



## TOWN OF NORTHBOROUGH PLANNING BOARD

Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5019 • 508-393-6996 Fax

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TO: General Public

FROM: Kerri Martinek, Chairman, Planning Board  
Kathy Joubert, Town Planner

RE: Proposed Zoning Amendments for 2020 Annual Town Meeting

DATE: February 24, 2020  
March 6, 2020 Article #s added  
June 9, 2020 Rescheduled hearing date

In accordance with MGL Ch. 40A Sec. 5 the Northborough Planning Board will hold a public hearing on March 17, 2020 at 7:00pm at the Northborough Town Hall, 63 Main Street, Northborough MA for the purpose of seeking public opinion on proposed amendments to the following sections of the Northborough Zoning Bylaw (Chapter 7).

Due to COVID-19 the public hearing date was rescheduled to June 9, 2020.

In accordance with MGL Ch. 40A Sec. 5 the Northborough Planning Board will hold a public hearing on June 9, 2020 at 6:30pm for the purpose of seeking public opinion on proposed amendments to the following sections of the Northborough Zoning Bylaw (Chapter 7). Complete text of the proposed amendments is on file at the Town Clerk's office and Town Planner's office and may be viewed on the Planning Department webpage.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 20A, S18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Northborough Planning Board will be conducted via remote participation to the greatest extent possible. To participate in the public comment portion of this public hearing go to: <https://us02web.zoom.us/j/83570895956> Password: 924864 or Telephone: 1-312-626- 6799 Webinar ID: 835 7089 5956 Password: 924864

Section 7-05-030 Table of Uses, Table 1, Part A, Residential Districts, funeral home.

Section 7-05-020 Classification of uses, G. Business uses, kennel; Section 7-05-030 Table of Uses, Table 1, Part A and Part B, kennel.

Section 7-05-030 Table of Uses, Table 1, Part B, Commercial and Industrial Districts, indoor commercial recreation.

Section 7-05-020 Classification of uses, I. Industrial uses, (1) Light manufacturing; Section 7-05-030 Table of Uses, Table 1, Part B, Commercial and Industrial Districts, light manufacturing, warehouse, trucking, contractor's yard.

Section 7-05-020 Classification of uses, C. Residential uses; accessory, (6) Home occupation.

Section 7-06-030 (J) Supplemental density and dimensional regulations, duplexes.

Section 7-05-020 Classification of uses, add small-scale ground-mounted solar photovoltaic installation, solar photovoltaic installation roof-mounted, large-scale ground-mounted solar photovoltaic installation, solar photovoltaic installation canopy mounted; Section 7-05-030 Table of Uses, Table 1, Part A and Part B; Section 7-03-050 Site plans, A. Applicability; Section 7-06-020 Table of Density and Dimensional Regulations, Table 2. Table of Density and Dimensional Regulations, add new footnote; Section 7-06-030 Supplemental regulations, C. Yard requirements; Section 7-10-060 Large-Scale Ground-Mounted Photovoltaic Installation.

Section 7-02-040 Definitions, add Hazardous Materials; Section 7-05-020 Classification of uses, add Hazardous Waste Facility and Solid Waste Disposal Facility; Section 7-05-030 Table of Uses, Table 1, Part B, Commercial and Industrial Districts; Section 7-05-040 Environmental performance standards, F. Miscellaneous standards; Section 7-06-030 Supplemental regulations C. Yard requirements; Section 7-06-020 Table of Density and Dimensional Regulations, Table 2. Table of Density and Dimensional Regulations, add new footnote.

ARTICLE 38: Zoning Bylaw – 7-05-030, Table of Uses, Table 1, Part A.

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-05-030 Table of Uses, Table 1, Table of Uses. Part A. Residential Districts, by deleting the text shown below in strikethrough and adding the text shown as underlined, or take any action relative thereto.

Section 7-05-030 Table of Uses, Table 1, Table of Uses. Part A. Residential Districts

USES	RA	RB	RC	GR	MSR	DN
<b>Other Business Uses</b>						
Funeral home	N	N	<del>BA</del> <u>N</u>	<del>BA</del> <u>N</u>	<del>N</del> <u>BA</u>	N

ARTICLE 39: Zoning Bylaw – 7-05-020 Classification of uses, G. Business uses, (7) Other business uses, (b) Kennel; 7-05-030, Table of Uses, Table 1, Part A. and; 7-05-030, Table of Uses, Table 1, Part B.

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-05-020 Classification of uses, G. Business uses, (7) Other business uses, (b) Kennel; Section 7-05-030 Table of Uses, Table 1, Table of Uses. Part A. Residential Districts; and Table of Uses, Table 1, Table of Uses, Part B. Commercial and Industrial Districts by deleting the text shown below in strikethrough and adding the text shown as underlined, or take any action relative thereto.

Section 7-05-020 Classification of uses, G. Business uses, (7) Other business uses, (b) Kennel  
Kennel: ~~Facility for breeding, sale, boarding or training of more than three (3) dogs or other domestic nonfarm animals.~~ An establishment used for boarding, holding, day care, dog walking on premise, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal that includes more than three (3) dogs, three (3) months or older; provided, however, that kennel shall not include an animal shelter or animal control facility, a pet shop licensed under MGL chapter 129 section 39A, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

Section 7-05-030 Table of Uses, Table 1, Table of Uses. Part A. Residential Districts

USES	RA	RB	RC	GR	MSR	DN
<b>Other Business Uses</b>						
Kennel	<del>BA</del> <u>N</u>	N	N	N	N	N

Section 7-05-030 Table of Uses, Table 1, Table of Uses. Part B. Commercial and Industrial Districts

USES	DB	BE	BW	BS	HB	I
<b>Other Business Uses</b>						
Kennel	N	N	BA	N	N	<del>N</del> <u>Y</u>

ARTICLE 40: Zoning Bylaw – 7-05-030, Table of Uses, Table 1, Part B.

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-05-030 Table of Uses, Table 1, Table of Uses. Part B. Commercial and Industrial Districts by deleting the text shown below in strikethrough and adding the text shown as underlined, or take any action relative thereto.

Section 7-05-030 Table of Uses, Table 1, Table of Uses. Part B. Commercial and Industrial Districts

USES	DB	BE	BW	BS	HB	I
<b>Recreation and Entertainment</b>						
Commercial recreation, indoor	BA	BA	BA	BA	BA	<del>N</del> <u>Y</u>

ARTICLE 41: Zoning Bylaw – 7-05-020 Classification of uses, I. Industrial uses, (1) Light manufacturing and 7-05-030, Table of Uses, Table 1, Part B.

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-05-020 Classification of uses, I. Industrial uses, (1) Light manufacturing and Section 7-05-030 Table of Uses, Table 1, Table of Uses. Part B. Commercial and Industrial Districts by deleting the text shown below in strikethrough and adding the text shown as underlined, or take any action relative thereto.

Section 7-05-020 Classification of uses, I. Industrial uses, (1) Light manufacturing

Light manufacturing: Fabrication, processing, packaging, or assembly operations, employing only electric or other substantially noiseless and inoffensive motor power, utilizing hand labor or quiet machinery and processes, and free from neighborhood-disturbing agents such as odors, gas, fumes, smoke, cinders, refuse matter, electromagnetic radiation, heat, vibration, or noise; *(delete semi-colon and add period)* ~~provided, that all~~ Further, all operations are located entirely within an enclosed building and there is no outside storage of materials or finished goods.

Section 7-05-030 Table of Uses, Table 1, Table of Uses. Part B. Commercial and Industrial Districts

USES	DB	BE	BW	BS	HB	I
<b>INDUSTRIAL USES</b>						
Light manufacturing	N	N	N	BA	N	<del>Y</del> <u>PB</u>
Research and development	N	N	N	N	N	Y
Data processing center and records storage	N	N	N	BA	N	Y
Printing and publishing	N	N	N	N	N	Y
<b>Transportation and Distribution Uses</b>						
Warehouse	N	N	N	BA	N	<del>Y</del> <u>PB</u>
Trucking, rail or freight facility, or parcel distribution facility	N	N	N	N	N	<del>Y</del> <u>PB</u>
<b>Other Industrial Uses</b>						
Natural resource extraction	N	N	N	N	N	PB
Fuel storage	N	N	N	N	N	PB
Contractor's yard or lumber yard	N	N	N	N	N	<del>Y</del> <u>PB</u>
Heliport	N	N	N	N	N	PB
Accessory uses; see Section 7-05-020(J)	N	N	N	BA	N	Y

ARTICLE 42: Zoning Bylaw – 7-05-020 Classification of uses, C. Residential uses; accessory, (6) Home occupation

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-05-020 Classification of Uses, Part C. Residential uses; accessory (6) Home occupation by deleting the text shown below in strikethrough and adding the text shown as underlined, or take any action relative thereto.

Section 7-05-020 Classification of uses, C. Residential uses; accessory, (6) Home occupation

(6) Home occupation: An occupation conducted as an accessory use in an owner-occupied detached single-family dwelling or a detached accessory structure, by the resident owner or members of the owner's family. The home occupation shall be clearly incidental and secondary to the use of the dwelling as a residence.

(b) The following conditions shall apply to any home occupation:

[1] Not more than ~~one (1)~~ two (2) nonresidents shall be employed on the premises ~~except by special permit from the Zoning Board of Appeals;~~

[2] Not more than twenty-five (25) percent of the existing gross floor area of the dwelling shall be devoted to the home occupation, including any stock-in-trade, commodities, or products associated with said use, ~~except by special permit from the Zoning Board of Appeals;~~

[7] No more than two commercial motor vehicles may be parked on the property.

ARTICLE 43: Zoning Bylaw – 7-06-030J Supplemental density and dimensional regulations for certain use classes.

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-06-030(J) Supplemental density and dimensional regulations for certain use classes, by deleting the text shown in strikethrough, or take any action relative thereto.

5. The following shall apply to two-family dwellings in the RC, GR, MSR, and DN districts, except that the Planning Board may approve a waiver to reduce one side to 15 feet as long as the remaining five feet are added to the other side yard, such that the sum of the setbacks on each side shall not be less than 40 feet:

District	Minimum Lot Area (sq. ft.)	Minimum Lot Frontage (feet)	Minimum Lot Width (feet)	Minimum Yard Setbacks		
				Front	Side	Rear
RC	30,000	150 <sup>1</sup>	150 <sup>1</sup>	See Table 2	20	See Table 2
GR	25,000	150	150	See Table 2	20	See Table 2
MSR	25,000	100	100	See Table 2	20	See Table 2
DN	20,000	100	100	See Table 2	20	See Table 2

~~<sup>1</sup>The Planning Board may approve a waiver to reduce the minimum lot frontage and minimum lot width to 100 feet by special permit upon a determination that it would not be detrimental to~~

~~the neighborhood, would be appropriate with respect to the surrounding properties and activities, and would not disturb any consistency of the neighborhood.~~

#### ARTICLE 44: Zoning Bylaw – Solar Photovoltaic Installation

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Chapter 7-05 Use Regulation, Section 7-05-020 Classification of uses by adding the text shown underlined; Section 7-05-030 Table 1. Table of Uses. Part A. Residential Districts by adding the text shown underlined; Section 7-05-030 Table 1. Table of Uses. Part B. Commercial and Industrial Districts by adding the text shown underlined; Chapter 7-03 Administration and Enforcement, Section 7-03-050 Site plans by adding the text shown underlined; Chapter 7-06 Density and Dimensional Regulations, Section 7-06-020 and 7-06-030 by adding the text shown underlined; and in Chapter 7-10 Special Regulations, add Section 7-10-060 as shown underlined, or take any action relative thereto.

#### **7-05-020 Classification of uses**

##### **C. (7) SMALL-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC**

**INSTALLATION** - A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted and occupies less than 1,000 square feet of surface area.

**C. (8) SOLAR PHOTOVOLTAIC INSTALLATION, ROOF-MOUNTED** - A solar photovoltaic system of any size that is structurally mounted to the roof of a building.

##### **I. (6)(e) LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC**

**INSTALLATION** - A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted and occupies 1,000 square feet or more.

**J.(2)(b)[4] SOLAR PHOTOVOLTAIC INSTALLATION, CANOPY MOUNTED** - A solar photovoltaic system that is structurally mounted on a canopy over a parking area.

#### **7-05-030 Table of Uses**

**Table 1. Table of Uses. Part A. Residential Districts.**

USES	RA	RB	RC	GR	MSR	DN
<b>RESIDENTIAL USES</b>						
<b>Accessory Uses</b>						
Garage or carport <sup>6</sup>	Y	Y	Y	Y	Y	Y
Storage of recreational vehicle	Y	Y	Y	Y	Y	Y
Other accessory structure	Y	Y	Y	Y	Y	Y
Accessory dwelling unit	BA	BA	Y	Y	Y	Y
Boarding house	N	N	BA	BA	BA	Y
Home occupation (See Section 7-05-020(C)(6))						
Home professional office	Y	Y	Y	Y	Y	Y

Home personal service	BA	BA	BA	BA	BA	Y
Home business workshop	Y	Y	Y	Y	Y	Y
Home hospitality or tourism establishment	BA	BA	BA	BA	BA	Y
Home specialty retail	N	N	N	N	BA	Y
<u>Solar Photovoltaic Installation, Roof-Mounted</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>Solar Photovoltaic Installation, Canopy Mounted</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Small-Scale Ground-Mounted Solar Photovoltaic Installation</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>Large-Scale Ground-Mounted Solar Photovoltaic Installation</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

<b>Table 1. Table of Uses. Part B. Commercial and Industrial Districts</b>							
Uses	DB	BE	BW	BS	HB	I	
<b>B. Accessory Uses</b>							
Accessory dwelling unit	BA	BA	BA	N	N	N	
Boarding house	BA	N	N	N	N	N	
<u>Solar Photovoltaic Installation, Roof-Mounted</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	
<u>Solar Photovoltaic Installation, Canopy Mounted<sup>11</sup></u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	
<u>Small-Scale Ground-Mounted Solar Photovoltaic Installation</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	Y	
<b>INDUSTRIAL USES</b>							
Light manufacturing	N	N	N	BA	N	Y	
Research and development	N	N	N	N	N	Y	
Data processing center and records storage	N	N	N	BA	N	Y	
Printing and publishing	N	N	N	N	N	Y	
<u>Large-Scale Ground-Mounted Solar Photovoltaic Installation</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	

11 Canopy Installations may be sited in Business and Industrial zoning districts when the entire array is located over a single, contiguous parking area.



12 Retail is subject to the following maximum gross floor area requirements per individual retail establishment: Downtown Business, up to five thousand (5,000) sq. ft. permitted, maximum of fifteen thousand (15,000) sq. ft. by special permit; Business East, up to fifteen thousand (15,000) sq. ft. permitted, maximum of twenty-five thousand (25,000) sq. ft. by special permit; Business West, up to fifteen thousand (15,000) sq. ft. permitted, maximum of twenty-five thousand (25,000) sq. ft. by special permit; Business South, up to fifteen thousand (15,000) sq. ft. permitted, maximum of fifty thousand (50,000) sq. ft. by special permit.

13 Drive-through retail shall be subject to the same maximum gross floor area requirements that apply to retail.

14 In the Downtown Business or Business East District, an ATM shall be located inside a building with other permitted uses, or mounted on an exterior wall of a bank for walk-up or drive-through service. A free-standing or kiosk-style ATM or an ATM mounted on an exterior wall of a building for drive-through service is permitted only in the Business West, Business South (by special permit), or Highway Business District.

15 Notwithstanding the provisions of Section [7-03-030](#) or any other provision of this zoning bylaw, no use variance for a marijuana establishment, medical marijuana treatment center, or sale of marijuana accessories shall be permitted.

### **7-03-050 Site plans.**

#### **A. Applicability.**

(1) Site plan approval by the Planning Board shall be required for the following uses or activities except where such uses or activities require a special permit:

(a) All new construction of any municipal, institutional, commercial, industrial, or multifamily structure or purpose;

(b) All nonresidential additions, expansions or reconstruction exceeding one thousand (1,000) gross square feet or that would require a total of ten (10) or more parking spaces to serve both existing and new development, or any change of use which would require ten (10) or more additional parking spaces based only on new development;

(c) Construction or creation of any new parking lot or the expansion or redesign of an existing parking lot with ten (10) or more parking spaces for a municipal, institutional, commercial, industrial, or multifamily structure or purpose; or

(d) Land clearing or grading in accordance with Section 7-09-010, except as provided under subsection (A)(2) of this section

(e) Construction of a Large-Scale Ground-Mounted Solar Photovoltaic Installation.

### **Chapter 7-06-020 Table of Density and Dimensional Regulations**

#### **Table 2. Table of Density and Dimensional Regulations**

**Add Footnote #4.** See Section 7-06-030(C)(4) for lot regulations that apply to industrial uses that abut residential districts.

## **Chapter 7-06-030 Supplemental regulations**

### **C. Yard requirements**

(4) In nonresidential (business and industrial) districts:

(a) No accessory structure or use shall be established within the front, side or rear setbacks on a lot, except for driveways and permitted signs. The location of off-street parking shall be in accordance with Section 7-09-030.

(b) In the Industrial District, the minimum setback along the lot line adjacent to a residential or business district shall be one hundred (100) feet from a residential district and fifty (50) feet from a business district. When the residential zoning district boundary is located in or at a street, the setback may be reduced by the width of the street which is in the residential zone.

(c) For any new or substantially improved Large-Scale Ground-Mounted Solar Photovoltaic Installation, the minimum setback along the lot line adjacent to a residential district shall be 100 feet.

### **7-10-060 Large-Scale Ground-Mounted Solar Photovoltaic Installation**

#### **A. Purpose.**

The purpose of this bylaw is to provide a permitting process for the development of new Large-Scale Ground-Mounted Solar Photovoltaic Installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations. This bylaw seeks to address issues of public safety; prevent undesirable impacts on residential properties and neighborhoods; protect scenic, natural and historic resources; and/or preserve wildlife corridors. Additionally, it is the intent of this bylaw to encourage the siting of Solar Photovoltaic Installations at previously developed sites and to discourage the clearing of natural vegetation to the maximum extent practicable.

#### **B. 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.

Solar installations with a footprint of 1,000 square feet or less of surface area of solar panel proposed as an accessory use in Residential zoning districts are not subject to this Bylaw. Roof-Mounted systems are allowed as an accessory use by-right in all districts. Canopy Installations are allowed by-right as an accessory use Business and Industrial zoning districts when the entire array is located over a single, contiguous parking area. No Solar Photovoltaic Installation shall be constructed, installed or modified without first obtaining a building permit.

#### **C. Definitions.**

As used in this Section, the following terms shall have the meanings indicated:

Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted and occupies 1,000 square feet or more.

Solar Photovoltaic Array: An arrangement of solar photovoltaic panels.

**D. General Requirements for all Large-Scale Ground-Mounted Solar Photovoltaic Installations.**  
The following requirements apply to all Large-Scale Ground-Mounted Solar Photovoltaic Installations:

1. Compliance with Laws, Bylaws and Regulations: The construction and operation of all Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be consistent in compliance with the provisions of this section and all other applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed in accordance with the State Building Code and shall require a building permit.
2. Site Plan Approval: Large-Scale Ground-Mounted Solar Photovoltaic Installations are subject to site plan approval by the Planning Board. Site plans shall contain all the requirements of 7-03-050 (Site plans), Section 7 of the Northborough Planning Board Rules and Regulations (Site Plan Approval) and, in addition, include:
  - a. A site plan detailing the array arrangement, control panels or enclosures, inverter assemblies, step-up transformers, the utility interconnection point, and energy storage systems (if proposed).
  - b. A one-line diagram showing the array panel interconnections, inverter arrangement, step-up transformer connections, the utility interconnection including reclosure(s) (if required), and energy storage systems (if proposed). The one-line diagram shall identify all the protection devices in the circuit including electrical isolation disconnects.
  - c. The site safety electrical grounding plan including the grid design and location of ground rods, fence and gate grounds.
  - d. A protection scheme coordination study certified as correct and stamped by a registered Professional Engineer from the Commonwealth of Massachusetts shall be provided that indicates the equipment protection is properly coordinated.
  - e. An equipment table or documentation shall be provided detailing the various components, oil filled apparatus (transformers or high voltage switches).
  - f. All provisions of the National Electrical Code and National Electrical Safety Code shall apply.
  - g. Details of the array foundations and structural mounting shall be provided.
  - h. Calculations shall be provided for all structural loading (including but not limited to wind and ice). Electrical cable, array interconnection and feeder calculations shall be provided, along with the grounding calculations.
  - i. The information provided above shall be certified as correct and stamped by a registered Professional Engineer from the Commonwealth of Massachusetts.
  - j. All requirements of the Massachusetts Fire Prevention Code shall apply.
  - k. All requirements of National Fire Protection Association Standard 855 (Standard for the Installation of Stationary Energy Storage Systems) shall apply.
3. Site Control: The project Applicant or Operator shall submit documentation of actual or prospective access and control of the project site which is sufficient to allow for construction and operation of the proposed Large-Scale Ground-Mounted Solar Photovoltaic Installation.
4. Payment in Lieu of Taxes (PILOT): If payment of a PILOT is proposed, the Applicant shall submit a draft PILOT agreement as part of its application for Site Plan Approval and shall submit the amount of the PILOT payment in the first year, the basis for annual escalation, and a statement comparing the annual PILOT payment to what might be paid to the Town in property taxes based on the Town's current mil rate and estimated assessed value of the installation. The Town understands that PILOT agreements have the advantage of

removing uncertainty from the Applicant's economic position. However, Applicants are advised that PILOT agreements are subject to Town Meeting approval.

5. Security: Security measures and fencing shall be provided for Large-Scale Ground-Mounted Solar Photovoltaic Installations in order to prevent unauthorized access. All equipment, stored materials, etc. within the fence perimeter shall be set back from the fence a minimum of 10 feet. Gates shall be locked at all times when not actually in use. The use of barbed wire or razor wire fencing is prohibited. The following signage shall be required: high voltage warning signs on the fence every 20 feet or in accordance with OSHA or other safety criteria, and the entry gate shall have signage using 2 inch or higher letters identifying the facility Applicant or owner and providing emergency contact information. The Owner or Operator shall be required to provide a Knox Box (a secure, tamper-proof storage box for keys or other access tools) at each locked entrance to the facility and maintain a complete set of all keys or devices required to gain emergency access to all areas, buildings and equipment of the facility in each Knox Box and shall coordinate the location, size, and installation of each Knox Box with the Fire Department.
6. Operations & Maintenance Plan: The project Applicant or Operator 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, stormwater controls and general procedures for operations and maintenance of the installation. The Operation & Maintenance Plan should address maintenance of site screening in perpetuity and plowing access roads for emergency access after a snow event. All electrical panels shall be labeled using 2-inch-high numbers and letters with the highest voltage level within the panel or enclosure.
7. Notifications, Safety Reviews and Training:
  - a. The Applicant shall meet with the Town of Northborough Police Chief or their designated representative to review the security plan and provide emergency call contact information. If requested by local emergency services, the Owner or Operator shall be required to provide emergency response personnel with training on all equipment and emergency response procedures.
  - b. The Applicant shall meet with the Town of Northborough Fire Chief to review the installation including potential fire sources, including but not limited to oil filled apparatus. Material Safety Data Sheets (MSDS) for any construction use or planned storage of hazardous materials including cleaning solvents, oils, etc. shall be provided to the Fire Chief.
  - c. Upon request, the Applicant or Operator shall cooperate with local emergency services and/or the Department of Public Works in developing an emergency response plan. All means of shutting down the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be clearly marked. The Applicant or Operator shall identify a responsible person for public inquiries throughout the life of the installation and immediately notify the Planning Board and local emergency services of any change to the responsible person and/or his contact information.
  - d. Upon request, the Applicant or Operator shall provide a copy of the project summary, electrical schematic, and the approved site plan to the Police Chief, the Fire Chief, and/or the Department of Public Works Director.
  - e. Annually the Applicant or owner shall meet on-site or as mutually agreed with representatives of the Fire and Police departments to review any changes or concerns with the installation.

8. Utility Notification: No Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the Installation is to be located has approved, or provided evidence that the utility will approve, the Applicant's proposed solar array interconnection. Off-grid Installations or systems shall be exempt from this requirement.
9. Appurtenant Structures: All appurtenant structures to Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be subject to provisions of the Zoning Bylaw concerning the bulk and height of structures, lot area, open space, parking and building coverage requirements, and sound or noise level generated by equipment. All such appurtenant structures, including but not limited to equipment shelters or enclosures, storage facilities, batteries, transformers, and substations, shall be architecturally compatible with each other. Setbacks shall conform to Subsection E. of this bylaw.

E. Dimensional Requirements.

1. Front Yard Setback: The front yard shall have a depth of at least 40 feet provided, however, that where the lot abuts a Residential district or residential use within the district allowing Large-Scale Ground-Mounted Solar Photovoltaic Installations, the front yard shall not be less than 100 Feet.
2. Side Yard Setback: Each side yard shall have a depth of at least 20 feet provided, however, that where the lot abuts a Residential district or residential use within the district allowing Large-Scale Ground-Mounted Solar Photovoltaic Installations, the side yard shall not be less than 100 feet.
3. Rear Yard Setback: The rear yard shall have a depth of at least 25 feet provided, however, that where the lot abuts a Residential district or residential use within the district allowing Large-Scale Ground-Mounted Solar Photovoltaic Installations, the rear yard shall not be less than 100 feet.
4. Maximum Coverage: No more than 50-percent of the total land area proposed for the Large-Scale Ground-Mounted Solar Photovoltaic Installation may be occupied by the solar panels, accessory structures, and appurtenances, with the remainder of the land remaining as open space either in its natural state, developed as community recreation, agricultural use, or similar state as approved by the Planning Board.

F. Design Standards.

1. Lighting: Lighting of the Large-Scale Ground-Mounted Solar Photovoltaic Installation, including all ancillary and appurtenant structures shall be limited to that required for safety, security, and operational purposes, and shall be of reasonable height and appropriately shielded from abutting properties. All lighting shall be switchable and not "on" unless required for security or operations purposes.
2. Visual Impacts: The visual impact of the Large-Scale Ground-Mounted Solar Photovoltaic Installation, including all accessory structures and appurtenances shall be mitigated to the maximum extent feasible. All accessory structures and appurtenances shall be architecturally compatible with each other. Structures shall be shielded from view and/or located within the site to avoid adverse visual impacts as deemed reasonable by the Planning Board. Methods such as the use of landscaping, natural features and opaque fencing shall be utilized.
3. Screening/Landscape Buffer: At a minimum, half of the provided front, side and rear yard setback areas shall be designed to reduce the visual impact of the Solar Photovoltaic Array upon adjacent property by use of trees, shrubs, walls, fences, or other landscape elements with the exception of the location of the driveway access. Where the area to be developed abuts land developed for residential use, suitable landscaping shall consist of a substantial

sight-impervious screen of evergreen foliage at least eight (8) feet in height or planting of shrubs and trees (to be maintained in perpetuity by the Owner or Operator) complemented by a sight-impervious fence of a minimum six (6) feet in height, or such other type of landscaping as may be required under site plan review. Site fencing must provide top and bottom rails.

4. Utility Connections: All utility connections from the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be underground unless specifically permitted otherwise by the Planning Board based on soil conditions, shape, and topography of the site and any requirements of the utility provider.
5. Stormwater Management: Best management practice shall be used for controlling and managing stormwater run-off and drainage for the Large-Scale Ground-Mounted Solar Photovoltaic Installation in compliance with all applicable federal, state and local regulations.

G. Environmental Standards.

- a. 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.
- b. Public Nuisance: Such use shall not create a nuisance by virtue of noise, vibration, smoke, dust, odors, heat, glare, and radiation, unsightliness or other nuisance as determined by the Planning Board under Site Plan review. Noise generated by Large-Scale Ground-Mounted Solar Photovoltaic Systems and associated equipment and machinery shall conform to applicable regulations, including the Massachusetts DEP's Division of Air Quality noise regulations, 310 CMR 7.10.
- c. Stormwater Management Plan: The Stormwater Management Plan submitted with the permit application shall contain sufficient information for the Planning Board to evaluate the environmental impact and effectiveness of the measures proposed for reducing adverse impacts from stormwater runoff. This plan must be submitted with the stamp and signature of a Registered Professional Engineer who is licensed in the Commonwealth of Massachusetts. The Stormwater Management Plan shall fully describe the project in drawings, narrative, and calculations. It shall include:
  - a. The site's existing & proposed topography with contours at 2-foot intervals;
  - b. A description and delineation of existing stormwater conveyances, impoundments, environmental resources on or adjacent to the site into which stormwater flows;
  - c. A delineation of 100-year flood plains, if applicable;
  - d. Estimated seasonal high groundwater elevation in areas to be used for stormwater retention, detention, or infiltration;
  - e. The existing and proposed vegetation and ground surfaces with runoff coefficients for each;
  - f. A drainage area map showing pre- and post-construction watershed boundaries, drainage area and stormwater flow paths, including municipal drainage system flows, at a scale that enables verification of supporting calculations;
  - g. A recharge area analysis that calculates pre-and post-project annual groundwater recharge rates on the parcel;
  - h. A description and drawings of all components of the proposed stormwater management system;

- i. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the Massachusetts Stormwater Handbook;
  - j. Soils information from test pits performed at the location of proposed Stormwater Management facilities, including soil descriptions, depth to seasonal high groundwater and depth to bedrock. Soils information will be based on site test pits logged by a Massachusetts Certified Soil Evaluator;
  - k. Landscaping plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater impact area; and
  - l. A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of the Massachusetts Department of Environmental Protection (MassDEP) and the federal Environmental Protection Agency (EPA).
- H. Modifications. All substantial modifications or changes to a Large-Scale Ground-Mounted Solar Photovoltaic Installation require Site Plan Approval by the Planning Board. This requirement shall apply to the addition or modification of associated battery storage systems.
- I. Ownership Changes. If the Owner or Operator of the Large-Scale Ground-Mounted Solar Photovoltaic Installation changes or the owner of the property changes, the site plan approval shall remain in effect, provided that the successor Owner or Operator assumes in writing all of the obligations of the Site Plan Approval, Operation and Maintenance Plan, and Decommissioning Plan. A new Owner or Operator of the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall notify the Planning Board and local emergency personnel of such change in ownership or Operator within [30] days of the ownership change.
- J. Abandonment or Decommissioning. Any Large-Scale Ground-Mounted Solar Photovoltaic Installation which has failed to operate for more than one year, as determined by the interconnected utility's revenue metering equipment or billing records, without the written consent of the Planning Board shall be considered abandoned and shall be removed. The Applicant or Operator shall physically remove the Installation no more than 150 days after the date of discontinued operations. If more than 150 days pass the town may enter and physically remove the installation. The Applicant or Operator shall notify the Building Inspector by certified mail of the proposed date of discontinued operations and plans for removal. The Applicant or Operator shall be responsible for all associated decommissioning activities and associated costs. Decommissioning shall consist of:
  1. Physical removal of all Large-Scale Ground-Mounted Solar Photovoltaic Installation structures, foundations, equipment, security barriers, control buildings or enclosures, underground wiring, cables or grounding conductors and the utility interconnection equipment and lines from the site;
  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 Applicant or Operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- K. Financial Surety. Prior to issuance of a building permit, the applicant shall provide a form of surety through a cash deposit, which sum shall be held by the by the Town pursuant to M.G.L. c. 44, § 53 ½ to cover the cost of removal in the event the Town must remove the installation and remediate the landscape. The applicant shall submit a fully inclusive estimate, prepared by a professional engineer. This estimate shall include the costs associated with removal and disposal of all materials including fluids and hazardous materials, without including any

potential salvage and recycling estimates. The Planning Board and Town Treasurer shall accept the form and amount of surety. Surety shall include an escalator for calculating increased removal costs due to inflation.

L. Use variances. No use variances shall be granted for the development of a Large-Scale Ground-Mounted Solar Photovoltaic Installation in any zoning districts other than those specified in Table 1: Table of Uses.

M. Severability. The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

## ARTICLE 45: Zoning Bylaw - Hazardous Materials

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Chapter 7-02 General Provisions, Section 7-02-040 Definitions by adding the text shown below as underlined; Chapter 7-05 Use Regulations, Section 7-05-020 Classification of uses, Section 7-05-030 Table of Uses, Table 1. Table of Uses. Part B. Commercial and Industrial Districts, Section 7-05-040 Environmental performance standards by adding the text shown below as underlined; and Chapter 7-06 Density and Dimensional Regulations, Section 7-06-030 Supplemental regulations by adding the text shown below as underlined, or take any action relative thereto.

### Chapter 7-02

#### GENERAL PROVISIONS

##### Section 7-02-040 - Definitions

**Hazardous Materials** means a product or, waste or combination of substances which because of quantity, concentration, or physical, or chemical, or infectious characteristics may reasonably pose, in the determination of the Zoning Enforcement Officer, a substantial present or potential hazard to the human health, safety or welfare, or the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. Any substance which may create a special hazard in the event of a spill, leak, fire, or exposure and all substances deemed a hazardous waste in M.G.L., Chapter 21C and the United States Environmental Protection Agency's priority pollutants as described in Section 307(a) of the Clean Water Act shall also be considered a hazardous material for the purpose of the Bylaw.

### Chapter 7-05

#### USE REGULATIONS

##### Section 7-05-020 Classification of uses

I.(6)(f) Hazardous Waste Facility means (a) Any new or substantially improved site or structure which will be used for the production, storage, recycling, treatment, incineration, dewatering, refining, reclamation, stabilization, solidification, landfilling or disposal of any of the dangerous materials or substances defined as "hazardous materials" per this Bylaw, or other processes where hazardous wastes can be stored, treated or disposed of; (b) Any new or substantially improved site or structure which will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any hazardous materials or substances on the premises; or (c) Any new or substantially improved site or structure that will involve the



production, storage, treatment or use of any amount of radioactive substances. All Hazardous Waste Facilities as defined herein shall be subject to the provisions of §7-05 and §7-05-040, in addition to all other applicable provisions. This definition does not include a municipal or industrial wastewater treatment facility if permitted under M.G.L. Chapter 21, Section 43.

I.(6)(g) Solid Waste Disposal Facility: Refuse transfer station, composting plant, solid waste recycling operation and any other works or use approved by the Massachusetts Department of Public Health and the Board of Health of the Town of Northborough for processing, handling, treating, incinerating and disposing of solid or liquid waste materials, including garbage, rubbish, junk, discarded bulk items, and sludges but not raw sewage, and similar waste items.

## **Chapter 7-05**

### **USE REGULATIONS**

**Table 1. Table of Uses. Part B. Commercial and Industrial Districts**

Uses	DB	BE	BW	BS	HB	I
Other Industrial Uses						
Natural resource extraction	N	N	N	N	N	PB
Fuel storage	N	N	N	N	N	PB
Contractor's yard or lumber yard	N	N	N	N	N	Y
Heliport	N	N	N	N	N	PB
Accessory uses; see Section 7-05-020(J)		N	N	N	BA	N Y
<u>Hazardous Waste Facility</u>	N	N	N	N	N	<u>PB</u>
<u>Solid Waste Disposal Facility</u>	N	N	N	N	N	<u>PB</u>

## **Section 7-05-040 Environmental performance standards**

### **F. Miscellaneous standards.**

(1) Cinders, fumes, toxic gases, smoke, refuse, or other waste materials shall be effectively confined to the premises and treated or disposed of in accordance with state and federal regulations governing air, water, and soil pollution.

(2) No emission of any dirt, dust, fly ash and other forms of particulate matter, or any other air, water, or other pollutants shall exceed the emission levels of state and federal regulations governing air, water, and soil pollution.

(3) No emission of radioactive material shall exceed the limitations of state and federal regulations governing air, water, and soil pollution.

(4) All activities involving, and all storage of, inflammable and explosive materials shall be provided with adequate safety devices against hazards from fire and explosion, and with adequate firefighting and fire suppression equipment as determined by the Northborough Fire Department, and shall be conducted in accordance with permits and licenses issued by the Fire Department and the Board of Selectmen under MGL C. 148, where applicable. Burning of waste materials in the open contrary to state law is prohibited.

(5) No release of toxic or biohazardous material shall be allowed except in conformance with state and federal regulations and unless all applicable permits therefor have been granted by the appropriate issuing authorities.

(6) The Planning Board shall consider impacts on traffic, parking, noise, light, hours of operation, unsightly storage or conditions, objectionable odors, neighborhood character, safety, public services and utilities, overcrowding, and pollution, and the environment when granting a Special Permit for any industrial uses.

## **DENSITY AND DIMENSIONAL REGULATIONS**

### **Chapter 7-06-030**

#### **C. Yard requirements**

(4) In nonresidential (business and industrial) districts:

(a) No accessory structure or use shall be established within the front, side or rear setbacks on a lot, except for driveways and permitted signs. The location of off-street parking shall be in accordance with Section 7-09-030.

(b) In the Industrial District, the minimum setback along the lot line adjacent to a residential or business district shall be one hundred (100) feet from a residential district and fifty (50) feet from a business district. When the residential zoning district boundary is located in or at a street, the setback may be reduced by the width of the street which is in the residential zone.

(c) For any new or substantially improved Large-Scale Ground-Mounted Solar Photovoltaic Installation, the minimum setback along the lot line adjacent to a residential district shall be 100 feet.

(d) For any new or substantially improved Hazardous Waste Facility or Solid Waste Facility, the minimum setback along the lot line adjacent to a residential district shall be 1,500 feet.

#### **Table 2. Table of Density and Dimensional Regulations**

**Add Footnote #4.** See Section 7-06-030(C)(4) for lot regulations that apply to industrial uses that abut residential districts.