

Amendment to TNS Zoning
Section 517 - Solar Energy Systems and Article 4 Criteria for Special Use Permits
Section 425 “Solar Energy Systems”

2021-01
Redline

It is ordained by the Town Council that the New Shoreham Zoning Ordinances Section 517 Solar Energy Systems and Article 4 Criteria for Special Use Permits Section 425 Solar Energy Systems is hereby amended as follows:

Section 517 – Solar Energy Systems (SES)

- A. Purpose: The purpose of this section is to regulate the placement, design, installation and removal of solar energy systems to minimize any potential adverse impact they may have on the aesthetics, public health, and safety of the Town.
- B. Intent: The Town encourages the use of accessory solar energy systems to reduce reliance on fossil fuels and to promote resiliency. The Town supports solar energy systems in locations which provide the greatest potential energy generation while actively striving to minimize the visual impacts to the existing landscape from which SES are visible from adjoining roadways and abutting properties.
- C. Definitions: The following terms shall have the following meanings as used in this Section:
1. Abandoned Solar Energy System: A solar energy system that has reached the end of its useful life, is not fully maintained, or is disconnected with no plan for reconnection.
 2. Array Size: measured as the length times width of each panel, with the area of all panels totaled and expressed as square feet. Array size is to be applied when calculating the contribution of a ground mounted solar energy system to lot coverage.
 3. Front Setback: An open unoccupied space on the same lot with the structure extending the full width of the lot and situated between the street line and the front line of the structure projected to the side lines of the lot.
 4. Ground-Mounted Solar Energy System: A solar energy system that is structurally appended to the ground and is not supported to a structure or building.
 5. Roof-Mounted Solar Energy System: A solar energy system that is structurally appended to the roof of a code compliant structure.
 6. Solar Canopy: A solar energy system that is located on an elevated accessory structure that hosts solar panels and provides shelter to a parking area, driveway or walkway underneath.
 7. Solar Energy System (SES): The collective components and subsystems, including both solar thermal and photovoltaic, required to convert solar energy into electric energy or hot water. Solar energy systems are further defined by the following installation types: roof-mounted, ground-mounted, and solar canopies.
- D. Applicability and Review Procedures:

1. Solar energy systems in all zoning districts as accessory uses subordinate to the principal use of the parcel.
2. Ground mounted solar energy-systems, or solar canopies, with a total array size greater than 400 square feet may be allowed by special use permit. An application must be submitted to the Zoning Board of Review for a Special Use Permit under the provisions of Section 425. Any such application shall also be subject to Development Plan Review by the Planning Board under the provisions of Section 704.
3. Any SES proposed within the Historic Overlay District shall require review and approval by the Historic District Commission.
4. Solar energy systems must be consistent with all applicable State and Federal fire and electrical safety codes and shall obtain all necessary statewide solar, building, and electrical permits from the Building Official prior to commencement of construction.

E. Standards for Roof-Mounted Systems: Solar panels which are mounted on the roof of a building shall not extend above the highest point of the roof. In no case shall a solar panel extend beyond the edge of the roof. The distance between the surface of the roof and the upper surface of the solar panels shall not be more than two (2) feet, i.e. meaning the panel shall not be higher than 2 feet above the plane of the roof.

Standards for Ground-Mounted Systems:

1. Ground-mounted SES shall not exceed ten (10) feet in height, as measured from the natural grade to its highest point, including the top of any support structure or panel when adjusted to its highest seasonal position.
2. Ground-mounted SES shall comply with the minimum side and rear setbacks for accessory structures and uses for the zoning district in which the SES is located. Applications seeking placement of ground-mounted solar energy systems within the front setback of a property shall require a Special Use Permit from the Zoning Board of Review. Such use shall also undergo development plan review by the Planning Board under the provisions of Section 704.
3. The first two-hundred fifty (250) square feet of array size, shall be exempt in the calculation of lot coverage. Additional array size beyond 250 square feet shall be counted toward the maximum lot coverage.

G. Standards for Solar Canopies: Building height for solar canopies shall not exceed twelve (12) feet in height. All other applicable dimensional standards required for the zoning district in which the proposed solar canopy is located shall apply.

H. Abandonment: Any abandoned solar energy system shall be removed within 180 days from the date of discontinued operations. Decommissioning shall consist of:

1. Physical removal and recycling of all solar energy system components.
2. Disposal of all solid and hazardous waste in accordance with all federal, state and local laws, regulations and ordinances.
3. Stabilization and re-vegetation of the site necessary to minimize erosion.

The Building Official shall be authorized to direct the removal of abandoned SES and all of its components. The property owner shall remove the system within ninety (90) days of said notice by the Building Official. If the owner or operator of an abandoned or decommissioned SES fails to remove the SES in accordance with the provisions of this section, the Town of New Shoreham may enter the property and physically remove all components of the SES at the cost of the property owner.

ARTICLE 4 - CRITERIA FOR SPECIAL USE PERMITS

Section 425 - Solar Energy Systems

A. Applicability: Solar energy systems are considered accessory uses, and are permitted in all zoning districts, as provided in Section 517.

A ground-mounted solar energy system, or solar canopy, consisting of one or more installations with a total array size greater than 400 square feet, is allowed only upon the granting of a special use permit by the Zoning Board of Review. Such use shall also undergo development plan review by the Planning Board under the provisions of Section 704. In no case shall a solar array size greater than 750 square feet be permitted if the primary use of the lot is residential.

A ground-mounted solar energy system, or solar canopy, consisting of one or more installations to be located in the front setback of a property, is allowed only upon the granting of a special use permit by the Zoning Board of Review. Such use shall also undergo development plan review by the Planning Board under the provisions of Section 704.

B. Standards: Prior to the approval of an application submitted under this Section, the Zoning Board of Review shall determine that it meets the general criteria for a special use permit. The standards below listed in Section 517, as applicable, and the following standards shall also apply.

1. Power and communication lines running between sub arrays of solar panels and to the off-site electric distribution system or interconnections with buildings onsite shall be buried underground.
2. Solar energy systems shall be designed and located to prevent reflective glare towards any inhabited building or roadway.
3. Solar energy systems shall be constructed and maintained in a way that minimizes the use of herbicides and pesticides. Vegetative cover, consisting of native plants, shall be maintained to prevent soil erosion.
4. Solar energy systems shall be sited and designed to minimize any negative aesthetic impact on viewsheds and abutting properties. The siting of solar energy systems should prioritize limiting visibility from public roadways. The design shall incorporate landscaping and design elements

to visually screen the SES from public roadways and abutting properties.

Posted February 2, 2021

Public Hearing: March 1, 2021

Adopted: March 1, 2021

Posted: March 4, 2021 – March 14 2021

Effective: March 1, 2021

Fiona Fitzpatrick

Town Clerk