

What will the Commercial Solar Photovoltaic Overlay District (CSPVOD) accomplish? What are the goals?

In recent years, Hopkinton has seen the development of several commercial solar farms constructed through clear cutting of woodlands, usually placed adjacent to residential neighborhoods. The CSPVOD would give the Town of Hopkinton substantially more control over commercial solar development within its borders, allowing more careful consideration for preservation of both our neighborhoods and our natural resources.

Where in Hopkinton are commercial solar farms allowed right now?

At present, commercial solar farms are allowed by Special Permit in any zoning district in Town, so long as it meets the requirements of the Zoning Bylaw in terms of lot size, setback, screening, and other requirements as set forth in Article XXXI, as well as the requirements of the Conservation Commission. Importantly, potential commercial solar developers can request waivers to such rules and guidelines, and often those requests are granted. Any combination of parcels larger than three acres is currently eligible for commercial solar development.

Why did the Planning Board create a restrictive solar map rather than increase the requirements that must be met for a commercial solar installation?

As recently as 2019 we proposed amendments to our bylaws to improve screening requirements and protect abutters, but there are many site dependent complexities that are difficult to address through use regulations alone. The ZAC (Zoning Advisory Committee), through their research and discussions at five public meetings between Oct 2019 and Jan 2020, found that several other towns had successfully implemented commercial solar overlay districts to ensure commercial solar is installed on appropriate parcels. The Planning Board discussed the overlay at six public meetings that were well attended by the public. We believe that a combination of site layout restrictions and an overlay district is the best way to manage commercial solar developments.

How and why were the properties on the map selected?

The following was considered:

- distance from residential neighborhoods
- minimal wooded area, so that clear-cutting is minimal
- ample space on lot for visual screening
- previously approved for commercial solar

It's worth noting that these considerations can be modified, and properties can be added or removed from the overlay map in the future (would require support at ATM)

My land is not included in the CSPVOD, but I hoped to use or sell it for solar development. Will I be able to do so if this proposal passes?

If a landowner would like a new parcel to be considered for commercial solar, they would first need to amend the overlay district to include their parcel (would be voted on at ATM). Once added, the project would be evaluated through our standard special permitting process, as outlined in Article 31 of our zoning bylaws.

Does this proposal impinge on landowners' property rights?

Only in as much as any zoning regulations do. All zoning is designed to offer a carefully considered plan for the best use of land and property to serve a community's needs. We all know that not all uses of private property are appropriate for individual neighborhoods or Hopkinton as a whole. Just as our current zoning bylaws don't allow an individual property owner to turn a parcel of land in the center of town into, say, a local landfill, the CSPVOD would increase the town's ability to have a say as to where commercial solar farms are appropriate.

Many of the areas included in the proposed CSPVOD contain wetlands. Does this proposal mean that we lose wetlands protection in those areas?

No. All proposed developments in Hopkinton that contain wetlands or wetland buffer areas are subject to the jurisdiction of the Conservation Commission. The Conservation Commission and Planning Board may have project sites that overlap; however, one board does not overrule the other as their jurisdictions are entirely separate.

Is this an anti-environmental proposal?

No. Hopkinton is one of the original thirty-five towns named a Massachusetts Green Community by the Department of Energy Resources in 2010, and we continue to explore ways to reduce our negative environmental impacts now and in the future. While it is true that electricity produced through solar power saves carbon emissions that might come from coal- or gas-fired power plants, the trees of Massachusetts are among the best on earth at removing carbon dioxide from the air and, unlike solar panels, have the added benefit of replacing carbon dioxide with oxygen. Of course, trees have more value than just cleaning our air; root systems prevent soil erosion and control water runoff, the diversity of flora species create ideal conditions for biodiversity, and many of our forests, on both public and private land are used for a variety of recreational activities.

Additionally, the CSPVOD *does not* have any impact on accessory use of solar (e.g. On a roof or over parking lots).

Was this proposal carefully considered? Is it legal?

Yes, and yes. The work toward the creation of the CSPVOD began over a year ago with research into how towns like Wellesley and Weston created their commercial solar overlay districts. The Zoning Advisory Committee started discussing the creation of our own commercial solar overlay in September 2019, and with the advice, guidance, and approval of both Hopkinton's Principal Planner and Town Counsel, they presented the initial version of the CSPVOD to the Planning Board in January 2020. During several open meetings through the winter and spring, residents of Hopkinton asked many questions and suggested various changes, and the Planning Board adjusted the original CSPVOD until the current version came together. The Zoning Advisory Committee, the Planning Board, Hopkinton's Principal Planner, and Town Counsel have all weighed in on the legality of this proposed change and have determined that the proposed CSPVOD is in line with the commonwealth's Department of Energy Resources criteria for our continued certification as a Green Community.