

LOCAL LAW NO. #1 of 2024

Solar Energy Local Law of the Town of Ashford, Cattaraugus County, NY

1. Authority

This Solar Energy Local Law is adopted pursuant to § 261-263 of the Town Law of the State of New York and Section 20 of the Municipal Home Rule Law of the State of New York, which authorizes the Town to adopt provisions that advance and protect the health, safety and welfare of the community, and, in accordance with the Town Law of New York State, “to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.”

2. Statement of Purpose

A. This Solar Energy Local Law is adopted to advance and protect the public health, safety, and welfare of the Town by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives:

- 1) To take advantage of an abundant and renewable energy resource;
- 2) To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;
- 3) To increase employment and business development in the Town, to the extent reasonably practical, by furthering the installation of solar energy systems;
- 4) To mitigate the impacts of solar energy systems on environmental resources such as important agricultural lands, forests, wildlife, and other protected resources; and,
- 5) To create synergy between solar and other stated goals of the community pursuant to its master plan, such as downtown revitalization, vacant land management, creating a walkable, healthy community, etc.

3. Definitions

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A combination of Solar Panels and Solar Energy Equipment integrated into any building system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

FARMLAND OF STATEWIDE IMPORTANCE: Land, designated as “Farmland of Statewide Importance” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that is of statewide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by State law.

GLARE: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system that is anchored to the ground via a pole or other mounting system, detached from any other structure, which generates electricity for onsite or offsite consumption.

HAZARDOUS WASTE: As defined by the United States Environmental Protection Agency in 40 CFR 261 and New York State Department of Environmental Conservation in 6 NYCRR Part 371, as well as other material regulated for the purpose of release, reuse, disposal, or recycling (e.g., CFCs, ethylene glycol, toxic heavy metals, oil). Disposal of such waste shall be conducted in accordance with the provisions set forth in New York State Department of Environmental Conservation regulations. Permitting requirements for Tier 3 Solar Energy Systems, Section 8, Subsection H, Decommissioning, and in Appendix 4, Example Decommissioning Plan.

HOST COMMUNITY AGREEMENT: An agreement that developers of commercial-scale solar energy project (Tier 3 Solar Energy Systems) enter into with the Town prior to commencement of operation of such facilities to ensure that such developers provide for an ongoing level of support, care and maintenance of the facilities during their useful life, pay to the Town a fee as shall be determined to be necessary to offset the costs and impacts to the Town incident to a facility's development and/or operation, and to address such other matters as are determined by the Planning Board and/or the Town Board to be necessary or advisable conditions to the development of any such facility. Such an agreement is herein after referred to as a "host community agreement."

NATIVE PERENNIAL VEGETATION: native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

POLLINATOR: bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

PRIME FARMLAND: Land, designated as "Prime Farmland" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade to permit the use of active and/or passive solar energy systems on individual properties.

SOLAR ENERGY EQUIPMENT: Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, solar panels and solar energy equipment. The area of a solar energy system includes all the land inside the perimeter of the solar energy system, which extends to any interconnection equipment. A solar energy system is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System as follows.

A. Tier 1 Solar Energy Systems include the following:

- a. Roof-Mounted Solar Energy Systems
- b. Building-Integrated Solar Energy Systems

B. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems that generate up to [110] % of the electricity consumed on the site over the previous [12] months, either capacity-based with system capacity up to 25 kW Alternate Current (AC) or physical-size based with a total surface area of all solar panels on the lot of up to 4,000 square feet.

C. Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electricity.

STORAGE BATTERY: A device that stores energy and makes it available in electrical form.

4. Applicability

A. The requirements of this Local Law shall apply to all solar energy systems permitted, installed, or modified in the Town after the effective date of this Local Law, excluding general maintenance and repair.

B. Solar energy systems constructed or installed prior to the effective date of this Local Law, or any open applications with fees paid shall not be required to meet the requirements of this Local Law.

C. Modifications to an existing solar energy system that increase the solar energy system area by more than 5% of the original area of the solar energy system (exclusive of moving any fencing) shall be subject to this Local Law.

D. All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code ("Building Code"), the NYS Energy Conservation Code ("Energy Code"), and as applicable, the Town of Ashford Master Plan.

5. General Requirements

A. A special use permit, issued by the Town of Ashford Code Enforcement Officer, shall be required for the installation of all solar energy systems. The special use permit is valid for 12 calendar months and if a renewal is requested, this permit requires review and approval by the Town of Ashford Board and expires 6 calendar months from the renewal date.

B. The Town of Ashford encourages proposed development on sites adjacent to solar energy systems to protect their access to sufficient sunlight to remain economically feasible over time.

C. Issuance of permits and approvals by the Town of Ashford Board shall include review pursuant to the State Environmental Quality Review Act.

D. All Tier 2 and 3 Solar Energy Systems are subject to the State Environmental Quality Review Act (SEQR) as Type I actions. The only exceptions to the Type I actions under SEQR are for land that is designated as a Brownfield by the United States Environmental Protection Agency. Brownfield designated properties are Type II actions under SEQR and require public review prior to the approval of the special use permit.

6. Permitting Requirements for Tier 1 Solar Energy Systems

Tier 1 Solar Energy Systems shall be permitted in all districts defined by the comprehensive plan and shall be exempt from site plan review under the local land use regulations, subject to the following conditions for each type of solar energy system; refer to General Requirements Section 5A (above).

A. Roof-Mounted Solar Energy Systems

1) Roof-Mounted Solar Energy Systems shall incorporate, when feasible, the following design requirements:

- a. Solar panels on pitched roofs shall be mounted with a maximum distance of 8 inches between the roof surface and the highest edge of the system.
- b. Solar panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
- c. Solar panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
- d. Solar panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.

2) Glare: All solar panels shall have anti-reflective coating(s) that are certified by the U.S. Environmental Protection Agency as Perfluorinated and Polyfluorinated Substance (PFAs) free. If the solar panels do not have this certification, an alternate water/snow collection method for the roof-mounted panels may be approved by the Town of Ashford Code Enforcement Officer when the applicant is seeking the special use permit.

3) Height: All roof mounted solar energy systems shall be subject to the maximum height of 10 feet specified for principal and accessory buildings.

B. Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for the building containing the system.

7. Permitting Requirements for Tier 2 Solar Energy Systems

Tier 2 Solar Energy Systems shall be permitted in all areas of the Town as accessory structures and shall be exempt from site plan review under the land use regulations, subject to the following conditions: refer to General Requirements Section 5A. If requirements are not met, applicant will be referred to the Planning Board for Site Plan Review.

A. Glare: All solar panels shall have anti-reflective coating(s) that are certified by the U.S. Environmental Protection Agency as Perfluorinated and Polyfluorinated Substance (PFAs) free. Copies of this certification shall be provided to the Town of Ashford Code Enforcement Officer when the applicant is seeking the special use permit.

If the solar panels do not have this certification, an alternate water/snow collection method shall be designed by a New York State Licensed Professional Engineer to protect the aquifer where the Tier 2 Solar Energy System is planned. This design shall be stamped by the licensed Professional Engineer and must be submitted and approved by the Town of Ashford Code Enforcement Officer when the applicant is seeking the special use permit.

B. Setbacks: Tier 2 Solar Energy Systems shall be subject to the setback regulations specified for the accessory structures within the underlying land use regulations. All Ground-Mounted Solar Energy Systems shall be installed in the side or rear yards in residential areas and must comply with Appendix 2.

C. Height: Tier 2 Solar Energy Systems shall comply with the height limitations in Appendix 3.

D. Screening and Visibility.

1) All Tier 2 Solar Energy Systems shall have views minimized from adjacent properties to the extent reasonably practicable.

2) Solar energy equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access.

E. Lot Size: Tier 2 Solar Energy Systems shall comply with the existing lot size requirements specified for accessory structures within the local land use laws.

8. Permitting requirements for Tier 3 Solar Energy Systems

Tier 3 Solar Energy Systems are permitted through the issuance of a special use permit within the C-1: Local Commercial, I-1: Light Industrial, and A-F: Agricultural-Forestry land areas and are subject to site plan application requirements set forth in this section.

A. Applications for the installation of Tier 3 Solar Energy System shall be:

1) All applications shall be sent via United States Postal Service Certified Mail to the Town of Ashford Supervisor and shall require the Supervisor's signature or the application will be considered incomplete.

2) In addition, all Tier 3 Applications shall have a letter from each property owner within 200 feet of the property adjacent to the potential Tier 3 Solar Energy System indicating that the property owner has been informed of the potential for a solar energy system to be sited next to their property. Failure to provide these letters will be considered an incomplete application,

3) Submitted to the Town of Ashford Code Enforcement Officer for submission to the Planning Board to be reviewed for completeness. Applicants shall be advised within 60 business days of the completeness of their application by the Town of Ashford Code Enforcement Officer.

4) If a Host Community Agreement is sought, the Town shall provide for a requirement that developers of Tier 3 Solar Energy Systems enter into an agreement with the Town prior to commencement of operation of such facilities to ensure that such developers provide for an ongoing level of support, care and maintenance of the facilities during their useful life, pay to the Town a fee as shall be determined to be necessary to offset the costs and impacts to the Town incident to a facility's development and/or operation, and to address such other matters as are determined by the Planning Board and/or the Town Board to be necessary or advisable conditions to the development of any such facility.

5) All complete applications are subject to a public hearing to hear all comments for and against the application. The Town Board of the Town of Ashford shall have a notice printed in a newspaper of general circulation in the Town at least 5 days in advance of such a hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or

landowners within 200 feet of the property at least 10 days prior to such a hearing. Proof of the mailing shall be provided to the Town Board at the public hearing.

6) Upon closing of the public hearing, the Town Board shall act on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the reviewing board and applicant. A copy of the public hearing meeting minutes shall be considered part of the application and shall be provided to the Cattaraugus County Planning Board during the referral process.

7) Applications shall be sent via United States Postal Service Certified Mail and shall be postmarked and delivered for signature to the Cattaraugus County Department of Planning and Economic Tourism.

8) Host community agreement. Prior to the issuance of a building permit for any Tier 3 solar energy system, the operator shall enter into a host community agreement with the Town of Ashford. The host community agreement shall:

- i. Contractually obligate the operator to comply with any terms and conditions of any special use permit approval of the Town.
- ii. Provide for payment by the operator to the Town of an impact fee to be used and applied by the Town to pay for and/or offset the costs and impacts incurred by and/or arising due to the development and/or operation of the Tier 3 Solar Energy System. The amount of such impact fee shall be established by the Town Board by resolution adopted from time to time, based upon the amount of energy produced by the project and such other factors as the Board shall determine; and
- iii. Provide for such other contractual requirements as may be necessary given the specific elements of a particular project.

B. Underground Requirements. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

C. Vehicular Paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction. These paths shall follow the edges of agricultural properties and not be located through them.

D. Signage.

1) No signage or graphic content shall be displayed on the solar energy systems except the manufacturer's name, equipment specification information, safety information, and 24-hour emergency contact information. Said information shall be depicted within an area no more than 8 square feet.

2) As required by the National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

E. Glare. All solar panels shall have anti-reflective coating(s) that are certified by the United States Environmental Protection Agency as Perfluorinated and Polyfluorinated Substance (PFAs) free. Copies of this certification shall be provided to the Town of Ashford Code Enforcement Officer when the applicant is seeking the special use permit.

If the solar panels do not have this certification, an alternate water/snow collection method shall be designed by a New York State Licensed Professional Engineer to protect the aquifer where the Tier 3 Solar Energy System is planned. This design shall be stamped by the licensed Professional Engineer and must be submitted and approved by the Town of Ashford Code Enforcement Officer when the applicant is seeking the special use permit.

F. Lighting. Lighting of the solar energy systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

G. Tree-cutting. Removal of existing trees larger than 6 inches in diameter should be minimized to the extent possible.

H. Decommissioning.

1) Solar energy systems that have been abandoned and/or not producing electricity for a period of 1 year shall be removed at the Owner and/or Operators expense, which at the Owner's option may come from any security made with the Town as set forth in Appendix 5 herein.

2) A decommissioning plan (see Appendix 4) signed by the owner and/or operator of the solar energy system shall be submitted by the applicant, addressing the following:

i. The cost of removing the solar energy system.

ii. The time required to decommission and remove the solar energy system and any ancillary structures.

iii. The time required to repair any damage caused to the property by the installation and removal of the solar energy system.

3) Security.

i. The deposit, executions, or filing with the Town Clerk of cash deposit or other form of security reasonably acceptable to the Town Attorney and/or Town Board shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site after removal. The amount of the security or cash deposit shall be 125% of the cost of removal, as determined by the Town Board, of the Tier 2 and 3 Solar Energy Systems and restoration of the property, with an escalator of 10% annually for the life of the solar energy system.

ii. In the event of default upon performance of such conditions, after proper notice and expiration of any extension periods, the cash deposit or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.

iii. In the event of default or abandonment of the solar energy system, the system shall be decommissioned as set forth in Section 10(b) and 10(c) herein.

I. Site plan application.

- 1) For any solar energy system requiring a special use permit, site plan approval shall be required. Any site plan application shall include the following information:
 - i. Property lines and physical features, including roads, for the project site.
 - ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
 - iii. A one- or three-line electrical diagram detailing the solar energy system layout, solar collector installation, associated components, and electrical interconnection methods, with all NEC compliant disconnects and over current devices.
- 2) A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of the building permit.
- 3) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the solar energy system. Such information regarding the final system installer shall be submitted prior to the issuance of building permit.
- 4) Name, address, phone number, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the solar energy system.
- 5) If applicable, the property tax identification code designation for the parcel(s) of land comprising the project site.
- 6) Property Operation and Maintenance Plan. Such a plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
- 7) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.
- 8) Prior to the issuance of the building permit or final approval by the Planning Board, but not required as part of the application, engineering documents must be signed and sealed by a New York State (NYS) Licensed Professional Engineer.

J. Special use permit standards.

- 1) Lot size - The property on which the Tier 3 Solar Energy System is placed shall meet the lot size requirements in Appendix 1.
- 2) Setbacks - The Tier 3 Solar Energy Systems shall meet the setback requirements in Appendix 2.
- 3) Height - The Tier 3 Solar Energy Systems shall comply with the height limitations in Appendix 3.
- 4) Lot coverage
 - i. The following components of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements:

- Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
- All mechanical equipment of the solar energy system, including any pad mounted structure for batteries, switchboard, transformers, or storage cells.
- Paved access roads servicing the solar energy system; per the Highway Superintendent.

ii. Lot coverage of the solar energy system, as defined above, shall not exceed the maximum lot coverage requirement identified in the land use local law.

5) Fencing Requirements. All mechanical equipment, including any structure for storage batteries, shall be enclosed by a 7-foot-high fence, as required by NEC, with a self-locking gate to prevent unauthorized access.

6) Power Transmission Facilities. Prior to issuance of a special use permit, the proposed developer of the Tier 3 Solar Energy System shall certify that adequate and suitable power facilities exist for the proposed facility and that the proposed facility is compatible to connect to the existing electrical transmission infrastructure.

7) Screening and Visibility.

i. Solar energy systems smaller than 10 acres shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area.

ii. Solar energy systems larger than 10 acres shall be required to:

- Conduct a visual assessment of the visual impacts of the solar energy system on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including, for example, a digital view shed report, may be required to be submitted by the applicant.
- Submit a screening and landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of solar panels and solar energy equipment shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible.
- The screening and landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, following the applicable rules and standards established by the Town.

8) Agricultural Resources. For projects located on agricultural lands:

i. Tiers 2 and 3 Solar Energy System owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes.

ii. Any Tier 2 and 3 Solar Energy Systems located on the areas that consist of Prime Farmland or Farmland of Statewide Importance shall not exceed 10% of the area of Prime Farmland of Statewide Importance on the parcel.

OR

Any Tier 2 and 3 Solar Energy System located on the areas that consist of Prime Farmland or Farmland of Statewide importance shall not exceed 20% of the entire lot.

iii. Tier 3 Solar Energy Systems on Prime Farmland or Farmland of Statewide Importance shall be required to seed 20% of the total surface area of all solar panels on the lot with native perennial vegetation designed to attract pollinators.

iv. To the maximum extent practicable, Tier 3 Solar Energy Systems located on Prime Farmland shall be constructed with construction requirements of the New York State Department of Agriculture and Markets.

K. Ownership Changes.

If the owner or operator of the solar energy system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the solar energy system shall notify the Town of Ashford Code Enforcement Officer of such changes in ownership or operator within 30 days of the ownership change. Failure to provide this notification shall trigger a new special use permit application to be issued.

9. Safety

A. Solar energy systems and solar energy equipment shall be certified under the applicable electrical and/or building codes as required.

B. Solar energy systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal, at a level acceptable to the local fire department.

C. If storage batteries are included as part of the solar energy system, they shall meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the Town and any applicable federal, state, or county laws or regulations.

10. Permit Time Frame and Abandonment

A. The special use permit and site plan approval for a solar energy system shall be valid for a period of 12 months, provided that a building permit is issued for construction or construction is commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Planning Board, within 12 months after approval, the Town Board may extend the time to complete construction for an additional 6 months. If the owner and/or operator fail to perform substantial construction after 18 months, the approvals shall expire.

B. The special use permits for operation of a solar energy system are valid for 3 years and require renewal and a permit fee every 3 years. In addition, the solar energy system owner shall provide proof that the

system is providing electricity to the grid infrastructure. Failure to provide proof that the system is providing solar energy to the grid infrastructure semi-annually triggers a new special use permit.

C. Upon cessation of electricity generation of a solar energy system on a continuous basis for 12 months, the Town may notify and instruct the owner and/or operator of the solar energy system to implement the decommissioning plan. The decommissioning plan must be completed within 360 days of notification.

D. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, utilize the cash deposit or security for the removal of the solar energy system and restoration of the site in accordance with the decommissioning plan.

11. Enforcement

Any violation of this Solar Energy Local Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the land use regulations of the Town.

12. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

APPENDIX 1: LOT SIZE REQUIREMENTS

The following table displays the size requirements of the lot for Ground-Mounted Solar Energy Systems to be permitted.

Table 1: Minimum Lot Size Requirements for Tier 3 Solar Energy Systems

Land Areas	Tier 3 Solar Energy Systems
R-1: Single Family Residential	Not allowed
C-1: Commercial	≥ 5 acres
I-1: Industrial	≥ 5 acres
C-F: Community Facilities	Not allowed
A-F: Agricultural-Forestry	≥ 5 acres

APPENDIX 2: PARCEL LINE SETBACKS

The following table provides parcel line setback requirements for solar energy systems. Fencing, access roads and landscaping may occur within the setback.

	Tier 1 Roof-Mounted	Tier 2	Tier 3
Land Areas			
R-1: Single Family Residential	20'	Not allowed	Not allowed
C-1: Commercial	50'	100'	100'
I-1: Industrial	50'	100'	100'
C-F: Community Facilities	50'	50'	Not allowed
A-F: Agricultural – Forestry	50'	100'	100'

APPENDIX 3: HEIGHT REQUIREMENTS

The following table displays height requirements for each type of solar energy system. The height of systems will be measured from the highest natural grade below each solar panel.

Table 3: Maximum Height Requirements

	Tier 1 Roof-Mounted	Tier 2	Tier 3
Land Areas			
R-1: Single Family Residential	2' above roof	10'	Not allowed
C-1: Local Commercial	2' above roof	10'	20'
I-1: Industrial	4' above roof	15'	20'
C-F: Community Facilities	4' above roof	15'	--
A-F: Agricultural-Forestry	2' above roof	15'	20'

APPENDIX 4: EXAMPLE DECOMMISSIONING PLAN

Date: [Date]

Decommissioning Plan for [Solar Project Name], located at: [Solar Project Address]

Prepared and Submitted by [Solar Developer Name], the owner of [Solar Farm Name]

As required by Town, [Solar Developer Name] presents this decommissioning plan for [Solar Project Name] (the "Facility").

Decommissioning will occur as a result of any of the following conditions:

- 1. The land lease, if any, ends
- 2. The system does not produce power for 12 months
- 3. The system is damaged and will not be repaired or replaced

The owner of the Facility, as provided for in its lease with the landowner, shall restore the property to its condition as it existed before the Facility was installed, pursuant to which may include the following:

- 1. Removal of all operator-owned equipment, concrete, conduits, structures, fencing, and foundations to a depth of 36 inches below the soil surface.
- 2. Removal of any solid and hazardous waste caused by the Facility in accordance with local, state and federal waste disposal regulations.
- 3. Removal of all graveled areas and access roads unless the landowner requests in writing for it to remain.
- 4. Return to usable land, including the reseeding/replanting of native perennial vegetation as requested by the property owner.

All said removal and decommissioning shall occur within 12 months of the Facility ceasing to produce power for sale.

The owner of the Facility, currently [Solar Developer Name], is responsible for this decommissioning.

Facility Owner Signature: _____ Date: _____

APPENDIX 4: CASH DEPOSIT OR SECURITY

The amount of the cash deposit or security shall be 125 % of the cost of removal, as determined by the Town Engineer, of the Tier 3 Solar Energy System and restoration of the property, with an escalator of 10 % annually for the life of the solar energy system. Due to the uncertainties associated with recycling technologies for the solar panels and solar equipment, there are no assumed or estimated salvage cost credits provided for the solar energy system.