Solar Photovoltaic Installations (including Large Scale) are permitted As-of-Right Siting (subject to Site Plan Approval) when the lot coverage of all of the arrays, structures and buildings do not exceed an aggregate of 1.5 acres. The calculation of the lot coverage area shall exclude required setbacks and wetlands. The combined area of multiple installations (new or existing) on a single lot, or adjacent lots in common ownership shall be used to determine accordance with the 1.5 acre threshold.

8.3 General Requirements for all Ground Mounted Solar Photovoltaic Installations

8.3.1 Site Plan Review - All ground-mounted solar photovoltaic installations shall undergo site plan review, in accordance with Section IX, by the Site Plan Review Authority prior to construction, installation or modification as provided in this Section. For the purpose of this Section of the Zoning Bylaw, the Planning Board shall be the Site Plan Review Authority. In addition to the submission requirements of Section IX, the following shall also be required:

8.3.1.1 General - All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.

8.3.1.2 Required Documents - Pursuant to the site plan review process, the Project Proponent shall provide the following documents:

certified mail of the proposed date of discontinued operations and plans for removal. The Abandonment & Decommissioning Plan shall include a detailed description of how all of the following will be addressed:

- (1) Physical removal of all structures; equipment, building, security barriers and transmission lines from the site, including any materials used to limit vegetation.
- (2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (3) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- (4) Financial surety for decommissioning - Proponents of ground-mounted solar photovoltaic installations shall provide a form of surety, either through escrow account, bond or other form of surety approved by the Planning Board to cover the estimated cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent and the Town. Such surety will not be required for municipal or state-owned facilities. The project proponent shall submit a fully inclusive detailed itemized cost estimate of the town's estimated costs (including "prevailing wages") associated with removal and full decommissioning of the facility and site, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation at the end of the facility's useful life. Said estimated cost shall not include or deduct the value of material recycling. Said surety in its full amount shall be presented to the Planning Board prior to the Project Proponent applying for Building Permits or the commencement of construction
- (5) All legal documents required to enable the Town to exercise its rights and responsibilities under the plan to decommission the site, enter the property and physically remove the installation.

8.3.2 Utility Notification - No ground mounted solar photovoltaic installation shall be constructed until evidence has been given to the Site Plan Review Authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the ground-mounted solar photovoltaic installation Project Proponent's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

8.3.3 Dimension and Density Requirements - Ground-mounted solar photovoltaic installations shall comply with the same dimension and density requirements required in the underlying district, except that for such facilities of 250 kw or greater the following shall apply:

8.3.3.1 Front, rear and side yard setbacks shall be a minimum 100 feet

8.3.3.2 Access roads or driveways shall be setback at least 25 feet from side and rear lot lines

8.3.6.8 Signage – No signage on ground mounted solar photovoltaic installations is permitted other than those required to identify voltage and electrocution hazards as well as the owner, and provide a 24-hour emergency contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

8.3.6.9 Utility Connections - Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

8.3.7 Safety and Environmental Standards

8.3.7.1 Emergency Services - The ground mounted solar photovoltaic installation Project Proponent shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the Project Proponent shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The Project Proponent shall identify a responsible person for public inquiries throughout the life of the installation.

8.3.7.2 Land Clearing, Soil Erosion and Habitat Impacts - Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the ground mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws. Such installations shall not occur on any slopes greater than 15% in order to minimize erosion. No more than 50% of the land parcel utilized for ground mounted solar photovoltaic installations shall contain land requiring clearing of forest.

8.3.7.3 No topsoil shall be removed from the land parcel under consideration for ground mounted solar photovoltaic installations. If earthworks operations are required, topsoil shall be stockpiled within the property bounds and protected against erosion until such time earthwork operations are completed and topsoil can be re-spread over parcel. Earthworks shall be planned to limit export of soil material (non-topsoil) to 1000 cubic yards per acre affected by installation. A detailed earthworks estimate is a required submittal component proving this quantity is maintained.

8.3.7.4 Impact on Agricultural and Environmentally Sensitive Land - The ground-mounted solar photovoltaic installation 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. No more than 50-percent of the total land area proposed for the solar electric field may be occupied by the solar panels, with the remainder of the land remaining as undeveloped open space left in its natural state.

8.3.7.5 Vegetation Management - Herbicides, pesticides, or chemical fertilizers shall not be used to manage vegetation at the ground-mounted solar photovoltaic installation. Mowing, grazing or using geotextile materials underneath the solar array are possible alternatives. In the Long Pond Watershed Protection District, low growing grasses are optimal. Other grasses must be regularly mowed or grazed so as to minimize the amount and height of "fuel" available in case of fire.

8.3.7.6 All land associated with the ground-mounted solar installation shall be covered and

BUILDING INSPECTOR: The lead person in a municipal building department. All other inspectors are deemed to be local inspectors in accordance with MGL, chapter 143, & section 3 & 3A. The building inspector is also the zoning enforcement officer.

BUILDING PERMIT: A construction permit issued by an authorized local building inspector; the building permit affirms that the project is consistent with the state and federal building codes as well as local zoning bylaws.

PROJECT PROPONENT: The applicant, property owner, facility developer, operator and management entity, jointly and severally, of a project. Each of the responsible parties shall be responsible for adhering to the requirements set forth in this By-Law.

RATED NAMEPLATE CAPACITY: The maximum rated output of electric power production of a Photovoltaic system in Direct Current (DC).

SITE PLAN REVIEW: A review by the Site Plan Review Authority to determine conformance with local zoning ordinances or bylaws.

SITE PLAN REVIEW AUTHORITY: The person or group designated as such by the applicable section of the bylaw to perform Site Plan Reviews.

SOLAR PHOTOVOLTAIC INSTALLATION, GROUND MOUNTED: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted.

SOLAR PHOTOVOLTAIC INSTALLATION, LARGE-SCALE GROUND-MOUNTED: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a rated nameplate capacity greater than 250 KW DC.

SOLAR PHOTOVOLTAIC INSTALLATION, ROOF MOUNTED: A solar photovoltaic system that is structurally mounted on the roof of a building.

SPECIAL PERMIT: A permit issued by a special permit granting authority pursuant to provisions of this bylaw and of Section 9 of the Zoning Act to permit uses, structures or structural alterations which are in harmony with the general purposes of this bylaw and which shall be subject to general or specific provisions as therein set forth and to conditions, safeguards and limitations which may be imposed by the special permit granting authority.

SPECIAL PERMIT GRANTING AUTHORITY: The Special Permit Granting Authority shall be specifically identified in the applicable sections of the Zoning Bylaws. Where the SPGA is not specifically identified, then the Planning Board shall be the SPGA.

SECTION IV: PROVISIONS FOR DISTRICTS

4.2 Business District

4.2.1 Uses permitted (See Article XII: Schedule of Uses Table)

Add:

4.2.1.11 Registered Marijuana Dispensary (RMD) and Off-Site Medical Marijuana Dispensary (OMMD) – Requires a Special Permit and Site Plan Review issued by the Planning Board in accordance with Section XIV and IX.

SECTION XII: SCHEDULE OF USES TABLE

Add:

| 5.0 Wholesale, Transportation and Industrial Uses | | | | | | |
|---|--|---|---|----|---|----------------------|
| 5.4 | Registered Marijuana Dispensary (RMD) | N | N | SP | N | See Section XIV & IX |
| 5.5 | Off-Site Medical Marijuana Dispensary (OMMD) | N | N | SP | N | See Section XIV & IX |

SECTION XIII: DEFINITIONS

*Delete individual numbering and**Add: (highlighted)*

APPLICANT, ALSO SUBDIVIDER: shall include an owner or his agent or representative, or his assigns.

BOARD: In the Site Plan Review, shall mean the Planning Board of the Town of Blandford.

HIGHWAY SUPERINTENDENT: The superintendent of streets or other official designated by the Board of Selectmen in charge of streets and roadways in the Town of Blandford.

LOT: shall mean an area of land in single ownership, with definite boundaries, used, or available for use, as the site of one or more buildings.

MUNICIPAL SERVICE: shall mean public utilities furnished by the city or town in which a subdivision is located, such as water, sewage, gas, or electricity.

or more buildings were standing when the Subdivision Control Law went into effect in the Town of Blandford into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

SUBDIVISION CONTROL: shall mean the power of regulating the subdivision of land granted by the Subdivision Control Law.

SUBSTANTIAL IMPROVEMENT, SITE PLAN: Any repair, reconstruction, or improvement of a structure or site, the cost of which equals or exceeds fifty (50) percent of the market value of the structure and other improvements on a site including, but not limited to, utilities, drainage, parking, access ways, lighting, landscaping, signage before the improvement or repair is started.

SUBSTANTIAL IMPROVEMENT, STRUCTURE: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if damaged, the value of the structure to be restored prior to being damaged.

SUBSTANTIAL IMPROVEMENT, SUBDIVISION: Substantial improvement of an approved subdivision shall mean that 1) the construction of all approved streets has been completed with the exception of the final coat of paving, and 2) all required utilities have been installed.

LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS. See Section VIII.

SUPERINTENDENT OF STREETS: The superintendent of streets or other official designated by the Board of Selectmen in charge of streets and roadways in the Town of Blandford.

TOWN: The Town of Blandford, Massachusetts.

TRAILER: A vehicle which can be drawn, carried on or incorporated in a motor vehicle whether on temporary or permanent supports, designed for dwelling or sleeping purposes or as a temporary business of construction office.

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Add: *[ALL NEW]*

SECTION XIV – REGISTERED MARIJUANA DISPENSARY (RMD) and OFF-SITE MEDICAL MARIJUANA DISPENSARY (OMMD)

14.1 Registered Marijuana Dispensary (RMD) And Off-Site Medical Marijuana Dispensary (OMMD)

14.1.1 Purposes

It is recognized that the nature of the substance cultivated, processed, and/or sold by medical marijuana treatment centers and off-site medical marijuana dispensaries may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the public as well as patients seeking treatment. The specific and separate regulation of Registered Marijuana Dispensaries (hereafter referred to as a RMD) as Medical Marijuana Treatment Centers and Off-site Medical Marijuana Dispensary (hereafter referred to as an OMMD) facilities is necessary to advance these purposes and

- b) No RMD or OMMD facility shall be located inside a building containing residential units, including transient housing such as motels and dormitories.

14.1.2.3 Reporting Requirements.

- a) All Special Permit and Site Plan Approval holders for an RMD or OMMD facility shall provide the Police Department, Fire Department, Building Commissioner/Inspector and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.
- b) The local Building Commissioner/Inspector, Board of Health, Police Department, Fire Department and Special Permit Granting Authority (in cases where a Special permit or Site Plan Approval was granted) shall be notified in writing by an RMD or OMMD facility owner/operator/ manager:
 - (1) A minimum of 30 days prior to any change in ownership or management of that facility
 - (2) A minimum of 12 hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the RMD or OMMD.
- c) Permitted RMD and OMMD facilities shall file an annual report to and appear before the Special Permit Granting Authority no later than January 31st, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.
- d) The owner or manager is required to respond by phone or email within twenty-four hours of contact by a town official concerning their RMD or OMMD at the phone number or email address provided to the Town as the contact for the business.

14.1.2.3 Issuance/Transfer/Discontinuance of Use

- a) Special Permits/Site Plan Approvals shall be issued to the RMD Operator
- b) Special Permits/Site Plan Approvals shall be issued for a specific site/parcel
- c) Special Permits/Site Plan Approvals shall be non-transferable to either another RMD Operator or site/parcel
- d) Special Permits/Site plan Approvals shall have a term limited to the duration of the applicant's ownership/control of the premises as a RMD or OMMD, and shall lapse:
 - (1) If the permit holder ceases operation of the RMD, and/or
 - (2) The permit holder's registration by MDPH expires or is terminated
- e) The permit holder shall notify the Zoning Enforcement Officer and Special Permit Granting Authority in writing within 48 hours of such lapse, cessation, discontinuance or expiration.
- f) An RMD or OMMD facility shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state Registration or ceasing its operation.
- g) Prior to the issuance of a Building Permit for a RMD or OMMD the applicant is required to post with the Town Treasurer a bond or other form of financial security acceptable to said Treasurer in an amount set by the Planning Board. The amount shall be sufficient to cover the costs of the town removing all materials, plants, equipment and other paraphernalia if the applicant fails to do so. The Building Inspector shall give the applicant 45 days' written notice in advance of taking such action. Should the applicant remove all materials, plants,

- 14.1.4.5 That the RMD or OMMD facility provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured.
- 14.1.4.6 That the RMD or OMMD facility adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.

SECTION XII: SCHEDULE OF USES TABLE

Add:

| 5.0 Wholesale, Transportation and Industrial Uses | | | | | | |
|---|-------------------------|---|---|---|---|---|
| 5.6 | Marijuana Establishment | N | N | N | N | All types of marijuana establishments consistent with and defined in MGL c. 94G, but not including registered Medical Marijuana Treatment Centers as defined in Section 5.9 of these Zoning Bylaws. See Section XIV. |

SECTION XIII: DEFINITIONS

Add:

MARIJUANA ESTABLISHMENT: All types of marijuana establishments consistent with and defined in MGL c. 94G, but not including registered Medical Marijuana Treatment Centers as defined in Section 5.9 of these Zoning Bylaws.

SECTION XIV – REGISTERED MARIJUANA DISPENSARY (RMD), OFF-SITE MEDICAL MARIJUANA DISPENSARY (OMMD) and MARIJUANA ESTABLISHMENTS

*Add: [ALL NEW]*14.2 Marijuana Establishments

14.2.1 Temporary Moratorium on Marijuana Establishments

14.2.1.1 Authority and purpose.

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. This law was amended on December 30, 2016 by