

WARRANT ARTICLE

To see if the town will vote to amend the Duxbury Zoning Bylaws Article 400, Sections 404.6.5 and 404.10 regarding Utilities Installation, in order to be consistent with the new Article 600, Section 621 Solar Photovoltaic Facilities, by adding the underlined text set forth below.

404.6 Uses Permitted by Special Permit

Upon issuance of a special permit by the Board of Appeals, and subject to such special conditions and safeguards as the Board of Appeals may impose, the following uses and structures may be permitted:

5. Utilities installation; unless said utility is a Solar Photovoltaic Facility as defined and regulated by Article 600, Section 621 of this Bylaw, in which case the Planning Board shall serve as the Special Permit Granting Authority and/or Administrative Site Plan Review board in reviewing the application consistent with Article 600, Section 621 and this Section 404.

404.10 Special Requirements for Utility Installation

Any other Bylaw or regulation to the contrary notwithstanding, no construction requiring any utility, including electric line, water line, gas line and telephone line, or waste disposal or drainage facilities shall be permitted within the Wetlands Protection Overlay District unless the Board of Appeals shall determine that all utilities are located, elevated and constructed so as to minimize or eliminate flood damage and that methods of disposal for sewage, refuse and other wastes and methods of providing drainage are adequate to reduce flood hazards and prevent pollution. For solar photovoltaic facilities as defined and regulated by Article 600, Section 621 of this Bylaw, the Planning Board shall serve as the Special Permit Granting Authority and/or Administrative Site Plan Review board in reviewing the application consistent with Article 600, Section 621 and shall make the determination required by this Section.

DUXBURY PLANNING BOARD

A 2/3 vote is required.

Explanation: The Planning Board has proposed a new Solar Photovoltaic Facilities Section 621 in the Zoning Bylaw which will regulate the installation of solar photovoltaic facilities. The Planning Board is named as the Special Permit Granting Authority within new Section 621 for said facilities in the Wetlands Protection Overlay District (Article 400) in the existing Zoning. This article is essentially a housekeeping article for consistency within these other Sections of the Bylaw.

TOWN CLERK
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DUXBURY, MASS.