

**PLANNING BOARD  
TOWN OF WILBRAHAM**  
240 Springfield Street  
Wilbraham, Massachusetts 01095

Jeffrey Smith, Chair  
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**WILBRAHAM PLANNING BOARD  
PUBLIC HEARING**

In accordance with M.G.L. Chapter 40A, Section 5, the Wilbraham Planning Board will hold a Public Hearing on Wednesday, April 1, 2020 at 6:30 PM in the Town Office Building, 240 Springfield Street, to give interested parties the opportunity to comment on the following proposed amendments to the Wilbraham Zoning By-Law sponsored by the Planning Board:

1. Ground Floor Use Regulations for Mixed Use Buildings: By revising existing section 6.4.3(C); and
2. Decommissioning or Abandonment Regulations for Large-Scale Ground-Mounted Solar Energy Systems: By revising existing section 10.7.12.

The complete text of the proposed amendments is available for review in the Town Clerk's Office and the Planning Office during normal business hours. All persons interested or wishing to be heard on this matter are urged to attend the public hearing.

Jeffrey Smith  
Chairman

For Publication: Wilbraham-Hampden Times (March 12 & 19, 2020)

**Voted 4/1/2020:** In light of the challenges faced by the Wilbraham Planning Board resulting from the COVID-19 public health emergency, this public hearing has been continued to either May 6, 2020 at 6:30 PM or to some other alternative date and time to be declared by the Chair of the Planning Board if so authorized by state law.



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**Proposed Amendments to the Wilbraham Zoning By-Law**  
**Public Hearing - April 1, 2020**

**1. GROUND (FIRST) FLOOR USE REGULATIONS FOR MIXED USE BUILDINGS**  
**Section 6.4.3(C)**

**A. To amend the Wilbraham Zoning By-Law by deleting existing Section 6.4.3(C) in its entirety:**

~~The ground floor of the Mixed Use Building shall be limited to commercial use(s) as may be permitted by right or by special permit. Dwelling units shall not occupy the street level floor of the mixed use commercial building.~~

**B. and substituting therefor a new Section 6.4.3(C) to read as follows:**

The first floor (street level) of the Mixed Use Building shall be occupied for commercial use only and shall be limited to the commercial uses specifically authorized in the applicable zoning district by site plan approval or special permit pursuant to section 3.4.5 of the Zoning By-Law, and said commercial uses shall be subject to separate approval by the appropriate permit granting authority in accordance with the requirements of this Zoning By-Law. Dwelling units shall not occupy the first floor of the mixed use commercial building.

Note: See Marked-up version in Exhibit 1

**2. DECOMMISSIONING OR ABANDONMENT REGULATIONS FOR LARGE-SCALE  
GROUND-MOUNTED SOLAR ENERGY SYSTEMS  
Section 10.7.12(B)**

**To amend the Wilbraham Zoning By-Law by revising the last sentence in  
existing Section 10.7.12(B) to read as follows:**

The cost for the removal will be drawn from the performance surety provided by the applicant or charged to the property owner in accordance with the provisions of M.G.L. chapter 139, section 3A as a tax lien on the property and said costs will constitute liens for purposes of M.G.L. chapter 40, section 58.

Note: See Marked-up version in Exhibit 2

## Exhibit 1

### Marked Up Version of Section 6.4.3 with the Proposed Amendment to Section 6.4.3(C)

#### 6.4.3 Use Regulations and Design Requirements

- A. It is the intent of these regulations that conversion of an existing structure shall be interpreted broadly to mean adaptive reuse, alteration, expansion and/or redevelopment including complete tear down and rebuild if appropriate.
- B. Mixed Use Buildings shall be limited to a maximum of two stories and a maximum building height of 35 feet
- C. ~~The ground floor of the Mixed Use Building shall be limited to commercial use(s) as may be permitted by right or by special permit. Dwelling units shall not occupy the street level floor of the mixed use commercial building.~~

The first floor (street level) of the Mixed Use Building shall be occupied for commercial use only and shall be limited to the commercial uses specifically authorized in the applicable zoning district by site plan approval or special permit pursuant to section 3.4.5 of the Zoning By-Law, and said commercial uses shall be subject to separate approval by the appropriate permit granting authority in accordance with the requirements of this Zoning By-Law. Dwelling units shall not occupy the first floor of the mixed use commercial building.
- D. The second floor of the Mixed Use Building shall be limited to residential use which shall not exceed the total square footage of the street level commercial floor.
- E. Residential dwellings in the Mixed Use Building shall be limited to studio, 1 bedroom and 2 bedroom units with the maximum number of units and unit mix to be determined by the SPGA.
- F. The entranceway and stairways to the second story dwelling units shall be enclosed.
- G. Architectural design shall be compatible with the historic character and scale of existing buildings in the Center Village.
- H. The SPGA may grant approval for more than one Mixed Use Building on one lot.

- I. The SPGA may waive the dimensional requirements imposed under Section 6.3 with respect to minimum lot frontage, minimum lot area, minimum front yard, side yard, and rear yard building setbacks and maximum building coverage to improve site design if it finds that given the particular location and/or configuration of a project in relationship to the surrounding neighborhood, such waiver(s) is consistent with the public good and that to grant such waiver(s) does not substantially derogate from the intent and purposes of the Zoning By-Law. In all cases where a reduced setback is allowed, the Planning Board may impose such conditions as it deems necessary.
  
- J. Adequate off street parking shall be provided in compliance with Section 11 and parking lots shall be located at the rear of buildings wherever feasible. Parking lot layout, landscaping, buffering and screening shall prevent direct views of parked vehicles from streets and sidewalks, avoid spill over light, glare, noise or exhaust fumes onto adjacent properties wherever feasible.

## Exhibit 2

### Marked Up Version of Section 10.7.12 with the Proposed Amendment to Section 10.7.12(B)

#### 10.7.12 Decommissioning or Abandonment

- A. Removal Requirements.** Any Large-Scale Ground-Mounted Solar Energy System, or any substantial part thereof, that has reached the end of its useful life or that has discontinued operations shall be removed. The owner or operator shall physically remove the Solar Energy System no later than one hundred eighty (180) days after the date of discontinued operations. The owner or operator shall notify the Planning Board and Building Inspector by certified mail of the proposed date of discontinued operations (shutdown) and the anticipated schedule and plans for removal and site restoration. At a minimum, decommissioning shall consist of:
1. Physical removal from the site of all components of the Large-Scale Ground-Mounted Solar Energy System, including but not limited to, solar panels, structures, foundations, equipment, security barriers, and electrical transmission lines.
  2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  3. Restoration of the site to its natural pre-existing condition, including stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping, designated below-grade foundations, and access roads in place in order to minimize erosion and disruption of vegetation.
- B. Abandonment.** Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Large-Scale Ground-Mounted Solar Energy System shall be considered abandoned when it fails to operate for a period of one (1) continuous year or more without the written consent of the Planning Board. Upon written request from the Zoning Enforcement Officer addressed to the contact person provided and maintained by the operator or owner of the Large-Scale Ground-Mounted Solar Energy System, the owner or operator shall provide evidence to the Zoning Enforcement Officer

demonstrating continued use of the Solar Energy System. Failure to provide such evidence within thirty (30) days of such written request shall be deemed conclusive evidence that the Solar Energy System has discontinued operations.

If the owner or operator fails to remove the Large-Scale Ground-Mounted Solar Energy System in accordance with the requirements of this section within one hundred eighty (180) days after either abandonment or the proposed date of decommissioning, the Town shall have the right, to the extent authorized by law, to enter the property and physically remove the system at the owner's expense. As a condition of Site Plan or Special Permit approval, the applicant and property owner shall agree to allow entry to remove an abandoned or decommissioned Large-Scale Ground-Mounted Solar Energy System. The cost for the removal will be drawn from the performance surety provided by the applicant or charged to the property owner in accordance with the provisions of M.G.L. chapter 139, section 3A as a tax lien on the property and said costs will constitute liens for purposes of M.G.L. chapter 40, section 58.

- C. Performance Surety.** Prior to the start of construction, the owner or manager of the Large-Scale Ground-Mounted Solar Energy System shall provide surety to the Town of Wilbraham, either through cash deposit, bond or other means deemed acceptable to the Planning Board, in proper form and sufficient amount determined reasonable and approved by the Planning Board, to cover the decommissioning cost in the event the Town must remove the Large-Scale Ground-Mounted Solar Energy System and remediate the site to its natural pre-existing condition. The project proponent shall submit a fully inclusive itemized estimate of the decommissioning cost prepared by a qualified engineer. The amount of the estimated decommissioning cost shall include an escalator mechanism for calculating increased removal costs at the end of the useful design life of the Large-Scale Ground-Mounted Solar Energy System due to inflation but shall not include or deduct the estimated salvage value of material recycling. The Planning Board may require that the amount of surety be increased as required during the operating life of the Large-Scale Ground-Mounted Solar Energy System due to higher than anticipated inflation costs or other unforeseen future circumstances. Performance surety will not be required for municipal or state-owned facilities.