

Proposed 2024 Warrant Article to Amend the Wakefield Zoning Ordinance

Amendment 1: Are you in favor of adoption of Amendment 1 as proposed by the Planning Board for the town’s zoning ordinance as follows:

Adopt a new Article 24C Solar Energy Systems Ordinance that will distinguish between accessory solar energy systems designed to supply electricity to the existing structures on site and primary use systems that are to provide energy to offsite uses or the wholesale market. Accessory solar energy systems are proposed to follow the current requirements under the Zoning Ordinance. Accessory ground mounted systems will now require the submission of a site plan sketch. Primary use solar energy systems will require a major site plan application and additional requirements are placed upon the conditional use permit application to allow for review of the site layout, safety protocols, and plan for site reclamation at end of life. Associated changes are proposed to Table 1 – Permitted Uses and Article 33 – Definitions.

Amend Article 3, Table 1 as follows:

ARTICLE 3 – TABLES

Table 1 – Permitted Uses

	Residential I	Residential II (Shorefront)	Residential III (Rural)	Business & Commercial	Village/ Residential	Light Industrial	Agricultural	Farming- Prime Soils (O)¹	Aquifer-Wellhead Conservation (O)²	Wetland- Conservation (O)³	Historic (O)⁴	Floodplain (O)⁵
BUSINESS & COMMERCIAL												
Solar Panel Energy System, Roof Mounted, Accessory	P	P	P	P	P	P	P	A	A	N	A	A
Solar Panel Energy System, Free Standing Ground Mounted, Accessory ²⁰	C	C	C	C	C	C	C	A	A	N	N	A
<u>Solar Energy System, Primary Use</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>A</u>	<u>A</u>	<u>N</u>	<u>N</u>	<u>A</u>

Footnotes:

20. Refer to Solar Ordinance, Article 24C, Section B, for additional requirements and submit a Conditional Use Permit pursuant to Article 29. Accessory installations are designed to supply electricity for the use of the parcel’s primary use and/or structure(s) with excess energy sold back to the grid through net metering.

21. Must meet Conditional Use Permit Requirements in Article 29, Solar Ordinance Article 24C, Section D, and requires a major site plan application. Primary use systems designed to provide energy primarily to offsite uses or for export to the wholesale market.

Adopt the following new Article:

ARTICLE 24C – SOLAR ENERGY SYSTEM ORDINANCE

- A. AUTHORITY AND PURPOSE.** This solar energy system ordinance is enacted in accordance with RSA 674:17(I)(j) and the purposes and the purposes outlined in RSA 672:1-III-a as amended. The purpose of this ordinance is to accommodate solar energy collection systems and distributed generation resources in appropriate locations, while protecting the public’s health, safety, and welfare.
- B. SOLAR ENERGY SYSTEM REQUIREMENTS.**
1. All systems.
 - a. All solar energy systems shall comply with New Hampshire Fire, NFPA, IBC, and NEC.
 - b. Inspections are required for all components of photovoltaic arrays and storage systems.
 - c. All solar energy system installations, ground or roof shall require building permit and electrical permit.
 - d. Solar energy systems are considered structures, and no portion of a system may cross into setbacks.
 - e. Applications for primary use solar energy systems shall require:
 - i. Major Site Plan approval
 - ii. Conditional Use Permit (CUP) pursuant to Article 29
 - iii. Compliance with the additional requirements for a CUP in section D below.
 2. Ground-mounted systems.
 - a. For all ground mounted systems, the Planning Board may require retention of existing vegetation to provide screening and/or buffers.
 - b. All accessory ground mounted solar energy systems must submit a plan or sketch and depicting the system’s location on the parcel in addition to their application for a Conditional Use Permit pursuant to Article 29.
- C. EXEMPTIONS.**
1. Municipal Systems: all solar energy systems for municipal use are exempt from land use regulations pursuant to NH RSA 674:54.
 2. Building Height: Roof mounted solar collection systems shall be exempt from building height limitations.
 3. Lot Coverage: ground mounted solar collection systems shall not be considered as part of the maximum required lot coverage limitations and shall not be considered impervious surface.
 4. The Town of Wakefield may allow the siting of privately owned or operated solar collection systems on governmentally owned land under a lease arrangement.

D. REQUIREMENTS FOR GRANTING A CONDITIONAL USE PERMIT (CUP) FOR SOLAR ENERGY SYSTEMS, PRIMARY USE.

The Planning Board shall consider the following criteria when deciding whether to grant a solar energy system conditional use permit for primary use solar energy system installation. The following are in addition to the criteria required of Article 29 of this zoning ordinance.

1. System Layout: The Planning Board reserves the right to require the following information specific to the solar energy system as part of their major site plan application:
 - a. The limits of any land clearing and/or grading required for the installation and operation of the solar energy system, as well as any erosion and sediment control measures to be installed during or after construction.
 - b. A landscape plan that includes the location of existing vegetation to be preserved; details on the location, dimensions, and composition of any visual buffers on site; and information on the proposed location, number, type and size (at planting and maturity) of any replacement or proposed vegetation and ground cover on the site.
2. Equipment Specification
 - a. All proposed equipment or specifications must be included with the application.
 - b. Such information can be supplied via manufacturer's specifications or through detailed description.
3. Emergency Response
 - a. Access to the site for emergency response shall be provided and detailed on the plan.
 - b. A narrative or manual shall be provided for the Town of Wakefield Fire Department detailing response guidance and disconnection locations necessary for fire response. Any additional safety procedures for specific equipment on site shall also be provided as needed to ensure adequate public safety.
 - c. Applicant will provide 24/7/365 day working phone number for emergency response and technical questions.
4. Electrical Requirements
 - a. All systems not connected to the grid shall be approved by the electrical inspector or the Building inspector, as required.
 - b. Grid tied systems shall file a copy of a final approved interconnection shall be filed with the municipality prior to the operation of the system.
5. Utility Interconnection: All on-site power and communication lines within the solar footprint of the ground-mounted solar energy system shall be buried underground, unless the owner/operator is able to demonstrate the presence of technical or physical constraints (e.g. shallow bedrock, watercourses, etc.) that may interfere with the ability to bury lines in certain areas.
6. Abandonment
 - a. Applicants shall submit an abandonment plan that includes the proposed approach to removal of the structures, site reclamation, and restoration of vegetative cover within 12 months of abandonment.
 - b. The Planning Board may require that the owner or operator post a bond, letter of credit, or establish an escrow account, including an inflationary escalator.

7. Conditions of Approval: The Planning Board may impose conditions on a solar energy system conditional use permit to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed use on adjoining properties, and to preserve the intent of the standards.

Amend Article 33 Definitions as follows:

ARTICLE 33 – DEFINITIONS

SOLAR ENERGY SYSTEM. Includes all equipment required to harvest solar energy to generate electricity. The Solar Energy System includes storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items. Solar Energy Systems include only equipment up to (but not including) the stage that connection is made to the utility grid or site service point.

SOLAR ENERGY SYSTEM, ACCESSORY USE. A solar energy system designed to supply electricity for the use of the parcel’s primary use and/or structure(s) with excess energy sold back to the grid through net metering.

SOLAR ENERGY SYSTEM, GROUND MOUNTED. SOLAR PANEL, FREE STANDING. A Configuration of solar panels in an array that does not meet the definition of “Solar Panel, Roof Mounted”, whether free standing or attached to a structure.

SOLAR ENERGY SYSTEM, PRIMARY USE. A utility scale solar energy system that is designed to provide energy primarily to offsite uses or for export to the wholesale market.

SOLAR ENERGY SYSTEM, SOLAR PANEL, ROOF MOUNTED. A configuration of solar panels in an array that is mounted to the roof of a structure parallel to the plane of the roof, not more than one foot above the roof, and not extending past the edge of the roof.