

Installing small ground-mounted solar in Buckland

Guidance from the Buckland Planning Board

January, 2016

If you own property in Buckland and are installing a small ground-mounted solar array, please familiarize yourself with the Town of Buckland Zoning Bylaws available online at

<http://town.buckland.ma.us/boards-comms/planning-board.html>. According to Section XIV of the Zoning Bylaws (see 14-2 (c)), small scale (occupying 1,000 square feet of land or less) ground-mounted solar installations that are an accessory structure to a residential or non-residential use do not need to comply with Section XIV of the bylaws, which covers larger installations, but **are subject to a Site Plan Review**, require a building permit, and must comply with the Zoning Bylaws and all other local, state, and federal requirements.

Site Plan Review

All the requirements of the Site Plan Review are covered in section XII of the Zoning Bylaws. One of the key requirements is that a public hearing is required within 65 days after filing a completed application. The public hearing requirements shall comply with the provisions of Massachusetts General Law (M.G.L.) Chapter 40A, Section 11 (see <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40A/Section11>).

Preparing an “Application” and Required Contents of a Site Plan

The Planning Board strongly recommends that an applicant arrange a “pre-application” meeting or attend a regularly scheduled Planning Board meeting to discuss the project and to receive input on the preliminary submission of the items listed below, before incurring the effort and expense of a public hearing.

Application form. A one-page application form is available at the Town Hall. It is also available electronically on the Planning Board web page (link above in first paragraph).

Narrative. The required contents of the site plan are listed in Section XII (f) of the Zoning Bylaws. Please review the list and provide a narrative of the project with details pertinent to the proposed solar project that would assist in the Planning Board’s review. Keep in mind that the Site Plan Review language also applies to other types of projects, such as cluster development, and some items may not seem to apply to a small scale solar project. Section XII(h) allows the Planning Board to waive certain requirements. Waivers will be considered by request of the applicant on a case by case basis. The Planning Board anticipates that the following provisions listed in part (f) *might* be waivable for small scale ground mounted solar projects: parts of 9 (utilities are important, rest is potentially waivable), 10-17, 20, and 21. If you wish to waive some of the required contents of the site plan, please indicate so in your narrative to submit to the Planning Board.

Map. One of the required contents of a Site Plan is a locus map. The bylaws require these be prepared by a registered architect, registered land surveyor, registered landscape architect, or a registered professional engineer. However, a pre-existing professional survey of your property (possibly available at the Registry of Deeds if you do not possess a copy) may be acceptable as a base map upon which an applicant can indicate all pertinent information. This map should contain the information described in Section 5-3(b) of the Zoning Bylaws. In addition, the Planning Board recommends you supplement this map with a printout of aerial imagery that is easily available online. The Planning Board will need to ensure that the proposed solar array will comply with setback requirements listed in Section 5-2 of the Zoning Bylaws.

Planning Board Review and Decision

As specified in Footnote 1 to the Table of Use Regulations in Section 4-3 of the Zoning Bylaws, small ground-mounted solar installations are allowed “by right” but require Site Plan Review. According to guidance the Planning Board received from Town Counsel, what this means is the Planning Board may impose conditions on the project through the Site Plan Review process even if the installation is allowed “by right.” The Planning Board will be basing its decision and review on criteria laid out in Section XII (g) through (j) of the Zoning Bylaws.

Once you have gone through the Site Plan Review process, a building permit can be issued for your solar installation.

Reviewed and approved as amended at Planning Board meeting

January 7, 2016

Members present: John Gould (chair), Andrea Donlon, Tom Heinig, Michael Hoberman