

Regulations and Application for construction and use of Ground-Mounted Large-Scale Solar Energy Systems of 250kW or greater allowed in the Industrial Park and Industrial Districts.

DRAFT
TOWN OF SOUTHBOROUGH
PLANNING BOARD

COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS
APPLICATION AND REGULATIONS

These regulations are promulgated in conjunction with the Southborough Zoning By-law provisions found in Chapter 174, Section 13.6 of the Southborough Code.

A record owner desiring to erect or install a ground-mounted Large-Scale Commercial Solar Energy System of 250kW or greater shall file with the Planning Board an application for a Special Permit (according to these regulations) and Major Site Plan Review (according to 174-10) of the Southborough Zoning Bylaw), together with such plans, drawings, specifications, fees & additional information as required by the Planning Board.

DEFINITIONS

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

Solar Energy system-Grid: A photovoltaic (PV) system that is connected to an electric circuit served by an electric utility.

Solar Energy system Off-Grid: A PV solar energy system in which the circuit energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.

Commercial ground-mounted large-scale solar system: is defined as an active solar system having a rated nameplate capacity of 250kw or greater that occupies approximately 40,000 square feet of surface area and are part of a stand- alone and are either ground mounted or installed on grade.

Commercial Solar Energy System, Roof Mounted: Solar PV panels installed as integrated roofing material (integrated into the roofing shingles) or solar PV systems installed on top of a roof.

Commercial Solar PV Panels Used as Roofing on an independent (standalone) structure: Solar PV panels/modules that are designed to be the roof, and span to structural supports and is considered a ground mounted solar system. An example of this type of installation is a carport structure having solar PV panels as the roof.

SPECIAL PERMIT FILING INSTRUCTIONS

1. A complete Application (and all required supporting materials) must be submitted to the Planning Department. The Planning Department has 7 days (not including holidays or weekends) to review the application for completeness. If deemed complete the Planning Department will forward a copy of the Application to the Town Clerk, thus establishing the official filing date and notify the applicant of the hearing date. If deemed incomplete the applicant will be notified by the Planning Department within 7 days (not including holidays or weekends)
2. Supplement material such as amended plans, renderings, visual displays, models, etc. that will be presented or discussed at the hearing must be submitted to the Planning Department no later than 10 days prior to the hearing.
3. A check, made payable to the Town of Southborough must be submitted at time of application. For fee amounts, please refer to the Fee Schedule found on the Planning Board's webpage <http://www.southboroughtown.com/Planning/regsapps.htm>.
3. A certified list of abutters that is no more than three (3) months old must be obtained from the Assessor's office and submitted with the Application. Please allow at least one week from the date of request for the list to be prepared by the Assessor's office.
4. The notice of the hearing will be prepared and mailed to the Applicant (or their duly authorized agent or representative) by the Town. Applicants (or their authorized representatives) must attend the public hearing(s). An Applicant's consultants, engineers, surveyors, etc., whose signatures and/or stamps are on drawings or plans submitted to the Board, are expected to be available at public hearings to answer questions that the Board or the public may have about the materials they have prepared.
5. The Town will submit the notice of the hearing to a newspaper to be published twice. The Applicant (or their duly authorized agent or representative) will be billed directly for this by the newspaper and the Applicant is responsible for payment of this bill.
6. The Applicant (or their duly authorized agent or representative) is responsible for sending (with confirmation of delivery) copies of the notice of the hearing to all of the abutters on the certified abutters list at least two weeks prior to the hearing. Documentation of this mailing and delivery receipts for the abutter notices must be submitted to the Planning Department prior to the hearing.
7. Within 14 days after the Board has made a decision it will file the Board's decision with the Town Clerk. A copy of the filed decision will be mailed to the Applicant and the Applicant is responsible for mailing a copy of the decision to the abutters on the certified abutters list.
8. There is a twenty (20) day appeal period that starts on the decision filing date. The appeal period must lapse before the Town Clerk can certify the decision. During this appeal period the Board's decision may be appealed to the appropriate appellate body. If an appeal is made, the Town Clerk cannot certify the decision until the appeal has been adjudicated.
9. After the Board approval of a Special Permit that has been certified by the Town Clerk the Applicant must have this approval recorded at the registry of deeds. Until this recording occurs, the Special Permit will not take effect. Documentation of recording must be provided to the Building Department before a building permit will be issued.

SUBMITTAL REQUIREMENTS:

All required documents must include seventeen (17) copies for distribution. The Planning Department may require additional copies of any documents, or other documents, to be submitted, as may be determined appropriate at the sole discretion of the Board. Applications must be signed by the Applicant. If the Applicant is not the Owner, the Owner must also sign the Application and documentation and be provided to confirm the Applicant's standing to apply for a Special Permit. Plans submitted (other than the single full-size copy for the Planning Department files and Town Clerk) shall be no larger than 11" x 17" and shall be stamped and signed, as appropriate, by a MA-registered engineer, land surveyor, etc. All plans and representations must be consistent with plans and representations provided to other Town Boards for the same project. A plan naming and showing the location of all direct abutters and those across the street from the property must be provided. A PDF of all plans and documents must also be submitted to the Planning Department.

Lot Requirements - Plan shall show:

- Existing and proposed conditions on the property, including location, size and description of all structures on the property as well as stone walls, trees, and vegetation.
- Property/building plan square footage and dimensions, with the proposed uses clearly laid out and defined;
- Setbacks required by the Town Zoning By-Law (both in a tabular form and drawn on the plan); and
- Distances of structures from all property lines shown on plot plan.

Utility Notification

- If project utilizes an interconnected customer-owned generator, proof of a mutual agreement with utility company shall be furnished; OR
- If project relies on an off-grid system, it is exempt from requirement to provide proof of a mutual agreement.

Emergency Services

The following shall be provided to the local Fire Chief and Police Chief:

- Project summary;
- Electrical schematic;
- Site plan;
- Emergency Response Plan, which includes explicit instructions on all means of shutting down the installation; and
- Name and contact information of the person responsible for public inquiries.

Financial Surety

- A Non-cancellable surety bond or other form of surety issued by a qualified company and approved by the Planning Board to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount not to exceed more than 150% of the cost of removal and compliance with the requirements set forth in Chapter 174, Section 13.6 of the Town's Zoning Code; and
- A fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer.

PROJECT REQUIREMENTS:

See Chapter 174, Section 13.6 of the Southborough Zoning Code for complete requirements.

GENERAL

1. Lot Requirements

- Lot area, See Schedule of Dimensional Regulations in Addendum 2 for district
- Setbacks, See Schedule of Dimensional Regulations in Addendum 2 for district
- Lot Coverage, See Schedule of Dimensional Regulations in Addendum 2 for district
- Equipment shelters, storage facilities, transformers, and substations, and fencing must meet setbacks according to if they are accessory or primary to use.

2. Visual Impact

- Accessory structures and appurtenances shall be architecturally compatible with each other;
- Structures shielded from view or clustered; and
- Landscaping, natural features, and fencing shall be utilized.

3. Compliance

- Construction and operation shall be consistent with all applicable local regulations and bylaws, and state and federal requirements, including construction in accordance with the State Building Code.

4. Utility Notification

- If project utilizes an interconnected customer-owned generator, proof of a mutual agreement with utility company shall be furnished; OR
- If project relies on an off-grid system, it is exempt from requirement to provide proof of a mutual agreement.

5. Maintenance

- Owner or operator shall maintain the facility in good condition, to include painting, structural repairs, and integrity of security measures.
- Site access to the Fire Chief, Police Chief and emergency medical services shall be provided to a level acceptable to the local Fire Chief, Police Chief, emergency medical services and Planning Board.
- Owner or operator responsible for cost of maintaining the installation and access road(s), if not accepted as public way.

6. Emergency Services

- Applicant shall provide the provide an emergency response plan and provide the Southborough emergency services personnel with training on all equipment and procedures referenced in the emergency response plan or which might otherwise be necessary for emergency services to operate or perform.
- At a minimum explicit instructions on all means of shutting down the commercial solar energy system, which shall be clearly marked.
- Applicant shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief.
- A secure tamper-proof storage box for all keys or devices required to gain emergency access to all areas of the site be located at each locked entrance to the facility.

- The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

7. Safety and Security

- Safety and measures of security shall be subject to the approval of the Planning Board, the Fire Department and the Police Department, and the owner or operator shall be required to provide emergency services with training on all equipment and procedures referenced in the emergency response plan or which might otherwise be necessary for emergency services to operate or perform.
- The owner or operator shall be required to provide a secure, tamper-proof storage box for keys or other access tools at each locked entrance to the facility and maintain a complete set of all keys or devices required to gain emergency access to all areas, buildings and equipment of the facility in each storage box.

8. Design Standards

- **Lighting.** Where used, lighting shall be so arranged as to direct the light away from any street and from any premises residentially used or zoned. Such exterior lights shall be mounted and shielded, such that light sources and lenses shall not be visible from any residential district. Luminaries shall be cutoff (down light type), with the mounting height not to exceed 20 feet. Light overspill shall not create shadowing discernible without instruments on any residentially zoned premises.
- **Vegetation.** The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation. Clearing of natural vegetation shall be limited to the minimum necessary for the construction, operation and maintenance of the commercial solar energy system and must be stabilized or vegetated as necessary to minimize erosion except as otherwise prescribed by applicable laws, regulations and bylaws or Planning Board.

9. Signs and advertising

- Signage for commercial solar energy systems shall be limited in size as determined by the Planning Board to except for reasonable identification of the owner or operator of the commercial solar energy system and emergency contact information.

10. Utility connections

- All utility connections from the commercial solar energy system shall be underground unless specifically permitted otherwise by a Special Permit and Site Plan approval decision. Electrical transformers, inverters, switchgear and metering equipment to enable utility interconnections may be above ground if required by the utility provider.

11. Land clearing, soil erosion and habitat impacts

- Clearing of natural vegetation and trees shall be limited to what is necessary for the construction, operation and maintenance of the commercial solar energy system or otherwise prescribed by applicable laws, regulations and bylaws or the Special Permit and Site Plan review decisions.

12. Financial surety

- The project proponent of the commercial solar energy system shall provide a non-cancellable surety bond or other form of surety from a qualified company and approved by the Planning Board to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 100% of the cost of removal and compliance with the additional requirements set forth in the solar bylaw, as determined by the project proponent. The project proponent 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.

13. Decommissioning, Abandonment and Removal

- Applicant must provide an annual report by January 15 of each year to the Planning Board on the function and condition of the facility and will be considered abandoned when it fails to operate at 50% capacity for more than one year without the written consent of the Planning Board.
- The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal.
- The operator or owner has 150 days for removal after the date of discontinuance of operations.
- Removal shall consist of disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- The operator or owner must remove all structures and service lines, dispose of all hazardous and solid waste and re-vegetate the site to minimize erosion.
- If the owner or operator of the commercial solar energy system fails to remove the installation in accordance with the requirements of the solar bylaw within 150 days after the date of the Town may enter the property and physically remove the installation.

14. Review Fees

- The Planning Board may utilize provisions of MGL c. 44, § 53G, to hire consultants to assist the Planning Board in review of the proposed commercial solar energy system. In addition, the Planning Board may, at its option, ask the Southborough Green Technology Committee to assist in review of the project.