

DRAFT AMENDMENTS TO  
THE TOWN OF HOPKINTON  
ZONING ORDINANCE

\* \* \*

[The following definitions to be added/~~deleted~~ from Section 2]

**Sec. 2. Definitions.**

Accessory solar energy system. A solar energy system that is incidental and subordinate to the principal use of the parcel.

Contaminated site solar energy system. A principal solar energy system located on a contaminated site pending remediation or a remediated and restricted contamination site. A contaminated site solar energy system shall be reviewed as a Major Land Development Project.

Contaminated site pending remediation. A property that has been identified and confirmed by RIDEM as being contaminated through issuance of a “Letter of Responsibility”, but which has not yet been remediated to the satisfaction of RIDEM.

Ground-mounted solar energy system. A solar energy system that is structurally appended to the ground and is not attached to a structure or building.

~~Photovoltaic Solar Energy System (PSES) — All equipment, machinery and structures utilized in connection with the conversion of solar energy to electricity, including but not limited to, distribution lines, transmission, storage, collection, and supply equipment, substations, transformers, inverters, service and access roads, and solar energy producing panels; a PSES may include solar energy generation, which is located at a commercial, industrial, agricultural, institutional, or public facility. These are systems whose main purpose is to generate energy for sale back into the energy grid system, rather than being consumed on the site.~~

Principal solar energy system. A solar energy system whose main purpose is to generate energy for sale back into the energy grid system, rather than being consumed on the site.

Remediated and restricted contamination site. 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.

Roof-mounted solar energy system. A solar energy system that is structurally appended to the roof of a building or structure.

~~Solar Access—A property owner’s right to have sunlight shine on the owner’s land. The enforcement of this right is through the Zoning Ordinance that establishes height and setback requirements.~~

Solar energy system. The equipment and requisite hardware and structures that provide and are used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, generating electricity, and off-loading said electricity to the grid, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced from a nonrenewable resource. This shall include photovoltaic arrays and installations that utilize ground-mounted systems. A solar energy system, when the principal use of a parcel, shall be deemed to be a manufacturing use.

Solar energy system operator. The agent or entity that conducts the daily operation and maintenance of the solar energy system under contractual agreement with the solar energy system owner.

Solar energy system owner. The owner of equipment and appurtenances comprising the solar energy system; said entity may also be the solar energy system operator.

\* \* \*

[The following use categories to be added/~~deleted~~ to table of permitted uses]

## **Section 5. – District Use Regulations**

**Table of Permitted Uses**

	Zoning Districts	RFR - 80	RES - 1	Neighborhood Business	Commercial	Manufacturing	Primary Aquifer Overlay	Secondary Aquifer Overlay
3								
<a href="#">306</a>	<a href="#">Principal Solar Energy System</a>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>A</u>	<u>P</u>
<a href="#">307</a>	<a href="#">Accessory Solar Energy System</a>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<a href="#">308</a>	<a href="#">Contaminated Site Solar Energy System</a>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>A</u>	<u>A</u>
<del>486</del>	<del>Photovoltaic Solar Energy System</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>

A special use permit granted for a Principal Solar Energy System or Accessory Solar Energy System may not be granted in conjunction with a \_\_\_\_\_ dimensional \_\_\_\_\_ variance.

\* \* \*

[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 a 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. Principal 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. Review of a Principal Solar Energy System shall be reviewed as a Major Land Development Project pursuant to the Town of Hopkinton Land Development and Subdivision Regulations, as amended. 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 a Principal 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 Town Council, and then return to the Planning Board for subsequent required approval(s).
- C. Changes to approved systems. All proposed changes to an approved Principal Solar Energy System shall follow the process outlined in the Hopkinton Land Development and Subdivision Regulations for Major Land Development Projects.

- D. 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.**

- A. Accessory solar energy systems shall be permitted as set forth in the table of permitted uses in Section 5 of this ordinance.
- B. Accessory solar energy systems shall not be constructed, installed, or modified as provided in this section before a building permit is obtained.
- C. 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. Accessory solar energy systems shall be installed in accord with State Building and Fire Codes.
  - c. 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 State Building and Fire Codes.
  - d. Accessory solar energy systems shall be set back from the edge and/or behind architectural features to be minimally visible.

### **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 or Principal Solar Energy System is required, all applications shall at the first stage include, in addition to the requirements set forth within the applicable review process, 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 to the geological, hydrological, ecological, cultural and scenic values of the Wood-Pawcatuck watershed.

B. Applications for review of a Principal Solar Energy System shall also contain:

1. A landscape plan prepared, stamped and signed by a Registered Professional Landscape Architect licensed and currently authorized to practice in the State of Rhode Island, which meets the requirements of the Town's Land Development and Subdivision 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. Identification of any designated Wild and Scenic River or tributary within ¼ mile of any point on the perimeter of the site;
5. 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;
6. Exterior lighting within the facility shall comply with all Hopkinton lighting ordinances and be the minimum necessary. All fixtures shall be full-cut off fixtures approved by the International Dark Sky Association;
7. 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;
8. 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, stamped and signed by a Registered Professional Engineer licensed and currently authorized to practice in the State of Rhode;
9. An itemized estimate of the cost of decommissioning and removal of the solar energy system;
10. Documentation that an operations and maintenance plan, has been approved by the Town Engineering Consultant, 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;

11. 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
12. Letter from National Grid confirming the feasibility of the interconnection to the grid.

### **Sec 5.3.5. Conditions.**

#### **A. Approval of a Principal 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.
2. 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.
3. 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.
4. In the event that the Solar Energy System Owner, including its successors in interest and/or assigns (said phrase hereinafter referred to as "Successors") fully satisfies all of its obligations with respect to the removal of the Solar Facility as required by the Town, and no default by the Solar Energy System Owner or its Successors has otherwise occurred and is then continuing, the property owner and the Solar Energy System Owner, including their respective Successors, shall acknowledge same in writing to the Town and shall request the Town to release the then current balance (including accrued and accumulated Interest) of the Escrow Account to the Solar Energy System Owner or its Successors. In the event that the property owner or its Successors notifies and attests to the Town in writing (the "Claim") that the Solar Energy System Owner or its Successors has failed to fully satisfy all of its obligations with respect to the removal of the Solar Facility and the repair and restoration of the Property as required by the Town, the Town shall, after providing the Solar Energy System Owner or its Successors Seven (7) business days prior written notice of the Claim, release or apply the Escrow Funds for the

purpose of satisfying the Solar Energy System Owner or its Successors's decommissioning obligations with respect to the Solar Facility; provided, however that if the Solar Energy System Owner or its Successors object to the Claim and provide written notice of the same to the Town prior to the expiration of said 7-day notice period, the Town shall not release the funds until this matter is resolved to the satisfaction of the Town. For purposes of U.S. federal and other taxes based on income, the Town shall treat the Solar Energy System Owner or its Successor as the owner of the Escrow funds and one hundred percent (100%) of all of the accumulated interest earned thereon (the "Interest"), and the Solar Energy System Owner or its Successors shall report all such Interest as its taxable income during the tax year in which all such Interest is distributed and is properly includible and pay any taxes then attributable thereto. All interest earned during the lifetime of the escrow account shall accumulate in the escrow account and shall not be distributed until the Solar Energy System Owner or its Successors satisfies all of its obligations with respect to the removal of the Solar Facility and the repair and restoration of the Property as required by the Town.

### **5.3.6. General requirements for solar energy systems.**

#### **A. Requirements for all solar energy systems (Principal and Accessory).**

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 and Fire Code.
2. The maximum height of ground-mounted Principal Solar Energy Systems 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, or of any viewshed including any Wild and Scenic River or tributary, or to reduce the amount of clearing necessary for installation.
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 the approval of the Director of Public Works. Excavation and filling of project sites shall be limited to what is necessary to stabilize the installation area. There shall be no clearance of vegetation within 400 feet distance of a Wild and Scenic River or tributary.
- 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 Principal Solar Energy Systems.

- 1. All mechanical equipment associated with Commercial 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 Commercial 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 to be avoided to the extent practicable.
- 3. All panels, equipment, and structures associated with a Commercial Solar Energy System shall meet twice the setback requirements for principal structures prescribed for the

zoning district in which they are located. 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.

4. Commercial 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 Commercial 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 in accord with State Fire Codes, and in a manner 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 project review process, as applicable, to determine the most appropriate ground cover.
8. Any new proposed access entry drives from public rights-of-way owned by the Town of Hopkinton shall require the issuance of Physical Alteration Permits (PAP) from the Rhode Island Department of Transportation.
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. Commercial 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 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 all non-residential zones shall occupy no more than thirty percent (75%) of a lot, exclusive of wetlands, which is to include inter-row and panel/collector spacing.

#### 5.3.8 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 Commercial Solar Energy Systems and shall be reviewed as a Major Land Development Project pursuant to the Town of Hopkinton Land Development and Subdivision Regulations, as amended. 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.

D. Applications for Contaminated Site Solar Energy System Major Land Development Project review shall include, in addition to the requirements set forth in the Town’s Land Development and Subdivision 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. 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.

\* \* \*

[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 principal 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.

\* \* \*

This ordinance shall take effect upon passage.

S:\ANDY\Sculco, Cynthia\Hopkinton solar 2020\Ordinance draft\DRAFT Hopkinton Solar Ordinance 9-25-20 d5 clean.docx