

ORDER OF BUSINESS

COMMONWEALTH OF MASSACHUSETTS

Berkshire, ss

To either of the Constables of the Town of Peru, in said County.

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Peru, qualified to vote in Town affairs, to meet in the Town of Peru Community Center, 3 East Main Road on Tuesday, September 24, 2019 at 6:00PM for the Special Town Meeting, then and there to take action on the following articles, namely:

Article 1: To choose a Moderator for the Special Town Meeting if the elected Moderator is absent.

Article 2: To see if the town will vote to adopt proposed zoning amendments to the Town of Peru's Zoning By-Laws for the creation of a new solar overlay district consisting of an approximately 4 acre parcel located on Pierce Road (Map 30, Lot 2, Parcel ID: 233/030.0-0000-0002.0 defined and bounded as shown on a map entitled "Zoning Map of Peru, Massachusetts" dated January 1, 1990, and on file in the office of the Town Clerk, said map and all explanatory matters thereon to be part of said By-Laws.

The purpose of this article is to create a new solar overlay district. As the name implies, it is designed to permit an overlay of a large-scale ground mounted solar photovoltaic system. The overlay district would permit *by-right* a large-scale ground mounted solar photovoltaic use without the need for a special permit, variance, amendment, waiver or other discretionary approval other than site plan review. The goal of this article is to allow a 1.5-acre ground mounted solar photovoltaic system of 250kW or more that qualifies the Town of Peru to enter the Green Communities program, while being sensitive to adjacent properties. The amendments are as follows: (Requires 2/3 vote)

Revised Section 2 – Zoning Districts

For the purpose of this By-Law, the Town of Peru is divided into the following districts in which the use, construction, alterations and locations of buildings, and the use of land is regulated to protect the public health, safety and welfare in accordance with Article 89 of the Constitution of the Commonwealth and Chapter 40A of the General laws and amendments thereto:

Base District:

The entire town shall constitute a single residential-agricultural zoning district

Overlay District

Large Solar Overlay District (LSOD)

The overlay district shall consist of the parcel located on Pierce Road (Map 30, Lot 2, Parcel ID: 233/030.0-0000-0002.0 and is defined and bounded as shown on a map entitled "Zoning Map of Peru, Massachusetts" dated January 1, 1990, and on file in the office of the Town Clerk, said map and all explanatory matters thereon are hereby declared to be part of this By-Law.

Revised Section 5 – Uses Permitted By Right (Add New Section 5.7)

5.7 A Large-Scale Ground Mounted Solar Photovoltaic System (LGSPS) sited in the Large Solar Overlay District (LSOD)

Revised Section 6- Uses Requiring Special Permit (Add New Section 6:14)

6:14 A Large-Scale Ground Mounted Solar Photovoltaic System (LGSPS)

- a) Sited within the Large Solar Overlay District (LSOD) and occupying more than 1.5 acres;
- b) Sited outside of the Large Solar Overlay District (LSOD)

New Section 17

Large Scale Ground Mounted Solar Photovoltaic Installations

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

- A. As of Right siting of large-Scale Ground Mounted Solar photovoltaic installations up to 1.5 acres in size within the Solar Photovoltaic Overlay District defined in Section 3.9 as allowed by Section 5.7.
- B. Special Permit siting of Large-Scale Ground Mounted Solar photovoltaic installations outside the Solar Photovoltaic Overlay District defined in Section 3.9 and installations greater than 1.5 acres in size as allowed by section 6.

_.1 Definitions

Large Scale Ground Mounted Solar Photovoltaic Installation: 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.

Rated Nameplate Capacity: The maximum rated output of electrical power production of the photovoltaic system as measured by Direct Current (DC).

_.2 Applicability

This Section applies to large-scale 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.

A LGSPS occupying up to 1.5 acres is allowed as-of-right within the Solar Photovoltaic Overlay District.

A LGSPS located outside the Solar Photovoltaic Overlay District or located within the Solar Photovoltaic Overlay District and occupying greater than 1.5 acres require a special permit pursuant to Section 12.

The calculation of coverage area shall exclude required setbacks. The combined area of multiple installations (new or existing) on a single lot, or adjacent lots in common ownership shall be used to determine compliance with the 1.5-acre threshold. This Section shall not apply to ground mounted solar photovoltaic arrays with rated nameplate capacity up to 50kW, or to roof mounted solar arrays of any size.

_.3 General Requirements for all Large-Scale Ground Mounted Solar Photovoltaic Installations. The following requirements apply to all Large-Scale Ground Mounted Solar Photovoltaic installations

_.4 Site Plan Review

Ground-mounted large scale solar photovoltaic installations shall undergo site plan review 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 Zoning Board of Appeals shall be the Site Plan Review Authority.

_.5 General

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

_.6 Required Documents

Pursuant to the site plan review process, the Project Proponent shall provide the following documents:

(a) A site plan showing:

- i. Property lines and physical features, including roads, for the project site;
- ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures
- iv. One- or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code compliant disconnects and overcurrent devices;
- v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- vi. Name, address, and contact information for proposed system installer;
- vii. Name, address, phone number and signature of the Project Proponent;
- viii. The name, contact information and signature of any agents representing the Project

Proponent; and

(b) Documentation of actual or prospective access and control of the project site;

(c) An operation and maintenance plan;

- (d) Proof of liability insurance and builder's risk insurance;
- (e) A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required site plan review notification procedures and otherwise inform abutters and the community. The Site Plan Review Authority may waive documentary requirements as it deems appropriate.

7 Site Control

The Project Proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

8 Operation & Maintenance Plan

The Project Proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

9 Utility Notification

No large scale 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 solar photovoltaic installation Project Proponent's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

10 Dimension and Density Requirements

10.1 Setbacks

Large-scale ground-mounted solar photovoltaic installation setbacks shall adhere to those specified by the Intensity Regulations in Section 8.

10.2 Structures

All structures for large-scale ground-mounted solar photovoltaic installations shall be subject to existing By-Laws. All appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other.

10.3 Screening

Whenever reasonable, all structures shall have year-round screening from view of side yards of abutters by means of fencing, berms, evergreen trees or shrubs or other reasonable screening to avoid adverse visual impacts.

11 Design Standards

(a) Site Lighting

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installations shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

(b) Signage

Signs on large scale ground-mounted solar photovoltaic installations shall comply with Section 10 of the By-Laws. Each sign shall be 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.

(c) 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.

_.12 Safety and Environmental Standards

(a) Emergency Services

The large scale 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.

(b) 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 large – scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

_.13 Monitoring and Maintenance

(a) Solar Photovoltaic Installation Conditions

Project Proponent shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The Project Proponent shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

(b) Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

_.14 Abandonment or Decommissioning

(a) Removal Requirements

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned as described in Section_.14(e) below shall be removed. The

Project Proponent shall physically remove the installation no more than 150 days after the date of discontinued operations. The Project Proponent shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

(b) Physical removal of all large- scale ground-mounted solar photovoltaic installations and structures, including below grade duct banks, raceways, equipment, security barriers and transmission lines from the site.

(c) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

(d) Stabilization, recovery or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

(e) Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when either it fails to be completed within a commercially reasonable time (such that power generation can commence), or it fails to operate for an elapsed time of more than one year without the written consent of the Site Plan Review Authority.

(f) Surety

The Site Plan Review Authority may, at its discretion, require the Project Proponent to post a bond or other financial security with the Town Treasurer in an amount deemed sufficient to cover the cost of demolition and removal of the large-scale ground-mounted solar photovoltaic installation in the event of abandonment or decommissioning, or to cover the cost of repairs to remedy site access or public safety hazards which are not corrected by the Project Proponent in a timely manner after written notification.

Article 3: To see if the Town will vote to transfer from the Stabilization Account the sum of Sixty Thousand Dollars and No Cents (\$60,000.00) for the purchase of a used Fire Truck for the Peru Volunteer Fire Department or take any other action thereto. (Requires 2/3 vote)

Article 4: To see if the Town will vote to transfer from the Future Equipment and Vehicle Equipment Account the sum of Fifty Three Thousand Dollars and No Cents (\$53,000.00) for the purchase of a used Fire Truck for the Peru Volunteer Fire Department or take any other action thereto.

Attest:

This is a true copy.

Kim Leach

Kim Leach

Town Clerk

Certified: September 9, 2019

You are directed to serve this warrant with your doing thereon to the Town Clerk, or the Board of Selectmen at the time and place of said meeting.

Given under our hands this Ninth day of September 2019

Board of Selectmen

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<i>Bruce Cullett</i>	<i>Verne Leach</i>	<i>Edward Munch Jr.</i>
Bruce Cullett, Member	Verne Leach, Chair	Edward Munch Jr., Member

I have served this warrant as directed above.

Places of Posting: Bulletin Board at Town Hall, Transfer Station, Library, Community Center

ATTEST:

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<i>Coralie E. Pelkey</i>	<i>9/10/19</i>	<i>11:15 AM.</i>
Constable Coralie Pelkey	Date	Time
Posted: September 10, 2019		