

**Town of Stow Draft Bylaw for:  
COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY  
INSTALLATIONS**

**Article: \_\_\_\_\_ COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY  
INSTALLATIONS**

To see if the Town will vote to amend the Zoning Bylaw by amending Sections 1.3 by adding new definitions; amending Section 8 by adding a new subsection 8.10; amending Section 3 by adding new subsections 3.1.2.7, 3.2.3.6, 3.3.2.10, 3.5.1.4, 3.6.1.4, 3.7.3 and 3.7.3.1; and amending section 3.10 to read in their entirety as stated below in subsections (A), (B), (C), (D), (E), (F), (G), (H) and (I) of this article; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take any other action relative thereto.

(Planning Board)

**The Finance Committee.....**

**PLANNING BOARD SUMMARY**

This article proposes to establish Commercial Solar Photovoltaic Renewable Energy Installations as an allowed use subject to Site Plan Approval in the Industrial, Commercial and Refuse Disposal Districts and subject to Special Permit and Site Plan Approval in the Recreation-Conservation, Residential, and Business Districts. This use is in keeping with the Green Communities Act, which purpose is to provide for renewable and alternative energy and energy efficiency in the commonwealth. Solar energy does not add to the production of global greenhouse emissions, acid rain, or smog. The Proposed bylaw is intended to promote Commercial Solar Photovoltaic Renewable Energy Installations, while establishing standards that address and protects public safety, minimizes undesirable impacts on residential property and neighborhoods, protects scenic, natural and historic resources and does not diminish abutting property.

**A. Amend Section 1.3 by adding new definitions “COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION” and “NAMEPLATE CAPACITY” to read in their entirety as follows:**

**COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION -**  
A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum NAMEPLATE CAPACITY of 250 kW DC. A **COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION** shall be considered a Principal Use as the Zoning Bylaw defines that phrase.

**NAMEPLATE CAPACITY –** The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

**B. Amend Section 8 by adding a new Section 8.10 to read in its entirety as follows:**

**8.10 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS**

**8.10.1 Purpose** - The purpose of this section is to promote the creation of new COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address and protects public safety, minimizes undesirable impacts on residential property and neighborhoods, protects scenic, natural and historic resources, does not diminish abutting property values and provides adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS.

**8.10.2 Applicability** - No COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION shall be ERECTED or installed except in compliance with the provisions of this Section and other applicable Sections of the Zoning Bylaw, as well as state and federal law. Such use shall not create a nuisance, which is discernible from other properties by virtue of noise, vibration, smoke, dust, odors, heat, glare and radiation, unsightliness or other nuisance as determined by the Special Permit/Site Plan Approval Granting Authority.

8.10.2.1 The construction and use of a COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION with 250 kW or larger of rated NAMEPLATE CAPACITY within the Industrial, Commercial District and Refuse Disposal District shall undergo site plan review by the Planning Board prior to construction, installation or modification as provided in this section.

8.10.2.2 Construction and use of a COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION with 250 kW or larger of rated NAMEPLATE CAPACITY in the Residential, Business and Recreation Conservation District shall be subject to Special Permit and Site Plan Approval from the Planning Board in accordance with the additional requirements specified herein.

8.10.2.3 This section also pertains to physical modifications that materially alter the type, configuration or size of these installations or related equipment throughout the useful life of the system or where alterations may impact abutters.

**8.10.3 General Requirements**

- 8.10.3.1 **Lot Requirements** - A COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION may be permitted on a lot, which contains an area of not less than three (3) acres.
- 8.10.3.2 **Visual Impact** - The visual impact of the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, including all accessory structures and appurtenances, shall be mitigated. All accessory structures and appurtenances shall be architecturally compatible with each other. Structures shall be shielded from view and/or joined and clustered to avoid adverse visual impacts as deemed necessary by and in the sole opinion of the Special Permit/Site Plan Approval Granting Authority. Methods such as the use of landscaping, natural features and opaque fencing shall be utilized.
- 8.10.3.3 **Compliance with Laws, Ordinances and Regulations** - The construction and operation of all COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS shall be consistent with all applicable local regulations and bylaws, and 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 PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION shall be constructed in accordance with the State Building Code.
- 8.10.3.4 **Utility Notification** - No COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION shall be constructed until evidence has been given to the Special Permit/Site Plan Approval Granting Authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Proof of a mutual agreement with the utility company shall be provided to the Special Permit/Site Plan Approval Granting Authority. Off-grid systems shall be exempt from this requirement. If the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION goes on grid, it shall comply with this requirement.
- 8.10.3.5 **Maintenance** - The COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief, Police Chief, Emergency Medical Services and Special Permit/Site Plan Approval Granting Authority. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.
- 8.10.3.6 **Emergency Services** - The COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief. The

owner or operator shall provide an emergency response plan. The emergency response plan is subject to the approval of the Special Permit/Site Plan Approval Granting Authority, the Fire Department and the Police Department, and shall include at a minimum, explicit instructions on all means of shutting down the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, which shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

8.10.3.7 **Safety and Security** – Safety and measures of security shall be subject to the approval of the Special Permit/Site Plan Approval Granting Authority, the Fire Department and the Police Department.

#### 8.10.4 **Design Standards**

8.10.4.1 **Lighting** - Lighting of the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, including all accessory structures and appurtenances shall not be permitted unless required by the Special Permit/Site Plan Approval Granting Authority, Special Permit/Site Plan Approval Decision or required by the State Building Code. Where used, lighting shall comply with the requirements of Section 3.8.1.5 (exterior lighting) of the Zoning Bylaw.

8.10.4.2 **Signs and Advertising** - Section 6.3 (Signs) of the Zoning Bylaw does not apply to this Section. Signage for COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONs shall be limited in size as determined by the Special Permit/Site Plan Approval Granting Authority.

COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONs shall not be used for displaying any advertising except for reasonable identification of the owner or operator of the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION and emergency contact information.

8.10.4.3 **Utility Connections** - All utility connections from the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONs shall be underground unless specifically permitted otherwise by a Special Permit/Site Plan Approval Decision. Electrical transformers and inverters to enable utility interconnections may be above ground if required by the utility provider.

8.10.4.4 **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 the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION or otherwise prescribed by applicable laws, regulations and bylaws.

8.10.4.5 **Appurtenant Structures** - All appurtenant structures to COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONs shall be subject to

all applicable bylaws and regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements.

#### **8.10.5 Modifications**

All substantive material modifications to a COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION made after issuance of the Special Permit/Site Plan Approval Decision shall require modification to the Special Permit/Site Plan Approval Decision.

#### **8.10.6 Abandonment and Removal**

8.10.6.1 **Abandonment** - Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION shall be considered abandoned when it fails to operate for more than one year without the written consent of the Special Permit/Site Plan Approval Granting Authority. If the owner or operator of the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION 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 may enter the property and physically remove the installation.

8.10.6.2 **Removal Requirements** - Any COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, which has reached the end of its useful life or has been abandoned, 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 Special Permit/Site Plan Approval Granting Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

1. Physical removal of all COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, 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. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Special Permit/Site Plan Approval Granting Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

#### **8.10.7 Financial Surety**

Proponents of COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION projects shall provide a form of surety, either through escrow account, bond or otherwise, 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 Special Permit/Site Plan Approval Granting

Authority, but in no event to exceed more than 150 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

Before issuance of any building permits for the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, such construction and installation shall be secured in accordance with performance guarantee requirements of the Town of Stow Rules and Regulations Governing the Subdivision of Land to the extent applicable and/or the regulations adopted pursuant to the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION Bylaw for this purpose.

**8.10.8 Special Permit and Site Plan Approval Decisions**

Special Permit and Site Plan Approval decisions shall conform to the requirements of this Section, section 9.2 and 9.3 of the Zoning Bylaw and other relevant Sections of the Zoning Bylaw.

All COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION Special Permit and Site Plan Approval Decisions shall be valid for a twelve (12) month period unless renewed or extended by the Special Permit/Site Plan Approval Granting Authority following application made by the applicant. There is no limit to the number of renewals or extensions the special Permit/Site plan Approval Granting Authority may grant for a COMMERCIAL SOLAR PHOTOVOLTAIC RENEWALBE ENERGY INSTALLATION.

**C. Amend Section 3.1.2 (Recreation-Conservation District Uses subject to Special Permit granted by the Planning Board) by adding new section 3.1.2.7 to read in its entirety as follows:**

**3.1.2.7 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS**

**D. Amend Section 3.2.3 (Residential Uses subject to Special Permit granted by the Planning Board) by adding new section 3.2.3.6 to read in its entirety as follows:**

**3.2.3.6 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS**

**E. Amend Section 3.3.2 (Business Uses subject to Special Permit granted by the Planning Board) by adding new section 3.3.2.10 to read in its entirety as follows:**

**3.3.2.10 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS**

**F. Amend Section 3.5 (Commercial District Uses) by adding new section 3.5.1.4 to read in its entirety as follows:**

**3.5.1.4 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS**

**G. Amend Section 3.6 (Industrial District Uses) by adding new section 3.6.1.4 to read in its entirety as follows:**

**3.6.1.4 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS**

**H. Amend Section 3.7 (Refuse Disposal District Uses) by adding new sections 3.7.3 and 3.7.3.1 to read in its entirety as follows:**

**3.7.3 Uses permitted subject to Site Plan Approval by the Planning Board:**

**3.7.3.1 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS**

**I. Amend Section 3.10 by amending the Industrial Uses in the Table of Principal Uses by adding “COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS” so that the Industrial uses section of the table reads in its entirety as follows:**

Principal Uses	Residential	Business	Compact Business	Industrial	Commercial	Recreation Conservation	FloodPlain Wetlands	Refuse Disposal	Site Plan Approval
<b>Industrial Uses</b>									
Manufacturing Enterprises	N	N	N	SPP	N	N	N	SPP	(3)
Research Laboratories W/Incidental Assembly or Manufacture	N	N	N	SPP(2)	N	N	N	SPP (2)	(3)
Sanitary Landfill	N	N	N	N	N	N	N	SPS	(3)
Refuse Transfer Station	N	N	N	N	N	N	N	SPS	(3)
Refuse Incinerator	N	N	N	N	N	N	N	SPS	(3)
Commercial Solar Photovoltaic Energy Renewable Installation	SPP	SPP	N	Y	Y	SPP	N	Y	(3)

ANNOTATED VERSION  
Additions are underlined  
Deletions are strike through

### 1.3 Definitions

COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION - A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum NAMEPLATE CAPACITY of 250 kW DC. A COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION shall be considered a Principal Use as the Zoning Bylaw defines that phrase.

NAMEPLATE CAPACITY – The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

## 8.10 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS

8.10.1 Purpose - The purpose of this section is to promote the creation of new COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address and protects public safety, minimizes undesirable impacts on residential property and neighborhoods, protects scenic, natural and historic resources, does not diminish abutting property values and provides adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS.

8.10.2 Applicability - No COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION shall be ERECTED or installed except in compliance with the provisions of this Section and other applicable Sections of the Zoning Bylaw, as well as state and federal law. Such use shall not create a nuisance, which is discernible from other properties by virtue of noise, vibration, smoke, dust, odors, heat, glare and radiation, unsightliness or other nuisance as determined by the Special Permit/Site Plan Approval Granting Authority.

8.10.2.1 The construction and use of a COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION with 250 kW or larger of rated NAMEPLATE CAPACITY within the Industrial, Commercial District and Refuse Disposal District shall undergo site plan review by the Planning Board prior to construction, installation or modification as provided in this section.

8.10.2.2 Construction and use of a COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION with 250 kW or larger of rated

**NAMEPLATE CAPACITY in the Residential, Business and Recreation Conservation District shall be subject to Special Permit and Site Plan Approval from the Planning Board in accordance with the additional requirements specified herein.**

**8.10.2.3 This section also pertains to physical modifications that materially alter the type, configuration or size of these installations or related equipment throughout the useful life of the system or where alterations may impact abutters.**

**8.10.3 General Requirements**

**8.10.3.1 Lot Requirements - A COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION may be permitted on a lot, which contains an area of not less than three (3) acres.**

**8.10.3.2 Visual Impact - The visual impact of the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, including all accessory structures and appurtenances, shall be mitigated. All accessory structures and appurtenances shall be architecturally compatible with each other. Structures shall be shielded from view and/or joined and clustered to avoid adverse visual impacts as deemed necessary by and in the sole opinion of the Special Permit/Site Plan Approval Granting Authority. Methods such as the use of landscaping, natural features and opaque fencing shall be utilized.**

**8.10.3.3 Compliance with Laws, Ordinances and Regulations - The construction and operation of all COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS shall be consistent with all applicable local regulations and bylaws, and 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 PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION shall be constructed in accordance with the State Building Code.**

**8.10.3.4 Utility Notification - No COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION shall be constructed until evidence has been given to the Special Permit/Site Plan Approval Granting Authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Proof of a mutual agreement with the utility company shall be provided to the Special Permit/Site Plan Approval Granting Authority. Off-grid systems shall be exempt from this requirement. If the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION goes on grid, it shall comply with this requirement.**

**8.10.3.5 Maintenance - The COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief, Police Chief, Emergency Medical Services and Special Permit/Site Plan Approval Granting Authority. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.**

**8.10.3.6 Emergency Services - The COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief. The owner or operator shall provide an emergency response plan. The emergency response plan is subject to the approval of the Special Permit/Site Plan Approval Granting Authority, the Fire Department and the Police Department, and shall include at a minimum, explicit instructions on all means of shutting down the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, which shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.**

**8.10.3.7 Safety and Security – Safety and measures of security shall be subject to the approval of the Special Permit/Site Plan Approval Granting Authority, the Fire Department and the Police Department.**

#### **8.10.4 Design Standards**

**8.10.4.1 Lighting - Lighting of the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, including all accessory structures and appurtenances shall not be permitted unless required by the Special Permit/Site Plan Approval Granting Authority, Special Permit/Site Plan Approval Decision or required by the State Building Code. Where used, lighting shall comply with the requirements of Section 3.8.1.5 (exterior lighting) of the Zoning Bylaw.**

**8.10.4.2 Signs and Advertising - Section 6.3 (Signs) of the Zoning Bylaw does not apply to this Section. Signage for COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS shall be limited in size as determined by the Special Permit/Site Plan Approval Granting Authority.**

**COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS shall not be used for displaying any advertising except for reasonable identification of the owner or operator of the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION and emergency contact information.**

**8.10.4.3 Utility Connections - All utility connections from the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS shall be underground unless specifically permitted otherwise by a Special Permit/Site Plan Approval Decision. Electrical transformers and inverters to enable utility interconnections may be above ground if required by the utility provider.**

**8.10.4.4 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 the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION or otherwise prescribed by applicable laws, regulations and bylaws.**

**8.10.4.5 Appurtenant Structures - All appurtenant structures to COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS shall be subject to all applicable bylaws and regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements.**

**8.10.5 Modifications**  
**All substantive material modifications to a COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION made after issuance of the Special Permit/Site Plan Approval Decision shall require modification to the Special Permit/Site Plan Approval Decision.**

**8.10.6 Abandonment and Removal**

**8.10.6.1 Abandonment - Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION shall be considered abandoned when it fails to operate for more than one year without the written consent of the Special Permit/Site Plan Approval Granting Authority. If the owner or operator of the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION 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 may enter the property and physically remove the installation.**

**8.10.6.2 Removal Requirements - Any COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, which has reached the end of its useful life or has been abandoned, 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 Special Permit/Site Plan Approval Granting Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:**

4. Physical removal of all COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, structures, equipment, security barriers and transmission lines from the site.
5. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
6. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Special Permit/Site Plan Approval Granting Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

8.10.7 Financial Surety

Proponents of COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION projects shall provide a form of surety, either through escrow account, bond or otherwise, 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 Special Permit/Site Plan Approval Granting Authority, but in no event to exceed more than 150 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

Before issuance of any building permits for the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, such construction and installation shall be secured in accordance with performance guarantee requirements of the Town of Stow Rules and Regulations Governing the Subdivision of Land to the extent applicable and/or the regulations adopted pursuant to the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION Bylaw for this purpose.

8.10.8 Special Permit and Site Plan Approval Decisions

Special Permit and Site Plan Approval decisions shall conform to the requirements of this Section, section 9.2 and 9.3 of the Zoning Bylaw and other relevant Sections of the Zoning Bylaw.

All COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION Special Permit and Site Plan Approval Decisions shall be valid for a twelve (12) month period unless renewed or extended by the Special Permit/Site Plan Approval Granting Authority following application made by the applicant. There is no limit to the number of renewals or extensions the special Permit/Site plan Approval Granting Authority may grant for a COMMERCIAL SOLAR PHOTOVOLTAIC RENEWALBE ENERGY INSTALLATION.

### **Recreation-Conservation District Uses**

- 3.1.2 Uses permitted subject to special permit, granted by the Planning Board, provided that provisions for disposal of waste products is approved by the Board of Health and parking is provided as required in the parking section of this Bylaw:
  - 3.1.2.1 Restaurants, provided that their use is in connection with a permitted use, and provided that no such BUILDING be located within one hundred (100) feet of a district boundary line;
  - 3.1.2.2 Country Clubs or other MEMBERSHIP CLUBS;
  - 3.1.2.3 Commercial picnic areas and swimming areas;
  - 3.1.2.4 Day camps, overnight camps, and camp sites, where occupancy is limited to the period between May 15th and September 15th, provided that there is only one camp BUILDING or site for each 3500 square feet of grass area;
  - 3.1.2.5 Recreation, including golf courses, ski areas and tows, MARINAs and commercial boat landings, but not an amusement park.
  - 3.1.2.6 Golf carts, but no other motorized recreational vehicles are permitted.

### **3.1.2.7 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS**

### **Residential District Uses**

- 3.2.3 Uses Permitted, subject to special permit granted by the Planning Board:
  - 3.2.3.1 ACCESSORY APARTMENTs in a Residential District as permitted in Section 8.1;
  - 3.2.3.2 Duplex Residential Uses in a Residential District as permitted in Section 8.2;
  - 3.2.3.3 Cross-Country Ski Uses in the Residential District as permitted in Section 8.3;
  - 3.2.3.4 Golf Course Uses in the Residential District as permitted in Section 8.4; and
  - 3.2.3.5 Uses not otherwise permitted in the Residential District, if such uses preserve historic and/or culturally significant BUILDINGS and STRUCTURES, provided that the historic and/or cultural character of the site, and BUILDING or STRUCTURE, in the opinion of the Special Permit Granting Authority, is not significantly altered, and the Special Permit Granting Authority finds that such uses, with any necessary mitigation measures, are in harmony with the character and uses permitted in the Residential District. This Section shall not eliminate the requirements of Section 3.2.2.5, which shall remain intact as written.

### **3.2.3.6 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS**

### **Business District Uses**

- 3.3.2 Uses Permitted, subject to special permit granted by the Planning Board:
  - 3.3.2.1 Retail stores or service establishments, the principal activity of which shall be the offering of goods or services at retail within the BUILDING;

- 3.3.2.2 Business or professional offices, banks, U. S. Post Office;
- 3.3.2.3 Salesrooms for automobiles, bicycles, boats, farm implements, and similar equipment, provided there is no outside display or storage;
- 3.3.2.4 Restaurants or other places for serving food within the BUILDING. Specifically excluded is any establishment whose principal method of operation includes sale of food and beverages in paper, plastic or other disposable containers; and where consumption of foods and beverages on the premises outside the restaurant BUILDING or within parked motor vehicles on the premises is allowed and encouraged; or where food and beverages are served directly to the customer in a motor vehicle;
- 3.3.2.5 Parking areas for use of employees, customers or visitors, subject to the requirements of the Parking Section of this Bylaw;
- 3.3.2.6 ACCESSORY BUILDINGS and USES which are customary and incidental to the uses permitted;
- 3.3.2.7 SIGNS as provided in the Sign Section of this Bylaw; and
- 3.3.2.8 INDEPENDENT ADULT RESIDENCE.
- 3.3.2.9 Uses not otherwise permitted in the Business District, if such uses preserve historic and/or culturally significant BUILDINGS and STRUCTURES, provided that the historic and/or cultural character of the site, and BUILDING or STRUCTURE, in the opinion of the Special Permit Granting Authority, is not significantly altered, and the Special Permit Granting Authority finds that such uses, with any necessary mitigation measures, are in harmony with the character and uses permitted in the Business District.

**3.3.2.10 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS**

**Commercial District Uses**

- 3.5.1 Uses Permitted:
  - 3.5.1.1 Conservation areas, farming and horticulture, orchards, nurseries, forests and tree farms, display and sale, or offering for sale, of farm produce, all as permitted in the Recreation-Conservation District;
  - 3.5.1.2 CHILD CARE FACILITY; and
  - 3.5.1.3 Wireless Communication Facilities.

**3.5.1.4 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS**

**Industrial District Uses**

- 3.6.1 Uses permitted:
  - 3.6.1.1 Conservation areas, farming and horticulture, orchards, nurseries, forests and tree farms, display and sale, or offering for sale, of farm produce, all as permitted in the Recreation-Conservation District;

- 3.6.1.2 CHILD CARE FACILITY; and
- 3.6.1.3 Wireless Communication Facilities

**3.6.1.4 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS**

**Refuse Disposal District Uses**

**3.7.3 Uses permitted subject to Site Plan Approval by the Planning Board:**  
**3.7.3.1 COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS**

**3.10 Table of Principal Uses**

- 3.10.1 Provisions Applicable to Table of Principal Uses - No land, STRUCTURE or BUILDING shall be used except for the purposes permitted in the district as set forth in this Bylaw and further indicated on the Table of Principal Uses. Each use set forth in the principal use column shall be subject to any conditions or limitations that are set forth in this Bylaw and in the Table of Principal Uses. If there is a discrepancy between the Table of Principal Uses and the text of this Bylaw, the provisions set forth in the text of this Bylaw shall take precedent.
  - 3.10.1.1 A use listed in the Table of Principal Uses is permitted in any district denoted by the letter "Y" and is not permitted in any district denoted by the letter "N". If denoted by the letters "SPA", "SPP" or "SPS", the use is permitted only if the designated Special Permit Granting Authority grants a special permit as provided herein and makes such specific findings as may be required by the Bylaw in respect of such use. For the purposes of the Table of Principal Uses, "SPA" shall mean a special permit authorized by the Board of Appeals; "SPP" shall mean a special permit authorized by the Planning Board; and "SPS" shall mean a special permit authorized by the Board of Selectmen.
  - 3.10.1.2 Site plan approval in accordance with Section 9.3 is required for a use where the letter "R" appears and is not required where the letters "NR" appear.
  - 3.10.1.3 A special permit is required for any increase in intensity of a site or use for which a special permit is required, except as to lawful pre-existing NON-CONFORMING USES.

Principal Uses	Residential	Business	Compact Business	Industrial	Commercial	Recreation Conservation	FloodPlain Wetlands	Refuse Disposal	Site Plan Approval
<b>Industrial Uses</b>									
Manufacturing Enterprises	N	N	N	SPP	N	N	N	SPP	(3)
Research Laboratories W/Incidental Assembly or Manufacture	N	N	N	SPP(2)	N	N	N	SPP (2)	(3)
Sanitary Landfill	N	N	N	N	N	N	N	SPS	(3)
Refuse Transfer Station	N	N	N	N	N	N	N	SPS	(3)
Refuse Incinerator	N	N	N	N	N	N	N	SPS	(3)
<b><u>Commercial Solar Photovoltaic Energy Renewable Installation</u></b>	<b><u>SPP</u></b>	<b><u>SPP</u></b>	<b><u>N</u></b>	<b><u>Y</u></b>	<b><u>Y</u></b>	<b><u>SPP</u></b>	<b><u>N</u></b>	<b><u>Y</u></b>	<b><u>(3)</u></b>

(3) All uses requiring a Special Permit are subject to Site Plan Approval requirements as part of the special permit process.