

ARTICLE 16 TEMPORARY MORATORIUM on the Permitting and Approval of Large-Scale Ground Mounted Solar Energy Systems, including Photovoltaic Installations

The City known as the Town of Amherst is committed to the responsible and robust development of solar energy generation that supports community climate resilience. Furthermore, the Town has established rigorous climate goals to reduce its reliance on fossil fuels and recognizes its need to “do its part” by permitting large-scale ground mounted solar energy systems on hundreds of acres of land in the Town. The Town has approved multiple large-scale ground mounted solar energy systems, commonly referred to as “solar farms”, completed or under construction, and others that are in the permitting or planning process.

However, we recognize that proposed projects may involve extensive clear cutting of forests, clearing of ground vegetation, and/or be in proximity to residential neighborhoods that depend on private drinking wells and septic systems.

Pursuant to Article 3 of the Zoning Bylaw, large-scale ground mounted solar energy systems are allowed by either site plan review by the Planning Board or special permit by the Zoning Board of Appeals depending on the zoning district. Further, the high demand for large-scale ground mounted solar energy system sites has demonstrated the potential for rapidly changing the face of the Town, thereby raising novel legal, planning, environmental, and economic issues and creating an urgent need to review the current regulation of this use. The Town needs time to consider and study the future implications, impacts, and preferred locations of large-scale ground mounted solar energy systems, as well as the consistency of the already completed solar facilities with the Town’s current and future planning goals. Imposition of a temporary moratorium on large-scale ground mounted solar energy systems will allow time to assess these issues and amend the Zoning Bylaw to address the impact of these facilities on the Town’s environmental resources, economic, and planning goals.

A. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the permitting and approval for the use of land for large-scale ground mounted solar energy systems, including photovoltaic and thermal systems. The Zoning Board of Appeals and Planning Board shall not accept, nor shall they approve, any application for a large-scale ground mounted solar energy system with a rated capacity of 250 kW DC or greater as defined by the Massachusetts Department of Energy Resources. This Temporary Moratorium shall not apply to applications or approval of any application for a large-scale ground mounted solar energy system with a rated capacity of 250 kW DC or greater that is for installation on impervious surfaces existing on the effective date of this bylaw, such as systems installed as canopies over parking lots. Construction of any project permitted with a valid special permit or site plan review issued prior to the effective date of this bylaw may proceed in accordance with the terms of its issued special permit or site plan review approval, including seeking any available extension or renewal allowed under Section 10.33 and Section 11 of the Zoning Bylaw. The moratorium will be in effect through May 31, 2023 or the date on which the Town adopts amendments to the Zoning Bylaw concerning large-scale ground mounted solar energy systems, whichever occurs earlier. During the moratorium period, the Town,

under the direction of the Town Manager, shall undertake a planning process to study, review, analyze and address revisions to the Zoning Bylaw relative to large-scale ground mounted solar energy systems that are needed or desirable to allow for and regulate such use consistent with protecting the Town's environmental resources and furthering its planning goals or take any other action in relation thereto.