TOWN OF SPRINGFIELD

LOCAL LAW NO. 2 OF 2022 REGULATING SOLAR ENERGY SYSTEMS

Be it enacted by the Town Board of the Town of Springfield, Otsego County, New York, as follows:

Preface

1. TITLE

This Local Law shall be referred to as "A Local Law Regulating Solar Energy Systems within the Town of Springfield."

2. ENACTMENT

This Local Law is adopted and enacted pursuant to the authority and power granted by Articles 2 and 3 of the New York State Municipal Home Rule Law, Article 2 of the New York Statute of Local Governments and Article 16 of the New York State Town Law.

A. Purpose and Intent

1. The Town of Springfield recognizes that solar energy is a clean, readily available, and renewable energy source. It further recognizes that energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar power is generated.

2. The Town of Springfield has determined that comprehensive regulations regarding the development of solar energy systems are necessary to protect the interests of the Town, its residents, and its businesses. This Local Law, when read in conjunction with the Town's Zoning Law, aims to accommodate solar energy systems while balancing the potential impact on neighbors and while preserving the rights of property owners to install solar energy systems. This Local Law is intended to promote the effective and efficient use of solar energy resources; set provisions for the placement, design, construction, and operation of such systems to be consistent with the Town of Springfield Comprehensive Plan; to uphold the public health, safety, and welfare; and to ensure that such systems will not have a significant adverse impact on the environment, and on aesthetic qualities and the character of the Town.

3. It is not intended by this Local Law to repeal, except as herein stated, abrogate or impair existing conditions previously made or permits previously issued relating to the use of buildings or premises or to impair or interfere with any easements, covenants or agreements existing between parties. Except as otherwise provided herein, whenever this Local Law imposes a greater restriction upon the use of buildings or premises than

is required by existing provisions of law, ordinance, regulations or permits or by such easements, covenants or agreements, the provisions of this Local Law shall control.

B. Definitions

The following terms shall have the meanings indicated. The definitions contained in Article 2 of the Town of Springfield Zoning Law shall also apply.

1. Building-Mounted Solar Energy System - A solar energy system that is affixed to the roof or side(s) of a building or other structure either directly or by means of support structures or other mounting devices. Solar energy systems constructed over a parking lot are considered building-mounted solar energy systems.

2. Ground-Mounted Solar Energy System - A solar energy system that is affixed to the ground either directly or by support structures or other mounting devices and that is not attached or affixed to an existing structure. Pole mounted solar energy systems shall be considered ground-mounted solar energy systems for the purposes of this Local Law.

3. Net-Metering – a billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

4. Reflector, Solar - A device for which the sole purpose is to increase the solar radiation received by a solar collector.

5. Solar Access – Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of a solar energy system on individual properties.

6. Small-Scale Solar Energy System - Any solar energy system that cumulatively on a lot meets all of the following provisions:

   (a) Is an accessory use or structure, designed and intended to generate energy primarily for a principal use located on site and

   (b) Produce up to ten kilowatts (kW) per hour of energy or solar-thermal systems which serve the building to which they are attached, and, except for permissible net metering, do not provide energy for any other buildings beyond the lot. Small-scale solar energy systems located on a farm operation (as per AML §301(11) definition of that term) and located in a New York State Agricultural District can produce up to 110% of the farm's needs as per the Department of Agriculture and Markets guidance document.

7. Solar Collector - A solar or photovoltaic cell, plate, panel, film, array, reflector, or other

structure affixed to the ground, a building, or other structure that harnesses solar radiation to directly or indirectly generate thermal, chemical, electrical, or other usable energy, or that reflects or concentrates solar radiation to a solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure that directly or indirectly generates thermal, chemical, electrical, or other usable energy.

8. Solar Energy System - A complete system intended for the collection, inversion, storage, and/or distribution of solar energy and that directly or indirectly generates thermal, chemical, electrical, or other usable energy. A solar energy system consists of, but is not limited to, solar collectors, mounting devices or structures, generators/turbines, water and energy storage and distribution systems, storage, maintenance and/ or other accessory buildings, inverters, combiner boxes, meters, transformers, and all other mechanical structures.

9. Solar Skyspace- The space between a solar collector and the sun through which solar radiation passes.

10. Solar Panel – a device for the direct conversion of solar energy into electricity.

11. Solar Thermal System – A system that directly heats water or other liquid using sunlight.

12. Utility-Scale Solar Energy System or Solar Farm- Energy generation facility or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, designed and intended to supply energy solely into a utility grid for sale to the general public.

C. Applicability

1. The requirements of this Local Law shall apply to all solar energy system and equipment installations modified or installed after the effective date of this Local Law.

2. Solar energy system installations for which a valid building permit has been issued, or, if no building permit is presently required, for which installation has commenced before the effective date of this Local Law shall not be required to meet the requirements of this Local Law.

3. All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code.

4. A Small-Scale Solar Energy System shall be a Permitted Standard Accessory Use in all zoning districts in the Town of Springfield. Such systems shall meet all requirements of this Local Law and the NYS Uniform Fire Prevention and Building Code.

5. A Utility Scale Solar Energy System requires a Special Use Permit and Site Plan Review in the Agricultural-Residential District. Utility Scale Solar Energy Systems are not permitted in the Hamlet-Commercial and Lake Districts.

D. Requirements for Small Scale Solar Energy Systems

1. No small-scale solar energy system shall be installed or operated in the Town except in compliance with this Local Law.

2. The installation of a solar collector or panel, whether attached to the principal structure, an accessory structure, or as a detached, free standing or ground mounted solar collector, is permitted as an accessory structure, shall meet all requirements of this sub-section (D), and shall require a building permit.

3. All solar collectors and related equipment shall be surfaced, designed, and sited so as not to reflect glare onto adjacent properties and roadways.

4. Setbacks for Solar Energy Systems by District: Solar collectors or panels are subject to the minimum setbacks, and other dimensions for the zoning district in which they are proposed to be installed. In addition, for installation of a ground mounted or free standing solar system located in a front yard, the setbacks shall be as follows:

   Agricultural-Residential District – minimum 200 feet

   Hamlet-Commercial and Lake Districts – no ground mounted or free standing solar collectors allowed in front yard

5. Height limits for solar collectors mounted on buildings shall not exceed the level of the permitted building height in the zoning district. Ground mounted or freestanding solar collector height shall not exceed 15 feet when oriented at maximum tilt.

6. All solar collectors and their associated support elements shall, at the time of installation, be designed according to generally accepted engineering practice to withstand wind pressures applied to exposed areas by wind from any direction, to minimize the migration of light or sound from the installation and to minimize the development of sight obstructions for adjacent structures or land parcels.

7. Photovoltaic systems that are integrated directly into building materials such as roof shingles, and that are a permanent and integral part of and not mounted on the building or structure are exempt from the requirements of this Local Law. However, all applicable building codes shall be met and necessary permits obtained. The Zoning Enforcement Officer may request assistance from the Planning Board to determine whether a solar energy system should be considered exempt or not.

8. In order to ensure firefighter and other emergency responder safety, except in the case

when solar panels are installed on an accessory structure less than 1,000 square feet in area, there shall be a minimum perimeter area around the edge of the roof and pathways to provide space on the roof for walking around all solar collectors and panels.

9. Free standing or ground mounted solar collectors are permitted as accessory structures in all zoning districts of the Town subject to the following additional conditions:

    a. In the Hamlet-Commercial and Lake Districts, a lot must have a minimum size of 40,000 square feet in order for a ground-mounted or free standing solar system to be permitted.

    b. Screening shall be provided when practicable from adjoining lots through the use of architectural features, earth berms, landscaping, fencing, or other screening, which will harmonize with the character of the property and surrounding area. The proposed screening shall not interfere with normal operation of the solar collectors.

    c. The total surface areas of all ground mounted and freestanding solar collectors shall not exceed the area of the ground covered by the building structure of the largest building on the lot measured from the exterior walls, not including patios and decks.

E. Solar Farms/Utility-Scale Solar Energy Systems

1. Applicability

    a. Any utility-scale solar energy system erected, constructed, modified, or operated in the Town of Springfield after the effective date of this Local Law shall be in compliance with this Section. Subsection E is applicable to utility-scale solar energy systems and shall not apply to small-scale solar energy systems, as defined herein.

    b. A special use permit and site plan review by the Planning Board shall be required for all utility-scale solar energy systems. Such systems are prohibited from the Hamlet-Commercial District and are prohibited from the Lake District in the Town of Springfield.

    c. In order to promote innovative design and encourage the inclusion of alternative energy systems within the overall design of a building, solar energy systems determined by the Zoning Enforcement Officer to be building-integrated photovoltaic (BIPV) systems, as defined herein, are exempt from the requirements of this Section. BIPV systems are still required to meet applicable building codes and obtain all necessary permits. The Zoning Enforcement Officer may request assistance from the Planning Board to determine whether a solar energy system should be considered a BIPV system.

2. Applications, Permits and Approvals Required and Applicable Zoning Districts

a. All applications for utility-scale solar energy systems shall be accompanied by an application for special use permit and site plan review, and all applicable fees as may be established by the Town Board. Both site plan and special use permit reviews and approvals are required. The Planning Board, however, shall concurrently review the site plan and special use permit applications.

b. When the application is determined to be complete, the Town Planning Board shall hold at least one public hearing on the application, and the Applicant must provide notice of the public hearing to all property owners located wholly or partially within a five hundred (500) foot radius of the proposed site.

c. All applications for utility-scale solar energy systems shall include the following:

(1) Plans and drawings of the solar energy system installation signed by a professional engineer registered in New York State showing the proposed layout of the entire solar energy system along with a description of all components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved. Clearing and/or grading activities are subject to review by the Planning Board and shall not commence until the issuance of site plan approval.

(2) An electrical diagram detailing the solar energy system installation, associated components, and electrical interconnection methods, with all disconnects and over-current devices identified. The diagram should describe the location and layout of all Battery Energy Storage System components if applicable and should include applicable setback and other bulk and area standards.

(3) Documentation of access to the project site(s), including location of all access roads, gates, parking areas, etc.

(4) Plan for clearing and/or grading of the site. Removal of existing trees larger than 6 inches in diameter should be minimized to the extent possible.

(5) A stormwater pollution prevention plan as per NYS DEC requirements to detail stormwater runoff management and erosion control plans for the site.

(6) Documentation of utility notification, including an electric service order number.

(7) Decommissioning plan and financial surety that satisfies the Town that all required improvements shall be made for utility-scale systems only. For all utility-scale solar energy systems, the applicant shall submit a decommissioning plan for review and approval as part of the special use permit application. The decommissioning plan shall identify the anticipated life of the project, method and process for removing all components of the solar energy system and

returning the site to its preexisting condition, and estimated decommissioning costs, including any salvage value. The Planning Board shall require the posting of a bond or other financial security, prior to commencement of any construction, to guarantee proper decommissioning, the amount of which shall be approved by the Town Board.

(8) The Town shall require the applicant to place in escrow and pay all associated costs for any application review, including but not limited to engineering, legal, environmental, and planning review to the Town Clerk. When the Planning Board determines that a review will require engineering, legal, environmental, or planning costs, they shall provide an estimate to the applicant. Subsequently, the Applicant and Town shall enter into an expert/consultant review escrow agreement and such payment shall be made prior to commencement of any further Planning Board review.

(9) Photo simulations shall be included showing the proposed solar energy system in relation to the building/site along with elevation views and dimensions, and manufacturer's specs and photos of the proposed solar energy system, solar collectors, and all other components.

(10) Part I of the Full Environmental Assessment Form completed.

(11) Details of the proposed noise that may be generated by inverter fans. The Planning Board must require a noise analysis at the applicant's expense, paid through escrowed funds, to determine potential adverse noise impacts. Substations and inverters shall be located so to provide for no discernible difference from existing noise levels at the property line.

(12) Preliminary equipment specification sheets that document all proposed solar panels, system components, mounting systems, racking system details and inverters that are to be installed. Final equipment specification sheets shall be submitted prior to the issuance of a building permit.

(13) A Property Operation and Maintenance Plan that describes continuing site maintenance, anticipated use, and property upkeep, such as mowing and trimming.

3. General Provisions

All applications for utility-scale solar energy systems shall be in accordance with the following:

a. All utility-scale solar energy systems shall adhere to all applicable building, plumbing, electrical, and fire codes. If a Battery Energy Storage System is included,

they shall meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the Town of Springfield and any applicable federal, state, or county laws or regulations.

b. A minimum parcel size of 150 acres is required for utility-scale solar energy systems and the utility-scale solar energy system shall not exceed 30 acres per every 150 acres owned by the property owner. The maximum size of any utility-scale solar energy system shall be 100 acres, regardless of the overall size of the property. In measuring the area of the system, the perimeter of the system as defined by the placement of the perimeter fencing shown on the plans shall be used. Perimeter service roads, if outside such fencing, shall not be included in the area measurement.

c. Development and operation of a solar energy system shall not have a significant adverse impact on fish, wildlife, or plant species or their critical habitats, or other significant habitats identified by the Town of Springfield or other federal or state regulatory agencies. Applicants shall identify these resources and describe how the proposed utility scale solar energy system shall avoid or mitigate adverse impacts to these resources. Lands which have the highest ecological values as evidenced by large, contiguous areas of forest, undisturbed drainage areas, wetlands, or NYS DEC identified critical habitats or rare plant and animal populations shall be avoided.

d. There shall be a minimum setback of 200 feet between any component of the utility-scale solar energy system and a neighboring parcel boundary line. There shall be a minimum setback of 100 feet from the centerline of the road. Perimeter service roads and interconnection equipment may be located within the setback buffer.

e. Any site containing a utility-scale solar energy system shall be enclosed by perimeter fencing to restrict unauthorized access at a height of 8 ½ feet. Such fencing shall be wildlife friendly by including gaps of 5”x12” at ground level every 75 feet along the perimeter to allow small animals unencumbered access in and out of the parcel.

f. Previously cleared or disturbed areas are preferred locations for solar panel arrays. The clearing of additional lands to accommodate a proposed utility-scale solar facility may be permitted provided the percentage of newly cleared land on any parcel does not exceed 30% of the existing woodlands on that parcel.

g. In accordance with the Comprehensive Plan, the Town of Springfield does not support conversion of productive farmland to support grid-supply facilities. When proposed on an active farm located within the New York State Certified Agricultural District in Springfield, a utility-scale solar energy system may occupy up to 20% of any farmed parcel but shall not exceed 100 acres. Arrays shall be located on a parcel in such a manner as to avoid, to the maximum extent feasible, soils classified as

prime farmland by the USDA, NYS or NRCS. To the extent practicable, any utility-scale solar energy system shall be constructed, monitored, and decommissioned in accordance with the NYS Department of Agriculture and Markets "Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands" or the equivalent or comparable guidance at the time of construction.

h. The Applicant shall ensure emergency access to the facility area for local first responders, which may include installing an emergency lock box or similar device, in a location subject to approval of the local fire chief of the Springfield Fire Department. The Applicant must provide a written letter from the Springfield Fire Department that emergency access and response was discussed and reviewed by the Fire Department. The Applicant shall provide emergency response training to the Fire Department prior to operation of the facility and upon request by the Fire Department during the life of the project.

i. In accordance with the required application materials, a visual analysis, which may include a computerized photographic simulation, demonstrating the visual impacts from nearby vantage points, shall be provided. The solar facility, including any proposed off-site infrastructure, shall be located and screened in such a way as to avoid or minimize visual impacts as viewed from:

(1) Publicly dedicated roads and highways;

(2) Existing residential dwellings located on contiguous parcels;

(3) A berm, landscape screen, or other opaque enclosure, or any combination thereof acceptable to the Town capable of fully screening the site, shall be provided (See example illustration, below).

Figure 1: Example of a landscaped berm designed to fully screen a utility-scale solar energy facility.

j. The design, construction, operation, and maintenance of any solar energy system shall prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads, and public parks in excess of that which already exists.

k. All structures and devices used to support solar collectors shall be non-reflective and/or painted a subtle or earth-tone color to aid in blending the facility into the existing environment.

l. All transmission lines and wiring associated with a solar energy system shall be buried and include necessary encasements in accordance with the National Electric Code and Town requirements, to the extent feasible or practical. The applicant is required to show the locations of all proposed overhead and underground electric utility lines, including substations and junction boxes and other electrical components for the project on the site plan. All transmission lines and electrical wiring shall be in compliance with the utility company's requirements for interconnection.

m. Artificial lighting of solar energy systems shall be limited to lighting required for safety and operational purposes and shall be shielded from all neighboring properties and public roads.

n. Any signage used to advertise the solar energy facility shall be in accordance with the Town's signage regulations. The manufacturers or installer's identification and appropriate warning signage shall be posted at the site and clearly visible.

o. The average height of the solar panel arrays shall not exceed fifteen feet.

p. Intentionally deleted.

q. Following construction of a large-scale or utility-scale ground-mounted solar energy system, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with low-level vegetation capable of preventing soil erosion and airborne dust.

r. Special use permits granted for utility-scale solar energy systems shall be assignable or transferable to future landowners of that system on the approved parcel so long as they are in full compliance with this Local Law and all conditions, and the Zoning Enforcement Officer is notified of the property transfer at least 30 days prior thereto.

s. Any post-construction changes or alterations to the solar energy system shall be done by amendment to the site plan and subject to the requirements of this Local Law.

t. After completion of a utility-scale solar energy system, the applicant shall provide a

post-construction certification from a professional engineer registered in New York State that the project complies with applicable codes and industry practices and has been constructed and is operating according to the design plans. The applicant shall further provide certification from the utility that the facility has been inspected and connected.

F. Abandonment or Decommissioning Of Utility-Scale Systems

a. Utility-scale solar energy systems, which have not been in active and continuous service for a period of 1 year, shall be removed at the owner or operator's expense. Decommissioning shall include removal of all energy facilities, structures and equipment including any subsurface wires and footings from the parcel. Any access roads created for building or maintaining the system shall also be removed and re-planted with vegetation.

b. Full restoration of the parcel is required unless restoration is unnecessary because the parcel is to be put into active agricultural use or approved for other development in accordance with the Town of Springfield Land Use Law within that 12-month period.

c. All safety hazards created by the installation and operation of the solar energy system shall be eliminated and the site restored to its preexisting condition within six months of the removal of the solar energy system.

3. ENFORCEMENT AND VIOLATIONS

A. This Local Law shall be enforced by the Zoning Enforcement Officer of the Town of Springfield or such other zoning enforcement individuals as designated by the Town Board. It shall be the duty of the enforcement individuals to advise the Town Board of all matters pertaining to the enforcement of this Local Law and to keep all records necessary and appropriate to the office and to file the same in the Office of the Town Clerk.

B. Upon authorization by the Town Board, the Town may institute an action or proceeding in a court of competent jurisdiction to prevent, restrain, enjoin, correct, or abate any violation or to enforce any provision of this law.

C. The Town Board may in a court of competent jurisdiction pursue any and all applicable remedies provided under New York State Town Law § 268.

4. VARIANCES

The Town Zoning Board of Appeals, pursuant to Town Law, Article 16, Sections 267, 267-a, and 267-b, has the power and discretion to interpret the provisions of this Local Law and grant variances from the strict application of the requirements of this Local Law in the case of

difficulties.

5. SEVERABILITY

If any specific part of provision or standard of this Local Law, or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not effect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board hereby declares that it would have enacted this Local Law, or the remainder thereof.

6. INTERPRETATION; CONFLICT WITH OTHER LAWS

The provisions of this Local Law shall be held to be the minimum requirements adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this Local Law are inconsistent with the requirement of any other lawfully adopted rules, regulations, ordinances or Local Laws, the more restrictive provisions, or those imposing the higher standards, shall govern.

7. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, and specifically Article 3, § 27 of the New York State Municipal Home Rule Law.