

Town of Lenox
 Planning Board Meeting Minutes

8-22-23

MODIFIED PER COMMENTS @ 9/12 Meeting

9/25 with PJK amends

Approved at 9/26/23 meeting

Present: Tom Delasco, Kate McNulty-Vaughan, Pam Kueber, Susan Lyman

Documents Available at Meeting: 6/13/23 and 7/25/23 meeting minutes, 8/22/23 meeting agenda, draft solar bylaws for Large-Scale and Small-Scale Solar as prepared by staff, two recently approved bylaws from Attorney General office and table showing acreage by zoning district in Lenox.

TD called the meeting to order at 6:03 p.m.

JH absent w/ notification.

PK moved to approve 6/13/23 meeting minutes; KMV seconded but had revisions. Add vote here.

PK moved to approve 7/25/23 meeting minutes; PK seconded but had edits. As did KMV. Add vote here.

Solar bylaws:

The Board began with a discussion of Large Scale Ground Mounted Solar.

Given the goal to allow for more development of Large-Scale Ground Mounted (LSGM) Solar in Lenox, the Board had asked BPRC to develop a table showing the total acreage in each Lenox zoning district.

| Zoning District | Acres | % of total |
|-----------------|--------|------------|
| C | 52.3 | 0.38% |
| C-1A | 149.8 | 1.08% |
| C-3A | 386.9 | 2.79% |
| I | 161.0 | 1.16% |
| R-15 | 471.7 | 3.40% |
| R-1A | 8733.3 | 62.98% |
| R-30 | 86.7 | 0.63% |
| R-3A | 3825.3 | 27.59% |

| | | |
|--|---------|---------|
| | 13867.1 | 100.00% |
|--|---------|---------|

In the existing bylaw, LSGM Solar is allowed by-right in the Industrial district, which comprises 161 acres or 1.16% of total acreage in Lenox. LSGM Solar is allowed by Special Permit in C-1A and C-3A districts, which, respectively, comprise 149.8 acres/1.08% of total and 386.9 acres/2.79% of total.

This means that currently, the acreage where LSGM is allowed in Lenox comprises just 5.03% of Lenox land.

Recognizing that this 5.03% limit could be viewed as an effective prohibition of LSGM under state law, PK said if Lenox includes the R-1A district in the area in which large-scale solar installations would be allowed – as has been previously discussed – this would expand the area it is allowed in Lenox by another 63%.

- The Board agreed to add the R-1A zone as an allowed location for LSGM Solar.

In further discussion about placement by zone, the Board reviewed whether to include or omit large-scale solar from the R-3A zoning district. The R-3A zone is found on the town's eastern and western flanks, is high in elevation in parts and has steep slopes. It is largely forested and has large area of land in some kind of open space/conservation status and contains special natural resources that should be protected.

- Because the R-3A zone is largely forested and has large areas of land in some kind of open space/conservation status and contains special natural resources that should be protected, the Board agreed to recommend omitting solar from the R-3A.

The Board also discussed how to handle LSGM in the C-, R-15, and R-30 districts.

- Because these are residential zones densely populated on smaller lots, and because these zones continue to be very desirable zones to add additional, much-needed housing in proximity to our two walkable villages and public transportation, it was recommended to not zone these for LSGM solar.

There was discussion as to whether to allow LSGM strictly by-right or make it conditional, through a Special Permit, or Site Plan Approval. The group agreed to recommend a Special Permit approach for LSGM in the R-1A, while retaining the Special Permit review for C-1A and C-3A zones and the by-right use within I-district. SL asked how large a 250kw array (the starting size for an LSGM) would be—TD said it would be about 1 (one) acre. The group discussed how this might play out in different neighborhoods and on various lot sizes in terms of the amount of land an array would utilize and how may be able to comply with existing setbacks and maximum lot coverage allowance.

PK pointed out that Douglas, Massachusetts has a minimum threshold of a 4-acre lot to host a solar site with minimum setbacks of 100 feet in the front and 50 feet on the side and rear, and minimum 60 feet of frontage. This had been approved recently by the Attorney General's office. The rationale was that if this

was an allowable approach in the Douglas zoning bylaw, it would be an allowable approach in Lenox, and would be compatible with existing land use goals and patterns in the community.

- The Board agreed to recommend this 4-acre minimum lot area and the same minimum setbacks and frontage as Douglas.

TD hoped Gwen could put together a map depicting how many parcels are four(2) acres or more, since this was the lot size minimum used in Douglas, Massachusetts.

- There was some further discussion about how to protect wildlife corridors relative to solar development. It was agreed that this is an important feature to protect from development, including solar development.

They discussed solar and how it may work in the C-3A zone, saying it could be a “Y” (site plan approval) as could C-1A, since these are existing developed areas

The Board then moved to discussion of Small Scale Ground Mounted Solar. The group discussed small and medium scale arrays for residential properties; and highlighted the necessity to allow property owners to install solar in their yards. There was discussion about allowing small, residential scales in the R-15 and R-30 zoning districts and how much area SSGM arrays could take within a given lot in these densely populated zones. After discussion it was agreed:

- It was agreed that Small Scale Ground Mounted Solar should be allowed by right with performance standards in all zones.
- Solar installations shall not exceed lot coverage maximums in the Table of Dimensional Requirements; and
- SSGM solar installations shall not exceed the square foot area of the home/principal structure on the property.

PK to make the changes discussed.

- It was also agreed to combine the two bylaws into one in particular to eliminate redundancy of various sections.

The Board agreed that they thought this zoning bylaw was ready to go, with one more read-through.

- TD said he thought there should be language that lets everybody know that roof-top installations will NOT be regulated by the zoning bylaw.

PK suggested they look at the hotel/motel zoning bylaw provision—now people are converting apartment units in the Commercial district into motel units. Should the Planning Board review the language to see if they can close the loophole and put it on the next agenda. The group agreed to look at it.

Submitted by Gwen Miller, AICP.