

9.8 SOLAR PHOTOVOLTAIC FACILITY OVERLAY DISTRICT

9.8.1 PURPOSE

The purpose of the Solar Photovoltaic Facility (SPF) Overlay District is to promote the creation of new large-scale ground-mounted SPFs by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such facilities that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such facilities.

The provisions set forth in this section shall apply to the construction, operation, repair and/or eventual removal of large-scale ground-mounted SPFs.

9.8.2 APPLICABILITY

This section applies to large-scale ground-mounted SPFs proposed to be constructed after the effective date of this section within the SPF Overlay District. This section also pertains to physical modifications that materially alter the type, configuration, or size of these facilities or related equipment.

9.8.3 DEFINITION OF TERMS

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development of large-scale ground-mounted SPFs within the SPF District shall be subject to Site Plan Review to determine conformance with this Zoning Bylaw.

Building Permit: A construction permit issued by the Building Official; the building permit evidences that the project is consistent with the state and federal building codes as well as local Zoning Bylaws, including those governing ground-mounted large-scale SPFs.

Large-Scale Ground-Mounted Solar Photovoltaic Facility: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum rated nameplate capacity of 250 kW DC.

Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

9.8.4 LOCATION

The SPF District shall be defined as all lands within the Industry District located in the southeastern area of the Town, bordered to the east by the Town of Rehoboth, to the south by the Town of Swansea, to the north by the Town's Residential-4 zoning district and to the west by the Town's Residential-3 Zoning

District as shown on the Seekonk, Massachusetts, Zoning Map dated 1979 and amendments

9.8.5 THERETO.COMPLIANCE WITH LAWS, ORDINANCES, AND REGULATIONS

The construction and operation of all large-scale ground-mounted SPF's shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a large-scale ground-mounted SPF shall be constructed in accordance with the State Building Code.

9.8.6 SOLAR PHOTOVOLTAIC FACILITY SITE PLAN REVIEW

The following section applies only to Site Plan Review procedures and requirements related to applicants proposing to develop large-scale ground-mounted SPF's within the SPF District. Applicants within the SPF District proposing to develop a large-scale ground-mounted SPF shall abide by this section and shall not be subject to Section 10, Site Plan Review, of these Zoning Bylaws.

9.8.6.1 Purpose

The purpose of the SPF Site Plan Review is to protect the safety, public health, convenience and general welfare of the inhabitants of the Town of Seekonk by providing detailed review of the design and layout of large-scale ground-mounted SPF's with 250 kW or larger of rated nameplate capacity. These facilities shall undergo Site Plan Review prior to construction, installation or modification as provided in this section.

9.8.6.2 Powers and Administrative Procedure

All site plans are subject to the review and approval by the Planning Board (Board). The Board shall impose any reasonable conditions they find appropriate to improve the site design as based on the design standards below.

9.8.6.3 Pre-Application Review

The applicant is strongly encouraged to request a Pre-Application Review with the Board. The Board may invite the Town Planner, Conservation Agent, Building Official, Health Agent, Fire Chief, Water Superintendent, Town Planner and Public Works Superintendent to the Pre-Application Review. The applicant's consultants are strongly encouraged to attend. The purpose of this review is to outline the applicant's preliminary plan and receive comments from the members of the Town staff listed above so as to minimize the applicant's costs for engineering and other technical experts that may arise throughout the development process.

9.8.6.4 Procedure

Applicants shall submit an application for SPF Site Plan Review in accordance with the rules and regulations effectuating the purposes of this bylaw adopted and periodically amended by the Board. Said application shall be deemed complete by the Town Planner in accordance with the required items for a completed application as outlined in the rules and regulations. An application will be deemed either complete or incomplete within one week of its receipt. Applicants who have submitted incomplete applications will then be notified in writing of which required items are missing.

When reviewing an application for approval, the Board may determine that the assistance of outside consultants is warranted due to a project's potential impacts. The cost of such outside consultants shall be borne by the applicant.

A building permit shall not be issued without either an approved plan signed by the Clerk of the Board that is compliant with any conditions put forth as part of the approval by the Board or by indicated approval as follows. If the Board does not act to reject such plan within three-hundred-sixty five (365) days after receipt of a completed application, it shall be deemed to be acceptable and the plan shall be signed "Approved by Default" by the Town Clerk.

Site Plan approvals are valid for one year following the date of approval. Construction shall commence within this timeframe. A one-year extension may be granted by the Board upon receipt of written correspondence by the applicant seeking said extension. Prior to construction, erosion and sedimentation control measures shall be in place in accordance with these Bylaws.

9.8.6.5 Compliance with Approved Plan

Before the issuance of a permanent occupancy permit, the Town Planner shall verify compliance with the approved site plan and an as-built, certified by a registered professional land surveyor or engineer, shall be submitted to the Board and Building Inspector. The as-built plan shall attest to a development's conformity to its approved site plan by indicating landscaping, buildings, drainage flow, number of parking stalls, and limits of parking areas and drives.

Any changes in the approved site plan or in the activity to be conducted on the site that would cause a change to any of the standards in Section 9.8.7 shall be submitted to the Board for review and approval. The Town Planner may administratively approve any changes to the approved site plan that do not cause non-compliance with any of the standards in Section 9.8.7.

9.8.6.6 Appeals

Any person aggrieved by a decision of the Board under this section, may appeal this decision to the Zoning Board of Appeals. Subsequent appeals shall be brought forth to Superior Court, the Land Court or the District Court pursuant to Chapter 40A, Section 17 of the Massachusetts General Laws.

9.8.7 DIMENSIONAL AND DESIGN STANDARDS

The following elements, in addition to any standards prescribed elsewhere in this Bylaw, shall be utilized by the Board in considering all site plans.

9.8.7.1 Dimensional Standards

(a) Setbacks

All construction shall comply with the yard, space, and height requirements of the underlying zoning district(s).

9.8.7.2 Design Standards

(a) Parking Requirements

The application shall demonstrate that adequate access, parking, and circulation are provided for service and emergency vehicles as determined by the Board.

(b) Drainage

Erosion and sedimentation control shall conform to Category 20B ó Stormwater Management of the General Bylaws. Runoff control shall conform to Category 20C ó Stormwater Management of the General Bylaws.

(c) Landscaping

(i) A minimum 10-foot landscaped buffer around the perimeter of all sites shall be provided. A 25-foot buffer containing landscaping, a grassed earth berm, a fence, masonry wall or some combination of these screening devices, shall be provided on each side which adjoins or faces the side or rear lot line of a parcel in residential use or in a residential district.

- (ii) Any double row of parking spaces shall be terminated by landscaped islands which measure not less than ten feet in width and not less than 36 feet in length. The interior of parking lots shall have at a minimum landscaped center islands at every other double row as applicable. Pedestrian paths may be incorporated within the landscaped area provided a minimum of four feet, exclusive of paved areas, is maintained for all landscaped areas. Said double rows of parking spaces shall not exceed twenty (20) adjacent spaces or ten (10) spaces in each row.
- (iii) The interior of parking areas shall be shaded by deciduous trees to the maximum extent practicable without limiting sunlight exposure of the SPF.
- (iv) Landscaping shall be so designed as to prevent parking or driving on any portion of a landscaped area except grassed areas to be used as overflow parking areas.
- (v) Landscaping, which shall all be live, shall include trees or shrubs of a potential height of at least three (3) feet sufficiently spaced to define and screen the area in the event the landscaping is inadequately maintained. Landscaping shall not interfere with a safe view of traffic or pedestrian flow.
- (vi) Utility areas as well as garbage collection, recycling areas, and other outside storage areas shall be screened by a planted buffer strip along three sides of such a facility. Planting material should include a mixture of evergreen trees and shrubs.

(d) Lighting

The minimum illumination levels measured in footcandles for all parking spaces serving the designated uses of the SPF District is 1.0 footcandle.

The maximum spillover illumination to adjacent property shall be 1.0 footcandle. No areas shall be floodlit. Drives and parking areas shall not be illuminated by lighting fixtures higher than twenty (20) feet. Sidewalks shall not be illuminated by lighting fixtures higher than fifteen (15) feet. All lighting fixtures shall be shielded to have a total cutoff of all light at less than ninety (90) degrees. The total cutoff of all light shall occur within the property lines of the parcel to be developed. A lighting plan showing the location and type of lighting fixtures as well as a photometric plan conforming to this section shall be submitted.

(e) Architectural Guidelines

The design of the proposed large-scale ground-mounted SPFs and associated appurtenant structures shall complement, whenever feasible, the general setback, roof line, arrangement of openings, color, and exterior materials, proportion and scale of existing buildings in the vicinity.

(f) Signage

Signs on large-scale ground-mounted SPFs shall comply with Section 12, Signs and Advertising Devices, of these Bylaws. A sign consistent with Section 12 shall be required to identify the owner and provide a 24-hour emergency contact phone number. SPFs shall not be used for displaying any advertising except for reasonable identification, as determined by the Board, of the manufacturer or operator of the SPF.

(g) Utility Connections

Reasonable efforts, as determined by the Board, shall be made to place all utility connections from the SPF underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

9.8.8 SAFETY AND ENVIRONMENTAL STANDARDS

9.8.8.1 Emergency Services

The applicant shall submit a plan clearly marking all means of shutting down the SPF. The owner or operator shall also identify a responsible person for public inquiries throughout the life of the facility.

9.8.8.2 Land Clearing, Soil Erosion, and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted SPF or as otherwise prescribed by applicable laws, regulations, and bylaws.

9.8.9 OPERATION & MAINTENANCE PLAN

The applicant shall submit a plan for the operation and maintenance of the large-scale ground-mounted SPF, which shall include measures for maintaining safe access to the facility, stormwater controls, as well as general procedures for operational maintenance of the facility. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures.

9.8.10 UTILITY NOTIFICATION

No large-scale ground-mounted SPF shall be constructed until evidence has been given to the Board that the utility company that operates the electrical grid where the facility is to be located has been informed of the SPF owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

9.8.11 ABANDONMENT AND DECOMMISSIONING

9.8.11.1 Removal Requirements

Any large-scale ground-mounted SPF which has reached the end of its useful life or has been abandoned consistent with Section 9.8.11.2 of this Bylaw shall be removed. The owner or operator shall physically remove the facility no more than 180 days after the date of discontinued operations. The owner or operator shall notify the Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all large-scale ground-mounted SPFs, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

9.8.11.2 Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the SPF shall be considered abandoned when it fails to operate for more than one year without the written consent of the Board. If the owner or operator of the large-scale ground-mounted SPF fails to remove the facility in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the facility.

9.8.12 FINANCIAL SURETY

Applicants proposing to develop large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the facility and restore the landscape, in an amount and form determined to be

reasonable by the Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally- or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

Addition of the following to the end of section 10.3:

Notwithstanding the aforesaid, all activities subject to the provisions in Section 9.8 of the Zoning Bylaw (Solar Photovoltaic Facility Overlay District) and the associated Site Plan Review process shall not be subject to Site Plan Review as described in this section.

Addition of the following to the end of Section 3.1 – Special Districts

8. Solar Photovoltaic Facility Overlay District.