***Example Language for a Temporary Moratorium on the Construction of Large-Scale Ground-Mounted Solar Photovoltaic Installations***

*Italic text highlighted in GRAY represents instructions, and not text to be included in the Moratorium. Text highlighted in YELLOW should be updated to match the circumstances of the Town.*

Article I: Temporary Moratorium on the Construction of Large Ground Mounted Photovoltaic Installations

1.1 Authority and Purpose

The Town of (“Town”) currently has approved ground mounted photovoltaic installations, commonly referred to “solar farms”, completed or under construction and another that have been approved and are in the permitting process. Many of these projects have involved large-scale clear cutting of trees and ground vegetation and several have been located in close proximity to abutting residential neighborhoods.

*For towns with an existing solar zoning bylaw:*

Although the Zoning Bylaw adopted pursuant to the vote on and amended at a(n) Town Meeting as Article # on DATE addresses ground-mounted photovoltaic installations, the Town needs to adopt further changes to the Zoning Bylaw to protect environmental resources and provide more efficiency for those property owners who seek to develop solar facilities as an accessory use. It is crucial that the Town act to establish a temporary moratorium on the use of land and the construction related to large ground mound photovoltaic installations and the issuance of building permits in connection with the same.

*For towns with no existing solar zoning bylaw:*

The Town of has yet to develop specific requirements with regard to large ground mounted solar photovoltaic installations. There is an immediate identified need to protect the interests of the Town and its citizens by establishing long term zoning bylaw standards and provisions to ensure that such uses and development will be consistent with the Town’s long term planning interests and Master Plan.

1.2 Temporary Moratorium

The purpose of this moratorium is to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a matter consistent with sound land use planning goals and objectives. Because the regulation of ground mounted photovoltaic installations raises novel legal, planning and public safety issues, the Town needs time to undertake a planning process to make appropriate amendments to the Zoning Bylaw regarding regulation of Ground Mounted Photovoltaic Installations. Accordingly, the Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Ground Mounted Photovoltaic Installations [provide size limitation – e.g. “over X kW DC in capacity” or “with a project footprint over X acres in size] until Future date to allow the sufficient time to address the effects of such structures and uses in the Town and to enact appropriate Zoning Bylaws in a consistent manner. Notwithstanding any other provision in the Town of Zoning Bylaw to the contrary, no building permit may be issued for the construction of any Ground Mounted Photovoltaic Installation over X in size and to the extent legally permissible, the Planning Board shall not accept any further application for any Ground Mounted Photovoltaic Installation over X in size during the aforementioned moratorium period. This moratorium shall not apply to any Ground Mounted Photovoltaic Installation for which a Site Plan Review or Special Permit application was received by the Planning Board prior to 1st posting date of public notice for bylaw amendment . Any Ground Mounted Photovoltaic Installation proposed in an application submitted to the Planning Board prior to 1st posting date of public notice for bylaw amendment , shall be governed by the provisions of the Town Zoning Bylaw in effect prior to the first publication of notice of the public hearing on this by-law required by MGL Chapter 40A, Section 5.