

DRAFT GILSUM SOLAR ORDINANCE

ARTICLE II – GENERAL PROVISIONS

S. Solar Energy Systems.

1. Purpose and Intent. The purpose and intent of this ordinance is to allow solar energy systems as a permitted accessory use for on-site uses, and to accommodate solar energy systems as a principal use in appropriate locations, while protecting the public’s health, safety and welfare.
2. Authorization. Pursuant to RSA 674:21, Solar Energy Systems are permitted in all zoning districts subject to the standards contained herein.
3. Permitting and Zoning
 - a. All Solar Energy Systems require approved building and electrical code permits prior to construction, and as specified in the Table of Permitted Use (see below).
 - b. For purposes of construction compliance, Solar Energy Systems are considered structures and must meet all applicable zoning requirements.
4. Procedure. Except for Accessory systems, applications for a Solar Energy System will be made to the Planning Board for Site Plan Review approval. If any waivers are to be requested, they must be submitted in writing on the Conditional Use Permit form and filed at the same time the application is filed.
5. Waivers. The Planning Board may waive or modify any part of this ordinance or impose reasonable conditions if it believes that the specific circumstances of the proposal justify such action and that the wavier aligns with the spirit and intent of this ordinance.
6. Table of Permitted Use

Table of Permitted Use by District				
Use	Village	Highway	Rural Residential	Industrial/ Commercial
Accessory	P	P	P	P
Community	NP	P/SPR	P/SPR	P/SPR
Commercial	NP	P/SPR	P/SPR	P/SPR
Utility	NP	P/SPR	P/SPR	P/SPR

P = Permitted without Site Plan Review
P/SPR = Permitted Subject to Site Plan Review Approval by the Planning Board.
NP = Not Permitted

7. General Standards for All Solar Energy Systems
 - a. All systems may be only of a roof- or ground-mounted type. Roof-mounted systems are subject only to building and electrical code permits.
 - b. A ground-mounted system may not exceed 20 feet in height.
 - c. For ground-mounted systems, the amount of lot coverage by a system will be evaluated on a case-by-case basis. The intent of this provision is that the lot area covered by a system avoids creating negative impacts.

- d. Reasonable attempts should be made to take glare and reflection into consideration so as not to negatively impact other properties.
- 8. General Standards for Community, Commercial, and Utility-Scale Solar Energy Systems.
 - a. The system may be located on the property for which it is supplying power, or on a separate lot.
 - b. Every facility shall have an entry point from an approved Class V or better right-of-way, unless prior approval for access has been granted by the Select Board.
 - c. Systems shall be setback a minimum of 75 feet from a Class V or better right-of-way and 100 feet from all abutting property lines.
 - d. A 25-foot buffer vegetated buffer shall be maintained from the edge of the property line inward.
 - e. If fencing is required by the utility, the fencing may be located within the setback.
 - g. Proposals for Community, Commercial, or Utility-Scale systems must include a plan for decommissioning in the event of abandonment or cessation of operations. The Planning Board reserves the right to require the posting of a bond for the removal of an unused facility.

Definitions: (If approved, these definitions will move to Article XIII.)

Solar Energy System – A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy.

- a) Accessory Solar Energy System - Any ground- or roof-mounted system intended primarily for residential or non-residential on-site power generation that does not generate more than 25 kilowatts of energy. These systems are not to be used for the sale of electricity to other users; however, this is not intended to prohibit the return of excess power to a utility company.
- b) Community Solar Energy System – A system owned by either the Town or a homeowner’s association that generates up to 100 kilowatts of energy. These systems are not to be used for the sale of electricity to other users; however, this is not intended to prohibit the return of excess power to a utility company.
- c) Commercial-Scale Solar Energy System – A system that is intended to provide electricity on -site for a commercial use that generates up to 1 megawatt of energy. These systems are not to be used for the sale of electricity to other users; however, this is not intended to prohibit the return of excess power to a utility company.
- d) Utility-Scale Solar Energy System – A system intended to generate power to sell to the open market and generates over 1 megawatt of electricity.