

21.40 Ground-Mounted Solar Photovoltaic Installations Overlay District

(Adopted: Article 2, November 19, 2018 Special Town Meeting)

21.40.1 Purpose and Intent

21.40.1.1 The purpose of this Section 21.40: Ground-Mounted Solar Photovoltaic Installations Overlay District ("GMSP Overlay District") is to: create a zoning overlay district that allows the installation, operation, maintenance and decommissioning of Ground-Mounted Solar Photovoltaic (GMSP) Arrays as a permitted use in such district; to provide standards for the placement, design, construction, operation, monitoring, modification, maintenance and decommissioning of such installations; to establish the process and procedures for review and approval of an installation to address public safety, minimize impacts on scenic, natural and historic resources; and provide adequate financial assurance for the installation, operation, maintenance and decommissioning of GMSP installations.

21.40.1.2 All GMSP development in the GMSP Overlay District shall be per "As of Right Siting"

21.40.1.3 The requirements set forth in this Section 21.40 shall establish the set of standards that apply to the construction, operation, maintenance, and decommissioning of GMSP Installations in the GMSP Overlay District and the process and procedures for Site Plan review and approval of an application for a GMSP Installation.

21.40.1.4 If an applicant does not receive GMSP Installation Site Plan Review approval or such

approval lapses, then all requirements of the underlying district shall apply to the land and this alternative set of standards for the construction, operation, and/or repair of GMSP Installations shall not apply.

21.40.1.5 The Planning Board is the Site Plan Review Authority (SPRA) for all applications for GMSP Installations in the GMSP Overlay District defined in this article of the Bylaws.

21.40.1.6 An application for a GMSP Installation shall follow all Planning Board processes and procedures for review and approval of Large-Scale Solar Photovoltaic Installations by The Town of Rochester under Zoning Bylaws Section 22.50, with the exception of the requirements of Section 22.50 1.2, 1.4, and 1.14, unless either listed as an exception or modified by this article. With the exclusion of the reference to "Special Permit Approval", an application shall comply with the requirements paragraph 1.6 of Section 22.50.

21.40.2 Applicability

21.40.2.1 Section 21.40 shall apply to proposal(s) for Site Plan Review and approval of GMSP Installations and construction of approved GMSP installations in the GMSP Overlay District after the effective date of this Section 21.40. This Section 21.40 shall also apply to physical modifications that materially alter the type, configuration, or size of these installations or related equipment over the operational life of the installation.

21.40.2.2 Location of GMSP Overlay District: The GMSP Overlay District shall be comprised of Town Assessors Map 21, Lots 5A and 5B, and the land identified as 0 High Street. The GMSP Overlay District is shown on a map entitled "Town of

Rochester," which map is hereby incorporated by reference in and made part of this Zoning Bylaw.

21.40.2.3 Areas for additional GMSP Overlay Districts may be added from time to time by vote at Town Meeting to amend this Bylaw article.

21.40.3 Definitions

21.40.3.1 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 apart from Site Plan Review. As-of-Right development shall be subject to Solar Photovoltaic Installations Site Plan Review.

21.40.3.2 Ground-Mounted Solar Photovoltaic (GMSP) Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC and a minimum area of one acre.

21.40.3.3 Site Plan Review Authority (SPRA): The Rochester Planning Board is the SPRA for GMSP Installations.

21.40.3.4 Solar Photovoltaic Installation Site Plan Review: A review and approval by the Site Plan Review Authority ("SPRA") to determine conformance with the Town's Zoning Bylaw Section 22.50, with the exceptions noted above

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

21.40.4 Compliance with Laws, Bylaws and Regulations

21.40.4.1 The construction, installation operation, maintenance, decommissioning and interconnection with an electricity distribution utility of GMSP Installations shall comply with all applicable local, state and federal requirements, including but not limited to all applicable electrical, construction, noise, safety, environmental and communications requirements. No GMSP Installation shall be constructed, installed or modified without first obtaining a building permit.

21.40.4.2 Solar Photovoltaic Installation Site Plan Review: Prior to obtaining a building permit, construction, installation or modification, GMSP Installations shall undergo Solar Photovoltaic Installation Site Plan Review by the SPRA pursuant to Section 22.50 Large-Scale Solar Photovoltaic Installations, with the exception of those changes as described within this Section 21.40.

21.40.4.3 In accordance with Section 22(c) of the Massachusetts Green Communities Act, Solar Photovoltaic Installation Site Plan Review shall be expedited and no decision shall be rendered more than one (1) year after the date of filing of a complete application, as determined by the SPRA.

21.40.5 Application and Plan Requirements

21.40.5.1 Subject to submittal requirements detailed in Section 22.50, a completed application for Solar Photovoltaic Installation Site Plan Review shall be filed with the SPRA. Along with receipt of an application, the SPRA may engage, at the applicant's cost, professional and technical consultants, including legal counsel, to assist the

SPRA with its review of the application, in accordance with the requirements of G.L. c.44, §530. The SPRA may direct the applicant to deposit funds with the SPRA for such review at the time the application is determined to be complete, and may direct the applicant to add additional funds as needed upon notice. Failure to comply with this section shall be valid grounds for denying the application. Upon approval of the application, any excess amount attributable to the application processing by the SPRA, including any interest accrued, shall be refunded to the applicant.

21.40.5.2 Site Plan Review

The applicant shall follow the policies and procedures as defined by Section 22.50 of these Zoning Bylaws as may be modified by this Section 21.40.