



To: Town Council

From: Councilors Patricia De Angelis and J. Lynn Griesemer

Re: TEMPORARY MORATORIUM on the Permitting and Approval of Large-Scale Ground Mounted Solar Photovoltaic Installations

Date: November 8, 2021

The Town of Amherst, has approved multiple large-scale ground mounted solar photovoltaic installations, commonly referred to as “solar farms”, completed or under construction, and others that are in the permitting or planning process. At least one of those projects involves extensive clear cutting of forests and clearing of ground vegetation and is located in close proximity to residential neighborhoods that depend on private drinking wells and septic systems.

Currently Article 3 of the Zoning Bylaw, large-scale ground mounted solar photovoltaic installations are allowed by either site plan review by the Planning Board or special permit by the Zoning Board of Appeals depending on the zoning district. However, that bylaw is inadequate for protecting the Town’s environmental resources and mitigating other negative effects of large-scale ground mounted solar facilities on the Town.

The Town needs time to consider and study the future implications and impacts of large-scale ground mounted solar voltaic installations developments upon the Town as a whole, as well as the consistency of the already completed solar facilities with the Town’s current and future planning goals. Imposition of a temporary moratorium on large-scale ground mounted solar photovoltaics installations will allow sufficient time to assess these issues and amend the Zoning Bylaw to address the impact of these facilities on the Town’s environmental resources, economic, and planning goals.

It is important to note here that the proposed moratorium only pauses large ground mounted solar installations and will not prevent rooftop or residential solar installations. The time provided by this moratorium will allow us to create a bylaw that addresses suitable areas for solar farm development (e.g., Brownfields, public land, land that slopes less than 3%) and defines unsuitable areas (e.g., wetlands, conservation land, state parks, forests, protected soils, slopes greater than 10%, flood zones, threatened species). It will allow us to develop a bylaw that can regulate tree clearing, provide design standards, address mitigation for forest habitat loss, monitoring, maintenance, and decommissioning. It will allow us to create reasonable regulation without preventing the development of solar energy systems and helping us to avoid the environmental disasters like those that have occurred in Hopkinton and Williamsburg MA.

A draft of the proposed bylaw is attached.

Zoning Bylaw Amendment

Effective Date 11-____-2021

ARTICLE 16 TEMPORARY MORATORIUM on the Permitting and Approval of Large-Scale Ground Mounted Solar Photovoltaic Installations

The City known as the Town of Amherst, has approved multiple large-scale ground mounted solar photovoltaic installations, commonly referred to as “solar farms”, completed or under construction, and others that are in the permitting or planning process. At least one of those projects involves extensive clear cutting of forests and clearing of ground vegetation and is located in close proximity to residential neighborhoods that depend on private drinking wells and septic systems.

Pursuant to Article 3 of the Zoning Bylaw, large-scale ground mounted solar photovoltaic installations are allowed by either site plan review by the Planning Board or special permit by the Zoning Board of Appeals depending on the zoning district. However, that bylaw is inadequate for protecting the Town’s environmental resources and mitigating other negative effects of large-scale ground mounted solar facilities on the Town. Further, the unexpected high demand for large-scale ground mounted solar installation sites has demonstrated the potential for rapidly changing the face of the Town, thereby raising novel legal, planning, environmental, and economic issues and creating an urgent need to review the current regulation of this use. The Town needs time to consider and study the future implications and impacts of large-scale ground mounted solar voltaic installations developments upon the Town as a whole, as well as the consistency of the already completed solar facilities with the Town’s current and future planning goals. Imposition of a temporary moratorium on large-scale ground mounted solar photovoltaics installations will allow sufficient time to assess these issues and amend the Zoning Bylaw to address the impact of these facilities on the Town’s environmental resources, economic, and planning goals.

A. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the permitting and approval for the use of land for large-scale ground mounted solar photovoltaics installations. The Zoning Board of Appeals and Planning Board shall not accept nor shall they approve any application for a large-scale ground mounted solar energy system with a rated capacity of 250 kW DC or greater. Construction of any project permitted with a valid special permit or site plan review issued prior to the effective date of this bylaw may proceed in accordance with the terms of its issued special permit or site plan review approval, including seeking any available extension or renewal allowed under Section 10.33 and Section 11 of the Zoning Bylaw. The moratorium will be in effect through May, ____2023 or the date on which the Town adopts amendments to the Zoning Bylaw concerning large-scale ground mounted solar photovoltaic installations, whichever occurs earlier. During the moratorium period, the Town, under the direction of the Town Manager, shall undertake a planning process to study, review, analyze and address revisions to the Zoning Bylaw relative to large-scale ground mounted photovoltaic installations that are needed or desirable to allow for and regulate such use consistent with protecting the Town’s environmental resources and furthering its planning goals or take any other action in relation thereto.

