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SPONSORED BY: Kassandra Gove **BILL No. 2024-096**
Kassandra Gove, Mayor

An Ordinance to amend the Amesbury Zoning Ordinance and Amesbury Overlay Zoning Map by expanding the Renewable Energy Development Overlay District (REDD) and to make changes to Sections V, VI, XI.S and X.IV that would modify the requirements in those sections as they pertain to solar energy projects.

Summary: The development of large-scale solar energy projects has been recognized as being crucial to achieving the Commonwealth's goal of reaching net zero greenhouse gas emissions by 2050. Massachusetts law, including M.G.L. c. 40A, § 3, aims to promote the development of solar energy facilities. Amesbury has permitted large-scale solar energy projects in the city, that produce more than 10 MW of clean energy, but the areas zoned for solar energy projects have been confined primarily to the Industrial District.

The proposed zoning amendments seek to expand the existing Renewable Energy Development Overlay District (REDD) to include a portion of a parcel not currently included in the REDD. Specifically, Assessor Parcel 45-4 has been identified by a solar energy proponent for large-scale solar development and is seeking amendments to the boundaries of the REDD and Amesbury Zoning Ordinance. The proposed zoning amendments also seek to modify the provisions of Sections V, VI, XI.S and X.IV of the Amesbury Zoning Ordinance.

Be it Ordained by the City Council of the City of Amesbury assembled and by the authority of the same, as follows:

1. Amend Amesbury Overlay Zoning Map, as follows:

To extend the Renewable Energy Development District (REDD) Overlay Zoning District to include portions of a Parcel identified on the Assessor Database as Map 45, Lot 4 and further shown on the attached Exhibit – REDD- 2024-01

Section XI.S of the Amesbury Zoning Ordinance pertains to Solar Energy Facilities. Amendments #2 #3 and #4 below pertain to changes proposed within Section XI.S.

2. Amend XI.S.5, GENERAL PROVISIONS, as follows:

a. Amend XI.S.5.2 – Dimensional and Density Regulations, as follows:

2. **Dimensional and Density Regulations:** A solar energy facility within the REDD shall comply with the provisions of Section V and VI of the Zoning Ordinance, as amended from time to time, except as follows:

a. The minimum front, rear and side yard setbacks shall be fifty (50) feet from the property line *except that the PGA may allow a reduced setback per Section XI.S.11;*

...

Add a new sub-section XI.S.5.2.e as follows:

e. A solar energy facility may be erected on a lot or lots that do not meet the frontage requirements of the underlying zoning district, provided such requirement is waived by Special Permit from the PGA and that the PGA determines that safe and adequate access to the solar energy facility is provided.

b. Amend XI.S.5.10 - Safety and Environmental Standards, by adding the following:

XI.S.5.10.f. - Fencing: Appropriately designed fencing shall be allowed as approved by the PGA in certain locations to restrict access to and provide screening for the solar energy facility. Such fencing may be allowed by the PGA within setback and natural buffer areas and shall be maintained by the solar energy project operator or their designee(s).

c. Add a new section XI.S.5.13. as follows:

XI.S.5.13 - Access Roads/Driveways, Utilities and Power Lines:

Service and access roads or driveways (including temporary construction and emergency access driveways), utilities and power lines and associated equipment serving a solar energy facility may be located outside the REDD subject to the issuance of a Special

Permit from the PGA and provided the limit of disturbance for such access is minimized and such access shall not exceed twenty (20) feet in width.

3. Amend XI.S.7, MATERIALS FOR SUBMISSION, as follows:

d. Amend XI.S.7.1.a - Proposed Installation Plan, as follows:

- ii. Outline of all existing buildings, including purpose (e.g. residence, garage, storage shed, etc.) on site parcel, *any parcel through or over which a service or access driveway will be utilized to access the site parcel*, and all adjacent parcels within 300 feet. Distance from the solar facility to each building shall also be shown on the plan;

e. Amend XI.S.7.1.e - Legal Documents, as follows:

- e. **Legal Documents:** Copies of existing and proposed legal documents pertaining to public and private easements, covenants and agreements affecting the use of the site parcel *and any parcel or parcels through or over which a service or access driveway will be utilized to access the site parcel.*

4. Amend XI.S.8, DEVELOPMENT AND PERFORMANCE STANDARDS, as follows:

Add new sections XI.S.8(8) and XI.S.8(9), as follows:

XI.S.8.8 - Wildlife Habitat Mitigation Plan:

A Wildlife Habitat Mitigation Plan shall be prepared by a qualified professional that (a) identifies measures for mitigating impacts to wildlife habitat, (b) includes but not limited to, access to the public via pedestrian trails, viewing areas and other passive recreational uses; and (c) provides protocol for appropriate long-term maintenance of such measures, which protocol shall be incorporated into the Operation and Maintenance Plan required by Section XI.S.5(9).

XI.S.8.9 - Stormwater Management and Protection of the City's Water Resources:

- a. *All solar energy facilities shall have a stormwater management system that includes best management practices designed to comply with the standards set forth in the Massachusetts Department of Environmental Protection's Stormwater Management Handbook (as it may be revised as of the date of approval or, for projects requiring Site Plan Review, as of the date of filing of the Site Plan Review application) and all other applicable federal, state and local regulations.*
- b. *For a solar energy facility located in the Water Resources Protection District, the following additional requirements apply:*
 - 1. *No clearing or other land disturbance associated with the facility and no structure or infrastructure associated with facility (including any stormwater management features) may be located within 400 feet of the resource area – except that access roads or driveways, utilities and power lines and clearing or*

land disturbance necessary for the construction and/or maintenance of such features may be allowed within the 200 feet to 400 feet buffer zone area; and

2. *The PGA, when reviewing and evaluating the Site Plan for such facilities, shall place particular focus on ensuring protection of the City's surface and ground water resources – including careful evaluation and regulation of the proposed stormwater management system, clearing and land disturbance activities, grading, erosion and sedimentation controls during the construction and post-construction periods, permanent vegetation plan and any other facility features that may present a risk of impact to the City's water resources.*

5. Amend Section V, Table of Uses, as follows:

Add Note 16 to the Table of Uses, as follows:

(16) Notwithstanding anything to the contrary set forth elsewhere in this Zoning Ordinance, service and access roads or driveways (including temporary construction and emergency access roads or driveways), utilities and power lines and associated equipment serving a solar energy facility within the REDD may be located outside the REDD (within any zoning district), subject to a Special Permit approved by the PGA allowing such access and a Site Plan Approval from the PGA pursuant to Section XI.S.

6. Amend Section VI, Table of Dimensional and Density Regulations, as follows:

Add n.15 to Minimum Lot Frontage header and add Note 15, as follows:

(15) REDD Zoning: Minimum Lot Frontage requirements may be waived by the PGA and the issuance of a Special Permit for parcels on which a Solar Energy Facility is proposed within the Renewable Energy Development Overlay District (REDD) and provided the PGA determines that safe and adequate access to the solar energy facility is provided pursuant to Section XI.S.

7. Amend Section XIV Water Resources Protection District, as follows:

Amend Section XIV.E, Allowed Uses within the Water Resource Protection District, by adding a new Section XIV.E.11, as follows:

Section X.IV.E.11 - Construction, operation and maintenance of a Solar Energy Facility, subject to Site Plan Approval from the PGA pursuant to Section XI.S and the following limitation: No clearing or other land disturbance associated with the facility and no structure or infrastructure associated with facility (including any stormwater management features) may be located within 400 feet of the upper boundary of the bank of the resource area – except that access roads or driveways, utilities and power lines and clearing or land disturbance necessary for the construction and/or maintenance of such features may be allowed in the 200 feet to 400 feet buffer zone area.

Exhibit – REDD- 2024-01

Amesbury Zoning Overlay Map amendment to extend Renewable Energy Development District (REDD) Overlay Zoning District as shown below.

