Model Solar bylaw draft comments/questions:

1. Section 2.0 has a definition for As-OF-Right and states that “As-of-Right development may be subject to Site Plan Review to determine conformance with local zoning ordinances or bylaws.” And then continues with, “Projects allowed As-of-Right, including those subject to Site Plan Review, cannot be prohibited except as provided by 225 CMR 29.00, but can be reasonably regulated by the person or board designated by local ordinance or bylaw.”
   1. What does “may be subject to Site Plan Review” mean? In Dighton, where the current bylaw requires a special permit for all ground mounted solar projects, these solar project specific conformance requirements (setbacks, plot sizing, etc) are outlined not in the site plan section but in a separate ground mounted solar and bess section of our town’s bylaws. First I presume this is equivalent to the Site Plan Review language in the first part of this definition and would be acceptable to be used to prohibit a project if bylaw requirements are not met per the 225 CMR 29.00 Sec 29.09 (2)(e) where in the Consolidated Local Permit Application, the applicant is required to provide, “All materials required for site plan review”
2. In Table 1, SPR is only shown for Residential districts for Medium Primary Use and Large Accessory Use. Does this mean these are the only two levels in a Residential District with a SPR is allowed? From my comment in 1 above, it appeared that “may” meant at the discretion of the municipality.
3. In Table 1, it is our opinion, that a SP should be require for anything larger than 25 kW (DC). As stated above, 25 kW equates to about 100, 24” x 72” solar panels and a substantial footprint to be allowed in a residential district. Currently a SP isn’t required in this table until 250 kW (DC) which is 1000 panels.

Model BESS bylaw draft comments/questions:

1. Section 3.1, in the last paragraph before Table 1, it states, “The following table defines certain classes of Solar Photovoltaic Installations…” that should be “BESS Installations”
2. Table 1. I know the Tiers are defined in the Definitions, but it would be helpful to repeat that in this table. See the model Solar Bylaw Table 1 layout. That table looks arranged better.
3. Section 6.2 C., A Site Suitability Report,… ; and aa. I think “aa” is a typo.

Thank you,

Jeff

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Jeff Carvalho

Planning Board, Chairman

Town of Dighton

979 Somerset Ave

Dighton, MA 02715

[jcarvalho@dighton-ma.gov](mailto:jcarvalho@dighton-ma.gov)

<https://www.dighton-ma.gov/283/Planning-Board>

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