

A. Purpose and Intent

- (1) The purpose of this bylaw is to provide a permitting process and standards for the creation of new commercial solar energy systems by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations to address public safety and minimize impacts on residential neighborhoods and scenic, natural and historic resources.
- (2) The provisions set forth in this section shall apply to the construction, operation, repair and/or decommissioning of a commercial solar energy system that is structurally mounted on the ground and has a minimum nameplate capacity of 250 kW.

B. Applicability

- (1) No commercial solar energy system shall be erected or installed except in compliance with the provisions of this section and other applicable sections of the Zoning Bylaw, as well as state and federal law. Such use shall not create a nuisance which is discernible from other properties by virtue of noise, vibration, smoke, dust, odors, heat, glare and radiation, unsightliness or other nuisances as determined by the Special Permit and Site Plan Review Granting Authority. The Special Permit and Site Plan approval granting authority is the Planning Board.
- (2) The construction and use of a commercial large-scale ground-mounted solar energy system with 250 kW or larger of rated nameplate capacity shall undergo Special Permit and Site Plan review by the Planning Board in the Industrial and Industrial Park Districts prior to construction, installation or modification as provided in this section.
- (3) This section also pertains to physical modifications that materially alter the type, configuration or size of these installations or related equipment throughout the useful life of the system or where alterations may impact abutters.

C. General requirements

- (1) Dimensional requirements. A commercial solar energy system shall comply with all requirements of Schedule of Dimensional Regulations in Addendum #2 of the Southborough Code of the Town of Southborough
- (2) Structures and panels. All structures and panels and all associated equipment and fencing including the commercial solar energy system shall be subject to all applicable bylaws and regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building.

- (3) Visual impact. The visual impact of the commercial solar energy system including all accessory structures and appurtenances shall be minimized. All accessory structures and appurtenances shall be architecturally compatible with each other. Structures shall be shielded from view and/or joined and clustered to avoid adverse visual impacts as deemed necessary by and in the sole opinion of the Planning Board. Methods such as the use of landscaping, natural features and opaque fencing shall be utilized.
- (4) Compliance with laws, ordinances and regulations. The construction and operation of all commercial solar energy systems shall be consistent with all applicable local regulations and bylaws, as well as state and federal laws, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a commercial solar energy system shall be constructed in accordance with the State Building Code.

#### D. Design standards

- (1) Lighting. Lighting of the commercial solar energy system, including all accessory structures and appurtenances, shall not be permitted unless required by the Planning Board, Special Permit and Site Plan approval decision or required by the State Building Code.
- (2) Signs and advertising
  - a. Section 174.11 Sign regulations of the Code of the Town of Southborough shall not apply to this section. Signage for commercial solar energy systems shall be limited in size as determined by the Planning Board.
  - b. Commercial solar energy systems shall not be used for displaying any advertising except for reasonable identification of the owner or operator of the commercial solar energy system and emergency contact information.
- (3) 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 and approved by the Planning Board.
- (4) 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.

- E. Modifications. All substantive material modifications to the commercial solar energy system made after issuance of the Special Permit and Site Plan approval decision shall require modification to the Special Permit and Site Plan approval decision.
- F. Abandonment and removal.
- (1) Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the commercial solar energy system shall be considered abandoned when it fails to operate at 50% capacity for more than one year without the written consent of the Planning Board. If the owner or operator of the commercial solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.
  - (2) Removal requirements. Any commercial solar energy system which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal.
- G. Before issuance of any building permits for the commercial solar energy system, such construction and installation shall be secured in accordance with this bylaw and/or any regulations adopted pursuant to the commercial solar energy system for this purpose.
- H. Building Permit and Building Inspection  
No commercial solar energy system shall be constructed, installed or modified as provided in this section without first obtaining a building permit.
- I. The Planning Board may adopt regulations to implement the purpose of this bylaw.
- J. Permit Continuances. Special Permit and Site Plan approval decisions shall be valid for a twelve-month period unless renewed or extended by the Planning Board following an application made by the applicant.
- K. When acting on a Special Permit application pursuant to this Article, the Planning Board shall conduct its review, hold a public hearing and file its decision with the Town Clerk as required by MGL c.40A Section 9.
- L. Approval Criteria. In reviewing any application for a Special Permit pursuant to this Article, the Planning Board shall give due consideration to promoting the public health, safety, convenience and welfare; shall encourage the most appropriate use of land and shall permit no building or use that is injurious, noxious, offensive or detrimental to its neighborhood.