

Town of Lenox
Planning Board
Meeting Minutes

July 12, 2022

Documents available for meeting: June meeting minutes, solar documents from BRPC, wireless infographic prepared by Pam Kueber and Kate McNulty Vaughan

Members present: Tom Delasco (Chair), Kate McNulty Vaughan, Pam Kueber, Susan Lyman

Absent w/ notification: Jim Harwood

Also Present: Gwen Miller (Town Planner), Cara Farrell (BRPC)

The meeting was called to order at 6:20 p.m. A heavy rain storm with damaging winds had gone through Lenox an hour or so before.

Approval of minutes: 6/28, 6/14

The approval of these minutes was tabled to give more time for review.

Update on Solar bylaw work from BRPC (6:30-7:30)

Cara Farrell from BRPC presented a map showing where suitable land for solar development is. This map was created by identifying constraints and removing land area with these constraints on them. It was noted that much of the suitable area is in the R-1A zone, which comprises about 85% of our developable area and is a district in which large-scale, ground-mounted solar is currently prohibited. There is also ample space in the C-1A, C-3A and I zoning districts, in which solar development is currently allowed.

The group reiterated they want to expand where solar panels can go, but want to be sensitive in terms of scale, visual impacts, and not creating large ground mounted solar fields everywhere or concentrated in just one neighborhood.

They discussed the different scales identified in a model bylaw shared by Cara. This included small-, medium- and large-scale ground mounted solar. Community solar is another category. And, rooftop solar is another aspect.

There was brief discussion about the legal case Tracer Lane v. Wilbraham, recently decided by the SJC. GM said our town counsel said that the fact pattern in Lenox is similar, meaning that such a small percentage of our land is available for solar that an applicant could challenge our bylaw. SL – is there any type of formula we could use? Cara – do we have to say large, would expanding medium- and small-scale be sufficient to expand solar access per the ruling? Small is 1750 sf or less, 10kw. Medium is 1750 sf – 40,000 square feet up to 250kw (about an acre).

The Commonwealth also has language related to solar access in Chapter 40A, Section 9 – GM to send this to all the Board members, we need to understand what it says.

GM - We don't want to see forest cleared, value of intact forest is higher over the long term than what you'll get from solar panels.

After discussion, suggestions agreed to about how to proceed were:

- Make it clear in bylaw that rooftop solar, by right, is encouraged in all zones, in all sizes, for all uses. This is the current situation, but we would like to reiterate by-right opportunities for rooftop solar in the new bylaw in order to encourage rooftop solar on all types of buildings (recognizing building structure requirements must be met.) It was recognized, however, that not all homes are sited well for rooftop solar, so ground-mounted installations could be more helpful.
- Continue to make large-scale, ground-mounted solar installations by-right in the Industrial zone and make them by-right C1-A, and C3-A zones, with performance standards and site plan review. GM said that site plan standards in current bylaw are good. It is still a question whether this expansion (making C1-A and C3A by right rather than by special permit) would satisfy issues outlined in Tracer Lane v Waltham. If not, we would have to expand large-scale, ground-mounted into R district(s). It was noted that working toward more possibilities for large, ground-mounted solar was “the bulk of this project” – the bylaw work.
- Rather than trying to regulate and be pigeonholed by definitions of small- and medium-ground-mounted installations by zone, consider creating a by-right modest lot coverage maximum (x % of the lot size) standard for installations below 250kw that would apply in all zones. Discussion of somewhere between 5% to 10% - a sweet spot that would provide utility but not become visually overwhelming in neighborhoods. Include design standards that could include such things as: no reduction in setback requirements, panels must be at side or rear of house, runoff managed, use permeable ground cover, agree on waivers. This could be a better approach than trying to set size-based standards by zone. (It was recognized that in our current bylaw, the building lot coverage standard likely is how this is regulated now.)
- It was agreed that other areas where ground-mounted cells could be considered include in parking lots and as discussed in documents, on agricultural land.
- Need to discuss Community Solar further.
- Consider above 250kw in certain additional zones?

Not a zoning bylaw issue, but it was discussed that the Town could incentivize businesses to adopt rooftop solar by kicking in money to prepare the roof support structure or with real estate tax relief (TIFF and STA). Residential rooftop installs also could get real estate tax relief; there is a formula assessors use for solar panels – gets complicated

The group decided to pursue that in a draft bylaw at the next solar meeting to be scheduled in August or September and to aim for a final bylaw to present at the May 2023 Town meeting.

Recap of 6/28 Meeting

The group briefly discussed the June 28th meeting with David Maxson. PK and KMV had prepared a Venn diagram depicting “filters” to use in considering land area for wireless infrastructure. These included just say what is in the Venn diagram verbatim and add the group also pointed out that low spots could be possible solutions, as well according to Maxson. She noted a tower visible in Lee from Golden Hill Road. It seems well placed and unobtrusive.

The group also re-identified the old pump station on Pumping Station Road, the wastewater treatment plant on Crystal Street.

They asked that the consultant prepare a brief written summary of the drive test method and results understandable to “lay people”.

GM will share the Venn diagram with the consultant and figure out when they can meet next.

Next meetings and schedule)

The group decided to discuss the sign bylaw work at their next July meeting. Solar and wireless would be in August and September depending on consultant availability and schedule.

The meeting adjourned at 8:15 p.m.

Respectfully submitted,
Gwen Miller and Pam Kueber