

July 20, 2017

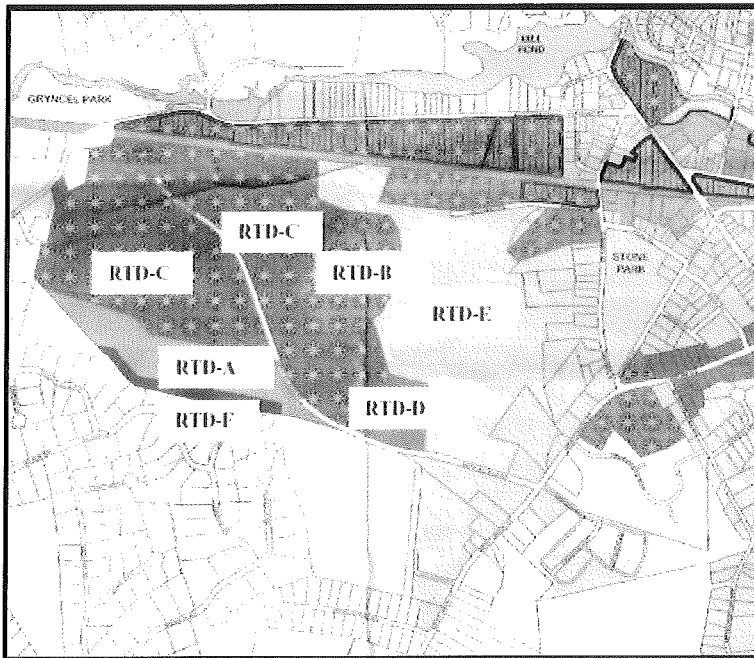
Mr. Mike Crisafulli  
Building Commissioner  
Town of Ashland  
101 Main Street  
Ashland, MA 01721

RE: A&M Project #2356-01  
Zoning Opinion Request  
Rail Transit District  
Off MBTA Roadway

Dear Mr. Crisafulli:

On behalf of our Client, Citizens Energy Corporation (CEC), Allen & Major Associates, Inc. (A&M) is requesting a zoning opinion in your capacity as the Zoning Enforcement Officer for the Town of Ashland.

CEC has proposed a solar farm project located on the Rail Transit District (RTD) lands. It was our initial understanding that the project was allowed by right under the Photovoltaic Installations Overlay District (PIOD) that encompassed all of the RTD. As it turns out, for an inexplicable reason, when the zoning maps were created in 2013 and later amended in 2015, the PIOD excluded parcels RTD-D and RTD-E. The online map data viewer for the Town of Ashland includes these lands in the PIOD, but the official maps do not.



**Figure 1 – 2013 Town Map (PIOD designated by ‘star’ pattern; RTD labels added by A&M)**

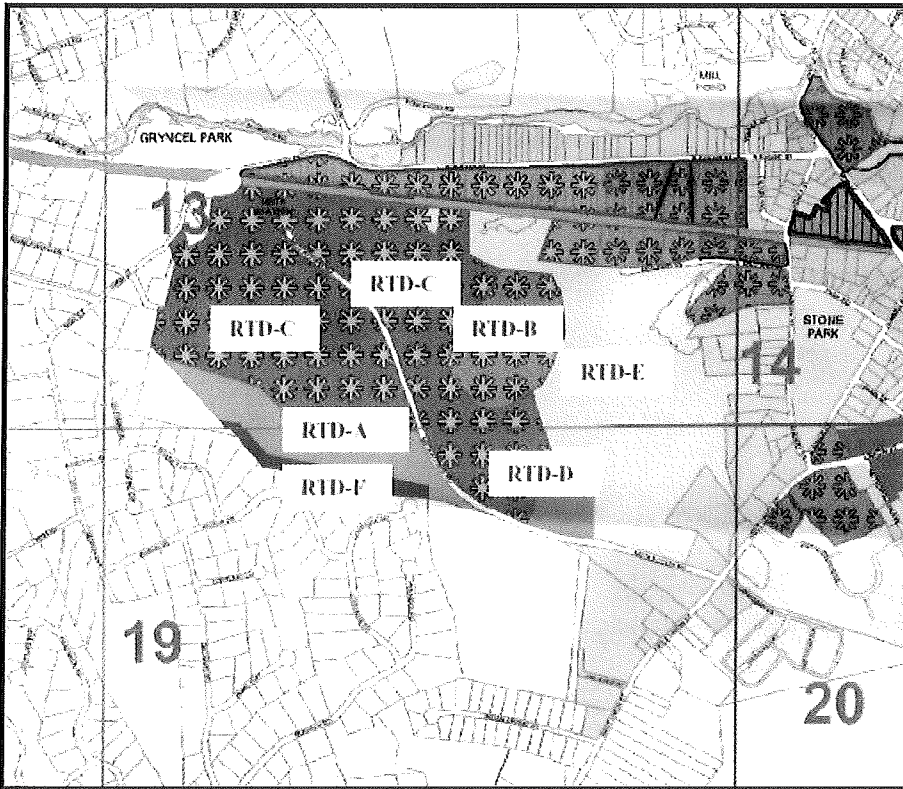


Figure 2 – 2015 Town Map (PIOD designated by ‘star’ pattern; RTD labels added by A&M)

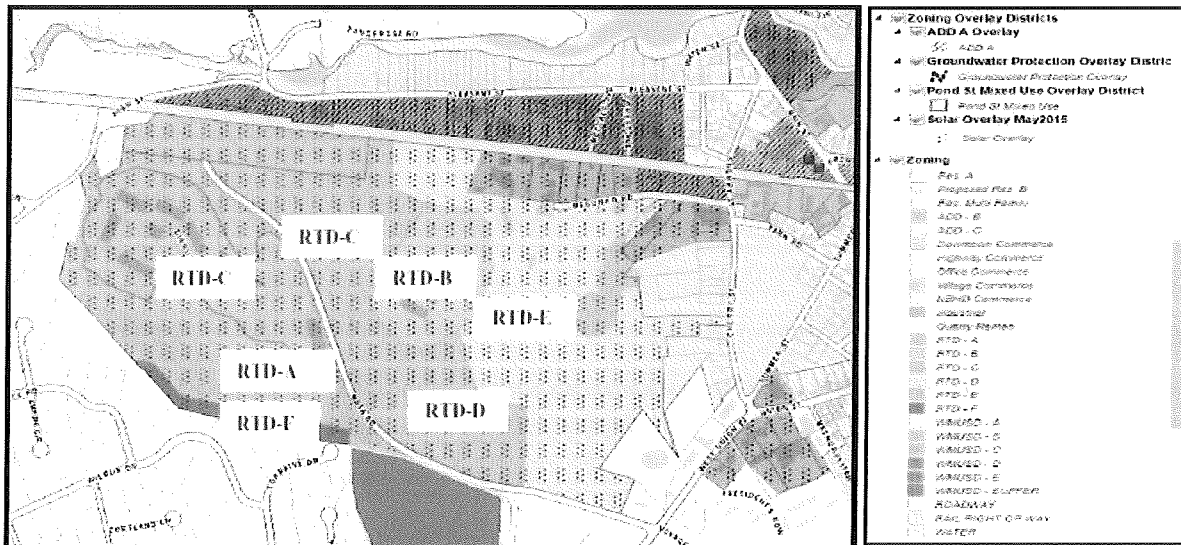


Figure 3 – Ashland GIS online zoning viewer and Legend (RTD labels added by A&M)

A&M understands that the official maps will control in this situation and that expansion of the PIOD would require a warrant and vote a Town meeting. A&M is requesting a determination as to the allowed construction of solar facilities on the RTD-D, and the RTD-E land. In reviewing this issue, A&M used

the Rail Transit Use Table under section 8.4.4 “Permitted Uses” of the Zoning Bylaw dated November 19, 2008 as amended through May 4, 2016 Annual Town Meeting.

Under “Permitted Light Industry Component Uses”:

- (h) Alternative Energy and renewable energy research and development facilities.
- (i) Alternative Energy and renewable energy research and development facilities.

Solar resources are defined as a renewable energy under section 10.0 of the bylaw as shown in Figure 4 below.

**Alternative energy** -- Energy shall include solar, wind, hydro (rivers), and geothermal (hot springs), that can replace or supplement traditional fossil fuel sources such as coal, oil, and natural gas. It is energy derived from sources that do not use up natural resources or harm the environment.

**Alternative energy and renewable energy manufacturing facilities** -- Include, but are not limited to, the following: manufacturing of solar panel production, wind turbine or hydro turbine production, and fuel cell production.

**Alternative energy and renewable energy research and development facilities** -- Include, but are not limited to, the following: Research & Development Facilities used for research to improve the efficiency of, or reduce pollution from biomass power facilities, research and development intended to enhance geothermal systems, research related to advance battery systems.

Figure 4 – Definitions; Section 10 of Zoning Bylaw.

(j) Accessory scientific use in compliance with § 3.2.4	N	N	Y	Y	Y	N
(g) Uses and structures (including without limitation, a sewerage treatment facility) customarily accessory and incidental to the primary uses.	Y(2)	Y(2)	Y	Y	Y	Y(2)
h. Alternative energy and renewable energy manufacturing facilities	N	Y	N	Y	Y	N
i. Alternative energy and renewable energy research and development facilities	N	Y	N	Y	Y	N

Figure 5 – Snapshot of Rail Transit Use Table (Section 8.4.4 Permitted Uses) (columns 4 and 5 designate usage for RTD Areas D and E respectively)

It is A&M’s opinion that the solar farm is an allowed use on the RTD, independent of the PIOD overlay and are seeking confirmation of that fact through this request.

If you have any additional questions, please contact my office.

July 20, 2017

Very truly yours,  
**ALLEN & MAJOR ASSOCIATES, INC.**

A handwritten signature in black ink, appearing to read 'Philip Cordeiro', written over a horizontal line.

Philip Cordeiro, P.E.  
Branch Manager

CC: E. Mann – Citizens Energy Corporation (via electronic copy)  
A&M File: 2356-01