

TOWN OF HOPKINTON, RHODE ISLAND  
CHAPTER 279

IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOPKINTON AS FOLLOWS:

[*The following definitions to be added as shown underlined and deleted as shown ~~strikethrough~~ to Section 2 – DEFINITIONS in Chapter 246*]

**Sec. 2. Definitions.**

*Abandonment.* When the use of a property has ceased and the property has been vacant for 12 months, abandonment of use will be presumed. This excludes temporary or short-term interruptions during periods of maintaining or improving the property or a solar energy system.

*Accessory solar energy system.* A solar energy system that is either 1) entirely roof-mounted or 2) ground mounted and generates no more energy than one-hundred and twenty-five percent (125%) of the energy (regardless of whether the current energy usage is from electric, oil, propane, etc.) that is necessary to support the residence or business on the parcel.

*Contaminated site solar energy system.* A solar energy system located on a contaminated site pending remediation as of February 16, 2021 or a remediated and restricted contamination site as of February 16, 2021. See complete list at the end of Section 2 of such sites. A contaminated site solar energy system shall be reviewed as a major land development.

*Contaminated site pending remediation.* A property that has been identified and confirmed by RIDEM as of February 16, 2021, as being contaminated through issuance of a “Letter of Responsibility”, but which has not yet been remediated to the satisfaction of RIDEM. See complete list below of such sites.

*Freestanding Solar Panels.* Solar collectors not attached to and separate from any existing structures on the site.

*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.

*Large scale solar energy system.* Any solar energy system that is not either (1) an Accessory solar energy system or (2) a Contaminated site solar energy system as defined by this ordinance.

~~*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.~~

*Rated nameplate capacity.* The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a “nameplate” on the equipment.

*Remediated and restricted contamination site.* A property (1) that has been identified and confirmed by RIDEM as of February 16, 2021; (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. See complete list at the end of Section 2 of such sites.

*Roof-mounted solar energy system.* A solar energy system that is structurally attached 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 equipment.* Items including but not limited to, solar panels, lines, pumps, batteries, mounting brackets, framing and/or foundations used for or intended to be used for the collection of solar energy on municipal or commercial properties; any device associated with a solar energy system.

*Solar energy panel.* A structure containing one or more receptive cells that convert solar energy into usable electrical energy, heat, water, produce hot air, or perform any other similar function by way of a solar energy system; a device that utilizes modules and cell to collect the sunlight and convert to direct current (DC) voltage.

*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.

*Solar glare.* The effect produced by light reflecting from a solar panel with intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**APPENDIX – Complete list of contaminated sites pending remediation as of February 16, 2021 and remediated and restricted contamination sites as of February 16, 2021, in the Town of Hopkinton.**

RIDEM Contaminated Sites  
02/16/2021

| TOWN NAME | PROJECT NAME                      | PROJECT_ADS                  | PROJECT_CDE | STATUS CODE | PROJECT_DTE | SITEREM SITE NO. | Plat | Lot     | Parcel Size (Acres) | Contaminated Area (Acres) |
|-----------|-----------------------------------|------------------------------|-------------|-------------|-------------|------------------|------|---------|---------------------|---------------------------|
| HOPKINTON | ASHAWAY NO.43 SUBSTATION (FORMER) | 31 OAK STREET                | NGA43-HWM   | A           | 21-Feb-18   | SR-14-1896       | 24   | 49      | 0.89                | Further Research Needed   |
| HOPKINTON | BOWLEY PROPERTY                   | 350 WOODVILLE ALTON ROAD     | BOW-HWM     | I           |             | SR-14-0151       | 11   | 57      | 97.51               | 2                         |
| HOPKINTON | GRILLS PROPERTY                   | ALTON BRADFORD ROAD (RTE 91) | GRIL-HWM    | I           | 05-Nov-07   | SR-14-0567       | 3    | 59      | 160                 | 0.06                      |
| HOPKINTON | H.C. WOODMANSEE & SONS            | 8 FAIRVIEW AVENUE            | HCWS-HWM    | I           | 10-Oct-01   | SR-14-0574       | 28   | 116     | 1.01                | Further Research Needed   |
| HOPKINTON | HOPE VALLEY COLLISION CENTER*     | 894 MAIN STREET              | HVCC-HWM    | I           | 28-Mar-01   | SR-14-0626       | 15   | 7       | 1.3                 | Further Research Needed   |
| HOPKINTON | HOPKINTON LANDFILL, PHASE I       | STUBTOWN ROAD                | HL-SFA      | A           | 01-Feb-85   | SR-14-0630       | 13   | 27 & 26 | 83.1                | 5                         |
| HOPKINTON | HOPKINTON LANDFILL, PHASE II      | STUBTOWN ROAD                | HOPL-HWM    | A           | 05-Aug-99   | SR-14-0630       | 13   | 27      | 52                  | 10                        |
| HOPKINTON | IMPERIAL HOME DÉCOR*              | 50 CHASE HILL RD             | IMHD-HWM    | I           | 30-Dec-98   | SR-14-0643       | 1    | 13      | 94                  |                           |
| HOPKINTON | NATURE CONSERVANCY                | STUBTOWN ROAD/NORTH RD       | NACO-HWM    | I           | 12-Sep-00   | SR-14-0976       | 13   | 28 & 36 | 118.76              | Area Not Determined       |
| HOPKINTON | RI DOT - BANK STREET              | 51 BANK STREET               | DOTH-HWM    | I           | 31-Dec-98   | SR-14-1313       | 28   | 119     | 39                  | Further Research Needed   |

\*= zoned manufacturing

\* \* \*

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

**Section 5. – District Use Regulations**

**Table of Permitted Uses**

|     | Zoning Districts                | RFR - 80 | RES - 1 | Neighborhood Business | Commercial | Manufacturing | Aquifer Primary | Overlay Secondary |
|-----|---------------------------------|----------|---------|-----------------------|------------|---------------|-----------------|-------------------|
| 3   |                                 |          |         |                       |            |               |                 |                   |
| 306 | Large Scale Solar Energy System | N        | N       | N                     | N          | N             | N               | N                 |

|     |  |    |   |   |   |    |   |   |
|-----|--|----|---|---|---|----|---|---|
| 307 | Accessory Solar Energy System (roof mounted)   | P  | P | P | P | P  | P | P |
| 308 | Accessory Solar Energy System (ground mounted) | S* | N | N | N | N  | A | A |
| 309 | Contaminated Site Solar Energy System          | N  | N | N | N | S* | A | A |
| 486 | Photovoltaic Solar Energy System               | N  | N | N | N | N  | N | N |

\*A special use permit granted for any solar energy system may not be granted in conjunction with a dimensional variance.

\* \* \*

*[Section 5.3 of Chapter 246 is to be deleted in its entirety to be replaced with the following:]*

**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.
- C. Severability – Should any section, subdivision, clause, or phrase of the Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

**5.3.2 Large scale solar energy systems.**

A. Large scale solar energy systems shall be prohibited throughout the Town of Hopkinton.

**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. 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**

| <b>SIZE/TYPE</b>                                 | <b>REVIEW PROCEDURE</b>                             |
|--|---|
| Roof-mounted on an existing structure, all sizes | Building Permit only                                |
| Roof-mounted on a proposed structure, all sizes  | The review procedure required for the new structure |
| Ground mounted                                   | Special Use Permit                                  |

- C. Ground mounted accessory solar energy systems shall be sized to generate no more energy than one hundred and twenty-five percent (125%) of the energy that is necessary to support the residence. Accessory solar energy systems that generate more energy than stated above are prohibited.
- D. At the time of application for a Special Use Permit, as is applicable pursuant to this Section, the applicant must demonstrate that any ground mounted accessory solar energy system has been designed to produce no more than one-hundred and twenty-five percent (125%) of the energy that is necessary to support the residence. On a parcel with an existing residence, the applicant shall provide the energy consumption documentation for the use(s) for the previous three (3) year period. For all new residences, where ground mounted accessory solar is proposed, the applicant shall provide an estimate of energy usage prepared and certified by a qualified engineer or the utility.
- E. Accessory solar energy systems shall not be constructed, installed, or modified as provided in this section before a building permit is obtained.
- F. Ground-mounted accessory solar energy systems shall be subject to the following requirements:
  - 1. Height of all ground-mounted solar energy systems shall not exceed 6 feet above the average grade of the lot it is built on.

2. A disconnect will be required at the time of installation and the electric utility provider shall be notified of this installation.
3. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground, unless physical constraints to the land make underground lines impossible or impractical as determined by the building official.
4. Applicants proposing ground-mounted solar energy systems shall provide an appropriate buffer to adequately mitigate 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. Fencing with design and materials that are appropriate to the surrounding natural and built environment may be permitted; however, vegetative buffers are preferred. The vegetative buffer surrounding the perimeter of the installation shall consist of plants from Rhode Island native plant database and shall be planted at full specified height at the time of planting.
5. Ground mounted solar shall be setback one hundred feet (100') from side or rear of property line, and ground-mounted solar energy systems shall not be located within a front yard of a property
6. The applicant shall submit a landscaping plan with building permit application for ground-mounted solar energy systems, landscaping must be provided to adequately screen the views of the panels.
7. The Town's building and/or zoning enforcement officers may order removal or repair of any accessory ground-mounted solar energy system that is constructed, operated, or maintained in a manner that does not comply with this section or that does not comply with the terms of any approvals or permits issued by the Town.
8. Decommissioning and removal at end of useful life of accessory ground mounted solar are the responsibility of the property owner.
9. When the accessory ground mounted solar energy system is scheduled to be decommissioned, the applicant shall notify the Town by certified mail of the proposed date of discontinued operations and plans for removal. The owner shall physically remove the solar energy system no more than one hundred and eighty (180) days after the discontinued operations. Decommissioning shall consist of:
  - a. Physical removal of all solar energy panels, mounting systems, structures, equipment, security barriers and transmission lines from the site – including below grade foundations, transmissions/distribution lines, and other structures;
  - b. Disposal of all solid and hazardous waste (if any) in accordance with local and state disposal regulations;

- c. Stabilization or revegetation of the site as necessary to minimize erosion; and
- d. Any earth disturbance as a result of the removal of the system shall be graded and reseeded.

G. Roof-mounted solar energy systems shall be subject to the following requirements:

- 1. It shall not exceed the height requirements prescribed by the zoning district in which they are located.
- 2. On flat roofs, accessory solar energy systems shall be set back from the edge and/or behind architectural features to be minimally visible.
- 3. Panels and devices may be set at a pitch and elevated, only if not visible from public streets.
- 4. On pitched roofs, the edge of the solar energy system shall be parallel to the roofline.
- 5. Roof mounted systems shall 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.
- 6. 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.
- 7. 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.
- 8. 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.
- 9. Panels shall be installed per state building code and fire code.

**5.3.4 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 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 of February 16, 2021, 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 of February 16, 2021, 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 a major land development, 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**

| <b>SIZE/ZONING DISTRICT</b>                  | <b>REVIEW PROCEDURE</b>  |
|--|--|
| All contaminated site solar energy systems   | 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 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. 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 as of February 16, 2021, on the list of such sites stated in the appendix to this ordinance by offsetting the cost of such remediation and allowing a beneficial use of the property to occur; or

- b. Allow an already remedied property as of February 16, 2021, on the list of such sites stated in the appendix to this ordinance to be used for renewable energy generation, directing solar energy systems away from less desirable areas, such as forested areas and prime agricultural lands.
- H. Contaminated site solar shall not occupy more than 150% of the actual contaminated area on site as recognized by the Rhode Island Department of Environmental Management.
- I. Forested areas shall not be clear-cut for the purpose of installing solar installations. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the solar energy system, and shall not exceed 25 percent of the existing tree and vegetation cover.
- J. Contaminated site solar energy systems shall be subject to the following requirements:
  - 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, environmental 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. Construction of the solar energy system shall only be allowed between 8am and 5pm and shall not be allowed on Saturday or Sunday.
  - 3. The maximum height of contaminated site solar energy systems shall be no more than twelve (12) feet above finished grade.
  - 4. 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 view sheds, or of any view sheds including any wild or scenic river or tributary. No portion of the solar system shall intrude within any area within one quarter mile of any river, tributary, or any integral body of water.
  - 5. 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:
    - a. 150-foot wooded buffer; or,
    - b. 75-foot partial landscape screen; or
    - c. 30-foot full landscape screen

6. All contaminated site 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.
7. 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.
8. 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.
9. 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 approval from the Department of Public Works, which shall be approved at the discretion of the Director of the Department 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 a 400-foot distance of any wild & scenic river or tributary.
10. Lighting of the contaminated site 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.
11. No building permit shall be issued for the contaminated site 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.
12. All mechanical equipment associated with contaminated site 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.
13. All panels, equipment, and structures associated with a contaminated site solar energy systems shall meet twice the principal setback requirements prescribed by the zoning district in which they are located, except that such 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').
14. Contaminated site 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.

15. The site design for contaminated site 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.
16. A means of shutting down the solar energy system connection to National Grid's interconnection shall be clearly and sufficiently marked.
17. 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 Planning Board review process, as applicable, to determine the most appropriate ground cover.
18. 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.
19. The contaminated site 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.
20. 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.
21. Contaminated site 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.
22. 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 the Zoning Ordinance.

23. 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.
24. Planning Board approval of a contaminated site solar energy system shall be conditioned on 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.
25. 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.
26. 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
27. Planning Board approval of a contaminated site solar energy system shall be conditioned on the 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; and
28. 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 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 view sheds, or due to the unique characteristics of the subject property.

### **5.3.5 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 any contaminated site 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.

\* \* \*

[Section 5.5-7 of the Farm Viability Ordinance is to be deleted in its entirety to be replaced with the following:]

**Section 5.5-7. - Farm-Based Solar Energy System.**

- A. Intermediate and Large Farms, as defined herein, may install a solar energy system as an accessory use, 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.

\* \* \*

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

**Section 10. - Special-use permits.**

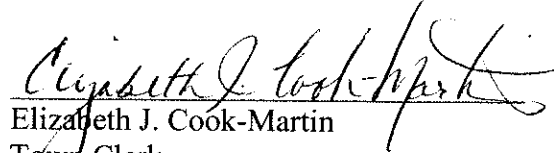
- (E) The zoning board has the power to grant dimensional variances where a use is permitted by special use permit, provided however that the Zoning Board shall have no power to grant a dimensional variance for a solar energy system when the solar energy system is permitted by special use permit. An 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.

ADOPTED: April 19, 2021

ATTEST:

  
Elizabeth J. Cook-Martin  
Town Clerk