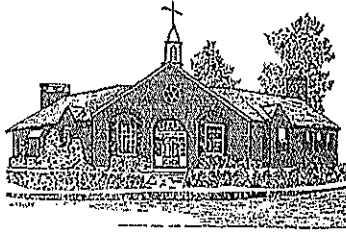


TOWN OF BURRILLVILLE

Office of Town Clerk
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TOWN BUILDING
HARRISVILLE, R.I.

Telephone: (401) 568-4300 ext. 133
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The Town Council of the Town of Burrillville hereby ordains as follows:

The Revised General Ordinances, Town of Burrillville, Rhode Island, 2004 as amended, Chapter 30 entitled Zoning, is hereby amended as follows:

Sec. 30-3. - Definitions.

Add:

Energy Storage Facility: Facilities that enable the storage of energy and the charging and discharging of power, with a storage capacity in excess of 80 kWh. Such facilities may include, but not be limited to, electrochemical storage batteries, battery chargers, controls, power conditioning systems, and associated electrical equipment designed to provide electrical power to a building or to a utility grid. The facility is typically used to provide standby or emergency power, an uninterruptable power supply, load shedding, load sharing or similar capabilities.

Sec. 30-71. - Zoning district uses.

TABLE I

Principal Use		F-5	F-2	R-40	R-20	R-12	OS	VC	GC	LI	GI
<i>Section 4. Public and semipublic use:</i>											
13.	Electric generating facility	N	N	N	N	N	N	N	N	N	N
17.	Solar energy systems:										
	<u>(a) Accessory solar energy systems</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
	<u>(b) Principal solar energy systems</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	SP	SP	SP	SP
<u>18.</u>	<u>Energy storage facility⁶</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>S</u>
	-(a) Small-scale	Y	Y	Y	Y	Y	N	Y	Y	N	Y
	-(b) Medium-scale	S	S	S	S	S	N	S	S	N	S

	-(c) Commercial-scale	N	N	N	N	N	N	S	S	N	S
	-(d) Large-scale	N	N	N	N	N	N	S	S	N	S
<i>Section 13. Accessory uses:</i>											
1.	Accessory use customarily incidental to a use permitted in the district and located on the same site	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2.	Any accessory use customarily incidental to a use permitted as a special exception in the district and located on the same site	S	S	S	S	S	S	S	S	S	S

¹ If acreage is five acres or more, the use is permitted (Y).

² Allowed by right if in conformance with section 30-158, standards.

³ Allowed by right if part of a shopping center or mall.

⁴ Subject to the provisions of 30-159, mixed use buildings.

⁵ New construction may be allowed if in conformance with major land development provision(s) per subsection 30-201(d), land development review, per review by the Burrillville Planning Board.

⁶Nothing herein shall preclude the Town of Burrillville from installing energy storage facilities on any town-owned or controlled property regardless of the zoning district. Likewise, regardless of the underlying zoning district, nothing herein shall preclude the Pascoag Utility District from installing energy storage facilities on any properties that were district-owned or controlled as of February 12, 2020.

Sec. 30-201. - Development plan review.

(c) *Applicability.* The following types of development shall be subject to planning board review in accordance with the Burrillville Subdivision and Land Development Regulations. Further, development plan(s) not involving subdivision shall demonstrate conformance with section 10-10 of the Burrillville Subdivision and Land Development Regulations, entitled "Development Plan Design Standards."

(10) Any principal solar energy system ~~which falls into the category of large, commercial or medium-scale, either roof or ground-mounted.~~

Sec. 30-211. —~~Roof and ground-mounted solar photovoltaic installations~~Solar Energy Systems.

Delete in its entirety and replace with:

(a) Purpose. The purpose of this section is to promote solar installations, whether roof- or ground-mounted or integrated into other structures such as canopies, by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on abutting properties, scenic, natural and historic resources, and are compatible with the general neighborhood in which they are located. Such installations shall also be in compliance with the Town of Burrillville's Comprehensive Plan, as well as any state and office of energy resources rules and regulations.

(b) Applicability. The provisions of this section shall apply to installation, construction, operation, and repair of any solar energy systems, regardless of type, and the decommissioning of all ground-mounted solar energy systems.

(c) Definitions:

(1) Abandonment means the solar energy system shall be considered abandoned when it either reaches the end of its useful life or is disconnected.

(2) Solar Energy System means all equipment, machinery and structures utilized in connection with the conversion of solar energy to electricity, to provide for heating, cooling, water heating or electricity generation. A solar energy system can be a principal or accessory use.

(3) Solar Energy System, Building-Integrated means a solar energy system that is constructed as an integral part of a principal or accessory building or structure and where the building integrated system features maintain a uniform profile or surface of vertical walls, window openings and roofing. Such a system is used in lieu of a separate mechanical device replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings, and roofing. A building-integrated system may occur within windows or skylights, into roofing systems such as shingles or roof paneling, or other building or structure envelope systems such as siding. Building-Integrated Solar Energy Systems shall be considered accessory solar energy systems.

(4) Solar Energy System, Building-Mounted means a solar energy system that has its electricity-generating solar panels attached to any part or type of roof on a building or structure that has an occupancy permit on file with the municipality and that is either the principal structure or an accessory structure on a recorded parcel. This system also includes any solar-based architectural elements and building-integrated systems. Building-Mounted Solar Energy Systems shall be considered accessory solar energy systems.

(5) Solar Energy System, Canopy. Means an elevated structure, built to cover a parking area, that hosts solar panels and provides shade. Solar canopies are separate and distinct from solar panels installed onto a carport structure. Solar canopies shall be considered accessory solar energy systems when used to cover any required off-street parking on a lot (per Sec. 30-156(a) Off-street parking). Any solar canopies that cover more than the minimum required off-street parking for a lot shall be considered principal solar energy systems.

(6) Solar Energy System, Ground-Mounted means a solar energy system that has its electricity-generating solar panels mounted on a structure, pole or series of poles constructed specifically to support the system and not attached to any other principal or accessory structure. Ground-Mounted Solar Energy Systems may be considered either principal or accessory solar energy systems per subsections (e)(3) and (f) below.

(d) Requirements for All Solar Energy Systems (Accessory and Principal).

(1) Compliance with laws, ordinances and regulations. The construction and operation of all solar energy systems shall be consistent with all applicable local, state and federal laws, ordinances, regulations and requirements, including but not limited to, all applicable safety, construction, electrical and communications requirements. All buildings and fixtures forming part of a solar energy system installation shall be constructed and maintained in accordance with the Rhode Island State Building Code.

(2) Building permit and building inspection. No solar energy system shall be constructed, installed or modified without first obtaining the appropriate permit from the Building Department and shall be subject to periodic inspections as deemed necessary by the building official.

(3) Glare. 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.

(e) Requirements for Accessory Solar Energy Systems.

An accessory solar energy system is permitted in all zoning districts as a matter of right, provided such system shall:

Meet all requirements for accessory structures in Sec. 30-111 Table of dimensional regulations and Sec. 30-112. (3) – Yard exceptions, as well as all applicable zoning requirements from other sections of this zoning ordinance, including but not limited to signage (Sec. 30-157), unless otherwise specified below. Accessory solar energy systems are not subject to subsection (f) Requirements for Principal Solar Energy Systems;

Roof-Mounted Solar Energy Systems: Place any roof-mounted components on code compliant structures only. On flat roofs, accessory solar energy systems shall be set back from the edge at least two feet;

Ground-Mounted Solar Energy Systems:

Place ground mounted components on an area of no more than 1,500 square feet in area on lots of less than one acre and no more than 2,500 square feet on lots of one acre or more, so long as the total area of any existing accessory structures and the accessory solar energy system does not exceed the 25% limit prescribed by Sec. 30-112. (3) – Yard exceptions.

Ground-mounted systems shall be no more than 10 feet above finished grade at their highest point.

(f) Requirements for Principal Solar Energy Systems.

A principal solar energy system is a land use on a lot for the commercial generation of power, and/or where a solar energy system, inclusive of all area within the required fencing for the system, is larger than the maximum allowed size for an accessory solar energy system, regardless of whether the solar energy system is an accessory or principal use. No principal solar energy system shall exceed 50% of the area of the lot on which it is located. Further, no more than 20% of the existing tree and vegetation cover of a lot may be cut without approval of the Planning Board. Such approval shall be at the discretion of the board based upon consideration of: increased buffer to neighbors, replanting of trees in other areas on site or in town, creation of a tree bank either on site or elsewhere in town, or any other planning board approved offset to the additional tree clearing.

(1) Planning board review. Principal solar energy systems must be reviewed by the Burrillville Planning Board in accordance with section 30-201, development plan review.

(2) Location. Principal solar energy systems are allowed, by special use permit in the Village Commercial (VC), General Commercial (GC), Limited Industrial (LI) and General Industrial (GI) zoning districts as outlined in section 30-71, zoning district uses.

(3) Insurance. Comprehensive general liability coverage in the minimum amount of \$500,000.00 for bodily or personal injury and \$100,000.00 for property damage.

(4) Fees and surety. All applicable fees including, but not limited to, planning and zoning board review fees, as well as all surety bonds required in subsection (g)(8) to cover the cost of removal, shall be paid by the owner, or operator, prior to the issuance of any building permits. Surety bonds must be renewable every 5 years after a cost evaluation has been conducted. The owner or operator of a solar energy system shall notify the building official by certified mail return receipt requested of the date of discontinued operations and plans for removal. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. In no event shall the amount exceed 125% of the cost of removal and compliance with any other requirements set forth herein.

(5) Plans and surveys. All plans related to design, construction, installation or modification of a solar energy system shall be prepared, signed and stamped by either a professional engineer, surveyor (for

property line information), or landscape architect (for landscape information) licensed to practice in the State of Rhode Island.

(6) Maintenance. 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, and integrity of security measures. 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.

(g) Standards for Approval of Principal Solar Energy Systems.

(1) Planning board approval. All principal solar energy systems require planning board approval in accordance with section 30-201, development plan review.

(2) Access and safety. The solar energy system has adequate and permanent access from a town-accepted roadway or state highway. Reasonable accessibility for emergency service vehicles shall be required, and a means of shutting down the solar energy system connection to any utility provider interconnection shall be clearly and sufficiently marked. The applicant shall provide documentation that a public safety preparedness and response plan, detailing the standards, procedures, and communication protocol to be utilized at the facility and in the event of an emergency has been provided to the Town's Emergency Management Agency Director, and documentation indicating that the plan has been distributed to all fire districts.

(3) Lot coverage. All principal solar energy systems shall cover no greater than 50 percent of the net buildable area of a lot on which it is located, inclusive of all area within the required fencing for the system, or no greater than twenty (20) acres, whichever is less.

(4) Setbacks. All principal solar energy systems shall meet minimum front, side and rear yard setback and buffer requirements in the applicable zoning district.

(5) Height. The maximum height of principal ground-mounted solar energy systems shall not exceed ten feet unless the Planning Board finds that there is significant need and/or benefit of allowing an increased height. The height shall be measured from the ground level or the base of the system's pedestal to the highest point of the solar energy system, including the top of any support structure.

(6) Screening. A vegetated buffer, consisting of plantings and, where relevant, earthen berms, designed to screen the installation but not impede its solar energy capture efficiency, shall be planted/installed and maintained surrounding the perimeter of the security fence at a height of 1.5 times the height of the system when the plantings reach their full expected height, and at a minimum depth of ten (10) feet. The Planning Board may also consider how the topography of the site may be used to achieve this objective.

(7) Security. A fence, of at least six feet in height, shall surround the perimeter of the installation, and be secured from unauthorized entry.

(8) Land clearing. 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 20% of the existing tree and vegetation cover.

(9) Mechanical Equipment. All mechanical equipment associated with 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 located and enclosed within structures/fencing to prevent unauthorized access.

(10) Ground Cover. Pollinator plants/flowers are the preferred treatment versus grass, gravel, crushed stone or the like. However, each application shall be assessed during the development plan review process to determine the most appropriate ground cover.

(11) Utility Connections. No site plan for the installation of a principal solar energy facility shall be approved until evidence has been given that the electric utility company that operates the electrical grid where the facility is to be located has been informed of the customer's intent to install an interconnected customer-owned facility, and copies of site plans showing the proposed location have been submitted to the utility for review.

(12) Signage. No signs are allowed on the security perimeter fencing except for a sign displaying the installation name, address and emergency contact information, and trespassing/warning/ danger signs to ensure the safety of individuals who may come in contact with the installation. No sign shall exceed four square feet in area.

(13) Lighting. Lighting of solar energy facilities and appurtenant structures shall be limited to that required for safety and operational purposes.

(14) Combining or subdividing of lots. The provisions of this Article shall apply to all legal lots in the Town of Burrillville in existence as of the date of approval of this Article. The provisions of this subsection shall continue to apply to any lots that are subsequently combined or subdivided. No combining of or subdividing of existing lots at the time of the approval of this article shall permit the expansion of these provisions to the new lots.

(h) Required documents for principal solar energy systems. Pursuant to G.L. 1956, § 45-23-38, the planning board shall review all principal solar energy system plans as minor or major land developments in accordance with section 30-201, Development Plan Review. The applicant shall provide the following documents (which are generally the same as what is required by the land development review regulations of the planning board), provided that the planning board may, at its discretion, waive any document requirement as it deems appropriate upon written requests of the applicant.

(1) Class I survey site plan showing:

a. Property lines and all physical features for the project site;

b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting and screening vegetation or structures.

(2) Blueprints or drawings of the solar energy system showing the proposed layout of the system and any potential shading from nearby structures or vegetation.

(3) One- or three-line electrical diagrams detailing the solar energy system, associated components and electrical interconnection methods, with all current state electrical code compliant disconnects and over current devices.

(4) Documentation of the major system components to be used, including the photovoltaic panels, mounting system and inverter.

(5) Name, address and contact information for proposed system installer, landowner, applicant, agents and/or attorneys representing the project.

(6) An operation and maintenance plan, including provisions for emergency shutdown and for maintaining contact information for a responsible party for the public and agents of the Town to contact with inquiries or concerns throughout the useful life of the system. Such plan shall also provide detailed information regarding any chemicals, solvents or other compounds used to clean or otherwise maintain the solar panels and provide information on their storage, disposal and handling.

(7) Proof of liability insurance by a carrier licensed in Rhode Island. The certificate shall provide that the insurance shall not be modified or cancelled unless 30 days prior notice is given to the Town of Burrillville and that the Town of Burrillville is named as an additional insured.

(8) Description of financial surety that satisfies the requirements of subsection (e)(5).

(9) Decommission plan for any ground-mounted systems.

(i) Utility notification. No installation of a principal solar energy facility shall commence, and no interconnection shall take place until an Interconnection Agreement pursuant to applicable tariff and consistent with the requirements for other generation has been executed with the utility. Off-grid facilities shall be exempt from this requirement, unless they are proposed to be located within setback distance from the sideline of an existing utility right of way.

(i) Abandonment/decommissioning.

(1) Abandonment. When a solar energy system has been determined to be abandoned, the Zoning Official shall issue a notice, sent by certified mail, to the current owner of the property, to remove the solar energy system within 90 days from the date of the notice.

(2) Decommissioning. Any ground-mounted solar energy system which has reached the end of its useful life shall be removed within 180 days from the date of discontinued operations and the owner shall send notice to the town clerk, town planner and utility company, by certified mail, of the proposed date that the site will be remediated. Decommissioning shall consist of:

- Physical removal of all solar energy system structures, equipment, security barriers and transmission lines from the site. The utility company the system is interconnected to must be contacted within 90 days of system de-energization to remove the transmission lines from the site.

- Disposal of all solid and hazardous waste in accordance with all federal, state and local laws, regulations and ordinances.

- Stabilization or revegetation of the site as necessary to minimize erosion and in compliance with all state and local laws, regulations and ordinances and shall be approved by the Burrillville Zoning Official or his/her designee.

(3) Failure to remove. If the owner and operator fail to remove the solar energy system in accordance with the provisions of this section, the Town of Burrillville may enter the property and physically remove the solar energy system. The cost of such removal shall be the responsibility of the owner and operator of the solar energy system and the town will have all rights associated in compliance with the decommissioning agreement, including the recording of a municipal lien against the landowner in the town's land evidence records for all costs associated therewith.

(i) Exemptions. Nothing herein shall preclude the Town of Burrillville from installing ground-mounted or other solar energy systems on any town-owned or controlled property regardless of the zoning district.

Article. 30-212 Electric Generating Facility Management Overlay Zone

(a) Establishment of the Electric Generating Facility Management Overlay Zone.

(1) Purpose. This overlay zone is established to work in conjunction with underlying zoning districts to implement land use development policies contained in the Burrillville Comprehensive Plan. This overlay zone is a set of requirements which are superimposed over the existing electric generating facility as shown on the Town's approved Zoning Map as the designated Electric Generating Facility Management Overlay Zone. This overlay zone establishes reasonable standards in accordance with the following purpose and intent:

- Acknowledge the existing, large scale energy generating uses active within the overlay, and establish reasonable standards for their alteration and enlargement within the overlay.
- Provide the Town with a means of ensuring that the impacts of these uses on surrounding neighborhoods are minimized, and that conditions related to pollution, noise, odor, traffic, and other nuisances are improved over time.

- Ensure that these uses are contained within the overlay zone, and not allowed to expand beyond it.

(2) Applicability. The Electric Generating Facility Management provisions and standards supplement those of the applicable underlying zone and other applicable overlay zones. Where the Electric Generating Facility Management and base zone provisions conflict, the overlay zone provisions shall control. The overlay zone applies to the properties: East of Sherman Farm Road, West of Douglas Pike, North of West Iron Stone Road all within the Town of Burrillville (currently including: AP 007/002; 024/016; 024/002; 024/003; 024/004; 024/020; 024/005; 025/003; 007/003; 008/001; 025/001; 025/002; 025/004; 025/005; 025/006; 025/007; 025/008; 025/009; 008/002; 024/001).

(3) Review procedure. All new development, alteration or enlargement of electric generating facilities within the overlay district shall be subject to special use permit procedures as specified in Article. 30-34. - Zoning board of review, (e) Special Use Permit.

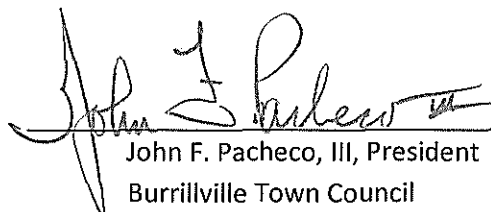
(b) Allowed uses and special permit criteria.

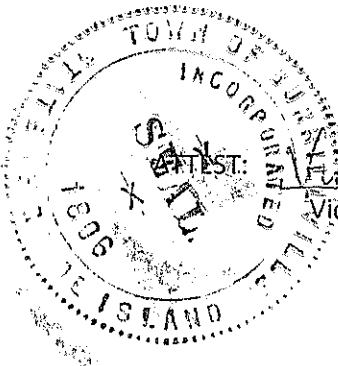
(1) Allowed uses. Electric generating facilities are allowed uses in this overlay zone only with the approval of a Special Use Permit and the following criteria. All uses allowed within the underlying zoning district are also allowed per Article. 30-71. – Table 1: Zoning district uses. Electric generating facilities are not allowed in any base zoning district.

(2) Special Permit criteria. The Zoning Board of Review may approve an application for the establishment, alteration or enlargement of an electric generating facility only where it has determined that the following criteria have been met:

- Any change to the use or property does not result in an intensification of an existing nuisance for the surrounding neighborhood, whether related to pollution, noise, odor, traffic, or other nuisances; and
- Where a new component is proposed for the electric generating facility (such as a "peaker" power plant, energy storage facility, etc.), mitigating changes to the existing uses will be required to improve conditions, whether related to pollution, noise, odor, traffic, or other conditions, that could negatively impact the environment or surrounding communities.

Adopted this 12th day of February 2020


John F. Pacheco, III, President
Burrillville Town Council




Vicki T. Martin, Town Clerk