**Planning Board Report on Three Zoning Articles**

(June 27, 2020 Shutesbury Annual Town Meeting)

All three zoning articles were developed and are sponsored by the Planning Board. The Planning Board, after holding a public hearing on June 22, 2020, recommends passage of the articles, as follows:

**Article #15 – Proposed Amended Solar Bylaw**

With four Major Ground-Mounted Solar Electric Installations soon to be proposed in Shutesbury, the Planning Board seeks to amend its existing solar bylaw to ensure the Town has adequate control through the special permitting process.

• The purposes section adds emphasis to the protection of large blocks of forest land for their ecological and other natural resource benefits as stated in the Master Plan.

• Commercial forestry is prohibited on the land required for carbon sequestration (for the life of the project).

• The wildflower meadow currently required in and around the solar panels designed to be better habitat for pollinators.

• Protection of historic resources and properties is improved.

• Construction access is required to be from more suitable paved roads, or from unpaved roads with a Planning Board approved waiver, with concurrence from Select Board. (To improve the language now in the warrant, Planning Board will seek a floor amendment to strike and replace Section 8.10-3, H.)

• Lots for solar installations must meet the Town’s road frontage requirements.

• A maximum of 9 Major Ground-Mounted Solar Installations is set town wide (with a map showing where).

• Added special permit criteria to include minimization of “incompatible appearance from the roadway.”

• To determine location of wetland resources on the site, applicants shall use DEP’s standard method – Abbreviated Notice of Resource Area Delineation (ANRAD).

• Ground alterations, drainage facilities, and solar panels must be located over 100 feet from wetlands or hydrologic features.

**Article #29 – Proposed Amended Sign Bylaw**

Given that the sign bylaw has not been substantively updated in approximately 25 years, a Planning Board review uncovered opportunities to amend the existing sign bylaw to bring it into legal compliance, create more flexibility for signs on private property, and establish regulations for signs on public property.

* Allows commercial signs by right (currently limited to agricultural or horticultural).
* Allow signs off premises with approval of the other land owner (currently not allowed).
* Eliminates the temporary sign category to comply with the 2015 Supreme Court ruling in *Reed v. Town of Gilbert*; expands other categorical uses of signs.
* Expands allowed sign size for retail/consumer commercial and accessory signs.
* Establishes distance regulation that will allow signs to be 5 feet from a road’s “travelled lane,” even in town-owned right of way.
* Creates regulations regarding signs on town property.
* Establishes safety considerations as a factor for sign location.

* Establishes an 8:00 PM limit for illuminated signs.

**Article #30 – Proposed Amended Open Space Design Bylaw**

Based on the Planning Board’s experience with this bylaw since 2008, and statewide improvements to this class of bylaws, the Planning Board seeks to amend the existing bylaw to bring it into synch with current best practices.

• Purposes section better emphasizes ecologic benefits of protected open space.

• For an improved review process, require a special permit instead of site plan review for proposed developments that are not subdivisions.

• For these non-subdivision developments, allow Planning Board to assess the conservation benefits versus detriments of permitting a greater number of dwelling units than would otherwise be possible.

• To make more consistent with accepted zoning practice, round fractional units down instead of up.

• Clarify that proposed percentage increases in open space are based on whole parcel area.

• Stipulates that open space must be configured as separate parcels from the building lots.

• To provide other acceptable forms of open space preservation in the event a Conservation Restriction is not feasible.