New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED
STATE RECORDS
AUG 06 2020
DEPARTMENT OF STATE

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Granby

Local Law No. 3 **of the year 20** 20

A local law Solar Energy Systems Regulations
(Insert Title)

Be it enacted by the Town Board **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Granby **as follows:**

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 20 20 of the ~~(County)~~(~~City~~)(Town)(~~Village~~) of Granby was duly passed by the Town Board on July 22 20 20, in accordance with the applicable provisions of law.

(Name of Legislative Body)

2. ~~(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on 20, and was (approved)(not approved) (repassed after disapproval) by the and was deemed duly adopted on 20, in accordance with the applicable provisions of law.~~

(Name of Legislative Body)

(Elective Chief Executive Officer)*

3. ~~(Final adoption by referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on 20, and was (approved)(not approved) (repassed after disapproval) by the on 20.~~

(Name of Legislative Body)

(Elective Chief Executive Officer)*

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 20, in accordance with the applicable provisions of law.~~

4. ~~(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on 20, and was (approved)(not approved) (repassed after disapproval) by the on 20. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 20, in accordance with the applicable provisions of law.~~

(Name of Legislative Body)

(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 , became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: August 3, 2020

Solar Energy Systems. *Intent –The purpose of this Local Law with the following regulations is to promote and accommodate the provision of solar energy systems as an environmentally friendly alternative source of energy for town residents and businesses. The Town shares the general goal of encouraging solar energy generation with Federal and State programs. However, Federal and State programs focus on total energy production, the interface with public utilities, and operational characteristics of solar energy systems, while the Town is more concerned with the physical characteristics and impacts of solar energy systems and that these facilities are designed and located in an environmentally and aesthetically appropriate manner with minimal impact to neighbors. These regulations reflect the Town's concerns.*

1. **Authority:** All solar energy systems shall be established and maintained in conformance with this Local Law. The Town recognizes that solar technology for consumer use is a new and evolving technology and that some town standards may not apply to all solar energy systems. Therefore, this Local Law also authorizes limited modifications as deemed appropriate (see below § **5.d.**).

2. **General regulations**

   a. **Building and Zoning Compliance**
   All solar energy systems shall comply to Town requirements to obtain Building Permits, Zoning Permits, and applicable Planning Board approvals – see § 4a Table of Standards below.

   b. **Safety and Security compliance**
      i. **Electrical Connections:** All solar energy systems shall be subject to electrical permit, inspection and certification for safe installation and operation.
      ii. **Utility Connection:** All power lines from the solar energy system for on-site consumption shall be located underground; interconnections to the public utility grid shall be subject to the requirements of the public utility. All lines and connections shall be installed by certified professionals and must meet all applicable federal, state, and local electrical codes.
      iii. **Security:** ground mounted solar systems may be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information may be placed on the entrance and perimeter of the fencing.
      iv. **Site and Energy System Responsibility, Maintenance, and Inspection:**
         a) Ownership -The Lot owner and the owner/operator of the Solar Energy System are responsible for the site. The Lot owner and Solar owner/operators and their successors shall be bound to the conditions and requirements of any building permit, Site Plan or Special Permit issued for the establishment and continued operation of the Solar Energy System. Any change in ownership or operation of a Tier 3 solar energy system shall be communicated to the Town within 30 days of such change.
         b) The land, structures and equipment associated with all solar energy systems shall be maintained in good condition and in accordance with all requirements of this section.
         c) Upon notice to the Lot owner and/or Solar owner/operator, the Codes Enforcement Officer and/or Town Engineer shall have the right at any reasonable time to enter the premises on which a solar energy system is constructed to inspect all parts of the installation and require that repairs or alterations be made if in his/her judgment there may be a deficiency in the operation or the structural stability of the system. If necessary, the Codes Enforcement Officer or Town Engineer may order the system to be secured and/or to cease operation. If the Codes Enforcement Officer or Town Engineer has reason to believe that an emergency situation involving danger to life, limb or Lot exists, the Codes Enforcement Officer or Town Engineer may enter the premises for purposes of inspecting the system without notifying the owner or agent in advance and order immediate correction. (See also Discontinuance).
         d) All solar energy systems shall be designed with safe access and maneuvering room that is adequate for owner/operator maintenance and when necessary for inspection by Town officials.

c. **Agricultural Soil Protection:**
Any Tier 2 or Tier 3 solar energy system located on a Lot with recognized Prime Farmland or Farmland of Statewide Significance shall avoid affecting more than 50% of any land currently recognized as containing these recognized farmland soils.

d. **Habitat protection**
Any Tier 2 or Tier 3 solar energy system shall in cooperation with appropriate Federal and State Agencies provide spaces within or around the solar energy array for protection of habitats containing spaces for native plants and native or migratory animals. Such spaces may include local unique areas, migration corridors, and seasonal nesting areas.

e. **Noise**
No solar energy system or associated equipment such as transformers or inverters shall emit noise above ambient noise levels discernable at the Lot lines of the site occupied.

f. **Visual Protection**

i. **Screening & Buffering:** All Tier 2 or Tier 3 solar energy systems shall be screened and buffered to the extent necessary, as determined by the Planning Board, to minimize visual impacts to surrounding properties and the public road ROW, taking into consideration site-specific conditions including topography, vegetation, adjacent structures and roadways. Such screening and buffering may be accomplished using context-appropriate fencing and/or by preserving natural vegetation and providing additional landscape plantings or modifications. The Planning Board shall find that the proposed screening and buffering treatments have adequate depth to effectively minimize visual impacts and depending on site characteristics may be located within required lot setbacks.

ii. **Glare:** All solar energy systems and related components shall have anti-reflective coatings and all other solar equipment shall be designed, positioned, and located to minimize reflective glare onto public areas and surrounding properties.

iii. **Significant view-sheds**: No Tier 2 or Tier 3 solar energy system shall be installed in any location that would substantially detract from or block the view(s) of all or a portion of a view-shed listed or referred to in adopted Town of Granby Plans or in any future officially adopted Town planning documents. Off-site ground mounted systems placed within a recognized view-shed and that are directly observable within 1 mile from Town recognized points of public access such as [to be referenced in a separate document] or public ROW shall be positioned and screened to minimize alteration of the existing view to the extent feasible.

g. **Other structures/improvements:** Any structures or improvements, such as driveways, parking, maintenance-storage buildings or offices incidental to Tier 2 or Tier 3 solar energy system shall be subject to all zone district dimensional requirements normally applicable to the site.

3. **Definitions:**

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

Farmland – Land designated in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey as:

PRIME FARMLAND has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

FARMLAND OF STATEWIDE IMPORTANCE has been determined by an appropriate state agency as important in the production of food, feed, fiber, forage, and oilseed crops and may include tracts of land that have been designated for agriculture by state law.

GLARE: The effect by reflections of light with an intensity as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure, that generates electricity for onsite or offsite consumption.

HABITAT – protected, natural: An area of land set aside within a site where an assortment of native plants and animals (both native and migratory) can grow and live.

NATIVE PERENNIAL VEGETATION: native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

POLLINATOR: bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption.

SOLAR ACCESS: Space *maintained* on individual properties as open to the sun and clear of overhangs or shade to permit the use of active and/or passive Solar Energy Systems.

SOLAR ENERGY EQUIPMENT: Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the solar production of electricity. Such equipment includes: SOLAR PANEL - A photovoltaic device capable of collecting and converting solar energy into electricity. STORAGE BATTERY - A device that stores energy and makes it available in an electrical form.

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels, Solar array, and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 System as follows.

Tier 1 - Solar Energy Systems include Building/Roof-Mounted Solar Energy Systems and Building-Integrated Solar Energy Systems for onsite end-users and are considered accessory to the function of the principal use and/or structure.
Tier 2 - Solar Energy Systems include Ground-Mounted Solar Energy Systems for onsite end-users with system capacity up to [25] kW AC with a total surface area of all solar panels on the lot of up to [4,000] square feet and that generate no more than [110] % of the electricity consumed on the site over the previous [12] months and are considered accessory to the function of the principal use and/or structure.
Tier 3 -Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 above and may be either building or ground mounted systems providing energy to off-site end users either through a community ownership arrangement or as utility.

4. **Solar Energy System Review & Dimensional Standards:** The following table sets forth the review procedures and standards for solar energy systems.

a. Table of standards

Energy System Type	On-site/Individual Users			Off-site/Community Users			Utility
Tier	Tier 1 & Tier 2			Tier 3			
*Solar Energy Installation type:	BIPV	Bldg. Mount	Ground Mount	BIPV	Building Mount	Ground Mount	Ground Mount
Zone Districts, permitted in:	All	All	All	All	All except -----		------
Administrative permit	Building/Zoning Permit required			Building/Zoning Permit required			
Planning Board Review	--	-	Site Plan Review	Special Permit with Site Plan Review			
land use/structure type:	equipment/accessory structure			as sole principal use or as 2nd principal use			
Kilowatt, max	Per NYSERDA limits			Per NYSERDA /NYS PSC limits			& < 25MW
Lot area, Min.	-	-	1 acre	-	-	10 acres	20 acres
*Solar Energy Materials & Equipment							
*Solar Panel							
Maximum height/projection							
Wall/pitched roof	-	1 ft.	-	-	1 ft.	-	-
Flat/low pitch roof	-	6 ft.	-	-	6 ft.	-	-
Ground mount	-	-	15 ft.	-	-	15 ft.	15 ft.
% lot area (see §9e)							
Cum. Max. of lot area covered by Solar Array	-	-	5%	-	-	25%	50%
Lot coverage, Max. (see §5e. Exemptions & Waivers below)	-	-	Limited exempt	-	-	Limited exempt	Limited exempt
Yard setbacks							
Front	-	-	Not in required front yard nor in front of principal building or structure. For purposes of this section lots with water frontage shall have two (2) fronts	-	-	Not in required front yard nor in front of principal building or structure. For purposes of this section lots with water frontage shall have two (2) fronts	
Side	Per Zone District Standards applicable to principal use/structure-						
Rear							

b. Tier 3 - Off-site/Community solar system may be the sole principal use of a lot or may be co-located as second principal use with another principal use on a portion of a lot and shall be subject to town review and applicable standards. The solar collectors may be building-mounted or ground-mounted. The off-site/community system shall apportion solar collectors or electric output to individual end-users through a legally binding agreement and management system. This management system shall be documented, subject to town review and may show either: collective ownership and management by the end-users OR ownership and operation by a third party with long-term leases to the individual end-users. Examples of the managing entity include subdivision Lot owner's association and other similar organization or a profit or nonprofit third-party.

c. Tier 3 - Utility Facility system may be the sole principal use of lot or may be co-located as second principal use with another principal use on a portion of a lot and shall be subject to town review and applicable standards. The solar collectors may be building-mounted or ground-mounted. Solar energy is used by off-site end users as customers of a local or regional utility company.

5. Exemptions and waivers

a. **Agricultural exemption**: When an on-site solar energy system is used for farm operations located within an agricultural district as defined in Article 25AA of the NYS Agriculture and Markets Law, it shall be considered to be part of the farm operation and shall be exempt from the requirement to obtain a Special Permit or Site Plan Review as set forth in § **4.a.** above. Except - a Tier 3 Solar Energy system (for Off-Site Community or Utility users) that is co-located on farmland as an unrelated and/or separate principal use shall **NOT** be considered an exempted agricultural activity and shall be subject to the provisions of this section.

b. Setback/Height limited exemption building mounted systems: Building mounted systems that otherwise comply with dimensional requirements in § **4.a.** above may encroach into minimum required setbacks or exceed maximum height limits by up to **[one (1) foot]**.

c. **Conflict with Federal or State Solar Programs:** In the event that there is conflict between the requirements of Federal and State solar energy programs and Town Zoning requirements the Planning Board or Codes Enforcement Officer may adjust these Zoning requirements for a specific proposal in order to make reasonable accommodations among conflicting requirements.

d. **Modification for technological changes:** This Local law assumes that Tier 1, building mounted solar energy systems are designed as flat rectangular panels mounted flush or parallel to a building surface and that Tier 2 & 3, ground mounted systems are typically installed on a limited number of vertical support posts with minimal disturbance of the ground surface. During Site Plan or Special Permit review the dimensional limits (height, setback) for solar energy systems may be modified by the Planning board upon a finding that changes in solar equipment, materials or technology require reasonable and minor adjustments to dimensional limits to enable installation of a solar energy system. The Planning Board may increase the setback encroachment by not more than one (1) foot and/or increase the height limit by an additional 10%.

e. **Lot Coverage limited exemption:** All Tier 1,2 and 3 ground mounted systems are exempt from Maximum Lot Coverage based on the observation and finding that existing mounting materials and installation methods result in negligible disturbance to the ground and localized drainage systems, provided however, that the supporting posts and associated footings are no more than one (1) sq. ft. in area for each support post. Changes in the number, design or material of any posts, footings, supports or structural bases for solar energy systems that causes the base to cover more ground area and that exceed one (1) sq. ft. shall be subject to Lot Coverage requirements.

6. **Nonconformities**

a. **Pre-existing solar systems:** Any solar energy system installed prior to July 22, 2020, may continue to operate and be maintained and repaired. Any modification or expansion of an existing solar energy system shall be in conformance with this Section. Within 12 months of this effective date all existing systems shall be recorded and registered with the Town. Any existing system not so registered with the Town offices shall be presumed not to have been legally installed by the effective date.

b. Nonconforming uses: A solar energy system may be installed on a lot occupied by a nonconforming use in compliance with this Section.

c. **Nonconforming structures:** A solar energy system may be installed on a lot occupied by a nonconforming structure in compliance with this Section provided, that it does not increase the nonconformity of any structure. The dimensional standards and exemptions of this section for solar energy systems shall apply.

d. Nonconforming lots: A solar energy system may be installed on a nonconforming lot provided the following conditions are met. Building mounted systems may be installed on conforming structures in compliance with this section. Ground mounted systems may be installed on nonconforming lots that have insufficient lot area or lot width provided that the solar energy system can meet the minimum applicable setback requirements applicable to principal buildings specified in the Town of Granby Zoning Ordinance. and that the lot has a minimum lot area of 20,000 sq. ft.; except however no solar installation will be allowed that increases or creates a nonconformity of lot coverage.

7. **Discontinuance**

a. Decommissioning. If a solar energy system fails to be completely installed and/or fails to start operation within the allowable time period for the applicable building permit or ceases to perform its originally intended function for more than 12 consecutive months as determined by the Town, the Lot owner and/or the owner/operator of the solar energy system shall remove the system and all associated equipment within 90 days from end of operation.

i. Complete removal shall include all above and below ground equipment, wire, structures, fencing, subsurface supports or foundations and any other components related to or installed for the operation of the solar energy system.

ii. Decommissioning also includes restoration of the land to accommodate a land use allowed in the Town Zoning Code and the revegetation of the restored areas with plant species approved by the Town Planning Board to provide interim or permanent vegetative cover for the site.

b. Mandatory Removal: The Codes Enforcement Officer, after investigation or upon information received determines that a solar energy system is inoperative or its use has been discontinued, shall provide written notification to the Lot owner and/or the solar owner/operator of such finding. The solar owner/operator shall either substantiate to the satisfaction of the Codes Enforcement Officer that the solar energy system is still operating or obtain a demolition permit from the Codes Enforcement Officer to decommission the system as provided in paragraph § **7.a** above within one year of said notification. Failure to obtain a demolition permit to remove the discontinued solar energy system in accordance with these regulations shall be a violation of this section, and at the option of the Town Board, the Town Board may cause the solar energy system to be removed. All expenses incurred by the Town to remove the solar energy system shall be assessed against the land on which the solar energy system is located and such expenses shall be levied and collected in the same manner as provided in the Town Law for the collection of a [real property tax] special ad valorem levy (See also Inspection § **2.b.iv**).

8. Supplemental Submissions for Solar Energy Systems

The following are additional and specialized submissions for solar energy systems that shall accompany the standards materials required in applications for building permit, zoning permit, Site Plan Review, Special Permit or Variance.

a. **Statement of Compliance:** All applications for solar energy systems shall provide documentation of compliance or the status of pending compliance with applicable requirements of NYSERDA, NYS PSC or any other federal or state regulatory agency with jurisdiction over the application.

b. **Utility notification**: Applications for solar energy systems that will have a utility connection shall include a signed interconnection agreement or letter of intent with the interconnecting utility company. This may include a letter from National Grid on the status of or a copy of Coordinated Electric System Interconnection Review (CESIR) which is a comprehensive engineering study to understand the project's impact to the utility system and determine what construction upgrades, if any, will be required to the National Grid system. (source: National Grid - ngus.force.com).

c. **Manufacturer/installation Specifications**: Documentation from the manufacturer w/graphics shall be supplied to the town for all solar energy systems. This shall include any specifications on equipment generated affects such as noise, vibrations, or other aspects as determined by the Town.

d. **View-shed analysis:** All Tier 2 and Tier 3 systems shall include a site location map showing the site of the proposed placement of the solar energy system and its relationship to potential views from public access points within 1 mile of the site for each view shed recognized in any adopted Town of Granby Plans or in any future officially adopted Town planning documents. Photo simulation of the impact of the proposed energy system may be required by the reviewing board.

e. **Landscaping plan:** Any applications for Tier 2 and Tier 3 systems shall include in its Special Permit and/or Site Plan documentation information of existing and proposed: topography and site drainage, vegetation and strategies for screening and buffering, habitat protection as appropriate, ambient noise levels, lighting and glare reduction. The Planning Board may require other additional items to be included that it deems necessary and appropriate for its review.

f. **Agricultural land:** All Tier 2 and Tier 3 solar energy systems shall include descriptive information in the application on the recognized farmlands (Prime and Statewide Significant) soils within the site, shall map the soils on the submitted site plan, and show how the proposed solar array shall comply with the provisions for Agricultural Soil Protection specified in **§ 2. c** General Regulations; Agricultural Soil Protection above.

g. **Decommissioning plan** signed by the Lot owner and owner/operator of the Solar Energy System. When appropriate this plan shall be updated and signed by any of their successors. This decommissioning plan shall be submitted by the applicant, addressing the following:
   i. The cost of removing the Solar Energy System and a description of the financial instruments to be submitted to the Town to ensure adequate funding of complete discontinuance and removal. The security for the funding to be provided by bond, letter of credit, cash deposit as deposit as determined by the Town.
   ii. A description of the tasks, duration, and anticipated schedule required to decommission and remove the Solar Energy System any ancillary structures
   iii. A description of the tasks, duration, and anticipated schedule to repair any damage caused to the Lot by the installation and ultimate removal of the Solar Energy System and to the plans to restore the Lot to a condition able to accommodate allowable land use and structures.

9. **Supplemental Review Standards for Solar Energy Systems**
The following are specialized standards for solar energy systems that shall be considered by the Planning Board or Zoning Board of Appeals in addition to the general review standards applicable to Site Plan Review, Special Permit or Variance.

a. **Site Plan Review – Special Permit:** Solar energy systems required by this Section shall obtain, pursuant to Town procedures a Site Plan Review or a Special Permit that shall consider the characteristics of and be applicable to the entire Lot. During review leased areas for solar energy systems may be recognized or established by the Planning Board. In that event, any Town review remains applicable to the entire Lot. The Planning Board may determine that the location and extent of required elements such as: screening, buffering, setbacks, and security may be applied to portions of the entire Lot outside of the leased areas.

b. **Escrow/Professional Review -** Pursuant to these procedures the reviewing board may retain, at applicant expense, the services of attorneys, engineers, or other consultants it deems necessary to assist in the review of solar energy systems. Escrow amount shall be determined by the reviewing board at the prevailing rate of such professionals and the anticipated time to be expended. The escrow amount(s) shall be deposited with the Town Clerk by the applicant at the commencement of the project review and from time to time as said escrow may be depleted.

c. **Tier 1 Systems Building mounted arrays** may be arranged with minimal horizontal or vertical separation of panels. Building mounted panels may be installed parallel to the wall/roof surface or when placed upon a flat or low slope roof angled to maximize exposure to solar radiation. The extent of projection beyond the wall/roof plane is measured along a perpendicular line extending out from the wall/roof plane to the greatest projection of the surface plane of the panel. (see also Table of Standards and Exemptions for setback – height)

d. **Tier 2 and Tier 3 Systems Ground based arrays** are typically arranged in rows with minimal side-to-side separation of panels and with an intermediate access path between rows of sufficient width for a person to walk for maintenance and to facilitate surface water run-off. Ground based arrays are regulated as a percentage of lot area per the Table of Standards **§ 4.a.** The exterior limits of the entire solar array with intermediate access paths are to be included within an array perimeter drawn upon a site plan. The basis of solar array coverage is the area contained within the array perimeter and shall be measured in square feet or acres and as a percentage of the total lot area. Ground mounted panels are anticipated to be placed on vertical posts above the ground and angled to maximize exposure to solar radiation. The height of panels above the ground is measured along a perpendicular line extending up from the ground plane to the highest point of the solar panel.

e. **Coverage for Ground mounted Array:** A ground mounted solar array shall be evaluated by the Planning Board for the cumulative effect upon ground coverage of the grouping of solar panels. The Planning Board shall find (1) the area contained within the solar array is within the required zone district required setbacks established for a principal structure; (2) the proposed array is within the maximum allowable percentage of lot area (set forth in table above); (3) the intermediate paths between panel rows included in the array are reasonable and adequate for equipment and ground maintenance;(4) the ground within the array is covered with vegetation or appropriate permeable materials; and (5) that all surface water run-off is able to be directly absorbed into the ground and will be compatible with existing or planned drainage patterns for the site.

f. **Agricultural land:** All Tier 2 and Tier 3 solar energy systems shall comply with the provisions for Agricultural Soil Protection specified in § 2. c General Regulations; Agricultural Soil Protection.

g. **Compliance review:** The reviewing Board, for any procedure, shall confirm that the application satisfactorily conforms to the applicable provisions of the Town of Granby Zoning Ordinance and the application includes documents from agencies or authoritative offices that the proposed solar energy system has or will meet all applicable Federal, State, and private utility standards and procedures.