PUBLIC NOTICE
TOWN OF CHARLESTOWN

Notice is hereby given that the Town Council of the Town of Charlestown will conduct a public hearing, open to the public, on March 9, 2020 at 7:00 p.m. at the Charlestown Town Hall, 4540 South County Trail on a proposed new ordinance to the Code of Ordinances. Opportunity shall be given to all persons interested to be heard upon the matter of the proposed ordinance. The proposed new ordinance is under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. The proposed new ordinance is available for review at the Town Clerk’s Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays and on the Town’s website.

ORDINANCE NO. 388
AN ORDINANCE AMENDING CHAPTER 218 – ZONING

Note: Words set as strikeover are to be deleted from the ordinance; words set in underline are proposed to be added to the ordinance.

Section 1. Be it ordained by the Town Council of the Town of Charlestown that Chapter 218 of the Code of Ordinance, Town of Charlestown entitled Zoning is amended as follows:

See Exhibit A attached hereto and incorporated herein by reference as if set forth in its entirety.

Section 2. The Town Clerk is hereby authorized to cause said changes to be made to Chapter 218 of the Town of Charlestown’s Code of Ordinance.

Section 3. This ordinance shall take effect immediately upon passage.

Attested to by: Passed by the Town Council on:

Amy Rose Weinreich, CMC Town Clerk
EXHIBIT A

Section 218-37 Specific Land Use Standards and Conditions

D. Utilities

(1) Generally

(2) Telecommunications Towers/Poles

(3) Private Utility Towers and Buildings

(4) Residential Wind Energy Facilities

(5) Solar Energy Systems

1.0 Purpose and Consistency with Comprehensive Plan

The town has determined that the installation and operating of solar farms is in the public interest, and the goal of this section is to ensure the health, safety, and welfare of the community through the safe, effective and efficient siting and operation of Solar Energy Systems (SES). The purpose of this section is to permit the installation and operation of solar farms in Charlestown, and to provide standards that address public health, safety and welfare in the placement, design, construction, monitoring and removal of solar farms and minimize the negative impacts on natural and historic resources of the town. The regulations for SES are intended to be consistent with the Town of Charlestown Comprehensive Plan, as further outlined below:

- To preserve the health, safety, and welfare of the Town’s citizens by promoting the safe, effective, and efficient use of solar energy systems to reduce the consumption of fossil fuels, increase resiliency and mitigate climate change.
- To encourage the use of solar energy systems as local renewable energy resources.
- To improve the resiliency and economic strength of and assist homeowners, local businesses, commercial/industrial users, and farms (as classified as Farmland through the RI DEM Farm, Forest, and Open Space Program, RI GL 44-27) with options for improving resiliency, economic strength, and environmental sustainability.
- To spur effective investment in and management of public energy infrastructure systems to support existing and future development.
- To reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources.
- To upgrade and enhance the reliability and power quality of the power grid.
- To encourage local economic development.
- To offer additional energy choice to local consumers, improve competition in the electricity supply market, and empower residents, businesses, and farms (as classified as Farmland through the RI DEM Farm, Forest, and Open Space Program, RIGL 44-27) to have more control over their respective energy supplies.
- To incorporate local renewable energy resources in such a manner as to be consistent with and provide for orderly growth and development that recognizes the goals and patterns of land use contained in the Town of Charlestown Comprehensive Plan.
- To generate local tax revenue.
- To provide property owners an alternative to the development of residential properties on currently-undeveloped parcels of land within the town.
- To protect the natural resources of the Town of Charlestown, including agricultural land, forests and other valuable habitats, by siting SES in locations that minimize environmental impacts, and discourages the loss of natural areas with substantial value for reducing greenhouse gas emissions.

2.0 Definitions

Definitions. The following terms used in § 218-37 are defined for use in applying the provisions of this § 218-37 and shall supplement and be in addition to those terms defined in § 218-5B:

a. Abandoned Solar Energy System - A solar energy system that has either reached the end of its useful life or is disconnected and/or with no plan to reconnect it.

b. Array area – For ground-mounted SES, the portion of the land under the SES which is covered by solar photovoltaic panels.

c. Decommissioning / Restoration Plan – A plan for dismantling a solar energy system, along with, a plan for the site restoration of the land where the system is located.

d. DEM – Rhode Island Department of Environmental Management.

e. Fenced Area – The area within the perimeter of the safety fence that surrounds the solar system and associated infrastructure.

f. Financial Surety - A financial guarantee for the completion of the dismantling and restoration after the system is no longer operational.

g. Interconnection – The point at which the solar system is connected to the electric distribution system. The interconnection of the system by the electric distribution company will generally be located at the street or along an access driveway outside of the fenced area.

h. Preliminary Interconnection Study – A study assessing the estimated interconnection costs of a solar energy system to the electric distribution system.

i. Inverter – A piece of equipment that converts Direct Current electricity from the solar panels into Alternating Current electricity on which the electric distribution company operates.

k. **Nameplate Rating** - The aggregate electrical capacity of the Solar Panels, as denoted in direct current kilowatts (KwDC) rating, of the SES installed at any site.

l. **Solar Energy** – Radiant energy received from the sun that can be collected in the form of heat or light by a solar panel.

m. **Solar Energy System (SES)** - Sum of the components and subsystems required to convert solar energy into electric energy suitable for use. The area of the system includes all the land inside the perimeter of the system which extends to any fencing. Solar Energy Systems are further defined as one of two system types:

1. **Level 1 SES** - An accessory SES for electricity generation secondary to the use of the premises for other lawful purposes. An accessory SES cannot exist without a primary use on the same lot, and the electricity generation from the Level 1 SES shall be utilized primarily to meet the electricity demand on the property on which the SES is located. Level 1 SES shall not exceed 500 kWDC in Nameplate Rating, and shall only include the following types of facilities:
   a. Roof-mounted on any code compliant structure, or
   b. Ground mounted on an area of up to \( \% \) of the footprint of the primary structure on the parcel but no more than [4] acre(s) in area in total, or
   c. Building integrated, or
   d. Solar Canopies covering existing or future permitted use(s), provided all setbacks and landscaping for the use(s) itself are met and do not exceed a height of \( \) feet, or
   e. Solar Carports covering existing or future permanent parking lots provided all setbacks and landscaping for the parking lot itself are met and do not exceed a height of \( \) feet.

2. **Level 2 SES** – A SES that does not meet the requirements of Level 1 and for which the primary use of land on a given lot or lots is for the commercial generation of power. Level 2 SES allowed through this ordinance shall meet the following characteristics:
   a. Ground-mounted facilities, located within the IND zoning district;
   b. Ground-mounted facilities, located within the R2A or R3A zoning district, on those properties which meet the following criteria:
      i. Minimum lot size of 20 acres;
      ii. A portion of any parcel on which a Level 2 SAS is situated shall be located within one (1) mile of the existing Northern Utility Corridor. The Northern Utility Corridor shall be that electric utility right-of-way running from a point at the border between the town and the Town of Hopkinton approximately 2,000 feet north of Burdickville Road, continuing East-North-East for approximately 31,000 feet to a point approximately 2,400 feet east of Maple Lake Farm Road, at which point the right-of-way turns and continues North-East for approximately 4,400 feet to a point at the border between the town and the Town of South Kingstown,
   c. Level 2 SES are subject to additional solar development standards described by this ordinance and approval through Major Land Development Plan Review.
   d. The Nameplate Rating for any SES shall not exceed [5,000] kWDC.
3.0 Permits Required

All solar energy systems shall require reviews, and approvals as outlined in this Ordinance. Solar energy systems must be consistent with all applicable State and Federal fire and electrical safety codes and shall obtain all necessary statewide solar, building, and electrical permits from the Building Official prior to commencement of construction.

4.0 District Use Regulations

Types of Permits required; Y = Permitted Use; D = Development Plan Review; M = Major Land Development Review; S = Special Use Permit; Blank = Not Permitted

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5.0 Siting Requirements Generally

a. Solar energy systems shall be manufactured and designed to comply with applicable industry standards, as may amended for time to time, including but not limited to, the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), and other appropriate certifying organizations as may be required by Federal, or State Laws or utility regulations.
b. Solar energy systems shall be located, constructed, installed, and operated to minimize potentially adverse impacts to nearby properties, natural resources, and or individuals. Impacts to be minimized include, but are not limited to, those locations and habitats for animals, including birds, and plant species of concern, and habitat/forest fragmentation.
c. Roof-mounted solar energy systems shall not exceed the height requirements prescribed by the zoning district in which they are located.
d. The maximum height of ground-mounted solar energy systems shall be no more than twelve (12) feet above finished grade.
e. Pollinator-friendly seed mixtures shall be used along with native plants to the maximum extent possible. All plants and seeds should be native to the greatest extent practicable, and no plants known or suspected (e.g. aggressive spreading non-natives) to be invasive should be used.
f. Solar energy systems shall be constructed and maintained in a way that minimizes the use of herbicides and pesticides.
g. For installations on agricultural lands, the entire lot should be examined by the Planning Board/ Commission and farm owner with areas designated within the total acreage for farming use.
buffers, and SES should be located as to minimize impact to prime agricultural soils or soils of statewide importance wherever possible. No topsoil or prime agricultural soil shall be removed from the site for installation of the facility. All soils retained should be reused in the landscaping/vegetative plan for the site.

h. Clearing of natural vegetation for a SES shall be limited to what is necessary for the construction, operation, and maintenance of the solar energy system or otherwise prescribed by applicable laws, regulations, and ordinances. Tree removal on forested parcels utilized for the installation of the SES shall be limited to [ ]% of the total acreage of the parcel on which an SES is located, provided that the SES may exceed such cleared acreage percentage if the SES either (i) agrees to place a conservation easement on the portion of the SES site for which tree clearing occurred to allow for the installation of the SES conservation status, effective immediately following the operating life of the SES, or (ii) secures mitigation land by putting wooded acreage located within the Town of Charlestown, of an amount equal to the amount by which the tree removal for installation of the SES exceeded the allowed cleared acreage for the SES, under a permanent conservation easement or the equivalent prior to commencement of construction of the SES.

i. The disturbance and removal of topsoil from the site shall be limited to those areas that are required for the installation of the proposed solar energy system. The applicant shall utilize existing cleared land or that which minimizes the impact on forest and habitat.

j. Solar energy systems connecting directly to an electric distribution or a transmission system must submit a copy of the preliminary interconnection study with the electric distribution company. Any off-site impacts or infrastructure upgrades necessary to enable the SES shall be identified, especially any impacts to existing street trees within the connection and/or affected municipal rights-of-way. Where such street trees may be impacted, the local Tree Warden shall submit an advisory opinion on the extent of the off-site impacts and a recommendation for mitigation of the impacts.

k. The SES shall comply with all DEM regulations associated with the avoidance of wetlands and other environmentally sensitive areas.

l. On-site drainage management and erosion and sedimentation control shall conform to the latest Rhode Island Stormwater Design and Installation Standards Manual, and the RI Soil Erosion and Sediment Control Handbook, as well as all applicable Town regulations.

m. Power and communication lines running between banks of solar panels and to the off-site electric distribution system or interconnections with buildings onsite excepting, the poles owned by the electric distribution company which are typically required to be above ground, shall be buried underground. Exemptions may be granted by the Planning Board/Commission in instances where written documentation for shallow bedrock, a high groundwater table, prior environmental contamination or other elements of the natural landscape interfere with the ability to bury lines.

n. Exterior lighting within the SES shall be the minimum necessary. All fixtures shall be full-cut off fixtures approved by the International Dark Sky Association and correlated color temperatures ≤3000K for bulbs.

o. A SES shall not be located on any lot or portion of a lot that is protected from development by a conservation easement, preservation easement, and or deed restriction.

p. The maximum lot coverage requirements in Section 218-41 shall not apply to a lot with a solar energy system. The front, side and rear yards shall be the minimum front, side and rear yards.
required in the zoning district where the SES is located measured from the property line to 
the perimeter of the SES.

q. Nothing herein shall preclude the Town of Charlestown from installing SES on any town-
owned or controlled property regardless of the zoning district.

r. Applicants proposing ground-mounted solar energy systems shall propose an appropriate 
buffer that adequately mitigates visual impacts on public roads, surrounding properties and 
the neighborhood in general. Selection of the proposed buffer should be based on the 
context and characteristics of the specific site, and shall be done in consultation with a 
landscape designer. Choices include, but are not limited to:

- 50-foot wide wooded buffer; or
- 20-foot wide partial landscape screen; or
- 10-foot wide full landscape screen; or
- Stockade fencing.

s. Level 2 ground-mounted SES, including all associated equipment with the exception of 
utility poles, shall be enclosed by a perimeter fence, which shall be not less than six (6) 
feet in height and, as feasible, shall incorporate wildlife passage features for small 
mammals and birds in its design and installation. The perimeter fence shall be secured from 
unauthorized entry.

6.0 Review Requirements

Level 1 SES are required to undergo Development Plan Review in accordance with § 218-71. 
Level 2 SES require Major Land Development Project Review and a Special Use Permit in 
accordance with § 218-23. All SES should comply with the Development Plan Review Criteria at 
§ 218-71(E) and the Development Plan Review Design Standards at § 218-71(F), as applicable. 
SES shall also meet the Town’s general Development Standards outlined in § 218-72 of the Zoning 
Ordinance.

6.1 Review Requirements for Level 2 Solar Energy Systems

The applicant shall provide the following documents, in addition to the information required for 
Major Land Development Review and a Special Use Permit,

a. Narrative Report - The applicant shall provide a summary narrative report containing:
  1. Name, address and contact information for proposed system installer, system operator, 
     landowner, applicant, and designated agents representing the project.
  2. A project construction schedule.
  3. An operation and maintenance plan.
  4. A rendering or photo simulation showing the proposed completed project with 
     landscaping.
  5. Evidence of compliance with any applicable state environmental regulations and state 
     permits.
  7. A decommissioning /restoration plan and proposed financial security (with supporting 
     calculations).
8. A landscape plan showing seeding / vegetation plan for the project and maintenance schedule.

9. Evidence that a preliminary interconnection feasibility study is underway and a copy of the application with the electric distribution company.

10. An estimation of annual taxation revenue.

b. Development Plans - All plans related to design, construction, installation or modification of a SES shall be prepared, signed and stamped by either a Rhode Island professional engineer, a Rhode Island registered land surveyor (for property line information), and or a Rhode Island registered landscape architect (for landscape information). In addition, to the checklist requirements for the various stages of Development Plan Review and/or Major Land Development Review, site plans shall show the following information:

1. Class I survey site plan showing:
   i. Property lines and all physical features for the project site.
       ii. Proposed changes to the landscape of the site, temporary and permanent limits of disturbance, grading, vegetation clearing and planting, exterior lighting, access points, emergency access provisions, fencing, screening vegetation and/or structures.

2. Blueprints or drawings of the entire SES showing the proposed layout of the system.

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

4. Documentation and or equipment specification sheets of the major system components to be used, including the solar panels, mounting system and inverter.

6.2 **Streamlined Reviews for Level 1 - Solar Energy Systems**

Level 1 SES are allowed as an accessory use in all zoning districts where structures are allowed, subject to the requirements of this Section and Development Plan Review. Level 1 SES shall be located on the same lot as the principal use being served. Where there is no principal use, Level 1 SES are not allowed.

a. Building- or roof- mounted - For height measurement, Level 1 SES shall be given an equivalent exception to height standards as building mounted mechanical devices or other similar equipment.

b. Ground Mounted Level 1 SES are subject to the accessory height limit in the appropriate district.

c. All accessory structure setbacks for the zoning district where the system is located must be met. Ground mounted Level 1 SES may not extend into any required yard setbacks when oriented at minimum design tilt. Setbacks shall be measured as the distance from the outer edge of the system to the property line.

d. No portion of any Level 1 SES shall extend into any easement, right of way or public way.

e. All exterior electrical and plumbing lines shall be buried below ground and placed in suitable conduits.
f. Compliance with State Building Codes - All Level 1 SES applications shall comply with State Building, Electrical, and Plumbing Codes and shall be required to submit the statewide solar permit application to municipal building and electric office for review and approval.

7.0 Abandonment and Removal of Ground Mounted Level 2 Solar Energy Systems

An abandoned Level 2 ground mounted SES shall be removed within 180 days from the date of permanent discontinued operations and the owner shall send notice by certified mail, of the proposed date that the site will be restored to the town/city zoning enforcement official. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation, and a financial security ensuring financial resources will be available to fully decommission the site. Decommissioning shall consist of:

a. Physical removal of all SES structures, equipment, security barriers and transmission or other electrical project lines from within the site to the point of interconnection. The electric distribution company to which the system is interconnected to must be contacted within 180 days of system de-energization to schedule removal of the interconnection lines to the site. The schedule shall be submitted to the Zoning Official.

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

c. Disposal of all components, wiring, and/or foundations in accordance with the provisions of the town/city solid waste ordinance.

d. Stabilization or revegetation of the site as necessary to minimize erosion and in compliance with all state and local laws, regulations and ordinances. Final site conditions shall be set in a restoration plan by the Planning Board/Commission and/or Planning Staff through the Major Land Development Review approval for the SES. Compliance with the approved restoration plan shall be inspected and enforced by the town/city zoning enforcement official.

e. The property owner or company running the system shall remove the system and all associated structures and components and restore the property in accordance with the approved restoration plan as soon as possible within 180 days of the notice to the town/city zoning enforcement official.

f. The applicant shall submit a decommissioning / restoration plan, a detailed estimate and explanation of the cost of removal and restoration with the application. The estimate for the decommissioning and restoration shall be prepared by a Professional Engineer and detailed assumptions shall be provided.

g. Before the Statewide Solar Building and Electric Permit is issued, the applicant shall submit the financial guarantee to the finance director. The finance officer/director shall approve the form and duration of the guarantee in one acceptable to the municipality.

h. If the owner and or operator fail to remove the ground mounted SES in accordance with the provisions of this Section, the Town may enter the property and physically remove the SES. The cost of such removal shall be the responsibility of the owner and operator of the SES and the Town will have all rights associated in compliance with the decommissioning agreement, including the recording of a municipal lien against the system owner and the landowner of record in the land evidence records for all costs associated therewith.
8.0 Violations

It shall be unlawful for any person or entity to construct, install, operate, or substantially modify a SES that is not in compliance with the provisions of this ordinance or with any condition contained in a permit issued pursuant to this ordinance.

9.0 Severability

The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

To be Advertised in Full in the Westerly Sun: February 17, 2020
To be Advertised by Reference in the Westerly Sun: February 24 and March 2, 2020
NOTICE IS HEREBY GIVEN that a Public Hearing relative to a proposed amendment to the Charlestown Zoning Ordinance. Ordinance #388 an Ordinance Amending Chapter 218 – Zoning, Section 218-37D(5) Specific Land Use Standards and Conditions; Utilities; Solar Energy Systems has been scheduled for March 9, 2020 at 7:00 p.m. at the Town Hall, 4540 South County Trail, when all interested parties may attend and be heard for or against these amendments. Reference is made to that full advertisement of February 17, 2020. Information relative to the above may be obtained at the Town Clerk’s Office, 4540 South County Trail, Charlestown, RI 02813 during normal business hours. Proposals shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any such alteration or amendment must be presented for comment at said hearing.

PER ORDER OF THE CHARLESTOWN TOWN COUNCIL
Amy Rose Weinreich, CMC Town Clerk

The public is welcome to any meeting of the Town Council. If communication assistance (readers/interpreters/captions) is needed or any other accommodation to ensure equal participation, please call 711-364-1240 at least three (3) business days prior to the meeting.

To be Advertised in Full in the Westerly Sun: February 17, 2020
To be Advertised by Reference in the Westerly Sun: February 24 and March 2, 2020