

Proposed Zoning for the Regulation of Solar Energy Systems

New London, NH

JANUARY 2019

- A. Purpose: Where a solar Energy system is sited is an important consideration. Placing systems in locations that result in loss of land and natural resources (such as forested land) is strongly discouraged. It is preferable to locate systems on disturbed land, nonproductive farmland and/or rooftops.
- B. Procedure for Review: Installations of Solar Energy Systems shall be in accordance with the provisions of this section and all applicable sections of the Zoning Ordinance. Installations requiring Site Plan Review shall conform to the following:
 - 1. All requirements of Article IV — Procedure for Site Plan Review of the New London Site Plan Review Regulations in addition to the following:
 - i. Documentation of the major system components to be used (such as panels) and their layout on the site with dimensions to structures and setbacks.
 - ii. Indication of any land-clearing required, if applicable.
 - iii. Efforts used to reduce visual impact such as screening, preservation of natural vegetation, or other measures.
- C. Definitions:
 - 1. Solar Energy System: A device and/or structure the purpose of which is to collect, convert and/or store, and/or distribute solar energy for power, heating and/or cooling, and/or water heating.
 - 2. Solar Energy System, Roof-Mounted: An Active Solar Energy System that is structurally mounted to the roof of a building or structure.
 - 3. Solar Energy System, Ground-Mounted: An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted.
 - 4. Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic (PV) system in watts of Direct Current (DC).
 - 5. Solar Energy System, Large-Scale: An Active Solar Energy System that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).
 - 6. Solar Energy System, Medium-Scale: An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10–250kW DC).
 - 7. Solar Energy System, Small-Scale: An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).
- D. Solar Energy Systems Shall Conform to the Following:
 - 1. Use — Installations shall be permitted according to the following table:

Use Table for Solar Energy Systems:

	Urban Residential (R1)	Residential (R2)	Agricultural Rural Residential (ARR)	Commercial (C)	Hospital (H)	Institutional/ Institutional Recreational (I & I/R)	Forest Conservation (FOR)
Roof-Mounted System	Y	Y	Y	Y	Y	Y	Y
Small-Scale Ground-Mounted	Y	Y	Y	Y	Y	Y	Y
Medium-Scale Ground-Mounted	N	CUP	CUP	N	SPR	SPR	SPR
Large-Scale Ground-Mounted	N	N	SPR	N	SPR	SPR	SPR

Y = Allowed; **N** = Prohibited; **CUP** = Conditional Use Permit; **SPR** = Requires Site Plan Review

2. Ground-Mounted Solar Energy Systems are not permitted within the Forest Conservation district.
3. Setbacks — Installations shall conform to the setbacks of the following table:

Setback Table for Ground-Mounted Systems:

	Urban Residential (R1) & Institutional Theater	Residential (R2)	Agricultural Rural Residential (ARR)	Commercial (C)	Hospital (H)	Institutional/ Institutional Recreational (I & I/R)	Forest Conservation (FOR)
Front Setback	Prohibited	50 ft.	50 ft.	Prohibited	50 ft.	50 ft.	50 ft.
Rear Setback	15 ft.	15 ft.	25 ft.	10 ft.	25 ft.	25 ft.	50 ft.
Side Setback	15 ft.	25 ft.	25 ft.	10 ft.	25 ft.	25 ft.	50 ft.
Corner Lot Setback*	25 ft.	25 ft.	25 ft.	30 ft.	25 ft.	25 ft.	50 ft.
Lake Setback	NA	250 ft.	250 ft.	NA	NA	NA	NA

NA = Not Applicable/Prohibited; *Corner Lot Setback measured from edge of ROW

4. All solar or photovoltaic systems shall have a disconnect next to the public utility meter and shall meet all applicable codes. This disconnect shall be clearly labeled as follows, "PV System Discontent." The label will be red with white lettering so as to be visible to emergency-response personnel.
 5. Height — shall conform to Article II Section 5 — Height, of the New London Zoning Ordinance. Roof-mounted systems shall be no higher than the tallest portion of the roof.
 6. Ground-Mounted Systems shall be included in calculations for lot coverage and/or impervious area.
- E. Abandonment or Decommissioning:
1. Abandonment shall be considered failure to operate for a 12-month period. At such time that a Solar Energy System is scheduled to be abandoned or discontinued, the applicant will notify the Planning Board by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.
 2. Upon abandonment, decommissioning or discontinuation of use, the owner shall physically remove the Solar Energy System within 90 days from the date of abandonment, decommissioning or discontinuation of use. This period may be

extended at the request of the owner and at the discretion of the Planning Board. "Physically remove" shall include, but not be limited to:

- i. Removal of the Solar Energy System and related above-grade structures.
 - ii. Restoration of the location of the Solar Energy System to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.
 3. In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out of service for a continuous 12-month period. After the 12 months of inoperability, the Planning Board may issue a Notice of Abandonment to the owner of the Solar Energy System. The owner shall have the right to respond to the Notice of Abandonment within 30 days from the date of receipt. After review of the information provided by the owner, the Planning Board shall determine whether the Solar Energy System has been abandoned. If it is determined that the Solar Energy System has not been abandoned, the Planning Board shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.
 4. If the owner fails to respond to the Notice of Abandonment or if, after review by the Planning Board, it is determined that the Solar Energy System has been abandoned or discontinued, the owner of the Solar Energy System shall remove the system at the owner's sole expense within 90 days of receipt of the Notice of Abandonment. If the owner fails to physically remove the Solar Energy System after the Notice of Abandonment procedure, the Planning Board may pursue legal action to have the system removed at the owner's expense.
- F. Violation: It is unlawful for any person to construct, install, or operate a Solar Energy System that is not in compliance with this ordinance. Solar Energy Systems installed prior to the adoption of this ordinance are exempt from this ordinance except when changes to the layout and expansion of the foot print are proposed to the Solar Energy System.
- G. Penalties: Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by NH Revised Statutes.
- H. All solar systems must meet all applicable state and local codes.