

LUNENBURG PLANNING BOARD ***TOWN OF LUNENBURG***

Emerick R. Bakaysa, Chair
Joanna L. Bilotta, Vice-Chair
Thomas W. Bodkin, Jr., Clk.
Robert J. Saiia, Mbr.
Nathan J. Lockwood, Mbr.
Marion M. Benson, Planning Director



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Public Hearing Minutes
Town Meeting Articles
November 9, 2009

Meeting Posted: Yes

Place: Town Hall, 17 Main Street, Lunenburg, MA. 01462

Time: 6:30 PM

Members Present: Emerick R. Bakaysa, Chair, Joanna L. Bilotta, Robert J. Saiia, Thomas W. Bodkin, Jr., Nathan J. Lockwood, Marion M. Benson, Planning Director

Chair opened the Public Hearing at 6:30 PM by reading the notice published in the Sentinel & Enterprise on October 26 and November 2, 2009.

The Public Hearing was to hear amendments to the Zoning Bylaw by revising Section 6.6., Performance Standards, Subsection 6.6.6., Wind Energy System, to meet the standards of Department of Energy Resources (DOER) for wind systems and add a new subsection 6.6.7., Solar Energy System. Notice of said hearing was duly posted in the usual posting places. Notices were sent to abutting Towns, Cities, agencies and Town departments.

Motion, Ms. Bilotta, to open discussion for Articles for Special Town Meeting, Second, Mr. Saiia.

Ms. Benson noted copies of the two bylaw articles are available in the Planning Office and they would be published in the warrant being delivered to residents.

Chair presented amendments to the Zoning Bylaw.

6.6. PERFORMANCE STANDARDS

6.6.6. Revision

6.6.6. Wind Energy Systems

6.6.6.1. Wind Energy Systems (WES) are subject to a Development Plan Review granted by the Planning Board and to the following conditions, unless waived or adjusted by the Planning Board as is consistent with the purposes of this Section.

a) Area and Height.

A Small Wind Energy System (SWES) shall be located on a parcel of forty thousand (40,000) square feet minimum or on Town owned property. For a SWES the blade tip height, defined as combined tower and turbine height, shall not exceed eighty (80) feet measured from the average elevation of the existing grade at the base of the tower to the highest reach of the blade tip of the turbine.

A Commercial Wind Energy System (CWES) is located on a minimum of 400,000 square feet (10 building acres) or on Town owned property. The maximum height shall be determined by the Planning Board and/or according to manufacturer recommendation, not to exceed FAA Regulations.

b) Setback.

A SWES and CWES minimum horizontal distance shall be measured from the base of the tower structure to any property line or road right-of-way and shall be the greater of either the blade tip height plus ten (10) feet or the "fall zone", as determined by the Wind Turbine Chart or Engineering Standards supplied by the manufacturer. No part of any WES, including guy wire and anchors, may extend closer to the property boundaries than the setback for the zoning district in which it is located, as provided in the dimensional table in Section 5.0. of this bylaw.

c) Security.

The system is to be designed to prevent unauthorized access.

d) Appearance and Design.

The system shall be of monopole design with appropriate bracings, unless otherwise approved by the Planning Board, and a non-reflective exterior color designed to blend with the surrounding environment. No logos, designs, decorations, or writing shall be visible at or beyond the property line so that the visual character of surrounding neighborhoods and the community is minimally affected by site selection, turbine design or appearance, buffering, screening or lighting.

e) Cables.

All electrical cables from the tower base on all connected facilities are to conform to the Massachusetts Electrical Code as directed by the Building Official.

6.6.6.2. Construction, Operation and Maintenance.

a) An Application for a Wind Energy System:

A review for a Wind Energy System (WES) shall include a plan for the general procedures for safe and effective operation and maintenance of the facility and the following:

1. SWES. A schematic plan to scale showing placement of the tower distance to all property lines and abutting dwellings, proposed elevations, public and private roads, above ground utility lines, any other significant features and any measures designed to mitigate the impact of SWES. Any portion of these requirements may be waived by the Planning Board, if, in its opinion, the engineering/manufacturing information submitted is sufficient for the Board to make a decision.
2. CWES. A site plan, which is prepared to scale, stamped by a professional land surveyor, registered landscape architect or licensed civil engineer, showing, in addition, to other applicable requirements for a Site Plan, the location of the proposed WES and any associated buildings or appurtenances, distances to all property lines and abutting dwellings, existing and proposed structures, existing and proposed elevations, public and private roads including temporary access roads, above and below ground utility lines, any other significant features or appurtenances, and any measures designed to mitigate the impacts of the WES. Any portion of these requirements may be waived by the Planning Board, if in its opinion, the engineering/manufacturing information submitted is sufficient for the Board to make a decision.
3. A plan for the construction, operation, maintenance and removal of wind facilities, which shall be consistent with all other applicable Town, State and Federal requirements, including all applicable health and safety regulations *shall be submitted to the Planning Board*. Evidence shall be submitted to the Planning Board that the utility has been informed of the customer's plans and approval for an intertie agreement *has been obtained*.

b) Codes.

Building Permit Applications for small wind energy systems shall comply with the State Building Code and all applicable *State Electrical Codes*.

c) Noise.

Wind Energy Systems shall comply with the Massachusetts noise regulations (310 CMR 7.10).

d) Height.

WES towers shall comply with the above applicable section or with applicable FAA regulations, whichever is more restrictive.

e) Abandonment.

Unless authorized by written approval from the Planning Board, a WES shall be considered to be abandoned if it is not operated for a period of two (2) years, and shall be removed. If it is designated a safety hazard by the Building Commissioner, the owner shall correct the hazard or remove the WES within ninety (90) days. If the property owner fails to correct the safety hazard or to remove the wind energy system in accordance with the requirements, the Town may physically remove the WES at the owner's expense.

f) Removal.

Removal of a WES, any equipment shelters, and security barriers from the subject property requires proper disposal of the waste materials from the site in accordance with Local and State solid waste disposal regulations and restoration of the location of the WES to a stable condition with vegetation sufficient to prevent erosion and sedimentation.

g) Fees.

SWES. The applicant shall pay all costs, including application fee, review and inspecting fees as deemed appropriate by the Planning Board Fee Schedule.

CWES. The applicant shall pay all costs, including application fee, peer review and inspecting fees as determined by the Planning Board Fee Schedule.

h) Insurance.

Evidence of insurance coverage for all potential damages relating to a CWES shall be provided prior to construction.

i) Inspections.

Annual inspections to determine certification, safety and appearance shall be performed by the Building Commissioner.

j) Bonds.

An original Bond for a CWES shall be required to cover the cost of construction. An annual maintenance bond shall be posted as directed by the Planning Board Fee Schedule.

Reasoning for revision of sub section 6.6.6. entitled Wind Energy Systems

The Wind Energy Systems bylaw was voted at the May, 2008 Town Meeting. Prior to that, there was little accounting for wind sources in the bylaw and little interest; however, alternative energy systems are very much in the foreground and wind energy development is an important aspect to renewable energy in this country. The Board of Selectmen has created a Green Community Task Force. The Task Force has been working under the Green Communities Act to be pro-active in seeking funding for town projects and provide assistance to new renewable energy efforts on behalf of the citizens. In May 2009 we made an adjustment to the bylaw by deleting a Special Permit requirement and replacing that direction with a Development Plan Review per the Green Community Act.

Through the work of the Task Force and directive assistance from the State agencies, this revision of the bylaw is more user friendly. The SWES (Small Wind Energy Systems) does not require an engineered stamped plan, but rather a schematic plan along with engineering/manufacturing information to assist review for permitting. A building permit application, following review, will address all State Building Codes and local bylaws.

The CWES (Commercial Wind Energy System) will require a plan prepared to scale by a registered licensed engineer, surveyor or a landscape architect. The review will emphasize impacts of placement and design construction. It also addresses scenic, natural and historic resources of the Town. A Development Plan Review will address this issue.

The bylaw contains directions on abandonment, removal fees, insurance, and inspections. Only a commercial wind energy system shall need to be bonded. All permitting will be through the Building Official and shall meet the other bylaws and codes.

Alternative energy systems are the goal of Federal, State and Local Governments. Lunenburg citizens will be given more data on wind velocity as studies are developed.

New addition to Zoning Bylaw

6.6.7. Solar Energy Systems

6.6.7.1. Solar energy equipment and systems are subject to the conditions and procedures contained in this Section 6.6.7.

- a) Solar energy system is an energy system from the sun by use of a water heating energy system or solar electric system known as photovoltaic.

6.6.7.2. Solar Energy Equipment:

- a) Solar Water Heating: Solar collectors including panels, lines, pumps, batteries, mounting, framing and a storage tank in which potable water is preheated via a heat exchanger.
- b) Solar Electrical: Photovoltaic electrical panels that produce electricity directly to the electric service system of a building or residence.

6.6.7.3. Construction, Operation and Maintenance

- a) All solar installations must comply with the Zoning Dimensional Regulations of the Town of Lunenburg.
- b) Roof Mounted Solar Energy equipment shall be located as not to increase the total height of the structure one (1) foot above the applicable zoning regulations related to height in the District in which it is located or such other height as is determined by the Building Commissioner to be essential for proper operation, but in no case, more than four (4) feet.
- c) Ground Mounted Solar Equipment is not permitted in the Zoning Dimensional Setbacks as listed in Section 5.0., subsection 5.2. of Town of Lunenburg Zoning Bylaw and shall be adequately screened from the neighboring lot lines.

6.6.7.4. Information presented to the Building Commissioner for Residential Construction shall include, but shall not be limited to the following:

- a) Sun and Shadow diagrams specific to the proposed installation to determine the solar access.
- b) Detailed information, including maps, plans or dimensional sketches, showing proposed location of the solar installation including any setbacks from property line or distances from structures which are used for habitation or adjacent properties.

6.6.7.5. Information presented to the Building Commissioner for Commercial Construction shall include, but shall not be limited to the following:

- a) Site drawings showing building footprint, property lines, location and the dimensions of solar collectors, ridgeline of roof and description of the solar system.
- b) Elevation drawings showing heights of buildings and solar installation above the roof.
- c) All other necessary permits must be obtained through the Building Official.

6.6.8. The applicant shall furnish all necessary data for a permit that shall be granted by the Building Commissioner. In the event that a Development Plan Review by the Planning Board involves a solar project, the Building Commissioner shall refer to the Planning Board's Development Plan Review Report. The Planning Board shall include the Building Commissioner, Electrical, and Plumbing Inspectors as well as other departments in the review process.

6.6.9. As-built plans shall be submitted prior to final inspection.

Reasoning for addition of sub section 6.6.7. entitled Solar Energy Systems

Please note this bylaw does not replace the present 6.7. entitled Stormwater Management. It merely locates the Solar Bylaw appropriately in the bylaws, which is under the Wind Energy bylaw. Both of these bylaws are regarding alternative energy programs. The present 6.7. in this Section will be renumbered accordingly.

The Green Energy Task Force, noted in the previous bylaw, is researching solar energy for Town-owned buildings. Presently, through the efforts of members of the Task Force, an application has been presented for funding for four Town buildings – Public Safety, Middle School, Primary School and the Library. The criteria for Commercial Construction are listed and pertain to the permitting by the Building Official.

This bylaw is also user-friendly for the individual home owner. Certain criteria is noted to have roof mounted panels and ground mounted solar equipment installed in accordance with this zoning bylaw dimensional regulations and with regard to the safety and aesthetic values of the Town. Also, other code requirements will be addressed by the Building Official in the building permitting process.

Proactive and protective alternative energy projects will free us from being dependent upon the traditional sources of energy.

Motion, Mr. Saiia, to accept revisions as written to Zoning Bylaw for Special Town Meeting, Second, Ms. Bilotta, Motion passed.

Hearing close at 6:34 PM.

Copies of all proposed zoning Bylaws were provided at Hearing.

There was no audience in attendance.

Audio recording on file in the Planning Office.