CITY OF NORTH ADAMS
City Clerk's Office
October 20, 2016

I hereby notify that at twelve noon today the following items of business have been filed with this office and will be acted upon at the meeting in the City Council Chambers at City Hall, Tuesday evening October 25, 2016 at seven-thirty o'clock according to Section 8, Rules and Orders of the City Council.
Marilyn Gomeau
City Clerk

REGULAR MEETING OF THE CITY COUNCIL
October 25, 2016

Roll Call
Moment of silent remembrance
The Pledge
Hearing of Visitors
Approval of the minutes of *October 11th.*

PUBLIC HEARING

11, 545 *Joint Public Hearing with the Planning Board regarding Solar Energy Systems.*

CLOSE PUBLIC HEARING

11,545 *An Ordinance amending Chapter Z of the Revised Ordinances of the City of North Adams entitled Zoning by adding a new section.*

11,539-1 An Order authorizing the Treasurer with the approval of the Mayor to borrow the sum of $1,498,550 for property located at 59 Hodges Cross Road, DPW project, under Chapter 44, Section 7 & 8 of the Massachusetts General Laws, which was passed to a second reading and publish as required by law at the meeting of October 11th. FIRST READING

11,407-1 Communication submitted by Councilor Buddington regarding the Public Arts Commission, which was referred to the General Government Committee at the meeting of October 11th.

11,549 Communication submitted by Councilor Bona regarding parking on sidewalks.

CORRESPONDENCE
LICENSES

COUNCILOR & MAYOR'S CONCERNS

City of North Adams

In City Council

October 25, 2016

BE IT ORDAINED by the City Council of the City of North Adams as follows:

That Chapter Z of the Revised Ordinances of the City of North Adams entitled "Zoning" be and is hereby amended by adding the following new Section:

Section 14: **Solar Energy Systems.**

14.1. Purpose. The purpose of this section is to:

14.1.1. Provide a permitting process for the installation of commercial-scale ground-mounted solar energy systems that encourages the use of distributed energy generation technology;

14.1.2. Integrate solar energy systems into the community in a manner that minimizes the impacts on the health, safety, and welfare of residents, the character and appearance of the City and its neighborhoods, on property values and on the scenic, historic, and environmental resources of the City;

14.1.3. Provide standards and requirements for regulation, placement, construction, monitoring, design, modification and removal of commercial-scale ground-mounted solar energy systems; and

14.1.4. Locate solar energy systems, regardless of scale, in a manner that minimizes potential negative impacts, such as visual nuisance, noise, and hazardous conditions on the general safety, welfare and quality of life of the City's neighborhoods and the broader community.

14.2. Definitions.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM

A solar energy system designed to be mounted on a building. This definition applies to solar systems or facilities of any capacity that are designed to be structurally integrated with a building for on-site consumption.

COMMERCIAL-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEM

A solar energy system that has solar panels structurally mounted on the ground and where the primary use is electrical generation to be sold to the wholesale electricity markets. This includes appurtenant equipment for the collection, storage, and distribution of electricity to buildings or to the electric grid.

ON-SITE GROUND-MOUNTED SOLAR ENERGY SYSTEM

A solar energy system that has its solar panels structurally mounted on the ground and is designed, as an accessory use, to generate electricity to be primarily consumed by the principal use of the property.

SOLAR ENERGY SYSTEM

All equipment, machinery, and structures utilized in connection with the conversion of sunlight to electricity. This includes, but is not limited to, collection, transmission, storage, and supply equipment, substations, transformers, and access roads.

14.3. Building-integrated and on-site ground-mounted solar energy systems.

14.3.1. Building-integrated solar energy systems. Building-integrated solar energy systems may be located in any zoning district of the City of North Adams. Building-integrated solar energy systems shall not be erected, constructed, installed or materially modified without first obtaining a building permit from the Building Inspector. The Building Inspector may require additional structural analysis or other information as needed to complete permit review.

14.3.2. On-site ground-mounted solar energy systems. On-site ground-mounted solar energy systems that are designed primarily to generate electricity for on-site use may be located in any zoning district. On site ground-mounted solar energy systems 1/8 of an acre or greater are subject to site plan approval by the Planning Board in accordance with § 12.4 of the North Adams Zoning Ordinance. The panels for on-site ground-mounted solar energy systems shall be limited to a height of five feet, unless otherwise approved by the Planning Board.

14.4. Designated locations for commercial-scale ground-mounted solar energy systems.

14.4.1. Commercial-scale ground-mounted solar energy systems may be sited as-of-right, subject to site plan approval in accordance with Chapter Z § 12.4 of this chapter, in the Industrial (I-1) District. Commercial-scale ground-mounted solar energy systems may be sited in the Industrial Park (I-P) District, Rural Upland (RU-1) District, Airport (AP-1) District, and the Residential (R-1A) District by special permit in accordance with Chapter Z, §12.3 and site plan approval in accordance with Chapter Z, §12.4. Commercial-scale ground-mounted solar energy systems are prohibited in all other zoning districts within the City of North Adams.

14.5. General requirements

14.5.1. The following general requirements are established for all proposed installations of commercial-scale ground-mounted solar energy systems consistent with Subsection 14.4:

14.5.2. Setbacks. Setbacks from all boundary lines shall be a minimum of 100 feet for commercial-scale ground-mounted solar energy systems. The Planning Board may reduce the minimum setback distance, as appropriate, based on site-specific considerations.

14.5.3. Site control. At the time of application for a special permit and/or site plan review, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility and ongoing compliance with setback requirements. Documentation shall also include proof of control over setback areas and access roads, if required.

14.5.4 Emergency services. The applicant shall provide a copy of the project summary, electrical schematic, and site plan to the City's emergency services entities, as designated by the Planning Board. Upon request, the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked. The applicant or facility owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and/or complaints throughout the life of the project.

14.5.6. Unauthorized access. The solar energy system shall be designed to prevent unauthorized access. Electrical equipment shall be locked where possible.

14.5.6. Emergency response plan. If required by the Planning Board, the applicant shall prepare an emergency response plan that addresses construction and operation activities for the solar energy system, and establishes standards and practices that will minimize the risk of fire danger, and in the case of fire, provide for immediate suppression and notification.

14.5.7 Utility notification. No commercial-scale ground-mounted solar energy system shall be constructed until evidence, satisfactory to the Planning Board, has been provided that the utility company has been informed of the operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

14.5.8 Operation and maintenance. The applicant shall submit a plan for the operation and maintenance of the commercial-scale ground-mounted solar energy system, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

14.6. Required Documents for commercial-scale ground-mounted solar energy systems and on-site ground-mounted solar energy systems 1/8 of an acre or greater which qualifies for site plan review. In addition to the submittal requirements under § 12.3 and/or 12.4 of the Zoning Ordinance (as applicable), the project proponent shall provide the following documents:

14.6.1. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;

14.6.2. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection

methods, with all National Electrical Code compliant disconnects and overcurrent devices;

14.6.3. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;

14.6.4. Name, address, and contact information for proposed system installer;

14.6.5. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;

14.6.6. The name, contact information and signature of any agents representing the project proponent;

14.6.7. Documentation of actual or prospective access and control of the project site;

14.6.8. An operation and maintenance plan;

14.6.9. Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);

14.6.10. Proof of liability insurance; and

14.6.11. Description of financial surety that satisfies Section 14.11 of this ordinance.

14.6.12. A list of any hazardous materials proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment, as appropriate;

14.6.13. Documentation by an acoustical engineer of the noise levels projected to be generated by the installation;

14.6.14. Documentation of soil types on all land involved with the project;

14.6.15. Locations of wetlands and Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP);

14.6.16. Locations of floodplains or inundation areas for moderate or high hazard dams;

14.6.17. Provision of water including that needed for fire protection; and

14.6.18. Existing trees 6" caliper or larger.

14.6.19. The Planning Board may waive documentary requirements that are not applicable to the project under consideration.

14.7. Siting criteria.

14.7.1. Commercial-scale ground-mounted solar energy systems and on site ground-mounted solar energy systems 1/8 of an acre or greater shall be located so as to minimize the potential impacts on the following:

(1) Visual/aesthetic: Commercial-scale solar energy systems shall, when possible, be sited off ridgelines to locations where their visual impact is least detrimental to historic and scenic areas and established residential areas;

(2) General health, safety, and welfare of residents;

(3) Diminution of residential property values; and

(4) Safety, as in cases of attractive nuisance.

14.7.2. The following siting criteria for commercial-scale solar energy systems are ranked in order of preference:

(1) The use of business-zoned land and industrial-zoned lands, which comply with other requirements of this section and where visual impact can be minimized and mitigated, shall be encouraged.

(2) The use of land distant from higher-density residential properties and where visual impact can be minimized and mitigated shall be encouraged.

14.8. Design standards. The following design standards are established for all proposed installations of commercial-scale ground-mounted solar energy systems:

14.8.1. Lighting. No lighting of the solar energy system is permitted. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Where feasible, lighting shall be directed downward and shall incorporate full cut-off fixtures to minimize any light pollution from the project.

14.8.2. Landscaping/buffer requirements. Appropriate landscaping and vegetative buffer shall be installed adequate to visually screen the solar energy system from the boundary of any abutting residential properties that would have a direct view of the proposed installation. The landscaped buffer must be sufficiently dense to block the view of the project from all dwellings abutting the property. The applicant shall submit a landscape plan as required in Subsection 14.9 ("Application requirements") as part of the special permit and/or site plan approval application.

14.8.3. Fencing. The entire perimeter of the commercial-scale solar energy system shall be fenced and gated for security to a height of six feet or higher as required by the National Electrical Code. Use of razor wire is not permitted.

14.8.4. Signage. Signs for commercial-scale ground-mounted solar energy systems shall comply with the sign requirements of the North Adams Zoning Ordinance, Section 7. A sign no greater than four square feet indicating the name of the facility owner(s) and a twenty-four-hour emergency telephone number shall be posted adjacent to the entry gate. In addition, "no trespassing" or other warning signs may be posted on the fence, as approved by the Planning Board during site plan review. Commercial advertising shall not be allowed on any component of the solar energy system.

14.8.5. Utility connections. As determined by the Planning Board, all reasonable efforts shall be made to install all cable connections underground for the commercial-scale solar energy system,

depending on soil conditions, topography, and any other requirements of the utility provider. Electronic transformers for utility interconnections may be above ground if required by the utility provider.

14.8.6. Appurtenant structures. Equipment shelters and accessory buildings shall be designed to be architecturally similar and compatible with each other and shall be no more than 12 feet high. All equipment shelters and accessory buildings in residential zones will have a minimum setback of 50 feet and all other zones will have a minimum setback of 100 feet. The buildings shall be used only for housing of equipment related to the particular site. Whenever possible, buildings shall be joined or clustered so as to appear as one building.

14.9. Application requirements.

14.9.1. Commercial-scale ground-mounted solar energy systems and on site ground-mounted solar energy systems 1/8 an acre or greater which requires a special permit shall include the following information:

(1) Lease/contract. An applicant requesting a permit for a commercial-scale ground-mounted solar energy system shall provide a copy of the existing lease/contract with the underlying landowner.

(2) Landscaping plan. For commercial-scale projects, the applicant shall submit a landscaping plan as part of site plan approval. The landscaping plan shall detail the following:

[a] All proposed changes to the landscape of the site, including temporary and permanent roads and/or driveways, grading, area of vegetative clearing, all proposed vegetative planting and screening, and/or fencing;

[b] Planting design shall include details of the types and size of plant materials. Landscaping shall be designed in an environmentally sensitive manner with

noninvasive drought-tolerant native plants, so as to reduce irrigation needs; and

[c] All landscaping and required buffer areas shall be properly maintained. Landscape plants shall be monitored for at least two growing seasons. All planting that fail to survive shall be replaced.

[d] Control of Vegetation. Herbicides shall not be used to control vegetation at the solar electric installation. Mowing, grazing or using geotextile materials underneath the solar array are possible alternatives.

(3) Technical documentation. The applicant shall, at a minimum, submit the following technical documentation regarding the proposed solar energy system:

[a] Solar energy system technical specifications, including documentation in the form of shop drawings or catalogue cuts of the major system components to be used, including the PV panels, mounting system, and inverter;

[b] Drawings of the proposed solar energy system stamped by a professional engineer licensed in Massachusetts showing the proposed layout of the system, proposed topographic and other changes to the existing landscape, and any potential clearing of vegetation;

[c] Electrical diagram detailing the solar energy system installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;

(4) Visualizations for commercial-scale projects. The Planning Board may select up to three sight lines, including from the nearest building with a view of the proposed solar energy

system, for pre- and post-construction view representations. View representations, if required, shall have the following characteristics:

[a] View representations shall be in color and shall include preconstruction photographs and accurate post-construction simulations of the height and extent of the proposed solar installation;

[b] All view representations shall include existing and proposed buildings and/or tree coverage; and

[c] View representations shall include a description of the technical procedures followed in producing the visualization (distances, angles, lens, etc.).

(5) Noise. Noise generated by Commercial-Scale Ground-Mounted Solar Electric Installations and associated equipment and machinery shall conform to applicable state and local noise regulations, including the DEP's Division of Air Quality noise regulations, 310 CMR 7.10. A source of sound will be considered in violation of said regulations if the source:

[a] Increases the broadband sound level by more than 10 db(A) above ambient; or

[b] Produces a "pure tone" condition, when an octave band center frequency sound pressure level exceeds the two (2) adjacent center frequency sound pressure levels by three (3) decibels or more. Said criteria are measured both at the property line and at the nearest inhabited residence. "Ambient" is defined as the background, A-weighted sound level that is exceeded 90% of the time that the sound levels are measured, without the equipment in operation, unless established by other means with the consent of the DEP.

14.9.2. Expiration. A special permit issued pursuant to this article shall expire if: (a) The solar energy system is not installed and

functioning within 24 months from the date the permit is issued; or (b) The solar energy system is abandoned. The Planning Board may extend the special permit if it deems there are unique circumstances that justify a delay in the installation and/or functioning of the solar energy system.

14.10. Technical Consultants.

14.10.1 Upon submission of an application for a special permit or site plan approval for a Commercial-scale ground mounted solar energy system, the Planning Board may engage independent technical consultants, whose services shall be paid for by the applicant(s). These consultants shall each be qualified professionals with a record of service to municipalities in one of the following fields:

(1) Solar PV engineering;

(2) Structural engineering; and

(3) Others as determined necessary by the Planning Board.

14.10.2. Applicants for any special permit under this section shall obtain permission from the owner(s) of the proposed property and/or facility site for the City's independent technical consultants to conduct any necessary site visits.

14.11. Financial surety.

14.11.1. Applicants seeking to construct and operate any commercial-scale ground-mounted solar energy system shall provide a form of surety to cover the cost of removal and restoration of the site in the event the site is abandoned. The amount and form of surety shall be determined by the Planning Board, but in no event shall the amount exceed 125% of the cost of removal. Applicants shall submit a fully inclusive cost estimate of the costs associated with the removal of the commercial-scale ground-mounted solar energy system prepared by a qualified engineer. The cost estimate accounts for inflation over the life of the system. All subsequent owners/operators of the system shall continue to provide a form of surety acceptable to the City until the commercial-scale solar

energy system has been removed. The surety account or bond will be managed by the City Treasurer's office.

14.12. Operation, monitoring and maintenance.

14.12.1 Facility conditions. The commercial-scale ground-mounted solar energy system's owner or operator shall maintain the facility in good condition. Maintenance shall address all elements of the project, including but not limited to structural repairs, landscaping and screening, fencing and other security measures, storm water management, and access. The project owner and site owner shall be responsible for maintaining the solar energy system and any access road(s), and repairing any damage occurring as a result of operation and construction.

14.12.2. Operation and maintenance plan. The project applicant shall submit a plan for the operation and maintenance of the commercial-scale solar energy system as part of the special permit and/or site plan review application. This plan shall include measures for maintaining safe access to the installation, storm water management control, and general procedures for operational maintenance of the facility.

14.12.3. Modifications. All material modifications to a solar energy facility made after issuance of the permit and/or site plan approval shall require approval by the Planning Board as provided in this Section.

14.13. Removal, decommissioning, and abandonment.

14.13.1. Removal requirements. Any commercial-scale ground-mounted solar energy system which has reached the end of its useful life or has been abandoned shall be removed. When the solar energy system is scheduled to be decommissioned, the site owner and/or facility operator shall notify the City by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the solar system installation no more than six months after the date of discontinued operations. At the time of removal, the solar system site shall be restored to the state it was in before the system was constructed or to any other legally authorized use, subject to all City approvals. More specifically, decommissioning shall consist of the following:

(1) Physical removal of all solar photovoltaic installations, including structures, equipment, security barriers, and transmission lines, from the site;

(2) Any utility connections shall be disconnected to the satisfaction of the North Adams Fire Department and the City's Wiring Inspector;

(3) Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations and standards; and

(4) Stabilization or revegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner/operator to leave landscaping or any designated below-grade foundations in order to minimize erosion and disruption to vegetation.

14.13.2. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, a commercial-scale ground-mounted solar energy system shall be considered abandoned when it ceases to operate for more than 12 months, without written consent of the Planning Board. "Cease to operate" is defined as not performing the normal functions associated with the commercial-scale solar energy system and its equipment on a continuous and ongoing basis for a period of one year. The Building Inspector shall confer with the Planning Board and provide written notification of abandonment to the owner/operator. If the owner/operator fails to remove the solar energy system in accordance with the requirements of this section within six months of abandonment or the proposed date of decommissioning, the City shall have the authority to enter the property, to the extent duly authorized by law, and physically remove the solar energy system. As a condition of Site Plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned installation. The City's cost for the removal will be charged to the property owner in accordance with the provisions of M.G.L. 139, Section 3A as a tax lien on the property.

Office of the City Council
City of North Adams
10 Main Street Room 104
North Adams, Massachusetts 01247
(413) 662-3000, Ext. 1

10/13/16

Please put on the next agenda.

I wish for the city council and traffic commission to review and consider fine changes to parking on sidewalks.

I often see vehicles parked on sidewalks for no apparent reason. This happens on streets that are plenty wide enough and have more than enough spaces.

My opinion parking on sidewalks is more dangerous to handicapped residents using canes, walkers, and wheelchairs, then taking up a handicapped parking space at a supermarket. The fine for parking in a handicapped space is $300. The fine for parking on the sidewalk is $20.

The city is required to make sidewalks a specific width along with corner curb cuts under newer ADA guidelines. That defeats the purpose when the sidewalks are blocked by vehicles for casual parking. Downtown businesses are limited to what can be put on the sidewalk to make sure there is at least a 4' path for wheelchairs. The same rule should be followed across the city.

I understand situations when vehicles are loading or unloading, and the city has been very lenient with winter months. But times have changed and the city needs the enforce and appreciate the needs of our handicapped residents. This is also a concern for parents with strollers, children walking, and all residents. No one should be forced to walk into traffic if a sidewak is present and there isn't a valid reason for it to be blocked?

This may also be a good time to discuss any updated clearing of snow on sidewalks enforcement changes?

I suggest sending it to Traffic Commission and Commission on Disabilities for opinions.

Thank you,

Keith Bona
City Councilor