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[Delete Section 5.3 in its entirety and add the following to replace]

Sec. 5.3. Solar Energy Systems.

5.3.1. Purpose and applicability.

- A. The purpose of this section is to regulate the installation of solar energy systems by providing standards for the placement, design, construction, operation, monitoring, modification, and removal of such systems. These standards are intended to ensure that solar energy systems are compatible with the surrounding area, provide for public safety, and minimize impacts on scenic, natural, and historic resources. The provisions of this section shall apply, as specified herein, to construction, operation, and/or repair of solar energy system installation in the Town.
- B. Accessory solar energy systems for which a building permit application has been submitted prior to the enactment of this Section shall not be subject to the requirements found herein.

5.3.2 Permitted uses and review process – principal solar energy systems.

- A. Solar energy systems shall be permitted as set forth in the table of permitted uses in Section 5 of this ordinance, subject to the restrictions set forth in this section.
- B. The review of major and minor solar energy systems shall be conducted according to the following procedures, which are summarized in the table, below:
 - 1. Minor systems. All new minor solar energy systems shall be subject to Minor Land Development Project Review. Minor Land Development Project Review of minor solar energy systems shall be conducted by the Planning Board and shall require a public hearing, advertised and noticed pursuant to the requirements for public notice contained within the Town of Hopkinton Subdivision and Land Development Regulations, provided that if a minor project is to require 6 or more months of construction (as noted by the developer or extrapolated by the town based on other projects) the applicant shall provide formal written notice by mail to all abutters and residents within 500 feet that provides the location and description of the project along with an estimated construction duration. When Minor Land Development Project Review for a minor solar energy system requires further relief from the Zoning Board or Town Council, request for such relief shall follow the precedence of approval procedure set forth in § 45-23-61 of the Rhode Island General Laws, with the applicant first obtaining an advisory recommendation from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous, then obtaining further relief from the Zoning Board or Council.

2. Major systems. All new major solar energy systems shall be considered and reviewed as major land development projects pursuant to the Subdivision and Land Development Regulations of the Town of Hopkinton, as amended, provided if a project is to require 6 or more months of construction (as noted by the developer or extrapolated by the town based on other projects) the applicant shall provide formal written notice by mail to all abutters and residents within 500 feet that provides the location and description of the project along with an estimated construction duration. When Major Land Development Project Review for a major solar energy system requires further relief from the Zoning Board or Town Council, request for such relief shall follow the precedence of approval procedure set forth in § 45-23-61 of the Rhode Island General Laws, with the applicant first obtaining an advisory recommendation from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous, then obtaining further relief from the Zoning Board or Council.
 3. Changes to approved systems. All proposed changes and upgrades to major and minor solar energy systems shall be considered a major change to the project. Major changes shall include, but not be limited to, increases to the surface area or ground coverage of the system, and changes to the system's infrastructure that result in additional disturbance of land, or changes to the amount or type of required bond or surety. Major changes shall be reviewed using the same process by which the solar energy system was originally reviewed, unless the change would dictate that a more stringent process of review be utilized.
- C. Solar energy systems and any associated equipment shall not be allowed on land held under conservation easement or land for which the development rights have been sold, transferred, or otherwise removed from the parcel, unless the conditions of the easement, deed, or other applicable legal document specifically allows the installation of a solar energy system, or shall receive approval for the disturbance or use of such lands by the holder(s) of the easement or restriction.

5.3.3. Accessory solar energy systems and solar canopies.

- A. Accessory solar energy systems, including solar canopies, shall be permitted as set forth in the table of permitted uses in Section 5 of this ordinance.
- B. Accessory solar energy systems in all residential zones shall be roof-mounted only. In manufacturing or commercial zones, accessory solar shall be roof mounted or solar canopy solar only.
- C. New or expanded accessory solar canopy systems greater than 1,750 square feet in size, inclusive of inter-row and panel/collector spacing, shall be subject to Development Plan Review. The Development Plan Review of new or expanded solar canopy systems of 40,000 square feet or more in size, inclusive of inter-row and panel/collector spacing, shall include a public hearing, advertised and noticed pursuant to the requirements for public notice contained

within the Town of Hopkinton Subdivision and Land Development Regulations, provided if a solar canopy project is to require 6 or more months of construction (as noted by the developer or extrapolated by the town based on other projects) the applicant shall provide formal written notice by mail to all abutters and residents within 500 feet that provides the location and description of the project along with an estimated construction duration.. Roof-mounted solar energy systems proposed on new structures or on additions to existing structures shall be reviewed according to the review procedure established by this Ordinance for the structure or addition. The review procedure for accessory solar energy systems is summarized in the following table:

ACCESSORY SOLAR ENERGY SYSTEMS

<u>SIZE/TYPE</u>	<u>REVIEW PROCEDURE</u>
<u>Roof-mounted on an existing structure, all sizes</u>	<u>Building Permit only</u>
<u>Roof-mounted on a proposed structure, all sizes</u>	<u>The review procedure required for the new structure (building permit, DPR, LDP, as applicable)</u>
<u>Solar canopy systems, 1 – 1,750 sq ft</u>	<u>Building Permit only</u>
<u>Solar canopy systems, 1,751 – 39,999 sq ft</u>	<u>Development Plan Review</u>
<u>Solar canopy systems, = or > 40,000 sq ft</u>	<u>Development Plan Review with Public Hearing by the Planning Board</u>

- D. Accessory solar energy systems shall be sized to generate no more energy than one hundred percent (100%) of the energy that is necessary to support the principal use(s) of the parcel. Accessory solar energy systems that generate more energy than stated above shall be classified as major or minor solar energy systems, based on the size of the system, and shall be governed by the applicable requirements of this section.

- E. At the time of application for a building permit or Development Plan Review, as is applicable pursuant to this Section, the applicant must demonstrate that the accessory solar energy system has been designed to produce no more than one-hundred percent (100%) of the energy that is necessary to support the other uses occupying the parcel. On a parcel with existing principal use(s), the applicant shall provide the energy consumption documentation for the use(s) for the previous three (3) year period. For new single-family and duplex residential dwellings proposing accessory solar arrays, the applicant shall provide an estimate of electrical usage based on data received from the utility company. For all other new principal use(s), the applicant shall provide an estimate of electrical usage for the use(s), prepared and certified by an electrical engineer.

- F. Accessory solar energy systems shall not be constructed, installed, or modified as provided in this section before a building permit is obtained.
- G. Roof-mounted solar energy systems shall be subject to the following requirements:
- a. It shall not exceed the height requirements prescribed by the zoning district in which they are located.
 - b. On flat roofs, accessory solar energy systems shall be set back from the edge and/or behind architectural features to be minimally visible.
 - c. Panels and devices may be set at a pitch and elevated, only if not visible from public streets.
 - d. On pitched roofs, the edge of the solar energy system shall be parallel to the roofline.
 - e. Equipment frames, support structures, and related rooftop equipment shall be painted to match the predominant color of the roof.
 - f. Roof mounted systems need to be sited so as to provide all proper clearances from other building roof penetrations, including but not limited to, plumbing stacks, elevator shafts and chimneys, and shall conform to the Town's Building Code.
 - g. Detailed calculations and engineered drawings of the mounting must be provided. Flat roof elements shall not have equipment or support structures that are visible from public streets, public facilities or neighboring properties and shall be placed as close to the roof plane as possible.
 - h. Flush mounting is preferred on pitched roofs and shall not project vertically above the peak of the roof and/or no more than the height requirements for the zone in which they are located.
 - i. Equipment and support structures shall not extend beyond the existing roof area or above the top of the wall or existing roof peak of the building on which they are mounted.
 - j. Panels shall not be located within three (3) feet of any peak, eave, or valley of the roof, to maintain pathways of accessibility. In no instance shall any part of the roof mounted solar panels extend beyond the edge of the roof. Systems located on a sloped roof shall provide, as part of their permit application, evidence of design review and structural certification if the slope of the panel differs from the roof pitch.
 - k. All panels on commercial roofs shall provide this information regardless of slopes, as well as any residential roof with greater than fifty percent (50%) coverage. The

Planning Board shall have the power to regulate the maximum height of solar panels constructed above parking areas.

Section 5.3.4. Application requirements for review of solar energy systems by the Planning Board.

- A. When review by the Planning Board of an accessory, minor, or major solar energy system is required, all applications shall include, in addition to the requirements set forth in the Town's Subdivision and Land Development Regulations, the following:
1. A project narrative, which shall contain a summary of the proposed facility, a description of the facility's context in relation to neighboring land uses and environmental features, and detail regarding the proposed operational characteristics of the solar energy system, including key features concerning the means and methods planned to minimize or avoid off-premises impacts to adjoining land uses; and
 2. A statement regarding the existing or proposed energy usage of the property, if any, and a comparison of such usage to the proposed energy production of the system.
- B. Applications for review of major and minor solar energy systems shall also contain:
1. A landscape plan prepared by landscape architect licensed in the State of Rhode Island, which meets the requirements of the Town's Subdivision and Land Development Regulations and this Section, and depicts the locations and types of both existing and proposed vegetation;
 2. Identification as to whether any prime farmland or farmland of statewide importance exist on-site, as determined by the United States Department of Agriculture Natural Resources Conservation Service within the most recent Rhode Island Soil Survey;
 3. Identification of any RI Department of Environmental Management Natural Heritage Areas that may exist on site;
 4. A soil erosion, runoff and sediment control plan that meets the requirements of the Town's Soil Erosion, Runoff and Sediment Control ordinance, and identifies the extent of proposed limits of clearing and/or disturbance, including the areas cleared and/or disturbed during construction;
 5. A lighting plan for the premises;
 6. Identification of access entry drives and any interior driveways and rights-of-ways, along with their material for construction, right-of-way width, and paved width;; and

7. A grading and drainage plan, indicating any necessary regrading of the site and the provisions for accommodating run-off from the solar energy system, prepared by a certified Professional Engineer, registered to practice in Rhode Island;
8. An itemized estimate of the cost of decommissioning and removal of the solar energy system;
9. Documentation that an operations and maintenance plan, has been approved by the Director of Public Works, said plan to include, at a minimum, detailed provisions for maintaining the facility and the landscaping in good condition for the life of the project, and the security provisions that will be implemented to prevent unauthorized access;
10. Documentation that a public safety preparedness and response plan has been approved by the Police Chief, the Fire Chief of the applicable fire district, and the Director of Emergency Medical Services, said plan, at a minimum, to detail the standards, procedures, and communication protocol to be utilized at the facility in the event of a fire or other emergency; and
11. Letter from National Grid confirming the feasibility of the interconnection to the grid.

See 5.3.5. Conditions.

- A. Major or Minor Land Development Project approval of a major or minor solar energy system shall be conditioned on, at a minimum:
 1. The establishment and posting of a financial guarantee, in a form and amount determined by the Planning Board deemed sufficient to cover the cost of decommissioning and removal of the solar energy system at the end of its useful life or when abandonment occurs plus inflation and at least a 20% contingency. The calculation of the decommissioning reserve shall be predicated upon the assumption that 100% of the retired solar panels will be recycled by an accredited solar panel waste recycler, without any credit on the financial guarantee amount for anticipated salvage value or reuse value of any project components. To the extent that the financial guarantee is utilized for decommissioning the solar energy system and does not cover the full cost of decommissioning, as a condition of approval, the owner of the real property on which the solar energy system is located shall agree that a lien shall be placed on the real property in favor of the Town for the uncovered costs of decommissioning expended by the Town. All financial guarantees collected under this section shall be placed in a restricted account to only be used on the cost of decommissioning solar energy systems; and
 2. Provision of an on-site public safety response training with the Police Chief, and/or their designee(s), the Fire Chief of the applicable fire district, and/or their designee(s), and the Emergency Medical Services Director, and/or their designee(s), within one (1) month of completion of installation of the system;

- B. To ensure the fulfillment of the requirements of this Section, the Planning Board or the Zoning Board of Review shall have the authority to require the following:
1. Adjustments to the proposed size and location of the solar energy system, or increases to the minimum required setback, determined necessary to prevent or mitigate negative impacts to adjacent roads and properties, to avoid the compromise of any prominent viewsheds or to reduce the amount of clearing necessary for installation; and
 2. The provision of additional landscaping beyond the minimum requirements of this Section and the Town's Subdivision and Land Development Regulations, where such is necessary to mitigate negative impacts to adjacent properties or prominent community viewsheds, or due to the unique characteristics of the subject property.

5.3.6. General requirements for solar energy systems.

- A. Requirements for all solar energy systems (accessory, minor, and major).
1. The construction and operation of solar energy systems shall comply with all applicable federal, state, and local requirements, including, but not limited to, all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of, or associated with, a solar energy system shall be constructed in accordance with the Rhode Island State Building Code.
 2. The maximum height of ground-mounted solar energy systems (which shall include only minor or major) shall be no more than twelve (12) feet above finished grade.
 3. Solar energy systems shall be sited and designed to prevent or minimize any negative aesthetic impacts on neighboring properties, conservation areas, rivers, ponds or public roads and to avoid any compromise of prominent viewsheds.
 4. Applicants shall propose an appropriate landscape or no cut buffer that adequately mitigates visual impacts on surrounding properties and the neighborhood in general. Selection of the proposed buffer should be based on the context and characteristics of the specific site and shall be done in consultation with a landscape architect. Buffers that the planning board may require to be implemented include, but are not limited to:
 - i. 150-foot wooded buffer; or,
 - ii. 75-foot partial landscape screen; or
 - iii. 30-foot full landscape screen
 5. All solar energy systems shall be designed and located to prevent reflective glare toward any inhabited buildings on adjacent properties. Glare generated from solar panels shall not interfere with traffic or create a safety hazard.

6. On-site drainage management and erosion and sedimentation control shall conform to the latest Rhode Island Stormwater Design and Installation Standards Manual, and the RI Soil Erosion and Sediment Control Handbook, as well as all applicable Town regulations.
7. All utility connections from the solar energy system and interconnection of the solar energy system to the grid shall be placed underground, except where above-ground interconnection is expressly required by National Grid.
8. Clearing of natural vegetation shall be strictly limited to what is necessary for the construction, operation, and maintenance of the solar energy system or as otherwise prescribed by applicable laws and regulations. Removal of trees within a Town right-of-way shall be subject to receipt of a Tree Permit, which shall be approved at the discretion of the Town Tree Warden. Excavation and filling of project sites shall be limited to what is necessary to stabilize the installation area.
9. Lighting of the solar energy system shall be limited to that required for safety and operational purposes. All site lighting shall be directed downward and incorporate full cut-off fixtures to reduce light pollution and confine the light footprint to the facility site.
10. No building permit shall issue for any solar energy system unless and until notice is provided by the Town Planner to the Town Building Official in writing that all of the applicable approvals have been received and all of the applicable requirements of this chapter have been met.

B. Requirements for major and minor systems.

1. All mechanical equipment associated with major and minor solar energy systems, including but not limited to controls, energy storage devices, batteries, heat pumps, exchangers, or other materials, hardware, or equipment necessary to the process by which solar radiation is converted into another form of energy shall be designed to prevent unauthorized access.
2. Location of Major and Minor solar energy systems on prime farmland or farmland of statewide importance, as determined by the United States Department of Agriculture Natural Resources Conservation Service within the most recent Rhode Island Soil Survey, is prohibited.
3. All panels, equipment, and structures associated with a major or minor solar energy system shall meet twice the principal setback requirements prescribed by the zoning district in which they are located, except that major solar energy systems shall be set back from property lines abutting residentially zoned parcels, or parcels containing residential uses, a minimum of six hundred feet (600'), and from property lines abutting public and private roads a minimum of four hundred feet (400'). The Planning Board shall have the authority to increase the building setbacks pertaining to solar energy systems above the requirements for the underlying zone in instances where solar energy system abut residential zones. Required setbacks shall be measured from the edge of the panel or associated equipment, or any perimeter fencing, whichever is closer.

4. Major and minor solar energy systems, including all associated equipment, shall be enclosed by a perimeter fence, which shall be not less than six (6) feet in height and shall incorporate wildlife passage features for small mammals and birds in its design and installation. The perimeter fence shall be secured from unauthorized entry.
5. The site design for major and minor solar energy systems shall include adequate access and parking, and driveway and access aisle widths shall allow accessibility to the solar energy system premises by the property owner and emergency response personnel and equipment.
6. A means of shutting down the solar energy system connection to National Grid's interconnection shall be clearly and sufficiently marked.
7. The ground cover and subgrade beneath the solar panels and associated equipment shall be designed to provide a stable, structural surface capable of properly supporting the components of the solar energy system. Grass is the preferred treatment versus gravel, crushed stone or the like, however each application shall be assessed during the major or minor land development project process, as applicable, to determine the most appropriate ground cover.
8. Any new proposed access entry drives from public rights-of-way shall require the issuance of Physical Alteration Permits (PAP) from the Town of Hopkinton or RIDOT depending on whether Town or State roadways are being utilized for access purposes.
9. The solar energy system shall be maintained by the solar energy system owner and/or operator and shall be cleared of debris, weeds, trash, etc. Maintenance shall include, but not be limited to, painting, structural repairs, maintenance of the landscape buffers, care and replanting if necessary, of any vegetative screening, cleaning, clearing and repairing of stormwater and drainage infrastructure, and integrity of security measures. No chemicals, solvents or herbicides, excluding water, will be used in the operation and maintenance of the solar energy system. The equipment shall remain in good repair and working order. Malfunctioning or inoperable equipment shall be removed from the property and disposed of in accordance with all applicable federal, state, and local regulations.
10. All plants and other material used for screening shall be no less than six feet in height at the time of installation. Additionally, the Planning Board may require certain vegetation to be used for understory cover that may serve to further screen the project. The owner of the solar energy system and any successors shall maintain the screen and understory cover for the life of the project.
11. Major and minor solar energy systems shall keep with the existing contours of the land to the extent feasible. The use of blasting during site preparation or construction is prohibited.
12. A sign shall be posted at the solar energy system, displaying the name of the owner and operator of the facility and providing a twenty-four (24) hour emergency contact number.

Said sign shall be no greater than six (6) square feet in surface area. In the event of a change of ownership, the sign shall be replaced to display the name of the new owner and operator of the facility within thirty days of the transfer of ownership, providing a twenty-four (24) hour emergency contact number for the new owner/operator. Notice of change of ownership shall also be mailed by first class mail to the Town Planner within 30 days of the change of ownership. The solar energy system shall not be used for displaying any advertising except for reasonable identification of the operator of the facility. Any such signage shall comply with the Section 27 of this ordinance.

13. As part of any approval, the applicant and the Planning Board shall set a proposed date for decommissioning, which date may only be extended upon further approval by the Planning Board. If decommissioning has not been completed within one hundred eighty (180) days of abandonment or the proposed date of decommissioning, whichever is sooner, the Town shall give written notice to the landowner and/or solar energy system owner and operator to accomplish the decommissioning within thirty (30) days. If the decommissioning has not been completed within thirty (30) days of said written notice by the Town, the Town and/or the Town's representative shall have the authority to enter the property and decommission the solar energy system, charging the landowner and/or solar energy system owner and operator for all costs and expenses, including reasonable attorney's fees for collection.

5.3.7 Maximum lot coverage.

- A. Ground-mounted solar energy systems in residential zoning districts is prohibited.
- B. Ground-mounted solar energy systems in all non-residential zones shall occupy no more than thirty percent (30%) of a lot, exclusive of wetlands, which is to include inter-row and panel/collector spacing.
- C. In instances where a parcel is rezoned from a residential or commercial to a manufacturing zoning designation for the purpose of accommodating a solar energy system, the maximum coverage shall be the lesser of 2% of the lot or 2 acres.
- D. Any subsequent subdivision of a parcel that contains a ground-mounted solar energy system shall be required to maintain the maximum coverage requirements established in Sections A. and B., above. Subdividing a lot may not be used to circumvent the lot coverage requirements established by this ordinance.

5.3.9 Contaminated site solar energy systems.

- A. This section is intended to promote the development of solar energy systems on properties that have been identified and confirmed by the Rhode Island Department of Environmental Management (RIDEM) as hazardous waste contamination sites, in order to catalyze property

remediation, to provide an economic use for an otherwise developmentally-challenged property, and to direct solar energy systems away from forested areas, prime agricultural lands, and properties with high intrinsic value under another use scenario.

B. Contaminated site solar energy systems shall be allowed on two types of contaminated property, as described below:

1. Contaminated Site Pending Remediation: A contaminated site pending remediation is a property that has been identified and confirmed by RIDEM as containing a hazardous material contamination through issuance of a "Letter of Responsibility", but which has not yet been remediated to the satisfaction of RIDEM. The intended outcome of permitting a solar energy system on a site pending remediation is to offset the cost of remediation by allowing a beneficial use of the property to occur.

2. Remediated and Restricted Contamination Site: A remediated and restricted contamination site is a property (1) that has been identified and confirmed by RIDEM as having contained a hazardous material contamination; (2) on which remediation activities were conducted to the satisfaction of RIDEM as documented within a "Letter of Compliance" or an "Interim Letter of Compliance", and (3) for which RIDEM has required the use of the property to be restricted through an Environmental Land Use Restriction. The intended outcome of permitting a solar energy system on a remediated and restricted contamination site is to allow an already disturbed property to be used for renewable energy generation, directing solar energy systems away from less desirable areas, such as forested areas and prime agricultural lands.

C. Contaminated site solar energy systems shall be considered principal solar energy systems, classified as major or minor, as defined in Sec. 2, and shall be reviewed according to the procedures established by this Section, except that a public hearing before the Planning Board, advertised and noticed pursuant to the requirements for public notice contained within the Town of Hopkinton Subdivision and Land Development Regulations, shall be required for all applications, provided that if a project is to require 6 or more months of construction (as noted by the developer or extrapolated by the town based on other projects) the applicant shall provide formal written notice by mail to all abutters and residents within 500 feet that provides the location and description of the project along with an estimated construction duration. The required review process is summarized, below:

CONTAMINATED SITE SOLAR ENERGY SYSTEMS

SIZE/ZONING DISTRICT

REVIEW PROCEDURE

Minor systems (1 – 39,999 sq ft)

Minor Land Development Project conducted by the Planning Board with a Public Hearing

Major systems (= or > 40,000 sq ft)

Review as a Major Land Development Project

Major changes to previously approved systems The same review process by which the solar energy system was originally reviewed

D. Applications for Minor and/or Major Land Development Project review of contaminated site solar energy systems shall include, in addition to the requirements set forth in the Town's Subdivision and Land Development Regulations and the requirements of this section, the following, based on the type of contaminated site on which the system is proposed:

1. Systems proposed on a contaminated site pending remediation shall submit:

- a. The associated "Letter of Responsibility" and "Remedial Approval Letter" from RIDEM, and all applicable attachments or appendices;
- b. A copy of any Environmental Land Use Restriction (ELUR) required by RIDEM to be imposed on the contaminated site(s) along with a narrative explaining the content of such restriction;
- c. Confirmation from RIDEM that a solar energy system is an acceptable use for the contaminated site(s); and
- d. A site plan and associated materials delineating the extent of the contamination previously or currently existing on the site(s) and the extent of disturbance that will be required to perform the approved remediation activities, including square footage calculations of said areas compared to the total area of the subject site(s).

2. Systems proposed on a remediated and restricted contamination site(s) shall submit:

- a. The associated "Letter of Compliance" or "Interim Letter of Compliance" from RIDEM;
- b. Written confirmation from RIDEM that the proposed contaminated site solar energy system is consistent with the requirements for maintaining compliance; and
- c. A site plan and associated materials delineating the extent of the remediation activities and any clearing that was necessary due to remediation activities, including square footage calculations of contaminated areas compared to the total area of the subject site(s).

E. Any approval issued for a system proposed on a contaminated site pending remediation shall be conditioned on receipt of a "Letter of Compliance" or an "Interim Letter of Compliance" from RIDEM prior to issuance of a permit for installation of the solar energy system, in addition to the conditions required by Sec. 5.3.5.

- F. Contaminated site solar energy systems shall meet the applicable dimensional and site design requirements of Sec. 6 and this section, except where an alternative standard is proposed by this Section.
- G. The Planning Board during either the Preliminary Plan Review or Conceptual Master Plan review, may establish the amount of the parcel that may be covered by the contaminated site solar energy system that exceeds the lot coverage ordinarily allowed for a solar energy system, based on an assessment of the following:
1. The extent of contamination on the site for which the system is proposed;
 2. The area of the parcel identified within the application materials as requiring disturbance or having been disturbed in the performance of remediation activities;
 3. The area of the parcel on which an Environmental Land Use Restriction (ELUR) has been or will be placed;
 4. For sites pending remediation, the cost of the proposed remediation actions, as identified in the "Remedial Approval Letter," relative to the expected income to be generated by the energy system; and
 5. The site topography, existing vegetative buffer(s), and the severity of any potential negative visual impacts to the neighborhood.
- H. In granting approval for a contaminated site solar energy system, the Planning Board must make the following findings of fact:
1. Permitting use of the parcel for a contaminated site solar energy system will:
 - a. Allow remediation of a contaminated site by offsetting the cost of such remediation and allowing a beneficial use of the property to occur; or
 - b. Allow an already disturbed property to be used for renewable energy generation, directing solar energy systems away from less desirable areas, such as forested areas and prime agricultural lands.
 2. The size of the contaminated site solar energy system considers and is reflective of the size of the contaminated area, any land use restrictions placed on the site, the amount of disturbance necessary to remediate the contaminated area, the cost of remediation activities, and any potential negative visual impacts to the surrounding neighborhood.

5.3.10 Inspection and Enforcement

The Building/Zoning Official and Town engineering consultant shall have the power to inspect

any solar energy system at any time to ensure compliance with the provisions of this Ordinance. Any entity who fails or refuses to adhere to all of the provisions of this Ordinance or any conditions imposed by the Town, State of Rhode Island or Federal government, shall be deemed in violation and liable to the Town of Hopkinton for penalties not to exceed \$500 per day for each violation. Each day of existence of a violation shall be deemed a separate offense.

The Town's Engineer or designee shall inspect the solar energy system at the expense of the applicant on a weekly basis during construction, and during the month of April each year after completion of construction. Said inspection will include a review of any and all reports as required by the State of Rhode Island, the Town of Hopkinton and the Federal government. The applicant and any successors shall reimburse the town for any cost incurred as specified in the Stormwater Facility Maintenance Agreement.

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[The following language to be added/deleted from Section 5.5-7, Farm-Based Photovoltaic Solar Energy System (PSES)]

Section 5.5-7. - Farm-Based Photovoltaic-Solar Energy System (PSES).

A. ~~Intermediate and Large Farms, as defined herein, may install PSES a solar energy system as an accessory use that meet the following requirements: provided such accessory use would be in compliance with the requirements set forth in the table of permitted uses in Section 5 of this ordinance and in compliance with all requirements in Section 5.3 of this ordinance pertaining to accessory solar energy systems.~~

- ~~1) Intermediate Farms may use up to one (1) acre of land for PSES.~~
- ~~2) Large Farms may use up to two (2) acres of land for PSES and may use up to three (3) acres for farms in excess of fifty (50) acres.~~
- ~~3) Intermediate and Large Farms shall adhere to Chapter 246 – Photovoltaic Solar Energy System (PSES) in Chapter 134 of the Code of Ordinances, Town of Hopkinton entitled “Zoning.”~~

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[The following language to be added Section 10(E), Special Use Permits]

Section 10. - Special-use permits.

(E) The zoning board has the power to grant dimensional variances where a use is permitted by special use permit, provided however that the Zoning Board shall have no power to grant a dimensional variance for a solar energy system, whether major, minor, or accessory, when the solar energy system is permitted by special use permit. An applicant may apply for, and be issued, a dimensional variance in conjunction with a special use permit, provided however that an applicant may not apply for a dimensional variance for a solar energy system in conjunction with a special use permit. If the special use could not exist without the dimensional variance, the zoning board may consider the special use permit and the dimensional variance together to determine if granting the special use is appropriate, based on both the special use permit criteria and the dimensional variance evidentiary standards, except for special use permits for solar energy systems, as specified above.

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This ordinance shall take effect upon passage.