2024 Fremont Planning Board
Proposed Zoning Amendments

Fremont Town Hall - Basement Meeting Room
295 Main Street, Fremont NH

ZONING AMENDMENT PROPOSAL 4

ARTICLE 15 Solar Ordinance

Section 1501 Purpose and Authority

This solar energy system ordinance is enacted in accordance with RSA 674:17(I)(j) and the purposes outlined in RSA 672:1-III-a as amended. The purpose of this ordinance is to accommodate solar energy systems and distributed generation resources in appropriate locations, while protecting the public's health, safety, and welfare. The Town intends to facilitate the State and National goals of developing clean, safe, renewable energy resources in accordance with the enumerated polices of NH RSA 374-G and 362-F that include national security and economic and environmental sustainability. Consideration of the Town's scenic views, historic properties, property values, and rural character will be used to minimize potential impacts. The provisions of the Solar Energy System Ordinance shall be administered by the Planning Board.

Section 1502 Applicability

The requirements of this ordinance shall apply to all roof-mounted and ground-mounted solar energy systems modified or installed in the Town of Fremont after the date of its enactment.

Section 1503 Definitions

A. **Rated Nameplate Capacity:** The maximum rated output of electric power production of the photovoltaic system in watts of Alternating Current (AC).
B. **Solar Collection System:** Includes all equipment required to harvest solar energy to generate electricity. The Solar Collection System includes storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items. Solar Collection Systems include only equipment up to (but not including) the stage that connection is made to the utility grid or site service point. The solar collection system may be roof mounted or ground mounted and may be either small, medium, large, or very large as defined by this ordinance.
C. **Solar Land Coverage -** is defined exclusively for the purposes of calculating the footprint of the land area occupied by the components of a solar collection system. The Solar Land Coverage is the land area that includes all components of the solar collection system including but not limited to mounting equipment, panels, and other ancillary components of the system. This definition does not

include access roads or fencing and is not to be interpreted as a measurement of impervious surface as defined in this ordinance.

D. **Solar Collection System, Roof-mounted:** A Solar collection system that is mounted on the roof of a building or structure; may be of any size (small-, medium, large, or very large scale as defined by this ordinance). Roof mounted systems shall be excluded from calculations for solar land coverage. Solar Collection system, ground mounted: A solar collection system that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- large-scale or very large-scale as defined by this ordinance).
E. **Solar Collection System, Small-Scale:** A solar collection system that occupies 500 square feet of solar land coverage or less with a rated nameplate capacity of 10 kW AC or less.
F. Solar Collection System, Medium-Scale: A solar collection system that occupies more than 500 square feet but less than 1 acre of solar land coverage with a rated nameplate capacity of about 100 kW AC or less.
G. Solar Collection System, Large-Scale: A Solar Energy System that occupies more than 1 acre but less than 5 acres of solar land coverage with a rated nameplate capacity of 1 MW AC or less.
H. **Solar Collection System, Very Large-Scale:** A solar energy system that occupies more than five acres of solar land coverage with a rated nameplate capacity of greater than 1 MW AC.

Section 1504 Allowed Uses (Table of Districts)

System Type	**SH**	**MS**	**FUR**	**R**
Roof-mounted solar collection system	P	P	P	P
Small-scale ground mounted solar collection system	P	P	P	P
Medium-scale ground mounted solar collection system	P	CUP	CUP	CUP
Large-scale ground-mounted solar collection system	CUP	CUP	X	X
Very large-scale ground-mounted solar collection system	CUP	CUP	X	X

P = Use permitted by right with building permit. CUP = Use permitted by Conditional Use Permit.
X = Use prohibited.

Section 1505 Site Plan Application and Review

A. Roof-mounted systems and small-scale ground- mounted systems are permitted with a building permit and not subject to Site Plan Review unless such systems are to be incorporated in a development that requires site plan review.
B. Medium, large-scale and very large-scale ground mounted systems are subject to site plan review.

C. Solar energy systems for municipal use are exempt from land use regulations pursuant to RSA 674:54.

Section 1506 Standards for Roof Mounted and Small-Scale Ground-Mounted Solar Energy Systems

Roof-mounted systems and small-scale ground- mounted systems are permitted, unless they are determined by the Fremont Building Inspector to present public health and safety risks including, but not limited to, weight load, wind resistance, emergency access and proximity of a ground-mounted system to nearby buildings.

Section 1507 Standards for Medium, Large and Very Large-Scale Solar Energy Systems

A. **Utility connections:** The location of all equipment to be installed on site including utility connection point(s) and equipment shall be identified. To the maximum extent practical all wiring associated with the utility connection shall be underground.
B. **Safety:** The solar system owner or project applicant shall provide a copy of the Site Plan Review application to the Fremont Fire Chief for review and comment.
C. **Visual Impact:** Reasonable efforts, as determined by the Planning Board, shall be made to minimize undue visual impacts to neighboring properties by preserving native vegetation, plantings, or other appropriate measures.
D. **Land Clearing, Soil Erosion, and Habitat Impacts:** Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of ground-mounted solar energy systems or as otherwise prescribed by the Fremont Site Plan Regulations. Ground-mounted facilities shall minimize mowing to the extent practicable. Removal of mature trees shall be avoided to the extent possible. Native, pollinator-friendly seed mixtures shall be used to the extent possible. Herbicide and pesticide use shall be minimized. No prime agricultural soil or significant volume of topsoil shall be removed from the site for installation of the system. Following construction, cleared land areas must be restored with native species that are consistent with the use of the site as a solar collection system (such as slow growth or low ground cover).
E. **Fencing:** Fencing shall be installed as required by the National Electric Code or Utility. Additional security or fencing may be required if the location of the system presents a safety concern for abutting land uses.
F. **Dimensional Requirements (Height):** Height: Roof-mounted solar collection systems are exempt from building height requirements. In Residential and Flexible Use Residential Districts, ground mounted systems shall not exceed twelve (12) feet in height when oriented at maximum tilt, except that the maximum height is twenty-two feet for systems set back at least thirty feet from the property line. In all other zoning districts, ground-mounted solar energy systems shall comply with the applicable building height requirements of the district in which they are located.
G. **Dimensional Requirements (Setbacks):** Solar energy systems shall adhere to applicable structure setbacks set forth in the district in which the system is located, except, small and medium-scale solar energy systems, that are

accessory to a principal building or structure may be set back no more than 50% of the otherwise required front, side, and rear setbacks. All ground-mounted solar energy systems in residential districts shall be installed either in the side or rear yards to the extent practicable.

H. **Dimensional Requirements (Lot coverage):** Solar energy systems shall not be included in calculations for impervious surface coverage as defined in Article 904.
I. **Removal:** Solar energy systems that have reached the end of their useful life or that have been abandoned consistent with this ordinance shall be removed. The owner or operator shall physically remove the installation no more than 365 days after the date of discontinued operations. The owner or operator shall notify the Fremont Building Inspector by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
J. **Abandonment:** Solar Energy Systems shall be deemed to be abandoned if operations have discontinued for more than 6 months without written consent of the municipality (such as for reasons beyond the control of the owner/operator). An abandoned system shall be removed, and the site restored within 12 months of abandonment.
K. **Bonding and Security for Removal**: The Planning Board shall approve the amount of security that represents the cost for removal and disposal of abandoned solar collection facilities if a facility is abandoned, and the facility owner is unwilling or unable to remove the facility and restore the site in accordance with this section. The amount of the security shall be based upon the actual removal cost plus 15%, based on information provided by the applicant and certified by a professional civil or structural engineer, licensed in New Hampshire, every five years from the date of the Planning Board's approval of the plan. If the cost has increased more than fifteen percent, the owner of the facility shall provide additional security in the amount of the increase. Bonding and surety shall be consistent with the provisions in the Subdivision or Site Plan Review Regulations.

Section 1508 Solar Energy System Conditional Use Permit

Pursuant to RSA 674:21, the Planning Board is hereby authorized to grant a Conditional Use Permit for a solar collection system provided that the following conditions as listed are met:

A. The use is specifically authorized by Section 1504 of the Ordinance as a conditional use.
B. The proposed use complies with all other applicable sections of the Zoning Ordinance.
C. The proposed use will be developed in a manner compatible with the spirit and intent of the ordinance.
D. The use will not endanger the health, safety, and welfare of the public.
E. The proposed use will not result in undue municipal expense.
F. The proposed use will not adversely affect the capacity of existing or planned community facilities and services (including streets and highways).

The Planning Board may require that the applicant provide data or reports prepared by a professional engineer to assess any potential damage to the environment or impact the safety and general welfare of the community that may result from the proposed use. The Planning Board shall engage such professional assistance as it requires to adequately evaluate such reports and to evaluate, in general, the proposed use considering the above criteria. Costs incurred shall be the responsibility of the applicant.

In granting a conditional use permit for a solar collection system, the Planning Board may impose any reasonable conditions or restrictions deemed necessary to carry out the intended purpose of this ordinance.

Section 1508.1 Conditional Use Permit Information Requirements:

Applications for a solar collection system conditional use permit shall be made in writing to the planning board. In addition to applicable site plan application requirements, the following supplemental information shall be submitted with the Conditional Use Permit application:

A. A Detailed plan showing the following:
   i. Property lines and physical and natural features of the site, including (but not limited to) roads, waterbodies, wetlands, floodplains, etc.
   ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures.
B. Blueprints or drawings of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, proposed lighting, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector.
C. Documentation of the major system components to be used, including the panels, mounting system, and inverter(s).
D. Name, address, and contact information of the proposed system installer, owner, applicant, and all co-proponents or property owners, if any; and
E. A one- or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods.

Section 1508.2 Other Required information:

A. Landscaping Plan showing the location, height and spacing of existing vegetation to be preserved and areas where new planting will be required. Buffer areas shall contain sufficient existing vegetation as approved by the Planning Board or be planted with evergreen type plantings of such height, spacing and arrangement as, in the judgment of the Planning Board, will effectively screen the solar energy system from neighboring areas.
B. Stormwater management plan in accordance with the standards of Section 1.20 of the Fremont Site Plan Regulations.
C. Operation and Maintenance Plan (for large and very large-scale ground mounted systems): The applicant shall submit a plan for the operation and maintenance of the solar energy system, which shall include measures for maintaining safe

access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.

D. Emergency Response Plan (for large and very large-scale ground mounted systems): The solar energy system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fremont Fire Chief. All means of shutting down the solar energy system shall be clearly described in the plan. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.