



# TOWN OF NORWELL

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NORWELL, MASSACHUSETTS 02061

OFFICE OF  
TOWN CLERK  
(781) 659-8072

**May 24, 2023**

I, Patricia M. Anderson, Norwell Town Clerk, hereby certify that the Annual Town Meeting held on Monday, May 8, 2023 called by a warrant under the hands of the Select Board, duly posted and executed according to the Bylaws of the Town of Norwell, by a duly appointed and qualified Constable of the Town, the following action was taken:

## **ARTICLE NO. 45 TWO THIRDS (2/3<sup>rd</sup>) MAJORITY VOTE REQUIRED**

A motion was made by Brian Greenberg, Planning Board Member, it was seconded and Christopher Lucas, 128 Parker St., then moved that Article 45 be amended and the amendment PASSED to change the text within (g) Mitigation for Loss of Forest Habitat within the Installation, #2 last bullet, from, a wildflower meadow shall not be mowed more than one time per year, preferably in September to ensure no animals or creatures are using it as habit.

TO: A wildflower meadow shall not be mowed more than one time per year, preferably the end of October to early November.

The Moderator returned to the main motion it PASSED BY A TWO THIRDS 2/3rds MAJORITY VOTE that the Town amend the Norwell Town Code, Division 3: Zoning Bylaw, relative to changes in the Solar Photovoltaic Overlay District, as set forth in Article 45 of the May 8, 2023, Annual Town Meeting Warrant and as amended.

ATTEST:

*Patricia M. Anderson*  
Patricia M. Anderson, CMC/CMMC  
*Norwell Town Clerk*

Requested by the Planning Board

**The Advisory Board unanimously recommends this article.**

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**ARTICLE 45: Solar Article**

To see if the Town will vote to revise the Norwell Town Code, Division 3, Zoning Bylaw, Chapter 201 Zoning, Part 1, Article 1, Purpose, Authority and Definitions and Part 4, Article 22, Solar Photovoltaic Overlay District (SPOD) as follows:

- 1. Amend Article 1, Purpose, Authority and Definitions, by deleting the term GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS and all subparts A to C in their entirety; and,**
- 2. Amend Article 22, Solar Photovoltaic Overlay District (SPOD), by deleting same and substituting therefore the following:**

**Article 22 Solar Energy System Installations**

**§201-22.1 Purposes.**

The purposes of this bylaw shall be to promote and reasonably regulate the installation of Solar Energy Systems as defined herein and as required under GL c.40A, §3, ¶9 and to authorize such installations:

- (a) by providing standards for the approval, placement, design, construction, operation, monitoring, modification, replacement and removal of such installations to protect the public health, safety, welfare, including the protection and preservation of Town infrastructure, to provide for public safety and to mitigate impacts upon environmental and scenic resources.
- (b) by requiring adequate surety to secure the eventual decommission of such installations; and
- (c) by protecting large, continuous blocks of vegetated and forested land because protecting large, contiguous tracts provides many ecological benefits, including improved water and air quality, carbon sequestration, stormwater storage, provision and preservation of wildlife habitat, reduction in the movement of invasive species and support for greater biodiversity and provides for many recreational opportunities for residents.

The Town seeks to incentivize the installation of Solar Energy Systems within already developed sites and on lands with lesser environmental values (e.g., existing parking lots and other impervious areas and roofs) and to prohibit installation of Solar Energy Systems within jurisdictional wetlands in accordance with Policy 17-1 as issued by the Massachusetts Department of the Department of Environmental Protection.

**§201-22.2. Definitions.**

For purposes of this Article, the following terms shall have the following meanings:

**FOREST LAND**

A dense growth of trees and shrubs covering an area of one acre or more.

**GROUND-MOUNTED SOLAR ELECTRIC SYSTEM**

A Solar Electric System that is affixed to the ground (not roof-mounted) and all appurtenant fencing, access ways, drainage infrastructure, electronics, shade management areas and all required buffer areas for installation and operation of such a System.

- **SMALL-SCALE GROUND-MOUNTED SOLAR ELECTRIC SYSTEM INSTALLATION**  
Installation of a Ground-Mounted Solar Electric System which occupies less than one acre of upland and contains solar modules of 500 square feet or less (calculation shall be based on combined square footage of all ground-mounted modules located on contiguous land).
- **MEDIUM-SCALE GROUND-MOUNTED SOLAR ELECTRIC INSTALLATION**  
Installation of a Ground-Mounted Solar Electric System which occupies less than one acre of upland and contains solar modules of greater than 500 square feet but less than 43,560 square feet (calculation is based on combined square footage of all ground-mounted modules located on contiguous land).
- **LARGE-SCALE GROUND-MOUNTED SOLAR ELECTRIC INSTALLATION**  
Installation of a Ground-Mounted Solar Electric System which occupies one acre or greater of upland and contains solar modules of 43,560 square feet or greater (calculation is based on combined square footage of all ground-mounted modules located on a contiguous land).

**SOLAR ELECTRIC SYSTEM:** A group of Solar Photovoltaic Arrays used for electrical power generation.

**SOLAR ENERGY:** Radiant energy received from the sun that is collected in the form of heat or light by a solar collector.

**SOLAR ROOF-MOUNTED INSTALLATION:** A Solar Electric System consisting of solar panels installed on the roof of a dwelling or other building as an accessory portion of the dwelling or other building and all related equipment which is necessary for and incidental to the system.

**SOLAR PARKING CANOPY:** An elevated Solar Electric System that hosts solar panels installed over parking lots or other hardscaped areas and which is accessory to a use or uses located on the same lot as the canopy.

**SOLAR PHOTOVOLTAIC ARRAY:** An active Solar Energy collection system that converts solar energy directly into electricity whose primary purpose is to harvest energy by transferring solar emergency into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

### §201-22.3 Use regulations.

#### A. Solar Roof-Mounted Installation.

A Solar Roof-Mounted Installation shall be allowed by right in all zoning districts on any residential dwelling and shall be allowed as of right on any non-residential building that conforms to all dimensional requirements in the district where the land is located.

#### B. Solar Parking Canopy.

A Solar Parking Canopy shall be allowed as of right in all C Districts and shall be allowed as of right following site plan review and approval by the Zoning Board of Appeals in

all B Districts and shall be allowed upon issuance of a special permit by the Zoning Board of Appeals in all other districts as provided for in this Article.

**C. Small-Scale Ground-Mounted Solar Electric Installation.**

A Small-Scale Ground-Mounted Solar Electric Installation shall be allowed as of right in all B and C Districts following site plan review and approval by the Zoning Board of Appeals and shall be allowed in all other zoning districts upon issuance of a special permit from the Zoning Board of Appeals as provided for in this Article. No such installation shall be allowed in a wetland area.

**D. Medium-Scale Ground Mounted Solar Electric Installation.**

A Medium-Scale Ground Mounted Solar Electric Installation shall be allowed as of right in all C Districts following site plan review and approval by the Zoning Board of Appeals and allowed in all B Districts as of right following site plan approval by the Zoning Board of Appeals and shall be allowed in all remaining districts upon issuance of a special permit from the Zoning Board of Appeals as provided for in this Article. No such installation shall be allowed in a wetland area.

**E. Large-Scale Ground Mounted Solar Electric Installation.**

A Large-Scale Ground Mounted Solar Electric Installation shall be allowed as of right in all C Districts upon obtaining site plan approval from the Zoning Board of Appeals and shall be allowed in all other districts upon issuance of a special permit from the Zoning Board of Appeals as provided for in this article. No such installation shall be allowed in a wetland area.

**§201-22.4 General requirements.**

The following requirements shall apply to Solar Electric Installations:

**A. Compliance with laws, ordinances, and regulations.**

All Solar Electric Installations shall be constructed and operated in compliance with all local, state, and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a Solar Electric Installation shall be constructed in accordance with the current Massachusetts State Building Code.

**B. Building permit and building inspection.**

All Solar Electric Installations shall obtain all necessary construction permits and inspections prior to and during construction, installation, modification, or removal.

**C. Site plan review.**

(1) A ground-mounted solar installation shall obtain site plan review approval under § **201-3.4** prior to construction, installation, modification or removal as provided in this Article.

(2) The Board of Appeals may waive documentary requirements as it deems appropriate.

(3) Required documents. Pursuant to the site plan review process, the project proponent shall provide the following documents:

(a) A site plan showing:

(i) Existing Conditions for the Project Site, including:

- Property lines

- Physical features, including elevations, using ten-foot contours,
- Location of Wetlands and Priority Habitat Areas as defined by the Natural Heritage & Engaged Species Program (NHESP).
- Trails and hiking paths;
- Cart paths and roads;
- Buildings and structures on the Site;
- Buildings and structures within 200 feet of the Site (with setback distances shown);
- Fencing; and
- Drainage infrastructure.
- Locations of all known, mapped or suspected Native American archaeological sites or sites of Native American ceremonial activity. Identification of such sites shall be based on responses, if any, to written inquiries with a requirement to respond within 35 days, to the following parties: all federally or state recognized Tribal Historic Preservation Officers with any cultural or land affiliation to the Norwell area; the Massachusetts State Historical Preservation Officer; tribes or associations of tribes not recognized by the federal or state government with any cultural or land affiliation to the Norwell area; and the Norwell Historical Commission. Such inquiries shall serve as a notice to the aforesaid parties and shall contain a plan of the project, specific identification of the location of the project, and a statement that an application for permitting for the project is forthcoming. Accompanying the site plan shall be a report documenting such inquiries, the responses from the parties, a description of the location and characteristics, including photographs, of any Native American sites and the outcomes of any additional inquiries made based on information obtained from recommendations made by the aforesaid parties. A failure of parties to respond within 35 days shall allow the applicant to submit the site plans.

(ii) Proposed changes, including grading, vegetation clearing, planting, exterior lighting, fencing, screening vegetation, solar arrays and related equipment, cabinets wiring and structures and access way(s);

(iii) Blueprints. Blueprints or drawings of the solar electric installation signed by a registered professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;

(iv) Electrical line diagram detailing the solar electric installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices

(v) Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;

(vi) Name, address, and contact information for proposed solar installation system installer;

(vii) Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any; an

(viii) The name, contact information and signature of any agents representing the project proponent.

(ix) A list of any listed hazardous or known carcinogenic materials proposed to be located on the



site in excess of household quantities and a plan to prevent their release to the environment as appropriate.

ix. A certificate for the Solar Project from the UMass Clean Energy Extension Pollinator-Friendly Certification Program (or equivalent program) at a minimum Silver Certification Level or an equivalent certification as determined by the Site Plan Approval Authority. This Certification shall be maintained so long as the Solar Project installation elements are in place.

(b) Documentation of actual or prospective access and control of the project site (deeds, purchase and sale agreements, long-term ground leases, etc.);

(c) An operation and maintenance plan (see also Subsection **D**);

The O&M Plan shall include measures for maintaining safe access to the installation, stormwater management (consistent with all Department of Environmental Protection Stormwater Standards and with all Town stormwater bylaws, regulations, and rules, as well as general procedures for operational maintenance of the installation).

(d) Proof of liability insurance; Evidence of satisfactory liability insurance shall be provided to the Building Official and the Board of Appeals before any building permit issues or any construction begins and annual evidence of such liability insurance shall be provided as a condition of any permit granted to allow the installation and it shall continue in force and effect until the installation has been satisfactorily decommissioned, removed and the site restored as required.

(e) Description of financial surety that satisfies §201-22.8; and

The surety shall be in a form and in an amount that are acceptable to the Board of Appeals, at the Board's sole discretion, and with no letters of credit allowed and with no surety bond to be accepted that has a termination date and the amount of the surety to be up to 125% of the estimated cost to the Town to effect removal of the installation and restoration of the site. The proponent shall provide the Board with an estimate of the costs associated with removal and restoration as prepared by appropriate consultants and then peer reviewed for the Board at the proponent's expense. The amount of the surety shall include increased removal and restoration costs due to anticipated inflation. And, if inflationary costs rise unexpectedly, the Board may require the proponent to post additional surety in as a condition of the permit that allows the installation.

(f) Any other information requested by the Planning Board and/or Board of Appeals during the review process.

#### **D. Operation and maintenance plan.**

All solar electric installation proponent shall submit a plan for the operation and maintenance of the solar installation, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.

#### **E. Utility notification.**

All solar electric system installation proponents shall provide evidence that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar electric installation owner's or operator's intention to install an interconnected customer-owned

generator. No construction of a Ground-Mounted Solar Electric Installation shall begin, and no building permit shall issue until evidence is provided to the Building Official and the Board of Appeals that the utility company that operates the electrical grid where the installation is to be located has approved the connection of the proposed generator into the power grid. Off-grid systems shall be exempt from this requirement.

**F. Payment in lieu of taxes (PILOT).**

All ground-mounted solar photovoltaic installation proponents may execute a PILOT agreement with the Select Board prior to construction of the installation.

**G. Mitigation for Loss of Forest Habitat within the Installation.**

1. Forest Disturbance Limit.

A Ground-Mounted Solar Electric Installation shall not disturb in excess of 30 total acres of Forest Habitat.

2. Mitigation for Loss of Forest Habitat within the Installation.

If Forestland is proposed to be converted to a Ground-Mounted Solar Electric Installation, the plans shall provide for mitigation measures that include the following:

- The solar field shall be built around and conform with the natural contours of the land;
- Native vegetation under the arrays shall be retained;
- Areas with sensitive or endangered plants shall be avoided;
- A wildflower meadow habitat shall be created within and immediately around the Solar Electric System. This habitat shall contain a wide variety of plants that bloom from early spring into late fall and that are planted in clumps rather than single plants (to help pollinators find them) and that are native plants that are adapted to local climate, soil and native pollinators.
- At least 50% of the array footprint and perimeter shall be planted with the wildflower meadow plants.
- Plans for pollinator-friendly vegetation establishment and maintenance shall be designed by a professional biologist or ecologist with relevant experience and expertise in pollinator habitat creation, grassland habitat restoration and/or knowledge of New England plant communities.
- A wildflower meadow shall not be mowed more than one time per year, preferably in September to ensure no animals or creatures are using it as habitat.

3. Mitigation for Disruption of Trail Networks.

If existing trail networks, old roads, wood roads or cart paths are disrupted by the location of a Ground-Mounted Solar Electric Installation, the project and plans shall provide for suitable new, alternative trail alignments - but with no new rights of public access to be required.

4. All plans and maps shall be prepared, stamped, and signed by a Professional Civil Engineer, licensed to practice in the Commonwealth of Massachusetts and all survey information shall

be prepared, stamped and signed by a Professional Surveyor licensed to practice in the Commonwealth of Massachusetts.

5. Vehicular access, unless temporary, to a Medium-Scale Ground-Mounted and/or a Large-Scale Solar Electric Ground-Mounted Installation shall be from a paved way or ways.
6. A Large-Scale Ground-Mounted Solar Electric Installation in a residential district shall have the minimum required frontage on a way that is required in the underlying residential district. The access way to a solar field in a residential district shall be designed to eliminate any view of the field from an adjacent way.
7. A special permit required for a Solar Electric Installation may be conditioned to effectuate and made enforceable the requirements of this Article.

**§201-22.5 Dimensional requirements.**

The following dimensional requirements for solar electric installations and their accessory structures and elements shall supersede the dimensional requirements in the Zoning Bylaw. Requirements not superseded in this section still apply.

**A. Setbacks.** There shall be no construction or installation of any medium or large-scale ground-mounted solar electric system within the following required property boundary setbacks:

	<b>Residence A and B</b>	<b>Business B<sup>1</sup></b>	<b>Business C<sup>1</sup></b>
Front yard	500 feet	100 feet	100 feet
Side yard	200 feet	100 feet	50 feet
Rear yard	200 feet	100 feet	50 feet
<sup>1</sup>	Where a property within a Business District B or C abuts a residential property, a minimum setback of the installation of 500 feet from the residential property line shall be required.		
Max Height of Solar Device	15 feet	25 feet	25 feet

**B. Vegetation buffers and screening.**

(1) Clearing of natural vegetation shall be limited to what is necessary for the proper construction, operation, and maintenance of the facility. Use of previously disturbed land is encouraged in siting of all such installations.

(2) In residential districts, land within the required setback areas shall not be disturbed other than for what is strictly necessary to access the facility and for any installed vegetation or fencing for additional screening purposes.

(3) All installations shall be screened from all public and private ways and any surrounding residence(s) with existing natural vegetation, or, in the case where such natural vegetation is not fully satisfactory for screening the installation, a dense vegetated buffer shall be installed and maintained together with any fencing that is determined to be necessary by the Zoning Board of



Appeals. At a minimum, the screening shall be same height as the height of the highest device, at the time of installation.

**C. Height.**

- (1) No ground-mounted solar device or accessory structure shall exceed 15 feet in height as measured from the ground directly to the highest point of the installation
- (2) Existing grade shall not be increased anywhere on the site by more than five feet through excavation or with fill materials, except to allow additional berms in the discretion of the Zoning Board of Appeals for the purpose of providing additional screening.
- (3) The Zoning Board of Appeals may waive the foregoing height and grade requirements in a non-residential district if the applicant demonstrates a necessity to exceed 15 feet in height or to change the existing grade, but under no circumstances shall heights exceed 25 feet or changes in grade exceed ten feet or, when combined, exceed a total of 25 feet.
- (4) All wiring to serve a solar electric installation located in a residential district (other than a roof-mounted installation) shall be underground on the property where the installation is located.

**D. Exemptions.**

As-of-right solar electric installations shall not be subject to § 201-9.2, Lot area, § 201-9.5, Lot shape, § 201-9.3, and Lot frontage and width bylaw requirements.

**E. Minimum Area Required in Residential Districts.**

Any and all Ground-Mounted Solar Electric Installations in any residential district shall be subject to the following additional minimum area requirements in order to provide for appropriate screening so as to promote solar energy but also to protect property values of abutters and to protect abutters from views of the installations and to protect views of the installations from public and private ways:

- Small-Ground Mounted installations shall have a minimum lot area of 1.0 acre of upland. No portion of such any such installation may be sited in a wetland area. Wiring and cables shall not be connected to utility poles and all wiring or cables shall be located underground.
- Medium-Ground Mounted installations shall have a minimum lot area of 4 acres of upland. No portion of such an installation may be sited in a wetland area. Wiring and cables shall not be connected to utility poles and all wiring or cables shall be located underground.
- Large-Ground Mounted installations shall have a minimum lot area of 15 acres of upland and shall have a minimum of 15 acres of upland per one megawatt solar array proposed and operated. No portion of such an installation may be sited in a wetland area. Wiring and cables shall not be connected to utility poles and all wiring or cables shall be located underground.

**§201-22.6 Design standards.**

**A. Lighting.**

Lighting of Ground-Mounted Solar Electric Installations shall be the minimum required to provide security and for the safe operation of the facility. Lighting shall be directed downward, away from surrounding properties, and shall incorporate full cut-off fixtures to reduce light pollution. All outdoor lighting fixtures shall be International Dark Sky (or equivalent) compliant and carry the IDA Fixture

Seal of Approval (or equivalent). All outdoor lighting fixtures shall be fully shielded from any adjacent residential use or boundary line and shall emit no light onto adjacent property and shall emit no light above the horizontal plane. The lighting shall be motion sensitive and on timers that restrict the lighting to no more than ten minutes duration unless there is movement.

**B. Signage.**

**(1)** A sign consistent with Article 14, Signs, shall be required to identify the owner and provide a twenty-four-hour emergency contact phone number.

**(2)** No portion of the installation or property shall be used for displaying any advertising except for reasonable identification of the operator of the facility.

**C. Control of Vegetation.**

**(1)** Existence or introduction of invasive species or spread of invasive species onsite shall be the responsibility of the contractor and applicant to remediate. All fill brought on site must be clean, debris free, and devoid of invasive plants, their parts, or seeds. Because invasive species establish and thrive in disturbed areas, to the extent feasible, all soil and vegetation disturbance on site must be minimized, and existing native vegetation must remain intact.

**(2)** Herbicides or pesticides shall not be used to control vegetation or animals at a Ground-Mounted Solar Electric Installation, unless approved by the Norwell Conservation Commission for removal of invasive species.

**D. Visual Impacts.**

- a. Ground-Mounted Solar Electric Installations shall be designed to minimize visual impacts including preserving natural vegetation to the maximum extent possible, blending in equipment with surroundings, and adding vegetative buffers to provide an effective visual barrier from adjacent roads and driveways, and to screen abutting residential properties.
- b. A diversity of plant species shall be used to promote biodiversity, with a strong preference for species that are native to Norfolk and Plymouth Counties, but with the number of native species that shall be required to be at the discretion of the Board of Appeals after obtaining input from the Conservation Commission and Conservation Agent and from the Board's peer review consultant.
- c. The use of invasive or exotic plants, as identified by the most recent copy of the "Massachusetts Prohibited Plant List" as maintained by the Massachusetts Department of Agricultural Resources **is prohibited.**
- d. The Board of Appeals may require appropriate vegetative screening to a depth it deems necessary. Such screening shall be composed of evergreen and native trees, staggered for height and density, and they shall be properly maintained and replaced whenever needed.
- e. All landscaping shall be maintained and replaced as necessary by the owner and operator of the installation.

**E. Utility connections.**

Best efforts shall be made to locate all utility connections from the facility underground. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

**F. Power.** All electric power generated at a Ground-Mounted Solar Electric Installation shall be from

Solar Energy.

**G. Access.** Driveways shall be constructed to minimize:

- Width (only so wide as is deemed necessary by the Zoning Board of Appeals)
- Grading
- Removal of stone walls
- Removal of trees
- Incompatible appearance from an adjacent roadway
- Impacts to environmental or historic resources.
- Visibility of the solar infrastructure from any adjacent way (e.g., providing a bend or turn in the access way).

**H. Emergency services.**

(1) Prior to approval from the Board of Appeals, the operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief and, if requested, assist in the development of an emergency response plan, and provide and pay for any requested training.

(2) The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

(3) All means of shutting down the ground-mounted solar photovoltaic installation shall be clearly marked on the equipment and shall be provided to the Fire and Police Departments.

(4) The owner or operator of the installation shall identify a responsible person for public inquiries throughout the life of the installation. Contact information shall be provided annually and updated as needed to:

- \* The Fire Chief
- \* The Police Chief
- \* The Building Official
- \* The Zoning Board of Appeals

**I. Land Clearing, Soil Erosion and Land Impacts**

(1) The installation shall be designed to minimize impacts to open agricultural land and fields, even if not in production. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the Ground-Mount Solar Electric Installation. Grading that substantially disturbs the existing soil profile and structure is prohibited; sites shall be selected where construction may be accomplished without such earth work.

(2) Prior to any site disturbance and construction, the limits of the work shown on the approved site plan shall be surveyed and clearly marked by a Professional Land Surveyor. Upon completion of the survey, the Professional Land Surveyor shall verify to the Building Official, in writing, that the limit of work, as shown on the approved site plans, has been established on the site.

(3) The design shall minimize the use of concrete and other impervious materials to the maximum extent possible. Except where allowed by the Board of Appeals because it is necessary for structural safety reasons, Ground-Mounted Solar Installations shall be installed on water permeable surfaces to promote groundwater recharge, minimize groundwater run-off, preserve wildlife habitat and biodiversity, and reduce heat island effects and climate change impacts.

(4) Grades in Excess of 15% Prohibited.

Locating Medium and Ground-Mounted Solar Electric Installations, including access ways and drainage infrastructure, on original, pre-development grades in excess of 15% is strictly prohibited and may not be varied.

**J. Habitat Impacts.** Large-Scale Ground-Mounted Solar Electric Installations shall not be located on permanently protected land subject to GL c.184, §§31-33, Priority Habitat and Bio Map 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage and Endangered Species Program (NHESP) and "Important Wildlife Habitat" mapped by the DEP.

**K. Wetlands** (1) In order to provide an adequate intervening land area for the infiltration of stormwater runoff from a Solar Electric Installation, ground alterations, such as stump removal, excavation, filling, and grading, or the installation of drainage facilities or solar panels are prohibited within 100 feet of a wetland, except that they may be permitted within 50 to 100 feet of a wetland with the with the permission of the Conservation Commission by filing an appropriate permit with the Commission with type of permit required to be determined by the Commission.

(2) The Board of Appeals may impose conditions to contain and control stormwater runoff that might negatively impact identified wetlands or other hydrologic features even if the proposed work area is outside the jurisdiction of the Conservation Commission.

**L. Fencing.** The installation shall be securely fenced around the entire perimeter of the installation with a fencing type satisfactory to the Board of Appeals.

**M. Accessory Structures.** Structures accessory to the installation shall be confined to inverters, transformers, and equipment boxes necessary for the operation of the facility and buildings which enclose that equipment. Other structures proposed shall conform to district regulations, Part 2, of the underlying zoning district.

**N. Monitoring, Maintenance and Reporting.**

1. Ground-Mounted Solar Electric Installation Conditions

- a. The owner or operator shall maintain the installation in good condition/
- b. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures, including motion sensitive cameras to prevent theft and vandalism.
- c. Site access shall be maintained to a level acceptable to the Fire Chief.
- d. The owner or operator shall be responsible for the cost of maintaining the installation and its access.

2. Annual Reporting.

- a. The owner or operator of a Ground-Mounted Solar Electric Installation shall submit an annual report to the Board of Appeals and Building Official that demonstrates and certifies compliance with:
  - i. All conditions of approval imposed by the Board of Appeals under site plan and/or special permit approval;
  - ii. All requirements shown on the approved site plan;
  - iii. All requirements of the approved Operation and Maintenance Plan;

- iv. All requirements to maintain visual screening and other required plantings;
  - v. The requirement for liability insurance;
  - vi. The requirement to update contact information; and
  - vii. The requirement to maintain adequate access, including snow removal.
- b. The annual report shall detail the maintenance performed in the prior year and the scheduled maintenance for the upcoming year;
  - c. The annual report shall detail the amount of energy generated by the installation in the prior calendar year.
  - d. The annual report shall be submitted to the Board of Appeals and the Building Official not later than 45 days after the end of the calendar year.

**§201-22.7 Modifications.**

All changes or modifications to a Ground-Mounted Solar Electric System Installation made after issuance of the required Board of Appeals and building permit issuance shall require approval by the Board of Appeals.

**§201-22 8. Abandonment or decommissioning.**

**A.** Removal requirements.

Any Ground-Mounted Solar Electric Installation which has reached the end of its useful life or has been abandoned consistent with Subsection **B** shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Board of Appeals and the Building Department by certified mail of the proposed date of discontinued operations and plans for removal at least 30 days prior to the discontinuance of operations and intended decommissioning. Decommissioning shall consist of:

**(1)** Physical removal of all components of a Ground-Mounted Solar Electric Installations, including but not limited to structures, equipment, security barriers and transmission lines from the site.

**(2)** Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

**(3)** Restoration of the site, including stabilization or re-vegetation of the site as necessary to minimize erosion. The Board of Appeals may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

**B. Decommissioning by Town**

If the owner or operator of a Ground-Mounted Solar Electric Installation fails to remove such installation as required, the Town may, after full compliance with applicable state and federal requirements, enter the property and physically remove the installation and stabilize the site, at the owner's expense, drawing upon the financial surety provided or the imposing the lien allowed.

**C. Abandonment.** Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, a Ground-Mounted Solar Electric Installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Board of Appeals. If the owner or operator fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town



shall have the right, but not the obligation, through easement or license to enter the property and physically remove the installation and use the security provided by the operator to do so, following proper access to the funding.

**D\_Financial Surety.** Proponents of a Ground-Mounted Solar Electric System shall provide a form of surety, either through an escrow account, consisting of cash or a surety bond (with no termination date) or otherwise, in a form acceptable to the Town of Norwell acting by the Board of Appeals, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Board of Appeals. Such surety may not be required for municipally or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer, and reviewed by the Town engineering consultant. The amount shall include a 50% contingency for increased removal costs due to inflation. There shall be a surety agreement that provides for the conditions under which the Town may access the funds in the event of a default and that also provided for the Town to obtain a lien against the property in the full amount of the surety or the cost at that time to decommission the project, whichever amount is greater, in the event the surety terminates for any reason other than through proper and satisfactory decommissioning. The surety agreement shall provide an easement to the Town to allow entry to decommission.

AND

**To authorize the Town Clerk to make clerical, editorial, numerical, or other adjustments to the language adopted under this article in order to effectuate its purposes.**

or to take any other action relative thereto.

Requested by the Planning Board

**The Advisory Board unanimously recommends this article.**