

Taking a Closer Look

As-of-Right Siting

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“Green Community” Criteria

1. As-of-right siting for renewables (generation, manufacturing or research & development)
2. Expedited application/permitting process
3. Energy baseline with a program to reduce by 20% in 5 years
4. Purchase only fuel-efficient vehicles
5. Adopt the Stretch Code




Eligible Projects


Type of Project	Requirements	Representative Size of Project
On-Shore Wind	600 kW	> 200 feet tall
Solar Photovoltaic	250 kW	~ 1 acre
Biomass CHP	5 MW	3-20 acres
Manufacturing Facility	50,000 sq. feet	50,000 sq. feet
Research & Development Facility	50,000 sq. feet	50,000 sq. feet



Jiminy Peak, 1.5 MW



Brockton Brightfields, 435 kW



As-of-Right Permitting

- No discretionary land use approvals allowed.
 - (i.e. no special permit)
- Municipality can permit as-of-right uses through:
 - Building Permit
 - Building Permit with Site Plan Review
- Cannot deny a project that conforms to your zoning bylaws.
- This makes the bylaw you adopt very important – provides framework for acceptable projects.



As-of-Right Zoning Strategies

- 1. Adopt site plan review process to permit as-of-right renewable projects.
- 2. Use an overlay district to pinpoint acceptable project areas.
- 3. Adopt protective bylaw standards.



Adopt Site Plan Review

- Provides a more in-depth review of a proposed project by a designated municipal board.
- Ability to impose reasonable conditions to mitigate adverse impacts of proposed project
- What is reasonable?



Reasonableness Guidelines

- A nexus must exist between the condition being imposed by the Board and the stated goals of the bylaw.
- The condition cannot make the proposed project unfeasible.



Example - Wind

- Bylaw Goal – Minimize visual impacts
 - Reasonable Conditions – paint project neutral color to blend into surrounding environment.
 - Borderline Reasonable Conditions – relocate project on-site; reduce height of project. (might make project unfeasible)
 - Unreasonable Conditions – limit operating hours of project. (no nexus to bylaw goal of minimizing visual impact)



Create Overlay District

- A zoning district superimposed over one or more established zoning districts to impose additional restrictions or permit additional uses.
- Commonly used to protect natural resources like flood plains or aquifers.
- Identify acceptable project areas and implement overlay district accordingly.

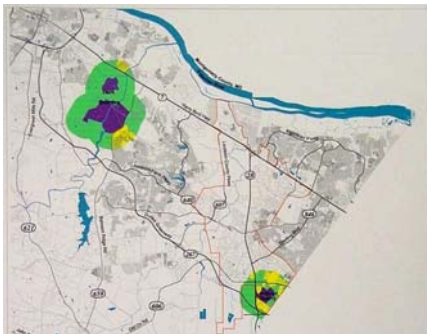


Location of Overlay District

- Considerations:
 - Technical potential
 - Parcel Size
 - Neighboring Uses
 - Environmental Constraints
 - Road/Transportation Infrastructure
 - Proximity to Existing Transmission Grid



Limit As-of-Right Siting



Adopt Bylaw Standards

- A protective bylaw should:
 - Provide clear physical design standards. (e.g. setbacks, height, screening)
 - Shift cost of project review to applicant.
 - Require applicant to provide all relevant information. (e.g. impact studies)
 - Provide mechanism for removal of project



Sample Bylaw Standards

- **Generating Facilities (wind/solar)**
 - Set Height Requirements
 - Regulate Appearance
 - Impose Setbacks
 - Minimize Clearing of Vegetation
 - Avoid Habitat Fragmentation
 - Impact Studies (wildlife, sightline simulations)
 - Require Applicant to Post Financial Security



Sample Bylaw Standards

- **Biomass/R&D/Manufacturing**
 - Regulate Appearance & Screening
 - Minimize Offensive Odors
 - Require Traffic Impact Study
 - Require Noise Study
 - Require Hazardous Material Containment
 - Hire Independent Consultant at Applicant's Expense.



Looking Ahead

- More in-depth design standards to be presented at Green Community Technical Assistance Regional Workshops.



- Thank You & Questions?

